



1998

Reforming the Bar: Women and the Arkansas Legal Profession

Frances Mitchell Ross

Follow this and additional works at: <https://lawrepository.ualr.edu/lawreview>



Part of the [Law and Gender Commons](#), [Legal History Commons](#), and the [Legal Profession Commons](#)

Recommended Citation

Frances Mitchell Ross, *Reforming the Bar: Women and the Arkansas Legal Profession*, 20 U. ARK. LITTLE ROCK L. REV. 869 (1998).

Available at: <https://lawrepository.ualr.edu/lawreview/vol20/iss4/2>

This Article is brought to you for free and open access by Bowen Law Repository: Scholarship & Archives. It has been accepted for inclusion in University of Arkansas at Little Rock Law Review by an authorized editor of Bowen Law Repository: Scholarship & Archives. For more information, please contact mmserfass@ualr.edu.

REFORMING THE BAR: WOMEN AND THE ARKANSAS LEGAL PROFESSION*

*Frances Mitchell Ross***

Gateway to prominence in the professional world and springboard to careers in politics, the judiciary, business, and more, the law in American history has been a profession linked to power and influence. But while the legal profession has opened these doors for its favorite sons, until recent decades groups such as women, African-Americans, and immigrants have been largely barred from its benefits.¹ Historically, it has been a profession of the white, protestant, middle class, native-born son. With reference to women, what were the obstacles, how can they be explained, and what has produced change over the past century? After an overview of broader national developments, this article will concentrate on women and the legal profession in Arkansas.

Following her 1638 arrival in St. Mary's Parish, Maryland, Gentleman Margaret Brent, as she was frequently addressed both in person and in colonial court records, "figured in one hundred and twenty-four court cases in eight years . . ."² Significantly, the Maryland Assembly also recognized her as Lord Baltimore's attorney. Gentleman Margaret Brent carved out an unusual niche for herself as a female with a high public profile. A few other women after Brent's time are known to have pleaded their own cases in court, one even to the United States Supreme Court. Others may have practiced at the county level. Not until 1869, however, was another woman known to have been recognized as an attorney.³

1869 marked the beginning of an era of gradual and uneven change. In that year Arabelle Mansfield, the first woman licensed to practice in any state,

* In 1984-85 the staff of the Arkansas Bar Association commissioned a series of three articles on the history of women in the Arkansas legal profession for publication in *THE ARKANSAS LAWYER*. The authors of those articles were Jacqueline S. Wright, Arkansas Supreme Court librarian; Annabelle Davis Clinton, now Associate Justice Annabelle Clinton Imber of the Arkansas Supreme Court; and Frances Mitchell Ross, UALR Department of History. This article represents an expansion and update of that series and when appropriate the notes refer readers to those original articles.

** M.A. History, University of Arkansas; Assistant Professor, Department of History, University of Arkansas at Little Rock. Director of the UALR Oral History Program. Member of History of the Bar Committee of the Arkansas Bar Association. Member of Historical Society of the United States Court in the Eighth Circuit. President of Arkansas Historical Association. Chair of Arkansas Territorial Restoration Commission.

1. See D. Kelly Weisberg, *Barred From the Bar: Women and Legal Education in the United States, 1870-1890*, 28 *J. LEGAL EDUC.*, 485, 505 (1977).

2. KAREN BERGER MORELLO, *THE INVISIBLE BAR, THE WOMAN LAWYER IN AMERICA: 1638 TO THE PRESENT* 6 (1986).

3. See *id.* at 3-8 (1986).

was admitted to the Iowa bar.⁴ A progressive and liberal Iowa judge who was dedicated to promoting the equality of women made this admission possible. While the state statute restricted admission to "any white male person, twenty one years of age, who is an inhabitant of this State," Justice Francis Springer of Iowa relied on another law which stated that "words importing the masculine gender only may be extended to females."⁵ The next year the state legislature revised the statute to remove the gender prohibition.⁶ These Iowa changes, however, did not open the floodgates of the legal profession to women, as the case of *Bradwell v. Illinois*⁷ demonstrated four years after Mansfield's admission.

In 1873, United States Supreme Court Justice Joseph P. Bradley delivered the concurring opinion in the denial of Illinois resident Myra Bradwell's suit for a license to practice law. Four years earlier, Bradwell's examining committee had recommended her for a license but the judge to whom she presented her petition denied her application. He based his opinion on Illinois law and on the common law doctrine that Bradwell's status as a married woman disqualified her. Bradwell appealed unsuccessfully to the Illinois State Supreme Court and finally to the United States Supreme Court. In his opinion,⁸ Justice Bradley echoed the contemporary values of the dominant cult of domesticity. This ideology argued that woman's place, especially the place of the married woman, the "true woman," was in the private sphere of home and family.⁹

Justice Bradley wrote that

civil law, as well as nature herself, has always recognized a wide difference in the respective spheres and destinies of man and woman. Man is, or should be, woman's protector and defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life. The constitution of the family organization, which is founded in the divine ordinance, as well as in the nature of things, indicates the domestic sphere as that which properly

4. See Larry Berkson, *Women on the Bench: A Brief History*, 65 JUDICATURE 286, 290 (1982).

5. MORELLO, *supra* note 2, at 12.

6. See MORELLO, *supra* note 2, at 12-13; see also Jane Friedman, *Myra Bradwell: On Defying The Creator and Becoming a Lawyer*, 28 VAL. U. L. REV. 1287, 1288 (1994).

7. 83 U.S. 130 (1873).

8. See MORELLO, *supra* note 2, at 14-21; see also Friedman, *supra* note 6, at 1288-1299.

9. See Frances Mitchell Ross, *100 Years of History: Arkansas Women in Law, A Record of the Past*, 18 ARK. LAW. 178-79 (1984) [hereinafter *100 Years of History*]; see also Frances Mitchell Ross, *The New Woman as Club Woman and Social Activist in Turn of the Century Arkansas*, ARK. HIST. Q. 317, 318-319 (1991) [hereinafter *The New Woman*]; Barbara Welter, *The Cult of True Womanhood: 1800-1860*, in DIMITY CONVICTIONS: THE AMERICAN WOMAN IN THE NINETEENTH CENTURY 21-41 (1976).

belongs to the domain and functions of womanhood. The harmony, not to say identity, of interests and views which belong or should belong to the family institution, is repugnant to the idea of a woman adopting a distinct and independent career from that of her husband The paramount destiny and mission of woman are to fulfil [sic] the noble and benign offices of wife and mother. This is the law of the Creator.¹⁰

And that was the mark of the "true woman." Bradley's opinion reflected contemporary thinking, but many observers also agreed that law was a particularly unsuitable profession for women. It was, they argued, very public in nature and there was always the likelihood that courtroom litigation might introduce subject matter that could offend delicate sensibilities.¹¹

Other factors, too, presented roadblocks. Admission to professional schools, while increasingly viewed as the standard for career training, was difficult for women to achieve in all areas. Why, after all, did women who were destined to be household managers need advanced study? There were other arguments as well. Common wisdom in the nineteenth century held that too much education would damage the female's reproductive system and impair her ability to fulfill her destiny—childbearing. Higher education could, therefore, be quite dangerous according to this line of thinking and women should be exposed to only the most limited and uncomplex curriculum. Finally, as previously noted, there were the various state laws and also the tradition of English common law which most states followed that barred the admission of women to the bar. Some of these laws were specific to married women. These legal issues meant that each state must provide its own remedy in order to admit women to its practice.¹² With the domestic cult, reinforced by religion, and aided by science and existing legal doctrine collectively militating against the woman as a law professional, barriers in the nineteenth century may have seemed insurmountable.

