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West Virginia's Pioneer Women Lawyers

Teree E. Foster

West Virginia University College of Law

Sandra M. Fallon

West Virginia University

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WEST VIRGINIA'S PIONEER WOMEN LAWYERS

TEREE E. FOSTER*
SANDRA M. FALLON**

I.	INTRODUCTION	703
II.	WEST VIRGINIA COLLEGE OF LAW EARLY WOMEN GRADUATES: 1895-1899	706
III.	WEST VIRGINIA COLLEGE OF LAW EARLY WOMEN GRADUATES: 1899-1969	709
IV.	WEST VIRGINIA COLLEGE OF LAW MODERN WOMEN GRADUATES: FROM 1970 AND ONWARD	715

I. INTRODUCTION

1995 marks the centennial of the graduation of the first woman from the West Virginia University College of Law. The College of Law was among the very first law schools to admit and graduate women,¹ a tribute to the high regard in which the people of this State hold

* Dean and Professor of Law, West Virginia University College of Law.

** Graduate Research Assistant, Technology Education, West Virginia University.

The authors thank Dr. Lillian J. Waugh and the West Virginia University Center for Women's Studies for providing source materials on the College of Law's early women graduates.

1. The University of Iowa was the first to admit women to study law, in 1869, and to graduate a woman, in 1873. KAREN B. MORELLO, *THE INVISIBLE BAR: THE WOMAN LAWYER IN AMERICA: 1638 TO THE PRESENT* 52 (1986). Others included: University of Michigan (1869); Union College of Law, Chicago (1869); Washington University, St. Louis (1870); Boston College Law School (1872); National University Law School, Washington, D.C. (1872); California University (1873); Howard University (1883); Buffalo Law School (1887); Cornell University (1887); New York University (1891); and Stanford University

equality of opportunity. This pivotal occasion provides an ideal opportunity to feature the role that women have played in the development of the legal profession in West Virginia, in the southeast region, and in the nation generally.²

The last two decades have marked the influx of women into the legal profession in ever-increasing numbers.³ Currently, almost half of

(1895). *Id.* at 52, 73, 82; CYNTHIA F. EPSTEIN, *WOMEN IN LAW* 50 (2d ed. 1993); G.E. Harte, *The Battle for the Right of Women to Practice Law*, 33 *WOMEN LAWYER'S J.* 141, 142-53 (1947); BARBARA M. SOLOMON, *IN THE COMPANY OF EDUCATED WOMEN: A HISTORY OF WOMEN AND HIGHER EDUCATION IN AMERICA* 131 (1985); ROBERT STEVENS, *LAW SCHOOL: LEGAL EDUCATION IN AMERICA FROM THE 1850S TO THE 1980S* 83 (1983).

During the late nineteenth century, the "elite" law schools, including Harvard, Columbia, and Yale, remained hostile to women. One Yale Law School alumnus remarked in 1892, "I am in favor of their studying law and practicing law, provided they are ugly." *Id.* at 82-83. In 1890, very few of the nation's sixty-one law schools admitted women, and many excluded immigrants and minorities. Several schools were founded in response to this exclusion: Buffalo Law School, open to women and members of immigrant groups (1887); Washington College of Law, Washington, D.C. (1898); Freylinghusen University, admitting "colored working men and women" (1906); Portia Law School, Boston (1908); and Cambridge Law School (1915). *Id.* at 74, 83, 84, 195. At the close of the nineteenth century, Howard University, Washington, D.C., was the only university to admit both African-American and white women. SOLOMON, *supra*, at 131.

Only 41 of the 137 law schools in operation in 1915-1916 admitted women, although 122 of 129 did so by 1920. The number of women law students enrolled increased from 205 in 1909 to 1,171 in 1920. RICHARD L. ABEL, *AMERICAN LAWYERS* 90 (1989).

Even after earning a law degree, many early women lawyers were denied admission to state bars and to federal courts. In 1896, West Virginia became the thirty-first state to admit women to practice law, with the admission of Agnes Westbrook Morrison. MORELLO, *supra*, at 37-38.

2. The College of Law sponsored a number of events to celebrate this momentous occasion, including hosting a conference on March 24-25, 1995, entitled *West Virginia Women in Law: A Century of Achievement*. This conference featured significant speakers, such as National Public Radio Supreme Court and Legal Affairs Correspondent Nina Totenberg and United States District Court Judge Irene M. Keeley. The conference also offered a CLE program addressing issues relating to the workplace, the family, and women and violence. Moreover, the College of Law produced a history/directory that includes biographical information on all women college of law graduates, and a documentary video, entitled *Mountaineer Women and the Legal Profession*, that chronicles the role and contributions of West Virginia women graduates to the legal profession and to the communities in which they lived and worked. A centennial scholarship fund was established to assist needy women law students.

3. In 1970, only 6.35% of the candidates for law degrees were women. By the end of that decade, influenced by the women's movement and the activism of the late 1960s and '70s, women represented one-third of the total number of law students, or 37,534 of

the nation's law students are women.⁴ Women have had a monumental effect on the legal profession and on the society it serves, evidenced by innovative developments in the areas of domestic relations, equal employment opportunity, sexual harassment, rape and sexual assault, domestic violence, and children's rights.⁵

The ability of women to enter, and succeed in, the legal profession in the present is attributable in no small measure to those women of personal fortitude and pioneering spirit who entered the legal profession in the past, and who hewed a path through the legal profession for women to follow today.

