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TOP
Women Lawyers Addendum
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When will we stop having lists of top women lawyers?

By Daralyn J. Durie

Why lists?

Lists are useful nuisances. They help us remember things, like what to get at the store. (More on this later.) Lists help us notice things, like how many people have been exonerated through DNA evidence, or how few tenured female law professors there were at my law school when I attended. Those lists are reminders not to assume that the way things are is the way they must or should be.

I am glad to be on a list of women lawyers, in no small part because it seems to be a necessary step to creating a world in which there are just lists of lawyers who are good at something.

When I graduated from what is now Berkeley Law in 1992, my class was slightly more than half women. I assumed that issues around the equal participation of women in the legal profession, at least for my cohort, were moot. Starting out, I was a woman, I was a lawyer, and that was just me. I did what I did, just as my male peers did what they did. No problem.

And yet, I sometimes want every litigator in my firm to have a sign on their door: "It has been [N] days since I was mistaken for a court reporter." I was mistaken as such, not too long ago, in a conference



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room at a major law firm in a major city, while on a Zoom call with a client, dressed like a partner at a San Francisco law firm. The person making the mistake was a lawyer at the firm, roughly my age, probably a partner. He didn't apologize.

The first list I can remember get-

ting on was the *Daily Journal's* list of top women lawyers. At least a couple of other women partners from my firm were on the list too, and we made a trip together down to L.A. for the reception. I was sufficiently happy to be on a list that I didn't spend that much time think-

Women lawyers are still mistaken for non-lawyers, are underrepresented in lead roles, and are expected to conform to a male-dominated vision of what a lawyer should look like. Being on a list of top women lawyers is useful, but insufficient to achieve gender equality in the legal profession.

ing about the specifics of the list that I was on. Over time, however, I started to have more complicated feelings about that list. I don't want to be a top woman lawyer; I want to be a top lawyer.

The situation seems to be better now in schools—I expect there are

more than two tenured women at what is now Berkeley Law—but in significant commercial cases, the situation feels little better than when I started to do this over 30 years ago. Clients set goals for diversity on their teams, but still disproportionately hire men in lead roles. And the higher the stakes, the truer that seems to be. (A new initiative that I am involved in, the Lead Counsel Summit, aims to change this.) The lists that are not lists of women lawyers, but just lists of lawyers, still skew overwhelmingly

male. Last year I was the only woman on one such list. People complained. This year there are two.

What gives? We know many of the reasons, and the disproportionate burden of parenting is still lead among them. But it's not just that. At least in my line of work, we have a vision of what a lawyer should look like, and it still tends to be a man. When I mentioned a list for the store, what kind of list did you envision me making? Did you see me writing down chain lubricant for my Ducati on that list?

I am proud to be on the Top Women Lawyers list. Very proud. Because right now being on the list seems to be the best place to fight for a world in which the list is retired as superfluous. So, lists: Good to be on them; better not to need them. Let's see if we can make that happen.

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