

The Peggy Browning Fund Honors

Mary K. O'Melveny

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Mary K. O'Melveny's Acceptance Speech

I can't tell you how much I appreciate the incredibly wonderful things that have been said here tonight, the fabulous support of so many incredibly talented and wonderful people in this room and a lot of people who weren't able to be here tonight but who very graciously called me to congratulate me and to be supportive to me.

I want to start by thanking my mother, who is here. (*Aside, to her mother: "Please stand up. Stand up. Stand up!"*) My mother was my first fan, and she is my dear friend, and I love her, and I am very proud that she's here, and she has always supported me. And Susie my partner, and Gay and Jan my dear friends. The awesome President of CWA, Larry Cohen, who has just really been a pleasure to work for and work with, and yell out and strategize with, and all sorts of things. It's been great.

My Host Committee, which worked hard and tirelessly to help drag you all in here and prove me wrong, which I'm happy happened. The Peggy Browning Fund, which is really just an awesome organization. All the Peggy Browning Fellows. My dear dear friends who have come from out of town and all over the place, like New York and Indianapolis. It's really an honor and a privilege to be here.

In fact, there are so many people, I'm not going to give any more names, because I do have some serious things that I want to say. It is true, I sat you down and said, "I don't think - I don't know - maybe they made a mistake - wrong email, wrong something," and you think, when somebody approaches you with an honor like this, "Do I really deserve this?"

And you look at your legal career and you think about all the things that you wanted to do and the things that you've been able to do and you look at how the landscape has changed a lot. I mean, Jan had to go give up the number on how many years it's been, but the legal landscape today is very different than when I went to law school, and it's changed a lot. I was your traditional dewy-eyed optimist. I thought I was going to change the world, if not single-handedly then arm-in-arm with a lot of other people who felt the same way. And

there have been many changes of course for the good, not the least of which is the role of women in the law.

I went to Rutgers Law School, which may or may not have made it into the little description there as the People's Electric Law School, but it was an awesome place and it was full of activists and revolutionaries and everything. We had great fun.

And I was privileged to be a member of the very first class that admitted women and people of color in any numbers at all. And I was also privileged that there were two women on the faculty, one of whom was Ruth Bader Ginsberg, and that's a pretty awesome role model, I'm sure you will agree.

And I remember Ruth Ginsberg talking about the loneliness of when she went to law school, when she was one of one or two women admitted to Harvard. They were invited to tea at the Dean's house. They naturally thought the Dean was going to make wonderful statements to them about how happy he was they were there, but instead what he said was how did they feel about taking up a place that belonged to men.

Ruth Ginsberg, when she started teaching at Rutgers in the 1960's, confronted a situation in which only three law schools in the entire country had any women law faculty members at all. And in 1959, when she graduated from law school, she could not get a job in New York City. And she told us it was because she had three strikes against her - she was Jewish, she was a woman, and she was a mother. So to her great credit, she has spent an enormous lifetime working hard to make sure that the law changes to recognize that women and others have an equal shot at doing the best they can, to being the best they can, to being on an equal par with everyone else.

She sent me a very lovely note of congratulations about this event, and she also sent me her bench dissent in the recent Leadbetter case, which of course tells us we still have a ways to go.

So in being asked if I would accept this award, I started thinking a lot about role models, and obviously Ruth Ginsberg was a very important role model. And this is a movement - the workers rights, human rights, civil rights movement, the economic justice movement, that has enormously wonderful role models.

And I was thinking, when I started practicing law I went to a labor-side law firm in New York called Cohn Glickstein, which has merged now into another firm. When I went there, there was one woman in the firm, and she was the sister of the senior partner in the firm. She represented Actors Equity. Now, she didn't represent all the big

splashy celebrities, because the senior partners all did that, but she did the day-to-day advice, the day-to-day grievance-handling for these folks. She was very welcoming to me and very encouraging of me and she taught me a great deal about how to be a hands-on, workers-rights lawyer.

