

**FINDING THE FERTILE FACT:
WOMEN'S LEGAL HISTORY RESEARCH PATHFINDER**

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I. INTRODUCTION: THE FERTILE FACT

“But almost any biographer, if he respects facts, can give us much more than another fact to add to our collection. He can give us the creative fact; the fertile fact; the fact that suggests and engenders.” – Virginia Woolf, “The Art of Biography”

In her essay, “The Art of Biography,” Virginia Woolf expounds upon the limitation of biography: the biographer, unlike the novelist, is constrained by fact. But Woolf does not belittle the craft of the biographer, even though the biographer’s art is encumbered by restrictions that do not plague the creative fiction writer; instead, Woolf notes that a successful biographer can do “more to stimulate the imagination than any poet or novelist.” And how does the biographer accomplish this feat? By giving the reader “the fertile fact.” In Woolf’s estimation, biographical facts, grounded in reality, can resonate with the reader far more strongly than the make-believe world of fiction. Thus, the key to unlocking the power of biography lies in the “fertile fact.” This pathfinder will serve as a tool to aid the biographer of women’s legal history in finding those fertile facts with which she can illuminate the lives of pioneering female attorneys.

Women’s legal history is a relatively new discipline in legal education. Mere decades ago, few women enrolled in law school, and the standard law school curriculum took little notice of women’s relationship with the law or with the legal profession. Not until recently have women enrolled in law school in equal numbers to men; female law professors only became common within the last two decades. But long before the tide began to change for women in the legal profession, scores of nineteenth- and early twentieth-century female attorneys paved the way for the acceptance of women in the law. These early female legal pioneers faced seemingly insurmountable challenges to their entrance into the profession: for years, the law prevented women from joining the bar, and even when a woman was successful in obtaining bar membership, she faced prejudice when she attempted to practice.

Although thousands of women today are flourishing in law schools and in the legal profession, the stories and struggles of the nineteenth and twentieth-century female legal pioneers must nonetheless be told if we are truly to appreciate how far we have progressed as a society. At Stanford Law School, Professor Barbara Babcock has begun the process of chronicling the lives of early women lawyers with the Women’s Legal History Biography Project, a website that contains dozens of biographical chapters on female lawyers. However, many more stories remain to be told, and others perhaps shall be reanalyzed in a new light.

II. PURPOSE & SCOPE

This pathfinder for women’s legal history biographical research is intended to aid the biographer in all phases of her quest to find and develop the fertile fact. It begins with secondary sources, with which the biographer can make the initial decision regarding who should be the subject of her research. These secondary sources also provide the biographer with general information on the history of women in the legal profession and the historical circumstances in which early female lawyers worked. Also included are several resources that give advice on the art of writing biography.

The pathfinder then details the sources that will be most valuable to the researcher in finding those fertile facts: primary sources. Writings, lectures, memoirs, letters, cases, briefs, and newspapers are all vital for discovering the details of an early woman lawyer's life. Finally, the last section of the pathfinder briefly applies the prescribed research plan to a particular example: nineteenth-century lawyer Helen Jackson Mar Gougar. Hopefully, this example of biographical research will illuminate the usefulness of the resources presented in the pathfinder.

Each subsection of the pathfinder begins with an explanatory paragraph demarcated by an arrow and italicized writing. These introductory notes explain the material that follows and the utility of that material to the biographer.

A final caveat: Many of the sources described below are primarily applicable to nineteenth-century and early twentieth-century female lawyers. The author has chosen to omit those sources that only chronicle more modern, post-1980 trends in female lawyering. While the definition of what counts as "history" is certainly open to interpretation, the author is taking a more conservative approach and confining this particular pathfinder to an earlier era.

III. RESOURCES FOR WOMEN'S LEGAL HISTORY BIOGRAPHICAL RESEARCH

A. Secondary Sources

→ *Secondary sources are the best starting point for a novice biographer unfamiliar with the historical territory into which she is entering. The following secondary sources will help the biographer identify the subject of her research, place that subject within the proper social and political context, and identify additional secondary and primary resources. Additionally, a number of the sources listed below impart advice on the art of writing biography.*

1. Books

a. General Information

→ *The following list is a wide-ranging compilation of books that provide general information on early female lawyers and the struggles they faced in the legal profession. Such books are useful for finding a bibliographical subject and for placing that subject in the larger context of the history of women in the legal profession. Additionally, the biographer should remember that one good book can lead to another—bibliographies and footnotes can point the researcher in the direction of another useful source!*

Berry, Dawn Bradley. *The 50 Most Influential Women in American Law* (Los Angeles: Lowell House, 1996).

- With fifty short biographical entries on a range of American women who have been influential in the legal sphere, this compilation is a useful starting point for a biographical researcher. However, some of the women included in the volume, such as Rosa Parks, are not lawyers per se, but, as the title suggests, have had some influence on American law. Additionally, the biographical entries are not footnoted, so a researcher will have difficulty in determining from where the author gleaned the information.

Chester, Ronald. *Unequal Access: Women Lawyers in a Changing America* (South Hadley, Mass.: Bergin & Garvey, 1985).

