



WOMEN'S BAR ASSOCIATION
of the District of Columbia

Initiative on Advocacy

Prepared and compiled by
Bridget Bailey Lipscomb
WBA President, 2021-2022





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WBA Advocacy Initiative

Introduction

The cornerstone of the 2021-2022 bar year under the "Getting Back to the Basics" theme was advocacy. An Advocacy Committee was established to analyze and recommend policy on responding to invitations from members and non-members to engage in advocacy matters. This committee was chaired by Immediate Past President, Sadina Montani, and the members were carefully selected from other related WBA Committees.

The necessity for the WBA to follow its roots and recommit to advocacy work became more obvious during the 2020-2021 bar year. Just four days into the beginning of the 2020-2021 bar year, the WBA Board of Directors¹ met in an emergency session for nearly three hours to dissect and analyze every word of a critical statement on the George Floyd murder and the WBA's need to state firmly a position of anti-racism. The atmosphere was shock, rage, and a need to act, even though our Black Board members were not at all surprised to witness the police officer kneel on Mr. Floyd's neck for **nine minutes and 29 seconds**. The WBA statement, [*The WBA Condemns Systemic Racism: A Call to Action*](#), was released on June 5, 2020 (the "Call to Action").

The Board's commitment to act was not just lip service. The Call to Action led to robust and often uncomfortable Board Roundtable discussions, the creation of an [*Anti-Racist Toolkit*](#), and well-attended programs addressing discrimination that Black people continue to experience. Some of the programs were: [*"Where Are the Black Women Lawyers in Leadership Positions?"*](#) (447 registrants), [*"Succeeding Despite: How to Overcome Racial and Gender Bias in the Legal Profession"*](#) (77 registrants), [*"Tales of an Empty Purse: Minority Women's Lack of Access to Capital & How to Fix It,"*](#) and [*"Protect the Vote for All: How to Take Action Between Now and Election Day."*](#)



This vocal and renewed commitment to advocacy led to numerous requests for the WBA to lend its voice on issues that impact the success of woman lawyers. WBA Leadership observed an increase in engagement from members – particularly notable during the pandemic – when many organizations were struggling to engage members. Faced with numerous unique requests, the WBA recognized the need to create standards for involvement in advocacy matters. The Governance Committee investigated the pending requests, appropriate allowances and limitations, and advocacy initiatives of other bar associations. This exercise revealed that taking on advocacy, along with the many other duties, was a daunting undertaking for the Governance Committee. It rapidly became apparent that help was required for effective handling of advocacy initiatives.

After this comprehensive analytical review by the Governance Committee, the WBA sought direction from its members through an all-member Town Hall and membership survey. Thereafter, the [*Advocacy Committee began its work in June 2021*](#). While it was establishing guidelines, the WBA continued to act consistent with its renewed advocacy activities and [*signed onto nine amicus briefs, issued four statements*](#), and elevated their efforts by [*serving as co-lead*](#) on the *Dobbs v. Jackson Women's Health Organization* amicus brief.

This Initiative will discuss WBA's history of advocating for women, the 2021 membership survey, the Dobbs amicus brief, the Advocacy Committee's Town Hall, the 2021-2022 advocacy activities, and the future of WBA's advocacy efforts.

¹ The 2020-2021 Board of Directors consisted of Sadina Montani (President), Bridget Bailey Lipscomb (President-Elect), Lauren Brown (Treasurer), Mary Blatch (Treasurer-Elect), Latosha Ellis (Secretary), Candace Beck, Anne Collier, Renee-Lauren Ellis, Kandis Gibson, Cynthia Hemphill, Sasha Hodge-Wren, Charlotte Kuenen, Cathy Pagano, Anna Ratner, Natalie Roisman, Rebecca Simon, Roya Vasseghi, and Jill Dash (Immediate Past-President).



History of WBA Advocacy

The WBA was founded on May 17, 1917, before women had the right to vote.² The impetus of the establishment of this organization was the refusal of the Bar Association of the District of Columbia to admit women. The WBA opened its membership to any woman in good standing with the Bar of the Supreme Court of the District of Columbia for an annual dues rate of \$1.00. WBA founders, Ellen Spencer Mussey and Emma Gillett, had previously founded the American University Washington College of Law in 1896. Hence, this organization was ostensibly founded on advocacy.



Ellen Spencer Mussey



Emma Gillett

D.C. Suffrage

Recognizing that the District of Columbia had no elected representatives at any level of government, the WBA championed voting rights of its hometown throughout the 1920s. Shortly after its founding, in December 1917, the WBA publicly supported the following Joint Resolution of the U.S. Senate and House of Representatives to give D.C. residents the right to vote:

RESOLVED, that the Women's Bar Association of the District of Columbia places itself on record as favoring the extension of the right of suffrage to residents of the District of Columbia.

Continuing its advocacy on D.C. Suffrage, in 1946, WBA President Sara Mero Williams gave a radio address in support of the vote in which she focused on reasons women in the District of Columbia should want to vote in national elections.

Legislation

In the first decade of existence, the WBA's most active committee, the Legislative Committee, continued the WBA's efforts to draft legislation and testify on Capitol Hill in support of: repealing restrictions on married women's ability to enter contracts; alleviating discrimination against women in inheritance laws; reducing high childbirth death rates by supporting maternal health and hygiene; and guaranteeing protections for children born out of wedlock.

In its ongoing fight to protect women, the WBA endorsed a treaty between Great Britain and the United States to extradite men who "deserted their families" by crossing the United States-Canadian border.

In the 1930s, the WBA drafted legislation and testified before the U.S. Congress on problematic child labor practices. It also proudly supported Alice Paul's vision of including women in the U.S. Constitution through the ratification of the Equal Rights Amendment (ERA).

