

Irena Ingham McGarry

by Jeanne M. Coleman and Julia T. Thompson

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Few attorneys in Colorado are familiar with Irena Ingham McGarry. She graduated from law school at a time when only a small number of women aspired to join the legal profession and became one of Colorado's first practicing female attorneys. She was a woman with many talents—musician, newspaper editor, and legal counsel. It is likely that it was these diverse interests, as well as her advocacy of women's rights, that led to her appointment as the first female District Court Judge in Colorado—a distinction not repeated for thirty-three years.

Early History and Legal Education

Irena Ella ("Irena") Sweet was born in Cripple Creek on July 12, 1898.¹ Her father, Harry L. Sweet, was a pioneer who had settled in Cripple Creek in the gold mining boom days.² Later, her father was the business manager for Spencer Penrose of Colorado Springs and had close association with many of the prominent mine owners in that area.³ Irena attended public school in a number of mountain towns, graduating from Victor High School in Cripple Creek in June 1916.⁴

Irena received a Bachelor of Arts degree from the University of Colorado at Boulder ("CU") in 1920 where she majored in journalism and English, spending one year of her studies in the law department.⁵ At CU, she was a member of the Kappa Alpha Theta sorority.⁶ One of her journalism courses was taught by Arthur Chapman, then the editor of the *Rocky Mountain News*. He assigned his students to cover beats during their summer break and assigned Irena to cover the Denver courts. Of this experience, Irena commented: "That contact with the judicial system opened up a new vista for me, and I went home to Victor and told my dad, Harry

Sweet, I wanted to study law." Although her father approved of her desire to continue her studies in the legal field, he told her he could afford to send her to school for only one more year.⁷

In order to afford attendance at law school, Irena returned to Cripple Creek after graduating from CU and taught math and history at Victor High School from 1920 to 1922.⁸ With the money she saved from teaching, she moved to Denver and enrolled at Denver University Law School ("DU") in September 1922.⁹

At DU, she had one professor who was full-time at the law school, but the rest of her professors were practitioners and specialists in their field.¹⁰ Of this experience, she remarked, "They taught us everything they knew about all the different type[s] of law, real estate, tax, and criminal law. That was the way I got to know all of the prominent attorneys at that time."¹¹ Because classes were held whenever an attorney could make time in his practice, Irena's class schedule was erratic. She remembered the law school in its former downtown office as having "shabby old rooms."¹²

Irena graduated from DU on June 4, 1924, with a graduating class of forty-six males and two females.¹³ Apparently undaunted by these statistics, she later described these numbers as "delightful" and commented jokingly that she "sure didn't miss out on many dances."¹⁴ After graduation, Irena secretly married one of her law school classmates, Arthur Woodward Ingham, at the time they were studying for the bar exam.¹⁵

Early Years of Dual Careers

Irena was one of the first women attorneys in Colorado.¹⁶ Throughout her legal career, she practiced law in Durango, Cripple Creek, Colorado Springs, Rangely, and Denver.¹⁷ Immediately after completing

law school, Irena and her husband moved to Durango where Irena had received an offer to work for two weeks as an editor of the *Durango Evening Herald*.¹⁸ Although the position was initially intended to be temporary, Irena served as editor for five years.¹⁹ She was one of the first women to be a newspaper editor and publisher in the 1920s. Her husband, who was a civil engineer before he entered law school, worked as a hydrographer, measuring the water level of streams. When Irena and her husband learned that they had passed their bar exams, they promptly hung out a tin shingle, which read "Ingham & Ingham, Attorneys at Law."²⁰ Of her dual career, she commented, "You couldn't practice law and run a newspaper in just any town."²¹

The Inghams moved to Denver in 1929, and then, in 1933, returned to Cripple Creek where Irena once again hung out her shingle as an attorney. Arthur Ingham accepted an appointment as Deputy District Attorney for a seven-county area, including Teller County. (Arthur Ingham died in 1935.²²) As well as practicing law, Irena served as editor of the *Cripple Creek Times-Record*, a daily newspaper owned by her sister and brother-in-law, Lenore and William Kyner. She also worked as a correspondent for *The Denver Post* at that time.²³ Moreover, an accomplished musician Irena taught music in Cripple Creek.²⁴

