

Linda Singer

November 14, 2006; January 12, 2007; March 5, 2007; July 10, 2007

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ABA Senior Lawyers Division
Women Trailblazers in the Law

ORAL HISTORY

of

LINDA SINGER

Interviewer: Carolyn Lerner

Dates of Interviews:

November 14, 2006

January 12, 2007

March 5, 2007

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ORAL HISTORY OF LINDA SINGER

FIRST INTERVIEW

November 14, 2006

This is the first interview of Linda Singer which is being taken on behalf of Women Trailblazers in the Law, a project of the American Bar Association Commission on Women in the Profession. It is being conducted by Carolyn Lerner on November 14, 2006 in Linda Singer's Washington, D.C. office.

Ms. Lerner: Linda, let's start by having you give your full name, where you were born and when.

Ms. Singer: Linda Rubin, which was my maiden name, Singer. I was born in Boston Massachusetts in 1941.

Ms. Lerner: Tell me a little bit about your parents and grandparents, starting first with your parents.

Ms. Singer: Okay, both my parents were college graduates. My father graduated from Harvard during the Depression, decided not to become a doctor or a lawyer because professionals were starving then, and ran a manufacturing company, which he hated, family business, until he retired in his, I think, sixties. My mother went to Wellesley, didn't work, but went back to school for a Masters in Education when I was in second grade and from then on worked part-time and was active in what we now consider special education/dyslexia language disabilities. She was, in the early days, a very active volunteer.

Ms. Lerner: What were their politics like?

Ms. Singer: For most of my growing up, they were moderate Republicans. They always told me that because they lived in Massachusetts and the Democratic party in Massachusetts was corrupt, they were Republicans. But I thought they were fairly comfortable with that. You know we used to call Rockefeller Republicans. In their later years, they became, particularly my mother, very active, committed Democrats.

Ms. Lerner: Were your parents born in the United States?

Ms. Singer: Yes. And my mother's parents were born in the United States as well. My father's mother was born here, his grandfather was an immigrant, and my grandfather came to this country when he was two, was one of six kids, family totally uneducated, and he became a physician.

Ms. Lerner: What country did he come from?

Ms. Singer: I think it was Russia, but that is an area of Eastern Europe that went back and forth between Russia and Poland, and my father's side of the family comes from there and my mother's side of the family comes from Austria, I think.

Ms. Lerner: Was religion important at all, in your family, growing up?

Ms. Singer: Well, you say "at all," it wasn't really important. My parents belonged to a reform Jewish temple; we celebrated the obligatory Jewish holidays. I was confirmed, but I wouldn't say it was important, except socially. Their friends when I was growing up were Jewish, but as they got older and my mother

developed professional friends, their circle widened and the group was much more eclectic.

Ms. Lerner: Do you have siblings?

Ms. Singer: Yes, I have a sister who is also a lawyer. She is four years younger.

Ms. Lerner: How much did your mother or your father instill in you the feeling that you could do whatever you wanted to do? What sense did you get from your parents growing up about your own, sort of, ambitions or possibilities?

Ms. Singer: I think my parents were ambivalent about what girls could do. They had two girls. My mother's career was part-time, and the money she earned was considered kind of vacation and special treats money. It would have been thought of as a bad thing if the family had had to live even partially on her income.

I remember once when I was in high school, my father said, "It's good that you are smart, but don't be too smart because boys don't like girls that are too smart." My father, in the end, supported having both of us go to law school, but he was very worried because at the time I went to law school which was before my sister did, he said a woman lawyer couldn't get a job in Boston, and he was probably right. So there was a fair amount of ambivalence. He, in fact, I think, paid for my first year at law school even though I was married. I got a scholarship after that. But he was supportive. I have less recollection of how my mother felt about it.

Ms. Lerner: Did you have any other relatives who encouraged you in that direction.

Ms. Singer: No.

Ms. Lerner: Were there any female relatives or role models growing up who were professional women?

Ms. Singer: No, my mother was unusual in her time. The great majority of her friends didn't work. I don't remember any relatives who worked, except occasionally. If somebody had to earn extra money, she might work in a department store part-time or for the Christmas season. I had a divorced aunt who worked as a receptionist, but not by choice. Nobody had what today we would consider a career.

Ms. Lerner: Where did you live when you were growing up?

Ms. Singer: I lived in Newton, Massachusetts, a suburb of Boston. I went to public schools, good public schools.

Ms. Lerner: Where did you go to college?

Ms. Singer: Radcliffe (which since has merged with Harvard for all practical purposes). There was some back and forth over my applying to Wellesley because my mother went there and really wanted us to go there I was on the "cradle roll"), but neither one of us ended up applying there. My sister went to Bryn Mawr. I think it may have been a mistake for me to have gone to Radcliffe, for a couple of reasons: one, it was so huge and women were considered such second-class citizens when I was there that I don't think I got as good an education as I would have some place else. The other reason I think it was a mistake is that it was too close to home. There was no sense of adventure in leaving home (although I lived in a dorm) and going off somewhere.

Ms. Lerner: Did you consider -- other than Wellesley, did you consider going anywhere else?

Ms. Singer: Uhm, we vaguely looked at what was then Pembroke, which is Brown, the University of Michigan, which I never visited, and Bryn Mawr.

Ms. Lerner: Was there ever any question that you would go to college?

Ms. Singer: No, none.

Ms. Lerner: What was the "cradle roll" at Wellesley?

Ms. Singer: I don't know if they still have it, but women paid their child's application fee. I can't believe they do this anymore. Before I was one year old.

Ms. Lerner: So who paid that?

Ms. Singer: My mother.

Ms. Lerner: Your mother paid for the price of admission when you were....

Ms. Singer: To make sure I'd apply. She went to Wellesley.

Ms. Lerner: When your mother went to Wellesley, what year would she have gone to college?

Ms. Singer: 1938 was her class.

Ms. Lerner: And it was an all women's school.

Ms. Singer: It still is, which is why in the end I didn't go there. Two reasons, the other being that it's way out in the suburbs, although it's very pretty.

Ms. Lerner: Where did your father go to college?

Ms. Singer: Harvard, as a commuter, because his family didn't have the money for him to live there.

Ms. Lerner: When you were growing up, did you have any family in the Boston area?

Ms. Singer: Yes. My father's parents and his grandfather, who I think was the only living great grandparent I had, all lived in the area.

Ms. Lerner: So you had family in the area.

Ms. Singer: Yeah, I know cousins and things, on my father's side. My mother's side was in New York.

Ms. Lerner: How would you describe your personality as a child? What kinds of things would you like to do? Did you have hobbies or interests?

Ms. Singer: I was considered smart, and, sadly, I was intolerant of people who weren't as smart. I was aggressive. My hobbies were just the usual things that kids do when they are growing up. I was never consumed by any interest that I can recall. I read a lot.

Ms. Lerner: Have a favorite book, a favorite author?

Ms. Singer: No. Lots of them. I mean, as I got older, I loved nineteenth century novels. I also read a number of biographies. What made me want to go law school was, that when I was fourteen I read *The Scottsboro Boys*. I don't even know how it happened to be in my house, but I just picked it up and was mesmerized and got very interested in civil rights when I was just a teenager.

Ms. Lerner: What was going on in the world, when you were growing up?

Ms. Singer: Nothing much. It was the forties and fifties. Well, first of all, when I was a baby there was World War II. Jews were very nervous about being Jewish, I know that because...

Ms. Lerner: Were you aware of that, were you conscious about that?

Ms. Singer: Yes, there was a lot of talk about it. And then in the fifties, I remember, there was the Cold War, anti-communism, fallout shelters, sit in the hall in school with your head in your arms because maybe the Russians were going to drop a bomb.

Ms. Lerner: Do you remember that happening?

Ms. Singer: Yes. I also remember some teachers railing about Communists and about the patriotism of people who took the Fifth Amendment and wouldn't testify before the McCarthy Commission.

Ms. Lerner: What did you think about that?

Ms. Singer: I was confused. I think I always thought that was wrong.

Ms. Lerner: And talked about it in your family?

Ms. Singer: Yeah. My father didn't talk much, but I remember some conversations about it. Not a lot, not as much as I wish there'd been. But some.

Ms. Lerner: But you were aware of what was going on?

Ms. Singer: Yeah, I was aware of it. I remember teachers carrying on about it, and saying you know, these people are relying on protections that they would have us lose.

Ms. Lerner: Were you political when you growing up?

Ms. Singer: No, not until I got to college.

Ms. Lerner: What happened then?

Ms. Singer: I got interested in John F. Kennedy's campaign, which was during the fall of my freshman year. One of things that sticks in my mind was the evening when a date from Harvard took me to watch one of the debates in John Kenneth Galbraith's house. (He roomed with one of Galbraith's sons.) Galbraith senior

was teaching at Harvard at the time, so he lived within walking distance of my dorm. Galbraith, of course, was campaigning for Kennedy and came home in the middle of the debate with his comments. I thought that was really special. So I got more and more political in college. My litmus test for candidates was their view on civil rights because that's what I cared most about.

Ms. Lerner: But, and just to go back to kind of the roots of that, what do you think made you sensitive to the issue of civil rights or sparked your interest?

Ms. Singer: It's a good question because I had very little personal experience, and the civil rights that I cared about at the time related primarily, if not exclusively, to African Americans. I don't think it was anything else. And I didn't have that much personal experience. My parents had housekeepers with whom I became close, and I saw where they lived. There were some blacks in my high school, but the mores were very solid in terms of socializing within groups. I noticed that when I went to a high school reunion, how everybody was sitting. So I don't think my convictions came from personal experience. They came from reading and hearing about things and starting to watch events in the South on television. If I hadn't gotten married early, I probably would have been a freedom rider and gone South.

Ms. Lerner: Why do you feel that way?

Ms. Singer: Because I cared about it.

Ms. Lerner: Did you know people that did it?

Ms. Singer: Yes. I knew some people at the time, and I know numbers of people now who did it. And I have always regretted a little bit that I didn't, just because it was

doing something that you believed in. Now, I never, by the way, growing up, or even through college, really thought hard about the civil rights of women, and took all kinds of put-downs and second-class treatment as a matter of course.

Ms. Lerner: Do you remember any -- growing up, before college, in junior high or high school, do you remember ways in which you felt disadvantaged, or comments or activities that the girls couldn't do that the boys could?

Ms. Singer: Well I remember having to take home ec when the boys took shop, and I hated some of the so-called female things we had to do.

Ms. Lerner: You mean sewing an apron?

Ms. Singer: Yes. Made a lousy apple pie, too. But what I really remember was a math teacher telling me that there really wasn't any point for me to take math beyond my junior year in high school because there really wasn't anything for girls to do with math. And I like an idiot stopped taking math, despite the fact that I was good at it.

Ms. Lerner: When he said that -- I assume it was a male?

Ms. Singer: No, it was a woman, it was a female.

Ms. Lerner: Did any girls go on to take higher math?

Ms. Singer: Probably a couple, and they were considered geeks. I didn't want to be a geek.

Ms. Lerner: We were talking about where the desire to do civil rights work or be aware of civil rights issues came from.

Ms. Singer: There must have been some cultural influences. Even just being exposed in your family to people who worked in your home who were black. And as for

me that was a big influence, very big. My babysitter was black growing up, and she would tell me stories about her life and how hard it was, so you know just having that very minimal contact perhaps had an influence.

I do remember driving people home to Roxbury. I remember some financial tales of woe and my father lending money. But I think most of it wasn't personal, most of it was beginning to read the newspaper and watch television and get a sense of what was going on in the world. Because by the time I was in college, I felt really strongly about racial civil rights.

Ms. Lerner: Boston was very, very segregated.

Ms. Singer: Yes. Completely.

M. Lerner: Was that high school that you went to, you mentioned that it was somewhat integrated.

Ms. Singer: Well education was integrated if the residential areas were integrated. There were one or two pockets in Newton where a handful of blacks lived. Of course we called them Negroes then, and they went to Newton High School. I think they were mostly steered towards vocational, non-college-prep curricula. Not necessarily, but it would have been harder for them. I don't remember having any blacks in my classes.

Ms. Lerner: When you got to college, was Harvard integrated at all?

Ms. Singer: Just a handful of blacks. Radcliffe had a quaint practice of giving people roommates like themselves and often grouping people from the same ethnic group in the same dorm or portion of a dorm. So there were a couple of blacks in my dorm, but I don't remember much else. I remember there was only one

dorm that had Asians in it, and if you were Jewish you were always given a Jewish roommate, unless they missed it, unless you didn't say it on your application and they couldn't figure it out.

One of the things I did in college was to write my honors thesis about the views of American blacks on assimilation, intermarriage, and racial separatism. I read huge quantities of the black popular press, I read the Afro-American, I read Ebony, I read Tan, millions of articles on microfilm. I was working with Oscar Handlin, who was a great social historian, although this wasn't really his niche, he focused on the history of immigration. But I must have absorbed a huge amount from that.

Ms. Lerner: What were your major findings from that work? Do you remember what your thesis was?

Ms. Singer: Yes. What my thesis was, which was undermined by what happened in the following ten years, but I still think probably ultimately was correct, was that blacks wanted to be mainstream Americans. And if being mainstream American means being less black, that's what most of them seemed to want. Of course, then came the sixties, the late sixties and Stokely Carmichael and I thought I had been an idiot, but I am not sure in the end that I was.

Ms. Lerner: Yu said the name of the Professor that you worked with. Can you spell that?

Ms. Singer: Oscar Handlin. His most famous book was The Uprooted, which is a fabulous book about immigration.

Ms. Lerner: What year did you start college?

Ms. Singer: 1959. I graduated in 1963.

Ms. Lerner: What other types of classes did you take? What was your major in college?

Ms. Singer: I was an American history major. I took a lot of history and a lot of literature. Interestingly, looking back, I also took two education courses, because I still didn't have a clue what I was going to do, and I figured that I might need to get a teacher's license at some point.

Ms. Lerner: Was that your mother's influence, do you think?

Ms. Singer: Of course.

Ms. Lerner: She encouraged you to have a backup plan to go into education?

Ms. Singer: Well that was something a woman could always do. And I did think I was going to teach. When I graduated from college, I had a Woodrow Wilson fellowship. I went to Stanford for a year, and the idea was I was going to get a Ph.D. in history, and then I assumed I would teach, probably at the college level. In those days, there was such a shortage of college professors, it's hard for us to remember that, that there were fellowships to encourage people to start PhDs.

