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Foreword

Ada L. Sawyer: The Providence Portia

Denise Aiken*

On September 24, 1920, Miss Ada L. Sawyer, the personal secretary of Rhode Island Bar member Percy Winchester Gardner, sat for the Rhode Island Bar exam. She did so without the benefit of attending college or law school. She was the only woman in the room. Of the twenty-two people taking the bar exam that day, twelve passed. Among them was Miss Ada Sawyer. She was the only one of those who passed who had not gone to either college or law school. The twelve new lawyers were notified in November, and on November 14, 1920, the Providence Journal published an article about the first woman lawyer to be admitted to the state's bar. That paper dubbed Miss Sawyer the "Providence Portia."

In 1920, many states including Rhode Island still allowed its applicants to "read" the law. This process entailed spending three years under the tutelage of a member of the bar after filing a registration with the bar association. Percy W. Gardner was Ada Sawyer's employer and tutor. However, when Ada went to take the exam, the board of bar examiners balked. After all, the rules stated that any *person* could read the law. Was a woman a person? They required a letter from Supreme Court Associate Justice (and later Chief Justice) William H. Sweetland that . . . "After consideration, we are of the opinion that the word 'person' contained in the rules regulating the admission of attorneys and counselors should be construed to include a woman as well as a

* Editor's Note: The foreword is adapted from Denise C. Aiken, *Ada L. Sawyer: The Providence Portia*, 59 R.I. B. J. 31, 31-32 (2010).

man . . .” Since Ada L. Sawyer was found to be a person, she could sit for the exam.

Ada Sawyer had gone to work for Percy Gardner on the day after she graduated from high school in 1909. They moved into the Turk’s Head Building when it opened. When she passed the bar exam her name went on the door, Gardner & Sawyer. Percy Gardner and Ada Sawyer still have their names on the door in the Turk’s Head Building, along with the names of Robert Gates and James Sloan, the young attorneys that Ada hired in 1953 and 1955.

While her practice centered around corporate matters, banking, trust estates, and probate, Ada recognized that the law, and lawyers, were not always kind to women. In an interview with the *Evening Bulletin* on April 7, 1921, Ada stated, “[i]t may be interesting to know that there have been twice as many women as men to consult me; and that those of my own sex who have come to me, not only have evinced confidence in me, but have preferred to talk with a woman rather than a man.” The interviewer also asked Miss Sawyer about women serving on juries, for which Judge Hahn considered women to be unfit. While Ada demurred from giving an opinion because her only trials thus far had been with a judge sitting without a jury, she said, “. . . and until I knew more of the workings of the minds of men jurors I could not compare them with my idea of what women might do. As far as their mentality is concerned, however, I think that the average woman compares very favorably with the average man juror.”

By the time Ada Sawyer was admitted to practice before the U.S. Supreme Court in 1925, she was the President of the Rhode Island Federation of Women’s Clubs, a member of the Women’s Republican Club (to which she was the legal adviser), the Gaspee Chapter of the Daughters of the American Revolution, the Four Leaf Clover Club, and the Providence Plantations Club. She also served as a member of the Wakefield Area Advisory Board of the Industrial National Bank and was a director of seven other Rhode Island corporations.

Ada Sawyer often lectured area organizations and as early as January of 1937, she told the Barrington Unit of the Rhode Island League of Women Voters that the current laws dealing with marriage, divorce, guardianship, and property rights were unfair

to women. She told them that the special commission set up in 1926 to revise the marriage laws had failed to accomplish anything.

Governor Pothier gave Ada her opportunity to have a direct impact on the law when he named her to the Rhode Island Children's Laws Commission, which was part of the move to reform the Rhode Island labor laws relating to minors. Miss Sawyer had drafted the bill creating that commission.

All of this time, Ada Sawyer and Percy Gardner were trying cases dealing with the banking industry in front of the Rhode Island Supreme Court. While Judge Hahn may not have thought women were fit to serve on a jury, he did write a dissenting opinion in favor of Miss Sawyer's client in the case of *Gilmore v. Prior*, 52 R.I. 395, 161 A. 137 (1932). Overall, Ada Sawyer brought thirteen cases to the Rhode Island Supreme Court between 1921 and 1959 as either counsel or litigant. The decisions read like a "Who's Who" of Rhode Island practitioners.

The honorary degree of Doctor of Laws from Brown University that she received in June of 1964 came with the following citation: "Your quiet example has inspired others to follow your path and has helped to bring about equality in fact as well as theory. We honor what you represent, and what you have done privately and publicly to serve your clients and your community." Ada Sawyer retired from the world of law that she had entered in 1909 as a stenographer in February of 1983. When she died on May 13, 1985 at the age of 93, Rhode Island lost its "Providence Portia."

In celebration of the 90th anniversary of Ada Sawyer's admission to the Rhode Island Bar, this Rhode Island edition of the Roger Williams University Law Review focuses on the progress women have made in law, and what remains to be done to achieve parity. The edition includes a diverse collection of articles pertaining to women in law, authored by female Rhode Island attorneys. Additionally, the edition contains a personal memoir, detailing the life of a Rhode Island attorney's mother who became an attorney in 1933 in Louisiana. Two student publications highlight major Rhode Island Supreme Court decisions regarding Rhode Island tort law and state constitutional issues. Finally, the last section of the edition is comprised of a collection of Rhode Island "Surveys" that provide commentary on

recently decided Rhode Island Supreme Court decisions, as well as a review of 2010 Rhode Island “Public Laws of Note.”