

# Trial News

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## Legal Profession

### Proud to be a lawyer . . . a female lawyer

by Victoria L. Vreeland and Karen K. Koehler

As a lawyer - a female lawyer - you have a great tradition to be proud of. Lawyers are the enforcers of rights and responsibilities, and there have been many lawyers (who also happen to be women) who have worked tirelessly to ensure justice and the rule of law despite the greater challenges they faced because of their gender. Throughout most of our history, education was not available to women, let alone a legal education.<sup>1</sup> Women were denied licenses to practice law since they were not considered "persons" under law. So, although the list may be shorter and the names not as well known, our past is rich with women lawyers who make us proud to be lawyers.

In Colonial America, she was the first to hold land in her own right. She managed her several thousand acres so successfully that in 1647 the provincial governor appointed her executor of his estate, which included the duties of Lord Baltimore, the colony's proprietor. At that time, Maryland was a colony in chaos - soldiers were clamoring for their pay, and there was a shortage of food. She sold the lord's cattle to prevent insurrection, incurring his wrath, but the assembly declared "it was better for the Colonys' safety that time in her hands than in any mans

else in the whole Province." Despite her wisdom and leadership, in 1648 the Colonial Assembly denied her request for the right to vote as a "freeman." Her name is **Margaret Brent**, and although she did not attend law school or take the bar exam, she was America's first woman lawyer.

When she decided to become a lawyer, she had no mentor, having never met another university graduate, law student or lawyer who was female. She attended Washington University in Missouri, the first university to admit women, in 1869. After graduating

passed the Illinois Bar exam with honors, and applied for bar admission. The Illinois Supreme Court denied her a license to practice law because she was female. The U.S. Supreme Court upheld that decision in *Bradwell v. Illinois*, 83 U.S. 130 (1873). Justice Bradley's concurring opinion chided her audacity and condemned the notion of women as lawyers:

It is to be also remembered that female attorneys at law were unknown in England, and a proposition that a woman should enter the courts of Westminster Hall in that capacity, or as a barrister, would have created hardly less astonishment than one that she should ascend the bench of bishops, or

be elected to a seat in the House of Commons . . . That God designed the sexes to occupy different spheres of action, and that it belonged to men to make, apply, and execute the laws, was regarded as an almost axiomatic truth . . . In view of these facts, we are certainly warranted in saying that when the legislature gave to this court the power of granting licenses

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from law school, she helped found the National Woman Suffrage Association with Susan B. Anthony and Elizabeth Cady Stanton. In 1887, President Grover Cleveland appointed her the first female federal marshal. She dedicated her life to advancing justice and equality for all. Her name is **Phoebe Wilson Couzins** and she was a lawyer.

She ran the *Chicago Legal News*, worked to secure passage of a bill allowing married women to keep their own wages,

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to practice law, it was with not the slightest expectation that this privilege would be extended to women.

The civil law, as well as nature itself, has always recognized a wide difference in the respective spheres and destinies of man and woman. Man is, or should be, woman's protector and defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfits 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 to the domain and functions of womanhood. The harmony, not to say the identity, of interests and views which belong, or should belong, to the family institution is repugnant to the idea for a woman adopting a distinct and independent career from that of her husband . . . for these reasons I think that the laws of Illinois now complained of are not obnoxious to the charge of any abridging any of the privileges and immunities of cities of the United States.<sup>2</sup>

In 1890, shortly before her death, she was finally admitted to the bar. She banged on the doors of the profession until they were opened to her sex, and compelled legislators and judges to "proclaim that it was not a crime to be born a woman."<sup>3</sup> Her name is **Myra Bradwell** and she was a lawyer.

• She was born in 1823, daughter of free blacks, but was forbidden from attending public school in Delaware. Her family's shoemaking store was part of the Underground Railroad helping escaped slaves flee to Canada, where she moved to teach the former slaves. She succeeded in opening the first racially integrated school despite powerful opposition. At age 30, she

became the first North American black woman newspaper publisher and proprietor. During the Civil War, she was an army recruiting officer. A gifted lecturer, she inspired those attending the Annual Convention of the National Woman Suffrage Association. She founded the Colored Women's Progressive Association. In 1883, at age 60, she received her law degree from Howard University School of Law - the first woman to do so, and the second black woman to earn a law degree from any North American institution. She was a pioneering force in the black women's movement of emancipation. Her name is **Mary Ann Shadd** and she was a lawyer.

