



# A Trailblazing Journey

From Sarah Killgore Wertman to Today

By Kristina Bilowus and Nicole M. Smithson

**R**electing on the struggle of Michigan's female attorneys to carve out a place for themselves in the profession, former SBM President Joel M. Boyden observed:

[T]railblazing was difficult and often accomplished in the face of overt and covert bias, hazing, harassment, and long years of frustration.... The coming full victory will be one shared and savored by every woman who dared to aspire to a place in this most challenging and difficult of professions. Each such woman has left her distinct, indelible mark on the future of our profession.<sup>1</sup>

This article briefly describes the struggle, introduces a few of the trailblazers, and discusses the role of the Women Lawyers Association of Michigan (WLAM) in this fight for equality.

## Sample restrictions on women: Employment and dress

Historically, female attorneys frequently faced blatant discrimination in employment. For example, in response to one attorney's query about job openings following graduation,

an officer of the Detroit Bar Association replied that he did not know of any and "certainly none for women."<sup>2</sup> As noted in 1983 by then Michigan Supreme Court Associate Justice Patricia Boyle, unfortunately many early female attorneys "were confronted with the widely held conviction of their brothers at the Bar that they were simply constitutionally incapable of good lawyering."<sup>3</sup> Indeed, the Michigan Supreme Court removed licensed attorney Merrie H. Abbott from office following her election as Ogemaw County prosecuting attorney because of her sex.<sup>4</sup>

For decades, female attorneys in Michigan were expected to appear in court wearing a dress or skirt. In the 1970s, attorney Sue Weisenfeld successfully campaigned for the right to wear pants by seeking formal approval from the trial court bench and Chief Justice Thomas E. Brennan.<sup>5</sup> Even though she felt it was ridiculous to have to change into a skirt to go to court, Weisenfeld explained, "My biggest concern was that my wearing pants would affect my clients' cases. I certainly did not want to embarrass them."<sup>6</sup>

Today, female attorneys are ubiquitous and pantsuits rarely surprise. Yet what we take for granted in contemporary times

### 1922

WLAM speaks out against Detroit College of Law trustees' decision to stop admitting women and threatens to open own law school

Barbara F. Keene is the first African-American woman to graduate from a Michigan law school (Detroit College of Law)

### 1923

Grace G. Costavas Murphy is credited as being the first African-American woman licensed to practice law in Michigan

Ella Mae Backus becomes the first female assistant U.S. attorney (Western District)

likely would not have been accomplished without fore-runners like the women introduced below.

### The George Washington of Michigan female attorneys: Sarah Killgore Wertman

Sarah Killgore Wertman was a woman of firsts. In 1871, she became the first woman to graduate from the University of Michigan Law School. She was also the first woman admitted to practice law in Michigan.<sup>7</sup> Regrettably, however, the rest of the country was not ready to keep pace.

In 1875, she married an Indiana attorney. But because Indiana only licensed male attorneys, “she was compelled to content herself with office work.”<sup>8</sup>

Eventually, Killgore Wertman and her husband relocated to Ohio, where she resumed practicing.<sup>9</sup> In a letter to her alma mater, she explained, “For a number of years, the higher duties of mother-hood prevented her from actively engaging in her profession, but as soon as practicable, she resumed her profession of law and abstract business.”<sup>10</sup>

Killgore Wertman joined the Equity Club after graduation and maintained contact with the University of Michigan throughout her life.<sup>11</sup> The Equity Club was formed by six women at the University of Michigan Law School, and through the club, Killgore Wertman encouraged her female colleagues to lift “the profession to higher and nobler purposes” and advocated for them to be involved in the legal world.<sup>12</sup>

Killgore Wertman spent her golden years living with her son, a fruit farmer, in Washington until her death in 1935.<sup>13</sup>

### On her own terms: Judge Lila Neuenfelt

In 1923 at the age of 21, University of Detroit graduate Lila Neuenfelt became the youngest attorney in the United States, and four years later she was elected justice of the peace.<sup>14</sup>

