Is the Law Male: Let Me Count the Ways

Lynn Hecht Schafran

Follow this and additional works at: https://scholarship.kentlaw.iit.edu/cklawreview

Part of the Law Commons

Recommended Citation
Available at: https://scholarship.kentlaw.iit.edu/cklawreview/vol69/iss2/9
IS THE LAW MALE?: LET ME COUNT THE WAYS*

LYNN HECHT SCHAFRAN**

When the American Bar Association Commission on Women in the Profession joined with Chicago-Kent Law School to initiate the "Is the Law Male?" continuing legal education programs that produced this Symposium, we had three goals in mind. First, to introduce the wider legal community to the path-breaking feminist theorists working in legal academia. Second, to encourage the use of feminist legal theory in legal practice by demonstrating how some lawyers are already using this approach in their own cases. And third, to make the legal community aware of the extensive range of substantive and procedural issues which have gender implications and to which feminist legal theory can be applied. It is on that third goal that this Essay elaborates.

My own vantage point, since 1981, has been as Director of the National Judicial Education Program to Promote Equality for Women and Men in the Courts (NJEP): a project conceived and supported by the NOW Legal Defense and Education Fund, with the National Association of Women Judges as co-sponsor. NJEP was established in 1980 for the purpose of introducing information and materials about the myriad ways gender bias effects judicial decision making and courtroom interaction into the national, state, and federal continuing education programs for judges.1 A particular concern of NJEP's has been to move beyond specialized courses focused on gender issues and to have these issues integrated throughout the judicial education curriculum wherever they are relevant.

NJEP's approach was to define gender bias as having three components: (1) stereotypical thinking about the nature and roles of wo-

---

** Director, National Judicial Education Program to Promote Equality for Women and Men in the Courts, a project of the NOW Legal Defense and Education Fund in cooperation with the National Association of Women Judges, and Advisor to the American Bar Association Commission on Women in the Profession. B.A. Smith College, 1962; M.A. Columbia University, 1965; J.D. Columbia University School of Law, 1974.
men and men; (2) how society values women and men, including what is perceived as women's work; and (3) myths and misconceptions about the social and economic realities of women's and men's lives. NJEP attempted to demonstrate to the judiciary, in highly concrete terms, how each of these components was manifested in the courts; how it undermined the fair administration of justice; and the steps judges could take to ensure that decision making, procedures, and interactions in the courts are not tainted by this kind of bias in the future.

For example, NJEP's pilot course, presented at the California Center for Judicial Education and Research in 1981, included a one-hour segment on sex stereotypes and gender-biased attitudes toward women in judicial decision making and in statutes themselves, using rape as an example; a half hour on the dynamics of court interaction; and a two-hour segment on support awards and enforcement. In the rape segment, judges had an opportunity to make decisions about rape evidence hypotheticals under California's then-new rape shield law and to explore the myths about rape that make these special rules of evidence necessary. In the court interaction segment, judges were asked what they would do about a role-played incident in which a male attorney denigrated and interrupted two women attorneys before the judge. They were then asked to role-play being the presiding judge of the court and receiving from the Women Lawyers Association a letter of complaint about a particular judge who repeatedly demeaned women attorneys.

During the support awards and enforcement segment, Professor Carol Bruch of the University of California-Davis Law School and Dr. Lenore Weitzman presented detailed information about alimony, child support, and property distribution nationally and in California, including the study that became Dr. Weitzman's well-known book, The Divorce Revolution: The Unexpected Social and Economic Consequences for Women and Children in America. The judges first determined what, if any, spousal and child support awards they would make in a hypothetical case, and then explored how these awards would be eroded by inflation, the kinds of jobs a long-term homemaker wife could obtain, the costs of child raising and child care in California, and the much lower post-divorce standards of living of ex-wives compared

2. The National Judicial Education Program's pilot course titled "Judicial Discretion: Does Sex Make a Difference?" was developed by NJEP's founding director, Dr. Norma J. Wikler. The Instructor's Manual and Participant's Binder for this course may be purchased from NJEP, 99 Hudson Street, 12th floor, New York, N.Y. 10013; (212) 925-6635.
to ex-husbands as a result of inadequate and unenforced spousal and child support.

