

To the Bag

Getting In

This from 2 Green Bag 181 (1890):

The following letter from Miss Robinson forms an interesting appendix to her valuable paper on "Women Lawyers in the United States," published in our January number [2 Green Bag 10 (1890), reprinted in 2 Green Bag 2d 68 (1998)]:

Dear "Green Bag":

Is it any wonder that perfectly honest witnesses are so often unreliable when we ourselves, with the best intention of speaking truth, slip up so badly on the treacherous ice of cold facts? I think that even from a casual glance at my paper on "Women Lawyers" in your January number of the current year, it must appear that I used as much care in its composition as I would in preparing the declaration in my very best case for my very best client, and yet it proves to be demurrable in one point, and probably in others. My "sister-in-law," Mrs. Marion Todd, is stated by me to have graduated at the Hastings College of Law in San Francisco, when the fact is that though she studied two years in that school, she did not remain the third year for graduation, but applied for and obtained her license to practise upon examination by the Supreme Court. By her request I make this correction, and the further statement also that her work for the Knights of Labor has been of minor importance compared to

her labors in the field of politics generally. Mrs. Todd has left Michigan, and is now located at Chicago, Ill., where she has accepted a position on the editorial staff of the "Express" of that city.

With all my endeavors to gain full information concerning the States where women are admitted to practise law, I did not learn of Montana, where a bill to that effect was passing the Legislature at the very time when I was writing my article. The bill became a law; and Miss Ella J. Knowles, of Helena, immediately took the bar examination and was admitted. I understand that Miss Knowles is a New Hampshire woman. She graduated from the State Normal School of New Hampshire, and in 1884 from Bates College, in Lewiston, Me. She studied law in an office in Manchester, N.H., and afterward continued her legal studies for two years in the office of J.W. Kinsley, Esq., of Montana. The "Helena Independent" says of her: "Miss Knowles passed a very severe and most creditable examination. Her examiners say that not one question was missed in her answers."

Mrs. Martha Strickland, of Detroit, Mich., has recently won a case in the Supreme Court of her State which has been sharply contested for two years, and her able handling of it has attracted much attention to her. She has been in practice about seven years, during three of which she was assistant prosecuting attorney of Clinton

County, and actively engaged in all the criminal prosecutions, at the same time carrying on with the prosecuting attorney a good civil business in law and chancery. In 1887 Mrs. Strickland was chairman of the committee for examining candidates for the bar in Detroit.

The Legislature of Virginia has refused to pass the bill to allow women to practise law in that State, the Senate killing it on the final vote by a small majority. If I remember rightly, Virginia is the only State except Pennsylvania which has not passed such a law when requested. There is talk of passing a private bill for the exclusive benefit of Mrs. Annie Smith, of Danville, who is seeking admission.

In a newspaper interview with Mr. P.A.L. Smith, himself an attorney and husband of the lady, he is reported to have said concerning the argument that the admission of women to the legal fraternity will seriously interfere with woman's domestic affairs: "This is all bosh, - for in the first place, she may not have any domestic affairs to look after; and in the second place, she herself is the best judge as to whether it pays her better or suits her better to look after other business and pay some one to keep an eye on domestic affairs. One or two little domestic affairs," remarked Mr. Smith with a smile, "are not expected to occupy all of a smart woman's attention, and in the

mean time why shouldn't she be allowed to practise law if she wants to? My wife has studied hard, prepared herself for the bar, and is fully competent to stand the legal examination required of men; and I see no reason convincing to me why she should not practise. She has studied at my request, and anything I can do to secure her admission to the bar will be done."

Who would not be willing to stand up in a horse-car when this new nineteenth-century gallantry is given us in exchange for the old superficial kind!

Mrs. Kilgore, of Philadelphia, has been admitted to the bar of the United States Supreme Court since the date of my article, making the fourth woman to receive this honor.

Miss Alice Parker, of Lowell, recently of the San Francisco Bar, has been admitted to the bar of Middlesex County, Massachusetts, and I had the pleasure of making the motion for her admission. She is the third woman to be admitted in Massachusetts, and the first in Middlesex.

In the face of all the facts concerning women lawyers in this country, what do you suppose, dear "Green Bag," that I read in my last letter just received from

Mlle. Marie Popelin, Docteur en droit, of Brussels, who having been finally refused admission to the order of advocates by the Supreme Court on appeal from the decision of the lower court, is now working to gain recognition through the legislature? Mademoiselle Popelin says that a friend of hers, wife of an eminent member of the Chamber of Representatives, and herself much interested in "la cause de la femme," while traveling last fall in Italy and Greece, met an American lady who said to her: "Mais il n'y a pas de femmes avocats aux États-Unis. Ce que vous me dites est inexact, puisque, moi, Américaine, je n'en ai jamais entendu parler de femme avocat."

LELIA JOSEPHINE ROBINSON

And now, back to the present:

To the Bag:

Arthur Austin is a shy, retiring sort, and he wouldn't write you himself. But I can tell he's bothered that his name hasn't yet appeared in Brian Leiter's academic gossip column in the *Bag*.

What more does a guy have to do to get noticed by the top schools (and therefore by Professor Leiter)? Austin has published

several pieces in the *Bag* – peculiar articles to be sure, but ones that survived your rigorous review process. Austin's also the founder of the Cleveland School of Legal Scholarship, something that's been noted in a headline or two in the *Bag* (and that's caused quite a stir in the eastern suburbs of Cuyahoga County). Why haven't the folks in Cambridge, New Haven, and Hyde Park picked up the phone? At least Austin should have attracted an inquiry from Vanderbilt and Northwestern, schools that seem to be turning over their faculties every couple of years.

Something's very wrong. Will every legal academic who reads this letter please call and ask Austin (who'll answer to Arthur or Art), with a telephonic cc to Brian Leiter, whether he might be interested in a move? He'd feel much better, and you wouldn't actually have to offer him anything. Thank you very much.

Oh, by the way, Leiter hasn't mentioned me either, but that's probably because I'm not interested in the phony prestige and high salaries of the top ten.

Very truly yours,

ERIK M. JENSEN

Professor of Law

Case Western Reserve University