Following Neuenfelt’s marriage, the Dearborn city clerk informed her that she would have to run for office as Mrs. Lila Purvis.<sup>15</sup> Because she had not adopted her husband’s surname, Neuenfelt pleaded her case to

#### 1926

Emelia C. Schaub becomes the first female attorney to successfully defend a client in a murder case

#### 1935

Attorney General Harry Toy issues an opinion letter confirming that Lila M. Neuenfelt, Dearborn justice of the peace, could run for reelection under her maiden name

## At a Glance

Founded by five women the same year as the passing of the Nineteenth Amendment in 1919, the Women Lawyers Association of Michigan (WLAM) sought to “promote a fraternal spirit among lawyers.”

Growing from a social, professional networking organization, WLAM achieved even greater results by helping female lawyers advance through appointment and election to public and professional office.

Throughout the years, WLAM has sought equality for all on the local, state, and federal levels.

the Michigan attorney general and obtained an opinion letter allowing her to stand for election under her own name.<sup>16</sup>

In 1941, Neuenfelt was the first woman elected to the circuit court bench in Michigan.<sup>17</sup>

Regarded as a “masterful, masterful judge” who “handled matters crystal clear,”<sup>18</sup> Neuenfelt was also one tough cookie. When a union member came to her home to *discuss* an injunction she had issued, Neuenfelt told him, “I don’t want threats. You go back and tell [Teamsters Union President Jimmy] Hoffa that I’ve got a [.30-06] rifle [and] a 16 [gauge] automatic shotgun I’ve already bought and I can shoot any one of ‘em and pretty good. If you come around my house I’m going to shoot first and ask questions afterwards.”<sup>19</sup> Notably, Hoffa endorsed Neuenfelt in the election following this exchange.<sup>20</sup>

After Neuenfelt retired from the bench, she moved to Florida where she pursued her passion for fishing<sup>21</sup> until her death in 1981.<sup>22</sup>

### Barrier breaker: Grace Costavas Murphy

Although not the first African-American woman to graduate from a Michigan law school, Grace (sometimes spelled Grayce) Costavas Murphy was apparently the first African-American woman to be admitted to practice law in Michigan. Unfortunately, the significance of this achievement was not appreciated during Murphy’s lifetime and very little is known about her.

Murphy attended the Norfolk Mission College,<sup>23</sup> a private high school for African Americans in Virginia, funded by the United Presbyterians.<sup>24</sup> In 1923, she graduated from the Detroit College of Law at age 37.<sup>25</sup> That same year, she took her oath of admission in Wayne County.<sup>26</sup>

#### 1939

WLAM petitions President Franklin Roosevelt to appoint Judge Florence E. Allen of Ohio to the United States Supreme Court

#### 1941

Lila M. Neuenfelt is elected first female circuit court judge in Michigan

Murphy was an early member of the New Era Study Club, which was formed to further the intellectual development of its members.<sup>27</sup> Eventually, the club began offering community enrichment programming.

Murphy continued to practice law until her death in 1932.<sup>28</sup>

### Longevity and community outreach: Regene Cohane

Seventy-two years may represent a full lifetime. For Regene Cohane, 72 years represents her longevity as a legal practitioner.<sup>29</sup>

At Cornell University, Cohane helped found the Sigma Delta Tau sorority to combat anti-Semitism she and others faced from Greek organizations on campus. Graduating as one of two women in her law school class at Cornell, Cohane became an attorney in 1920. After marrying, she and her husband, Louis, went on to become one of the first married couples to argue before the United States Supreme Court.<sup>30</sup>

Throughout her successful career, Cohane remained an active practitioner and was involved in her community. Like Neuenfelt, she served as WLAM president. Additionally, she was recognized as a leader among Jewish women. To highlight a few of her accomplishments, Cohane helped create a soup kitchen and a camp providing free vacations for working-class women, served as president of Inter-Group Council of Detroit and Detroit Federation of Women's Clubs, and was an officer of the YWCA.<sup>31</sup>

Killgore Wertman, Neuenfelt, Murphy, and Cohane were women who did not allow societal conventions to determine their careers or accomplishments. They are testaments to the strength and character of female lawyers in Michigan.

