WOMEN
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PREFACE

In order to better understand the actual problems of the working world of women attorneys, I decided to go to the source, the practicing women attorneys of America. My research provided me with various sources (i.e., The Directory of Women Lawyers; DePaul University Alumni Directory; The National Association for Women Lawyers) and I began the task of both personal interviews and mailing questionnaires.

After a few detailed personal interviews, I turned to questionnaires to increase my sample size. Of the 200 women lawyers sent surveys, 67 or 33 1/2% responded. Since my initial objective was a 25% response, I was pleased with what I consider a substantial response.

I have referred to the results within the context of this paper and an appendix has been furnished with the summary of their responses to the survey questionnaire. I am deeply indebted to these women for their time and effort in replying. Their comments have added a personalized and additional perspective to this thesis.
Someone once said, "To be ignorant of the past is to be ever a child," and I believe this statement is very true. In order to have a greater understanding of your profession, it is important to know the most relevant events which preceded your entrance into the field. Women especially should know the difficulties that faced the pioneer females in their profession -- because knowledge of the past helps them appreciate the efforts of those who struggled to open doors which were previously closed to women.

One would think history would be an easy subject to delve into. We imagine that facts are all written down, and all we have to do is go to the library and pick up a book. Uncovering the history of women in law is not as simple as it sounds. Although the first woman attorney in the United States was admitted to practice over 110 years ago, a complete biography of her was not written until 1969.1 With the increase of women entering the field, there is a growth of material on the subject but there is little to be found on the early history. From what is available, we can reconstruct some idea of the problems encountered by our early predecessors.

The first woman attorney in the Colonies was Margaret Brent. Because of the importance of her family in England, when she arrived in Maryland in 1638, she was given a land grant. This was the first time a woman received land by
Herself, landowners during this time in history often had to appear in court because of debt collection and the like. Mrs. Brent took her position of landowner seriously and often represented her family and friends in the courtroom. Within an eight year span she appeared in court over 124 times.  

Most of the history books begin the record of women attorneys with the first woman to become a lawyer in the United States. Arabella Babb Mansfield achieved this great step for women in 1869, although the public did not become aware of it until several years later. In fact, her biography was not completely written until 1969 when Dr. Louis A. Haselmayer of Iowa Wesleyan tackled it despite the lack of material.  

Arabella Babb was born in Des Moines County, Iowa on August 23, 1846, to Miles and Mary Babb. Belle, as she was known to her friends, completed her early education in public schools, and then continued her education at Iowa Wesleyan University. She graduated with her brother in 1866, receiving her Bachelor of Arts. Her brother went on to study law with William Amblers, while she taught at Simpson College. The next year she decided to follow her brother's lead and began work at the new firm of Amblers and Babb. In June of 1868 she married John Mansfield, a professor at Iowa Wesleyan, but it did not deter her from pursuing her legal career. In fact, John joined her, gaining a legal education on his own. The next year, on June 15th, they passed the Iowa Bar with high honors, but there was a problem.
Iowa Code 1810 declared that "any white male person" could be admitted to the bar.⁴ No mention was made of women practicing the profession. However, the judge who heard Belle Mansfield's case, Francis Springer, was liberal in his views and he stated that the law should not deny women the right to be eligible for the bar. In 1873, the limiting words were dropped from the code -- the reason being out of the ordinary. "In order to ridicule a Republican amendment to strike out the word 'white' in the bar admission bill, a Democrat suggested that they might as well strike out the word 'male.'"⁵

Although Mansfield was admitted to the bar, she never chose to practice (neither did John), thereby avoiding public criticism. She continued her education at Iowa Wesleyan, receiving her Master of Arts degree in 1870 and her Bachelor of Laws degree in 1872. She traveled to Europe during 1872-1873 with her husband. He wanted to study different laboratory techniques of different countries, so she decided to make the most of the situation and study the subject of law in London and Paris. Sometime during her trip she wrote a letter home saying that she studied law because of her love for it; and when she was admitted to the bar she was planning to practice, but it was continually delayed.⁶ Upon returning to the United States, she taught English Literature at Iowa Wesleyan, as well as lecturing on legal topics. When Iowa Wesleyan ran short of funds, the Mansfields moved to Greencastle, Indiana to teach at Indiana
Asbury College. While at that college, Belle Mansfield developed an art appreciation program, eventually becoming the Dean of the School of Art and Music. During 1910 she became ill and had to leave her work. She passed away the following year.

The first law school to admit women was St. Louis Law School (now Washington University) which actively recruited women. In 1869 they admitted two women -- Phoebe Couzins and Lemma Barkaloo. Barkaloo was refused admission to Columbia University, and so went West where women were more accepted in male dominated professions. (Up until the 1900's all women attorneys were located west of the Mississippi River.) Barkaloo matriculated in 1870, joining the Missouri bar in March of that year. She never really had time to build up a practice because she died soon after being admitted to the bar. Couzins matriculated in 1871 with a public dinner as celebration. Although she did not officially practice law she did, at times, present cases to General Butler, chairman of the Judiciary Committee of Congress. During her career, she applied and was accepted to the bars of Arkansas, Missouri, Kansas, Utah, and the United States District Court. Most of her career she spent lecturing and was appointed to several federal positions such as U.S. Marshall for the Eastern District of Missouri, Missouri Commissioner on the National Board of Charities and Correction, and the Missouri Commissioner on the World's Fair Board of Directors.
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Mrs. Ada Kepley, from Effingham, Illinois, was the first woman to try a case in court. Her husband, also an attorney, was a great influence in her life. She is also given the honor of being the first woman to graduate from a law school. She graduated from Union College in Chicago, the same city that allowed her to present her client's pleas in court. Unfortunately, there is little information on the historic event. As editor of "Friend of Home," a local newspaper, she was able to rally support for prohibition and other laws banning the use of alcohol.

An unusual first is the Pier family -- the first family of women lawyers.8 Mother Kate and daughters Caroline, Harriet and Kate, joined together to practice law as a family. Both Kates began the process by enrolling in Wisconsin State University in 1866, with the others following in later years. They were all popular and well accepted by the student body. In 1889 they won their first case in the Supreme Court of Wisconsin. Eventually the entire family, including Mr. Pier, joined together to form a partnership.

All of these women pioneers in law faced challenges. The major barrier was (and perhaps still is) that the public was prone to the stereotyped view of women. They believed a woman's place was in the home with her family. This is best expressed in the most famous discrimination case involving women and the field of law -- Bradwell vs. The State of Illinois.

Myra Colby was born on February 12, 1831, in Manchester, Vermont. The family moved to Illinois when she was twelve
years of age. On May 18, 1852, she married James Bradwell who had just begun to study law. He was admitted in 1855, and began a partnership with Myra's brother. Meanwhile, Bradwell began to study law with the help of her husband. From this interest she founded the Chicago Legal News -- the first weekly legal paper in the Western states and a very successful enterprise.

She applied for admission to the Illinois Bar in 1869, but was denied because she was a woman. She took the case to the Supreme Court of the United States; they did not make a decision until four years later (1873) when they upheld the judgement of the lower court. Mr. Justice Bradley stated,

Man is, or should be, woman's protector and defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfit it for many of the occupations of civil life. The constitution of the family organization which is founded in the divine ordinance, as well as in the nature of things, indicates the domestic sphere as that which properly belongs, or should belong, to the family institution is repugnant to the idea of a woman adopting a distinct and independent career from that of her husband.

Coincidentally, the previous year (1872), Illinois passed a law stating that all persons, regardless of sex, are entitled to practice any profession they choose, but Bradwell did not reapply. However, during 1872 she was made an honorary member of the Illinois Bar Association. In 1890, twenty-one years after her initial plea for admission to the Bar, the Illinois Supreme Court admitted her to practice, and two years later so did the Supreme Court of the United States.
Although not a full-fledged attorney, she was a strong advocate of women's rights and via her paper, pushed for many pieces of legislation. She drafted a bill that would allow married women the right to their own earnings, as well as others that dealt with the removal of limitations placed on women.

Another early discrimination case, less famous than the Bradwell case but not less important, involved a Wisconsin woman. Lavinia Goodell was refused admission to the Wisconsin bar in 1875. The judge presiding over the case concurred with Justice Bradley on Bradwell. Justice Ryan stated, "The law of nature destines and qualifies the female sex for the bearing and nurture of the children...for the custody of our homes."11 Women have a profession, but it was to remain in the home caring for her family. Surprisingly, Justice Ryan did recognize the fact that some women must work in the outside world:

The cruel chances of life sometimes baffle both sexes, and may leave women free from the peculiar duties of their sex. These may need employment...but it is public policy to provide for the sex, not for its superfluous members; and not to tempt women from the proper duties of their sex by opening to them duties peculiar to ours. There are many employments in life not unfit for female character. The profession of law is surely not one of these.12

Later that year, Wisconsin passed a bill that allowed women to join the bar of their state. Goodell was admitted soon after the law was passed.
There were a few women who preferred to take the law into their own hands. Laura Gordon helped to prepare a bill for the California legislature, which passed. She was denied admission to Hastings College of Law because trustees believed it was, "...not wise or expedient or for the best interest of the college to admit women." Gordon brought a writ mandamus against the school which was successful. Gordon was admitted to practice on December 6, 1879. She was the second woman to plead before the United States Supreme Court.

Clara Shortridge Foltz was the one to assist Gordon in drafting the legislation to allow women into the legal profession in California. Both women spent a large amount of time lobbying for the bill. The time paid off however, and the motion was passed even though it was by a very small margin. On September 5, 1878, she became the first woman attorney in that Western state. Although she knew she could have a large practice without going to law school, she attempted to join Hastings College with her friend, Laura Gordon, to expand her legal knowledge. When the school denied them admission, Foltz presented an oral argument before the California Supreme Court, using as her main argument that if women are entitled to join the legal profession they should also be permitted to gain as much information through schooling as possible. The plea was successful. Afterward, one of the judges commented, "You are not only a good mother, you are also a good lawyer."
The first woman lawyer in Nebraska was also influential in law making. Ada Bittenbender was successful in drawing up legislation against tobacco use, scientific temperence instruction, and a mother obtaining equal guardianship of her children with their father. She was excellent in the courtroom -- both state and federal.

Although some women were able to bring about change by themselves, discriminatory laws in general were slow to change. This was partially caused by a Supreme Court decision in 1894 that allowed states to determine whether the word "person" included women. The statutes usually read any white, male person may apply for admission to the legal profession. A woman was prevented from being admitted to the bar in Virginia in the early 1900's because of this ruling. It took until 1921 for all the states to change their laws so that women would be allowed to join the legal profession.16

Despite the drawbacks, breakthroughs have been made. One of the most important occurred on February 15, 1879, when Congress passed an act which was beneficial to women attorneys:

Any woman who shall have been a member of the bar of highest court of any State or Territory, or of the court of appeals of the District of Columbia, for space of three years and shall have maintained good standing before such court and who shall be a person of good moral character, shall on motion and the production of such record, be admitted to practice before the Supreme Court of the United States.17
This bill was written by Belva Lockwood, who was also the first woman to make use of it. Lockwood was denied admission to three Washington, D.C. law schools because they felt she would be a distraction to the male students. She was finally allowed into National University; but when it came time for graduation, they refused to give her her diploma. It took a petition to the school’s ex-officio president, President Grant, to get it.18 She was admitted to the bar in May of 1873. It took a year for the courts to allow her to appear before them, but once admitted she was very active. For the next thirteen years Lockwood would be in the courtroom every day with her clients. On March 3, 1879, she made her first appearance before the Supreme Court.

Another woman attorney, who succeeded in opening the doors to major federal positions, had law as her second choice for a career. Her name was Florence Ellinwood Allen. She had wanted to be a pianist, but incurred problems with her hands. She began her legal career without a regular job -- working strictly for women suffrage. In 1919 she was appointed Assistant County Prosecutor in Ohio County; the first woman to occupy such a position. The following year she was elected judge of the Court of Common Pleas, and in two more years she rose to the Ohio Supreme Court. Her most impressive position was achieved in 1934 when Franklin Roosevelt appointed her to the Sixth Circuit U.S. Court of Appeals, and later as Chief Justice.

An important event for women in the legal profession
occurred in February of 1896 when two women began the first law school primarily for women. Three women asked Ellen Mussey, a Washington, D.C. attorney, if they could read law with her. Her first students did so well that Ms. Mussey and Emma Gillet opened the Washington College of Law in April, 1898. Mussey became the first dean of the school -- the first woman dean in any law school. She regularly presented her students before the U.S. Supreme Court for admission to practice before the court. The school remained independent as long as it was possible; eventually it merged with American Law School.

Mary Florence Lathrop was the first female to break into the male ranks of the American Bar Association. She was admitted into the organization in 1918, but little is known about why she was admitted or what type of ceremony took place.

After looking at individual women attorneys, we can make certain generalizations about early female lawyers. The reason most often cited for joining the practice of law was that other relatives were involved in the profession. In most cases, the women had supportive husbands who were already in the legal profession. The men taught their wives legal proceedings and paperwork in their office, which was the alternative to law school. They then helped them to prepare for the examinations to pass the Bar. After most of these women passed the required tests they joined their husbands in their established practice. By 1890, there were twenty husband/wife law firms.
At times it was other members of the families that helped to persuade women to become attorneys. For some, their father or brother was a lawyer or judge, and others, although much less frequently, mothers and sisters. The Pier firm, for instance, included a mother and three daughters.

Those women in the early days who decided to practice law chose from two different paths. The majority, in order to avoid public criticism, chose to work in a manner which would not cause them to be noticed by the community they lived and worked in. These women worked in the office doing research and paperwork. This is usually what happened in partnerships between husbands and wives. Mrs. Mary Haddock, Mrs. LeValley and Mrs. Frank Helmer (daughter of Myra Bradwell) all devoted themselves to working behind the scenes while their husbands stayed in the public eye.

Some women prefer to stay out of the spotlight using a different profession incorporated with their legal knowledge. Belle Mansfield decided to pursue her teaching career instead of her law career. Ellen Mussey also became a teacher, teaching the field she knew best -- law. Many others took one of the talents that lawyers need most, writing, and expanded their profession to include this. Several women attorneys established legal publications that allowed them to bring to the forefront issues that affect them as women and women attorneys. Myra Bradwell ran the Chicago Legal News, and Catherine Waite edited the Chicago Legal Times.

However, there were a few brave souls that challenged
the sta as que and drove out on their own. Mrs. Martha Strickland was active in criminal prosecution as assistant prosecuting attorney in Detroit. Mrs. Marilla Ricker was also involved in criminal law, except she represented those accused of the crime. She earned the name "The Prisoner’s Friend."

In view of the era when these women were entering the field of law, we might believe many were involved in the women’s rights movement, but the opposite is true. Most women preferred not to attract the attention of the community with their career. Some women, approximately one-fifth of those admitted to the bar, never practiced law at all.21

A few women stood up for their rights as women in addition to their rights as women attorneys. Those that were involved to the greatest extent in the suffrage movement were mentioned previously: Belva Lockwood; Phoebe Couzins; Marilla Ricker; and, Clara Shortridge Foltz.

In more recent times discrimination may have diminished, but it can still be found. It took until 1969, the centennial anniversary of the first woman admitted to practice law, for a woman to be asked to speak to the National Convention of Bar Presidents. This was Doris Sassower, who spoke on women in the profession of law. She made it clear that now was the time to encourage women to practice law, and to allow them to use their talents and skills.

During the year the 100th anniversary was celebrated, many other events took place emphasizing the same message Ms.
Sassower spoke of. The objective of the celebration was to "focus public attention on valuable contributions that not only women lawyers, but all women have made and are making to the betterment of society." One successful event that resulted from the anniversary was the establishment of a Belle Babb Mansfield Scholarship Award. It was set up by an anonymous donor. It consists of a $1,000 scholarship going to a deserving female at Iowa Wesleyan that plans to go on to law school. The woman is selected by six members of the National Organization of Women Lawyers.

In 1979, there could have been a major setback for women, but it was averted by the Supreme Court. The Virginia Supreme Court ruled that Bonnie Cord was not permitted to take the bar because she was living with a man to whom she was not married. The Supreme Court of the United States reversed the decision stating that an unmarried woman is not morally unfit because she is living with someone of the opposite sex.22

Women are now working on their second hundred years in the legal profession, and are rapidly gaining importance in the field. Women have been assigned to work on large newsworthy cases. Helene Schwartz was the senior attorney on the famous "Chicago 8" case, and Jill Wine Volner worked on cross examinations during the Watergate trials. Other women have excelled in the judicial system by reaching a high federal position in the courts. Shirley Hufstedler is the highest woman judge; she is on the U.S. Court of Appeals for nine Western states and Guam.
Women in law have come a long way since the time Belle Mansfield was admitted to practice. There are female law students in every law school in the country - some constitute fifty percent of the student body. The percentage of women attorneys now in practice is about ten percent, and it is expected to increase as those women in law school graduate and enter the job market. We have made a great deal of progress in the past, and the future looks bright.
HISTORY FOOTNOTES


3. Haselmayer

4. Iowa Code $1610, 1855


10. Willard

11. Goodell, 39 Wisc. 245 (1875)

12. Ibid

13. Willard


18. McDowell, p. 523
20. Ibid p. 495
21. Ibid p. 498
22. Ibid p. 494-507
WOMEN IN LAW SCHOOL

As each current year passes, the number and percentage of women entering law school increases. As set forth in Table 2 the number of women enrolled in law schools from 1948 through 1971 has ranged from a low in 1956 of 1,340 to a high in 1971 of 9,162. An analysis of Table 3 produces some interesting patterns.

During the post World War II years and through the Korean War post years the total number of women in law school did not vary by 250 woman from a low of 1,635 in 1956 to a high of 1,866 in 1948. It appears that not withstanding the times or conditions that approximately 1,700 to 1,800 dedicated women were determined to become professional attorneys. Starting in 1956 through 1961 the total number of women in law schools was less than the prior eight year average. Part of the reason was the return by the country to "normality" without armed conflict and the desires to have families. These years are remembered today as "Happy Days" without stress and strain. This trend to families with women in the kitchens as mothers had their effect on the number of women entering law school.

