

The Catalyst

The newsletter of the Illinois State Bar Association's Standing Committee on Women and the Law

Chair's column

BY LORI LEVIN

This year, the Women and the Law Committee (WATL) is continuing its legacy of successful advocacy for women's issues in general and women's lawyer interests specifically.

In October, the committee and the larger Illinois State Bar Association were honored by the Illinois Women's Institute for Leadership Training Academy with a Trailblazers Award for our work that helped Illinois pass the Equal Rights Amendment to the United States Constitution. Our committee's members

not only lobbied the ISBA to unanimously support the amendment but then lobbied legislators and provided background material to the General Assembly that finally secured Illinois' ratification of the Equal Rights Amendment. We continue to provide resources to lawyers in other states, such as Virginia, who are working to be the final state necessary for ratification.

In November, we presented a successful Continuing Legal Education program on Advancing Your Firm: Personal Branding

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Book review: *The Woman Behind the New Deal* by Kristin Downey

BY CINDY G. BUYS

Can you name the first female member of the U.S. Cabinet? Until I read, "The Woman Behind the New Deal: The Life and Legacy of Frances Perkins," I could not. I have mentioned Frances Perkins to many of my well-educated friends and almost none could tell me who she was. That is truly a shame and an indictment of our educational system. Not only was Frances Perkins a trailblazing woman, she was a crucial figure

to many government programs that are the backbone of the social safety net today.

Frances Perkins was born in Boston in 1880. She had an unusual father for the time, because he taught her to read Greek at age 8 and supported her attendance through both high school and college at a time when only 3 percent of women went on to higher education. Ms. Perkins earned her undergraduate degree at Mount

Holyoke, where she was influenced by Mary E. Woolley—a feminist who became the president of the college during Ms. Perkins' time there—and Florence Kelley—executive secretary of the National Consumers League, who became a mentor and friend.

Following college, Ms. Perkins took several teaching jobs, eventually landing in Chicago where she became involved in

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for the Female Attorney. Organized by members Dina Ninfo and Tracey Douglas and moderated by Board of Governors member Ava George Stewart, the panel featured different and ethical marketing strategies and gave tips how to target different and diverse audiences. Our panelists were committee members Shira Truitt and Annemarie Kill as well as Melissa Smart from ARDC and ISBA members Masah Samforay and Carol Jones. Following the program, a reception sponsored by Komie and Associates allowed the audience to mingle with the speakers and gain one-on-one practical advice.

Member Kristen Prinz taped a video on the differences between equal and equitable pay for the ISBA's YouTube channel. As women strive for equality, issues of equal pay as well as equitable pay remain in the forefront. This video is one of several



planned to further public outreach and access to justice.

We plan to hold our third annual International Women's Day Tea in March and have an exciting continuing legal education program on girls in crisis that will feature national and local speakers.

For more information on these efforts and others, please reach out to Melissa Burkholder, ISBA Director of Section Services, mburkholder@isba.org, 312-920-4682 or me. ■

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Book review: *The Woman Behind the New Deal* by Kristin Downey

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social work, including at Jane Addam's Hull House, a life-changing experience. In 1907, Ms. Perkins took a new job in Philadelphia investigating and assisting in the prosecution of persons who were tricking immigrant woman into sexual slavery. During this time, she realized she needed to deepen her understanding of economic and social issues, so she enrolled at the Wharton School of Finance and Commerce at the University of Pennsylvania, which had only recently begun accepting women. She then received a Fellowship at Columbia, so she moved to New York to continue her studies and focus her work on the problems of the poor. While there, she became a leader in the suffrage movement. Following graduation with a master's degree in political science in 1910, she took a job with the National Consumers League in New York, which advocated for workers' rights and protections. Her areas of focus included poor conditions in cellar bakeries, long hours and poor wages for women, workplace fire hazards, and above all, the elimination of child labor. Her work involved a significant amount of advocacy for new laws to protect workers, which in turn brought her into contact with many influential politicians. Her political contacts included former president Theodore Roosevelt, who appointed her to lead a new reform organization, the Committee on Safety, which investigated workplace fire hazards.

