

WOMEN OF JUSTICE: NARRATIVES OF WOMEN ATTORNEYS IN CALIFORNIA
DURING THE 1960S AND 1990S

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ABSTRACT

The Women of Justice: Narratives of Women Attorneys in 1960s and 1990s California

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This thesis interviews two women attorneys who have not previously shared their stories to relate their experience of going to law school and entering the field after graduation. The study of women lawyers and their stories is not a new topic, however, there is a focus in the scholarship to only explore the tales of the women who reached the big firsts, such as first female lawyer or first female judge. By providing interviews of women who have not reached these big accomplishments, the field gains a more rounded understanding of the history of female lawyers. The two women interviewed were part of the same county and same firm, though one is now retired. Through connecting these women's stories to the existing literature, we find several shifts in attitudes towards female lawyers. The 1960s seem to be the time in which women profited off of their previous gains into the field, but it was not until after the 1990s in which the perception towards female lawyers shifted in a positive manner. This thesis comes at a pivotal moment for the law in the United States, as women's rights and attitudes towards women are regressing. Through learning the hardships women went through to enter a field previously dominated by men, we are able to gain an understanding how recent these gains were made and the barriers that still exist.

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CHAPTER 1- INTRODUCTION

During the late 1800s, those aspiring to become lawyers had two options, to either take a course of study at a law school or serve as an apprentice at an office of a practicing lawyer. Many prospective lawyers chose to serve as an apprentice in order to gain more experience, and Myra Bradwell was no exception.¹ Myra Bradwell was a woman in Illinois during the 1800s who was a prospective lawyer. Her husband was a law student who went on to run a busy practice, and needed all the help he could get. Bradwell began training in 1852 to become a lawyer and help her husband with cases but was interrupted due to having children and the Civil War. In 1869, after the Civil War, Bradwell was able to continue her studies at the age of thirty-eight and passed the bar exam with high honors, and formally apply to practice law in Illinois.²

In addition to applying to practice law for her own interests, Bradwell also had several reasons for waiting until 1869. Besides the Civil War occupying most of the nation for a number of years, Bradwell's children were grown to the point where they did not need her constant attention. They would start to come into their own lives, and Bradwell was free in order to help her husband with the heavy case load. Additionally, in the same year of 1869, a different woman in Iowa was permitted into the legal profession. While this other woman's admittance was not due to her interests in law and more on the promotion of equality of women, the opening of the gates to a young married women in the same year offered hope for Myra Bradwell and her goal toward becoming a lawyer.³

¹ Jane M. Friedman, *America's First Woman Lawyer: The Biography of Myra Bradwell* (New York: Prometheus Books, 1993), 17.

² Friedman, *America's First Woman Lawyers* 18.

³ Friedman, *America's First Woman Lawyer*, 18.

However, Bradwell's hopes were quickly dashed when she received a denial from the Illinois Supreme Court. While Bradwell was not surprised at the rejection, as there was little hope that a woman would have been permitted to practice law anywhere, she was surprised on the grounds on which she was denied. Bradwell was rejected from the field of law not on the grounds that she was a woman, but rather that she was a married woman.⁴ The court claimed she could not become an attorney at law based on the disability imposed by her marriage. This rationale is grounded in the ancient law of coverture, which is a principle in which a husband and wife are considered one person in the law and the legal existence of a woman is suspended during a marriage in favor of the husband.⁵ Bradwell, however, pushed back against the court and claimed that this principle was no longer viable and that it had been whittled away enough by the courts that it should not serve as an obstacle to a woman's entry into the profession.

Upon receiving the rejection, Bradwell filed a countersuit in which she cited numerous Illinois cases in which a married woman's legal disability had been removed. She also cited reports of women's admissions to law school, and the recent case of the women in Iowa who was granted the right to practice. The Supreme Court of Illinois responded to Bradwell once again in the negative but provided a different rationale. Myra Bradwell was rejected from practicing law again, not because she was a married woman but simply because she was a woman.⁶ This decision was aided by four different rationales on how allowing a woman into the profession was not to be permitted. Firstly, Illinois state legislature had been silent on the issue of gender in the profession. Based on

⁴ Friedman, *America's First Woman Lawyer*, 19.

⁵ Friedman, *America's First Woman Lawyer*, 19.

⁶ Friedman, *America's First Woman Lawyer*, 20.

this silence, the court rationalized that the law must have intended that women should not be permitted to practice. Secondly, the court reasoned that by opening the doors of the legal profession to one woman, it would open the door to every other civil office in the state and women would be able to hold positions such as governor and sheriff.⁷ Thirdly, the court was concerned that women would not be able to handle the heat during court and that it was a matter of pride for men to not treat women the way they handle other lawyers in court. Lastly, another concern was placed over what the effect of women in courts would do to the administration of justice.⁸ Bradwell was denied from achieving her dream once more due to the fears of what opening the gates to one woman would do not only to the profession and the law itself but the rest of society and women's role in it.

Myra Bradwell's story and struggle to enter the field of law illustrates the obstacles and barriers women had to get through to enter the profession. The field of law has typically been seen as a male profession and its history dates back to the beginning of the country with the colonies. Law and lawmaking have always affected women, as members of a society, yet they historically have had very little say in the decision-making process. Bradwell's story demonstrates how women interested in the law and in working with the law have been continually denied. The denial stems from their gender and what roles society has typically placed on women,⁹ and as Bradwell's story shows, fear based on what would happen once women were able to enter the traditionally male-dominated roles. The obstacles placed by these denials held women back for decades, and by the

⁷ Friedman, *America's First Woman Lawyer*, 21.

⁸ Friedman, *America's First Woman Lawyer*, 21.

⁹ Judith A. Baer, *Women in American Law: The Struggle Toward Equality from the New Deal to the Present* (New York: Holmes and Meier, 1996), 2.

time of Myra Bradwell in the 1860s, after the Civil War, the barriers were barely being reached.

Myra Bradwell's story highlights the difficulties and struggles women went through to enter the field of law, but it also offers a glimpse into how women were finally able to crack open the field and join. While Bradwell never again sought to enter the legal profession after her two denials, her case and outrage at being barred opened the door for other women to enter when she could not. In 1872, one year before a decision was made in *Bradwell v. Illinois*, Illinois legislature passed a law that no person should be debarred from any occupation or profession on account of sex.¹⁰ Bradwell used her experience of being denied based purely on her sex to push for legislation stopping it from happening to other women.

From Illinois, similar legislation prohibiting persons from professions based on sex started to be passed around the nation. In 1879, ten years after Bradwell first applied for the right to practice law, Belva Lockwood is credited as the first woman to be admitted to the Bar of the Supreme Court. While Bradwell was not successful in her attempt, her pushing the boundaries of what was accepted for women and the idea of what a typical lawyer was, opened the door for women like Belva Lockwood to become successful and gain when she could not. This thesis argues that women supporting the growth of other women in the field and opening the door for future generations is an important theme that helps not only individual women succeed in the field, but women as a whole make strides in a profession they were not welcome in.

¹⁰ Friedman, *America's First Woman Lawyer*, 28.

The journey of women into the profession was not linear, however, and went through many ups and downs. From these first pioneering women of the late 1800s, it took several more decades until more strides were made. Even between the decades, there were moments when the momentum increased and decreased. It was not until 1981 that the first woman became a justice on the Supreme Court. It took a hundred years from Belva Lockwood being admitted to the Bar of the Supreme Court for Sandra Day O'Connor to reach the highest court in the nation. While many barriers have been broken between these two events, women continue to face obstacles. Men have relaxed their hold on the field, allowing women to enter and hold positions, but they still have not completely released the hold.¹¹ Women still experience stigma, based on traditional gender roles, and women continually have to prove themselves against their male counterparts. Despite these extra burdens, however, women still willingly choose to enter the field and push through them to become successful.

Before going into the rest of the study, a note must be made regarding gender roles and gender expectations in the study of history. As described in Joan Scott's work, "Gender: A Useful Category of Historical Analysis," gender is constructed based on social relationships.¹² Therefore, gender as a category can change based on time period or the society it is being analyzed in. As Scott describes throughout her article, the relationships are based on perceived differences between the sexes and have several connected elements that create that perceived difference.¹³ The first element creates cultural symbols that can have multiple and contradictory representations, such as women

¹¹ Cynthia F. Epstein, *Women in Law* (University of Illinois Press, 1983), 382.

¹² Joan W. Scott, "Gender: A Useful Category of Historical Analysis," *The American Historical Review*, 91, no. 5 (1986): 1053-1075, 1067.

¹³ Scott, "Gender," 1067.

being both moral guardians but also temptation. The second element involves concepts that create meanings for these symbols and are typically expressed in public doctrines and take the form of male and female, or masculine and feminine.¹⁴ Between these two categories, the one that emerges as the dominant one is seen as the only one possible. This process is seen throughout this work as the traditional gender roles, which place women or the feminine in a submissive category to the dominant male or masculine. The traditional roles women have been expected to complete focus on more domestic and private aspects, while the traditional roles men have held focus on the public and power aspects. Using the analysis discussed in Scott's work, this study recognizes that gender roles and expectations are socially constructed and contingent on various factors, and that this does not reflect the actual roles in which the sexes are able to hold.

In this study I aim to identify women's roles in the field of law and demonstrate how those roles have shifted throughout time. This study will identify the ways in which women were first able to enter the field and how they were able to participate initially, and the bumpy journey women went through in the field and how their roles and society's perceptions toward women shifted. There are several questions guiding this research. How were women initially accepted or rejected within the field and within the larger society? Was there a shift that occurred that allowed more women to have a larger role within the field, and when did this shift occur? And lastly, what roles do women in the field hold now and how are those perceived in a comparison to what they used to be? By answering these questions, not only will women in the field create a comparison, but also a timeline of major shifts and perceptions. This comparison and timeline will not

¹⁴ Scott, "Gender," 1067.

only allow us to understand just how far women in the field have come, but also how society has changed toward women taking positions in traditionally male-dominated roles.

The research I conducted in this study consisted of a combination of a review of the current literature as well as interviews of two different women in the profession who have not previously told their stories. Much of the scholarship focuses on struggle and discouragement. Women had many barriers placed in front of them, and few of them were easily overcome. However, through solidarity and collaboration, as highlighted by women such as Myra Bradwell, women were able to overcome and enter the field in increasing waves. Existing scholarship, however, primarily provides stories and experiences of women who went on to become public figures and wrote about their experience. By focusing on women who have not had their stories told yet, I hope to enhance the scholarship on both women's history and the field of law history. These women went through many of the same ordeals and had diverse ways to overcome them, but we would not know unless it gets told. Scholarship can only increase through examining more stories of women entering the field of law, and this study hopes to provide a glimpse into several women lawyers' lives in California.

For this project, I interviewed Geri Graham Sandor and Jennifer Tompkins, who both attended law school and practiced law in California. Geri Graham Sandor attended the University of Berkeley in the late 1960s and started practicing family law in Orange County in the 1970s. Jennifer Tompkins attended Pepperdine University in the 1990s and started practicing family law in Orange County in the late 1990s and early 2000s. As will be shown through their interviews in the later sections, both women had differing

experiences being a woman in both law school and in the field of law. Both women experienced discrimination and stigma at different periods and different moments, but there were still similarities between what they went through. Sandor and Tompkins's stories are similar to Myra Bradwell's, in that they highlight the ups and downs of being a woman in the field and how through companionship and solidarity these women were able to push past the various obstacles to become successful.

Sandor was interviewed due to personal connections and knowledge. From her, Tompkins was interviewed based on work connections and that her journey occurred during a different period. Sandor and Tompkins, while having different journeys into the field, ended up working for the same law firm in Orange County. While Sandor has now retired from the field, Tompkins has continued to stay in the firm and has become a partner in the small firm with Sandor's son. The interviews between the two women were conducted separately, but both contained similar experiences and connections to the literature. Through chapters four and five, Sandor and Tompkins tell their stories and connections will be made with each other and with the existing scholarship.

Despite being interviewed separately, both women went through a semi-structured interview where they were asked the same questions. These questions, developed in part with Sandor, would provide the opportunity for the women to think back on their experience in law school and how they were treated, and their experience on first entering the profession and how they were treated. The questions consisted of: Why did you go to law school? What was your motivation in going? Did it feel welcoming? How were you treated when you first entered? Were there difficulties with faculty and/or students? What were they? Why were there difficulties? Did you do anything to change how you were

treated? What? Did you practice law? Did you go right after graduating? Where? When? Why? Was it an easy transition from school to practice? Did you perceive that you were different? By whom? Did you feel part of a small special group or a larger group? Do you think there was a shift in attitudes? What? When? While additional questions did arise while in the individual interviews, both women were given the opportunity to answer these specific questions.

One of the main goals of this study is to add to the current scholarship. While existing scholarship does provide an in-depth history of women in law and their experiences during different time periods, the field can benefit from having more first-person accounts of women who have not yet had their stories told. Those these women have not reached national levels or was a “first” or pioneering women, their stories still deserve to be told and provide a more robust example of how women in the profession have been treated throughout time. Their experiences will also aid in the analysis of the shift of perceptions and roles, as they provide an account of the 1960s and 1970s, and the 1990s and early 2000s. Women had vastly different experiences based on area and school they attended, and by showcasing two examples in both Northern and Southern California, this research will provide a view of what it was like for an ordinary woman to be in the field.

While this research will create a new addition to the existing scholarship, there are some limitations of this study. The information and analysis described throughout the work provide only a narrow slice of the history of women lawyers in California and the United States as a whole. Every woman in different states, regions, time period, and place of work had unique experiences, and this study is only providing a glimpse into the

experiences of two women that lived in the same state and worked in the same practice. This study does not attempt to generalize on what it was like for all women that traveled the path to join the legal field, but instead provides a narrow glimpse of what some women went through in order to join the field of law.

In addition to adding to the scholarship, this study comes at a crucial time in women's history. Landmark Supreme Court cases are changing women's legal rights and the ways in which they can participate in society. While women have the same political rights as men, they are losing their social rights slowly. By undertaking this study, which focuses on shifting women's roles, I aim to show just how recent women were able to fully gain social rights and have full status in a field such as law. The barriers these women went through were torn down not too long ago, and many of them are being put back up in various aspects of society. While women are still able to enter the field of law and hold high level positions, their right to have families, which affects career choice, is being drastically changed. With this study, the audience will hopefully gain a better understanding of the barriers and struggles women must go through to participate in society the same way as men and why it is important that women are able to fight for their rights in a legal manner.

CHAPTER 2- LITERATURE REVIEW

The history of women lawyers is not a new topic. There is much literature surrounding the evolution of the relationship between women and the field of law, and the numerous ways in which women have tried to change that relationship. While much of the scholarship cites the 1960s as the period during which women were truly able to join the field, there have been some sources that have looked back to the time of the colonies and English common law. From this initial period, the literature focuses on women trying to join the field after the Civil War. Names such as Myra Bradwell and Belva Lockwood are increasingly discussed and their first attempts at being admitted to the bar. These women are considered part of the pioneering generation, and it is not until the 1910s and 1920s that a new generation of women lawyers comes forth. After this new generation comes a period of stagnation which then changed during the 1960s. Recently, scholarship has started to identify the ways in which the 1960s generation affected the current generation of women lawyers from the 1980s to the present.

There are several trends in this literature. First, these works attempt to define the roles men and women have and how that has been contradicted in women joining the field. Additionally, much of the older scholarship on women's history and the history of the legal profession has ignored the history of women lawyers. Newer scholarship is attempting to bridge this gap by understanding the demographics of lawyers and stories of early women lawyers. The most recent scholarship furthers the analysis of demographics by analyzing equity, diversity, and inclusion in the law profession and how barriers have been removed or are still stopping women from holding position. Lastly, much of the scholarship focuses on the big firsts and famous names, and not much is

known about many of the other women that were creating new generations of lawyers. By focusing on the individual stories of women lesser known a better understanding of the gains and effects of the pioneering women can be gained and the ways in which the field has changed.