During the 1970s, when the NOW Legal and Education Fund was developing the concept for what became the National Judicial Education Program, and during the first years of NJEP's work in the early 1980s, the terms "feminist legal theory" and "feminist jurisprudence" were not yet in use. When the first references to this new analytical approach to the law emerged in conferences and articles in the mid-eighties, my response was like that of Moliere's bourgeois gentilhomme who discovered that he had been speaking prose for forty years without knowing it; NJEP had been speaking feminist legal theory. The aspect of feminist legal theory that makes it of such interest to NJEP is its concern with having an impact on the real world. In the words of Harvard Law Professor Martha Minow, feminist jurisprudence "pursues [a] perpetual critique . . . while also searching . . . for practical justice, not just more theory." Additionally, like NJEP, although feminist jurisprudence began with a focus on so-called "women's issues" such as support awards and rape, it has branched out to ask what all law and legal process would look like if they embodied a less abstract, more caring ethic; an inclusive world view; and if theory were derived from the reality of all women's and men's lives rather than imposed on it.


Note that although the "Is the Law Male?" programs focus on substantive law and procedure, feminist legal theory also criticizes the organization of legal practice as male in its assumption that practitioners have no interest or obligations outside work, no children or elderly relatives to care for, and a wife at home to handle all domestic matters and keep the family's emotional motor running. See, e.g., Lynn Hecht Schafran, Lawyers' Lives, Clients' Lives: Can Women Liberate the Profession? 34 VILL. L. REV. 1105 (1989); Symposium on Women in the Lawyering Workplace: Feminist Considerations and Practical Solutions, 35 N.Y.L. SCH. L. REV. 293 (1990). For an approach to a more humane style of practice see Memorandum from the ABA Commission on Women in the Profession, Lawyers and Balanced Lives: A Guide to Drafting and Implementing Workplace Policies for Lawyers (1990) (including discussions of and sample policies for parental leave and alternative work schedules) (on file with the Commission at 750 North Lake Shore Drive, Chicago, IL 60611 (312) 988-5688).
"Is the Law Male?"

The question "Is the Law Male?" will be understood by some readers on sight, puzzled over by others as a conundrum, and dismissed by still others as a joke. One way to understand its import is by analogy to how women are treated by the medical profession.

The public has recently become aware of a set of issues that women's health advocates have been discussing for years: the male body as the standard for medical training, research, and treatment. The "maleness" of medicine has been manifested in the use of the male-disease model as the norm in medical schools and in the standard definitions of illnesses, in the exclusion of women from clinical drug trials, and in Congress's failure to fund research into women's health problems while putting major money into the illnesses that beset men. Adherence to the male model in medical schools has meant that physicians are not taught that breast and pelvic exams are part of a complete physical; not taught that illnesses such as ulcers, heart disease, lupus, rheumatoid arthritis, and gallbladder disease affect women and men differently; and not taught to appreciate the psychological impact on women of radical mastectomy and hysterectomy. What medical students have learned is that it is acceptable to tell women to cut off their breasts and cut out their uteri as soon as they are finished having babies.7

The use of the male-disease model in defining illness has had acute repercussions for female victims of AIDS.8 Female AIDS victims rarely get Karposi's Sarcoma, an AIDS-related cancer frequently seen in male AIDS victims. But they do get cervical cancer, candidiasis, and pelvic inflammatory disease. Because physicians were locked into the male model of what AIDS looked like, they failed to diagnose and properly treat many female AIDS victims. The male model of AIDS was also the standard definition used by the Social Security Administration to award disability payments, locking female victims out of the payments they desperately needed to support themselves and their families.

Women's exclusion from drug trials has made men's response to new drugs the standard, with the result that doctors have no knowledge of how women's different physiology and hormones are actually

affected by these medicines. For example, the fact that women absorb antidepressants and tranquilizers at a different rate than men has implications for dosages. In one case, an antidepressant approved without being tested on women caused more seizures in women than in men because of the difference in absorption patterns.