After a short respite for marriage and motherhood, Ms. Perkins' next project was to head a new effort to provide maternal and infant care to poor women. She became the secretary of a new organization, the Maternity Center Association, which operated a network of free ob-gyn and well-baby centers across New York City.

In 1918, Francis Perkins was crucial in helping Al Smith win the Governorship in New York, which resulted in her appointment to the state Industrial Commission. She was the first woman to hold such an administrative position. In that role she successfully navigated disputes

between labor and industry and continued her work improving labor conditions. Smith chose Franklin Delano Roosevelt to be his successor for governor of New York. FDR won that office in 1928 when Smith unsuccessfully ran for the U.S. presidency. FDR promoted Ms. Perkins to head the state industrial board. Although Mr. Perkins had first met FDR in 1910 in New York, it was during the next four years of his governorship that they worked very closely together and formed strong bonds, personally and professionally.

Ms. Perkins also came to know Eleanor Roosevelt quite well at this time and worked closely with her throughout their respective careers. However, the author suggests they were never true friends due in part to differences in their personalities, and that there was sometimes a bit of a rivalry between them.

The stock market crash of 1929 and the Great Depression followed within a year of FDR assuming the New York Governorship. Francis Perkins saw these events as an opportunity to take dramatic action on social issues. She began to push for reforms to benefit workers at the state level and secured FDR's support.

When FDR was elected president in 1932, he appointed Frances Perkins as Secretary of Labor, making her the first female member of the U.S. Cabinet. When FDR invited Ms. Perkins to meet with him to discuss the appointment, she presented him with a laundry list of legislative proposals that she wanted to work on including, a forty-hour work week, a minimum wage, worker's compensation, unemployment compensation, a federal ban on child labor, Social Security, and health insurance. As author Kristin Downey states: "The scope of her list was breathtaking. She was proposing a fundamental and radical restructuring of American society." FDR agreed to Perkins' agenda and they went to work.

The remainder of the book describes Frances Perkins' work in the FDR White House, her personal struggles, as well as her

professional challenges as the only female member of the cabinet. Ms. Perkins seems to have earned the respect of many of her male colleagues, but also their jealousy due to her close relationship with the president. She and Interior Secretary Harold Ickes were the only original members of Roosevelt's cabinet to remain in office through all four of his terms, until FDR's death in 1945.

Reading this book left me wondering why someone who was so influential in crafting and helping to secure the passage of so many significant pieces of legislation could be so forgotten by history. Some of it may have to do with Ms. Perkins' own self-effacing personal style and FDR's almost mythical presence, but it is hard to entirely dismiss issues of gender. Ms. Perkins was vital to the creation and implementation of the Civilian Conservation Corps, the Public Works Administration, the National Industrial Recovery Act, the Social Security Act, and the Fair Labor Standards Act. While "The Woman Behind the New Deal" may portray Francis Perkins in an overly sympathetic manner at times, it is certainly worth reading to learn more about one of the most influential women in U.S. politics.

Cindy G. Buys is the Interim Dean and a Professor of Law at Southern Illinois University School of Law. She is also an active member of the ISBA, currently serving as Secretary of the Women and the Law Committee and as a member of the International and Immigration Law Section Council.

Fast facts about our female U.S. Supreme Court justices

BY ANDREA KMAK

There have been 114 people nominated and confirmed to the United States Supreme Court. All but six have been white men. Four of these individuals have been women: Sandra Day O'Connor, Ruth Bader Ginsburg, Sonia Sotomayor, and Elena Kagan. These women are a very small minority of the justices that have served on the highest court in the country, but they have nonetheless contributed to the Supreme Court in their own, unique ways. While this article is only a snapshot of who they are and what they do, it seeks to celebrate what they have accomplished and highlight some of their contributions to Supreme Court jurisprudence.

Sandra Day O'Connor

Biography Snapshot: Sandra Day O'Connor was the first woman to serve on the United States Supreme Court. She grew up in the southwest United States, eventually attending Stanford University and graduating with her law degree in 1952. Like many women during her time, she found that opportunities for female lawyers were sparse. After being offered a position as an assistant, she worked without pay for some time as the San Mateo district attorney.

