

Barb McQuade:

Welcome back to #SistersInLaw with Jill Wine-Banks, Kimberly Atkin Stohr, Joyce Vance, and me Barb McQuade. Since the holiday season is approaching what time it is. It is time to order your #SistersInLaw merch. Go to politicon.com/merch, where you can get yourself a #SistersInLaw t-shirt, hoodie, water bottle, and much more.

Well today we will be discussing the departure of Sherrilyn Ifill as the executive director of the NAACP Legal Defense Fund, the different standards to which women and men are held in public life and diversity on corporate boards. And as always, we'll look forward to answering your questions at the end of the show. But first this was Thanksgiving week. We all, I trust had a joyful Thanksgiving and I just wanted to ask each of you maybe thing that you're thankful for. And you can't say like my family and my health. We know you're thankful for all those things and that's wonderful. And of course we all are, but what else are you thankful for? Kim, how about you?

Kimberly Atkins Stohr:

Well, okay, so this one's kind of technically related to both my family and my health, but I'm thankful that boosters are now available to everyone. And that's really going to help throughout the rest of the holiday season. People really feel confident in getting together and celebrating and having something that feels a little more like normal than the last two years has given us it. My parents are boosted, I'm boosted. That gives me a boost. So I'm very grateful for that. How about you, Joyce?

Joyce Vance:

I'm super grateful that my best friend hosted Thanksgiving. That although I cooked and made a Turkey and all the fixings, she did all of the setup and the cleanup, and I sat around and watched football. So I know that's sort of shallow, but shout out to Eva. I'm incredible grateful. Jill, what about you?

Jill Wine-Banks:

Well, I know you said, I couldn't say this, but I am incredibly grateful for my sisters-in-law, for my quints, who are a group. I have weekly conversations with that are extremely challenging and energizing. For my bridesmaids friends, which is a very special group of friends that I travel with every year and see regularly for. My Iota friends, which is my college sorority friends. So we have been friends. We graduated in, I can't even say the year, but it's older than most of our listeners are. So I'm really grateful for that. And of course for my husband and my neighbors, all the good things in life really are the people in my life. And so what about you, Barb?

Barb McQuade:

Yeah, that's tough to top, Jill. I think all of us are very thankful for our families and our friends. Those are the things that make us go. And our listeners, I think we're all thankful to our listeners.

Kimberly Atkins Stohr:

Yes.

Jill Wine-Banks:

Yes, yes.

Joyce Vance:

Very grateful.

Barb McQuade:

I want to, I want to say that I'm thankful for the concept of gratitude itself. Bear with me here. I have a friend named Gary who has made it practice to give people he knows in his life gratitude journals, and I'm sure you've become familiar with this concept. But if you write down every day, just something that you're grateful for, it really does help put into perspective how unimportant so many of the worries that we have are. Because those are the kinds of things that I end up writing down in the book, things about family and health and the things that are really important. And when you focus on those things, then a lot of the little frustrations of the day pale by comparison. So I think I'm grateful for gratitude. How about that?

Joyce Vance:

That makes me want to try doing that. What a great idea.

Jill Wine-Banks:

Yeah. I've never done that, but you know what you said really made me think about our audience and how grateful I am for that. And for just having the opportunity instead of yelling at the television set and being upset, I get to actually say something out loud that may help other people deal with the horrible news that we get out every day. And that makes me very grateful to be able to have an opportunity, to have a voice.

Barb McQuade:

I still yell at my television when I'm watching the Lions play on Thanksgiving day, but let's get into our conversation, Jill. I think you're going to lead us through our first topic.

Jill Wine-Banks:

Right. The first one is something that we're also grateful for which is Sherrilyn Ifill. And it's one of the many things that we have to think about. I bet our listeners already know about Sherrilyn and her work, but just for the record, Sherrilyn is both a law professor and the president and director counsel of the NAACP Legal Defense Fund. She is the seventh president since Thurgood Marshall, one of my heroes of all legal times founded the organization in 1940.

I wasn't around then. I'm old, but I'm not that old. But he was just one of the most amazing people. And their goal was to cure full and fair access to the democratic citizenship by promoting equality and education, voting and political participation, economic justice and criminal justice. LDF remains one of America's most preeminent civil rights organizations. And it is also a law firm.

It's one of the biggest law firms that working to fight for racial justice. Under Sherrilyn's leadership, the organization has grown and accomplished great things, but she recently announced her decision to turn over the reins, to Janai Nelson, who she has mentored for many years now as her successor. Janai will become the third female to lead the legal defense fund. Elaine Jones was the first and of course Sherrilyn the second. And of course that's another thing that we should be grateful for.

But I really want to talk about Sherrilyn and the expansion of LDF during her tenure. And also because some of you really know her quite well personally. I'd like to have you talk about your personal reflections on her. So should I start with you Joyce?

Joyce Vance:

Sure. I'll start. And I tried to think through some of the things that Sherrilyn has worked on that I think have been the most impactful. Because what a lot of people don't know about her is she's a legal scholar. I mean, she is a sure enough legit legal scholar, but she also understands how to use the law to achieve results.

And so one of the most important things that she did, was she led the efforts to challenge voter suppression in the wake of the Shelby County ruling, the Alabama case that gutted the Voting Rights Act, that ruling came down shortly after she began her tenure and LDF has litigated aggressively across the country. It's litigated here in Alabama, she's been both a moral voice, insisting that we continue the work, but a voice of hope constantly evolving the fight and finding new ways to litigate and to litigate successfully at points in time where we thought the law just would no longer permit us to move.

And she has even learned to take losses and to use them to get people, to really people to continue activism when we feel like the courts won't get us there. I have enormous respect for the fact that the woman never gives up. She also led efforts to stop racist policing after Ferguson. She was a real champion for the use of Title VI, which is the pattern of practice procedures that we're now also familiar with.

We've seen Merrick Garland's Justice Department open more pattern and practice cases in its first few months in effect than we saw in the entire four years of the Trump administration, where Jeff Sessions essentially said, we're not going to do that kind of work anymore. We're pro-cop and shut down all of that work. Well, Sherrilyn was an early champion of that work. She's also been a voice that's insisted on expanding diversity on the federal bench.