With respect to medical research, a study demonstrating the efficacy of aspirin in reducing heart attacks included 22,071 men and no women. Physicians reading the results of this study had no way of knowing whether women, too, should take aspirin on a preventative basis. One study that determined that heavy caffeine ingestion from coffee drinking did not increase the risk of heart disease and strokes had 45,589 subjects, all male. Women reading of this study were not told that the unique risks to women from caffeine, such as fibrous cysts of the breast, were not studied, and that the findings about men should not be generalized to women. As to why the overwhelmingly male Congress funded research into heart disease in men while ignoring women's diseases such as osteoporosis and breast cancer, Representative Patricia Schroeder observed that "[y]ou fund what you fear."

Similarly in the law, men's life experience and perspective have been treated as the norm. For example, rape laws are a codification of men's fears of false accusations. Fortunately, for more than a decade, a growing number of women in the law and some of our male colleagues have been "asking the woman question," as Duke University Law Professor Katharine Bartlett puts it, "designed to identify the gender implications of rules and practices which might otherwise appear to be neutral or objective."

12. It should be noted that heart disease is the biggest killer of women and that men also get breast cancer. However, the widely held belief that women do not have heart attacks has meant that women have been ignored in the research, and that treatment for female victims of heart disease has been too little and too late. Grace Lichtenstein, Crimes of the Heart, MIRABELLA, Sept. 1992, at 154.
Until recently the law was literally man-made, there being no female legislators, lawyers, or judges, and the consequences for women were not pretty. Women were denied the right to vote, own property, enter into contract, sue in their own names, serve on juries, have custody of their children, or engage in many different types of employment. During the confirmation hearings for U.S. Supreme Court Justice Ruth Bader Ginsburg, the review of the Supreme Court cases that established her as a pioneer litigator for women's legal rights reminded us that less than twenty-five years ago Idaho had a law automatically preferring men to women when equally entitled petitioners sought to become estate executors, and the Social Security Act provided less protection to the survivors of working women than to those of working men.

Apart from the rape laws noted above and discussed elsewhere in this Symposium, state and federal laws have been largely purged of their overt anti-woman content. But there are still instances in which "rules and practices which . . . appear to be neutral" are not. Immigration laws and policies are a paradigm example in their repeated failure to comprehend and allow for the role of domestic violence, rape, and poverty in women's lives.

The Marriage Fraud Amendments of 1986, directed at couples married for less than two years, effectively barred battered women who were conditional residents from leaving the abusive relationship. It took four years, but in 1990 feminist lawyers and legislators succeeded in adding a waiver provision to the law to enable these women to obtain residency status without a filing by the husbands who were holding them hostage by refusing to file the requisite joint petition to remove conditional status.

Then, in 1991, the Immigration and Naturalization Service issued an interim rule eviscerating the waiver for victims of "extreme cru-

17. Dorothy E. Roberts, Rape, Violence, and Women's Autonomy, 69 CHI-KENT L.REV. 359 (1993). Rape laws continue to express a supremely male view of the world in their premise, absurd to women but a wishful truth for men, that every woman is willing to have sex with any man any time. It is no accident that it was during Indira Gandhi's tenure as prime minister that India switched the burden of proof in rape cases to require men to prove consent. Letter to the Editor from Rafiq Zakaria, N.Y. TIMES, Oct. 20, 1993, at A14.
18. See supra note 14 and accompanying text.
elty" such as kidnapping or threats who had not experienced physical violence. The INS required these victims to submit the affidavit of a licensed clinical social worker, psychologist, or psychiatrist attesting to the abuse. Feminist lawyers pointed out that rarely can abused immigrant women locate mental health professionals or afford their services.21

