Myrna S. Raeder


Recommended Citation
Transcript of Interview with Myrna S. Raeder (May 22, 2013; May 23, 2013; July 3, 2013; Sept. 13, 2013),

Attribution
The American Bar Association is the copyright owner or licensee for this collection. Citations, quotations, and use of materials in this collection made under fair use must acknowledge their source as the American Bar Association.

Terms of Use
This oral history is part of the American Bar Association Women Trailblazers in the Law Project, a project initiated by the ABA Commission on Women in the Profession and sponsored by the ABA Senior Lawyers Division. This is a collaborative research project between the American Bar Association and the American Bar Foundation. Reprinted with permission from the American Bar Association. All rights reserved.

Contact Information
Please contact the Robert Crown Law Library at digitalprojects@law.stanford.edu with questions about the ABA Women Trailblazers Project. Questions regarding copyright use and permissions should be directed to the American Bar Association Office of General Counsel, 321 N Clark St., Chicago, IL 60654-7598; 312-988-5214.
ABA Senior Lawyers Division

Women Trailblazers in the Law

ORAL HISTORY

of

MYRNA S. RAEDER

interviewer:

Danielle Hart

Dates of Interviews:

May 22, 2013
May 23, 2013
July 3, 2013
September 13, 2013
Danielle Hart: This is first interview of the oral history of Myrna Raeder which is being taken on behalf of the Women Trailblazers In The Law, a project of the American Bar Association Senior Lawyers Division. It is being conducted by Danielle Hart on May 22, 2013 in Myrna Raeder's office at Southwestern Law School. Can you please state your full name, when you born and where?


Danielle Hart: Okay, so let's talk a little bit about background, like parents and grandparents. Just generally speaking. Where are they from?

Myrna Raeder: My parents were born here in the United States. One of my grandparents actually was born in the United States. I think that the remainder were overseas but obviously since my parents were born here they were all over by about, maybe the latest would have been about 1910 or so. Because my Mom was born in 1917 and my Dad in 1919.

Danielle Hart: Where?

Myrna Raeder: Both of them were born in New York, also. And, in fact, I spent all of my formative years and education through my initial law school in New York and then I have never been back there to live since though I visit often times. Now, in terms of my folks, I always really think of my Dad as being a very significant influence for me when I was young. He was truly a product of the depression mentality. His whole idea was you work hard in life and you don’t ask anyone for anything. There was a great amount of fairness though that really ran through his thinking, even though I never really view
him as somebody who was particularly liberal in politics. But I remember the stories of how when he was in the Air Force and down south in the United States during World War II that he was thrown off the bus for offering an older black woman a seat. Dad is, my family is Jewish, and that he protested when on the major Jewish holidays they did not at that point, let him or his fellow Jewish colleagues, take off from work. And actually, that one I’m told provided a real stink that did come up with some changes in his particular situation. So Dad was really a very strong personality.

Danielle Hart: What did he do? I’m sorry.

Myrna Raeder: Dad was a CPA. But he was very self-made in the sense that his parents had had money at some point in time but they had loaned it out to their variety of siblings when they needed money and so they lost their home because they couldn’t pay the mortgage during the depression. I think that, again, was part of this whole idea that you work very hard, you support your own family. It really is a very defined kind of view of the world. Him being a CPA, I actually remember in my formative years that I did bookkeeping for him. This was my task, chores, whatever, which always served me well as an ability to get a job before I had any kind of profession. My mom was someone who was much more outgoing. She was artistic, she wrote, she actually once had a poem that was certified. God knows what they do to certify poems. She was also a bundle of contradictions as in some ways was Dad, in that she, this all revolves around me being very overprotected when I was young because I had a sister who died very young. This took a great toll on my mom and because of that she really took very good care that I did not stray too far from home which meant that, even in terms of learning how to ride a bike, because we lived on a hill, I did not learn how to ride a bike until I actually was in graduate law school. (Laughs) Then I can tell you that children who were riding around the park when I did this in D.C. had a great deal
of laughter seeing me attempt to do something that came naturally when you are very young but not necessarily so when you were older. She had a streak that ran in her family. She had lost her dad at a very early age, while ultimately her mom remarried, both her mom and my mother had a particular vocation, which I think is very unusual for women, which is that they played the stock market.

Danielle Hart: Really?

Myrna Raeder: As did my not just my grandmother but her sisters, as well. And it wasn’t that they were incredibly wealthy, it was just that this was how they filled in all their pin money and you know, had investments that were non-major at the time. But I think that it shows that she also had an independent streak that didn’t necessarily associate with the gendered views of the time.

Danielle Hart: What were your parent’s names?

Myrna Raeder: My dad’s name is Samuel Raeder, I’ve always kept my maiden name. And my mom’s name was Estelle. Her maiden name was Auslander

Danielle Hart: So she took Raeder?

Myrna Raeder: Yes, oh yes. Well, I mean in her time frame, nobody at all was thinking of keeping their own names. In fact, it seems that in the early 70s to maybe the late 70s was the time that more women were keeping their own names, than truly even now.

Danielle Hart: So what do you think were the most important things you got from your parents? You mentioned your father and this idea of fairness, that he told stories and those seemed to have resonated with you. And with your mom, you mentioned, she had this independent streak that seems to run strongly. So I was wondering, what do you think? Where do you see them now in you?

Myrna Raeder: Well, it’s clear that for plus or minus I’ve got a lot of my dad’s workaholic nature. And he was somebody who I think taught me you never quit. It just really doesn’t
matter whether you are doing well or not, that you stick it through. And loyalty was I
think a real theme with Dad that I took from him, as well. With Mom, I recognized
that her difficulties in life, which as I say came about because loss of a child that was
very traumatic for her. I should mention that my dad at literally almost the same point
in time had a bout of illness that was significant as well from which he recovered.
She, was funny, but she wasn’t really able to really develop her full potential. She
really did withdraw more unto herself and so, ironically, while I really wanted to
mimic her personality, which was a very bubbly personality that really did bring
people in but I knew that I wanted to be mentally strong like my dad and that was very
important to me.

Danielle Hart: So what were your parents’ attitudes towards gender?

Myrna Raeder: It’s interesting. Dad didn’t want Mom to work, so he was very much of his
generation. But as to me, maybe in part, it’s because he really did want to be a lawyer
and didn’t have the financial opportunities to be able to do that. And basically he
went to college at night to become like a CPA. So really when I, early on, said I
wanted to be a lawyer, he was incredibly supportive of that. But as I say, it’s also
though, if you start it, you got to finish it. (Laughs) So I think that was a big
influence. Mom was, I think, less oriented towards getting out of gender stereotypes,
except for she wanted to have some independence financially. But on the other hand
there was a point at which Dad suffered some financial reverses for a short period of
time. I remember strongly mom saying, “don’t worry. You can always be a
secretary.” And you know, to me it was completely out-of-place given that I was very
directed and had done very well in school. But I think it was more even than a
financial thing, it was a gender thing. That when I was saying that I wanted to be a
lawyer, it’s one thing to be doing things on your own but to actually go forward and
take a profession that at the time was so predominately male I think was just, I don’t know whether if it was not comfortable for her or whether it was simply that it wasn’t the way she thought. And I’m not just saying that it’s her, it really is socialization.

Danielle Hart: You said you were born in New York City.

Myrna Raeder: Yes.

Danielle Hart: New York, New York?

Myrna Raeder: Yes. Though remember New York has its Burroughs. So I think while I was born in Manhattan, I think I literally, though I don’t remember it, lived for a year or two in Brooklyn. Then, all of my formative years though were in Queens. Basically from the time that I have any recollection at all, and by the time I went to school, we lived in Queens. In fact, my parents lived in Queens until they died.

Danielle Hart: What was it like growing up in Queens, when you grew up there?

Myrna Raeder: Again, I was born in ’47, and one of the things that now we’re just so concerned about children and letting them walk to school by themselves and what you can do by yourself, and even to the extent that as I mentioned, my mom was very over-protective of me, it looks like nothing in terms of what over-protection might be considered today. So that I do have the sense that I had more freedom to be with other children. But I should mention that being raised as an only child obviously has a good deal of impact on how you turn out because ultimately you spend most of your time with adults when you are engaging in anything other than school or play.

Danielle Hart: Could you describe some of your early memories?

Myrna Raeder: A good question. I remember when I was in third grade realizing I needed glasses because I used to sit in the back of the room and I could no longer see the bulletin board. That was a major event for me because not being able to see the bulletin board meant that when I started taking tests, when they would write questions on the board, I
wouldn’t be able to see them. (Laughs) So, it’s funny the things you remember. I
don’t know, the early years of my childhood. I guess one thing I do remember that
how I gained my love of travel which is something that has stuck with me throughout
my life. My Dad was not a traveler and so he would literally send my Mom and I off
for part of the summer. It was very typical in that timeframe that you would go to the
beach or you would go up to the Catskills and the male would show up for weekends.
We were a little bit more adventurous that for part of the time Dad would send us to
where we wanted to go. But the difficulty was my mother never flew in her entire
life. Which was somewhat strange because she actually followed my Dad when he
was in the military, and as I say, he was in the Air Force so he was flying. But I can
recall going cross-country at about the age of 12 by train. It was a very interesting
experience. It was fun to do. But we literally took trips to different places like to
Florida, to California and it was always by train.

Danielle Hart: So what was your economic situation growing up? I know that your parents lived
through the Depression.

Myrna Raeder: I view us as very middle class but that’s probably because 90% of the people in
America view themselves as very middle class, regardless of the circumstances. We
probably, there were times when we would have been middle-middle class but a lot of
the times were times we certainly would have been more affluent than that. Again,
because of my Dad’s Depression mentality, he was a saver. And he ultimately was
able to save, given his circumstances, a fair amount of money but that was because he
was just incredibly cautious. And that, of course, came through to me as well. But he
was always self-employed as a CPA. Therefore, you could have very good times or
you could have times where your clients went south and, therefore, our situation was
never completely on an even keel. But obviously, given that Dad was able to send us
for our summer vacations and whatever, we were certainly by no means poor. It's just that was the financial situation wasn't stable. Maybe that's the easiest way of putting it. And again, that meant you were always more cautious when, in fact, you had more money because you didn't know whether, in fact, there would be times that you would need that money. Again, I think some of that came because of the medical circumstances that Dad and Mom had gone through.

Danielle Hart: You mentioned earlier that you knew at some early age that you wanted to be a lawyer when you grew up?

Myrna Raeder: Yes.

Danielle Hart: How old were you? How did that come about? Did that ever change?

Myrna Raeder: Yes. I recall someone saying to me I was either going to be very happy or very miserable in my life because I had decided so quickly. I mean, literally, I couldn't have been more than 12 years old. Again, I don't have a huge recollection of it, I am told that literally when maybe I was 8 or 9 that I actually wrote to one of the network channels saying that they really didn't have anything appropriate for people of my age. They were treating us as having no brains whatsoever. I do know, without actually again remembering specifics, that I certainly was doing the *Times* crossword puzzles by the time I was in third or fourth grade. So I really picked the track that was, I won't say necessarily the intellectual track, but it was at that point of time from the gender perspective I think what girls tended to do was that they went into pretty track or they went into the smart track. And while certainly we now know that they can overlap, but I think that at the time I was growing up, I think pretty much if you wanted to be on the smart track you separated out fairly early and I think that's what I did.
Danielle Hart: So it sounds like you were a good student from the beginning.

Myrna Raeder: Yes.

Danielle Hart: What do you remember about grammar school?

Myrna Raeder: I can tell you, not so much grammar school, though it is interesting in later life, for example, when I was doing a lot of commenting that was on both national and international TV during that whole era related to the O. J. Simpson trial, I actually had somebody who I knew in grammar school connect with me. Again, my name was fairly distinctive so it kind of, how many Myrna Raeders are there wandering about? So that was fun to reconnect and see what people are doing. But it actually was middle school that I most remember. The reason for that is we actually moved. We didn’t move very far, it literally was maybe a 20-minute walk from where we were but it meant that I had to switch middle schools. And what happened at that point, and I don’t think it was just gender, it really was how the system worked and maybe influenced me greatly in terms of fairness over time. That when I changed schools I went from being in the, everything was tracked at that point, I went from being in the first class, whatever that was, the number 1, to being in the number 10 of the class because that’s what happened to you when you moved.

And what was remarkable to me in that one year experience, because it was my last year of middle school, was it actually ultimately, was for me personally, a very good experience in that I learned how to type, I learned how to sew and I made a friendship with somebody who had also moved in and was placed in the same circumstance, that has been a life-long friendship. But in terms of seeing what tracking can do to children, it was just a horrendous experience. In today’s world it’s something that is really a problem, particularly for now minority students and others who may for
whatever reason, be tracked originally in a way that makes it very hard for them to escape to gain the mobility and education that is really necessary.

Danielle Hart: So what does it mean that you went from being first to ten in your class?

Myrna Raeder: Yes.

Danielle Hart: First in your class?

Myrna Raeder: No, no, no. It's like that you have 8-1, like the schools, 8-1 to 8-10 and so you went from being in the 8-1 class, which was the class that was tracked at what today we might call the AP level, to being in the 8-10, which was tracked at the level that was purely vocational.

Danielle Hart: How did they put you from to 8-1 to 8-10.

Myrna Raeder: Because you changed schools. It simply that whatever their mechanism was at that time, if you didn't have somebody to come in and fight for you in the circumstance to say "what in the world are you doing?" That I can't tell you whether it's because the records were sent over late or for what reason. But I know I wasn't alone because my good friend from all of these years was in the exact same circumstance. She moved and so basically everybody else in the class had always been in the vocational track whereas the two of us wound up saying "what in the world is this?" I think that both of us were lucky in that given it was our last year in middle school when we changed to high school, I guess they must have done some testing, so both of us, in fact, got back to whatever that AP or honors track was that really let you have the opportunities to go and be able to go to the colleges that you eventually hope to do.

Danielle Hart: Out of curiosity, the class that you had been put into in the new middle school, what was the gender and racial composition of that class.

Myrna Raeder: It's funny; it's just so long ago. You're right I mean was there I don't tend to have a real recollection that it was completely lopsided and part of that may be that at least
through middle school, I was pretty much in a predominantly, those schools were predominantly White. I think that it was not until high school when there were a number of feeder schools coming in. But the neighborhoods that I lived in were interestingly predominantly Jewish though the friend that I made was not and certainly it wasn’t by any means 100 percent but my guess if I had to guess would probably be in 75 percent range. So it wasn’t necessarily Jewish, but it wasn’t necessarily that you’re going to see a lot of division based on race or ethnicity though or even necessarily that much socio-economic diversity until I got to high school.

Danielle Hart:  What about the gender composition of that class? Do you remember that at all?

