

**Lorna Elizabeth Lockwood:
In Pursuit of the 1976 U.S. Supreme Court Nomination**

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Women in the Legal Profession
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January 24, 2003

INTRODUCTION

The White House, 1967

On February 28, 1967, Justice Tom Clark announced that he would resign from the United States Supreme Court at the end of his term in June.¹ This announcement came at a critical time in the history of the United States. The 1960's were a time of optimism, but also of great social unrest. By the mid-sixties U.S involvement in Vietnam had escalated, the Civil Rights Movement had erupted into riots in the urban ghettos, and the women's movement had begun to remobilize. America was divided and an opening on the Supreme Court provided President Lyndon B. Johnson with a significant opportunity to appoint someone who could bring the country together.

One morning after Justice Clark's announcement, President Johnson engaged in a discussion in his bedroom with his White House advisors about whom he should appoint to the Court.² He mentioned several possible black nominees, then mused about whether he should appoint the first women.³ At the mention of the possibility of appointing a woman to the bench, Lady Bird broke in: "Lyndon has done so much for blacks, why not indeed fill the vacancy with a woman?"⁴

Phoenix, Arizona, 1967

1967 marked the sixth year Lorna Lockwood sat on the bench of the Arizona Supreme Court. In response to this upcoming vacancy on the U.S. Supreme Court, a campaign was launched by the California membership of the National Association of Women Lawyers to get Lorna Lockwood appointed as the first woman U.S. Supreme Court Justice.⁵ Arizona Senator

Carl Hayden formally submitted Lockwood's name to President Johnson and many organizations Lockwood belonged to joined in the lobbying effort.^{6,i}

Who was this woman, Lorna Lockwood, who could have been the first woman to sit on the United States Supreme Court? When asked what she thought of a woman filling a U.S. Supreme Court vacancy, Lockwood stated:

I don't think a woman should be denied a seat in the court just because she is a woman and I don't think she should be given one just on the basis of being a woman alone either. The job is too important to be judged on this basis alone. I think the United States benefits by having the very best qualified people – whether man or woman.⁷

Was Lockwood, in her own words, the best qualified to be appointed to the U.S. Supreme Court?

1967 U.S. Supreme Court Nominee Selection – Experience & Judicial Record

The selection of a U.S. Supreme Court nominee is among a president's most significant duties because the choice will have an impact on generations to come. In selecting a nominee for the U.S. Supreme Court a president must consider, not only, the experience, judicial record, and political ideology of the candidate, but a president must also take into account the political and social climate.⁸ In order to explore whether Lockwood would have been a viable candidate for a U.S. Supreme Court nomination in 1967, this paper will first discuss her experience, judicial career, and political ideologies as revealed up until 1967. Then, this paper will discuss the political and social forces that played critical roles in the U.S. Supreme Court nomination of 1967.

ⁱ Lorna Lockwood's name had been previously submitted by Arizona Senator Carl Hayden to President Johnson for consideration for an opening on the United States Supreme Court in 1965 when Justice Arthur Goldberg retired. This paper will not consider the submission of Lockwood's name in 1965 because President Johnson did not even consider appointing a woman to the Court at that time. 1965 marked a critical time in Johnson's presidency when he needed support in the Court to defeat any constitutional challenges of his Great Society laws. Johnson filled the opening in 1965 with Abe Fortas, a long-time friend of Johnson and "Lyndon Johnson's insider." (Dallek, Robert, *FLAWED GIANT: LYNDON JOHNSON AND HIS TIMES: 1961-1973* 232-233 (1998))

Experience

Lorna Elizabeth Lockwood was born on March 24, 1903 in Douglas, Arizona, a dusty frontier town on the Mexican border. Lockwood came by her early interest in the law through her father, Alfred Lockwood, a lawyer who also rose to a seat on the Arizona Supreme Court. Lockwood once recalled, “I used to go down to my father’s law office and used to think how wonderful it would be if I could some day practice law with him.”⁹ Despite her father’s influence, it was her contact with Sarah Herring Sorin, Arizona’s first woman lawyer, that enabled Lockwood to believe that her dream could be a reality.¹⁰ Sorin was the first woman admitted to the Arizona Bar in 1902 and the 25th woman to argue a case before the United States Supreme Court.¹¹ Lockwood came into contact with Sorin because Sorin practiced mining law in Globe, Arizona where she worked occasionally with Lockwood’s father, Alfred Lockwood.¹²