Feminist legal advocates are still seeking to remedy this inequity, and also provide help to abused women in marriages of more than two years’ duration who do not have conditional residency. Under the Immigration and Nationality Act22 the petition for residency for the alien spouse must be filed by the permanent resident or citizen spouse. The battered alien wife fears that reporting her husband to the police will lead to her deportation, and the husband holds her hostage by refusing to petition for her residency. The House version of the pending Violence Against Women Act would cure this by providing for self-petitioning by the alien spouse.23

Today, women gang raped in Haiti and El Salvador because of male family members' political activity are beginning to seek asylum in the United States.24 Knowing how extremely reluctant American women are to report rape to our own authorities,25 and the torment experienced by the few immigrant women who have told—or been too ashamed to tell—their stories of rape to U.S. judges,26 it is painful to learn that the Clinton Administration has proposed a plan for expediting the exclusion of asylum seekers at ports of entry that takes no account of these kinds of cases. As Hope Frye, president of the American Immigration Lawyers Association says, "It's just not possible for a woman to tell a stranger in uniform at a foreign airport the

22. 8 U.S.C. 1101(a).
25. Victim studies disclose extremely low rates of rape reporting. Findings range from a high of 16% (NATIONAL VICTIM CENTER & CRIME VICTIMS RESEARCH AND TREATMENT CENTER, RAPE IN AMERICA: A REPORT TO THE NATION 6 (1992)) to a low of only 7% (MAJORITY STAFF OF THE SENATE COMM. ON JUDICIARY, 102D CONG., 1ST SESS., VIOLENCE AGAINST WOMEN: THE INCREASE OF RAPE IN AMERICA 1990, at 7 (Comm. Print 1991)).

Rape victims are reluctant to report because they fear retaliation, disbelief, the loss of privacy and the criminal justice system. Lynn Hecht Schafran, Writing and Reading About Rape: A Primer, 66 ST. JOHN'S L. REV. 979, 1013-17 (1993).
grisly details of how she was gang-raped by people in uniform in her own country.”

**SHOULD I TAKE HER CASE?**

A threshold issue for civil plaintiffs and crime victims is getting into court, which usually requires getting a lawyer to believe in your case. A lawyer who does not realize what he or she does not know about the social and economic realities of women’s lives, and who buys into—however unwittingly—the misogynist myths about women’s credibility, plays a role in denying women access to justice. A story about a sexual harassment case illustrates this aspect of the law as male.

A few years ago the Washington, D.C. judicial conference included a presentation on sexism in torts and damages. The judge organizing this panel contacted several lawyers in the hope of finding female plaintiffs as speakers. One lawyer responded with a lengthy letter about a client in a sex harassment case whom he had hoped would be willing to speak, and about how his own ignorance almost prevented him from taking her case. I quote extensively from this letter because it provides a singular evocation of what our profession has yet to learn about women’s lives, and how that ignorance affects our advocacy and women’s access to the courts. The lawyer wrote:

I had especially hoped to obtain the assistance of one particular former client, whose case was most enlightening to me as an attorney. This lady called several times, nearly hysterical . . . I tried to avoid talking to her, because she seemed crazy. Finally, our receptionist persuaded me to meet with this lady. Our initial conference started off strangely, as the prospective client asked if I could give her several large manilla envelopes. I did, and she placed them strategically on the leather of the chair, before sitting. She explained that she was so upset by the events, that she would sweat profusely whenever she thought about her case.

27. *Id.*

28. Being a woman, even a feminist woman, does not automatically confer knowledge. For example, in her recent *Atlantic* article, “Feminism’s Identity Crisis,” noted feminist Wendy Kaminer wrote, “[i]n some feminist circles . . . it is heresy to suggest that being raped by your date may not be as traumatic or terrifying as being raped by a stranger who breaks into your bedroom in the middle of the night.” *The Atlantic Monthly*, Oct. 1993, at 51, 67. Ms. Kaminer is apparently unaware of the extensive clinical research documenting that neither the relationship between rapist and victim nor the amount of force used to accomplish the rape is determinative of a victim’s response and recovery. Victims of nonstranger rape (the vast majority of victims) often have a more difficult time recovering because the rape was accomplished by gaining the victim’s confidence, with the result that the victim’s ability to trust anyone is shattered. Schafran, *supra* note 25, at 1018-20 and cites therein.

