

Specialty Bars Conference: Changing the Profession from Within
Women as Agents of Change in the Judicial Process

I. A Current Glance of Women In the Law

- A. Women in the Legal Profession: 64% Men and 34% Women (American Bar Association Research Department, April 2016).
- B. Women in Private Practice: Women make up less than 35% of lawyers in U.S. Firms (*ABA Law Journal Online*, July 25, 2107; Commission on Women in the Profession, American Bar Association, January 2017).
 - i. 22% Partners
 - ii. 18% Equity Partners
 - iii. 18% Managing Partners
 - iv. 45% Associates
 - v. 48.7% Sumer Associates
- C. Fortune 500 General Counsel: 24.8% Women, 75.2% Men
- D. Law School Administration Deans: 68.9% Men, 31.1% Women
- E. Woman in the Judiciary
 - i. SCOTUS: 37.5%
 - ii. Circuit Court of Appeals: 35.9%
 - iii. Federal District Court 33%

II. A Current Glance of Women In the Law (Cont.)

- A. Women outnumber men in law school for the first time (*ABA Law Journal Online*, December 19, 2107).
- B. Women now make up 50.32 percent of law students at ABA-accredited schools, and it's the first time that there's been more women than men at law schools. However on average higher-ranked law schools still have significantly smaller percentages of female law students.
- C. Women do not proceed along the same career path as men in law firms, particularly when it comes to partnership and the leadership track. For two decades, law schools have seen graduating classes of 40% or more women. Yet, since 1995, the number of women in the partnership levels of law firms has only increased by 3% -- from 14.2% to 17.2%. (*ABA Law Journal Online*, July 25, 2107).

III. Louisiana by the Numbers

- A. Total number of lawyers in the State: 19, 307
- B. Women hold 31.6 % of all state and federal judgeships based in Louisiana.
- C. In just federal courts based in Louisiana (three U.S. District Courts and the U.S. 5th Circuit Court of Appeals), women constitute 40 % of all judges.
- D. In Louisiana State Courts, women judges make up 30.8 % of all judges.
- E. New Orleans
 - i. Orleans Civil District Courts women judges are 78.6%.

- ii. Orleans Criminal District Court women judges are 50%.

IV. A Look at History

A. The First Women Lawyers- States Said No

- i. In 1875, the Wisconsin Supreme Court denied Lavinia Goodell admission to the state bar on the grounds that "[n]ature has tempered woman as little for the juridical conflicts of the court room, as for the physical conflicts of the battle field. Womanhood is moulded [sic] for gentler and better things." *In Re Goodell* 39 Wis. 232 (1875); Supreme Court of Wisconsin.
- ii. In 1872, the United States Supreme Court affirmed a decision from the Supreme Court of Illinois that denied Myra Bradwell admission to the state bar. Reasoning that state law invalidated any contract entered into by a married woman without the consent of her husband; therefore, women (most of whom would be married) could not adequately represent clients.
- iii. "The paramount destiny and mission of woman are to fulfill the noble and benign offices of wife and mother. This is the law of the Creator. And the rules of civil society must be adapted to the general constitution of things, and cannot be based upon exceptional cases." *Bradwell v. Illinois*, 83 U.S. 130, 141-42 (1873).

B. The First Women Lawyers -States Said Yes

- i. In June 1869, the Supreme Court of Iowa ruled that Arabella Mansfield may not be denied a chance to take the bar exam because she is a woman. She took the exam and passed, becoming the first licensed female lawyer in the United States
- ii. In 1872, the Utah Bar admitted its first two women Phoebe Couzins and Georgianna Snow
- iii. In Washington D.C., Belva Lockwood , admitted to the Washington, D.C. bar only after a yearlong battle, lobbied Congress on three separate occasions to change the U.S. Supreme Court admissions rules to allow a woman to argue before the court.
- iv. She became the first female member of the U.S. Supreme Court bar on March 3, 1879.
- v. In 1880, she became the first woman lawyer to argue a case before the U.S. Supreme Court.

C. The "Woman Judge" of Los Angeles

- i. In 1914, Judge Georgia Bullock was appointed the "woman judge" of Los Angeles.
- ii. She presided over a court segregated by gender and her purpose was to promote "Victorian ideals of womanhood"
- iii. Judge Bullock considered her appointment important, not because of concerns of equality, but rather because she felt women would be better served by a woman judge who could tell the "good girls" from the bad and help them reform their ways.
- iv. In 1931, Judge Georgia Bullock was finally appointed to an 'official' judgeship

D. True Change

- i. In 1920 women earned the right to vote. This new power opened the door for women sitting on the bench with men.
- ii. Anna Veterans Levy became the first woman judge elected in 1940 in Louisiana.
- iii. Joan Bernard Armstrong was elected the first African-American woman judge in Louisiana.
- iv. Judge Bernadette D'Souza was elected the first Indian woman Judge in Louisiana in 1995.

