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Margot Polivy, Legal Costs, and the Demise of the Association for Intercollegiate Athletics for Women

The Association for Intercollegiate Athletics for Women (AIAW) was sued in a sex discrimination case in January 1973. The lawsuit, *Kellmeyer, et al. v. NEA, et al.*, charged that AIAW's anti-athletic scholarship policy discriminated against women student-athletes who received scholarships based on athletic talent. Foreseeing a defeat in court, the AIAW changed its policy to allow the awarding of athletic scholarships; and, anticipating other legal challenges in the future, decided to engage a lawyer. In spring 1974, the AIAW acquired Margot Polivy of the Washington law firm Renouf, McKenna and Polivy, as its legal counsel. "All of a sudden like a savior coming in on a white horse," recalled Joanna Davenport, former president of the National Association for Girls and Women in Sport (NAGWS), "this Margot Polivy...came at the right time for an organization that had never in thousand years thought they'll be sued." The deal turned out to be the beginning of a monogamous yet rugged relationship between the AIAW and the lawyer.

The financial cost of Polivy's legal service and role in the AIAW soon became major issues, with criticism coming from both the organization's membership and leadership. By 1979, at least one AIAW president and a region of AIAW membership had attempted to rid the association of Polivy's services, but both failed to do so. In order to secure and maintain Polivy's services, the AIAW leadership committed a large portion of its financial resources, and legal costs remained its number one item of expenditure. Throughout the eight years (1974-1982) in which Polivy served as the association's sole legal counsel, it spent an annual average of 21.7% of its total income on legal costs. In comparison, the AIAW national championships-the main purpose for which the organization was created and existed-had a share of only 7.8% of its income.

While the AIAW leaders always claimed that they were devoted to giving quality service to the membership, this devotion was secondary to their commitment to their political agenda and the legal security Polivy provided — and to their own power and control of intercollegiate athletics for women. This lesser commitment to serving the membership eventually led to division within the AIAW. Many colleges left the association to join the NCAA after it began to fully fund women's championships in 1981. Financial difficulties prevented the AIAW from offering commensurate programs when challenged by the NCAA, and from seeking further legal actions against the NCAA in an anti-trust lawsuit. Ultimately, the AIAW's financial commitment to Polivy's legal services was at the expense of quality service to the membership and contributed to the demise of AIAW and women's control of women's intercollegiate athletics.