Yet Arabelle Mansfield's 1869 admission in Iowa may have been an early warning sign of change ahead. In the 1870s and 80s, a few women in other states successfully pressed for admission to their own state bars using either court action or legislation.¹³ In 1879, Washington, D.C. attorney Belva Lockwood secured federal legislation to open the United States courts to women and was the first woman to argue a case before the United States Supreme Court.¹⁴

10. *Bradwell*, 83 U.S. at 141-42.

11. See Ross, *100 Years of History*, *supra* note 9, at 179; see also BARBARA J. HARRIS, *BEYOND HER SPHERE: WOMEN AND THE PROFESSIONS IN AMERICAN HISTORY* 33 (1980).

12. See HARRIS, *supra* note 11, at 106-10.

13. See HARRIS, *supra* note 11, at 112.

14. See MORELLO, *supra* note 2, at 35.

By this time, too, some law schools, especially in the Midwest and West, were admitting women. St. Louis Law School, now Washington University in St. Louis, The Universities of Iowa and of Michigan as well as Boston University all began accepting women in the late 1860s and early 1870s.¹⁵ But the closed door policy was most common, especially in schools on both coasts. The restrictive admissions policies called for creative solutions. Two women who were already practicing in California successfully sued for admission to the University of California's new Hastings College of Law in 1879. The year before the same two women, who had then tried to attend classes at Hastings in spite of its gender barrier, had found themselves escorted out by the janitor who was following orders of the board of directors. At Howard University's School of Law in Washington, D.C. resistance to the admission of women seems to have prevailed just as it did in schools for whites. C.E. Ray was admitted to Howard in the late 1860s. Imagine the campus commotion when C.E. turned out to be Charlotte. Ray went on to graduate and in April of 1872, she became the first woman lawyer in the District of Columbia and the first African-American woman lawyer in the United States. Although recognized as quite able, Ray, as an African-American female attorney, faced obstacles developing a client base and eventually returned to teaching. In spite of Ray's ruse, in 1869 the first woman who entered Howard as a woman was refused graduation because of her gender. Women were excluded from The University of New York Law School until 1890, from Yale until 1918, from Columbia until 1927, from Harvard until 1950. The admission restrictions that women so frequently encountered sparked the opening of Boston's Portia Law School in 1908. Portia, which in 1969 was renamed the New England School of Law,¹⁶ was founded as an all-women's law school and until 1938 it educated women exclusively.¹⁷

Excluded from legal associations, in 1899 women formed the Woman Lawyers Association which in 1911 became the National Association of Women Lawyers.¹⁸ By 1910, women could practice in 40 states¹⁹ although Arkansas was not among them. The American Bar Association admitted its first woman member in 1918.²⁰ Change did occur, but it took persistence and determination to bring it about.

15. See JoEllen Lind, *Symbols, Leaders, Practitioners: The First Women Professionals*, 28 VAL. U. L. REV. 1327, 1357 (1994).

16. See MORELLO, *supra* note 2, at 43, 61-64, 82, 93, 70, 100, 145-47.

17. See RONALD CHESTER, *UNEQUAL ACCESS: WOMEN LAWYERS IN A CHANGING SOCIETY* at vi (1985).

18. See MORELLO, *supra* note 2, at 126.

19. See Ross, *100 Years of History*, *supra* note 9, at 179.

20. See Beverly Blair Cook, *The Path to the Bench: Ambitions and Attitudes of Women in the Law*, 19 TRIAL 48-50 (1983).

How can this shift be explained? As noted, some women mounted their own successful campaigns for admission.²¹ Moreover, in the 1890s the nation entered an age of reform. This Progressive Era challenged many traditional assumptions including ideas about woman's "sphere." In addition, a reinvigorated women's movement emerged and shared common themes with progressivism. This women's movement, in which female attorneys played leadership roles, sought numerous changes. They included suffrage, educational and economic opportunity and access to the professions.²² The momentum these movements produced secured impressive results for women. Among them were the 19th Amendment of 1920, which secured the right to vote for women in federal elections; access to every state bar except one, and much more.²³ Collectively, these changes produced remarkable new opportunities for women in public positions and substantially enlarged woman's sphere.

While these developments signaled progress and change, the momentum did slow. In 1917, in the midst of World War I, progressivism peaked and after passage of the 19th Amendment the women's movement splintered and lost unity. The depression of the 1930s slowed movement of women into the professions and forecast a trend that a renewed emphasis on domesticity reinforced after World War II.²⁴ Not until the 1960s did this decline begin to reverse.

The revived women's movement of the 1960s sparked increased enrollment in law schools nationally and led to growing numbers of women in the profession.²⁵ The following figures will suggest some trends. In 1970-71 women comprised 8.56% of J.D. degree seeking law students²⁶ while in the 1996-97 academic year 44.4% of law students enrolled for the same degree were female.²⁷ In 1971 3% of lawyers were women,²⁸ a figure that rose to 20% by 1991 and one that is estimated to reach 27% by the year 2000.²⁹ Access to

21. See Ross, *100 years of History*, *supra* note 9, at 179; see also MORELLO, *supra* note 2, at 3-38.

22. See Ross, *100 Years of History*, *supra* note 9, at 179; see also WILLIAM L. O'NEILL, *THE PROGRESSIVE YEARS: AMERICA COMES OF AGE* at ix, 81 (1975); MORELLO, *supra* note 2, at 108-42.

23. Delaware was the one exception. See Berkson, *supra* note 4, at 290; Ross, *100 Years of History*, *supra* note 9, at 180; Ross, *The New Woman*, *supra* note 9, at 317-51; see also MORELLO, *supra* note 2, at 37-38.

24. See Ross, *100 Years of History*, *supra* note 9, at 179-80; see also HARRIS, *supra* note 11, at 117-18, 133-34, 140, 141, 174.

25. See CHESTER, *supra* note 17, at 2.

26. See ABA APPROVED LAW SCHOOLS: STATISTICAL INFORMATION ON AMERICAN BAR ASSOCIATION APPROVED SCHOOLS, 451 (Rick L. Morgan & Kurt Snyder, eds., 1998).

27. See *id.*

28. See BARBARA A. CURRAN AND CLARA N. CARSON, *THE LAWYER STATISTICAL REPORT: THE U.S. LEGAL PROFESSION IN THE 1990S* 3 (1994).