V. **Prominent Female Lawyers of Change**

A. Ruth Bader Ginsburg

- i. Supreme Court Justice: Appointed by President Clinton and took the oath of office on August 10, 1993. The second female justice to be confirmed to the Court (after Sandra Day O'Connor), and one of four female justices to be confirmed (with Sonia Sotomayor and Elena Kagan, who are still serving). Following Justice O'Connor's retirement, and prior to Justice Sotomayor joining the Court, Ginsburg was the only female justice on the Supreme Court.
- ii. Notable cases Ginsburg has authored
 - a. *United States v. Virginia* (Female Admission to Male only Institution)
 - b. *Olmstead v. L.C.* (Discrimination against people with mental disabilities)
 - c. *Friends of the Earth Inc. v. Laidlaw Environmental Services, Inc.* (Pollution case primarily involving the issue of standing and mootness)

B. Loretta Lynch

- i. Served as the 83rd Attorney General of the United States, appointed by President Barack Obama in 2015 to succeed Eric Holder. Previously, she held the position for United States Attorney for the Eastern District of New York under both the Clinton (1999–2001) and Obama administrations (2010–15). As U.S. Attorney, Lynch oversaw federal prosecutions in Brooklyn, Queens, Staten Island and Long Island.

C. Gloria Allred

- i. An American civil rights lawyer who is noted for taking high-profile and often controversial cases; she has been particularly involved with cases involving the protection of women's rights.
- ii. Legal career spanned four decades, and has represented a wide variety of clients in civil rights suits:
 - a. Katrina Yeaw v. Boy Scouts of America
 - b. Nicole Brown Simpson's family: OJ murder trial
 - c. California Gay Marriage
- iii. Daughter: Lisa Bloom (Usher-Sexual Assault Case)

D. Barbara Jordan

- i. Lawyer, educator and politician who was a leader of the Civil Rights Movement.
 - ii. First African American elected to the Texas Senate after Reconstruction, the first Southern African-American woman elected to the United States House of Representatives.
 - iii. She was best known for her eloquent opening statement at the House Judiciary Committee hearings during the impeachment process against Richard Nixon, and as the first African-American woman to deliver a keynote address at a Democratic National Convention.
- E. Sandra Day O'Connor
 - i. A retired associate Supreme Court Justice serving from her appointment in 1981 by Ronald Reagan until her retirement in 2006. She was the first woman to serve as a Justice of the Supreme Court of the United States.
 - ii. Notable cases O'Connor was deciding vote
 - a. *Gratz v. Bollinger* (Affirmative Action)
 - b. *Bush v. Gore* (2000 Presidential Election)

VI. Protective Orders

- A. Domestic Abuse Assistance Act -- La RS 46: 2131
 - i. Eligibility-Who can file?
 - a. Family Members: spouses, former spouses, parents & children, stepparents & stepchildren, foster parents & foster children, grandparents, grandchildren
 - b. Household Members: person of opposite sex presently or formerly living with the defendant as a spouse
 - c. Dating Partners: person who is or has been in social relationship of a romantic or intimate nature
 - d. Parent, Adult Household Member or D.A.: On behalf of minor child or alleged incompetent adult.
- B. Protection from Dating Violence Act -- La. RS 46: 2152
 - i. Eligibility-Who can file?
 - Dating Partner: Person who is or has been in social relationship of a romantic or intimate nature
- C. Protection for Victims of Sexual Assault Act -- La RS 46: 2161
 - i. Eligibility-Who can file?
 - a. Victim of staling or cyberstalking by stranger or acquaintance
- D. Protection from Stalking Act -- La RS 46: 2171
 - i. Eligibility-Who can file?
 - a. Victim of sexual assault by stranger or acquaintance
- E. Post Separation Family Violence Relief Act – La RS 9:361
 - i. Eligibility-Who can file?
 - a. Abused parent, or parent on behalf of abused child(ren)

VII. Gwen's Law

- A. House bill 1142
- B. Signed into law in 2014
- C. La. Code of Crim. Pro. art 313
- D. Her Story
 - i. Husband bonded out of jail on charges that he held his wife, Gwen, and their 7-year-old daughter at gunpoint and threatened to kill her.
 - ii. Gwen was not notified that husband had bonded out.
 - iii. He drove her to a dead-end road where he killed her and himself on May 2,
- E. Gwen's Law requires that a court conduct a hearing to assess the feasibility of granting bail to a person arrested on domestic abuse charges. If the court finds there's a likelihood that the offender would inflict further harm, bail can be denied and the offender would stay in jail until the case is heard in court.
- F. By doing this, we can evaluate this person to see if he or she needs help or treatment.
- G. Strengthens protective orders and require a hearing before bail is granted.

VIII. Conclusion

- A. Although there are barriers facing female lawyers, no one can deny that women attorneys have achieved significant progress into this profession.