Unlike law schools such as Harvard, Yale, Columbia, and Virginia, where women were permitted to attend only relatively recently,⁶ women have attended the West Virginia University College of Law for more than 100 years. Who were these early women lawyers? What motivated them to enter the legal profession? What work did they do, and what impact did they have on the profession and on the communi-

117,279 law students. STEVENS, *supra* note 1, at 234, 246. Women also comprised almost thirteen percent of lawyers, up from five percent in 1970. Donna Fossum, *A Lawyer-Sociologist's View on Women's Progress in the Profession*, in *WOMEN LAWYERS: PERSPECTIVES ON SUCCESS* 258 (E. Couric ed. 1984). In 1986, women accounted for forty percent of law students. CYNTHIA F. EPSTEIN, *DECEPTIVE DISTINCTIONS: SEX, GENDER, AND THE SOCIAL ORDER* 163 (1988). By the end of the 1980s, women represented thirty percent of attorneys in the nation. Sandra Day O'Connor, *Portia's Progress*, 66 N.Y.U. L. REV. 1546, 1548 (1991). The percentage of women partners in the largest 250 law firms, although very small, increased throughout the 1980s, from approximately 2.8% in 1982 to 6% in 1988. EPSTEIN, *DECEPTIVE DISTINCTIONS*, *supra*, at 164.

4. In 1972, 1,498 (6.9%) women earned J.D. and LL.B. degrees, out of a total of 21,764 American law students. In 1992, 16,588 (42.7%) women earned J.D. and LL.B. degrees, out of a total of 38,848 American law students. THOMAS D. SNYDER & CHARLENE M. HOFFMAN, NATIONAL CENTER FOR EDUCATIONAL STATISTICS, U.S. DEPT. OF EDUCATION, *DIGEST OF EDUCATIONAL STATISTICS* 273 (1994).

5. See, e.g., Symposium, *Women in the Lawyering Workplace: Feminist Considerations and Practical Solutions*, 35 N.Y. L. SCH. L. REV. 293-446 (1990); Symposium, *First Women: The Contribution of American Women to the Law*, 28 VAL. U. L. REV. 1161-1375 (1994).

6. Women were first admitted to the aforementioned law schools in the following years: Harvard (1950); Yale (1918); and Columbia (1927). The last law schools to admit women were Notre Dame (1966), Virginia (1970), and Washington and Lee (1972). EPSTEIN, *supra* note 1, at 50-51; MORELLO, *supra* note 1, at 94; O'Connor, *supra* note 3, at 1546; SOLOMON, *supra* note 1, at 56; STEVENS, *supra* note 1, at 248.

ties in which they lived and worked? What continuing influence does their early entry into the legal profession have on women lawyers and law students today?

This centennial celebration affords the West Virginia University College of Law a distinctive opportunity to explore this extraordinary aspect of its history, and to communicate its role as a pioneering institution in the cause of affording professional opportunities to women.⁷ The College of Law has compiled a list of the names of every woman graduate of the College of Law since 1895. Research on the lives and work of these women graduates, especially the earliest graduates, is proceeding apace. This Article provides a brief historical exploration of a few of the West Virginia University College of Law's many noteworthy women law graduates.

II. WEST VIRGINIA COLLEGE OF LAW EARLY WOMEN GRADUATES: 1895-1899

The first three women to graduate from the West Virginia University College of Law were highly motivated, possessed a myriad of talents, and were concerned with issues of import to women.

Agnes Westbrook Morrison, Class of 1895, of a prominent Wheeling family, was the first woman graduate of the College of Law. Admitted to the Bar in 1896, she practiced law in Wheeling with her husband, Charles Sumner Morrison. She was a tireless organizer of women in Wheeling, where she was so active in civic and religious organizations that she became known as the "Mother of Clubs."

Two women graduated from the College of Law in 1899: Leila Jesse Frazier of Upper Norwood, Surry, England, and Lilian Ruth Wiles, a native of Hayfield, Virginia.

A contemporaneous newspaper account depicts Ms. Frazier's journey to Morgantown to initiate her law studies.⁸ She put her husband

7. Original research concerning women graduates not included in this Article or in the history/directory of College of Law women graduates is catalogued and archived at the College of Law Library.

8. *A Novel Trip*, DAILY NEW DOMINION (Morgantown newspaper), Mar. 14, 1898,

on the train in Martinsburg, and set off unaccompanied on horseback across the mountains. Riding "man fashion," she arrived in Morgantown several days later, wearing a black riding habit with a divided skirt, carrying a brace of revolvers, and "armed with a most remarkable amount of courage and daring." While at the College of Law, Ms. Frazier was President of the Women's League of WVU, a support group comprised of women enrolled at the University, and WVU's first women's organization.⁹ Its purpose was to "promote social relations among women at the university by bringing all women together on an equal basis," and to bring all WVU students together on equal terms.¹⁰ Ms. Frazier practiced law with her husband in Morgantown and was outspoken on behalf of women's rights.¹¹

Ms. Wiles, a former school teacher who authored works of poetry and prose, was also active in women's issues.¹² She was instrumental in re-activating the Women's Christian Temperance Union in Morgantown in 1897.¹³ Ms. Wiles handled legal affairs for her husband's real estate business.¹⁴

It is not coincidental that these early women College of Law graduates were advocates for women's issues. Although West Virginia statutes included no prohibition against women entering the legal profession,¹⁵ other jurisdictions' judicial opinions of the time are replete

at 1.

9. *The Woman's League*, in 2 THE MONTICOLA 148-52 (1899) (WVU Yearbook). See also WEST VIRGINIA UNIVERSITY WOMEN, THE FIRST CENTURY: AN HISTORICAL DIGEST 21 (1989) (WVU Women's Centenary Project) [hereinafter THE FIRST CENTURY].

10. THE FIRST CENTURY, *supra* note 9, at 21.

11. THE DAILY ATHENAEUM, Oct. 27, 1899, at 20; *The Women's League*, *supra* note 9, at 148-52.

12. THE WEST VIRGINIA UNIVERSITY ALUMNI MAGAZINE 11 (Fall 1951); Announcement of the West Virginia University College of Law Lecture of Eleanor Smeal (Jan. 16, 1991) (on file at the WVU Women's Centenary Project, Center for Women's Studies) [hereinafter Women's Centenary Project].