Myrna Raeder:  Well I do remember having sewing but on the other hand I also remember having woodworking. So I think they just put us into whatever their idea of vocation was at that point in time. Though certainly, and even in high school they clearly didn’t encourage girls to do physical activity in the way that today one would assume that girl’s sport would really be very prevalent so that certainly was a gender expectation. And I recall even things like you didn’t really see girls in the chess club. There certainly were things that today even in today’s world you might not see as many females do but when I was growing up there was just no expectation that you would do it, let alone the opportunity to do it.

Danielle Hart:  Did it bother you?

Myrna Raeder:  I don’t think so at the time because I really have never been athletic so now that isn’t to say that if I really had had the opportunities to do that when I was young, I might have been athletic but again so much of it is expectations, what people expect from you and that I don’t think I was challenging of those expectations or even realizing the layering of those expectations until I was older. Though as I’m saying that it is ironic that I chose law at such a young age, which clearly was something that was
predominantly male. I will say that in some ways I don’t view myself as a trailblazer. I view the women ahead of me as trailblazers. And interestingly for this project I’m probably one of the youngest women in the project given that I was born in 1947. To me the trailblazers were the women who were out there really practicing law before 1970. I literally got to law school in 1968 and by that point there were probably 5% of women in law school and in my law school, which was NYU, there was 15%. So, we had a mass at that point.

But certainly law was something that did, I just don’t think I viewed it as a gender issue. I viewed it as a smart issue—if you want fairness of whatever sort and I don’t think I was just thinking in terms of gender lines, I think my views were more the fairness in society as a whole, and gender just didn’t play into it. Once I sort of made myself on a track, I just didn’t view it as gender though it certainly had its components. Ironically, I’ve been married for gosh it must be 40 years at this point and have two grown children, I assumed that I was when I was young that I would not get married because if you wanted to be a professional woman that sort of was the way I saw it at the time.

Danielle Hart: How old were you when you were thinking like that?

Myrna Raeder: Oh, as I say, that was when I was basically middle school through college or even part of law school.

Danielle Hart: So before we jump ahead to college, can we touch base on high school? Do you remember anything about high school? Anything significant or life changing?

Myrna Raeder: High school, again it’s funny, I just had someone who I walked to high school with reconnect with me. She’s now a commissioner in Arizona who
read one of my articles for something that she was doing and said, “gee, I wonder how she is?” So it’s fun that sometimes the things that you do may actually initiate connections at a different point in time. But Forest Hills High School, it was literally so large that there was a 9:00 to 3:00 class that went one year, then you went 12:00 to 5:00 and then you went 8:00-12:00 because the school just needed to accommodate so many children at that point in time. So, needless to say the kind of school that it was and by that point I had gotten re-tracked so that it was very academically oriented and, indeed, in many ways I think the competitive level of the classes that I had at that point were in fact more competitive than ultimately my college experience. It wasn’t again until law school that I found as much competition and, again, that could have been because of tracking, it could have been because I went to female college, it could have been because many of the students who went to Forest Hills High School and were tracked at that point really wound up populating the major colleges in the country. I mean, it was certainly a very academic experience. Though I do remember having friends. I mean it wasn’t that I was completely isolated by any means. But I don’t have anything specific that really sticks out from it.

**Danielle Hart:** But you had mentioned earlier that it was in high school when your school got a little more diverse, because their were feeder schools.

**Myrna Raeder:** Oh, yes.

**Danielle Hart:** So, was it diverse racially, by gender?

**Myrna Raeder:** Well remember, while I can’t tell you that our schools divvied up 50/50 in terms of gender. It certainly wasn’t a huge disproportionality regardless of my schooling from elementary school through high school.
Danielle Hart: Even in your track. Even in the AP classes. Whatever that was equivalent to when you were in school.

Myrna Raeder: Yeah right. There certainly were girls. I mean I can't tell you that it was 50 percent but it certainly wasn't 10 percent. It wasn't like going out to law school. And maybe it was because this was public school system in New York and so it really wound up that in terms of gender except for the expectations of what you would do with your lives, it wasn't that your schooling was necessarily going to be different.

Danielle Hart: So where did all those girls go in that AP track? You said maybe NYU had 15 percent women.

Myrna Raeder: Well that was at law school. Law school.

Danielle Hart: So where did all those women from your advanced placement classes go to?

Myrna Raeder: Yeah it's actually interesting because I went to Hunter College which when I started it was actually its last year as an all girls institution and after that the last three years they did start taking in males but truthfully it was very few males that came in that particular timeframe. It didn't turn to really coed for quite some time. But it was always the expectation of a smart Jewish girl was to become a teacher and basically so it wasn't in fact it didn't have any conflict with gender role because teaching I think was always viewed as something that at least at that point in time women did and in fact I've always said that one thing that was an unintended consequence of women obtaining so much more opportunity is that our school systems unfortunately suffered because all of these incredibly talented women who previously had no place else to go, they were the teachers and they were fabulous at doing that. But obviously once they got opportunity, only people who really wanted to teach and to teach as the elementary types of school levels-- K through 12-- were teaching anymore and everybody else headed out to do other things.
Danielle Hart: Do you have any recollections through high school as ever being treated differently because you were female or prevented from doing something simply because you were female or did you notice any advantages of being female through high school?

Myrna Raeder: As I say I didn’t come into gender awareness until fairly late so I certainly wasn’t. Even though I was very stereotypically genderised in terms of having decided that I wanted to be a lawyer and that meant that I was going to devote myself to a track that would not necessarily include a spouse or children that it was at that point I wasn’t necessarily seeing it as a limitation just so much as a that was a reality in the timeframe. Yeah so you look at it now and say my goodness, how could you possibly just assumed that you weren’t entitled to a complete life and yet at the time I don’t think I really felt that this would be anything that was inhibiting me because of my gender.

Danielle Hart: So why did you go to college? When did you decide you were going to go to college?

Myrna Raeder: Well I don’t think college was a choice. I mean certainly my parents expected that I would go to college. I expected I would go to college.

Danielle Hart: What year was this? College was what year?

Myrna Raeder: Let’s see I graduated – I started law school in ‘68 so I must have graduated college in ‘68 so that meant I started in ‘64.

Danielle Hart: Was that a normal expectation for girls in 1964?

Myrna Raeder: Again maybe it was my parents that and you know it’s maybe again stereotypical but I think that most people when you think of smart Jewish girls that they just assumed that they would go to college and become teachers and then get married. I mean so I don’t think that college was considered something that was a conflict with gender roles. It was rather what you would do with your education that you received from college.
Danielle Hart: So why Hunter College?

Myrna Raeder: Because I was incredibly unsophisticated and that isn't to say I didn't get a wonderful education from Hunter College but it just never even occurred to me that I could apply for scholarship someplace else. And admittedly I had as I've said I wanted to be a lawyer. My parents had said to me that if I went to a city college which was essentially free, and I got a little bit of scholarship, they had Regents Scholarship, so it really cost nothing at the time, that they would help me with law school and so you can see how directed I was that at the point going into college I was already thinking about what the next step would be. But in retrospect it was really because I just wasn't aware of opportunities and I'm not sure why that was whether that was something associated with gender or just simply again my lack of sophistication which may have actually though been in part because nobody necessarily was talking to me about that from any kind of high school guidance function because one would assume that that's where you really think about where you're going. In fact I just don't recall anybody even suggesting to me that rather than simply applying to Hunter College where I went in as they had a very small group about 20 called Thomas Hunter Scholars which typically meant that for somebody who wasn't really poor, you could have had other opportunities school wise but it just didn't, it just as I say, literally occur to me.

So the failing may have been in high school and maybe gender expectations, nobody even suggesting it. It may have also been because I think I've said a number of times now that my Dad was somebody who believed you don't get help from anybody. That includes the state and so the thought of actually applying for a scholarship would not have been something that would have you know come to mind at all because you
don’t depend on anyone but yourself. And so you know as I say I got a fabulous education at Hunter. But it was certainly something that it wasn’t a place that was my only alternative had I realized it.

Is Hunter the only place you applied to, though?

I’m trying to remember. I think I may have talked to my Dad about applying to one of the all females schools at the time because I think that’s what provoked the conversation with a, well if you go to Hunter then we’ll help you with law school. Part of that may have also been that my family I think given my only child status didn’t really want me to be going someplace out of New York.

So, did you live at home?

Yes through college I lived at home and commuted into the city on the subway.

Did you work, what kind of stuff did you do while you were in college?

I was very involved in everything and part of that was because I was obviously over qualified for the situation that I was in. And most people because when they think of Hunter they really think of the high school which is an incredibly competitive place at that point and only for women who ultimately went out and really accomplished a lot. The college at that point wasn’t to the same extent because the people who went to Hunter High School ultimately were even in the days where the application process was limited for some of the other schools at colleges they were the ones who went out to the Radcliffes and the Smiths and populated the Seven Sister schools. So as I say I think though I literally wound up at the very top of the class at Hunter and certainly had some wonderful, wonderful professors, because the school was at 68th and Park and obviously lots of people wanted to live in the city and so the school was a magnet for good professors. And it was also interestingly a magnet for some female professors because Hunter was at that point until as I say the year after I started, an all
Danielle Hart: Myrna Raeder: 62263705vl

Girls institution. So while I had male professors, I also did have female professors which I think at that point in time was still not so common.

So what kinds of extracurricular activities and things like that did you get into?

I basically did everything and I was just very involved in school activities. My major was Political Science. My minor was History. I became involved in committees. I did almost anything that there was to do and I then started to become for a brief period in my time I became very political in the reform Democrats and I can recall actually a strange incidents—what would you recall in life? I recall handing out leaflets and somebody saying, “for you I’ll vote twice.” But I also can recall being at some headquarters and I don’t even recall the election at this point where I am manning some internal phones and taking calls not from simply anybody who is calling but questions that were coming in and literally I had on the other end of the phone Robert Kennedy. And I’m sitting there thinking to myself how in the world you know am I somebody who at this point was 20 years old and talking, even giving you know like whatever information was being asked to an incredible political figure. But the reform Democrat movement was just very big in New York and so I obviously had more liberal politics from the time that I can remember which again was not necessarily from my parents.

I mean my dad was very into fairness but he wasn’t necessarily a liberal by any means in terms of how I think about more liberal politics. So but college was just a very busy time for me. Though again because the place was mainly female I really wasn’t, I’m not even sure, but I may have gone out on one or two dates, but I was certainly not in a circumstance where I was dating or meeting people or for that matter thought about having to compete with men because that’s always the question about whether women
sometimes will act not as intelligently as they might because they don’t want to appear as if they are aggressive or have the kind of personality that might otherwise keep them from dating or from the gendered expectations of their time. So certainly in that regard Hunter was easy. You didn’t have any kind of you know gender problems because either everyone or in the later years most everyone was female.

Danielle Hart: But so at this point while you were in college, had your expectations changed about the likelihood of being able to get married and have kids or was it still pretty much the understanding I’m not going to have any of that because you picked a particular track?

Myrna Raeder: Right. No I completely was still of the view that the idea of a professional women wasn’t somebody in my kind of thought process that was a family person. It was either you went and had a family or you went and became a professional woman. Obviously, as I say, I changed over time. But when I was young I just didn’t, this just seemed to me the way that the world worked.

Danielle Hart: So what’s interesting to me in having known you as a colleague for as long as I have now and listening to your life story up to this point which is at this point into college and I’m thinking I still don’t see the Myrna that I know today in this yet. So I’m wondering did anything formative happen or was there anything formative in college, right, because your sense of justice – your sense of equality, your sense of fairness and opportunity – those aren’t themes yet that are coming out in this story and so I’m wondering if there was anything that sowed seeds.

Myrna Raeder: They were things that were always with me – the gender part wasn’t – but the fairness part was and therefore that ultimately that in later years led me to gender issues. But no, I always felt very strongly about equality that you know that women should be paid equally, that all people should have access to education. That really we were not doing a good job in being able to give people who had lesser resources the ability to
really become the best that they could be. So those things were always with me but you’re right the gender stuff, I don’t think that I really thought about gender until I was practicing law for a couple of years. Because even in law school it wasn’t there. I mean it’s funny I went to NYU which in fact was the place that was responsible for the first woman-owned law firm, which came from NYU students. And in my year, there were several women who were very, very gender oriented and at that point I just wasn’t there yet. I can’t tell you why it took so long but it just basically was not my ken.

Danielle Hart: So who were your main or major influences as role models at college.

Myrna Raeder: This is tough because I was thinking about that and not even for college but for earlier than that I’m really failing to figure out what that was and maybe some of it is that except for women like Eleanor Roosevelt, sort of the iconic women that you weren’t necessarily thinking of women as role models so I just think that in that way even the women before me had more problems than I did. At least I could see that there were women that were doing things professionally and making a difference. But certainly it wasn’t that I could say I modeled myself after someone or had felt that there was a particular person that so motivated me to do this because I just started with the idea when I was much younger and so it was more a I’ve got this idea I’m going to follow through wherever it takes me.

Danielle Hart: So neither male or female role models.

Myrna Raeder: Really it’s so odd to say but I just don’t think of myself as viewing someone and saying I’m going to be like that person. Like over the years certainly I had a number of teachers who were female. And as I say in college I did see some women who were professors so it wasn’t as if I didn’t know that these people existed. It’s just that it wasn’t anything that particularly stood in mind.
Shifting gears a little bit now. Do any major events during like teenage years through college stand out for you?

Well you know I certainly was in that generation where the death of John F. Kennedy was something that seared into you. And certainly the Civil Rights movement was something that was happening and could not be ignored at those points. I think all of that basically again for me were themes of fairness, that the country could do more, that we really needed to be thinking about how to give everyone opportunity.

And how were you in terms of your general health and everything up through college? You were fine, healthy?

Yeah, I don't really have any particular thoughts about things that happened to me. In many ways it would be a very, I won't say simple life but it certainly was something that I didn't have major stresses except certainly recognizing as I say my mother's difficulties that were sort of a life-long situation. So that clearly did have an impact on me. But other than that I just assumed that if you were smart then you could do whatever you wanted.

That's a good assumption. I like that one.

Well it actually is only in later years that I recognize that there were many smart people who really couldn't do what they should have been able to; that there were so many forces that could take away that opportunity. But as I say at the time I was very directed.

So when did your assumptions about your personal life and what was possible in your personal life change? You didn't think you would marry, but as you've mentioned before, you're married and you've been married for about 40 years. Who is your spouse?
Myrna Raeder: Let’s see my spouse is Terry Kelly and I met him in law school. He was in fact my next door neighbor in the law school dorm. And he was from the Midwest and I obviously was from New York and that is how we needed to figure out what city we could agree upon and ultimately could only come up with two places in the entire United States that both of us might consider living – one was Washington, DC and the other one ironically was Los Angeles – only because I wanted San Francisco and he wanted San Diego and we said because at that point we were out on the West Coast, let’s try LA and see if it works before heading back East again.