2.1- GENERAL OVERVIEW

In the following pages, I identify key works which highlight the themes of role definition and the ways in which women pushed against the roles given to them. One of the most significant authors on this topic of role definition is Virginia Drachman. Several of her works focus not only on the changes in period of women joining the field, but also how they navigated joining the courtroom and having both a career and a family. In her book *Sisters in Law: Women Lawyers in Modern American History*, Drachman describes a uniqueness to women lawyers and how they considered themselves part of a family. Masculinity was the foundation of the profession and sexual discrimination was rooted in the legal system.¹⁵ Additionally, other professions such as medicine had unique spaces for women to study and practice, but in law women had to enter the man's domain.¹⁶ This struggle is seen in Drachman's other work "Entering the Male Domain: Women Lawyers in the Courtroom in Modern American History." The courtroom was considered the man's sphere, due to its aggressive nature. They considered women too weak to be able to keep up with the aggressive competition, and they also admitted that chivalry made it impossible to attack a woman verbally.¹⁷

¹⁵ Virginia G. Drachman, *Sisters in Law: Women Lawyers in Modern American History* (Cambridge: Harvard University Press, 1998), 2.

¹⁶ Drachman, *Sisters in Law*, 2.

¹⁷ Virginia G. Drachman, "Entering the Male Domain: Women Lawyers in the Courtroom in Modern American History," *Massachusetts Law Review* 77, no. 1 (1992): 44-50, 45.

In addition to struggling to join these masculine areas, women also struggled with following tradition or fighting for equality in how they presented femininity. As women slowly entered the courtroom, many wondered how they should dress. Should they follow the traditional rules that dictated what a lady should wear, or should they emulate the men they were trying to join and dress more masculine?¹⁸ While this might seem like a trivial issue, it relates to their femininity and how much they needed to change it to forge equal careers. Another major question is brought up in Drachman's work "My 'Partner' in Law and Life': Marriage in the Lives of Women Lawyers in the Late 19th- and Early 20th- Century America." Did women need to sacrifice having a family to have a career? For many women that are discussed in this work, they believed that family and career had to be separate, and that one could not have both. However, Drachman argues that this belief was more prevalent in the pioneering generation, and that the new generation of women lawyers attempted to have both to varying success.¹⁹

Another influential and significant author of the field is Cynthia Epstein. In her work *Women in Law* Epstein discusses the contradictions between roles and how the pushback against women reflects views of the larger society. In a comparable manner to Drachman, Epstein discusses how law is considered the most exclusive and male dominated profession and that many held beliefs that women simply did not have the right skills to become lawyers. However, women were unable to gain the necessary skills since they were barred from the profession for so long.²⁰ Additionally, Epstein mentions that while men have relaxed their hold on the profession, they have not fully released it.

¹⁸ Drachman, "Entering the Male Domain," 48.

¹⁹ Virginia G. Drachman, "My 'Partner' in Law and Life': Marriage in the Lives of Women Lawyers in Late 19th- and Early 20th- Century America," *Law and Social Inquiry* 14, no. 2 (1989): 221-50, 250.

²⁰ Epstein, *Women in Law*, 380.

This idea is very influential and helps provide an explanation why women still have not reached full equality in the profession. They have been able to join and create careers, but there is still a barrier when it comes to being fully equal.

Yet another influential scholar in addition to Drachman and Epstein is Judith Baer. Baer has studied and written about women's struggle for equality from colonial times to the present, using the New Deal as the cutoff. Baer's work mostly focuses on patriarchy and how it rests on customs, norms and law, and asymmetry. Additionally, she mentions intersectionality and how women are affected not just by gender but also race and class.²¹ Baer agrees with Epstein that full equality has yet to be reached but argues that actual equality lags behind legal equality. While Baer mostly focuses on the law itself instead of women in the field of law, her work is still useful in understanding roles and how they can be contradicted and how the history of women is connected to the law.

2.2- ROLE DIFFERENCE

These three scholars provide significant and influential ideas and work to the field, but there is plenty of additional scholarship that connects with the main trends. The trend of role difference and its contradictions is best explained in works by Slotkin and Rhode. In Jacqueline Slotkin's work "You Really Have Come a Long Way: An Analysis and Comparison of Role Conflict Experienced by Women Attorneys Today and by Educated Women Twenty Years Ago," she describes the first generation of women lawyers after World War II in the 1960s. All roles were theoretically open to women, but there was still an expectation for women to have a family. Women aspiring to have a

²¹ Baer, *Women in American Law*, 7.

rewarding career also had to marry and have children and balance all of them at the same time.²² While the legal profession has come a long way, there can still be changes to incorporate more care regarding gender discrimination. Additionally, the ideas of femininity are slowly starting to change to incorporate more independence and intelligence rather than family values.

Deborah Rhode's work builds from Slotkin's and how women's opportunities for leadership in both the legal profession and other professions are affected by gender stereotypes and roles. There is a common perception that it is only a matter of time until women catch up, however there is still a belief in gender differences.²³ In Rhode's other work *Justice and Gender: Sex Discrimination and the Law*, the author suggests that there has been less success in encouraging men to access roles held by women.²⁴ Women have had to change themselves to act more masculine, but men are not expected to do the same. Whether it is for leadership or the legal profession in general, there is still a difference between men and women.

Ronald Chester continues this examination of gender differences by analyzing the accounts of women lawyers from the 1920s and comparing it to women lawyers when he wrote his work in the 1980s. Gains made during the 1920s lead to an atmosphere of openness and moved away from traditional behavior with the addition of women gaining the right to vote. However, as women started to attach themselves to more male

²² Jacquelyn Slotkin, "You Really Have Come a Long Way: An Analysis and Comparison of Role Conflict Experienced by Women Attorneys Today and by Educated Women Twenty Years Ago," *Women's Rights Law Reporter* 18, no. 1 (1996): 17-48, 18.

²³ Deborah L. Rhode, *The Difference "Difference" Makes: Women and Leadership* (Stanford University Press, 2003), 7.

²⁴ Deborah L Rhode, *Justice and Gender: Sex Discrimination and the Law* (Cambridge: Harvard University Press, 1991), 2.

dominated professions in a progression toward equal rights, social concerns with women's rights declined. The depression of the 1930s halted progress towards equality, World War II provided no stimulus despite women working more, the 1950s pushed women to find fulfillment in the home, and the 1960s brought the push towards equal rights back to life.²⁵ To understand how this progression would have affected women lawyers now, Chester starts with the women of the 1920s and tries to understand who they were. According to their accounts, most of these women attended law school in urban areas, and mostly did part-time instruction as they were of a less secure socioeconomic and ethnic background than those traditionally attending law school.²⁶ Attending part-time school was affected due to their marital and family status, as they still needed to be the primary caretakers. Due to being part-time, many of these first women in the 1920s did not end up finishing law school whether it was due to a lost interest or family. Those that did persist had a choice of whether to fit in to the workplace by acting more masculine and disregarding other women or sticking out and helping those that came after them. Like Rhode, some women took up more masculine ideals to try to fit in, as they were seen as lawyers first and women second.²⁷

Kermit Hall takes a different approach in his work *The Magic Mirror: Law in American History* by focusing on defining law in social context throughout the history of the nation. While Hall does not specifically focus on women joining the profession, the author does take the reader through a progression of how women came to be able to practice law. During colonial times, women had fuller rights as some were able to serve

²⁵ Ronald Chester, *Unequal Access: Women Lawyers in a Changing America* (Massachusetts: Bergin and Garvey Publishers, 1985), 2.

²⁶ Chester, *Unequal Access*, 9.

²⁷ Chester, *Unequal Access*, 121.

as attorneys in absence of their husband. However, there was also a vulnerability as it was not the law itself that limited women's participation in society, but rather custom and cultural assumptions.²⁸ Women were seen as the moral guardians of the nation, and therefore they had to act and look a specific way, as Drachman points out in her work. Drachman discusses how women had to look in a courtroom, but there also a larger, social understanding of what women could look like and do in the general society. The assumption that women were unable to hold certain position because of innate qualities is highlighted throughout various court decisions, such as in breach-of-promise suits.²⁹ Similar to the discussion that Epstein brings in her work, Hall describes how women were considered different than men through the law, and therefore they were significantly limited in what they were able to pursue.

Carol Liao's address "Power, Gender, and Race in the Legal Profession," describes her personal experience being a woman in the field of law. One of the most significant points she brings up regarding women's roles and how they contradict with men's is with guilt. Women get second-guessed if they want children, or do not want children, and how many they want to have.³⁰ They have to wrestle with what is expected of them as women, but also what they expect of themselves. Many women, despite having challenging careers, are still expected to have children and start a family. However, not all women want to have a family and a lot of women want to have both and still be successful. There is still a stereotype regarding women that they must give up one

²⁸ Kermit L. Hall, *The Magic Mirror: Law in American History* (New York: Oxford University Press, 1989), 37.

²⁹ Hall, *The Magic Mirror*, 152.

³⁰ Carol Liao, "Power, Gender, and Race in the Legal Profession," *Canadian Journal of Women and the Law* 34 (2002): 174-183, 178.

to have the other. After maternity leave many women plan on returning to the workforce, but they tend to become stuck, and their dreams go unfulfilled.³¹ Liao's discussion surrounding this double burden relates to the role contradiction brought up by Slotkin and Rhode, and how women have to change themselves to fit into the profession, while men do not have the same expectation.

Veronica Martinez's work "Combating Silence in the Profession," takes another step in the analysis of gender roles in the profession. This article argues that there is still plenty of discrimination not just against women in the profession but also other underrepresented groups. Policies have been adopted that should stop discrimination based on certain qualities, such as the Civil Rights Act of 1964, but there are still ways that barriers are put in place for certain groups. One of the ways in which Martinez explains how the barriers are still in place is through covert discrimination. Those policies stop overt discrimination, such as only hiring certain groups or not hiring certain groups, but there have been no policies put into place to stop lesser seen discrimination, such as implicit bias.³²

This implicit bias can be seen in the experiences told by Carol Liao of her time in a law firm. Liao mentioned that those at the law firm started treating her different after she became pregnant, as they implicitly assumed she would not be able to perform the same as them while being pregnant. Women that experience this and try to speak up for themselves are brushed off, as it is not explicit bias, and are forced to silence themselves

³¹ Liao, "Power, Gender, and Race in the Legal Profession," 179.

³² Veronica Martinez, "Combating Silence in the Profession," *Virginia Law Review* 105, no. 4 (2019): 805-863, 813.

to stay part of the team and not be labeled as “emotional.”³³ This silence harms the creation of diversity, equity, and inclusion in the workplace and the process of removing the final barriers for women in the profession.

Gindi Vincent’s book, *Learning to Lead: What Really Works for Women in Law*, which was commissioned by the American Bar Association, combines not only an analysis of different leadership techniques for working women, but also uses them to provide ways for women getting into the field of law to put them in to practice. One of the concepts of leadership that Vincent identifies is a stereotype regarding leaders. According to this stereotype, becoming a successful leader in the field is only available through certain positions such as corporate executive or managing partner.³⁴ However, as Vincent and many of the other authors in the field, such as Drachman, argue there are multiple ways that women can become leaders without attaining the high positions. In Drachman’s works she highlights many women that became leaders of their time not because they got to the top of the profession but rather because they spoke up and forged their own path. Such as in Martinez’s work, by combating the silence many women experience and speaking up about their experiences and obstacles, they can become leaders in their own way.

2.3- DEMOGRAPHICS

In addition to understanding roles, a large part of the scholarship addresses the demographics of the field of law and how it has changed with the addition of women. William Felstiner and Alan Bradshaw have completed a study identifying characteristics

³³ Martinez, “Combating Silence in the Profession,” 841.

³⁴ Gindi E. Vincent, Mary B. Cranston, and ABA Commission on Women in the Profession, *Learning to Lead: What Really Works for Women in Law* (American Bar Association, 2013), 30.

of lawyers, specifically their incomes. Income is a complicated variable to study as it is also affected by age, years of experience, area of country, and size of law firm.³⁵ Women are still kept out of the larger company firms that make the most money. This causes them to join smaller firms that take on fewer of the larger clients and causes a huge wage gap. Based on how women fit into the variables of study, it affects the amount of income they make. While the variables of the study, such as age and years of experience, dictate how much a woman lawyer gets paid, women and their wages are still at a disadvantage when compared to the wages male lawyers make due to their gender differences. Connecting with some of the ideas by Slotkin and Rhode, Felstiner and Bradshaw argue that the income gap can disappear when an identity gap, the way that men and women perceive roles, disappears.³⁶

Amy Black and Stanley Rothman take a similar approach to Felstiner and Bradshaw by surveying demographics of the lawyer profession. However, they also study attitudes toward the profession and how people both inside and outside the profession view it. Historically, the field of law and lawyers have been respected, but Black and Rothman found that the level of respect has been declining over the past 20 years.³⁷ Most attribute this to a loss of moral bearings and a loss of prestige, which some could blame on the addition of women. While a further study would need to be conducted on this opinion, overall, the field has declined for a variety of reasons. As Black and Rothman

³⁵ William L.F. Felstiner, and Alan Bradshaw, "Lawyers' Lives, Lawyers' Incomes," *International Journal of the Legal Profession* 14, no. 1, 2007, 3-20, 7.

³⁶ Felstiner and Bradshaw, "Lawyers' Lives, Lawyers' Incomes," 10.

³⁷ Amy E. Black, and Stanley Rothman, "Shall we Kill all the Lawyers First?: Insider and Outsider Views of the Legal Profession," *Harvard Journal of Law and Public Policy* 21, no. 3 (1998): 835-860, 851.

and Felstiner and Bradshaw discovered, most lawyers and judges are still white males despite all the progress made to admit women and minority groups.

Jerry Briscoe goes a different route when looking at demographics and looks at the connection between the field of law and public office. For men, having a legal background has been beneficial for going into public office, but women tend to go into the legal field to do the legal work. During this study, Briscoe argues that women become attorneys when they come from households that treated their mothers equally and whether their family members saw politics as masculine.³⁸ Based on these factors, they would either be more willing to take the long, hard road to politics, or they would see it as too much anxiety and cut straight to legal work. Additionally, Briscoe found that many women in Congress are older than their male counterparts, as they waited until their children were older before running.³⁹ This plays into the idea of roles and how women's roles are contradicted when entering the legal field brought up in Slotkin. Finally, Briscoe also mentions the difficulty of attaining public office and how low paid it is. It takes a while to reach the ranks of Congress and higher, and during that time they would have to hold local positions which do not pay well. Women would rather go into the judiciary which has a more immediate payoff instead of waiting and playing the long game.

Sally Kenney provides a more in-depth analysis on women in the judiciary that is mentioned in Briscoe's work. Kenney's main question guiding the research is why is more than 50% of the population so poorly represented in the judiciary?⁴⁰ It took nearly

³⁸ Jerry B. Briscoe, "Perceptions that Discourage Women Attorneys from Seeking Public Office," *Sex Roles* 21 (1989): 557-567, 559.

³⁹ Briscoe, "Perceptions that Discourage Women Attorneys from Seeking Public Office," 560.

⁴⁰ Sally Kenney, *Gender and Justice: Why Women in the Judiciary Really Matter* (Taylor and Francis Group, 2012), 2.

200 years for a president to appoint a woman to the Supreme Court due to a fear of women's presence and leadership. Just as it helps to have women at the top of law firms, having women on the highest court provides not only visibility for women but also inspiration for those wishing to join the field. As discussed in Briscoe's work, women prefer joining the judiciary over joining politics. As Kenney discusses throughout her work, women joining this branch is important for policy implementation and diffusion, as more of the population is represented.⁴¹ This is similar to Hall's work with society and law influencing each other and how the law is more representative of the views of society at that time. By having more of the population represented that interprets the law, it allows for more diverse and inclusive interpretations of the law that reflect more of the population. Even though it took nearly 200 years to get one woman onto the Supreme Court, there are more opportunities now to enable more women to reach this high position and enable the women who come after them to succeed as well.

Frank Fernandez et. al. in "The Color of Law School: Examining Gender and Race Intersectionality in Law School Admissions," focus on the demographics of those attempting to enter law school. Law schools are gatekeepers to important positions, whether it is to stay in the field of law or move onto to political positions.⁴² Before the field of law can increase in diversity and remove the final barriers, law schools need to remove theirs. Women have historically had fewer opportunities and admissions than men, but women of color have it doubled. To have a more equitable justice system, which in turn influences society, the people within the field need to be more equitable. As

⁴¹ Kenney, *Gender and Justice*, 2.

⁴² Frank Fernandez, Hyun Kyoung Ro, and Miranda Wilson, "The Color of Law School: Examining Gender and Race Intersectionality in Law School Admissions," *American Journal of Education* 128, no. 2 (2022): 455-485, 456.

mentioned in Hall's work, society and the law are intertwined in many ways and they both influence each other. By compiling this data of gender and race, Fernandez et. al. argue that the law will start to reflect the views and opinions of a broader percentage of the population, due to having more diverse admissions into the field that changes the law.