As the Viet Nam War began, a new trend towards a more independent and self reviving woman also began to take effect. Young women in high school became more vocal about national affairs and their role and as a result we find a
steady increase in the number of women law students and the percentage of women law students to total school enrollment. Between 1967 and 1971 the percentage of women increased almost 5%, the largest increase ever. Since that time things have picked up considerably. In 1975, women represented 22.85% of the total, in 1977 it rose to 27%, and in 1979 rose to 31.45%. On the average, this number has stabilized, however, each law school is different. The more liberal schools such as Golden Gate University, are approximately 50% female. Harvard, a more conservative school, only about 23% women. Mary Jane Gillespie enrolled in Harvard during 1964 when women were only 5%. She was told by the Dean "that Harvard would probably not go above that 5% level since that was Yale law school's percentage; and that, after all, there could never be a great influx of women into the school because the policy was never to give any man's place to a woman." At least they did not remain at the 5% level.

In my study, I asked 67 women attorneys if they felt the number of women entering law school was increasing. An overwhelming majority said yes. They cited various reasons for their answer, including an awareness of statistical published information depicting this increase. The availability of this information have made women more aware of the opportunities available to them in the field of law. Women
are not afraid of competing against the males because they know they can do well. The legal profession stands for greater status and greater financial security, and for the women who need the money to support a family this is important. Many more women are staying single or are getting divorced so many more will need their own career to support themselves and their families.

A few women surveyed felt, however, the number of women entering law school was no longer increasing. While these women agreed there was an increasing trend, they felt this trend had now leveled off. Their general opinion, which I can concur, is that some universities have already reached equality between female and male students, but there are and will always be some schools that will never have this equality of men and women. The more prestigious schools, such as Harvard and Yale, will keep their percentages of women down because of their traditional attitudes, and self enforced quota systems. Based on this leveling, the cumulative effect will be an average of approximately a 40% women enrollment.

There are still many obstacles ahead facing those who wish to pursue the distinguished profession. There are still parents and guidance counselors who believe young women should grow up to be teachers, nurses and mothers, while the the young men will be doctors, lawyers and
engineers. These young women need support and encouragement to break out of the traditional roles and it should come from their parents and counselors. In the past there was discrimination by the Law School Admissions Test (LSAT), and law school admissions. The large expense of a legal education which is increasing every year, is also a deterrent. The taunting alone is enough to make some give up the idea of becoming an attorney. Recently though, many of these setbacks have diminished enough to have encouraged women to gain admission to the law schools of this country.

Admissions policies have changed through the years, as have the actual number of law schools. Ms. Helen Schwartz, in her book, *Lawyering*, wrote that in 1962, she applied to two law schools, NYU and Columbia. She was accepted to NYU but had yet to hear from Columbia, so she asked her dean to check into the matter. He was surprised she had not received a letter from them since the men received their acceptances the week before. (She was the only woman in her school applying to law school). He phoned the school and was told that the applications were judged separately according to sex; they were presently "doing the women".5 This seems to show some type of quota system was used at that time since the applicants were not judged solely on their own merits.

I interviewed a Chicago attorney, Sharon Glazer, who related her experiences on admission policies when she
applied to law school in 1968. She applied to four schools: Harvard, University of Chicago, Boston University and Northwestern. She was accepted at all but Harvard. During this time period, more women were being accepted to law school because men were being drafted into the Viet Nam War. Sometime during this era Nathan Pusey, a staff member at the Harvard law school, made his famous remark, "We shall be left with the blind, the lame and the women." (Many women attorneys have this unforgettable remark memorized). Nevertheless, Ms. Glazer felt her LSAT score and grades were higher than most male law school applications; and, therefore, the classification of the blind, the lame and the women was not based on the relative ability of women in comparison to men.

In a study done by Bradley Soule and Kay Standley (1973), male and female attorneys were asked in a questionnaire if they felt women in the legal profession were discriminated against in different areas. In the area of law school admissions (other areas will be discussed later) half of the men and half of the females thought there was discrimination in either the admission committee or the law school admission. As a result of this feeling, women have become more determined in their studies. At present, attitudes are changing. In interviews with various women law students, from different schools throughout the United States, the con-
sensus seems to be that they were judged on their intelligence and talents. They did not feel that they were disadvantaged because they were women. This feat took over 100 years to occur, but it is just the start to the end of discrimination.

In law school age can become an important admissions factor, especially for a woman. Many schools are not willing to take older students, as opposed to younger ones, because the older a person is the less time will be spent in the profession. There are advantages to having older women law students in class. They provide different experiences for classroom discussion. According to Ms. Glazer, when she transferred schools to DePaul University in Chicago, there were primarily older women. They did something else first, and then decided they wanted to go to law school. They were more committed and more mature about their goals. Age, however, was not a basis for better results or better aptitude for law school. In an article by Carol Rinzler, a 35 year old Yale law student, she answered the eight questions usually asked of older students. In summary, her responses that the law school meant a great deal of studying, but in the end, after all the hard work, it was well worth the effort. She believed there were two reasons for any difficulty experienced: (1) law is a foreign language, (2) they expect immediate, if not sooner, comprehension. For someone who has been away from an academic atmosphere, this is a difficult transition.
Age can have a large impact on female law students, in their beliefs, actions, thoughts. Those who are a bit older are more concerned about their family life. Usually the older women are already married and have a family started, whereas the younger women coming straight from college are thinking of careers instead of families. When others are dependent on you, priorities must be arranged to accommodate them however, I do believe that the others in the older student's household will have to take on more responsibility in the daily family functions so the woman can take on the task of being a good student.

Perhaps one thing that should be taken into consideration is that the older students grew up in a different era than that of the younger women. The female students that are 35 years or older live in the pre-womens liberation, therefore, they have a more traditional viewpoint. An 'old fashioned' thinker would tend to believe that family comes before everything else. A younger female student that would have grown up during the 1960's or 1970's would think more in terms of a career.

The women in my survey stated that on the average they were older graduates than graduating male law students. Men, I believe, enter law school straight from college, and women wait more often. A woman who entered law school right from
undergraduate studies would be 24-25 years old upon graduation from law school. Only 21 women in my survey were 25 or younger at their law school commencement. Between the ages of 25 and 35 there were 26 women graduating. This shows that law schools are accepting many older students even though they will be in practice a shorter amount of time. I believe as the competition increases to get into law school, this will become a negative factor in admissions.

As more women became admitted to the law schools around the nation, it took the law schools themselves time to adjust. They were used to only men using the school, therefore, they were only equipped to handle male students. It would be necessary for the groups and facilities operated by the school to change to accommodate the new women enrollment. Helen Schwartz was accepted to Columbia law school in 1962. Upon her acceptance, she received a letter requesting that all first year students live in John Jay Residence Hall for men. She sent a letter back to them: "It is my intention to work my way through law school, but not precisely in the manner you suggest."

Of course, nowadays, law schools have adjusted to the fact that women will be in attendance, and that they (the law schools) must have equal housing available to them. For the most part, all facilities are available to both sexes.

In a 1972 article written by Aletha Wallach, UCLA did not establish an equal facilities for men and women. The women's
lounge was known as 'the hole' because it did not have any windows. It was, as she described, "a tiny, dirty room, which has delapidated pre WWII furniture. It is connected to a small foul smelling lavatory, which was also terribly dirty." The men, on the other hand, were given a larger air conditioned room with new furniture. When some of the women students tried rectifying the situation by moving some furniture into the women's lounge, things were quickly returned to their "proper places".

After the women were accepted in the law school, they had to face the problem of being accepted by their fellow students. The Bradley Soule and Kay Standley study showed that women felt they always had to prove their abilities. The men sometimes felt threatened and at some schools, to retaliate, they gave names to certain women; such as, "Snake" to the first academically ranked female.11

Even now, there are a few subtle remarks geared toward the women in the class. Shari Olenick, a second year student at Vanderbilt law school told me the men like to joke, "That's pretty good for a women." She also mentioned that in the end, they respect the women and treat them as such. Women students in their first year will often do better than the men and in a pinch the men will come ask for help; perhaps this is one reason for the improved treatment of women.
Although the women face a large amount of peer pressure from the male law students, they also must come to terms with their own feelings. Women must feel good about themselves if they expect others to do so. They must be confident in their abilities in order to succeed. A study was done in 1978 by E. R. Robert and M. F. Winter as to what traits an ideal lawyer would have.  

An almost equal number of men and women were surveyed and both groups responded the same when asked what the ideal traits were. The men and women said analytical, honesty and self disciplined would be those traits. A total of 12 traits were listed. When asked to relate these traits to themselves, there was a distinct contrast between the men's and women's beliefs. Both felt they should be rated below the ideal, but only on three traits; honesty, sincerity and friendliness, did the women believe they were above what the men believed they were rated. (See Table 2)

Another question focused on by the study was how the students felt about law school. The men on a whole enjoyed law school more than the women. Fifty percent of both the men and women seemed anxious about law school, however, the women gave more reasons for dismay than the men including briefs, exams and classes.  

The study lacked enough depth to determine the cause for greater disturbances in women than men.
Women may admit to distress in surveys but on the outside it is not apparent. I believe most women would rather blend into the background than bring attention to themselves. This is really necessary if they are to be accepted on the same level as their male counterparts. For the most part, women students attempt to look and think in a businesslike manner in order to gain trust and respect from others.

There is one time that the women might show a distinction between themselves and the male students and that is by taking a course entitled "Women in law." The course is available to the men in the school but most often the class is filled by the women students and not the men. These courses were developed in the late 1960's, early 1970's at many law schools. The purpose of the class is to focus on women's issues and topics. At first the course was criticized as not being a true law course, but rather, "taught only to pacify the demand of the increased organization of the women students."14 Once textbooks were written by noteworthy professors, the criticism diminished.

The course began at UCLA in 1971 by three women law students. They were aware that the primary business of law school is to train 'men at law'.15 They wanted women to know there were certain situations they might want to learn about that might help them in the legal profession. The basic concept of awareness, as applied to cases involving women,
(i.e., sex discrimination) is beneficial for both men and women professionals.

One of the major problems facing women law students is discrimination on the part of the faculty members. Male professors do not always take the female law students seriously. One of the reasons is because the professors think of them as their daughters. This sense of paternalism is found essentially all over. Every woman I talked to, from Boston University to the University of California, said they felt the male faculty treated them as if they were their daughters. This paternal approach met with mixed reviews by the women students; some like it, some did not.

Another reason women are not taken seriously is because the professors think the women will never go into active practice. The women are just waiting for someone to ask them to marry them; and, therefore, their education is a waste of time and space. As time goes on, this belief is diminishing, but even today it still exists. It is especially true in the south where the common belief is that women should be "barefoot and pregnant".

As always, in the past, the discrimination against the women students by the professors was more blatant. While Ms. Glazer was at DePaul law school, in her opinion, she was involved in two instances of discrimination. One was in her tort class, a class that was taught by learning facts and then
applying them to cases. They were discussing a statutory rape case where the age of an adult is 18 years. The boy involved was only 17, yet it was resolved that he was guilty of statutory rape. She believed he should not have been guilty at that level since he was underage. The professor said she was not privy to boys lockerroom conversation. She disagreed, but the professor would not relent. She believed if she were a man, he would have listened to her argument.

Another more obvious situation was in her Federal Income Tax class. They were discussing whether or not income from prostitution was taxable. The professor called on seven women in a row. Ms. Glazer was the eighth. She said there must be a man who has an opinion on the subject. Hisses and boos followed and then a comment from the professor, "There was only one woman in my class and someone finally married her." Everyday, from then on, this professor called on her.

In some schools, the women students were ignored, except for what they termed "Ladies Day". On this day, women were questioned on various areas of law relating to women. This practice is changing. It has been noticed by many though that women tend to talk less in class than the men.

However, some male faculty members still "downgrade" the women in certain subtle ways. One professor at the University of Illinois proclaimed we should vote for ERA because it will give more business to the lawyers. This is
teaching and they numbered 53 of the 2,500 positions. The numbers in both areas (number of women teaching and the number of law schools employing those women) are increasing, although it is slow.

There have been two laws which have helped to bring about this change. Executive Order 11246 issued in 1964 was devoted to decreasing sex discrimination. In 1967, it was amended by Executive Order 11375 signed by President Johnson. The order was designed to promote affirmative action within all institutions and companies that have federal contracts available to them. These orders were very helpful in increasing number of women to the staffs of the country's law schools. During the decade of the 1970's the percentage of women teaching in a law school grew from 2.2% to 10.5%. However, the majority of the growth took place during the early portion of the 1970's for those on the faculty in general. We must take into consideration that the increase slowed because of an overlapping effect. A number of part time positions were made into full time positions and the women were retained in their role, but the number of part time positions decreased thus slowing down the increase of women faculty members.

Within the category of women teaching in law schools there are several topics which should be discussed: 1) the number of women teaching in how many different law schools;
2) which positions women tend to fill and what courses they teach; 3) where women go to teach; 4) problems women encounter when attempting to obtain positions within the teaching of the legal profession. It is necessary to discuss each of these separate issues to comprehend why women are underrepresented within this portion of the legal profession.

The latest survey available to us to study was done in 1976 by the ABA. Part of the results showed how many women were employed in the teaching section of the profession and where. The overall percentage teaching was 8%, but this is not a representative figure. The ABA survey states that the majority of law schools have only one woman on the teaching staff. The percentage rate becomes so high because of the rare schools that employ a large number of women. There are 164 schools approved of by the AALS and ABA. Of these 164 schools, only 15 schools had a percentage rate over 15% women. Twelve of the largest law schools in the country have an average far below 8%. Twenty nine schools have no women at all on staff.

The question arises: Why are there so few women on the staff of many law schools and why are there a few schools with a large percentage? One reason is the fear by the male faculty of comparison with female faculty members. This fear of competition is not unique necessarily to only the legal profession. In general, law schools prefer to hire the best
people they possibly can to fill the positions of their staff. Usually this means they would rather take those that graduated from one of the prestigious law schools or have an important position on one of the large law firms. Statistics show that usually those people would be men rather than women. Those schools with a large number of women on their faculty are usually schools without substantial prestige. Newer institutions or more liberated institutions are more likely to hire a greater percentage of women faculty members than then the more established or prestigious counterparts.

Women can be found to teach every type of course listed in a normal catalog. They can handle any class from environmental law to anti-trust to family law. However, it appears that more than a few were put into the latter category. Many feel women are more suited for areas of law that relate to their "original" occupation of wife and mother; and, therefore, family law would fit them better. There is also a large number of people in the areas of banking, constitutional, legal research and property law. All Foundation compiled a list of the subjects available and the percentage of women and men teaching each one.19 They discovered that men were overrepresented in 12 of the areas listed, and the women in three. In about half of the areas mentioned, men and women were equally represented including subjects such as clinics, criminal procedure and trust estates.
Legal research with its required in depth knowledge of the library is crowded with females because the nature of this area conforms with the traditional view of an area suited towards women. Women in the legal profession are associated with doing research for cases so it seems natural that they would occupy the position of teaching others how to do it. One interesting note as found by the ABA Foundation is that the number of women librarians in law schools have decreased since the 1950's. Originally women held over half of the librarian positions. By 1960 the percentage decreased by 7% and by 1970 it dropped to 35.3%.20 This can be both good and bad; good if the decrease means an increase in other areas of the law school teaching profession and bad if this does not occur.

Although women can teach any subject, they may hold a variety of teaching ranks in both full and part time positions. There are seven different ranks that can be held: full, associate, or assistant professor, lecturer, instructor, visiting professor, and emeritus professor. In a study by D. Kelly Weisberg in 1976 he discovered women comprised 3.8% of full professors, 10.6% of associate and 19.4% assistant professors.21 The study therefore indicates a greater concentration of women at the lower end of the teaching spectrum. Those who wish part time employment usually are in
the lecturer/instructor section which can be held full time as well. Women take 10% of all these positions. Women held less than 7% of the last two types of professorships, again indicating of concentration of the lower level teaching positions.

Many of the women teaching the law classes hold other positions within the school. Many of the law librarians teach other subjects. 60% of women librarians hold another post as well. There are some librarians that are high on the scale of teaching faculty; 1% of full professors and 10% of associate professors work in the library.22

Another position held by women in law school faculty is the position of dean. Women are just breaking into this sector of the field, which is shown by the following percentages. In total, women are 10.8% of all deans; broken into 3% full deans, 4% associates deans, 26% assistant deans.23 This level is a difficult one to achieve, and so presently it is understandable why women have not been given many deanships. Usually the hierarchy states you must start at the bottom at a lower professorship and raise slowly to the higher levels of full professor and then dean.

It is difficult to attain any of these positions, especially for a woman. Women, as reported by Donna Fossum, are usually employed by the law school they graduated from.
Teaching positions as stated earlier are usually offered to the people with the greatest qualifications. Law schools that cannot afford to hire such people but wish to employ people they know will do a good job, will usually hire their former law school students. Women often do not fit into the category of those with high qualifications because of their failure to go to prestigious law schools or their failure to be employed by important law firms, and so often are not asked to apply at other institutions.

Twenty-five percent of all women teaching are teaching at the law school they graduated from. However, it used to be a larger amount. In the 1950's all women teaching law were teaching at their alma mater, and a decade later it decreased to a little over half. This could mean that women are now moving about the country more freely and are not feeling the pressure to stay where family is settled. As women become more independent, they will become accepted in more areas of life and work.