Danielle Hart: So when did you get married? In law school or after that?

Myrna Raeder: No it was much after law school, and maybe some of that was we both come from different backgrounds, different places, different religions that we needed to figure out whether this would work, which it obviously has.

Danielle Hart: When were you married?


Danielle Hart: So how old is Terry?

Myrna Raeder: Terry is about a year and half older than I am.

Danielle Hart: Is he a practicing lawyer?

Myrna Raeder: Interestingly he worked at, he was a partner at major firms, civil firms, for a number of years after he came out of the military. We were the Vietnam War generation but he actually retired very young. He retired in his mid-50s and at that point he felt that he had so much time away from home and from the children that he wanted to be able to spend more time with them. And I thought that it was just a burn out situation and that he’d be back to practicing law in another year and that’s not the case. But part of that is he has a very renaissance personality so he always can find huge amount of things to do to occupy his time without the necessity of just being in law practice.
Danielle Hart: And you have two children.

Myrna Raeder: Yes. Tom is now—hard to believe—he’s now 29 years old. And he is a lawyer. Though he didn’t go directly to law school. He actually went to the Ukraine for 2 years after college to teach English and learn Russian and then came back and he went to Georgetown, to their Global Law Scholars program and then to a law firm, Cleary Gottlieb, that’s an international law firm. But I thought it was interesting that we haven’t talked about travel, which I guess we will at some point. But it’s clear that he got both the independence streak and the willingness to go to far-off places and spend time there. Michael is my younger son who just literally last week graduated from a graduate program at USC out here in California. And he is going to, he was originally in psychology and is the one of the group that didn’t want to become a lawyer and thinking about what made sense for him, he basically now is marrying the idea of psychology with business and so the program is one that really was devoted to marketing research. He’s now starting in June at a marketing research firm that is probably world-wide but it is headquartered here in Los Angeles.

Danielle Hart: How old is he?

Myrna Raeder: He will be 25 at the end of June.

Danielle Hart: Any spouses or grandkids?

Myrna Raeder: No not close. But I think you can see from their ages that I waited quite a while to have children. And Terry and I were actually even though we got married fairly late, it was almost another ten years before we had children. And I think that most people anticipated that we weren’t going to have children. I was 37 when I had Tom and I was 41 when I had Mike. And again, it was an era where unlike now when people who are concerned about having children and the timing of when to do it, realizes that it can be much more difficult to conceive when you are older. But again, it wasn’t a
fear for me. Nor interestingly was it a biological clock ticking for me at this point. And maybe part of that comes from the fact of having had a sister who died very young and there was a point in time that I was unclear whether that—she should lived for a year—whether that death had was a genetic problem or not. Ultimately, I had myself tested for Tay Sachs which indicated I’m not a carrier, and then I tried to figure out what to what had really happened. It was clear to me after that that hers was a breach baby situation that had gone awry. So that it wasn’t something that I needed to be concerned about in terms of myself having children. But, no, it was being raised as an only child. I said I would either have none or two. I would not have an only child. But, in fact, Terry came from a large family of six children and so he really wanted to have children.

Danielle Hart: But he was okay with putting it off until ten years after you got married?
Myrna Raeder: Yeas. Certainly, I think that he probably would have been delighted had we wound up having children a little bit earlier. But in fact what’s surprising is that it, I guess to me it was sort of well it either happens or it doesn’t happen, which again was a very ungendered kind of role in terms of what you stereotypically would think of that I want my kids, I want them right now. Invariably, I tell my students that when they ask me about, what’s the right time to have children in a career, and I say, there isn’t any right time that it’s very individual and you have to figure out what will work. But it’s not like there’s ever a really good time to do it; it’s just a question of what makes sense and how you manage the circumstance of having children. It’s also being able to have a professional career because I don’t think that people have kids to want them simply as trophy kids. That’s not the point. So that you do really want to be able to spend time with your family and not simply with all of the things that are required to get ahead professionally.
Danielle Hart: And so, what are your outside interests and hobbies? You have your two kids, they're all grown, you have a husband who sounds wonderful, truly sounds wonderful, and no grandkids yet. What are your outside interests and hobbies?

Myrna Raeder: Well, this is where my workaholism, that is inherited from my dad winds up, we may be skipping ahead, really winds up that I just do a lot of writing and advocacy and things that really do have a professional part to them but also, further the interests that I have and ultimately have made many friends in each of the areas that I write and care about. The thing that has nothing to do with the profession is the traveling and that my husband and I, and this is really an odd story, but I worked at O'Melveny and Myers (which I guess we'll get to in another tape at some point), relatively early in my career; and this was in the mid-to-late 70's. And at that point in time, law firms were very different than they currently are. We now think of them as much more cut-throat places where people are not going to make partner, and where everybody is working an incredible amount of hours. And, in fact, I was on a case, the IBM antitrust case, where we were working incredible amount of hours but, in fact, at the end of it, the firm felt so bad that we had literally spent two years of our lives often both away from home for a good percentage of time, but also with the kind of hours are common today and the firm, it was the firm, it wasn't the client, offered everyone who had been working on that case a three-week vacation any place they wanted to go; money was not the issue, it was just simply the time. And it was with a in the words of the day a significant other.

So, in fact, Terry and I went off to Egypt and Africa and we, at that point, which was an incredible, incredible trip, and at that point, we looked at each other and said, we could get used to this, and so we decided after that that we would take at least two
weeks if not three each year and go to a different part of the world. Our view was that the more exotic the better, on the idea that Europe was always going to be there but many of these places would change dramatically over time and that really has proved true that even if you go back to a place. I mean we went to China a year after it opened to Americans on a doctor-lawyers friendship tour and going back 20 years after that, it was just a completely, completely different place. So we just ultimately decided to do travel and then, when we had children, because, remember, we were together for a long time before we had children. Then we said, okay, then we'll do the United States and Canada for their formative years. But, truthfully by the time that they were starting to get to the maybe 7 or 8 years old stage, then we said, alright, we'll do the European kid-friendly, places. By the time they were 12 and 13 and we were less concerned about health issues, then we said, okay, we're in Los Angeles, it's going to be Asia. And so we visited a lot of countries with them. And then, it's interesting because personality is obviously so individual that as my mentioned, my older son clearly picked up the travel bug but my younger son never really, never really did in the same way. I can recall him wanting to sit in a room in one of the major capitals of the world and we said, well what do you want to do today. He said, I want to play Nintendo. And while that obviously was age-appropriate at the time, I think that attitudinally, some people just really do take to travel and other people would much rather be around their friends and do things that are much more familiar.

What about reading, music, anything, what do you like to read?

Yes. Well, unfortunately, now most of my reading, because it's like my interests are like spokes on a wheel which means that I have so much professional reading that ultimately I don't do as much of sort of simply reading for fun. Years ago, gosh what was it, I was a big science fiction fan and that's really true for my entire youth. I was
very much into science fiction and I think part of that is because science fiction of that
day was much more assuming what life could be and just putting it in a other worldly
environment.

Danielle Hart: Who did you read?

Myrna Raeder: All of the folks of the day, Asimov, Heinlein. But certainly I read like a lot of science
fiction. Then I went into mysteries; I think I must have read all of the Agatha Christie
mysteries. I mean when I was younger I guess I started with Nancy Drew as so many
other people, particularly females, did. But as I say reading is something that I do a
lot of, it's just that I, it tends more to be non-fiction than fiction in the current world.

In terms of music, I remember when I was young, I had a piano teacher who was too
short to, actually, it's an interesting story that it's very hard to become a concert
pianist if you are really short. I mean part of it is just like the pedals but also it's the
stature, you know, and obtaining jobs, and whatever. So I remember that she got my
mother to take me to, what was it, Concert Artist's Guild which I think still exists in
New York. I can always remember wandering into Manhattan and sitting, listening to
what would be a, almost like a chamber music group, but oftentimes just simply a
pianist or somebody singing in a room that would hold maybe 50 people. So I do
remember hearing and classical music, though, when I grew up, I certainly liked the
classic rock music but I will admit that today I tend to listen to much more classical
music than I do to rock music.

Danielle Hart: What do you do to unwind when you're not working? I know you're a workaholic.

And that has stayed with you forever and so even to this day. So what do you do
unwind? If you were just going to relax, what do you do?

Myrna Raeder: I don't know. I certainly have family and friends that I will be with but I don't
necessarily think of something that I specifically do. Hmm. It's pretty awful not to be
able to. I do have friends that I certainly like to spend time with. I like to, I always like to go to shows, to concerts, to things of that nature, but I don’t know that I view it as unwinding because a lot of times I’ll just go straight from school to do that. Alright, at least let me add in the cooking, because cooking I did that when I was younger.

Things that I do. Many years ago, I started to cook and my children do not believe that I ever did because they haven’t known me as a cook. But again, since I had my children when I was so much older, I remember finding cooking was very relaxing and part of that was, Terry was overseas in Okinawa when I was in Washington the year after I graduated law school, in Marine JAG over there, And it was very easy to make cookies and cakes and send them overseas. Now when I knew I was getting good, however, was that people who would taste them before I would mail things off, would actually offer to pay me to cook for them and their friends. But I found that that cooking and baking were very relaxing at that point. Ultimately there was a period that I did all of this cordon bleu kind of schooling and whatever but it’s long ago and far away.

Now, what I tend to do for enjoyment, other than being with family and friends, is to go to concerts and plays. Actually Los Angeles has grown dramatically in the forty-odd years that I have lived here. I mean, I would never have predicted it as our second city. When we came, it was simply for Terry and I our compromise city. And let’s see if it works. And I can tell you how true this was as a compromise city was that when I went to my second year of law school, I clerked at Paul Weiss in New York and a friend of mine (female) came out to O’Melveny and Myers which is where I eventually practiced for four years when I was in Los Angeles, and I can recall saying to her, “what are you thinking about, going to Los Angeles?” And part of that
was because, at that point, I did not drive a car at all. being a typical New Yorker in
that vein. But now, the amount of cultural activity that is really present in LA is
something that again you can literally-- and Southwestern being conveniently located
to downtown and also to Hollywood-- you can literally get into the car and within 10-
15 minutes, be at a play or a concert in the evening. So that is something that is nice
to have the ability to do.

Danielle Hart: So I think that that concludes our first interview and we’ll pick it up tomorrow.
Danielle Hart: This is the second interview of the oral history of Myrna Raeder, which is being taken on behalf of the Women Trailblazers in the Law, a Project of the American Bar Association Senior Lawyers Division. It is being conducted by Danielle Hart on May 23, 2013, in Myrna Raeder’s office at Southwestern Law School. So this segment, or this interview we’re going to start discussing your legal career. That said, you were just mentioning that you finished college early.

Myrna Raeder: Yes. Part of it was because in high school I had taken so many AP credits and going to a city college, I literally could have graduated a full year early but decided to graduate half a year early in part because I knew that I wanted to go to law school and I did want to save some money. I also had, thinking back, actually caught the travel bug early and part of what I was going to save up for was to go to Europe for several weeks with a friend of mine from college. So indeed, when I graduated, I went to work for a lawyer as sort of this combination girl Friday secretary, administrative assistant and bookkeeper. That bookkeeping always did keep me in good stead and indeed we went to Europe and there were certainly, interesting about gender issues there. We were two females traveling independently and on occasion, you would particularly in what was it—in Italy—, would get pinched. Whatever the stereotypes were, they were. But the part of what I remember was more political, that the friend that I went with was even more opinionated than I on political issues; and I can recall when we were at such places as Windsor Castle, saying, “just think how many people could actually live in a place like this.” So clearly some politics had invaded in my thought process going back to fairness though I was never somebody who was really
Danielle Hart: The one thing I have noticed is that I have always tried to reach out to compromise, feeling that the best way of getting change has really been more pragmatic than simply asking for something that may be unreachable at the time. So, ultimately, I did come back to law school, and I guess the question we’ve already pretty much answered, how did I get there?

Myrna Raeder: Why? I know from our conversation, earlier conversation, that you knew from very early on you were going to be a lawyer so this is kind of just par for the course. So why NYU?

Danielle Hart: Again, it’s interesting. Coming from New York and this is a very New York statement of what life was in the late 1960’s, Columbia was in an area of Harlem that had a huge crime problem and despite Columbia being a fabulous university and was so at the time, what was interesting is you got many less people from New York actually wanting to apply and I just never even thought about applying to Columbia because of those reasons. Also, in part knowing that my family was still in the city, I would certainly be taking subways and walking a lot and so I wasn’t going to the Ivy school that was set apart. I was really assuming that I would still be part of the city. Really, the only other place that I applied to and it was disappointing when I didn’t get in was Yale Law School and, indeed, that was still a point in time when Yale was only taking five percent or less of women. And interestingly, I did very well at NYU law school and so could have—I think I wound up as second in the class-- could have changed if I had wanted to in my second year but at that point I had my friends, I had the beginnings of interest in a number of things that NYU being in the city really, and very clinically oriented, at a very early stage in clinical education in the U.S. It just
never occurred to me that I should actually change at that point.

Danielle Hart: What were the things that you were getting interested in at NYU?

Myrna Raeder: Once I was in NYU, that was when I really started to have more interest in criminal justice issues. But I don’t know whether that’s skipping ahead to getting to NYU.

There actually was a professor at Hunter who had encouraged me to go to NYU. Interestingly, it was a male professor and I think, as I’ve mentioned to you, I just didn’t come into gender issues until quite late and in fact in many ways I ultimately certainly in the early parts of my career, benefitted from old boys’ networks because there certainly were not old girls’ networks at that point in time.

Danielle Hart: How did you benefit from the old boys’ networks?

Myrna Raeder: Oh. Well, my first job when I was at NYU and trying to figure out what I wanted to do that, well maybe it wasn’t the first job, but it was my first job as a law school professor. I spoke to . . .

Danielle Hart: As a law school professor?

Myrna Raeder: As a law school professor. I spoke when I was, I guess in my third year of law school, to someone who was then one of the associate deans basically about what I wanted to be when I grew up and I said I wanted to be in San Francisco and he ultimately, when I went off to the Georgetown Prettyman Program he found a colleague of mine from law school and by then he was the Dean of USF law school, University of San Francisco School of Law and basically asked, whatever happened to Myrna and when he found out that rather than going to Paul Weiss full time and back to New York, I had gone to the Prettyman Program and was at the two-year program and was looking around to figure out what to do, he actually gave me a call and that’s what turned into
my first law school teaching job. By the same token, my job with Paul Weiss, I went there as a summer associate and —

Danielle Hart: After your first or second year of law school?