In 1935, the Legislative Committee, worked on the passage of a bill to continue improvements on the inheritance status of women. Continuing the fight for D.C. Suffrage, in 1936, the WBA endorsed joint resolutions of the U.S. Senate and the House of Representatives proposing a constitutional amendment to grant the District of Columbia representation in the Senate, House, and Electoral College. In 1937, the WBA endorsed bills in the U.S. Senate and House of Representatives to reduce barriers to women serving on juries.

Fast forward to the 1960s, the WBA endorsed legislation: to end federal government rules that allowed the specification of "men only" when selecting employees; addressing requirements for women to obtain divorces; confirming the rights of married women to own property; supporting the abolition of capital punishment; and reforming the role of juvenile courts.

² Authority for factual information in this Initiative is found in the WBA Archives originally stored at American University Washington College of Law and archived on [Hein Online](#).



The WBA continued its active lobby for ratification of the ERA through 1982 when the ratification period set by Congress expired. During the 1980s, the WBA also endorsed legislation on civil rights, domestic violence prevention, parental leave, and equal pay for equal work for women. The WBA supported a legislative reversal of the Supreme Court's decision in *Grove City College v. Bell*, which preceded the Congressional passage of the Civil Rights Restoration Act. This Act required recipients of federal funds to comply with civil rights law, which prohibited discrimination on the basis of sex, race, age, and disability.

The advocacy flowed forward and in 2007, the WBA wrote every U.S Senator and Member of the House of Representatives imploring them to vote in favor of the DC Voting Rights Act.

Testimony Before Congress



Early in the 20th Century, the WBA testified before Congress to change laws so women could own property, control their own wages, maintain their citizenship if they married a non-United States citizen, serve on juries, and keep custody of their children upon divorce.

Returning to its advocacy on the ERA, in 1970, WBA member Marguerite Rawalt testified before the U.S.

Senate Judiciary Subcommittee on the Constitution in support of Alice Paul's 1920s ERA. This testimony thoroughly impressed Senator Birch Bayh from Indiana, Chairman of the Subcommittee, who remarked that the presentation provided the most thorough background on the legal ramifications of the proposed amendment yet.

In 1994, WBA President Diana M. Savit testified before the District of Columbia Council's Judiciary Committee on behalf of the WBA in support of the Anti-Sexual Abuse Act of 1994.

Advancement of Women in the Legal Profession

After the ratification of the 19th Amendment, the WBA focused on increasing the number of women in government service and in 1922, adopted a resolution recommending the appointment of women to all positions in the government.

In 1941, the WBA successfully lobbied the Bar Association of the District of Columbia to amend its bylaws to admit women.



In the 1950s, the WBA supported the creation of a Legal Aid Society for the District of Columbia.

In 1954, the WBA began a tradition by sponsoring its first reception honoring new U.S. citizens, which continues to this day.



*The 5th Anniversary of the receptions for new citizens occasioned this gathering of the members of the Citizenship Committee of the Women's Bar Association, in the Longfellow Lounge of the U. S. Court House, February 10, 1939.
From row (L to R): Amy Perry, Florence McIntosh, Elizabeth H. Cox, Maurine Abernathy, Sophie Lyman, Florence Hodge, President Doris Wilkins, Kate Briggs.
Second row: Beatrice O'Leary, Edna Avery, Catherine Myers, Tom Sutcliffe, Elizabeth F. Reed (Chairman), Coribel Stansberg. (Reel Photos; copy loaned by Elizabeth F. Reed)*

In spite of all of the advancements made by the WBA for women in the legal profession since its inception, it was not until 1962 that the WBA admitted its first African American member. WBA's 1962 President Joyce Hens Green, nominated Dovey Johnson Roundtree for admission to the WBA. That contentious and clamorous meeting resulted in breaking the then-existing color barrier and inviting Ms. Roundtree for membership.

In 1969, the WBA established a trailblazing initiative when it presented a series of continuing legal education seminars (currently referred to by the WBA as "career development"), which decades later has been almost universally adopted by most bar associations to enhance lawyers' skills.

In 1976, the WBA joined 50 women's organizations in the Coalition for Women's Appointments and worked to increase the number of women in administrative policy-making positions. According to a National Women's Political Caucus report, within three years of the founding of this Coalition, the number of women in full-time appointed positions increased by 10%.

In 1981, the WBA was instrumental in forming the National Conference of Women's Bar Associations as an affiliate of the ABA.



In 1983, the WBA was honored to host Supreme Court Justice Sandra Day O'Connor (1997 WBA Janet Reno Torchbearer Award Recipient and 2005 WBA Star of the Bar) as she addressed a WBA monthly meeting to discuss "How to Combine a Successful Career with Family Life in 147 Easy Steps."

The WBA proudly supported WBA member Marna Tucker (1985 WBA Woman Lawyer of the Year and 2002 WBA Star of the Bar) as she became the first woman President of the District of Columbia Bar (DC Bar) and the first woman President of the National Conference of Bar Presidents. Ms. Tucker and WBA member Brooksley Born (1981 WBA Woman Lawyer of the Year and 2002 WBA Star of the Bar) founded the ABA Women's Caucus – the first organization of women lawyers in the ABA to mentor and support women in the legal profession.



Marna Tucker



Brooksley Born



In celebration of the first woman Attorney General of the United States, in 1996, the WBA created the [Janet B. Reno Torchbearer Award](#).



The WBA membership voted in 1989 to take steps to protect women's right to obtain abortion care. Later, in the 1990s, the WBA was part of a coalition that supported the federal Freedom of Choice Act that would guarantee the right to an abortion even if *Roe v. Wade* was overturned and it joined a campaign to support the ABA's reproductive rights resolution.

In 2002, the WBA collaborated with various national women's organizations on career advancement summits, including the [ABA Commission on Women in the Profession's](#) "Keeping Her in Her Place: New Challenges to the Integration of Women in the Profession."

