

The Whole Tapestry: A Celebration of Wisconsin's Women Jurists

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An unusual event occurred at the Milwaukee County Courthouse on March 17, 2004. In an effort to ensure that courthouses in Wisconsin reflect the evolving face of the judiciary, portraits of 16 women who formerly served as judges in Wisconsin were unveiled to a standing-room-only crowd that included dignitaries, colleagues, and friends and family of the women. These portraits will be hung in the courthouses where each of the women served.

Of the 16 portraits hung, six were of Marquette Law School graduates: Verle E. Sells, L'36, who served in Florence County and is believed to have been the first woman judge in the State; Donna Muza, L'49, who served in Dunn County; Leah Lampone, L'72, Janine Geske, L'75, and Jacqueline Schellinger, L'83, all of Milwaukee County; and Marianne Becker, L'66, of Waukesha County.

Chief Justice Shirley S. Abrahamson presided at the event. She noted that this historical event confirmed and affirmed women's past, present, and future roles in shaping history. This was not a Marquette Law School event, but the school was well represented. Marquette Law School Professor Phoebe W. Williams, L'81, gave a keynote address. Dean Joseph D. Kearney "unveiled" the first portrait, that of the late Judge Sells. And, most sub-

stantially, the event, which was sponsored by the National Association of Women Judges, was primarily coordinated by Milwaukee County Circuit Judge Maxine A. White, L'85.

Professor Williams's remarks are reproduced here.



Historical Significance of the Contributions of Women Jurists

Professor Phoebe W. Williams, L'81

Thank you, Judge White, National Association of Women Judges, and distinguished sponsors for inviting me to offer remarks at this historic event celebrating Wisconsin's women jurists. I am very honored that along with Chief Justice Abrahamson and Justice Bradley I have the opportunity to be a part of this program. Wisconsin's women jurists, honored guests, and families of the judges, thank you for all that you have done with your lives and careers, so that we have reason to celebrate today.

For the past decade, I have researched the history of women and African-American lawyers in the legal profession. Several years ago, one of my research assistants suggested that she would really enjoy taking a course that focused on the history of women lawyers. Recognizing that almost half of our law students at Marquette Law School were women, I concluded that a course focusing on the history of women lawyers would be useful for the women and men who attended Marquette.

It was important that our students know the history of women lawyers. It was important that they learn who these early women lawyers were, what they brought to the legal profession, and how they were treated. During the past few years, the men and women in that class have learned how these women balanced work and family issues; how they confronted discrimination in the legal profession; how they recruited clients and developed their practices; and how they secured the support of men in the profession to advance their careers. Just as important, we also learned how women lawyers supported each other.

We learned that women jurists, like male jurists, have brought to the bench their different backgrounds, experiences, and polit-

ical views on what values best further our goals for a just society. Women jurists as well as male jurists generally express their judicial philosophies in traditional terms. They express goals of serving as “neutral, impartial decision-makers.” When Minnesota Supreme Court Justice Jeanne Coyne was asked if women judges decide cases on the bench differently from men, she responded that, in her experience, “a wise old man and a wise old woman reach the same conclusion.” When considering the same question, United States Supreme Court Justice Ruth Bader Ginsburg agreed. However, Justice Ginsburg also noted what qualities women and persons of different racial groups and ethnic origins could contribute to the bench. Quoting in part the late Fifth Circuit Judge Alvin Rubin, Justice Ginsburg spoke about the “distinctive medley of views influenced by differences in biology, cultural impact, and life experiences women and persons of diverse racial groups and ethnic origins could bring to the bench.”

Women jurists have not spoken in one voice. Nevertheless, when examined collectively they have made significant contributions: (1) In contrast to our other symbols of justice, women jurists have represented living symbols of justice; (2) Women jurists have led the legal profession in ways that can be attributed to the unique way our society has engaged them as women; and (3) Women jurists have changed the way we think about the operation of our courts and the law itself.

Consider for a moment how women jurists have served as living symbols of justice. Although early women lawyers would have to struggle even to gain entry into the profession, a woman always has symbolized the very



Professor Phoebe W. Williams, L'81

concept of justice for the legal profession. Even today the statue frequently referred to as Lady Justice adorns numerous courthouses, courtrooms, and legal offices. Some believe Lady Justice represents the Roman goddess Themis, the goddess of justice. And most of us have seen this symbol of justice holding a sword in her hand, which signifies the power held by those who make the decisions, and holding scales, which represent the impartiality with which justice is served. And since the sixteenth century, sometimes she is shown as blindfolded to illustrate that justice is not subject to influence.

Lady Justice has been exhibited in a variety of ways. She has been shown standing, seated, kneeling, running, standing on a rock, on a lion, in the desert, holding a book, holding out the scales, lifting large scales, and even arguing with attorneys on the scales. She has appeared in three sculptural groups at the United States Supreme Court, and James Earle Fraser's *Contemplation* ►

of Justice statue is one the most recognized legal symbols of the Supreme Court. While the representations have varied, they have still sought to symbolize the fair and equal administration of the law, an administration that is without corruption, avarice, prejudice, or favor.