Myrna Raeder: After my second year, I guess we’re off chronology now. My first year actually was criminal justice oriented. I did very well in my criminal law class and at that point in time crim law and crim procedure was one class so you can tell what a difference a number of decades make. But, in fact, I became an assistant to a professor who was very involved in the United Nations and so my first year I really spent, at the UN doing a project on standard minimum rules of treatment of prisoners. And again that was a male professor because at that point in time you could literally count female professors on the fingers of one hand and if you got beyond two, it was a lot.

Danielle Hart: Can we just backtrack a little bit?

Myrna Raeder: Sure.

Danielle Hart: So you said that you had a professor, a male professor at Hunter College?

Myrna Raeder: Yes.

Danielle Hart: And so, maybe if you could tell us his name and he encouraged you to go to NYU. So why did he encourage you to go to NYU law school and then the second question will be to your interest in crim developed first because of your first year of law school?

Myrna Raeder: Well, at Hunter, it was Robert Hayton and he was interestingly involved in international law. I literally was more interested in international side. I had Professor Stoessinger who ultimately went to the UN full-time.

Danielle Hart: Professor?

Myrna Raeder: Stoessinger went to the UN full time and I can recall, because you remember I was a
political science major, that I was very interested in those international issues. And Professor Hayton also was a really on the international side but both of them knew that I was interested in law. And so, I specifically remember Professor Hayton and actually what was interesting about that i for the most part, most of the testing was not blind in college at all and I always wondered how much of my good fortune on grading actually had to do with, at that point, having a pleasant personality. So it was interesting when I got to NYU and they had anonymous grading. That actually gave me a huge amount of self-confidence because when I came out at the very top I knew that it wasn’t because it was me, it was because of the knowledge that I had and was able to share.

Danielle Hart: But can we go back to Professor Hayton just a little bit.

Myrna Raeder: Yes.

Danielle Hart: Because you mentioned him very specifically in terms of pointing you at NYU. I’m just wondering if there was a reason he pointed you at NYU?

Myrna Raeder: I’m trying to remember whether he had taken a JD degree as well. I mean, his area of interest was, to my recollection, international law, and I recall being in a course with him where he actually as the final gave us, individually, an oral test that would be something akin to having to defend your Ph.D. thesis but obviously on a much, not anywhere near as an advanced level. It’s so hazy but I do have absolute recollection that he was very encouraging of me doing that. But, again, I had done really well in college. I mean, I truthfully, I don’t remember whether it’s first or second, but I certainly was a good student. I had that, I had that down pat.
Okay. So now we’re back to NYU and in your first year. You had a professor, and crim pro and crim law were one class.

Right.

And you did really well in them. Do you remember who your professor was.

Yes. Gerhart Mueller.

Gerhart Mueller. Was he the professor that you became a teaching assistant for?

Yes.

And he was also an international law kind of centered. So what’s the connection between that a criminal law?

Well it was that he was teaching criminal law but he was very interested and ultimately he wound up at the UN also for a period of time. Very interested in the international aspects of criminal law. And particularly as I say I was assigned to a project on standard minimum rules of treatment of prisoners around the world. I spent my first summer at the UN reviewing the numbers of surveys that had come in and talking to some UN officials who were dealing with the surveys basically digesting what had come in and also, I guess, making recommendations as to what kind of reports or things that one could analyze coming out of the survey.

What did you take away from that project? So it wasn’t just data and number crunching. Did it impact you in any particular way?

I think that, I mean, Danni, truthfully, I’m lucky if I recall what I did yesterday. So I think it has actually served me very well that my memory is somewhat of the overall picture because one never holds grudges when one can’t remember what one has felt one was slighted about. But I do think when looking back that maybe that was my
first interest in women and criminal justice because certainly part of the surveys had
to do with women who were incarcerated and what was happening to their children.
So while I don’t have a specific recollection, I do know that gender had played into
some of my thinking and that’s true as well in that my first article for the Law Review
related to the fact that New York basically required corroboration for assault if the
underlying crime was rape and that actually was the first piece of work that I did for
the Law Review. And I say the first, most people only do one. I can’t decide whether
it was gender-oriented or because I had literally annoyed the powers that be by my
decision in my third year to undertake a full time criminal law clinic at NYU that as a
result, I was punished because I should have had a very high position on the Law
Review. And instead they simply made me an editor and they had me write,
supposedly because I had written so quickly my first piece for them, a second piece,
that ultimately won the prize for the year but certainly I was viewing it more as
punishment than as something that made sense and interestingly, I guess I was fairly
risk averse even though it didn’t stop me from undertaking that full criminal justice
program. I actually at that point had also written, there was a point where I was very
prolific and then a later point where I fell off and wrote hardly anything and then a
point where I came back and became incredibly prolific again. But in that early time­
frame coming out of my experience with the standard minimum rules, I had actually
written an article for our other journal, I don’t think it was more than a year or two
that Journal of International Law existed at NYU and they had actually asked me if I
had any interest in coming over and truthfully running that journal. And at the time,
frankly for the same reasons that I was, I felt you needed to have something on your
Danielle Hart: Could I ask you though, so I’m still trying to get a sense of where this is from. A profound interest and commitment to criminal law came from. Because you took the class, you liked it, you did well, but I think you did well in all of your classes.

You happened to be the TA for somebody who did international law, which was consistent with some of the stuff you did as an undergrad. And you saw, you were looking at the treatment of prisoners around the world and then all of sudden, we’re jumping to your third year where you’re devoting your entire at least a semester, maybe a whole year to a full-time criminal justice clinic. And I’m guess just trying to figure out, where did this come from?

Myrna Raeder: I think it was partially the times that when you think about that period in the late ‘60s, early ‘70s, we were in a timeframe where both at home and overseas we were having huge amounts of issues. This was the Vietnam War era and in fact NYU was a school, that I think in my third year of law school, actually closed the school so that we could all go lobby in Washington.

Danielle Hart: What year was that?

Myrna Raeder: It was probably. I graduated in 71. So it was 70, 71, it was after Kent State. But what was interesting with that is the New York City judiciary said well it’s all well and good that you’re cancelling classes and cancelling exams but none of your students will get credit for taking the Bar. So NYU literally sent us take-home exams
Danielle Hart:

that semester. But it gives you a sense of how much ferment there was. That was the era where Black Panthers were very big. Where you were having all sorts of student riots in a number of schools and the civil rights issues were to the forefront. And so ultimately I think that it all has to be seen in a viewing the system as a whole as very unfair and that given my view about fairness, that the criminal justice, like the Warren Court had started this with all of its revolution on procedural rights, and so it just was something that fit very well with my view of what I thought I wanted to do.

Danielle Hart:

But it's still so interesting to me because given the political unrest, international ferment, the civil rights movement and everything else, that still sounds very much like civil rights. Legal services, like a legal aid office, which doesn't do criminal law. A lot of legal services offices don't. It means politics. It means policy and legislation. I still don't see the criminal law.

Myrna Raeder:

I mean, people, the thought was that people were being arrested and convicted in some measure because of who they were and it certainly impacted minorities more than it did upper middle-class, White students. In fact by that point you were just seeing a lot of movement that individuals were being arrested for refusing to be drafted. But you're right, I mean, it wasn't all necessarily criminal justice oriented. That was a point in time when among all of the issues I just somehow came to that issue rather than the civil side of it. I guess maybe it was just because I felt it was more extreme. That people were being disadvantaged in a way that completely impacted what they could do with their lives. Maybe that was also the initial spark to my eventual interest in wrongful convictions as well. That in terms of our history that we hadn't provided lawyers at all. And then even at the beginnings of providing
Danielle Hart: And the stakes are so much higher in criminal law and the consequences more severe?

Myrna Raeder: Oh, definitely. Loss of liberty, but even beyond the loss of liberty it also was the impact on family, impact on community.

Danielle Hart: So you had a sense of all of that even back in law school it sounds like.

Myrna Raeder: Yes. I mean, I may be justifying it now but certainly I decided of the route that I wanted to pick at that point in time that the criminal justice route was the one.

Danielle Hart: So you also mentioned when you got to NYU there were several interests. Several things that interested you. So, I was just wondering, do you remember any others? I know there was a criminal law, that’s first year, third year, you’re doing the criminal justice thing. Were there other things, other clinics?

Myrna Raeder: Again I seem to be a joiner. I was involved in a number of things. I do remember being involved in a movement to change our grading system. And I think I wound up in that because they figured if they had somebody who was at the top of the class there that it wouldn’t appear that this was just a movement of people who didn’t want to work hard. And indeed we did change the grading system though I think I recall not to what the students suggested but to some interim kind of system. I actually, when I started law school, I had several friends who were playing bridge with their spare time
and I do recall specifically that getting involved in bridge playing and recognizing
about a month or two into it that if I devoted all of my time to bridge, I was not going
to do what I wanted with my education and so I ultimately went cold turkey on that.

Danielle Hart: [laughs] That’s funny. Do you remember how many, earlier it might have been the
first interview, you said that NYU had about 15 percent women.

Myrna Raeder: Yes. That was very unusual because as I say at that point in time, schools were
basically at, you know, hovered at 3 to 5 percent. But I can’t tell whether it was
because NYU was always in the forefront of whatever movement or whether it was
simply a very smart realization that they didn’t have the men with the qualifications to
fill their spots because of the draft. And you know other schools, if you ask me why
schools ultimately in the early ’70s went to adding more women, it wasn’t necessarily
for altruistic reasons. It was because of the draft. And it may, as I say, NYU may
have been, they certainly were at the forefront because of the schools that were more
recognized, they, my recollection, had the highest percentage of women. But even at
15 percent you would always get noticed. It was very interesting and I certainly, I am
sure the women who were at schools with only 3 to 5 percent, I mean, they were
incredibly obvious but and it wasn’t just to the law professors. It was the rest of the
student body because you just didn’t see that many women and therefore, I don’t
know, in some ways that may have been a benefit. I can say overall in my own
experience teaching law that the time that I finally decided that women were more
than a token of the student body in law school was when I had women at all parts of
my class in terms of their grading. Literally for the first ten or fifteen years that I
taught, the women that I saw were all much more directed and much more hard
working and oftentimes at the top or if not the very top certainly in the higher part of the class. So it was only when I had some mediocre females that I realized that we had finally gotten beyond token that in terms of who we take in and people who come. You didn’t have to be so much better than men in order to get in and to do well.

Danielle Hart: Let me ask you about something you just said. In talking I believe about NYU and your experience there. So even though there were 15 percent women, that still isn’t a lot of women. And did you say to a certain extent, that was a benefit?

Myrna Raeder: Well if you were, part of it is how you take things and how you present yourself. I think that I have noticed over time that it is easier for women to be discriminated against overtly when they are perceived as softer, whether it’s in their voice, whether it’s in their manner. And I always was very comfortable with what I might call a male model. I had my opinions, you were going to hear my opinions. I wasn’t going to step down. But on the other hand, I wasn’t confrontative and so I think that that combination actually served me well because, I won’t say I was perceived as one of the boys, but I certainly was not perceived as something completely different.

Danielle Hart: Do you think that was true for your female classmates, that they also had that same persona?

Myrna Raeder: I think that the ones who ultimately did better in law school were the ones who fit more comfortably into that model. I don’t think that’s true today. I mean I’m actually very happy that in today’s world, females regardless of the kind of persona that they have can do well in law schools. But I think that at the beginning, if . . . , you didn’t do best if you were seen as incredibly pushy because we all know the B word. And certainly people I’m sure were looking to use it. But on the other hand if you simply
were who you were and without going to the extreme, then I think it was a more
comfortable model for males to relate to. Whether then you were being perceived
more as their daughters, as their sisters as opposed to somebody that was either a
sexual object or somebody who needed protection.

Danielle Hart: Do you have any other memories of NYU just in general?

Myrna Raeder: It's actually one that was not so much of a law school itself as it was of interviewing
for my job at Paul Weiss, the second year of law school. As is typical today,
everybody tends to interview at large law firms and I had decided to interview at Paul
Weiss because Paul Weiss was a very politically oriented firm in terms of the partners
and it's sort of me and my, as I said, the reformed democratic movement, the people
who were at Paul Weiss just fit much better into what I thought I could contribute than
going to a Wall Street firm. And I do recall that how associates were treated by
partners had some of the, not very nice, like ordering people around quality. And I
recall that in the interview, the partner, I must have been like one of the first
interviews, whatever. He said, "you know, this chair just isn't comfortable enough."
And, I forget, we were in a fairly large kind of conference room and he turned to the
associate male and said to him, "why don't you go find me a better chair?" And I
remember saying, "oh and while you're at it could you look for one for me. too?"
And I truthfully think that that was what was got me my job. You know it's not being
intimidated. That that was a quality that was really something that the people looked
for. And indeed, ultimately when I went to O'Melveny and Meyers so many years
later, the irony was that Paul Weiss, God knows, they must have kept records from
who knows how long, but they actually tracked, . . . When I told them I would come
and then I went to the Prettyman Program, the criminal justice program out of Georgetown. And they said, "oh how long is that?" and I said "two years." And they actually called me at the end of two years to see if I was coming and by that point I was going to teach at USF law school, and I said, no but thank you so much.

And then when I ultimately several years later came to Los Angeles, it was still a timeframe when firms were not hiring laterals. In 1975, that was highly, highly unusual and certainly not at a big firm. And so in their trying to figure out whether to offer me a job and how to treat me, they looked at what I had been doing which had included two years at the Prettyman Program litigating, two years teaching, and then they came upon this, oh you spent a summer at Paul Weiss. They called Paul Weiss and somebody there had records and actually gave me a recommendation; and the person at O'Melveny said that actually that was the reason that they felt comfortable giving me an offer and basically treating me as if I clerked for two years in a traditional kind of clerkship manner. So once again, I was part of the old boys’ network. And you never know, this is why you always have to do your best at whatever job you do because you just never know when at some later point in time, that may be a factor in getting you to where you next want to be.

The other gender issue from NYU, again had to do with interviewing. And as I think I’ve mentioned now a few times, I really did want to be in San Francisco. I guess that train trip I did when I was 12, you know it had an impact on me. And what ultimately happened was that not that many San Francisco firms were interviewing at NYU. I
can’t remember why. But the particular firm, which I don’t remember the name, but a
large firm in San Francisco had a hotel suite where they came in and they basically
interviewed people from a number of schools. And I can recall during the interview,
the person got a telephone call. And he said, “I really can’t talk because I’m with a
female law student who I’m interviewing.” And the person on the other end must have
said something that was gender-oriented because I was just across the table and it was
basically a comment something like get your mind out of the gutter. So it’s clear at
that point in time, particularly in places that, one thinks of San Francisco as very
liberal, but certainly there were people in law firms who did not view women as a
positive contribution even though there were a few I mean, but they usually were
more in the probate department. They really weren’t yet, they really weren’t yet very
many women in litigation.