The groundbreaking [WBA Initiative on Advancement and Retention of Women](#) was born in 2006. This "WBA Advocacy Initiative" is the WBA's fifth Initiative. Prior WBA Initiatives were entitled, "Initiative on Advancement and Retention of Women: Creating Pathways to Success (Phase I)," "Initiative on Advancement and Retention of Women: Creating Pathways to Success for All (Phase II)," "Initiative on Advancement and Retention of Women: Navigating the Corporate Matrix: Advancing Women in Corporate Law Departments (Phase III)," and "Initiative on Advancement and Retention of Women: Initiative 2.0: Creating a Path to Success in a Changing Economy (Phase IV)."

Also in 2006, the WBA [signed onto amicus briefs](#) on mission issues, such as fair pay in *Ledbetter v. Goodyear Tire & Rubber Co.*

In 2008, the WBA created a Task Force on Fair, Impartial, and Independent Courts and honored Supreme Court Justice Ruth Bader Ginsburg with the WBA Torchbearer Award. In 2016, the WBA recognized the first African American woman to serve as Attorney General of the United States, the [Honorable Loretta E. Lynch](#).



Attorney General Loretta Lynch

Judicial Endorsements



The WBA's history of advocacy work also involves decades-long efforts to promote gender equity in judicial appointments.



In the 1940s, the WBA began endorsing candidates for judicial positions in the District of Columbia and on the federal bench.

In part, due to its steadfast advocacy, in 1949, Burnita Shelton Matthews (WBA President 1925-1927) was nominated and confirmed to serve as a U.S. District Court Judge for the District of Columbia. She was the first woman federal district court judge. As no surprise, the *New York Times* reported in Judge Matthews' obituary that even though she did not receive a warm welcome at the court and was assigned all of the "long motions," she persevered and handled many high-profile cases.



Hon. Burnita Shelton Matthews

The WBA judicial endorsements continued to pay dividends – in 1968, June L. Green (WBA President 1955-1957) was appointed as a U.S. District Court Judge for the District of Columbia. In the early 1970s, the WBA began endorsing women for appointment to the U.S. Supreme Court. Twelve years after the first endorsement, Sandra Day O'Connor became the first woman Justice on the Supreme Court. In 1975, Julia Cooper Mack was appointed to the D.C. Court of Appeals, becoming the first African American woman to serve on any court of last resort in the country.



Justice Sandra Day O'Connor

In the 1990s, the WBA continued to see progress from its advocacy efforts when the Honorable Ruth Bader Ginsburg became the second woman appointed to the U.S. Supreme Court in 1993. In 1994, current U.S. Court of Appeals for the D.C. Circuit Judge Judith W. Rogers (1990 WBA Woman Lawyer of the Year and 2022 WBA Star of the Bar) became the first woman appointed as chief legal officer for the District of Columbia, then titled Corporation Counsel of the District of Columbia (currently D.C. Attorney General).



Justice Ruth Bader Ginsburg



Hon. Judith Rogers

The WBA continued to celebrate successes of women when in 2009, the first African American President of the United States, President Barack Obama, nominated the first U.S. Supreme Court Justice of Hispanic heritage, who was confirmed as the third woman Justice, the Honorable Sonia Sotomayor. The following year, the Honorable Elena Kagan was confirmed as the fourth woman Supreme Court Justice.

While it may not be considered historical in this context since the confirmation occurred in 2022, it must be mentioned that the WBA was honored to sign, along with the National Women's Law Center, a letter (found [here](#)) to the U.S. Senate in support of the nomination of the Honorable Ketanji Brown Jackson for the U.S. Supreme Court. Judge Jackson became Justice Jackson, the first black woman to sit on the United States Supreme Court, when she was sworn into office on June 30, 2022, shortly after the Senate confirmed her nomination on April 7, 2022.

Public Service

The WBA's advocacy work has also included a focus on public service.

In the 1960s, the WBA engaged in a highly-publicized community service project for reducing crime in the District of Columbia. It raised almost \$2,600 for the training of two District of Columbia police officers at New Scotland Yard in London. This training was necessary for the establishment of "DC Canine Corps," which was police patrolling by police dog handlers.

In 1981, the [Women's Bar Association Foundation](#) (WBAF), the charitable arm of the WBA, was founded. The WBAF's mission is to leverage the generosity of lawyers and friends to support nonprofits that serve the legal and related needs of women and girls in the District of Columbia metropolitan community. Since its inception, the WBAF has awarded more than \$1 million to its grantees³ and recipients of its Founders Fellowship.⁴ Through its fundraising activities and its annual Grant Awards Ceremony, the WBAF continues to make a positive impact on the lives of women and girls in the District of Columbia.