• In 1947, she began practicing labor law in New York, but her commitment to women's rights led her into politics. She was the first Jewish woman elected to Congress and the first woman elected on a peace and women's rights platform. As her first congressional act, she introduced a resolution calling for the withdrawal of all U.S. troops from Southeast Asia. She introduced the bill that established Women's Equality Day on August 26, and was an early co-sponsor of both the Equal Rights Amendment and the Freedom of Information Act. Her support for universal childcare, reproductive rights, equal pay, and women's health and educational equity led the way for the enactment of key legislation. She clearly articulated the feminist argument through her unique sense of humor:

"Women have been trained to speak softly and carry a lipstick. Those days are over."

"The test for whether or not you can hold a job should not be the arrangement of your chromosomes."

"Our struggle today is not to have a female Einstein get appointed as an assistant professor. It is for a woman schlemiel to get as quickly promoted as a male schlemiel."

She was a champion for humanity and for women. Her name is **Bella Abzug** and she was a lawyer.

• In the 1960s she was one of 16 women in a group of 500 men at Harvard Law School. There, she confronted "Ladies Day," a humiliating routine in which a professor sat all the women in front of the class while he and the male students questioned them. In the 1970s, she became the first female attorney general in Florida's history and held the job for 15 years, hiring women to fill half of the 16 open positions. She was accused of sounding more like a social worker than prosecutor. The anti-pornography group American Family Association picketed her home because she refused to censor certain rap music. She publicly scolded the governor for his appointment of 32 white males to his 37-member Commission on Government for the People. She stood firmly on the side of civil liberties and compassion for humanity. Her decisions could not be bought. In 1993, she became the first female U.S. attorney general. Her name is **Janet Reno** and she is a lawyer.

• She was born on a farm, the youngest of 13 children raised in poverty. Her parents taught her to respect her conscience and speak the truth. She graduated from Oklahoma University with honors, and later from Yale Law School. In 1991, she braved the skepticism, cruelty and jests of 15 white male members of the U.S. Senate, as well as much of the nation, when she related her EEOC work experience with U.S. Supreme Court nominee Clarence Thomas. By recounting his spurned advances, sexual braggadocio and pornographic tales, she forced the issue of sexual harassment onto the national agenda. By opening her private life to ridicule, she became a voice for victims of gender-based oppression. Her name is **Anita Hill** and she is a lawyer.

• Her parents were simple middle-class folk, her mother a homemaker. In college she developed a passion for helping children. When her husband took office as president of the United States, she became a powerful symbol of the changing role and status of women in American society. In 2001, she became the only sitting first lady to be elect-

ed to office, as a U.S. senator. She said: "The challenge now is to practice politics as the art of making what appears to be impossible, possible." And perhaps one day this too shall come to pass - a woman will become this nation's president. Her name is **Hillary Rodham Clinton** and she is a lawyer.

The practice of law is a helping profession and the pursuit of justice and equality is extremely worthy of respect. So be proud of your rich legal heritage and be proud to be a lawyer - a lawyer who just happens to be female.

### Endnotes:

1. In 1886, the first woman graduated from Yale Law School, which then changed the rules to bar women from the law school until 1920. Columbia University did not admit women until 1919; Harvard, 1950; and the University of Notre Dame, 1967. The New York Bar Association excluded women through 1937. In the 50s and 60s, women made up less than four percent of the legal profession.
2. 83 U.S. at 140 (1873).
3. The tribute to Bradwell in the February 24, 1894 edition of the *Chicago Legal News* stated: "The future historian will accord her the breaking of the chain that bound woman (sic) to a life of household drudgery. She opened the door of the professions to her sex, and compelled law makers and judges as well, to proclaim that it was not a crime to be born a woman."

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