Danielle Hart: Can I ask you about your attitude, your approach? I’m thinking about your interview
with the Paul Weiss people and asking the associate to get you the chair as well. Your
statements earlier about feeling very comfortable in a male model, of how to do law
school, or how to conduct yourself, or how you work. I’m just wondering where did
that come from, this attitude? I’m not intimidated. You don’t intimidate me. The fact
that I’m a woman has no bearing. Where did that come from?

Myrna Raeder: I think it may have come from being an only child and spending so much time with
adults and as I’ve said, my father was very independent and encouraged me to be the
same. But I certainly have always had male friends as well as female friends. And so
I guess for whatever reason . . . Maybe is was part of the fact that for a long period, I
just assumed that I would be professional and so never had any of the kind of qualms
that so many women had about not wanting to appear too smart, not wanting to appear
as if you really wanted the job because, in fact, that might make you seem less
feminine.

Danielle Hart: So this is actually going back to your childhood. Do you remember any of your
colorful friends being encouraged the same way? Were they like you? Your
colorful friends, meaning this is what is what I'm going to do it and, of course, I can
do it. Were your female friends that way?

Myrna Raeder: Yeah. I mean that I do think that some of the, most of them, thinking about it were.
And if you ask me where they wound up, while a number of them did marry, they
didn't necessarily marry when everybody was getting married which was right out of
college. And I think they had more of a self-awareness that, again, it may have been
the times. It may have been the people who I chose to be friendly with. Actually it's
funny, last evening I was thinking back to your question about female role models.
"God," I said, "I must have had female role models." But it occurred to me that the
women in my family were all fairly independent women. My dad had two sisters, they
married, but I remember them as having, you know, strong personalities. My mom
had two sisters and, in fact, one of them in World War II went into the WAVES,
which was very unusual for a Jewish girl, the navy for females in World War II. Very
unusual at the time because ultimately obviously what did that mean? That she left
home, that she travelled with the group, that she worked there. And my grandmother
on my mother's side had besides, she came from a fairly large family, I think of five,
that had two sisters and both of them were very independent; all three of them were in
the stock market and figured this out and one of them ran a cousin's circle to sort of a
Danielle Hart: Myrna Raeder: Danielle Hart: Myrna Raeder:

Did you have role models or mentors in law school? Not from law school necessarily, but just in general. Law school or otherwise.

Again people who offered me positions to do things I guess one can say, they were mentors. It wasn’t necessarily that I had a close relationship with these individuals. But I certainly had you know again male and female friends in law school, some of whom I’ve kept for the lifetime and certainly my husband who was my next-door neighbor in the law school dorm, though a year ahead of me.

So, let’s talk about that for a little bit because I know when you were an undergraduate, you lived at home.

Yes.

You did not dorm and that might have been partly the deal in order for your parents to help you with law school. So in law school, did you dorm the whole time, so you lived on campus the whole time, did you . . . ?

Yeah. In law school I basically, needless to say my parents said oh you can commute, it’s no problem. And I said there is no way I am going to commute.

Danielle Hart: From Queens to New York.

Myra Raeder: But it was more than the hour trip a day. It was I wanted to be an independent person at that point. I was, I’m trying to remember . . . I’m a February birthday so I think I had just turned 21 and obviously given the era, you know it was
Danielle Hart: And did your parents keep their end of the deal meaning that they were able to help you financially?

Myrna Raeder: Well you look back and it cost so little to go to law school in those days that in fact at some point I think I borrowed a $1000 from my parents that I ultimately paid back. But, remember, I had been working like a bookkeeper summers, whatever, so I had savings that by the time I got to my second year of law school. Oh, you know, something that was gender-oriented. The Root Tilden program which is a program which is basically a full ride for law students.

Danielle Hart: Could you spell that.

Myrna Raeder: R-O-O-T T-I-L-D-E-N at NYU. It was originally devised to make NYU, which was at that point in time a school that was probably in the top 10 to 15, appear less regional. And so basically they divvied up the country into a number of districts and offered a full-ride, I forget how it worked, to two students or whatever from each of the districts. And the Root Tilden Program was still all male when I was starting NYU and I think it became that they took in females either the year or the second year after I had started law school. Though practically I wouldn’t have really been eligible...
because New York was a place where so much of their student body came from that they had fabulous people with credentials there. So it was really more to outreach to other parts of the country.

Danielle Hart: So you got to go through law school without amassing massive amounts of debt.

Myrna Raeder: Right, but my second year what happened is they actually had a scholarship for, I forget if it was people in the top three or whatever. So I got that scholarship so that it really did take down any debt. And then I worked at my first summer the second summer in fact when I was at Paul Weiss. Paul Weiss . . . That was the year that everybody raised their salaries and so we were getting, it’s ridiculous to look at what the munificent sum was. But, ah, but in relation to what expenses were I worked 8 weeks and went again with my friend from college went to Asia for the last three weeks in the summer as well as being able to, you know, have saved up some money for the next year. Though in Asia again having two women, this is probably 70, 71, 70 probably, that having two women travelling by themselves. We just were looked at like fish out of water and some of it may have been that we were Caucasian but a lot of it was really the gender issue. And I can recall being at the World’s Fair in, what was it, Osaka and a family came over with a camera and we just assumed they wanted us to take a picture of them. And it turned out they wanted to take a picture of us. We just sort of said, you know like, this is really odd. But, in fact, that was that point in time when you just didn’t have the amount of travel and so people from different countries really hadn’t seen that many folks up close who were Caucasian, who were female. It was something that strikes me as so crazy now though it was a phenomenon we saw in China as well, when we to China the year after it opened to
tourists.

Danielle Hart: So obviously the NYU dorms were coed but they weren’t just coed by floor meaning like one floor was for women and one floor was for men. It was everybody on the same floor.

Myrna Raeder: Right.

Danielle Hart: That’s not how my dorm was, so that’s interesting. So, your later husband, Mike Kelly

Myrna Raeder: Terry.

Danielle Hart: I’m sorry, Terry. Terry Kelly was your next-door neighbor.

Myrna Raeder: Right.

Danielle Hart: He was a year ahead. But so I know that you and Terry didn’t get married until sometime after law school, but you became friends in law school?

Myrna Raeder: Yes. No, we clearly became friends. It was funny. He was rooming with somebody who was actually my best friend in the first year class. As I say, I’ve always had male friends as well as female friends because and it was just as I say, propinquity. He was next door because otherwise I doubt that I would have ever met him. Our interests weren’t necessarily the same.

Danielle Hart: So is there anything else you wanted to add or talk about with respect to NYU? So I can see where, this is where you really decided I’m going to do criminal law. There are somewhere on the edges and on the periphery especially in looking back an awareness of some gender-based issues but no real gender problems that you confronted or?
Right. I think there was a major brouhaha over the Bar and there were actually several female students who very involved in whatever that was. I truthfully have forgotten the issue. So it was clear to me that there were people who were really at the forefront of gender issues at NYU. Because remember NYU really was a school where we were of the city. It wasn’t that we were in a castle. We were basically the ones who wanted to be out there in the midst of everything.

Okay. So, what was I going to say about this? So, from law school then, you went into practice and . . .

It wasn’t really practice. That was the interesting thing.

You did the one summer at Paul Weiss, then you did in your third year a year-long clinical criminal justice clinic.

It don’t recall if it was six months or a full year.

Then after law school, instead of going into practice you went to Georgetown. Is that right?

Right. It was called the Prettyman Program. It was

Is that P-r-e-t-t-y-m-a-n.

Yeah. It was a fellowship program and the first thing I can say, you know what, you didn’t have to be altruistic to decide to do that, which was amazing. And it shows the difference today to when I got out of law school that in fact, the difference monetarily between going to a major New York firm and going to this program was something like $3,000. Now admittedly $3,000 was a lot more money in that timeframe. But let’s say it was the equivalent of $10 or $15,000. But now you look at things that are public service and that would be paying in the $50 or $60,000 range and you look at
the salaries of students that are going to large firms, it's three times the amount and now students are coming out with so much more debt that you really can see how that would have an impact on where students ultimately decide to work. Whereas when I came out, and that was not an issue. When I came out everything was viewed as unlimited opportunity, that it was just that it was a time of change, it was a time of growth in the legal profession and nobody assumed that if you went and did something public interest for several years that you couldn't get back to doing more traditional things. It was basically whatever there was, you could do it. And I don't think it was just me coming out from NYU. I just think that was the way the times were.

Danielle Hart: How many other fellows were there at the Prettyman Fellowship?

Myrna Raeder: The Fellowship program had usually four, a maximum of five people a year.

Danielle Hart: How many were men, how many were women?

Myrna Raeder: And they actually did have women so that usually there might two of the four or five would be women and it was a unique fellowship. It was actually funded by LEAA, Law Enforcement whatever. It was government-funded.

Danielle Hart: L-E-A-A

Myrna Raeder: Yeah, L-E-A-A which is the precursor which is probably the OJP, Office of Justice Programs, that it was really a funding agency of the federal government. And, of course, when you're being funded by the federal government, it was just a new program. Actually, the program wasn't so new at that point in time, but the funding, that particular funding was new which meant that you did a year as defense counsel and a year as Special Assistant US attorney. And, of course, they pick that as the
So the first year, you were, you were a, I'm sorry, what were you?

Well you just were doing defense work.

For who?

Well basically what would happen is about the first, I don't know, maybe four months of the program was an intense kind of training process. And then you were licensed attorneys at that point, which actually that brings me to a true gender issue that I do recall. I took the New York and California Bars because the New York wasn't multi-state at that point, so they were literally a month apart and you could do both of them in the same summer. And then I, of course, wound up in DC where I waived into practice there. But, in fact, it took a little bit of time. So when I was first appearing for some of these defense cases, I recall that one of the attorneys in the program introduced me because I was there as pro ha vice because I didn't have the D.C. Bar at that point and introduced me as Myrna Raeder, Esquire. at which point the judge spent 20 minutes lecturing him on the fact that I couldn't be an Esquire because of the derivation of the term esquire. I could, however, be an attorney-at-law. It's hard to even imagine somebody doing that today but there were many more instances of things that were overt sexism. And some of it interestingly enough, it was not all negative. I can recall a situation at the point where I was prosecuting where a judge actually got very, very annoyed at defense counsel who must have made some ad hominid comment about like what I was wearing, whatever. And the judge basically looked at me, it was a bail hearing, and I truthfully didn't have any objection to the
person being sent out on his own recognizance. And the judge looked at me and said, “what do you want as bail?” And I realized, I basically could have said anything and the judge would have done that as a punishment. So I didn’t, of course, but it did strike me that people don’t necessarily realize what, on occasion, the consequences can be of their doing things that are inappropriate. On the other hand, I didn’t, nobody wore pantsuits at that point in time. You didn’t want to do anything that would offend a judge because you knew that the judge wouldn’t go against you, the judge was going to go against your client and so that was always a very delicate balance.

Danielle Hart: So at the Georgetown Fellowship, the first year you did criminal defense, second year you did criminal prosecution for the government. But so in the first year, who was it federal criminal defendants? Was it, it was all federal?

Myrna Raeder: No actually at that point in time, DC had a system where prosecution was, all the prosecutors did both what you might think of stateside crime in the District and also did federal crime in the District. And as individual defenders, we could clearly do either and we did a huge amount of Constitutional litigation because this was, remember this was right after May Day.

Danielle Hart: Can you explain May Day?

Myrna Raeder: It was again the Vietnam War and people came into DC to protest in droves and needless to say, a number of them got arrested for a variety of things, usually not having permits. Actually, my first jury trial was representing college students who came in who sat in the Senate chamber and at the end of the speech of what was then known as a dove, somebody against the Vietnam War all stood up and said “right on” and basically then marched out and got arrested for disrupting Congress. So that was
my first jury trial.

Danielle Hart: Did you win?

Myrna Raeder: Yes, actually not only did I win, I won on a selective enforcement decision after the prosecution had put on its case which was incredibly unusual. But it’s interesting, the US Attorney’s Office, I mean, they were offering $50 fines but the students didn’t want to have disrupting Congress on their record, that they would rather have basically gone to trial even with the possibility of losing. And so, but the US Attorney’s Office, my recollection, they couldn’t get the Senate to back down from simply dismissing the charges and so it was the sort of thing that nobody wanted to be there but there we all were. And certainly, most of the, a lot of the early representation each week a different group would come in, concerned clergy against the war, celebrities (you didn’t call it that) against the war that I do remember. Sometimes when I was getting the information, I’d say do you want us to bring a Constitutional motion or do you just want to pay a fine. And I would take the information from people and I would ask what is your name. I do recall somebody looking at me and saying, “you don’t know who I am?” Actually, I think it was Leonard Bernstein’s wife. But it was very interesting whereas some of the other celebrities were just very, very sort of conscientious, thoughtful. Is there anything that I can do but it did strike me that this whole process was very strange. I mean you would go up to somebody who was a Bishop and say, would you like to plead guilty to disturbing the peace or do you want me to bring a Constitutional motion. And on some of these we actually were winning on Constitutional motions. But it was such a different world that besides doing that kind of litigation, I was representing people for
armed robbery. And, it certainly was an eye-opener.

Danielle Hart: Is there any main thing or lessons, or anything that you took away, if you had to say one or two things about your Fellowship? What were the most important things that you can say you took away from it?

Myrna Raeder: Well I haven’t really talked about the US Attorneys part of it. And that was very interesting in how it worked. Obviously the Prettyman Program later got funding from different places and so never went back to my particular model, though it still is an excellent program. But the, what they did is, they would assign us for either a month or two to different parts of the process. And so we would start off with misdemeanors, which, of course, US Attorneys usually don’t do at all, but they were doing stateside things. And in that they would literally put you in a courtroom with a judge and whatever came into that courtroom, you got 10 minutes to deal with and then you went to trial. Or, in fact, it went to a plea. And it was a very interesting process. You looked and you said well, this sort of says it was equalizing the advantage that you think of prosecutors having because the prosecutors were so incredibly unprepared at what they were doing. But indeed, there was a great learning experience because obviously if you’re assigned to a judge, the judge would really talk to you after the fact about how the judge perceived you did, you know like in the trial. So you got a huge amount of feedback that you wouldn’t otherwise have ever possibly been able to obtain. But in addition to that, again you did see some things that related to gender. For example, I can recall an FBI agent saying being very concerned, like that oh my gosh, I’ve got a female who is prosecuting this case. Because at that point in time, one real gender issue was that everybody else in the US
Attorney’s Office appeared to be male, and not simply male, mainly White though not all. But also six foot tall. And there I was, 5’4 and female.