Unfortunately, there is still a higher percentage of women teaching at their old law schools and there are certain problems involved with being an "inbred" teacher. Fossum points out that inbred teachers often stay at lower teaching levels longer. For the most part this is the same for both inbred men and women, but since more women are inbred than men, women as a group are held back at the lower professorships.
Weisberg in his article summarizes the problems women teaching in law schools must face. First and foremost, women have difficulty in finding any teaching form of employment. They are more easily hired by the school they graduated from which in itself could cause problems. It is hoped that once the larger number of women entering law school enter the more prestigious schools and once more are accepted in more important positions, then a larger percentage of women will be employed at other schools as professors.

After being hired, another problem arises in gaining promotion. In order to move up the ladder it is necessary to fulfill certain university teaching requirements. One such requirement is research and another is publication. Women with family time restraints find this more difficult to complete. The complex role of wife, mother and professor is at the very least time consuming and therefore places an additional burden on women in the teaching profession.

Women also face the problem of only being able to accept jobs in a certain locality because their husbands already have a job in that area. This restraint applies to women attending law school as well. As a whole, women are geographically immobile and must choose the best route that is available to them in terms of both schooling and employment.

The "Old Boy" network also presents a challenge to women. It is a difficult barrier to break into and so many
women are not recommended by their male professors or employers. As I have discussed elsewhere in this paper, there is a demand to form an "Old Girl" network to counteract the one the males dominate. Women must push for themselves and other women if they want to learn about job openings.

Lastly, there is the problem of attitudes. It is unfortunate, but the view of the traditional female is still present in the minds of some males. Some feel women should not be in the legal profession at all let alone teaching it. There are those that feel that men will naturally do a better job than the women. It is difficult to convince many that women will work just as hard and just as well as the men.

When asked if they had women faculty at the law school they graduated from, two-thirds of the women I surveyed said yes. But there were very few who had more than two at their school. Women who graduated prior to 1975 were only graduates who experienced law school without female faculty members. Although all types of courses were mentioned as being taught by women, the results I received confirmed what was found in the studies previously mentioned. The majority of women faculty members taught courses such as family law and sex discrimination. When asked if they felt these women faced discrimination in teaching, only a few could supply a definite answer. Many felt they probably did, but had no proof to back up the statement. Some replied that since there were so
few women faculty members the women faculty members probably felt isolated, having no one to really associate with since the men for the most part stuck together. This problem will be eliminated once tokenism declines.

After women leave law school, they often like to associate with their alma mater. Everyone likes to be remembered. In the case of Ms. Schwartz and Columbia law school, there was a slight problem. Columbia was having financial difficulties and as most schools do, they turned to their alumni for help. They wrote a poem to their graduates:

Columbia, the gem of the ocean
Is having a fiscal commotion
Tuition is rising
And we are apprising
You of our need for devotion.

The only problem was that it was addressed to Mr. Schwartz. So the witty lady sent them a reply:

Columbia, you gem, it's no wonder
Your finances are messed and complex
I was with you three years
And now it appears
You've yet to distinguish my sex.

The path to eliminating discrimination within the law schools has been making progress. The pace is moved quicker when resolutions, such as the one made by Doris Sassower, are made and taken into consideration. She brings out seven main points, all of which I believe are important. The first two points deal with faculty: increased recruiting of women teachers and the education of the male teachers about women
in law school. She also stresses that those women who have already graduated should also take occasional courses to keep up on new issues and cases. There should also be a course, Sassower suggests, that emphasizes legislation; past, present, and future. Laws should be written without sexist language, and there should be specific legislation written for the protection of women and women's rights. There is also a need for legislation in the areas of child care and tax reform. She also recommends that material be published on statistics based on different areas of women in the legal profession (number of women attorneys, law students, judges, etc.). Publications such as hers, as others from organizations like ABA and AALS, will make a difference in the attitudes and actions of society.


3. This percentage was given to me by an admissions representative when the law school visited the University of Illinois in fall of 1979.


6. This quote was given to me by Ms. Glazer.


9. Schwartz, p. 83


11. Soule, p. 1145

Table 2 was also taken from this article.

13. Ibid


17. Ibid p. 906


19. Fossum, p. 912

20. Ibid p. 904
21. Weisberg, p. 234

22. Ibid p. 236

23. Ibid 237

24. Fossum p. 907

25. Weisberg lists four problems for women teaching law school; I have summarized them, in addition to adding my own comments.

26. Schwartz p. 88

27. Ibid

<table>
<thead>
<tr>
<th>Subject</th>
<th>% Men</th>
<th>% Women</th>
<th>Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative law</td>
<td>16</td>
<td>8</td>
<td>.001</td>
</tr>
<tr>
<td>Advanced civil procedure</td>
<td>21</td>
<td>15</td>
<td>.05</td>
</tr>
<tr>
<td>Antitrust</td>
<td>12</td>
<td>7</td>
<td>.01</td>
</tr>
<tr>
<td>Civil procedure</td>
<td>11</td>
<td>13</td>
<td>...</td>
</tr>
<tr>
<td>Clinics</td>
<td>9</td>
<td>9</td>
<td>...</td>
</tr>
<tr>
<td>Commercial/banking law</td>
<td>20</td>
<td>19</td>
<td>...</td>
</tr>
<tr>
<td>Constitutional law</td>
<td>21</td>
<td>30</td>
<td>.01</td>
</tr>
<tr>
<td>Contracts</td>
<td>17</td>
<td>15</td>
<td>...</td>
</tr>
<tr>
<td>Corporations/securities/business organizations</td>
<td>21</td>
<td>11</td>
<td>.001</td>
</tr>
<tr>
<td>Criminal law</td>
<td>18</td>
<td>13</td>
<td>...</td>
</tr>
<tr>
<td>Criminal procedure</td>
<td>12</td>
<td>11</td>
<td>...</td>
</tr>
<tr>
<td>Environmental/resource law</td>
<td>9</td>
<td>5</td>
<td>.05</td>
</tr>
<tr>
<td>Evidence</td>
<td>12</td>
<td>7</td>
<td>.05</td>
</tr>
<tr>
<td>Family law</td>
<td>10</td>
<td>17</td>
<td>.001</td>
</tr>
<tr>
<td>International/interstate law</td>
<td>17</td>
<td>8</td>
<td>.001</td>
</tr>
<tr>
<td>Labor law</td>
<td>7</td>
<td>4</td>
<td>.001</td>
</tr>
<tr>
<td>Law and society</td>
<td>17</td>
<td>16</td>
<td>...</td>
</tr>
<tr>
<td>Legal history/jurisprudence</td>
<td>12</td>
<td>4</td>
<td>.001</td>
</tr>
<tr>
<td>Legal method and process</td>
<td>10</td>
<td>4</td>
<td>.001</td>
</tr>
<tr>
<td>Legal profession/professional responsibility</td>
<td>10</td>
<td>4</td>
<td>.001</td>
</tr>
<tr>
<td>Legal research and writing</td>
<td>10</td>
<td>10</td>
<td>.001</td>
</tr>
<tr>
<td>Practice and litigation skills</td>
<td>13</td>
<td>10</td>
<td>...</td>
</tr>
<tr>
<td>Property</td>
<td>18</td>
<td>22</td>
<td>...</td>
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<tr>
<td>Remedies</td>
<td>13</td>
<td>9</td>
<td>...</td>
</tr>
<tr>
<td>Tax</td>
<td>13</td>
<td>9</td>
<td>...</td>
</tr>
<tr>
<td>Torts</td>
<td>21</td>
<td>15</td>
<td>.05</td>
</tr>
<tr>
<td>Trusts and estates</td>
<td>15</td>
<td>14</td>
<td>...</td>
</tr>
<tr>
<td>Urban/zoning law</td>
<td>12</td>
<td>6</td>
<td>.01</td>
</tr>
</tbody>
</table>

**Student's evaluation of their ideal lawyer and themselves**

**TABLE 2**

<table>
<thead>
<tr>
<th>Trait</th>
<th>Ideal Lawyer</th>
<th>Real Female</th>
<th>Self Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>analytic</td>
<td>6.4</td>
<td>4.5</td>
<td>4.8*</td>
</tr>
<tr>
<td>honest</td>
<td>6.1</td>
<td>5.8</td>
<td>5.3**</td>
</tr>
<tr>
<td>self-disciplined</td>
<td>6.1</td>
<td>3.8</td>
<td>4.3*</td>
</tr>
<tr>
<td>perseverant</td>
<td>5.8</td>
<td>4.3</td>
<td>4.4</td>
</tr>
<tr>
<td>objective</td>
<td>5.7</td>
<td>4.3</td>
<td>4.1</td>
</tr>
<tr>
<td>intelligent</td>
<td>5.7</td>
<td>4.9</td>
<td>5.0</td>
</tr>
<tr>
<td>practical</td>
<td>5.4</td>
<td>4.3</td>
<td>4.7**</td>
</tr>
<tr>
<td>sincere</td>
<td>5.3</td>
<td>5.4</td>
<td>4.8**</td>
</tr>
<tr>
<td>sense of humor</td>
<td>5.2</td>
<td>4.9</td>
<td>5.0</td>
</tr>
<tr>
<td>friendly</td>
<td>4.8</td>
<td>4.8</td>
<td>4.6</td>
</tr>
<tr>
<td>competitive</td>
<td>4.3</td>
<td>3.7</td>
<td>4.8***</td>
</tr>
<tr>
<td>political</td>
<td>3.1</td>
<td>2.4</td>
<td>2.6</td>
</tr>
</tbody>
</table>

* The probability of this difference occurring by chance is less than .10, using an F test

** The probability is less than .05

*** The probability is less than .01

## TABLE 3
INCREASING ENROLLMENT OF WOMEN IN LAW SCHOOLS

### Table 8
NATIONAL PREPARATION FOR AND ENTRY TO THE BAR, 1948-1971*

<table>
<thead>
<tr>
<th>Year</th>
<th>Total No Law Students</th>
<th>Total Women Law Students</th>
<th>% of Total</th>
<th>Total First Year Law Students</th>
<th>Women First Year Law Students</th>
<th>% of Total</th>
<th>% of Total</th>
<th>Total Third Year Law Students</th>
<th>Women Third Year Law Students</th>
<th>% of Total</th>
<th>% of Total</th>
<th>Total Number Taking Bar Exam</th>
<th>% Passing Bar Exam</th>
</tr>
</thead>
<tbody>
<tr>
<td>1948</td>
<td>56,914</td>
<td>1,866</td>
<td>3.29</td>
<td>22,926</td>
<td>1,316</td>
<td>3.29</td>
<td>19.96</td>
<td>12,579</td>
<td>22.10</td>
<td>3.12</td>
<td>0.65</td>
<td>19.94</td>
<td>16.273</td>
</tr>
<tr>
<td>1949</td>
<td>57,759</td>
<td>1,725</td>
<td>2.99</td>
<td>21,384</td>
<td>1,178</td>
<td>3.45</td>
<td>21.86</td>
<td>13,570</td>
<td>23.41</td>
<td>3.77</td>
<td>0.65</td>
<td>21.86</td>
<td>15.296</td>
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<tr>
<td>1950</td>
<td>55,925</td>
<td>1,804</td>
<td>3.24</td>
<td>19,461</td>
<td>1,241</td>
<td>3.24</td>
<td>19.57</td>
<td>13,544</td>
<td>25.54</td>
<td>3.94</td>
<td>0.74</td>
<td>21.64</td>
<td>20.113</td>
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<tr>
<td>1951</td>
<td>47,510</td>
<td>1,800</td>
<td>3.81</td>
<td>17,095</td>
<td>1,242</td>
<td>3.12</td>
<td>19.17</td>
<td>12,017</td>
<td>25.24</td>
<td>3.72</td>
<td>0.78</td>
<td>20.62</td>
<td>19.681</td>
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<tr>
<td>1952</td>
<td>41,276</td>
<td>1,774</td>
<td>4.30</td>
<td>14,700</td>
<td>1,040</td>
<td>2.80</td>
<td>18.22</td>
<td>10,126</td>
<td>26.82</td>
<td>3.10</td>
<td>0.83</td>
<td>19.19</td>
<td>18.945</td>
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<tr>
<td>1953</td>
<td>30,969</td>
<td>1,733</td>
<td>5.60</td>
<td>14,092</td>
<td>9,445</td>
<td>6.72</td>
<td>18.07</td>
<td>9,087</td>
<td>21.87</td>
<td>2.97</td>
<td>0.91</td>
<td>18.07</td>
<td>14.815</td>
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<tr>
<td>1954</td>
<td>29,165</td>
<td>1,704</td>
<td>5.83</td>
<td>15,815</td>
<td>9,977</td>
<td>6.32</td>
<td>17.44</td>
<td>9,012</td>
<td>21.74</td>
<td>2.70</td>
<td>0.90</td>
<td>17.44</td>
<td>15.217</td>
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<tr>
<td>1955</td>
<td>40,547</td>
<td>1,715</td>
<td>4.19</td>
<td>16,241</td>
<td>10,404</td>
<td>6.40</td>
<td>17.27</td>
<td>9,210</td>
<td>21.09</td>
<td>3.12</td>
<td>0.74</td>
<td>20.29</td>
<td>14.732</td>
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<tr>
<td>1956</td>
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WOMEN LAWYERS

As more and more women graduate from law school, men will have no choice but to accept women in the role of an attorney. It is not until women reach the actual job market though, that they face the real discrimination. Although law schools in general are known to be conservative, they have come to recognize the fact that women want to be attorneys and that they can do a good job at it. On the other hand, many law firms feel they do not need women. Many senior partners have the same reservations about women attorneys as the professors in law school have about the women students. They feel the women will not stay in the field long because they will leave to get married and raise a family. The findings of a recent study revealed that of those women working in the legal profession, 66 percent were married and 70 percent had children.1 Despite these factors, the study found women stayed at their job longer than the average male attorney.

The initial problem women attorneys encounter is that of finding their first job. Many women in my survey reported discrimination when interviewing for employment. In the past, discrimination was more blatant and more prevalent.

Mary Jane Gillespie graduated from Harvard Law School in 1967. She found several problems waiting for her. During her second year at Harvard a friend told her it was impossible for a woman to obtain a job before passing the bar exam. During
her third year she experienced the problems first hand. Some firms refused to interview her. Others said she could have a job only if she would work in certain areas. A few said they had either hired their first women lawyer or do not have plans to hire women at this time. There were some firms that asked about her marriage plans and when and how many children she planned to have.2

Chicago attorney, Sharon Glazer, interviewed for a job in 1971. Since she had a good record at DePaul Law School, she obtained interviews at twelve of the major Chicago firms. This was at the time firms were first beginning to look at women attorneys seriously; and most firms did not currently have women employed. Some firms were very straightforward in their approach, they did not plan on hiring women yet. Others were concerned with the fact she was married to an attorney. They felt that she would not be able to keep confidential information and were concerned as to her ability to handle a case if her husband were representing the opposing party. Despite her excellent qualifications, she only received two offers.

Legal restraints have been instituted to prevent such discrimination from taking place. Law schools are prohibited from allowing law firms to interview through their placement offices if they discriminate in any way. Law school placement offices are under the government's jurisdiction as an employment agency, requiring them to be an equal opportunity facility. The law, 42 USC 2000e, contains three sections as to the
definition of what an employment agency is, and how they may not discriminate on the basis of race, color, religion, national origin, or sex; that includes not offering a job to only one sex unless it is a bona fide occupational qualification.³

Students can also take matters into their own hands by filing complaints within their placement offices. By allowing complaints to add up, it would be possible to file a class action suit against a particular law firm. It is a good idea simply to allow other women law students to be aware of those firms which do not treat women fairly.

Class action suits may be filed by the students themselves or the law school if it takes the complaints from their students. One such case was Kohn vs. Royall, Koegel, and Wells in 1973, which was brought by Columbia Law School's Employment Discrimination Project. The judge ruled that it was appropriate to treat a discrimination case on a class action basis. It was held that "the subjective factors in law firm employment decisions does not immunize discrimination practices in professional fields from attack on a class basis."⁴

There is also legislation for those women who are discriminated against in some way, but have already left law school. If an employer does not give a women equal consideration in hiring, then he/she is in violation of Title VIII of the Civil Rights Act of 1964, and its 1972 amendment. She can file with the Equal Employment Opportunity Commission, but often this legislation is not enforced.
One interesting note I discovered in my survey is that the older women, those that entered the profession between 1920 and 1935, said they faced little discrimination, if any at all. An 82 year old attorney from North Dakota told me she has been in practice 53 years and she has always been accepted by the male attorneys and judges with as much respect as any male.

There are those today who believe the situation still exists where firms do not want to integrate women. One woman attorney I surveyed said that most firms have hired only one or two women on their legal staff, and she felt they had no intention of increasing the number of female attorneys hired. It is difficult to determine the validity of this statement, as it would be necessary to survey various firms to see how many women they have on staff and the time lapse since they last hired a woman. Personally, I believe it is possible that law firms will not be adding more female attorneys as they already have their token women. This allows them to say that they have women employed so they do not look like they discriminate.

In the Soule/Standley study, 88 percent of the women questioned and 80 percent of the men, felt that women were discriminated against during the hiring procedure. These same percentages apply to the salaries women receive.5

When first entering the profession, most women prefer to join a law firm to gain experience and expertise from those who have been in the field longer. It used to be very difficult for women to obtain positions within these firms, but things are
improving. Women wanting to join the firms along Wall Street have a better chance as "the proportion of women associates and partners has jumped from 1 percent to 18 percent in the last decade." However, they also reported that women constituted only 2 percent of the lawyers of the nation's largest law firms.

Law firms in smaller cities also have a limited number of women attorneys. Established firms in a small town are more set in their ways and usually have a more traditional perspective. Women are expected to enter more "feminine" careers if they enter any at all. Mid-sized firms seem to be the best for hiring women attorneys. They are not "ultra prestigious" firms who were attempting to impress the wealthy and important in society. They are not catering to the small town where the chance is greater that women will be viewed as unable to handle the burdens of the legal profession.

An alternative to the traditional firm is the feminist law firm. This type of law firm is made up of women working toward women's issues. It was a difficult task to undertake, and one that has yet to succeed. Women could not obtain the needed money to start the practice or the quality of clients needed to get the practice out of the red.

