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Interviewee: Ingrid Blackwelder Erwin
Date: February 10, 2006
Location: Jackson Lewis L.L.P., One Liberty Square, Greenville, SC
Subject: Women and the Professions (focus law profession)

SEAN: Today is Wednesday, February 10. Today we are joined with Ms. Ingrid Blackwelder Erwin who's of counsel with the Greenville, South Carolina office of Jackson Lewis LLP. Ms. Erwin received her Bachelor of Arts degree magna cum laude in Political Science from Furman University in 1978 where she was elected to Phi Beta Kappa. She received her Law Degree from University of Virginia in 1981. Ms. Erwin is certified by the South Carolina Supreme Court as a specialist in the area of labor and employment law. She has an AV rating from Martindale-Hubbell. She has represented employers, insurers, and benefits plans and lawsuits before numerous federal and state courts. She is licensed to practice in South Carolina, North Carolina, Georgia, Tennessee, and Texas. She is admitted to the Federal Courts in those states as well as to the Fourth, Fifth, Sixth, and Eleventh Circuit Courts of Appeals. And Ms. Erwin, thank you for joining us today.

MS. ERWIN: Thank you for having me.

SEAN: Appreciate it. We're just gonna have to ask a few questions to start the background information if we can.

MS. ERWIN: Okay.

SEAN: First of all, what was your socioeconomic position before you attended Furman, if you could?

MS. ERWIN: I was pretty much middle class, maybe...My family probably had a little bit more money than my family realized it had at the time. Education was always very, very important to my parents, and they wanted to postpone doing anything until they made sure that my and my sister's educations were paid for or they had the money to do that. So but middle class basically.

SEAN: Okay, and what were your mother and father's educational backgrounds?

MS. ERWIN: Both of my parents had only graduated from high school. When I started Furman, my father still had some GI Bill time left, and he went to Greenville Tech on the GI Bill, and he liked to remind me continuously that all he has is A's, he has as 4.0 at Greenville Tech. [*laughter*] I mean he was not taking courses towards any particular degree. Actually he had Dr. Gordon's then wife for a number of courses at Greenville Tech, humanities-type courses, but he probably has about two years of college. But he does have that 4.0 he would want me to remind you, and I did not have that.

SAVANNAH: It's hard sometimes.

MS. ERWIN: Mmhmm.

SAVANNAH: Okay. Did you have any female or just professors in general at Furman or at University of Virginia that were inspiring to you?

MS. ERWIN: I looked at the question before the interview, and I had a hard time remembering a female professor at Furman. You guys realize it's been almost 30 years since I started school at Furman. I had Dr. Knox in the Psychology Department for one course, but I took that pass/fail and probably did not pay as much attention to that course as I should have. I had one female professor in law school who was very strong and was just a very good role model, I guess, for women lawyers, but I knew I didn't want to go into academia from the get go. So I really was not looking for a role model in terms of a female, you know, from academic work.

SAVANNAH: What made you attend Virginia Law School?

MS. ERWIN: Well, after my first year at Furman, Dr. Aiesi, who was my advisor, said, "You know, you've got really good SAT (Scholastic Assessment Test) scores. You're really smart, but this 3.2 that you have compiled your first year," or 3.4, whatever it was, he said, "This is not gonna get you into a top law school, and you really need to do a little bit better because you could go to one of the best schools in the country." And that probably was one of the first times I thought about that, you know, that maybe I could indeed go, or maybe I would have any interest in going to a really good law school. So that's how I got started thinking about, *What could I do*. And I really worked, and I did have a 4.0 after my freshman year at Furman, although there's probably many people that decide to have a 4.0 after freshman year at Furman.

But I, with Dr. Aiesi and the entire department, Poly Sci Department's encouragement, I applied to Harvard, Yale, Chicago, Virginia, Duke, Vanderbilt, and North Carolina Law Schools. I did not even apply to South Carolina. I was afraid that if I got in, I would look at how much cheaper it was to go to South Carolina, and then I would go there. So I did not apply to South Carolina, and I got rejected by Harvard and Yale and wait-listed at Chicago, and I got into the other schools. I had some scholarship help from Duke and Vanderbilt, I believe, but Virginia was still cheaper, and it had a better reputation nationally than either Vanderbilt or Duke. And North Carolina was the cheapest school I got into, but obviously, I was looking at money and cost and trying to figure out how I could go to a good school but still be able to afford it and be able to afford to finish at that good school. So once I got into Virginia that was sort of the deciding factor for me. Virginia was about half as expensive as Vanderbilt or Duke at the time, and it was a wonderful choice. I, you know, I just can't say enough good things about my whole school experience.

AUSTIN: So you went directly to law school after Furman?

MS. ERWIN: Yes.

AUSTIN: No period of adjustment or anything like that?

MS. ERWIN: No, I mentioned to Savannah earlier that my...I didn't really have anything else I wanted to do. I knew I wanted to go to law school, and you know, my parents were always very practical, and they were saying, "Well, if you take time off, then you're not on insurance anymore," and that sort of thing. There were times I wished in hindsight that I had taken a year off, but I think there's a danger if you take time off that you don't go back to school. So I think you have to be very committed to that idea from the starting point.