Myrna Raeder: I had been wearing lenses for quite some time I think I’d mentioned. I had terrible vision. And I went back to wearing glasses not so much because I needed to wear glasses, I could have worn my lenses but because I felt I needed to appear older or more serious because I just didn’t fit the view. Whoever the prosecuting law enforcement were, they would come into the courtroom and they would look around and I would sort of wave whereas in all of the other courtrooms, they would just look for the tall guy. But I do remember somebody saying, “gee you’re really so different when you’re in court than when you’re just talking to us.” And so again, ultimately, that was this, these females are they competent? Can they do things? The perception was just, who am I dealing with? But on occasion, I do recall what I thought was a very unique circumstance where I had actually lost a case, I was a prosecutor, with circumstantial evidence. And I wound up with the same, parts of the same jury pool in the next case. And when they asked the question about do you know any of the attorneys, somebody raised her hand basically pointed to me. And they couldn’t, the defense counsel simply couldn’t figure out the right question. Will this be a problem? Will you be able to follow
instructions? Ultimately whatever he was doing, the person being questioned finally said, “well, she seems like a really nice person,” and at which point he basically got rid of anybody who was on that former jury panel which worked to my advantage because that was the jury panel that I in fact lost and this was another circumstantial evidence case where I won. Other gender things when I was presenting a case before the grand jury, the grand jurors again were not really used to seeing females. And at some point during a break I remember a woman who was on the grand jury coming up to me and saying, “you’re doing really well but you really need to wear longer skirts,” because remember this was the era of the miniskirt at that point in time. So, great experience. And in fact I do have to say that the US Attorney’s Office offered me a full-time job if I had wanted to stay in DC at that point in time. So they, again, they didn’t have many women as Assistant US Attorneys in court at that point but they were willing to accept women in that role.

Danielle Hart: Can I ask you about your clients as a criminal defense attorney and then the defendants when you were a US Attorney. I’m not talking about people who maybe got arrested for protesting the war and things like that. Did you see a lot of women clients, defense clients or women being prosecuted? Was it primarily men? Were they primarily White, were they Black?
Myrna Raeder: Remember we were in the District of Columbia and obviously the majority of the population there is African-American. And really in many ways it was such a difference from all of my previous experiences that I think the only other time that I had really felt like a minority was when I was in Japan and I thought I was being so smart. I had a friend from law school who was in an LLM program at NYU, a graduate program. And I asked him if would write out for me things like I would put on one side, art museum and he would do it in Japanese on the other side. And then we would take a cab, my friend and I, we would show this and we just didn’t realize that some cab drivers might not be literate though we typically wound at a museum, just not necessarily the museum that we had intended to go to. And so being in a city where at that point in time, there was nothing in English, everything was in Japanese. You really felt what it must be like to be an immigrant. To be something, what do you do in the circumstance? And in DC, obviously the political part of DC was heavily White. But all of the day-to-day things that you were just there and basically you were again the minority instead of the majority. So it was very, very interesting and I think that those kinds of experiences always do push you further to think about the things that you otherwise take for granted and that people aren’t necessarily all that different even if they have surface differences from you. But certainly the
people that I was dealing with who weren’t on the Vietnam Veterans Against the War, the concerned clergy, the people who were coming in because of Vietnam were mainly African-American. Women, I can recall having a case in which a woman was just completely disheveled. I truthfully don’t even remember what the charges were and . . .

Danielle Hart: You were defense counsel?

Myrna Raeder: Yes I was defense. And the real issue was sending her to St. Elizabeth’s, which was the mental health hospital at the time and what medications she could receive or not. It raises so many interesting ethical issues because she really didn’t want to be medicated and yet in terms of the criminal case at that point in time if she wasn’t medicated she would have wound up as incompetent for some lengthy period of time. Eventually the laws actually changed a bit. But at that point in time it was pretty clear that it was a question of do you do what **she** wants, or do you do what is necessary in order to get her the best assistance because for what she was being charged with in fact, she would have literally been out with time served if she in fact were medicated.

And I can recall there were a hearing relating to all of this and the decision by the judge was to medicate her and when I came back a week later after she had been taking her medications, she was like a different person entirely and you just recognize what devastation
that mental health issues can wreak havoc in a situation that intersects with the criminal justice system. So in fact, she was the woman that stood out most in mind.

But it’s clear that by that point, somehow gender had really started to impact my thinking because we needed to do a thesis in order to get our, it was an LLM in trial advocacy at the end of the program. So, it wasn’t simply a fellowship program but we also had something when we left the program. But what I chose which I ironically I didn’t ultimately follow through with then which is a story for the next time we talk, was that the US Attorney’s office at that point in time had a very preliminary program called PROMIS in which they were collecting all sorts of data. And I asked if they would let me see the data on female offenders and that I was going to do my thesis on female offenders and the kinds of charges that were being brought against them, the kind of sentences that they were receiving and also to the extent that I could find any information about their family circumstances. So again, my memory is totally hazy on what got me there but indeed, that’s where I was and in fact the US Attorney’s Office was really very supportive in being willing to give me that data though it was just so preliminary at that time. Now you look at all the information that prosecutors and the government has on offenders
and it’s almost laughable to think back at the early attempts to
digitize any of this

Danielle Hart: So you were focusing even then on female offenders, the effects
on their families, and their sentencing? But it’s hazy. Do you
remember anything about the types of defense clients you had, the
types of people you were prosecuting that might have prompted
any of this? Lots of women, or not very many?

Myrna Raeder: I don’t recall seeing that many women though I did on occasion.
When we were doing misdemeanors, we would see prostitutes.
And so I think that also got me to thinking more about how
women were being treated in the criminal justice system. But it
was really, there may have been some drugs but when you think
about it, the early 1970s, it wasn’t really until the late 70s, early
80s, that we had all the crack epidemic problems and so it wasn’t
that. And ultimately when I came back some 20 years later to
look at female offenders, I unfortunately found that things had
gotten much worse because we had become, by that point in time,
so much more severe in our views about punishment and collateral
consequences. But, no, but as I say the Georgetown experience
was, again, truly a significant experience. And I notice that you
really did have a feeling though as to why counsel can burn out
because so much of what I was seeing on the misdemeanor side,
not the felony side, but the misdemeanor side really were social
problems and problems dealing with economic circumstances rather than what we would think of as strictly criminal in nature. And I also understood that being a woman sometimes was an interesting phenomenon when I was prosecuting. I had just taken a plea of a male criminal defendant, African-American probably in his mid-20s, and it turned out that when I went out in the hall by the elevators, the marshals were with him and they were going to take him down to be processed because he was going to have prison term. And I can recall he actually saw me and he said would you mind telling me exactly what just happened. And in the first place this is sort of a bizarre the prosecutor for that. And it wasn’t, there was no malicious nature whatever, but it was also just so much of a reminder of how much gobbledygook a lot of what goes on may be to individual criminal defendants. And I just took that one with a wow. This was a real eye-opener.

But I also had other gender experiences there. I actually had a juvenile case, because, as I say, they rotated us every place. I had a juvenile case where I defended someone who was charged with rape and I actually was able to lower the offense to attempted rape. And it was interesting. This wasn’t a jury trial because it was juvenile at the time and it was, and the judge was an African-American female judge. The defendant was African-American
who was obviously juvenile and the girl who had been assaulted was Caucasian. So it was one of those kinds of cases that has all of the kind of stereotype views of what could happen. But it was not a jury trial and it's interesting. I don't know if I would have felt different about representing somebody accused of rape if in a situation where it wasn't really almost a medical defense as to why rape hadn't occurred. There was medical evidence that didn't indicate penetration, and all the testimony, doctors and the complainant didn't indicate that penetration had actually occurred. So that, again, these sort of questions about if you go into criminal defense, you obviously are going to be defending people whose crimes you may in fact feel very strongly against. So it really was one of those issues where in that early timeframe, those two years, I just managed to hit a number of all of the problem points that both, defense counsel mainly, but on occasion but on occasion prosecutors may face.
Ms. Hart: This is the fourth interview of the oral history of Myrna Raeder, which is being taken on behalf of Women Trailblazers in the Law, a Project of the American Bar Association Senior Lawyers Division. It is being conducted by Danielle Hart, on September 13, 2013 in Myrna Raeder’s office at Southwestern Law School.

So this is the fourth interview and so far we’ve covered your early life, early schooling, college, law school, and your legal career up and through your time at O’Melveny and Myers. And we got the basic information about your time at Southwestern meaning how you got the job, what you were teaching and a little bit about your colleagues and things like that. So I think now, what I’d like to do is kind of step back and look at more of a big picture starting with this question. Since you did have civil litigation experience, that was something that was open to you, why did you pick and then end up coming back to and sticking with criminal law?

Prof. Raeder: It’s interesting because in that, I’ve been a little bit schizophrenic also. I’ve kept up my civil pre-trial practice book and also a course that is devoted to
federal pre-trial practice because I felt strongly that our students at Southwestern might be those diversity pretrial practitioners who really needed to know what happens in federal court. But you are absolutely right. Beyond that most of what I have done really even in Evidence has fallen on the criminal side and when I look back, something that was a theme that started early. Actually my first article in the *NYU Law Review* related to a case where they were requiring corroboration for assault when the underlying crime was rape. So in my second year of law school, I actually spent time at the UN and did a project on standard minimum rules of treatment of prisoners where I also started to look at some gender issues. Certainly when I came back to law school, it was really that my ideas about women offenders were something that had captured me. Even when I think back when I was in the Prettyman Program at Georgetown, I actually was originally was going to do my thesis on women offenders. I had gotten some access from the prosecutor’s office to some basic statistics on that.

May I ask you, you said when you came back to teaching, you already knew it was criminal. There was a suggestion in there that gender had already kind of taken hold or peaked your interest. But could you situate that reference a little bit? When you came back to law teaching is that after O’Melveny or . . . ?

No, actually it’s even before that, because when I was teaching at USF Law School, part of my time was spent helping to supervise a criminal law clinic. So certainly criminal was on my mind at that point. When I came back to teaching, that was after my stint at O’Melveny and Myers and at that point, I
certainly had been thinking about criminal justice issues. But Evidence I think also kind of tipped me towards the criminal justice issues that had gender possibilities with them. But it's funny. I don't think of myself as recognizing how much I was imbued with gender issues for quite some time. When I take a look, where it really became completely obvious was at the point of time when I actually was involved in probably the early 90s. When I say in the early 90s, that's the criminal side because I had my children in 1984 and 1988; and I clearly got involved with women lawyers and helped coordinate what we called at the time the Mom's Support Group for many years in terms of how to juggle life balance. So that really wasn't criminal.

What year did you start the Mom's Support Group?

Prof. Raeder: I didn't start it.

Ms. Hart: When did you participate in it?

Prof. Raeder: I helped coordinate it.

And this was after you had children. You got really involved.

Ms. Hart: It was, it's truthfully down here. You can find it here someplace on the resume. But it was sometime in the 80s?

Prof. Raeder: Yes, sometime in the 80s.

Ms. Hart: So what was the purpose? What prompted you to get involved with the group is because you had children of your own. And the purpose of the group, it was all lawyers, right?
Prof. Raeder: Yes. It was women lawyers. It was basically because at that point in time there were relatively few women lawyers who had children and our issues were somewhat different from other women because of the demands of law practice. So ultimately without thinking about it, it somewhat evolved into a group that was very supportive of figuring out how to suggest or facilitate part-time solutions for some of the women. But certainly we wound up with some women who wanted to work full-time even though they had children, other women who wanted to work part-time and other women who wanted to take off several years completely to raise their children. So it was a very mixed group. But we found that it was a group where we could find people who understood our specific concerns so that we weren't kind of looked at like a fish out of water when we dealing with other women who had children of our same age. And certainly I think also that some of the women lawyers who had children were probably a bit older than other women, even professional women, who were having children at that time. Ironically, when I look now, several of the women in that group are very influential in legal circles in Los Angeles. So it was clearly not a group of shrinking violets.

Ms. Hart: So what did, so besides providing an important support network, or group, what did this association do? What did you do for your members?

Prof. Raeder: Women Lawyers of Los Angeles had a number of committees and this was one of them. Many of the committees were directed toward substantive law areas. But our group really filled a need that we saw that a number of women were having children and having all of those issues that still exist today about how
you balance your professional life with a commitment to having children who
were not trophy kids. It was clear that the women in our group really wanted
to be involved in their children’s lives but didn’t want to necessarily be defined
by their role as mother.

But since we kind of came

Ms. Hart:

Prof. Raeder: That’s sort of an aside.

Ms. Hart:

I think it’s an important aside and one that I’m thinking we would have gotten
to. But since we’re here . . . How did you balance work family life after you
had children? Because you’re at Southwestern by this time. Were there
maternity policies?

Prof. Raeder: Oh no, [laughs] there were no maternity policies. You basically worked your
deal. Everybody was very surprised that I had children because I was actually
37 at the point in time when I had my first child. Interestingly, I was still
unfortunately caught up in that super-mom syndrome that seems to have
infected a number of women who were very driven in my timeframe. And so I
literally missed one class [laughs] when I had my first son. It was four years
before I had my second son and truthfully part of the reason was because I said
I was never going to finish my book on civil pretrial practice if I immediately
had had another child. So I got the book out in 87 and the son out in 88. But I
was a little more practical at that point. And in fact just took a light semester.
As I say, I think I’m not a good example of what a woman should be doing
necessarily. That certainly it would have made much more sense to say, wait a
second, I’m entitled to be viewed as a contributing member of my group for a
long time and this is no different if someone were taking off for some other medical reason, which now tends to be much more the policy. But I will say I do not blame the school. It was simply what I went in and bargained for.

So I guess two questions, when you say you had been a contributing member of your group for a long period of time, which group?

Prof. Raeder: I meant law school professors here at Southwestern. I have no doubt that they accommodated me even though my second child was born in June; they accommodated me with I think I taught one class for the next semester. You have to remember back in the 80s there were not maternity policies. Things are, for the most part, much better relating to you don’t have to do your own deals even if you are able to do so.

So let me ask you this question. Let’s assume that it had occurred to you that you could or should demand or make a deal that would provide for a leave basically based on having a child. What do you think that would have done, even if it had occurred to you, for your standing at the law school or your career do you think?