She eventually made her way into private practice, was elected to the Arizona Senate in 1969, was elected as a circuit judge in the Maricopa County Superior Court in 1974, and appointed to the Arizona State Court of Appeals in 1979. Just two years later, O'Connor became the first woman to serve on the United States Supreme Court. She was appointed by Ronald Reagan in 1981 and served until her retirement in 2006. In her tenure as a Supreme Court Justice, O'Connor participated in many landmark decisions.

Notable Opinion: In 1990, Texas planned for three additional and highly

irregular-shaped congressional districts. Voters challenged these plans, arguing that they were racial gerrymandering. In a 5-4 decision with the majority authored by O'Connor, the court held that the redistricting plans were unconstitutional. O'Connor, applying the strict scrutiny standard of review, noted that the districts would deprive minorities from equal participation in elections, and that they were deliberately designed to obstruct minority groups from electing representatives of their choice.

Famous Quote: "The power I exert on the court depends on the power of my arguments, not on my gender."

Personal Note: During her childhood, O'Connor spent each summer on her family's Arizona ranch, which had no electricity or running water. She attended school in El Paso, Texas, living with her grandmother during the school year. Among many other accomplishments, she completed law school in two years, graduated third in her class from Stanford, and was the first woman on the Arizona Senate elected as majority leader.

Ruth Bader Ginsburg

Biography Snapshot: Ruth Bader Ginsburg was raised in a working class family in Brooklyn, New York. She graduated first in her class from Cornell University and first in her Columbia law class in 1959. Like O'Connor and despite her outstanding academic credentials, she was turned away from several job opportunities because of her gender.

This did not hamper her pursuit for success; in fact, it motivated her. Ginsburg is well known for her advocacy for gender equality. She served as the director of the Women's Rights Project of the ACLU where she argued successfully before the Supreme Court on gender equality. She

was appointed to the U.S. Court of Appeals for the District of Columbia in 1980, and to the U.S. Supreme Court in 1993, by Bill Clinton. Ginsburg still serves on the bench today. In fact, she has yet to miss a day of oral arguments.

Notable Opinion: The Virginia Military Institute (VMI), a public undergraduate university, admitted only male applicants. Suit was filed arguing that the male-only admission policy violated the Fourteenth Amendment's equal protection clause. The majority opinion, written by Ginsburg and joined by 6 other justices, perpetuates Ginsburg's strong, proud voice as an advocate for gender equality.

The Court ultimately held that VMI failed to show "exceedingly persuasive justification" for its gender-based admissions policy, which was to further the state policy of "diversity." Specifically, the Court noted that VMI's "remedy" to the situation, a proposed women's institute, did not offer the same benefits that VMI offered men, did not provide the same rigorous military training and courses as VMI, and thus did not afford women the same opportunity as the men that attended VMI.

Famous Quote: "[W]hen I'm sometimes asked when will there be enough [women on the Supreme Court]? And I say 'When there are nine.' People are shocked. But there'd be nine men, and nobody's ever raised a question about that."

Personal Note: Despite dramatically different views on certain political issues, Ginsburg and the late Justice Antonin Scalia were actually very close. They traveled, shopped, and enjoyed holidays together with their families and friends. In 2010, when Justice Roberts announced Ginsburg's husband's death from the bench, Scalia wiped tears from his eyes. Through their mutual respect for one another, they

challenged and motivated each other to be better jurists.

Sonia Sotomayor

Biography Snapshot: Sonia Sotomayor was born to parents of Puerto Rican descent in New York City. She was raised in a housing project in the Bronx. Her father passed away when she was nine years old, and her mother raised Sonia and her siblings, motivating them to excel in their education. Sotomayor graduated summa cum laude from Princeton in 1976, and went on to graduate from Yale Law School. She became a District Attorney in Manhattan, eventually entering private practice while doing pro bono work for various legal agencies. She has also taught at the New York University School of Law, and Columbia Law School.

Sotomayor was appointed to the U.S. Second Circuit Court of Appeals in 1997. Barack Obama appointed her to the U.S. Supreme Court in 2009, following the retirement of Justice Souter. Her appointment made her the first Latina Supreme Court justice in United States history.