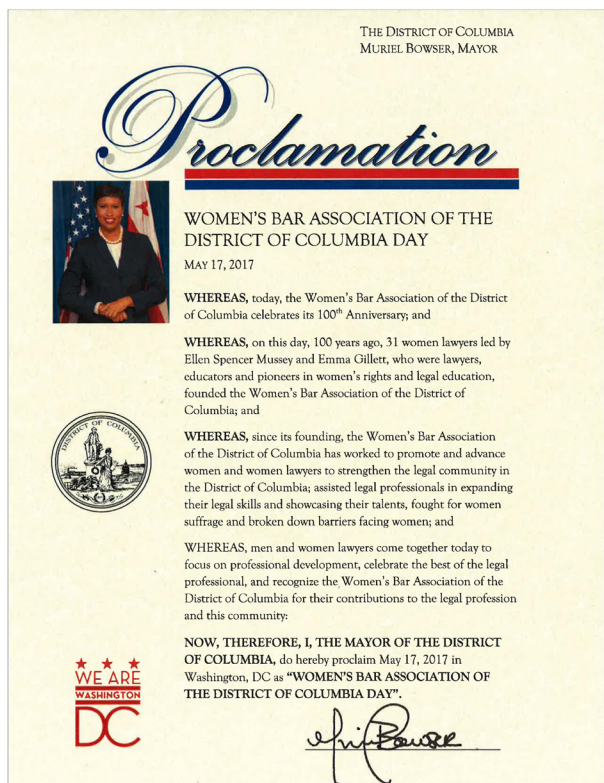


External Recognition for WBA's Years of Advocating for Women

The WBA's work today is representative of its work over a century ago. The WBA is proud that its efforts have been recognized by outside organizations. Twice in a decade, Women's Bar Association of the District of Columbia Day was recognized by DC Mayors. On October 2, 1989, Mayor Marion Barry and on May 5, 1992, Mayor Sharon Pratt Kelly established a Women's Bar Association of the District of Columbia Day. Fast forward to the WBA Centennial Celebration, Mayor Muriel Bowser announced May 17, 2017, Women's Bar Association of the District of Columbia Day.

³ The WBAF annually awards grants to nonprofit organizations that serve the legal and related needs of women and girls in the District of Columbia metropolitan area.

⁴ WBAF's Founders Fellowship is an annual award given to an area law school to support a student who is pursuing a public interest summer internship to advance the legal interests of women and children.



In 2003, because of the WBA's effective work on issues that affect women, it received the prestigious D.C. Bar Frederick B. Abramson Award. This award is presented annually for the project that makes the most significant contribution to the bar and its members.

In 2021, the WBA received the 2021 National Conference of Women's Bar Association's Outstanding Member Program Special Recognition Award for Social Change for the Discussing Racism Program and Being Anti-Racist Toolkit. In 2022, the WBA received the DC Bar Voluntary Bar of the Year Award.

WBA's history of advocacy is undeniable, and its continued efforts keep it relevant.

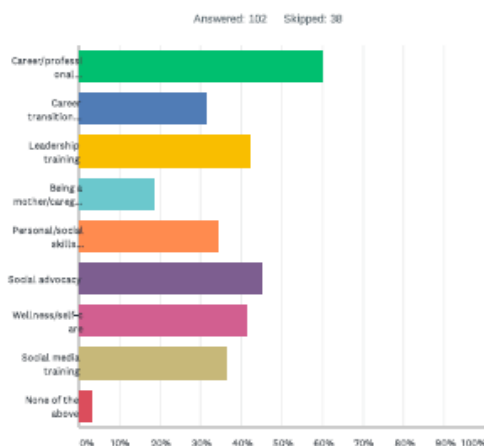
The following sections that describe the WBA's 2021-2022 advocacy work may appear minimal in light of the prior summary of WBA's 104-year history of advocacy. However, the WBA worked tirelessly during the 2021-2022 bar year on critical projects to support women.

Summer 2021 Membership Survey

As mentioned earlier, a membership survey was issued during the summer of 2021 to gauge interest for 2021-2022 programming and initiatives. The 19-question survey inquired about membership benefits, membership dues options, in-person versus virtual events, program participation, value of ongoing projects, social media, and fundraising.

True to its legacy, the WBA membership ranked social advocacy second among all categories (behind only career development). In the numerous comments, WBA members consistently expressed strong support for advocacy for women's rights. Aside from the appreciation for networking and sisterhood, our members made clear in their comments that after 104 years, advocacy was still a top priority.

WBA Member Survey
Q11 For this Bar Year, I would like more programming on (check all that apply):



ANSWER CHOICES	RESPONSES
Career/professional development	50.80% 61
Career transition training	31.37% 32
Leadership training	42.16% 43
Being a mother/caregiver in the legal profession	18.63% 19
Personal/social skills training	34.31% 35
Social advocacy	45.10% 46
Wellness/self-care	41.18% 42
Social media training	36.27% 37
None of the above	2.94% 3
Total Respondents: 102	

Dobbs v. Jackson Women's Health Organization Amicus Brief



Perhaps the most consequential project of the 2021-2022 bar year was WBA's role as co-lead on the *Dobbs v. Jackson Women's Health Organization* (the case on the Mississippi law banning abortion after 15 weeks of gestational age) amicus brief. This effort also serves as a case study demonstrating the opportunities for a multi-pronged advocacy approach. Here, the WBA once again engaged with strategic partners in support of an issue of importance to the WBA membership.

By way of background, in light of the WBA's mission and historic advocacy in support of reproductive rights (including access to abortion care), when the WBA Board of Directors⁵ learned about the *Dobbs* case and pending legislation in other states that threatened women's right to make health decisions, the Board determined that it was critical for the WBA to be a leading voice on the issue. Coincidentally and fortunately, shortly thereafter, the WBA was informed that based on its 104-year history and continued pursuit to protect the interests of women, the organization was an attractive lead for the *Dobbs* amicus brief. After a few WBA Leadership meetings and a WBA Board vote, the WBA accepted the invitation and started working on the brief.



The WBA collaborated with [Women Lawyers On Guard, Inc.](#), and the [National Association of Women Lawyers](#) to draft and submit the *Dobbs* amicus brief to the U.S. Supreme Court. Thirty women's bar associations and women's law student organizations joined the brief. Among other arguments, amici explained that for almost 50 years, women,⁶ including women attorneys, had relied on the rights guaranteed in *Roe v. Wade*⁷ and *Planned Parenthood of Se. Pa. v. Casey*⁸ to advance their careers and achieve greater gender parity. Amici spelled out that since inequality and inequity persist despite these gains, the gap will grow without protection of these constitutional rights.

The Challenge

The decision to co-lead the brief was a push even for the WBA because the WBA consists of a diverse group of members, some of whom do not believe that *Roe* and *Casey* were correctly decided. The WBA also has members that believe that there should be restrictions on women's reproductive health decisions. Some members have expressed that based on their religious doctrine, they believe that having an abortion is a sinful act.