Ms. Lerner: That was what the Woodrow Wilson fellowship was?

Ms. Singer: Yes. And they not only paid my tuition, but they give me, at that point, the princely sum of fifteen hundred dollars to live on.

Ms. Lerner: Was that a scholarship you applied for?

Ms. Singer: Yes. It was also considered prestigious, which is probably one of the reasons I did it. And there were oral interviews in which they asked all the women whether they planned to have children.

Ms. Lerner: Did you know, at that point, that that was an improper question?

Ms. Singer: No. In fact some of us talked about how did you answer that question. If you say you are going to have kids, does that mean you are not going to get the fellowship?

Ms. Lerner: How did you answer it, do you remember?

Ms. Singer: No, I don't remember. I mean, my guess is, knowing me, I was pretty conventional, I probably said yes, at some point. It turns out ... I may have been pregnant when I had this conversation, I'm trying to remember. I was married after my sophomore year in college. I don't know if I was pregnant when I had this interview. If I was, I probably didn't know I was yet.

Ms. Lerner: When you went to Stanford?

Ms. Singer: I had -- my first child, Liz, was born in California.

Ms. Lerner: Do you want to talk about your first husband?

Ms. Singer: We were married two years, both of my kids were his. He was a Harvard graduate, then went to Stanford Business School. He did extremely well in future years as a businessman. During the course of the marriage, I decided that we had totally different goals for our lives. It turned out that I was looking down on his choice of career, which wasn't a wonderful way to start a life. He didn't really think I should work, at least not with young children. I knew I was going to go crazy if I didn't do something, so I left him, I left California with our daughter, I left the Ph.D. program, which I had already decided wasn't for me. It was very theoretical, and I was tired of being theoretical. John had another family and, after our two families had spent some good times together in the later years, he died about ten years ago.

Ms. Lerner: It must have taken a lot of courage to do that.

Ms. Singer: I was terrified. I was really scared. And my parents were afraid that they were going to end up supporting me and my children.

Ms. Lerner: I want to talk about what you did after you left the fellowship. But before we move too far along in that direction, I just want to make sure we cover college before we leave that era, because I am sure there are other things about college that influenced the direction that you ultimately headed in?

Ms. Singer: Probably. What I liked about college was being around lots and lots of smart people and in a place where being smart was really valued much more than I thought that it had been valued in high school. What I didn't like was the second-class treatment that I thought that the female students got. Women were not permitted in the Harvard undergraduate library, ever. The Radcliffe library to which we were relegated was less convenient and inferior.

Ms. Lerner: Was there a special library for you?

Ms. Singer: Yeah, it was the Radcliffe library, before they built the new one.

Ms. Lerner: What was the relationship between Radcliffe and Harvard, at that point?

Ms. Singer: Well, Radcliffe was a separate women's college, founded in the nineteenth century. The Harvard professors would come over to what they called the Annex and reteach their classes to the women. "Radcliffe girls" often were scorned by the male students as blue stockings or unattractive intellectuals. During World War II, when Harvard didn't have so much manpower, they integrated the classes. But fifteen years later, when I was there, women were still considered to be at Harvard on sufferance, we frequently didn't get the

first choice of courses that the guys got. We lived a fifteen minute walk from the Harvard yard and had to go back for lunch every day. We weren't permitted to eat lunch in the Harvard houses for the fear that we would distract the young gentleman from their intellectual conversations. It's true.

Ms. Lerner: So the classes themselves were segregated?

Ms. Singer: Classes were integrated when I was there. They were integrated in World War II, and they never separated again. But housing and facilities were separate and inferior.

Ms. Lerner: So when you said the professors had come over to Radcliffe.

Ms. Singer: That was earlier.

Ms. Lerner: Other than not being able to use the library at Harvard and having to

Ms. Singer: Not being able to eat lunch, not being able to go to various activities because they were held in the Harvard houses. I had a tutor my junior and senior years. If you were getting honors, you had a tutor, sort of the Oxford system, and my tutor didn't want me because everybody else he had was in his house, I think it was Kirkland House, and I wasn't. And that imposed logistical issues because in the pre-email days he got in touch with them by sticking notes in their mailboxes, and then he had to deal with somebody who came from the other end of the campus.

Ms. Lerner: Do you feel like he treated you differently?

Ms. Singer: When he got me? Not really, except that when I finally told him I thought I wanted to go to law school, he started calling me Portia as in the female lawyer in the Merchant of Venice.

Ms. Lerner: And he was making fun of it?

Ms. Singer: Yes.

Ms. Lerner: So what about your other professors? How were you treated in the classes? Were you called on, or did you have any trouble being heard in the classes?

Ms. Singer: I didn't think that we were discriminated against in class. I thought we were respected. The average Radcliffe woman was probably smarter than the average Harvard man because the school was so much smaller. We were, maybe a quarter of the size of each Harvard class, so it was harder to get in. There were also fewer alternative choices. There wasn't a Yale or a Princeton where smart women could go, because they were still all male. So it meant that there were many really smart women at Radcliffe. It made many of the men nervous. But I felt that we generally were respected by the faculty, all of which was male by the way.

Ms. Lerner: Did you have any female professors?

Ms. Singer: No, not one.

Ms. Lerner: What was that like?

Ms. Singer: It was weird. The other thing that didn't help was that we had house mothers living in the dorm, and the one that I had, whom I liked, was a Ph.D., couldn't find an academic job, and was extremely frustrated. It was quite clear she that was frustrated, and in terms of career advice, she had no idea what we should we do.

Ms. Lerner: Did you get any career advice while you were at Harvard or did you have any role models, people you could talk to about what you were going to do?

Ms. Singer: The President of Radcliffe was a scientist, Mary Bunting. Her husband had died when she was quite young. She brought up two kids by herself. And she was a well-known scientist. She was a role model. The female deans, none of whom was ever married as far as I knew, and my sense was that they thought you really did have to choose. That once we decided, those of us who got married (remember that we got married really young in those days) and were going to have children were basically lost to the intellectual world.

Ms. Lerner: How typical was it for women to get married while they were undergraduates? You got married after your sophomore year.

Ms. Singer: Typical enough that there was a floor in a dorm for women who were married but whose husbands were off in the service or elsewhere, and they segregated them because they want to keep them from infecting the other women. So there was a large handful of people like that, and then there were maybe two or three handfuls of people like me. The saddest cases were the unmarried women who became pregnant while students. I remember that there was a young woman in my freshman class who got pregnant, got married, and dropped out of school.

Ms. Lerner: How common was that?

Ms. Singer: I'm not sure. It was too terrifying to everybody to discuss.

Ms. Lerner: Was birth control available at that point? How available was birth control?

Ms. Singer: It wasn't available in Massachusetts, it wasn't legal. You could go to New York to the right doctor but it was very difficult.

Ms. Lerner: I want to hear more about birth control?

Ms. Singer: Oh, if you could find the right doctor in New York, and you know we would pass around who those people might be, you could get a diaphragm. Most methods of birth control were not all that reliable. Birth control pills were still being tested and most women were afraid of them.

Ms. Lerner: How about condoms?

Ms. Singer: Yes. Maybe the same reliability as today, but a lot of men weren't using them. The other thing is that even women who were sexually active didn't want to talk about it much. So it was very hard to get information. Because, you know, you were considered a slut if you asked.

Ms. Lerner: Was abortion legal in Massachusetts?

Ms. Singer: No. It's wasn't legal anywhere in the country.

Ms. Lerner: Anywhere? I didn't know that.

Ms. Singer: In early '60s. I don't think so. Sweden. That's where people went. The few that I ever knew about.

Ms. Lerner: Did you know people whose actually went to Sweden for abortions?

Ms. Singer: Yes, I think so.

Ms. Lerner: How about illegal abortions?

Ms. Singer: I didn't know of anybody. That doesn't mean there wasn't any. It's really scary stuff. I don't think anybody would ask if None of my good friends, that's all I know for sure.

Ms. Lerner: What percentage, if you were to make a guess, of the women that you were in college with were either engaged or married by graduation?

Ms. Singer: Well, by graduation or a month after graduation, say forty percent maybe. A lower percent of women than at most colleges then.

Ms. Lerner: And you got married after your sophomore year? Before we move from college, tell me any more about any gender role issues when you were there? Talk a little about the tutor who wasn't so happy about having you. Talk about no female professors. What about in the types of classes that you took when you were kind of pushed in one direction?

Ms. Singer: No.

Ms. Lerner: While you were there?

Ms. Singer: No.

Ms. Lerner: Activities that you might have had an interest in that you were dissuaded from participating in?

Ms. Singer: No, the only, I think, dissuasion was that walking back from Harvard Square to the Radcliffe dorms after dark in the cold was rather unpleasant and a little scary. Now there are security people all over the place, there weren't then. Harvard put a regular bus on as soon as they started putting men in dorms at Radcliffe. It's one of the things that really makes me angry. So that was dissuading doing anything in the evening but having a date, because a date would walk you back to the dorm or if you were really lucky, he would drive you back.

There was no decent graduate school or career counseling for women, I don't think. I mean if you just wanted to go take the next step and get a Ph.D. sure, but there was no sense really of what it was that we could do once we stopped

going to school. I do remember going to a session that somebody from the foreign service had, to talk about whether people wanted to take the foreign service exam. I asked the question, "Well what happens if you are married?" And they said, "Well, if you are married to a foreign service officer, then we get two for the price of one because, of course, you can't be a foreign service officer once you're married."

Ms. Lerner: So that was actually part of the wall. If you were married, you [overtalk].

Ms. Singer: That's right, that's right.

Ms. Lerner: And you could follow your husband.

Ms. Singer: If you liked this kind of work, you'd better marry somebody who was already a foreign service officer or was going to become one, because that's the only way you could do it.

Ms. Lerner: How seriously were you interested in doing this work?

Ms. Singer: I think I never really thought it through. It sounded intriguing. I also went to some session on what was available in the civil service, and found out that it was not much.

Ms. Lerner: Did you have any job when you were in college? How did you spend your summers?

Ms. Singer: No. I worked a couple of summers. In the years between my sophomore and junior and my junior and senior years. Before my last year in high school I did two things: I went to Harvard summer school, a combination of intellectual stimulation and meeting boys, and worked on weekday afternoons in the Maryland book depository, sorting books. I was a day camp counselor for a

couple of summers. I worked on a research project that a Harvard professor was doing. I think that was probably the year I graduated from college. I was pregnant and was about to move to California, so I was just looking for something to tide me over.

Ms. Lerner: Was money ever an issue when you were in college?

Ms. Singer: Money was an issue once I got married, because, although we both had parents who were comfortable, we were trying to make it as a couple on very little money. So that was always an issue. And my then-husband worked part-time his last couple of years of college.

Ms. Lerner: Did you get any scholarships when you were in college?

Ms. Singer: Not in college. I didn't apply for scholarships when I was in college.

Ms. Lerner: Were women eligible for merit scholarships?

Ms. Singer: No, I was a National Merit finalist, but those scholarships were only honorary.

Ms. Lerner: Do you remember getting any honors or awards when you were in college?
Any special programs?

Ms. Singer: I graduated magna, which simply meant I had high grades, I wrote a magna thesis, and I got a good enough grade in some kind of general exam in history. But, you know, that wasn't all that special. A higher percentage of the women graduated with honors than the men.

Ms. Lerner: Were there any women's organizations, or was there any type of consciousness raising ?

Ms. Singer: No, no, no, nothing. We were too stupid. It's true. I mean there was absolutely nothing until several years after I graduated.

Ms. Lerner: Well, the one thing you weren't was stupid!

Ms. Singer: Well we were a little naïve about our own situation, when you think about it. We paid the same tuition as the guys and we had second-class treatment. Everything was worse. The food was worse. I mean, you name it, it was worse. And we didn't do anything about it. We didn't even complain about it. We were so grateful to be there.

Ms. Lerner: Was it because so many colleges at that time weren't admitting women, that you felt grateful or was it more that it was Harvard and that you were grateful to be at Harvard?

Ms. Singer: Well it was both, because if you look at the Ivy League, Brown and Harvard and the University of Pennsylvania, which certainly we didn't consider the same thing, were admitting women. Now, several of colleges or the universities had female adjuncts. It was the same as us. There was Pembroke for Brown, and it was Barnard for Columbia. But Yale, Dartmouth, and Princeton certainly were still all male. And having grown up in New England, I always considered the alternative a women's college. That's what most of my friends did.

Ms. Lerner: What percentage of your female friends in high school went on to college?

Ms. Singer: Probably a hundred percent.

Ms. Lerner: A hundred percent?

Ms. Singer: Yes. Mostly to women's colleges.

Ms. Lerner: So the area that you were growing up in must have been fairly affluent and highly educated?

Ms. Singer: Yes, and it still is. Maybe more so now.

Ms. Lerner: Did you have role models of women who combined work and family?

Ms. Singer: Perhaps the most distressing part of my time in college is that I didn't have, and my friends didn't have, a clue about how we might integrate the role models that were expected of us. With all this education we were getting and the fact that we knew we didn't want to stay home and be housewives, but we didn't know really what we could do.

Ms. Lerner: Were there any women role models at Radcliffe?

Ms. Singer: I am trying to think. The deans weren't role models because they were spinsters. That's the word we used to use too, and we knew we didn't want to be that.

Ms. Lerner: Can you think of any women that you looked up to, even women in popular culture?

Ms. Singer: Eleanor Roosevelt, but she was way off. Women always knew that they would live interesting lives if they married the right man (think of Jackie Kennedy), but I can't think of female role models, in the early sixties and before who themselves had interesting, contributing lives and who were married and had children. I always assumed that I was going to be married and have children.

Ms. Lerner: What about women who weren't married, who didn't have children. Were there any women lawyers, any women politicians, or authors that you admired?

Ms. Singer: Margaret Chase Smith, who I think was a senator at about then. So there was a woman in the senate. I was very active in school politics through at least junior high school, so I might have seen that as a possibility. I don't remember

knowing about any female lawyers. In fact, I was told I couldn't get a job as a lawyer.

Ms. Lerner: Did you think it was a possibility to be lawyer when you were in college?

Ms. Singer: I went back and forth about whether it was a possibility. It's what I really wanted to do, but then I got married and I had a baby and I wasn't sure whether it was something I could do.

Ms. Lerner: How did you know it was something that you really wanted to do?

Ms. Singer: I wanted to be a leader in the civil rights movement.

Ms. Lerner: And being a lawyer was the way to do that?