The reasons, as stated by Cynthia Epstein, for starting such firms were to assist women in need and to remove themselves from the male domination of other law firms and the sexist attitudes that accompanied them. The idealized of an office
of equality. They hoped they could participate in cases they wanted to handle and still make enough money to cover expenses as well as generate a profit.

The main firm was Bellamy, Bank, Goodman, Kelly, Ross, and Stanley. They were able to gain cases that would set precedents. The firm represented women from the National Broadcasting Company and Newsday successfully. The money they received from them, however, was not enough to make ends meet. To further compound the problem, they were not paid for their efforts until the case was concluded. Some of these large sex discrimination cases were brought to the firm by people that assumed that since they were a feminist law firm, they would represent the plaintiff for free—for the "cause".

The balance of the cases they handled were not the type of cases which generated significant fees. Being feminists, they felt sorry for those women who were unable to afford proper legal advice, and so they offered the work without payment. Many of these cases were divorce cases which tended to decrease their credibility. Divorce work is not done by the prestigious law firms and is often associated with women attorneys.

The clients themselves were also a problem to the feminist law firm. The women clients that came to their office anticipated they would receive a great deal more consideration from the women than they would expect of any male attorney. They believed the women attorneys should charge less than the
men and yet they (the women lawyers) should spend more time with them. The clients also wanted the attorney to be more approachable. These expectations proved to be incongruous with the type of practice the women attorneys were striving to achieve. The attorneys recognized the need to represent women in issues concerning women, but they were entitled to be compensated and achieve the recognition on a par with that given male attorneys.

All of these misconceptions combined contributed to the demise of the feminist law firm. As Epstein put it, "The firms fought not just cases but stereotypes. They won their cases. But, to a larger extent they were defeated by the stereotypes." 9

Once a woman is hired into a law firm, there are still many problems she will encounter throughout her employment. Although the woman has managed to employ herself, she has not escaped the stereotype that her male employers and co-workers have of her. She will face discrimination in other areas, from her paycheck to her fellow employees.

Although there are laws that prohibit unequal payment for equal work, women are often not paid the same as their male counterparts. On the average, a woman attorney receives $1,500 less annually than the men doing the same work.10 A study done in 1970 of Harvard Law School graduates' salaries had very revealing results. The survey showed that 57 percent of the male attorneys received an annual starting salary of $20,000, where only 12 percent of the women received that much.11
Men believe that they require more money—mainly because they feel that they are the head of the household, the primary breadwinner. To them it does not matter that the women do just as much work, on an equivalent basis, as a man does. They also do not consider that the woman might be the primary breadwinner in her family. The fact that a woman may be single is viewed as a temporary situation by most men while men are perceived as being the primary wage earner for the duration of his career. To some extent, this practice is abating as a greater number of women enter the legal profession and demand their rights.

However, there were a few women in my survey who felt that were not paid on the same basis as male associates. They may want to bring the matter to court to rectify the situation as one woman did. In May of 1977, there was a lawsuit filed against a New York firm.12 Sullivan and Cromwell were brought to court for allegedly not paying their women employees the same as the males. The court ruled it would be necessary for them to hire and pay women on the same level as the men.

One of the difficulties faced by female lawyers in a law firm are the others in the office she must deal with. To be the most efficient, she must work with, and not against her coworkers, whether they be her employer, her associates, or clerical help.

Employers may be condescending or fatherly, but they
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Employers may be condescending or fatherly, but they
can also treat her as a competent attorney. One woman I surveyed said, "My boss seems to have the attitude that I can sometimes get things done that he cannot just because I am a woman. I, however, realize that he can get some things done that I cannot because he is a man." There are other firms which do have other such liberal-minded partners; the change is occurring slowly.

Women attorneys must cope with peer pressure. Quite often (although again, more often in the past) the women would have the most problems dealing with their "fellow" associates. A generalization can be made, "Women lawyers feel that their male colleagues do not accord them equal privilege and status, nor are women easy about according it to themselves."13 If men were to treat women attorneys as they would treat male attorneys, with respect and dignity, then women would begin to feel that they are worthy of such respect. Since women are not given the same status, they begin to discredit themselves.

A substantial obstacle is getting the secretaries to cooperate with the women attorneys. Some secretaries feel the woman is the boss' favorite and treated specially, or they resent the fact that they had to do something for her, or they simply resent the fact that they had to work for a woman. This was because working for a man has certain advantages: greater amount of status and the possibility that the boss would marry them or their daughters.14 At times it gets to the point where
the woman attorney must start out by doing her own secretarial work. This is another problem that is gradually being phased out. An older secretary will have the same opinion as the older senior partner in the firm—women do not belong in the higher positions of the law office.

Several of the women in my survey mentioned the problem of coping with women secretaries. One Chicago attorney told me the secretaries would refer to her as Mr. X's girl instead of his associate. They have a difficult time understanding that women could do just as well as men. Another attorney said it is especially difficult if a male and female associate attorney must share a secretary. Often the male will get his work done immediately, and the woman will have trouble getting the secretary to complete hers.

Another woman attorney from the Chicago area brought up the point that another difficulty is that the women attorneys can relate to the women clerical help because they are both women, but they do not want their superiors to know that they do share some of the same feelings. The female attorneys in the office also want to show the secretaries more respect than the men in the office show them, although they do not want to do it at the cost of having their work being put at the bottom of the work pile.

Perhaps the clerical help is jealous of how far the women attorneys have come. They may just be offended to have
to work for women because they feel men are more intelligent. An attorney in my survey said, "the upper middle class college educated secretary is easier to work with because she identifies with a woman who has professional aspirations and may even have some herself." Perhaps also as more women enter the field of law, and the younger people take the job of secretary, this problem will decrease.

Clients must also be handled within the confines of the office. Male attorneys feel clients do not want to deal with women attorneys--the men perceive the greater amount of discrimination from clients than the women. In the Soule/Standley study, 90 percent of the men felt that clients were reluctant to accept women lawyers while only 72 percent of the women felt that way. Unfortunately, many male lawyers still feel this way. Ms. Saxman of the University of Illinois Law School, worked for an Urbana lawyer who did not like to give clients (except women clients) to those women working for him.

According to the women in my survey, those clients who were 50 years old and over were the most discriminatory. They have trouble accepting women as sources of authority. The other group that often discriminated were the women. We must get the support of the women before we can get it from the men! I feel though that those women and men who grew up, and are not growing up, in a more liberal minded society are more willing to rely on women in legal matters.

Another group which must be contended with in the
office setting, although they are far in the background are the wives and girlfriends of the male lawyers. If these women are not working, they often have misgivings about the single women attorneys. Some women who have only had traditional roles believe unmarried women professionals are only out to get married to someone in the profession or would do anything to get to the top of the firm. Although this may be true for some women attorneys, I am sure it is not the norm.

Many women are restricted in firms as to what they can do. They are often put in areas their employers feel they are best suited to handle. Women are given work within the areas of estates and trusts, adoptions, and divorce. Often these are the lower paying, lower status fields. If women want to avoid any type of confrontation, she should go into these areas because they are known as the traditional female subjects.

Family law has always been easily accessible to women. The general public feels that women were meant to care for their family. If they wish to expand these duties to include other families, it is more acceptable than if they were to participate in any other type of law. However, it is best not to start in this specialization if it is not desired as a lifetime career. Fields which are characterized as "strictly female" will be like a noose around the neck of the female attorney who wishes to get out of the field—it is very difficult to go into other areas of law once you have been established in family law.
Women are also placed in positions requiring a substantial amount of legal research. This type of work keeps the women away from the clients, which many attorneys feel is best for business, as was discussed previously. After a woman becomes "too old" to do research for law firms, she may go on to be a law librarian. A majority of women who are librarians in law schools have their law degree.

There are some female attorneys that absolutely do not wish to fit into the role that their male predecessors set for them. Estates and family relations do not interest them at all—they want to become litigators or criminal attorneys. A male dominated area such as litigation will involve more problems of discrimination than those areas regarded as traditionally female.

The major obstacles these women must contend with is actually getting into the courtroom. They are often limited to doing the "dirty work" of criminal law, which refers to the endless hours of researching cases and legal points, and then writing up the memos and the motions. All too often the most exciting work they are allowed to do is to answer motions in the courtroom. The men would take care of the actual courtroom proceedings, and their work would be the ones to get recognized. Eventually, the men would be moved up to the more prestigious jobs.
Helene Schwartz went through this type of situation when she was practicing law in the early 1970's. She was one of the female attorneys that wanted to be a litigator. She was lucky though because she had a friend that was very helpful in creating a breakthrough for her, as well as for women attorneys in general. Her friend's name was Arthur Kinoy. She was working on the "Chicago Eight" case (involving a student demonstration and potential riot in 1968) as a senior lawyer along with Doris Peterson and Mr. Kinoy. Schwartz had written up the jury motion for the appeal, which involved a lot of time and effort doing the required research. It was agreed when the case looked hopeless that if the motion did come through she would be in charge. When the appeal motion was accepted, the senior members assume Helene would handle the major decisions, but one of the men working on the case disagreed. He said the clients did not have confidence in her, but what it really boiled down to was that it was the woman's place to do the background work, while the men got to be the public figures (court representative). At the time, she decided she would not back down. "No more would women remain in the background in this case, buried in libraries and offices drafting legal documents, scurrying around doing copying and other scut work. If women did the paperwork, women would make the presentations in court." 17

Somehow Mr. Kinoy calmed and reasoned with the man. It was he (Kinoy) who pointed out that the man's accusations were
based on prejudice. "We are fortunate that we had an advocate like Arthur Kinoy who was sensitive enough to appreciate that the time was long overdue for women in law to come out of the Xerox room and libraries and take their place in the courtroom. He could...convinced the other men...that they had to recognize the new role of their sisters at the bar."18

Once the women made it into the courtroom, they needed to be ready for anything. Marion Weston Cottle in the early 1920's wrote an article entitled "Woman Jury lawyer" which told how women should prepare themselves to become an excellent courtroom attorney. It is definitely necessary to be an effective public speaker. This is more so for a woman because she wants to be sure the judge and jury will listen to what she is saying. In other words, she must be able to use her voice to convince the jury she is right. In order to be totally convincing, she must look the part of an attorney. Her appearance should be dignified, as should be her manner. She must be totally prepared and organized. More importantly, she must be calm, cool and collected, totally in control of herself.19 These rules still apply to women jury lawyers of today.

A woman's "appearance" in the courtroom is much more noticeable than a man's. Men may have a relatively small wardrobe without any problem. On the other hand, women must be very conscious of what they are wearing. She must be fashionable without being cutlandish. If she is going to appear before

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a jury, she must take into consideration what they are going to think about her appearance. She does not want to alienate any of the jury simply because of what she is wearing. Her clothing should be middle of the road, not sexy and not drab. As ridiculous as this seems, it is very important.

In the courtroom, there are often comments from the judge and fellow lawyers directed to the woman litigator. These so called compliments do little to enhance their performance as an attorney. Remarks such as, "Do you (the opposing lawyer) object to a beautiful woman opposing you?" can be almost degrading their position. Ms. Schwartz took care of the problem by responding to the judge, "Dont's you think (name of another lawyer involved in the case) would be offended that you haven't complimented him on his good looks?"

Judges also, at times, have truly embarassed the women in the courtroom. One judge inquired after a woman attorney's absence in the courtroom, asking if she was gone because of female problems. In other instance, a woman lawyer decided to keep her maiden name for business as many in the profession, and her clients knew her by that name. There were a few that refused to abide by her wishes and insisted on calling her by her married name. "One judge has gone so far as to threaten to cite her for contempt if she does not adopt her husband's name."

Judges often erroneously assume the female attorney is either a secretary or a client. A graduate of Harvard reported
that in her first divorce case, the judge assumed she was the woman who wanted the divorce. As she approached the bench the judge said, "I know this is a trying and emotional experience for you, madam, but you will simply have to wait until your attorney appears." \(^{23}\)

A study done by three at the Denver Law School, was to determine if judges "attributed women attorneys with full professional standards as members of the bar." \(^{24}\) Law students were asked to observe the trials and told to record everything the judge did (i.e., facial expression and hand movements). They were not told the purpose of their findings. The coordinators discovered that the judges did their best to hide their facial expressions and to show they were neutral.

They also interviewed ten women trial attorneys to get firsthand views. The women said that in the courtroom, the judge is polite and nicer to the women than to the men, but it is a different situation outside of the court. One reported that a judge does not quite know how to treat a woman attorney as of yet. He usually winds up being cool and distant. "They're not quite willing to accept you as just, I think, a lawyer or someone they can come in and chat with in their chambers." \(^{25}\) The consensus also seemed to be that it was not the judges who were the main problem but rather, their "fellow" attorneys.

Opposing lawyers must also be contended with in court.
Attorneys who appear to be friendly outside the courtroom will turn into evil monsters when facing the woman in court. "I have seen men attempt to brow beat and intimidate women adversaries in ways they would never dream of employing against their brothers at the bar."26 They want the women to appear foolish, so their arguments will appear less reasonable than the men's. I believe no man wants to get beaten by a woman in court. It would deflate their ego too much to admit defeat.

One last problem one particular women found in court was the problem of being searched every time she needed to appear in court. She felt she was subject to this more often than the men. In an article in Student Lawyer, she said...she told her two clients, both male juveniles, to dress in suits when they had to appear in court so they would look like attorneys and the deputies would not search them. Her clients were able to avoid the search, but she could not.27

Women litigators do not always find problems in the court, some people think they have an advantage in certain areas. Witnesses tend to feel more at ease when questioned by a woman. They let their guard down when an attractive young woman asks them a question.28 Therefore, they can obtain more information from a person on the stand than their male counterparts.

There is a conflict between people, however, as to whether or not the jury gives a possible advantage to women.
Sarah Neiman, the first woman in the criminal division of the United States Attorney office in more than twenty years said, "Either I am supposed to have trouble getting the jury to believe me because I am a woman or I am supposed to have an advantage with the jury because I am a woman." 29 It is a dilemma that cannot be resolved. Whether or not a jury is partial to a woman attorney is an opinion question; it would be difficult to justify.

Some also believe that women have an advantage with the judge. The judge may be more courteous to the women lawyers than the male attorneys. They may also pay more attention to what the woman lawyer says in court because there are so few that enter their courtroom. Then again, the reverse may be true--the judge could be so surprised that a woman was the attorney that he could totally forget her argument.

One attorney said some women feel the best way to overcome the handicap of being a woman is to stun the others in the courtroom with their total understanding of the case. They hope "the sheer weight of their knowledge will overcome any reluctance of the trier of adversary to equal weight to their presentations." 30

If a woman does not want to go into a firm in either traditional or criminal work, she has a few other options open to her. For the married woman with children, the two most often entered areas are legal aid and private practice. Legal aid is
another area where women are readily accepted, due to the nature of the area of specialization. This type of work is often a social service. In some areas it is free; in most it is offered to those who cannot afford to pay a standard fee, but are not eligible for welfare. Some communities call the service Women's Law Cooperatives. These places use lawyers on a part-time basis which allows the women to work around her family. Unfortunately, this area of law is one of the lowest paid.

For the woman attorney with a family, who wants to increase her income, she could enter the world of private practice. This is an attractive area because of its flexibility, but it is also more difficult to break into. The benefits are—they can choose what they want to do when they want to do it, and they are not pressured by superiors or associates opinions or beliefs. The setback of course is that she must settle for clients that are less prestigious individuals or less impressive companies. Also, when a woman enters private practice, she increases her risk of obtaining clients with stereotyped opinions.

Depending on the type of law the female attorney wishes to pursue, she may or may not have trouble obtaining clients. When Ms. Glazer, a Chicago attorney, went into private practice, she often received clients from other attorneys. The clients were often referred to her because the other attorney felt she, as a woman, could handle the client better. This is
how she began doing divorce work, which is a field a lot of women go into. According to Ms. Glazer, once you get a few divorce cases, it snowballs. She did make one additional comment on this subject, and that was to never bill yourself as a woman law firm. The reason she gave was that a great portion of legal work is done for men.

Clients can also be obtained from referral services. The problem with this method is that often these services are run by men with fixed opinions. "One referral service," as told by Ms. Beverly Pearson, a Washington lawyer, "was run by a retired Army lawyer who thought women lawyers should have women clients, and nice cases like adoptions, and if they insisted in practicing criminal law, they could get a nice case like possession of pot."31 To overcome this, the woman must act with confidence, and eventually the problem will diminish.

Women can also enter into government work. This is also a popular area for women attorneys. In 1977, Trial magazine reported a quarter of all women decided to begin work in the government.32 The major downfall of this type of work is that the work assigned is not usually up to the standards expected. Most of this work could be done by people without law degrees.

In a 1975 survey conducted on Rhode Island women lawyers, it was reported that government work was only a "temporary stage for many new lawyers."33 It is an easy field
to break into as the government cannot discriminate. The
government is at the center of the public's attention and so it
is difficult for them not to employ women in significant
numbers. Government work is also lower paying and, therefore,
men would tend to stay away from it. For women who become
discouraged easily in not being able to find a job in the
private section of the legal profession, government employment
is easy to obtain.

Although women constitute a significant portion of the
government sector as a whole, statistics from the late 1960's
show women have the majority in only some areas of government
work. The government is divided into different sectors cor-
responding to promotion levels. Women are primarily located in
the lower levels in larger percentages, thereby driving the
overall percentage on women government attorneys up. I
assume the numbers have increased some as since that time a
great many more women have entered the legal profession and
several pieces of legislation have gone into effect since that
time as well.

I would like to mention one additional thing in regards
to government employment for women attorneys which was brought
to my attention by one of the women in the survey I did. She
said that although the government is not allowed to discrimi-
inate in terms of hiring and salary they do discriminate in
another way. The most interesting cases go to the males working
for them, and not the women. This is one reason that the men
dominate the upper portion of the sector. Given more exposure,
the men have a greater chance for promotion.

