

March 17, 2017

The Honorable Charles Grassley, Chairman  
United States Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Dianne Feinstein, Ranking Member  
United States Senate Committee on the Judiciary  
152 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Grassley, Ranking Member Feinstein, and members of the Senate Judiciary Committee,

I am writing today to share my personal experiences as a law student who took Legal Ethics and Professionalism from Judge Gorsuch during the spring semester of 2016. His values shared during that class were concerning and should be explored further during his confirmation hearings for the United States Supreme Court.

On the evening of April 19<sup>th</sup>, 2016, we had our second to last class of the semester. The assigned material for that class session focused on stressors found in the practice of law, especially how such issues as race, gender, and long work days could affect professionalism.

As was the norm for the class, Judge Gorsuch had a handful of people assigned to be on panel for the reading material for that day's class. Judge Gorsuch would call on those students to explain any cases assigned for class and to walk through any hypotheticals presented in the reading material. The discussion would then open to the wider class. For the bulk of the semester Judge Gorsuch had welcomed many opinions of what the right answer to an issue was, encouraging back and forth discussion. However, at the end of these discussions Judge Gorsuch would sum up what he saw to be the correct answer.

In our reading to prepare for class for April 19<sup>th</sup>, there was a hypothetical of a law student interviewing for law firm jobs. The female student had large debt and wanted to work at a firm to pay back her loans. She also intended to start a family with her husband in the near future. The hypothetical raised the question of what she should tell future employers about her plans. I do not remember how many classmates spoke about what the female student should say or their exact views on what the female student should disclose in her interview. I do remember a lively student discussion about work-family balance and the difficulties of law school debt for all student, regardless of gender.

At some point Judge Gorsuch stopped this discussion about the hypothetical and work life balance in the legal profession. Instead, he asked the class to raise their hands if they knew of a female who had used a company to get maternity benefits and then left right after having a baby. Judge Gorsuch specifically targeted females and maternity leave. This question was not about parents or men shifting priorities after having children. It was solely focused on women using their companies.

I do not remember if any students raised their hands, but it was no more than a small handful of

students. At that point Judge Gorsuch became more animated saying "C'mon guys". He then announced that all our hands should be raised because "many" women use their companies for maternity benefits and then leave the company after the baby is born. Judge Gorsuch focused on women having babies, not men expanding their families. Judge Gorsuch argued that because many women left their companies we all knew women who purposefully used their companies. Judge Gorsuch's comments implied that women intentionally manipulate companies and plan to disadvantage their companies starting from the first interview.


The discussion continued after that. Several students, including some male students, raised their own concerns about a work-life balance and the challenges of excelling at both work and raising a family. However, Judge Gorsuch continued to steer the conversation back to the exclusive issue of females having children. Judge Gorsuch outlined how law firms, and companies in general, had to ask female interviewees about pregnancy plans in order to protect the company. At least one student countered that an employer could not ask questions about an interviewee's pregnancy plans. However, Judge Gorsuch informed the class that that was wrong.

Instead Judge Gorsuch told the class that not only could a future employer ask female interviewees about their pregnancy and family plans, companies must ask females about their family and pregnancy plans to protect the company. Judge Gorsuch tied this back to his original comment that companies need to ask these questions in order to protect themselves against the female employees.

Throughout this class Judge Gorsuch continued to make it very clear that the question of commitment to work over family was one that only women had to answer for. There was no discussion of the reasons women may leave employment when having children or the difficulties in raising young children and meeting the high billable hours required in law firms. Instead, Judge Gorsuch continued to steer the conversation back to the problems women pose for companies and the protections that companies need from women.

I was distressed by the tenor of this conversation. I was surprised and upset that a bright, articulate, and educated federal judge could think so little of female attorneys, even more so considering that in that class half of the students were female. I raised my concerns about Judge Gorsuch's comments to the administration at University of Colorado Law School shortly after Judge Gorsuch made them in the spring of 2016. I also voiced my frustration with his opinions the next day on a facebook group for female lawyers. It concerned me that a man educating female lawyers would be discounting their worth publicly. Now it concerns me that a man who is being considered for our highest court holds views that discounts the worth of working females.

Respectfully,



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