Ms. Singer: It was the way I could think of. And representing poor people and causes as well.

Ms. Lerner: What male lawyer did you admire?

Ms. Singer: I read the biography of Clarence Darrow at a pretty early age.

Ms. Lerner: How old were you?

Ms. Singer: I don't remember, but certainly no older than high school, maybe younger. Junior high school.

Ms. Lerner: Did you read To Kill a Mockingbird?

Ms. Singer: That was written later. That was written in the sixties sometime. I was very interested in Earl Warren and the Supreme Court, and I read anything I could get my hands on about the Supreme Court. I had read a lot about the Supreme Court. In college, I took the only law course that was available to undergrads. It was with Paul Freund, and we started reading cases, and I was fascinated.

Ms. Lerner: Were there other women in your class, do you remember?

Ms. Singer: Oh sure, yes. There were women in all the classes.

Ms. Lerner: Did you ever talk to your friends about wanting to be a lawyer?

Ms. Singer: I probably did, but I don't remember. None of my college friends wanted to be a lawyer. Mostly something intellectual... they wanted to be Ph.D.'s, a few wanted to be wanted to be a medical researcher.

Ms. Lerner: So Clarence Darrow, Earl Warren, what other -- John Kennedy?

Ms. Singer: Not as a lawyer, I was interested in him as a politician, but not as a lawyer. I became absolutely fascinated with Thurgood Marshall and other civil rights lawyers. Not all of them were black.

Ms. Lerner: The NAACP -- Legal Defense Fund -- Jack Greenberg.

Ms. Singer: Yeah, that's it. That's what I was focused on.

Ms. Lerner: So why did you apply for the fellowship to teach?

Ms. Singer: Because I thought that getting a Ph.D. was something I could do with a baby, and pregnant in was my last year of college. And that's why I left it also, it was just more school.

Ms. Lerner: How did you choose Stanford? Was it because your husband had applied there?

Ms. Singer: No, it was because the best history departments at the time were Harvard and Stanford and I wanted to get out of Cambridge. I wanted to get away from my family in Newton. I was feeling smothered.

Ms. Lerner: And your husband went along with going to Stanford?

Ms. Singer: He got into both Harvard and Stanford, and I talked him into going to Stanford. And by the way he never regretted it. He loved California. I did him a favor.

Ms. Lerner: How was the transition from living in Boston on the east coast to the west coast? What did you think of California?

Ms. Singer: It was very difficult for me. There was an enormous culture shock. The sun was always shining, everybody seemed to be blond, people didn't seem nearly as interested in anything intellectual. The people I met through my husband seemed particularly uninterested, but they were a combination of westerners and business folks. I had a hard time, and I lived there for I think two years.

Ms. Lerner: Did you live on campus at Stanford?

Ms. Singer: Yeah, I lived in married student housing, which was a nice idea. We went to San Francisco a lot. I loved San Francisco. I still love San Francisco. I lived in Palo Alto for most of a year again, twelve years later, when I was a visiting professor at the law school.

Ms. Lerner: Getting back to gender issues, did you notice the difference in the way women were treated or in gender roles between Stanford and Harvard?

Ms. Singer: Well in the university, yes, because undergraduates at Stanford were totally integrated. It was truly a coed school. Now, I didn't know any undergraduates when I was there, but my observation was that they were getting the same treatment. All the women looked like blonde cheerleaders. I was at the time a terrible intellectual snob and it was quite an adjustment.

Ms. Lerner: What about in the Ph.D. program? What percentage of women were in the program?

Ms. Singer: There were a few women, in fact.

Ms. Lerner: And how were you treated? Were you aware of gender issues?

Ms. Singer: Not really. Later I realized it was sort of gender plus. It wasn't so much that I was woman, it was that I was a woman with a child. I started in January after Liz was born instead of in September so I was always out of step with my class because I had had a baby and my male professors did not think that I could be successful because I had a baby. That's why I say sex plus.

Ms. Lerner: How did you juggle being in school and having a baby? What did you do?

Ms. Singer: I was a member of a babysitting co-op, and when I wasn't in class I was often watching other people's kids, together with mine, to build up time so I could go to class.

Ms. Lerner: Your husband was in school, too?

Ms. Singer: He was in school too. And there were some times when he needed to take care of the baby, but not much, because the business school schedule seemed to be all day and all evening as far as I can remember. People kept popping in to discuss school-related problems and cases. There was no privacy.

Ms. Lerner: Is there anything else that you remember about your time at Stanford, before we move on?

Ms. Singer: I wasn't there very long. But I do remember how odd it felt when it was sunny and hot for Thanksgiving and all the stores had fake snow for Christmas.

Ms. Lerner: You had two children?

Ms. Singer: One. When he left, I was pregnant with my son. Ms. Lerner: You moved back to Boston?

Ms. Singer: We stayed in Boston with my family for a while. I then went to Reno, Nevada, which was the only place I could get a divorce in less than two years or five

years or never. And I had to stay there for six weeks. I was by myself for a couple of weeks, and then my parents brought my daughter out, and she and I did the rest together. Then we moved to Washington.

Ms. Lerner: What was it like to get a divorce in 1963, 64? Is that when we are talking about?

Ms. Singer: The end of '64.

Ms. Lerner: If a woman wanted to get a divorce ...

Ms. Singer: Shameful first of all. Second, very difficult legally. There was only place where they -- it wasn't even a voluntary separation, it was on mental cruelty grounds. Most places had no grounds, some places had an adultery ground, nobody had a separation, a voluntary separation. Desertion maybe, after years and years.

Ms. Lerner: What if the man wanted a divorce?

Ms. Singer: Same thing. No, it wasn't like the Muslims, you know, I divorce you. It was the same. Those laws tended to change, I think in the seventies, late sixties, early seventies, they all changed.

Ms. Lerner: So, you went to Nevada, got your divorce, and then moved to Washington?

Ms. Singer: Yes.

Ms. Lerner: Why Washington?

Ms. Singer: Truly, although I hadn't quite sorted out what I was going to do, I knew that, ultimately, if I could pull off going to law school, and get through it and look for a job, it was the one place in the country that I could imagine I could get a job.

Ms. Lerner: Why?

Ms. Singer: And I didn't want to keep moving. Because the government was hiring female lawyers. The Justice Department was, agencies were starting to. And there were women older than I who were employed as lawyers in the U.S. government.

Ms. Lerner: How did you know?

Ms. Singer: That's a very good question. I don't know how.

Ms. Lerner: Did you talk to anybody about your decision to go to law school, try to do some kind of intelligence gathering before you made your decision?

Ms. Singer: Well I got here -- the second reason I came here was that there was someone I had dated in college who was here and I thought maybe -- the notion that I was going to stay single never occurred to me. I couldn't -- I mean the kids needed a father. It was pretty clear that my ex-husband wasn't going to be in their lives; I wanted to get on with life; I need some help. And I knew someone, and I liked him, and I ended up getting married to him and going to law school. I started about a year later, when Dan, my second child, was eight months old.

Ms. Lerner: A year later from the time you moved or after you got married?

Ms. Singer: From the time I moved here. And my going to law school was a condition of my getting married the second time.

Ms. Lerner: You negotiated that upfront?

Ms. Singer: I absolutely did. I said I'm going to law school, and then I'm going to work, and his feeling was that he was going to be a university professor. He had just gotten his Ph.D. And we thought that was a great idea, because that way the

family could live comfortably, if we had two incomes. And he thought that I wouldn't be a bad investment.

Ms. Lerner: When you were thinking about applying to law school, were law schools admitting women at that point?

Ms. Singer: A few. Harvard regularly admitted 12 women out of a class of maybe 500. There were, I think, ten women in my class of three hundred something.

Ms. Lerner: And that was which law school?

Ms. Singer: George Washington. Because we were here, my alternatives were really -- well they were the array of D.C. law schools, but I really thought it was George Washington or Georgetown. And I went and looked at them both and I talked to them both and I ended picking George Washington because it seemed less dour than Georgetown seemed at the time. Georgetown was in a really dark, old building on Fifth Street. The other reason why I picked it, when I had my interview at Georgetown, they said that, in the first year, they spaced classes from nine in the morning till five in the afternoon so that first year students wouldn't get jobs. At GW, I was going to be finished at one. And that made a huge difference to me at home.

Ms. Lerner: Because of your children?

Ms. Singer: Yes. I could get some childcare, and get home. Neither school was terrific at the time.

Ms. Lerner: Were there any women professors at GW?

Ms. Singer: No, not while I was there.

Ms. Lerner: Never had a single female professor?

Ms. Singer: No. The first one graduated GW law school the year after I left.

Ms. Lerner: Were there any women's organizations or associations in law school?

Ms. Singer: No. The de facto association was that there was a large ladies room on the second floor, and it had a couple of couches in it, and most of the women used to hang out there between classes. And I got to meet some wonderful women there. I found the women, on the average, older than the men. Often they had worked for a while, and often were smarter and more interesting than the men. A lot of us, tended to be here because we had husbands who were working in Washington. Otherwise, we might have gone someplace else. The men were young because, in those days, if they didn't go straight to graduate school, they were going to be drafted. So they all went straight from college, and lots of us had done other things in between. I wasn't the only mother in my class either. Sally Determan was one year ahead of me and she had a son who was the same age as my daughter. We became very good friends. So it sort of felt like home. It felt right for me.

Ms. Lerner: Did you experience any kind of disparate treatment because of your sex, do you think?

Ms. Singer: Only one thing. The first year I went to law school, the law school had persuaded me that, because I had two young children, I should take a night student's load during the day, which was one class less than I otherwise would have taken.

Ms. Lerner: Why?

Ms. Singer: Because I had two toddlers and I how could I possibly do this. I made up the course that I hadn't taken over the summer between my first and second years and switched to full-time. I was first in my class the entire time I was in law school. However, the administration attempted to award the first in the class award on graduation to number two, who was a male, and the reason that they gave was that I wasn't a full-time student, which I wasn't my first year. He turned it down and said he didn't deserve it, it was mine.

Ms. Lerner: Great story.

Ms. Singer: Isn't that nice? That was the only thing that I remember. People knew that I had kids at home, and I didn't get guff about that. It was fine.

Ms. Lerner: Did you have any jobs during law school?

Ms. Singer: No.

Ms. Lerner: Other than raising kids.

Ms. Singer: Well, I was an editor of the law review, which took a lot of time, the second half of my second year and all of my third year.

Ms. Lerner: Were there any women in the law review?

Ms. Singer: Yes. Sally Determan was editor-in-chief her year. I turned the job down. I had two children, she had one. She advised me that it was armful and I couldn't see why I really wanted it. I wasn't that into it.

Ms. Lerner: What were you into?

Ms. Singer: Getting my work done and taking care of my children. I was very efficient at getting my work done. It was usually done by the time I went home at 3o'clock in the afternoon.

Ms. Lerner: Did you have any favorite classes?

Ms. Singer: Oh yes, I loved contracts and constitutional law. I took the constitution law seminar later. That's all I remember. I found law school boring after the first year. The first year I loved, for two reasons, one it was a new way of thinking and the other was that I had been out of school for a couple of years. So going back to school, I loved.

Ms. Lerner: What did you do for child care?

Ms. Singer: I had a middle-aged black woman who had brought up her own son and other children and was the model I knew from my childhood of whom one hired if one needed somebody to help take care of one's children. She was a lovely woman and stayed with us for years. My daughter Liz, when she was a teenager, particularly, and maybe even in her twenties, would tell people that they had to excuse the fact that she didn't know very much because she was brought up by a woman who had an eighth grade education and she was therefore culturally deprived. So that was sort of her view looking back on the whole thing or she was just saying it to push my button. Recently I told her I'd kill her if I heard it once more.

Ms. Lerner: Could be a combination of both. Did you feel a tension between, or at that point most women -- my understanding, I guess, is that most women were at home in the sixties.

Ms. Singer: Everybody in my neighborhood except for me was at home. I always suspected that they thought I was an unfit mother. The situation was

accentuated, I think, because we lived in the suburbs. I was living in Carderock Springs, just outside the Beltway, off River Road.

Ms. Lerner: Bethesda or actually Carderock?

Ms. Singer: No, it's technically Bethesda. We were there because I was a public school kid and so was my husband and we figured that we had to live in the suburbs because that's where you sent your kids to school. And we did, for most of their upbringing.

The other tough issue for me at the time was that my husband would be very angry if I was late coming home. This didn't happen in law school, but it happened occasionally when I started to work. I was expected to get home and get dinner on the table. And I remember lots of mad dashes through the front door, drop everything, get into the kitchen and get rolling. The kids were great about it, although I always felt conflicted about not having enough time with them. The kids were proud that I was working.

Ms. Lerner: How old were they when you were in law school?

Ms. Singer: Dan was eight months old when I started and Liz was almost two. The hardest parts were when one of them was sick. When they were healthy, it generally was fine, but when they were sick, they would stand in front of the front door crying, "Please mommy don't go, don't leave me, don't leave me." I think that was very hard.

Ms. Lerner: Was there a community that you found that was supportive?

Ms. Singer: Well, I had friends in law school, and once I started working in Washington, I met more women lawyers, including many of the people who are being

interviewed for this project. Sally Determan was always my friend. I met Judy Lichtman early. I met Brooksley Born through Sally. Janet Altman had gone to law school with me, and she then taught at American University. She died a couple years ago. But there were women and there were people I saw often for lunch, sometimes with husbands and kids. And we were very supportive of one another.

Ms. Lerner: Was the women's movement starting about that time?

Ms. Singer: It was just starting.

Ms. Lerner: While you were in law school? What years were you in law school?

Ms. Singer: I graduated law school in '68, so I don't really remember any movement at law school. I remember shortly after. Now I did, when I was at Stanford in graduate school and taking care of a baby, read Betty Friedan's The Feminine Mystique, and that began to change the way I looked at the world.

Ms. Lerner: What did you remember about reading Betty Friedan?

Ms. Singer: Oh, I know a wonderful example of what she wrote about.

Ms. Lerner: The Problem That Has No Name?

Ms. Singer: Yes. That's not the name of the book...

Ms. Lerner: But that's what she identified with ...

Ms. Singer: And it absolutely clicked with me. I started thinking about whether my life was going to be doing the laundry and cooking, doing things that I really didn't enjoy, whether I was going to be a bad mother because I was bored and frustrated. How could I be a role model for my children if I didn't like my own life? And the odd thing was that this was about the time I was in graduate

school, but my heart wasn't in finishing the Ph.D. and teaching. I realized only after I had started it that I had done it as the path of least resistance. It wasn't what I wanted to do. I wanted to go to law school. I hadn't gone to law school because it seemed like something I couldn't pull off, at least not while my husband was going to business school.

