

racial bias; that, too often, equal justice is but an unrealized slogan. Lawyers particularly must be sensitive to the role of law in our society and to view their responsibility to the public as transcending the purely technical skills of our profession.

I hope every student here today will take some of the opportunities that will surely come your way to perform some *pro bono* legal services for others in need. Use your skills to help provide both the perception and the reality of equal justice under law.

Be a full participant in life's opportunities; join in trying to leave the world a little better than you found it on your arrival; use your talent and the legal education you are getting to help those who need it and in ways which will make all of us in the legal profession proud of your efforts.

Thank you for honoring me with the medal established in my name. You will honor me best by accepting some of my unsolicited advice.

Remarks of Deborah T. Poritz, Chief Justice, Supreme Court of New Jersey

I am delighted to participate in this celebration of women lawyers that has been taking place throughout the day. And I am especially honored to be with all of you here, now, to honor Justice O'Connor.

I know that those of you who took part in today's sessions came together to learn from one another, and to celebrate the achievements of the many women who have blazed trails for the rest of us to follow. As the first woman Attorney General and the first woman Chief Justice in the State of New Jersey, I am often asked how I like being a role model for other women. I have responded with some discomfort, for I have not thought of myself as a model for others—it seems too self-important, pretentious. But I have learned that when you are the first to do something, being a role model is something you cannot escape.

People look to you as an example—it's not a choice. It's a fact.

I do look forward to the day, I have said this many times, when so many women have served on the Supreme Court, have been Attorney Generals, that their achievements will no longer seem so remarkable because, then, we will have reached our goal of equal opportunity for women.

But Justice O'Connor put this issue in a slightly different perspective when, in her opening statement during her confirmation hearings she said, "As the first woman to be nominated as a Supreme Court Justice, I am particularly honored, but happily share the honor with millions of American women of yesterday and today whose abilities and conduct have given me this opportunity for service." She honored the other women before her and beside her. She made the rest of us feel proud, for her, for us. She gave us that pride.

And that makes me think, it is good to celebrate the achievements of women. Because, when we do, we honor the women who blazed those trails, women like the first female lawyer in the country, thirty-eight year old Myra Bradwell, who passed the Illinois bar exam in 1869, only to be barred from practicing law by both Illinois and the United States Supreme Courts. As one Justice wrote, her claim wrongly "assume[d] that it [was] one of the privileges and immunities of *women* as citizens to engage in any and every profession, occupation, or employment of civil life." The truth of the matter, the Court found, was that her "married condition" was a "disability" that prevented her from receiving a license. And Myra Bradwell took the bar exam in the first place to help her lawyer-husband in his practice!

I think, too, of the women in New Jersey's own judicial history. Prior to the 1947 constitution, only one woman had ever been appointed to the bench and that was in 1946 when Libby Sachar became a judge in the Juvenile and Domestic Relations Court. It took a quarter of a century for the first woman to be appointed to the superior court bench; indeed, in the first thirty-four years after the passage of the 1947 constitution, only eleven women sat in our state superior courts.

In 1981, the year President Reagan appointed Sandra Day O'Connor to the United State Supreme Court, only 3% of New Jersey's judges were women. Today, women make up 17% of those sitting in the supreme, superior, and tax courts, 17% of our presiding judges, and 25% of our appellate judges.

That is something to celebrate.

These numbers are important, not because they represent sufficient numbers of women at all levels of our system, but because of the change they represent. One of the women lawyers on the staff of the administrative office of the courts graduated law school during the first term that Justice O'Connor sat on the Supreme Court. When she graduated, women lawyers where she practiced generally felt that the best way to represent their clients in court was to hand cases over to male lawyers—not because of any lack of competence, but because women lawyers were

not taken seriously by trial court judges. I would like to believe that simply would not happen today.

It must not happen today.

Justice O'Connor could only find a job in the public sector when she graduated from Stanford Law School, even after having served on the Board of Editors of the *Law Review* at one of the country's most prestigious law schools.

That would not happen today.

I venture to say that every woman who has been practicing fifteen years or more has at least one story of institutionalized sexism. When New Jersey conducted its first survey of gender bias in the courts in 1983, the results were indicative of the state of affairs then existing, and they were not particularly surprising. We found that myths, beliefs, and biases based on stereotypes affected judicial decision-making. Men and women were too often treated differently in courtrooms, in chambers, and at professional gatherings. In fact, 76% of the women responding to that survey said that they had witnessed a judge treat a female attorney in a way that accrued to her, or her client's, disadvantage.

Chief Justice Wilentz received national recognition for his leadership role in establishing the first task force on women in the courts. New Jersey had been in the forefront of the effort to put, and keep, women litigants and attorneys on an equal footing with their male counterparts. Anecdotal evidence from lawyers of both sexes suggests that we, as a court system, have made great strides in this effort. In July, we took formal steps to track our progress during the five or six years with the distribution of a second survey that incorporates many of the questions from the first along with new questions shaped by our experiences. We will mark our accomplishments *and* we will target areas where we have not met the goals we have set.

But I know the results will show improvements because we no longer have to mark so many firsts. We are often into the second generation now. Justice O'Connor paved the way for Justice Ginsburg; Justice Garibaldi paved the way for me on the state supreme court and for Cynthia Jacob as president of the state bar. There will be another woman Attorney General, and we will move into the third, and the fourth generation. And we will move on, having succeeded in our quest.

I can stand here now and look into some faces that probably do not remember a time when ads were separated into "Help Wanted - Men" and "Help Wanted - Women." Someone will one day stand before a group like this one and look into some faces that do not remember a time when it was important to acknowledge that a woman had been appointed to a position of significance.

Until that time, it is good to look at where we once were and where we are now. It is good to remember the women who pioneered in roles for us to follow. Women like Myra Bradwell, who lived long enough to see both the United States Supreme Court and the Illinois Supreme Court grant her licenses *sua sponte*. And women like Sandra Day O'Connor, spurned by law firms despite graduating third in her class, whose judicial integrity and independence, whose personal dignity and warmth, now serve as models for young lawyers and new judges of both sexes.