A number of my law school classmates actually moved to D.C. and lived in Virginia and worked as paralegals for a year or two years at a D.C. firm. But they lived in Virginia, got Virginia residency, it made it a lot easier to get into the law school, made it a lot cheaper to go to the law school, plus it gave them, I think, a background, you know, some experience knowing what a law firm was like. I didn't have that.

I had worked for a lawyer as a secretary, but he did transactional work, and basically, all I was doing was typing for him, so I didn't have that background. But if I had been committed...I think now you can defer your admission in a lot of schools. I know when I was in school in graduate school you could really only do that in business school. You'd have to reapply if you wanted to defer your admission. I think that would be a wonderful thing to be able to do if you had something, you know, *I'm gonna go do this for one year*. But I went straight through, so I was not quite 22 when I started law school, which was very young looking back at it.

AUSTIN: You know, going along with that, did you have any interesting experiences with like the admission at law school, any...

MS. ERWIN: No, I sort of did that blind. I mean I don't think that I paid as much attention. I read about the different schools. That's why I thought I wanted to go to Chicago. I liked the economic model that I read about the theorists at Chicago, but I really did not know a lot about it. And I did not go visit any law school at all. I read the book for the LSAT (Law School Admission Test) that they send you when you sign up, took the LSAT one time—I had taken SAT three times—I took LSAT one time, and never looked back, never did any more than that and just sent in my applications and, you know, went with that. I had not visited a single campus.

SEAN: You're gonna jump into a little bit more of a controversial role here, but...

MS. ERWIN: Okay.

SEAN: Once you were in law school, accepted as a student, did you face any adversity because you were a woman?

MS. ERWIN: More adversity because I was a Southerner than because I was a woman. I remember being told my first week about a comment made by a fellow classmate that, *Everyone with Southern accents sounds so dumb. I can't believe there's all these Southern accents here.* And my thought was, *Well, why did you come to school in Virginia? You sort of maybe ought to know that that is South.*

UVA Law School is probably, even then it was a smaller percentage women than other schools, mainly I think because you have to move to go to school there. And like I lived in Houston, practiced law there for nine years after law school, and a lot of people there go to University of Houston Law School. They're in Houston 'cause their husbands have a career there, and they're right there, so they go to the law school. But Charlottesville is its own town, and you have to pick up and move there from somewhere else. Nobody is from Charlottesville. Not one person in your class would be from Charlottesville. So I think that tended to attract more males than females. And I also think that sorta the good ol' boy Southern network attracted more males than females. So my class was, I think, 25 percent female was all, and now I think the classes are at least 50 percent female.

But it wasn't so much from being female as being Southern, I think that...And I was just absolutely scared to death. Here I was from Furman, and people are like, "Fareham?" There's a junior college in Virginia called Fareham, and a lot of people thought that's where I'd gone to school. And then I'm meeting these people, you know I'd never met anybody that had gone to Harvard before undergrad, you know, we had like 20 people in my class that had gone to Harvard or Princeton or, you know, or wherever. And it was a little bit scary to me. At the time, I don't think Furman enjoyed the reputation that it does now. Somebody, you know, from New York would've been an anomaly. We had, yeah, I can think of one person from New York that I knew at Furman. You know, but it was more of a Southern school, and so it didn't enjoy the national reputation that I think it does now.

But then I have to say my first year in law school they used to have this basketball tournament in Charlotte called the North-South Doubleheader, and Furman and I believe it was South Carolina would go to Charlotte, and North Carolina and NC State would come down, and the two North Carolina schools would play the two South Carolina schools. Now they were playing in Charlotte, so in theory it's a neutral floor, but it really was, of course, a North Carolina, you know, favored floor. But Furman beat North Carolina and NC State in consecutive nights in basketball, and it was like a Friday and Saturday night, and we were having big first-year parties those nights. So people heard of Furman at that point, and that made me very, very proud, I remember that.

And I learned to deal with the, you know...I learned that it didn't really make a lot of difference to someone who'd gone to Harvard or Princeton, you know, that my educational background was just as good as theirs, but I was kind of scared at first.

SEAN: Just running with that, was it the same for even Southern men when you were in law school? Were they faced with the same even fears, despotism, of being because they were a Southerner or...

MS. ERWIN: If they were, they did not tell me. When I was there, there were five students from South Carolina of a class of 360. So that tells ya, I mean two states away only five people, and one of those had gone to Boston College undergrad that was a female. I know another female had gone to Wofford. She was sort of in the same situation I was. A male was from Greenville, but he'd gone to Duke, and so had a little bit more, I think Duke was...Furman's probably now a little more like Duke was then in terms of the national reputation that people had. I don't think as many of the Southern men had it. And then there were a number of the Southern men, like there was a group of men who had gone to William & Mary who were all good friends. And I remember, you know, there was enough of them to be a group, and there was not enough of me, you know, enough Southern females. There weren't very many, put it that way.

SAVANNAH: Did you ever feel as though you faced difficulty in your coursework compared to men, and did have any trouble speaking in classes? This is based on some research that I've done regarding...

MS. ERWIN: Speaking in classes at Furman or in law school?

SAVANNAH: Well, Furman or law school.