Ms. Lerner: Did you think about Stanford law school?

Ms. Singer: No. It wasn't on my radar screen. No, the only law school I thought about was Harvard, which at that point took twelve women a year. I knew that. I also knew I could get in.

Ms. Lerner: How did you know?

Ms. Singer: Because women like -- of the twelve women, probably half came from Radcliffe, and I had at least as good an academic record as any of them did. So, unless I was stopped by the fact I had a child or children, I could have gotten in. But it was beyond my ken that we would move to Cambridge so I could go to Harvard law school. It was also beyond my ken that I would go without the family, or that the children and I would go without the entire family. It simply never entered my mind, so once I went to Washington, I was going to go to law school in Washington.

Ms. Singer: That was probably the most important book I've ever read.

Ms. Lerner: Let's discuss your law school experience and what was going on culturally. The women's movement didn't start until later, but the civil rights movement was going on.

Ms. Singer: Civil rights movement, the riots. I mean there were riots in Washington during my last year of law school. Now I was in a pretty conservative law school. It was virtually all white. Most of the faculty were fairly conservative, so it didn't rip apart the law school the way it did some universities. But these were times when just going out in the streets in Washington was an event, with everything that was going on. We lived a million miles out, it felt like. We also lived in a place which, while it had a lot of foreigners, it did not have any American blacks, just blacks from other places.

Ms. Lerner: Did you drive downtown to GW? How did you get there?

Ms. Singer: I drove.

Ms. Lerner: Washington was fairly segregated at that time.

Ms. Singer: Yes.

Ms. Lerner: Did you have contacts where ...

Ms. Singer: Not much, not much. People didn't live in the neighborhood, they didn't go to the law school, they were certainly no faculty of color.

Ms. Lerner: Were there students of color, that you recall?

Ms. Singer: I don't recall many. Just a handful of blacks. The person who sat behind me in my first year was Bob Tigner who in later years became a superior court judge here.

Ms. Lerner: You mentioned earlier that you knew people who were freedom riders.

Ms. Singer: I knew them later.

Ms. Lerner: Not in the sixties.

Ms. Singer: No, I mean Elliott and Judy Lichtman were in Mississippi , Michael Trister was there, Bob Fitzpatrick was there. But those are all lawyers I know now.

Ms. Lerner: And Marion Wright Edelman?

Ms. Singer: Yes, certainly. And her husband, Peter was there.

Ms. Lerner: Did you feel like you were part of the civil rights movement?

Ms. Singer: No. I would have liked to be part, but by having children I had basically removed myself, and therefore, the only thing I could do was practice the kind of law that would contribute in some way. The poor people who marched actually were just about when I was graduating from law school.

Ms. Lerner: What do you remember? Did you go to the march?

Ms. Singer: Yes. It was awful, it was quite pouring rain most of the time. Yes I was there. I also went to hear Martin Luther King in 1962 at Harvard and I went by myself. Nobody else was interested that I knew.

Ms. Lerner: What was it like?

Ms. Singer: It was fabulous. I was inspired by him.

Ms. Lerner: What else do you remember about the civil rights movement, in the sixties or early seventies?

Ms. Singer: I remember that things were getting uglier. I remember that some of the movement was becoming anti-white and particularly anti-Semitic. I remember that whites weren't as welcomed as they once were in terms of fighting the fight. That black integrationists, some of them became separationists. I remember that was something I was really interested in because I had

researched and written about it in college. I remember Stokley Carmichael. I remember black power. This was all late sixties, early seventies.

Ms. Lerner: You haven't talked much about anti-Semitism. You talked about sexism, but not anti-Semitism and your experience of it. Did you experience any of it?

Ms. Singer: I had some. The first anti-Semitism that I remember was at Radcliffe. A couple of sort of stray remarks, one was that, at some point in a counseling session, an administrator told me that, of course, Radcliffe had to keep a lid on the number of Jewish students it admitted or the place would be flooded with us.

And the other thing I remember was that my first day as a freshman a student whose name I don't want to use but the name you would recognize was standing on some line next to me and we were talking about how she had gone to Brearley, a girls private school in New York, and said, "Oh I knew a couple of girls who had gone to Brearley from something I had done some summer, and she said to me, "Oh well they're different. I would not have socialized with them," and all of a sudden it hit me what she was talking about. And I remember being depressed for the first twenty-four hours or so that I was at Radcliffe because of that remark.

Those are the only two things that jump right out at me. I dated sporadically some boys who were non-Jewish. As soon as I got out of my parents house, I was very interested in seeing whether they were different from the boys I knew, so I went out with some preppies.

Ms. Lerner: Was that controversial?

Ms. Singer: Yes, it was controversial.

Ms. Lerner: With whom?

Ms. Singer: My family, and I think some students were still -- I mean dating was very much along ethnic and religious lines. I do remember double-dating at some point early in my college with a Jamaican guy who was black and a white girl from Radcliffe, and a lot of eyebrows were up. I wasn't sure how I felt about it either. I remember I was troubled and confused because I was -- I was troubled because I was confused.

Ms. Singer: And that is one of my favorite pictures, I think I still have it, with me standing in my cap and gown in my living room with my three-year-old and my four-year-old just before I went off to graduate from law school. And that was special to me, not only because I had done it and had gotten out of law school but because I had these two great kids and they were okay and they didn't seem to be any worse for wear for the experience despite what my Stanford professors had told me, "either I wouldn't finish the Ph.D. or my children would be in terrible shape," and I hadn't done that, but I had done something I wanted to do more, and they seemed to be in great shape. And that's one thing that stands out looking back.

Ms. Lerner: This is probably a good place to end for today.

[End of First Interview]

ORAL HISTORY OF LINDA SINGER

SECOND INTERVIEW

January 12, 2007

This is a continuation of an interview with Linda Singer for the American Bar Association's Commission on Women in the Profession Oral History Project. Today is January 12, 2007 and we are in Linda Singer's office in Washington, D.C. This is our second interview.

Ms. Lerner: Linda, when we concluded last time you were talking about law school. How many women, approximately, do you think were in your law school class at GW?

Ms. Singer: We're probably between twenty and thirty out of a class of between three-hundred and three-hundred fifty. So, probably somewhere between 5 and 10 percent.

Ms. Lerner: And of those women, how many went on to practice law after law school? Do you have any recollection of the approximate number who got legal jobs?

Ms. Singer: I don't know the answer to that. Certainly, several of us got legal jobs. One eventually became a law professor at American University. But there were people of both genders in my class who didn't get legal jobs.

Ms. Lerner: By the end of law school, did you know what type of law you wanted to practice?

Ms. Singer: I wanted to be a civil rights lawyer. By the end of my third year, I was very interested in what a couple of people had started talking about as "public interest law practice." That was a term that didn't really come in to vogue until the early '70s. But when I graduated in '68, there were a couple of conversations going on that intrigued me. What I knew I didn't want to do is go to work for a large law firm. There were two reasons: one is that I didn't want to be part of a large bureaucracy; the other was that I couldn't figure out what they were doing,

especially in the administrative law world of Washington, that didn't seem really boring.

Ms. Lerner: Did you have any legal jobs when you were in law school? Did you intern anywhere?

Ms. Singer: No. I never tried to work. I thought that going to school and taking care of two kids was enough, and during my second and third years, I was on law review. In my third year I had an editorial job on the law review, so I didn't see how I could do more and still see my children. I probably should have gotten a legal job in the summers, but I wanted some vacation time with the kids. It wasn't nearly as standard then as it is now that the firms would hire a slew of so-called summer associates from whom they would select future lawyers.

Ms. Lerner: Were there any professors in law school with whom you had a particularly close relationship?

Ms. Singer: Yes. I was the closest to Don Rothschild, who taught sales, and secured transactions, and labor law. Unfortunately, he taught labor law at night, so I never took it. That omission turned out to be important later. But I took subjects that I wasn't all that interested in because in law school I often followed the professor rather than the subject. We didn't have a whole bunch of terrific professors. Don was somebody that I was friendly with for years afterwards. His background was that he had been a successful businessman from Toledo, going to law school at night to change his life. And he was much more active and interested in the practical aspects of the law than most professors. The other person with whom I worked closely was Monroe Freedman, since moved to Hofstra, who gave an

appellate practice seminar where we wrote the briefs for a case that challenged the constitutionality of D.C.'s anti-vagrancy law. So I actually got to work on a real case at a time before there were any clinical classes in law school. That's as close as I got to the real legal world.

Ms. Lerner: Going back to something you said just a moment ago, you mentioned a public interest law firm. Who were the lawyers involved in that effort?

Ms. Singer: The first time I heard of the concept was when Steve Kurzman and Ron Goldfarb, who later became my employers, came to talk to a constitutional law seminar that I was taking in my third year about the Kerner Commission Report about the 1968 urban riots. And in passing, they talked about the new law firm that they had just founded. It was, as they described it, a "public interest law firm." Later, I had heard a similar term applied to Berlin, Roismann and Kessler, now Judge Kessler. I think that they may have been founded in 1971. One of my first employment discrimination cases was referred to me by Judge Kessler when she went onto the Superior Court bench.

Ms. Lerner: When you graduated from law school, did you have a job?

Ms. Singer: Yes. I had applied for one judicial clerkship and I had gotten it. It was for Henry Edgerton, who was at that point a senior federal appellate judge on the D.C. Circuit. I wanted to work for him for two reasons. One was that he was a liberal icon; the other was that he had had female clerks and had a reputation for being very understanding of clerks with children. I still had two very young children at that point and was somewhat intimidated by the thought of most clerkships and not having any control over my hours. Some other well known women lawyers had

preceded me in that job, including Brooksley Born and Sally Determan.

Unfortunately, Judge Edgerton got very sick towards the end of my last year in law school, months after he offered me the job. And it became pretty clear that he was never going to go back to the court. That was happening at about the same time that Kurzman & Goldfarb came to talk to my constitutional law seminar. Shortly thereafter I heard that they were looking for their first associate. I applied for and got that job. At that point, I earned less than my peers going to big firms, but not nearly as much less as it would have been if I had made the same decision today.

Ms. Lerner: Proportionally?

Ms. Singer: Yes.

Ms. Lerner: What, if you can recall, was an average salary for people going to law firms?

Ms. Singer: I think it was \$10,000. And I started at eight.

Ms. Lerner: Was it a litigation firm?

Ms. Singer: We did some litigation, mostly representing individuals against institutions. We often handled civil rights claims. What enabled them to hire me was that Ron Goldfarb had a grant from the Ford Foundation to do a study of prisons. And that grant provided for an assistant, which paid me my first probably two years.

Ms. Lerner: When you went to the firm, were you primarily working on the prison project?

Ms. Singer: I wanted to learn how to be a lawyer; that was why I was there. The project in the beginning for me was just an excuse to get in to a small firm with people doing work that I respected. I think over the first two or three years, my work was about half and half.

Ms. Lerner: Describe the prison project. What were you doing?

Ms. Singer: We ended up with a book called "After Conviction." We did a lot of visits to prisons. We looked at prisons, we looked at probation and parole systems, we looked at the few halfway houses that existed, we talked to a lot of experts. So, I got to know large numbers of people in that field. And after that as it turns out, I did a lot of work in the prison reform area for the succeeding ten years or so. That for me grew in to something that I did on my own. I don't know if you want me to get there yet, but it started in '71. Working with somebody I knew from the D.C. Corrections Department, we applied to what was then the Office of Economic Opportunity. They funded legal services projects and we got the first, I think the first, OEO demonstration grant to try to set up a demonstration program of legal services for civil matters for prisoners. Our clients were people who were in the custody of the youth system of the D.C. Department of Corrections.

Ms. Lerner: What would be a typical type of matter that you would handle?

Ms. Singer: Two kinds. One was standard civil matters like divorces, property repossessions, landlord-tenant. The other was their complaints about conditions in the prisons, which is what really interested me. I had written a chapter of the book that Ron and I produced, which was based on a long law review article that I had published in 1969 about lawsuits by prisoners dealing with conditions of confinement. It was one of the earliest articles on that subject.

As a result of that work, I was interested in exploring ways of resolving those problems, short of full litigation. Particularly because our clients in this project were people who tended to serve less than a year in prison, it didn't do them any

good to litigate and have a district court and a court of appeals decision; they were long gone by the time that was decided. So, what we were trying to figure out was a way to get administrators, basically to return our calls and try to work things out when we tried to deal with them about conditions of confinement. And because, as I said earlier, I had never taken labor law, I had thought that mediation (about which I knew very little at the time) might be an answer. We managed to negotiate a process that involved a mediation stage and an arbitration stage for prisoner complaints against administrators. That was used in D.C. and then later, we got additional funding from other sources to set up programs in California, Colorado, New York and South Carolina.

Ms. Lerner: State-wide systems or general programs?

Ms. Singer: State-wide in general. There was legislation in New York and California that incorporated some of the basics of the program. None of them currently exist in the form in which it existed in the '70s.

Ms. Lerner: How long did the District of Columbia program last?

Ms. Singer: Maybe five or six years. California was the longest lasting, I think.

Ms. Lerner: How much of your time the first few years of practice did that project take up compared to the other work you were doing?

Ms. Singer: That project took up probably half my time. I did it under the aegis of what is now called the Senate for Dispute Settlement, which still exists, although it had a different name then.

Ms. Lerner: What was the name then?

Ms. Singer: Center for Correctional Justice.

Ms. Lerner: Who founded the Center?

Ms. Singer: I did.

Ms. Lerner: What prompted you to start a center?

Ms. Singer: I needed a nonprofit to accept the OEO grant. It couldn't go through a law firm and it seemed more appropriate to have a nonprofit, to take a grant and to employ what, was a fairly large number of people. We had a lawyer and a bunch of law students working for the project. And then additional people as we spread out to other things.

Ms. Lerner: How long after you graduated from law school did you start this project?

Ms. Singer: Less than three years. There were lots of people starting nonprofits in the early '70s. A lot of the groups that you're most familiar with now began in 1970, 1971, 1972. It was an amazing time for what we now consider public interest law.

Ms. Lerner: What were you doing the other half of your time?

Ms. Singer: I represented some prisoners.

Ms. Lerner: And these were conditions cases?