Lockwood graduated from Tombstone High School in 1920, and at a time when only a few women continued their education beyond high school, Lockwood not only completed her undergraduate degree at the University of Arizona but also completed law school.¹³ Lockwood undertook her undergraduate studies at the University of Arizona with the determination and unbounded energy that would characterize her achievements throughout her future years. While majoring in Psychology, minoring in Spanish, and completing pre-law coursework, Lockwood also founded the Chi Delta Phi sorority, pledged the Phi Kappa Phi honorary fraternity, worked as a reporter for the school newspaper, belonged to the Riding Club, and was on the girl’s track team.¹⁴ Despite her many extracurricular activities, she completed all this education in three years. After finishing her undergraduate education, in spite of objections by the Dean that law school “was no place for a woman,” Lockwood

decided to enroll into the University of Arizona Law School in 1923.¹⁵ While in law school Lockwood excelled, and although she was the only female among thirteen law students in her class, she was elected president of the Student Bar Association.¹⁶ Finally, in 1925, at the age of twenty-two, Lockwood became the first woman to graduate from the University of Arizona with a Juris Doctor degree.¹⁷

After graduating from law school, opportunities were so limited for women lawyers that despite her qualifications, Lockwood only found work as a legal stenographer and secretary.¹⁸ Lockwood worked in this capacity for fourteen years before she was able to enter into private practice by forming the first all-woman law partnership in the State of Arizona.¹⁹ Lockwood's first foray into public service came in 1939 at the age of thirty-six when she was elected to serve in the Arizona House of Representatives.²⁰ She served until 1942 when in order to help the war effort she resigned to go to Washington D.C. to work as an assistant for Arizona Representative John Murdock.²¹ When Lockwood returned from Washington D.C., she served for two years as the district price attorney for the Office of Price Administration.²² From 1947 to 1949 she served another term in the state legislature, where she became the first woman to chair the House Judiciary Committee.²³ Not long thereafter, Lockwood achieved another "first" in 1949 when she was appointed to the position of Assistant Attorney General for Arizona.²⁴

Lockwood began her judicial career in 1951, serving for ten years as a trial judge on the Maricopa County Superior Court; the first woman in Arizona to ever hold this position.²⁵ But, Lockwood did not stop her career here. She broke the ultimate barrier for women in the legal profession in Arizona when she was elected to the Supreme Court of Arizona in 1961.²⁶ Then in 1965, Lockwood's groundbreaking career in Arizona broke national records when she

became the first woman to hold the position of Chief Justice of a state supreme court.²⁷

During her fourteen years on the Supreme Court of Arizona, Lockwood served as Chief Justice twice, Vice Chief once, and authored over 500 opinions.²⁸

Throughout her career Lockwood was repeatedly honored for her contributions and achievements. Lockwood received numerous awards including: the American Trial Lawyer's Association's Award of Merit; Who's Who of American Women "Outstanding Woman in the Field of Law" Citation (1967); the "Woman of Achievement Award" of the American Association of University Women (1966); and the State Federation of Business and Professional Women's "Professional Women of the Year Award" (1962).ⁱⁱ

Overall, Lockwood had an impressive legal career at a time when law firms were reluctant to hire women lawyersⁱⁱⁱ and the path to the judiciary was practically closed to women.^{iv} Despite the odds, Lockwood became the first woman to receive a J.D degree from the University of Arizona College of Law, the first woman appointed Assistant Attorney General in Arizona, the first woman elected to serve on the bench of the Arizona Superior Court, the first woman to receive the American Trial Lawyer's Association's coveted Award

ⁱⁱ Other awards include: University of Arizona Medallion of Merit (1960); University of Arizona Alumni Achievement Award (1961); Arizona Conference on Crime and Delinquency Prevention and Control Award of Merit in pioneering Delinquency Control Institute of Arizona; Pacific Region Soroptimist Federation of the Americas – Woman of Distinction Citation (1962); Southern Pacific Coast Region of Hadassah – Humanitarian Award (1965); Kansas City Advertising and Sales Executive Club "Woman of the Year" Award (1966); AWARE International – Arizona Award for Women of Achievement (1968); Builder of A Greater Arizona, "Law and Government Award" (1971); National Conference of Christians and Jews, "Brotherhood Award" (1972); University of Arizona Alumni "Distinguished Citizen Award" (1972); Arizona Fifth District of the American Legion "Americanism Award" (1972); Phoenix Advertising Club "Woman of the Year Award" (1974); and City of Phoenix, Very Outstanding Phoenician Award (1975). (Arizona Women's Hall of Fame Records, 1980-1991 MS 29, Library and Archives, Central Arizona Division, Arizona Historical Society. Lorna Lockwood, Box 1, Folder 19)

