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Preparing Law Students in the Wake of #MeToo

By Paula A. Monopoli

Several years ago, I ran into a former colleague at a conference in New York City. She and I had been first-year associates together at a Wall Street law firm 30 years earlier. We started talking about the old days. Late in the conversation, she told me that one day, the partner she had worked for in her first year had closed the door, grabbed her and tried to kiss her. I was shocked. It had never occurred to me that the partner—who was known for berating young lawyers—would sexually assault one of them. But it shouldn't have surprised me, since sexual assault is about power. Just like bullying the people who work for you.

The #MeToo movement transcends one's professional status. Just because a woman has an advanced degree and works at a prestigious law firm doesn't protect her from sexual harassment or assault. Several national law firms have had partners depart over the past year due to sexual misconduct. So how do we protect our newly minted graduates as they enter the legal workplace? American law schools teach students legal analysis, trial advocacy skills and how to make persuasive appellate arguments. But they don't teach them how to recognize sexual harassment for what it is: a power play meant to demean and marginalize women.

At Maryland Carey Law, our Women, Leadership & Equality Program offers a unique curriculum that educates students about professional skills like communication, personal negotiation, and

business development. Such skills aren't part of the traditional law school curriculum, but they are essential to being able to successfully navigate the legal workplace. As part of this innovative curriculum, we talk about recognizing sexual harassment for what it is and calibrating how best to stop it with the least career impact.

Education is the most effective way to arm our students to recognize harassment and understand when to report it and to whom. Not every comment or off-color joke should be reported, while any physical assault should be. And there is a gray area in-between. There are research-based responses that have been proven to deter demeaning comments. Those techniques can be taught to students before they encounter this kind of marginalizing behavior. And when they eventually ascend to leadership positions in their firms, those former students will better understand how to create a culture where sexual harassment is no longer tolerated.

No one talked about this issue 30 years ago when my colleague and I were law students. If our law schools had at least alerted us to the nature of such harassment—that it was meant to undermine our authority as women lawyers—we would have been better served. Through the WLE Program's innovative curriculum, Maryland Carey Law is serving its own graduates well and leading the way for other American law schools to do better. ■



Paula A. Monopoli is the founding director of the Women, Leadership & Equality Program and Sol & Carlyn Hubert Professor of Law at Maryland Carey Law. She teaches in the areas of property, trusts and estates, and gender and the law. She has published widely and is a nationally recognized scholar in the fields of inheritance law and the intersection of gender and constitutional design.