

Historical Research on Female Attorneys in Michigan

By Ruth S. Stevens

The Michigan Supreme Court Historical Society has profiled selected female attorneys who achieved “firsts” in Michigan,¹ but even today, many female attorneys who played a formative role in the Michigan courts and legal profession are largely unknown. The lack of information about female legal pioneers was brought home to me when I began to research the life and career of Ella Mae Backus (1863–1938), the first female assistant U.S. attorney in the state and the first female member of the Grand Rapids Bar Association.² Backus’s legal career spanned five decades and three Michigan locations—Traverse City, Reed City, and Grand Rapids—yet there were no sources documenting her life and career other than brief notes in histories of the Grand Rapids Bar Association and the U.S. Attorney’s Office.³ My research culminated in an article on Backus published in the *Michigan Historical Review* and led me to discover a number of sources that can fill the gaps in our understanding of the role female attorneys have played in Michigan.

Several books trace the general history of women in the legal profession.⁴ They provide background and context for researching early female attorneys and yield snippets of information about individual Michigan attorneys, especially women who were involved in the suffrage movement and other social and political causes. Drachman’s *Women Lawyers and the Origins of Professional Identity in America* is of particular interest because it reproduces letters between nineteenth-century female graduates of the University of Michigan Law School who formed an Equity Club to share their experiences as female attorneys.⁵ Club members included Sarah Killgore Wertman, the first woman admitted to the Michigan bar,

and other women who became prominent in Michigan and other states.⁶ A history commemorating the 75th anniversary of the founding of the National Association of Women Lawyers also reveals that Michigan women were active in that organization from its early days.⁷ Other important primary and secondary sources can be found through a search of Google Books.

Local libraries and historical societies may have unexpected original documents relating to female attorneys. The original 1895 certificate of admission to the bar for Ella Mae Backus and records of her membership in the Grand Rapids Women’s City Club were uncovered in special collections held by the Grand Rapids Public Library. Local libraries may also have collections of papers relating to a particular attorney or organizations in which female attorneys participated. For example, the Burton Historical Collection of the Detroit Public Library has records of the Women Lawyers Association of Michigan (WLAM) spanning the years 1947–1966. Undoubtedly, untapped resources exist in other libraries across the state.

Larger research libraries may hold an entire collection of papers relating to a single attorney. The Library of Michigan holds the papers of Benton Harbor attorney Elizabeth Forhan, a local justice of the peace and one of the first female U.S. commissioners. The

University of Michigan’s Bentley Historical Library has the papers of early Lansing attorneys Esther Tuttle Bailey and Ruth Tuttle Freeman and well-known Ann Arbor attorney Jean King as well as papers of other prominent attorneys. Researchers may find other female attorneys mentioned in these collections.

Several other sources are uniquely helpful for research on Michigan attorneys. The State Bar of Michigan’s online directory includes living and deceased members. In addition, all State Bar members have free access to the complete *Michigan Bar Journal* archives through HeinOnline, a searchable electronic database. Past journals offer a virtual treasure trove of information about Michigan attorneys. The Bar’s annual directory issue can be used to confirm names and locations of employers and participation in bar association activities. A *Bar Journal* search may also reveal articles authored by a particular attorney. A recent search uncovered a 1926 speech by Theresa Doland, one of WLAM’s founders, at the 36th annual meeting of the Michigan Bar Association—the first time a female member addressed a meeting of the State Bar.⁸ *Bar Journal* articles about association events are often accompanied by photos of historical interest, such as the photo on the following page, taken at the annual WLAM breakfast at the 1960 State Bar meeting.⁹

This research honors the legacy of women who fought to practice in the profession of their choice and helps us understand how they shaped the legal profession as it is today.



Women Lawyers Association of Michigan holds its customary convention breakfast. From the left: Frieda Washburn, Marjorie Lee Luna, Royena M. Hornbeck, Dorothy L. Coyle, Mary H. Zimmerman, Cecile M. Dacey, Ardis A. Smith, Mary Jane Liddy, Elizabeth Knowles, Charlotte C. Dunnebacke, Elizabeth H. Forhan and Shirley M. Gagnon.

The full HeinOnline database, which is available at many law school libraries, also has a digital library devoted to women and the law that includes the *Women Lawyers Journal*, the publication founded by the National Association of Women Lawyers in 1911.¹⁰ Michigan attorneys are often referenced in the journal and elsewhere in materials available on HeinOnline.