MS. ERWIN: At Furman I did not, maybe initially freshman year. It's hard to remember back that far, but by the time freshman year was over, I don't think I had any problem. I tended not to speak in class. I tended just to try to get good grades and not get involved, which is one of the biggest mistakes that I made with my college career, I think, looking back. I could've been much more engaged in everything and really taken advantage of it instead of looking at Furman as a stepping stone to law school, which is sort of what I did, especially after I knew I had to get my grades up.

In law school, I never spoke in class, but my law school experience was very different because our classes were, especially going from Furman to this, our classes were 125, either 120 or 150 people every single class freshman, you know, your first year in law school. And you have a seating chart, and the professors call on you based on those seats, you know. They look down, and they'll see a name, *Ms Kent, what do you think about this*, or whatever. And what tends to happen in law school is that you have a few people that think they're very bright, and they speak a lot.

And we ended up with a Bingo game where we had taken pictures from the face book—we had a face book with everybody's picture in it—we took pictures and made a thing, so when this person spoke, you know, you would have a little Bingo card, and somebody would holler out, "Bingo," you know, when like they lined up five people in a row [*laughter*] that had spoken. And it was funny because after grades came out—we'd come back second semester, we still don't have our grades from first semester—once grades

came out it was really funny. The people that had been the most chatty first semester kind of shut up.

But in my law school experience, it was not a very talky kind of thing because there were so many people in the class that you sort of just waited til you were called on. And you didn't want to say something stupid either because law school is much more thinking, at least than what I had at Furman, it was, you know, it's not just a, *Tell us the facts of this case, please*. And I think that that does happen in some law schools, but this was like, *Okay, now the facts in this case were thus and so, but what if, you know, the fox had not been, had had one foot on this property instead of all four of his feet*, or something like that. There's a big case that you learn about your first year in law school about a fox running around somebody's property, *[laughter]*

Anyway, but those were the kind of questions, I mean it was always a hypothetical to ask you to assume different facts. So you know, it was really kind of hard to prepare for. For somebody who's used to preparing to get A's and memorizing a bunch of facts to do that and then being able to write those it was a different kind of logic entirely.

SEAN: I'll just interject here for a second. I noticed you said in your response that you were just using Furman as a stepping stone to law school. Does that mean that you had actually premeditated that you wanted to go to law school before entering college?

MS. ERWIN: Oh, yes, I knew that. My parents, not being professionals themselves, had always said, "Well, you need to be a professional," you know, "You need to be a doctor." I think that's what my mother thought the highest calling would be is, you know, to be a doctor. And you know, "You have the intelligence to do that." I didn't have any interest in being a doctor at all. I did, I guess I started thinking about law school when I was a little kid. I always liked to read true crime books. I still go home and watch *A&E, 48 Hours* and those shows on *A&E*, and I can watch the same show over and over, you know, even though I have the answer. But I just found it fascinating to put all the pieces together. And then my grandparents got me a book for Christmas one year called *The FBI*, and I think I was in the third grade, but I read that you had to be a lawyer or an accountant to be in the FBI. So I thought, *Hmm, then maybe I need to be a lawyer because I don't wanna be an FBI person.*

So that's how I sorta started thinking about it, and then the more I thought about it, I sort of abandoned the FBI idea, but I did think it would be neat because I liked putting all the pieces together and trying to figure out the best argument to make, the best way to win your case, the best way to posture yourself. I liked that a lot, and that's something, unfortunately, I don't get to do it every day, all the time, but it is a challenge to me.

And I will interject that I have been in trial for 13 days this year so far—finished up on, well, we didn't finish Wednesday, but we are on our six-week recess—but the in-house counsel that I'm working with is a female, age 41, who works for H.E. Edwards in St. Louis, and she was in the FBI for two years, so I am enthralled with hearing about that. I say, "I cannot wait until this case is over, and I have time to hear about your

experiences,” because we don’t have much time to chit chat. But she was in the FBI. I know that it’s not as glamorous as it sounds, not everybody’s doing the famous cases, but that’s how I decided I wanted to go to law school.

And so I remember a teacher in the ninth grade, teacher that I liked very much, a geometry teacher who was wonderful, she was married to a lawyer at the time, and she started saying things like, like I said something about I thought I wanted to go to law school, and she said, “Well, you know, a paralegal is a good career for a female.” I thought, *That’s kinda odd*. But, and I came home and, you know, repeated that to my parents, and my parents were like, “Well, you can be a lawyer. You don’t have to be the paralegal.” You know, so when I went to Furman, I put down Political Science ‘cause I read somewhere that, you know, if you want to be a lawyer you need to major in Poly Sci. And I was interested in politics and the study of politics. So yes, I knew for a long time I wanted to be a lawyer and never really thought about it.

Now, there have been times since then, you know, times when I got maybe very frustrated in law school for a couple of weeks or something about classes or just not feeling like things were going the way that I wanted them to that I thought, *What in the world have you done here? Maybe you should’ve thought this through a little bit, instead of just saying something, you know, that started maybe in the ninth grade and then just staying with it. Maybe you should’ve sat back and thought about other options*. But I really didn’t ever, and I still don’t.