This decision, however, was not without precedent or discussions at the Board level. Indeed, a few years prior, after analyzing studies showing the increase in the number of women lawyers after *Roe* and how women continued to succeed in the profession, the WBA wanted to remove the stigma surrounding having an abortion. So, under the #OurBodiesOurVoices campaign, women lawyers who had abortions were invited to give video interviews about their decision-making process and the impact of those decisions. That program also generated some complaints and objections from some in the membership.

⁵ The 2021-2022 Board of Directors consisted of Bridget Bailey Lipscomb (President), Candace Beck (President-Elect), Mary Blatch (Treasurer), Latosha Ellis (Treasurer-Elect), Rachel Davakis (Secretary), Jessica Almond, Lauren Brown, Anne Collier, Renee-Lauren Ellis, Kandis Gibson, Sasha Hodges-Wren, Jennifer Mammen, Cathy Pagano, April Randall, Anna Ratner, Jeannie Rhee, Natalie Roisman, Rebecca Simon, Roya Vasseghi, Gail Westover, and Sadina Montani (Immediate Past-President).

⁶ For purposes of the relevant constitutional protections and related equity gap, the WBA intends "woman" to mean any person who identifies as a woman or has a uterus and is capable of becoming pregnant.

⁷ 410 U.S. 113 (1973).

⁸ 505 U.S. 833, 856 (1992).



With the recent anti-stigma backdrop, the WBA knew that serving as co-lead on an amicus brief that advocated for women's constitutional right to have an abortion had a strong potential to be controversial. The WBA was also aware of the fact that it could lose members. Notwithstanding, the benefit of speaking out outweighed the risk. As one of the oldest women's bar associations in the country, the WBA recognized the need for it to carry any burden and the mantle to protect these rights.

For almost 50 years, women relied on the constitutional right to end a pregnancy. Even though women have not yet attained parity in the legal profession, the improvements that have been made in the lives and careers of women lawyers after *Roe* compelled the WBA to take a lead role on this issue. The right to an abortion has been pivotal to gender equality and women's health. In fact, the WBA's position is best stated by Justice Blackmun's concurrence to the *Casey* decision – "[b]ecause motherhood has a dramatic impact on women's educational prospects, employment opportunities, and self-determination, restrictive abortion laws deprive her of basic control over her life."⁹ Thus, the WBA could not stand idly by as progress had the potential to regress.

The Process

Working from the backdrop of the strides since *Roe* and the fact that the WBA was still working for women to achieve parity in the legal profession even after *Roe*, the WBA was deliberate in its steps. Accordingly, before deciding to serve as co-lead on the *Dobbs* amicus brief, the WBA considered the statistics below, as well as other data on women's

accomplishments since *Roe*, the work in progress since *Roe*, and the consequences of *Roe* being overturned.

Accomplishments

The percentage of women lawyers was less than 4% in 1960 and increased to 38% in 2016.¹⁰ The number of women attorneys between the ages of 25 to 34 had attained parity with men.¹¹ The American Psychological Association recognizes a woman's right to end a pregnancy a "civil right" because it so integral to women's autonomy and well-being.¹²

Work in Progress

Work towards equality for women of all ages in the legal profession is ongoing. According to an ABA article, women lawyers will not achieve gender parity until 2181.¹³ Women make up about 40% of associates in law firms, but less than 24% of equity partners.¹⁴ Women occupy, on average, about 1/3 of state and federal benches.¹⁵ In 2019, women received only one out of every five Fortune 500 General Counsel positions.¹⁶ Women law firm partners earn less than their male counterparts, regardless of how much they originate for the firm.¹⁷ Male General Counsel are paid, on average, 39% more than their women counterparts.¹⁸

Consequences

Women who are denied the right to an abortion are more likely to stay with an abusive partner, experience poor physical health years after the pregnancy, and are less likely to fulfill aspirational life plans.¹⁹ This is antithetical to everything the WBA stands for.

⁹ 505 U.S. 833, 928.

¹⁰ Jennifer Cheeseman Day, *More Than 1 in 3 Lawyers Are Women*, U.S. CENSUS BUREAU (May 8, 2018), <https://www.census.gov/library/stories/2018/05/women-lawyers.html>.

¹¹ *Id.*

¹² See *Resolution on Abortion* (1969), AM. PSYCH. ASS'N (2009), <https://www.apa.org/about/policy/abortion>; Alyson Zureick, *(En)gendering Suffering: Denial of Abortion as a Form of Cruel, Inhuman, or Degrading Treatment*, 38 FORDHAM INTERNATIONAL LAW JOURNAL, 199 (2015).

¹³ American Bar Association, *In Their Own Words* (2021) at 3.

¹⁴ Law360, *These Firms Have the Most Women In Equity Partnerships* (Sept. 14, 2021).

¹⁵ See Democracy and Government Reform Team, *Examining the Demographic Compositions of U.S. Circuit and District Courts*, CTR. FOR AM. PROGRESS at 4 (2020); 2019 Representation of United States State Court Women Judges, NATIONAL ASSOCIATION OF WOMEN JUDGES (NAWJ) (2019), <https://www.nawj.org/statistics/2019-us-state-court-women-judges>.

¹⁶ Ass'n of Corporate Counsel, *The General Counsel Landscape* at 18 (2019).

¹⁷ Joan C. Williams et al., *You Can't Change What You Can't See* at 25 (2018).

¹⁸ *The 2019 General Counsel Landscape* at 16 (2019).

¹⁹ *The Turnaway Study*; Marianne Bitler & Madeline Zavodny, *Child Abuse and Abortion Availability*, 92 AM. ECON. REV. 363, 363-67 (2002).