### Women Lawyers Association of Michigan: Educating and advocating

In 1919, the Nineteenth Amendment was passed and WLAM was founded.<sup>32</sup> From a contemporary viewpoint, it may seem strange and even shocking that women were attorneys, yet lacked the right to vote. As both events approach their centennial, it seems only fitting to look back at some of the figures and events that shaped the history of female legal professionals in this state.

Founded by five women in 1919, WLAM's initial goal was to advance the interests of female members of the legal

profession. Additionally, it sought to "promote a fraternal spirit among lawyers."<sup>33</sup> Growing from a social, professional networking organization, WLAM achieved even greater results by helping female lawyers advance through appointment and election to public and professional office.

The Detroit Public Library houses the WLAM archives. Combing through the banker boxes, one sees that the notes from the early meetings (generally held at a member's house) dealt with enhancing membership, planning networking events, and generating fundraising. Members were notified of acceptance into the organization by mail, generally after the board conferred membership.

Contrary to what may be perceived as public opinion, the organization did not simply gather to socialize and drink coffee. First, WLAM sought to establish the role of women in the law where often they were greeted with condescension or contempt.<sup>34</sup>

Second, members sought to promote and elevate women in the profession through office, community, and leadership. Educational seminars and public speaking engagements heightened the organization's visibility. One consistent goal was increasing recognition in both the general and legal communities. As women in the legal profession grew in prominence, so did WLAM's aims.

More importantly, WLAM took an active role in the community and current events. During World War II, the organization helped with the war effort by selling approximately \$200,000 in war bonds.<sup>35</sup>

Through the years, WLAM sought equality for all at the local, state, and federal levels. Members became involved with legislation and issues that affected society. Many prominent female judges and attorneys were WLAM officers, and today's members continue to promote women in the profession.

Currently, WLAM has seven regional chapters with the opportunity for further growth. In 1997, the organization established the Foundation Scholarship, which is awarded to women involved in education and their communities. To date, the foundation has awarded more than \$500,000 to 215 female law students.<sup>36</sup>

Like prior generations, WLAM is involved with contemporary issues that are pertinent to the legal profession and women: equal pay, overall gender equity, unconscious gender bias, and domestic violence awareness and prevention.

"WLAM will continue to educate and advocate for the advancement of women in the legal profession and the world," said Julie A. Gafkay, the organization's current president. "As

#### 1942

WLAM members sell \$144,000 worth of war bonds

#### 1948

WLAM advocates against incarcerating females aged 17–19 in the House of Corrections

#### 1951

Ruth Thompson becomes Michigan's first female congressman

#### 1952

Cora Mae Brown is the first African-American woman elected to the Michigan State Senate

progress is made, the future for WLAM will be opportunity—the opportunity to have a significant voice to use toward securing equality and social justice for all.”<sup>37</sup>

## Conclusion

More than 146 years have gone by since Sarah Killgore Wertman became the first female attorney in Michigan. During this time, WLAM was created and has thrived. Lila Neuenfelt, Grace Murphy, and Regene Cohane remain examples of women who paved the way for female attorneys and judges on professional and personal levels.

Over time, female practitioners have experienced growth and development. But true equality across the board for women in the profession has yet to be achieved. Conversations are being had, ideas continually exchanged, and plans implemented, but issues remain unresolved. As we look back, we can commend our progress but cannot be complacent.

Looking ahead, we need to ask, what do we want our successors to say they have learned about our current times? And more importantly, what achievements will we leave for them? ■

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## 1961

WLAM works with six other bar organizations to create a volunteer court-appointed attorney list for the U.S. District Court for the Eastern District of Michigan

## 1966

Geraldine Bledsoe Ford becomes the first African-American woman elected judge in the United States without first having been appointed to her position (Detroit Recorder’s Court)

## ENDNOTES

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## 1970

Michigan Supreme Court Chief Justice Thomas E. Brennan confirms that female attorneys can wear pants in court

Cornelia G. Kennedy is appointed Michigan’s first female federal judge (Eastern District of Michigan)