Ms. Singer: Yes. Condition cases mostly. Because it was such a small firm, and I wanted to handle my own cases, I was starting to get a few employment cases after 1972 when sex discrimination became part of Title VII. I think that I did some early divorces and wills as well. This law firm did a lot of things. And I had my own clients pretty early on.

Ms. Lerner: How did you get them?

Ms. Singer: Mostly there were two ways. One was that friends and some of my husband's colleagues knew that I was a lawyer and started referring business to me. The other way was that I got some cases that Ron Goldfarb didn't want to handle.

Ms. Lerner: How did you like the litigation aspect? How much of what you were doing was litigation?

Ms. Singer: At first I liked it. I did a fair amount of litigation. I did mostly plaintiffs' work but a couple of defense cases. I defended a very early sex discrimination case, with which I was a bit uncomfortable. I also actually tried to verdict a race discrimination case.

Ms. Lerner: Was that in the District of Columbia?

Ms. Singer: Yeah. It was a federal case brought against the Council of Better Business Bureaus.

Ms. Lerner: Remember the verdict? How much?

Ms. Singer: No. It was zero, was a defense verdict.

Ms. Lerner: Oh, you were defending?

Ms. Singer: Yes. It was my other defense case. I settled everything else.

Ms. Lerner: Did you have any colleagues who were women? Were there any other women lawyers in the firm?

Ms. Singer: I was the only associate for a number of years. In later years, we hired a woman to work part time on divorces and wills. So, she was the second associate and I had a lot to do with hiring her.

Ms. Lerner: How old were your kids when you graduated from law school?

Ms. Singer: They were four and three. And I was concerned about having a full-time job; no one I knew worked part-time in those days. We either worked full-time or we didn't work. I was concerned about having a full-time job and being a good mother. When I interviewed with the firm, I made it clear to them that I was a parent and that it was important to me to keep regular hours, and I really like to leave every night at 6 o'clock. That sometimes happened, but 6 o'clock seemed to be the time one of the partners thought was the best time to have a conversation. His phone stopped ringing, and he was relaxed about when he got home so he always wanted to talk for about an hour. I found that very stressful. And then when I got home, I was expected to cook dinner from start to finish. My husband at that time was an academic, so he didn't have any problems getting home. But he had a lot of problems if I was late. And the tension between how late I needed to stay at work, getting home and getting dinner on the table and still having time to spend time with my children when I wasn't cooking.

Ms. Lerner: Your husband didn't cook?

Ms. Singer: He did occasionally but it was considered part of my job.

Ms. Lerner: What did you do about child care?

Ms. Singer: I had a woman who was local who came at probably about 8:30 in the morning, and stayed until 3:30 when I was in law school. And when I started to work, we extended her hours, probably to six or 6:30. But she also had a child at home. So, it was important to get her home.

Ms. Lerner: Did you ever consider not working after law school?

Ms. Singer: No. No. It was not on my horizon. I went to law school to be a lawyer.

Ms. Lerner: Did you ever work part-time or did you always work full-time?

Ms. Singer: I always worked full-time. It never occurred to me that I could work part-time. So I never asked. Actually, that's not true. Because later on, when we hired an associate part-time, it didn't occur to me that that was something I wanted to do. What I did do was work home occasionally because I did a lot of writing and, and actually I found I could get more work done at home, and my children understood that there were strict rules about my working at home. And that they would come in and talk to me only when there was a real problem.

Ms. Lerner: How did your children feel about your working?

Ms. Singer: I think when they were old enough to understand, they were proud of it. And as I think I said the last time, the only times that they really didn't want me to work, were when one of them was sick. I did get to every play and I think every game.

Ms. Lerner: Among your contemporaries, how common was it for women to work full-time during the early '70s?

Ms. Singer: Well, there weren't very many of us. But I think those of us who were lawyers pretty much were working full-time. I can think of two people that I know who may have worked four days a week.

Ms. Lerner: During the early '70s, were there any organizations for professional women?

Ms. Singer: Not that I know of.

Ms. Lerner: You said at GW, there was a women's room?

Ms. Singer: Yeah.

Ms. Lerner: Anything informal like that?

Ms. Singer: No. I ate a lot of lunches with women friends in those days. Actually, a lot more than I do now. Because I had that kind of practice where I could go out for lunch easily. So, I mean that was the support group. And there were lots of us who had offices pretty close to each other.

Ms. Lerner: In D.C. during that time, can you roughly guess about the percentage of women lawyers?

Ms. Singer: I think it was really small because not only were the law schools graduating few women until later in the '70s. But we were coming in; many of us as first generation, to a field that was almost exclusively male. There were some women lawyers working for the government. I don't have any sense of how many.

Ms. Lerner: Do you think that there were any advantages to having been a woman lawyer in the '70s?

Ms. Singer: The only conceivable advantage that I can think of was that as the civil rights legislation sort of grew in people's consciousness maybe more women plaintiffs came to see women lawyers. And I did a lot of plaintiff's civil rights work and maybe we were in a better position to understand the plight of some black people who were trying to make it in a white world. There was a lot of commonality in issues.

Lerner: Were they disadvantages?

Ms. Singer: Oh yes.

Ms. Lerner: Tell me about that.

Ms. Singer: Well it was hard to be taken seriously. I'm sure you've heard this story before. But if I went to a meeting with male lawyers, and I took a male associate with me,

their first instinct was to talk to him and look at him for decisions. And occasionally, if we had a male client, that was the client's inclination as well.

Ms. Lerner: What about judges?

Ms. Singer: I don't recall feeling that way, with one exception, a superior court judge. I did most of my practice in federal court, where I don't recall feeling at a disadvantage.

Ms. Lerner: This might be an odd question, but what did you wear?

Ms. Singer: Skirts, suits. In fact, I went to see a Supreme Court oral argument in a pants suit one day, and they wouldn't let me in.

Ms. Lerner: Really. What year approximately do you think that was?

Ms. Singer: Sometime in the '70s.

Ms. Lerner: How interesting.

Ms. Singer: And I never would go to court wearing pants.

Ms. Lerner: So, did you wear dresses, too, or a suit jacket?

Ms. Singer: Dresses or suits but the suits tended to be pretty man-tailored. I had a pin striped suit. And I think it probably had a skirt. I used to buy suits with the skirt and pants. So I could wear the skirt if I had to do anything formal. I occasionally wore pants to work but not often.

Ms. Lerner: Did you have any female mentors?

Ms. Singer: No.

Ms. Lerner: Did you have any male mentors?

Ms. Singer: Well, I worked with Ron Goldfarb for enough years that I would consider him a mentor. As the years went on, our practices diverged, however.

Ms. Lerner: How did they diverge?

Ms. Singer: He became more and more of a literary agent and a lawyer for authors. And I was doing the prison work and civil rights work and mediation, which I started getting interested in the '70s.

Ms. Lerner: Go back to that. There were two partners in your law firm?

Ms. Singer: Yes. I became a partner early and in 1971 when I got the grant, my partners took me out to lunch, and asked how I wanted to deal financially with the fact that I was going to be bringing in a substantial piece of business, I said I wanted to be a partner. So I was a partner, I wasn't an equal partner but I became a partner in the spring of 1971.

Ms. Lerner: How many years out of law school were you at that point?

Ms. Singer: Two and a half.

Ms. Lerner: Again, that's pretty extraordinary.

Ms. Singer: Well, it was a very small firm.

Ms. Lerner: How many lawyers?

Ms. Singer: There were probably, just three of us at that point, maybe four. It was unusual to have a woman who was a named partner in a firm at that point. Judge Gladys Kessler, I think she formed her firm with two male partners at about the same time.

Ms. Lerner: How do you feel you were treated by your two male partners?

Ms. Singer: I was enough younger than they were that they didn't treat me as an equal. But I can't say that that was because I was a woman.

Ms. Lerner: Do you remember any treatment that you think you were subjected to because you were a woman?

Ms. Singer: No. The only issues that I had were that it was difficult for me to travel and there were always adjustments going on, both ways.

Ms. Lerner: Were they sensitive to your child care and family responsibilities?

Ms. Singer: To some extent. I tried not to discuss it anymore than I had to. Both of them had wives who worked part-time and who took care of all the personal things that had to be taken care of in their lives, so it was hard for them to adjust to the fact that I had a lot of those responsibilities.

Ms. Lerner: What was the division of house chores in your own family?

Ms. Singer: I was responsible for the kid's arrangements and baby sitting. I think my husband did some of the things that needed to be done, but I always felt that I was the one responsible for organizing the birthday parties and the play dates and the transportation.

Ms. Lerner: Doctor's appointment?

Ms. Singer: All of the above. We had to drive them places because, starting in the mid-'70s, I think, earlier than that, starting in the early '70s, we had them in a school that was, halfway around the beltway.

Ms. Lerner: Tell me about some of your more memorable cases from your early years of practice?

Ms. Singer: There were, I'll give you four, the four areas I think were race discrimination, sex discrimination, attorney's fees and sexual harassment.

Ms. Lerner: In what context?

Ms. Singer: I think they were all employment. The race case, which later also became a case against the U.S. government. One of the very early race discrimination cases against what is now HHS. We ultimately settled the case but the agency didn't want to pay any attorney's fees for work in the administrative process which had gone on for years. So, we went to District Court and then the U.S. Court of Appeals with the Washington Lawyers' Committee acting as amicus to establish the principle that attorney's fees under Title VII can be recovered for all work done, not just for work done in court.

Ms. Lerner: Do you remember the name?

Ms. Singer: Parker, Dorothy Parker v. Matthews, I think.

Ms. Lerner: Did you have co-counsel in that case?

Ms. Singer: I was the only counsel.

Ms. Lerner: Can you describe the race case?

Ms. Singer: It was what has become a garden variety race case. It was somebody who couldn't get promoted. HHS's people kept telling her that if only she would do one more thing and get one more qualification she would get to be promotable. She got a college degree, and then she got a master's degree. And there was always another reason why she couldn't get promoted. The case was never adjudicated, so I can't say that any decision-maker ever found that. But I recall that the investigator became an ally of mine and the two of us finally persuaded the agency to settle. The only thing that ever got litigated was the attorney's fees.

Ms. Lerner: Two questions. Usually, a settlement includes attorneys' fees. Why was this issue litigated after settlement? And second, why did you bring this as a race as opposed to sex discrimination case?

Ms. Singer: Let me do the second question first because it's easier. I thought to choose discrimination because of race and so did she. It may have been that the case began before Title VII was amended to include sex. Not sure, but I think so. How did we get to litigate the attorneys' fees? I certainly didn't want fees to get in the way of settlement, and she was satisfied.

Ms. Lerner: What was the settlement?

Ms. Singer: I think she got a promotion and back pay.

Ms. Lerner: When did the Lawyers' Committee for Civil Rights start?

Ms. Singer: About the same time. The National Lawyers' Committee was started in the '60s. I don't remember when the Washington Lawyers' Committee started.

Ms. Lerner: Tell me about the sex discrimination case?

Ms. Singer: The one of the many that I handled that I think was the most notable? I represented two women, one of whom is active in practicing in D.C. Mona Lyons. And there is Katherine Milton, now general counsel of Stanford University, I believe. They both worked for the American Bar Association and they both were pregnant. The ABA would not allow them to use any of their sick leave to cover the time that they had to miss work, because pregnancy is not an illness, they said. Through my going to some of my friends who were active members of the ABA, we got enough pressure put on the ABA that they settled with the women, and

they changed their policy. However, they refused to pay any attorney's fees and I decided not to push the issue.

Ms. Lerner: The ABA would not pay attorneys' fees?

Ms. Singer: I was embarrassed to push the attorney fee issue, so I dropped it. Another race discrimination case that I was proud of was I took over a class action representing a union of all black, unskilled workers in the local printing industry. Bob Fitzpatrick was representing the women's, and we ultimately got the EEOC to join our lawsuit and, after a lot of time and effort, engineered one of the early class action settlements of an employment case.

Ms. Lerner: Do you remember the name of that case?

Ms. Singer: I think the case was EEOC v. The Printing Industry of Washington (PIW).

Ms. Lerner: Was that litigated?

Ms. Singer: There was litigation, there was discovery and we settled. The awkward part of the case was that, because it involved discrimination in apprenticeship programs, we had to sue every unionized printer in the area, together with all of the crafts unions and my client's own international union. So, I had an uncomfortable client throughout.

Ms. Lerner: At that point, how common was it to use Title VII to bring a sex class action suit?

Ms. Singer: It wasn't common yet. It was starting to get more so. I represented the women of the Washington Post against the Post in an important discrimination case. But I was hired by the union, the Guild, and we never actually filed, I don't think. I remember debating whether we should simply have the union be the plaintiff or whether we should be filing as a class.

Ms. Lerner: Uh huh.

Ms. Singer: But these issues were pretty new.

Ms. Lerner: And were they all brought under Title VII or the D.C. Human Rights Act?

Ms. Singer: I don't remember, ever, suing under the D.C. Human Rights Act. So, I'm not sure when it was passed.

Ms. Lerner: At that point, did you have any jury trials?

Ms. Singer: No, no. These were all judge trials and at that point also, the federal bench was more liberal than the local bench. I know that has changed since, but we were bringing all these cases entirely in the District Court.

Ms. Lerner: You mentioned a sexual harassment?

Ms. Singer: Yeah.

Ms. Lerner: Tell me about that.

Ms. Singer: I took on, on behalf of what was then named the Women's Legal Defense Fund, and the Washington Lawyers Committee, representation of Paulette Barnes in perhaps the first sexual harassment case against the U.S. government. Paulette had a blatant case of what has become the archetypical *quid pro quo* sexual harassment claim, although none of those terms existed then. She was hired by the EEO director at EPA, who quickly started writing her love notes, sending her Valentines, asking her out, telling her that he could help her get promoted if she cooperated. When she said no, I don't date people that I work for, he took away all of her job duties, which of course was the way that you fired somebody in the government. She eventually resigned and sued him.

Her case had been dismissed by the federal district court at the point that I was brought in by the Lawyers' Committee. She had filed a complaint of race discrimination because she was replaced by a white woman. They amended her claim to that of sex discrimination. It got thrown out in the district court and I was asked to take on the case from that point.

We ended up with a reversal and what I believe was the first ruling by a federal court of appeals that sexual harassment may be sex discrimination and therefore prohibited by Title VII. Ten years later, I was asked by the civil rights groups that joined in an amicus brief to the Supreme Court in the *Meritor* case to be chief counsel for the amici.

Ms. Lerner: What name and year was the early sexual harassment case?

