

THE 1993 SANDRA DAY O'CONNOR MEDAL OF HONOR* RECIPIENT

*The Honorable Patricia McGowan Wald***

ADDRESS TO SETON HALL UNIVERSITY SCHOOL OF LAW
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Thank you very much. I'm extremely honored by the honor you have bestowed upon me. I've always felt that the law is, or at least ought to be, a singularly hospitable profession for women. The law needs those virtues, which we have been told are "feminine virtues," but which, I will concede, a great deal of men have as well, the virtues of compassion, sensitivity and understanding. The law seeks to set standards for human conduct in the community, and who more than women realize the need for those standards and the horrendous consequences when those standards are absent or when they are not the right standards? On the other hand, who more than women understand the tremendous importance of respect in the law for individual autonomy and individual integrity?

There has long been a debate among women and among all lawyers about whether women bring anything special to the law, or whether women should just aim to be as good and proficient as men lawyers. I do not believe in special career tracks for women, but I do believe that there are differences in men and women, biological and experiential. I think that women, like any discrete and separate group in society, have different experiences, suffer different treatment and face different problems, sometimes wrongfully so, sometimes inevitably so. The law needs those experiences and those sensitivities if it is truly going to be a system that governs all people—men and women, minorities, ethnic and racial.

We are now finding out empirically what many of us have long known intrinsically—that the law has too often ignored the special plights of women and the special contributions of women; indeed, that it has sometimes placed obstacles to their progress. That can-

* The Sandra Day O'Connor Medal of Honor was created by the Seton Hall University School of Law LAW REVIEW, Legislative Bureau and Women's Law Forum. Its purpose is to salute those women who have achieved distinction in law and/or public policy. The student members of these organizations are proud to celebrate the success of women in the law, hoping to further ensure that "equality under the law" remains an exalted value championed by this generation and those to come.

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not be justified. I might say, incidentally, after fourteen years of service on a major federal court, I believe that more now than I did when I went on the bench.

But we are making progress. I think especially the gender task forces in thirty-six states, including New Jersey, have rooted out some real residual unintentional biases—often quite subtle but dangerous—in the way we render justice in our system. A new administration has now made diversity a working principle in making key appointments to the bench as well as to the executive branch. And a new generation of feminist scholars, of which you have some outstanding examples right in your own law school, will keep our feet to the fire in the years to come.

If I have one task that I would put on your generation of lawyers, women and men, it is to solve the centuries-old problem of combining a private and a public life, not using one as a retreat from the other. For both men and women lawyers, this melding is the key not only to a successful personal life but to a healthy professional life as well. Those that choose—and I emphasize there are individual choices involved—to have a family should be able to maintain it and nurture it in the legal profession. I walked that tightrope once myself, and I now have two daughters who are trying to walk it. It is still inconceivable to me that a professional life that spans fifty years cannot encompass a period of five to ten years in which the rigors of childbirth, early parenthood and family raising can be accommodated with professional obligations. Why do the 2,500 billable hours a year for the young associate bound on a partnership route have to be accomplished in the same finite time period in which young couples birth and bring up their children? The failure of the profession to accommodate young women's legitimate needs is one reason for their troublesome defection rate from the profession before they reach their full potential. Many like myself who worked part-time during the child-raising period produced like gangbusters—and our employers knew it. Why can't the profession institutionalize itself along different lines to permit, even encourage such accommodations? That I think is your challenge. But whatever you do, I have a few pieces of unsolicited advice.

One is take some time out for public service. Those memories will be the ones that you will relish when you are in your sixties, as I am now. Be selfish; take the opportunity for a stint in government, even if it means economic sacrifice. Push your law firm to let you take on the *pro bono* cases. At some point in your legal career you

must experience the majesty of the law when its might is brought to bear on a just cause. But those will be your choices, and you'll have to fight for them, make no mistake. No one will chart your career map for you. My advice to you is to go for what your gut tells you will bring you joy, exhilaration, gusto and satisfaction. Do not try to plan everything—life and a legal career do not work out that way.

Another small piece of advice I have for this generation of students is never to neglect your craft. What Seton Hall Law School teaches you about analytic rigor, tight reasoning and stylish prose—these skills are as important to the ghetto client as to the multinational corporate client. Always give your best. Good intentions and bad lawyering walk hand in hand down that proverbial paved road to hell. The more worthy your cause, the more worthy you must be of your cause.

As an appellate judge, I sit on dozens of cases each year where I want to cry because the eager young advocates did not make the proper record below for the high-toned constitutional argument they are making in the court of appeals, or because they waived a critical argument below or didn't think it was necessary to provide the meat and potatoes factual record to show the judge the consequences of a ruling for or against them, which is eventually what makes a case sing. A lawyer's craft is words and logic and digging; these are precious years in which you are learning the rules and the jargon and the processes of the law. No amount of idealism can substitute for know-how, and know-how is barren without idealism.

One final caveat from experience. Brilliance is much lauded in law school, but it is not always the stuff of which great legal careers are made. It is the long distance runner, not the sprinter, who makes her mark on the law. Dedication, diligence, sensitivity to the world around one, perseverance, an open spirit, a sense of intellectual adventure, courage—these make the great legal career. And it's not too early for you out there to begin thinking about what at my age you want your legal career to stand for, and what you don't want it to stand for.

The profession will certainly change in your lifetime. Computer stations will proliferate; law libraries will diminish. Firm structures may dissolve. Briefs and even courtroom procedures may change. Yet, the function of the law in our society should not change—to find the best resolutions for the disputes that arise in all the vast myriad of human and civic relationships known to men

and women. That still requires more than a computer or Lexis training; it requires a caring heart, an adventurous spirit and a sense of the terrible transitoriness but limitless horizon that is the human potential for contribution to the law, our nation, and history. Never let the niceties of data transmission overwhelm your sense of what you are doing, where you are going and why.

In closing, let me say I envy you in many ways—not in all, but in many ways. I fought the fights of my generation—bringing legal services to the poor, surfacing the terrible plight of the institutionalized mentally ill, and the failure of society to educate its retarded children. But there are even bigger fights ahead for you—making sure that the new health care system does provide quality care for the rich and poor, solving the seemingly intractable problems of the homeless, protecting abused children and battered wives and wiping out the scourge of drugs. Maybe like me you won't win all your fights, but, please God, you will be in the ring. The future is yours for the taking.

Thank you again for a wonderful day and a memorable honor.