SUSAN MARTYN: A ROLE MODEL

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WHEN I spoke at Susan Martyn’s retirement party in April 2015, I focused my remarks on Susan as a friend, Susan as a colleague, and Susan as a role model. Although I will briefly cover the first two topics, I am especially excited to elaborate on why I think Susan is a great role model.

Even though I am junior to Susan,1 from the time I arrived at the University of Toledo College of Law, we did not interact as most junior faculty members would interact with senior faculty members. We treated each other more as friends or peers.2 Susan was in my suite at the law school, and I frequently plopped myself down in the extra chair in her office to talk to her about anything and everything. We talked about work stuff; we talked about our families; and we talked about our colleagues—conversations that might have, on occasion, involved one of us complaining about one of our colleagues.3 From the beginning, I admired Susan. I respected her. And I just genuinely liked to be around her. She is almost always pleasant and upbeat, although she also can be fierce if the circumstance requires a fierce response.4 In short, I immensely enjoyed Susan’s friendship, and I will dearly miss it, although I am hopeful we will keep in touch.

As a colleague, Susan was the best—competent, dependable, and hard working. She served on several committees, including the very important dean search committee in 2010. My main interactions with Susan as a colleague, however, were when we served together on the four-person committee in charge of the renewal, promotion, and tenure of our junior colleagues (“RPT Committee”). Susan and I have served together on this committee twice, and she was the Chair of the committee both times. In that role, Susan was meticulous, tireless, and very supportive of our junior colleagues. I know our junior colleagues appreciated her support and advice, and I appreciated her ability to keep many balls in the air at once. One look around our building will demonstrate how junior our faculty currently is at Toledo Law. A considerate

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* Professor of Law, University of Toledo College of Law. I would like to thank Susan for being such a great role model and for taking the time to talk to me so that I could tell some of her story.


2. I am not sure why this is. Perhaps, it is because I came in as a lateral (I began my teaching career at Saint Louis University School of Law in 2004 and joined Toledo Law in 2007). Thus, I did not need the same kind of mentorship a brand new professor might need.

3. To be clear, we have great colleagues. But law professors are a quirky bunch, so occasionally venting about them is inevitable.

amount of work was required to counsel and guide our junior colleagues and to keep all of their files moving through the promotion and tenure process. Susan accomplished this with grace and efficiency. As the current Chair of our RPT Committee, I hope to emulate the level of dedication, thoroughness, and professionalism Susan brought to that role.

As evidenced by the title of this essay, the main focus of this tribute is to elaborate on why I believe Susan is a great role model. There are two primary reasons. First, Susan was a great teacher, scholar, and colleague. Others who have contributed to this tribute issue have talked about her excellent teaching—her ability to get the most out of her students and her reputation as being fair but firm. Unlike other senior professors who might be tempted to continue doing things the way they have always been done, Susan is constantly tweaking her classes to produce better learning experiences for her students. As a scholar, Susan epitomizes what we hope for all law professors—a lifelong passion for and commitment to scholarship. To those who would criticize scholarship that has become too theoretical, that criticism cannot be levied at Susan. In addition to traditional law review articles, she has written casebooks, practitioner manuals, and amicus briefs that are cited by courts. In short, her scholarship matters in a very significant and practical way. Of course, I have already talked about Susan’s commitment to this school as a colleague. Her contributions to this law school will be truly missed.

The second reason I view Susan as a role model has less to do with her work and more to do with how Susan balanced her working life with her life as a wife and mother. I am a mother of three who often struggles with balancing work and family. I also write about work/life balance issues facing other working mothers. Thus, on both a personal and professional level, I care deeply about work/life balance. In conversations over the years, Susan and I talked often about her past experience with balancing work and her family, and I was constantly impressed with how well she was able to juggle both roles. More importantly, I was impressed with her attitude about balancing work and family. I have previously argued one of the biggest impediments for working women when balancing work and family is overcoming the guilt associated with feeling inadequate in both roles. Susan is a role model to me because she seemed to recognize it is impossible to be perfect in either role, but she still took pride (as she should) in doing a great job in both areas of her life. Even though we have had several conversations about the early years of her career, I sat down with Susan recently to make sure I had dates and details correct. Her story of forging a career as a law professor while also giving birth to and raising two daughters is an impressive one and deserves to be told in full.

Susan graduated from law school in 1974. That same year, she moved to the Detroit metropolitan area because of her husband’s career. Susan began her

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teaching career as a Legal Writing Instructor at Wayne State University Law School (“Wayne”) in 1974. Her first daughter, Angie, was born three weeks before Susan started in this role. Wayne had wanted to hire Susan without even interviewing her. Susan insisted they interview her, which they did, at her house. There were not many commercial day care centers available at that time (and most would not have taken a newborn baby), so Susan told Wayne she would accept the position, but she could only come in to the law school two days per week. They were still eager to hire her.

