

THE DAILY RECORD

LAW, REAL ESTATE, FINANCE AND GENERAL INTELLIGENCE SINCE 1908

Is there really a need for a women's bar association today?

BY SARA STOUT ASHCRAFT
DAILY RECORD COLUMNIST

New GRAWA President Sara Stout Ashcraft presented the following remarks during last month's installation dinner:

No rational person can dispute that women are at a disadvantage in many careers.

We know that women earn 76 cents for every dollar men earn — by the way, that is down from 78 cents last year. We also know that women historically have been kept from entry into many professions, including the law.

However, as president-elect for a women's bar association I have been asked, "What is the purpose of a women's bar — or any specialty bar — today? Women and minorities are active members of the American Bar Association, the New York State Bar Association, and the Monroe County Bar Association.

Haven't the specialty bars lost their purpose?" I want to address that question.

First, I want to talk about women as lawyers. As I stand here among so many prominent and respected women judges and attorneys, it seems like official discrimination against women lawyers occurred sometime in the distant past, but that isn't true.

Here is a brief catalog of the status of women lawyers in America:

- ♦ 1638: Margaret Brent became the first woman lawyer in America. She was involved in more than a hundred court cases in Maryland and Virginia. Unfortunately, despite her accomplishments and the fact that she was a major landholder, she was denied a vote in the Maryland Assembly.

- ♦ 1745: Susanna Wright, a Pennsylvania frontierswoman served as legal counselor to her mainly illiterate neighbors, drawing up wills, deeds and contracts.

- ♦ 1797: Lucy Terry Prince, a former slave, appeared before the U.S. Supreme Court in a property dispute. Although she had an attorney, Prince presented the oral argument herself, becoming the first woman and possibly the first African-American to argue before the Supreme Court.

- ♦ 1848: Myra Clark Gaines appears before the U.S. Supreme Court and argues her own case. Her opponent is

GRAWA PRESIDENT'S MESSAGE



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the fabled lawyer Daniel Webster. Gaines wins!

- ♦ 1869: Mary E. Magoon has her own law office in Iowa. Although Magoon was not admitted to the formal bar, such admission was often not needed for local practice. No one knows how many women practiced under this unofficial status.

- ♦ 1869: Belle A. Mansfield becomes the first woman lawyer to join a licensed bar in the United States by passing the Iowa Bar examination after informal study. That same year Myra Bradwell applies to the Illinois Bar but is rejected on the grounds that she is a woman.

- ♦ 1870: Ada Kely becomes the first woman to earn a formal law degree, graduating from Union College of Law — now Northwestern University.

- ♦ 1870: Ester McQuigg Morris becomes the first woman judge in the country when she is appointed Justice of the Peace in a small Wyoming town.

- ♦ 1872: Charlotte Ray becomes the first woman admitted to the Bar in the District of Columbia as well as being the first African-American woman admitted to the formal bar anywhere in the country.

Sounds like we're finally making progress, right? **But:**

- ♦ 1873: The Supreme Court holds that states may statutorily deny women the right to practice law.

- ♦ 1886: The Equity Club is founded. It is the first professional organization for women lawyers.

- ♦ 1893: Belva Lockwood, admitted to the Supreme Court Bar in 1879, is denied the right to join the Virginia State Bar due to her sex. The Supreme Court reaffirms its 1873 decision allowing states to bar women from legal practice.

- ♦ 1922: Florence Ellinwood Allen of Ohio is the first woman elected to a state Supreme Court. In 1934 she becomes the first woman to sit on the federal appellate bench.

- ♦ 1949: Burnita Shelton Matthews is the first woman to sit on the federal trial bench.

Getting better, right?

But it was 1993 before Janet Reno was appointed as the first woman U.S. Attorney General!

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We do still need women's bar associations. At the very least we need women's bar associations until such time as women achieve true parity with men as lawyers, as partners in law firms, as judges, as district attorneys, as attorneys general.

More than 50 percent of students in law schools are women. Until women lawyers achieve at least 50 percent of all the positions in the legal field, we need a women's bar association.

No matter how concerned a general bar association is for its women members, it simply cannot represent all the concerns of women lawyers. A general bar association by its very definition represents lawyers in general. And I want these associations to do that; I belong to these associations because I want them to do that. Also, don't get me wrong — I want the ABA, the NYSBA, and the MCBA to support and represent women attorneys, and they do. But a general bar association cannot be all things to all people or even all things to all its members. If a general bar association were to address all its members' concerns, it would be immobilized trying to cope with everything.

That's where women's bar associations and other specialty bar associations come in. We can be more focused. We can spend more time on issues that are of particular concern to our members. But we need to remember that we can only do that so long as we don't try to be all things to all people.

We are the Greater Rochester Association for Women Attorneys. As president of GRAWA, it is my hope that we can focus on particular projects that help women lawyers.

One thing, I would like to see our mentoring project grow. We all know that the way lawyers get ahead is by becoming known and making contacts in the legal community. We need to help women lawyers do that.

I believe that our Chamber Chats program also needs to be encouraged — for the same reason: It's all in who you know. I want to support renewed efforts in our project to help women lawyers get into judicial positions.

We need to help women who are interested in judgeships to find out how the system works, what needs to be done to get into a track for judicial office. Again, it's all in who you know.

Consequently, I am requesting our members become active in helping other members achieve what they want and what they deserve as lawyers. Specifically, I am asking each of our members to make a special effort to reach out to do what that person can do for women attorneys.

And I also want members of GRAWA who are men — and I am very heartened you chose to join GRAWA — to be part of this. Everyone, please volunteer. If you don't volunteer, you will be directly asked to help. And as some of the members of the upcoming Board of Directors can attest, I can be pretty persistent!

In closing, I want to say that I am honored to be chosen to be president to this association. I only hope that I can begin to live up to the legacy that our previous presidents have provided.

Sara Stout Ashcraft is a partner in Ashcraft, Franklin & Young, LLP. She concentrates her practice in the areas of matrimonial and family law.