SAVANNAH: What you said about the FBI, some other research that I’ve done, women typically when they leave law school they’re into government roles, in more pro bono and nonprofit-type work. Did you, other than the FBI, did you ever consider any of that seriously?

MS. ERWIN: No, I mean the first thing, and what happens when you’re third year in law school is everybody’s talking about how much they’re paying, what the starting salary is, and you know, *What’s the starting salary in Atlanta? What’s the starting salary in New York? What’s the starting salary in D. C., Houston?* You know, all the big cities, that’s the topic of conversation, and pro bono-type jobs pay so little that, you know...One thing I always wanted to be able to do, as I said earlier, my parents saved a lot of money. My parents will look back now, and they will tell you if they were sitting here, they’d have a lot of regrets about, you know, *Maybe we should’ve bought a boat, or maybe we should’ve gone to the beach for two weeks a year instead of one week a year, or whatever*. But I did not wanna ever, I don’t have children, but I didn’t wanna ever have to say to a child, *We can’t afford that. We can’t afford that*. I mean as long as it was something within reason. And so I wanted to at least start out, you know, with something that was more financially rewarding.

The other thing is, and this is just as a practical matter, you can go from working at a big firm to working at a corporation or a nonprofit or something like that, but it’s hard to go the other way. Big-firm training, if any of you are interested in law school, big-firm

training is marvelous. It is tough. It's hard. It is not fun sometimes, but you look back at it and you say, *Gosh, I learned so much from that.*

And I don't think if you go into a corporate-type job or something, there's not gonna be as many people around you generally. One thing that's really helpful is to have a lot of people around you to bounce ideas off of, to learn from, you know, *What would you do in this case? What would you do in that case?* I've been in this trial out of town in Charlotte, and I call the office, and basically whoever I can find I'll ask, you know, *Let me tell you what's going on,* you know, *What should we do? What do you think,* and that sort of thing. I like having others around me like that, and especially I think it would be difficult to go straight into that environment right out of law school, to not have that other experience around.

SEAN: Post law school, can you discuss maybe just your employment history any, you know, if you encountered any discrimination or difficulties gaining employment, you know, just kinda briefly go over...

MS. ERWIN: I think it was, I think probably in law school I was still suffering from that, you know, female from the South sort of thing, and I was actually asked, you know, "Do you have a boyfriend?" And you know, "Where's he going to work?" and that sort of thing in some interviews on campus. I'm sure that kind of thing has, that was already changing when I was interviewing in 1980, but that was one reason I ended up in Houston, I think, because I had been a summer clerk in Charlotte for a firm of 11 men attorneys. There were no female attorneys there, and that summer they had a woman who came in and cooked lunch in their conference room three days a week. It sounds very antiquated now, I mean to think about this being in downtown Charlotte, but she came and cooked three days a week. And while the guys would take me out to lunch sometimes, I was never once invited to come in and join them at their conference room table and have lunch. And I started thinking, *This is a very backwards place.*

And so I started looking at Houston, and it was a lot easier to get a job at a top law firm in Houston not being at the top of your class in law school, Houston or Dallas. And I started looking at those cities, and I really fell in love with Houston and the firm that I worked with. I worked at a firm in Houston for—my first firm there was called Butler, Binion, Rice, Cook, and Nath at the time—and it had about 125 attorneys. At the time that I went there, there were 25 new attorneys, we were all taking the bar exam. We were told that we could work half days and then study for the bar exam the rest of the day and get full pay. We took great advantage of that. I got to be very close with several of the different people in the group.

I ended up meeting a partner at, a man who was a partner at that firm and marrying him. I was married to him for three years. He was a partner at that firm, and so I left the firm when we got married. I left the firm after two years. I did not work for a year thinking, *Okay, I'll just sort of figure out what I wanna do,* and then I actually was able, I decided, *I worked too hard to get here, two years is not a fair shake. I need to try something*

different, and I started sending out my resume and ended up at the best firm and the hardest firm to get a job at in Houston, Baker Botts. And our marriage didn't survive, but I worked there for six years, and I came back to Greenville.

My only sibling was killed in a car accident in 1989, and she and my mother were very close. She was 27 at the time, and I felt like, I was single again at this time, and I felt like, *You know, I need to be near my parents, and they need me right now, I need them, you know. I'm gonna move back.* And first I thought about Charlotte or Atlanta. My parents lived here near Greenville here, and I thought, *Well, that's still gonna be a weekend jaunt.* I'd drive there instead of fly. So I moved to Greenville thinking that I would move away, and now I'm very, very happy in Greenville.

It's funny because when I came to Greenville, maybe it's because nine years had passed since I got out of law school, it was 1990 when I came back here, but I had no, absolutely no discrimination here, I didn't think, because I was female. I went to the Ogletree firm, and another woman and I were the first equity partners, female partners in the Greenville office, and we made partner in 1993 at the same time. But I did not have any, you know, I was not discriminated against at all.

In fact, I've gotten some work because of being female. There's not as many sex harassment cases around now, but a sex harassment case you need to have a woman trying that case, representing the company. You do not need a man trying that case. I'm sorry, but that's just the way it is. So I think it's helped in that respect.

AUSTIN: I mean, obviously, you expressed before how pay was important. In your current position now, do you feel that you receive comparable pay or benefits versus males?