Ms. Singer: *Barnes v. Costle*. I believe that the D.C. circuit opinion was issued in year 1976. I got the case, I think, in the beginning of 1975 and we settled after the case was remanded to the district court for trial.

Ms. Lerner: Were there other precedents, any legal precedents for sexual harassment?

Ms. Singer: I think there had been one or two in district courts, at that point.

Ms. Lerner: Did you get more sexual harassment cases after you prevailed in that case?

Ms. Singer: I did.

Ms. Lerner: And how were those received by the courts?

Ms. Singer: I think some courts were intrigued. Some of them were hostile. We were only taking cases in those days that were really horrible and where there had been some concrete employment result, usually termination. What we've come to call hostile environment cases came later. The *Meritor* case was decided by the

Supreme Court in 1986. Now there are more lots and lots of cases, and many more lawyers interested in handling them.

Ms. Lerner: How many lawyers in DC were taking these types of cases in the '70's?

Ms. Singer: Bob Fitzpatrick was representing mostly plaintiffs in those days. So was Bruce Frederickson. In the beginning, we considered that these were going to have to be pro bono cases. It was only after the first few years that courts began to award attorneys' fees and we realized that we could make fees parts of the settlements.

Ms. Lerner: What was going on during the time? What was the climate like?

Ms. Singer: Well, there were fewer women in high positions than there are now. And there was certainly less awareness of some of the issues might be. Having said that, I'm not sure that things were as different as we would like to think they were. I mean there were many of the same issues. I remember that I represented pregnant stewardesses who were told they couldn't fly because they were pregnant.

Ms. Lerner: What happened in that case?

Ms. Singer: They gave up the case because they didn't want to lose their jobs by pushing it. I think they would have lost had they proceeded, because there were other cases at about the same time. I had some lesbian clients who had a terrible time, both at work and in personal areas. I remember representing a lesbian couple where one woman had been married and had children and a state the court denied her the right to visit her children in her ex-husband's custody.

Ms. Lerner: What happened after that?

Ms. Singer: We lost. It was in upstate New York.

Ms. Lerner: Were you involved in the woman's movement in the '70s.

Ms. Singer: Yes.

Ms. Lerner: How so?

Ms. Singer: Well, I was litigating cases. I was on the Board of the Women's Legal Defense Fund for a time.

Ms. Lerner: How would you compare the women's movement today with what was going on in the '70s?

Ms. Singer: Well, we certainly become more establishments, much broader, I think in an effort to attract corporate funding. If you look at the National Partnership for Women and Families, look at the migration from first a local, then a national litigating organization to one that came to work more and more on legislation and more on bread and butter issues and to seek funding from a very broad range of women and corporations, I think that's as good an analogy as any to what's happened to much of the women's movement. Even the National Organization for Women, is much less aggressive, much broader base than it was. There is still a women's movement, but it's a lot less than we wish.

Ms. Lerner: When the right to choose became available in '73, '72 - -

Ms. Singer: Seventy-two I think.

Ms. Lerner: What impact did that have on women?

Ms. Singer: Well, the most obvious implication, I think, for professional women was the ability to choose to have children later and later, so that so many people, probably between my generation and yours have established themselves professionally and then had children. That more recently, there had been various biological concerns raised about waiting, primarily the question about whether birth defects have

increased because we're having children so much later and my sense is that the pendulum is not swinging back the other way. I hadn't seen statistics but just what I see, from people that I know, is that young people are now back to having children a lot younger than they were, and I think that is going to have some effect on the workplace. People used to first get their promotions in the partnership and then they got pregnant. And I think many smart couples are now deciding that that's not a good idea. The workplace is adjusting very slowly to that notion.

Ms. Lerner: This is probably a good time to stop for today, and we'll continue next time.

END OF SECOND INTERVIEW

ORAL HISTORY OF LINDA SINGER

THIRD INTERVIEW

March 5, 2007

This is a continuation of an interview with Linda Singer, for the American Bar Association's Commission on Women in the Profession Oral History Project. Today is March 5, 2007, and we are in Linda Singer's office in Washington, D.C. This is the third of our interviews.

Ms. Lerner: When we talked last, you recalled how you started to work on prison issues. Talk a little bit about how that started, and when you began that work?

Ms. Singer: Well, it's interesting because I saw myself as an advocate. And we have already talked about how my whole organization was an advocate for prisoners. But for plaintiffs and civil rights actions, I began to think that mediation might be useful when we were trying to get the system to respond to us in some way other than having to sue them all the time. I was less interested in mediation as a process than I became later. I was interested in a tool that would require more powerful institutions to respond to people who tended not to have access, or at least not easy access, to the institutionalized ways of resolving disputes.

That was in the '70s. And the kinds of disputes in which we thought mediation might be useful were evolving. This was before there was a regular use of mediation in business disputes and public policy disputes and employment disputes.

At that point the only mediation that those of us who were working these problems knew about was labor mediation. And we didn't know much about that because I frankly hadn't

taken labor law in law school. We had thought, erroneously as it turned out, that mediation was used regularly to resolve individual unionized employee grievances. It turned out that even today, mediation is used very rarely, when there's a contract in place, for complaints within the contract. It was being used in order to form a contract in the first place. But because we didn't know that, we started designing systems with prisoners and prison officials that would make available first a form of mediation and then non-binding arbitration as the final steps in prisoner grievance procedures for prisoners who had complaints about the system.

Ms. Lerner: When you say "we," to whom are you referring?

Ms. Singer: Well, it was really my non-profit, now called the Center for Dispute Settlement, but, there were a handful of us, primarily Michael Lewis and Michael Keating. (Michael Keating now lives in Rhode Island and is a mediator and a prison special master.) Michael Lewis has been my colleague ever since (for 35 years), and he's been my husband for the past twenty years, I won't complain.

Our notion was to try to adapt labor processes to nonlabor settings first in correctional institutions. We began talking to professional labor arbitrators in the early '70s, and got a handful of them interested in problems inside institutions, and got them to help us figure out how to apply their processes to our problems. The best known and most involved among those labor arbitrators was George Nicolau, who is still an active labor arbitrator today. He's in his '80s now. Interestingly, even though we focused on prisoners' complaints against their institutions, the unionized prison guards in several of

the institutions in which we worked found the systems intriguing because they had features of their own labor management grievance procedures, but would allow some things to be grieved and go to mediation and arbitration that the staff couldn't get through their own grievance procedures.

Ms. Lerner: Describe the system that you set up?

Ms. Singer: Let me give you an example.

Ms. Lerner: Did you include mediation and arbitration?

Ms. Singer: That's what we did. Although it was an unusual form of mediation, it wasn't outside mediation really. A prisoner could file a written grievance, which was supposed to be responded to by a middle manager within a specific period of time. And if it was denied or not answered, it would go to the next level, which was a grievance committee typically comprised of two prisoners, two uniformed prison staff and a nonvoting middle management chair. And the people who were given the most mediation training were these nonvoting chairs, whose job was to try to help the committee come up with a unanimous decision.

Ms. Lerner: Was it mediation the way we think of mediation now, where there is a process between the prisoner with a complaint and the person against whom the complaint was filed, or was it more of an arbitration model?

Ms. Singer: Something in between. They tried to work out something first between the prisoner, and if there was an individual, that person. But a lot of these grievances were about rules. So, they were trying to come up with a unanimous recommendation to whoever ran the facility. That was the

committees' goal. And entire committees, in many cases, got training together in trying to reach a consensus-based solution.

Ms. Lerner: So, it was mediation in the sense that you were trying to reach consensus?

Ms. Singer: Yes. But it wasn't a true outside neutral, or somebody who had no stake in the outcome.

From the committee the complaint would go to the superintendent or the warden of the institution, after which if the complainant wasn't satisfied, there could still be an appeal either to an outside non-binding arbitrator or, in some cases by statute, to a special board. For example, in New York eventually by statute, it was the Commission on Correction -- to make a final recommendation to the Director of the Department of Corrections. In some places the person who ran the system agreed to be bound by the outside recommendation unless there was a specific finding that it was contrary to law or required resources they didn't have.

Ms. Lerner: Where did you set the system up?

Ms. Singer: I think the first place there was a complete system was the California Youth Authority. We also worked with the adult state prison systems in New York state, in South Carolina, and in Colorado. Then there were lots of individual institutions where we did training and helped to set up a process. My feelings about mediation in those days were, it was an interesting and useful process, but I still saw myself and our organization as advocates, and I was less interested in mediation than I was in coming up with alternative ways to accomplish things on their behalf.

Ms. Lerner: Was anyone else working on mediation at the time?

Ms. Singer: There was a little bit of true mediation, I think, going on in communities to deal with racial issues. The Justice Department had a Community Relations Service, which I think was established by legislation in the mid-sixties, so there were a few community mediators, only a handful, doing work on large-scale civil rights issues, often involving police departments, as early as the late sixties. And the American Arbitration Association had a community program, which no longer exists, with a handful of staff that was beginning to work in communities. At the same time we at the Center for Dispute Settlement were starting to mediate school-related disputes and community disputes.

Ms. Lerner: In the District of Columbia?

Ms. Singer: Some. Actually we had a grant to develop prototype programs in schools in California, believe it or not, because we were active out there anyway.

Ms. Lerner: How did you get involved in the California Youth Authority?

Ms. Singer: We were asked to become involved by a visionary director named Allen Breed, who was the Director there, for about ten years and we worked closely with him for most of his tenure.

Ms. Lerner: And do remember how you got involved with South Carolina, New York and Colorado?

Ms. Singer: In each case, I think, we convinced the director of the state system that we had grant money from the federal government, a branch of the Justice Department then called the Law Enforcement Advisory Administration (LEAA). And that

we could offer them design, training, and evaluation help with at little or no cost to the system.

Ms. Lerner: So you were being paid by the federal government, essentially the Justice Department?

Ms. Singer: We also had some foundation funding at first from the Rosenberg Foundation in San Francisco. And the school work started because we had some additional funding from the Rosenberg Foundation, which was interested in seeing if we could expand what we did in correctional institutions to schools. The difference between what we did in both schools and correctional institutions in those days and what's been done since is that what we did then was, in a way and more ambitious maybe less realistic, than what others have done since. We were dealing with complaints that students or inmates or residents, whatever you want to call them, had against the system. Now the widespread use of mediation in schools and in some correctional institutions is dealing with more interpersonal complaints the students or residents have against each other. Mediators in schools today are working on student-student disputes almost exclusively, and that of course is much more popular with administrators than complaints about them.

Ms. Lerner: You helped to set up peer mediation?

Ms. Singer: Yes.

Ms. Lerner: When did you start the community mediation program in Washington?

Ms. Singer: I think starting in 1978. Some of the local criminal justice people responsible for criminal justice in DC and having local LEAA grant money came to CDS

and asked if we thought that what we had done elsewhere would have any applicability to a place that was called the Citizens Complaint Center (CCC). The CCC had been established because of a 1970 statute dealing with domestic violence and was run by an unusual collaboration between the U.S. Attorneys office, the D.C. Corporation Counsel and the family division of the DC Superior Court. It had become a place to send cases that the U.S. Attorney had decided not to prosecute. It had a really a bad name among women's advocacy groups because sending people there was seen as an alternative to prosecuting crimes between people in any sort of domestic relationship. Also it was a place where no one was really in charge. So CDS was asked if we could do two things, number one actually run the place and make it more efficient and more accessible for people with different kinds of problems, and number two establish a mediation component. The so-called mediation that had been done previously was foisted on Assistant U.S. Attorneys, who were assigned sporadically to go to the CCC for an evening or two, given no mediation training, and told that they were supposed to mediate between spouses or people living together when there had been violence or the threat of violence.

Ms. Lerner: What was the place called?

Ms. Singer: It was called the D.C. Citizens Complaint Center. When we took it over we made what might have been a mistake in keeping the same name. We did make the place run better, and we established a mediation program, in which we gave substantial amounts of training to diverse groups of volunteers to

serve as mediators. We mediated a lot broader range of civil legal and minor criminal problems than domestic violence. In fact, we mediated very few disputes involving spousal violence because we agreed with the view that more serious sanctions often were appropriate. The referrals to the CCC came primarily from police, so we always had a large caseload. Despite significant increases in the number of satisfied clients and problems resolved, the CCC continued to suffer from three difficulties. One, its reputation never really recovered from its early history. Two, because there were three agencies jointly responsible for it, no one really took responsibility for assuring that it had enough resources. Once we ran out of grant money, the city council put our contract into the Corporation Council's budget. Although that worked for a while, the first time the agency suffered a serious budget cut back they cut us out. We ran this place from the late seventies to the early nineties, I think. And the third problem was that we found that we were spending a lot of time being attacked by women's groups for offering mediation at all in domestic disputes. They were trying to get more and more prosecutions, and here we were mediating.

Ms. Lerner: How did you feel about that distinction?

Ms. Singer: Well, first of all it made me uncomfortable, because I didn't like being on the other side of things from my friends in the women's movement, and second I thought that their attacks weren't at all nuanced, and that, depending on whether people were given a choice of processes and whether they were given access to advocates, there might well be a role for mediation in some of these

disputes. We also were mediating community problems, large-scale conflicts involving juveniles, neighborhoods, or civil legal matters. Yet, aside from regular but small grants from the DC Bar Foundation, the only institutional support for the program came from law enforcement agencies that dealt with criminal matters.

Ms. Lerner: Who were the mediators?

Ms. Singer: A broad cross-section of people from the community. There were some people who had a police or other public employment background, some community activists, retired foreign service officers. Others, including some lawyers, were interested in mediation and wanted to get into the field. We always had a lot more people than we could afford to train, which enabled us to be extremely selective and to ensure a diverse panel.

Ms. Lerner: Were these volunteers.?

Ms. Singer: They were strictly volunteers.

Ms. Lerner: What happened to that program?

Ms. Singer: The program was totally dead for about ten years, when the Center for Dispute Settlement reconstituted a piece of it with a variety of public and private funds. And it's alive today, called the CDRC (Community Dispute Resolution Center). Parties are referred by the U.S. Attorney's Office and an alternative to a misdemeanor prosecution, juveniles by the District's Office of the Attorney General, and police citizen complaints by the Office of Police Complaints.

Ms. Lerner: How many mediators -- is it still volunteer mediators who do the mediation?

Ms. Singer: Some of them are new volunteers and some of them are people whom we trained, twenty-five or more years ago. They are still active.

