

Excerpts from

Rough Road to Justice

The Journey of Women Lawyers in Texas

BY BETTY TRAPP CHAPMAN

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Pushing the Gate Open

A most unusual headline appeared in the *El Paso Herald* on May 20, 1902. In bold letters it announced, "A Woman Lawyer Qualifies for Practice in This City." Mrs. Edith W. Locke had applied to the courts in El Paso County for admission to the bar. A panel of three judges had given her, according to the article, "a most searching examination ransacking all of the law from the foundations of the Roman Empire through the English common law and down to the latest Texas statutes." On completion of the examination, the jurists praised Mrs. Locke's answers on every principle of law and granted her a license, presumably making her the first female lawyer in Texas. Edith Locke had previously taught school in Nebraska and Iowa, where she became interested in the study of law. After marrying, she lived in Chicago and worked in the advertising department of Marshall Field & Co. When her health failed, she moved to the warmer climate of El Paso where she had family members. In her interview for the *El Paso Herald*, she indicated that she took up the study of law as a "pastime." There is no record of Edith Locke having eventually practiced law in Texas, but she did prove — like Iowa's [Arabella] Mansfield before her — that a woman was capable of learning the law. This fact was still in dispute in much of the country.

In the early twentieth century, the status of women continued to be defined principally by their roles in the family. They had little or no access to higher education or professional

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employment and were completely excluded from the political process. Under the common law, women lost their economic independence when they married and were considered subject to the control of their husbands. Thus, many women were isolated within the confines of marriage. Most professions were closed to them by virtue of their gender and lack of education, and the demands of raising large families precluded regular work outside the home. While single women were not constrained by the legal hardships of marriage, they too were deemed unfit for the "tough and aggressive" endeavor of practicing law. Women were seen as being nurturing and gentle and therefore not good candidates for such a combative profession. When single women worked outside the home, they were expected to engage in employment "suitable to the female temperament," such as teaching or nursing.

Practicing medicine was considered closely related to nursing as a nurturing profession. Female physicians explained that their medical careers simply extended their womanly responsibility to care for family health. In addition, they argued that it was only because they were women that they could understand the pain and suffering other women endured from gynecological ailments. Moreover, they insisted, only a woman physician could protect the modesty and virtue of a sick woman. In an age that placed a high value on feminine modesty, women doctors argued that women often chose to endure their pain rather than seek the care of a male doctor. Women lawyers, however,

did not find it so easy to argue that the practice of law was a natural extension of a woman's proper place. It is no surprise, then, that at the turn of the century reports show Texas had one hundred women physicians, but no female lawyers.

Higher education for women was also controversial. Some advocates claimed that education made women better wives and mothers and gave single women the tools they needed to be self-supporting. In contrast, critics voiced concern that educating women posed a serious assault on marriage and the family, pulling women from the home into the workplace. More deceptive criticism insisted that women were biologically inferior to men and could not withstand the physical and mental demands of a rigorous educational curriculum. A Harvard University physician went so far as to claim that excessive study diverted energy from the female reproductive organs to the brain, causing a breakdown in women's health and threatening the existence of future generations. Critics pointed out that fortunately little education was required for most work performed by women. Teaching did not require a college degree at that time, and professions like law were not considered suitable for women whose separate sphere demanded piety, purity, domesticity, and submissiveness.

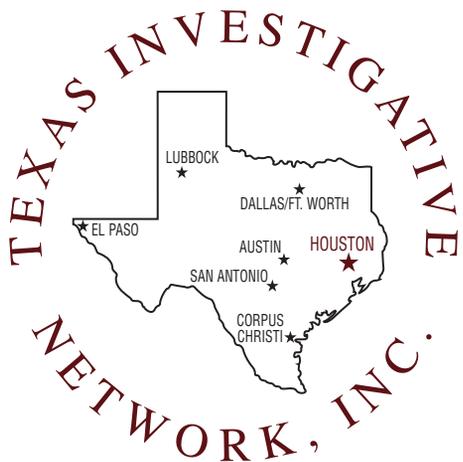
Traveling the Narrow Road

With the advent of World War II in late 1941, millions of men went off to fight, and women were urged to help the war effort by replacing men in the workplace. Three million women across the country answered the call. Most took jobs in the war plants, building airplanes, tanks, and guns. Movie newsreels and the press glorified them as patriotic "Rosie the Riveter." Other women joined the military. While women had previously been told by child-rearing experts to stay home and care for their children, they were now being told their children were better off when their mothers worked outside the home. Signs of change appeared as well in the legal profession. As enrollment dropped in law schools overall, women were encouraged to attend to help maintain tuition income. Therefore, the number of women in Texas law schools increased slightly. Furthermore, in the absence of men there were a few additional openings for jobs in the legal field.