Prof. Raeder: It was funny. I was already tenured and again an interesting gender issue. I was pregnant when I chaired the Women and Legal Education Section of the AALS and everybody around the country and my friends told me I was crazy to go up for tenure at the same time. But that was not a problem at all at Southwestern, which had always been friendly to women and minorities, both students and faculty, which I think was fairly unusual. So it’s not as if there was a thought, “oh I should be doing this.” It was rather my views and the views of some of
the women of my generation who wanted to succeed that we felt that we had to succeed as if we were men as opposed to taking our whole life history and narratives into account. What it might have meant to me? I don’t know. It’s very hard to formulate an alternate universe. I will say one thing about being older when you come to having children. My husband was also a partner at a law firm, so we didn’t have the money issues that so impede many women from making decisions that we might otherwise want to do relating to both the timing of having children and how to care for your children. But I was absolutely amazed at finding then, and I’m not sure it’s not so different today, that when you talk about child care, you could be paying someone hardly anything and that person could be wonderful and you could be paying somebody an absolute fortune and that person could be terrible. So it really is an area where there didn’t seem to be any correlation between how people were in terms of the kind of response you wanted them to have with your children. And obviously childcare is something that is very individualized just depending on what your own style is. But I was extremely fortunate in finding someone who literally stayed with us for 7 years. At that time, she was from Ireland and we actually were able to get her a green card. It was slightly easier at that point in time but we did go through that entire process. I’d have to find the book. But my first book on federal pretrial practice, part of my dedication was not simply to my husband who has always been incredibly supportive, it was also to my childcare giver because without her and the feeling of security that I knew that my child and ultimately children were being taken care of in a
manner that I was comfortable with, it would have been much more difficult. And I know that some women wind up with a number of childcare givers and that is just so difficult to have to be responsible for figuring out what works and then when it doesn’t work, to actually wind up with the balance now of how that impacts your career. So as I say, I was both fortunate in terms of being able to afford good childcare, but that by itself doesn’t mean anything. I was actually incredibly fortunate to find good childcare.

Did having children affect your work life balance in other ways? Did you travel less, did you ever feel the way that I think a lot of women still feel today that you couldn’t do everything really well or you’re kind of adequate at everything, but not really good at anything because you’re constantly pulled in different directions?

Ms. Hart: Well it’s interesting beyond the professional-private life issues. If you take a look at what I do, it’s the same issue that comes up in my professional life because my writings literally are in 5 different areas all of which I am somewhat known in. But you’re right. If I had devoted myself strictly to one area, I would have ultimately been more influential. But it’s not me and so therefore, it’s just not my personality. For me it’s doing the things that I really feel committed to doing. And if that takes me in a number of directions, so be it. And I think that sometimes women blame themselves for things that it’s really not blame, it’s taking a reality check. What to prioritize is so important. It doesn’t matter what other people think. What do you want to do? That’s really the issue and if you want to be full-time with your kids, well, hey, there
are some great examples of women who were full-time with their kids and they came back to incredible careers. Certainly, Sandra Day O’Connor and Pat Wald come to mind immediately. But people just need to make their own decisions about what make sense rather than beating themselves up by saying, “oh, I’m at this soccer game and I really should be doing something professionally instead.”

Okay so to swing back then to the whole question about why criminal law, because if I recall correctly when you were at Hunter College you did some work for somebody who did international law, who was focusing on international law. So you were exposed to that, you were exposed to criminal law, you were exposed to civil law, you saw the practical importance to continuing to write about pre-trial practice things. But most of what you’ve worked on, even though you’ve got varied interests, it’s got a criminal focus, or is centered some way shape or form, in criminal law. What was the draw for you in criminal law?

Again, I think you go back to some of what we had previously talked about on fairness concerns and to me that was nowhere seen as much as in criminal law. But ultimately it may be a decision that fighting about money even when the intellectual issues are incredibly challenging, to me it just didn’t have the same kind of appeal as thinking about what kind of society we want to be. And obviously, having children made me focus more on the family-child issues and the mother-child issues that come up. So ultimately I got back more specifically to criminal law in the early 90s when Judith Resnik, who’s a well-
known professor now at Yale, was on the Gender-Bias Task Force for the Ninth Circuit. She organized a number of professors to take a look at different groups and I actually said to Judith that I had in an earlier existence been looking at women offender issues and then gotten completely away from that. So why don’t you assign it to me and I’ll take a look. And that really, in the early 90s, about 93, was my re-entry into criminal law. I ultimately wrote an article that is pretty much the seminal piece on sentencing guidelines on women offenders and particularly women offenders and the impact on their children. Around the same time what was also happening was that the Simpson case was starting to gel.

Ms. Hart:
The O.J. Simpson case.

Prof. Raeder: And at the same time, I actually by happenstance became president of the National Association of Women Lawyers and was speaking a lot on domestic violence issues and so I was really not just looking at criminal law issues but also looking at gender issues in relation to criminal law.

Ms. Hart: So this is all around 90 or 93 when you were asked to help out with the work that Judith Resnik was doing for the Ninth Circuit, the O.J. Simpson case comes up and there’s obviously race and gender issues all over the place in the context of criminal law. And then you were also president that year of, what did you say about the National Association of Women Lawyers, you were doing a lot of speaking on domestic violence?

Prof. Raeder: Oh yes, in the OJ years I actually was president-elect or president; and again in a fluke I wound up being president for two years of National Association of
Women Lawyers.

The reason I'm asking about this, is because, one, so this is in the 90s. You started back teaching at Southwestern, I believe you started in 1979 so we're talking about 14 years later. You're already speaking at different public venues on domestic violence. You're doing the bias stuff, I think you were probably focusing on criminal law in some way, shape or form, between 1979 and 1993. But then you also see it by 1993 some expertise in domestic violence and things like that. So this might be where things started to coalesce but what gave you this expertise for lack of a better word in domestic violence by 1993?

We started with you came back to work, you had your children, we talked about a bunch of things there. And then all of a sudden you're speaking on domestic violence. Where did all that come from?

Evidence. I'd been teaching evidence since 1979 and certainly questions about prior acts really led to some looking at some gender issues. While I can't say specifically that's where it came from, part of it was because it made sense in the evidentiary context when talking about prior bad acts and expert testimony relating to batterers. Part of it probably also was because, it's hard to deal with the timing issue, but part of it is related to the fact that so many women offenders are there because of their relationships with men and often times those relationships involved domestic violence. So there's a little bit of a mix around. But I don't know that I can tell you the timing issues at all. Maybe it was gelling in the back, but I really wasn't teaching. I taught 73 to 75 when I was at USF in the areas of criminal law but when I came to Southwestern, I
really switched over to my Civil Pre-Trial Practice and Evidence as opposed to
Criminal Law per se. But then what was happening is that I became involved
with the Criminal Justice Section

Ms. Hart:

Prof. Raeder: Of the ABA and they had a committee that dealt with the federal rules of
evidence and some of those issues. I know that I was on the committee by the
early 80s because I remember being pregnant and going to a committee
meeting. But some of those issues were clearly things I was looking at that
point in time.

Ms. Hart:

Prof. Raeder: What prompted you to get involved with the ABA Section on Criminal
Justice?

Ms. Hart:

Prof. Raeder: Again, I’ve always been interested in policy solutions and the big picture and
the ABA Criminal Justice section really has for me always fit that bill. They
are a group that is trying to bridge the gap between prosecutors, defense
counsel, judges, academics and come up with workable solutions, best
practices and policy. So it really wasn’t tough for me to want to become
involved. And if I remember correctly, I had been at Georgetown for my
graduate law program and at the time Professor Greenhall I think may have
been the Chair of the Criminal Justice Section when I first became involved.
Professor Rothstein also of Georgetown, I’m actually his co-author on several
of his evidence books, was also at that point, I think the Chair of the Evidence
Committee. And somehow I forget whether I ran into them or whatever, but
that’s what got me into the Criminal Justice Section.
Ms. Hart: Was it hard for women to become involved with the ABA sections in the early to mid 80s when you started to get involved?

Prof. Raeder: Well certainly it was unusual to see women in leadership in any of the ABA sections and to be taken seriously, particularly for me coming at that point from Southwestern, which was not very well known on the East Coast. The ABA tends to be much more from Chicago through East Coast oriented, at least at that point in time. It was interestingly enough a venue where people could hear what I had to say and take me seriously. So that to me was also a major confidence builder but also was important in the kinds of invitations that I got to speak and ultimately when you speak you write and also in advocacy and being asked to be on panels and other kinds of things.

So your introduction into the ABA sections strikes me as, or I'm wondering, if you benefitted by an old boys' network. It's come up before and I'm trying to remember, I think you said you were the beneficiary of an old boys' network I think to get the Prettyman position, to get to USF, ... Now, but for the people you knew at Georgetown who were already members of those sections and in leadership positions, one, would it have been as easy for you to get involved and or to be accepted and or to be heard the way that you were?

Prof. Raeder: Certainly, to be appointed to committees would not have been as easy, but once you were in a committee, then the question is are you being heard. Trust me. I've had the same experiences as most women that you say something and ten minutes later somebody else says it and then its brilliant.

Ms. Hart: And who is somebody else that says it?
Prof. Raeder: Usually male. But certainly it was a venue where people who were there were open to listening because they didn’t all come from the same perspective politically or intellectually and so, if they were listening, it tended to mean that they might listen to a woman as well as listening to others. But it’s interesting that you ask that question because I know that there were points when people, males, would come up to me after a meeting that I would chair and say that was a really good job. And I would always think to myself, would they really have said that if I were male? But ultimately you basically say hey, we’re in a timeframe and you can’t completely change people’s attitudes and this was more something of respect. Just take it and smile and see if there is some way of making a learning experience out of it. But I do remember one judge who knew me for several years, only because of these ABA connections and this, of course, is probably back in the 80s, early 90s. He asked me, “does this stuff about gender neutrality and language, does this really mean anything?” And I had a frank conversation with him that I couldn’t have had except for the fact that he knew me. And ultimately, talk about the old boys’ network, he was the one who originally asked me if I wanted to apply to ALI, the American Law Institute. The ALI, probably more so in the late 80s, was much more of an old boys’ group. Now they’ve clearly reached out to women and minorities.

Ms. Hart:

Just to be clear, the ALI, the American Law Institute, is the body that is responsible for doing the Restatements of the Law. Just so we have it.

Prof. Raeder: ALI is now an incredibly well-respected organization but one that you can only get into by having current members apply on your behalf. So particularly, in
the late 80s and early 90s given that it was so overwhelmingly male, it was only really reaching out to females that would be able to get other females in. Though, of course, once females became members they also could take that role of outreach and help to diversify the group at ALI. Again that was an old boys’ network and one that came really from my ABA connections. We were doing substantive work [at the ABA] and there was a fairly large grouping of law professors and some judges who were involved who could then see me and listen to me even if I was not at that point a known quantity or publishing in the elite journals.

So based on all the conversations that we’ve had, and you can tell me if you agree or disagree with me, it sounds like from all your experiences from growing up all the way through let’s say the early 90s let’s say before the OJ Simpson and the bias project with Judith Resnik, you did criminal law, and you did different things that touched on gender. You came in contact with or had different gender-related experiences and encountered different issues. But neither criminal law nor gender was something that you from age 12 were driven to be passionate about. It wasn’t the focus. What was a focus was this idea of fairness and equality and the way we as a society treat people. So all the things that you were doing always leant themselves to engaging with those issues at some level whether you were conscious of it or not. Is that fair for right now?

Prof. Raeder: I think that it’s certainly true that it wasn’t until the early 90s that I really became so passionate about the issue of particularly women offenders. Now
Ms. Hart:

we call them justice-involved women. I don’t know, maybe I’m just old
fashioned. I understand the power of language but that terminology is a little
bit oblique. But certainly women who are involved in the criminal justice
system and their children. That really did become an issue that I tend to spend
a lot of my time on. Don’t forget I still do all of this forensic science stuff,
which comes out of DNA exoneration. I do a lot of innocence policy, which is
back to my general fairness concern, not really gender-related at all.

So was there a triggering moment? Was there anything, it just seems to have
coalesced around 1993 like you said, the OJ Simpson trial is going on, you are
involved with if not the president or the president-elect of the National
Association of Women Lawyers, you are involved with Judith Resnik’s Ninth
Circuit bias study and it seems from that point on, if I were to say, what’s a
primary focus of the work that you do, it really is, women offenders and their
family. It’s definitely the intersection of women and the criminal justice
system. Was there anything that brought that together or was it just fortuitous?

If there was, it certainly doesn’t trigger. It’s funny because by the late 90’s,
98, 97, I chaired both the Criminal Justice Section of the ABA and the
Evidence Section of AALS, the American Law Association of Law Schools.

At that point, I created a committee relating to women through the Criminal
Justice Section. The chair of the Evidence section gets to pick with veto the
topics and in my typical dual fashion, I picked race and gender as one topic in
evidentiary literature. And as one of the topics, we do two programs, my
second topic related to technology. I was always trying to please everybody by

Prof. Raeder:
not forgetting what I wanted to do, but also making sure, that people who weren’t as interested in those issues, couldn’t say, oh look, she’s only doing women stuff, race stuff. That there was always something that would appeal to people who didn’t have my interests or passions. And when I did that symposium, I actually wrote an introduction where I said, at that point in time, that I was somebody who came very late to writing specifically (on the evidentiary side) about women or women’s issues. From a feminist perspective, it may be more generational that people who were younger than I and just didn’t come out of the end of the second wave of feminism. The baby boomer generation just found it easier to locate the issues that were specifically gender based where for me at least I viewed my function as being one more of facilitation. Let me get together the people who I think can really tell the story and publicize what they’re doing to the larger criminal justice audience or academic audience. And part of that was what I was doing with the Criminal Justice Section as well. So I wasn’t necessarily at that point thinking of myself as the messenger, though it’s clear that certainly by this point.

This point, today.

Ms. Hart:

Prof. Raeder: Yes, today. I have a vast amount of writings on women offenders and their children which broadened out a little bit to children of women offenders because it’s both the mother and the child that one has to be thinking about. But also on the evidentiary side, all of those issues about domestic violence, I write a lot on the confrontation clause area relating not only to domestic violence but also to child abuse and to child witnesses. So there’s a spectrum
of things that I do at the edge, the innocence policy thrown in which doesn’t have any specific gender orientation to it.

You once made a passing comment to me when we were walking over to a class, this was probably a year and a half or so ago. And you said that things kind of just came together or clicked for you when you discovered your mission. And that has just always stuck with me and so I was wondering if you because as of right now, 2013, you’ve amassed a huge body of very influential work. Could you pinpoint a time when you thought, yeah, I recognize I have a mission? That was a phrase you used, you discovered a mission.

It’s funny, certainly at the point in time when I received the Margaret Brent award from the ABA Commission on Women in the Profession, which I was incredibly honored and humbled to receive.

And the year on that.

That was 2002. Most of the acceptance speeches, they range greatly. But I think I did one that was slightly different in that I really did my speech as an advocate on behalf of women offenders and their children. I was urging this huge amount of people in the audience, well over a 1000 that I would otherwise never have been able to reach and many of them being influential, to get involved, really trying to make people think about the issue and if there were things that they could do in their own communities, legal and otherwise, certainly mentoring issues are important as well, that might help this grouping. So it’s clear, if you look at 2002, I was using that opportunity as the bully
pulpit. And certainly I had been involved, once that article came out in 1993 that came out of the gender bias study. I really started to get a number of calls from defense counsel even sometimes from prosecutors, from academics relating to women offenders because they had been considered as an afterthought. And now with punitive policies that we were starting to put in place relating to drug offenders, non-violent drug offenders, we were seeing women with sentences that resulted in the death knell of their parental rights. And so the issue that I think I’ve really tended to try and be the most, an advocate for, was reasonable sentencing policy in relation to non-violent women offenders who are sole or primary parents. So in that, you can see a clear focus in my writings.