When she came to my office, she was the chief telephone operator for her private employer. She claimed that the distinguished man who headed the division in which she was employed had harassed her repeatedly, and in most outrageous ways. For instance, as she was xeroxing papers, he came up from behind and pressed himself against her buttocks. On one occasion, he called, said it was his birthday, and asked why she had not brought him a card. During lunch, she bought a card and brought it over to his office. He closed the door, grabbed her, kissed her and brought a hand up under her blouse to touch her breasts. He would call her up, promising “to light such a fire on her tail” that she would never want any other man afterwards.

This lady rebuffed and resisted these advances, which occurred in private, without suffering any consequences. But, when on one occasion he tried to touch her while he was in the company of several of his male assistants, she slapped his hand away. Then, all hell broke loose. Everything she did on the job was wrong, and he devoted himself to breaking her spirit and making her an outcast.

As crazy as all of this sounded, I told this lady I would not represent her until I had spoken with her psychiatrist and psychologist. The client agreed and got up to leave, but first threw away the manilla envelopes, which were indeed soaked.

I spoke to her psychiatrist . . . . He told me that there was no evidence of fabrication, and he believed her story. Her psychologist concurred, so we plunged ahead.

The case was assigned to Judge X and full discovery was held. Still, as of a few days before pretrial, there was no independent corroboration, and my only strength was the believability of my client. Then, an unrelated woman employed in a different area at the same institution called and asked for an appointment. She came in, and told her tale. It turned out that she had been harassed by the same man, in many of the same ways. She was quite willing to be a witness, and also directed me to a third person, in yet another department, with similar experiences at this man’s hands.

Amazingly, my client and the other two ladies had all brought their complaints to their employer’s internal EEO office. When request was made to add these two witnesses at pretrial, and Judge X discovered that defendants had known of these other complaints, the case settled rather quickly. . . .

Now the reason I have burdened you with such a long letter, is because of my feeling that the objective at this judicial conference is extremely important. I do not think I am any less sensitive than most lawyers, but in this case, I was about to reject a meritorious case, because it seemed to be too awful to believe. And, I was mistaking the client’s desperate cries for justice, with hysteria.

I am not saying that I have learned how to do this without making mistakes, but all of us, lawyers and judges, need to remember that unspeakable acts are sometimes committed even by respected
people and that the most severely injured of their victims may be the hardest to believe.\textsuperscript{30}

This is a moving letter, and I thank the lawyer who wrote it for his willingness to expose his own ignorance in furtherance of reform. I consider the crucial point of his letter the phrase "[a]s crazy as all of this sounded" (emphasis supplied) after the description of the harassment this woman endured. I believe in verifying clients' allegations, but why did he perceive this woman's story as "crazy"? It certainly does not sound crazy to me. University of Maryland Law Professor Robin West has written about the often strikingly different reactions of women and men to the statistics and specifics about violence and harassment against women. She asks, "Why is my reaction so \textit{different} [than men's]?"

I attribute it to this: my reality—both internal and external—includes that violence, the pain it causes and the fear it engenders. Not only have I lived it (and they haven't), but I talk to women (and they don't) and women talk to me (and not them). Like all women I know, I hear narratives of violence which are not heard by any man with the sometimes exception of male therapists. My male colleagues think my neighborhood is safe; they weren't told (I was) the details of a recent rape. I \textit{hear} about the date rapes of students . . . ; my male colleagues do not . . . . I \textit{hear} (men don't) about marital violence. . . . I \textit{hear} women's memories of early sexual abuse. . . . I draw this simple inference: Women and men have wildly different "ignorant" intuitions about the amount of danger, violence and fear in women's lives because women live it and men don't and women \textit{tell} other women and not men.\textsuperscript{31}

\textbf{What is Taught in the Law Schools?}

Making women's real life experiences visible and understood as they relate to the law means, for example, informing the profession about the actual rates of sexual and domestic assault against women and the fear of this pervasive violence with which women live every day. This needs to begin in the law schools. A University of Kentucky law professor\textsuperscript{32} begins the rape section of her criminal law course by asking each male student to tell the class what he does on a

\textsuperscript{30} Letter to a Judge of the Superior Court of the District of Columbia concerning the 1988 Washington, D.C. Judicial Conference on Racism, Sexism and Gender Orientation in the Law (Apr. 26, 1988) (for confidentiality reasons the names of the lawyer and the judge have been omitted).