A lot of the work she's done in that area, we're seeing now come to fruition with the Biden administration's, very diverse appointments, which are including more defense lawyers and civil rights lawyers than we've ever seen before. But I think the thing that I remember the most is that she was a strong voice, she steered the civil rights community through the Trump administration, which frankly took a hammer to nearly every civil rights law and regulation on the books.

And she was fierce and she was loyal and she was determined and she was the kind of leader that other leaders in the civil rights community could look to. So look, I'm clearly a Sherrilyn fan girl. I mean, I think she's the lawyer that I aspire to be. And I hope that there are a lot of other people out there who aspire to have that level of fire as they do this work.

Kimberly Atkins Stohr:

Yeah. Joyce, it's interesting that you say that she's the type of lawyer that you aspire to be. I obviously have had two main careers, one as an attorney and one as a journalist. And two of the people who served among my icons, in both of those careers. One was Gwen Ifill, the late Gwen Ifill, and the other is her cousin Sherrilyn, one on the journalism side and one on legal side. Sherrilyn really is our modern day, Thurgood Marshall. I hope people appreciate that she is here and she is doing that now. Everything you say about the work that she's doing is important, but part of that role is being the face of the NAACP legal defense fund. But as she served, she did it with gusto. I mean, I saw her because she speaks at events.

She does media, she's very media savvy. She knows how to bring attention to an issue. But she's not bringing attention to herself. She's mustering, all of that savviness to bring the attention to the issues that are needed in a way that I've just found so important and so awe inspiring. And I really wish in a perfect world, which we don't live in her career would be topped off the same way that Justice Marshall's would be on the nation's highest court. U. V. We're not in a political reality where such a

nomination would be made. And if it were made prop unlikely to be confirmed, and that's a real shame and that's a loss for the nation.

Joyce Vance:

If that's not a reason to vote Democratic in the midterms, I don't know what is because Sherrilyn Ifill belongs on the Supreme court.

Kimberly Atkins Stohr:

Indeed.

Barb McQuade:

Well, I'll just add to the reflections that you both have made. One of the things that impressed me most is during the Trump administration, one of the things that Sherrilyn Ifill spoke out about is challenging members of our profession, the legal profession to say, where have you been? We need lawyers to speak out and stand up in defense of the rule of law. And this is not a political issue. Regardless of where you are on politics if you are a lawyer that we have a cons and we have a rule of law. And to allow that to be thwarted, to advance a political agenda is just anathema to our constitutional system of government. And so she was very strong in speaking out about that. And I will say listening to her helped me find my voice a bit. So I think it takes courageous leaders to inspire other people. And she certainly is one of those.

Jill Wine-Banks:

So I have some more questions, but I want to say, Kim, you mentioned her cousin, Gwen, who was also someone I admired greatly. And one of my hopes is not only that she could end up... That Sherrilyn could end up on the Supreme court, but that she could also end up on a US stamp. Because her cousin, Gwen is on a stamp. And I save them to use for very special mailings. And their heart to come by now. I haven't been able to get them. But that would be really wonderful. But let's talk about her successor and Joyce again, I think you know her. So if you could maybe talk a little bit about what you know about how she will be as the new leader of the NAACP legal defense fund.

Joyce Vance:

Yeah. Janai has been the associate director of the Inc Fund and she's obviously been she's Lieutenant, but she's a seasoned litigator in her own right. She was the key voice in *Veasey v. Abbott*. Everybody knows the name Abbott now, the Texas governor, who we've spent a lot of time talking about. In 2018, she ran the successful federal challenge to Texas's voter ID law.

That was a law that Texas put in place that made it very restrictive. The types of ID you had to show to be able to vote. Big success there. She was also the lead architect of *Noll v Trump*, which was the 2020 case that sought to declare Trump's executive order, banning diversity and equity and inclusion training in the workplace unconstitutional. Ultimately, Trump actually rescinded that order. And I know Janai is careful never to take credit for that, but I think she deserves a lot of credit.

So she's again like Sherrilyn, she's an academic. She's somebody who continues to research and write areas that are very complicated. She does a lot of work in very complicated voting rights issues. And she's conversant with gerrymandering. I think that that's a really good indication if you wanted to read the tea leaves of where the LDF sees its primary work heading in the next few years. But I'm also

certain that she'll continue she's commitment to education work and to housing work. I think she's going to be an extraordinary leader and I'm really looking forward to seeing what she does.

Jill Wine-Banks:

Sure sounds like the LDF is in very good hands now and coming to the future, what kind of challenges do you think LDF face? Are there some issues that are going to be particularly tough in the coming years?

Kimberly Atkins Stohr:

Yeah. I think that all of the issues that the LDF focuses on will be tough in the coming years. I mean, if you look at the pillars that Joyce laid out of the organization, take criminal justice. The last two years have demonstrated to us how urgent the need for criminal justice reforms, how urgent that need is from everything from pushing to end qualified immunity for police officers, something that's been stubbornly difficult to push for legislation that can bring about fewer deaths of unarmed people, particularly people of color.

To everything from the entire interaction that people have with the criminal justice system, from post-release opportunity to mass incarceration, over incarceration, sentencing reform, there's so much to be done there. Economic justice. Joyce mentioned housing. That is a critical issue right now, particularly as we come out of the pandemic and the pandemic relief that was issued has been lifted. We see evictions at an all time high. We see all kinds of disparities there, education disparities, and I think most importantly, political participation, just protecting democracy, voting rights will be job one.

I'm very happy to know that is on the front burner for LDF right now, protecting democracy, making sure that everyone one has access to the vote. So there is a lot to be done right now. Sherrilyn did a lot, but the state of our nation means that there's still so much work to be done.

Jill Wine-Banks:

And what about Barb, I'd like to ask you about some other individuals and organizations who have dedicated themselves to the same sort of social justice causes. And I know you have some favorites. I thought that maybe you could mention some of those other organizations as we reflect back on Thanksgiving and what we're thankful in some of the other organizations that deserve recognition for what they've done.

Barb McQuade:

Well Jill, no discussion of social justice is complete without an appropriate homage to Ms. Gloria Steinham, who is a role model and hero of mine. As a young child I remember seeing her on the front lines of the women's liberation movement in the 60s and 70s. And so when I think about the many strides that women and have made, I think about her and others who have advanced the cause. The National Organization for Women and others who have done so much to advance the cause for women.