My very first arbitration case was a CWA case. Interestingly, the local president was told by Hy Ostrin, who was one of the senior partners in the firm, and another really important role model for me who was incredibly encouraging of me, who gave me many chances to shine.

The local President said, "I'm not having an arbitration case handled by some woman." And Hy, to his great credit, said, "Well, if you want the case handled by this firm, you are going to be represented by a woman and what do you want to do about it?"

So the local President relented, and I handled the case, and we won. But it was an enormous burden, because I felt, not only do you want to win, it's your first arbitration case, you want to do the best you can, but I felt very much I was a standard bearer for my entire gender, and I had the very particular duty of convincing this prejudiced local President that women could do the job as much as men.

So in the funny way that things have of coming around, this local President is still around. My dear former partner, Roy Watanabe, who was going to be here tonight but had a hearing that didn't end, told me last week that he got a call from this same local President whose daughter is going to law school. And guess what? He wanted Roy's firm, which is the successor to our old firm, Cohn Glickstein, to please give her a summer job.

Another thing I thought about in terms of how things have changed and come around - when I started going to LCC meetings, there was this great group called the National Network of Women Union Lawyers, not a catchy acronym to be sure, but a really important group, because there were not so many women acting in that field when I first started practicing.

This group met pretty much every year at the annual LCC lawyers conference and we talked about how we were doing, where we were in our firms or our legal departments or our practices.

Two phenomenally amazing women were among the leaders of that group - Allison Beck and Judy Scott - and there were others, of course, but these two were sort of the main "inspirers" and they gave

us all great hope and encouragement. Over the years, the composition of that group changed, just like when you look around this room. It looks very different, more diverse, not as diverse as it should be, but more diverse. It's got folks of every age and race and gender and sexual orientation and ethnic and religious background, and we're getting there.

It's a struggle and we're moving but we could still be much closer to the rainbow objective that we all believe in and have worked toward for so long. So the National Network of Women Union Lawyers doesn't meet as much as it used to because things are looking better but the mentoring and the networking and the support offered by all of us for each other by people like Allison and Judy in particular was a phenomenal thing and it's really an important and a life-changing thing.

So when I got this job - I'm going to tell this story which Allison has now heard many many times - I was thrilled and excited to get this job. Lots of people very graciously called me up to congratulate me and tell me how wonderful it was, and Allison Beck was no exception. She called me up and she said, "It's wonderful and it's great and you know what? I want you, if you can make some time, to come out to my office." (For those of you who don't know, Allison Beck is, and has been for many years, the General Counsel to the Machinists Union). "Come out to my office," she said. "Let me talk to you, let me show you some of the things that I've done, let me give you some of the ideas that have worked for us, let me see to it that you don't have to re-invent the wheel." Now that was the most amazing offer of support and friendship and that is the kind of role model and networking that makes this such a great movement and makes us so lucky to be in the struggle and the forefront for workers rights.

There are lots of other role models. Wilma Liebman, bless her heart! She's carrying the day for us at the Board. She brilliant. She's fabulous. Marsha Berzon, who for many years was the brains behind lots of wonderful Supreme Court cases, now sits on the 9th Circuit. Gloria Johnson, the former President of the Coalition of Labor Union Women, one of the great, wonderful, inspiring labor leaders who was a former IUE officer, and after the merger a CWA employee. She is just an inspiring and great woman.

And the Coalition of Labor Union Women. As Larry Cohen said, it's been a pro bono job of mine for a number of years. CLUW was started in 1974 because it was dedicated to the idea that women needed to develop a place and a role or a visibility in the union movement and in the political movement and in their communities.

Over the course of all of these years, CLUW has been enormously successful in helping to make that happen, and I've got some wonderful CLUW sisters here today, including Jean Hervey, who's one of the CLUW officers. I'm just honored every time I do anything with and for CLUW. These are awesome, incredible women.

