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Foreword

Katherine Landfried
landfriedkd@slu.edu

Jacob Grimes
grimesjo@slu.edu

Kelly Smallmon
ksmallmo@slu.edu

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FOREWORD

The *Saint Louis University Public Law Review* has been drawing focus to areas of public interest law since 1981. Volume XXXVI (2017) will be the bookend to decades of providing an open forum for legal academics, practitioners, government officials, civic leaders, and students to debate and discuss current topics that are significant in the area of public interest law and public policy. The Editorial Board and Staff have been honored to prepare the final publication for *Public Law Review*, and it is our hope that these articles will have a lasting impact on the area of public interest law.

This Issue is based on the 2016 *Public Law Review* Symposium, *Shattering the Glass Ceiling: The Status of Women in the Workplace and the Change Needed for Equality*. The glass ceiling should be a dated concept, yet its reality still looms above working women. The articles in this Issue focus on the various challenges and workplace inequalities facing women and the change needed to move beyond them.

The publication begins with *The Gender Wage Gap and Work-Family Supports: Women's Choices or Policy Choices* by Ariane Hegewisch and Emma Williams-Baron of the Institute for Women's Policy Research in Washington, D.C. They discuss the gender wage gap and whether it is caused by choices women make or if it is guided by policy decisions on work-family supports which can ultimately constrain women's options.

Professor Marcia L. McCormick's article, *Stereotypes as Channels and the Social Model of Discrimination*, discusses the impact stereotypes have on the phenomenon of the glass ceiling for women in the workplace. Since decision-making plays a large role in how paid work is distributed and employment in general, by exploring the effect stereotypes have on decision-makers, as well as their effect on the actions of people subject to the decision, we can better understand how these decisions are contributing to continued gender inequality and why our current anti-discrimination laws are flawed.

Jill Weinberg and Laura Beth Nielsen conducted a study to determine if judges and ordinary people perceive sexual harassment differently, and if individuals' perceptions of the absence or presence of sexual harassment is impacted by their background. *What is Sexual Harassment? An Empirical Study of Perceptions of Ordinary People and Judges* presents the results of their study, and further assesses whether the law should take a broader conception of sexual harassment.

Finally, Carolyn L. Wheeler provides a thorough review of the three major pieces of legislation that have addressed discrimination against women in the workplace – the Equal Pay Act, the inclusion of “sex” as a prohibited basis of discrimination in Title VII of the Civil Rights Act of 1964, and the Pregnancy Discrimination Act of 1978. In her article, *Women’s Work is Never Done*, she looks to these pieces of legislation, as well as different movements throughout history, to discuss the progress of women’s rights and why there is still work to be done.

Five *Public Law Review* members also contributed to this issue, providing a wide range of intellectual and timely commentary on subject areas relevant to public interest as a whole. First, Jacob Grimes reviews the negative effects of online publication of sentencing memoranda in *The Sentencing Memorandum: The Legal and Societal Implications of Its Online Publication*. He focuses his article on the historical and current roles played by judges, prosecutors, and criminal defense attorneys during sentencing in light of the four theories of criminal sentencing: retribution; deterrence; incapacitation; and rehabilitation. He argues that the online publication of sentencing memoranda has legal and practical implications that negatively affect the criminal justice system and society at large.

Brittani Ready’s comment, *Words as Weapons: Electronic Communications That Result in Suicide and the Uncomfortable Truth with Criminal Culpability Based on Words Alone*, assesses an unprecedented case where a young, teenage girl was indicted with involuntary manslaughter for encouraging her boyfriend to commit suicide via text messages. She goes on to analyze three different charges that prosecutors may utilize when incidents such as this result in suicide, including cyberbullying, assisted suicide, and involuntary manslaughter. She finds that under each approach the same hurdles arise for the prosecution: the need for a physical act beyond pure speech, a sever in the causal chain between the text messages and the act of committing suicide, and the protections afforded by the First Amendment. She concludes that text messages alone likely are insufficient to make these incidents criminal acts.

Kelly Smallmon analyzes the issue of transgender bathroom rights in schools under Title IX in *How Missouri Stacks Up in Protecting Transgender Youths at School: An Analysis of the Differing Views of Title IX and State-Level Protections*. She discusses the three common interpretations of these rights under Title IX, and then predicts how a Missouri court would rule on this issue. She proposes a federal standard to unify states’ application of Title IX in this context.

Kevin Staed examines the unclear issue of liability when a 3D-printer is used by a hobbyist, who downloads and prints a product from an open-source website, and a party is physically or financially damaged by the occurrence of a defect in *Open Source Download Mishaps and Product Liability: Who is to*

Blame and What are The Remedies?. He goes on to explain why courts should not adopt strict liability when they are already in a position to grant sufficient remedies.

Finally, Katherine Landfried authored a case note titled *Bell v. Itawamba County School Board: The Need For a Balance of Freedom and Authority*, which discusses the legal history of student speech cases in the United States and why the progeny of legal precedent is not adequate to address the evolving technology which has transformed the means by which students communicate. She goes on to propose a standard which takes into account students' constant access to internet and social media, and balances a school's need to maintain control and safety with students' constitutional right to free speech.

We would like to thank all of the authors for their intriguing insight and contribution to the final publication of *Public Law Review*, and for their patience throughout the editing process. We would also like to thank Professor Anders Walker for his continued support and advisement throughout the publication process. Professor Walker has been a dedicated advocate for *Public Law Review*, and his support is sincerely appreciated. Our last thank you is greatly deserved by Susie Lee, the Public Law Review Coordinator, and Stephanie Haley. They have both been an enormous help throughout the publishing process, and the completion and success of this Issue is in large part to their diligent efforts.

KATHERINE LANDFRIED
EDITOR-IN-CHIEF

JACOB GRIMES
MANAGING EDITOR

KELLY SMALLMON
MANAGING EDITOR