So it sounds like things really just kind of coalesced around 1993 and gave you a very specific focus that then did branch out into different areas. So we’ve talked a little bit about your writing. You have three to five different areas of writing where I think you’re really influential.

I don’t know how influential I am. I thank you for thinking that. It’s certainly that people know who I am and what I advocate for. And as I have sometimes said, not entirely facetiously, that I wish I was better at my agenda than being known for my agenda. Some of that is simply the times. Many of the issues that I speak about really need political will to change some of our sentencing policies, though I will say the issue of children of incarcerated parents has interestingly come to the fore in about the last five to ten years. Right now there is much more attention being paid to the impact of incarceration of their
parents on this group that hopefully will lead to a little more impetus for better sentencing policy. All of this comes at the same time when states can no longer afford to spend the huge amounts of money that they do incarcerating people, particularly non-violent offenders who would be really likely to be more productive members of society if their sentences were handled in the community or with drug treatment.

So it's related to this but a little bit off-topic. I'm wondering how your, I'm going to call it community service, public service, service to the, how did that help shape any of your writing, the way that you thought about things, the way that you approached things, the way that you were able to advance your advocacy? I watched your speech at the Brent Award. And you used it, like you said, as a bully pulpit. And you mentioned in the 1980s early on, you became a member and later on had leadership positions in the ABA Criminal Justice Section. You were certainly involved locally in Los Angeles with the women's lawyers association. And at some point, I don't know exactly off the top of my head, your association with the National Association of Women Lawyers. You've also been, I think those are the three that come to mind. The Criminal Justice Section of the ABA, the National Association of Women Lawyers, and the Association of Los Angeles Women Lawyers. Are there others?

Well certainly, the AALS. In the early 80s, which was a very early time to be doing it, I was Chair of both the Women in Legal Education Section (and that was certainly a point in time when that was not viewed as a plum but rather as
putting yourself on the firing line), and the Evidence Section of the AALS. I had also somewhat been involved with the National Association of Women Judges for a number of years because they have a Women in Prison project. So I had been consulting with them for must be 15 years at this point. Certainly because of some of this, the National Institute of Correction at some point maybe early 2000s, 2002 to 2003, started getting involved in what was called the Gender Responsive Movement in terms of trying to treat women offenders not simply as an afterthought but rather looking at whether there were services and programming that really needed to be designed with some gender issues in mind. Issues could range from simply not giving women a one size fits all jumpsuit that men would have. But obviously some of it was much more substantive in nature, even though that jumpsuit issue could be a real problem just for going to the bathroom. But really in terms of how do you provide programming that takes the experiences of women particularly domestic violence, mental health issues, and children issues into mind when trying to rehabilitate them.

Ms. Hart: So you’ve had leadership positions if I’m not mistaken with most if not all of the professional associations you’ve been involved with.

Prof. Raeder: It’s funny because women lawyers while I coordinated that mom’s group for many years The Los Angeles Women Lawyers.

Ms. Hart: They actually had asked me to step on the leadership track. But it was at a point in time that I was just so overwhelmed. I was more than glad to keep up
with the mom’s group but there’s no way that I could do it. I think it’s because I’m a worker bee. I always look at people who get invited to things and they get invited to things to sort of be there because of what they’ve done. I get invited to things because they want me to do work. [laughs] It just seems to be my fate.

That’s kind of a good segue to my next question which is I think the first professional association you were associated with was the ABA Section of Criminal Justice in the 80s.

Prof. Raeder: No remember, I chaired the AALS Women’s Section in 83.

Ms. Hart: So that was before the Criminal Justice section?

Prof. Raeder: It was certainly when I may have been starting my involvement with the Criminal Justice section.

Ms. Hart: So I guess my question is, in thinking back about your association with all these professional associations, did you seek them out in the beginning or were you sought out? Did you have a plan in mind? This is something I’m thinking about, this is something I’m writing about. How did that happen?

Prof. Raeder: It wasn’t that organized. I obviously tended to be a joiner. And part of that was really for the camaraderie. There were very few women professors at that time and so the Women in Legal Education Section was a place where you could meet people from around the country just like the women lawyers moms had the same kinds of professional interests in law. So the questions were about how do you succeed as a law professor? The women lawyers, the mom’s group, was about how to you balance your life. The National Association of
Women Lawyers was actually much more happenstance. Because I was interested in issues I was willing to become their at large member; and again it was the camaraderie of meeting the women. Now the National Association of Women Lawyers is an incredibly successful organization and it certainly had been around when I was there for I can’t even think of how many years. It’s been around since the 1800s but financially at the point in time when I was there it was not a very successful organization, and it was struggling not only with general membership issues but also with leadership issues. And I was basically asked if I would get on the leadership track. I was a little bit hesitant to do that. But when I went on the leadership track everything at that point started to fall apart somewhat. So I wound up as president for two years. The person who was supposed to take over the office the next year couldn’t do it, and given the circumstances of leadership, I was asked to stay on for two years. So that wound up as a much greater commitment than I had really intended. And I guess in some ways, it was like loyalty. Loyalty to me has meant a lot and it was really an appeal to a, “we’re in danger of falling apart here unless you step up.” When I came in, it helped to identify people who would be able to step up. But we were just in a very fragile circumstance. It was sort of a situation of, if it has to be done, I will do it, as opposed saying this is your problem, not my problem.

And so . . .

Ms. Hart:

Prof. Raeder: On the Criminal Justice Section, that’s a good question. The intellectual appeal of being on council was not only were they doing good work, it was
also that you had people on council from every different perspective who were really just the critical thinkers and doers of the day. So to me that was really an incredible opportunity to be part of a national conversation relating to criminal justice. Ironically if you ask me how I wound up being asked to be chair of the section that was in part because I had for a long time been chair of the Federal Rules Committee and in that role had done a lot of organizing, particularly of academics, relating to particular rule changes that were being suggested and also suggesting ABA policy on a number of issues. But actually because their leadership, it started to be a troika, one year defense counsel, one year prosecutor, and one year other which tended to be either an academic or a judge. And the year that it came up for academic was right after I had had a huge amount of visibility because of the \textit{OJ Simpson} case. Not only was I writing (it really did give me an impetus to write actually some very good works on my part, I must say so myself, relating to domestic violence), but also because of the visibility. I think that's what made me a candidate for the actual chair of section.

Ms. Hart:

So have you, which organizations are you still active with? What are your roles with them now?

Prof. Raeder: I tend to collect things and not give them up which of course gets me overcommitted. And that's always a problem of not saying no. Though I have a good friend who says, do not answer immediately and take 24 hours before you make your decisions. But at this point I am still very involved with Criminal Justice Section and actually I was delighted and honored that the
Section just selected me for their Charles English Award which is basically given to somebody who bridges the gap between prosecution and defense, which as I've been saying for most of these interviews that trying to come to workable policy has just been something I have really strived for over the years. So I am both delighted and humbled because the people who have previously gotten the award have been really superstars in terms of criminal justice policy. But I’m head of a forensic science CLE that we do once a year for the Criminal Justice Section that we co-sponsor with a number of outside organizations. I’ve been on the editorial board of Criminal Justice Magazine, which is in part is to make sure that they don’t forget the issues that I care about; and I’ve been a co-chair of their innocence committee for a number of years as well. So I clearly am still very, very active.

What do you get out of being active with all of the sections? Because as a new lawyer or even a new academic, becoming involved with different professional organizations is way to network, it’s a way to start establishing yourself. It’s a way to be involved in conversations that are meaningful and important and beyond your own small world, wherever it is that you’re living. So now as a really successful kind of been there, done that person, what is it that you still get out of your involvement with all of these organizations?

Well as I say with the Criminal Justice Section it’s still the issues that I care about and so making sure that they’re being heard. If it’s not me that’s doing it, that certainly that I’m trying to develop other people to step into those positions and to write, speak and advocate about those issues or publicize more.
of the work of those who are already doing it. But it's interesting because the ABA connection then wound up from Criminal Justice Section propelling me over towards the Youth At Risk Commission and the Domestic Violence Commission both of which I've been members of which more specifically deal with those policies and issues that I care about. So as long as I'm still passionate about those issues, I still want to be part of the conversation. The Evidence Section of AALS, it's not that I have any leadership role in the section, but it's a place where you can go, they usually have lunch at the annual meeting, and see people who I've known for years who are writing and speaking about many of these issues. And certainly that and the Criminal Justice Section of the AALS on occasion will ask me to speak at the upcoming meeting. They are looking again at confrontation clause so I will be speaking about some child abuse issues and the confrontation clause. And again, speaking opportunities particularly to different audiences are opportunities to not only get your views heard but hopefully make people think a little bit about some of these issues that they may decide to focus on themselves. What other organizations? Women Lawyers I'm not really, and National Association of Women Lawyers, I'm not really active in either, though I certainly am still a loyal member of both at this point. And I guess in some ways part of that is because I'm not exactly practicing law. But also at this point my children are grown up.

Ms Hart: So you've said a few different times if you had been in better control of your own agenda then maybe you would have focused more on a particular
area and then been more influential. As it is, you have a lot of writing in 3-5 different areas. You’ve been involved with different organizations with respect to all of those areas. So, I’m wondering if you had to characterize or summarize or just name what you think your most important professional contribution is, what do you think it is? What do you think has been your “this is what you’ve always been about, it’s just come out in different ways but this is it.” Is there something?

Professor Raeder: I think ultimately, I think I would have to say it’s probably in the issue of women offenders and their children, just because I get contacted so much more by practitioners beyond being influential academically. It’s interesting. As I say, I wish I had been more successful. I’m certainly part of the conversation. I was again just recently invited, which I was just delighted, to an invitational research conference sponsored by the White House Office of Public Engagement on incarcerated parents and the impact on their children. And interestingly it came about in terms of the research interest because of my work relating to sentencing of women offenders. Sometimes it’s connections. Last year I both wrote the introduction and facilitated an issue on children with incarcerated parents for the Family Court Review, which came about because I was on the Youth at Risk Commission and one of the commissioners is the editor of that journal and so basically knew of my interest and said we haven’t really written anything on this. So that again enabled me to go out and select people whose voices I wanted the larger community to hear and also myself to be able to write an introduction that was really a reference work for anybody
who wanted to get involved in the area. But if you notice at the *Family Court Review*, I was interested in judges reading this, not just academics. Along those lines, I don’t know if I mentioned it at all but for about the last fifteen years or so, I’ve done a segment on an evidence course at the National Judicial College. Again, part of that is my interest in having judges really understand some of the issues—though that course wasn’t specifically designed with any of these specific gender issues in mind. But to me the outreach that I want is in some ways a public outreach that I don’t think I will ever obtain. In other ways it’s not only to be recognized in the academic community. It’s to have my work involved in best practices, which is why I do the work that I do for the National Institute of Corrections, which are bulletins that go out to the entire correctional community including wardens and legal staff and advocates for women offenders and their children. To me it’s so important because I’m just trying to reach a different audience I think than some academics would otherwise be thinking about.

So at heart, it sounds like despite the fact you’ve been in academia now since the 70s, the late 70s, you are really an advocate. You are an advocate. Everything is about advocating on behalf of, for the most part, women offenders and their children and all the different issues that have spun out of that particular focus. But really, you’re an advocate.

And child witnesses as well. I think you’re absolutely right which in many ways it may have been that some of my academic work would have been more influential had it been sent to more of the elite journals. But I’m somebody
who typically people tend to ask to write because of the symposiums that I’m invited to and to me a symposium issue is an issue that is much more likely to get read by the people who I want to reach that may in fact have some impact on practical change.

So I do think that that insight, in spite of the fact that you’ve been an academic since the late 70s, that you really are an advocate and you’ve used this position as an academic to still advocate really effectively on behalf of women and the children, isn’t, I don’t think, what a lot of people do now. I don’t know that people, academics in particular (and I can speak for myself), I don’t know that we do that now and/or know how to do that now.

It’s interesting because some of it is again that women who are in academics and younger women have children and want to spend more time. Part of it, as I said in the beginning, is priorities. But for me and I’m an empty nester at this point and throughout I have to say that my husband has been always incredibly supportive which I think is so important to successful women not to feel constrained in what they want to do professionally. But when you look at advocacy, part of that may be simply because in order to get tenure now, I think that there is so much more focus on the writing and teaching than necessarily the public service aspects. And maybe some of the public service aspects are really public service to the law school and the larger university so that it becomes more difficult to reach out to some of those issues that can take a much greater time commitment for advocacy. The reason I started offering seminars was that--and luckily we have a seminar requirement for upper
division students--is that I recognize I was spending very little time on the issues I care about in my more traditional subjects and this let me have an opportunity to both reach out to students who already cared about some of these issues and to hopefully encourage other students to learn about these issues and start caring about them.

Can you tell me what are the seminars that you currently offer that allow you to talk about the issues that you care about in ways you think are important? What are those seminars?

Certainly the I'm currently offering each year a Wrongful Conviction seminar, which obviously touches on all of the fairness questions about the system as a whole. I do a Youth at Risk seminar now for about the past four years, which enables me to touch on a variety of subjects about youth and not simply the foster care issues, but sometimes the immigration issues, sometimes issues of the intersection of criminal justice and foster care system, race and gender issues. So depending on students' interests, the seminar just changes dramatically each time I offer it. But I've also done Race and Gender and Criminal Justice Policy and again that has a variety of things. But even when I offer an Advanced Evidence seminar, domestic violence issues come into evidentiary issues. Child witness issues and confrontation clause issues touch both domestic violence and child abuse, and post-traumatic stress disorder as well as the issues of advocacy on behalf of women offenders and their children. So it enables me to have the ability to reach out to hopefully get people interested.
Ms. Hart: So why do you want to get, in this instance, students interested? You said that now I think twice. What's motivating that or what are you concerned about?

Prof. Raeder: For people of my generation.

Ms. Hart: The baby boomers.

Prof. Raeder: The older baby boomers. I'm 66 now and while hopefully I will be teaching for an additional amount of time, I think we all recognize that there comes a point when what we really need to do is replace ourselves. Given differences in generations, that's not necessarily as simple as it might have been if we had been followed by generations that thought the same way the baby boomers think. But we don't necessarily have joiners in the same way we used to and people are rightly interested in their private lives, not just their professional lives. So the kind of time that it takes to be involved may be too much of a commitment. So the point is to reach out to students when they are still thinking about what they want to do with their professional careers to try and get them to focus on the fact that it's not just your work. It's also about the kinds of things that you can do to have some legacy and hopefully make a difference for other people.