Susan Duncan takes a similar approach to Fernandez et. al. in her work "Reducing Gender Inequality in the Academy and the Legal Profession" by also analyzing demographics of law schools. Duncan, however, also analyzes demographics after law school and when women start to enter the profession. Duncan found that for the first time in 2017, the number of women enrolled in law school outnumbered men.⁴³ In her work, Epstein mentions that women were originally barred from law school as they were entering the male domain, and then gradually they started to integrate. This analysis by Duncan, shows just how long it took for women to fully integrate into traditionally male dominated law schools. However, even once they are in, many women still have more obstacles and barriers than men. Duncan reports that women law students find they have a more difficult time developing peer relationships with their professors, as many professors are still male. This difficulty impacts their ability to find mentors and to obtain letters of recommendation for future job or schooling opportunities.⁴⁴ The lack of connection further isolates women away from their male colleagues, as they must work harder to network and make the same connections.

Elizabeth Gorman continues with the analysis of women's journey from law school to the profession by discussing the hiring preferences at law firms. Laboratory

⁴³ Susan Duncan, "Reducing Gender Inequality in the Academy and the Legal Profession," *Journal of Legal Education* 69, no. 1, 2019, 95-101, 95.

⁴⁴ Duncan, "Reducing Gender Inequality in the Academy and the Legal Profession," 97.

results from other studies mention that stereotypes and in-group favoritism influence people's perceptions of others, whether in the field of law or other fields.⁴⁵ This implicit bias in how people perceive others is shown when making selection criteria in hiring and results in an inequality based on gender. While policies have been put into place that stop companies from purposefully excluding one gender when hiring, there are still ways companies are able to pick and choose which gender works there. Gorman found that when the company desires more stereotypically masculine characteristics for their new hires, women constitute a smaller proportion.⁴⁶ On the flip side, when the criteria show more stereotypically feminine traits, women are more represented. When gender stereotypical criteria are added to the hiring process, it implicitly creates a bias against the new hires, whether they are men or women. Removing the initial bias from the hiring decision, creates a better opportunity for women to have genuine growth and widens the network for women to connect with.

Tsedale Melaku takes a different approach in her analysis of gender in the law profession by discussing black women. In her book *You Don't Look Like a Lawyer: Black Women and Systemic Gendered Racism*, Melaku focuses on whether women are perceived as a lawyer based on their appearance.⁴⁷ There are certain normalized beauty standards, and as Melaku points out, there is a racial aspect to it. Men are still seen as the norm, but the beauty standards for women are based on white women. Since black

⁴⁵ Elizabeth Gorman, "Gender Stereotypes, Same-Gender Preferences, and Organizational Variation in the Hiring of Women: Evidence from Law Firms," *American Sociological Review* 70, no. 4 (2005): 702-728, 702.

⁴⁶ Gorman, "Gender Stereotypes, Same-Gender Preferences, and Organizational Variation in the Hiring of Women," 705.

⁴⁷ Tsedale M. Melaku, *You Don't Look Like a Lawyer: Black Women and Systemic Gendered Racism* (Rowman and Littlefield, 2019), 21.

women look different than white women, they are viewed as inferior and their abilities as a lawyer are put into question.⁴⁸ Additionally, Melaku discusses hypervisibility and invisibility. Black women are both hyper visible and invisible at the same time, as there are fewer black women in the field than white women, so they stick out when they are the only colored women there.⁴⁹ They are also invisible due to this inferiority put on them and their abilities and they tend to be overshadowed by white women. The other sources in this review highlight the various obstacles and barriers that still need to be brought down for women to succeed in the field of law, but Melaku brings an additional component to the barriers in not just removing them for white women but also women of color.

2.4- ORAL HISTORY

Another large trend in the scholarship focuses on oral history and telling stories of the big firsts and famous names. These stories tell of the first women lawyers, or first women professors, and provide the experience of the famous women who filled those roles. These histories tend to focus on colonial times, getting access to the bar, or entering the field after the first pioneering generation. Mary Jane Mossman wrote one such study which looks at the first female lawyers, but also adds a comparative aspect to it. Women who wished to join the profession had to decide whether they would be just like the men who were lawyers or if they would add another dimension, as discussed by Drachman. Some challenges made by women seemed to be successful, but it is difficult to see what made them successful versus others. It could be because they acted more like men, or

⁴⁸ Melaku, *You Don't Look Like a Lawyer*, 21.

⁴⁹ Melaku, *You Don't Look Like a Lawyer*, 51.

because women's admission to the legal field did not affect much of the population and had less barriers.⁵⁰ Either way, women were able to get their foot in the door and open it for the women behind them. Having only male institutions may have helped promote gender equality in the field, as there would not have to be a later integration as in other fields such as medicine.

Starting from a different period, the authors Lindsay Moore and Karen Morello start with the colonies as an explanation for women joining the field of law. Moore argues that from the 1580s on, women started to enter the courtroom to prosecute cases, present petitions, or testify. Due to the lack of royal oversight in the colonies, they could take different trajectories and have multi-jurisdictional law.⁵¹ There was a difference between women and the law in the north and the south, with women in the north having almost no legal freedoms. Moore shows how legal procedures during this time did not alienate women from courtrooms as is typically thought of during this time. Morello takes a similar approach and starts her work in the year 1638 and Margaret Brent, the first female lawyer in America. By studying the struggles of women trying to join the field from 1638 to the first female justice being appointed, Moore shows an unwillingness of women to be cowed professionally because of their gender. While some of the stories presented in both Moore and Morello are dramatized, they still provide a compelling history of women trying to join the field before the pioneering generation.

⁵⁰ Mary Jane Mossman, *The First Women Lawyers: A Comparative Study of Gender, Law, and the Legal Profession* (London: Bloomsbury Publishing Plc, 2006), 8.

⁵¹ Lindsay R. Moore, *Women Before the Court: Law and the Patriarchy in the Anglo-American World, 1600-1800* (Manchester University Press, 2019), 3.

While Hedda Garza is studying the same period in her work *Barred from the Bar: A History of Women in the Legal Profession*, she instead starts after the Revolutionary War. This work also like Morello, ends with the appointment of the first female justice on the Supreme Court, but it is more aimed at prompting discussion of their experiences and how it fits into the history of women lawyers. Jill Norgren in her work *Rebels at the Bar: The Fascinating, Forgotten Stories of America's First Female Lawyers* also discusses the importance of the Revolutionary War and the gradual entry of women into the profession. Throughout these early stories in both works, it was not until there was a balancing of work, marriage, and governance that women were equal in the profession. As both Norgren and Garza discuss, this reshaping and balance is still being fully created and women will not get over all the barriers until this is done.

Jane Friedman situates her work between the Revolutionary War and the 1960s by studying Myra Bradwell and her push to become a lawyer after the Civil War. Myra Bradwell was well known in her time, not just for her push to practice law but also due to her running a legal newspaper in Chicago. Myra was married to a lawyer and wanted to help her husband with the firm. However, she was denied twice in her attempts to practice, and the second decision in 1873 had two different rationales behind it. One Supreme Court judge used precedent cases of the slaughterhouse cases where something can be socially desirable but not mandated by the constitution.⁵² Another Supreme Court judge on this case made his decision on the fact that she was a woman and there was a natural role for both the sexes. This was a popular opinion during this time, as the

⁵² Friedman, *America's First Woman Lawyer*, 25.

prospect of women practicing law threatened very few, but the idea of letting women breaking free of their traditional roles terrified the populace.

As brought up in Drachman's work, men would not feel comfortable arguing with a woman in court, as it was a matter of pride how men treated women. This time of the Civil War and Reconstruction was the first-time gender-specific language was introduced to the Constitution due to this fear of women trying to enter men's roles. As Friedman highlights throughout her biography of Myra Bradwell women's efforts to enter the male's domain was a floodgate that not only eventually unlocked women's ability to enter the law profession, but also other occupations for 19th-century women.

Herma Hill Kay and Norgren's other work start in the 1960s and focus on the new generation of women lawyers. While most of the other works focusing on oral history start with the pioneering generation and make their way to the new generation, these works start with the strides made in the 1960s. Kay's work focuses on the first women law professors, with the first being Barbara Armstrong in 1919. From this first appointment, there were a couple before World War II, and the rest after in the 60s. As Kay shows throughout telling the stories, all these women had unique backgrounds and private lives. Despite being the first 14 women law professors, many did not know about the others because of few networking opportunities. However now, women law professors can understand who they are and what they are doing as women in the field.⁵³

Norgren's work *Stories from Trailblazing Women Lawyers: Lives in the Law* takes a similar approach by describing the changes in women lawyers during the 1960s.

⁵³ Herma Hill Kay, *Paving the Way: The First American Women Law Professors* (Oakland: University of California Press, 2021), 289.

There was a commitment of these women lawyers to raise each other up whether it was through leadership positions or creating partner firms. While a major part of the legacy of these trailblazing women is that the efforts to block or dismiss women's ambitions is no longer easily tolerated, there is still an unconscious bias towards women that keeps the efforts of these women from being fully successful.⁵⁴

2.5- ACCEPTANCE IN THE PROFESSION

The existing scholarship provides an overarching view of the changes women experienced and a more comprehensive understanding of how those changes occurred over several decades. The existing literature outlines the ways in which women were accepted or rejected, how the time periods shifted, and how roles changed. Several of the works in the field provide various ways in which women were initially accepted into the field. Briscoe mostly focuses on acceptance within the family. A woman is more likely to be accepted into law based on the attitudes family members hold toward the law profession, and whether any family members are in the profession themselves. If the family sees the field as more masculine, a woman is less likely to join as it is seen negative for them to gravitate to that field. On the flip side, however, if the family views the field as positive and has personal experience, a woman may be more likely to join and have a positive experience. Based on family, Briscoe shows that a woman can be initially accepted into the profession based on the attitudes toward the field in their immediate environment.⁵⁵

⁵⁴ Jill Norgren, *Stories from Trailblazing Women Lawyers: Lives in the Law* (New York: New York University Press, 2018), 254.

⁵⁵ Briscoe, "Perceptions that Discourage Women Attorneys from Seeking Public Office," 559.

Likewise, Kay takes a similar approach and found that more women were likely to become professors based on if their family prized education and pushed them to become something more.⁵⁶ Growing up with this mindset, women would have the drive to push themselves in law school and the drive to continue on despite obstacles thrown their way. Additionally, women would have a support system to fall back on, as their family would approve of them getting education in the field of law and pursuing the profession.

Drachman also takes a similar approach to Kay and Briscoe. When women choose a partner, assumed male as there have been little studies completed on women lawyers with different sexualities, that is either in the field with them or is more accepting and understanding of women in the profession, the women feel accepted.⁵⁷ If a woman's husband was in the field, he could support his wife through providing her opportunities or helping her stand up to obstacles. Even if her husband is not in the field but provides support in other ways, a woman would feel like she is more likely to succeed and would stay on the journey into the profession. Support in this way could also work with children, as many women were still expected to start a family, and if a husband supported his wife's career, he could be the main caretaker.

Gorman takes a slightly different route by focusing on preferences in the field, focusing more on how hiring preferences can make women more accepted into the profession. When a firm is hiring a role that is considered traditionally more feminine,

⁵⁶ Kay, *Paving the Way*, 5.

⁵⁷ Drachman, "My Partner" in Law and Life," 230.

firms tend to hire more women.⁵⁸ While this could have negative effects on the firm and hiring practices, women might be more accepted by those expecting them to hold certain roles and traits. When women do not fit into these roles, they tend to get more rejected. However, by specifically looking for women, they might be more accepted by their peers and colleagues.

Chester elaborates on an idea brought up in Drachman's work surrounding family and the husband. Chester terms Drachman's point about supportive husbands as "emotionally secure men." These secure men would not fear the power they would lose by allowing a woman to enter on the same level as them and would support them in what ways they could.⁵⁹ While these men did not open the door for these women, these helped keep them propped open and spoke up for women. By having this support in the workplace of colleagues and peers that supported women in the profession, women would feel more accepted and have more opportunities to succeed.

In Drachman's other work she describes women feeling accepted into the profession by other women. These women created a sort of sisterhood, where they would look out for one another and provide support when needed.⁶⁰ Through this sisterhood, they provided companionship and mentorship. The older women lawyers would be able to guide the newer generations through the obstacles to bring them onto the same level. Additionally, they taught them how to stand up for themselves and become more confident in their role, when they were second guessed by their male counterparts. By

⁵⁸ Gorman, "Gender Stereotypes, Same-Gender Preferences, and Organizational Variation in the Hiring of Women," 706.

⁵⁹ Chester, *Unequal Access*, 121.

⁶⁰ Drachman, *Sisters in Law*, 1.

having these older mentors, women felt accepted not only as lawyers in the field but also as women lawyers.

In addition to the field identifying ways in which women were accepted into the field, the scholarship also focused on the negative and the various ways in which women were rejected. In Baer's work, women are rejected because of their status as women. Male is seen as the norm because the male dominance is seen as natural due to them holding the power and being in the public sphere, while female is the deviation as they do not hold the same power.⁶¹ In this view, women are not seen as equal based on nature and are therefore rejected as they are not in the majority group. Unless the status of male domination changed, women would be seen in a negative light and not allowed to participate.

Epstein studies female rejection in a similar manner to Baer, by analyzing the image of womanhood. Women are portrayed in a certain light, due to them holding a traditional lower status. Epstein's image portrays women as subdued and passive, while men are dominant and active.⁶² Additionally, women were traditionally locked out of the profession by a refusal to allow them to attend law school. While eventually law schools became integrated, this refusal stemmed from the belief that women did not have the necessary skills to become a lawyer like a man does.⁶³ Women did not have the same skills as men because they were not allowed to get the same education, and because of the image of women as subdued.

⁶¹ Baer, *Women in American Law*, 3.

⁶² Epstein, *Women in Law*, 3.

⁶³ Epstein, *Women in Law*, 380.

Norgren also analyzes how women were rejected from the field by discussing how women were viewed in society. Women were seen as lesser than men in several ways and unable to perform the same roles, so they concluded that they should not be able to hold the same positions as men. Women were then rejected from the profession on the notion that they could not be lawyers like men, and that they were taking the place of a man that would be able to succeed.⁶⁴ While the field of law was not extremely limited, having more women and holding the position that a man would usually hold would provide less opportunities for the other men in the field, as a woman could potentially take it. Women were supposed to be subversive to men, as described by both Baer and Epstein, so women were rejected on the notion that they were taking what a man should hold and providing men less opportunities in a field dominated by males.

Mossman takes an additional step from Norgren's analysis by looking at what the definition a lawyer is. If men are confidently able to reject women based on the idea that they do not act and look like a lawyer, what does a typical lawyer look like? According to the males Mossman analyzes, a typical lawyer is just a man who took up the challenge of studying the law and received a formal entry through getting a degree and passing the bar.⁶⁵ Women and those who did not have the formal entrance, such as those that engaged in legal work without passing the bar, were therefore not considered lawyers. Since they did not fit the typical definition, women were rejected and not allowed to participate on the same levels as men.

⁶⁴ Norgren, *Stories from Trailblazing Women Lawyers*, 1.

⁶⁵ Mossman, *The First Women Lawyers*, 9.

Drachman provides a specific example of the ways in which women were rejected from the field by analyzing how women were rejected from the courtroom. The courtroom was seen as the male domain, and women were typically not allowed to enter. One reason why men did not want women to become lawyers and enter the courtroom was that they would have to argue against a woman. Their chivalric honor would not allow them to argue against a woman as they would against a male counterpart and believed that women would not be the arena as they were seen as weak and passive.⁶⁶ Based on the image of women described by Epstein and Baer, women were not able to keep up with men in the courtroom as they were too weak and emotional compared to men and were unfit to perform the same roles as men. This rejection also stems from the idea of definition brought up by Mossman, as women were not in the typical description of what a lawyer was during this time.

Besides questioning how women were initially accepted or rejected into the field, this study was also interested in learning shifts that occurred that allowed more women to join the field and when those shifts occurred. In one of Drachman's works she analyzes distinct attitudes and their shifts between women of the 1880s and the 1910s. These attitudes surrounded women and the dilemma of having a career or marriage. There are three distinct attitudes between the pioneering generation and the new generation: separatist, Victorian, and integrated. The separatist approach argued that professional women must remain single as getting married and having a family would stop women from having a career.⁶⁷ The Victorian approach held that a woman would have to

⁶⁶ Drachman, "Entering the Male Domain," 45.

