Abstract

This essay examines how one trail-blazing woman, a civil rights lawyer, made a difference in the justice system, in the lives of her clients, and in her local community. It explores how to teach law students to find passion and excellence in law practice, and describes challenges faced by such a practice, including the difficulties in finding a balance between personal and professional goals.

Increasingly, law professors have shown interest in developing methods for instilling in their students a desire to practice law ethically and with integrity. Although it was once thought that helping students develop an ethic of professionalism was unteachable and largely a matter of character already molded prior to law school, a growing body of literature claims such qualities can be learned in law school or, at the very least, not driven out of law students. A number of law schools, including the one

1 Professor of Law, Thomas M. Cooley Law School and Director Sixty Plus, Inc. Elderlaw Clinic  This essay is dedicated to Virginia M. O’Leary, who gave me more than I will ever be able to pay forward.


3 See, e.g., website for the Nelson Mullins & Scarborough Center on Professionalism, http://professionalism.law.sc.edu/referencelib.php?id=3&q=Nelson+Miller, (last accessed November 24, 2008) (containing links to numerous articles, books and other resources related to teaching professionalism to lawyers and law students); see also Melissa L. Breger, Gina M. Calabrese, Theresa A. Hughes, Teaching Professionalism in Context: Insights from Students, Clients, Adversaries, and Judges, 55 South Carolina L Rev 303 (2003); Deborah L. Rhode, The Professional Responsibilities of Professional
where I teach, devote ample resources to creating an environment where learning to be an ethical, professional lawyer is fostered.\textsuperscript{4} The professor whose writings have most influenced my own sense that I can help my students become the ethical, client-centered good-citizen lawyers I want them to be is Lawrence Krieger. Professor Krieger makes the compelling case that students’ personal happiness, success and well-being is inextricably linked to a sense of purpose and service in professional life.\textsuperscript{5} The person who most influenced my belief that a lawyer can live an ethical, purpose-driven life of integrity is my mother, Virginia M. O’Leary. The lessons I learned immediately after her death in September, 2008, renewed my belief that finding that drive for service, purpose and zest for one’s professional career is an attainable goal for us and for our students.

One exercise Professor Krieger assigns students is to write their own eulogy. He describes it thus:

\begin{quote}
I ask participants to imagine a future time when they are retired and away from their current environment, perhaps traveling in a pleasant place. I have them imagine visiting a small, quiet gathering which then turns out to be a preview of their funeral. I then ask them to briefly write down the eulogies about themselves that, if they could attend their own funeral, they would like to hear from important others - their life partner or best friend, a respected lawyer or judge that has known them in practice, a member of another community they valued during their life (church, neighborhood, service club, etc.), and if time allows, their child or another young person they had known. They may also be asked to write down the things that
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\textsuperscript{4} See, e.g., \url{http://www.cooley.edu/publications/brochures/theplan.pdf} (last accessed November 24, 2008); see also programs awarded the E. Smythe Gambrell Professionalism Awards sponsored by the ABA, a list located at \url{http://www.abanet.org/cpr/awards/gambrell.html} (last accessed November 24, 2008).

they would most like to be able to say about themselves - the things about which they feel best when looking back on their life.\(^6\)

According to Krieger, students almost always list qualities that reflect their own basic values and “traditional human virtues.” The students are surprised to see absent qualities such as fame, fortune and competitive edge.

When my mother, Virginia M. O’Leary, died at the age of 74, she was still actively practicing law as a solo practitioner in a tiny town in Southern Indiana. Thus, without searching, I stumbled upon an actual eulogy for a lawyer whose life and work intertwined around her passion for justice, her commitment to community, and her empathy for clients. As so many people tried to tell me in the days following my mother’s death, she was more than ‘just a lawyer’ – although, they were quick to point out, she was an excellent lawyer too.

*A Passion for Justice*

My mother’s law practice evolved organically out of the social context of the late 1960s and early 1970s. An early feminist (she claims to have found disposable diapers for me and my brother before anyone else had heard of disposable diapers), she had a career throughout her adult life, side by side with marriage, children, divorce and remarriage. After earning a Master’s in Humanities in 1956 as a Ford Foundation scholar, she attended law school at the University of Louisville as one of three women in an evening class in the early 1960s; even though she was first in her class, she left without completing her degree to resume a teaching career and to follow her husband’s career. After teaching almost every grade K-12, she found a job as a college professor of

\(^6\) Krieger, *Id. At 435-38. Professor Krieger adapted this exercise from Steven R. Covey, The Seven Habits of Highly Effective People 96-97 (1989).*
English at a small liberal arts college in Southern Indiana, where she had moved when her second husband obtained a job as a college librarian.