29. See *id.* at 4.

positions of power within the law have come more slowly. A 1996 survey showed that 13% of partners in the nation's 250 largest law firms were women while 37.2% of associates were women.³⁰ 1997 figures showed that women constituted 19% of full professors in law schools, 44% of associate professors and 8% of law school deans.³¹ In 1996 women represented 17.8% of persons holding appointments to the federal bench from magistrate through circuit court judgeships,³² but 22% of the members of the United States Supreme Court. And since 1993 a woman has served for the first time as United States Attorney General.³³ Only for the past thirty years, then, has the legal profession become a growth industry for women. More recently than that have the plum positions such as partnerships, professorships, judgeships, and top government offices begun to open.

Having sketched the national picture, this article will turn to Arkansas where developments have reflected these broader trends. In 1873, the year of Justice Bradley's opinion in *Bradwell v. Illinois*, the Arkansas legislature passed Act 88. This act read, in part, that "every male citizen of the age of twenty-one (21) years, of good moral character, and who possesses the requisite qualifications of learning and ability, shall be entitled to practice in the courts of this state . . ."³⁴ A later bill to amend the law by omitting the word "male" failed by one vote and until 1917, women were prohibited from admission to the bar of Arkansas. The law did not prohibit women from attending law school nor from assisting in law offices but barred them from appearing in court as counsel. This Arkansas law lasted longer than those of most other states³⁵ although when it was enacted it was in keeping with the dominant values of the time.

The experiences of three Arkansas women, Lizzie Dorman Fyler of Eureka Springs, Clara McDiarmid of Little Rock, and Erle Chambers of Little Rock illustrate the problems this law presented. Each of these women had

30. See Chris Klein, *Women's Progress Slows at Top Firms*, 18 NAT'L L. J., May 6, 1996, at A1, A19; see also Elizabeth Ziewacz, *Can The Glass Ceiling Be Shattered? The Decline of Women Partners in Large Law Firms*, 57 OHIO ST. L. J. 971, 973 (1996).

31. See A.B.A. SEC. OF LEGAL EDUC. & ADMIS. TO THE BAR, REVIEW OF LEGAL EDUCATION IN THE UNITED STATES 5 (Fall 1997). For earlier statistical data see Jacquelyn H. 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*, 8 WOMEN'S RTS. L. REP. 17, 25-26 (1996).

32. See Administrative Office of the U.S. Courts, Statistics Division, *Table 1 Federal Judicial Officers as of September 20, 1996 By Court, Gender, Race/National Origin, and Reported Disability*. The Administrative Office provided this information by fax.

33. See Slotkin, *supra* note 31, at 26. The Attorney General is Janet Reno.

34. Act of Apr. 24, 1873, No. 88, § 760, 1873 Ark. Acts 219 (Little Rock Prtg. & Pub. Co.).

35. See Ross, *100 Years of History*, *supra* note 9, at 180.

some legal training but the law disqualified them from practice. Massachusetts native Lizzie Fyler read law in Eureka Springs, Clara McDiarmid studied law in Michigan before moving to Arkansas via Kansas, and Erle Chambers in 1912 became the first woman graduate of the University of Arkansas Law Department, then located in Little Rock.³⁶

Of the three, Lizzie Fyler, an active suffragist, was the most nearly successful in pursuing a legal career despite the law. After she read law she applied for admission to the bar in 1882 and was denied. In May of 1885, however, in an unprecedented decision for this state, Judge J.M. Pittman of the Fourth District Circuit Court notified Fyler that he had voluntarily decided to permit her to practice under the Constitutional provision which "permits anyone to appear in court in person, by attorney or next best friend," and that under the latter title all the privileges of an attorney would be granted. This arrangement probably applied only to Judge Pittman's court, although according to Mrs. Fyler it met with the approval of the entire bar and demonstrated "progress in public spirit." The year before Judge Pittman's decision Fyler had applied for membership in the Arkansas Bar Association but was denied because of her sex. Membership requirements stipulated that members must be licenced to practice in Circuit Court, a provision that excluded women. In spite of that membership prohibition, Fyler was invited to attend the Association's next annual meeting and to deliver an address on "Women at the Bar." Poor health forced her to decline and she died late in 1885. By the time of her death she had assisted in several suits and had nearly completed her defense in a murder case.³⁷

Indiana native Clara McDiarmid grew up in Kansas and in 1866 moved with her new husband to Little Rock where he was stationed with the federal army.³⁸ For McDiarmid, this was a costly move for two reasons. She lost the right to vote in school elections, a right Kansas women had had since 1861.³⁹ She also lost the opportunity to practice law. In Kansas women were not licenced until 1881, so it may be that she had practiced under a special local arrangement similar to Fyler's in Arkansas.⁴⁰ What did McDiarmid do? As a disfranchised voter, in 1888 she organized the Equal Suffrage Association in Little Rock and as a woman barred from practicing law, she offered free legal services to other women. How active this volunteer business was is not

36. See Ross, *100 Years of History*, *supra* note 9, at 180.

37. See Ross, *100 Years of History*, *supra* note 9, at 180.

38. See *Arkansas Federation of Women's Clubs*, ARK. GAZETTE (Supplement), July 16, 1899.

39. See JOANNA L. STRATTON, *PIONEER WOMEN: VOICES FROM THE KANSAS FRONTIER* 258 (1981).

40. See MORELLO, *supra* note 2, at 37; see also Ross, *100 Years of History*, *supra* note 9, at 180.

known.⁴¹ McDiarmid also supported the women's club movement and was an early member of the Arkansas Federation of Women's Clubs, formed in 1897. The Federation supported change in the 1873 statute and McDiarmid used that organization as a forum to call both for the admission of women to the bar and also for the right for women to vote in school elections. She remained active in those efforts until her death in 1899⁴² and stands as a pioneer in both causes.

Tennessee native Erle Chambers began her legal education while employed as a stenographer in the Little Rock law firm of Moore, Smith and Trieber. After her 1912 graduation from the University of Arkansas Law Department, Chambers attended the University of Chicago Law School. In 1913 she was named Pulaski County Probation Officer and remained in probation work until 1917 when she began an affiliation with the Arkansas Tuberculosis Association that lasted until her death in 1941. From 1919 forward, she served as executive secretary of the association. Pulaski County voters sent Chambers to the state legislature in 1923 where she remained for that two year term. This made Chambers the first female representative elected from the county and the first woman in the state to be sworn in by the House of Representatives. While she never practiced law, Chambers applied her legal training to her legislative work. A noteworthy measure she successfully sponsored abolished the husband's right of curtesy in a wife's estate. This made news when it passed because it altered important property rights.⁴³

Fyler, McDiarmid and Chambers challenged mores and law as they pressed for changes in the status of women. Fyler and McDiarmid both wanted legal careers, prepared for them and persevered as best they could in spite of the 1873 prohibition. Chambers used her law school knowledge in the field of service and later as a legislator to bring about reform of the law. These women were among the first in the Arkansas legal world.⁴⁴

In 1917, at the peak of the Progressive Era, the state legislature again acted on the issue of women attorneys, this time to lift the 1873 ban. Why? Nationally, of course, progressivism and the revitalized women's movement both called for widespread reform that included access for women to the professions.⁴⁵ In Arkansas, while the reform movement that Clara McDiarmid led had lost momentum in the decade after her death, by around 1910 it had begun to revitalize in response to regional and national developments. From 1910 forward, Arkansas suffragists, club women and others renewed calls for