Notable Opinion: In *Trump v. Hawaii*, the Supreme Court upheld Presidential Proclamation 9645, which restricts travel into the United States by people from several nations or by refugees without valid documentation. Sotomayor dissented from the majority, delivering very strong words in her opinion about the constitutionality of the act.

Specifically, she maintains that the policy is a “total and complete shutdown of Muslims entering the United States,” that “masquerades behind a façade of national-security concerns.” She also confronts President Trump, stating that the proclamation “does little to cleanse” the appearance of discrimination “that the President’s words have created.”

Famous Quote: “In every position that I’ve been in, there have been naysayers who don’t believe I’m qualified or who don’t believe I can do the work. And I feel a special responsibility to prove them wrong.”

Personal Note: In 2014, Sotomayor coincidentally appeared at a Hillary Clinton book signing, while she was stopping at the Costco in Arlington, Virginia. An employee at the pharmacy recognized Sotomayor and

they started a conversation. The employee asked her, “are you here with the other lady?” to which Sotomayor replied “what other lady?” The employee explained that Hillary Clinton was there for a book signing at the time, and Sotomayor had no idea!

Elena Kagan

Biography Snapshot: Elena Kagan was born and raised in New York City. Growing up in New York City, she found herself interested in leadership and government. She was president of the student government and served on various school committees. She attended Princeton University, where she graduated summa cum laude, and earned her master’s degree in philosophy from Worcester College in Oxford, England. Kagan graduated from Harvard Law School.

After law school, Kagan gained extensive experience in the legal field. She clerked for U.S. Supreme Court Justice Thurgood Marshall, was a private practice attorney, taught at the University of Chicago Law School, served as Bill Clinton’s associate counsel, and served as the dean of Harvard Law School until she was appointed by Barack Obama to serve as the first female solicitor general. In 2009 Obama nominated Kagan to the Supreme Court, and she was confirmed by the Senate as Justice Stevens’ replacement.

Notable Opinion: In *Miller v. Alabama*, the Supreme Court held that mandatory sentences of life in prison without the possibility of parole are unconstitutional for juvenile offenders, as they violate the Eighth and Fourteenth Amendments’ prohibition against cruel and unusual punishment. In this case, Defendant Miller, who was fourteen years old at the time, and an accomplice killed the decedent by beating him with a baseball bat and setting his trailer on fire. Defendant was transferred from the juvenile court to the circuit court to be tried as an adult for capital murder during the course of an arson. Defendant was sentenced to a mandatory term of life in prison without the possibility of parole. The case made its way through the appeal process to the Supreme Court.

The Court, with Justice Kagan writing for the majority, found that the Eighth Amendment’s prohibition against cruel and unusual punishment forbids such a sentence

for juvenile homicide offenders. The Court reasoned that such a sentence does not violate the Eighth Amendment for adults, but would be disproportionate for a child and does not account for the “family and home environment” surrounding a child, which “he cannot usually extricate himself – no matter how brutal or dysfunctional.”

Famous Quote: “I’ve led a school whose faculty and students examine and discuss and debate every aspect of our law and legal system. And what I’ve learned most is that no one has a monopoly on truth or wisdom. I’ve learned that we make progress by listening to each other, across every apparent political or ideological divide.”

Personal Note: Justice Kagan is a big comic book fan. In *Kimble v. Marvel Entertainment, LLC*, Kagan wrote for the majority in a decision that upheld prior precedent that a patentee cannot receive royalty payments after the patent has expired. Her opinion contains quirky Spider-Man and comic book references, such as “[p]atents endow their holders with certain superpowers, but only for a limited time,” and that there is a “whole web of precedent” on the topic. ■

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Spotlight on Renea Amen

BY ERIN M. WILSON

Renea is new to our WATL Committee this year. She and her partner opened Bur-Men Law Group in 2016 where they focus on criminal defense.

Why did you want to get involved in WATL?

I wanted to be more active in the legal community and I believe in women's issues, so I saw this as a great committee to bridge the two.

What women's issues are most important to you?

Sex trafficking, young girls being sexually assaulted, and equity in the workplace – in terms of women being able to move up the ladder and move laterally.