Decision

The Board discussed the pushback received from the anti-stigma program and acknowledged that taking the lead on this issue could alienate potential new members. The Board also considered WBA's history, its mission, how vocal the founders were on controversial issues like the right to vote in 1917, and its prior advocacy on abortion rights.

Realizing the risks associated with losing an almost 50-year constitutional right, the WBA Board discussed the invitation to draft the amicus brief, carefully analyzed all the information presented, talked through the pros and cons, and after thorough deliberation, voted to serve as co-lead on the amicus brief. Since that time, the WBA rallied at the Supreme Court when *Dobbs* was argued and, among other programs, had a robust Three-Part Series on Reproductive Rights.

Post-Dobbs Decision

WBA membership was devastated to learn that the U.S. Supreme Court overturned *Roe* and *Casey* on June 24, 2022. After the opinion was published, the WBA received unprecedented social media engagement, members wrote blogs, and the Board and Co-Chairs requested time during meetings to vent and express their disappointment. During these meetings, proactive measures, programs, and projects to support women in need of abortion care were discussed. The WBA immediately issued a joint statement, along with Women Lawyers On Guard, Inc., and the National Association of Women Lawyers, condemning the decision. The WBA will be relentless in its work to protect women's reproductive health decisions; those decisions affect women's equality and success in the legal profession.²⁰



Advocacy Committee Recommendations and Town Hall Event

The Advocacy Committee, established in June 2021, was created to consider how the WBA could more consistently and effectively advocate on behalf of its members within the tenets established in the WBA mission statement. The Advocacy Committee was chaired by Immediate Past President Sadina Montani and included members across various levels of WBA leadership: Upnit Bhatti (Amicus Committee), Linda Goldwyn (Government Attorneys Forum), Kandis Gibson (Board Member), and Bridgette Stumpf (first-time committee member).

The Committee hosted a Town Hall for all WBA members on May 5, 2022, at Crowell & Moring LLP. The Advocacy Committee presented recommendations for the structure and focus of the WBA's advocacy work. The purpose of the Town Hall was to present the 2021-2022 work of the Committee and to get input from the membership on the proposed plans for the upcoming bar year.

Prior to the Town Hall, a memorandum was disseminated to the membership, which: provided an overview of the Advocacy Committee's proposed goals; described what the Advocacy Committee viewed as hallmarks of a healthy advocacy process; outlined certain specific structural and

²⁰ Even though this Initiative focuses on 104 years of WBA's advocacy and the 2021-2022 bar year advocacy work, because of the timing of publication, *Alliance for Hippocratic Medicine v. FDA*, No. 2:22-cv-00223-Z (N.D. TX), must be mentioned. On April 7, 2023, a federal district court in Texas suspended the long-standing FDA approval of mifepristone and blocked this drug, which is used in medication abortion and for miscarriages. That day, the WBA issued a statement (found here) vehemently disagreeing with the decision. On April 21, 2023, the Supreme Court stayed the order, maintaining availability of mifepristone until a decision on the merits is rendered.



procedural recommendations; identified potential pitfalls and risks; and offered a draft visual representation of the Committee's "Theory of Change." The Committee identified three target areas noted in the "Theory of Change" where advocacy efforts could be focused: litigation (the standing Amicus Committee); legislation; and external strategic partnerships. The Committee concluded that its primary role would be to build and facilitate a structure of collaboration and interconnectedness within the WBA, rather than to drive specific advocacy initiatives. The Committee's recommendation centered on building on and complementing – not duplicating – the work of the WBA Board of Directors' Program Chairs.²¹ Working together, the Advocacy Committee and Program Chairs would support committees and forums, with an eye toward shifting the WBA's focus from somewhat siloed, individual committee program planning to a more cohesive, larger advancement of the WBA and its initiatives through enhanced and collaborative programming.

The Committee proposed a process-focused agenda, rather than specific policy or execution of advocacy outcomes. The Committee determined that it would be the scaffolding upon which WBA's advocacy efforts would be built.

During the Town Hall, the Advocacy Committee elaborated on its work through three factors – goals, process, and structure/process.

Goals of the Advocacy Committee

The Advocacy Committee explained that consistent with the goals of the WBA's mission, it aimed to create a structure that utilized a collaborative systems approach to advocacy efforts across the various WBA committees, forums, stakeholders, and levels of WBA Leadership and membership. The proposed umbrellaed structure sought to ensure transparent and consistent strategies that leverage systems and partnerships to enhance advocacy outcomes among the WBA.

The overall goal of the Advocacy Committee was to ensure a process that created effective synergy of

advocacy channels to promote progress for women. The established mechanisms would create alignment of efforts and outputs (e.g., statements in response to real-time events) among WBA Leadership, committees, and forums. Ultimately, the Committee sought to create fidelity in how the WBA's advocacy approaches align with the larger strategic plan, mission, and vision of the WBA.

Hallmarks of A Healthy Advocacy Process

The Advocacy Committee recommended the monitoring of progress through certain criteria with the goal of shifting the focus from individual committee programming to the larger advancement of the WBA and its initiatives by enhanced and collaborative programming. The Committee committed to examining and identifying the WBA's priorities based on the issues and efforts set by the WBA Leadership annually. The Committee's institution of cross-committee collaboration was designed to ensure that the entirety of the WBA work together to amplify the efforts and results one committee may achieve in a WBA project. For example, when the Amicus Committee works on and files an amicus brief with a court, the Advocacy Committee will work with other relevant committees to publicize and amplify the primary issue through specific programming to highlight the amicus brief. The Advocacy Committee will gauge and help increase the enthusiasm and engagement on the issue within the WBA. The Committee will also invite regular feedback on the WBA's current and future work, and address any issues that are identified in the feedback and that may arise when working with various committees to enhance programming.

Specific Structural and Procedural Recommendations

The structural and process recommendations by the Advocacy Committee were presented.