⁶⁷ Drachman, "My "Partner" in Law and Life," 231.

sacrifice her career to have a family and be married to become the primary caretaker. The integrated approach, which is what more women during the new generation of the 1910s was pushing, held that women could have both a career and marriage without needing to sacrifice one or the other.⁶⁸ By analyzing the shifts in views towards marriage and career between the early generations of women lawyers, Drachman shows how women started to overcome the obstacles blocking their entrance into the profession. Women and society started by holding the Victorian approach, as women's main role in society was seen as a wife and mother. The pioneer generation of the 1880s pushed for the separatist approach as that was usually their only way to enter and stay in the profession. The new generation of the 1910s, while still occasionally needing to use the separatist approach, opted more towards the integrated approach as it allowed them to enter the field in whatever ways they could while still upholding the roles society expected of them.

In Drachman's other work, instead of focusing on how attitudes toward marriage reflected a shift in women entering the field, identifies more concrete actions throughout various decades. Drachman starts this analysis in the 1860s when women first began to seek entrance into the legal profession. While women had been involved in courts and the law system before the 1860s, their role consisted of more of an observer instead of a participant. The 1860s, according to Drachman, was the first time women actively attempted to participate in the legal profession by seeking entrance. This initial entrance was sought by Myra Bradwell, as described in the introduction, and helped open the door for more women to gain admission and establish professional careers.⁶⁹ Drachman cites

⁶⁸ Drachman, "My "Partner" in Law and Life," 232.

⁶⁹ Drachman, *Sisters in Law*, 1.

the ending of the first opening as the 1930s with women recognizing the limits of their progress by only achieving modest professional success. This halting went from the 1930s to the 1970s, where in the mid-1970s women's success skyrocketed again and women were able to remove barriers at a similar rate as during the 1860s.⁷⁰ Through Drachman's analysis of specific decades, waves of success and failure are able to be identified and connected to the history of the larger nation.

Rhode provides another framework of the periods in which shifts occurred by highlighting the 1920s-1960s and the 1970s-1980s. The 1920s were the start of the post-suffrage period, in which women a massive political and legal victory. Chasing off of this high, women pushed other aspects of society that focused on gender difference and argued for protective legislation.⁷¹ While change did not occur right away, as the moods of society toward women pushing for careers in law fluctuated through the decades between 1920 and 1960, this period provided invaluable towards women removing a large number of barriers for themselves and the generations behind them. The later decades of the 1970s and 1980s followed the success of the previous decades and used their newfound positions to push the evolution of sex-discrimination legislation.⁷² Now that they were allowed to join the profession, there needed to be protective legislature that stopped forms of discrimination against them based on their sex. Rhode's analysis and use of specific decades provides examples of women gaining legal victories toward removing obstacles to their entrances, whether it was allowing them to join or removing forms of discrimination.

⁷⁰ Drachman, *Sisters in Law*, 1.

⁷¹ Rhode, *Justice and Gender*, 4.

⁷² Rhode, *Justice and Gender*, 4.

Similar to the previous authors, Chester analyzes the period between the 1920s and the 1970s as the decades in which attitudes toward women in the profession shifted to become more accepting. The 1920s were the start of the shift as there was an openness in society after World War I and a rejection of traditional behavior after women gained the right to vote.⁷³ The 1930s halted women's progress due to the Great Depression impeding much of American society, and the 1940s provided no great stimulus to bring the push back, as the nation was occupied with World War II. The 1950s could have brought the movement and shift back, but women were pushed to find fulfillment in the home and family instead of careers.⁷⁴ Chester cites the 1960s as the period in which the movement and shift toward openness for women was revived due to the Great Society. The women's movement was brought back during this period and brought change for women not only in the legal profession but also all of society. The 1970s had all the freedoms the 1920s brought women, without the uncertainty that brought it down. Chester's analysis of the decades matches with authors such as Drachman and Rhode and highlight the ups and downs women went through to reach the position they are at now.

Slotkin takes a similar approach to the previous authors in her analysis by studying the 1960s as the decade that brought a major shift for women in the profession. The women and men of the 1960s was the first generation that matured after World War II. World War II altered American society, due to the brutality of the war and America being thrust into a position of world leadership. Society was questioning many of their roles, and the revival of the women's movement gave women an outlet. Many young

⁷³ Chester, *Unequal Access*, 2.

⁷⁴ Chester, *Unequal Access*, 2.

adults started questioning and rejecting traditional patterns of life, much like what occurred during the 1920s after the first World War.⁷⁵ Similar to the 1920s, the 1960s opened many doors for women to remove obstacles and enter the field in various ways. As most of these authors show, there was something that occurred during the 1960s that provided opportunities for women to enter professions that had been previously blocked to them and for society to become more open to the idea of women's traditional roles shifting.

The last question asked in the introduction that guided this research regarded the roles women used to hold and comparing it to the roles women hold now. Much of the scholarship provides a view into how women pushed against the roles given to them and pushed to change them. Baer's work is one such work in which women reject the role given to them by society. Baer notes that women traditionally have held a domestic role, in which they are the main caretakers of the family and are known only as a wife and a mother.⁷⁶ By being shoved into this role, women are forced into the private sphere of the home, where they would have very little power and control, while men control the public sphere. Women have rejected this role, as Baer argues, not only because women want to leave the domestic sphere to gain the same power men have but also because their role has been devalued by men. Men devalue and punish women who both accept and reject their role, while at the same time trying to stay out of the role themselves.⁷⁷ This devaluation is seen in various forms, such as pushback against women in gaining more power, or overt and covert discrimination. By women attempting to enter the field of law

⁷⁵ Slotkin, "You Really Have Come a Long Way," 17.

⁷⁶ Baer, *Women in American Law*, 280.

⁷⁷ Baer, *Women in American Law*, 281.

and other professions, they are trying to change their traditional roles of wife-mother and hold an equal role to men.

Hall's work approaches a similar image of women that Baer portrays. A clear portrayal of women cast into the wife-mother role is seen through breach-of-promise suits. In these suits, usually a woman would sue a man who they were promised to marry if they did not fulfill their promise of engagement. If a man brought before the court was under twenty-one, however, the judge did not hold the man accountable due to male youthfulness. Women, however, were held under the expectation that they had to marry and become mothers to fulfill their responsibility to society, and they could not be unfaithful as they would then be considered unfit for marriage.⁷⁸ The law is defined by society, as Hall argues, and society expected women to remain pure and only live to have children, while men did not have the same expectation. Marriages have changed from breach-of-promise suits in the nineteenth century, as Drachman describes in her work, and while there are no current expectations that women's sole role is to have a family, that change occurred slowly.

Kay offers a different aspect of the analysis on women's roles using the first women law professors. The first woman law professor was appointed in 1919, which occurred during a time of open-mindedness and rejection of traditional behavior, was an early victory for women. The majority of women during this period did not work outside the home much, and if they did it was not seen as a career. Women working was seen as helping out the family and the husband with extra expenses, while the husband's job was seen as the career. Additionally, there were very few positions women would be accepted

⁷⁸ Hall, *The Magic Mirror*, 152.

and hired into. These positions mostly were librarians, nurses, and teachers of young children.⁷⁹ While these did allow women out of the domestic sphere, they all still required the women to be a caretaker of some sort. As Kay demonstrates throughout her work, however, by transitioning from teachers to professors, women were able to break out of that caretaker mold and hold positions that men have typically held.

Mossman takes a different approach than Baer, Hall, or Kay in analyzing women's roles by identifying women's attitudes towards other women in those changing roles. When women first joined the field, it was very competitive between women as there was very few positions they could take and few that would accept them. One way that women fought for these positions was to adopt the attitudes and behaviors of their male colleagues. By adopting these behaviors, women would be more accepted in the workplace and were able to penetrate further through the barriers than other women.⁸⁰ These women would have reacted negatively at first to women changing their roles and gaining more power, as they would have feared losing their status. Over time as Mossman shows, however, these behaviors and attitudes of these competitive women changed to become more supportive. Instead of viewing women gaining more power and roles as a negative thing, they instead provided mentorship and viewed the change as positive for women overall instead of individual successes.

Chester brings another aspect of the analysis of changing women's roles by discussing motherhood and careers. As Chester explains, traditionally, women's only role and expectation were to marry and start a family. Women holding careers and working

⁷⁹ Kay, *Paving the Way*, 2.

⁸⁰ Mossman, *The First Women Lawyers*, 5.

outside the home was not part of the expectation and was the first way in which women were able to change their roles. As Chester points out with women in the 1920s, though, if they wanted a full-time law career, they could not have both.⁸¹ In a way, these women were married to the law, and they had to sacrifice either family or career. However, as more women joined the field and they had more support from family or their husbands, women's roles changed to allow both. There was still an expectation that women would marry and have a family, though lessened, and women would still hold the role of wife and mother. The changing definition of women's roles in society and in the profession allowed women to become both mothers and lawyers and keep their womanhood by not sacrificing their careers.

2.6- CONCLUSION

The history of women lawyers has been thoroughly studied but there are still ways in the field could be improved. Women's history tends to focus on big names that brought about political changes, such as those in the suffrage movement. While the scholarship of the history of women lawyers is extensive, there is still an obsession with writing about famous women and the big firsts. The first female lawyer, the first female admitted to the bar, the first female law professor; there are many works about these women. However, as I will attempt to show throughout my own research, there are plenty of other women's stories out there that show how and why they entered the field of law and how they pushed past the many barriers presented to them.

⁸¹ Chester, *Unequal Access*, 120.

CHAPTER 3- HISTORICAL PRECEDENTS

Before introducing and exploring the two case studies highlighted in this thesis, I would like to provide two more examples of the oral history of the field. In addition to Myra Bradwell's story, these two examples provide background and precedent for the experiences Sandor and Tompkins later lived. While there were many stories that could have been chosen, the two that were provide a unique connection to the case studies in this thesis as they represent some of California's firsts in regard to women in law. While these stories do highlight the big names in the field, as they are part of the "firsts," they help set up the history of women in law in California before Sandor and Tompkins entered the field.

Clara Foltz became the first female lawyer in California and on the Pacific Coast in 1878, almost ten years after Myra Bradwell sent in her application to the Supreme Court of Illinois. Foltz did not receive a formal education at a law school, though as this chapter will explain, she did apply to study at the Hastings College of the Law. Rose Bird, the other woman that will be highlighted in this chapter, was also a woman that provided one of the big firsts for women in law in California. Bird has a list of firsts attached to her name, as will be explored, but one of the most significant firsts was the first female California Supreme Court chief justice in 1977. Bird was able to receive a formal law education and attended the Berkeley School of Law during the early 1960s. Their stories provide background on how women were treated in the field of law during different stages in women joining the field and how attitudes fluctuated over time to those experienced during Sandor and Tompkins's time. By creating connections between Clara

Foltz and Rose Bird to Geri Graham Sandor and Jennifer Tompkins, we can gain a micro history of women in law in the state of California.

3.1- CLARA FOLTZ AND THE PUSH FOR EDUCATION

Clara Foltz was born in 1849 in Indiana but moved to Iowa shortly after her birth. In Iowa, she grew up in the town of Mount Pleasant where Belle Mansfield, one of the other pioneering women of this generation, was accepted as a lawyer. Before the outbreak of the Civil War, Foltz attended a school which sprouted a philosophy of racial and gender equality.⁸² In growing up in a town that tolerated gender equality and spouted a woman in a male-dominated profession, Foltz had plenty of indicators around her that she did not have to follow the traditional path that was set down for women. Her father was a lawyer, and though he practiced as a preacher for a couple of years, provided another introduction to the field of law. Though her father lamented her gender as a setback, he observed that Foltz had early makings of a lawyer with her abstruse thinking.⁸³

During the early 1860s, Foltz got sidetracked by romance and followed her husband to the west coast in Oregon, with her whole family following her. While in Oregon with her husband, she worked by sewing and taking in lodgers. Through these lodgers she had another reminder of the field of law, as some happened to be members of the legislation. One of these lodgers ended up giving her a book on law and advised her to become a lawyer, despite her gender.⁸⁴ During her time in Oregon, Foltz learned more

⁸² Jill Norgren, "Clara Foltz's Story: Breaking Barriers in the West," In *Rebels at the Bar: The Fascinating, Forgotten Stories of America's First Women Lawyers* (New York: New York University Press, 2013), 106.

⁸³ Norgren, "Clara Foltz's Story," In *Rebels at the Bar*, 106.

⁸⁴ Norgren, "Clara Foltz's Story," In *Rebels at the Bar*, 106.

about the power of the law through going to court. She taught herself local codes and statutes and successfully won a case against a neighbor, and for a machine that was seized. While she was not fully pushed towards the field yet, she started to pay more attention. Her marriage with her husband ended badly and after a divorce in 1879, Foltz and her family moved to San Jose in California. During this time, she found that the typical work that women did, such as teaching or sewing, could not economically support her as a single mother.⁸⁵ She was drawn to the philosophy of the Workingmen's Party of California and started working as a paid public lecturer, but still felt a connection to the field of law. Her father resumed his practice of law and in addition to being a lecturer, Foltz started working as his apprentice.

Before starting to work with her father in his practice, Foltz did apply to work and study with the town's best lawyer, Francis Spencer. She was refused, however, by Spencer based on the grounds that her desire to be a student of law was a foolish pursuit and her practicing the law would bring ridicule and contempt, and that her place was at the home.⁸⁶ Foltz's response, in addition to not giving up her pursuit by studying under her father, was a lecture titled "Equality of Sex" in which she argued that there was no middle ground and women would either be men's equal or their slaves.⁸⁷ In California, the requirements to become a lawyer were not difficult, as it only required a residence of six months. There was nothing in the state code that mentioned length or nature of applicant's course of study, but there was a prerequisite which admitted only white, male citizens. As Foltz and many other women of this pioneering generation found, even if the

⁸⁵ Norgren, "Clara Foltz's Story," In *Rebels at the Bar*, 107.

⁸⁶ Norgren, "Clara Foltz's Story," In *Rebels at the Bar*, 107.

⁸⁷ Norgren, "Clara Foltz's Story," In *Rebels at the Bar*, 108.

code did not explicitly state gender as a reason for rejection, it was often cited and used as precedent.

In making the decision to turn in the application, Foltz again decided that there could be no middle ground and that admission either had to admit all women or no women, not just admitting women on a case-by-case basis. Based on the previous attempts of her fellow pioneering women, Foltz saw the failure of challenging the courts and instead moved to approach the legislature. In 1878 she drafted the Woman Lawyer's Bill which moved to change the precedent and wording from white male citizens to any citizens or persons that could apply.⁸⁸ While there was much opposition to the bill, as those opposing the bill saw it as a slope that would lead to women's suffrage, the bill eventually passed. That same year in 1878 Foltz took the bar and became the first female lawyer on the Pacific Coast and in California.

Her early cases focused mostly on women and the poor in divorce cases. She was rejected by clients and other lawyers, as she was both a lawyer, who was supposed to be masculine, and a mother, who was feminine. Political interests and ambition pushed Foltz to continue past this opposition and to continue moving forward with her career. In 1879, a year after her momentous victory and entrance into the profession, Foltz decided to move to San Francisco to pursue a dream of becoming a university law student and having a larger practice. She hoped to add another first to her name by becoming the first female law school graduate. The Hastings College of the Law at the University of California was the first law department in the west, so this was her only hope for going to law school unless she moved states again. There was a spirit of equal treatment in the

⁸⁸ Norgren, "Clara Foltz's Story," In *Rebels at the Bar*, 109.