What are you enjoying most about WATL?

The issues we stand for and the comradery. I like to see everyone problem solving together. It is perceived that women won't help each other, and that's a myth, and this committee busts that myth.

What's your practice area?

Criminal defense on a state and federal

level. I also practice family law, limited to representing fathers.

Why do you only represent fathers in family law?

I saw what my father went through to have a relationship with me and my husband's court case with my 16 year-old stepson. I believe that women have a lot of resources at their disposal whereas men either don't or are looked down upon when they seek our help, so I want to harder for fathers that need the help.

Tell me about your family.

I have 4 kids: a 21 year-old daughter, almost 16 year-old son, 14 year-old son, and a 10 year-old daughter. I've been married for 12 ½ years.

I consider my business my family's, and a part of our family legacy. My husband and children have given up so much for me to complete this journey, so we all celebrate my accomplishments. We became so close while I was going through law school and opening the firm. They are my backbone through all of this. Thinking of all the things

that they sacrificed for me to be where am I am makes me truly understand the value of family.

What is the message you want to convey to your daughters?

When others say you cannot, you definitely can. When it seems as though you're at your lowest, you can pull yourself up. You can do whatever you want, you just cannot give up, that is not an option.

What does balancing it all mean to you?

Making sure that my family is taken care of first, and the other things can be delegated. I can delegate cooking, cleaning. Being with my family, having peace of mind, making sure we're okay - that is the number one priority and then everything else will fall into place.

What do you do for fun?

Hang out with kids & shop—alone. My favorite place is the Mag Mile. ■

Women rule the legal profession in Cuba

BY ELIZABETH REYNOLDS

For nine wonderful days in June, I had the distinct privilege of traveling to Cuba with several other law students from Southern Illinois University (SIU) School of Law and our acting associate dean at the time, now Interim Dean Cindy Galway Buys. Being allowed to travel to a country I have only been able to dream about going to was certainly the trip of a lifetime. Little did I know when I enrolled at SIU Law that the school boasts one of

the most unique study abroad programs in the country. This program is a three-credit class called "Legal Globalization: Cuba" that meets daily during the early-summer intersession and concludes with a nine-day educational tour of Cuba. As if merely going to Cuba was not exciting enough, the trip was tailored to the interests and education of law students. We had three lengthy sessions, each in a different region

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Good news column

- The Honorable Judge Patricia Ball-Reed is now a proud grandparent of four grandchildren, having welcomed three new grandchildren this year.
- Maria M. L. Schwartz has accepted an associate position at Levin Schreder & Carey.
- Jessica Marshall welcomed a healthy baby girl in August of this year. ■

of Cuba, where we were invited to attend presentations on the Cuban legal system given by Cuban lawyers themselves. While each of the presentations was truly an invaluable learning experience, the one presentation that my group found to be the most fascinating was the one we attended in Cienfuegos that covered the roles of notaries, lawyers, and particularly women in the Cuban legal system.

Cienfuegos is a beautiful bay city on Cuba's south coast that happens to be known for its majestically historic, colonial-era buildings. It is in central Cuba, a few hours driving time south from the Cuban capital of Havana. Cienfuegos's features include cobblestone streets along with a quintessential town square situated in the center of the city. Amidst all these visual reminders of its rich history, daily life in Cuba is not much different than contemporary life in the US. Cubans deal with many of the same legal problems that Americans and others around the world face daily. What is uniquely Cuban is the way in which Cubans deal with and resolve their legal problems.

Unlike the U.S., Cuba uses a combination of mainly Spanish and some influences of Roman law to a much lesser degree. Cuban law is effectuated by judges and lawyers and unique to the Cuban judicial system is its use of "notarios." Don't be misled by the term "notario" because it is a false cognate and wrong to assume that it means the same as notary or paralegal. A U.S. notary has a completely different job than a Cuban notario does. To become a notario, you must meet the following four criteria: must be a Cuban, must be a lawyer, must be appointed, and must pass the certification test with a score of eighty points or higher. The city of Cienfuegos has eight municipalities and each one has between one to three notarios. The main difference between attorneys and notarios is that attorneys represent one party and notarios work with both parties to ensure that they understand the transaction. Notarios specifically deal with laws relating to natural persons and