MS. ERWIN: Yes, I do. New lawyers are paid the same, I mean there's no difference, and you're generally paid in lockstep, except for perhaps some firms pay bonuses. Generally, those are based on objective criteria, if you billed a certain number of hours or you bring in a certain number of dollars of revenue. So I don't think there's a lot of pay discrepancy.

Where there can be some, I mean I haven't encountered that here at this firm, I've been at two other firms in Greenville before this one, and I've seen more of it at those firms. Sometimes I feel like some of the males are a little more taken care of, you know, *Let's make sure he's busy, so let's give him some work*, as opposed to, *You go out and look for your own*, you know, *Find your own clients, get your own work*. I think sometimes there were...But I'm not sure if that's because they were male or, you know, just for whatever reason. Maybe it was felt that they couldn't go out and develop their own business. I don't know.

SEAN: Is this something that still continues? I know when you said that sometimes they feel like the men need to get their own clients, is this something that you experienced early on in your profession or now, even contemporary issues?

MS. ERWIN: Mm, not now. I'm in a really good position with this office and this firm. I've been fortunate enough to...Some people get scared to try cases, and they settle everything, and they won't ever go to trial. I've been fortunate enough to get to go to trial. As I have that, I'm able to say, *Well, I'm gonna try this case, and I'm gonna do this and this*, you know, and so I think that I'm respected here for that and that that is recognized here, so I don't feel like that in this office. I felt like that in larger offices where I felt that maybe some people were given opportunities that it was easier to put in a week's worth of work. You know maybe the difference in, I don't know, a sociology major and a chemistry major or something, only somebody is handing you the sociology work and somebody else is handing somebody, you know, the same person the chemistry work to be done. And that may not be a good analogy because maybe the roles have reversed, but at least when I was at Furman sociology was a lot easier than chemistry.

And, you know, the profession has gotten to be a lot more of a business over the years. Companies look much more closely at things. It's hard for new lawyers now because when I first started out, you could, you know, two lawyers could go do anything together, and you know, nobody would say anything. Companies would pay for both of them.

Now when you get a new case usually they'll say, "Okay, we're gonna send you our company policies on legal stuff," and you know, "We will not pay for more than one attorney to do things." So how does a new lawyer learn to do something without being able to go along and watch? On the other hand, if you have a case that's big enough or the type of client that doesn't mind having two people along, two heads are always better than one. It makes it a lot easier, for example, to get your work done and bill the hours. So I'm not sure if that's, I think that's maybe a digression a bit from your question.

But there's all sorts of variables, and it's pretty hard to say what it is that makes some people get better assignments than others. Although just about like anything else you've ever done in life, if you work hard and you show that you're willing to get in there and do it, then you do reap the rewards. You may still feel like somebody else gets an easier break than you do, but you know, hard work pays off.

SAVANNAH: Do you feel that here in this firm and in previous firms that you've worked in that, women's in particular but also men's, family lives are accommodated as far as sick leave and that kind of thing.

MS. ERWIN: Well, we don't get sick leave, so unfortunately, we don't get sick leave. But yes, we're very lucky here in this office. There's one other female attorney, we have about 15 attorneys here I think now, one other female attorney at present, and she actually lives in Tryon and just had a second child, and her older child's fourth birthday party is tomorrow—I hope it doesn't snow—but she works from home two to three days a week. Now she has a laptop, and you know, she's hooked up and she's there. Obviously though, that means that she misses some opportunities because there are opportunities when somebody walks in your office and says, "Can you do this right now?" And if you're not there for whatever reason, you don't get that opportunity.

I think that those of us who started practicing before *L.A. Law* started coming on TV, [laughter] which that really is gonna date me because you guys were probably in diapers when *L.A. Law* was on, but *L.A. Law* sort of romanticized the profession and made it seem, it was very different from the way it really is. And that is about the time when quality of life and those kinds of phrases first started becoming popular. I think when I got out of school, and you hear, it's sort of like your parents tell you, you know, *I walked six miles through the snow barefoot to school every day*, you know *Eight miles back home*, and those kinds of things is what this sounds like. But I do think that there was time when people... You know I would not have dared talk about quality of life when I got out of law school to a prospective interviewer, and I don't think the males I went to school with would have either. But now, you know, you get these people who come in and interview, and they're like, *Oh well, you know I need to be able to coach my kid's soccer team*, and you know that's... There were people who did end up coaching soccer teams, but they darn sure wouldn't come in announcing that up front. They would get there and prove themselves first.

So I don't think people are very understanding about family life in law firms. It is very hard work, and the standard billable requirement for lawyers is 2,000 hours a year. That's 40 hours a week, 50 weeks a year, billable to clients. You have all sorts of other things that are not things you can charge to clients that you have to do. And you know, get ready to send out bills, for example. I do a lot of United Way work. You know, that's time I'm away from my home that is not billable to anyone. You have a lot of things in the office that you can't bill for. So if you start thinking about billing 40 hours a week, you know, it takes about 50 hours a week of being here to bill 40 hours a week generally. And then you start seeing, *Well, wait a minute, now how much time do you have off*, and...