Midwest at the time that was influencing admissions, and so Foltz hoped that the college would prove progressive and welcoming.⁸⁹

Foltz's hopes were not well founded, as the Hastings' board of directors felt that the presence of female students would undermine the value of the school and its degrees. Foltz experienced this rejection firsthand, when after her first three days of school she was barred from returning.⁹⁰ She appealed to the founder who requested that the lecturer had to admit her until the board created an official policy. On the third day after attending class, she received a letter from the registrar who told her that her presence and "bustling skirts" bothered the male scholars.⁹¹ Several weeks went by with her continuing to attend and then the men from the school physically blocked her entering. The University of California by law was coeducational, so Foltz pushed past this opposition to sue in the hopes it would allow her entry. In the court, the lawyer arguing on the side of the board of directors drew upon the line of reasoning used in Myra Bradwell's Supreme Court case, and the belief that women could not handle being lawyers.⁹²

While the judges did not necessarily agree that women should be lawyers, they did agree that the law was on the side of Foltz and that the college was supposed to be coeducational. However, due to delays of the case, Foltz was out of money and therefore unable to continue to pursue her university dreams. While Foltz never did end up receiving a formal legal education, she did open the door for other women in the state to receive a legal education. After this case, Foltz continued to work as an attorney and

⁸⁹ Norgren, "Clara Foltz's Story," In *Rebels at the Bar*, 112.

⁹⁰ Norgren, "Clara Foltz's Story," In *Rebels at the Bar*, 113.

⁹¹ Norgren, "Clara Foltz's Story," In *Rebels at the Bar*, 113.

⁹² Norgren, "Clara Foltz's Story," In *Rebels at the Bar*, 114.

public lecturer, though she never reached her biggest ambitions. However, just as other pioneering women like Myra Bradwell and Belva Lockwood, Clara Foltz opened the way for other women to pursue their desires of entering the law profession and created a pathway in which women were able to receive a legal education and apply for admittance into the field.

3.2- ROSE BIRD AND THE PUBLIC EYE

Rose Bird was born in 1936 in Tucson, Arizona. While her and her mother eventually moved to New York and then eventually California, Bird spent most of her childhood in Arizona. Bird's parents' relationship was strained, as her mother was twenty-five and her father was fifty-seven. As a result, her father left when she was quite young, and her mother was left to raise Bird and her siblings during the period of World War II. Despite being a single mother and having to raise a family on her own, Bird's mother left very valuable lessons for Bird. Through her mother, Bird learned that women had to take care of themselves, and that education, hard work, and perseverance were the keys to living a life that was free of physically taxing, low-paid labor.⁹³

Bird's mother struggled to find work, as she was not able to attain the desirable housewife role. During the war, her mother found work at a factory, but that was taken away after the war ended. Since her mother was a single mother, who never remarried, during the period of nuclear families, Bird and her mother were placed in a different category than the other women and stood out.⁹⁴ Most women during the time after the war did not take jobs outside the household and instead focused on taking care of their

⁹³ Kathleen A. Cairns, *The Case of Rose Bird: Gender, Politics, and the California Courts* (University of Nebraska Press, 2016), 9.

⁹⁴ Cairns, *The Case of Rose Bird*, 14.

husband and raising children. By not having that experience, Bird and her mother experienced being a non-traditional woman and were able to get an outsider's perspective of how women were treated during this period.

Another aspect that affected Bird during this period and made her stand out was the fact that her and her mother moved states. For most of her childhood Bird grew up in Arizona, in a community surrounded by a diverse population of mixed communities. About halfway through high school, Bird and her family moved to Sea Cliff, New York, a town which was a majority of white, upper-class families. While there was some tolerance and inclusivity, it was vastly different than Bird's life in Arizona. She was viewed as friendly by those her age, but passionate when it came to ethnic or religious minorities.⁹⁵ It would seem that this passion stayed with her from her childhood into her career as she continued to support those minority groups.

During high school, Bird joined the campus newspaper and yearbook. This inspired her passion for journalism and when she graduated high school and attended Long Island University, she began as an English major. She had a couple of reporters who she hoped to follow in their footsteps, as she was determined to make a difference.⁹⁶ Bird found a male mentor in Len Karlin who she hoped to aid her in her journey into the field. Karlin described Bird as a lovely person, but that she was naïve and possessed an idealistic view of the world with her passion to help minority groups.⁹⁷ Even with this mentor, however, the journalism of the 1950s was a man's business. The journalism field was male-dominated and the women that were able to join did not appear on the front

⁹⁵ Cairns, *The Case of Rose Bird*, 14.

⁹⁶ Cairns, *The Case of Rose Bird*, 16.

⁹⁷ Cairns, *The Case of Rose Bird*, 17.

pages. Their work instead revolved around the suburban and society sections such as writing about school carnivals or fashion.⁹⁸ This was not a field for someone as passionate and ambitious as Bird, and at one point she decided to change her focus to political science.

After her graduation in 1958, she was given a scholarship to attend the University of California, Berkeley in a graduate program for political science. While on campus she lived in the International House which housed students from all over the world. This housing arrangement was unisex, and while they could not live in the same room, men and women stayed in the same facility. Through this housing, Bird was able to make connections with future governors and prime ministers, including the governor who appointed her as chief justice. Bird won several fellowships during her time, such as one in which she worked as an intern for a state lawmaker. By experiencing this internship, Bird decided to apply to go to law school at Berkeley, as she believed practicing law would give her the opportunity to make the difference that she wanted to make in journalism.⁹⁹

Bird was accepted and was the class of 1965. Out of her class, she was one of eight women out of a total of more than two hundred.¹⁰⁰ In addition to being one of only a handful of women that year, there was only one female law professor. Essentially, Bird ended up swapping one male-dominated profession for another, as both journalism and the field of law were still male-oriented. Despite this, Bird was able to do quite well at law school and became the first woman to win the law school's honors prize. Though

⁹⁸ Cairns, *The Case of Rose Bird*, 17.

⁹⁹ Cairns, *The Case of Rose Bird*, 19.

¹⁰⁰ Cairns, *The Case of Rose Bird*, 20.

Bird did graduate from Berkeley before Sandor did, they did attend at roughly the same time. Sandor does recall meeting Bird and remembered her as a very tall and determined woman.¹⁰¹ While their meeting was short and they were by no means friends, both Bird and Sandor experienced attending law school during the 1960s.

Throughout law school and after graduation, Bird stayed single and never married. Her rationale in staying single was that she understood marriage as a disadvantage to women seeking professional careers, as they would not be able to fully commit themselves.¹⁰² Getting a job at a law firm and making law a professional career was not easy for a woman during this time, as employers had various reasons for not hiring women. These reasons include men needing to support families while women were working for extra money, losing interest in working after having children, and not being able to keep up with the same tasks that men complete, similar reasons as those described in the works by Slotkin and Liao. Women often had to navigate the field alone, as their male colleagues would follow these reasonings.

Luckily, Bird did not have to go alone and got both a mentor and a job. Bird became the law clerk for the Nevada Supreme Court, and through there she was able to learn how to play the game of office politics. When she first joined the office, there was a reluctance from her male coworkers that she had to learn how to overcome. While the reluctance came not from concerns that she could not keep up and rather that there was a raunchy atmosphere, she still had to prove herself.¹⁰³ Over time, her colleagues did come

¹⁰¹ Geri Graham Sandor, interview by author, San Luis Obispo, December, 2022.

¹⁰² Cairns, *The Case of Rose Bird*, 22.

¹⁰³ Cairns, *The Case of Rose Bird*, 24.

to accept her and see her gender as a useful tool, as it could disarm opponents in court, but she was held to a different standard than her other coworkers.

Eventually, Bird's connections came back into play, and she started helping an old colleague from the International House, Jerry Brown. Jerry Brown was running for governor, and Bird was helping him with his campaign. After Brown ended up winning the election, he appointed Bird as the secretary of agriculture and services and was both the first woman and first nonfarmer to fulfill this role. Brown chose Bird for this role not only because of their previous connection and her help, but also because he pledged to include women in his administration.¹⁰⁴ Through her work in this position, Bird was able to help farmworkers gain power over the growers and help at least one minority group. Through her work in this position, she gained attention from the media and was viewed by feminists as an example of a successful woman.¹⁰⁵ While Bird did not call herself a feminist, she seemed to understand the public position she held and what it meant for other women.

In 1977, more attention was brought to Bird as there were calls for her to replace the retiring chief justice of the California Supreme Court. While she did not have any judicial experience, as she worked as an attorney, she was selected by Brown as a way to shake the system up and introduce new blood into the system.¹⁰⁶ Bird was stunned by honored by the nomination as the California Supreme Court was considered to be the most outstanding supreme court in the United States at the time. While there was pushback during her confirmation hearing, as many did not agree that a woman should

¹⁰⁴ Cairns, *The Case of Rose Bird*, 32.

¹⁰⁵ Cairns, *The Case of Rose Bird*, 53.

¹⁰⁶ Cairns, *The Case of Rose Bird*, 53-54.

fill that position, she did end up receiving the position and became the first woman to be the chief justice of the California Supreme Court. Even though Bird holding this position did not last very long, as her tenure was full of controversies and recall attempts, she still breached the highest position on a state supreme court. By her opening the door and becoming the first woman to hold the position, despite her being the first chief justice to be removed from office, she allowed other woman the opportunity to follow her path. As she told a reporter before her nomination, “the way women advance is by showing that they can do the job the same way anyone else could.”¹⁰⁷ Her position helped start a shift in how both men and women viewed the position of chief justice, and the ability of women to perform the same as men.

3.3- CONCLUSION

Clara Foltz and Rose Bird had different experiences and journeys through their time as women in the field of law, but they both opened the door for the women that came after them. While Foltz had more support from family, she struggled more in the field as she was part of the pioneering generation. She had to fight for the ability to apply for the bar and apply to study at law school, and while she was not able to attend, cleared the way for the women behind her. Bird had less support from her family but found some solidarity in the field from male mentors. She entered and experienced the field right before Sandor, but still opened the door for women to hold high positions on a governmental level. Through their struggles, women like Sandor and Tompkins were able to study and receive a formal legal education, and practice as attorneys.

¹⁰⁷ Cairns, *The Case of Rose Bird*, 31.

CHAPTER 4- LAW SCHOOL

To add to the oral history of the field and gain a better understanding of how women have been treated in the profession and field, I have interviewed two women who attended law school and practiced law in California. One attended school during the 1960s and started practicing during the 1970s, while the other attended school during the 1990s and started practicing during the late 1990s and early 2000s. Even though both women were from California and ended up practicing in the same county, they had vastly different experiences. By learning and linking what both women went through, we can gain a better understanding not just of how women were treated in law in California, but also how the field has shifted over time. Before these women could experience the law profession in full, however, they both had to go through law school and take the bar.

4.1- SANDOR AND BERKELEY

Geri Graham Sandor attended the Berkeley School of Law during the 1960s. She graduated around 1967, but it was not until 1972 that she took the bar exam and passed and started to practice in Orange County. When asked why she was interested in law and what made her choose such a hard area of study, Sandor responded that there was no clear reason for her. No one in her immediate family had been in the law profession before, she had a granduncle that was a lawyer, but he passed before she was born, so there was no push in her family to go toward the law career. Sandor's experience is at odds with Briscoe's findings and shows that attitudes of family members towards the field might not be affected based on if a member was already in the profession.¹⁰⁸

¹⁰⁸ Briscoe, "Perceptions that Discourage Women Attorneys from Seeking Public Office," 559.

Despite not having any family members in the profession, Sandor wanted to help people and she enjoyed solving problems and untangling things. With this interest, she was able to be introduced to law through her neighbor, who practiced law. While she was not especially close with this neighbor, she liked what he did and found it exciting. After being asked more about him, she remembered that he used to walk his dog around the zoo and practice defenses to work through problems with his cases on these walks. This piqued her interest, as she enjoyed solving problems, and he got excited over her enthusiasm and introduced her to the field of law. She knew that it would be challenging and that not a lot of people were willing to go through that challenge, men, or women, but she was willing.¹⁰⁹

When Sandor made it to law school, there were 218 people in her class. Out of those 218, only 16 were women. There was a clear gender gap between the students, however all the women knew each other and were able to stick together. In addition to a gender gap between the students, there was a gap between faculty. Sandor recalls that there were only 2 women faculty members while she was attending law school. This number tracks with the findings from Kay and how spread throughout the nation there were only 14 women faculty professors before 1960 and only by the end of the 20th century did that number reach above 1,000.¹¹⁰ Despite the low number of women professors, as they were spread thinly throughout the nation, they still made it a point to connect with their female students. Sandor recalls that each day the professors would take about 4-5 of the female students out to lunch so they would feel welcomed and not feel

¹⁰⁹ Geri Graham Sandor, interview by author, San Luis Obispo, December, 2022.

¹¹⁰ Kay, *Paving the Way*, 1.

alone. This lunch meeting helped Sandor feel like she belonged in law school, and she was able to create a kinship with the other women. This kinship is the one described by Drachman and her “sisters in law,” and helped Sandor start to define herself as a woman and as a lawyer.

These women faculty went out of their way to make the 16 women in Sandor’s class feel welcome, but they were the only ones who did. Younger male students, while accepting of them, did not really go out of their way to ensure their female counterparts felt welcome. Their welcoming seemed to be an acceptance of their studying to become lawyers with them and for Sandor it seemed like this was plenty. Some of the male faculty also took this stance, and while they did not overtly aid and welcome this minority group, they did not react harshly. Other male faculty, however, had very strong opinions on these women. Sandor recalls vividly a contract professor who was very outspoken about what he thought of women in law. This professor felt that those women took the place of a man and that they should instead be taking care of a family. For Sandor, and probably many of those other women in her class, this was a stark encounter and reminder that they were considered different from the norm and that there would be pushback from those who were not as accepting.¹¹¹

For Sandor during this time, the term sex discrimination was not on the radar. While she understood that she was sometimes being treated differently or unfairly because of her gender, for her it simply “was the way it was.” Women in general during the 1960s were still trying to shake the 1950s ideology of the nuclear family and housewife, and while the feminist movement was making a comeback there were still

¹¹¹ Geri Graham Sandor, interview by author, San Luis Obispo, December, 2022.

pockets that did not share this mindset yet. Sandor and her female counterparts did not want to rattle the cage much, and while they knew they were being treated differently and did not like it, they did not do much to change it. This eventually changed over time for her and by the time she was practicing law she was trying to educate people and change how they were treating her, but in law school she rarely protested.¹¹²

This is an interesting phenomenon that while may not have a clear answer could be best understood using double consciousness and shifting politics of the time. Double consciousness, or double burden as used in Drachman's book *Sisters in Law*, describes how women measure themselves through the traditional gender roles and dominant white culture.¹¹³ While Sandor is a white woman and does not experience race in the same way as a woman of color, she is still affected by the idea of what a typical woman should look like and what a typical lawyer should look like. For society, a typical lawyer is a man who is usually wealthy and respected throughout society.¹¹⁴ Since women are seen as different from men and less respected, using this lens they cannot become lawyers because they are not on the same level as men.¹¹⁵

As Baer points out in *Women in American Law*, "male is the norm, female the deviation."¹¹⁶ Using this same logic for gender roles, females are expected to hold and perform different roles from men, that are lesser, and that men would not be expected to do. Women pushed and fought to be able to enter the world of men, but men have not fought in the same way to enter the world of women. With this thinking, Sandor would

¹¹² Geri Graham Sandor, interview by author, San Luis Obispo, December, 2022.

¹¹³ Drachman, *Sisters in Law*, 9.

¹¹⁴ Black and Rothman, "Shall we Kill all the Lawyers First?," 839.

¹¹⁵ Geri Graham Sandor, interview by author, San Luis Obispo, December, 2022.

¹¹⁶ Baer, *Women in American Law*, 1.

not have pushed back against the overt discrimination because she was attempting to enter a role that would previously have not been available to her, and she subconsciously was measuring herself against what a typical lawyer traditionally was.¹¹⁷

In addition to double consciousness, during the time of the 1960s politics was changing in a rapid direction to the left. The civil rights movement opened a lot of doors for protections against discrimination, both racial and sexual. Many authors such as Baer, Chester, Drachman, and Epstein cite the 1960s as a more open-minded time and major change of national attitude. Changes in the national legislation played a major role, as now schools and companies were no longer able to overtly discriminate based on characteristics. While they still found other ways to make it known that they did not think this group of people should have been able to enter their domain, they could not stop it because of their sex or race.

This opening up allowed a lot of women to finally pursue careers that were previously closed to them, and they were also able to get a better education. This shift, as it took place over many years and not right away, could help explain why Sandor was eventually able to fight for herself. According to Hall the law reflects society and culture's views, so as the law started to change this reflected as an opening up of society's minds toward women.¹¹⁸ Sandor stuck up for herself because she was more open and understanding of her changing role, and less people would have been antagonistic as they were when she was first starting.

