

Michigan Lawyers in History

Dora Boneta Whitney

By Carrie Sharlow



The state of Michigan was built by the lumber and auto industries, agriculture, and the lawyers who lived, studied, and practiced here. The articles in this occasional series highlight some of those lawyers and judges and their continuing influence on this great state.

In 1938, C.W. Taylor Jr. published *Bench and Bar of Michigan*, a brief history of law with biographical vignettes of approximately 540 attorneys and judges practicing in Michigan. Of course, this was not a comprehensive list, but it is interesting to note that of the 540 attorneys profiled, only 2 were women. Dora Boneta Whitney was one of them.¹

Dora was born on September 12, 1874, into the Rackliffe-Sorter families of Benton Harbor. The Sorter family was well known in the community. Maternal grandfather James M. Sorter (also spelled Sortore) arrived in the swampy town in the 1850s and became known for establishing the local school his grandchildren would attend, organizing the canal development, and naming several city streets. Dora's father, Henry A. Rackliffe, was Benton Township supervisor and Berrien County register of deeds. He married into the esteemed Sorter family and raised three children with his wife, Aneliza (also known as Lydia): Flora Bell, Dora, and Allen.

The Rackliffe children grew up with Benton Harbor. Dora and her siblings were

among the first graduates of their grandfather's "Sorter School." Still in her mid-teens, Dora attended the now defunct Benton Harbor College for two years. It was there she met her future law partner, Harris Smith Whitney, a Canadian emigrant who was attending college while studying in a local law office.

This friendship-turned-romance may have inspired Dora's decision to become an attorney. She was born during an era when "a woman's place was in the home," but she wanted something different.² Maybe it was Harris's influence or perhaps Dora read about the bar admission of Wayne County's first female attorney, Lizzie J. McSweeney, in 1893. In later years, she would say it was because she wanted to prove "that women [were] as capable as men."³ Whatever the reason, in 1894, the local newspaper noted Dora, then 20, was reading law in the offices of George M. Valentine with the intention of attending law school in Chicago the following year.

In the ensuing decade, Dora attended one of three law schools—Lake Forest Law School, Kent College of Law, or the University of Chicago Law School—that eventually merged into what is now Chicago Law School. When and where she received her final degree is up for debate—this was a day and age when a person could study law under the direction of an older, more experienced attorney and apply for bar passage; law school attendance was not necessary.

After concluding her formal studies, Dora returned to Benton Harbor, where she married Harris—who had passed the bar two

Dora knew the law better than the "older and more experienced attorneys" and the judge. She was only 34 and had proven herself to the public.

Photo courtesy of Harris Lindenfeld and Bela Whitney Lindenfeld



Dora Boneta Whitney in front of her home in Benton Harbor

years earlier—on November 27, 1902. The two formed one of the first husband-wife law firms in the country and practiced together at Whitney & Whitney until Harris' death in 1935.

Four years into her marriage and with a toddler in tow, Dora was admitted to the bar on April 3, 1906. The local community was evidently proud of its first female attorney, although some observations were made with slightly concealed hilarity, such as when a headline in the St. Joseph newspaper read "Wife Saves Her Husband's Case"⁴ in a large, bold font. Evidently, Dora knew the law better than the "older and more experienced attorneys"⁵ and the judge. She was only 34 and had proven herself to the public.

When her eldest child was 14 and her youngest 2, Dora celebrated her 11th year as an attorney when she and her husband became the first couple admitted to practice before the United States Supreme Court. Dora must have been amused that she was unable to vote for the person who appointed members to the Supreme Court or

anyone else seeking elective office; ratification of the 19th Amendment was still three years away.

For the better part of 30 years beginning in the 1920s, Dora traveled around the state and the country speaking to young people or lobbying for worthy causes, and was frequently cited in the press. Mrs. Dora B. Whitney (always referred to as "Mrs." and often with her middle initial included) packed many activities into her life. She served on the local school board and the library board for more than a decade; worked as a city com-

missioner; founded the county's first juvenile home and managed it for 20 years; lobbied for the establishment of juvenile courts in Michigan; was president of the state Women's Christian Temperance Union and spoke nationally in favor of prohibition; and maintained a busy law practice with her husband. She also raised four children, one of whom became an attorney. She was a modern woman, ahead of her time in many ways.

In 1956, the 50th anniversary of Dora's admittance to the bar was highlighted across the country, from as far west as California and as far east as New York. Eventually, after nearly 60 years of practice and an active social life, Dora retired. She read the *Chicago Tribune* daily and worked on long division problems to keep her mind active, and walked figure eights around her youngest daughter's kitchen and dining-room tables for exercise.⁶ Sometimes, if it suited her, she'd take a case here and there. She may have been retired, but she had no intention of slowing down.

Mrs. Dora B. Whitney died December 31, 1967. She was survived by four children, numerous grandchildren, and countless women who followed in her footsteps, breaking barriers and entering the legal field. It became more common to see female lawyers and even judges. And more than 70 years after Dora's admission to the bar, a woman would become chief justice of the Michigan Supreme Court.⁷ ■



Carrie Sharlow is an administrative assistant in the Executive Office of the State Bar, assisting Governmental Relations. She has a BA in English and a master's in literature.

If you are interested in State Bar history or have a suggestion for "Michigan Lawyers in History," please e-mail her at csharlow@mail.michbar.org.

Special thanks to Harris Lindenfeld and Bela Whitney Lindenfeld, two of Dora's grandsons, who shared stories of their marvelous grandmother and provided photographs.

ENDNOTES

1. The second was Miss Adda Eldredge of Marquette, who had the distinction of being the first female attorney in Michigan's Upper Peninsula, but that's another story.
2. Nottingham, *Mrs. Whitney Pert, Alert After Half Century in Law*, *The News-Palladium*, December 31, 1962, p 4.
3. *Born of Pioneers, She Became One for life*, *The News-Palladium*, January 3, 1968, p 2.
4. *Wife Saves Her Husband's Case*, *The Weekly Press*, February 28, 1907, p 1.
5. *Id.*
6. E-mail conversation with Harris Lindenfeld, attorney and grandson of Dora Whitney (December 13, 2012).
7. The Michigan Women's Historical Center & Hall of Fame, *Mary Stallings Coleman* <<http://hall.michiganwomen.org/>> (accessed May 17, 2013).