

# Culture, Not Always Structure, for Women's Success in Nebraska

by Yvonnda Summers

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**Yvonnda Summers, JD,** is Creighton University School of Law's Associate Dean of Student Affairs, Equity, Diversity, and Inclusion. She is an Omaha native of Nebraska and was a practicing attorney for 8 years in criminal defense before she joined the school in June of 2022.

She attended Creighton University for her undergraduate until she graduated in 2011. She continued to Creighton School of Law where she won top awards in Juvenile Offender Law, travelled nationally with the Law School's Mock Trial Team, represented her class as the commencement speaker for graduation and was awarded for her outstanding service to the community in 2014.

As a young attorney, she moved to Virginia where she became a public defender in the city of Portsmouth taking on high profile cases. Yvonnda was integral in establishing the Mental Health Court. Always wanting to serve her hometown, she moved back to Omaha in 2020 where she joined the Douglas County Public Defender's Office. She served the low-income, under-represented juveniles, parents in cases of custodial removal and adult felony cases.

*Welcome to our new column entitled Equity and the Law, a brainchild that started over sandwiches with sides of ranch when Shawntal Mallory, Nebraska Legal Diversity Council; Stefanie Pearlman, the University of Nebraska College of Law; and Yvonnda Summers, Creighton University School of Law, all decided that we would activate around NSBA Executive Director Liz Neeley's invitation to highlight equity and inclusion topics within our profession. Through this article in The Nebraska Lawyer, we will collaboratively address different aspects of diversity, equity, and inclusion throughout the legal field and provide an educational perspective on how to implement equity and inclusion to promote a more diverse Bar. The Nebraska State Bar Association has been actively including continuing legal education opportunities geared towards cross-cultural competency and branching that educational component into a publication seemed like a natural next step. It then only felt logical to enlist the assistance of the co-chairs of the NSBA Diversity Section, Yvonne Sosa from the Office of the Federal Public Defender and Alisha Jimenez from Lancaster County Attorney's Office. After emails and Zoom calls, ideas, and much excitement, we have created this column for the readers of The Nebraska Lawyer.*

As we enter the month of March, women's history is a focal point to commemorate and educate. Women have been pushing for equality in the areas of pay equity, maternity leave, equitable work environments and accommodations, and the list goes on. The strides towards equality for women have been in leaps and bounds, but there is so much work left to be done. When I see magazines plastered with the successes of dynamic women, the appointment of female judges in record numbers, and trainings on equality in our profession, I can't help but ask, "Why aren't we there yet?"



## EQUITY AND THE LAW

As I ponder this question, the administrator and diversity, equity, and inclusion professional in me went straight to the numbers. We progress forward by looking at the past, learning from it, and building upon it toward our future. So, I began collecting data. My counterpart, the Interim Associate Dean of Diversity, Equity, and Inclusion at UNL College of Law, Stefanie Pearlman, provided me numbers that were similarly situated with that of Creighton School of Law. Over the last five years, each law school has been averaging admission rates of 50% men and 50% women.<sup>1</sup> This ratio may seem uneventful at first glance, but it took almost 100 years to equal out and stabilize at a 50% admission rate. If we zoom out to the percentage of women practicing in Nebraska, the last five years has averaged 34%. In 2023, one would expect this percentage to be significantly higher. We have been graduating a higher percentage of women who are equally as talented and capable as men, yet the numbers would suggest that something else is amiss.


After assessing these numbers, I turn my thoughts to the equity factor. Defining these terms and philosophies is a large part of my work. Equality is the state of being treated the same with resources and opportunities. Equity is the appreciation that every person has different circumstances thus tailoring resources and opportunities to reach equal outcomes. Equality in numbers does not mean equity in experience. Nebraska law schools are accepting and graduating men and women in equal numbers, but are Nebraska employers treating women with the same equity value as their male counterparts?

I had the pleasure of speaking with Brenda Beadle, the Chief Deputy Attorney of Douglas County, about her experiences entering the legal profession in 1993 and how she views the profession today. She noted that at the beginning of her career, “high profile cases” were usually only assigned to one or two women with the remainder being predominately assigned to men. She also experienced and witnessed women receiving comments in the courtroom questioning their capabilities and whether they should be taken seriously. Now compare that experience to a 2021 law graduate Sapphire Andersen, an associate at Baird Holm, who works in a large firm with highest percentage of female attorneys among similarly sized firms in the region. She attended law school when the gender ratio was 50:50. However, she has women colleagues who, even to this day, experience disparaging comments when working with other attorneys and in the courtroom. She recalls during law school that the assumption is the legal profession is—or perhaps should be—a male dominated field. Chief Deputy Beadle smiled as she told me that all the divisions in the

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County Attorney’s Office are all supervised by women, and Ms. Andersen beamed as she told me that Baird Holm is proactive in making sure every voice in the firm is heard. However, both women spoke of these still lingering underlining stigmas about women and their capabilities.

Where should we focus our efforts moving forward? What are potential action items? The numbers show that our law schools have become an equal pipeline to the legal profession and firms are proud of the talent and contributions of the women they employ. I pondered an interesting point during our conversations: employers are focused on what is legally feasible for an equitable work environment, but rarely are they asking how to deal with the humanity of those legal processes. Many are focused on compliance when we should be going above and beyond mere compliance with law by implementing workplace changes that allow women to show up in authentic, meaningful, and equitable ways within our profession.

Here is my challenge for employers: do an overhaul of not only your structure, but also the culture in which that structure is implemented. When assessing how to change maternity leave to parental leave, also consider providing a detailed introduction of your policies to all people involved in parenthood. When picking out uniform questions for the hiring committee to ask candidates, remove any implication that having children too soon into the employment is an inconvenience by simply not discussing it. If your firm has a dress code that does not include requesting men tailor their clothing to a certain fit, don’t request that of women. Adding a lactation room is a visible way to show support for working mothers, and encouraging non-verbal reactions when a breastfeeding mother needs to leave the room is equally important. When listing non-billable options, such as golfing or serving on community boards, don’t impute traditional methods to either men or women. Individual assessment and thoughtfulness can go a long way for a cultural environment that promotes women to stay and thrive in Nebraska. 

## Endnote

<sup>1</sup> Based on gender self-identification upon admission. This reference to self-identified gender will continue throughout this column.