41. See Ross, *100 Years of History*, *supra* note 9, at 180.

42. See Ross, *The New Woman*, *supra* note 9, at 345; see also Ross, *100 Years of History*, *supra* note 9, at 180.

43. See Ross, *100 Years of History*, *supra* note 9, at 180.

44. See Ross, *100 Years of History*, *supra* note 9, at 180.

45. See O'NEIL, *supra* note 22, at ix.

women's right to practice law. Leaders of the Arkansas Federation of Women's Clubs, the statewide organization of clubs, joined with other reform proponents to challenge the 1873 law. One Federation affiliate, the Southwestern Women's Bar Association of Fort Smith, organized to work for repeal of this law. Federation member and women's rights activist Minnie Rutherford Fuller argued that female attorneys would prevent "the hardening effects of the usual court atmosphere" in the treatment of children. These hardening effects, she believed, were "largely the fault of men attorneys . . . men clerks and . . . men juries." She further maintained that as a matter of "fundamental justice" and as a means to livelihood, women should be admitted to the practice of law. A union of voices joined in support of women's right to this professional opportunity.⁴⁶

When the 1917 legislature opened the legal profession to women, the move faced no significant resistance. Indeed, in a roll call vote on the "woman lawyer bill" which occurred soon after the legislature granted women the right to vote in primary elections, Representative E.N. Ellis of Randolph County surprised his colleagues with a positive vote. Ellis's opposition to voting rights for women had been so strong that it had inspired him to pen a poem to express his dismay. On the heels of his disappointment on that issue and with the "woman lawyer bill" certain to pass, Ellis conceded that "you have let the women vote, and you might as well let them practice law."⁴⁷ In 1917, the efforts of many reformers brought down the forty-four year old ban.

The bill passed, the barrier was gone. What were the results? It was almost a year before the first woman, Sarah Shields of Hope, gained admission to the bar. In January of 1918, Shields passed the recently instituted law examination with a grade of 100, becoming the first licensed female attorney in Arkansas. A graduate of the Kentucky Law School with post graduate work from the Cumberland, Tennessee School of Law, Shields had moved to Hope shortly before her examinations. Before her marriage she also practiced law in Hope although after the marriage she and her husband moved from the state.⁴⁸ After Shields, female admissions to the bar slowly increased.⁴⁹ Two factors probably account for the slow growth. First, few women had yet prepared for this career. Second, at the invitation of the General Assembly,⁵⁰ the state Supreme Court in July of 1917 instituted mandatory examinations as a

46. See Ross, *The New Woman*, *supra* note 9, at 348.

47. See Ross, *The New Woman*, *supra* note 9, at 347-49.

48. See Ross, *100 Years of History*, *supra* note 9, at 182.

49. See Jacqueline S. Wright, *Women of the Law in Arkansas 1918 to 1959*, 19 *ARK. LAW.* 17, 20 (1985).

50. See *id.* at 18.

requirement to be licenced.⁵¹ This made adequate preparation more important. Until that time, graduates of the University of Arkansas Law Department in Little Rock, renamed the Arkansas Law School in 1914, were not required to take examinations. A diploma had been sufficient. All others were “to be examined in open court.”⁵² These new exams, which were now required of all applicants and which were to be prepared by a court appointed Board of Examiners, “had to be completed with an average of 75% in all subjects in order for the applicant to pass.”⁵³ The new Supreme Court rule and the new law that admitted women to practice probably encouraged law school attendance.

Female law school enrollment did grow. The two year school in Little Rock, which until 1924 offered the only formal legal education in the state, had had negligible female attendance before 1917. Known officially as the Law Department of the Arkansas Industrial University⁵⁴ until 1914 but unconnected with the university after 1914, this school graduated Erle Chambers in 1912 and Katherine Burke in 1915. Burke was the school’s only female graduate in active practice in 1920. A few other women may have graduated before 1917. After 1917, female enrollments and graduates increased with two women enrolled for the class of 1919 and four for the class of 1920. By 1939, the Little Rock school had produced close to forty-five female graduates. The University of Arkansas School of Law in Fayetteville, founded in 1924, graduated its third woman in 1939.⁵⁵ The increases in female bar admissions and law school enrollments were probably both influenced by the changes of 1917.

Two women enrolled for the Little Rock graduating class of 1919, R. Lively and Grace Wallace, and both achieved records of distinction in their first year. Lively, who worked as clerk of the State Highway Commission, was assistant editor-in-chief of the school annual, *ARK LAW*. She made the highest grades in the junior class and was the first woman elected president of the school’s Goar Lyceum, a public speaking and moot court forum for law students. The school annual reported that she “presided with dignity and ruled with an iron hand.”⁵⁶ The annual went on to say that

the right of suffrage having been granted to women by the last Arkansas Legislature, it was quite appropriate that the Goar Lyceum, always a leader

51. See *id.*; see also Ross, *100 Years of History*, *supra* note 9, at 181.

52. See Wright, *supra* note 49, at 18.

53. See Ross, *100 Years of History*, *supra* note 9, at 181.

54. For a recent account of Arkansas legal education, see Mort Gitelman, *One Hundred Years of Legal Education in Arkansas*, 33 *ARK. LAW* 12-13 (1998).

55. See Ross, *100 Years of History*, *supra* note 9, at 181, 183.

56. See Ross, *100 Years of History*, *supra* note 9, at 181.

in things progressive, should have a 'Lady President.' This honor fell to Mrs. R. Lively, who was elected President for the month of December, 1917, the first time in the twenty-five years of the Goar Lyceum for a woman to hold the office of President."⁵⁷

Grace Wallace, who was chief clerk and stenographer in a Little Rock law firm, was junior editor of ARK-LAW and junior class president. Wallace served as secretary of the Goar Lyceum for the month of January 1918, a position which Lively had filled in October of the previous year.⁵⁸ Lively and Wallace set high standards in their years at Arkansas Law School and were good examples for women who followed.

While women at Arkansas Law School performed well academically and achieved honors and recognition from their peers, they were excluded from student fraternal organizations. Two national men's legal fraternities existed but when five women students applied for admission to one of them, Phi Delta Alpha, hoping to establish a women's chapter, they were denied because the fraternity did not admit women. The women were apparently unaware of the National Association of Women Lawyers and knew of no organization for women law students. The five applicants, who constituted the entire female enrollment of the school at the time, then filed a petition in Circuit Court on March 13, 1920 to incorporate a women's legal fraternity. Two days later the court granted a charter which permitted the establishment of the Alpha Delta Epsilon Law Fraternity. Thought by its founders to be the first women's legal fraternity in the country, these women envisioned it as a national organization to "unite all women lawyers in the strong bonds of a fraternity."⁵⁹ The fraternity slogan was "[a] chapter wherever women law students are found."⁶⁰

Just as women law students demonstrated resourcefulness and competence, the women attorneys of the early years brought new interests and dimensions to the profession. Their career paths varied. Some chose private practice, others worked for public officials, and some were active in professional association work. Who were some members of this first generation of Arkansas women lawyers?

