



Fair Labor Lawyer: The Remarkable Life of New Deal Attorney and Supreme Court Advocate Bessie Margolin

Edited by Marlene Trestman

(Louisiana State University Press, 2016; 243 pages)

Reviewed by Randi Melnick

Decades before we had the notorious RBG,¹ the legal community had the extraordinary and trailblazing Bessie Margolin. Although never receiving the level of notoriety now enjoyed by many women in the legal and political sphere, Margolin played an integral role in paving the way for the RBGs of the world to rise. In her book, *Fair Labor Lawyer*, Marlene Trestman pens a love letter for the woman who devoted her life to advancing the rights of America's workforce, and by default, the opportunities possible for female professionals.

Raised in a Jewish Orphan's home in New Orleans, Margolin's journey was unique from the start. Coming up in institutions that impressed the importance of good citizenship, social justice, and hard work, Margolin's life work honored these principles; using her intellect and charm, she tirelessly championed for progressive change, contributing to some of the most significant legal events in modern history. At a time when only 2% of America's attorneys were female (and even fewer of whom were Jewish,) Margolin earned the respect of classmates, colleagues, bosses and judges, almost all of whom were male and Anglo. By the end of her career, Margolin was celebrated by several of the greatest legal minds of the time. Among the many notable guests at her retirement party were several sitting and former Supreme Court Justices. Chief Justice Earl Warren who delivered the speech of the evening, reflected that Margolin had made "great contributions to millions of working people."

Having argued before the Supreme Court 24 times, Margolin was victorious in all but three cases. To date, the record of Supreme Court arguments presented by a female attorney stands at 33. Margolin first made her bones defending the constitutionality of the New Deal's Tennessee Valley Authority, but the majority of her career was focused on and recognized for her fight for enforcement of the minimum wage, overtime, and child labor law protections of the Fair Labor Standards Act. Margolin's career took a fascinating interlude in 1946 when she traveled to Nuremberg, Germany to serve as a war crimes attorney, where she was responsible for drafting the rules establishing the American military tribunals. This experience would forever change her life, leading to a love of international travel and the attendant social scene. Later in her career Margolin would more directly

fight for other women in the workforce as a founding member of the National Organization for Women. Margolin was one of the early champions of the Equal Pay Act, not only arguing and winning many of the early appeals, but also devoting time to public speaking to educate corporate attorneys in a non-adversarial forum in an effort to secure compliance from employers.

Margolin's liberal and progressive work was not without consequence. Margolin endured a thorough and invasive government investigation of her "loyalty" as a result of the Red Scare, which left a stain on her pursuit of a federal judgeship. Margolin undertook a long-term, aggressive campaign for a judgeship and ultimately was not able to overcome the limitations on the opportunities for women and the scrutiny of her personal relationships which were inextricably linked to her professional life. Early in her career, Margolin was put forth for certain opportunities only after making assurances that she would marry only her work and would not subjugate her commitment to the law in favor of a more domestic life. Rather than marry and have children of her own, Margolin carried on a number of not-so-secret long-term romantic affairs, which Trestman deftly weaves into the narrative of Margolin's professional journey.

Similar to the roadblocks Margolin faced in pursuit of a judgeship, she was unable to secure a professorship despite her distinguished pedigree, as those coveted positions were reserved for men, and not for Jews. Margolin devoted significant time and energy into pursuing a professorship, but academia was not ready for her. As Trestman points out, "before 1950 only five women ever held positions as full-time, tenure, or tenure-track law professors at accredited law schools." Despite the unfulfilled promise of a judicial or educational endeavor, Margolin's many powerful achievements made room for opportunities for generations of women to come.

Trestman's book tells this very important story, although it leaves out any detail of her personal relationship with Margolin with whom she shared common childhood experiences that undoubtedly bonded them. Personally, I think the book would have been served well with some more intimate information about Margolin's relationship with her mentees to balance the density of

the historical information that made the reading experience feel a little bit like homework. Nonetheless, Trestman's admiration for Margolin is apparent in her writing and this reader very much appreciated the opportunity to get to "know" and be grateful for a pioneer who made my path a little bit easier. In the aftermath of our recent Presidential election, this book is an excellent reminder of how far we have come, and an inspiring call to action to continue fighting the good fight to break glass ceilings everywhere. Bessie would be proud of you, Marlene.

You too, Hillary.

Endnote

1. Ruth Bader Ginsburg is an Associate Justice of the Supreme Court of the United States. She has become a pop culture icon as a result of her fiery dissents and outspoken commentary. Ginsburg's increasingly fiery dissents led to her being called "The Notorious R.B.G."

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Breaking Through Bias: Communications Techniques for Women to Succeed at Work

**Edited by Andrea S. Kramer and Alton B. Harris
(Bibliomotion, 2016, 182 pages)**

Reviewed by Janice Handler

Display grit! Stop speaking in question marks! Don't say "you know." Dress nicely. Smile frequently (but only when appropriate).

These are the suggestions of Andrea S. Kramer and Alton B. Harris, a husband-wife lawyer, writer, consultant team focused on gender-related issues affecting professional women. In *Breaking Through Bias: Communications Techniques for Women to Succeed at Work*, Kramer and Harris apply their considerable experience in managing law firms and personnel consulting to developing and articulating tools that can be used to confront gender identity issues in the workplace.

The authors begin with their personal stories explaining their interest in how gender stereotypes and biases hold women back. Andie writes of encountering gender bias issues after leaving a small law firm founded by her husband. She tells of encountering obstacles in women's career paths that were not in men's; inconsistency of opportunities; and unfair demands on women trying to have children. She developed the view that women need to recognize and purposefully counter gender stereotypes and biases through nuanced and carefully honed communication techniques. Al points out that the firm of which he was founding partner hired men and women in equal numbers, but only 10% became equity partners. He attributes the low percentage of women in senior positions to the fact that men who control careers (the "gatekeepers") hold gender stereotypes that heavily handicap women, and feels that with the right information and training, women can overcome the discriminatory consequences.

From these experiences, the authors pose a problem and a solution. The problem is gender bias in the workplace, that men are assumed to have traits of action, competence, and independence which are associated with workplace leadership, while women are seen to display sensitivity, warmth and caregiving, leading to low expectations of women's performance, capabilities and potential.

The solution: since we will not reform workplaces immediately, we need to change women's understanding of how they should communicate with the gatekeepers. By better understanding how to become better attuned to gender stereotypes and managing impressions, women can better control their careers and advancement and overcome the "Goldilocks Dilemma" where equivalent behaviors are perceived differently in the two sexes (i.e., "she's bossy, he's a leader") and women must constantly balance being too hard, too soft, or just right.

The book then details specific techniques to allow a woman to use her voice, movements, and body language to communicate a competent, confident, and socially sensitive leader and to acquire the key strengths of grit; high self-awareness and self-monitoring; commitment to managing impressions one makes; and ability to use a variety of communication techniques to overcome biases.

The rest of the book outlines these techniques, which include:

1. combining "communal" (feminine, nurturing, socially sensitive) traits with "agentic" (masculine, assertive, competitive, self-confident, forceful, risk taking) traits to project confident, capable, leadership.