So I do want to say one other thing about CWA and what a privilege it's been to be in this job. Over the last several months, I've been very honored to be part of a committee that was chaired by our Secretary-Treasurer, Barbara Easterling, which was charged with the task of increasing the diversity of CWA's governing Executive Board. Working with this committee has been an incredible experience. Next month CWA delegates are hopefully going to adopt a very innovative and exciting opportunity to add women and people of color to the Board and make CWA an even more representative and powerful union. That has been a very great honor, and Larry has been incredibly supportive of that role and that work, and it's been a great pleasure.

One of the people that I did want to mention and thank, because he has been a source of enormous strength to me and we are partners in crime, if you will, and that's Peter Mitchell, my CWA colleague, who not only graciously agreed to serve on my Host Committee but also basically helps me get through the day. We share lots of common commitments to this movement and to the effort to get CWA's legal affairs in order and keep them in order.

So one other thing I would say about what's different since I started practicing law. When I started practicing law, unions were much bigger and stronger and more powerful than they are today. The National Labor Relations Board and the Department of Labor were committed in every way to their mission, which was and is to enhance the rights of working people and the cause of collective bargaining rights.

Threats of strike actually meant something. Newspapers wrote articles about unions that weren't about the "big bosses" or the "bad union leaders" chomping on cigars, but that were really about economic justice issues and struggles.

There were many many things that in the course of my legal career have changed and gone downward thanks to Reagan and George W. Bush, and everybody in this room knows a lot of the reasons why that took place - not just how is labor perceived but how has the labor movement lost the ability to do the job that it is equipped and best able to do. Look at the laws that were passed since I began practicing law - the Americans with Disabilities Act, the Family and Medical Leave Act, the 1991 Civil Rights Acts, and what's happened to them -

they've been gutted or retracted or retreated from, thanks to horrible right-wing judges who see themselves as missionaries for the corporate cause and have no real interest in the rights of working people or the struggle for human rights or economic justice.

Thankfully, though, I may not be dewy-eyed any more and I may need glasses to read things, but we're coming back, I think, and the Employee Free Choice Act is one example of a change that is enormously positive and important.

We're going to change the White House! We're going to put somebody in there who's really good, and whether it's a he or a she it doesn't matter. I don't care who the Democratic candidate is, I'm going to be a supporter.

So I want to just say a few things to the Fellows in this room, because lots of people in this room have been around, at least some of them as long as me, and others close to it. The Fellows here are about to embark on enormously important human rights and worker rights and civil rights work. I have to say that everyone in this room who's been doing this for a little bit of time is going to agree with what I'm about to say, and that is: It is a privilege and an honor to represent working people.

In the course of my legal career, I have met some extraordinary people. They are brave - fearless to a fault perhaps - they are committed to justice and fairness. They have foibles and faults like everyone but they believe that if you give them a chance, if you act on their behalf, if you advocate for them, if you have any kind of a level playing field, they believe that the system will work. And so do I. And so do all of you.

And these folks are incredible to work with. It's humbling to me every single day. To represent workers is humbling, and I am honored by it.

So, Peggy Browning Fellows in particular, I would say to you that labor and employment lawyers and human rights advocates, which we all are, make an incredible difference every day, and we can do more even than we think.

I have a quote that I love, from Heywood Broun: "There is no wisdom in saving up one's indignation for a rainy day." So I say to all of you Fellows, and all of you new and young lawyers: you can be trouble-makers as well as trouble-shooters. You can inspire and be inspired. You have the power because you are on the right side and that is the most important power and don't ever let anyone tell you different.

So my survey of what things were like when I began practicing law and where we stand today still leads me to the same conclusion. That is, though not dewy-eyed any more, that we can still be enormously proud of the work that we do. We can be enormously proud of the sacrifices that we make and the contributions that we make.

Shirley Chisolm once said, "Service is the rent you pay for a space on this earth." Working in the service of labor and human rights has been a privilege and an honor for me, and I thank all of you for being here tonight.