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100 Years of Women at the University of Buffalo

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EDITORIAL TRIBUTE

100 Years of Women at
the University at Buffalo

One hundred years ago, the first women graduated from the University of Buffalo's School of Law. This is a remarkable event considering that these same women were not even afforded the right to vote for another 20 years.

To celebrate this event, the BUFFALO LAW REVIEW is proud to publish the reflections of some of our Law School's women graduates. We hope you will enjoy—but most importantly reflect upon—the experiences shared in this editorial. We intend to celebrate, yet not forget or romanticize, the unique experiences of these very diverse women.

I. FIRST WOMEN LAW REVIEW MEMBERS: 1950-1951

MARY K. DAVEY-CARR

It is gratifying to be requested to give my reflections, as a female charter member of the BUFFALO LAW REVIEW.

Upon entering law school I was well aware of the thinking of men such as the illustrious Clarence Darrow who said to a group of women lawyers, "You have not a high grade of intellect. I doubt you can even make a living."

When I graduated from Law School and went to the faculty member handling placement—Al Mugel—I was told to go ring doorbells. I started at one end of Main Street in the then Liberty Bank Building at a firm known as Falk and Twelvetrees.

The receptionist buzzed Mr. Twelvetrees and said there
was a woman who was a law graduate in the office who would like to speak to someone about opportunities in that office.

Mr. Twelvetrees shouted through the intercom, "Tell her we don't want women!" There was no New York State law against discrimination at that time.

I ended the week at the other end of Main Street, without employment, ringing my last bell, at the firm of Kenefick, Cook, Mitchell, Bass, and Letchworth.

One of the partners, Waren Emblidge, was called by the receptionist and stepped out to see me. Standing, he asked me to sketch my background. I told him I was tenth in my class and a member of the BUFFALO LAW REVIEW. He said that plus my experience clerking were impressive and referred me to the hiring partner, Dan Kenefick.

When I reported back to Al Mugel, he said, "They wouldn't hire you, they don't hire off the street." Two days later, Mr. Mugel called me and expressed his delight that the Kenefick office was, in fact, interested in me.

I could fill the pages of the Law Review with reflections of my experiences. I had a peripatetic career, the last seventeen years of which were spent as an Administrative Law Judge, of which I was the first in New York State.

Throughout my varied career, the single most valuable tool I had was my membership on the Law Review. It unfailingly won me intellectual respect and treatment as a serious minded lawyer who was entitled to, and did, make a living.

PHYLLIS HUBBARD WILKINSON

I look back on my three years of Law School and of being a member of the first Law Review with pride and humility. I realize how fortunate I was to have been admitted to the Law School, when some schools did not accept women, and to have been encouraged to fulfill my potential as a woman and future lawyer.

Opportunity is a wonderful gift, and I continually thank the University at Buffalo for recognizing and promoting the role of women, and the Law Review for the honor of serving it. To see how the Law Review has grown and excelled is the best gift our first members could receive.

I found that I was accepted by both administration and students. I was on the student council, ran for Prom Queen, and received the Cap and Gown Award, a forerunner of the
When applying for work after graduation, I think I was a surprise as a woman, but was very well accepted by the firm that hired me. I do remember that there were organizations that did not hire women at the time, such as the FBI.

Thank you for celebrating the 100 years of women graduates from UB Law School, and may the next 100 years be just as memorable.

II. FIRST AFRICAN-AMERICAN WOMAN GRADUATE

BARBARA SIMS

When I entered law school in September 1952, I didn’t know that I would be the first African American woman to be admitted into the school. My thoughts were not directed on being a pioneer nor the make-up of the student body. My concern was focused upon learning to be the best lawyer that I could be. And so, it came to me with great surprise to find that my race and gender were to figure so prominently in my life as a student in law school and in my entire career as a lawyer, then and now.

I was born in Buffalo and had gone to grammar school and high school with a large student body and to college with students from many backgrounds. I don’t know whether I was oblivious to ethnicity or whether it was because I had almost always interacted with girls in schools where there were so many to choose as friends that ethnicity was unimportant.

It was probably because I had never thought about who would also be in the student body that on the first morning, when I entered the pale green foyer (green plaster at the top and green tile at the bottom) filled with what appeared to me to be at least three hundred white males, that it finally dawned on me as to who attended that school. At that moment, I didn’t see one other female student. I believe that there were two women who appeared to be secretaries who were behind a glass wall which separated the first floor offices from the foyer. It seemed to me that they and everyone else had their eyes trained on me as I

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1. I can’t remember whether I was “colored” or “a Negro” at that time. I know that I became “black” later on.
walked to the classroom. I was forced to face the reality that for the first time in my life, I was entering an almost all white male world. I knew immediately that my former school life of easy school camaraderie and friendships were to be things of the past. I soon saw the four other women who were in my freshman class. There were five of us in a class of about one hundred: Patricia Kowalski, Joyce Mirrington, Judge Rose LaMendola, and the late Anne Mack. I also learned there were a total of twelve women students in the Freshman, Junior, and Senior classes combined.