13. Women's Centenary Project, *supra* note 12 (citing 1897 Minute Book of Morgantown Women's Christian Temperance Union 12) (where Lillian Wotring Wiles is listed as "Mrs. J. W. Wiles" on the WCTU Board of Vice Presidents).

14. Telephone Interview with Eleanor Hoard Bungard, niece of Lillian Wiles, conducted by Sandra Fallon (Feb. 9, 1995). See also Women's Centenary Project, *supra* note 12.

15. THE WEST VIRGINIA BAR (MAY 1895) announced Agnes Morrison's pending application for admission to the state bar by stating, "[s]he is taking high grades in her class,

with references to the inimicability of the law as a profession to the essential virtues of womanhood.¹⁶ So repugnant to supposed womanly virtues were “unclean issues” such as sodomy, incest, rape, fornication, adultery, pregnancy, and divorce that in many states, out of reverence for all womanhood, women were completely excluded from the law.¹⁷ Simply put, the law was an unfit profession for the female character.

In an article entitled *Woman and the Law*, published on April 1, 1899, in *The Woman's Easter Herald*,¹⁸ Agnes Morrison argued for the legal education of women as a natural evolution in societal progress, and pointed out historical examples of women advocates:¹⁹ the

and will be no discredit as the first representative of her sex, or to the Profession when admitted, as doubtless she will be, to the bar.” The College of Law’s announcement for that same year stated, “[l]adies are admitted the same as gentlemen.” *Id.*

However, admitting women to the legal profession in West Virginia was a more controversial issue than these facts would suggest. An April, 1896 editorial entitled *Women and the Legal Profession*, published in THE WEST VIRGINIA BAR stated that, although members of the bar were opposed to admitting women to its ranks, neither the courts nor the lawyers wanted to overtly proscribe women from becoming lawyers. Instead, the editorial advocated relegating the matter to the sound discretion of women themselves, where an appropriate result would attain, because “only an occasional masculine maiden will be found defying the better judgment of her sex by masquerading as a lawyer.” *Id.*

16. *See, e.g.,* *Bradwell v. Illinois*, 83 U.S. (16 Wall.) 130, 141 (1873) (Bradley, J., concurring):

Man is or should be, woman’s protector and defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life. The constitution of the family organization, which is founded in the divine ordinance, as well as in the nature of things, indicates the domestic sphere as that which properly belongs to the domain and functions of womanhood. The harmony, not to say 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 fulfill the noble and benign offices of wife and mother. This is the law of the Creator.

Id.

17. *In re Motion to Admit Miss Lavinia Goodell to the Bar*, 39 Wis. 232, 245-46 (1875).

18. *The Women's Easter Herald*, Apr. 1899, at 22. *The Women's Easter Herald*, published in Wheeling, West Virginia, was the first women’s publication of its kind in that city. Articles in this fifty-page monthly newspaper addressed all aspects of life that were important to progressive women of the day — education, politics, social issues, etc. Proceeds from the sale of *The Women's Easter Herald* supported Wheeling’s day nursery, a program that provided day care for children of working class women.

19. Agnes Morrison, *Woman and the Law*, in THE WOMEN’S EASTER HERALD, Apr.

Israeli prophetess Deborah, a judge, under whose rule, "the land had rest for forty years;" Aspasia, who pleaded in the forum at Athens; and Amentia Sentia and Hortensia, advocates at Rome, all of whom "made honorable records when Roman and Greek civilizations led the world."²⁰ Disputing the debilitating effect of the practice of law upon the "essential virtues of womanhood," and perhaps cognizant that in the judgment of some, the law was too masculine a profession for women,²¹ Ms. Morrison declared: "The glare of public life might disclose defects of character, but it does not create them. [T]he womanly woman will be womanly wherever she is and in whatever she undertakes to do."²²

III. WEST VIRGINIA COLLEGE OF LAW EARLY WOMEN GRADUATES: 1899-1969

A turn of the century Wheeling newspaper article authored by West Virginia University President Jerome H. Raymond welcomed "YOUNG MEN and YOUNG WOMEN" to West Virginia University "on equal terms to all departments."²³ The article opined concerning the moral and aesthetic climate of WVU: "THERE ARE NO SALOONS IN MORGANTOWN, and the general good moral atmosphere and beautiful surroundings make it in many respects an ideal place for study."²⁴ Despite this beguiling characterization of WVU's attributes, after 1899, no woman attended the College of Law until 1919. Between 1919 and 1969, fifty-five women graduated from the College of Law.²⁵

1899, at 2-3.

20. *Id.*

21. *See supra* note 17.

22. Morrison, *supra* note 19, at 2-3.

23. Classified Ad, THE WOMEN'S EASTER HERALD, Apr. 1899, at 36 (emphasis in original).

24. *Id.*

25. Livia Simpson Poffenbarger received an honorary LL.D. from WVU in 1919, the first woman to be so honored.

The distribution of women law graduates throughout these seven decades is striking. Only six women graduated between 1899 and 1930. During the decades of the 1930s and 1940s, thirteen and twelve women graduated respectively, but during the 1950s only half that number (six) completed their legal studies. The WEST VIRGINIA STATE BAR NEWS re-

The seven decades that transpired between the years 1899 and 1969 marked the passage of America from a developing, isolated nation to a mighty world power. These decades also witnessed monumental changes in the economic, social, and legal structures of this country. Women won the right to vote, although the full potency of their political power would not be realized for yet another decade. Rosie the Riveter and her sisters-in-spirit kindled the economic homefires during World War II. Women joined the ranks of the Civil Rights movement of the 1950s and 1960s. In West Virginia, women began to take their place among notable lawyers. A cursory depiction of the professional paths forged by a few of these remarkable early women graduates follows.²⁶

ported in July 1952 that twenty-six women were currently active members of the State Bar, of whom twenty-one were engaged in "active law practice or other legal activities." During the 1960s, eighteen women graduated from the College of Law.