- This work presents case studies of women in the law in the 1920s and 1930s in three cities: Washington, D.C., Chicago, and Boston. For each city, the author gives an overview of the law schools and the bar of the locale and then relates the oral interviews he conducted with women attending school or practicing law during the applicable time period. This well-indexed book provides a useful starting point for a researcher seeking a biographical subject during this era.

Derry, Laura Miller. *Digest of Women Lawyers and Judges: Biographical Sketches and Data of Women Lawyers and Judges of the United States and its Possessions* (Louisville: Dunne Press, 1949).

- This volume, the result of “an extended effort... to contact each and every woman lawyer” in the United States in the late 1940s, provides biographical data on hundreds of female attorneys listed in alphabetical order. Additionally, the volume includes a list of publications by practicing female attorneys and judges, as well as a geographical listing of the attorneys mentioned in the compilation. This volume is well-indexed.

Drachman, Virginia G. *Sisters in Law: Women Lawyers in Modern American History* (Cambridge: Harvard University Press, 1998).

- This broad historical study covers the history of female lawyers in the United States from the 1860s, when women first began to agitate for admittance into the legal profession, until the 1930s. The author highlights the link between the women’s suffrage movement and women’s lawyer movement and also explores the dichotomies between the development of female lawyers and the entry of women in other professions. Well-researched and well-documented, this study provides a useful overview of the female struggle to enter the legal profession.

Drachman, Virginia G. *Women Lawyers and the Origins of Professional Identity in America: The Letters of the Equity Club, 1887 to 1890* (Ann Arbor: University of Michigan Press, 1993).

- In this monograph, the author chronicles the “Equity Club,” a correspondence club of nineteenth-century female lawyers. Included are biographical sketches of the club members, the letters themselves with explanatory notes, and a history of the Equity Club, in which the author attempts to place the club within the context of the history of women and the history of the legal profession in nineteenth-century America. This monograph is a fascinating treasure trove of information for researchers seeking information on nineteenth-century female lawyers.

Epstein, Cynthia Fuchs. *Women in Law* (Urbana: University of Illinois Press, 1993).

- This volume, which has gone through three editions, is focused on women in the legal profession from the mid-twentieth century forward. As such, it does not contain much information for researchers working on a pre-1950s biographical subject, but it does provide useful information on the state of women in the legal profession in the latter half

of the twentieth century. The “name index” included in the work is a helpful tool for a biographer seeking to determine if her subject is covered in this volume.

Friedman, Lawrence. *A History of American Law* (New York: Touchstone, 2005).

- Lawrence Friedman’s seminal work, now in its third edition, contains some information on the history of women in the legal profession, which can be found using the extensive index. While the bulk of the book is devoted to other legal historical topics, it is useful for placing women within the larger context of the evolution of the legal profession.

Hall, Kermit. *The Magic Mirror: Law in American History* (New York: Oxford University Press, 1989).

- Like Lawrence Friedman’s *A History of American Law*, Kermit Hall’s book presents the big picture of American legal history against the backdrop of American political, social, and economic history. This work on the history of law and its relationship to American society also contains a number of passages on women in the legal profession, and it too is well-indexed.

Hoff, Joan. *Law, Gender, and Injustice: A Legal History of U.S. Women* (New York: New York University Press, 1991).

- This hefty tome is a wide-reaching legal history of women in America. Just as the works of Lawrence Friedman and Kermit Hall, detailed above, provide the reader with an overarching view of American legal history, Hoff’s book is a similarly expansive study of American legal history, but with a specific emphasis on *women*. The work contains a good deal of material on female lawyers, but, unfortunately, they are somewhat difficult to find as there is no entry in the index for general information on female attorneys. However, specific female attorneys, such as Myra Bradwell, are listed in the index.

Hummer, Patricia M. *The Decade of Elusive Promise: Professional Women in the United States, 1920-1930* (Ann Arbor: UMI Research Press, 1979).

- This exploration of the status of professional women during the 1920s contains an extensive discussion of female lawyers. Particularly useful are statistics pertaining to female enrollment in professional schools, female membership in professional organizations, and female faculty at professional schools. The book, though short, has a fairly extensive index.

Morello, Karen Berger. *The Invisible Bar: The Woman Lawyer in America, 1638 to the Present* (New York: Random House, 1986).

- Beginning with Margaret Brent, the first “American” woman lawyer who arrived in the colonies in 1638, this work traverses several centuries of female lawyers, concluding with remarks on the present-day situation of female lawyers. Unfortunately, the lack of footnotes and an index make this historical tale a less-than-ideal tool for biographical researchers.

Salokar, Rebecca May, and Mary L. Volcansek, eds. *Women in Law: A Bio-Bibliographical Sourcebook* (Westport, Conn.: Greenwood Press, 1996).

- According to the editors' introduction, this encyclopedic combination of bibliography and biography seeks to "highlight the accomplishments of some 43 women, [who] through the vehicle of the law, have made a difference." This source, which covers both living and deceased women from a range of countries, could serve as a useful starting point for determining a biographical subject. Additionally, the introduction provides a broad overview of the legal barriers women have faced in the struggle for equality and details some of the difficulties inherent in writing women's biographies.