First Woman Appointed to The Colorado District Court

It was in 1938, when the forty-year-old Irena's life was full with her work as a lawyer, editor, *Denver Post* correspondent, and musician, that she was appointed by Governor Teller Ammons to fill a vacancy in the Fourth Judicial District. Irena's appointment was precipitated by the death of Judge Arthur Cornforth of Colorado Springs, who left an unexpired term in the

El Paso District Court.²⁵ She was appointed on a Tuesday and on Wednesday morning, she transferred her duties as correspondent, designated a substitute for her publishing job, and traveled to Colorado Springs to take the oath of office and assume her new duties.²⁶

She was sworn in by Judge John M. Meikle on September 21, 1938, in the El Paso County Courthouse. In Governor Ammons's letter of appointment, he stated:

You have many friends who will be pleased to have you in this position and I am sure you will discharge your duties with honor and dignity. So far as I can ascertain, you are the first lady to occupy such a position in the state of Colorado. It gives me pleasure to have the opportunity to appoint a lady of your character and qualifications.²⁷

The Fourth Judicial District encompassed seven counties, including Burlington, Cheyenne, Douglas, Elbert, Lincoln, and Teller. At that time, there were only two judges in this District, one sitting in Colorado Springs, and the other riding the circuit. Because Judge Cornforth was presiding over the six outside counties at the time of his death, Irena traveled long distances from Cripple Creek on the west to counties bordering Kansas. She even held court on Saturdays.²⁸

When interviewed years later about her appointment to the District Court, Irena commented that she was in the right place at the right time. She was at the Broadmoor rodeo when she ran into an old friend, Governor Ammons. He asked her if she had any recommendations to fill the unexpired term of Judge Cornforth and laughed when she said, "Well, sure I do. How about me?" Irena gave Governor Ammons the names of three or four other candidates for the position during their conversation. She recalled that she was surprised when the Governor called her later, saying that he had a scoop for her paper and that she was to be the new District Court Judge in El Paso County.²⁹

Irena had "no illusions about the success of a woman campaigning in those early years, so she chose not to run again when her term ended." For this reason, Irena served for only four months.³⁰ On November 8, 1938, Judge John E. Little was elected to this position.³¹ It was not until thirty-three years later that Colorado was to have another woman judge in the district courts. In 1971, Judge Zita Weinshienk was appointed to the Denver District Court bench by Governor Love.³² It took fifty years after Irena's appoint-

ment for another woman to be appointed to the District Court in the Fourth Judicial District. Mary Jane Looney was appointed by Governor Roy Romer on July 26, 1989, to fill retiring Judge John Gallagher's position.³³

Irena was the trial judge in *Stowell v. People*.³⁴ In that case, the Colorado Supreme Court overturned the burglary conviction, finding that the defendant could not be convicted of burglary as a matter of law because he had keys to the railroad storage room where the "burglary" took place. Since not much has been written about Irena, it is difficult to characterize her as either liberal or conservative with regard to the treatment of criminals. However, from the sentence meted out in *Stowell*, it appears she may have been "harsh on crime." *Stowell* had worked for the railroad for thirty-three years with a clean record before he was debilitated by an unidentified illness, became drunk, and took a carton of meat valued at \$3 and an automobile battery valued at \$7 from the storage room. He was sentenced by Irena to from three to seven years in prison.

Colorado Women in the Law

Irena's appointment to the District Court was reported at the time in both *The Denver Post* and *Rocky Mountain News* as setting a statewide precedent. It was incorrectly reported in the *Post*, however, that she was the first woman in Colorado to preside over a court of law.³⁵ Actually, Judge Lydia B. Tague in Eagle County probably qualifies as the first woman judge in Colorado.³⁶ She was appointed as County Court Judge to fill the vacancy left by the death of her husband, Patrick Tague, on February 17, 1911. Patrick Tague had been elected County Judge and served several terms. Following her appointment by the board of county commissioners, Lydia was elected to the office for three successive terms.³⁷ Lydia also is reported to be the first woman judge in the United States.³⁸

Women in Colorado received political franchise over forty years prior to Irena's appointment to the District Court.³⁹ The legislature voted against women's suffrage in 1868. When the Colorado Constitution was adopted in 1876, it provided that women might vote in school elections. Women's suffrage was voted on and defeated in Colorado in 1878. The question again came up during the 1880s, and ultimately was adopted in 1893.⁴⁰ Colorado was the second state in the country to admit women to political equality; Wyoming was the first.