Between classes, the women usually congregated in the Women's Lounge that opened from the green foyer. It was there that we became minimally acquainted with each other, complained about the work we had to do, complimented each other’s clothes, combed our hair, and gained some relief from the omnipresence of males.

This was a life of isolation from the familiar. Why, then, would I want to be a lawyer? All my life I had been indoctrinated to believe, and I was convinced, that my mission was to make the world a better place, if I could. That notion was drilled into me by my father, Frank E. Merriweather, and my mother, Carmelita, and even my grandfather.

During my three years at the school, there was not one female teacher who taught any of the core legal subjects.

The rhythm of law school consisted of reading hundreds of pages for class assignments, listening to lectures six days a week, writing papers, taking exams, and waiting for grades. Each semester seemed to consist of the same pattern with more reading and more listening to lectures and more exams. Did I ever have fun? Yes, I did. With such comedians in the class as the late Marvin Baum, Allan Kaminsky, and such earnest, yet fun people as Leonard Walentynowicz, kind and sincere classmates such as Normal Walawender and Gordon Sacks, you count on someone to provide the humor. As soon as class was over, the classroom or the foyer became the stage for the satirists and humorist to poke fun at the cases we were studying. Whether it was the Rule in Shelley's case, the Rule against Perpetuities, or the Felony Murder Rule, they were there to provide the levity on the assignment.

Ever present was the bigotry and racial prejudice of some of the students and faculty. Was there any difference
between the racial attitudes of the women and men that I could discern? Not much. I vividly remember that it was a female who asked, "Why in the world would you want to go to law school?"

I was honestly shocked by the limited knowledge of the actual lives of black Americans that these people had. I had been led to believe that educated people were more enlightened about race than the ordinary individual. Not so.

But most challenging and fun to me was meeting head on the remarks made to me about women in the law and, of course, black women who were, at that time, unheard of by them. I didn't spend much time worrying about what the students thought about me, since it didn't seemed to me that anyone was concerned about what I thought of them. Being able to function in an adverse environment seem to me to be what the law was all about. After a while, the remarks lessened or ceased.

By the time I had completed my freshman year, I was convinced that law school was not a place to make friends, particularly the kind that you make in high school or undergraduate school. It was much too highly competitive. Too much effort was expended on attaining a class rank and not enough time was spent on honing legal skills.

But graduation finally came. No more being a pioneer! (or so I thought). I knew that I would go into the law office with my husband, William. His office was in the black neighborhood, because that was the area from which we drew many of our clients. I felt that we were accomplishing what lawyers were supposed to do and were in some way giving back to the community which had given much to us.

One day when I was rushing to court in the afternoon, I met an elected official who was walking in the opposite direction. He stopped me, stating that he had to talk to me for a moment. He asked me if I would consider working in the District Attorney's Office. My immediate reaction was to say a categorical, "No." I had never considered working in any office other than with my husband, mainly because I didn't think any of the large law firms would hire me if I had applied. The large law firms didn't seem anxious to hire black men or white women lawyers at that time. In fact, they didn't hire black men at all. When they hired a white woman, they seemed to keep her hidden in the back room to do research, but did not allow her to make court
appearances. In every instance of which I was aware, they paid the women much less than they paid the men, excusing the practice on the ground that men had to take care of their families.

I knew that even if I had wanted to work in a large law firm environment, because of my race and gender, the employers wouldn’t hire me, but might give a “justifiable reason” for their refusal such as “they didn’t need any more help,” etc. One lawyer excused the practice in his firm on the ground that black lawyers would take away all of their black clients.

Besides, I really liked being in private practice. When I hesitated, he said, “You have to apply for this position because there’s not another woman or black person that’ll be in the office.” I couldn’t believe what I was hearing. Please, not again! He, however, was consistently persistent. He did convince me to apply. I was hired as a Senior Assistant District Attorney in the office of District Attorney Michael F. Dillon where I was assigned to the Appeals Bureau. Former Judge John Honan was the first Assistant District Attorney. He was always supportive and always helpful. The late Arthur Baumeister was incomparable as the bureau chief, followed by now Supreme Court Justice Thomas Flaherty.

It was an experience for which I will always be grateful because I believe that I learned more about the practical application of the law and about practical politics than in any other work or school experience. I was privileged to work in that office with such notables as Acting Supreme Justice Joseph McCarthy and former Rep. Henry Nowak. I leaned to research the law, to write briefs, to argue before appellate courts, and to make applications to the United States Supreme Court for petitions for *certiorari*.