Smith, J. Clay, Jr. ed. *Rebels in Law: Voices in History of Black Women Lawyers* (Ann Arbor: University of Michigan Press, 1998).

- This compilation of sixty-two articles covers a wide range of contemporary and historical issues relating to African American lawyers. Of particular interest to the women's legal history researcher are reprints of historical articles, such as an 1897 interview with Lutie A. Lytle, one of the earliest black female lawyers. Furthermore, the collection's comprehensive index is useful for pinpointing the location of references to specific black female lawyers.

Thomas, Dorothy, ed. *Women Lawyers in the United States* (New York: Scarecrow Press, 1957).

- Compiled from questionnaires sent out to roughly 6,000 female attorneys in the mid-1950s, this volume lists hundreds of women lawyers in alphabetical order with a brief listing of biographical information. A geographical index arranges the female lawyers by state, and cross-references were used to designate a change in last name after marriage.

Zimmerman, Mary H., ed. *Seventy-Five Year History of National Association of Women Lawyers, 1899-1974* (Lansing: Wellman Press, 1975).

- A commemorative piece marking the seventy-fifth anniversary of the National Association of Women Lawyers, this collection of documents attempts to chronicle the history of the organization. The collection is primarily composed of NAWL's newsletters dating back to 1911, but it also contains a brief history of the organization. Although this collection could be a potentially useful source for articles written by female lawyers in the NAWL newsletters, the absence of a table of contents and an index could make the researcher's task a bit more difficult.

b. Local Guides to Early Female Attorneys

→ These works, often published by local bar associations, generally contain short biographies of the early women lawyers in a certain area. Some are more detailed than others; all are useful for locating early female lawyers in a particular geographic area. This list is only a sample of local catalogues of early female lawyers; to find similar resources for other geographic areas, try perusing the website of a particular locale's bar association.

- Brackman, Barbara, et al. *Journeys on the Road Less Traveled: Kansas Woman Attorneys* (Topeka: Women Attorneys Association of Topeka, 1998).
- *Celebrating Vermont's First 100 Women Lawyers, 1902-1978* (Montpelier: Vermont Bar Association, 2000).
- *A Celebration of New Mexico's First Women Lawyers* (State Bar of New Mexico), available in PDF format online at http://www.NMBAR.org/Content/NavigationMenu/Other_Bars_Legal_Groups/Womens_Bar_Association/First_Female_Attorneys/womanbarfirst100.pdf
- Cupp, Ruth Williams. *Portia Steps Up to the Bar: The First Women Lawyers of South Carolina* (Raleigh: Ivy House, 2003).
- Ezell, Danielle. *Leading the Way: A look at Oklahoma's Pioneering Women Lawyers* (Oklahoma Bar Association, 2003).
- Kristensen, Debora K. *1895-1975: The First 50 Women in Idaho Law* (Boise: Idaho State Bar, 2005).
- McNamee, Gwen Horr, ed. *Bar None: 125 Years of Women Lawyers in Illinois* (Chicago: Chicago Bar Association, 1998).
- Ring, Lucile Wiley. *Breaking the Barriers: The St. Louis Legacy of Women in Law, 1869-1969* (Independent Publishing Corp., 1996).
- *Pioneers in the Law: The First 150 Women* (Madison: State Bar of Wisconsin, 1998) (also available is a video documentary that compliments the published book).

c. *Individual Biographies*

→ *The lives of a number of pioneering female lawyers have already been chronicled in modern-day biographies. Such books are an excellent resource for a chronology of the lawyer's life. Moreover, the biography's footnotes can provide a researcher with additional primary and secondary resources. The researcher should not be discouraged if a biography already exists on her subject; a biographer can always add to the corpus of knowledge with an innovative interpretation of her subject's life! The following list provides some examples of biographies on early female lawyers.*

- Atwood, Barbara. *A Courtroom of Her Own: The Life and Work of Judge Mary Anne Richey* (Durham: Carolina Academic Press, 1997).
- Berkman, Ted. *The Lady and the Law: The Remarkable Life of Fanny Holtzmann* (Boston: Little, Brown, 1976).
- Brown, Dorothy M. *Mabel Walker Willebrandt: A Study of Power, Loyalty, and Law* (Knoxville: University of Tennessee Press, 1984).
- Friedman, Jane M. *America's First Woman Lawyer: The Biography of Myra Bradwell* (Buffalo: Prometheus Books, 1993).
- Kriebel, Robert C. *Where the Saints Have Trod: The Life of Helen Gougar* (West Lafayette: Purdue University Press, 1985).
- Perry, Elizabeth. *Belle Moskowitz: Feminine Politics and the Exercise of Power in the Age of Alfred E. Smith* (New York: Routledge, 1992).
- Tuve, Jeanette E. *First Lady of the Law, Florence Ellinwood Allen* (Lanham, MD: University Press of America, 1984).

d. *Writing Resources*

→ *Writing biography presents a number of unique challenges to the researcher. The following sources may help the biographer confront those challenges and produce well-written biography.*

Alpern, Sara. *The Challenge of Feminist Biography* (Urbana: University of Illinois Press, 1992)

- In this collection of essays, ten biographers of American women relate their personal experiences as writers of feminist biography. The premise of collection is explained in the introduction: "changing the gender of the subject change[s] the nature and practice of the biological craft." The editors aver that chronicling the story of a woman is fundamentally different from writing the biography of a male. For example, the biographer must confront the issue that many of female subjects were often "invisible" in the historical record. Additionally, female biographies tend to involve gender issues

more so than male biographies. Accordingly, this collection of essays is useful for the women's legal history researcher to familiarize herself with issues that are particular to women's biography.

