

An Interview with the Honorable Gary E. Hicks, Recipient of this Year's Philip S. Hollman Gender Equality Award

Interview conducted by Keriann Roman, Esq. Keriann clerked for Justice Hicks from 2006 through 2008. She is currently practicing law at Donahue, Tucker & Ciandella in the areas of appellate law, land use and development, civil litigation and municipal law.

I recently sat down with Justice Hicks to talk about his receipt of the 2012 Philip S. Hollman Gender Equality Award and his thoughts on gender equality in the legal profession. The award will be presented to Justice Hicks at the Gender Equality Breakfast at the Midyear Meeting held on March 7, 2012 at the Center of New Hampshire in Manchester.

Good morning Justice Hicks, thank you for speaking with me today. What does it mean to you to receive this award?

I was extremely gratified because it is recognition for something I believe in. It is also very gratifying to receive an award named after my good friend Philip Hollman because he was a leader in this field and it is in part because of my respect for him that I started to get involved wherever I could.

Was it a conscious decision for you to promote gender equality in the legal profession?

Yes, it was a conscious decision because I have seen the whole movement from start to finish. When I started in 1978 there were very few female lawyers and frankly gender discrimination was rampant. Discrimination is not something that belongs in the legal profession, which is grounded upon equal treatment for all people, and it became very easy for me over the years to become educated and realize that gender equality, as with all types of equality, is essential to the foundation of our profession.

What percentage of your 1978 graduating class at Boston University were women?

The B.U. law class of 1978 had about one third women, which was probably as high as any law school in the country at the time with the possible exception of Northeastern.

Didn't your daughter recently graduate from law school?

Yes, she went to Boston University as well, where she was Editor in Chief of the Banking Law Journal and she is now working at Nutter, McLennan and Fish where she is very happy. It has been gratifying to see her success.

What percentage of women graduated with your daughter?

I think it was a little over 50% women. I have to say that among the top echelon of the class more than 50% were women and virtually all of them went on and are now employed in either major firms or government capacities all around the country. I think that is part of the change. I am not saying that the Women's Movement is over by any means - I think it is still a work in progress.

In your legal career, is there one accomplishment that sticks out in your mind as one you are most proud of with regard to gender equality?

No, and that is because I never tried to do a single act to be proud of, per se. I think in this profession, and in this movement, it is the little things that matter. I started going to the Gender Equality Breakfast just to be there and to become more aware and at that time there were only two men there - myself and Judge Hollman. Over the years that has changed dramatically and I think the Gender Equality Committee and the Women's Bar Association should be congratulated for the progress that has been made.

I think the Women's Bar Association would certainly appreciate your saying that Justice Hicks, thank you.

It is absolutely true. I have to admire what has been done and as I said, it is hardly over, but there are tremendous advances that have been made.

When did you first notice gender inequality in the legal profession, was it as early as law school?

Well, that is a good question. It was noticeable in law school. There were certain professors who clearly were uncomfortable

with women law students. While I think it was not excusable, it likely was the result of the professors coming from an all-male culture. Following law school I could not help but notice that there were no female attorneys at my first law firm, which did not make any sense to me because four fifths of the students in my study group in law school were women. Over time, that gradually got better but there were still areas of the country that I visited, particularly more parochial jurisdictions, where discrimination against women continued - be it in depositions or court rooms. This seemed to continue through the eighties and into the nineties. It was always ugly to me and so it was easy for me to react to it.

That leads to my next question. From your experience, do you think that New Hampshire is more progressive in terms of gender equality than other states?

I think it is a mixed bag. There are states that still haven't got it but at the other end, when I've travelled around with Appellate Court Judges, I've seen that there are women sitting on the courts in many states and sometimes women are the majority on the Supreme Courts. But I think that because of the good work that both men and women have done in New Hampshire towards gender equality, as well as equality in general, our curve in New Hampshire may not be as steep to achieve full equality as it is in other states.

You are very active in the Inns of Court, do you notice any gender issues there?

Gender bias goes against the very charter of the Inns of Court, which is to promote excellence, professionalism and ethics in the legal profession. I am active in the local chapter and I believe our Webster Batchelder Chapter is probably an even split. I am also a four-year member of the American Inns of Court where I am Chair of the nominating committee. One of my missions as Chair is to increase membership diversity within the American Inns of Court Board, which is very important.

Justice Dalianis was the recipient of this award last year, what do you think it says about the New Hampshire Supreme Court that there are now two Justices that have received this very important award?

Justice Dalianis is a major part of the movement, and always has been in her career. Since I have been on the Court we have become very close friends, and more often than not, we agree on

issues. I think it is important to portray from the highest echelon of the New Hampshire judiciary that gender equality is important. I've always felt that culture and attitudes often start at the top and I am proud to be part of a culture that promotes gender equality throughout the system.

What one woman in the legal profession do you most admire and respect?

Justice Sandra Day O'Connor. I spent a half hour with Justice O'Connor one day and when I retire that will be one of the top five experiences of my career. I think that Justice O'Connor is the answer many judges would give to that question. She was not only a pioneer but she was a superlative jurist; independent and regardless of gender, she set the gold standard for any Justice, male or female.

Do you have any female role models outside of the legal profession?

Well, you mean besides my mother? (laughs). I would have to say my wife Patty. She is a remarkable woman. Asks no quarter and takes none when it comes to women being given their proper respect in society. That is part of why it has been very easy for me to step in where necessary and do my part, which is admittedly a small part, to help women in the legal profession and the judiciary.

What can we do as attorneys to continue to work towards gender equality in the legal profession?

I think about that a lot and the one thing we can do is never be lazy or lax if we see any remnants of gender bias. We can never be too comfortable in thinking that we have solved the problem. The statistics are clear that there are disproportionately few female full equity partners in all the major law firms in the country, and many small law firms, with only some exceptions. We, as attorneys, need to reexamine the profession and be creative in our thinking to ensure that interests of both females and males in the profession are accommodated. There are a number of ways to do this. I know of a female partner at a major Boston law firm who is a 70% partner and that works very well for her, she has client control and she is very powerful in the firm. I am not saying that women should not have an equal shot at full equity partner, but equity partnership is becoming very elusive no matter what gender you are.

What advice would you give to new female attorneys if they encounter gender bias?

I would say that if they do encounter a gender bias they should act pretty quickly. It is important to speak up right away. I have also given the same advice to both men and women that when you arrive at a law firm, for example, you need to find one or two mentors that you can trust and I don't think a female attorney must necessarily have a female mentor, but I may be naive in that regard. The important thing is that you want someone you can trust and someone you can go to with a problem, whether it is a gender problem or any problem.

Those are all the questions that I have, is there anything additional that you would like to say about receiving this award?

Well, I learned that a lot of people who supported my attaining this award are women that had tried cases in front of me and I am perhaps as proud of that as anything.