Mollie Aurelle Burnside, from El Dorado, Arkansas, received her AB degree from the University of Arkansas in 1911. She earned a law degree from Arkansas Law School in 1920, was a co-founder of the Alpha Delta Epsilon Law Fraternity and was admitted to the Arkansas bar in 1921. She went on to earn an LLB from Yale in 1925. Burnside was active in the Democratic Party

57. See Ross, *100 Years of History*, *supra* note 9, at 181.

58. See Ross, *100 Years of History*, *supra* note 9, at 181.

59. See Ross, *100 Years of History*, *supra* note 9, at 182.

60. 1920 ARK-LAW: Y.B. ARK. L. SCH. 36 (1919-1920).

and served as chair of the Democratic Women's Club. She was also state director and regional director of the National Association of Women Lawyers.⁶¹

Virginia Darden Moose, a Morrilton native born in 1891, received her AB from Hendrix College in Conway, Arkansas, and her MA from Vanderbilt University. She attended the University of Chicago and was a 1921 honor graduate from Arkansas Law School. The only woman in her class, she was Senior Class President and as a Junior she had co-founded Alpha Delta Epsilon Fraternity. After graduation Moose served as assistant attorney general for five years and was later chief deputy clerk of the United States Court for the Eastern District of Arkansas. A member of the Arkansas Bar Association beginning in 1922, she served as the Bar Association's vice-president for the 6th Judicial District in 1936. In 1938 she became the first president of the Arkansas Association of Women Lawyers and was also a trustee of Hendrix College.⁶²

Little Rock attorney Ada Maret Carter, a South Carolina native, received her law degree from Arkansas Law School in 1926. She was admitted to the bar in the same year and practiced until her death in 1947. One of the few women lawyers to devote her entire time to law during this period, she served as deputy prosecuting attorney of the 6th Judicial Circuit of Arkansas. In that capacity she was in charge of domestic relations.⁶³

It was clear during the 1920s and 30s that women intended to take advantage of the new opportunities in the profession. Indicators of on-going interest came in the form of the larger law school enrollments. The Arkansas Bar Association listed its first female member, Isabel Klein, in 1919.⁶⁴ By 1939 one hundred ten women had been licensed to practice, twenty one years after Sarah Shields became the first in the state. The 1930s, alone, had fifty nine women licensed, making this the decade with the largest number of female admissions before the 1970s.⁶⁵ This first generation of women lawyers proved their determination and capabilities. They participated in professional law organizations, worked in associations specifically intended to support women in the law and demonstrated ability to achieve in a profession that only a few years earlier had been closed to them.

What drew women to the law in these early years? Reasons varied. Some clearly wanted to make it a career.⁶⁶ Others followed established family

61. See Ross, *100 Years of History*, *supra* note 9, at 182.

62. See Ross, *100 Years of History*, *supra* note 9, at 182.

63. See Ross, *100 Years of History*, *supra* note 9, at 182.

64. See PROCEEDINGS OF THE TWENTY-SECOND ANNUAL SESSION OF THE BAR ASSOCIATION OF ARKANSAS, 34 (1919).

65. See Ross, *100 Years of History*, *supra* note 9, at 181; see also Wright, *supra* note 49, at 20.

66. See Ross, *100 Years of History*, *supra* note 9, at 182.

tradition when they entered law.⁶⁷ Some were influenced both by career goals and by family tradition. Senior United States District Judge Elsijane Trimble Roy, who came from a family of lawyers, exemplified the latter combination. She abandoned her early ambition to become an aviatrix, and from the fourth grade on, "just wanted to be a lawyer." No one ever told her, she said, that she could not. She was one of the three women who graduated from the University of Arkansas School of Law in Fayetteville by 1939, was the only woman in her 1939 graduating class, and was admitted to the bar that year.⁶⁸ Still other women wanted exposure to the law and its practitioners. Some who attended the law school in Fayetteville in the 1920s and 30s seem to have gone for that reason. The late Robert A. Leflar, Distinguished Professor of Law, remembered many female students as "women who were engaged to law students and thought that the thing to do was find out something of what their husbands (to be) were talking about."⁶⁹ There were yet other reasons law attracted women. For Mollie Aurelle Burnside, intellectual stimulation, training in values, independence in society and greater opportunities were the incentives.⁷⁰ The late Ruth Brunson was a 1941 honor graduate from the law school in Little Rock. One of four women in her class, she went on to develop and direct the University of Arkansas at Little Rock School of Law Library and believed she could accomplish social reform and "save the world" through the law. Through the library, she felt she had fulfilled that mission because it provided resources that enabled students to grow in knowledge and understanding of the law and of the needs of society.⁷¹ Whether motivated to study law for reasons of career, family, intellectual or service goals, women steadily responded to the new opportunities.

The thirty year period from 1940 to 1970, however, showed a dramatic decline in the number of women who gained Arkansas law licenses.⁷² Only fifty four women in those thirty years were admitted to the bar.⁷³ Yet among those fifty four lawyers there were new pioneers and women of determination. In 1947 Jean Woolfolk, challenged by Dean John Carmichael of Arkansas Law School to take the bar exam and "show them how little you know," took it as

67. See Wright, *supra* note 49, at 17-18.

68. See Ruth Williams, *Profiles, Judge Elsijane Trimble Roy: Breaking the Barriers, A Precedent Setting Career*, 19 ARK. LAW. 21, 21 (1985).

69. See interview with Robert A. Leflar, Distinguished Professor of Law Emeritus (Oct. 18, 1984).

70. See Wright, *supra* note 49, at 19.

71. See interview with Ruth Brunson, Professor of Law and Director of the Law Library (July 18, 1985); see also Wright, *supra* note 49, at 20; see also Ruth Williams, *Profiles: Ruth Husky Brunson, Building From a Dream to Accreditation*, 19 ARK. LAW. 24-27 (1985).

72. See Ross, *100 Years of History*, *supra* note 9, at 181.

73. See Wright, *supra* note 49, at 20.

a junior student and passed. The next year she received her law degree. In 1949, Woolfolk was a faculty member, teaching insurance at the school from which she had recently graduated.⁷⁴ She went on to make a career in the life insurance industry but said that the law school experience broadened her understanding in all areas. This included her service from 1973-75 as the first female elected moderator of the Christian Church. Aware of the responsibility of being a trailblazer, she cautioned that those who break new ground "can close the door for a long time for people who follow if they're not careful."⁷⁵

Neva Talley-Morris apprenticed in the law office of her husband, Cecil C. Talley, passed the bar exam, and was licensed in 1947. She was admitted to practice in the United States Supreme Court in 1950 and went on to receive a doctorate in law at the University of Heidelberg, Germany. In 1956-57 she was president of the National Association of Women Lawyers, the first Arkansas lawyer to hold that position, and she received that association's national achievement award. In 1969 she became the first woman elected to chair an American Bar Section and in 1970 she received the Arkansas Bar Association's Distinguished Service Award.⁷⁶ No woman was admitted to the bar between 1957 and 1961, although in 1962 Judith Rogers ended that four year drought when she obtained her license.⁷⁷ While their numbers were few during these decades, women continued to enter the law and to blaze trails in the legal field.