Just one year later (academic year 1975-1976), Susan was named the director of the legal writing program. She earned tenure at Wayne, but in 1979, she and her family moved again for her husband’s career, this time to Toledo. For the 1980-1981 academic year, Susan was an untenured visitor at Toledo Law. Her second daughter Sarah was born in May of 1981. Toledo Law was on quarters rather than semesters at the time, so May was still part of the regular academic year. When Susan told the dean she was pregnant and due in May, he told her she could take off as much time as she wanted as long as she taught all of her classes. She taught double sessions of her Torts class and a seminar before Sarah was born and returned three weeks after Sarah was born to finish teaching her Torts course. She was granted tenure in 1982.

Compared to professors today, many of whom (although certainly not all) get one paid semester off, Susan’s balancing of pregnancy, childbirth, and a new, demanding job is impressive. What is perhaps even more impressive, however, is how she continued to have a very successful career as a law professor and raise two well-adjusted, successful children. How did she do it? I think several things led to her successful balancing of work and family.

First, Susan had a nanny for her girls, and she was not afraid to use her. Nannies are expensive, and many parents I know are not willing to make the financial sacrifice to have a full-time nanny. But everyone I know who has used a nanny seemed to have an easier time balancing work and family than those who used other daycare options (centers or in-home daycares). Susan’s nanny would take the kids to the doctor, if needed, and when the kids were older, the nanny would take the kids to after-school activities. Not having to miss work every time a child was sick and not having to schedule your days around 4:00 p.m. dance lessons or softball practice eliminates some of the stress working mothers face even if they are lucky enough to have the type of flexibility that allows them to take time off for doctor’s appointments or dance lessons.

Second, Susan worked almost every weekday from 9 a.m. to 5 p.m. Then she went home and devoted the rest of her day and the weekends to her family.

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8. This was before the Family and Medical Leave Act guaranteed some employees 12 weeks of leave to care for a newborn baby (among other reasons). 29 U.S.C. §§ 2601-2654 (2012).
10. To be perfectly clear, there are many workers who do not enjoy the type of flexibility that we have in legal academia. Nicole Buonocore Porter, Synergistic Solutions: An Integrated Approach to Solving the Caregiver Conundrum for “Real” Workers, 39 STETSON L. REV. 777, 781-87 (2010) (discussing the lack of flexibility for most workers).
This might seem like completely normal hours for most jobs (and pretty lax compared to some law-related jobs), but one look around any law school on a Friday afternoon will demonstrate how not normal this schedule is among academics. This is not to say that academics do not work hard. In fact, almost every legal academic I know works very hard, but many of us do not keep traditional hours. Because our job is generally portable (besides classes, office hours, and faculty and committee meetings), many of us often work from home or our local coffee shop. We might run errands in the middle of the day and then write or prepare for class late into the evening or on weekends. I think Susan’s decision to work during the normal business day and then not bring work home probably allowed her to feel a better sense of control over her work. Because her evening hours were devoted to her family rather than trying to juggle working from home and taking care of the kids at the same time, she likely felt less guilt.

Third, Susan did most of her writing during the summer. For most legal academics (unless they are asked to teach one of the few classes that are taught during the summer), the summer is when we work on our scholarship—our articles or our books. However, many of us also use the summer to recharge, and we might let the pace of the school year slow down a bit, knowing we can use the school year to complete the writing projects that might not get finished over the summer. But doing so often means working some nights and weekends during the school year in order to complete those projects. Because Susan wanted that time to be family time, she worked harder during the summer than some of us do.

Finally, I think Susan was successful because she managed to let go of the guilt that plagues so many working mothers (and some fathers). She knew she might write more if she was not the primary caregiver of her two girls11 (although it is hard to imagine her career being any more successful than it already was). Instead, she was satisfied with her extremely prolific writing career and did not dwell on the slightly more prolific career she could have had absent her role as primary caregiver. She might have once or twice entertained feeling guilty about buying cookies for the school party rather than baking homemade ones, but like many children of happy working moms, her kids never complained about the store-bought cookies or that the nanny took them to the after-school dance lessons or softball practice. From my perspective, Susan’s ability to let go of most of the guilt that usually accompanies being a working mom makes her a true role model.

Although I recognize guilt is a very personal emotion (and some of us are prone to feeling it much more than others), Susan’s approach to balancing work and family can teach us all something about how to juggle our dual roles. Work hard when you are working. Enjoy your family when you are not at work (but know you will still work hard, because, let’s face it, parenting is not easy). And do not stress about the fact that when you are operating in one of your roles, there will always be something you could be doing in the other role. Perfection is not the goal. As I have stated before, sometimes being “good enough”12 is exactly

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11. Susan tells me that her husband Peter was supportive and helpful but also worked many more hours than she did, so most of the after-work caregiving fell onto her lap.
12. Porter, supra note 7, at 83.
where we should be. And if I can emulate Susan’s version of “good enough”—having a rewarding, impressive career as a law professor while raising happy, successful, and well-adjusted children—I will consider myself a success.