26. Beyond their names and places of residence, little is known about the lives and law practices of the six women who graduated from the College of Law during the 1920s. Alice Johnson McChesney, Class of 1922, was the first woman to practice law in Charleston. She practiced independently, an unusual occurrence for that time, and primarily handled business cases. Telephone Interview with Mrs. Vivian V. McChesney, conducted by Sandra Fallon (Feb. 2, 1995). Ms. McChesney championed the rights of women and children and worked for the establishment of separate juvenile courts and detention homes. She was instrumental in introducing in the West Virginia Legislature the first bill limiting women's work days to eight hours. CHARLESTON GAZETTE MAIL, Oct. 3, 1965, at 88.

Evelyn Hughes Yorke, Class of 1927, was the first woman to be elected clerk of a circuit court and served in Monongalia County from 1933-1939. EARL L. CORE, 5 THE MONONGALIA STORY: A BICENTENNIAL HISTORY 543 (1984); WEST VIRGINIA UNIVERSITY ALUMNI MAGAZINE 17 (Jan. 1936).

Anne Slifkin Pollen and Mary Frances Brown, Class of 1929, entered a job market devastated by the Depression, which further restricted the few employment opportunities available to women. Ms. Pollen was a member of the Order of the Coif and the *West Virginia Law Quarterly* while in law school. After graduation, she passed the New York bar examination, but was unable to find work with a law firm and instead accepted a position as a law librarian. Telephone Interview with Dr. Daniel A. Pollen, conducted by Sandra Fallon (Jan. 25, 1995); DANIEL A. POLLEN, HANNAH'S HEIRS: THE QUEST FOR THE GENETIC ORIGINS OF ALZHEIMER'S DISEASE 156 (1993).

Ms. Brown was the first woman admitted to practice in the Circuit Court of Harrison County. After graduation, she worked as a clerk for the Circuit Judge of Harrison County, and later joined the judge in his private practice, where she worked until her retirement. Her duties varied — from title searches to state and federal court appearances, including appearances before the Supreme Court of Appeals of West Virginia and one appearance before the United States Supreme Court. Narrative Statement by Mary Frances Brown (Jan. 14, 1995) (on file with the *West Virginia Law Review*).

Harriet Louise French, a 1930 graduate, served on the WVU Board of Governors, the first woman so appointed, from 1933 to 1943 while practicing corporation law with her father in Bluefield. Not content to view the devastation of World War II from the placidity of her law office, she joined the SPARS, the women's division of the United States Coast Guard, and rose to the rank of lieutenant. After the war, she joined the WVU law faculty as law librarian and instructor, but resigned after one year to accept a position as a professor and director of the law library at the University of Miami. Upon her retirement in 1970, Ms. French was credited with single-handedly building the Miami law library, and with enhancing its reputation for excellence by acquiring rare volumes on Russian and Caribbean law, as well as priceless fifteenth and sixteenth century volumes explicating the law in many nations around the world.²⁷ Ms. French achieved several distinctions during her practice in West Virginia. She was elected as one of six vice-presidents of the West Virginia Bar Association for two terms, 1937-1938 and 1938-1939, the first woman elected as an officer of this organization.²⁸

Dica Lucille Chenoweth Jeter, Class of 1930, practiced law with her husband, James G. Jeter, Jr., another College of Law graduate, in Morgantown. They later moved to Charleston, and established the firm of Jeter & Jeter in 1942. Ms. Jeter was the first woman in West Virginia to run for the office of Attorney General, in 1944 and 1948, but lost both elections to Ira J. Partlow. James C. Jeter, Ms. Jeter's son and also a College of Law graduate, joined his parents in 1961 to form the Charleston firm of Jeter, Jeter & Jeter, arguably the first mother, father, and son law firm in West Virginia.²⁹

Trixie McClaugherty Peters Goad, Class of 1934, served as President of the Student Board of Editors for the *West Virginia Law Quar-*

27. Law librarians were disproportionately represented by women on law school faculties during the 1940s and 1950s. Most of these women taught very little or not at all. Subsequently, as the position of law librarian became more professionalized and consequently more prestigious, women were replaced by men. Fossum, *supra* note 3, at 254.

28. W. VA. BAR ASSOCIATION, FIFTY-FOURTH MEETING ix (1938); W. VA. BAR ASSOCIATION, FIFTY-FIFTH MEETING ix (1939).

29. Letter submitted by James C. Jeter (Jan. 15, 1995) (on file with the *West Virginia Law Review*).

terly, the precursor to today's *West Virginia Law Review*. She was the first woman to hold this position. She graduated a member of the Order of the Coif.

Frances Lopinsky Horn, who graduated in 1938,³⁰ served as the second woman President of the Student Board of Editors for the *West Virginia Law Quarterly*. She served on the staff of the National Labor Relations Board in Washington, D.C., from 1943 to 1946, and in the mid-1950s became a full partner in the Washington, D.C. firm where she still practices, a remarkable feat for a woman at that time. Through her pioneering work in Indian law, Ms. Horn has exerted a profound influence upon the legal profession, and upon the shape and structure of laws affecting Native-American rights. For the past fifty years, Ms. Horn has served as general counsel for several Indian tribes, and has devoted herself to legislative work and litigation on behalf of tribal clients. She has gained particular expertise in the fields of Indian water rights and Indian Claims Commission Act cases. In fact, Ms. Horn has participated in more than ten percent of all cases brought before the United States Indian Claims Commission, and even today remains active in Indian claims work. She is also the primary author of the much-praised *Indian Claims Commission Digest* and is undoubtedly the nation's most knowledgeable expert on the jurisprudence developed, largely due to her efforts, under the Indian Claims Commission Act. The College of Law honored Ms. Horn in 1990 by selecting her for its *Justitia Officium* Award, the law school's equivalent to an honorary degree and the highest acclaim that the College of Law can bestow upon a lawyer. In February, 1995, West Virginia University honored Ms. Horn by inducting her into its Academy of Distinguished Alumni.