Wagner-Martin, Linda. *Telling Women's Lives: The New Biography* (New Brunswick: Rutgers University Press, 1994).

- Detailing many of the problems and pitfalls biographers of women face, this book is particularly useful for the biographer of pioneering female lawyers. The author discusses the problem of stereotypes in women's biographical writing, and also explores particular varieties of female biography, such as popular biography and revisionist biography. Additionally, the introduction, which sketches the history of the once-neglected genre female biography, might give the biographer a greater understanding of the importance of her work.

Woolf, Virginia. "The Art of Biography." *The Death of the Moth, and Other Essays* (Orlando: Harcourt Brace, 1992)

- In this essay, Virginia Woolf explains the limitations a biographer encounters but also eloquently conveys the power of the skillful biographer. While this short essay does not contain much practical advice, the novice biographer should give Woolf's powerful composition some thought; the biographer may find some inspiration in her words.

e. Historical Background Resources

→ *In order to paint a full picture of a biographical subject's life, the biographer must have a firm grasp of the historical context of the subject's life. The following list offers some examples of books that provide social, political, economic background information for the biographer of a late nineteenth-century or early twentieth-century female lawyer. I have chosen to focus this particular list on materials that would be relevant to the lives of some of the earliest female attorneys, but, of course, if the biographical subject lived in a later era, a different selection of books would be applicable.*

Bose, Christine, *Women in 1900: Gateway to the Political Economy of the 20th Century* (Philadelphia: Temple University Press, 2001).

- This historical study investigates the economic roles of American women at the inception of the twentieth century. The author attempts to challenge the misconception that women had few economic roles in 1900 and utilizes the past to understand contemporary issues surrounding women's work. While the author's secondary focus on contemporary issues might not be that useful for the women's legal history researcher, the author's extensive statistics on women in 1900 might prove to be very valuable.

Delamont, Sara, and Lorna Duffin. *The Nineteenth-Century Woman: Her Cultural and Physical World* (New York: Barnes & Noble, 1979).

- This collection of essays presents a number of articles on the status and role of the Victorian woman in both American and Britain. While the book also encompasses the British perception of the Victorian woman, many of the insights provided in the book would also be applicable to American women in the Victorian era—a time when many of the first female lawyers were just beginning to edge into the male-dominated profession.

Schneider, Dorothy, and Carl J. Schneider. *American Women in the Progressive Era, 1900-1920* (New York: Facts on File, 1993).

- Covering two decades of American history, this book attempts to chronicle the lives of women across races and classes. This extensively footnoted and indexed academic work also includes numerous photographs (a rarity in academic tomes!), which give the biographer the additional benefit of a visualization of her subject's world.

Weatherford, Doris. *A History of the American Suffragist Movement* (Santa Barbara: ABC-CLIO, 1998).

- As many of the earliest female lawyers were heavily involved with the women's suffrage movement, a history of this struggle would be useful for understanding the lives of a number of early female attorneys. With an appendix of pertinent documents and a sizeable index, this book excellently chronicles the history of the women's suffrage movement from its earliest roots in 1637 to the passage of the Nineteenth Amendment. Additionally, a lengthy timeline provides a sweeping overview of significant milestones of the suffrage movement.

2. Journal Articles

→ *Journal articles traverse much of the same material listed in the "Books" section above, but a good journal article has the distinct advantage of presenting a specific topic in a condensed amount of space; a researcher can quickly grasp the heart of an author's argument in a journal article. This list also includes articles published in book-form compilations.*

General Articles on Women's Legal History

- Babcock, Barbara. "Western Women Lawyers," 45 *Stanford Law Review* 2179 (1993).
- Babcock, Barbara. "Feminist Lawyers," 50 *Stanford Law Review* 1689 (1998).
- Babcock, Barbara. "Women Defenders in the West," 1 *Nevada Law Review* 1 (2001).