But just as importantly, I saw, first hand, how the political and economic structure worked, the role of the criminal law in it, and the inextricable role that both race and ethnicity play in both.

Yes, my race and gender remained considerations as I knew they would. Those immutable characteristics will always be factors in the equation, but just as I will always be me, so will everyone else always be themselves. My law school experience and my work experience prepared me only minimally for my next unbelievable pioneering role.

When I left the District Attorney’s office, I had just
returned to my private practice for almost a year, when I met the late Dr. James Moss, a professor at State University of New York at Buffalo. His great concern was the lack of diversity among the students and faculty members in the various departments and schools at the New York State University at Buffalo, which he constantly referred to as “this tax-supported institution.” Before I arrived on the scene he was in the process of helping to establish an Office of Equal Opportunity along with several others on the professorial and administrative staff. The mission of the office was to increase the presence of women students and faculty members from those groups of tax payers who were visibly absent.

I was hired as a lecturer at the law school and yes, there was not another woman or minority group person on the faculty at that time. I taught several subjects both as a lecturer at the law school and in undergraduate departments. I was hired as the Director of Equal Opportunity and as Assistant to the President of the University at the same time, a very unenviable assignment. Almost everything that I learned while working in the various capacities, if written by me, would appear to be overkill. If I thought that I had encountered racism and sexism at school and in the political arena, those situations were only child’s play compared to what I witnessed in the faculty, staff, and students. The reason that the practices were so firmly entrenched was probably that the practices had never seriously been challenged. The women’s movement was just being systematically organized. The proliferation of employment discrimination lawsuits based on race, gender, national origin, and age were beginning to be filed. The intense resistance to the inclusion of minority faculty, staff, and students, into the University was astounding. One of my responsibilities, as assistant to the President, was to investigate complaints of discrimination. Two cases are unforgettable. The first was when I was sent to investigate the complaint of an Asian female medical student regarding her treatment by a faculty member. As I walked into the room, he angrily announced that every time he saw an “Oriental woman” in his class he became angry because she was taking the seat that a white male could have. The second was the day that an Administrative Assistant with a heavy accent stormed into the Office of Equal Opportunity to inform me that her husband was on
the faculty, and if I thought that those men were going to let me push anyone down their throats, I was sadly mistaken. I realized that in spite of the complaints of discrimination by women and the feeling for the necessity of a women’s movement to advance their rights, that in the vast majority of instances in which I was involved, the roots of prejudice were and are as deeply embedded in women as they are in men. I did not leave the University with regret.

Again, after a short time in private practice, I was approached to run for office as an associate judge of the Buffalo City Court. I did. I won. I became the only black candidate to win in a city-wide election against a white male. Is there a beginning or an end? Probably not, but the important lesson, is that outside influences are only one component of the whole. Where you’re going, to large extent, must be directed by where you intend to arrive.

III. THE WOMEN WHO HAVE SERVED THE BUFFALO LAW REVIEW AS EDITOR-IN-CHIEF

DR. JOSEPHINE KING: 1963-1964

“She may be the best qualified—but she has two children!” Such was the tenor of the sentiments, later reported to me, by members of the outgoing Board of Editors, as they contemplated voting in a new Board in 1964. There was only one other woman on the Law Review staff in our junior year and she had no similar family obligations. Only four women were in my graduating class and so we were somewhat of a novelty at best.

In those days, to become an associate editor or a member of the Board in one's senior year, it was necessary to complete three Casenotes and one Comment. The style of the Casenote remained relatively pristine—five paragraphs, each with its defined function and dense footnotes. Later as a Law Professor, I introduced this classic Casenote in writing classes and found it still to be the best training in legal writing. It was not without frenzied effort and discovery of a heretofore untapped reservoir of energy and perseverance that I completed the rigorous requirements.

I did not know when in the early part of 1964 the election would take place. But one day when I walked into an afternoon class, I was astonished to witness all the males stand and later applaud! Recalling that chivalrous
gesture made it easier to deal with some of the vicissitudes that followed.

The new six-member Board for Volume 14 took office at the end of the spring semester. My first concern was that “thing” lying in the green filing cabinet; it was issue 3 of Volume 13 that the outgoing Board always meant to, but did not quite finish. So, let’s target that job and get it out. But just a minute—it was now final exam time. Editors, like other students, had to concentrate on more important matters than an overdue Law Review issue. A few, thankfully, assisted in the completion of Volume 13.