Some people accommodate it in different ways. Some people come in very early in the morning, not so much here at this firm. I tend to be more of a late person. I like to do my errands on the way to work and then work late. This firm is very accommodating of however you want to work, you know, as long as you get your hours in, and as long as you don't, if you have a situation I guess where clients were complaining about you saying, *Now, I always try to call her, and she's never there*. But my clients generally know that there's no point in calling me at 8:00 in the morning because I'm not gonna be here unless I'm busy with something else and can't answer the phone.

SEAN: If I could, I mean hopefully being a potential candidate for law school and such, I'd like to ask you a few law-specific questions if I can. Specifically, being a female going into a male-dominated profession such as law was probably or most likely back when you were starting law school, was that seen more as an intimidating factor or more of a motivating factor for you, if at all?

MS. ERWIN: You know, I don't think I really thought about it. I was very, very close to my father when I was little, and I was the firstborn, and I think that he probably hoped that I was gonna be a boy, and they didn't even have a girl's name picked out for me, but he never treated me any differently. I never did think of myself as being any different

because of that, although I do remember my dad saying to me—this really dates me—but I remember watching Davidson’s men’s basketball team play on TV. I had to have been about four years old, and I said, “Daddy, I want to go to Davidson,” ‘cause I knew Davidson was close by to where we lived at the time. And he said, “You can’t do that, you’re a girl. You can’t go to Davidson, only girls can go there.” But then by the time I was going, I would’ve been in the third class of women at Davidson, so that was my choice for college. I chose Furman over Davidson as it ended up.

But I really didn’t think about it like that. I didn’t think about, *This is something you can’t do because you’re female*. I guess I reflected upon it more when people would make a point like that with me later on, but I didn’t think about it that way. And certainly nothing that happened to me at Furman that made me question or even think about that decision at all. You know, I was gonna go to law school and.. And then too, also doing litigation is, you know, there aren’t that many females that do litigation. A lot of females want to do real estate or tax or something, you know, that they perceive as maybe not such an aggressive sort of situation that you’re in every day.

SEAN: Have you specifically—I’ve actually interviewed female lawyers in the past, and they’ve actually said something like this—but have you ever faced any clients that actually didn’t want a female lawyer and preferred a male lawyer and actually asked for one?

MS. ERWIN: Yes, I have, but...I’m trying to think now. I’m thinking about one client that I was working with when I was at Baker Botts. I was working on something, and a male attorney was working on something with them, and they didn’t want either one of us. And the assistant head of the trial department who was in charge of doling out the assignments, you know, he said, “You do this case. You do this case.” He said, “You know, the hell with ‘em. If they don’t like Blackwelder and Shipley, well then they can just go. I don’t care what they do.” I mean he found another lawyer at the firm to handle them, but I think it’s usually more of a personality thing.

Now I’ll have to tell you this story about my husband. He and I met in a conference room. He and I met when I worked on a case where he was a witness, and he thought that the head partner at the firm where I used to be was gonna handle his case. And the guy said, “No, you need a woman to try this case,” and it involved some sexual harassment, not by my husband. But anyway, he was a little bit perturbed that this was gonna be a girl lawyer on his case, you know. Anyway, but we sort of got over our hostilities towards each other I suppose [*laughter*] after that experience. But anyway, he was not real happy to see...He just hadn’t thought about it I guess, and I that’s what I think he’d tell ya now. It had not occurred to him that, you know, there’d be a female lawyer trying his case.

AUSTIN: Just given your experiences or maybe those of some of your colleagues, have you ever experienced like a glass ceiling in your profession?

MS. ERWIN: I think there probably is, but I think that my professional expectations and aspirations have perhaps changed. You go through so much at school wanting to be the absolute best and wanting to be at the absolute top, and I'm not saying that I don't wanna do that, but I really have more going on in my life right now than... You know, I don't wanna be managing partner of this law firm or even of this office. We have 21 offices all over the country, but I do not aspire to that kind of position, and you know, I don't think that it could be mine if I wanted it, but I don't think I'm just copping out by saying, "That's not what I aspire to." I would rather just be good at what I do, enjoy it, you know, feel like that I give everything a fair shot, give every client that I represent everything I have in me at that moment, but just do that, you know.

People ask me, "Oh, do you want to go out and do your own firm?" Absolutely not. I wouldn't do that, you know, in a million years. But I like the work and the challenge of doing the work. One of the things if you ever decide you want to go to law school and interview at a big firm, one of the things that we always liked to hear was, *I wanna come to a big firm because I wanna practice law, and I wanna be able to focus on my practice.* I don't wanna have to worry about what kind of copy machine we have or how the telephone system is set up. You know, I don't care about those sorts of things, nor do I care about managing people and being at the top of that. I don't have any sort of idea that I'm gonna be like a lawyer on TV or a Nancy Grace, you know, or commenting on things or anything of that nature. I just enjoy what I do and try to derive satisfaction in doing that well but doing a number of other things as well.

AUSTIN: In other words, you feel like you've definitely reached any aspirations that you wanted to.