But there are a lot of organizations that are out there that do similar work to what the NAACP legal defense fund does, which is to bring impact litigation. And this is a really important part of our legal system. I think sometimes in America we criticize our litigious nature. U. V. We bring lawsuits for everything. We bring lawsuits when somebody serves our coffee too hot and we spill it on ourselves.

But litigation, impact litigation has a very important role in society. And there are organizations that really focus on bringing these cases. When they see an unjust law, they look for opportunities to bring it. They look for a sympathetic plaintiff and they file lawsuits. The ACLU is one of these groups, the

national health law program, Lambda Legal for the LGBTQ community and Planned Parenthood for reproductive rights.

One of the landmark cases in women's reproductive rights is in addition to Roe versus Wade, which gets most of the mileage and was the big one that set out this right against abortion restrictions until viability was Planned Parenthood versus Casey. And this is the big case that challenged the law in Pennsylvania, the holding of which is that states cannot place undue burdens on people seeking abortions. So these organizations are out there doing really great work. They are very worthy of our notice and attention and our funds. If you're looking for organizations to support, there are many of them, and these are great jobs for lawyers also. So people looking to make a difference in the world as a lawyer, working for these organizations and bringing impact litigation, play a really important role.

Joyce Vance:

I think that's such an important point to make Barb. The only regret I have about my career is that I didn't go to legal defense fund or to the Lawyer's Committee for Civil Rights straight out of law school. I was really lucky, my law firm in Washington, Arent Fox did pro bono work with the Lawyers Committee. And so one of the biggest cases I worked on as a young associate was a civil rights case involving employment in the Library of Congress. And it was fabulous, but I just lucked into that. So I think it's important for us to make sure that young lawyers and law students know that these options are available and they can be a great way to start your career if you're interested in civil rights.

Jill Wine-Banks:

One of the reasons I picked Jenner and Black was because they were known for being really supportive of pro bono work. And that's a terrific thing. I also have to mention the Anti-Defamation League, which has been a very important litigant. And the National Council of Jewish Women, which has become a very important litigant.

And I want to mention Sarah Weddington, who was the lawyer as a young person, the lawyer for Roe versus Wade, something that we're going to be hearing more and more about as things proceed. So I think those are some of the things we need to be grateful for and think about and say, thank you to Sarah and all the others who have... And Gloria, of course, who have done so much to help women and social causes.

Speaker 6:

Ms. Steinham.

Jill Wine-Banks:

Sorry, Ms. Steinham, and some of the others who were leaders in the women's liberation movement, which made it possible for all of us to be where we are. So thank you. We're grateful.

Kimberly Atkins Stohr:

Certainly after a week like this, nobody wants to think about dieting, but I do like to think about why we do the things that we do. And one reason that I really like Noom is that it isn't about dieting. It's about learning your behaviors and why you engage in them, including your level of activity, the types of food you choose, and I've found it really helpful. What about you, Jill?

Jill Wine-Banks:

It's amazingly helpful. It has made me a much more mindful eater and I pay attention to the selections I make. When I'm in a restaurant, I don't listen to what other people are ordering. I look at the menu and pick the healthiest, lowest calorie thing I can. And I am so grateful that Noom doesn't say there's anything I cannot eat. I can have anything. I just have to make sure that I stay within my calorie count and Noom makes it easy for me. What about you, Joyce?

Joyce Vance:

I love to eat during the holidays. And so I know I'm going to be eating a little bit more than usual for the next, oh, come on, let's be honest, right until the end of the year. But a great thing about Noom is it's given me this new perspective where I can go and last night we had dinner. It was my best friend's birthday. We had sort of an extravagant dinner. And so today I've been a little bit better behaved, but Noom has helped me focus less on what I'm eating and more on how it makes me feel and my overall health. And that's been a real transformation for me after having four babies. And I mean, we all know how that goes. What about you, Barb?

Barb McQuade:

Yeah. U. V. What I like about Noom is it just helps you make good choices about eating good, nutritious food. I'm eating more lean meats and good vegetables and less processed food. Because I've seen the health benefits of it and the calorie benefits of it. So I'm a big fan.

Joyce Vance:

The Noom app is really easy to use, and it's a powerful tool that shows you how to understand your cravings and build new habits to reach your goals.

Barb McQuade:

Noom shows you how to pursue the goals you set for yourself and make sure you reach them focusing on motivation and improvement, not diet-tese, and airbrushed expectations. No food is off limits. It's about finding your balance. That's the key to progress.

Joyce Vance:

And if you're like us, you're busy. So I love that Noom only requires 10 minutes a day, over 75% of numerous end up finishing the program. And more than 60% of users lose 5% or more of body weight in 16 weeks, and 60% of engaged users keep the weight off for a year or more. U. V. With Noom, you can get empowered and stay on track.

Barb McQuade:

So start building better habits for healthier long-term results. Sign up for your trial noom.com/sistersinlaw that's N-O-O-M.com/sistersinlaw to sign up for your Noom trial. Look for the link in our show notes.

Joyce Vance:

It might seem light hearted and funny, or no worse than a little bit of harmless snark when people poke fun at the appearance of other people, but we're going to take a minute to consider what it's really all about. After the New York Times wrote four pieces criticizing the clothing worn by Arizona, Senator Kirsten Sinema, Senator Susan Collins from Maine, a Republican, Jean Shaheen, a Democrat from New

Hampshire and Lisa Markowski and Alaska Republican wrote a letter to the editor of the New York Times that was critical of that news coverage.

They wrote, they said this, "We cannot imagine the times printing similar pieces on the fashion choices of any of our male colleagues." But of course, things aren't always as simple as they seem to be. And this is a topic that's worth discussion. First off, we need to know what the controversy over Sinema's fashion sense is about. And for those of us who don't keep up with congressional fashion, what's the deal?

Barb McQuade:

Well, I would say one of the deals with senators Sinema is that it isn't just that people are commenting on her clothing. I think she deliberately chooses clothing so that people will comment on it. And so I'm not sure you can have it both ways. She tends to wear very bright clothes. She wears a lot of sleeveless shirts, I think, to show off her very fit arms. And I don't have a problem with that. But I think if you're going to choose to dress that way, people will notice.