In 1970, as her younger sister entered her third year of law school, Mom returned to complete her law degree. Always ahead of her time, Mom perfected a crazy commuter-cum-multi-tasker schedule of living in one city, teaching in another thirty miles away, and attending school at a third location about 90 miles from her home. This she managed with two teenage children. Her initial ambition was to open a solo practice, and she chose the small town of Oakland City, Indiana where she had taught English for a number of years at Oakland City University (then Oakland City College). Soon after starting her practice, Mom was asked to join in a gender discrimination case involving a Kentucky distillery. In those days, the distilleries had “men’s jobs” and “women’s jobs”, the key difference being the men’s jobs paid more. Mom realized quickly how interesting she found the work. Soon, she was involved in other employment discrimination cases. She became a regional expert in this new and growing field. She took cases for people who worked in coal mines, small factories, schools, universities and corporations. She was lead counsel in national and regional class action cases and obtained broad and sweeping changes in American workplaces. She told me stories of sexual harassment that made the hair on my arms stand up. No fine distinctions here – in small town America, there were women who stood to lose their jobs if they refused to sleep with the boss. This was an environment where the worst slander a woman could face was being called a lesbian, which Mom thought was horrifying both because the allegations were usually untrue, but also because the label should not have been a slur. Mom was a middle class, white woman, and her first cases involved low income white
women. Later, she would take race discrimination cases, Constitutional law cases, and cases involving management positions as well as blue collar.

What fed her passion for her work? Mom was an avid learner. While some might shy away from reading thousands of personnel files, Mom loved looking at each and every one, her mind quickly finding patterns and an emerging narrative. A friend of mine, now a tenured economics professor at a respected university, worked for her while we were in college, in the mid 1970’s. My friend wrote:

I am so glad I got to work with her. I learned so much from her about how to read corporate files -- I remember one…[file from a major corporation] that said of a woman, "she is very smart, has a BA in French, and will make a fine secretary". She made really good use of the comments in those paper files.7

When computerized records became standard, and personnel files were relegated to number-crunching by economists, Mom missed the paper files, claiming she had found a deeper understanding from hundreds of hours she spent reviewing each detail. Encounters with each client posed an opportunity for her to learn something new about people, and she asked many questions to understand each client’s situation. Every deposition of a corporate executive offered her a chance to learn how management thought. And, every interaction gave her a chance to connect with another human being. Although in the last decade of her life she said she wished she didn’t have to work her usual 60-70 hour work week, nothing made her more alive than grappling with a legal issue, puzzling over the adverse party’s strategy, or especially, spending time with a client.

Mom also believed that by helping people with workplace problems, she could help change the world. She would say that the courts had stripped workplace rights laws

7 E-mail from Professor Susan R. Helper, dated May 19, 2009, on file with the author.
of their power, but she would keep looking for ways to wield the power anyway. She was especially good at convincing employers (through their attorneys) to make changes without going to trial. She believed the life-blood of modern life was a healthy workforce, where people could do their jobs with pride and integrity, and where they could find fairness. She supported unions; after Toyota moved a non-union plant into the nearby county seat, she spent a lot of time educating prospective clients about the limits of fighting for fairness without a union. Even though she told nearly every prospective client in her last twenty years that they would probably lose if they chose to litigate, she never despaired, if the client wanted to make a stand, in making the effort, hoping to find some small way to make a difference, through law, to change the world. A local attorney wrote:

She was a lawyer ahead of her time, practicing in an area (both geographically and type of practice), that few lawyers were willing to undertake. Her courage and tenacity in the practice over many years was a source of both pride and inspiration to others lawyers, who regularly referred clients to her in her highly specialized field….Virginia will be missed by the legal community of southwestern Indiana, but fondly remembered for all the good she brought to the practice and for her lasting contribution to women in the law.

**Commitment to Community**

On the evening of the funeral home visitation, my family and I passed two commercial signs. The first, at the local Zip-N-Sip fast food franchise stated “We will miss Mrs O’Leary.” The second, at the local public library said: “Our hearts and prayers are with the O’Leary family.” Over two hundred people came to say goodbye to my mother, whose visitation was in a town of under 3,000 people. Visitors included attorneys (including representatives of the local bar associations), former and current clients, former students and teaching colleagues, and many, many friends.
My mother’s death was the headline of the newspaper of the County seat, Princeton. At the hotel where my husband and I stayed, all the staff knew my mother. The woman who set up the breakfast bar said “Your mom represented my father-in-law in a black lung case years ago. He thought she was wonderful.” The desk clerk used to solicit donations for the local Lion’s Club. “Your mother always gave me a donation. She only gave donations to the local chapter. She wanted to support us.” A representative of the local Chamber of Commerce said that my mother had kept Oakland City alive. He said she always bought things for her business from other local businesses. When she renovated three buildings on Main Street twelve years earlier, she kept Main Street vibrant. Her storefront was the town’s only law office, a fact which made her proud and loyal. She advertised as a sponsor for the local Sweet Corn Festival every year. Mom frequented local art shows and bought gifts for her friends from local artists, most of whom were affiliated with the local University.