MS. ERWIN: Oh, yes, mm hmm, yes. And part of that is, now this is my fifth law firm and this firm has a rule that you have to be of counsel, you cannot come in as a partner. You have to be here three years before you can be a partner. I've been an equity partner in two law firms, and I'd just as soon, you know... I like it the way it is right now here. I don't have meetings and things to go to. I don't have obligations that I would have then. You know, I guess maybe part of it's being content in yourself instead of having to have the outside kind of things.

Sometimes, it's really hard because in litigation you have situations where you win but you should've lost. But more often it seems like you lose something or you lose an argument that you should've won, and you've put everything you've got into it, and that is very hard. And it's very hard to, when that does happen, it's very hard to distance yourself from it. But I think that's the hallmark of a good lawyer is, you know, you find yourself talking about—I've been in this trial now for 13 days—and I talk about, "We, we, we," as the company even though the company is not me. I say, "We did this," and, "We did that." And you've got to make it you and engross yourself in it.

AUSTIN: You've mentioned that you work with United Way. Do you support just any organizations for women in the profession or just women in general?

MS. ERWIN: I have done...Well, I did, this was a little bit incongruous with being a lawyer, but I joined Junior League and did that for three years. But the thing about Junior League that was very good is it forced you to be a volunteer. It trains volunteers very well. I had a little girl at school, her name was Irika, and I remember going to her house with Christmas presents one year. I tutored her through Communities in Schools. And it was—my husband went with me and almost cried—it was at a street, you know, where you read about drug deals all the time going on in Greenville and things. So I still stay active in that organization and do a couple of other things that are women's, you know, organizations, but not necessarily women or men.

I was on the board of the free medical clinic for three years, no, for six years. Our United Way here in Greenville County has five councils, impact councils, and I am the Chair of Helping Youth Succeed. The person with no children gets, you know, to be the Chair, and the Vice Chair is Jennifer Whittle whose husband is Mac Whittle, the founder of Carolina First Bank, but Jennifer has stepchildren, but she has no children. So the Chair and the Vice Chair have no children. You know they put them on this...You know what we're trying to do is increase graduation rates in Greenville County right now. And that's the kind of thing that I think that the legal profession helps you do because you can organize and delegate and plan and focus pretty well from that.

So not specifically women in the profession or in any professions or helping women, you know, sort of as it happens to come along through United Way. I've done, one of the agencies that I've been involved with through United Way is YWCA (Young Women's Christian Association), but that's just happenstance more than my necessarily, you know, supporting women and feminism

SAVANNAH: I just have a couple questions about what some of your colleagues at Furman and Virginia did after they left law school. Do you still keep in touch with them?

MS. ERWIN: I do. My roommate for four years at Furman was actually from Easley, and she is a lawyer. She has just, she went in-house with a company here in Greenville after being at a firm for a few years. She married, her second husband was at that firm. She left, and they have one child who is 16. Since he's been about eight years old, her husband has been encouraging her to quit work, and she has been saying she is quitting for about three years now, and she finally, I think, has quit now as of about Christmastime this year. I have another friend who was at Furman who was an elementary education major who decided at the last minute that she wanted to apply to law school, and you see her advertisements on TV. She's a plaintiffs attorney. She has two children, one natural child and one adopted child, boy and a girl, and they're in the same grade in school, so that's an interesting life for her. Those are my two closest friends from Furman.

My law school friends: My law school roommate was from Toledo, Ohio, had gone to Michigan undergrad, played basketball for University of Michigan. You have this Southern girl, and you know my roommate comes moving in with balls and bats [*laughter*] and cleats and all sorts of things. She actually is gay, has a partner who

clerked for Justice Powell on the U.S. Supreme Court, and they have two children, and Linda is now at home because the younger child is five. And our 25th law school reunion is this spring, so we're gonna be roommates again because her partner's not coming and my husband said he didn't wanna come. Another very close friend from law school married a lawyer, has three children, ages about 17 down to 10, and her husband does antitrust work, so he travels all the time. She lives in Richmond. So she drives the kids everywhere to all of their lessons. Another good friend lives in D.C., and she was a partner of John Roberts actually at Hogan & Hartson. And she has taken some sort of part-time position while her son is in high school now.

So I see a lot of people looking and doing different things, and it's, you know, something I might entertain myself one day. Oh, another one of our classmates has four daughters and is an aerobics instructor now. She's also married to a lawyer. It's hard to have, I think though, to have children and have two lawyers, especially if, you know, one travels a lot.

And so, I mean it's a wide variety of backgrounds, and I don't think if I look back to my 25 people that I started my career with at Butler Binion—that firm no longer exists, so there's nobody who's still there—but if I look at what those people are doing, they're doing a number of different things, some sort of entrepreneurial things, you know, some people are with companies, some people are with other law firms. It really is...You don't think about it as being such, and I would not encourage anyone to go to law school who didn't want to practice law, but it's a wonderful background in terms of teaching you how to think and making you understand that you really can put something together and think it through.

SEAN: Let me ask you just my final question actually in closing my really kind of argument here, if at any point had you seen any kind of discrimination from a colleague, necessarily with a female but also an African-American female, any kind of discrimination against even in admission for law school or practicing?

MS. ERWIN: You mean have I seen that?

SEAN: Even first-hand heard stories, anything along those lines from colleagues?