It's different from the way other people are dressing. And I don't think there's anything wrong with it, but I also think that you shouldn't be surprised when people notice that you're dressing in a way that is designed to gain attention. And so I think that's what's going on.

My only beef with her, she wants to wear bright colors and if she wants to wear sleeveless shirts and all those kinds of things. It's fine. My only beef with her is when she showed up at the Senate and presided, in the presiding chair were a denim sleeveless vest. And it wasn't just because it was sleeveless. It was because I thought it denigrated the dignity of the Senate. All of us were lawyers or are lawyers.

When you go into the courtroom, you dress to show dignity and respect to the court and to all of the parties who are there. When you go to a funeral, you dress in a way that expresses dignity for all of the people who are there. Now, if she happens to choose bright colors and whatever else, I don't have a problem with that. But I thought a denim vest is just beneath the dignity of the office. And I thought it was an effort to show that she is above showing respect for the Senate. And I think by doing that it's part of that whole tear it all down mentality of our institutions. And I think our institutions are deserving of respect, perhaps that is an old fashioned view on my part.

Joyce Vance:

So Jill, in the course of your career, there's been a real transformation in the way that women in the workplace are viewed. And a lot was made about your fashion choice of many skirts at various times during Watergate. How do you feel about working women's fashion choices being criticized? Is it ever fair game? I mean, Barb has made an argument that it's not about her fashion, as much as it is about her respect for the institution she serves in. What's your take?

Jill Wine-Banks:

My take is so many things to say. As someone who lived through the embarrassment of having headlines saying what I wore, whenever a news story appeared, it was my name, my age, and what I wore before it got to who I questioned, what I asked. And that wasn't true for any of my male colleagues. And I can tell you that Richard Ben-Veniste would wear a blazer, blue blazer and khakis when he wanted to appear vulnerable to the jury, and a gray pin striped suit when he wanted to appear tough. Jim Neal had two identical brown suits because you can't wear the same suit every day, but he didn't want the jury to

think that he was a rich lawyer who had lots and lots of suits. I wore what was available in what was then women's departments. There was no career dressing or career department for women.

And I will point out that women were prohibited from wearing pants in court. We could only wear skirts. And unless I had them custom made. And now that I have a sister-in-law who is in the fashion industry as a side gig, maybe she would've made me skirts that were longer. But if you went to a store, that's what I could wear.

I'm very sensitive to this issue. On the other hand, I do agree with Barb. I felt that it was a deliberate slap in the face of the Senate to have her sitting in the presiding chair, wearing casual clothes. I feel the same way about Jim Jordan, who does not wear a suit jacket. That to me is also disrespectful of the people he represents and the people that he serves with. So my point is, if we're going to criticize her, we should also criticize Jim Jordan.

And we should talk about Rick Ben-Veniste's clothes. We should talk about Rick Ben-Veniste clothes, as well as Jim Neal's clothes, as much as my clothes. And I do think how we present ourselves to a jury or to the Senate or to anybody else in a business context is in part going to be how people are going to judge us. And it's fair to judge Kristin Sinema who has the opportunity to wear dignified clothes. To me, Nancy Pelosi is the epitome of the professional woman. She always looks well put together and always looks professional. And that's how I think that the men and the women of the Senate should be is they should look professional.

Kimberly Atkins Stohr:

Yeah. Jill, I agree with you 100%. And I think there is such a vast difference between what you unfortunately had to endure and what is happening in the case with Kirsten Sinema. And I think one... I was thinking about this and one way to sort of draw that line, or at least where it draws the line for me is I can use one person as an example for both. Remember when Congresswoman Alexandria Ocasio-Cortez was first elected when she first began, was sworn in. And she commented on the fact that she had made so little money for her whole life. She was, what, 27 or something... She was the youngest member of Congress. And she had to wait until she started getting her paychecks for being a Congresswoman before she could even get an apartment in DC because it was so expensive.

And so I think she did rent the runway so that she could have clothes to wear to work. And conservative media started pouncing on her because she was wearing these fancy looking clothes in how that didn't align with the values of a self proclaimed democratic socialist that was sexist, classist and egregious.

On the other hand, when she goes on the red carpet and address that says tax the rich that's political speech and what Kristen Sinema is doing is political speech. It's not about reducing women to their appearance and focusing on their aesthetics instead of their substance. That's what I saw happening with Jill. That's not what's happening with Sinema. She's making political speech in every way she can, including with her clothing. And if journalists cover that that's called their job, it's their job to do it.

The four opinion pieces, these three senators Collins, Murkowski and Shaheen point to, point that out. They aren't gawking at her. It made me question whether they actually read them. I want to read a passage from one of them. One of them that was written by Tressie McMillan Cottom whose work I respect greatly. And if you haven't read it, you should.

McMillan Cottom, by the way, she's a professor at North Carolina at Chapel Hill and the author of Thick and Other Essays. It's just very good. It's on my bookshelf behind me. Everyone should read it. She's also a 2020 McArthur fellow. So she's not some fashion columnist. And this is what she wrote. She

said, "Sinema stands out for trying to combine different aspects of multiple roles for female politicians, the tight fitting clothes whisper ingenue, an innocent of the rules. The bright colors and wigs, accessories scream outside. Someone who knows the rules and ignores them. The bold patterns in any other silhouette, from what she favors could signal power broker or elite. But altogether they communicate someone who may be aware of roles that female politicians are boxed into, but does not play into any of them all the time."

And McMillan Cottom's pieces also examined very importantly, the fact that Kirsten Sinema is in a position of privilege as an able body white woman, to have the bandwidth that others do not enjoy to be able to use that kind of lever of power that is available to her. Now, to be sure women in Congress start off with fewer levers and with less power than their male counterparts, to be sure.

But Kirsten Sinema is a lot of things. Unintelligent is not one of them. And so she has learned to use those levers of power and to speak in multiple ways, including with her clothing. It's something entirely... It's one thing to be talked about out your clothing, but it's an another thing entirely to preside over the Senate in another situation, besides the denim jacket, when she was wearing a bright pink sweater, that read dangerous creature, and then turn around and complain to the press that they're covering your clothing. Yes, they're covering your clothing.