When Pearl Harbor was bombed on December 7, 1941, scores of young men immediately joined the military. Three of those enlistees happened to be the briefing attorneys for the Texas Supreme Court. In the widespread absence of male attorneys, women were suddenly considered satisfactory replacements. Although there was a shortage of women law graduates at the University of Texas at the time, most had not been able to find jobs in the legal field. Consequently, it was not difficult to find three qualified female lawyers. Mary Kate Parker, Ione Stumberg, and Virginia Grubbs, all law graduates from the University of Texas, were hired to fill the positions of briefing

attorneys with the stipulation that they must give up the job when the men returned from military duty. Parker had graduated with highest honors from law school in 1934 at the age of nineteen. Stumberg had graduated second in her class in the 1937 class. Having married and become a mother, she was not practicing law in 1941 when the vacancy occurred in the offices of the Texas Supreme Court. The youngest of the triumvirate was Virginia Grubbs Noel, a 1942 graduate who married a month after assuming the job. She had worked her way through law school in the attorney general's office as a legal secretary, as a file room clerk, and finally as editor of the attorney general opinions.

As the war stretched into years — a reality most of the country did not anticipate — a second shift of briefing attorneys was hired. Beth O'Neil, a University of Texas law graduate in 1944, worked as a briefing attorney from October 1944 until April 1945. Mel Ruth Ramsey, a 1945 graduate, worked from March 1945 until November of that year. Ramsey remembered, "At first they gave us very little to do. Then, they let us read opinions of the courts of civil appeals for review. Finally, Chief Justice Alexander let me do some briefing for him." But, true to its word, the court returned the positions to male attorneys after the war. The women, indeed, had been



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merely temporary replacements. Records show, however, that the Texas Supreme Court's backlog of cases declined during those years.

After this unprecedented experience, where did these women journey next in their legal careers? Mary Kate Parker Wall remained with the Texas Supreme Court as secretary of the court at an increase in salary and then served again as a briefing attorney for the court. In 1949, Wall joined the attorney general's office, where she was a member of the team assigned to *U.S. v. Texas*, 339 U.S. 707 (1950), commonly known as the Tidelands case. She later worked in the Texas Legislative Council, specializing in election law legislation. Ione Stumberg did not return to practicing law until after her husband's death. She worked first in the law library at the University of Texas and then became an assistant attorney general. In 1971, Stumberg accepted a position with the Texas Senate to review proposed legislation to ensure its compatibility with existing laws. She continued in this role for seventeen years, retiring at the age of eighty-five. Stumberg's daughter later commented, "Had she been born thirty years later, she would have had a very different career. But she was never bitter or upset about it, but accepting." Virginia Grubbs Noel joined the Houston firm of Baker Botts Andrews & Wharton, where she practiced in the field of railroad litigation and was reportedly the first woman to try a case for the firm. Noel remained there for three years and then taught part-time at the University of Houston Law Center until the birth of her fourth child, after which she left the active practice of law. Beth O'Neil did not practice after the war in either Texas or New Mexico, where she had moved. Mel Ruth Ramsey worked in the University of Texas law library until her husband graduated from law school. The couple then established an office in Hereford, specializing in tax law. Whether these women's experiences at the Texas Supreme Court had an impact on their careers is not known, but they cracked open doors for women coming along behind them. ...

It is somewhat surprising that women would see a law career, with all of its hurdles, as a desirable pursuit. Flora Salado had personal obstacles in addition to those posed by the profession itself. Salado, however, was determined to change her life. During the Depression she and her family lived in St. Louis, where Salado was an isolated housewife with three young children. Typical of many women at the time who were completely dependent on their husbands, she did not drive, and she could not write checks. When her husband lost his job during the Depression, Salado worked in a department store for fifty cents a day and sold cosmetics door to door. The family moved to Dallas in 1932, and in 1936 Salado was hired to sell tickets to the Texas Centennial celebration. She had to purchase the tickets in advance at a cost of \$300. A judge whom she had met agreed to lend her the money. She had great success in selling the tickets. The judge was so impressed with her energy and ambition that he encouraged her to study law at one of the evening law schools. It took her four years while

working by day in a law firm. On November 11, 1941, Flora Salado was sworn in by Judge Sarah Hughes. She was forty-one years old and the mother of three teenagers. Her advice to others was, "Don't wring your hands ... go after it!"

Even after bar associations indicated they were willing to admit female attorneys, many of these women felt they were not truly welcome at meetings and other activities. By 1940 twenty-one women were working as lawyers in Houston. Yet the role of women in the local bar association remained limited, and they did not enjoy the privilege of full participation that male lawyers experienced. Women attorneys in Dallas experienced a somewhat easier entrance into the local bar association. Helen Viglini was elected to membership in 1920 by a unanimous vote. On the day she was elected, a toast entitled "Women and the Law" was offered at the meeting. By 1936 the Dallas Bar Association listed sixteen women on its membership roster, yet women were not always welcome at events. Sarah Menezes related the story of how men attending a conference with her tried to keep her from meetings in rooms where the men would be drinking. Rather than admit that they did not want women in their gatherings, they insisted this was being done for her protection. It appears that bar associations in smaller communities opened their membership to women more readily than those in urban areas. It is also apparent, however, that women lawyers in many locations felt the need to establish their own associations. This was done in the years ahead.