I asked all the women who participated in my survey to tell me what type of law they practiced and if there was any particular reason why they chose that type. All types of law were represented in my survey (see appendix). The type most often mentioned was general practice. This I believe is equivalent to private practice as usually those in general work are in smaller towns performing work that is required in the town. General work is conducive to firms, but I think it is usually the women who would undertake the job due to the less interesting cases, and probably the lower salary.

The second most often cited field was litigation work. This shows that women are beginning to enter the male dominated sectors. They are doing well and enjoying it as well. Fields such as probate, bankruptcy, estate/family, corporate, and real estate were mentioned by several other women. These areas are generally easy for women to enter.

When asked if there was any particular reason why they practice the type of law they do, the most popular reason was they enjoyed it. I think this is an excellent sign. Those enjoying their work naturally do better. Several also said they wanted the experience of that type of work, and some preferred the diversity which shows women want to learn about many different areas, and perhaps then choose the one they like the most.
Several others stated the type of law they practice was the type that was needed in the community at the time they graduated law school or moved to that particular community. Some stated they took the jobs that were available where they lived, which shows us that there are some women who cannot take the specialization they would prefer. This could be because they feel women are discriminated against in areas they would enjoy specializing in or perhaps it is simply that jobs are not available in multitude and all attorneys, no matter what sex, must take any job they can.

Another reason women specified for entering their particular field was that it was a difficult or new field for women. Some women wish to prove their abilities by taking on the responsibilities of a field previously barred to women. This allows women to show off their talent.

Outside of the work place, whether it be a law firm office or a courtroom, women attorneys must contend with social situations which may discriminate against them. The most blatant social problem is the all male club. There are still a few organizations which will not admit women into their ranks. Several women in Rhode Island complained, "Providence is not replete with attractive places to lunch, and as a result a great deal of business is done over lunch in private clubs that do not admit women as members or even as guests except in restricted areas." This is a great hinderence to women attorneys because
they do not have the same access to male clients and attorneys that the men do.

Discrimination can also take place by isolating the women because of various circumstances. One instance, according to one woman attorney of such discrimination would be to invite a woman to a social function because she was a woman and not because she was an attorney (i.e., she was very pretty). Another situation involved a male lawyer who told an obscene joke about "three girl lawyers" at a party in the company of a woman attorney. She felt and those from her firm felt it was a deliberate attack on her. 

Activities can segregate the men from the women which can also be a form of discrimination. In Student Lawyer one such case was described: "Washington National Insurance Company in Evanston, Illinois for 18 years held two annual golf outings for its employees—one for men and one for women. Female attorneys can join secretaries or can ask to be allowed on the male outing that includes most of the company's executives; however, such an unprecedented request would be frowned upon." Not being included with the other lawyers denied the women the opportunity to get acquainted with the senior partners. Therefore, when it comes time for promotions or references, they will know the woman attorney and her work, but will not necessarily have any insight into the character, fiber, or personal attributes of the woman attorney.
Unfortunately, discrimination can also take place in the form of sexual harassment. Constance Backhouse and Leah Cohen wrote an excellent article on this sensitive subject. They describe sexual harassment as "any sexually oriented practice that undermines a woman's job performance and threatens her economic livelihood." It occurs in many offices nationwide, and not infrequently either, to a variety of women at all levels of different professions.

The article discusses several cases regarding harassment. One woman was bothered by a judge at a cocktail party, both verbally and physically. She told her senior partner and he insisted on writing a letter to the judge's superior asking the judge to apologize for his actions. She received an apology from the judge but it was not done seriously. The woman now fears the time she must appear before the judge. "Will my client receive a fair hearing? Will I be the victim of spiteful retribution?"

Another woman attorney was harassed by one of her firm's important clients. When she refused his advances, he began to downgrade her work. She feels that he will move his account to another law firm because she rejected him. It was difficult to decide how the senior members of her firm will view the move. Will they believe her or will they think her work is below par?

They (the authors) describe sexual harassment as a
"power play", having nothing to do with sexual desire. It is the desire of men to be dominant over women. It is done by men who have some type of edge over the women employees. This could be their salary, benefits, or their actual job. The authors asked for advice on how to handle such situations from several women attorneys. The major opinion seemed to be that women could avoid the problem by keeping very business-like. All agreed she should flatly refuse all advances--say NO!

An individual level is a good starting point for fighting the problem of sexual harassment; but for a real reduction, action must be taken on a large scale which means women must group together. It is important to let other women victims know that they are not alone, and to show them how other women handled the situation. The best way to obtain this type of publicity is via the media. Articles such as the one written by Backhouse and Cohen is an effective means of providing such information.

Besides using the press, it is possible to use the legal system to get results. This is an unusual method at the present time because it focuses on the individual at the public level. It brings everything out into the open where the woman must face those accusing her of initiating the harassment. Women are coming forward though to announce their disappointment and there are judges who are listening. In the United States, women
have won up to $20,000 in cases of sexual harassment. But as Backhouse and Cohen point out, change will only come about in a societal context. Women must collectively resist this intrusion upon their privacy and economic livelihood.

Once a woman has been in a law firm for at least six or seven years, then she should begin to think about promotion. There are firms that have accepted woman as lawyers but only in the associate position, and not as a partner. Discrimination suits have been filed against firms that refuse to comply with the new standards of today. Although using the courts is an unusual method at present in obtaining equality for women in the field of law, it can be an effective one. It will bring public attention to the situation which can pressure the firm into reevaluating its policies.

A major case was filed in February 1980 by Elizabeth Anderson Hishon against her former company King and Spalding of Atlanta, Georgia. She charges that she was denied promotion to partnership because she is a woman. "In the 100 year history of the firm, King and Spalding has never admitted a woman to partnership." Hishon was told when she joined the firm that associates remained in that position for five or six years and then if their work was judged satisfactory, they would be promoted. After her sixth year with the firm, she was told she would be considered at the next annual meeting (May 1979) for advancement. However, in January of 1979, she was not given
salary or cost of living increases as did the others in her position. After the May meeting she was told to start looking for new employment. Five of her fellow associates were promoted to partner. She is seeking $100,000 in damages.

A similar case was filed in 1977 against Fulbright and Jaworski in Houston. The woman won between $75,000 and $100,000 in damages from the company. If more firms continue to treat women as second class attorneys, they might also find themselves paying such a settlement. It is difficult to prove, however, and the woman attorney who considers making such a move should be forewarned of the difficulty because the issue is controversial.

Another controversial topic that faces many of the women attorneys in today’s job market is child care. Child care is a problem all working mothers must face. It is a little more difficult for a woman attorney though, as they are usually full time employees as opposed to part time. There are firms that refuse to acknowledge the fact that women have the right to take time off to have a child or take care of her children in an emergency. "Some firms that tolerate a male lawyer’s addiction to golf view in an entirely different light a woman lawyer’s occasional need to accommodate her children’s needs."

The Pregnancy Disability Act was passed in 1978 as an amendment to Title VII of the 1964 Civil Rights Act. The amendment states that companies that provide coverage for other types of temporary medical disability must also cover preg-
nancy. There is a limited amount of time for the coverage, usually about two months.

There are firms which cater to a woman's need for time off. Shea and Gould, a New York firm has a plan which entitles women to two months paid maternity leave, an option of taking an additional month of paid vacation, and another three months of unpaid leave without losing her status in the office. The San Francisco firm of Morrison and Foerster allows three months paid maternity leave, plus three months unpaid leave if desired. Firms such as Kutak, Rock, and Puite in Atlanta, Dechert, Price, and Rhoads in Philadelphia; and Heller, Ehrman, White, and McAuliffe in San Francisco offer the option of part-time employment.45

Part time work has its advantages and disadvantages. It is good because it allows new mothers and fathers to spend additional time with their newborn children. However, the problems seem to outnumber the benefits. The main problem being that management does not look favorably on part-time work. A representative from a Boston firm said, "Professionals do not just work nine to five." Houston firm, Filbright and Jaworski said, "We want full time lawyers. We're not practicing law on a part-time basis."46

Sally Goldfarb, in an article on child care, wrote it is difficult to determine if working mothers are discriminated against when it comes time for promotion to partnership. An attorney working for Kirkland and Ellis in Chicago wanted to
work four days a week, so she would have time for her children. This was all right with the firm as long as she remained an associate. Since there is no written procedure on how partners are chosen, there may be more women who have been denied partnership because the senior members fear she would either leave permanently or not put the firm ahead of her children.

We know at this point, discrimination for the most part in the law schools has been reduced drastically in recent years. We also know that this is not the case once the women get into the "real world"—the job market. There is definitely discrimination present, although the level is different for each area of specialization. If then, women realize that discrimination exists, what motivates them to enter the profession?

When women were first admitted to practice law in the late 19th century, the most common answer was that they had relatives that were already established in the profession. I believe this source of motivation remained the predominant one through the 1960's. During the late 1960's, however, I believe other forces came into effect.

A Rhode Island survey conducted in 1974 reported the attorneys who were just entering the profession at the same time reported none of them had a family member influencing them to join the legal field. "Better jobs, professional status, aptitude for the profession, a fascinating variety of opportunities, and a stimulating career were the dominant themes."47
Georgina Williams LaRusso asked in her study, "Portia's Decision: Women's Motives for Studying Law," the reasons why women wanted to practice law. She also asked once they finished their education, and begun to practice, are they satisfied with what they are doing. The study was compiled in 1970, at Boalt Hall School of Law on the Berkley Campus of the University of California. Slightly over 40 percent of the women law students participated. They were interviewed, given personality and self description questionnaires and observed in small group procedures. The actual study was carried on until 1975, when the students were full fledged lawyers.18

Ms. LaRusso concluded that there were eight major reasons women entered the field of law:

1) realistic--materialistic, practical advantages
2) altruistic--desire to help society
3) self enhancement
4) stimulation
5) self fulfillment--develop talents
6) profession identity
7) theoretical interest
8) action oriented--tangible results

The first two motives were the most predominant (over 50 percent of the replies).

Five years after the original study was completed, a questionnaire was mailed to all those who participated. The
researchers wanted to find out which of the motives lead to the greater career satisfaction. The women who were happy, originally responded that their primary reasons for going into law were realistic and self fulfillment. They felt that they had an aptitude for law, and enjoyed studying it. Those who were unsatisfied were those who ranked altruistic, stimulation, and action oriented high on their list.

I think this shows that women who enter the profession with the intention that they are going to get as much out of it for themselves, will be the most satisfied. Law can be a cruel profession. There are many who practice law purely for the material results. Women must carry this attitude, at least in part, if they want to succeed in this tough field. On the other hand, those women who want to use law solely to benefit others, may be disappointed because it is not easy to accomplish, and is not always as worthwhile as others make it out to be. Taking the road that will help others would be the typical stereotyped journey that a woman should take. Many women who start in Legal Aid (helping those who cannot afford a regular lawyer), eventually change their area of specialization after a length of time. Perhaps this shows that women are not satisfied with the traditional feminine roads they are supposed to travel. It does appear that the women who break out of the role are generally much happier. This is not to say which path is easier.
to take or which will have the least amount of discrimination.

If we are to look at women in the legal profession on the whole, we discover that there are two problems that plague women attorneys the most. The first problem they encounter comes from other attorneys. When I asked those in my survey if they faced any type of discrimination during their working years, many replied that language was sexist. They did not enjoy being called "dear", "sweetie", or "honey". It is degrading and give the appearance that they (the males) do not respect the women attorneys. Other popular phrases were often used, such as "What's a nice girl like you doing in a profession like this?" and "Can a pretty girl like you handle this case?" One attorney thought comments like those mentioned are made by attorneys who feel threatened by women entering the field.

There are a few ways to handle this type of problem. Some women feel it is best to come back with a snappy reply. This can have one of two effects: either the male attorney will be stunned by the returned comment and stop using such language; or he will only be more antagonized and will continue to harass the woman. Other women feel silence speaks better than words. Again, this can have the same reactions. It is best to determine each case on an individual basis.

Another thing women lawyers must contend with is the stereotype of women attorneys. One reason that male attorneys use sexist language is because they believe in one of the
stereotypes of women lawyers. Those in my study offered a variety of suggestions. A little under one third of the women I spoke with believed there was some type of stigma attached to them.

There were many words used to describe what the women in my survey felt would be the stereotype of the woman attorney. I could easily divide the descriptions into two categories. One type would be the aggressive, unattractive female with feminist views, the feeling being this attorney will have trouble getting a husband and so she devotes her entire life to her career. She is masculine in nature and so would prefer to join the men in their domain. The other stereotype is the exact opposite—sweet, consistent, and not devoted to the profession, the feeling being this type of woman went through law school so she could get a husband who was a professional.

There may be a few women which fit into each of these categories, but women on the whole cannot be finely divided. There are many women attorneys who are really quite "average." This is to say there are many women that one would not be able to guess her occupation unless she told them.

In order to combat these types of discrimination, it is essential that women attorneys band together. As I have stated elsewhere in this paper, women must support women if indeed they are to win the support of men. It is necessary to fight any and all types of discrimination if women are to find equality within the legal profession.
WOMEN LAWYERS FOOTNOTES


4. Ibid p. 1031


8. Id p. 39

9. Id p. 40

10. Pogrebin p. 222

11. Journal of Legal Education


13. Soule, p. 1146


15. Soule p. 1146

16. Ms. Saxman was a second year law student at the time I interviewed her.

17. Schwartz, p. 127

18. Id p. 128


20. Schwartz p. 25

21. Id p. 140
22. Both of these situations were quoted in Sophie Douglas Pfeiffer's article, "Women Lawyers in Rhode Island," American Bar Association Journal, (Chicago, ABA, June 1975) p. 742.

23. Id.


25. Id.


27. Id.


29. Pogrebun, p. 225

30. Shapiro, p. 37


33. Pfeiffer, p. 743


35. Some women wrote they practiced more than one type of law, such as Real Estate and Bankruptcy. Because of this, only the types are listed and not the amount of women practicing each. The same applied as to the reasons they practice the type of law they do.

36. Pfeiffer, p. 743

37. Shapiro, p. 37

38. Id.

40. Ibid p. 19

41. Ibid p. 20


43. Id

44. *U.S. News & World Report*, p. 87

45. Sally Goldfarb, "Having a Baby on the Firm Time," *American Lawyer* (p. 52)

46. Id

47. Pfeiffer

Law School Information

What law school did you attend?

DePaul (18), Kent, University of Wyoming, Rutgers, Lewis University, Notre Dame, Temple, University of Texas, University of Iowa, Denver University, University of Alabama, Cleveland, University of Wisconsin, University of Chicago (3), Yale, Wayne State, Indiana, Villanova, University of Illinois (2), John Marshall, University of Mississippi, Marquette University, Northwestern, Boston University. (No number indicates response by one attorney)

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**SUMMARY**

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*This information was not provided by all the attorneys.*
"All rise" the bailiff calls as the judge enters the room. As the person in the long black robe steps up to the judge's chair, there may be a few whispers in the observing section from those who have not been in the Supreme Court of California—the Chief Justice of the court is Rose Elizabeth Bird. Although there are many women in the judiciary ranks today, there are still some who are as surprised to see them enter the room with the title.

As of November 1980, there were over 700 women judges; however, this is only seven percent of all judgeships.\(^1\) Considering this is a tremendous increase from the amount even five years ago, there has been a great deal of progress. The beginning was slow though, and difficult.

Marilla Ricker was the first women judge, being appointed United States Commissioner in 1881. There were only a handful who achieved these positions until women earned the right to vote in 1919. Florence Ellenwood Allen holds three of the firsts for women judges in Kane's Famous First Facts.\(^2\) She was elected in 1920 to Judge of the Court of Common Pleas in Cuyahoga, Ohio. She was the first to hold that position and the first to be appointed by a president to a federal position. Franklin Roosevelt in 1934 chose her to be a Justice of the U.S. Court of Appeals. Allen was also the first to sentence a man to death which began to decrease the
popular belief that women cannot handle the rigors of criminal court.

Although Allen was the first on the appeals circuit, thirty-four years elapsed before another woman was to join the ranks. Shirley Hufstedler in September of 1968 was appointed to the 9th Circuit of the U.S. Court of Appeals. Prior to this she had been appointed judge of the Superior Court, County of Los Angeles, in 1961; later she was elected to the same position. In 1966 she became the Associate Justice of the California Court of Appeals.

The first presidential appointment of a woman to the U.S. District Court occurred in 1949. President Harry Truman selected Burnita Shelton Matthews for the District of Columbia position. She served until 1966 when she retired.

Other important first events for women in the judiciary included the appointment of Mary Alger to the U.S. Customs Court which took place in 1955 and of Cynthia Hall to a position on the U.S. Tax Court in Washington, D.C. in 1973. Florence Allen in 1922 was the first to serve on a state Supreme Court; and the second was Lorna Lockwood in 1965. Although there were only few women judges on the federal level, there were many more on local, rural courts. By the 1930's there were women serving in the lower level positions in these states: South Dakota, Colorado, Missouri, Michigan, New Hampshire, Maine, Vermont, Massachusetts, New York, Virginia, North Dakota and Washington.3
Although history has often had the opportunity to appoint more women to judicial roles, officials have rarely taken advantage of the situation. In 1968, 125 new judgeships were formed in New York because of new legislation, but relatively few of these positions went to women, despite "countless editorials...urging that the persons selected (it was only after it was pointed out that there was another sex, that the continued reference to 'men' was changed) be representative of the various segments of the population."¹ None of the state supreme court judgeships were given to women and none of the family and criminal court judgeships were given to women. Only one woman was appointed to the civil court judgeship of New York City, and one to the state.