And women for generations have been using their clothing to speak. From the early 1900s when the suffragettes wore white to 2018, when the first lady said, "I don't really care, do you?" How did they speak about that with their clothes? So to tell journalists to ignore them, I think is ridiculous. I think it's a... If we ignore it speaking as a journalist here, if we ignore it, we're not only not doing our jobs, we're doing Kristen Sinema a disservice because we're saying that we don't think that she's smart enough to be able to use the lever that she's using. And I respect her well enough to know that isn't the case. And so I thought that Tressie McMillan Cottom's pieces were excellent and insight, and I hope everyone reads them. In fact, we should put them in the show notes.

Joyce Vance:

I love the distinction that you draw between clothing as political speech, which is legitimately coverable and clothing as what women wear that's out of bounds. Because I do think that matters. And I remember this moment when I was in the US attorney's office, I was our appellate chief and one of our lawyers came back from court to my office and she was in tears because the judge who was also a woman had called her out for what she was wearing.

And the woman who came to my office had a curvy figure, but dressed beautifully in very sophisticated, appropriate professional clothing. And the judge was in essence, not objecting to her choice or the clothing, but to who she was and how she looked. I thought that was a difficult moment, but like you say, Kim, political speech, is always fair game. And we know how politics has played and what's going on. So this has been a fascinating conversation. I appreciate all of your perspectives.

Jill Wine-Banks:

I've been using Honey for a really long time now. And I just love how it automatically applies coupons to any online purchase that I make. I don't have to search for them. They just appear. What about you? Have you tried it Barb?

Barb McQuade:

I have. And only recently, I'm not a long time user. I just started using it. And it's great if you shop online, when the time comes to check out, it just automatically looks on the internet for any coupon codes and

it applies them automatically. So suddenly you just see your free shipping suddenly appear or \$5 or \$10 off suddenly appear. So I think it's terrific. How about you Joyce?

Joyce Vance:

I've been looking for the perfect dress for an event I've got coming up the first week in December. And instead of going to store shopping, I've been doing it online. I've sort of picked dresses at a couple of different places to try on. And every time I've checked out, Honey has automatically with its cute little graphics, put coupons into my cart when I checked out and saved me money. So I'm very into Honey right now. What about you, Kim, I know you're doing your holiday shopping too.

Kimberly Atkins Stohr:

Oh, I'm almost done.

Joyce Vance:

Girl, are you really?

Kimberly Atkins Stohr:

In part with the... I really am.

Joyce Vance:

I'm so jealous.

Kimberly Atkins Stohr:

But Honey has helped make it easy. I knew I didn't have to wait for the black Friday deals or black Thursday or black Tuesday or whatever we're doing now. I knew that I was going to be able to get a good deal wherever I shopped online. And I took full advantage of that. So I can enjoy the rest of the holiday season without going to stores. But knowing that I saved a lot of money.

Joyce Vance:

I can't believe you're almost done. I'm going to catch up with you and Honey's going to help me get there. Because these days, when we all shop online, we all know what happens. You get to the promo code box at check out and it just taunts you. Thanks to Honey, manually searching for coupon codes is a thing of the past.

Honey is a free browser extension and it scours the internet for promo codes and applies the best one it finds to your cart. It gets you the perfect deal. Honey supports over 30,000 stores online with everything from tech to popular fashion brands and even food delivery. So far, Honey has found its over 17 million members over 2 billion in savings. When you start using it, you'll get to watch your prices drop. How does it work for you Kim?

Kimberly Atkins Stohr:

So imagine you're shopping on one of your favorite sites and when you get to the checkout, the Honey button drops down and all you have to do is click apply coupons. Then you wait a few seconds as Honey searches for coupons. And if Honey finds a working coupon, you'll watch the prices drop. It's easy. If you don't already have Honey, you could be straight up missing out on free savings. It's literally free and

installs in a few seconds. And by getting it, you'll be doing yourself a solid and supporting this podcast. Get Honey for free at JoinHoney.com/sisters. That's JoinHoney.com/sisters, or look for the link in our show notes.

All right. So here's something to be thankful for. Corporate boards are becoming more gender diverse. Now we have a long way to go, but it seems to be moving in their right direction. In a 2017 study by Deloitte women who... Remember we make up more than half the world's population made up less than 15% of board seats at the largest companies and less than 4% of board chairs.

Now, two years later, the study found that women held only 16.9% of board seats and 5.3% of board chairs, still a long ways to go, but those incremental changes are coming. They're good. And they're due to changes in policies, rules, and laws. Earlier this year, NASDAQ introduced a rule requiring that listed companies have at least one woman on their board and in California, by the end of 2021 corporations with six more directors will be required to have a minimum of three female directors. That means at least half, it sounds to me from this rule that it could be more than half, at least half will have to be women. So Barb, this is late in coming to be sure, but it's still good news. Why is gender diversity so important on corporate boards?

Barb McQuade:

Gender diversity and really all kinds of diversity are so important on corporate boards. Part of it is we like to see representation, but it is good for the decision making of the organization to have those diverse perspectives. I think all of us serve on various boards and what you really want on a board is input into strategy and oversight and to have the different perspectives around the table of people who've just lived different experiences helps corporations make better decisions. Just one example, I'm sure you can all relate to this in one way or another. I can remember being in an organization before when they asked, "How many of you think that there is sexism that occurs in our organization?" And none of the men thought there was, they all said, "no, there is no sexism in our organization." And every one of the women thought there was.

And why is that? I think it's just because, one, I think women see the sexism. I know that like all of you, we're the recipients of sexist comments. I think men just don't hear them. Those who don't utter them, aren't aware that they are going on. And if I am seeing and hearing and experiencing the sexist comment, what am I blind to? I mean are the racial minorities experiencing things that I'm not experiencing, absolutely. Are people who are part of the LGBTQ community experiencing things that I'm not experiencing. Absolutely. And so I think it serves customers better, it serves shareholders better and it's employees better when you have those diverse perspectives in the boardroom, helping to provide that direction, that strategy and that oversight.

Kimberly Atkins Stohr:

And so if it's so important Jill, why do you think the progress is so slow?

Jill Wine-Banks:

The progress is slow because the people making decisions are mostly men. And they're white male heterosexual men. And so they aren't aware of it. But I can tell you from my experience in the corporate world, as well as in law firms and in government, that there's a rule of three and it takes at least three to have an impact. So I've been on corporate boards and when there's only one woman you're not listened to in the same way, it's the same old routine of you say it. And then five minutes later, a man says the

same thing and everybody goes, "Oh yeah." But also it's because when a woman says it, it's viewed as an HR issue as opposed to a policy issue. And I can give you an example of what I mean.