The decline in admissions during those years indicated that problems and trends felt nationally were affecting Arkansas as well. These thirty years, of course, followed the depression, were marked by war, the revival of domesticity, the upheavals of the 60s⁷⁸ and the reform movements that grew out of them.⁷⁹ By the 1970s, women reentered the law in Arkansas just as they did nationally. The changes that began in the early 70s grew out of pressures from the women's movement of that period and were reinforced by federal anti-discrimination laws such as Title VII of the Civil Rights Act of 1964 and Title IX of the 1972 Educational Amendments Act. Both laws opened doors of opportunity for women in the professions.⁸⁰

74. See ARK-LAW, *supra* note 60 (1949).

75. See Ruth M. Williams, *Beyond The Traditional, Non-Legal Careers: Jean Woolfolk, Trailblazer*, 20 ARK. LAW. 142, 142-43 (1986).

76. See *In Memorium, Neva Bennett Talley-Morris*, 31 ARK. LAW. 52, 52 (1996). Cecil C. Talley was Neva Talley-Morris' second husband. See *id.*

77. See Annabelle Davis Clinton, *Coming of Age: Women Lawyers in Arkansas, 1960-1984*, 19 ARK. LAW. 58, 58 (1985).

78. See HARRIS, *supra* note 11, at 152-70.

79. See CYNTHIA FUCHS EPSTEIN, *WOMEN IN LAW* 3-6, 19-22 (1981).

80. JoAnn C. Maxey, "Am I A Partner Because I'm Good or Because . . . ?," 27 ARK. LAW. 41-42 (1993).

Since 1970, there have been important and positive developments for Arkansas women in law that have produced significant change. Female law school enrollments have soared. In 1970, for example, women constituted 9.1% of the enrollment in the Little Rock school, which by that time had become a night division of the Fayetteville law school, and 2.57% of the Fayetteville enrollment.⁸¹ In the fall of 1997, the now full time UALR School of Law reported that females represented 49% of the enrollment for the J.D. degree. At the same reporting period 40.05% of the total Fayetteville law enrollment for the J.D. degree was female.⁸² Change, too, has occurred in law school faculties. In 1970, for example, neither campus employed a female law professor.⁸³ In the Fall of 1997, 23.8% of the Little Rock tenure, tenure-track faculty were women⁸⁴ and in Fayetteville 26.9% of faculty in the same category were female.⁸⁵ Neither law school has had a female dean.

Bar admissions also show growth. Between 1918 and 1970, 164 women gained Arkansas licenses.⁸⁶ In 1998, of the estimated 6,964 licensed Arkansas attorneys, approximately 1,563 are female meaning that about 22.44% of licensed attorneys are female. Of the licensed female attorneys, 1,129 live in Arkansas.⁸⁷ About 600 of these women practice in Pulaski County and the next

81. See Admissions Records, University of Arkansas at Little Rock School of Law, (1985); see also interview with Jake Looney, Dean, University of Arkansas at Fayetteville School of Law (1985).

82. See UALR Office of Institutional Research, Students Enrolled in School of Law (Fall 1997). 207 males and 199 females were reported. See *id.* These figures include both full and part-time students; Little Rock does not have a graduate law program. See *id.* See also Office of the Dean, University of Arkansas School of Law, Robert A. Leflar Law Center [hereinafter Office of the Dean]. The Fayetteville figures, which were reported to the American Bar Association accreditation committee in October 1997, show that 226 male students and 151 female students were reported. See *id.* The Fayetteville numbers used here include only full-time undergraduate students. See *id.* Fayetteville has no part-time students. See *id.*

83. See interview with Jake Looney, Dean, University of Arkansas Fayetteville School of Law (1985); see also interview with Larry Averill, Dean, University of Arkansas at Little Rock School of Law (1985); see also DIRECTORY OF LAW SCHOOL TEACHERS IN LAW SCHOOLS IN THE UNITED STATES 1968-1970 (1970). Later in the 1970's, women were hired to teach at both campuses.

84. See UALR OFFICE OF INSTITUTIONAL RESEARCH, LAW SCHOOL FULL-TIME FACULTY BY GENDER AND TENURE STATUS (Fall 1997). UALR reported five full time tenure, tenure-track females and sixteen males in that same category. See *id.*

85. See Office of the Dean, *supra* note 82. Seven females and nineteen males were reported. See Office of the Dean, *supra* note 82.

86. See Wright, *supra* note 49, at 20; see also Clinton, *supra* note 77, at 63.

87. See Office of the Clerk, Arkansas Supreme Court and Arkansas Court of Appeals, Atty.csv, Register of Attorneys licensed to practice law in Arkansas (Feb. 1998). These calculations were made by first estimating the total number of names on the 215 page list of licensed attorneys; by identifying and counting names which it could be reasonably certain identified females; and finally by identifying females living in Arkansas. See *id.* It is likely that there are actually more females than have been included in these figures.

highest figure is Washington County which has about 140 female attorneys. Some counties show none.⁸⁸ The Arkansas growth rate is impressive and is probably roughly comparable to the national figures.

What kind of professional environment should women who practice in Arkansas expect? In 1992 the Arkansas Bar Association's Committee on Opportunities for Women and Minorities in the Legal Profession published the results of a 1990 survey of attorneys it had sponsored. It found clear evidence of a gender gap in the legal profession. When men and women at every experience level and with similar years of experience were compared, men were more likely than women to make higher salaries.⁸⁹ In management decisions, men were more likely to be involved in setting fee rates, determining which clients to take, which cases to handle, and whom to hire.⁹⁰ Men were more likely to be involved in courtroom work while women were more likely to be involved in case preparation.⁹¹ Women respondents were over twice as likely to specialize in domestic relations law than men, with a speciality in commercial law noted as second.⁹² The top areas of specialization listed by men were commercial, trial and general practice.⁹³ Women were more likely to be employed in government and legal services with men in private practice.⁹⁴ Women reported greater household and child care responsibilities than men and women indicated that these responsibilities limited their professional choices.⁹⁵ Women were more likely than men to believe that women experienced discrimination in initial hiring, promotion, attainment of partnerships, assignment of choice cases, and in the level of respect in the profession.⁹⁶ A majority of women, but a significantly fewer number of men, reported observing or experiencing inappropriate comments on apparel, the use of familiar names, condescending treatment, sexist jokes by another.⁹⁷ One in three reporting women noted inappropriate verbal or physical sexual advances by another attorney.⁹⁸ Perhaps not surprisingly, men were more likely than

88. See THE ARKANSAS LEGAL DIRECTORY 1997-98 OFFICIAL DIRECTORY OF THE ARKANSAS BAR ASSOCIATION, *Roster of Attorneys Practicing in Arkansas*, 59-200 [hereinafter ARKANSAS LEGAL DIRECTORY] (1997).