- Drachman, Virginia G. “‘My ‘Partner’ in Law and Life’: Marriage in the Lives of Women Lawyers in Late Nineteenth- and Early Twentieth-Century America,” 14 *Law and Social Inquiry* 221 (1989).
- Drachman, Virginia G. “The New Woman Lawyer and the Challenge of Sexual Equality in Early Twentieth-Century America,” 28 *Indiana Law Review* 227.
- Drachman, Virginia G. “Women Lawyers and the Quest for Professional Identity in Late Nineteenth-Century America,” 88 *Michigan Law Review* 2414 (1990).
- Drachman, Virginia G. “Entering the Male Domain: Women Lawyers in the Courtroom in Modern American History,” 77 *Massachusetts Law Review* 44 (1992).
- Grossberg, Michael. “Institutionalizing Masculinity: The Law as a Masculine Profession,” in Mark C. Carnes and Clyde Griffen, eds., *Meanings for Manhood: Constructions of Manhood in Victorian America* (Chicago: University of Chicago Press, 1990).
- Robinson, Lelia J. “Women Lawyers in the United States,” 2 *GreenBag* 10 (1890).
- Sanger, Carol. “Curriculum Vitae (Feminae): Biography and Early American Women Lawyers,” 46 *Stanford Law Review* 1245.
- Smith, Selma Moidel. “A Century of Achievement: the Centennial of the National Association of Women Lawyers,” 85 *Women Lawyers Journal* 2 (1999).
- Smith, Selma Moidel. “A New Discovery: The First Women Members of the ABA,” 85 *Women Lawyers Journal* 3 (2000).
- Weisberg, D. Kelly. “Barred from the Bar: Women and Legal Education in the United States, 1870-1890,” 28 *Journal of Legal Education* 485 (1977).

Biographical Articles

- Babcock, Barbara. “Clara Shortridge Foltz: Constitution-maker,” 66 *Indiana Law Review* 849 (1991).
- Clark, Mary L. “The First Women Members of the Supreme Court Bar, 1879-1900,” 36 *San Diego Law Review* 87 (1999).
- Clark, Mary L. “The Founding of the Washington College of Law: The First Law School Established by Women for Women,” 47 *American University Law Review* 613 (1998).
- Cleary, Catherine B. “Lavinia Goodell, First Women Lawyer in Wisconsin,” *Wisconsin Magazine of History* 74 (1991).

- Erickson, David L. “Mary Thomas: Colorado’s First Woman Lawyer,” *Colorado Lawyer* (April 1992).
- Friedman, Jane M. “Myra Bradwell: On Defying the Creator and Becoming a Lawyer,” *Valparaiso University Law Review* 1287 (1994).
- Gilliam, Nancy T. “A Professional Pioneer: Myra Bradwell's Fight to Practice Law,” 5 *Law and History Review* 105 (1987).
- Kasper, Jacquelyn Gayle. “Arizona’s First Woman Lawyer: Sarah Herring Sorin,” *Arizona Attorney* (January 1996).
- Jones, Douglas Lamar. “Lelia J. Robinson’s Case and the Entry of Women into the Legal Profession in Massachusetts,” in Russell K. Osgood, ed., *The History of the Law in Massachusetts: The Supreme Judicial Court, 1692-1992* (Charlottesville: University of Virginia Press, 1992).
- Norgren, Jill. “Before It Was Merely Difficult: Belva Lockwood’s Life in Law and Politics,” 23 *Journal of Supreme Court History* 1 (1999).
- Peterson, Sandra. “Ruby Clements and Early Women of the Alberta Bar,” 9 *Canadian Journal of Women & Law* 365 (1997).
- Tokarz, Karen. “Lemma Barkeloo and Phoebe Couzins: Among the Nation’s First Women Lawyers and Law School Graduates,” 61 *Washington University Journal of Law and Policy* 181 (2001).
- Tomlinson, John G. Jr. “Earnest and Sincere in Their Work: Litta Belle Hibben Campbell and Women of the Early USC Law School,” 10 *Southern California Review of Law and Women's Studies* 117 (2000-2001)
- Wallach, Aleta. “Arabella Babb Mansfield (1846-1911)” 2 *Women's Rights Law Reporter* 3 (1974-1975)

3. Internet Resources

→ While the researcher should always view resources published solely on the internet with a healthy dose of skepticism, the following websites provide a myriad of information on women’s legal history generally, as well as on specific female lawyers. Some of the websites are free, while access to others can only be gained through a subscription.

American National Biography Online

- <http://www.anb.org/articles/home.html>
- This database contains the biographies of 17,400 American men and women, including a number of early female lawyers. Continually updated and speckled with links and cross-

references, this source takes advantage of its online medium. While the biographical articles are a bit short, each one contains a list of resources in which one can find further information. Most significantly, this list of resources includes where a researcher can find collections of the subject's papers—an invaluable asset for a biographer.

American Women: A Gateway to Library of Congress Resources for the Study of Women's History and Culture in the United States

- <http://memory.loc.gov/ammem/awhtml/index.html>
- While this website does not contain digital archives or extensive information on specific women, it does provide a very useful tool for researchers intending to utilize the collections at the Library of Congress. The website explains the contents of various collections, such as the manuscript collection and the prints and photographs collection, describes how to use the collections, and provides links to catalog records of items in the collections.

Pathfinder for Women's History (Compiled by Carol Faulkner)

- <http://www.archives.gov/research/alic/reference/women.html>
- This online pathfinder details a number of journal articles, monographs, and collections of primary source material relating to the history of women. While the website points the researcher to a number of useful resources, the pathfinder might have been improved if it had fully taken advantage of its online format by providing links, where applicable, to the sources described.