Women voted for the first time in a Colorado general election in 1894, placing three women in the General Assembly at that time.⁴¹ In 1897, Colorado added the following language to its statute regulating attorneys: "No person shall be denied a license to practice as aforesaid on account of race or sex."⁴² Women did not receive suffrage for national elections until 1920.

Different sources conflict as to who is the first woman admitted to practice law in Colorado. Some sources indicate that it is Mary S. Thomas, who was admitted in 1891 and who had to petition the Colorado Supreme Court for admission because her original application for admission was turned down.⁴³ Other sources indicate that it was Pearl S. King in 1890.⁴⁴ At that time, 2,257 men were registered as attorneys in Colorado.⁴⁵

For many years, Mary Lathrop mistakenly was cited as the first woman to be admitted to the practice of law in Colorado. However today, she is most frequently referenced in the legal community as accomplishing several "firsts" in the legal history of Colorado. Mary was an 1896 graduate of the DU Law School and was the first woman lawyer to be admitted to practice before the U.S. District Court for the District of Colorado, as well as the first woman to argue before the Colorado Supreme Court. She also was the first woman to be admitted before the U.S. Supreme Court.⁴⁶ It was as late as 1933 that Irena hung a shingle in Cripple Creek and, in 1937 in Colorado Springs, becoming the first female attorney in those locales.⁴⁷

A Long Legal Career And Final Years

In 1956, Irena married Henry T. "Mac" McGarry, a well-known Colorado Springs criminal defense lawyer.⁴⁸ He was a prominent figure in Teller County, primarily as a result of his successful defense of bootleggers.⁴⁹ Mac was an orphan from New York who once prepared to enter the clergy while attending Fordham University, but subsequently moved to Colorado when he diagnosed himself with tuberculosis.⁵⁰ After moving to Colorado, he studied law at the law firm of Orr & Little, never having attended law school before being admitted to the bar.⁵¹

Mac was a very successful lawyer who never lost a case in Cripple Creek, according to Judge Tekavee of Cripple Creek.⁵² In fact, he was so admired as a criminal defense attorney that when Don La Mora was defending a first-degree murder case in Teller County, three elderly courtroom

junkies who came to watch left when they learned that Mac was not the defense attorney.⁵³ Mac died in 1964.⁵⁴

Following her term as District Court Judge, Irena returned to the practice of law. She moved to Rangely and joined the office of Ralph L. Carr,⁵⁵ handling will and estate matters until Carr died in 1950.⁵⁶ Carr was a prominent water lawyer who served as Governor of Colorado from 1939 to 1943.⁵⁷ Irena was the first female attorney to practice in El Paso County.⁵⁸ In their only reported appellate decision, Irena, along with Ralph Carr, successfully represented their clients, the Newmyers, in the trial court in the matter of *Nielson v. Newmyer*,⁵⁹ concerning the diversion of water from one ranch to another.

At the time Irena practiced law in Rangely, she joined her sister and Ralph Carr as a joint owner of the *Rangely News*, a weekly paper. Irena and her sister ran the newspaper.⁶⁰ Their work at the *Rangely News* was described in a *Time* magazine article in 1946:

Like other boom towns, Rangely is full of mud, mugs and bad whiskey—but it has a distinction all its own. Two women put out its only newspaper. The women editors, Mrs. Irena S. Ingham, 46, and her sister, Mrs. Lenore Kyner, 43, know enough about roaring camps to keep their bobby pins out of oil drilling rigs. . . . Recently Mrs. Kyner sniffed the excitement at Rangely and bought the *News* from an oil promoter. She and her 16 year-old daughter Gloria moved into a corrugated-iron shack office while Mrs. Ingham stayed in Denver as capital correspondent. During the day, Mrs. Kyner tramps through Rangely's muddy streets selling ads, gathering local news. . . . At the capital, Mrs. Ingham, a one-time district judge, fights for proper housing, sanitation, roads, water supply and schools for the town. . . . Last week, after a month as owners of the weekly *Rangely News*, the sisters incorporated and planned to stay awhile. Oilfield roughnecks were glad. Said a rigman: "They're good scouts . . . and they don't try to shake nobody down."⁶¹