Another member of the Class of 1938, Phyllis Hart Cyrus, practiced with the Office of Consumer Affairs in Washington, D.C. during World War II, and later assumed the position of Professor of Business Law at Marshall University. She was a member of the Huntington City

30. Interestingly, the Class of 1938 included four women, one of whom was Janice Boone Seibert. This was the largest group of women graduates until the Class of 1967, which numbered five women, among whom was Sue Seibert Farnsworth, Ms. Seibert's daughter.

Council from 1973 through 1981, and during that period she served for a year as Huntington's first woman mayor.

Virginia Mae Brown, Class of 1947, amassed a remarkable number of "firsts" during her distinguished career. Her myriad accomplishments include: first woman to hold the position of Executive Secretary of the West Virginia Judicial Council (1949); first woman Assistant Attorney General (1952); first woman Special Legal Counsel to the Governor (1961); State Insurance Commissioner, the first woman appointed to this position in the United States (1961); and first woman appointed to the West Virginia Public Service Commission (1962). She was the first woman appointed to the Interstate Commerce Commission in 1962, and when named the Commission's Chair in 1964, became the first woman ever to head an independent federal regulatory agency. She left the Commission in 1969 to become president and chair of the board of the Buffalo Bank of Eleanor. For the last eleven years of her life, she served as a federal administrative law judge.

Callie Tsapis, Class of 1948, holds a singular distinction: in 1971, she became the first woman elected to a West Virginia circuit judgeship.³¹ Prior to her elevation to the bench, Judge Tsapis engaged in

31. Nationally, the first two women judges were appointed in the 1880s. Marilla Ricker was appointed a United States Commissioner in Washington, D.C., in 1884. Carrie Kilgore was appointed a master in chancery in Philadelphia, in 1886. EPSTEIN, *supra* note 1, at 239. Of the few woman judges appointed to state court positions in early decades of this century, several achieved high court posts. In 1920, Florence Ellinwood Allen was elected judge of the Court of Common Pleas, Cuyahoga County, Ohio, and was the first woman to serve on a state supreme court, named to the Ohio Supreme Court in 1922. President Franklin D. Roosevelt appointed her to the United States Court of Appeals for the Sixth Circuit in 1934. In the 1960s, Shirley Hufstedler was named by President Lyndon B. Johnson to the United States Court of Appeals for the Ninth Circuit. She was only the second woman appointed to the federal court of appeals in its two hundred year history. President Harry S. Truman named Burnia Matthews to the District Court of the District of Columbia in 1949. Judge Lorna Lockwood, a member of the Arizona Supreme Court, was the first woman elected chief justice of a state supreme court. *Id.* at 239-40.

President Jimmy Carter increased the number of women serving on federal district courts and courts of appeal from five in 1976 to twenty in 1980. The number of women serving in other appointed or elected judicial positions increased during his presidency as well. EPSTEIN, *supra* note 1, at 241. In 1981, Justice Sandra Day O'Connor became the first woman appointed to the United States Supreme Court. Ruth Bader Ginsburg joined her in 1993. During the first two years of his presidency, President Bill Clinton named six women as nominees for federal judgeships. Ruth Bader Ginsburg, *The Progression of Women in the*

the active practice of law and served in the House of Delegates from 1959-1963 and 1967-1968.

Elizabeth V. Hallanan, Class of 1951, forged a pioneering path in two court systems. In 1959, she became the first woman Juvenile Court judge, and the first woman to sit as judge in a West Virginia court of record. In 1983, she was appointed to the federal bench, a position she presently holds, the first West Virginia woman to ascend to the federal bench. Her myriad of professional accomplishments include service in the following organizations: West Virginia State Board of Education, 1955-1957; House of Delegates, 1957-1958; Assistant Commissioner of Public Institutions, 1958-1959; Executive Director of the West Virginia Association of Colleges and Universities, 1961-1969; and member, and then the first woman chair, of the West Virginia Public Service Commission, 1969-1975.

Tobiane Schwartz, Class of 1959, investigated and litigated feminist issues — non-support, juvenile, and domestic cases — early in her career in public service and local government agencies. In the early 1970s, she was co-counsel in *Doe v. Bolton*.³² She entered federal service in 1973 as an Equal Employment Opportunity Commission (EEOC) trial attorney, and is presently employed as the Chief Civil Rights Attorney at the New York Regional Counsel's Office of the Department of Health and Human Services.

Sue Seibert Farnsworth, Class of 1967, served as Chair of the Young Lawyers Section of the West Virginia State Bar in 1974-1975. She has profoundly influenced the course of higher education in West Virginia through her service on, and direction of, a number of instrumental boards and committees: West Virginia Board of Regents, member (1977-1983) and president (1980-1981); Commission on Institutions of Higher Education, North Central Association of Colleges and

Law, 28 VAL. U. L. REV. 1161, 1174 (1994).

1991 statistics demonstrate that nationally women are achieving a number of positions of legal authority. Women represent 7.4% of federal judges, 25% of U.S. Attorneys, 18% of state legislators, 17% of state and local executives, 9% of county governing boards, 14% of mayors and city council members, and 6% of U.S. Congresspersons. O'Connor, *supra* note 3, at 1549.

32. 410 U.S. 179 (1973) (companion case to *Roe v. Wade*, 410 U.S. 113 (1973)).

Schools, member (1984-1990) and chair (1989-1990); and West Virginia University Board of Advisors (1986-1994).

Judith A. Herndon's career is marked by political and legislative leadership. A 1967 graduate, she served in the House of Delegates from 1969-1974, and in the Senate from 1974 until her untimely death in 1980. She also served as the Legislative Chair of the National Federation of Republican Women. The College of Law honored Ms. Herndon posthumously in 1985 by selecting her to receive its *Justitia Officium* Award, the first woman to receive this tribute.