A Timeline of Women's Legal History in the United States by Professor Cunnea

- <http://members.aol.com/aacdrcnnea/lawtime.htm>
- This fairly detailed timeline includes not only events relating to women in the legal profession, but also chronicles significant events regarding women's general experience with the law. For instance, the timeline marks the institution of the first Married Woman's Property Act. Thus, this website is useful for placing women's struggle for acceptance in the legal profession in the larger context of the centuries-long battle for women's rights.

Timeline of Legal History of Women in the United States

- <http://www.legacy98.org/timeline.html>
- Like the timeline described above, this timeline has a broad scope; in addition to noting milestones of women in the legal profession, it also describes events significant in the battle for female equality. The information it contains is not identical to that found in the previously mentioned timeline.

Women in the Law Collection

- <http://www.courts.state.ny.us/ad4/lib/willist.pdf>
- This PDF file contains a thirty-eight page list of the resources held in the Women in the Law Collection at the Appellate Division Law Library in Rochester, New York. If visiting the library itself is not an option for the researcher, this PDF file is a goldmine for resources on women's legal history. Unfortunately, the bibliography does not include

descriptions of the resources to which it refers, but with thirty-eight pages of sources, this PDF file will surely be of use to the researcher.

Women's Legal History Biography Project

- <http://www.law.stanford.edu/library/wlhbp/>
- Stanford Law School's Women's Legal History Biography Project, the creation of Professor Barbara Babcock and the Stanford Law School Library, is one of the most extensive sources of women's legal history on the internet. Of particular interest to the researcher are dozens of biographical chapters on pioneering female lawyers written by students in Professor Babcock's class on women's legal history. With each new class, the corpus of biographical information on early female lawyers grows, thus making this frequently-updated website a great resource.

Women: National Archives and Records Administration

- <http://www.archives.gov/research/alic/reference/womens-history.html>
- A gateway to other women's history resources on the internet, this government website lists, in categories, links to websites containing information on the history of women in the United States.

4. Miscellaneous

First U.S. Women Judges, CSPAN Archives

- In this 1995 video recording, Justice Ginsberg speaks before the National Association of Women Judges regarding the history of female judges in the United States. While the utility of this source is somewhat limited, as a video recording can provide neither footnotes nor an index, this video could be useful to the biographer wishing to identify early female judges for further research.

Historical Statistics of the United States

- <http://www2.census.gov/prod2/statcomp/documents/CT1970p1-01.pdf>
- This government publication contains a myriad of statistics dating back to colonial times. With subdivisions such as labor statistics, population statistics, and social statistics, this compendium could aid the biographer wishing to supplement the story of her subject's life with concrete statistics regarding the social and economic facets of the subject's era in American history.

B. Primary Sources

→ *The crux of any biographer's work lies in those sources—primary sources—in which she may find the fertile facts that will give life to her subject. In addition to explaining the various types of primary sources that will be useful in writing the biography of an early female lawyer, the following subsections also detail where the biographer might look to find primary sources.*

1. Legal Documents: Case Law, Briefs, Legislative Records, etc.

→ *Essential to the telling the story of an early female attorney's life is an understanding of her legal accomplishments. This section gives several examples of databases and collections in which the biographer might find materials pertinent to the legal achievements of her subject.*

Westlaw, LexisNexis, Findlaw

- <http://www.westlaw.com> (subscription only), <http://www.lexisnexis.com> (subscription only), <http://www.findlaw.com>
- While these three online systems offer extensive collections of case law and legislation, they might not be as useful for finding historical briefs or state trial court cases. For instance, coverage in Westlaw's State Supreme Court Briefs database dates back only to 1970, and the Supreme Court Briefs database covers only "selected" cases from 1870 onward. Additionally, session laws enacted before 1973 are not available on Westlaw.
- LexisNexis Congressional, however, contains Congressional material such as committee reports, committee hearings, and legislative histories from the first Congress to the present day.

Gale's Supreme Court Briefs

- <http://access.gale.com/pubacd/> (subscription only; trial access available)
- This full-text, searchable database contains over 11 million pages of records and briefs pertaining to Supreme Court cases in the period 1832-1978. If a biographer's subject argued a case before the Supreme Court, this database might very well be the only place to find the full-text of the subject's brief.

U.S. Congressional Serial Set, 1817-1980

- <http://infoweb.newsbank.com/> (subscription only)
- This extensive online database contains historical congressional records. If a researcher's biographical subject gave testimony before Congress, this full-text searchable database could be a very valuable resource.

HeinOnline

- <http://heinonline.org/front/front-index> (subscription only)
- In addition to a number of other legal resources, HeinOnline includes United States statutes-at-large from the first Congress to 2002. Additionally, HeinOnline provides the

full text of a number of legislative history compilations, though the majority of the histories included are devoted to laws of more recent origin.

U.S. and State Session Laws in Print

- If the above online resources are not accessible or do not provide the information sought, the researcher can always resource to that important yet oft-forgotten resource: bound volumes! Historical U.S. and state session laws are generally available in all law libraries.