Ms. Lerner: Who trained you, initially, in mediation?

Ms. Singer: Nobody really, there wasn't anybody giving training. When we trained in the prisons we often co-trained with George Nicolau so we had some sense of the way labor mediators were operating and picked up some tips from them. I never took an actual mediation course because there weren't any. Of course, Michael Lewis and I have been giving mediation training courses for close to 30 years. If you don't count the inside prison work, which was kind of a hybrid, it would have been late seventies when we trained our first group of DC mediation service mediators.

Ms. Lerner: And was that through the courts? How did that come about?

Ms. Singer: No, that was part of the Citizens Complaint Center. We ran our own training for years.

Ms. Lerner: Did you use anything as a model or did you develop it entirely on your own?

Ms. Singer: We had some help from the work that was done slightly ahead of us in New York, by George Nicolau's and Ted Keel's group in the late sixties and we did a lot by trial and error.

Ms. Lerner: This might be a good time to talk about the difference between mediation and arbitration. And I guess it's evolved a little bit from the time you started in the 70's to what it is today. Talk about the evolution of mediation from the seventies to present and how you would describe the difference between mediation and arbitration.

Ms. Singer: Well, let me give you the difference first. An arbitrator has decision making power. Traditionally all arbitration was binding. So an arbitrator is like a private judge. A mediator has no decisionmaking power, so a mediator somehow has to develop skills to help people bridge their differences without having the power to make a decision. And when people talk about non-binding mediation, for example, that's a redundancy, because there is no such thing as binding mediation. Now what was the other half of the question?

Ms. Lerner: How has mediation evolved since the seventies?

Ms. Singer: Well, when we look at the seventies there were a bunch of kooky people trying experiments to resolve primarily community problems. There were different strains of people interested in mediation beginning in the seventies. There were those of us whose primary goal was getting to access to some process for people who otherwise wouldn't have access to any forum. Then there were the courts whose primary goal was to get what they considered minor disputes out of the courts and into alternative processes. And what I find really interesting is that if you follow the history of the use of mediation as an alternative to the courts or an add-on to the courts from the seventies to today, you still find those two strains sort of uncomfortably coexisting, not always comfortably. One strain is to develop a better, more participatory process, and the other is to divert cases that would otherwise be in adjudication, maybe for the benefit of the litigants but often for the benefit of the courts. The tension between the two strains already was evident at the Pound Conference, which Chief Justice Warren Burger convened in 1976 in

order to focus on the development of alternative processes for what he termed “minor disputes.”

The biggest change that I see is that mediation at first was set up for a small disputes, often interpersonal disputes, so-called “minor” disputes. It’s now being used for the most significant high value disputes, often voluntarily on the part of the parties, although still not nearly as much as those of us who have become its advocates think it should be but hugely more than it was thirty, forty years ago.

Ms. Lerner: How did that change in perspective happen?

Ms. Singer: I think that what happened is that some people from the legal establishment, not only Burger, but Frank Sander, who for years was on the faculty of the Harvard Law school teaching tax law, became interested in serving as a bridge between the innovators in the field and courts and the organized bar. At the same time more and more judges became interested in the notion that mediation could prove a way to resolve large numbers of disputes, either to give them a better process and better resolutions or at least to get them off court dockets. Some people had both motives. But more and more business groups and general counsel became interested and the American Bar Association became interested. One of the examples of the evolution of the field is that the ABA in the late seventies by forming a Special Committee on the Resolution of Minor Disputes. Its name later was changed to the Special Committee on Dispute Resolution. Eventually the committee grew into the Section on Dispute Resolution, which now the largest section in the ABA.

Ms. Lerner: How interesting, that it's the largest section in the ABA now?

Ms. Singer: Well it's partly the largest section, I think because it permits non-lawyers to join as associate members.

Ms. Lerner: What percentage, if you had to make a guess, of mediators are non-lawyers?

Ms. Singer: I think that may depend on how broadly you define mediator. If you define it as anybody who acts as a neutral in trying to help people resolve disputes, then I think a huge portion would be non-lawyers; certainly more than half of the volunteers, mediators, labor mediators, public policy mediators are not lawyers. If we look at the narrower world of court-referred civil matters or some of the larger organizations where people are resolving disputes fulltime as their profession, on the other hand, then I think the population of neutrals overwhelmingly are people with legal training. The reason may be largely that the gatekeepers to those kinds of disputes are themselves lawyers. I mean in my full-time practice, the people I think of as my clients are lawyers.

Ms. Lerner: How common is it now for courts to have mediation, mandatory mediation, or court ordered mediations?

Ms. Singer: It's extremely common now. Family courts for years have been requiring at least divorcing couples with children to go through a mediation, often with a psychologist or other mental health professional. Many small claims courts have had volunteer mediation programs that started also probably in the early eighties. Civil courts in several states give judges the authority to order cases to mediation, in some cases wholesale. In Texas and Florida, for example, before you can get a hearing on a civil case you have to go to mediation. I

have mixed feelings about that. In other places, by court rule a civil judge has the authority to order any civil case into mediation.

Ms. Lerner: You said you had mixed feelings about mandatory mediation. Tell me about that.

Ms. Singer: I recognize that in some parts of the country lawyers still use mediation so sparingly that requiring them to go to an initial session and requiring their clients to hear about the process may be a good thing educationally. The difficulty that I have is that, as mediation becomes more routine and more mandatory, the better processes and outcomes that some of us think people can get may get lost. If they have to be there, particularly in places such as Texas where you are ordered to mediation until the mediator says you have been there long enough, the participatory nature of the process may be lost and mediation may become just another cog in a bureaucratic machinery.

Ms. Lerner: There has been commentary on the imbalance of power between the parties in mediation, particularly family mediation. A lot has been written about how women, in particular, often don't have as much power in mediation, don't perhaps have access to the courts as much as they ought to. Do you have any views on that?

Ms. Singer: I'm not worried about people who are represented by counsel being in mediation, particularly if their counsel are permitted to attend with them. The people that I worry about are people who are ordered into mediation wholesale, where no court official makes an individualized decision that mediation might be an appropriate process for these people. They're either not represented or

they can't afford to pay a lawyer to come to mediation sessions with them and they may not have the confidence, the capacity to represent themselves effectively. I am not convinced that mediation is bad for women in general, because I don't believe that women can't stand up for themselves in all kinds of disputes. For example, the same woman who may have less financial power than her spouse may have a lot more power when it comes to dealing with the schedule for the children. So, I think it's a question of issue-by-issue and people by people.

I used to do a lot of divorce mediation, primarily in the 1980's, because it was an area in which most people could imagine mediation as being useful. And my experience, frankly, was that a good mediator could give people a lot more power to speak up for themselves. The other question is what is the alternative? If mediation, a family is going to get either unassisted negotiation or court, where the procedure is so much more formal that if a woman is not represented well, she might do quite badly. I think it's always the question of compared to what.

Ms. Lerner: As a mediator, how do you deal with it when someone is not represented by counsel?

Ms. Singer: I rarely saw in my private practice situations where one party would be represented and the other wouldn't. I always urge people unaccompanied by counsel to consult with their lawyers at least at the beginning of the process and towards the end, then as many times in between as would make them feel comfortable. People who could afford such counsel take advantage of the

opportunity to consult with them, and perhaps with other professionals as well, such as accountant and child therapists. I think having access to advice outside the process and a mediation process that takes place over a period of weeks, if not months, can do a lot to equalize the bargaining power.

I occasionally said to people that I didn't think mediation made sense for them. But it was a lot more rarely than I thought it was going to be when I started.

Ms. Lerner: Are there cases that you don't think are as appropriate for mediation? It is said that a problem with mediation is that it takes important cases out of the legal system, and results in confidential settlements in cases where the public should be on notice or needs legal precedents.

Ms. Singer: I used to worry about that. I talked about it a lot in the '70s and '80s. In general, I think that there is enough litigation and there are enough things that are not settled to create bodies of law and precedents. And I think people ought to have choices about what they do with their own disputes. That said, there clearly are sub-sets of cases that are brought in court whose results have an effect beyond the people involved. And it seems to me that the best way to deal with that, outside of the class action context where it is impossible to have confidential settlements, is for policymakers to decide the types of cases, such as product liability or mass torts in which, once a complaint is filed in a public court, settlements may not be kept confidential.

Ms. Lerner: Do you think that there is any possibility of establishing policy to require public settlements?

Ms. Singer: There already has been in some states with some kinds of issues. There are areas of law where it's illegal, once you started in court, to have a private confidential settlement.

Ms. Lerner: How common is that now?

Ms. Singer: Not very, but it has grown. And it's in a limited class of cases.

Ms. Lerner: What type of cases?

Ms. Singer: Usually having to do with public safety, torts, injuries. Also in medical malpractice cases there is now a registry for all complaints and all settlements.

Lerner: Are you suggesting that mediation allows for a greater breadth of remedies and options, and settlement possibilities are much greater than a plaintiff could ever get in court?

Ms. Singer: Courts can only issue injunctions and award money. Parties themselves in mediations can agree on a whole range of possibilities that courts couldn't order. Certainly in the business area, companies with any ongoing relationship generally are better off working out their own resolutions. Employment disputes generally are so injurious of the mental health of the people who initiate them that the only way to end up with a whole person who can work again, is to resolve them as quickly as possible, often through mediation. And I think that many plaintiffs' lawyers now recognized that.

Ms. Lerner: Can you talk about establishing your particular practice?

Ms. Singer: My practice has evolved with the field. For a long time the kind of work I was doing was related to the areas in which I could convince people that the process might be helpful. I began with individual cases in the community. I

mediated divorce cases for about ten years in the eighties. More recently I have been mediating civil disputes, largely employment, environmental, and commercial, and some public, multi-party disputes. During the last ten years I have mediated large numbers of class actions. At the same time I have taught people to mediate and to use mediation.

Ms. Lerner: You also do a lot of teaching. When did you begin to teach?

Ms. Singer: Well I was doing mediation training in the late seventies early eighties. Michael Lewis and I began to teach a mediation course at Georgetown Law School in the mid-eighties. At about the same time we began working with Professor Frank Sander to teach a week-long Mediation Workshop as part of Harvard Law School's Program of Instruction for Lawyers. Although we didn't limit the course to lawyers, we have primarily practicing lawyers, judges, and a smattering of other professionals from all over the world. At first we gave the course once a year then twice a year at Harvard Law School. We still give that course, which is now part of Harvard Law School's Program on Negotiation. The course still has about a four-year waiting list to get in. We have had the opportunity to take that course, or a variation, on the road and we have taught it in Canada, New Zealand, Australia, Norway and Germany over the years. This experience has helped us to plant seeds in other countries that have since become much more active in using mediation. At the same time, through the Center for Dispute Settlement, we still give a basic mediation course in Washington to people twice a year who simply sign up to take it, and an advanced mediation course once a year, generally in May.

So that's a fair amount of teaching and training. We switched our Georgetown law school course from mediation to negotiation and mediation a number of years ago, because we wanted to affect the mainstream students who were more likely to become litigators in their later lives.

Ms. Lerner: How much of your teaching is through JAMS?

Ms. Singer: We don't give our traditional training through JAMS but we do develop one-day or multi-day programs for law firms or corporations, generally in mediation advocacy or other types of dispute resolution.

Ms. Lerner: To go back to your mediation practice, how did you begin to get cases?

Ms. Singer: I got some cases from judges, which tended to be larger cases than the court's programs could handle. I had something to do with starting programs in three out of the four courts in D.C., both federal courts and local trial court.

Ms. Lerner: Do you remember approximately when the court programs started?

Ms. Singer: I think the Superior Court program started in the mid-eighties and the Federal District court two years after that. The Federal Court of Appeals probably started in the late eighties when pat Wald was Chief Judge. The D.C. Court of Appeals started its mediation program much more recently. But I got some cases referred by judges, some cases referred by lawyers. Now earlier when I was mediating divorces my initial referrals came from mental health professionals, not lawyers. Over time the majority of my referrals have come from lawyers.

Ms. Lerner: At what point did your practice become exclusively mediation?

Ms. Singer: In the nineties, I stopped taking any adversarial work and about five years ago I resigned from my law firm. Although we continue to share space, I decided, with some regret, that there really wasn't a reason for me to be part of a traditional law firm anymore.

Ms. Lerner: What was the name of that firm?

Ms. Singer: Lichtman, Trister, Singer and Ross, which now is Lichtman, Trister and Ross.

Ms. Lerner: When did you make the decision to join JAMS?

Ms. Singer: The mediators of ADR Associates, who had worked together for several years, merged with joined JAMS on January 1, 2004. We made the decision the preceding fall. JAMS is the largest organization, I guess in the world now, of full-time professional neutrals, who mediate or arbitrate legal cases.

Ms. Lerner: How is it different to be affiliated with JAMS?

Ms. Singer: Well at the time that we merged our mediation group ADR Associates had nine mediators. Two of us were in New York, one in Chicago, one in Boston, and five of us in Washington. JAMS has about two hundred neutrals spread all over the country, twenty some odd offices so it's a much bigger organization. We decided to join JAMS because we grew tired of running a small business and dealing with all the necessary the administrative work, particularly Michael Lewis who was our president. We also thought that JAMS might give us exposure to a more national and even international client base, which in some cases it has.

Ms. Lerner: Is that the biggest positive, the international exposure?

Ms. Singer: No, I think the biggest positive is having colleagues and being able to do some interactive training and comparing notes with a larger group. It's a very lonely profession when we are actually working; because all of our work is confidential, it can be difficult to discuss problems with colleagues.

Ms. Lerner: Do you ever co-mediate?

Ms. Singer: I do, and I think it can add enormous value, but it's often a tough sell to parties that they should pay two mediators instead of one. I would like to co-mediate more in my multiparty cases.

Ms. Lerner: What percentage of the cases that you mediate involve multiple parties?

Ms. Singer: I'd say more than half of my practice, it's a wild guess, but I do a fair number of multi-plaintiffs or multi-defendants, as well as class and collective actions. So maybe it's at least a third of the cases, but they probably take up more than half the time.

Ms. Lerner: Do you have a preference about the types of cases that you mediate or are there some that you enjoy more?

Ms. Singer: I enjoy the cases that go on for more than a day. I think that they are often intellectually more interesting and let me really get into something. There also is less danger of burn out. Many of the individual cases that a mediator is expected to resolve in a day can be tough on the mediator. They can be very emotional and to reach resolution before the day is out, then come back the next morning and do it again is sometimes exhausting.