IV. WEST VIRGINIA COLLEGE OF LAW MODERN WOMEN GRADUATES: FROM 1970 AND ONWARD

During the quarter century that marked the years between 1970 and 1994, the contours of the landscape of the American legal profession were dramatically and irrevocably altered. Nationwide, women began entering law school in significantly increasing numbers in the early 1970s. In West Virginia, women enrolled in the College of Law in ever-increasing numbers, culminating in the arrival of the Class of 1997, composed of 149 students, of which 79, or 53%, are women. In fact, of the 884 women who have graduated from the College of Law as of May, 1994, 93%, or 826, earned their Juris Doctor degree during the last quarter century.³³

Moreover, across the nation and in West Virginia, as women began to assume positions of leadership in the profession, they had a monumental effect on the legal profession, on the society it serves, and on the economic, social, and legal structures of this country. This effect is evidenced by the movement of issues in the areas of domestic relations, equal employment opportunity, sexual harassment, rape and

33. Enrollment and graduation of women during the early 1970s was stable and slight: Class of 1970: 3; 1971: 3; 1972: 3; 1973: 4; 1974: 8; 1975: 10; and 1976: 15. The Class of 1977 was the first to graduate a substantial number of women, twenty-four, and the numbers have achieved steady growth since then: 1978: 29; 1979: 26; 1980: 34; 1981: 29; 1982: 36; 1983: 65; 1984: 43; 1985: 55; 1986: 38; 1987: 43; 1988: 45; 1989: 50; 1990: 46; 1991: 61; 1992: 43; 1993: 46; and 1994: 67.

sexual assault, domestic violence, and children's rights to the forefront of legal and societal concerns.³⁴

In West Virginia, women have begun to take their place among notable lawyers, and are forging new inroads into the legal profession. In the federal system, Irene Keeley, Class of 1980, was appointed a district court judge in 1992, and thus, joins Elizabeth Hallanan on the federal bench. Mary Feinberg serves as a federal magistrate. Rebecca A. Betts, Class of 1976, is the first woman appointed a United States Attorney in West Virginia.

Many women work in influential aspects of state government. In the West Virginia court system, Margaret Workman, Class of 1974, is the first woman to sit on the Supreme Court of Appeals of West Virginia. Lyne Ranson, Class of 1982, and Irene Berger, Class of 1979, serve as Kanawha County Circuit Court judges. Numerous women serve as county prosecutors: Pamela Games-Neely, Class of 1983 (Berkeley County); Shelly DeMarino, Class of 1988 (Gilmer County); Cecelia Jarrell (Lincoln County); Susan B. Tucker, Class of 1977 (Monongalia County); Debra L. Dalton, Class of 1984 (Monroe County); Virginia Hopkins, Class of 1972 (Preston County); and Michele L. Rusen, Class of 1984 (Wood County). A number of women serve as assistant attorneys general. Barbara Harmon-Schamberger serves as Secretary of Education and the Arts, and Gretchen O. Lewis is the Secretary of Health and Human Resources. In state bar governance, Barbara Baxter, Class of 1982, is presently serving as the first woman President of the West Virginia State Bar.

Cynthia L. Turco, Class of 1975, was the first College of Law graduate to earn a partnership in a major Charleston law firm.³⁵ To-

34. For example, Virginia Jackson Hopkins, Class of 1972, inaugurated the Morgantown Rape and Domestic Violence Information Center which serves Monongalia, Preston, Taylor, and Wetzel counties, and a number of shelters and women's resource centers now operate in West Virginia.

35. Ms. Turco was named a partner at Spilman, Thomas & Battle, Charleston, in 1980. She is presently associated with Sumrell, Sugg, Carmichael & Ashton in New Bern, North Carolina, and specializes in employment law, hospital and health law, medical malpractice defense, and general civil litigation. She has published various articles on sexual harassment in trade journals, newsletters, and local newspapers, and is developing a training video on sexual harassment.

day, numerous women work as partners and associates in law firms across West Virginia, and their practices span the spectrum of legal work. Referring to the lives and careers of any of the women who have graduated from the College of Law during the past quarter century runs the risk of excluding other women law graduates from this era whose careers are similarly noteworthy. However, space constraints dictate a reference to the achievements of only a few of the numerous notable women who graduated from the College of Law in the 1970s and early 1980s,³⁶ and who have reached positions of authority and stature in the profession.³⁷

Class of 1971: Diana Everett is a name partner at Ruley & Everett, Parkersburg, and focuses on litigation of insurance and environmental issues. Ann Thompson Markusic of Morgantown is a Workers' Compensation administrative law judge. Delby Parker Pool, a sole practitioner in Clarksburg, is recognized as one of the outstanding domestic relations lawyers in America,³⁸ and is a Fellow in the American Academy of Matrimonial Lawyers. She also focuses on employment law.

Class of 1972: Charlotte R. Lane is of counsel with the firm of Dodson, Riccardi & Lutz in Charleston, and has served as a member of the West Virginia Legislature in three decades: 1979-1980, 1985-1986, and 1991-1992. Recently, she was elected to the Executive Council of the West Virginia Bar Association, the first woman to hold a position on the Executive Council. Marjorie C. Martorella is currently the Chief Counsel for the West Virginia House of Delegates Government Organizations Committee.

36. The date of 1982 was selected as a cut-off for several reasons. First, in subsequent years, increasingly large numbers of women entered law school, which makes a compilation of the accomplishments of post-1982 graduates a very difficult task. And second, women who have been practicing law for almost thirteen years have begun to assume positions of power and prestige in the practice of law. Information concerning the accomplishments of many of the WVU women law graduates is included in the College of Law Library archives.

37. Unless otherwise indicated, all information was gleaned from MARTINDALE HUBBELL (1994) and from College of Law alumni records.