\textsuperscript{32} Carolyn S. Bratt, Professor of Law, University of Kentucky; B.A. 1965, SUNY at Albany; J.D. 1974, Syracuse University.
daily basis to protect himself from sexual assault. The response is a puzzled silence. Then she asks the female students, each of whom has something to say: I do not go to a certain mall because its parking lot is badly lit. Before I get into my car I look to see if anyone is in the back seat. I do not come to campus at times when there will not be many people around. I sleep with my windows locked no matter what the weather. The first time this law professor tried this teaching technique one woman said, "I don't worry about anything anymore. I carry a loaded gun," and opened her handbag to take out a pistol. Each year the men in the class are stunned to learn that fear of rape is a daily reality for their female colleagues and in many ways conditions their lives.\(^3\)

When law professors teach this kind of material without being fully informed themselves, the results can distort reality and mislead students. A few years ago I learned that a lawyer teaching the law and psychiatry course at a New York law school was telling his class that it was a good thing if police did not arrest the batterer when they were called to a wife beating case. I wrote to him about a study conducted by the Police Foundation demonstrating that arrest, rather than telling the batterer to walk around the block, is the most effective means to reduce recidivism.\(^3\)\(^4\) The professor called me to say that he was not teaching that the police should do nothing. He was teaching that they should to take the batterer to a hospital for a shot of thorazine. When I told him that the incidence of domestic violence is not just a few men having psychotic episodes, but rather an epidemic of violence that crosses all economic, racial, religious, and ethnic lines and is minimally estimated to effect two million women every year,\(^3\)\(^5\) he was shocked.

**Is the Law Male? Let Me Count the Ways**

The "Is the Law Male?" program at the 1993 American Bar Association annual meeting which produced this Symposium issue of the *Chicago-Kent Law Review* addressed aspects of tort, family law and rape and the use of expert witnesses in sexual harassment cases. The purpose of my remarks on that occasion was to impress on our audience that, in terms of the subject matter areas where gender is an issue

in the courts, we had barely scratched the surface, and to suggest ways to introduce the concepts discussed at that program to judges, lawyers, and law students who would be suspicious of something called "feminist legal theory."

The reading materials distributed at the program included the table of contents from a book I wrote in 1989 titled *Promoting Gender Fairness Through Judicial Education: A Guide to the Issues and Resources*. This is a 200 page guide to more than fifty substantive and procedural areas in which gender may be a factor, and the ways that these issues can be integrated throughout the curriculum. Given the title of the book, it is obvious that it was written for use in developing judicial education programs. But the title can be read as having a double meaning. "Judicial education" is not just what goes on at the National Judicial College or a circuit conference. Lawyers educate judges in the course of every case. Lawyers are the essential complement to the other kind of judicial education, especially because different judges have very different notions of what they can take judicial notice of, and they want lawyers to bring this information into the courts.

*Promoting Gender Fairness Through Judicial Education* covers subjects ranging from abuse and neglect to trial skills, with issues such as driving while intoxicated, medical negligence, municipal liability, and law and psychiatry in between. Law and psychiatry, for example, is a topic that covers a host of gender-related issues such as battered women's syndrome, rape-related post-traumatic stress disorder, and research showing how sex-stereotyping can color mental health professionals' evaluations and expert witness testimony in a multitude of legal contexts.

Blaming mothers but not fathers for children's problems is rampant in the professional literature where mothers have been indicted for seventy-two kinds of psychopathology in children ranging from stuttering to schizophrenia.\(^{36}\) Although current research demonstrates the fallacy of blaming mothers and points to the genetic origin of many of these problems, not all practitioners have discarded this fallacy.