My mother’s relationship with local banks was unusual for the twenty-first century. When Mom first established her practice, she did legal work for a local bank. When she began to take class action lawsuits, she needed to borrow money to finance costs and time because the cases extended over so many years. More than one local bank loaned money to my mother purely on the strength of her ability to convince them that she would win her cases. She knew her bankers by their first names, and she was proud that they invested in her business.

Mom’s staff were typically graduates of the local university or older women who had been out of the workforce. Many who worked for her as secretaries or paralegals eventually went to law school, and some of them worked for her after law school.
graduation. She liked to mentor young adults, and she was good at it. An older woman told me that she had been out of the workforce for so long, she never thought she would get hired by anyone. When her husband suddenly died, she needed to work. My mother took a chance on her when nobody else would.

My mother believed that as a lawyer, she had a responsibility to nurture the community that she was a part of. On the pragmatic side, she knew that she would get more business if she cultivated contacts with local people. But her spirit wanted to reach out and build community. I used to joke that my mother never met a client she didn’t hire. Many former clients, strapped for cash, worked full or part time for my mother whether or not they had any experience in legal work. She believed in them and she wanted to help them get back on their feet. By the same token, Mom always offered to help staff, or family of staff, or family of friends, with legal problems. Sometimes she charged and sometimes she did it for free. But she always did this work from the heart, with special pride and satisfaction.

Empathy for Clients

Ms. O’Leary was the first Caucasian women/person in my 45 years of living to talk to me openly about race discrimination and how mean spirited it is, how it affects people and why we must fight against it.

She was open with me on the cost for keeping your personal integrity, which is the one thing one must never sell regardless of what is offered to you....She ignited in me a will to fight for what was right regardless of the cost.

I have cried myself to sleep many nights due to the hurt and pain, but meeting her in this season of my life was what I needed for myself, my life, my family, my future. She placed in my heart, that somethings are not about the money, somethings are solely about the Principle.

Out of the many people I have met in my life, in my career, in my travels and in the Ministry she was one of the top 5 people that impacted my life
in that after meeting her I was not the same person. She started the healing process in my heart not only from a [legal] standpoint but years of mis-understanding a race of people….

Best Regards,
Cedric Howard
Not Just a client

My mother had an ability to connect with people that was direct, swift and meaningful. She did this instinctively. Each connection was as important to her as it was to her clients, and of course her clients sensed that reality. Just before she died, Mom told me with pride of a conversation she had recently had with an employer’s attorney. The attorney, upon hearing of Mom’s heart attack in late August, called her and said that he was sorry if he had seemed aloof in their latest discussions about a case. “You have to understand,” she told me he said, “but this corporation is an important client.” Mom had replied to him, “My client is an important client too.”

Mom conveyed that sense to her clients that each of them was as important as a corporation, a hospital, a research university. At the funeral home, a middle-aged couple stopped to shake my hand, the man, Caucasian, the woman, Asian. They brought their young son with them. The man stumbled to find words, his voice catching. He looked at his wife: “I want to try to tell you what your mother meant to us. She was not just our lawyer. Whether we would win or lose the case, that was not what was important. Your mother made us feel better about ourselves.” He looked at his wife and, tears forming he said, “I’m not saying this very well.” His wife smiled and nodded encouragingly. “I just wanted you to know how much she meant to us.” An African-American couple

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8 E-mail from Cedric Howard dated September 17, 2008, upon learning of the death of Virginia M. O’Leary. Mr. Howard, a client of my mother’s at the time of her death, granted me permission to publish his note and asked me to use his name in an e-mail dated January 22, 2009.
approached with two young girls. The man said “Your mother was wonderful. I used to bring my granddaughters here when I would meet with her. Your mother was so good with children. She looked at my granddaughters and told them “You can be anything you want to be. She really made an impact on them.” He told me a little later, “Your mother invited me to fish on her lake out by her house. She asked if I needed some work –she had some things she needed taken care of out at her house. I meant to go, but I never got around to it.”

From her former bookkeeper: “We loved your mother so much. She brought out the best in everyone. From street people to kings-she respected all, and helped them feel they had self-worth.” From a man with a cognitive disability, the son of a former client:

...There is one thing about Mrs. O’Leary I like when she talk to a person you DID NOT feel she better than you. There is old joke about attorney’s. There is no attorney’s goes to heaven, but one. And that one is Mrs. O’Leary. A lady who always brought joy laughter where every she went. Mrs. O’Leary thank you for bring joy and laughter to me and my mother. God Bless you Mrs. O’Leary and your family. YOU WILL BE MISS. [sic]

From an attorney who represented opposing parties in some of Mom’s cases:

Virginia was a ground breaker in our profession and one of the most empathetic advocates on behalf of her clients with whom I have ever dealt. Virginia always took her client’s plight to heart and would continue to fight even though it sometimes worked an economic hardship on her and her firm. Virginia truly cared about her clients and was a bright and articulate advocate on their behalf....Virginia always maintained herself as a very professional but collegial adversary.