38. THE BEST LAWYERS IN AMERICA 1182-90 (1995-1996).

Class of 1973: Susan Young Dodd is a partner in the Wheeling firm of Goodwin, Dodd & Paul and concentrates her practice in the areas of litigation, insurance (defense and plaintiffs), domestic relations, and juvenile issues. Priscilla Hale Gay is the Chief Administrative Law Judge of the Office of Hearings & Appeals for the West Virginia Department of Tax & Revenue.

Class of 1974: Elizabeth Mason Martin served as a member of the West Virginia Legislature from 1981-1986 and recently completed a term as Monongalia County Commissioner.

Class of 1975: Deborah K. Garton is a name partner in the Bluefield firm of Hensley, Muth, Garton & Hayes, and was the third woman to join the Mercer County Bar, following pioneer women lawyers Harriet French, Class of 1930, and Elinor Ritz McQuail, Class of 1933. Her practice focuses on social security disability and domestic relations work.

Class of 1976: Rebecca A. Betts served as an Assistant United States Attorney for the Southern District of West Virginia from 1977-1981, and was Chief of the Civil Division from 1979-1981. She served as a name partner at King, Betts & Allen, Charleston, until she assumed the position of United States Attorney for the Southern District of West Virginia in 1994. Regina L. Charon heads her own firm in Morgantown, and her practice focuses on cases involving employment and family law, personal injury, and social security. Nancy L. Hill served as an Assistant United States Attorney for the Southern District of West Virginia for thirteen years and received, among other awards, the United States Attorney General's Award for Distinguished Service. She is a name partner at Carey, Hill & Scott, and practices criminal defense law. Ann R. Snyder is a name partner in the Kingwood firm of Everhart, Brown & Snyder, and practices in the areas of real estate and banking. Karen L. Watson was a partner at Goodwin & Goodwin, Charleston, and has now assumed the position of Attorney at the West Virginia Division of Environmental Protection, Office of Air Quality.

Class of 1977: Susan Cannon-Ryan is a co-founder of the Charleston firm of Caldwell, Cannon-Ryan & Riffée, and specializes in bankruptcy law. Diana L. Fuller, after practicing with a large firm in Tampa, co-founded the firm of Smith & Fuller, and litigates construction,

commercial, and products liability cases. Christine M. Hedges is a name partner in the Spencer firm of Hedges, Jones, Whittier & Hedges, and practices in the area of family law. Susan L. McLaughlin is a name partner in the Fairmont firm of McLaughlin & Curry and practices in the areas of social security, workers' compensation, and employment law. Taunja Willis Miller was the first woman to earn a partnership at Jackson & Kelly, Charleston, in 1984. She served as Secretary of Health and Human Resources from 1989-1991, and then rejoined Jackson & Kelly. Her practice areas include commercial transactions and general business law, health care law, and government law. Linda S. Rice is a name partner at Robinson & Rice in Huntington, and practices in the area of employment law. Sarah E. Smith is the first woman partner at Bowles, Rice, McDavid, Graff & Love. Her practice focuses on workers' compensation law. She also serves as the Chair of the Board of Directors for the Charleston Chamber of Commerce, the first woman to hold this position.

Class of 1978: Barbara Lupton Allen was the first woman to win the College of Law Baker Cup in 1977. She now practices with her husband in the Charleston firm of Allen & Allen and does personal injury and criminal defense work. Rebecca A. Baitty is a name partner in the Sarasota firm of Lutz, Webb, Bobo & Baitty. Teresa R. Camilletti is a partner in the Wheeling firm of Schrader, Recht, Byrd, Companion & Gurley, and concentrates her practice in the area of estate planning. Barbara Groves Mattox, after several years with a large Washington, D.C. law firm, served as tax counsel to the United States Senate Committee on Finance, and then co-founded the Washington, D.C. firm of Davis & Harmon. Kim Brown Poland, named one of the "best lawyers in America" in the area of Natural Resources and Environmental Law,³⁹ is a partner in the Charleston firm of Robinson & McElwee, concentrating on environmental issues. E. Paige Weber is Deputy Counsel to the Chief Judge of the United States Tax Court in Washington, D.C.

Class of 1979: Lea Elizabeth Anderson was the first woman elected West Virginia University Student Body President, and served during

39. *Id.*

the 1975-1976 academic year. She is a partner in the Pittsburgh firm of Goehring, Rutter & Boehm and practices in the areas of corporate law, estate planning, family law, and labor law. Kathryn R. Bayless has her own firm in Princeton and specializes in personal injury law, education law, workers' compensation, and social security disability.⁴⁰ Connie A. Bowling is the first woman to serve as Deputy Clerk of the Supreme Court of Appeals of West Virginia. Marcia Allen Broughton is a name partner in the Clarksburg firm of Johnson, Simmerman & Broughton and specializes in tax and estate and trust law. Anna Marie Dailey was the first woman partner in the Charleston firm of Smith, Heenan & Althen and litigates in the areas of environmental law and labor law. Jessica L. Justice now serves as the College of Law Assistant Dean for Continuing Legal Education, and has taken the program to national prominence during the fifteen years she has served as its director. She is a member of the Board of Directors of the American Judicature Society, and was the first woman selected to the American Judicature Society from West Virginia. Dina M. Mohler is a partner at Kay, Casto, Chaney, Love & Wise and practices in the areas of criminal law, employment law, and medical malpractice defense. Debra L. Hamilton is a partner at DiTrapano & Jackson, Charleston, and works primarily in litigation. Joyce F. Ofsa is a partner at Spilman, Thomas & Battle, and practices in the areas of real estate, general corporate practice, land use and zoning law, and title insurance. Elizabeth A. Pyles is a name partner in the Parkersburg law firm of Pyles & Auvil and practices in the areas of family law and employment litigation. Elizabeth H. Rose is a name partner in the Fairmont firm of Rose, Padden & Petty. She served as President of the Marion County Bar in 1990-1991 and of the Defense Trial Counsel in 1993-1994. Her practice focuses on insurance defense, real estate, and probate law.