legal entities. In particular, they work with documents and contracts, mainly certifying those documents. Notarios work to fulfill the will of the parties involved and they serve as advisors, thoroughly explaining legal matters to those they assist. Once an agreement is in place, the notarios and their staff will draft a document for the parties to sign that reflects what they have agreed to. Notarios will go through the document with both parties, explaining each provision to ensure the parties know what they are agreeing to. The notario will then have the parties sign the document, the notario will place a seal on it, and will file it in court. Notarios also have the unique job of securing the land by certificate and then filing it with the registration office. Cubans recently gained the right to legally buy and sell real property outright and this creates a greater need for the drafting of legal contracts. Due to the recent change in property ownership laws, notarios are in high demand in Cuba more now than ever.

One major difference between the legal systems in Cuba and the U.S. is who actually deals with and resolves the legal issues that arise. In the U.S. where men have traditionally dominated the legal profession and the stereotypical lawyer is a mature man with grey hair, glasses, a suit and tie, carrying a briefcase, in Cuba the stereotypical lawyer is a woman with long hair, wearing a dress and heels, and carrying a purse. Seventy-percent of all attorneys and judges in Cuba are women. The overwhelming majority of notarios in Cuba are women. For example, there is one male notario in the entire province where Cienfuegos is located. The women lawyers we spoke to were quick to point out that the legal sector is not the only field of work in which woman dominate in Cuba. The Cuban health care industry and educational fields are predominantly female. Cubans believe that one reason for this is because women are more sensitive to the needs of others and better suited for work in the public sector. Another reason for the overwhelming majority of women in public service is a result of the Cuban

government's emphasis on gender equality, which was an initiative of Fidel Castro and his regime.

One of Fidel Castro's social initiatives for the Cuban people was to balance out the gender inequalities that existed in Cuba at the time of the 1959 revolution. Fidel and his political colleagues were outraged at the way in which women were being treated as sexual objects in Havana during the years of debauchery that occurred in the first half of the twentieth century. He advocated that gender equality would be better not just for Cubans, but for society as a whole. Fidel launched a campaign to promote social cohesion which would also allow him to further his socialist agenda. In doing so, he fought against the mistreatment of women, promoted gender equality and an end to racism. His plan worked and while Cubans are aware of their different skin tones and genders, they embrace each other as brothers and sisters and work together for a better life.

Now after two generations of government-promoted gender equality, the number of women in the fields of engineering are nearing that of men. Additionally, Cubans firmly believe that treating women equally and with respect is a moral and social obligation that will improve life for future generations. Sexual violence and discrimination affect women but they also causes minors, such as children, to suffer greatly. Young people often carry these resulting negative feelings throughout their life and often suppress these painful memories. Typically, as they grow up, memories of violence and discrimination towards women manifest themselves in the form of bad behavior that these growing children typically display towards others. This eventually leads to a breakdown of society. To further build up a healthy and functional society, Cubans believe that treating women with kindness, respect and equality are paramount. Women do the majority of child rearing. When women are treated well, they are better mothers and better mothers raise happy and emotionally balanced children

who will grow up to be good people, good parents and good citizens. This cycle and the belief of paying it forward for the betterment of society is very important to Cubans and it shows in the way the women described their high level of satisfaction with their overall lives in Cuba.

Despite the history of tumultuous relations that exist between the United States and Cuba, we must remember that we are neighbors and we share the most fundamental element of being human.

When we can accept our differences and engage in a meaningful dialogue, the possibility to learn from each other exists. This is when change for the better is possible. Historically, American women in the legal profession have struggled with discrimination and equality because law is a male-dominated field. This struggle does not need to continue and we can learn from our neighbor 90 miles to the south that life for women in the legal field can improve if everyone is committed to ending sexual

discrimination. ■

Elizabeth Reynolds is a second year law student at Southern Illinois School of Law. She is the proud mother of two loving and supportive children, Frankie and Ceci. She would like to thank Dean Cindy Buys for the making the SIU Law Cuba trip possible and for being the type of leader that so many of the women at the law school admire.

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