Advocacy Committee Membership. The Advocacy Committee suggested that it be led by the immediate past president, that the incoming president serve on the committee, and that current Board members and Co-Chairs serve on the Committee.

²¹ The 2021-2022 WBA Board of Directors Program Chairs were Cathy Pagano and April Randall.



Annual Strategy Session(s). The Advocacy Committee proffered that advocacy strategy, input in Board and Co-Chair retreats, and standalone sessions should take place to ensure consistency from one year to the next. The Bar theme, and fidelity to the WBA's mission and strategic plan would be incorporated into the Committee's work. The Advocacy Committee would be tasked with organizing, leading, and directing these annual sessions – in addition to ensuring fidelity to the priorities identified during these sessions.

Advocacy Committee Liaisons. Like the WBA structure that assigns Diversity Committee Co-Chairs to serve as liaisons to various committees and forums to ensure that diverse speakers and topics are considered for all programs, the Advocacy Committee will employ a structure to encourage connectivity and collaboration between various levels of WBA Leadership.

Consideration for Strategic Planning. The Committee proposed that its goals and structural recommendations be incorporated into the WBA's strategic planning – and refined as necessary to ensure consistency with the new strategic plan.

Roll-Out Messaging. In advance of launching an active Advocacy Committee bar year agenda, the Committee suggested informational programming for the membership as well as concerted and targeted communications to past WBA leaders and WBA Past Presidents. It was proposed that the messaging be focused on the WBA structure, which will ensure that advocacy work is always in compliance with WBA's non-partisan 501(c)(6) status, while following WBA's long history of advocating for issues consistent with its mission.

Related Committees. To facilitate the focus on the three important areas identified (litigation, legislation, and external strategic partnerships), the Committee recommended that the Amicus Committee remain in place, and a new Legislation Committee be formed (ideally, led by one or more Co-Chairs with legislative branch experience). Because the incoming President participates in the D.C. Bar's monthly voluntary Bar meetings, it was recommended that she oversee strategic partnerships.

Collaboration with Programming/Governance Committee. To encourage complementation and avoid duplication with other WBA committees, the Advocacy Committee recommended that its members overlap with the Programming/Governance Committee.

Potential Stakeholder Pushback

The Advocacy Committee emphasized that its work would be consistent with the WBA's status as a 501(c)(6) organization and consistent with the WBA's mission. Where possible, the Advocacy Committee informed that it would build upon the WBA's rich history and facilitate advocacy work in line with "Issues Statements" previously released by the Association. The Committee informed that its practice of setting priorities with the WBA mission and statements as a guidepost would help to ensure buy-in from the WBA's past and present leadership, and the broader membership.

The Advocacy Committee's recommendation of membership consisting of the Immediate Past-President, President-Elect, several Board Members, and Committee and Forum Co-Chairs was to ensure that WBA's advocacy remains consistent with the goals of the Board. Additionally, with Board representation on the Advocacy Committee, the Board would have full information regarding all advocacy programs and initiatives and the ability to address any possible leadership level concerns in real time.

Theory of Change

The Advocacy Committee created a visual representation of its work on behalf of the WBA entitled the "Theory of Change" model. The visual demonstrated the connection between the various WBA stakeholders (outside circle) and coordination of efforts within the channels of advocacy (innermost circle). This powerful visual tool conveys that the WBA's advocacy work is connected to larger contexts (the outside area shows that external actors, stakeholders, systems, etc., are considered in the process). External actors that the WBA worked with during the 2021-2022 bar year include Women Lawyers on Guard, Inc., Planned Parenthood, D.C. Bar, National Women's Law Center, and ABA Commission on Women.



During the Town Hall discussions, the members expressed rousing support for the Committee's proposals, applauded the work of the Committee, and even offered suggestions. Some of the most compelling recommendations were that the WBA should create a "Request for Advocacy" page on the website; the WBA should strongly consider advocacy issues not traditionally supported by the WBA; and advocacy requestors should be notified of WBA's decision on whether to engage and (where feasible) the reason for the decision.

2021-2022 Advocacy

While the Advocacy Committee was establishing structures, roadmaps, and guardrails for future requests for advocacy engagement, the WBA participated in some advocacy programs to protect and enhance the legal careers of women lawyers. Remarkably, the WBA's 2021-2022 advocacy work fell in line with the subsequent recommendations of the Advocacy Committee.

The 2021-2022 bar year theme was "Getting Back to the Basics." As has been outlined in this Initiative, many of WBA's earliest challenges remained the same in 2021 and 2022. So, the WBA got "Back to the Basics" by continuing some of the most successful programs, revitalizing prior projects, and implementing new initiatives that advance women lawyers. Every WBA program included an advocacy component in some way. Four WBA Signature programs – Stars of the Bar, the October Annual Dinner,²² the Holiday Tea Project,²³ and the May Annual Dinner – were well-supported by the membership. Other than projects mentioned above, the 2021-2022 programs included:

- ▶ the revitalization of the Fireside Chat Committee and the Women of Color Taskforce
- ▶ the issuance of four statements
- ▶ the presentation of five Roadshows
- ▶ the presentation of 25 career development, self-help, current event, and wellness programs
- ▶ the hosting of retreats for the Board of Directors and the Co-Chairs

- ▶ the engagement in a roundtable discussion on women lawyers who are mothers and caretakers
- ▶ the participation in two community service projects
- ▶ the signing onto nine amicus briefs
- ▶ the endorsement of six judicial and two mandatory bar association officer candidates
- ▶ the dissemination of eight blogs
- ▶ the recording of two podcasts
- ▶ the showcase of more than 27 members in WBA's Meet a Member Wednesday feature of the social media program
- ▶ the issuance of almost 1,000 social media posts
- ▶ the co-sponsoring of approximately 12 programs
- ▶ the creation of an approximate 1,000-item members-only Career Toolkit

It is fair to say that serving as co-lead for the *Dobbs v. Jackson Women's Health Organization* amicus brief (mentioned above) was WBA's crown jewel for advocacy during the 2021-2022 bar year. The WBA also presented effective programming that advocated for women in the legal profession. Some of the programs are listed below.