Next, a very exciting event occurred at the Law School in April 1964—a conference on Equal Employment Opportunity—in conjunction with the passage of the Civil Rights Act and especially Title VII. Eminent scholars, labor leaders, and government counsel with vast experience and depth of knowledge presented significant papers. The conference proceedings were to be published as the first issue of Volume 14. Boxes of papers appeared in the small “office” of the Law Review on Eagle Street. Some papers needed minor editing and footnoting; others required major re-writing and research.

It would be great, I thought, to get this issue out by September so that we could start the new associates on their Casenotes at the very beginning of the school year. But just a minute—it was now June—summer, you know—when editors, like other students, had to or wanted to work outside the school. It was then I learned that in that self-gratifying expression: “The buck stops here,” that the “here” was the editor-in-chief. The issue was published in September and remains one of the best.

I can look back at Volume 14 with pride. Many of our faculty contributed articles of lasting importance—Dean Hyman, Professors Laufer, Hornburger, Newhouse. It was a pleasure to work with them. And when we had our Law Review banquet at the end of our tenure, the Dean and faculty attended and shared our feeling of successful completion (we published all three issues of 14). It was one of the most productive and hectic years of my life and, the morning after the banquet, the worst hangover I have ever had.
Elaine Herald 1980-1981

Elaine Herald served the BUFFALO LAW REVIEW and went on to have a notable career until her unfortunate sudden death in 1990.

Elaine began her career as a confidential clerk for New York State Court of Appeals Judge Matthew J. Jasen from 1981-1983. She went on to work at the New York City firm of Barrett, Smith, Schapiro, Simon, and Armstrong. After leaving New York City, she worked briefly at the Erie County District Attorney's office before joining Judge Arcara as his clerk at the U.S. District Court.

Ms. Herald is a distinguished graduate of the University at Buffalo, having received the Alden Award upon her graduation from the School of Law. She was also an active member of the UB Law Alumni Association.

Karen Hassett Du Waldt 1985-1986

When asked to write a piece reflecting on my tenure as Editor-in-Chief of the BUFFALO LAW REVIEW in 1985-86, I was stumped. Because of the trail blazed by women like Cecil B. Wiener and Helen Z.M. Rogers, being a woman has posed few if any obstacles for me in either my stint as editor or in my career. As my law review experience receded into memory it too became largely irrelevant to my practice and life—or so I thought until I began to consider what to write for this essay.

In my practice (commercial and employment litigation), I rarely consult law reviews. Scholarly articles do not help me argue that a case was properly removed to federal court or that a particular dispute is arbitrable. I rarely have time these days to ponder the types of issues examined in publications like the BUFFALO LAW REVIEW. Although my law review experience taught me valuable skills that remain with me to this day, I had not considered it to have had any real impact on my values or thinking. Because I felt the law review had little influence on my development as a lawyer and that being a woman editor held little significance in the late 1980s, I had a serious case of writer's block.

Then last week, I realized that my experience on the BUFFALO LAW REVIEW had indeed contributed a valuable dimension to my development as a lawyer and as a person.
For the past several years I have provided pro bono legal services to a local shelter for homeless women and children. These women, not women lawyers in the 1980s and 1990s, are truly the women who are treading new ground, albeit in their own worlds. Many of them are walking away from abusive spouses or holding down a job for the first time, kicking crack, or are keeping their children out of foster care for the first time in generations. They are providing examples for their children that their mothers did not give them. Like the first women lawyers, every step they take is frightening, bold, and new. I knew that this was what I wanted to write about, but what does it have to do with Law Review?

My connection with these women has much to do with Law Review and the education I received at the University at Buffalo. While we might at times poke fun at some of the courses taught and articles published, institutions like the BUFFALO LAW REVIEW and schools with a philosophy like UB’s provide an invaluable function in addition to teaching us the fundamentals of lawyering. For three years, they force us to think about law as an instrument of social justice and about our role as lawyers in society. They inspire us to not only do well, but to do good. When we leave these institutions and become caught up in the daily grind and minutiae of our practices we may no longer read scholarly articles, but we have incorporated into ourselves the notion that we must serve not only our clients but our community and our profession. For that, I will always be grateful.

VALERIE S. BIEBUYCK 1988-1989

When I served as Editor-in-Chief of the BUFFALO LAW REVIEW in 1988-89, I rarely considered how being a woman affected that role. The number of women I saw in the legal profession—students, professors, lawyers in firms, judges—was sufficiently high that I felt comfortable. This was not new ground I was treading. Someone had been there before and paved the way.