¹¹⁷ Geri Graham Sandor, interview by author, San Luis Obispo, December, 2022.

¹¹⁸ Hall, *The Magic Mirror*, 336.

As Sandor pointed out ways in which she was overtly discriminated against, such as the contract professor, she also mentioned various ways in which she was covertly discriminated against. Due to protections by the law, such as Title IX, professors and faculty were not able to knowingly hold students back or fail them on purpose. One thing they could do to put women at a disadvantage, however, regarded internships and interviews. As Duncan points out in her work, women law students had difficulty developing relationships with their professors, which in turn affected their ability to network and make connections for their future in the field.¹¹⁹ Sandor noticed this occurring as more men were receiving internships than the few women in the field, due to having to interview for them and subtle prejudices causing women to not receive them.¹²⁰

The biggest example Sandor remembered of this type of discrimination regarded the top of their class. At the Berkeley School of Law, the number one student that was performing at the top of the class got an opportunity to clerk for the Supreme Court. This opportunity opened many doors for those students whether they continued to judge and hopefully join the Supreme Court or make connections at the highest court. During Sandor's years, the top two spots were held by women. They should have been granted this amazing opportunity; however, it was granted to the #3 spot. The only reason the top two students were skipped over, was because the third spot was held by a man. While Sandor did not mention the official reason the school made this decision, she knew it was ultimately because of gender and that the school did not want a woman to get an opportunity that would be beneficial to a man.¹²¹

¹¹⁹ Duncan, "Reducing Gender Inequality in the Academy and the Legal Profession," 97.

¹²⁰ Geri Graham Sandor, interview by author, San Luis Obispo, December, 2022.

¹²¹ Geri Graham Sandor, interview by author, San Luis Obispo, December, 2022.

Another example of covert discrimination that Sandor experienced was through the student lounges. Male and female students were given different lounges where in these spaces they could study, make connections, or simply hang out. While Sandor mentioned that they were barely used, as the students were usually always busy there was a vast difference in the space. The boy's lounge was this huge spacious room, with multiple couches, chairs, and tables and even a cards table. All the furniture looked new and expensive, but it seemed a comforting place to spend time in. The women's lounge, however, was a teeny-tiny room that had maybe one couch and a couple chairs in. There was one small plastic coffee table, but other than that there was nothing else in there. No card table, no new furniture, it seemed like the lounge was put together as an afterthought with whatever the school could find. While Sandor did not think of it at the time as anything different, looking back she could tell there was a major difference in the two spaces. While it may not have been intentional on the side of the school, they did not do much to change it and decrease the differences. Even though the school had to provide spaces for both male and females students, they made it known through other ways that there was still a preference for male students and that female students were less welcome.¹²²

During her third year of law school, Sandor found that she was unable to continue and had to take a break from her studies for the bar exam. This break was caused by Sandor getting pregnant and her health being affected by studying. This was a stressful time for her, between trying to get her degree and trying to study for the exam so she could start to practice. She recalls getting a recommendation from her doctor to quit

¹²² Geri Graham Sandor, interview by author, San Luis Obispo, December, 2022.

before it was too late, as her stress was starting to affect the pregnancy. Sandor decided to put her life and career on hold to become a stay-at-home mom. It was not until 1972, when her child had grown, that she decided to go back and take the bar.¹²³

She originally thought that it would be easy going back, as she had done it for so long, but it was a lot more difficult than she originally planned for trying to juggle getting a career and taking care of her family. Sandor's experience is similar to the one described by Liao in her work "Power, Gender, and Race in the Legal Profession." Liao describes how there are many penalties for taking time away to start a family and that many women tend to get stuck taking care of the family and are lost upon re-entering.¹²⁴ Luckily for Sandor, she had the support of her husband, who was a lawyer, and she had the necessary support and help to finish the bar and start her career.¹²⁵

Looking back, Sandor enjoyed law school and found that it was very eye-opening and informative for her life after graduating. While she now realizes that she experienced more discrimination than she did while she attended, she still felt like she belonged and was welcomed in other ways. Having faculty members that were women was very powerful for her, as having older women mentor her that already went through the difficulties of law school and the profession enabled her to create kinship and connection and prepare her for her own struggles. Even though she still experienced both overt and covert discrimination over her career, she was able to create a bond with other people who understood her experience and may have also handled them. While the discrimination against women in law school eventually shifted and lessened, as will be

¹²³ Geri Graham Sandor, interview by author, San Luis Obispo, December, 2022.

¹²⁴ Liao, "Power, Gender, and Race in the Legal Profession," 179.

¹²⁵ Geri Graham Sandor, interview by author, San Luis Obispo, December, 2022.

seen by Tompkins, Sandor challenged the typical gender roles of her time and ideas of what a lawyer should look like and endured the various obstacles and barriers put to keep her in place.

4.2- TOMPKINS AND PEPPERDINE

Jennifer Tompkins went through a different path at a different time to reach the field of law. Tompkins attended Pepperdine School of Law in 1996 and there was no clear path from undergraduate to law school. Tompkins originally attended California State University Long Beach for her undergraduate and entered as a psychology major. However, she was unhappy with this major and ended up switching it two more times, from elementary education to physical therapy. During her third year of undergraduate, she felt that she was not meant for physical therapy anymore, and continued the hunt to find a major/career path that she was more interested in. Tompkins eventually decided on law as her future profession after talking with her father, who was a corporate attorney. This ties in with Briscoe's findings due to the attitude towards the law profession being changed as there was a family member in the profession.¹²⁶ Tompkins had a sense that her father really enjoyed his job and found it interesting, and she believed it would be a good idea to join the profession as well. She had not really found anything else through her searching in undergraduate and law seemed both interesting and a challenge that she was willing to go through. To get to law school, however, she had to change her major one last time to human development to meet all the qualifications for graduation and to apply for law school.¹²⁷

¹²⁶ Briscoe, "Perceptions that Discourage Women Attorneys from Seeking Public Office," 559.

¹²⁷ Jennifer Tompkins, interview by author, San Luis Obispo, November 28, 2022.

Another aspect that drew Tompkins to the field of law besides her father being an attorney was that there are a lot of different areas in the field to work in. She would have a lot of options after law school whether she would work at a corporate firm like her father, work in the judiciary, or work in smaller firms that did cases such as dependency. Since she did not have a clear-cut desire to work in law before this period, having these options would allow her to find a specialized area that would match her interests while still being part of the field of law. Having multiple options in the field gives the field the ability to attract more diverse applicants that then bring diverse cultural and social contexts. In Hall's work, the law is described in a social context. Having more of the society interpreting and working with the law allows for more and newer definitions of the law. Also, having the ability to branch out within the profession attracts people such as Tompkins who are not clearly set on their path in life. Both the broader field and the individual benefits from having options to mold their respective developments.

Tompkins did not recall any outstanding moments during her time at law school where she experienced clear discrimination. While she does not remember clearly all the students and faculty during her time at school, she does not feel like there was a huge gap between male and female students. She feels it was equal both in terms of students with her and the faculty teaching them. While she attributes not remembering due to her youth, she feels like if it was not noticeable it could not have been a big difference. Whether there was a major difference in gender among students during her time or not, Tompkins remembers law school fondly and does not feel like she was treated differently because of her gender. She also does not remember there being any problems while taking the bar, as she completed it right away after graduation. While Tompkins did not say much about

her experience in law school, as she does not recall it being any different, she did mention that she felt going to school as a woman during this time would have been positive. Perceptions toward women in different careers was shifting, and while there might be some that clung onto the old ways, many people shifted towards more openness and acceptance as the law became more representative of society.¹²⁸

4.3- SANDOR AND TOMPKINS IN LAW SCHOOL

Sandor and Tompkins both had different experiences when it came to law school and the bar. Not only were their experiences affected by their individuality, but also due to time. Sandor attended during the 1960s, which was a time of renewed hope for women in the field of law. As Epstein describes in her work, the 1960s were a time of change in attitudes and in society.¹²⁹ The civil rights movement, student movements, and women's movement gained momentum and women gained back some of the gains they had made during the pioneering generation of the 1920s. As described in section 3.1, there was a difference in attitude when it came to viewing women during this time, and it was slowly changing. Sandor attended school during the beginning of the shift, hence the multiple cases of discrimination she experienced, while Tompkins attended school after the shift had occurred. By the time the 1990s hit, more women were holding careers in the field of law and hit higher positions in the judiciary. While the issue of gender discrimination was not completely solved by the time of the 1990s, it was significantly lessened than it was during the 1960s. The difference in schools may have also aided in different experiences,

¹²⁸ Jennifer Tompkins, interview by author, San Luis Obispo, November 28, 2022.

¹²⁹ Epstein, *Women in Law*, 4.

as one was in Northern California and the other was in Southern California, but the bigger factor was time.

Another aspect of the time difference is the ratio between male and female students and faculty. Sandor remembers clearly that there were only 2 women faculty and 16 women in her class out of 218 students attending Berkeley law school during this time. Men were still most law students and the majority in the field, as many women were still locked out of the profession. While the attitudes in the field were starting to shift during this time, and more women joined, it was still a slow process. In addition to low numbers of women students, there were even fewer women faculty. Works such as Kay, Morello, and Norgren highlight the history of women joining the profession to become professors, many women did not become professors until a little before the 1960s.

Women students and women faculty were in the minority but slowly growing during Sandor's time at school. Tompkins, on the other hand, had a more even ratio of male to female student and faculty. While Tompkins did not have exact numbers of female students and faculty, she mentioned it felt more equal and almost split in half. Due to the opening of doors by the 1960s generation, more and more women had the opportunity to join the field of law. By the 1990s with Tompkins's generation, the doors would have been open for a couple of decades and women students and faculty would have had the opportunity to catch up. The gap would have lessened enough for the difference between the numbers of males and females to not be noticeable.

The difference based on time is also noticeable in the experiences of overt and covert discrimination Sandor and Tompkins experienced. Sandor had many examples of

times she was discriminated against, whether it was clear cut examples of men gaining internships over women over subtle prejudices in the classroom. Sex discrimination was barely a term being added to legislation at this time, so there would not have been much put in place at the school to stop faculty and students from discriminating against women. They would not have been able to knowingly hold them back, but there were ways that male faculty and students would have made it known that they did not want the women to be there. By the time Tompkins attended law school, federal law was put in place banning sex discrimination so by law male and female students had to be treated equally. While this might not have stopped more covert forms of discrimination as described in works such as Duncan, Liao, and Martinez, Tompkins did not recall experiencing it during her time. While discrimination against women did not end before the 1990s, it was lessened between the time of Sandor and Tompkins.

The other factor for difference in experience was individuality between Sandor and Tompkins. Despite meeting together later in life, they started out on different paths. This is first seen through how they were introduced to the field of law and their decision to choose this challenging career path. Both Sandor and Tompkins had introductions to the field early in life through connections with the people around them. Sandor's neighbor and Tompkins's father inspired these women and gave them an option for a career that it seemed like they would both enjoy and get the opportunity to help people. As Briscoe mentions and as it is pointed out in sections 3.1 and 3.2, people are more likely to choose the field of law as a profession when there is someone close, like a family member, already in the profession. They also have a different attitude surrounding

women entering the profession, as it is typically seen as a masculine field, and are more open to women joining.¹³⁰

Despite both having influences to join the field, however, they both did not have clear journeys to entering. Once Sandor learned about the field from her neighbor, she was inspired to make it her career and knew that was what she wanted to do for the rest of her life. She knew it would be challenging, but she enjoyed solving problems and helping people and knew that she could endure. Tompkins, on the other hand, had a longer journey and did not plan on entering the field right away. She knew she wanted to help people, but originally started with psychology as the field. This did not interest her after a while, and she switched around until falling on physical therapy. However, as she got farther into the degree, she felt like it was not right and looked to her father and his job. Despite the early influence, it took Tompkins longer to become interested and undertake the challenge.

Another difference based on individuality was how Sandor took a break between law school and practice while Tompkins continued right away. Sandor's break was due to a pregnancy and needing to step back due to stress affecting her health. Sandor's time attending law school was not too long after the 1950s and the push for the nuclear family. The nuclear family consisted of a man holding a career and taking care of the family, a housewife, and two children. While this idea of family started to change during the 1960s with the various movements and the introduction of *The Feminine Mystique* by Betty Friedan, there was still an expectation that women would marry and start a family. While Sandor married a lawyer, who would understand and support her needs and career, she

¹³⁰ Briscoe, "Perceptions that Discourage Women Attorneys from Seeking Public Office," 559.

was still the one who had to put a hold on her career to start the family. Going back to school and work after having a child was difficult, as Liao describes in her work, but Sandor was able to come back after a short break.

This experience differs from Tompkins's experience who did not stop to start a family and got her degree and credentials before having a family. This wait to have a family may have been caused by a shift in attitudes towards marriage and family. By the 1990s, there was less of a push for women to enter a marriage and have family right away, and many waited until they entered their professions first. Women had more opportunities as the doors had been opened for them, so they had more opportunities to choose a career that they were interested in. Tompkins would have had less pressure to stop her life to start a family and would not have to worry about the difficulties of starting back up again.

Despite choosing the same profession and having early connections to the field of law, Sandor and Tompkins had very different experiences in law school. Sandor experienced many kinds of discrimination, through not getting the same opportunities as male students to getting told by male professors that she was taking the place of a man. Despite the hardships, Sandor and her fellow female students faced they did not rattle the cage and fight back as for them it simply was the way it was. These women did have solidarity with each other, as there was so few of them and they had a few professors to mentor them. Tompkins, on the other hand, did not experience the same type of discrimination and the ratio between male and female students was more equal. The gap that Sandor vividly experienced was greatly lessened by the time Tompkins attended law school and she had more women mentors as a support system.

CHAPTER 5- AFTER LAW SCHOOL

After graduating from law school in their respective years and passing the bar, both women entered the workforce and had to navigate the law profession. While both women ended up working for the same law firm, they had different journeys and experiences to get the position where they ended up. Sandor and Tompkins practiced in Orange County, but their experiences are separated by time between the 1970s and the early 2000s. By understanding and linking what Sandor and Tompkins went through in the profession, we can gain a better understanding of the changes the field of law went through over time and how the position and attitudes towards women shifted. While they had different experiences surrounding law school, these women found similarity in entering the profession.

5.1- SANDOR'S ENTRANCE INTO THE FIELD

After Sandor's short break between law school and the bar, she had to decide what kind of law she wanted to practice. There were many options that she could choose from, such as business law or criminal law, but she decided on family law. Since Sandor married a lawyer in the same area of practice, she had plenty of support and understanding when it came to entering the field again. While Sandor did work for a couple of other law firms in the area, her and her husband decided to open a law firm together in Orange County. With this firm, they were able to practice family law in a smaller, more intimate setting in which Sandor was able to have both a family and a career. This phenomenon of women lawyers has both family and career were rare, as discussed in Chester's work. As Chester describes women who made it through law school and the bar either did not marry and have a family, concentrate on family and

marriage with occasional cases, or have both in a practice with male family members.¹³¹ Since Sandor went into a private practice with her husband, who understood when she needed help with children or cases, she did not have to sacrifice one to have the other.¹³²

As Sandor mentioned during her interview, she felt that more women chose family law over other types of law. Her reasoning behind this choosing was the family law firms were more likely to choose women for this type because of their gender and the feminine traits they typically have.¹³³ These traits typically describe women as caretakers and place their main role surrounding the family. As Drachman discusses in her work “‘My ‘Partner’ in Law and Life’: Marriage in the Lives of Women Lawyers in Late 19th- and Early 20th- Century America,” the typical attitude towards women lawyers were that they had to sacrifice their career to take up the main role of starting a family, but that women lawyers that stuck to their careers and had career and family had to intertwine their professional and personal lives together.¹³⁴ Due to their personal lives revolving around the family, they might have been influenced to continue that role into their professional lives by practicing family law.

Women might have also chosen family law in a hope that they would be more understanding toward their own obligations towards their family. Women were still expected to marry and have a family during this time, which contradicted with their desire to have a career.¹³⁵ Women had to juggle work and children, and they may have gravitated towards family law due to the nature of the work and the obligations. Due to

¹³¹ Chester, *Unequal Access*, 118.

¹³² Geri Graham Sandor, interview by author, San Luis Obispo, December, 2022.

¹³³ Geri Graham Sandor, interview by author, San Luis Obispo, December, 2022.

¹³⁴ Drachman, “‘My ‘Partner’ in Law and Life,” 223.