Stereotypes about women as passive and dependent can affect mental health professionals' assessments of competency and fitness of

---

women who are in fact assertive and independent.\textsuperscript{37} Research indicates that where gender bias exists among social workers it is nearly always against women, and that social workers tend to adhere to traditional male and female sex roles, damning the mother or father who does not conform to traditional sex roles in parenting or work.\textsuperscript{38}

Lawyers who utilize any kind of psychological testing should be aware of the biases there. For example, in the widely used Minnesota Multiphasic Personality Inventory, responses by women involved in divorce proceedings or custody battles may produce results similar to those produced by paranoid personalities.\textsuperscript{39} There is an ongoing fight over the Diagnostic and Statistical Manual of Disorders' addition of diagnostic categories such as "Self-Defeating Personality Disorder" that can be wrongly used to describe women trapped in abusive situations.\textsuperscript{40}

\textbf{SPREADING THE GOSPEL}

As noted earlier, in addition to encouraging the audiences for its "Is the Law Male?" programs to learn about feminist legal theory because it enhances advocacy, the ABA Commission on Women in the Profession charges its audiences with bringing this knowledge to male and female colleagues and encouraging them to use it. Undoubtedly, many of you reading this Essay have just said to yourselves, "The men I know in this profession are not going to come to a program called 'Is the Law Male?'" And you are right. That is why, when you want to be sure that men as well as women will attend, you should avoid words such as male, female, gender, and feminist in the program titles, while integrating the substantive material into continuing legal education programs for your local and state bars, your own office if you conduct in-house training, and any teaching you do at law schools.

The 1992 Report of the Select Committee on Gender Equality of the Maryland Judiciary and the Maryland State Bar Association provides a model. This report states that using \textit{Promoting Gender Fairness through Judicial Education}, the Judicial Institute of Maryland has included gender issues in the following list of programs:

\begin{itemize}
  \item 37. \textit{Bias in Psychotherapy} (Joan Murray & Paul R. Abramson eds., 1983).
\end{itemize}
Specialty Topics in Addiction
The Right to Forego Treatment
Marital Property
Mental Health Issues Affecting Maryland Courts
Contempt
Fairness in the Courtroom
Demeanor and Efficiency in the Courtroom
The Use of Experts in Disputed Custody Cases
Expert Testimony in Juvenile and Domestic Court
Handling the Chronic Youthful Offender
Emergency Ex-Parte Orders
Alternative Dispute Resolution
Race and the Criminal Process
Employment Law

The effectiveness of this integrated approach in attracting an audience is illustrated by a story from Justice Rosalie Wahl of the Minnesota Supreme Court, chair of the Minnesota Task Force for Gender Fairness in the Courts. At a state-wide meeting of judges, a session on family law was so popular that judges "were fighting to get into the room." The session was actually the pilot test of a curriculum on spousal and child support created by the Women Judges’ Fund for Justice. Afterward, Justice Wahl overheard two male judges discussing the program and saying "Well thank goodness we don't have any of this gender stuff—gender education—this time." As Justice Wahl said, "The funny thing is . . . we had a half day of it! They didn't even recognize it! It may be that when you label it, some of them don't like it, but they don't recognize it when they see it."43

Avoiding program titles with words like "gender" in them is not cowardice. Integrating gender issues throughout legal and judicial training under substantive law headings is the way to ensure that these issues will not be perceived as something tangential to the real work of the courts, to be covered grudgingly in an hour or two every five years, but rather as part of the mainstream of the law with which judges and lawyers must grapple every day.

42. The Women Judges’ Fund for Justice is the 501(c)(3) educational arm of the National Association of Women Judges.
If these issues are integrated consistently and repeatedly into education for law students, lawyers, and the judiciary, women's perspectives will eventually become integrated into law and legal practice, and programs titled "Is the Law Male?" will become meaningless within a context where the diversity of human experience is fully recognized.