When asked to reflect specifically about being a woman who served as Editor-in-Chief, I think of the first two women graduates of the Law School, Helen Rodgers and Cecil Wiener, both of the Class of 1899. I think of how they must have felt as the lone females walking into a lecture or
library or courtroom. I think of how easy it would have been for them to decide not to continue, and of the strength it must have taken for them to go on. I also think of my grandmother, who would have welcomed the opportunity to be the first woman graduate of a law school, but who never had the chance. Born in Slovakia and orphaned at the age of two, the youngest of six daughters, my grandmother embodies the triumph of strength and goodness over adversity. In spite of unspeakable hardships she never gave up. She raised two fine children (one of them, my mother) and sent them to college. She started her own business, that she still runs today at the age of eighty-seven. She maximized every opportunity available to her, however limited. In the same way that the strength and perseverance of Helen Rodgers and Cecil Wiener paved the way for women who came after them, my grandmother, too, made it easy for me. She would have loved to put her innate, razor-sharp intelligence and indomitable spirit to work as a lawyer, doctor, musician, or teacher. Through her children, grandchildren, and great-grandchildren, she realizes her personal dreams.

Every woman who has taken on the difficult challenge of being “the first” has laid the foundation of equality. As women, we have a responsibility to honor them by building upon their achievements and striving every day to fulfill our potential to make a positive contribution to the world.

NANCY L. SCHULMAN 1991-1992

When I was elected Editor-in-Chief of the BUFFALO LAW REVIEW in 1991, the fact that I am a woman didn’t seem to be a factor in the election. When deciding whether to seek the job, I debated whether I could make the commitment it seemed to require, whether I had the scholarship and leadership skills needed to do a good job, and whether other members would think so. I never gave a thought to whether my gender was an issue, or even whether it should be part of my consideration when deciding whether to seek the post. At the time, and in the years since, it never crossed my mind that my gender may have influenced members’ votes. However, the request that I contribute a brief essay in honor of the centennial anniversary of the graduation of the first women from UB Law School caused me to give the question some thought. In retrospect, I still don’t think such
matters had any influence on the Law Review's electoral process or result. There was a job to be done, each member had a stake in whether that job was done well, and votes were cast for the candidates who seemed most able to perform the responsibilities of the job. Period.

How different it must have been for Cecil B. Wiener and Helen Z.M. Rogers when, in the dwindling years of the nineteenth century, they considered attending law school. In fact, I imagine that gender-related issues were paramount in each of their minds as they decided to apply for admittance. Each must have wondered whether she would be accepted on her merits, or automatically rejected because of her gender. If not automatically rejected, might she be held to a different standard by those who would decide whether to accept her? If accepted into law school, would she be accepted by the faculty and other students? Would she always study alone, or would she be welcomed into the intellectual discourse that is such a necessary part of the law school experience and the development of a lawyer's mind. Would she be considered for membership on the Law Review or other student organizations? Would the law school have bathroom facilities for her? (a seemingly inane thought, but a realistic and practical consideration). And certainly, each must have given some thought to life as a woman lawyer. Would she find a job? Would clients hire her, or would her firm's clients allow her to do work for them? How would she be received and treated by other members of the bar? By members of the bench?

How daunting. How courageous they were! And consider the many other women in our law school who have achieved "firsts"—the first women members of the Law Review or first woman participant in Moot Court, the first woman board member of such organizations, the first woman Editor-in-Chief in 1963. Prior to each achievement, did each of them analyze the impact of their gender upon their ability to attain such positions and how it might affect their acceptance once there? And how amazing it is that in 1991, I could seek to be Editor-in-Chief of the Law Review and serve in that capacity without ever considering my gender as an issue!

This is the extent of my personal reflection on my experience as a woman Editor-in-Chief. In short, there is little about my experience as Editor to which my gender was relevant. And isn't that as it should be?
This occasion, however, has led to reflection on a
grander scale, as I think about the whole of my life as a
woman one hundred years after these strong women seized
their rightful opportunity. All the life opportunities that I
have had, and the choices that I make, without being
subject to the societal rules that governed gender and
conduct a century ago! Beyond going to law school and
serving as Editor-in-Chief of the Law Review, I have had
the incomparable experiences of serving as a law clerk at
the Appellate Division and then for a Judge of the State
Court of Appeals, and I currently serve as a law clerk to a
gifted jurist at the Supreme Court level. I have purchased
cars and a home, and I spend and invest money, all in my
own name. I have recently become a single parent. Each of
these opportunities was pursued with the full support of my
family, friends, and professional community. Each step was
taken without questioning whether the fact of my gender
should preclude me from doing what I wished, and from
living my life as I choose.

By attending and graduating from law school, I assume
that Cecil B. Wiener and Helen Z. M. Rogers pursued and
fulfilled their own dreams. However, they also began to
pave the way for me—and other women—to take full and
unquestioning advantage of opportunities not always
available. Their actions contributed to creating the society
in which I now have an abundance of choices, and for that—
one hundred years later—I am filled with admiration and
gratitude.