Jumping Hurdles

A 1958 government publication advised women lawyers to concentrate on "real estate and domestic relations work, women's and juvenile legal problems, probate work, and patent law," which reflected "the wisdom of insiders about areas in which women were apt to find work." What the article did not say was that women lawyers were likely to make only 60 percent of their male colleagues' salaries.

Many women felt the same pressures in the classroom. While they had struggled earlier only to be admitted to law school, they now felt the need to work harder and to make better grades than male students in order to find places in the legal profession after graduation. In keeping with the conservative climate in the 1950s, women lawyers were not overtly feminist. However, women's enduring the hardships of legal education and entry into the profession was itself a feminist statement that laid the groundwork for both the women's movement of the 1960s and the deluge of women entering law schools in the 1970s.

Beverly Tarpley, the only woman in the class of 1951 at the University of Texas School of Law, later reflected, "There were so few of us that we did not represent the threat that the greater numbers which came later did. I knew that I would be expected to recite on the chapter on rape in my criminal law class. ...

In that day, such subjects were not discussed in polite company, and this was a daunting and embarrassing experience. However, I viewed it as a rite of passage. I thought then, and I think now, that he [the professor] was trying to teach me how to handle a delicate subject in a professional manner.” She landed a job after graduation with a trial firm in Abilene where she was second chair for an older male attorney. Her salary was \$200 a month. Tarpley claims the distinction of being the first woman lawyer from Texas to argue a case before the U.S. Supreme Court. Only twenty-seven years old at the time, she described the experience as “extremely intimidating.”

Not all students were young. Some women entered law school after pursuing a different career or after raising a family. Marian Boner earned undergraduate and advanced degrees in physics from the University of Texas in the early 1930s. At the age of forty-six she decided to begin a second career, returning to the university to enroll in law school. After graduating second in her class in 1955, Boner became a reference librarian at the University of Texas Tarlton Law Library and as an associate professor taught courses in legal research and writing. In recommending Boner for an associate professorship, Dean Page Keeton stated, “As a scholar she has established herself quantitatively and qualitatively.” In 1972, Boner was appointed first

director of the Texas State Law Library, where she remained until her retirement. Her book, *A Reference Guide to Texas Law and Legal History*, is considered a definitive legal reference source.

Although she had wanted to be a lawyer since reading Clarence Darrow’s autobiography in high school, Mary Joe Durning Carroll did not begin her legal studies until she turned thirty in 1944. Balancing her jobs as a mother and as associate editor of the *Handbook of Texas*, she was able to take only one or two classes a semester. She graduated with honors eleven years later and joined the Austin firm of Looney, Clark & Moorhead (later Clark, Thomas & Winters) where she became a partner in 1968. Carroll disliked being called a “woman lawyer” and frequently said that she was a woman who happened to be a lawyer. She is believed to be the first woman in Texas who advanced to partner in a major firm. Her last appearance as a litigator was in the Texas Supreme Court in 1994, just after her eightieth birthday.

The classic example of a woman balancing motherhood and a law career was Louise Raggio. After receiving her undergraduate degree from the University of Texas and doing graduate work in Washington, D.C., she married a lawyer and had two children. At the suggestion of her husband, Raggio applied to Southern Methodist University law school in 1947. She felt unwelcome and later explained, “I was reminded that law was a male profession, that the rough-and-tumble charges and countercharges of the courtroom were no suitable contest for a lady, that if I *were* admitted (and my qualifications were better than any other candidate) I would only be taking up space that could be occupied by a man who would *do something* with his degree.” Raggio, however, was determined and forged ahead. After a difficult pregnancy and the birth of her third child, she dropped out of school briefly before reentering and graduating in 1952. Raggio remembered the Texas Bar examination as one of the “most horrible experiences” of her life. On a day when the temperature registered above 100 degrees in Austin, she and her typewriter were assigned to a tiny niche in the hallway behind the House chamber. Properly attired for a woman in 1952 — including wearing a girdle, hose, and high heels — she sweated through three days of answering questions. With great relief she passed, but finding a job was even tougher. Facing the same discrimination as so many other women, Raggio, unable to find a job, practiced from her home until she was hired as an assistant district attorney in Dallas County. In 1956, Raggio joined her husband’s firm that he had opened in 1955. Louise Raggio would become an expert in marital and family rights in the years ahead.



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