The *Grand Rapids Legal News*, *Detroit Legal News*, and *Oakland County Legal News* are also important repositories of information about female attorneys. These news outlets customarily report on bar admission ceremonies and often include photographs of new admittees as well as news about members. For example, a 1937 article in the *Grand Rapids Legal News* reported that Grand Rapids attorney Gale Saunders, a 1933 University of Michigan Law School graduate and the first female officer of the Grand Rapids Bar Association, served as an appointed commissioner for the probate court, becoming the first woman known to have presided over court sessions in Kent County.¹¹ Other local newspapers are important sources that can be searched for free at many academic and public libraries.¹²

Uncovering details about female legal pioneers requires ingenuity and persistence. Nuggets of information are often scattered among different physical locations, in hard-to-find locations on the internet, and in proprietary databases. However, the effort is worth it. Apart from the thrill of discovery, this research honors the legacy of women who fought to practice in the profession of their choice and helps us under-

stand how they shaped the legal profession as it is today. ■



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ENDNOTES

1. Michigan Supreme Court Historical Society, *Women and the Law* <<http://www.micourhistory.org/women-and-the-law/>>. All websites cited in this article were accessed March 31, 2018.
2. Stevens, *Assistant US Attorney Ella Mae Backus: "A most import figure in the legal profession in the Western District of Michigan,"* 42 Mich Hist Rev 2 (2016) <https://scholarworks.gvsu.edu/scjpeerpubs/15/?utm_source=scholarworks.gvsu.edu%2Fscjpeerpubs%2F15&utm_medium=PDF&utm_campaign=PDFCoverPages> and The Michigan Women's Historical Center and Hall of Fame, *Awards Dinner and Induction Ceremony* (October 18, 2017) <http://www.michiganwomenshalloffame.org/Press_Releases/2017%20Honoree%20Announcement%20Press%20Release%20July%202017.pdf>.
3. US Dept of Justice, *History of the Western District of Michigan: Special [W]omen in the History of the Western District of Michigan* <<https://www.justice.gov/usao-wdmi/about/history>> and Arlinsky & Kwopil, *A Grand Profession, A Grand Tradition: A History of the Grand Rapids Bar* (Grand Rapids, MI: Grand Rapids Bar Association, 1995).

4. See Drachman, *Sisters in Law: Women Lawyers in Modern American History* (Cambridge, MA: Harvard University Press, 2001); Norgren, *Rebels at the Bar* (New York, NY: New York University Press, 2013); Mossman, *The First Women Lawyers: A Comparative Study of Gender, Law and the Legal Professions* (Portland, OR: Hart Publishing, 2006); Morello, *The Invisible Bar: The Woman Lawyer in America: 1638 to the Present* (Boston, MA: Beacon Press, 1986).
5. Drachman, *Women Lawyers and the Origins of Professional Identity in America: The Letters of the Equity Club, 1887 to 1890* (Ann Arbor, MI: University of Michigan Press, 1993).
6. *Id.*
7. Zimmerman, ed, *75 Year History of National Association of Women Lawyers, 1899-1974* (The first seventy-five years) (New York: The Association, 1975).
8. *Thirty-Sixth Annual Meeting Michigan State Bar Association*, 6 Mich St B J i, ii, 44 (1926-1927) <<http://heinonline.org/HOL/Page?handle=hein.barjournals/micbj0006&id=1&size=2&collection=michbar&index=michbar>>.
9. *25 Years of Progress*, 39 Mich St B J 11, 20 (1960) <http://heinonline.org/HOL/Page?men_tab=srchrresults&handle=hein.barjournals/micbj0039&id=787&size=2&collection=michbar&terms=Progress&termtype=phrase&set_as_cursor=2#>>.
10. Nat'l Ass'n of Women Lawyers, *Publications: Women Lawyers Journal (WLJ)* <<http://www.nawl.org/p/cm/ld/fid=82>>.
11. *Attorney Saunders Graces Bench in Probate Court*, Grand Rapids Legal News (April 7, 1937).
12. See MSU Libraries, *Research Guides, Newspaper Guide: Historical Newspaper Databases* <<http://libguides.lib.msu.edu/c.php?g=95580&p=624304>>.

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