In October of 1978, President Carter signed the Omnibus Judgeship Act which would create 152 new positions for judges giving hope that the number of women in the judiciary would increase. This would give him the "unprecedented opportunity to integrate the bench rapidly by appointing women and members of minority groups to the new positions."² He faced many organizations, such as National Women's Political Caucus, pushing for an increase in women. President Carter did increase the number of women on the bench, but it was not nearly as much as would have been possible--only 18 percent of the positions went to women."³
What are the reasons why more women are not looking down from the bench? The first, and most important reason, is that most positions require a large amount of experience prior to the appointment. The majority of women attorneys have been in practice less than ten years which is not enough to qualify fully for the position. As more women enter the profession of law, I believe there will be no choice but to increase the number of women judges. Many believe there is a time lapse of women judges corresponding to the number of women attorneys in history. When women first entered the legal profession, they were very few in number—today there are thousands of women lawyers; when women began to achieve the higher positions in the judiciary, there were only a handful—during the present time there has been an increase, but not enough years have gone by to be equal to the percentage increase in women lawyers. If we wait another five or ten years, we can expect to see a rise in the number of women in the area of legal interpretation.

Rose Elizabeth Bird, Chief Justice of the Supreme Court of California gives another possible explanation for the relatively small number of women judges. "History has shown us that when uncertainty gives birth to fear and fear gives rise to anger, people tend to focus that anger on those who are not like them. These groups (usually women and minorities) are singled out as the object of anger not because they
are the cause of the problems which are perceived, but because they are the least able to defend themselves from the criticism and attack."9 The anger has no real support, it is simply present within the public because of increased unemployment, increased inflation, and increased taxes. People want to blame someone for it, so why not these groups? "The anger felt toward minorities and women in our society in general can be seized upon at election time and turned against judges who happen to be members of minority groups or women."10 It is a great many people believe these groups are responsible for many of the nation's (and their) problems they will not vote them into office. This is not fair because their decision was based on prejudice and not on whether or not these minorities or women could handle the position.

Another reason why women are not on the bench according to Susan Ness, head of the National Women's Political Caucus Legal Support Caucus, is the application of a double standard. "Women nominated to federal judgeships, with rare exceptions, have had previous judicial experience, while only 35 percent of the white male district court nominees, and 28 percent of the circuit court appointees had such experience."9 In other words, the selection process is a long drawn out procedure. For the positions created by the Omnibus Act, the president makes the official appointment after consul-
ting the Senate. Some Senate members have selection committees which reviews candidates for the positions. Supposedly in the states where the panels are located, they choose people who deserve the position on the basis of merit.

In looking at the selection committee, we must take into consideration two things. First of all, if the appointees are made on the basis of quality, many more women would be assigned. "The women (on the bench) tend to be unusually committed and talented because only such persons could survive the barriers and harassment of the traditionally male-oriented profession." The second thing we must remember is that the committee that does the choosing is made up of male attorneys. One women lawyer, if any at all, will sit on the panel and as of the present there are no women chairpersons. In order to get women in judicial positions, we must attempt to get women on the selection committees. Women make up less than eight percent of all judicial section groups.

The selection committees have an obligation to attempt to be impartial in making recommendations. However, the male dominated committees can make mistakes once in a while such as one committee chairman asking a "women judicial candidate who was waiting for a screening to make coffee." We can see these obstacles in action in the case of Joan Krauskopf. On August 10, 1979 she was the favorite for the position on the U.S. Court of Appeals on the 8th Circuit, in
Missouri. The selection panel endorsed her application, but the American Bar Association Committee on Federal Judiciary stepped in to give its opinion. They decided she did not have enough trial experience, and told the panel to reject her. However, the guidelines issued by the president said nothing about such a requirement. Krauskopf never received the job. 15

There are some changes being made to improve the situation. The first group to devote time assisting women to obtain judicial careers was the National Association of Women Lawyers. In 1946, Adele Springer, then the president of NAWL, put together a program which might appeal to the staunch males who believe women should be watching out for the children of the world. Springer said that because of their belief that a woman’s responsibility was to look after children, wouldn’t she make a greater impact if she were to be a judge in the domestic relations (family) courts. 16 The proposal only made a limited impact on the public.

At present, new additions are being made to the selection process. The Federation of Women Lawyers’ Judicial Screening Panel, ABA’s Standing Committee on the Federal Judiciary, and the National Bar Association, have joined forces in attempting to raise the number of women and minorities on the benches of the U.S. Circuit Court of Appeals and U.S. District Court. 17 They evaluate prospective judges as
a group, separate from the Senate selection committee, and make their own recommendations.

Part of the responsibility of these groups are to encourage women and minorities to apply for judicial positions. The National Association of Women Judges (NAWJ) also tries to encourage these groups to increase their ranks in the judiciary. One of the goals of NAWJ is to have a woman appointed to the U.S. Supreme Court; but it will not be done until more women are located in the higher courts, and that will not happen until women attempt to get the lower level judgeships. The Omnibus Act also created a group that would help integrate females into the system. A network was begun to inform women of openings in the various levels of judgeships.

The main purpose of all these different groups is to inform women attorneys of opportunities and to keep them aware of the requirements necessary to become a judge. William Leibovitz, chairman of the New York City Committee on the Judiciary pointed out, "Not nearly as many women apply as we would like, and unfortunately, many of those who do apply don't have the background we are looking for." This shows the two reasons why women are not found on the bench: 1) they don't know the jobs exist and 2) they are not being adequately prepared for the position. The aforementioned organizations will take care of the first, and it is up to the individual.
attorney to see to the second. If women want to consider a judicial position, they must be sure that they are not strangers with the courtroom prior to applying for the job. Those that devoted a greater portion of their career to trial work are better candidates than those who did not do any. However, this partly depends on which type of court you would want to work in as a judge. A family court justice would need less trial experience than a judge in criminal court. Joan Carey, a criminal court justice gave this advice, "It is difficult to preside unless you have prosecution or defense experience. Lack of trial practice may not exclude you from the judiciary, but it is important training for the bench." 19

Another improvement in women gaining acceptance in the judicial field was a conference sponsored by New York's Coalition for Women in the Judiciary. The 1979 conference, "The Judicial Selection Process: A Career Conference for Women," was attended by 250 women. Their purpose was to inform women the process of becoming a judge and opportunities available. Female networks, visibility, and exposure, were three topics that were addressed, to tell women they should keep an eye out for each other, as well as for themselves.

If a woman decides to become a judge, there are certain career patterns that can increase her assurance of gaining a position. In today's market, it is almost imperative to have
graduated from law school so as to have a general understanding of the law. After being accepted by the bar, a woman attorney can choose from three main roads: judicial clerkship, political office, or trial work.

A judicial clerk is someone who follows the judge around—doing research, briefing, taking minutes and so forth. There are more women clerks at the lower local and state level than at the federal stage. Those at the lower levels will probably gain valuable experience but might not achieve the position they are clerking for. The clerks on the federal level in addition to obtaining a great understanding of court proceedings, will obtain many valuable contacts. As I mentioned before, the selection process can be very political, and if you know and can be recommended by an important justice or two, you have a better chance of obtaining such a position yourself. There are very few women in the role of federal clerk perhaps because they are steered in other directions and not informed of the alternative, or perhaps the federal judges do not have confidence in their ability to do the job. "At the U.S. Supreme Court, only three of the Justice's 32 clerks this term (Nov. '80) are female."20

Another reason could be they choose the people to fill the clerkship positions from those at the prestigious law schools. Those schools, such as Harvard and Yale, have a much smaller
percentage of women in their ranks than the average law school, therefore, a smaller percentage of females would be available for interviewing for the job.

Some judges were very anti-women when it came to letting them take one of their clerkship positions. One judge told a woman applicant that he had already chosen those who would fill the job, when he in actuality did not. Another made up the excuse that his secretary would quit if he took a woman clerk. Yet another told the woman she could not have the job because sometimes the clerks have to move heavy objects, which she obviously could not do.

Being in a political office exposes an attorney to a new side of the law. An office holder sees the intricate workings of the legal system, and as a judicial clerk working for a prominent judge, a politician gets to know other powerful people with political power. Gaining positions such as district attorneys, public defenders, and state’s attorneys, gives a greater opportunity to be elected or appointed as a judge. However, those women going into other government work with a more bureaucratic overtone also have the possibility of getting a judicial position. Many more men than women enter the career of private practice, where prestige is high and the salary substantial. Women, on the average, tend to lean more in the direction of government work where the opposite occurs. Many positions in the judiciary are not as
well paid as positions in a large firm would be. The tendency is for men to stay where the money is high, and for the women to increase their paychecks by entering the judiciary. 21

In a table compiled by Beverly Blair Cook, in 1977, 22 we can see the comparison between the percentage female in law school and the percentage in the attorney general's office (see Table 1). She then calculates the number of female judges you would expect to find within the state by multiplying the percent of female attorney general workers by the court size. She used the attorney general's office as the basis for the number of women expected because that office contains a large amount of prospective judges. Many of the men and women who take positions within the attorney general sector, hope to obtain a judicial role one day. The percentage the actual number was off from the expected number of female judges was then calculated. We can see from the results that very few states have the number of women in the judiciary as you would expect or hope to see. In 1977, there were 20 states that did not have any women judges at all, and 10 additional states only had one. California lead the race in accepting females into the judiciary with 21, and New York was a close second with 20. Florida, Illinois, and Pennsylvania were the only other states to have ten or more. It is necessary to remember that these figures have improved somewhat since 1977. California still has the most number of women on the bench, thanks to Governor Jerry Brown. In 1979
he appointed 42 women state justices, making an unprecedented move to equalize the judiciary. However, these numbers are not seen all over the country, and I am sure the majority of the figures in Cook's study are still relevant.

Perhaps the "easiest" pathway to the judiciary is via litigation work. In the past this would have been the most difficult route for women because they were not accepted in the role of courtroom attorney--whether it be on the defense or prosecution side. At present, it is much more common to find a woman pleading a case to a judge therefore making it much easier for her to obtain the position of the person she is arguing her case before. Working in a courtroom is by far the best experience for someone who wants to be a judge. In order to win a case, the attorney must know the law surrounding that particular case, including any precedents whether they are helpful or deterrent to the case. The more cases tried in the courtroom, the increased ability to interpret legislation and justice.

After preparing for a judicial position, the women attorney must decide what type of judgeship she would like to pursue, including how far in the 'levels' she would like to climb. There are now more than 700 women holding positions in the judiciary. This is a tremendous increase from even a few years back, which is a start for equal representation on all judicial levels. The majority of women now holding
positions on the bench are on the lower city and state levels, as opposed to the higher positions on the state and federal judiciary. In order to better understand why there are so few women in the judiciary it is necessary to know about the local, state and federal divisions and the women judges who have held those positions.

The first woman to hold a position as a judge in a general jurisdiction court was Florence Allen. Those justices already in the jobs were leery about a women joining them. "The male judges met and decided to create a special division for her to handle divorce cases, which would tenuce her and her calendar from them."23 Allen did not appreciate their efforts to separate her from the major issues. She declined their offer through the newspaper; so her point would not be missed. The judges saw it and "decided to treat her in the same fashion as a male colleague."24

More recent history shows that what the male justices tried to do to Florence Allen is now occurring in the present. In 1977, the major cities had a 12.1 percent average of women judges in family court--twice as high as the average for limited jurisdiction court. During 1975, in Chicago Circuit Court there was one woman on each of these divisions: divorce, probate, adoptions, small claims, marriage and land condemnations. None of the other divisions contained any
There are some states where the opposite is true—Alabama, Indiana, Massachusetts, Rhode Island, South Carolina, and Tennessee. California has a system of rotation that fits both the needs of the courts and individuals. This ensures not only protecting the women's rights to participate in cases that interest them, and not putting them in an area where society feels they belong.

Currently, women face an almost equal number of men in the family court. New York City has women in 30 percent of its family court positions. However, this also can be a problem as told by Judge Margaret Taylor. "When I was first elected (to civil court) I was assigned to family court. This isn't unusual; most of us started out in family court. However, the same isn't true of newly elected male judges. Women have been stereotyped as being more suited to deal with child custody cases and the other matters of family court." Judge Taylor also adds one very interesting note. "Many judges and lawyers have contempt for family court as a less serious court which is...another reasons why women are sent there."

It is fortunate that one sector is filling its ranks with women, but there is one more problem with the sector that is doing it. New York state constitution prohibits family
court judges from acting as supreme court judges. This denied the experience of gaining greater recognition and responsibility to a large number of female judges. Without extra training apart from their role as family court judge, there is little chance of advancement to a higher court.

I hope that family court can be used as a stepping stone to other important courtroom appointments. We must start to increase the ranks of women on the judiciary somewhere and although family court is not necessarily the best place, it is a start. Once women judges achieve status in one sector, it will be easier to achieve it in another. Family court is easier for people to accept women, in but once the public observes what a superb job they do, their attitudes will change toward a greater willingness to accept women behind other benches.

There are very few women in federal posts, although great progress has been made. The Omnibus Judgeship Act which President Carter designed did some good to raise the number of women on the federal district and circuit courts. At the start of his term there were five women, which he raised to thirty three--ten on circuit and twenty three district.28 By November of 1980, the 33 increased to 44--totally 5.4 percent of all U.S. judges.29

Although this sounds like progress, there are still
some states which refuse to advance with the rest of the country. During the Carter administration there were three circuits, 1st Circuit (Mass and New Hampshire), 4th (Virginia and Carolina) and 7th (Illinois, Indiana, and Wisconsin)--that did not have any women at all. The trial level is even worse. According to U.S. News and World Reports, "On the federal bench, 73 percent of the trial courts covering 28 states--have no female judges." Beverly Blair Cook concluded that women in the judiciary can be represented by three different patterns: ladder, pyramid, and bell. The ladder pattern shows equal proportion on all levels. This is the case in 8 of the 50 states. The pyramid shows a greater percentage at the lower court, and a smaller percentage at the higher level. The national pattern she states, is "2-3 percent appellate and major trial courts, 6% minor courts, and 11% rural courts. Twenty-five states show this method. The third pattern or the bell, shows that women are located at the bottom and the top of the scale, but not in the middle where the important trial cases take place. The last two types of patterns imply a large amount of tokenism or having a few women where they can be noticed so no one thinks your state is discriminating.

No matter what the level of jurisdiction, there is
still a tendency for the male attorney to play the "traditional" role of the male. Civil Court Judge Myriam Altman said, 'Even while presiding over a courtroom I've been called 'dear' and 'honey' by some of the lawyers.'\textsuperscript{33} This can be a very demeaning situation, having an attorney call the judge with an endearing name. Judge Altman came up with a solution though, responding to the attorney, "Counsel, you're arguing your case very well, however, I want there to be no misunderstandings in the courtroom. I am not your dear."\textsuperscript{31}

The highest level of jurisdiction a women judge can aspire to is the United States Supreme Court. However, there has never been a woman in the U.S. Supreme Court. The court was established to have the final say on legislative interpretation—legislation which affects not only the men in society, but the women as well. Because all are men, and all have been men, the woman's point of view has never been integrated into the Court's opinion. "These nine men have the final say on the rights of pregnant workers and on subjects like abortion, rape, and alimony. None of the justices has ever had a boss or client drop a friendly paw on his thigh or been denied educational or job opportunities because of sex."\textsuperscript{35} It is disappointing to think that for over 200 years men have been making the decisions for women about topics which they know very little.
Although no women have been appointed to the Supreme Court as of yet, President Ronald Reagan during his presidential campaign promised he would appoint a woman to the position if he were given the opportunity. There are many, many women who are qualified for the job, and this has been the topic of several surveys. Lee Ellen Ford, an attorney from Indiana, compiled a survey in the Spring of 1980 and the one question which was answered yes by all was "Do we have American women qualified for appointment to the U.S. Supreme Court?" Another important question was "Do you think the ABA would accept a woman as nominee for the Court?" Here the results were mixed, with two thirds voting yes and the remaining no. The reason for this she concluded is because the ABA is still an organization that is male dominated. Once women become ingrained within the group, there will be no doubt that the ABA would accept a woman on the Supreme Court.

Both Ms. Ford and Ellen Sweet did studies on who should be nominated as the first women to the Supreme Court. Ms. Ford's list was compiled from the names that were given to her by the AAM members taking the survey. The names Ms. Sweet acquired were from legal scholars and women's constituency groups. Each list contains some of those listed on the other, in addition to some that are not. I will give some biographical information as provided by Ellen Sweet, on those that are on both lists.
The most popular candidate was Shirley Mount Hufstedler. She by far has the most experience being the highest ranking judge for women (9th Circuit, U.S. Court of Appeals) and being a judge the longest (18 years). She has held a vast number of positions in her career, starting with 10 years with Los Angeles firm Beardsley, Hufstedler, and Kemble. She went on to become a judge with L.A. County Superior Court then later California Court of Appeals, and finally U.S. Court of Appeals. President Carter chose her to head the Education department in the cabinet because of her affiliations with several educational institutions and the knowledge she gained from them. In a survey taken by National law Review, she was voted as the choice for the next Supreme Court appointment.

Another Carter recruit who was mentioned as a good choice for Supreme Court Justice is Patricia Roberts Harris, ex-secretary of Health, Education, and Welfare, and Housing and Urban Development. Her role as attorney began in 1960 when she worked for the Justice Department writing Supreme Court briefs. The next year was appointed associated dean of students at Howard University, where she also taught constitutional law. She took a sabatical in 1965 to be an Ambassador to Luxembourg, and returned to Howard two years later to become the dean of the law school. Two years after that, in 1969, she joined the law firm of Fried, Frank,
Harris, Shriver, and Kampelman until her government appointment by Carter.

Eleanor Holmes Norton spent a good portion of her career fighting for equal rights, beginning her legal career in 1960 as the assistant legal director of the American Civil Liberties Union. Ten years later she moved to New York City, where she joined the Commission on Human Rights. She handled the start of the first sex discrimination cases under Title VII for the women employees at Newsweek. During the Carter era she was given the chance to head the Equal Employment Opportunity Commission.