When I was general counsel of the army, I wanted to abolish the Women's Army Corps. And I wanted to open up all the military occupational specialties, which is the job categories, to women. Any that they were physically qualified for. And I wanted to establish physical qualifications so that if you wanted to be a radio operator, you had to be able to carry 100 pound radio. Obviously that would be true.

And I knew that if I was the chief proponent of it, it would be viewed as a woman's issue. And so I worked with my colleague who was the assistant secretary for personnel in order to get him to do the talking and to be the chief sponsor so that it would be viewed as a personnel issue, not a woman's issue. And I think that it's too bad that that's how it is. But if your goal is to done, then that's a better way to get it done.

And I think diversity, I just want to add to the prior answer, which is diversity serves in terms of what products does a company choose to make? How do they market it? If you don't have women around both in the corporate leadership and on the board, decisions are made by a very narrow slice of the population of purchasers. And I know I saw this particularly at Maytag, which makes as you know appliances that are used mainly by women.

But if you don't have women representatives, then you get decisions that are made by people who don't use them and don't understand them. So I think it helps in terms of the shareholder value. One of my other jobs was as the CEO of a place called Winning Workplaces and the research that we did shows that a happy workplace is a place that also produces much better profitability to the company. And so if you have diversity and representation, you have a more profitable company, you have better customer service, you have better products that will sell better to the customer.

So I think diverse is important and that we are way behind Europe, which has long had rules requiring multiple members on the board. America is just catching up and we are doing good. I mean, I think we ought to celebrate and be thankful for the progress we've made while recognizing that the fight goes on to continue to make it even more.

Kimberly Atkins Stohr:

Jill, I love conversations like this when we are reminded of just how broad your experience is and how you've literally had every job. I'm also reminded that, similarly, you're talking about how it, sometimes when women say things, it doesn't land the same way. But that it's also important to have people who aren't women advocating for equality. It reminded me in a different way of how, when speaking out against white supremacy, people were waiting for the Secretary of Defense Lloyd Austin to speak out against it.

But instead, the best person who spoke out against it most eloquently was actually General Mark Millie. And I think as a white man, it landed and people listened in a way that they couldn't have, if it was secretary Austin. And I think this is very similar. So Joyce, some have pushed back against efforts to increase diversity on corporate boards. They essentially say, "Look, it's a mistake to think, just because if more women are on a board, then corporations perform better. Maybe it's the other way around. Maybe it's corporations already performing better, who are more likely to put women on their boards. And it's not necessarily right to give credit to women for that success." What do you think of that argument?

Joyce Vance:

Shocker. What a great argument for cutting women out. It's not your turn. It's not your time. We'll give you a job once we're doing better. Look, this is the kind of empty rhetoric that's been used to keep women in place and underneath the glass ceiling. My experience both in government and on private boards has been that the more diverse your table is the better your decision making process is.

So time and time again, in my US attorney's office, I saw that as we evolved our decision making was better. I mean, I think I've told you all that there was a point in time where when I wanted to eat lunch with the women in the criminal division, I ate lunch alone at my own desk. And our office got better and bigger and more evolved as time went on. And when you brought in like a gay Muslim man and a black woman, and people from diverse geographic and financial and ethnic background is everything that you did was smarter and stronger.

So what we're seeing here, and I think Kim, you're pointing to a Heritage Foundation push back in this area that we've all seen. It was Heritage that came out and tried to criticize studies that suggested better results. When women weren't excluded from corporate governance. And one might think that the Heritage Foundation might have an agenda that makes it desirable for them to diminish those studies. I don't want to take this too far. And I say this advisedly.

But our friend, Jennifer Ruben at the Washington post wrote a really great piece talking about why the Republican party has tolerate attacks like Paul Goser's on AOC. This is the Congressman who was fully capable of putting out on his social media a cartoon in which he imagined himself killing her. And Jennifer wrote, I want to quote, actually she wrote, "Threats and portrayals of violence against women have turned into a badge of honor for a party in which traditional notions about gender, back to the 1950s have become a key predictor of Republican support. Casting men, even a Supreme court nominee as victims of aggressive, nasty, or unhinged women accusing them of wrongdoing has become standard fair in the Trump party."

And so, like I say, I don't want to overstate this, but I think that we're living in the middle of a backward slide in our culture where misogyny is acceptable, where demeaning women is acceptable. And the real question here is not whether women bring value to the boardroom. It's what are we going to a push back against that misogyny that keeps them out, even when it's cloaked in criticism of studies. And what are we going to do, not only about people who don't want women at the table in the boardroom, but who are willing to engage in this sort of notion that violence and suppression of women is okay. We have a real problem on our hands.

Kimberly Atkins Stohr:

I think you're absolutely right. So let's hope that this incremental progress speeds up and that we see a lot more equality and representation in all the places that we need it. Joyce at the end of the year is one of the times that I sort of do a lot of things, including make sure all of my affairs are in order, so to speak, including things like insurance and making sure that I have the right kind of insurance and that it's up to date. Policy Genius really is helpful to me when it comes to life insurance in particular, have you used it?

Joyce Vance:

Our kids are getting older and they're starting to look at insurance too. And we're trying to help them get the right deals like good parents do Policy Genius is a really good resource for families.

Barb McQuade:

I like doing this ad just to hear Joyce say insurance the way they do in Alabama. Here in Michigan, we say insurance and Policy Genius makes it easier to compare quotes from over a dozen top insurers. All in one place, you can save 50% or more on life insurance by comparing quotes with Policy Genius. That means you could save \$1,300 or more per year using policy genius to compare policies.

Jill Wine-Banks:

They have licensed experts ready to help you navigate the shopping and buying process with service that has earned Policy Genius, a five star rating across thousands of reviews on Trust Pilot and Google. They are best in class. Getting started is easy. Just head to policygenius.com. Any eligible applicant can get covered in as little as a week with an award-winning policy rated number one by Forbes advisor. And all it takes is a simple phone call and they get you your best price.

Barb McQuade:

In minutes, you can work out how much life insurance coverage you need and compare personalized quotes. They even handle the paperwork and scheduling for free.