¹³⁵ Epstein, *Women in Law*, 366.

the less grueling nature of the firm, as opposed to criminal or corporate law, they would have been able to practice law while still upholding their role to their families.

While women chose family law for their own reasons, the law firms might have had their own reasons for picking women over men. Gorman's study of the hiring process at law firms shows that stereotypes and in-group favoritism affect criteria and decision making in hiring and can intensify gender inequality.¹³⁶ When law firms are hiring for a position that has traditionally more masculine characteristics, such as corporate law, more men are hired than women. Reversely, at firms that are hiring for a position that is more traditionally feminine, such as at family law, more women are hired than men.¹³⁷ Not only does this selection criteria affect all those in the field trying to get hired, but it negatively affects women trying to get started in the profession. By only getting hired at places that stereotype women into a certain role, consciously or unconsciously, women have less opportunity to branch out in the profession and are only able to practice one type of law. While this bias in the hiring process may not be the reason why more women practice family law than other types of law, it does play a factor in how women lawyers navigate the profession.

After Sandor was settled at the law firm with her husband, she started to take cases and enter the more public arena of the law. In the first ten years of her practicing, which would be the 1970s through the early 1980s, Sandor mentioned the belittling she received from both judges and other attorneys. Unlike in law school where these male

¹³⁶ Gorman, "Gender Stereotypes, Same-Gender Preferences, and Organizational Variation in the Hiring of Women," 702.

¹³⁷ Gorman, "Gender Stereotypes, Same-Gender Preferences, and Organizational Variation in the Hiring of Women," 706.

attorneys and judges would get in some trouble for harassing the women, there was almost nothing stopping them from harassing and discriminating against women. Sandor recalls a time when she was working with an older male attorney on a case, and he dismissively called her “sweetie.” She quickly corrected him and told him to stop, which he did do, but he still called Sandor a term that belittled her to a status other than lawyer. After correcting him Sandor did mention that the attorney did not realize it was demeaning and that it was something he should not do, but the incident still happened. Even though this act seemed to happen subconsciously; this male attorney did not see Sandor on the same level as him because she was a woman. Her status as a woman came before her status as a lawyer and it affected how she was perceived by those around her. Even though Sandor met all the requirements to practice as a full-fledged lawyer, it took longer for those in the profession to accept the requirements as well.¹³⁸

Those who belittled Sandor and seemed to have the biggest issue with her, were overwhelmingly older males. Those who had been in the profession for longer had a harder, longer time accepting Sandor and other female lawyers than those younger. This phenomenon occurred in law school as well, as Sandor recalled that her fellow students had no issues with her, but it was the older professors who took offense to her gender. Even in clients, the younger generation was more accepting. Sandor recalled that she had more male clients and she usually did not have any trouble working with them. With older clients, however, they would turn dismissive and ask for her husband to assist them instead. Despite the few rare cases, most were starting to accept more and more female

¹³⁸ Geri Graham Sandor, interview by author, San Luis Obispo, December, 2022.

lawyers. Even just a decade after first entering the field, Sandor noticed that conditions were starting to get better.¹³⁹

In addition to taking cases in family law, Sandor also taught a few classes at the University of Irvine in the 1970s. Even just a few years after graduating, there was already a difference in how women were treated in law school. While Sandor did teach at a different school than the one she attended, she recalled seeing less stigma. Women students had the same number of opportunities that male students did, and they were getting awarded at the same rate. Instead of internships to open the door toward a good future career being awarded to men more just because they were men, they were starting to be awarded based more on the quality of interviews. This shift made it more fair to both men and women, as they were receiving opportunities based on their merits instead of just their gender. In addition to seeing the change in how women were treated, Sandor also witnessed a change in the structure of law school. One example Sandor recalled was the opportunity to go into court. While Sandor was attending, they were not able to practice in a real court, and instead had to do mock ones in the classroom. By having more opportunities like this, students would be better prepared for entering the field and going to court on their own.¹⁴⁰

One aspect of the profession that took a while to change was the “old boys’ network.” While not an official network, this phrase was used to describe the older, male leaders of the profession. These lawyers would have known and worked with each other for many years and would represent the “good old days.” As Melaku describes in her

¹³⁹ Geri Graham Sandor, interview by author, San Luis Obispo, December, 2022.

¹⁴⁰ Geri Graham Sandor, interview by author, San Luis Obispo, December, 2022.

work, this beloved relic represents a time before women's liberation and sexual harassment laws.¹⁴¹ This club would consist of the older generation of lawyers that Sandor recalled giving her the most difficulty when first joining. It would be hard to infiltrate this network, as they would have been part of it before women joined the field in force and would have a harder time seeing women's status shift to full lawyers. The man that called Sandor "sweetie" provides the best example of her run-in with this boy's club. With time and the continuous opening of the field, this network started to break down and go away but it took more women joining the field for it to change.

Throughout all the experiences Sandor recalled with being belittled or harassed, she always mentioned meeting with them calmly and nicely. Despite the treatment, Sandor focused more on education rather than harassing and belittling those men back. In the case with the male attorney who called her "sweetie," instead of calling him a nasty name back, she instead took the high road tried to educate him on why that term would be harmful. In cases such as this, they did not realize they were being demeaning and belittling and after learning why their behavior was bad, they stopped. If Sandor had fought back with the same energy or not said anything at all, they would not have learned why it was harmful and instead would know that it could be used again. Through this education, Sandor was able to quietly make changes in the profession in Orange County. There were other women lawyers before Sandor, but the more women that started practicing, the more perceptions towards women lawyers started to change.¹⁴²

¹⁴¹ Melaku, *You Don't Look Like a Lawyer*, 78.

¹⁴² Geri Graham Sandor, interview by author, San Luis Obispo, December, 2022.

Sandor, and previous women lawyers, provided mentors and role models for the women who came after them. Sandor knew how difficult it was to go through both law school and first entering the profession, and she wanted women to be successful like her. Sandor found it important to think of these women as colleagues and not competitors. Instead of harming other women's opportunities and excluding them, Sandor wanted to boost these women up and provide them with chances that she did not have when she entered the field. As Duncan points out in her article "Reducing Gender Inequality in the Academy and the Legal Profession," women have a lot to learn from other women, and it will harm them to not have a mentor that already went through the experience.¹⁴³ Just as there were women to help Sandor navigate the field in the form of her female professors in law school, Sandor turned it around to help those that came after be taken seriously and become successful.¹⁴⁴

While Sandor is retired now and no longer works as an active lawyer, she still is active in the field. Her son took over the law firm and works alongside Tompkins, who still practices family law. While she had a bumpy road throughout her time in the field, from being harassed to mentoring others, she would not choose any other profession. As will be shown through Tompkins's journey, all female lawyers had different experiences with both hardships and successes. While the field did change over time and eventually the old boy's network dissipated, women still had to work extra to be taken seriously and seen on the same level as men. Due to mentorship and education, women lawyers after

¹⁴³ Duncan, "Reducing Gender Inequality in the Academy and the Legal Profession," 100.

¹⁴⁴ Geri Graham Sandor, interview by author, San Luis Obispo, December, 2022.

Sandor would have a guide on how to reach that level and share in the success of being a female lawyer.

5.2- TOMPKINS'S ENTRANCE IN THE FIELD

After law school and the bar, Tompkins had to make a choice surrounding what kind of law she wanted to practice. Similar to her journey to law school, Tompkins was not sure from the beginning and tried multiple areas until she found one she liked. She interned in various places such as at a public defender's office, and she through these she found dependency work. In this area, she would represent and work with children who had been taken away from their parents for a variety of reasons. In court, she would represent the social worker that removed the child and work to find the best placement for the child to grow in. For a while this became her plan as it was an area that she was interested in where she would be able to help people in a manner that mattered to her. However, her plans changed after interviewing for a position in this area and she found out how much money they made. Tompkins had taken loans out to go to law school and needed to pay them off, and the pay she would be getting to be a dependency attorney would not be enough for her to pay back the loan and afford to live. With this new information, Tompkins had to find another opportunity that interested her and would make enough money.¹⁴⁵

The other opportunity came in the form of Sandor and her husband, David. Tompkins met Sandor and her husband at a wedding for a mutual and found out that they were both attorneys. After talking at the reception, Sandor and David offered Tompkins a

¹⁴⁵ Jennifer Tompkins, interview by author, San Luis Obispo, November 28, 2022.

job at their law firm to be a law clerk. Family law was the opportunity she was looking for as it interested Tompkins in a similar way that dependency law did. She was still able to work with people and help families, and in a way, she still dealt with children. What really drew her in, was the human aspect. Tompkins did not want to sit in an office all day reading reports like she would at firms that dealt with areas such as corporate or business law, and instead wanted to work with clients and make connections. While family law was an area that she grew interested in, she was most excited to connect. Tompkins started as a law clerk at Sandor and David's firm, but after working there for about twenty-five years has become a partner. While she has stayed in pretty much the same position for most of her career and at the same law firm, she has been able to have a successful career while still holding her personal goals.¹⁴⁶

When Tompkins was first entering the field in the late 1990s and early 2000s, she experienced negative attitudes toward her because of her gender. Judges, attorneys, and clients acted condescending toward her and did not take her seriously. Some of her male clients would get frustrated with her and ask for David, as they thought that a man would understand them better. Within the law firm, Tompkins felt very respected and had a positive experience. While the small nature of the firm may have helped, Tompkins's experience was due to having a female mentor and understanding male peer. Sandor would understand when Tompkins was not being taken seriously by attorneys or judges and would be able to give her advice and help her stand up for herself. David would also help in his own way, as he was able to stand up for her when they would not listen to a woman. As Chester points out in his work, emotionally secure men continually helped

¹⁴⁶ Jennifer Tompkins, interview by author, San Luis Obispo, November 28, 2022.

women as they did not fear a loss of power and welcomed more colleagues.¹⁴⁷ With this support system from Sandor and David, Tompkins was able to become more confident in her abilities as a lawyer and as a woman, and she learned to not accept that kind of behavior and stand up for herself.¹⁴⁸

There was one instance she remembers clear as day in dealing with a condescending judge and needing to use her support system. Tompkins's first time in court, about six months after she became an attorney, was supposed to be a simple appearance. She was going in lieu of David, and all she really had to do was show up. The parties had already agreed to continue the hearing for another day, she just had to be there for the judge to say the agreement. These types of agreement happen every day and is usually not a big deal. However, the judge, seeing that Tompkins was brand new and nervous, decided to test her. He asked her to recite to him the code section that allows him to do the hearing they were in there for. Tompkins had never heard of this before and when she answered negative, he told her to walk down the hall to the law library and look it up. The judge put the case on what is called "second call," where he sent her out of the courtroom to come back when she had an answer. What was supposed to be a quick case where the judge would read the agreement and they could leave turned into a test that prolonged the hearing.¹⁴⁹

After leaving the courtroom, Tompkins went to the payphone to call David for help, as she was unsure what was being asked of her and why it was happening. David also got confused, as it had never happened before when he was there. She ended up

¹⁴⁷ Chester, *Unequal Access*, 121.

¹⁴⁸ Jennifer Tompkins, interview by author, San Luis Obispo, November 28, 2022.

¹⁴⁹ Jennifer Tompkins, interview by author, San Luis Obispo, November 28, 2022.

going back into the courtroom without an answer and got a really hard time from the judge because she did not pass his test. After the hearing, Tompkins had to go to the clerk's office to report the hearing and was asked which courtroom she was in and what happened. After hearing which judge, the clerk told Tompkins that he purposefully gave female attorneys a hard time. Since this hearing happened about 6 months after entering the field, this would have occurred during the late 1990s.¹⁵⁰ In this example, Tompkins was tested not only because she was new but also because she was a woman. This hearing was supposed to be a simple appearance and would have been over with quickly, but the judge felt the need to prolong it to make a point. As David told Tompkins, in all the times he had been there for those types of hearings, he had never once been tested on what part of the code allowed it to happen. The judge deemed David capable enough to not test him because he saw David as a lawyer first, and a man second. Since Tompkins was a woman, however, the judge saw gender first and her status as a lawyer second. Tompkins's experience with this judge must not have been the first, as the clerk mentioned that he had a history of giving women attorneys a hard time. Despite deliberately harassing women based on their gender, the judge was still able to practice and hold court.¹⁵¹

Tompkins's experience is similar to the analysis in the studies of Kenney and Drachman. Kenney's work looks at increasing women's presence in the judiciary as their representation has traditionally been small. By increasing women in the judiciary, women can integrate into the mainstream political institutions and are able to revolutionize

¹⁵⁰ Jennifer Tompkins, interview by author, San Luis Obispo, November 28, 2022.

¹⁵¹ Jennifer Tompkins, interview by author, San Luis Obispo, November 28, 2022.

representation and nondiscrimination.¹⁵² Seeing more women hold these higher positions would influence other women to reach these levels, and to appeal to these political institutions to bring about changes for women. If Tompkins's hearing had been in front of a female judge, she might not have been tested and would not have had such a negative experience. However, since there were few female judges during this time, Tompkins would have had less of a chance of getting a judge that understood her status as a woman attorney, not just a woman.

Drachman's study of women lawyers entering the courtroom, or the male's domain, also applies to Tompkins's experience. While Drachman's study focuses on women's first attempts in entering the courtroom, the principles of male behavior and attitude still holds. Male lawyers and judges would argue that the courtroom was no place for a woman as law had no room for emotion and chivalry made it impossible to argue and verbally attack a woman.¹⁵³ While by the time of Tompkins's appearance women would have been practicing in court for decades, the judge may have still held these beliefs about the courtroom being the male domain. Women were seen as weak, as Drachman describes, and the judge utilized that weakness to challenge Tompkins's identity as a female attorney.

In addition to the negative experiences Tompkins had when first working as an attorney, she also experienced plenty of positive ones. After about five years of practicing, Tompkins noticed the hostility toward women attorneys die down, and that she was working with more female attorneys and clients. Seeing other female attorneys,

¹⁵² Kenney, *Gender and Justice*, 2.

¹⁵³ Drachman, "Entering the Male Domain," 45.

sometimes at a higher level than her, was inspiring for Tompkins and helped her feel more successful. Instead of feeling discouraged at women holding higher positions than her, which according to Vincent et. al occurs based on stereotypes,¹⁵⁴ Tompkins was inspired to keep succeeding and to mentor new female attorneys that came after her. With time in the field and mentorship she was able to gain confidence and the ability to speak up for herself, and she enjoyed being able to pass that information on when working with other female attorneys.¹⁵⁵

Tompkins also felt like she was able to bond with female attorneys and female clients over children. Tompkins, unlike many women working in larger firms, was able to set boundaries between her career and children. For Tompkins, it was important to be there for the development of her child and to not miss important events as they were growing up. Luckily, since she worked in a smaller firm and one that understood women needing time with children, she had the choice to take the time she needed and wanted for her children and to still have her career. As Tompkins pointed out in her interview, she felt that if she had worked for a larger firm or one that did a different type of law, she would have had to make a choice and sacrifice one or the other.¹⁵⁶ For many women this was the case, as Drachman describes. Women's private and professional lives should not mix, as women traditionally had to stop their careers to have a family.¹⁵⁷

Tompkins, however, was able to combine and use her experience when dealing with clients and other attorneys. Tompkins also mentioned that she felt that men were not

¹⁵⁴ Vincent et. al, *Learning to Lead*, 26.

¹⁵⁵ Jennifer Tompkins, interview by author, San Luis Obispo, November 28, 2022.

¹⁵⁶ Jennifer Tompkins, interview by author, San Luis Obispo, November 28, 2022.

¹⁵⁷ Drachman, "My "Partner" in Law and Life," 223.

expected to take the same sacrifices as women to either have a career or a family, and that it was accepted that they would miss the development of their child. Men were expected to start a family, same as women, but they would not get the time off women would have to bond with the child. In some cases, Tompkins would be able to bond with male clients and attorneys surrounding children, but she felt like the connection was deeper and more positive with women.¹⁵⁸

Tompkins is still working at the same position and same firm after about twenty-five years. She has become a partner instead of an associate and has had a positive experience where she felt respected. Though others in the field have brought negative experiences, especially judges, Tompkins has felt supported through supportive men such as David, Sandor's husband, and Sandor. Having other female attorneys that are at a higher level inspire Tompkins and have pushed her to become more successful. As Tompkins developed through the field, she not only gained confidence in her abilities as a lawyer, but also the confidence to stand up for herself and not accept negative behaviors. While the field might still bring negative experiences, it has vastly improved for Tompkins since the first five years of her entering.