Another woman attorney highly recommended is Patricia McGowan Wald. She has spent many years working for the poor, disabled, institutionalized and the incarcerated. She began her career with two jobs: clerking for a judge at the U.S. Court of Appeals and working for a Washington, D.C. law firm. Also in the course of her career she was an attorney for Mental Health Law Project, and assistant attorney general for legislative affairs in the Justice Department. She was recently appointed to the U.S. Court of Appeals for the District of Columbia. She feels it is important to "focus on the entire range of workplace treatment of women, including sexual harassment on the job."

Federal Judge, Betty Fletcher, was also mentioned in both studies. In October of 1979 Ms. Fletcher was appointed
to the U.S. Court of Appeals, 9th Circuit leaving behind a long practice with Seattle law firm Preston, Thorgrimson, Ellis, Hotman and Fletcher. She has a record of working for women's issues such as day care and employment. She has been able to make improvements in these areas and others.

There were many other qualified women mentioned in each of the two studies. Sweet also discussed the careers of Ruth Bader Ginsburg, Barbara Jordan, Herma Hill Kay, and Constance Baker Motley. All are lawyers and have done some type of work within the arena of women's rights. Ford mentions several other judges: Amalya Kearse, Joyce Hens Green, Sylvia Bacon, June Lazenby Green, and Joan Dempsey Klein. Ford also gives a list of names who were not mentioned as often as the others--Katherine Magee, Elsejane Trimble, Fma Wienshenk, Catherine Kelly, and Mildred Likey.

It is obvious that there are many, many women who have the qualifications to be on the U.S. Supreme Court. The women that were mentioned certainly deserve at least consideration when the next opening arises. I feel it is important that the public realizes there are women who are experienced enough to handle the responsibility of being on the Court. I do not believe it is totally the fault of the ABA and the selection committee that women have been kept out of the highest court.
in the land. Part of the blame should belong to the American people for not believing enough in its high ranking women judges. If the public exerts pressure on its legislative representatives, and other influential support groups, more females will be on the higher courts possibly including even the Supreme Court.

Another important issue we must consider, is that it is not enough that President Reagan promised he would appoint a woman to the Supreme Court should an opening come up. Many women's groups felt threatened by many of Reagan's beliefs on certain issues, such as his opposition to ERA. I think the announcement that he would endorse a woman candidate for the Supreme Court was to appease them. The women's groups should have insisted on more---one woman on a bench of nine is not enough. We should work for equal representation on the judicial board. All the different sectors of the population should be shown on the court according to their percentage of the population of the country.

I believe the next vacancy on the Supreme Court of the United States will be filled by a woman. I hope the next opening after that will also be filled by a woman or another minority. It is difficult to determine what the general attitude of the country will be until after the first woman justice is given the nomination.
Women judges, from the highest court to the lowest are a unique group. There are very few like them, and because of that, until the end of October, 1979, most women judges had never seen another female judge. Women in the judiciary felt isolated and alone because they were so few in number. They were united on October 25 through the 28th in Los Angeles, to form a new organization—the National Association of Women Judges (NAWJ). "Membership is open to judges of both sexes interested in increasing the numbers and improving the status of women judges, who are lawyers performing judicial functions full-time." 38

The decision to formulate such a group came from the women judges in California. The governor of the state, Jerry Brown was liberal minded and when the opportunity arose to appoint more women judges to equalize their position in that sector of law, he took advantage of it. The 60 women judges formed a Judges' Committee within the California Women Lawyers organization, and from the committee came the idea to begin a national group. Justices Vaino Spencer of the Los Angeles Superior Court and Joan Sempsey Klein of the 3rd Division, 2nd Appellate District of the California Court of Appeal were designated to so the organizational work. 39

Justice Klein said two very fortunate incidents occurred right at the start. First, they were able to get a list
of all the women judges in the country from Beverly Cook, Political Scientist professor at the University of Wisconsin. (There is no other listing of all the women judges in the United States). Secondly, a student from IA Wellesley volunteered her time and effort for an extern program to take over most of the organizational activities. All of the women they spoke with were very excited about the activity.

One hundred women judges attended the meeting in October, with others in spiritual attendance. 40 Those physically present at the conference were greeted by Governor Brown and Yvonne Burke, a former member of Congress, and presently an LA supervisor. Many other distinguished personalities attended the conference as guest speakers. Chief Justice Rose Bird of the California Supreme Court gave the luncheon address. She hoped that, "organizations like the National Association of Women Judges contribute to the process (of making all those who sit on the bench accepted as equals) not only by providing women judges with a point of reference but also by speaking out on matters of important to the entire judicial system. By doing so, they will both further define our role as judges and will help ensure a strong judiciary that can vigorously play its proper role in our society." 41

Other guest speakers include Leonard Janofsky, president of the American Bar Association, who spoke on the
selection process of federal judges, a subject which is questionable discriminating. Susan Ness, a legal support chairperson of the National Women's Political Caucus, talked about her organization's role in assisting to increase the number of women judges. Margaret Mckenna, White House counsel to then President Carter, described the Omnibus Judgeship Act issued in 1978. Other speakers included Mayor Tom Bradley, Dave Eagleton (President California Judges Association), Jane Barrett (vice-chairperson of the ABA Young Lawyers Division) Beverly Cook, and Elizabeth Snyder (woman leaders in the LA area). All gave interesting presentations on their thoughts of some aspect of women in the judiciary.

Officers of the organizations were elected during this first meeting as well. It was not surprising that those doing the background work for the conference got the highest honors. Justice Klein became president of NAWJ and Justice Spencer was voted president-elect. Three other main positions were elected—vice president, secretary, and treasurer which went to Judge Gladys Kessler, Superior Court Washington, D.C.; Clarice Jobes of the Recorders Court in Detroit, Michigan; and Morie Krueger, Circuit Court Madison, Wisconsin, respectively. The organization also decided that, for better representation, it would be best if they divided the country into districts and elected and representative
from each one. The country was divided into 14 districts, and judges were selected from each one to participate in future meetings bringing ideas from their particular geographic location.

In addition to hearing from noteworthy speakers and electing officers, they pinpointed things they wanted to accomplish—in both the short and long run. They gave their support to three major issues: ERA, promoting a woman for U.S. Supreme Court Justice, and frowning upon judges who join organizations which discriminate on the basis of sex, race, religion, or national origin. The organization also decided to work for other changes and improvements within the system.

One of the first things NAWJ will do is compile a complete directory of women in the judiciary. The coordinators of the conference realized how lucky they were that Beverly Cook had done all the ground work for them in collecting all the names of the women judges in the country. NAWJ will combine their efforts with American Judicature Society for this major task. The directory will provide such material as names, addresses, which court they serve on, as well as how they were trained.

The organization is concerned over the fact that women are not equally represented in the judiciary. They believe
that since women are 50% of the population their interests should be promoted on the bench. They will pursue this issue through the districts they created. "We believe that by disseminating facts relating to the status of women judges...we will have a salutary effect on increasing our numbers."43 As part of this important problem NAWJ will do two things. They are going to write a booklet on what it takes to become a judge and what it is like once you have gotten the position. Many women do not know what the qualifications are to become a woman on the bench, and NAWJ wants them all to know it can be done. They will tabulate all the information and distribute it to different women bar associations to deliver it to their constituents. NAWJ also plans on infiltrating the selection procedure. They will be making their own recommendations to those doing the ultimate appointment.

The third issue NAWJ wants to tackle is developing a network between the women in the profession, so that "members may communicate with other similarly situated individuals and thereby gain strength, courage and reassurance."44 There are so many more men in the judiciary than women that women tend to feel isolated, perhaps even a bit odd. "Outside of metropolitan areas, it is rare for any courthouse to have more than one woman judge."45 A network would serve the purpose of keeping the communication lines open between those already
in the judiciary and those who would like to be. "Women who are successful in a male position like the judiciary often are told they are 'special' or 'not like other women' which has the effect of separating the token women from other women." 16 A female network would continue to let women judges know they were not that unique and let other women in the country know that as well.

The first conference of women judges was extremely successful. It allowed women judges the opportunity to see others like them in person. Most women would only know the others through reputation, if at all. Beverly Cook's survey, in 1978, about women judges on the state trial level discovered that "60% of the women judges know 5 or fewer women in other states; 22% have not met a single judge out of state." 17 At this meeting, they could talk and joke with others knowing they would be understood. "All of us either discovered or confirmed a mutuality of problems and goals, and a desire to work toward improving our lot." 18

A mid-year meeting took place in Madison, Wisconsin at the end of April, 1980. At that meeting plans were begun for the second annual NAWJ conference which they decided would be held in October of that year, in Washington, D.C. Included in the plans were receptions given by the White House and different bar associations. They also hoped to sponsor a panel on judicial education. 19
Once a woman is settled in her career as a judge, there will be certain changes she will have to make in her lifestyle. Women judges, just like any other female working full time, must face certain adjustments within her family life. In a study by Cook, many women in the judiciary are married to men in the legal profession.50 Being in the same general profession enables the couple to better understand one another. A male attorney married to a woman judge would be able to comprehend the problems surrounding her occupation better than someone in another occupation. However, Cook discovered that does not work in reverse—only a small percentage of male judges are married to women attorneys. Most male justices were wed to housewives.

Although women in the judiciary may work a 40 hour week in their given court, they are not relieved from their given household duties. This is typical for all women workers; they must take care of an entire home and family in addition to a normal workweek. I would tend to think that the women who really took their career seriously would choose to eliminate some of the household problems. Possible solutions to this combined work load include a redistribution of household activities between spouses and children and where economically feasible the hiring of outside domestic help.
Cook uncovered a correlation through her study of the number of women judges in an area to income and the number of children. These two things are important she explains because of society's traditional values—women are supposed to stay home and care for her children. If, however, in that particular community, there are a large percentage of working women, and women in general are having fewer children, then there is a greater chance that there will be more women judges.

Women must support other women if we are to knock down the barriers. Such was the case when Chief Justice Rose Bird was asked to be the first woman to speak before the Chancery Club of Los Angeles, a club which limits itself to male attorneys. The occasion was to honor Supreme Court judges. Part of her speech went as follows:

You're a microcosm, in my humble estimation, of our society's dilemma when dealing with discrimination. Women members, it's been said, you simply do not take Unless of course, they've been hired to jump out of a cake.51

By continuing to keep this issue in the public eye, and the legislators minds, I am sure that women will one day, perhaps soon, be an equal part of the judiciary force in the United States.
1. "Women Have Their Day in Court, as Lawyers," U.S. 


3. Beverly Blair Cook, "Women Judges: The End of 
Tokenism", Women in the Courts, (National Center for State 

4. Ibid. The comment made in parenthesis was included 
by Ms. Cook and is not an additional comment.

5. Moira Griffin, "In the Judiciary," Student Lawyer, 
May, 1980, p. 28.

6. Susan Ness & Fredrica Weishter, "Power Plays, 
Cronyism, & Other Obstructions to Justice, Ms, (Ms Foundation, 

7. Statistics from Law School have shown an increase 
in the number of women attending since 1970. I could say it is 
common knowledge that women have in the last ten years started 
to increase.

8. All those writing articles supported this view.

9. Rose Elizabeth Bird, "No Room For Error," Judges 
(Griffin, Cook, Bird).

10. Ibid
11. Griffin, p. 28.
12. Cook, p. 87

14. Ellen Sweet, "Shirley Hustedtler & The Supremes", 

15. Ness
16. Cook, p. 88
17. Griffin, p. 40
18. Ibid
19. Lee Ellen Ford, "Do We Have American Women Quali-
fied for Appointment to the U.S. Supreme Court," Women Lawyers 
21. Cook p. 88
22. Ibid
23. Ibid p. 89
24. Ibid
25. Ibid

27. Ibid
28. Griffin, "In the Judiciary," p. 28
29. U. S. News p. 86
30. "In the Judiciary, p. 29
31. Day in Court p. 86.
32. Cook
33. Griffin, "Bench Remarks," p. 28
34. Ibid
35. Griffin, "In the Judiciary," p. 27-28
36. Ford, p. 7-10
40. Ibid
41. Bird, p. 41
42. Klein, p. 6
43. Ibid p. 41
44. Ibid
45. Griffin, "In the Judiciary," p. 41
46. Ibid

47. Cook, "Of Women Lawyers," p. 12

48. Klein, p. 6


50. Cook, "Women Judges: End of Tokenism."

51. Ibid.
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PROFESSIONAL GROUPS

As soon as women began entering the legal profession, they began to band together in groups. These groups provided an outlet for their feelings of uneasiness in a male dominated profession.

The first group was formed when there were a very small number of women in law. The Equity Club formed in 1887 in Michigan as a club via the postal system because travel during that time period was not done frequently. A newsletter was sent to all the attorneys the club could find, which ended up to be only 62 in number, 3.5% of all women attorneys. They began with 25 cents as a membership fee, but it had to be increased at a rapid pace to keep up with the increased costs of running and organizing such a widespread group. Their purpose was described in one of the letters of the group. "...[We] who have common aims should stand very close together, not merely for material assistance we may give each other, but for that sympathy and encouragement which shall fit us for whatever difficulties we may encounter." They could give each other the support and advice they could get only from other lawyers in their unique situation which limited it to a small number. A woman from California wrote, "The Equity Club should discuss topics of grave importance to all women, not only (to) benefit ourselves as members of a profession but [to] do much
good for all womankind. In addition to giving attention to general issues involving all women, they could talk about specific incidents that happened to them individually, e.g., discrimination and professional experiences. They wrote about everything from the type of legal practice they should enter to the type of clothing they should wear. The Club didn't last very long, however, because of the difficulties in communication, but it was a beginning.

In 1899 a group of women attorneys in New York decided it was time to establish a new organization. They held a meeting in April of the Committee on the Organization of the Women Lawyers Club chaired by Gail Loughlin. They determined their first general meeting would be held on June 1, 1899 in Orange, New Jersey and their second meeting would be two and one-half weeks later in New York, New York. The organization would be a national one with any women attending eligible for membership. Twenty-five women attended the meetings where officers were elected and by-laws and constitution were drawn up and passed. Rosalie Loew was elected as president.

Today there are many more women in law school now than there were previously, and so it is only natural that women attorneys would get their first taste of being involved in professional groups while still in law school. Within the last ten years, law schools all over the country have organized women law student groups. The primary goal of these caucuses is to promote the rights of women in the legal
scholars to the legal problems of women, such as divorce, abortion, equal pay, etc.

Before there were many women in law school, they did not have women's law caucuses. The schools did, however, provide the females in the school opportunities to congregate. In the early days these groups were called legal sororities. The most popular sorority was Kappa Beta Pi, and it was formed because women were not allowed into the all male fraternities. According to some attorneys who had been members, the sorority was formed with friendship in mind, and not concerned with women's rights.6

Groups calling themselves Women's Law Caucus (WLC), Women Law Students (WLS) or similar designations were groups that were formed in the law schools primarily in the late 1960's and early 1970's. Usually the groups are open to both sexes - not limiting themselves to the female viewpoint. However, very few men join the groups. Moreover, although one-half or one-quarter of the women students may say they are members of the organization, a very small percentage are active participants.

In the earlier years of the groups, the students concentrated primarily on discrimination within the law school (admissions, financial aid, etc.). As more women entered law schools the profession in general, their purpose expanded to include other topics of interest to the women students. Suzie Saxman, a member of WLS at the University of Illinois,
told me they involve themselves with many subjects. They invited one of their professors to speak on sexual harassment of women in the legal profession. It was an informal session on how they should handle the situation should it arise. The women in law school are sheltered, and it was to let them know what they might expect later as they enter into the job market. They also sponsor brown bag lunches where guests speak on subjects such as self-defense, rape, and health education. Saxman said the group is now well organized and considered a legitimate organization complete with by-laws, but it took some time before the faculty and administration took them seriously.

Washington University Law School in St. Louis publishes a brochure about the women at the school written by their WLC. The pamphlet describes the women students, as well as providing information on admission, programs and placement. There is also a section on the Women’s Law Caucus, its purpose and activities. Some of the activities are similar to those offered at the University of Illinois; however, they have one project which is unusual called Women’s Prison Project.

"Students visit a state prison, interview clients, research issues and participate in trials under the supervision of a local women’s law firm." This type of project is useful not only to the law student, but the community as well. The students gain experience in the field, learning valuable
information that they can apply in later life, and just as important, they can observe female role models. If women law students can have the opportunity to see women attorneys in action they will realize that they can be accepted as lawyers, and that there are successful women in the male-dominated field of law.

Some women do not believe these groups do enough. A Chicago attorney told me she did not belong to the WLC at her school because they focused on petty issues, e.g., what to do about a judge who made sexist comments at an orientation. She felt they should place greater emphasis on how law affects women in general. She suggested they should deal with subjects such as battered wives and day care. Perhaps as discrimination is eliminated in the law schools, the women’s groups will concentrate on the issues that are more prevalent in society.

Women law students have another option open to them in terms of organizations. The National Conference on Women in Law provides opportunities to get together with other female students to deal with topics relevant to all of them. The subjects include sex discrimination and efforts to obtain greater awareness by the legal community. The first conference was held at New York University Law School in 1969 with 100 women in attendance. Their main concern was discrimination against female law students. The topics in more recent years remain similar. At the 5th Annual (1974)
conference in Austin, Texas the women discussed the attitude of male judges toward women in the profession. The next conference was summarized effectively by the New York Times:

"The profession still makes jokes about women, male judges still treat women - even women judges - different than they treat men and women still feel less welcome, if welcome at all, in the legal profession."11

Once into the field, female lawyers have a wider variety of groups to join. Most of the women attorneys today, according to my survey, will be member of at least one professional organization. Many women participate in the American Bar Association - approximately 10% of its membership are women.12 However, these 10%, and perhaps those women not in the ABA, are disappointed in the organization for two reasons: the widespread failure to promote women in the legal profession; and the failure to promote women within the hierarchy of the organization itself.