Jill Wine-Banks:

Head to policygenius.com to get started right now, Policy Genius when it comes to insurance, it's nice to get it right. That's policygenius.com or find it in the link in our show notes.

Barb McQuade:

And now it's time for my favorite part of the show. The part where we answer listener questions. If you have a question for us, please email us at sistersinlaw@politicon.com or tweet using #SistersInLaw. If we don't get your question during the show, keep an eye on our Twitter feeds throughout the week where we'll answer as many of your questions as we can. All right. Well, our first question comes from Kathleen who asks a very interesting question. She asks, "Does an attorney get paid by the word i.e., the length of his open and closing, by the hour, a GoFundMe page, or a set fee?" Anyone want to take a stab at that Kim?

Kimberly Atkins Stohr:

Well, I will start. There are many ways that attorneys pay is determined. It's not by the word, just as a spoiler. But for example, when I worked as a civil litigator, if I was working on the plaintiffs side, which means I was the side that represent the person who was filing suit, I was usually paid by something that was called the contingency. U. V. Which meant in the event, whatever we collected at the end, in a settlement or in a verdict, we would get a certain percentage of. In addition to the retainer that they would pay.

Which means we worked for a long time, without a lot of money coming in, we would have to depend on those contingencies, but we also did defense in civil cases, in which case attorneys were paid by the hour. I remember one of my first... U. V. When I first graduated from law school and I was given a caseload and I saw the billing that went through that showed how much that our clients were being paid for my time, I was kind of shocked because I was like, "Oh my God, I hope I'm worth this money." By the end, by the time I left, I was like, "They are not charging nearly enough."

Joyce Vance:

You were worth it.

Kimberly Atkins Stohr:

For what I've been doing. So there's contingency fees. Some are paid by the hour and of course y'all can talk about what it's like to be attorneys for the government.

Jill Wine-Banks:

So I can answer both in terms of retainer fees, which is sometimes in corporate, what happens is you are on a retainer and you do a certain amount of work for that. And then if there's extraordinary work, you might also add hourly fees. And I know in private practice we used to have to bill for every 12 minute segment. And that is one of the worst things about being in private practice.

Kimberly Atkins Stohr:

We had little clocks.

Jill Wine-Banks:

Is having to pay attention, oh my God that was horrible, horrible.

Kimberly Atkins Stohr:

Little clocks that would measure in 12 minute intervals. Yes.

Jill Wine-Banks:

Yes. So that was really terrible. Of course, as a government employee, you are on a pay scale and it's salary and you're just paid for the year, a certain amount of money. And theoretically, at least, and Joyce might have some comments on this particularly, but theoretically, at least everyone who starts is in the same GS rating at the federal level. And so your salary is whatever, a GS-11, which is what I was a GS-11. And the same is true. Actually, of course, as a associate in a law firm. You're paid a salary and then you're billed out at an hourly rate. And so you have to work enough hours to justify your salary. Otherwise you're costing the firm money and that won't keep you in the firm for very long.

Kimberly Atkins Stohr:

Or if you're on contingency, you have to win and settle enough to justify your salaries.

Jill Wine-Banks:

Yes.

Joyce Vance:

Yeah. In US attorney's offices now it's largely based on how many years out of school you've been. And so there's supposed to be a lot of equality in salaries based on that. There's still bands within like what you're referencing Jill, but government pay may be lower than private sector counterparts, but at least there's some expectation of when and where you'll hit raises.

Barb McQuade:

And as I used to say to all of the prosecutors that we hired, you might make a higher salary in private practice, but in government we get rich in other ways.

Joyce Vance:

It's really true. I mean there's nothing like standing up in court and knowing that you're representing the United States, I couldn't agree more Barb. Absolutely.

Jill Wine-Banks:

Absolutely. The psychic rewards of being able to do good and justice makes it all worthwhile. And giving up salary is so worth it. I know my father said when I left private practice to become the solicitor general of Illinois, he said, "How are you giving up your salary?" And it was like, the last thing in my mind was that I was lowering my salary considerably because I knew that I'd be able to do things like argue in the Illinois and US Supreme courts. That I would be able to take cases that really mattered to our society. And that was so worth it to me.

Barb McQuade:

Yeah. I think the job satisfaction among government lawyers runs very high. Our next question comes from @Calhoun'smom and Calhoun's mom asks, "Is it better to have elected judges or appointed ones? I just read the judges in the Rittenhouse house trial had sometimes run unopposed." Joyce, if only we knew someone who was married to an elected judge.

Joyce Vance:

Yeah. I have practiced in front of appointed federal judges and I live with a judge who's elected and has spent much of his judicial career running for reelection every six years. And both systems have problems to be frank. I mean, we all know the problems that exist in the federal system where appointments are made by a political party that's in power. By the same token elected judges. Sometimes that's not really a marker of getting the most qualified judge in place, my husband a case in point. But you guys, that was funny. Y'all were supposed to laugh when I dumped on Bob there.

Kimberly Atkins Stohr:

I smiled. You can't hear that.

Jill Wine-Banks:

You know, I was thinking about Bob was listening. This is bad.

Joyce Vance:

I don't think he'll listen this far in hopefully. But let me just say very seriously. So one of my dear friends, Sue Bell Cobb, who was the chief justice of the Alabama Supreme court. When Sue ran her last race, she had to raise \$2.2 million. That was the price of an Alabama Supreme court race. That is a lot of money.

And one of our other friends who used to be on the Supreme court used to sort of make a joke, but it wasn't really a joke. It was sardonic that the justices might as well walk out for oral argument with patches on their black robes. I've got the this company patch and the that company patch and really this need to raise money to run in elections is very disturbing. There are some states in California where you're initially appointed and then there's just an up or down vote. People can vote you out of office if you're doing a really crummy job, but if you're doing a good job, the expectation is you'll be retained. And some people think that that's a good compromise between the system. But ultimately there's no perfect way of putting judges on the bench and we have to live with that to some extent.

Kimberly Atkins Stohr:

Yeah, I would agree that there is no perfect way. You have to hope and believe that judges were regardless of how they get to the bench, take their job seriously. And they all take an oath and that they all abide by it. But people are human and it's very difficult. You think about the way politicians are influenced by the people who support them. Judges are human too. I also worry elected judges, something that I was speaking to some elected judges about, in their rulings, knowing that when they make a ruling, how wondering how it will play to their electorate. U. V. When it's time for them to be reelected. And that that can have an impact on it, particularly when it comes to issues like social justice.