89. See William A. Martin, *The Women and Minorities Study: The Results Are In*, 26 ARK. LAW. 39, 41-42 (1992).

90. See *id.* at 41, 44.

91. See *id.* at 41, 45.

92. See *id.* at 45.

93. See *id.*

94. See *id.* at 41, 45.

95. See *The Women and Minorities Study*, 26 ARK. LAW. at 42-44.

96. See *id.* at 43, 45.

97. See *id.* at 43-44.

98. See *id.*

women to report job satisfaction and hope for the future.⁹⁹ Then-Director of the Arkansas Bar Association, William A. Martin, wrote in his introduction to the report that "as shown by the earnings figures, a 'glass ceiling' for women attorneys still exists" and "ways must be found to reduce the gender gap in the legal profession."¹⁰⁰

A 1993 article by attorney JoAnn Maxey echoed these points, emphasizing both problems of achieving upward mobility and the conditions that prevent women from achieving recognition on a par with men. She pointed out that traditional thinking about women in professional life has not been successfully eliminated and that sex-stereotyping of the 19th Century vintage, which is often expressed through comments and attitudes, prevents women from achieving recognition equal to that of men. She noted also that it is more difficult for women to establish mentor relationships in professional life because fewer women are at the top to aid those below. Further, there are career-family decisions that have to be made which affect the roles of professional women and men. Maxey concluded that "conscious, deliberate, and affirmative efforts" must be made to insure that women are offered partnerships in law firms based on their qualifications.¹⁰¹

In Arkansas women do hold partnerships in firms of all sizes although the percentage is low compared to male members and there are far fewer female partners than female associates. Taking the four largest Arkansas firms which are all Little Rock based, along with two moderately sized Little Rock firms, a moderately sized firm from Fort Smith and one from Pine Bluff, women represent 14.9% of the partners among them.¹⁰² Explanations for the low percentage of female partners vary. Some answers may lie in the focus of the studies that have already been mentioned. It has also been suggested that in some cases women may have declined partnerships because of the financial investment that partnership requires and because of the difficulties of managing a law firm in the 1990's.¹⁰³ Other explanations have included length of time in the firm. Clearly, women have achieved top level managerial positions in Arkansas firms,¹⁰⁴ although the overall percentage of female partners in the mid to large Arkansas firms may be roughly comparable to national figures.

99. *See id.* at 43, 45.

100. *See id.* at 39.

101. *See* Maxey, *supra* note 80, at 42-45; *see also* Klein, *supra* note 30, at A18-A21.

102. *See* MARTINDALE-HUBBLE LAW DIRECTORY 1(1998) at AR74-79B; AR100-104B; AR109-112B; AR120-123B; AR134B; AR36B. This publication relies on voluntary participation and can be consulted as an indicator but not as authoritative.

103. *See* conversation with anonymous Arkansas attorney (Mar. 20, 1998).

104. For example, in 1996, Kathlyn Graves was elected to chair the management committee of a large Little Rock firm. *See* Correspondence from John William Spivey III (June 12, 1998).

In the judiciary, in prosecutorial work, and in association activities, women have also made gains. In 1998, eleven women serve as chancery and circuit court judges;¹⁰⁵ three of the twelve members of the Arkansas Court of Appeals are women;¹⁰⁶ the first elected female sits on the seven member Arkansas Supreme Court.¹⁰⁷ Of the eight United States District Judges, one is a woman and there is one female Senior U.S. District Judge.¹⁰⁸ Two women serve as elected prosecuting attorneys¹⁰⁹ and the one woman who holds appointment as United States Attorney in Arkansas represents 50% of the people in that category. Eight women preside over county bar associations¹¹⁰ and in 1995-96 the Arkansas Bar Association had its first, and to date its only, female president.¹¹¹ In spite of the less than optimistic outlook that many female attorneys have expressed about the profession, women have begun to rise to positions of prestige and influence within it.

Whose stories illustrate some of these gains? Lonoke, Arkansas, native and now Senior U.S. District Judge Elsijane Trimble Roy has pioneered on the bench. She was appointed to a circuit court bench in 1966, becoming the state's first female circuit judge. She later served as senior law clerk to U.S. District Judge Paul X. Williams and considered that position to be her last plateau. While clerking for Judge Williams in 1975, she counseled two young female law students to expect to do great things with the opportunities that lay ahead. Roy's expectation, she told the students, was to remain as clerk with Judge Williams. The following week, she was named to the Arkansas Supreme Court making her the first woman on that bench. Nor was that the last plateau. Two years later, in 1977, she was nominated to the United States District Court for the Eastern and Western Districts of Arkansas and became the first woman on the federal bench in Arkansas. That position was the capstone of her career, and Judge Roy has placed special significance on her opportunity to occupy the same courtroom in which her father had held court several decades earlier.¹¹² When Judge Roy took senior status, Susan Webber Wright was named to that judgeship and she became the state's second female U.S. District Judge.

In her 1985 history of women lawyers in Arkansas, which covered the period from 1960 to 1984, Annabelle Davis Clinton wrote that there were still

105. See ARKANSAS LEGAL DIRECTORY, *supra* note 88, at 65-67.

106. See ARKANSAS LEGAL DIRECTORY, *supra* note 88, at 59.

107. See ARKANSAS LEGAL DIRECTORY, *supra* note 88, at 59.

108. See ARKANSAS LEGAL DIRECTORY, *supra* note 88, at 34.

109. See ARKANSAS LEGAL DIRECTORY, *supra* note 88, at 98, 134.

110. See ARKANSAS LEGAL DIRECTORY, *supra* note 88, at 131-32.

111. See MARTINDALE-HUBBLE, *supra* note 91, at 68B.

112. See Williams, *supra* note 68, at 21-23.

more "firsts" to be achieved by Arkansas women in law. One of those firsts was election to the Arkansas Supreme Court.¹¹³

Today the author, now Annabelle Clinton Imber, sits as Associate Justice Imber, the first woman elected to that court. She holds a position she assumed in 1997 and is presently the court's only female member. A graduate of the UALR School of Law, Imber began her career as an attorney with a Little Rock law firm. She has served by appointment as Circuit Judge and by election as Chancery and Probate Judge, all for Pulaski and Perry Counties.¹¹⁴

In 1979, the late Marian Penix of Jonesboro was appointed to one of the six judgeships on the newly created Arkansas Court of Appeals. The first woman on that court, she served through 1980 and returned to Jonesboro to practice law with her husband.¹¹⁵ Judith Rogers graduated from Indiana University School of Law and in 1962 received her licence to practice in Arkansas. She was in private practice until 1977 when she assumed the position of Juvenile Referee for Pulaski County. In 1982 she was elected Pulaski County Chancellor and in 1989 she became the first woman elected to the Arkansas Court of Appeals, a position which she continues to hold.¹¹⁶

When Andree Layton Roaf moved with her husband to his hometown of Pine Bluff in 1969, she saw no African-Americans in positions of responsibility in any public office and only a handful of African-American attorneys in the state. She thought back to 1963 when the Pine Bluff newspaper had refused to run her wedding photograph and announcement and she and husband began to question their decision to bring their children to a city which seemed to hold out so little hope for the future. She believes, however, that her early months in Pine Bluff led her to become a lawyer.¹¹⁷ After several years as a research scientist in Pine Bluff, Roaf enrolled at the University of Arkansas at Little Rock School of Law and commuted from Pine Bluff. She graduated in 1978 and joined a Little Rock law firm where she became a partner. Appointed as Associate Justice to the Arkansas Supreme Court in 1995, Roaf was the first African-American female on that court. In 1997 she was appointed to a judgeship on the Arkansas Court of Appeals, becoming the first African-American female on that court as well. She sits on the twelve member

113. See Clinton, *supra* note 77, at 63.

114. See Associate Justice Tom Glaze, *The New Justice - Past and Present: Is It Deja Vu All Over Again?*, 32 ARK. LAW. 10, 14 (1997); biographical information provided by Justice Annabelle Clinton Imber, April 5, 1998.