KATHRYN BRYK FRIEDMAN 1997-1998

While you are proclaiming peace and good will to men,
emancipating all nations, you insist upon retaining an
absolute power over wives. But you must remember that
arbitrary power is like other things which are very hard,
very liable to be broken—and notwithstanding your wise
laws and maxims we have it in our power not only to free
ourselves but to subdue our masters, and without violence
throw both your natural and legal authority at our feet. 2

When asked to write a brief note to commemorate a
“Century of Women” at the University at Buffalo School of

2. ABIGAIL ADAMS, Letter to John Adams (May 7, 1776).
Law, I immediately and enthusiastically accepted the invitation. It offers me the opportunity to assess the myriad of accomplishments of women in the past one hundred years and to reflect on the irony surrounding the American Revolution so pointedly observed by Abigail Adams.

On the one hand, I am heartened by the gains achieved by women in the years since Cecil Wiener and Helen Rogers were first admitted to the University at Buffalo School of Law. At the dawn of the twenty-first century, women have access to education, government, employment, and property in unprecedented ways—accomplishments that were unthinkable even a mere fifty years ago. We have witnessed many revolutionary “firsts” in this country’s legal and political worlds: we have seen the first woman ever appointed to the United States Supreme Court; the first woman appointed as Chief Judge of the New York State Court of Appeals; and the first woman to serve as Secretary of State of the United States. These are but a handful of the many other path-breaking successes achieved by women this century.

In the same vein, I am truly awe-inspired by the women that I have had the privilege to know both personally and professionally during my time at UB. They, too, achieved many “firsts” in their own lives and serve as positive role models for everyone in the legal profession. I admire the fierce intelligence and spirit, keen skills, and tremendous strength of the female faculty members, administrators, and students at the University at Buffalo. I consider myself indeed fortunate to have met and worked with so many of these esteemed women.

Nonetheless, while women certainly have made tremendous strides in the past century, I remain sobered by the unacceptable state of women’s rights throughout the world. As my colleague Elizabeth Reiter notes, freedom still is for some, rather than for all. Arbitrary power is wielded over women at home and abroad. Poverty continues to have a woman’s face.³ Women, too, are more susceptible to severe health problems than men, and we continue to be the

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³ Seventy percent of people who live in poverty are women, see Human Development Report, UNDP/OUP at 4 (1995), and two-thirds of illiterate people in this world are women, see New Internationalist, at 19 (August 1995) (citing The State of the World’s Population, UNITED NATIONS POPULATION FUND (1995)).
primary victims of violence. While we have made great strides in the workforce, women still earn less than men. Finally, while we have witnessed many laudable firsts in government and politics, these realms—the ultimate bastions of power—continue to elude even the most qualified women.

I am troubled by the profound indifference to the subordination of women around the world and by the capricious use of power to keep women from achieving true freedom in every facet of their lives. Nonetheless I believe that we, as lawyers, are in a particularly unique position to tackle these challenges head-on and change the legal norms that capture and reinforce deeply rooted cultural principles and community practices. Our legal education has equipped us with the necessary “weapons” (albeit nonviolent) to ensure that we all are on equal footing. We must use our advocacy skills and our intellect, our determination and our zeal, to abolish every form of arbitrary power, regardless of its source and nature. For, indeed, it is only when this power is shattered that the rule of law can truly prevail for every human being, not just a select few.

ELIZABETH REITER 1998-1999

In the government of the physical world it is observable that the female in point of strength is, in general, inferior to the male. This is the law of nature, and it does not appear to be suspended or abrogated in favor of woman. . . . But not content with this natural pre-eminence, men endeavor to sink us still lower, merely to render us alluring objects for a moment; and women, intoxicated by the adoration which men, under the influence of their senses, pay them, do not seek to obtain a durable interest in their hearts, or to become the friends of the fellow creatures who find amusement in their society. . . .

From every quarter have I heard exclamations against masculine

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5. Women’s wages generally are thirty percent lower than those of men for comparable work. See New Internationalist, supra note 3, at 19.
6. Women still occupy only ten percent of legislative seats and only six percent of Cabinet positions in countries throughout the world. See Human Development Report, supra note 3, at 4.
women .... [B]ut if it be against the imitation of manly virtues, or, more properly speaking, the attainment of those talents and virtues, the exercise of which ennobles the human character and which raise females in the scale of animal being, when they are comprehensively termed mankind;—all those who view them with a philosophic eye must, I should think, wish with me, that they may every day grow more and more masculine.  