- ▶ **Coaches Chat:** Overcome Negative Career Experiences and Thrive in 2021!
- ▶ **What Firms are Doing:** Strategies for the Retention of Women
- ▶ **Advocacy and the WBA:** History, Strategy, and What's Next
- ▶ **Critical Race Theory:** Understanding a Legal Practice Gone Viral
- ▶ How Can Clean Air Act Enforcement Effectively Mitigate Climate Change and Improve Environmental Justice Efforts?
- ▶ **Fireside Chat Special Edition:** Trailblazers – Women in the Biden Administration
- ▶ Fighting for Gender Equity and Equality at the Federal Government
- ▶ Effectiveness of Initiatives Like the Mansfield Rule
- ▶ A Conversation with Gurbir Grewal, Director of Enforcement at the SEC

²² The 2020 Global COVID-19 Pandemic lingered through 2022. Even though vaccines became available in early 2021, residual variants precluded the in-person May 2021 Annual Dinner. The WBA was, however, able to have a smaller scale in-person Annual Dinner in October 2021.

²³ The COVID-19 variants made planning in-person events risky. Therefore, repeating the 2020-2021 pivot, the WBA decided to once again substitute a fundraising project of selling decorative tea packages prepared by Teatism (a woman-owned restaurant) for its traditional in-person December Holiday Tea.



- ▶ Three-Part Reproductive Rights Series
- ▶ **Infinitely More:** Choosing Freedom, A Career Mom's Turning Point²⁴
- ▶ **Celebrating Representation:** The First Black Woman on the US Supreme Court

It is also fair to say that WBA's proudest moment in 2021-2022 was when its prior Amicus Committee Co-Chair and 2019 Star of the Bar Awardee, the Honorable Ketanji Brown Jackson, was nominated and confirmed by the Senate to serve as an Associate Justice on the U.S. Supreme Court! The "Celebrating Representation: the First Black Woman on the US Supreme Court" program garnered over 300 registrations and had a star panel consisting of the Honorable Bernice Bouie Donald, Court of Appeals Judge for the Sixth Circuit, the Honorable Vanessa Ruiz, Senior Judge for the D.C. Court of Appeals, the Honorable Anita Josey-Herring, Chief Judge of the D.C. Superior Court, Michele Bratcher Goodwin, Chancellor's Professor at the University of California, Irvine and Founding Director of the Center for Biotechnology and Global Health Policy, and Tiffany Wright, Senior Associate and Orrick Scholar at Howard University. Positive recounts and reflections reverberated on this program many months after the presentation.

Conclusions and the Future of WBA Advocacy

In obedience to its legacy, the WBA will remain engaged and continue to advocate for issues that support the professional development and success of women lawyers.

The Advocacy Committee continues to work hard on issues that affect women. The 2022-2023 Committee consists of Bridget Bailey Lipscomb (Immediate Past President), Kandis Gibson (President-Elect), Sadina Montani (Past President), Upnit Bhatti (Board of Directors and Amicus Liaison), Rachel Hardwick (WBAF Immediate Past President), Kerri Castellini (WBA Past President),

Linda Goldwyn (Co-Chair, Government Attorneys Forum and Non-Profit Organizations Practice Forum), and Kiara Anthony (Co-Chair, Community Projects Committee). The subcommittees established during the 2021-2022 initiation year – Litigation, Legislation, and External Strategic Partnerships – continued working on various initiatives that impact women.

In the summer of 2022-2023, the Advocacy Committee added a new subcommittee – Fundamental Rights and Reproductive Rights – to proactively analyze advocacy requests and recommend fundamental and reproductive rights programs. This was in response to the *Dobbs* concurring opinion by Justice Clarence Thomas, where he wrote, "In future cases, we should reconsider all of this Court's substantive due process precedents, including *Griswold*,²⁵ *Lawrence*,²⁶ and *Obergefell*.²⁷ Because any substantive due process decision is 'demonstrably erroneous,' . . . we have a duty to 'correct the error' established in those precedents." *Dobbs v. Jackson Women's Health Organization*, 142 S.Ct. 2228, 2301 (2022). This proposed attack on other fundamental rights led the WBA to dedicate more time and attention to them. The members of this subcommittee also serve as liaisons to the Women Lawyers on Guard, Inc., and National Association of Women Lawyers Post-*Dobbs* Group. Post-*Dobbs* programming included "Post-*Dobbs* Listening Session," and "Can We Talk About *Roe v. Wade*? How Bar Associations Can Stand Up for Reproductive Rights and Stay Intact Through Sensitive Leadership."

Because the Supreme Court overturned almost 50-years of precedence on women's reproductive rights and threatened other fundamental rights, the WBA will likely have abortion and other fundamental rights that impact women as top priorities for years to come. Regardless of the change in the social culture, the WBA will remain true to its legacy and continue to advocate for women.

The future of WBA advocacy will be consistent with its past!

²⁴ Amy Conway-Hatcher is the author of "Infinitely More: Choosing Freedom, A Career Mom's Turning Point." Ms. Conway-Hatcher is also a member of the Women's Bar Association Foundation Board of Directors.

²⁵ *Griswold v. Connecticut*, 381 U. S. 479 (1965) (holding that there is a right to obtain contraceptives).

²⁶ *Lawrence v. Texas*, 539 U. S. 558 (2003) (holding that there is a right to engage in private, consensual sexual acts).

²⁷ *Obergefell v. Hodges*, 576 U. S. 644 (2015) (holding that there is a right to marry a person of the same sex).



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