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Good Sports - A Level Playing Field Gives Women Equipment to Succeed

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Every once in a while, the world of sports helps me understand the legal profession a bit better. Recently, as sports fans know, the International Olympic Committee (IOC) decided to drop baseball and softball from the 2012 summer Olympics.

Many observers attribute the baseball decision as a slap at the United States. The steroid-abuse scandal, as well as Major League Baseball's refusal to let its best players leave during baseball season to play in the Olympics, probably contributed to the IOC's decision. But what people forget is that the U.S. baseball team failed to even qualify for the last Olympics, let alone win a medal.

Softball, though, is another story. The American Women's softball team (at the Olympics, softball is only played by women) has so dominated the playing field that it verges on the ridiculous. The softball team won three straight gold medals at the Olympics, and its record in the World Cup of Softball is so staggering that when it actually lost two games in mid-July, sportswriters were stunned.

In an Olympics era when the U.S. men's basketball team loses to Argentina and Costa Rica and the U.S. baseball team is not one of the eight best in the world, but our women's basketball and softball teams dominate the competition, something must be up.

I blame Title IX.

That is, I blame Title IX (the 1972 federal legislation that banned sex discrimination at any school receiving federal funds) for giving young American women the same opportunities to excel in athletics as young men have always had.

Title IX takes a lot of flak (some of it deserved) for the closure of strong men's college sports programs, but there can be no doubt that if it weren't for Title IX, all those women who yearned to play sports would have had to satisfy themselves with the crumbs left over from the more high-profile and lucrative male sports, such as football.

Title IX is why the American women's softball team is so good, which is the major reason it got nixed from the Olympics. Let's hope the team manages to get back on the agenda for 2016.

What does all of this have to do with the legal profession? Title IX show us what can be done when the playing field is leveled. Give women the same opportunities as men, and people will never stop being amazed at what women can accomplish.

People forget that Title IX applies to academics as well as athletics, and the difference in women's academic accomplishments since 1972 is similarly stunning. According to *Gender Equity in Sports*, a Web site maintained by two researchers at the University of Iowa:

- In 1994, women received 38 percent of all U.S. medical degrees compared with 9 percent in 1972.
- In 1994, women earned 43 percent of all U.S. law degrees, compared with 7 percent in 1972.
- In 1994, women earned 44 percent of all U.S. doctoral degrees compared with 26 percent in 1977.

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Clearly, Title IX wasn't the only factor at play in those statistics, but it's hard to argue that it was irrelevant. By most accounts, women now make up at least half of most law school graduating classes. So leveling the playing field has definitely made a difference at the academic level.

Cultural Issues

Women face dramatically different terrain once they graduate from law school. There are work-life issues, but another issue is culture. The professional world is simply more accustomed to nurturing the talents of its male workers than its female workers.

Marketing and office patter still revolves around sports, in particular, male sports (although I'm sure there are firms that have season tickets to women's basketball, they are in the distinct minority). For most men, sporting events represent a default or common denominator that can be used to easily socialize with business prospects.

Until recently, law firms hadn't done anything to address the obvious male bias in their business development efforts. Fortunately, that's changing, as more firms (including mine) are instituting women's initiative committees aimed at improving the old girls' network and giving women lawyers the business development skills they need to play at the same level as their male colleagues.

Committee projects range from formal retreats and networking luncheons complete with speakers and marketing training to more informal gatherings aimed at promoting camaraderie among a firm's female layers. Many firms have also instituted a formal part-time/flex-time option to help lawyers (male and female) better deal with family obligations.

The rap on such initiatives is that they amount to "special treatment" for women. But women's initiatives only aim to give women the same thing men have had for centuries – a field guide to the unwritten rules of business and the opportunity to put them to work.

The good news is that – partly because of Title IX – girls are involved in team sports much more than they were in previous decades. So the girls now duking it out in third-grade soccer – steeped as they will surely be in competitive spirit and sportsmanship, the seeds of business success – will be better equipped to succeed in the work world.

To be sure, women also face significant obstacles combining their work and family obligations. The law firm world, as well as corporate America, are slowly coming to grips with this problem. High turnover among women and the loss of capital that happens each time a woman lawyer leaves the workforce will continue to cause significant problems until work-life balance issues are addressed.

But leveling the playing field can go a long way toward giving women the tools they need to succeed, or, in the case of the women's softball team, succeeding so much that others resent you.

We all should have such problems.