In the times of Mary Wollstonecraft, women were a moral force in society rather than an intellectual one. Relegated to the realm of child-rearing, women were thought to have inferior intellectual capabilities that matched their weaker physical stature. Unable to accept her inferior status as many of the women of her day were doing, Ms. Wollstonecraft spoke out, and her passionate argument for the cultivation of women's intellect sparked great controversy. Editor Carol H. Poston noted,

In 1792 a book appeared in London which set out the claim, dramatically and classically, that true freedom necessitates the equality of women and men. Mary Wollstonecraft's *A Vindication of the Rights of Woman* was so provocative and popular that a second edition appeared in the same year, and Dublin, Paris, and American editions soon followed.

It seems fitting that Ms. Wollstonecraft found her voice in the late 1700s, a time ripe with revolutions and revolutionary thought, when one might imagine discussions

8. *See generally* Ralph M. Wardle, *The Intellectual and Historical Background of A Vindication of the Rights of Woman*, in *MARY WOLLSTONECRAFT, A VINDICATION OF THE RIGHTS OF WOMAN* 214-15. The overwhelming majority of Englishwomen of [Wollstonecraft's] time had known [little economic and intellectual] freedom. Most of the advantages which their sex had gained during the late Middle Ages and the Renaissance, largely because of worship of the Virgin, had been swept away in England with the triumph of Puritanism. Devout Christian gentlemen could find good Biblical precedent for their disdainful attitude toward women: St. Paul had enjoined on the sex the virtues of silence and submission as a means of atoning for their share in man's fall from grace ... English common law allowed women little real freedom.

Id.
9. *See generally id.*
11. *WOLLSTONECRAFT, at ix.*
of liberty, equality, and fraternity to be on the lips of every citizen. Ms. Wollstonecraft probably believed, like many of her day, that cries for freedom ring hollow when freedom is for some rather than for all.

Though women struggled for many years to gain equal access to education and to jobs, it was not until the twentieth century we gained the right to vote, a fact that never ceases to amaze me. The women's movement came into full swing in the latter half of the century and shaped the world in which I would be raised. Having been born in 1971, I directly benefited from the efforts of those women who fought so hard for equality. As I was growing up, my parents told me that I could do anything I wanted to do, and they were right. Law was one option of many. Though three law schools continued to exclude women from admission in 1964, the last of these three schools finally opened its doors to women in 1974, three years after I was born and many years before I began to think about careers. From the mid-1960s to the early 1990s, the number of women applying to and attending law schools increased from 4% of the applicant/student pool to 40%.

The fact that I am a woman did not factor into my decision regarding whether or not to become a lawyer, because, by 1996, the legal field was no longer seen as a "man's" pursuit. Women had been attending the University at Buffalo for nearly one hundred years, and my first year class was composed of almost equal numbers of women and men.

My experience at the University at Buffalo was very enriching. Gender issues neither overshadowed my education nor presented obstacles to my studies. In fact, when asked to reflect upon 100 years of women at the Law School, I wondered for many days what topics I could discuss. I could extol the efforts of those people who laid the groundwork for my career choice, who wanted so strongly to participate in this profession that they drowned out the disparaging remarks of others and adapted themselves to a rather unwelcoming environment. I could talk about the many women and men with whom I took classes who were some of the brightest and most interesting people that I

12. See LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT – AN EDUCATIONAL CONTINUUM 10 (Robert MacCrate ed., n.d.)
13. See id.
have ever met, and express how grateful I am, as a woman, to have had such an opportunity. But, I could not think of any gender-based problems that I experienced at the law school or in the position as editor-in-chief of the Buffalo Law Review.

Have women achieved complete equality in higher education? No, they have not. There are still some areas in which women have not reached their fullest potential. These problems do not stem from any institutional oppressor, however. Rather, I believe that some women may unconsciously retreat to gender roles in circumstances that might be considered unfamiliar or intimidating.

For example, during the first year of law school, my class participated in a program that was created to teach us to think about the practice of law in a critical manner, to expose us to some of the skills that one must develop as a law student in order to be a successful attorney, and to provide an alternative forum in which to learn about the law. We would break into small groups with a factual scenario and a task and then regroup to share our thoughts. Each group, which was randomly selected, would independently select its representative to present the information to the first year class. Of all of the presenters, perhaps ten to fourteen total during the first semester, only one was a woman. For some reason, women were not volunteering, deciding that a male voice would be more appropriate. I've often wondered why this occurred. Why hadn't I stepped forward? Why did so many other women choose not to voice their opinions? The only explanation for this phenomenon seemed to be that the women in my class, though bright, talented and independent, reverted to the role of the silent, submissive female in the face of a potentially uncomfortable and threatening situation. It saddens me to think that, though women have accomplished so much, we can at times be our own worst enemies. When we become less conscious of the things which influence our actions, we fail to lead our lives in an active and aware manner and we give up a bit of the liberty and some of the opportunities which are ours to enjoy.