Legislative Histories in Print

- Similarly, legislative histories also abound in print form; indeed, many legislative histories have not been transferred to an online format. To find a particular legislative history, a researcher should consult Nancy P. Johnson's *Sources of Compiled Legislative Histories: A Bibliography of Government Documents, Periodical Articles, and Books*.

State Trial Court Records

- Unfortunately, many early state trial court records are not online. A researcher's best option for finding such records entails contacting or visiting local libraries and historical societies in the city or county in which the case was brought. Additionally, state historical societies, usually located in the state capital, often have microfilmed records from all of the county courts in the state—if those records have survived fires, floods, and the trashcan.

2. Writings: Letters, Speeches, Autobiographies, Memoirs, Diaries, etc.

→ *The words written by a biographical subject can illuminate previously undiscovered facets of her thoughts, beliefs, desires, and day-to-day activities. Letters, speeches, autobiographies, memoirs, and diaries can help the researcher discover her subject's voice. Additionally, the written words of a biographical subject's contemporaries can provide information about the subject's life and how others viewed her. The following list details some places the researcher might look to find such sources.*

Archives USA

- <http://archives.chadwyck.com/> (subscription only)
- This database contains descriptions, contact information, and websites for 5,596 repositories and 154,678 collections of primary source material in the United States. For a biographer seeking collections of her subject's personal papers, this source might prove to be extremely useful. Additionally, a keyword search tool allows the researcher to uncover items in other collections that mention her subject—for instance, a letter written by the biographer's subject and sent to another person may be housed in a collection of papers of the recipient.

The Gerritsen Collection

- <http://gerritsen.chadwyck.com/> (subscription only)

- Containing thousands of books and periodicals relating to the history of women, this online database is enormously important for the women's legal history biographer. Although many of the primary sources in this database pertain to other the history of women in countries besides the United States, this database appears to contain more information pertinent to the women's legal history biographer than any other source. The website also includes a convenient "search history" tab to allow the researcher to keep track of, and re-run, her various searches.

Library of Congress, Manuscript Division: Women Justices, Judges, and Attorneys

- http://memory.loc.gov/ammem/awhhtml/awmss5/judg_attys.html
- This webpage contains a description of the resources available in the manuscript collection of the Library of Congress on female justices, judges, and attorneys. The papers of a number of female attorneys are housed in the Library of Congress, and this website links to the records of those collections.

Pathfinder for Women's History (Compiled by Carol Faulkner)

- <http://www.archives.gov/research/alic/reference/women.html>
- Among other things, this website contains a listing of various archival collections around the country pertaining to women's history. However, this list is merely a directory, and does not contain outgoing links or full-text databases.

North American Women's Letters and Diaries

- <http://www.alexanderstreet4.com> (subscription only)
- According to the site itself, the database "includes the immediate experiences of 1,325 women and 150,000 pages of diaries and letters." Even if a researcher's biographical subject is not the author of any of the works contained in the database, a full-text search allows the user to find mentions of her subject in the letters and diaries of other women.

Women and Social Movements in the United States, 1600-2000

- <http://www.alexanderstreet6.com> (subscription only)
- This database contains 1,800 documents relating to women and social movements in the United States. As full-text searchable database including documents written pertaining to historical women in the United States, this resource could provide the biographer with primary source material written by or about her subject.

Women Working, 1800-1930

- <http://ocp.hul.harvard.edu/ww/>
- This Harvard Library website contains 500,000 digitized pages, focusing on women's historical role in the United States economy. The most significant aspect of this source is its price: the website is open to the public, a rarity for a database of digitized primary sources.

Local Libraries and Historical Societies

- If a researcher cannot find the location of her biographical subject's papers through the above-mentioned routes, the researcher should check with the libraries and historical societies located in the towns and counties in which her subject lived and worked. These

libraries often have significant collections of letters and other miscellaneous items relating to local citizens of historical significance.

3. The Press: Newspapers and Periodicals

→ *The popular press can provide the researcher with both records of newsworthy milestones in her subject's life, as well as an understanding of the society in which she lived, as reflected in the press. Additionally, periodical articles written by a biographical subject or her contemporaries can also shed light upon the life and times of the subject.*

APS Online: American Periodicals Series, I, II & III

- <http://proquest.umi.com/login> (subscription only)
- A full-text, searchable database of American periodicals published from 1740-1900, this source could be used to find articles written by or about an early female lawyer.

Early American Newspapers, Series I, 1690-1876

- <http://infoweb.newsbank.com/> (subscription only)
- This full-text, searchable database contains image files of articles in hundreds of early American newspapers. Each newspaper is searchable individually, or the user can search the full collection of newspapers.

ProQuest Historical Newspapers

- <http://proquest.umi.com/login> (subscription only)
- Another invaluable full-text, searchable database. It includes the *Atlanta Constitution* (1868-1925), the *Chicago Tribune* (1849-1985), the *Los Angeles Times* (1881-1985), the *Chicago Defender* (1905-1975), the *New York Times* (1851-2002), the *Wall Street Journal* (1889-1988), and the *Washington Post* (1877-1989).