A local county judge said: “…Not only did Virginia have such a brilliant mind and unmatched eloquence and a non-stop work ethic, her dedication to her clients and the
cause of justice was unsurpassed.“  

A court reporter wrote: “Virginia was such a

pleasure to work for…[in] 22 years…we always enjoyed the time with her. She was such

a beautiful, kind, loving and caring, compassionate person to all she met and especially

with her clients….“  
A woman who worked for a local civil rights office stated simply

“She was my hero.”

On Achieving Professional/Personal Balance and the Costs of Dedicating Yourself to the Cause

My mother came from a generation that did not address personal/professional balance10. As a woman, the cost of having a career was that you had to do it all – work more than full time, raise a family, keep a household. If you were up against a defense law firm with several national offices and an unlimited budget, you simply worked through the night to compensate for having a quarter of the staff. Or, you drove all over the country – to Florida, Louisiana, New Jersey and Tennessee on one case - with an associate and a paralegal to take depositions or meet with class members because you could not afford to fly. Mom was able to do it all because she needed very little sleep and had the highest energy level of anyone I have ever known. On the day she died, just three weeks after having a heart attack, Mom worked several hours at her office, rode into Evansville (a 50 mile round trip) with a friend, wrote thank-you notes and then played bridge with friends for three hours. Every day was a full, rich experience. However, she sometimes had to sacrifice time with family and friends because her demanding practice required many hours of work, often into the night and virtually every weekend. When


10 For a discussion of the importance of achieving balance for good health, see What We're Not Telling Law Students - And Lawyers - That They Really Need to Know: Some Thoughts-in-Action Toward Revitalizing The Profession from Its Root, 13 JOURNAL OF LAW AND HEALTH 1(1998).
she would go on vacation, she spent many hours on the phone with her office trouble-shooting office issues. She never really got a break.

Later generations would reject a career model that required 60 hour work weeks, regular Saturday hours and no guaranteed paycheck. In the last twenty years, she looked but was never able to find anyone to join her in assuming the great financial risks involved in running a solo plaintiff employment law firm. She worried about money a lot. She worried about being able to retire. Her work in many ways consumed her.

She welcomed the idea that personal/professional balance was possible, and lamented that she could not find it in her life. “It’s not that I want to work on Saturdays,” she would say, “I just can’t see anyway not to have to.” I think she hoped the next generation would figure out a way to produce the quality work she cared about so much and quality time with family and friends. Her relationship with her grandchildren was a special joy to her, perhaps because they were willing to stay up all night talking to her after she spent a full day at the office. She saw the search for personal/professional balance and a healthy lifestyle to be on an agenda worth pursuing, even if she did not attain it.

The outpouring and depth of feeling from my mother’s current and former clients, staff and civic neighbors raises the question of how we can teach students to forge such special and important connections in the world without losing their personal and private spaces. In my life, I have found myself building intentional walls between professional and personal aspects of my life. These walls send signals, to students or clients, that I am not available to them 24/7. Those walls were not structures my mother ever built. They, perhaps, impede some of the life-long relationships that make up a life of passion
in the law. These are the challenges we face in mentoring balanced yet excellent and passionate lawyers.

Conclusion

Virginia M. O’Leary received several awards during her life but the one that I think meant the most to her was a plaque given to her by a client, a man about sixty years old who settled an age discrimination case against a very large international company about twenty years ago. The plaque, which stayed on her office wall for so many years states simply “Yes, Santa Claus, There really is a Virginia.” That plaque will hang on my office wall, and when appropriate, I hope it sparks discussion with my students. I like to think that as long as we teach law students to believe passionately in justice, to believe that they can make a difference; as long as we instill commitment to building community and being a good citizen; as long as we model partnering with clients, seeing them fully as the individuals they are, with empathy and commitment, Virginia will live the hearts of all of us.

11 She received the 2004 Torchbearer Award for women in law by the State of Indiana Commission for Women; the 2004 Best of the Best Award for Best Attorney presented by the Princeton Daily Clarion and the Oakland City Journal; she was a 2000 nominee for Induction into the Kentucky Civil Rights Hall of Fame; 1993 Honoree, Women in the Law, honored by the Indiana State Bar Association; recipient of the 1980 Indiana Citizen of the Year Award from the Indiana Council for the Social Studies for work in Civil Rights. Academic awards included a Ford Foundation Fellowship 1952-1956, the Benjamin Washer Moot Court Award, University of Louisville Law School, 1961, and book awards in Contracts, Torts Insurance and Equity, 1960-1962.