Irena practiced law until retiring in 1980,⁶² and was listed as a practicing attorney in Colorado Springs until that time.⁶³ She died on February 28, 1989, at the age of 90. At the time of her death, she resided in Meeker.⁶⁴

In 1982, when Irena was 84 years old, she was interviewed by the *Meeker Herald*. At that time, she was living at the Walbridge Wing at Pioneer Hospital, a nurs-

ing home affiliated with the hospital, having had surgery a year and a half earlier. She had moved to Meeker from Colorado Springs to be close to her only niece, Gloria Pollard of Rangely. Her sister, Lenore Kyner, also spent many years at the Walbridge Wing.⁶⁵ At the time of her newspaper interview, Irena wore a gold pin on her dress on which was printed, "fifty-nine cents." She received the pin from the National Organization for Women, an organization she had actively supported for the

previous ten years. The pin signified the statistic at that time that a woman earned 59 cents for every dollar earned by a man.⁶⁶

During this interview with the *Meeker Herald*, Irena discussed the many changes she had seen in each of her professions over the years, and proudly noted the advancement of women in these fields. She conveyed her strong belief that the cause for equal rights for women is never-ending.⁶⁷ With a lifetime of experiences in what was at the time a traditional man's

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world—attorney, judge, and newspaper editor—she was a valuable contributor to the cause for women's rights, as well as an early trailblazer for Colorado women in the law.