HeinOnline

- <http://heinonline.org/front/front-index> (subscription only)
- In addition to other legal resources, HeinOnline contains full-text collections of law reviews and legal publications, many of which date back to the nineteenth century. If a biographer's subject was the author of a journal article, HeinOnline is an excellent place to start looking for it.

Local and State Libraries and Historical Societies

- If a particular historical newspaper or periodical is not available online, the researcher should seek out microfilm collections at local and state libraries and historical societies. Generally, local and state libraries and historical societies will have extensive microfilm collections of historical newspapers and periodicals published in their vicinity.

Endres, Kathleen, and Therese Lueck, eds. *Women's Periodicals in the United States: Social and Political Issues* (Westport, Conn.: Greenwood Press, 1996).

- This work, which profiles a number of American women’s periodicals ranging in date from 1835 to 1984, could prove to be of some use to the women’s legal history biographer. Of particular interest is the portion of the volume that details the history of the *Women Lawyers Journal*, a publication begun in 1911 and still in existence today.

IV. Application: Helen Mar Jackson Gougar

→ *Helen Mar Jackson Gougar (1847-1907) was an early female attorney, as well as a activist in the temperance and women’s suffrage movements, who lived for most of her life in Lafayette, Indiana. Although she was fairly well-known in her era, history has largely forgotten her. The following sections chronicle how this researcher uncovered secondary and primary sources on Helen Mar Jackson Gougar.*

A. Secondary Sources

- Through a library card catalog search, the researcher found the only biography written on Helen Gougar—*Where the Saints Have Trod: The Life of Helen Gougar*. Because the author of this biography appears to have relied primarily on local Indiana newspapers as primary source material, further investigation was needed to uncover additional details of Helen’s life and other primary sources.
- The online database American National Biography contained a concise description of Helen’s life. More importantly, the database revealed that Helen’s few surviving papers are housed at the Tippecanoe County Historical Association in Lafayette, Indiana.
- The researcher located several references to Helen Gougar in Virginia Drachman’s *Women Lawyers and the Origins of Professional Identity in America: The Letters of the Equity Club, 1887 to 1890*. This helped the researcher determine Helen’s relationship to other nineteenth-century female lawyers.
- Though Helen is not specifically mentioned in these books, the researcher used works such as *A History of the American Suffragist Movement* and *The Nineteenth-Century Woman: Her Cultural and Physical World* to gain a greater understanding of the historical context of Helen’s life. Unfortunately, most of the books and articles listed in this pathfinder did not mention Helen; however, all were useful for placing her within a larger historical context.

B. Primary Sources

- Using Westlaw, the researcher found several of the lawsuits Helen either filed or argued during her lifetime: *Gougar v. Timberlake* (Ind. 1897), *Gougar v. Morse* (D. Mass. 1895), and *Western Union Telegraph Co. v. Gougar et al.* (Ind. 1882). However, the researcher was unable to locate the records of any of Helen’s trial court cases.

- Several of Helen’s pamphlets, as well as her Indiana Supreme Court brief, were found in the History of Women microfilm collection at Stanford University Library.
- In APS Online, a keyword search uncovered dozens of articles mentioning Helen Gougar, and several articles that were authored by her. However, the researcher determined that many of the newspaper articles written by Helen in several local Lafayette, Indiana, newspapers—one of which she was the editor-in-chief—are not available anywhere online. The researcher will have to contact Indiana libraries to obtain an interlibrary loan of the microfilmed newspapers.
- In Archives USA, a keyword search revealed that Helen Gougar is an indexed subject in the papers of Elizabeth Boyton Harbert, located at Huntington Library in San Marino, California.
- Using the full-text search option in the U.S. Congressional Serial Set, 1817-1980 online, the researcher discovered a transcript of Helen Gougar’s 1884 testimony before the Senate on a proposed women’s suffrage amendment. The same transcript appeared in the LexisNexis Congressional online database.
- Searching in the ProQuest Historical Newspapers database online, the researcher came up with an astonishing 284 articles that mentioned Helen Gougar; clearly, this database is extremely valuable!
- The Gerritsen Collection online database revealed over 500 books and periodicals that mentioned Helen Gougar or were written by her; once again, an online database has proved to be invaluable to the researcher.
- A HeinOnline search in the Law Journal Library for Helen Gougar came up with zero results. Helen, who never obtained a formal legal education, did not appear to write any articles in legal publications, notwithstanding her prolific production of articles for popular press.
- Curiously, a search for Helen Gougar in North American Women’s Letters and Diaries revealed a mention of Helen in the "Diary of Isabella Maud Mayne" in the entry on November 21, 1887. Additionally, the search uncovered a reference to Helen in a letter written by Susan B. Anthony.
- Using Harvard Library’s free Women Working database of digitized primary source material, the researcher was able to find twelve sources mentioning Helen Gougar. The researcher was impressed that a free source provided an notable amount of nineteenth-century primary source material.
- A full-text search in Women and Social Movements in the United States, 1600-2000 revealed that *History of Women Suffrage* by Susan B. Anthony, et al., contains over seventy references to Helen Gougar. The images of the pages containing these references were available for the researcher to view.