MS. ERWIN: Not necessarily discrimination. Now, I think that there are things that aren't said as much anymore but that were said much more when I first started practicing about little girl or honey or...I think some of that was just...And I don't take offense at things like that. Some people really get their backs up and get very upset about things. I think a lot of that is how a person was raised. So I did not look at those kinds of things as being...I found them annoying perhaps, but I didn't want to be the kind of person who complained about things like that either.

I think females probably hear a lot more about the clothes they wear or did at that time, you know, just sort of jokes because it is a man's world in a lot of ways, and you need to be able, you know, if you cannot go and sit down with the boys and, you know, put up

with their goings on or...And that means by the same token, though, being able to talk a little bit about sports, you know, or not just be completely dumb about it. You do, you know, a female does need to realize that.

But African-American's discrimination: Actually, African-American attorneys are a very hot commodity. We have got, out of our 15 here we have 2 African-American males here in the office. It's very hard to get African-American females to come to Greenville because there aren't that many African-Americans in Greenville in terms of the statewide, but unless you're from here, but I don't...I've practiced...In fact, this trial that I'm in, one of the in-house counsel is an African-American female, and I would say almost, and maybe it's like females in general, I think maybe they might be given more of a chance up front because there are these forms called NALP forms, National Association of Legal Placement or something like that. You have to report your number of Pacific Islanders, every minority, and people who are interviewing for positions look at these forms to see what the composition of the firm is. So I think you might get an opportunity, but it's just like anything else, if you don't do well, you're not gonna make it.

But I have not had, I've not had complaints of discrimination reported to me, and I haven't really seen it, I don't think, overtly. More of the kind of thing like it happens when you're in grade school where you feel like there's somebody who's a teacher's pet. Sometimes that kinda thing happens, but I don't believe that has anything to do with, you know, male, female, white, black, you know, blue eyes, brown eyes, whatever. It's just happenstance a lot of times.

AUSTIN: From a history perspective, Margaret Brent, and she's considered the first American lawyer in 1638, which is pretty, a miracle actually, but are there any women throughout history maybe that you've learned about or that have inspired you, based on their personal progress, to do what you've done, or I know you've talked about before you've kind of always wanted to do it anyways.

MS. ERWIN: Yeah, I think that's it. I don't think I thought about that. I mean I used to read a lot of biographies and all that sort of stuff. I guess a lot of the biographies and the things you read while you're growing up are like nurses and, you know, things like that. But I never thought about that much one way or the other.

SAVANNAH: Just as a final, do you guys have any anything else?

SEAN: Are you satisfied?

MS. ERWIN: Yeah, I am. You know, it's, I think that part of being satisfied means having a full life because, as I mentioned earlier, sometimes, especially in this profession, you cannot control a lot of what happens to you. You're gonna get a judge that makes a bad ruling. You're gonna get, you know, a jury that just doesn't like you for some reason or likes your opponent better, doesn't like your client. You're gonna get a client, you know, that has done something really dumb that you're having to defend them for doing.

So when you get so caught up in that, it can be, it can be very damaging, and I think it's very important, and probably so in any career.

I think it's harder as a lawyer because it's like being in school, you could always study a little bit more for this test. Your work is never done. If you're a doctor, you know a doctor, most doctors work their whatever hours, and then they go home, and they leave it behind, and they have competent people in their practice who are on call or working when they are not working, so they don't think about it, I don't think, the way a lawyer does. I'm constantly thinking about my cases just like you're constantly thinking about school work. So from that perspective, I think it's real important to make sure that you've got other things going on because you can drive yourself crazy, as you know, worrying about this test or that test. And it's the same way, this case or that case. At least with a test, though, generally you can do a little bit of research about the professor, figure out how the tests are generally given, how he or she grades and tailor your work to that. There's so many vagaries in the law it's really hard to do that sometimes or impossible, so it's important to have a balance and have non-lawyer friends and that sort of thing too. Maybe go work in the restaurant some nights, right? [laughter]

SAVANNAH: Okay, well just to wrap things up, do you have any advice for young women today just aspiring to the professions in general but especially as an attorney?

MS. ERWIN: Well, I think sometimes maybe there's been a bit of a backlash and that there's some of this quality of life thing...I read these things, you know, about young women at Harvard all see themselves as getting married and having kids and, you know, which there's nothing at all wrong with that, don't get me wrong. But I think don't sell yourself short because you have sort of one opportunity really to...You have opportunities throughout your life, you can always go back and go to law school, but it's a lot harder later on. You know, make sure that you do what you want to do for the right reasons, and I don't think you're ever gonna be 100 percent sure about anything. So if you're waiting until this lightning strikes and says, *Okay, this is it. Go to law school, or go to med school,* or whatever, if you're waiting for that to happen, it's not gonna happen. You're gonna have to leap out with some kind of faith, but don't sell yourself short.

And make sure that you are, I think females need to make sure they are prepared to support themselves and any children they bring into the world. I have too many friends whose husbands have left them, who've been left with two or three kids, and they didn't finish college for whatever reason, or finished college and didn't have something that they could do to go back to work, and their children have suffered because of it. And I think women need to think about that long and hard.

SAVANNAH: Thank you.

MS. ERWIN: Thank you guys.