Ms. Lerner: What traits do you think are most important in mediators?

Ms. Singer: Number one is persistence. I used to think to it was brilliance or charisma. While both help, I think persistence and the belief that almost all, not all but almost all disputes can be resolved if you keep looking for a different, more creative way to doing it.

Ms. Lerner: You wrote a book on mediation. What is it called and when was it published?

Ms. Singer: *Settling Disputes* was first published in 1991 and the second edition was published in 1994.

Ms. Lerner: What made you decide to write a book?

Ms. Singer: I wanted to get some of my ideas down in one place and I wanted to write a simple, easy to read description of what I do. At the time there wasn't a lot out there that enabled people to read about mediation in various contexts; the book goes all the way from family disputes to business disputes to public policy disputes. I think that the first chapter is still a good description of the early history of the field and the second of the various processes we use.

Ms. Lerner: Do you use that book as a textbook for your teaching now?

Ms. Singer: We use it as an additional book, not the only book, in both our law school course and our Harvard course as well as the Center for Dispute Settlement course that we give in Washington.

Ms. Lerner: What are some of the cases you've settled in the last 10 years or so that have given you the most satisfaction?

Ms. Singer: I think I feel the greatest sense of satisfaction in having settled some of the employment class actions that have not only dealt with monetary relief for class members but have contained significant changes in the way things

should be done in the future and that have involved people who run various organizations as well as people who work for those organizations in collaborating on what workable changes in practice would be going forward.

Ms. Lerner: Do you want to talk about any specific examples?

Ms. Singer: Well interestingly I can mention some of them because class action settlements are not confidential and these have all been publicized. I can reel off a few. There is a significant handful involving government agencies and they are all discrimination cases. One involved NASA, and the other one the Federal Deposit Insurance Corporation (FDIC), the U.S. Postal Service, two involving the FBI. And the government printing offices facility in Denver is one of the most recent. Privately, American Express Financial Services, CBS, Constellation Energy, Amtrak.

Ms. Lerner: Going back to the public sector cases involving NASA, FDIC what are some of the features of those settlements?

Ms. Singer: Yes, and in fact the public and private cases are not different, in the kind of changes in employment practices that have occurred. What they usually talked about was more creative ways to help women, members of racial minorities, or people with disabilities get ahead in an organization. There may have been a review of promotion criteria by an outside expert or the establishment of a mentoring program for people who wanted to break into middle management or a different kind of review of discipline. In many cases the parties focused on the disproportionately low number of people who were being retained or being promoted in a workforce, and how they could deal not

only with compensating those who allegedly had been harmed by the practice in the past but changing the practice going forward.

END OF THIRD INTERVIEW

ORAL HISTORY OF LINDA SINGER

FOURTH INTERVIEW

July 10, 2007

Ms. Lerner: This is a continuation of Linda Singer's interview taken on behalf of Women Trailblazers in the Law, a project of the American Bar Association's Commission on Women in the Profession. It is being conducted by Carolyn Lerner on July 10, 2007 in Linda Singer's Washington, D.C. office.

Linda, let's talk a little about training as part of your practice. What percentage of your time is spent training and what types of training do you give?

Ms. Singer: Well, perhaps 15 % of my time is spent training but over the years, Michael Lewis and I together have thought or trained probably thousands of other mediators and lawyers who aren't mediating themselves but who want to use mediation in a more sophisticated way when they represent their clients. If I look back at my own career and that of Michael's, it may be that our biggest contribution to the field has been in the training of these thousands of people.

You asked what kind of training; we do highly interactive training in which people get to practice the skills of a mediator and experience the roles of parties and their lawyers in simulated disputes. Generally their first reaction is that mediating is both different, and much more difficult, than they had imagined before they actually tried it.

Ms. Lerner: I know you do work with Harvard?

Ms. Singer: For more than 20 years, we have been teaching with Professor Frank Sander twice a year at Harvard Law School. We began as part of the Program of Instruction for Lawyers, although we never restricted our courses to lawyers. Over time we became the program's most popular course, attracting people from all over the world, who come to Harvard for a week or two. The course now is sponsored by the Program on Negotiation.

Another large group has gone through the courses that we give through our nonprofit in D.C., the Center for Dispute Settlement, www.cdsusa.org. There we give two training sessions, called Mediation for the Professional and Advanced Mediation Training. Both courses are kept small and run for three to three and a half intensive days in Washington in order to develop or increase people's skills as mediators.

Ms. Lerner: And you train judges, as well?

Ms. Singer: Yes, although many of the judges who take our training do so because they are looking forward to their own retirement from the bench and want to become private mediators. But we also have given courses for courts in how judges can run more effective settlement conferences and work appropriately with mediators.

Ms. Lerner: Let's talk about gender issues in mediation. Do you see any glass-ceiling issues for mediators?

Ms. Singer: Yes. Unfortunately, I do. One of my current interests is in increasing the diversity of the neutrals who handle the most difficult and sensitive cases. If you look at all the people who take some kind of mediation training in this country to

be volunteer mediators, often working for community centers or sometimes, the courts, the demographics of those people are probably three quarters female. As you go up the scale in terms of earnings, to people are earning at least some income as mediators, then people who are earning their living full-time as mediators, and finally to the disputes over the largest stakes, the demographics change and become more and more male as you go up the scale. Until, if you look at the four or five mediators in this country who settle the biggest money cases, many of which are securities class actions, they're all male. So, there must be a glass-ceiling. At JAMS we did some informal research recently and discovered that, although the names of our female neutrals are provided to parties in at least the proportion of our presence on the JAMS panel, except in employment disputes, we are chosen off the lists less frequently than our male colleagues.

I think that some of this disparity may be ameliorated over time by the fact that some of the top cases are mediated by former judges and we're now seeing the first significant wave of female judges coming off the bench and going into private practice. But I don't think that's the whole story, because many of the people mediating and arbitrating the most complex disputes are not former judges. So, I do think that there's a glass-ceiling in mediation, which may continue to reflect the glass-ceiling that exists in the major law firms who hire the mediators.

Ms. Lerner: Have you had any experiences in which you believe your gender may have been a disadvantage to you as a mediator, or affected whether you were chosen to mediate a case?

Ms. Singer: I can't be sure. I have suspicions in both directions, but I'm really not sure. I think that if you look at the lawyers who used me regularly, they're probably about 40% female a percentage that probably is a little higher than the percentage of female lawyers right now.

Ms. Lerner: Litigators?

Ms. Singer: Yes. You've implied a good point. It really is the litigators who hire us, not lawyers in general.

Ms. Lerner: Talk a bit about the balance that you've been able to strike now in your personal life.

Ms. Singer: It's been much easier for me. I guess this isn't a big surprise since my kids have grown up and moved out. It's easier to be an active, involved grandparent than an active, involved parent when you're mediating regularly. There are two things about my mediation practice now that I couldn't do now that I couldn't do fully when I had kids at home. One is that in any significant matter that I mediate, I have to assume that I don't know when in the day I'm going to finish. And, it's not all that unusual to go late into the evening. That's a real problem if you've got children. The other thing is that, because I live in Washington, and there's less business here than there is in some sections of the country, I'm on the road a lot. That's also something that I tried to do a lot less of when I had kids at home.

There is a flip side to that, though. On days when I don't have a case, or I am conducting a hearing in an arbitration, which generally ends each day at a defined time of 5:00 or 6:00 o'clock, I am more available than I would be if I were a lawyer working in a law firm. I can promise my daughter that I'll have dinner with her kids and be there at 6:30. And the other kind of balance that I have now that I didn't use to have when I was working in a law firm is that there are days where I don't have a case and I can take a day off or work from home. And that's a lovely balance. So, I also, and because I'm married to a mediator, number one, we both understand the uncertainties of the times when we are working. And number two, we can agree that we're going to take time off at sometime in the future, mark the dates off in our calendar, and nobody tries to second guess us. So, that's wonderful.

Ms. Lerner: What do you do on an "off" day?

Ms. Singer: I do a small amount of work. Michael and I ride our bikes. I walk. We travel as much as we can, often to great places. We have a house on Block Island, Rhode Island, where our entire extended family shows up during the summer.

Ms. Lerner: How do you stay fresh as a mediator?

Ms. Singer: Well, and that's a good question one that I discuss often with other mediators. I think there are a couple of things. One is that Michael and I take pretty frequent vacations. When I'm working hard, there are only so many days in a row when I can put in twelve or sixteen hour days and come back the next morning to begin again. Second, I'm very lucky in having a number of multi-day cases; the emotional strain and also the number of hours aren't as great if you've got

something that meets periodically over time, or even meets every day for a week. Nobody is going to expect that one to go around the clock unless it's a very serious deadline. Examples include class actions and multi-party environmental disputes. Those cases don't have as frequent emotional highs and lows as a one-day session. In an individual employment case, on the other hand, somebody comes in feeling totally victimized, everybody is angry and you're expected to try to settle that case in a day.

Ms. Lerner: Is there a difference in the success rate between individual versus multi-party cases?

Ms. Singer: That's a very good question. I don't know the answer to it though. I don't keep track. Actually I think JAMS probably keeps track. Our success rate is pretty high with them both, but I suspect it's higher with the multi-party cases because they are so difficult to litigate. It certainly isn't a 100% and I would be very skeptical of a mediator who told me that he/she settles all cases. There's something wrong with that.

Ms. Lerner: Are some cases easier to settle than others?

Ms. Singer: I think commercial cases are easier than most employment cases, where someone generally feels completely victimized. The victimization phenomenon can be very difficult to deal with.

Ms. Lerner: What is happening to mediation as a profession? How do you think it has evolved?

Ms. Singer: When it began, we didn't even call mediation a profession. We called it a field. And we tried to have a very big tent, where people doing commercial mediation

would have something in common with people who are doing community mediations. Although some of my colleagues and I still try to keep that up, the field has become much more specialized and segmented, and there are many more full-time mediators. A growing percentage of these people, at least of those earning substantial incomes, are retired judges. It's a serious business.

The growth of mediation as a profession has been uneven throughout the country and certainly in the rest of the world. In California, for example, in the life of a legal case, lawyers generally presume that they will take the case to mediation at some point. On the East Coast, the use of mediation is growing rapidly. In the middle of the country except for a couple of cities, there is much less activity. Governments have begun to use mediation, although economic recessions like the current one cause contraction.

For lawyer-mediators there are huge competitive pressures coming from the lawyers who hire us for us to specialize, as they have done. And we've been really lucky, because we're the first generation of mediators and we've been allowed to remain generalists. In the next generation, someone is going to say, "I'm an intellectual property mediator or I'm an environmental mediator." And that's going to be it. And it's going to get narrower and narrower because there are so many of us that clients can expect that we will have not only the process skills but also the substantive knowledge so that we can talk to them in their specialized language.

Ms. Lerner: Do you think it makes any difference?

Ms. Singer: Yes, although I think that there are both plusses and minuses. The plus is that it is easier for a specialized mediator to help come up with creative solutions because we have some sense of how other people have settled similar cases. A mediator who knows the substance often can ask much more pointed questions. On the other hand, a substantive expert who is not also an expert mediator may be tempted to evaluate positions prematurely and to push one's own idea of the appropriate solution instead of helping the parties to develop their own.

Ms. Lerner: We talked early on in these interviews about your family life. Talk a little about what your family is up to now.

Ms. Singer: Okay. As you probably can tell, Michael and I have an extraordinary relationship. We work together, we play together, and we grandparent together. My two children are in their forty's, grown-up, successfully married, and both professionals. Liz is a lawyer at the Civil Rights Division of the Justice Department, and an involved mother and softball coach. Dan is a director of the McKenzie Company in New York, specializing in the media practice. They're both married. Dan and his wife have the added challenge of an autistic daughter. Michael's son Matthew, is living with a terrific woman in North Carolina.

We have four grandchildren, two of whom, an 11-year old girl and her 6-year old brother, live about a half mile away from us. We spend a lot of time with them, much of it without their parents. They stay with us regularly, both in Washington and on Block Island. We also have an 11-year old and a 9-year-old in New York,

both of them girls. Of course, the 11-year-old's autism has affected the entire family. Her mother, Alison, has done a heroic job in raising the awareness of autism and increasing the resources devoted to trying to find a way to prevent and cure it. So we all spend a fair amount of time and effort but trying to raise funds for autism research. I hit my friend for contributions every year and this cause is really, really, important to us now. We also were extremely focused on helping Barack Obama get elected so we could make the country a better place than it had grown to be.

Ms. Lerner: What are some goals you have for yourself for the future?

Ms. Singer: My professional goal is that I want to continue to mediate and arbitrate significant matters. I'm very lucky because I am not in an organization that has a retirement age and I don't see retiring any time soon. I'd also like to continue to contribute to the growth of the field and the proliferation of innovative ways of resolving disputes. I'm also lucky because, in doing what we do as independent contractors, we don't have the kind of on/off switch that lawyers in law firms do. I can be active and work very hard when I'm working and take time off as well. And Michael and I have decided that, for as long as we're able both physically and mentally, that that's what we want to do. We want to increase the number of trips we take but we still want to work. We feel very lucky that we're not being forced into a premature retirement as so many of our lawyer colleagues have been.

Ms. Lerner: What percentage of your time do you spend working now?

Ms. Singer: Probably about three quarters of a year. We get more time off than most people do.

Ms. Lerner: What advise would you give to junior women lawyers who are starting out?

Ms. Singer: Figure out what you really like to do in legal law and see if you can create the institutional structure that will allow you to do that. I know that's easy to say if you happen to be one of the few people who are coming out of the law school without enormous loans to pay off. Look into loan forgiveness programs. Don't be lured into becoming a cog on the wheel of a big law firm just because that's what your classmates are doing unless you think you'll enjoy it. Think ahead if you want to have children to whether you're going into a work setting that will enable you to take enough time to raise your children. There will be lots of time to become a hot shot. I am concerned about women who aren't working at all when they have young children, because I think it may be very difficult to get back in to the market. I don't think we know yet what can happen with all these young women who are dropping out and whether they're going to be able to get back into the job market and if so, what there is going to be for them to do. I think I still believe that people can figure out some kind of institutional arrangement, whether it's part-time with a big organization or working for yourself or a smaller organization, so that you have enough control over your hours that will allow you to take care of your children. Not that anyone should expect it to be easy!

Ms. Lerner: Thank you, Linda. This has been a fascinating - - and fun - - series of interviews.

Ms. Singer: Thank you, Carolyn, for doing it with me.

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