NOTES

1. Obituary: "Irena S. McGarry," *Colorado Springs Gazette Telegraph* (March 23, 1989) at B4; Wayne, "Cripple Creek Woman Named District Judge," *The Denver Post* (Sept. 21, 1938) at 1.
2. Wayne, *supra*, note 1.
3. *Id.*
4. *Id.*; University of Denver College of Law Alumni Records.
5. "Woman Named District Judge: Ms. Ingham Sets State Precedent," *Rocky Mountain News* (Sept. 21, 1938) at 1; Wayne, *supra*, note 1; University of Denver College of Law Alumni Records.
6. Wayne, *supra*, note 1; University of Denver College of Law Alumni Records.
7. Carter, "Courts and Newspapers are Double Domain of Irena Ingham," *U. Den. News* (Dec. 1972) at 8.
8. Wayne, *supra*, note 1; Carter, *supra*, note 7.
9. *Id.*; University of Denver College of Law Alumni Records.
10. "First Woman Judge Gives Life Her 59c Worth," *Meeker Herald* (June 10, 1982) at 11; Carter, *supra*, note 7.
11. *Meeker Herald*, *supra*, note 10.
12. Carter, *supra*, note 7.
13. University of Denver College of Law Alumni Records; Briggs, *Before the Bar: A History of the El Paso County Bar Association, 1902-1995* (Colo. Springs, CO: El Paso County Bar Ass'n, 1996) at 308; Gauthier, *Lawyers from Denver: A Century of Service to the West and the Nation* (Denver, CO: Univ. of Denver College of Law, 1995) at 24; Carter, *supra*, note 7.
14. *Meeker Herald*, *supra*, note 10.
15. Wayne, *supra*, note 1; University of Denver College of Law Alumni Records; *Rocky Mountain News*, *supra*, note 5; Carter, *supra*, note 7.
16. Briggs, *supra*, note 13 at 308.
17. Obituary, *supra*, note 1; University of Denver College of Law Alumni Records.
18. Wayne, *supra*, note 1; Carter, *supra*, note 7.
19. *Rocky Mountain News*, *supra*, note 5; *Meeker Herald*, *supra*, note 10; Carter, *supra*, note 7.
20. *Id.*; *Rocky Mountain News*, *supra*, note 5; *Meeker Herald*, *supra*, note 10.
21. *Id.*
22. Carter, *supra*, note 7; *Meeker Herald*, *supra*, note 10.
23. Wayne, *supra*, note 1; Carter, *supra*, note 7; *Meeker Herald*, *supra*, note 10.
24. *Id.*
25. Wayne, *supra*, note 1; *Rocky Mountain News*, *supra*, note 5; Carter, *supra*, note 7.
26. Wayne, *supra*, note 1.
27. Mrs. Ingham Takes Her Oath as Judge,' *Colorado Springs Gazette* (Sept. 22, 1938) at 1, 6.
28. *Id.*; Carter, *supra*, note 7; Briggs, *supra*, note 13 at 308.
29. *Meeker Herald*, *supra*, note 10.
30. *Id.*; *Rocky Mountain News*, *supra*, note 5.
31. Briggs, *supra*, note 13 at 308-09; Trent, "Looney Takes Seat on Bench," *Colorado Springs Gazette Telegraph* (Aug. 2, 1989) at B3.
32. Briggs, *supra*, note 13 at 309; *Meeker Herald*, *supra*, note 10; "Love Names First Woman to Denver District Court," *Rocky Mountain News* (Nov. 24, 1971) at 4.
33. Trent, *supra*, note 31.
34. 90 P.2d 520 (Colo. 1939).
35. Wayne, *supra*, note 1; *Rocky Mountain News*, *supra*, note 5.
36. Heichen, "Lydia B. Tague: The First Woman Judge in Colorado" (1994), Colorado Supreme Court Library files. Two women are listed in Semple, *Representative Women of Colorado* (The Alexander Art Pub. Co., 1911) as having some type of judicial role. Mrs. Ida L. Gregory is listed as a "Clerk and Associate Judge of Juvenile Court, the first woman in the United States to hold such a place" (at 137), and Mrs. William N. Ruby is listed as "Author of state bill enlarging property rights of married women. First woman to hold judicial office" (at 188).
37. *Id.*
38. Colorado Women's Bar Association Time line, published in the CWBA's 1995 convention program, and historical files.
39. Wayne, *supra*, note 1.
40. Erickson, "Mary Thomas: Colorado's First Woman Lawyer," 21 *The Colorado Lawyer* 669, 670 (April 1992).
41. *Id.*
42. *Id.*
43. *Id.* at 670; Trent, *supra*, note 31.
44. *Supra*, note 38.
45. *Id.*
46. Gauthier, *supra*, note 13 at 12; *supra*, note 38.
47. Sosbe, "Lawyerly Lore of County Bar Goes by the Book," *Colorado Springs Gazette-Telegraph* (April 24, 1995) at B1; Briggs, *supra*, note 13 at 308.
48. Briggs, *supra*, note 13 at 309; Carter, *supra*, note 7.
49. Briggs, *supra*, note 13 at 200.
50. Phone interviews with attorneys Don La Mora and Robert Dunlap, May 14, 2001.
51. *Id.*
52. Phone interview with attorney Robert Dunlap, May 14, 2001.
53. Phone interview with attorney Don La Mora, May 14, 2001.
54. Carter, *supra*, note 7.
55. See Hosokawa, "Ralph L. Carr, Six of the Greatest," 14 *The Colorado Lawyer* 1168 (July 1985).
56. *Meeker Herald*, *supra*, note 10.
57. Briggs, *supra*, note 13 at 200.
58. Sosbe, *supra*, note 47.
59. The decision was reversed by the Colorado Supreme Court: 228 P.2d 456 (Colo. 1951).
60. Carter, *supra*, note 7.
61. "Boom Town Sisters," *Time* (Sept. 9, 1946) at 53-4.
62. Sosbe, *supra*, note 47; Obituary, *supra*, note 1.
63. Briggs, *supra*, note 13 at 309.
64. Obituary, *supra*, note 1.
65. *Meeker Herald*, *supra*, note 10.
66. *Id.*
67. *Id.* •

Legal Aid Foundation Receives \$90,000 Grant

The Legal Aid Foundation ("LAF") of Colorado has been awarded a \$90,000 three-year grant from the Rose Community Foundation. The grant is the largest ever received by LAF, and it will be used to extend its "Access to Health Care" project that began in January 2000. This project, administered by Colorado Legal Services, addresses health care needs in metropolitan Denver by providing direct legal representation to low-income people seeking access to health care. The project also offers supportive services and consultation to community advocates and health care professionals so they may effectively advocate on behalf of clients in need.

LAF of Colorado was established in 1981 to increase and diversify funding to support civil legal services for Colorado's poor and disadvantaged people. LAF of Colorado has raised and disbursed more than \$5.5 million for legal services in the state since 1981.