14. I cannot make the statement above without mentioning the one negative experience I had with a female member of the law school administration. While attending a law school event, one administrator commented in front of a group of faculty and students that we had a "girl editor-in-chief with cleavage."
I noticed additional gender issues in some of my classes. When I took Law and Literature with Professor Judy Scales-Trent, our class was comprised of two men and approximately eleven women. However, in classes such as Transactional Lawyering, Corporate Tax or the Affordable Housing Clinic, most students were men. The disparity between men and women was particularly palpable in my Corporate Tax class in which there were approximately six women and twenty men. The male students tended to be much more comfortable in the class and much more involved on a daily basis, even though the professor, Nancy Staudt, did an excellent job of making every student participate in discussions of corporate tax issues. Why did many of the women in such classes act more timidly than the men? Why did fewer women than men take classes to prepare for the practice of corporate law? Possibly because fewer women tend to practice corporate law after graduation. The Gender and Law Project at Stanford Law School discovered in 1988 that men and women tended to choose different careers. The study indicated that 64.8% of graduates who practiced corporate law were men while only 45.2% of corporate attorneys who had graduated from Stanford were women. While this disparity between men and women may have improved since the 1988 study, I am presently one of three women practicing corporate healthcare law in my firm, as compared to the thirteen men who do the same. Two of the three women in the corporate healthcare department only began working in this department during the past year. The discrepancies continue.

But why do they continue? This is a question to which I have no answer, but I firmly believe that until we discover why such division between genders occurs in the corporate realm, women will continue to have a small voice in the corporate world. Women today have many fewer obstacles to overcome en route to developing a satisfying and challenging career. However, women may still feel somewhat intimidated, as I did, entering an area of the law dominated by male attorneys and male clients (an embarrassingly small number of the corporate executives and officers with whom I deal are women).

15. See Janet Taber, et. al., Gender and the Law, 40 STAN. L. REV. 1209, 1245 (1988).
I hope that during the next hundred years of women at the University at Buffalo, women feel comfortable exploring every area of the law, including corporate law. I also hope that women take a very active role in their daily activities at school and at their jobs, and strive to be aware of the reasons for their actions in order to avoid slipping unconsciously into gender roles. We are not the silent and submissive women of yesteryear. We are lawyers, we have a voice, and we have much to say.

MK GAEDKE ROLAND 1999-2000

While I am the most recent editor-in-chief, I am situated in life among, not after, my predecessors. I was born the year that Barbara Sims graduated from the University of Buffalo’s Law School. I was in high school at the end of the Vietnam War. Unlike many of my classmates, I remember being excited when the first woman went into space and was appointed to the United States Supreme Court. I remember when being a feminist meant burning your bra and modeling your behaviors after men. These are not stories in a history book to me, but part of my life. I am thrilled today that the reflections of the most recent women to serve the Law Review have a hard time saying that being a woman had anything to do with either their legal educations or careers. It hasn’t always been that way—even just a short time ago.

But as everyone knows, women still face many challenges. Our lead article by Penelope Bryan is a harsh reminder of how women are still often disadvantaged economically, socially, and politically. I am particularly appreciative of Professor Bryan’s work—I know from personal experience just how true and critical it is. Unfortunately, however, not everyone is willing to recognize that these disadvantages still exist. I think generations that have not experienced much of the flagrant discrimination that faced women like Cecil Wiener, Helen Rogers, and Barbara Sims, are suffering from “Feminist fatigue.” It’s an ironic outcome of the success of our predecessors.

When we were working on this issue, I was disturbed to be confronted by a younger female member of our own editorial board who was enraged by the Bryan article, accusing the author of portraying women merely as victims.
and failing to hold women accountable for their own decisions. How lucky this young woman is to have lived in a time and place where she has not experienced women being victimized in a male-dominated situation. She has had the privilege of believing women are powerful enough to be held accountable for their own actions. How sad, however, that this woman has so little understanding of the remaining obstacles and problems women face every day that she cannot be supportive of other women. I think what makes Professor Bryan’s article so important and compelling is how she illuminates what often happens to women, and how she also reveals their children’s suffering. Hopefully there is not also “children fatigue.”

At the middle of my life, I have come to realize that while tremendous strides have been made, we have not “arrived” yet—and probably will not in my lifetime. I wish for our era of women attorneys graduating 100 years after Wiener and Rogers, a lifetime of opportunities without discrimination. But I also wish that every woman who graduates in this Class of 2000 may develop compassion for women who can—not—not will not—make decisions that better situated women would make.