So I worry about that a great deal. I think about Sandra Day O'Connor, who spent a lot of time really pushing to end elections for judges because she thought that would be better for democracy. Again, I'm not saying that that's the only way to go. And that elected judges are don't take their jobs extremely serious in uphold justice, but it's something to think about.

Jill Wine-Banks:

I want to add a different complaint about elected judges and that is that most people voting have no idea of whether a judge is good or bad, fair or not fair, smart or not smart. And it makes it really hard. First of all, there's a very low percentage of people who will vote for the judges at all. And then at least in Illinois, if you have an Irish name or an Italian name, you may get more votes than if you didn't.

If you're a woman, you may get more votes than you would've otherwise. But it's not based on your competencies as a judge. So I'm very concerned about elected judges. Illinois does have a retention system as well after your initial election. But we have found, or it's been observed in Illinois that you have to be really, really horrible. And then someone has to really campaign against you in order for people to understand that you're a really bad judge.

And so a lot of times really bad judges get retained. So it's not... I don't think it's a good system. On the other hand appointments also are a problem where it's the political parties making judgements about out who should be put on. And then it gets to be some political person, not necessarily someone who is the smartest, best person to be an impartial judge.

Barb McQuade:

All right. Our final question comes from Deborah who asks can the former president actually become the Speaker of the House?

Joyce Vance:

God forbid.

Jill Wine-Banks:

Should we all answer in unison? I agree with Joyce, but the answer is yes, it is legally possible. There is no requirement that they be a member of Congress to be the speaker. And it is a terrifying thought that the Republicans could take over control of Congress and could name Donald Trump as the Speaker of the House.

Joyce Vance:

This transcript was exported on Nov 27, 2021 - view latest version [here](#).

This is the second time in this episode, I've felt compelled to say, if you need a reason to go out and vote in the midterm election, this is one of them. Go and vote and make sure that there's a Democratic majority in both houses or else.

Barb McQuade:

Yeah. Wait. So I thought Trump had to at least be elected a member of Congress to become Speaker of the House.

Jill Wine-Banks:

No, no.

Joyce Vance:

He can be named Speaker without even being elected?

Kimberly Atkins Stohr:

Correct.

Jill Wine-Banks:

Yes.

Kimberly Atkins Stohr:

They're just chosen by the House.

Joyce Vance:

The Speaker of the House does not have to be a member.

Jill Wine-Banks:

Yes.

Kimberly Atkins Stohr:

Correct.

Jill Wine-Banks:

Member of Congress.

Joyce Vance:

I'm looking at it right now. It says the constitution is silent on the question saying simply that the House of Representatives shall choose their speaker and other officers.

Kimberly Atkins Stohr:

They could choose Mickey Mouse.

Joyce Vance:

So if there's a Republican majority in the House, they can do that and who is going to stop them.

Barb McQuade:

Can they?

Kimberly Atkins Stohr:

Right, and that's... Think about-

Joyce Vance:

Barb, we watched them for four years.

Jill Wine-Banks:

[crosstalk 01:03:38] they can say we won't take up Supreme Court nominee.

Kimberly Atkins Stohr:

I mean, that's why... I mean, think about why McCarthy is doing everything that he is doing. I think because he wants to hold onto his job. And there are a lot of things that he's concerned about, including that they won't pick him and they may pick someone like Trump.

Joyce Vance:

Wow.

Barb McQuade:

Thanks for listening to #SistersInLaw with Jill Wine-Banks, Kimberly Atkins Stohr, Joyce Vance and me Barb McQuade. You can send in your questions by email to sistersinlaw@politicon.com or tweet them for next week's show using #SistersInLaw. Don't forget to go to politicon.com/merch to buy some of our fun swag.

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Joyce Vance:

I just found something like totally amazing. Did you know that you can order personalized M&Ms and you can put pictures on them. So for Christmas dinner, which we do at our house, we do Christmas Eve dinner with our friends. I just ordered M&Ms. And I had this old picture, my husband in this like really thoughtful thinker pose. And I put those on M&Ms and I'm going to serve them at dinner on Christmas Eve.

Jill Wine-Banks:

Oh, that's hilarious.

Kimberly Atkins Stohr:

Oh my God, that's [inaudible 01:05:12].

Joyce Vance:

I'm beyond proud of myself.

Jill Wine-Banks:

[crosstalk 01:05:14].

Kimberly Atkins Stohr:

Oh my goodness that's fantastic.

Joyce Vance:

So just sharing that with y'all in case you want [crosstalk 01:05:19]-

Jill Wine-Banks:

Send the link for how to do that.

Joyce Vance:

I will, I'm so pleased with this.

Barb McQuade:

I hope he doesn't listen to the podcast and spoil the fun.

Joyce Vance:

No, I told him.

Barb McQuade:

He'll never make it this far.

Jill Wine-Banks:

Is Bob an M&M fan? Because Michael loves M&Ms.

Speaker 6:

They're just so good, there's something about them [crosstalk 01:05:34].

Barb McQuade:

Sounds like an order needs to be placed, y'all.

Kimberly Atkins Stohr:

I think a lot of stocking sufferers are to happen with...

Barb McQuade:

Yeah, that sounds pretty good. We'll have to put that in the show notes, Joyce.

This transcript was exported on Nov 27, 2021 - view latest version [here](#).

Joyce Vance:

Here, I'm about to drop that link for y'all.

Kimberly Atkins Stohr:

Oh my gosh. That's fantastic.

Joyce Vance:

I just, I don't know how I found that, but...

Jill Wine-Banks:

That's a good find.

Barb McQuade:

I want to see Brisby on a M&M.

Kimberly Atkins Stohr:

Oh yes.

Barb McQuade:

That would be awesome.

Jill Wine-Banks:

Oh my God. I think that's a good idea.

Kimberly Atkins Stohr:

Or maybe get Bob and Brisby together instead of M&Ms. They'll be B&Bs.

Jill Wine-Banks:

That would be good. All right.

Kimberly Atkins Stohr:

Clearly I'm tired.