I have no quarrel that our profession has selected a woman's image to symbolize the very essence of justice. However, Lady Justice becomes only a symbol, an abstraction, if when men and women enter our courts every day they do not see a diverse bench—one that includes women and judges from diverse racial and ethnic groups. Living, breathing, working women judges in our courts represent important symbols, as well, of what it means to live in a just society. By their very presence, women judges have helped to instill confidence in attorneys, litigants, and the public that justice will be dispensed in our courts in a neutral, fair, and impartial manner. According to the *2003-2004 Wisconsin Bluebook*, four women have served on our Supreme Court, two served on our Court of Appeals, and 29 of the 240-some circuit judges were women. Of the thousands of men, women, and even children who visit and tour our courts each year, with those numbers many of the visitors will not have an opportunity to see evidence of a diverse bench in Wisconsin. These portraits of Wisconsin's women jurists, produced through the efforts of Judge White, the National Association of Women Judges, and generous donors, will represent important symbols of justice as well. For many visitors to our courts, they will symbolize that they have equal access to our courts and that real women have wielded the sword of power to make decisions in our Wisconsin courts.

Consider for a moment how women jurists have led our profession in ways that may be attributed to their experiences as women in our society. The history of women judges demonstrates that they have played a role in advancing women's emancipation, women's equality, and women's acceptance in the legal profession, before courts, and before the law itself. Initially, very few women served on the bench. Even in their isolation, women judges played a role in advancing women's equality and acceptance in the legal profession. When they won elections or appointments to the bench, they advanced the interests of women and inspired others with their success.

We do not have to stretch our imaginations much to consider how women in the Marquette Law School Class of 1936 must have felt after Governor Philip F. La Follette appointed their classmate, Verle E. Sells, to the bench less than one month after her graduation with high honors. Similarly, when Judge Olga Bennett prevailed in a contested election during 1969 and was sworn in on January 1, 1970, becoming the second woman in Wisconsin to join the bench, she undermined stereotypes that women lawyers did not possess the political or the competitive acumen to attain judicial offices.

Even Judge Bennett's decision to run for election represented her protest against what she perceived to be sex discrimination. She ran against the Governor's appointee to the bench, because, as she confided to a friend, "every time she entered court he would embarrass her and point out her mistakes." She doubted that she could continue to practice law in the county if that judge remained on the bench, so she ran against him and won.

The following year Judge Vel Phillips was appointed to the bench as the first African-American and third woman to serve as a judge in Wisconsin. Her success inspired African-American women like me in our community and confirmed our belief that careers in law were open to us as well. By 1979 sufficient

numbers of women judges were on the bench around the country to unite and establish as their priority the advancement of women in the legal profession.

The National Association of Women Judges (NAWJ) was founded in 1979 when 100 women judges met in Los Angeles at the invitation of Judge Joan Dempsey Klein. These women judges established as their special objective placing the first woman on the U.S. Supreme Court, and subsequently the NAWJ actively worked to achieve this objective. Other goals of the organization were to work for the selection of more women to the bench, to speak out against sex discrimination in general, to fight for the Equal Rights Amendment, and to fight to end discrimination against women judges. So, while women judges have brought their independence, impartiality, and neutrality to the bench when deciding their cases, they have used the prestige of their positions to advance the interests of women.

Women jurists have changed the way we think about the operation of our courts and the law. Women judges have

advanced efforts to examine the question whether courts treat people differently because of their gender and/or race. In 1980, the National Association of Women Judges joined the National Judicial Educational Program as a cosponsor to consider the question whether gender bias existed in the courts. The National Association of Women Judges established a National Task Force on Gender Bias, encouraging states across the country to form their own task forces.

To date, 44 states have issued task force reports. These reports have documented gender bias in court interactions among judges, lawyers, court users, and court personnel. They have documented gender bias in the employment and treatment of court personnel. They confirmed bias in courts' responses in substantive areas of the law as well—areas such as violence against women, torts, and family law. In response to task force reports, the Conference of Chief Justices during 1988 and 1993 adopted resolutions urging every state to examine gender bias and race/ethnic bias in the courts. The American Bar Association during 1990 amended its Model Code of Judicial Conduct to explicitly bar behaviors that manifested gender bias by judges, lawyers, court personnel, and others under judges' direction and control.

During 1991, Wisconsin joined other states, issuing a Wisconsin Equal Justice Task Force Final Report. During 1995, Wisconsin issued a "Report of the Supreme Court Gender Equality Committee." By 1990, the federal circuit courts formed task forces to examine gender bias in the federal courts. And as of 2004, ten circuit courts have issued reports documenting their study of this area.

Have women judges made significant contributions while they have been on the bench? When we consider the ways that women judges have influenced the perception and the actual delivery of justice in this country, the answer to that question is a resounding "YES." •



Judge Maxine A. White, L'85,
was the primary organizer of the event
at the Milwaukee County Courthouse.