Class of 1980: Laura E. Beverage is the managing partner at Jackson & Kelly's Denver office. Ellen Susan Cappellanti, Jackson & Kelly partner, is recognized as one of the nation's leading bankruptcy and

40. In 1977, Kathryn R. Bayless and Rebecca A. Baitty, Class of 1978, were the finalists in the Baker Cup Competition, marking the first time two women competed against each other in that competition's final round.

commercial lawyers.⁴¹ Cheryl L. Henderson practices in the Huntington firm of Henderson, Henderson & Staples. Her specialties include domestic relations, personal injury, real estate, and bankruptcy law. Barbara Jo Keefer is the managing attorney at USF&G Insurance Company, Charleston. Neva Gail Lusk is a partner at Spilman, Thomas & Battle, where she practices general litigation. Carrie L. Newton is a partner with Goodwin & Goodwin. Helen Beth Sears is a name partner in the Ripley law firm of Hancock & Sears, and engages in general practice.

Class of 1981: Donna P. Grill is counsel for Exxon Company, Houston. Lisa Furbee Ford is Assistant District Counsel, United States Department of Justice, Immigration and Naturalization Service in Miami.

Class of 1982: Anita R. Casey is the managing partner at Meyer, Darragh, Buckler, Bebenek & Eck, Charleston. Her practice includes insurance, lemon law, and appellate practice. Robin Jean Davis is a name partner in the Charleston firm of Segal & Davis. Recognized as one of the outstanding domestic relations lawyers in the country,⁴² her areas of specialization include domestic relations, ERISA, and employment law. She serves as a member of the West Virginia Board of Law Examiners. Barbara Evans Fleischauer is a sole practitioner in Morgantown, specializing in labor law. She served as President of the West Virginia chapter of the National Organization for Women until 1994, and was elected to the West Virginia Legislature as a Delegate in 1994. Ann L. Haight is the first woman partner at Kay, Casto, Chaney, Love & Wise, and litigates in medical malpractice defense. Karen Hamrick Miller heads her own firm in Charleston, and emphasizes labor, employment, and workers' compensation law. She served as President of the Kanawha County Bar Association in 1991-1992. Nancy Anderson Houston is a member of the Monongalia County School Board. Juliet Walker Rundle served two years in the West Virginia Senate from 1989-1990, and is a sole practitioner in Pineville.

41. THE BEST LAWYERS IN AMERICA, *supra* note 38, at 1182-90.

42. *Id.*

The landscape is irrevocably altered at the College of Law as well. The College of Law has appointed its first woman Dean and first woman Associate Dean.⁴³ Of twenty-eight full-time faculty members, nine are women.⁴⁴

Research into the lives and careers of West Virginia women lawyers is continuing, and two significant products of this research are available.⁴⁵

43. Teree E. Foster was appointed Dean in July, 1993, and Marjorie A. McDiarmid assumed the role of Associate Dean in August, 1994.

44. In 1950, only five of 1200 law professors were women. In 1960, eleven of more than 1600 law professors were women. These women taught primarily family law, trusts, estates, and legal research. The numbers of women law faculty members increased in the 1970s, from 129 (3.7%) in 1972 to 269 (6.9%) in 1975. Fossum, *supra* note 3, at 254-55. In 1992, women comprised 35% of all full-time law faculty members and 26% of part-time faculty members. LINDA J. ZIMBLER, NATIONAL CENTER FOR EDUCATIONAL STATISTICS, U.S. DEPT. OF EDUCATION, FACULTY AND INSTRUCTIONAL STAFF: WHO ARE THEY AND WHAT DO THEY DO? 14-16 (1984).

The first woman to join the College of Law in a tenure track faculty position was Patricia Hassett, in 1973. After two years, she accepted a teaching position at her alma mater, Syracuse, and she remains on that faculty today. Margaret Kelly, the second woman tenure track faculty member, joined the College of Law faculty in 1975, and moved to Whittier law school after two years. Margaret Mahoney, now Professor of Law at the University of Pittsburgh School of Law, was the third woman to serve as a WVU law professor, from 1976-1978. Laura Rothstein, now Professor and Associate Dean at the University of Houston Law Center, served on the WVU faculty from 1980-1986, and was the first woman granted tenure. Marie Ashe was a faculty member from 1985-1992, and was the first, and to date the only, woman named to a professorship. Marion Crane was a faculty member from 1986-1990. Joan Van Tol served as Director of the Legal Research and Writing program from 1987-1991. Nancy Goldberg served as a Legal Research and Writing Lecturer from 1991-1992.

Present women faculty members, and the date each joined the faculty are as follows: Marjorie A. McDiarmid (1980); Camille M. Riley, Library Director (1986); Emily A. Spieler (1990); and Grace Wigal (1990); Ann Maxey (1991); Lisa Eichhorn (1992); Lisa Kelly (1992); Teree E. Foster (1993); and Cynthia Mabry (1994). Women who have served in the position of William J. Maier, Jr. Visiting Professor of Law include: Inez Reed (1985-1986); Joan Krauskopf (1986-1987); Judith Kofler (1989-1990); Marilyn Yarbrough (1991-1992); and Linda Greene (1992-1993).

45. See *supra* note 2, describing the history/directory of all WVU women law graduates and the documentary video, entitled *Mountaineer Women and the Legal Profession*, that documents the role and contributions of West Virginia women graduates to the legal profession and to the communities in which they lived and worked.

Undoubtedly, the ability of women to enter the legal profession and to broaden the parameters in which women might succeed as lawyers is ascribable to the those women of personal mettle and adventuresome spirit who entered the legal profession in the past, and who forged a path for women to follow today. Describing the lives and careers of these early women law graduates is an informative, inspirational story, and one that will continue to unfold in the decades to come.

