

Dahlia Lithwick written material

The role of women in the legal profession is more than a statistic, or headcount. Journalist Dahlia Lithwick shares insights from her beat (American courts and the law) about groundbreaking women at the very top of the legal profession. In an interview that reflects upon her recent book, *Lady Justice* (Penguin Press, 2022), Dahlia explains how gender diversity must include women sharing the stage at the very highest levels of law.

From Supreme Court justices, to Supreme Court advocates, to the fight against white nationalism, to the battle to reform gerrymandering, women are taking the lead. In a free-wheeling conversation with host, Joel Cohen, Dahlia weighs in on many of the most controversial legal cases of the last few years and the central role that women have and continue to play.

Beyond caselaw, Dahlia examines the clerkship model and examples of mistreatment and abuse of women clerks. She advocates for change and shares observations, explaining how the hierarchical nature of clerkships can insulate bullying, harassment, and sexually improper conduct by judges. Finally, Dahlia leaves viewers with an encouraging message that while injustice and disparity persist, prominent women lawyers are, perhaps more than ever before, driving change in America and inspiring the next generation of attorneys.

- [Safford Unified School District v. Redding](#) is a 2009 Supreme Court case that involved the Fourth Amendment, which protects individuals against unreasonable searches and seizures by the government. The case arose when school officials at Safford Middle School in Arizona searched the backpack and outer clothing of a 13-year-old student, Savana Redding, based on a tip that she was in possession of prescription-strength ibuprofen. The search turned up no contraband, and Redding subsequently sued the school district, alleging that the search was unconstitutional. The Supreme Court ultimately ruled in favor of Redding, finding that the search was unreasonable and violated the Fourth Amendment.
- [The Ku Klux Klan Act of 1871](#), also known as the Third Enforcement Act or the Civil Rights Act of 1871, was a federal law that was enacted in response to the widespread violence and intimidation committed by the Ku Klux Klan (KKK), a white supremacist organization that targeted African Americans and other minority groups in the United States. The Act granted the President the authority to use federal troops and other means to suppress the KKK and other organizations that were engaged in activities that deprived individuals of their civil rights. The Act also authorized the use of federal courts to prosecute crimes committed by the KKK and other groups. The Act was one of several Reconstruction-era laws passed by Congress in an effort to protect the rights of

newly-freed African Americans and other minority groups in the South.

- [Senate Bill 8 \(SB 8\)](#) also known as the The Texas Heartbeat Act is a law in Texas that bans abortions after the detection of a fetal heartbeat, which can occur as early as six weeks into a pregnancy. Under the Act, a person who performs an abortion after the detection of a fetal heartbeat could be charged with a state jail felony, punishable by up to two years in jail. The Act also includes provisions allowing individuals to sue abortion providers or those who facilitate abortion for damages and to seek injunctions against them.
- Supreme Court Shadow Docket. The Supreme Court “shadow docket” refers to emergency orders of the United States Supreme Court. Shadow docket or emergency orders are issued by the Court in response to a request for immediate action on a matter before the Court. Emergency orders are typically issued in cases where a party has sought to stay (delay) the implementation of a lower court's ruling while the Court considers the case or where a party has sought an injunction (a court order prohibiting a certain action) pending the Court's review of the case. Emergency orders are issued at the discretion of the Court and are typically issued only in cases of significant importance or where there is a need for immediate action. Emergency orders are not final rulings on the merits of a case, but rather are issued to preserve the status quo or to prevent harm while the Court considers the case.
- [Brown v. Board of Education](#) was a 1954 Supreme Court case in which the Court declared that segregation in public schools was unconstitutional. In its decision, the Court held that segregation in public schools violated the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, which guarantees that all citizens are entitled to equal protection under the law. The Court's ruling effectively overturned the "separate but equal" doctrine, which had been established in the 1896 Supreme Court case Plessy v. Ferguson.
- [Obergefell v. Hodges](#) was a 2015 Supreme Court case in which the Court held that the fundamental right to marry is guaranteed to same-sex couples by both the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. The case arose from a legal challenge brought by a group of same-sex couples who had been denied the right to marry in their home states. They argued that the exclusion of same-sex couples from the institution of marriage violated the Constitution's guarantees of equal protection and due process. The Court held that the right to marry is a fundamental right protected by the Constitution, and that states must allow same-sex couples to marry on the same terms as opposite-sex couples.
- [Dobbs v. Jackson Women's Health](#) was a 2022 Supreme Court case authored by Justice Samuel Alito, which struck down *Roe v. Wade* and *Planned Parenthood v. Casey* and upheld a

Mississippi law banning abortions after 15 weeks of pregnancy. The case effectively reversed the position that there is a constitutional right to abortion.

- [Moore v. Harper](#) was a 2023 Supreme Court case involving North Carolina's electoral map. When a decision of the North Carolina Supreme Court blocked the proposed gerrymandered map, a number of legislators appealed to the supreme court based on an argument that the Elections Clause of the U.S. Constitution gives state legislatures exclusive authority to regulate their elections. The case explores the so-called "Independent State Legislature" theory.
- [Bush v. Gore](#) was a controversial Supreme Court case that arose from the 2000 presidential election between George W. Bush and Al Gore. The case was brought by the Bush campaign after the state of Florida conducted a recount of the votes following the election, which resulted in a narrow victory for Bush. At issue in the case was whether the recount should be allowed to continue, and if so, under what standards the recount should be conducted. The Supreme Court agreed to hear the case and issued a 5-4 ruling in favor of Bush on December 12, 2000. The Court's decision effectively ended the recount and secured the presidency for Bush.
- [Griswold v. Connecticut](#) was a 1965 Supreme Court case in which the Court struck down a Connecticut law that made it a crime to use any form of contraception. The case was brought by Estelle Griswold, the Executive Director of the Planned Parenthood League of Connecticut, and Dr. C. Lee Buxton, a physician who had been charged with violating the law after providing contraception to a married couple. In its decision, the Court held that the Connecticut law violated the right to privacy guaranteed by the Fourteenth Amendment to the United States Constitution.
- [Planned Parenthood v. Casey](#) was a landmark Supreme Court case in which the Court upheld the central holding of Roe v. Wade, a previous case that recognized a constitutional right to abortion. The Court's decision in Casey reaffirmed the right to abortion established in Roe, but also upheld certain types of state regulation of abortion as long as they do not place an undue burden on a woman's right to obtain an abortion. The Casey decision was seen as a compromise in some ways as it allowed states to regulate abortion to some extent while still affirming the right to abortion established in Roe. The decision was overturned by the 2022 decision, Dobbs v. Jackson Women's Health.
- [Burnavich v. Democratic National Committee](#) was a 2021 Supreme Court case involving elections in Arizona and the Voting Rights Act. In its opinion, drafted by Justice Alito, the Court held that Arizona's voting laws were not enacted with a racially discriminatory purpose and did not violate the Voting Rights Act or the 14th Amendment.

- [Merrell v. Milligan](#) is a 2023 Supreme Court Case involving the voting rights act and redistricting in Alabama.
- [Ragsdale v. Wolverine World Wide, Inc.](#) was a 2002 Supreme Court case concerned the scope of the Family and Medical Leave Act (FMLA), a federal law that requires employers to provide employees with unpaid leave for certain family and medical purposes. The Court's decision clarified that an employer must provide notice of FMLA rights and grant leave in accordance with the FMLA.

Additional resources.

- [Lady Justice](#) – a book by Dahlia Lithwick
- [Amicus](#) – a Slate Magazine podcast hosted by Dahlia Lithwick