Miriam Newman, head of the Brooklyn Women's Bar Association, reports, "While the ABA supports the Equal Rights Amendment, they don't work as hard for it. There is still a great deal of discrimination and resistance to women in the ABA. Women must participate in women's bar associations in order to make their voices heard."13

Many women participate in Women Bar Associations. This type of group can be formal, with organized meetings and agendas, or informal gatherings of the women attorneys in the area. One attorney resigned because the group refused to
about men. She said these activities were mainly social and nonsubstantive. She emphasized the importance of forming the male-dominated group and trying to obtain leadership positions there. On the other hand, some women enjoy their MBA and are persuaded of its importance. They see a chance to complain and chat with other women attorneys, one woman attorney wrote. Another emphasized the importance of the group. In addition to informal seminars, the MBA lectures on important legislation and holds seminars on various areas of law.

The separate women's bar associations deal specifically with issues concentrating on women, whereas the MBA takes a more general approach to the profession. Ruth Bader Ginsburg says, "Men in control of the ABA and other major bars] would like nothing better than for women to stay in a separate association. Women must participate in the bigger bar association where there is real clout, even if they choose to work on some very important issues through the woman's bar." I agree with both these women. Women in the legal professions should participate in major bar associations in their area because those organizations have the size and power to change policies, attitudes, and positions. Yet women's bar associations are also apt to keep the issues that concern women to the forefront. We must continue to remind ourselves of the problems and discrimination that women face within the field of law. Women attorneys must deal with the
obstacles they face as women lawyers, but also the problems of women in general, i.e., day care facilities for working mothers, abortions, sex discrimination on the job, etc. If the smaller women’s groups decide on what issues should have priority, what action should be taken to remedy the situation, and then bring their information to the attention of the larger groups, there will be a better chance of action being taken. Once the groundwork has been done, the backing of an influential power is needed.

In August, 1972, the ABA decided to use its influential power to bring public attention to the discrimination of women in law. They issued a statement to denounce the unfair treatment of women in law schools, and recommended actions to be taken to decrease such treatment.

"Be It Therefore Resolved, That the American Bar Association urges:

1. that all law schools should:
   (a) make substantial efforts to recruit and admit women students;
   (b) make substantial efforts to recruit, hire, and promote women professors;
   (c) require that their placement services be made available only to potential employers who hire on a non-discriminatory basis;

2. that law firms and other employers refrain from discriminating against women attorneys with regard to hiring, assignment and promotion of women lawyers."
Although the ABA passed this resolution there was no guarantee that it would change the attitude and behavior of the law schools. It was a start, however, and it made the schools realize that the ABA was aware of the situation and concerned. If the law schools wanted to continue to have the support of the ABA behind them, they would heed their advice.

The second problem faced by women in the ABA is their lack of representation in the upper hierarchy of the organization. The majority of people listed in the directory of leadership positions or ABA Redbook are held by men.¹⁶ Those women who are active in the group participate by serving on committees as opposed to heading them. Only four women have ever been in charge of a section - the latest, Jane H. Barrett, was appointed to chair the Young Lawyers Division in September, 1980. Of the 380 members of the House of Delegates, only 12 are women.¹⁷

Carole Belloys makes suggestions for those women who want to acquire those positions that seem out of reach for women.¹⁸ Start at the bottom making sure to attend every meeting so people get to know you. After you have done some volunteer work, move onto a position of governance and later run for a position on the Board of Governors or a representative in the House of Delegates. The main point is to get involved!

There are many reasons to become involved in the ABA. Harriet Pilpel says, "The contacts are invaluable. It's a good way of becoming part of a national network and devel-
opining a professional reputation. Other reasons for joining range from good socializing experience to gaining professional knowledge. Yet there are just as many reasons why women are not active within the ranks. The most common reason given was insufficient time to put forth the necessary effort. Most women in addition to their career as attorneys also have the responsibilities of a family. Another reason cited is that the ABA still retains the attitudes of a male-dominated organization. Women can find this type of tight-knit group unwilling to associate with them.

The present hierarchy of the ABA wants to change this situation. Leonard S. Janotsky, the current president, and S. Shepard Tate, the most recent president, both attempted to assist women obtain the higher positions. In the summer of 1975 the following resolution was passed:

Whereas the American Bar Association has recognized the need to encourage more women to enter and realize their full potential within the legal profession and has called upon law schools and law firms to make substantial efforts toward this end,

Be It Resolved: That the leaders of the American Bar Association itself make substantial efforts to increase the participation of women in its standing and special committees and commissions its other decision making bodies, its staff and at all other levels of the Association.

This was the first major step toward integrating the hierarchy of the ABA. Although complete integration won't take place for many more years, women's voices are being heard.
Once the number of women attorneys stabilizes over the years, it may be expected that the number of women in leadership positions will increase to that percentage.

The National Association of Women Lawyers, or NAWL, is a group created from the original local small women lawyers' groups. In August of 1923, the first national organization was established. NAWL gathered at a two-day convention at the Curtis Hotel in Minneapolis, Minnesota. Thirty-two states were represented. At this meeting the women decided their specific objective would be to analyze laws of various kinds that discriminated against women. Once they became organized, they developed their objectives formally in their by-laws. They state NAWL has four purposes: 1) promote the welfare and interests of women lawyers; 2) maintain the honor and integrity of the profession of law; 3) aid in enactment of legislation for the common good and administration of justice; and 4) do all things necessary to promote and advance the purposes of NAWL.

The group did very well, maintaining representation throughout the states. It was a well recognized group among attorneys, although it was not until twenty years after its national beginning that the men of the profession recognized the group. On March 29, 1943, NAWL was made an affiliated organization of the American Bar Association.

A year later, in Mexico, an international organization was formed, the International Federation of Women Lawyers. Their major aim was to establish friendly relations between
the women in different countries on the basis of equality and mutual respect. The group also desired to concentrate on matters of international law, including those dealing with the United Nations Conferences held periodically to discuss present issues. Presently, there are over seventy countries participating in the organization.

There are many other organizations that women attorneys join. The Business and Professional Women’s Club (BPW) was one that was often mentioned in my study. This organization brings together women at upper levels in the job market. As one woman attorney put it, "The purpose of BPW is to elevate the standard of business and professional women by promoting their interest through a spirit of cooperation and extending opportunities in education. Women attorneys could think of the group as a MBA only expanded to include all women "executives".

An organization which has a very limited purpose is Women’s Law Fund. The group provides legal assistance in cases of sex discrimination. All members are female attorneys, and belong to the National Association of Women Lawyers. The Ford and Cleveland foundations provide the grants to keep this organization running smoothly.

The attorneys I surveyed listed other groups they participated in: Women’s Political Caucus, National Organization of Women, League of Women Voters, Women’s Connection,
Women in Transportation, Women’s Legal Advice, and Women’s Prison Service. Participating in these organizations and others that have not been mentioned, is an important part of the support system women must have.

Many believe it is who you know, and not what you know, that determines getting ahead in the world. The men have what is known as the "old boy network." They keep in touch with their classmates, and meet many others through clubs and professional organizations. These contacts can introduce them to influential people or inform them on new job openings in prestigious firms. The women, on the other hand, do not fit in with the "old boy network" -- men feel uncomfortable taking them under their wing as they might do for a young male attorney. In the beginning, women were not allowed in the men’s clubs and so were not even given the opportunity to try to make such contacts. Women then thought to themselves, if they couldn’t infiltrate the men’s network they would have to initiate their own. This was the start of the "old girl network," and all the women’s organizations assist in expanding it. If the men won’t help the women get ahead it will have to be up to the women to do it themselves.

According to a Chicago attorney I interviewed, "Women must support women. Until we do, how can we expect men to ever accept us in the professional world."

Another in my survey sums things up nicely, "Women may
encounter difficulty by failing to be included or have access to the 'good-old boy network,' i.e. friends in the system who can serve as mentors and provide opportunities to key jobs. Men often have access to this network through social connections -- going to the same university or club memberships. If women are to get into key jobs, they must serve as role models and assist other women who are just beginning. But the most important thing is that women must assist other women because they are good lawyers not just because they are women."

An attorney from Indiana who participated in my study said, "I hope some day the need for such groups seeking equal rights for women will no longer be . . . and we can just get together as women for talk and social exchanges. I do not believe in separate women's groups, but as of this time in our society it is imperative we do it to have a strong voice and be strong advocates for those who fail to speak out but need to make a living also."

In order for an organization to keep in contact with all of its members, it is necessary to publish some type of newsletter for distribution to all of them. Starting in 1922, a magazine was published by NAWL that was used to increase the recognition of female attorneys and to show the problems they faced as a group. The magazine, called the Women Lawyer's Journal, not only discusses current events in
law but also brings into the spotlight the achievements of women attorney:

Women's Law Journal was created by women law students in California in 1976. They had four objectives in mind when they began the magazine: "1) increase the legal community's awareness of legal and social problems of women; 2) provide a legal forum which focuses on broad issues which affect a majority of the population; 3) offer an opportunity to contribute in an academic and on-going manner to a quickly expanding area of legal inquiry; and, 4) be a source of specialization information for practicing attorneys and interested law students."25

Another publication revolving around the issue of women's rights is the Women's Rights Law Reporter.

Women attorneys must keep informed on current topics using both support groups and periodicals. They will learn about subjects that could affect them and their female clients. They themselves must be aware of new precedents and policies in the law, in addition to keeping in touch with what other women in the field are doing. It's always good to have role models, no matter what the age, so enthusiasm stays continuous for women lawyers. It is good to hear about the accomplishments of other female lawyers so the goals of others in the field remain high. As Chicago attorney Sandra Burns says, "The sisterhood is growing - we have much more power than we think!" If women continue to participate in
clubs and organizations that support women lawyers, and subscribe to magazines that are active in advocating women's rights, then it may be hoped that the power of women in the legal profession will grow.
PROFESSIONAL GROUPS FOOTNOTES


2. Ibid

3. Ibid p. 13


5. Ibid

6. I received this information from women in my survey.


13. Ibid p. 13


16. "In ABA," p. 27

17. Ibid p. 29


19. In ABA, p. 42


22. Ibid p. 23


22. Ibid p. 23


CONCLUSION

I have discussed various discriminations against women who want to enter the profession of law. The discrimination ranges from unequal classroom representation to unequal hiring policies and resentful secretaries. Although there is a large variety of areas, there appears to be a common denominator. In order for discrimination to be eliminated in the legal profession, it would be necessary to change the attitude of the public. This necessary change, however, may take a long time. Attitudes began changing in 1869 when the judge ruled that Belle Mansfield should be allowed to practice law. Since that time, women in the legal profession have made a great deal of progress. Women lawyers are now practicing in every state, either self-employed or members of law firms, and practicing in every form and area of the legal profession. Women are now presenting cases to juries as legal representatives and are judging other cases from behind the bench. This is a great feat considering that less than sixty years ago women were still not practicing law in Virginia.

The first step needed to truly change the attitudes of people as a whole was to make sure the attitude of women attorneys was positive. These women needed to know there were others like them. It was necessary for them to become united, and together they could work on changing the attitudes of others.
To overcome the doubts of women lawyers about themselves and other women in professions, groups were formed to promote moral support. In the beginning women were not admitted to important organizations because the men did not want to recognize their presence or competence within the legal field. Women organized their own groups, originating on the city level and eventually growing to nationwide organizations.

For the most part, women law students and lawyers are working together to achieve their due respect as practicing professionals. In the initial stages the male students in law schools are going to the women for assistance in academics and treating them equally in social and honorary groups. This latest generation is practicing equality between the sexes.

This equality was pointed out in a study done by Paul Abramson, Philip Goldberg, Judith Greenberg, and Linda Abramson. They entitled their survey, the "Talking Platypus Phenomenon: Competency Ratings as a Function of Sex and Profession."1 Divided into four groups of 50 were 126 females and 90 males, all undergraduates from the University of Connecticut. Each group was given a biographical sketch -- half were lead to believe the person was a man, the other half a woman; half were lead to think the person was a lawyer, and the other half a paralegal. They were to rate the person vocationally, marriage potential, and interpersonal success. The lawyers' biographies were exactly the same. The
paralegals differed from the lawyers only in education and employment.

The results were very interesting. Both female biographies were rated more vocationally competent than the males. The female subjects gave the highest ratings but the males did agree. They perceived the women in the biographies, especially the attorney, as having defeated obstacles (or constraints) to get where they are at. As for marital success, the male paralegal scored the highest. The attorneys scored equally, suggesting there is no significant effect at all on any of the biographies.

The researchers gave this possible explanation for the results:

When an individual achieves a level of success not anticipated his/her achievement tends to be magnified not diminished. After all, it matters little what the platypus says, the wonder is that it can say anything at all.

We can appreciate now that the basic problem lies with the attitude of the older practitioners. The older male attorneys have very few women in their law school and therefore find it difficult to accept the idea that women are in the profession. They were taught that the woman’s profession was to stay home and take care of the house and children. This is a new day and age though, and women are expanding into the traditionally male professions. As long as the men who were raised during this era are still practicing, the sexist attitude will remain. In my opinion, as the younger attorneys infiltrate the profession, the
negative attitude toward women attorneys will diminish. Of course, I doubt the attitude will ever go away totally. There are men today that believe the woman's place is in the home. In fact, when the women of Harvard Law School celebrated their 25th year at the law school, they had a celebration which included an auction of baked goods donated by the male staff and students. The grand prize was throwing a pie in the face of the school's noted chauvinist.2

Male dominance in the legal profession is slowly decreasing as more and more women are seeking careers in the field of law. Statistics indicate that one day, the female half of the population will be equally represented in the profession. Equality will result because of the changing attitudes of both sexes and not because of legislation. It will come because both women and men will begin to accept and believe in women and their abilities. Changes today are worldwide. The 1970 statistics show that 50% of the law students in Denmark are female, 36% of lawyers in Russia are female, and 25% of the judges in Poland are female,3 and of course these numbers have increased since 1970. It is my desire as a goal to one day be a practicing woman attorney. As such, I will work toward the equality of women and men in the legal profession and an end to its discrimination.

I would like to conclude this paper with a quote from the most famous of all lawyers, Clarence Darrow, as he addressed a group of women lawyers:

-144-
You can't be shining lights in the bar because you are too kind. You can never be corporate lawyers because you are not cold blooded. You have not a high grade of intellect. You can never expect to get the fees men get. I doubt if you will ever make a living.

How times have changed. How times will further change.
CONCLUSION FOOTNOTES


APPENDIX

Survey Questions and Results

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<th>Illinois Residents:</th>
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Is the number of women law students increasing?

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</tr>
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</tr>
<tr>
<td>Total</td>
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Did you encounter any discrimination?

1) by students?

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<td>Yes</td>
<td>19</td>
<td>28</td>
</tr>
<tr>
<td>No</td>
<td>44</td>
<td>66</td>
</tr>
<tr>
<td>No Answer:</td>
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<td>6</td>
</tr>
<tr>
<td>Total</td>
<td>67</td>
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d) by faculty?

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<td>43</td>
</tr>
<tr>
<td>No</td>
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<td>54</td>
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<td>3</td>
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<tr>
<td>Total</td>
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<td>100</td>
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c) early working years?

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<th></th>
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<th>%</th>
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<tbody>
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<td>42</td>
<td>63</td>
</tr>
<tr>
<td>No</td>
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<td>3</td>
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<tr>
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d) present employment?

<table>
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<td>11</td>
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<tr>
<td>Total</td>
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Are you (were) involved with any women's professional groups?

<table>
<thead>
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<th></th>
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</thead>
<tbody>
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<td>Yes</td>
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<td>4</td>
</tr>
<tr>
<td>Total</td>
<td>67</td>
<td>100</td>
</tr>
</tbody>
</table>
Which groups:

Did you have any women faculty members:
Yes: 44
No: 22
No Answer: 1
Total: 63

What classes did they teach:

What type of law do you practice??

Is there a particular reason why you practice your type of law???
Enjoy (15), Difficult (3), New area for women (2), Experience (3), Needed in community (2), Self-employed Part-time (2), Previous degree by chance (3), Diverse (4), Reason went to law school, job available, secure, normal method assigned, default, prefer court, common, people practice, government.

Do you feel women have to prove themselves as attorneys?
Yes: 44
No: 21
No Answer: 2
Total: 67
Do you feel women attorneys have been stereotyped?

Yes: 23  34
No: 40  60
No Answer 4  6
Total 67  100

If so, what is the stereotype?
Overaggressive, bitches, unattractive (and the opposite) sweet nonaggressive, inconsistent, not devoted to profession, researcher, less competent, older (over 40) married, bleeding hearts, feminists.

***I have listed the types of laws the women wrote on their survey. Numbers indicate how many mentioned that field. No number indicates one person. Many attorneys gave more than one field.

***Listed here are all the reasons given for practicing their type of law. Again, numbers indicate the number of women listing that particular reason. In most cases, several reasons were given. This is simply a list to show the diverse reasons for wanting to practice law.
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Interview:

Sharon Glazer Kane, Chicago attorney, presently in private practice.

Shari Olenick, first year law student (in Fall 1979 when interview was done) Vanderbilt University Law School, Nashville, Tennessee.

Suzie Saxman, second year law student (in Fall 1979 when interview was given at University of Illinois, Champaign/Urbana, Illinois.

Representatives from:
DePaul University Law School, Chicago
Golden Gate University Law School, San Francisco, California
Northern University Law School, DeKalb, Illinois.
University of California Law School, San Diego, California.
UNIVERSITY OF ILLINOIS

May 4, 1941

THIS IS TO CERTIFY THAT THE THESIS PREPARED UNDER MY SUPERVISION BY

By Elizabeth Kieselman

ENTITLED: Childhood Cross-Sex Friendships: An Investigation of Trends

...and Possible Explanatory Theories...

IS APPROVED BY ME AS FULFILLING THIS PART OF THE REQUIREMENTS FOR THE

DEGREE OF: Bachelor of Science, in Liberal Arts and Sciences

Instructor in Charge

Approved:

HEAD OF DEPARTMENT OF: Psychology