

In 1878, when Clara Foltz was admitted as the first woman at the California Bar, she was an obscure housewife in San Jose, deserted by her husband, determined to find a way to support her five young children. When she died in 1934, she was the famous First Woman Lawyer: first to attend the first law school (Hastings); first to practice in San Jose, San Francisco, and San Diego, first woman member on the Board of Charities and Corrections, first to urge a public defender, first to be a deputy district attorney in Los Angeles.

Foltz practiced continuously for fifty years. At a time when juries were all male and she was often the only woman in the courtroom, she excelled as a trial lawyer, deftly turning the argument on anyone who tried to use her gender against her.

Typical is this response, Foltz's professional credo:

I am a woman and I am a lawyer-and what of it? I came into the practice of my profession under the laws of this State, regularly and honestly, . . . and I have come to stay. I am neither to be bullied out nor worn out.

I ask no special privileges and expect no favors, but I think it only fair that those who have had better opportunities than I, who have had fewer obstacles to surmount and fewer difficulties to contend with should meet me on even ground, upon the merits of law and fact without this everlasting and incessant reference to sex.

Drawing on her own experience as a woman lawyer, Clara Foltz invented the public defender as an institution. Because she was a woman, poor, desperate people sought her out, assuming that she would be both charitable and nurturing. Other lawyers sent her their non-paying clients, and judges appointed her to indigent cases. As an outsider, representing the underdog accused against the full machinery of the state, Foltz experienced the unfairness personally. She started speaking out about the need for a public defender, on equal footing with the prosecutor, with the title and resources to do the work she was doing for free.

Though the formulation of the public defender idea, and its presentation at the 1893 World's Fair was Foltz's greatest professional achievement, she was also deeply interested in the prosecutor's role. She was the first woman on the west coast, perhaps the first ever, to prosecute a murder case. Soon after she joined the

Bar, she successfully aided in the San Francisco prosecution of one George Wheeler, popularly known as “the Woman Slayer.” Over the years, she tried several times to become a regular in the prosecutor’s office. In San Diego in the late 80’s, she was denied solely, said one paper, because she wore “a bustle instead of a cutaway coat.” In the early 90’s she ran for District Attorney of San Francisco on the People’s Party ticket. But the time was not ripe until women won the ballot in 1911, largely because of the Los Angeles progressives. As a suffrage leader, Foltz, who had moved south a few years earlier, was a natural choice for the first female Deputy District Attorney in Los Angeles.

Clara Foltz was writing her memoirs when she died, based on the career scrapbooks she kept over the years. Only the scrapbook from 1911 is known to survive. In the front of the book, full of clippings about Foltz’s busy days, she pasted a picture of the gothic LA County Criminal Court, on the site where the present building stands. That she was a servant in that earlier temple of justice pleased her; that it would be dedicated to her name is a triumph she would especially treasure.