5.3- SANDOR AND TOMPKINS AFTER LAW SCHOOL

Sandor and Tompkins had similar yet different experiences when it came to entering the field of law. Despite one entering during the 1970s and the other entering during the late 1990s and early 2000s, they both shared negative and positive experiences in how clients and other attorneys treated them. Both had different yet similar forms of

¹⁵⁸ Jennifer Tompkins, interview by author, San Luis Obispo, November 28, 2022.

support through the form of Sandor's husband David. David supported Sandor when it came to children versus cases, as he understood what she was going through. David also supported Tompkins by standing up for her against those that would not listen to a woman and gave her the confidence to work in the field. Through their experiences, Sandor and Tompkins show the shift of attitudes towards women in the field and how they were treated from the 1970s to the 2000s.

The first difference comes from how the two women were introduced and entered the area of family law. Sandor was interested in other areas of law at first, such as criminal law, but settled on family law after meeting her husband. They were able to start a firm and practice together, and they did not have to go through the experience of working in a large firm. If Sandor had, she most likely would have had to choose career or family, due to the obligations law such as corporate or business demands of its attorneys. Both the work and the firm demand a lot from women, as Liao describes, and many women get second-guessed for many things including children.¹⁵⁹ Working within such a small firm, Sandor was able to blend both and keep her career and identity as a mother.

Tompkins, on the other hand, was not set on doing family law at first. Instead, she wanted to do dependency work in which she would ensure a child's rights are protected and are either reunited with their parents or guardians or receive the proper care. It was not until she found out how much they made that she needed to make a different decision and find a different area. Tompkins met Sandor and David through a mutual friend and was introduced to family law. She liked the human aspect of the area, as if she went into

¹⁵⁹ Liao, "Power, Gender, and Race in the Legal Profession," 178.

a different field she would be trapped in an office and not connecting with people. Similar to Sandor, Tompkins also benefited from working within a small firm. Since Tompkins worked with Sandor and David, two people who understood what it meant being a woman in the field of law, she was also able to have both a career and a family. She did not need to sacrifice one for the other, as she did not want to miss the development of her child and she did not want to give up the career she had been working towards. Similar to the experience described in Liao, Tompkins did not want to be second-guessed on her child and she did not want to miss events for work. For both Sandor and Tompkins, keeping both family and career was important in the profession.¹⁶⁰

Sandor and Tompkins both experienced times where they were belittled or spoken down to by male attorneys, judges, or clients. Sandor had many instances where older men would not take her seriously and would demean her. The best example she could remember was working with an attorney who called her “sweetie.” While the male attorney did not realize calling her this term would be demeaning and stopped when she corrected him, it showed that he did not think she was at the same level as him. The demeaning words and phrases pushed her to a different status as she was seen as a woman first and lawyer second.¹⁶¹ Her generation and the generation after did not typically have an issue with women being lawyers, but the older generation seemed to keep the “old boy’s club.” This club, while not an official club, was a relic of the “good old days” in which women were barely entering the field of law and there were not as many laws against sexual harassment.¹⁶² They pushed back against women joining the

¹⁶⁰ Jennifer Tompkins, interview by author, San Luis Obispo, November 28, 2022.

¹⁶¹ Chester, *Unequal Access*, 121.

¹⁶² Melaku, *You Don’t Look Like a Lawyer*, 78.

profession and fought to keep their traditional power roles against women by creating an environment that was unwelcoming. Tompkins also recalls many instances where she had negative experiences with males in the field. Her most relevant example comes from her first court date where a male judge tested her for no reason other than him giving females a hard time. What should have been a typical court appearance that would have been over quickly, turned into an unneeded lesson to knock Tompkins down a few pegs. This judge saw and understood that she was new to the field and to court, and instead of aiding her, decided to create a negative experience. This hearing and experience with the judge also provided Tompkins a run-in with the “old boy’s club” and the older generation that missed the “good old days.” While Sandor recalled the club starting to dissipate with the introduction of more women in the field during the 1970s, there were still plenty of older males in the field that wanted to assert their power over women like Tompkins in the 1990s.

Tompkins’s experience also shows the limits of the judiciary field that Kenney mentions, and how despite being half of the population women are not well represented in the judiciary. If they were, they would not only be able to help bring ideas of women’s representation and nondiscrimination to higher political institutions,¹⁶³ but they would also bring more definitions to the law with social context.¹⁶⁴ While some interactions with males were positive, such as with David, the majority of experiences Tompkins had with male attorneys and judges during her first five years were negative.

¹⁶³ Kenney, *Gender and Justice*, 2.

¹⁶⁴ Hall, *The Magic Mirror*, 336.

When faced with these negative interactions, Sandor had a specific method in order to correct the person. Instead of meekly accepting it or fighting back in the same manner, Sandor would try to nicely educate the person that belittled or demeaned her. With the example of the man calling her “sweetie,” instead of not saying something or calling him a name back she told him to stop and explained that it was demeaning towards her and the work she put in to becoming a lawyer. By taking the high road when correcting people, Sandor was able to quietly make changes in the profession. She was standing up not only for herself but for the other female lawyers in the county, and she was creating a space for future women lawyers to enter. By changing the minds of the males during her time to accept her as a female lawyer, she was slowly opening their minds and their future students’ minds towards women lawyers and seeing them not just on account of their gender but also their abilities. Tompkins used this method from Sandor when it came time to stand up for herself in the later decades of the 1990s and 2000s. Tompkins would also try to connect to educate rather than fight back. While there might have been less instances of male attorneys and judges harassing and demeaning women attorneys, it was still happening. Through education and support from males like David, who did not fear women lawyers being on the same level, Tompkins was able to stand up for herself and build confidence. While she did not make changes in the profession in the same way Sandor did, Tompkins was still able to show how women lawyers are more than their gender and should be seen on the same level and status as men.

Sandor and Tompkins both experienced positive interactions with females, both clients and in the field, and expressed desire for mentorship. Sandor wanted to create

colleagues not competitors, and tried to boost women up whenever she had the chance. In a way, Sandor provided this mentorship to Tompkins as she gave her better opportunities than she received. Sandor provided a space for Tompkins to have both a career and a family, which was a big priority for her, and understood that she wanted to see the development of her child. Instead of big law firms, which prioritize results over its employees, being in a small setting provided understanding and support for both women. As Chester discusses in his work, female colleagues sometimes adopted male attitudes of competitiveness and hierarchy to be accepted and succeed in the male-dominated profession.¹⁶⁵ Instead of fostering this competitiveness, Sandor provided opportunities for the women lawyers that came after her to connect and work together to succeed.

Tompkins also used whatever opportunities she could to be a mentor to the female attorneys that came after her. As Duncan mentions in her work, “women have much to offer other women.”¹⁶⁶ Tompkins hoped to continue the principles that Sandor had taught her and provide whatever opportunities she could do the women that came after her. Whether that was by working with them or connecting with them over topics such as children or family, Tompkins wanted to help other women succeed. While some scholarship like Chester mentions the competitiveness that women achieve when they are in a male-dominated space, Sandor and Tompkins tried to show the other side of the field and how women can help each other.

¹⁶⁵ Chester, *Unequal Access*, 121.

¹⁶⁶ Duncan, “Reducing Gender Inequality in the Academy and the Legal Profession,” 98.

CHAPTER 6- CONCLUSION

Historically, women have been excluded from society and delegated to hold lesser roles in a society than men. Despite this delegation, women have pushed back against these roles and pushed to hold equal standing or the same roles as men. Women such as Myra Bradwell and Sandra Day O'Connor, or Sandor and Tompkins, highlight the struggles and victories women went through to enter the male-dominated field of law. While women's journey into the profession was full of ups and downs, both on an individual and group level, women now are able to stand on more equal footing with their male counterparts. Not only are there laws and regulations put in place to stop discrimination against women based solely on their gender, but the attitudes of the field are shifting to be more acceptable.

As Sandor and Tompkins both point out in their experiences, there were several men who supported them throughout their journey. In addition to a few men providing support, women supported other women. Both Sandor and Tompkins point out that they would not be in the position they were in without the other women in the field. Just as Myra Bradwell opened the door for women like Belva Lockwood to join the field, later generations of women lawyers opened the door and led the way for the new generation. While the opening of society also aided in opening doors and removing barriers, such as in the 1920s and 1960s, the majority of the obstacles were removed by brave, pioneering women. Without the "firsts," such as first women lawyer or first women law professor, women would still be locked into their traditional roles. The women that came after kept the door open, and changed not only how society perceived what a lawyer should be but also how being a woman fits into the field of law.

In the introduction, I asked several research questions that helped guide this study. These questions included an initial acceptance or rejection, period shifts, and role changes. After conducting the study, these questions can now be answered with experiences described by Sandor and Tompkins. Section 2.4 analyzes how the existing literature answers these questions and provides a more comprehensive understanding of the changes over time. Sandor provides a narrower view with her experience in the 1960s and 1970s. This narrower view is useful in understanding this crucial decades, as many changes both in policy and attitude occurred during this time. Tompkins also provides a narrow view of the 1990s and early 2000s. This view is useful in providing a more moderate understanding of the changes that occurred and how the earlier crucial decades of Sandor's time affected these later ones.

Sandor was accepted into the field by her fellow female students and female professors. Since there were so few of them, these women stuck together and looked out for one another. Due to the professor's older age, they were aware of the struggles Sandor and her classmates would face further in the field and tried their best to mentor them. In addition to her female classmates, Sandor also felt accepted by her fellow, younger male classmates. Her older male professors and classmates tended to hold a negative view of women and did not accept her position at school. The younger students that were closer to her age, however, tended to be more accepting and willing to change the old viewpoints of women. While they did not provide the outright support the other women provided, Sandor received their acceptance through them not acting or pushing against her presence.

Sandor also experienced an acceptance into the field after graduating from law school and starting to practice. Similarly to law school, this acceptance came from her older, female peers. There were other women lawyers already practicing in the area by the time Sandor entered the field, and they provided her with support in navigating the profession. In addition to this outside support, Sandor also received acceptance from her husband and family. Her husband was also a lawyer and started a firm with Sandor. Since he understood the demands of the career and demands of their family, he was able to provide her with support and aid in both avenues. Sandor did not have to sacrifice having either a career or a family, as many of the women in the existing literature had to decide. Similar to what the scholarship describes, Sandor had the solidarity and companionship of other women in the field to help her learn how to navigate the field and push against the barriers stopping them.

Similarly to Sandor, Tompkins also had the support and acceptance of her fellow classmates and professors. However, due to the difference in time periods, the division of acceptance was not based on gender. Tompkins did not experience different types of acceptance from female or male peers, and instead received support more evenly. Male professors and students had less prejudice against females, as women being in the field was becoming more common and accepted by the late 1990s. Also similar to Sandor, Tompkins experienced acceptance from older female attorneys in the field. She felt comforted when working with other females and it felt nice to have others that understood what she would be going through in the field. One of Tompkins's biggest sources of acceptance and support came in the form of Sandor and her husband. Sandor and her husband provided a safe space for Tompkins to begin to navigate the field where

she felt respected. Sandor helped Tompkins learn how to stand up for herself, and Sandor's husband David helped Tompkins with more difficult male colleagues. Both Sandor and Tompkins emulated the acceptance described in the existing scholarship, and their experiences provide a positive example of women entering the profession.

In addition to getting accepted to the field in certain aspects, Sandor also experienced various forms of rejection. The first rejection came from her male professors and older male students. These older male figures had been in the field for a long time and did not accept that women could hold the same roles as them. Whether it was from believing they did not have the necessary skills or that they did not belong in that role, as the existing literature describes, these male professors and students rejected women and their pursuit. While these figures could not purposefully discriminate against women, as legislation was being passed protecting discrimination based on sex, they made their dislike and rejection of women known through providing less opportunities to women than men. When Sandor graduated from law school and entered the profession, she experienced similar kinds of rejection from the older attorneys. There was an "old boys club" who represented this older male generation that rejected the notion that women could hold the same positions as them. While this network eventually died out, as more and more women broke down barriers, but Sandor experienced hostility, belittlement, and rejection from these older attorneys at the beginning of her journey into the profession.

Tompkins also experienced both acceptance and rejection in her journey through the profession. Similar to Sandor and many other women, this rejection came from the older generation of male attorneys. Many took a condescending attitude towards women and treated them as lesser and unknowledgeable about law. Tompkins's example of the

judge during her first court appearance and how he asked her questions he did not ask male attorneys provide an excellent vision into the behaviors these types of men exhibited towards women. As the existing scholarship highlighted, these men still held the expectation that a woman's main role is to marry and have a family, and holding a traditionally male career did not fit into their ideal role. Their main rejection stemmed from their definition of what a lawyer should look like, and women like Tompkins and Sandor did not fit in that definition.

In addition to experience acceptance and rejection, Sandor experienced period shifts in real time. Sandor attended law school during the critical period of the 1960s, which most scholars cite as the period in which women truly gained more ground and equality in the field. While Sandor still experienced pushback during the 1960s, more and more of the profession, especially attorneys and students her age, were accepting of her and her career choice. Sandor did note that when entering the main profession and practice, that she still ran into the "old boys club" and belittling attitudes, but it slowly started to shift as more women joined the field. Sandor estimates that this change occurred about ten years after her first entrance in the early 1970s. This would place a shift in attitudes towards women occurring around the 1980s and that the field became more accepting about twenty years after the initial shift. While the larger shift may have occurred during the 1960s, Sandor's personal experience puts the 1980s as the decade in which attitudes towards women and their roles changed to become more positive and inclusive.

By the time Tompkins attended law school and entered the field, it was about 30 years after the initial shift of the 1960s. By this point, as Tompkins noted in her

experience during law school, there was a general acceptance of women in the field. Tompkins experienced more rejection during her beginning part of her entrance, through examples such as the judge during her first court appearance. Tompkins estimates that after about five years of her being in the field, attitudes towards her and other women shifted to become more positive. According to Tompkins, this would place another shift in attitudes during the early 2000s. While the initial shift may have occurred during the 1960s, as scholars cite, women did not truly experience equality and less rejection until the early 2000s. Women would have had more opportunities to join the field, and the “old boys club” would be almost died out at this point in time, which would allow women to change the typical definition of lawyer to include women.

Sandor also experienced various changes in her role and the role of women around her during her time in law school and the profession. During law school, Sandor and her female classmates were mostly unaware of sex discrimination and played it off on it just “being the way it was.” Due to this unawareness, Sandor and the other women tended to not rattle the cage and push back against the discrimination they experienced. Over time, however, and as Sandor grew into her career, she started to stand up for herself and correct the men who were discriminating or belittling her. This correction was more about educating why their actions or behaviors were harmful rather than treating them the same back. Sandor changed her own role in the field by expanding her own autonomy and shifting from accepting certain behaviors to pushing back against them and educating on why it was harmful to her position and journey into the profession.

Tompkins experienced a similar role change to Sandor in which she gained respect and boundaries against condescending attitudes and behaviors towards her. In the

beginning of her time in the field, she did not feel comfortable standing up for herself and correcting the behaviors, as she felt it was not her place and that she did not have the power. The older male generation was intimidating, as they would all stick together and still typically held higher positions than women. Over time, and as more women joined the field, Tompkins felt herself gain more confidence in her abilities and in her identity as a woman to stand up for herself and push back against belittling behavior. Those condescending men typically saw women lawyers like Tompkins as women first and lawyers second, but by changing her own role in the field and expanding it, Tompkins showcased that she could be both a woman and a lawyer.

The history of women in the field of law is short and more modern compared to the history of the nation. Women have only been able to practice for about 150 of the nearly 250 years of the United States, and most of the gains and achievements of the field were gained during the twentieth century. Learning this history is important in not only understanding what women had to go through to become equal to men, but also modern women's legislature. Rapid changes are occurring that are reducing women's position and role in society back to the traditional domestic role. By being locked out of the positions that create and dictate these roles, women would not be able to articulate and fight for their rights. To understand the journey women made to remove barriers and how recent women have changed this role, this study hopes to have provided a glimpse into the lives and experiences of two women who undertook the challenge to enter a male-dominated profession and push to be on the same level as their male counterparts. This study also leaves open the possibility for future research on this topic, as much can still be learned on how women in law will eventually affect the law itself.

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