

Michigan Lawyers in History

Sarah Killgore Wertman

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 2015, it's not odd to see a woman practicing law—the Michigan Supreme Court has two female justices and the State Bar of Michigan has had six female presidents and is currently led by a female executive director—but when Sarah Killgore Wertman was admitted to the bar, it was rare. Even the United States Supreme Court, which now has three female justices, referred to the prospect of a female lawyer as going against the “law of the creator.”¹

Nearly 60 years before Justice Sandra Day O'Connor was born, Sarah Killgore graduated from the University of Michigan Law School and was admitted to the Michigan bar. She was the first woman in the country to both “graduate from law school and be admitted to the bar.”²

Killgore was born in Indiana in the 1840s to a prominent lawyer and his wife. From census records, it appears she made a habit of lying about her age. In the 1880s, she's listed as being born in 1846, the same year as her husband; in the 1890s, her birthdate is around 1843; in the 1900s and 1910s, it's 1840 or 1841.

By all accounts, she received a “liberal education”³ from her parents and graduated

from Ladoga Seminary in 1862, slightly less than 100 years before Justice Ruth Bader Ginsburg was denied a clerkship because of her gender. Perhaps under the influence of her father, Killgore decided to go to law school after teaching for seven years. She couldn't have picked a more auspicious year.

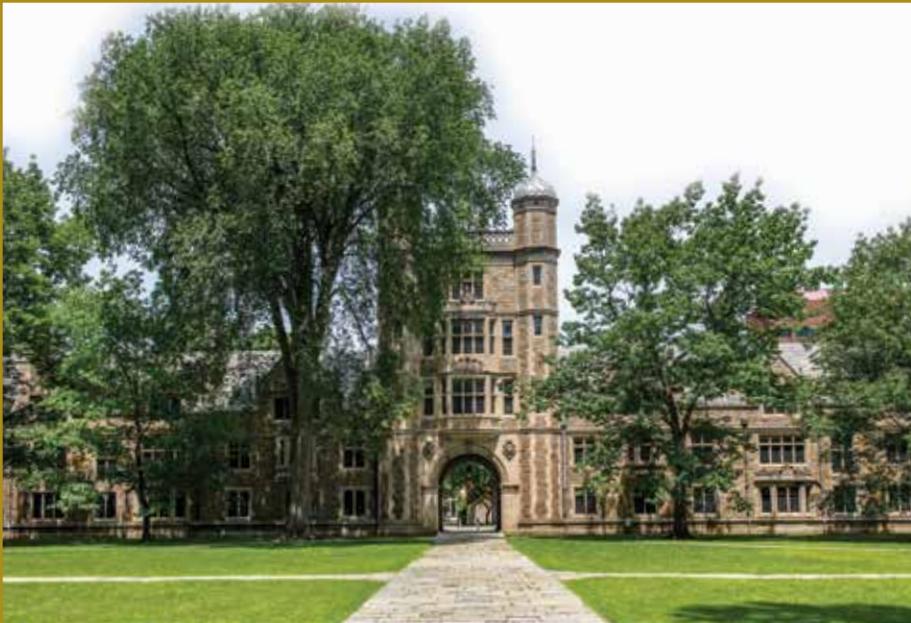
In 1869, the Wyoming Territory had just given women the right to vote, the National Woman Suffrage Association was formed, and Myra Colby Bradwell was denied admittance to the Illinois bar. Bradwell had passed the bar exam but was denied her chosen profession because she was a woman—and a married woman at that. In the ensuing years, she argued up to the United States Supreme Court but was rejected at every turn. Killgore began her legal education at the Chicago University (not to be confused with the present-day University of Chicago) just as the state's highest court denied women entrance to the bar.

As western territories authorized greater political rights for women, Killgore decided to transfer to the University of Michigan Law School. She graduated in 1871, the same year that Thomas M. Cooley succeeded James V. Campbell as law school dean.

Despite being admitted to the bar, she was not given much opportunity to practice. She became very ill and returned home to Indiana where she was “an invalid for more than a year.”⁴ It was supposed—in all seriousness—that this illness was caused by her law studies, which overly exerted her “naturally fragile body.”⁵ By that time, Ada Kepley, one of Killgore's former Chicago University classmates, had also been denied admission to the Illinois bar and Myra Bradwell was focusing on her publication, the *Chicago Legal News*, and women's suffrage.

Eventually, Killgore regained her health and settled down to marry Indianapolis attorney Jackson S. Wertman in 1875. Her hard work became essentially useless, as Indiana, like Illinois, did not allow women to practice law. Bar applicants were required to be “male citizens of good moral character.”⁶ For the next few years, Sarah raised a family and helped her husband with his office work.

The family later moved to Ohio, which did allow women to practice law. More than 20 years after graduating from law school, Killgore Wertman passed the bar exam and joined her husband in his real estate



The University of Michigan Law Quadrangle (finished about two years before Sarah's death and more than half a century after she graduated from the law school)

In the 19 years after Killgore Wertman graduated, the University of Michigan was way ahead of the rest of the country's law schools in graduating women.

law practice. By 1893, women were having greater success at bar admission—although it was years before it was seen as common—and the president had signed a law to authorize women to practice before federal courts.⁷

Michigan and its law schools truly led the way in professional equality for women. In the 19 years after Killgore Wertman graduated, the University of Michigan was way ahead of the rest of the country's law schools in graduating women. Killgore Wertman's children would have grandchildren before Harvard allowed women at its law school.

Despite her short stay in Michigan, Killgore Wertman remembered her alma mater and continued her involvement in University of Michigan alumni affairs. Seventeen years after graduating from law school, she joined the Equity Club, which was founded

by several female law students in the 1870s in an effort to feel less isolated in a "large community of male law students."⁸ In her response to the former club, she wrote that a "woman's place in the practice of law" was to lift "the profession to higher and nobler purposes than the selfish aggrandizement that now characterizes so much litigation."⁹

Today, Michigan has almost 12,000 female attorneys and judges throughout the state. ■

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ENDNOTES

1. *Bradwell v Illinois*, 83 US 130; 21 L Ed 442 (1873).
2. Leary, *Michigan's First Woman Lawyer: Sarah Killgore Wertman*, 48 Law Quad Notes 8 (2006) <http://www.law.umich.edu/historyandtraditions/students/Documents/Sarah_Killgore_Bio.pdf> (accessed February 1, 2016).
3. Willard & Livermore, *A Woman of the Century: 1473 Biographical Sketches Accompanied by Portraits of Leading American Women in All Walks of Life* (Buffalo: Charles Wells Moulton, 1893), p 759.
4. *Id.* at 759.
5. *Id.* at 759.
6. *Michigan's First Woman Lawyer*, p 8.
7. The so-called Lockwood bill, HR 1077, was signed by President Hayes on February 15, 1879.
8. *Michigan's First Woman Lawyer*, p 10.
9. *Id.*