115. See Mort Gitelman and Bill Penix, *Before Central High . . . Brewer v. Hoxie School District*, 32 ARK. LAW. 16-17 (1997).

116. See Clinton, *supra* note 77, at 58-59.

117. See Andree Layton Roaf, *Remarks of Judge Andree Layton Roaf, Arkansas Court of Appeals Swearing-In Ceremony, January 7, 1997*, 32 ARK. LAW. 22, 25 (1997).

Court of Appeals with two other women: Judge Judith Rogers and Judge Margaret Meads.¹¹⁸

Joyce Williams Warren received her law degree from UALR in 1976. She applied for a clerking position with newly elected Arkansas Supreme Court Justice Darrell Hickman, got the job and became one of the first African-American clerks on the court staff. Judge Hickman recognized her as "dependable, hardworking" and as a fine writer. After she left that court, she received several appointments which culminated in 1989 with her appointment as chancellor in the new Pulaski County Juvenile Justice Court. She later ran unopposed and was elected to the position in 1990 and again in 1994. Judge Warren's 1990 election made her the first African-American elected to a state trial level court.¹¹⁹ At her 1993 investiture to the United States Supreme Court, Associate Justice Ruth Bader Ginsburg said that "women, like persons of different racial groups and ethnic origins, contribute. . . a . . . medley of views influenced by differences in . . . cultural impact[] and life experiences."¹²⁰ Drawing from their own varied experiences, these Arkansas judges have helped to contribute those elements of richness and diversity to the state's system of justice.

In private practice and in association work, women have broken new ground in recent decades. In 1977 Hillary Rodham Clinton joined a Little Rock firm and two years later she became that firm's first female partner. This also made her the first woman to become a partner in a large Little Rock firm. An advocate for children, women and families, she was actively involved in overturning the state's rule that barred foster parents from adopting their foster children.¹²¹

Clinton actively supported formation of the Arkansas Women's History Institute in the early 1980s and was the first chair of the American Bar Association's Commission on Women in the Legal Profession, formed in 1987 to study the progress and status of women lawyers. As chair, Clinton introduced a resolution to the association's House of Delegates in 1988 concluding the committee's first year of work. The resolution, which was adopted, called on the organization to "eradicate sex discrimination in the legal

118. See Andree Roaf, *Generations in the Law: A Series*, W. Harold Flowers, 19 ARK. LAW. 112, 112 (1985); biographical sketch, Judge Andree Layton Roaf, (April 7, 1998); Glaze, *supra*, note 96 at 15; conversation, Professor Leroy T. Williams with attorney Woodson Walker (April 21, 1998).

119. See Diane Schratz Holitik, *Time For Change*, 32 ARK. LAW. 30, 30 (1997).

120. See Ruth Bader Ginsburg, *The Progression of Women in the Law*, 28 VAL. U. L. REV. 1161, 1174 (1994).

121. See Clinton, *supra* note 77, at 59-60.

field to make prejudice socially unacceptable." This report followed a year of study which found gender bias endemic throughout the profession.¹²²

Practicing attorney, law firm partner and association leader Carolyn Witherspoon has set a new record. After law school graduation in 1978, she worked in the office of the Little Rock City Attorney and then entered private practice. Along with her work as a practicing attorney, she has pioneered in professional association service. She is a past president of the William R. Overton Inn of Court, the Pulaski County Bar Association and the Arkansas Association of Women Lawyers. In 1995 she became the Arkansas Bar Association's first and only female president. One of her goals as bar president was to make the association look more like the community and to help open doors for all lawyers, particularly minorities, to participate. She stated that intended to make the association more than an "all white men's club."¹²³

Progress for women and reform of the bar in Arkansas is undeniable, yet much remains to be done both within the profession and outside of it. In a statewide public opinion survey published in 1997 by the Arkansas Bar Association's Committee on Opportunities for Women and Minorities, results showed that the public perceived male and female attorneys in significantly different ways. Respondents were more likely to select male than female counsel in most areas. This is in spite of their assessment that female attorneys are harder workers and more solicitous of their clients than are men, and that men attorneys are more likely to overcharge and do unnecessary work than women. Why? One possibility raised was that clients could overlook the overcharging by an established male attorney who had experience in the particular area of the law. Over half of the respondents also believed that female attorneys were judged more by appearance than by abilities than were men. The same poll showed that almost 90% of the respondents knew a male attorney, while fewer than 25% knew a female attorney. The smaller number of women practicing in Arkansas and their uneven distribution throughout the state may explain this. But along with overcoming stumbling blocks within the profession, women still face issues of public perception and acceptance as competent legal professionals.¹²⁴

In 1994, Justice Sandra Day O'Connor wrote that "until the percentages [of women throughout the profession] approach fifty percent, perhaps we cannot say we have succeeded. Nonetheless, the progress of the last century

122. See Stephanie Benson Goldberg, *Gender Bias*, ABA JOURNAL: THE LAWYERS MAGAZINE 144 (Oct. 1, 1988); see also Slotkin, *supra* note 28, at 26.

123. See Stacey DeWitt, *President's Profile: Serving From Within, Carolyn Witherspoon*, 29 ARK. LAW. 22-28 (1995).

124. See Justice Robert L. Brown and Sheila Campbell, *How the Public Views Female and Black Attorneys*, 32 ARK. LAW. 22-27 (1997).

has been astounding. And it is due in large part to the explosion of the myth of the 'true' woman through the efforts of *real* women"¹²⁵ Arkansas women have helped to explode that myth. Exactly eighty years ago one female was licensed to practice in Arkansas. Today there are about 1,563. Women have achieved recognition and respect as they have assumed positions of responsibility in the profession. The success stories are recent, mostly within the last twenty years. New ground has been broken but challenges remain for the future. Yet one thing is certain. Since the days of Lizzie Fyler, Clara McDiarmid, Erle Chambers and Sarah Shields, Arkansas women of the law have advanced reform of the bar. As they have, they have opened doors for themselves and for countless women to come.

125. Sandra Day O'Connor, Associate Justice of the United States Supreme Court, *Forward, First Women: The Contributions of American Women to the Law*, 28 VAL. U. L. REV., xvi (1994).