ⁱⁱⁱ When Justice Sandra Day O'Connor graduated from Stanford Law School in the early 1950's the only job she was offered was as a legal secretary. (Johnson, James A., ARIZONA POLITICIANS: THE NOTABLE AND THE NOTORIOUS 54 (2002))

^{iv} In the 1960's one to two percent of the bench consisted of women, in the 1970's four percent of the bench consisted of women. In 1977, seven women served on the federal bench, nine women sat on state Supreme Courts, and 18 on appellate courts. (Kelly, Rita Mae and Hermann-Currie, Ria. *The Presence of Women in the Arizona Legal Profession*. ARIZONA ATTORNEY (January 1993))

of Merit, the first woman justice of the Arizona Supreme Court, and the first woman to serve as Chief Justice of a state supreme court in the United States.²⁹ Lockwood's achievements were extraordinary, and yet the question remains whether her judicial experience by 1967 was strong enough to earn her a position on the U.S. Supreme Court.

Lockwood's main shortcoming was that she lacked federal judicial experience. This shortcoming, however, was not due to a lack of ability but was due to the inaccessibility of federal judgeships to women.^v Viewed in this context, a lack of federal judicial experience may not have been a critical factor. For instance, Justice Sandra Day O'Connor, who eventually became the first woman to be appointed to the U.S. Supreme Court in 1981, had even less judicial experience than Lockwood.³⁰ Justice O'Connor held a seat on the Maricopa County Superior Court bench for five years and then served on the Arizona Court of Appeals for two years before being appointed to the U.S. Supreme Court.³¹ It should be noted nonetheless, that Justice O'Connor's nomination was criticized because of her lack of federal judicial experience and alleged weak constitutional knowledge.³²

Federal judicial experience is only one of the many factors considered by a president when making a choice for the U.S. Supreme Court. Other factors taken into consideration by a president and closely scrutinized by the Senate during the confirmation process include evidence of judicial character and political ideology exhibited during a candidate's judicial career.

Judicial Record – Strengths

Examination of Lockwood's career up to 1967 reveals that Lockwood would have brought many excellent qualities to the U.S. Supreme Court such as her judicial character, integrity, creativity, as well as her dedication to the causes of women and juveniles. One of

^v See iii supra.

her fellow justices on the Arizona Supreme Court once summarized all of Lockwood's qualities as a "superb judicial temperament."³³ Lockwood pursued her duties as a judge with strength and courage and although she was the first woman in Arizona to sit on the bench at the Arizona Superior Court and Arizona Supreme Court, she neither asked nor expected any special consideration.³⁴

The most vivid examples of Lockwood's strong judicial character come from her early years in the judiciary when she was on the bench of the Arizona Superior Court (1950-1960). Judge Lockwood learned early in her judicial career that she would have to be tough to earn the respect of those lawyers who "didn't think that a woman belonged on the bench."³⁵ With this goal in mind, Lockwood ran a tight courtroom and gave little leeway to attorneys for "courtroom theatrics or rudeness."³⁶ One former Arizona attorney recalls a felony trial presided over by Lockwood where two prominent Arizona attorneys were exchanging inappropriate remarks back and forth to each other in the presence of the jury.³⁷ Judge Lockwood first warned them to maintain proper courtroom demeanor; then, when neither heeded her warnings she held both attorney's in contempt of court and issued them both significant fines.³⁸ Nonetheless, despite being known as a "tough judge,"³⁹ Lockwood was respected and quickly established herself as an excellent trial judge, one sought out by local lawyers because they knew she would be "courageous and impartial."⁴⁰

Lockwood took a hands-on approach to being a judge. She did not use the bench to insulate herself from the practical realities of the problems brought before her and she also did not forget her responsibilities as a role model to others. Lockwood used her power as a judge to actively improve and promote two key social causes she believed in, juvenile justice and equality for women.

Juvenile justice was one of Lockwood's primary causes.⁴¹ She once proclaimed, "my hobby, my only hobby, is children...I think you might even call my hobby my first profession."⁴² Lockwood presided over the juvenile department of the Arizona Superior Court for approximately three years (1954-57).⁴³ Her philosophy on the juvenile court system was that the court "has a two-fold purpose – to protect human rights and to enforce human responsibility."⁴⁴ One example, which demonstrates her dedication to juvenile human rights and shows Lockwood's hands-on approach to justice was when she went to inspect the conditions of a county juvenile detention center. She went through the detention center "with a fine tooth comb" and when she found two iron cells "so horrible" and inhumane she ordered them welded shut.⁴⁵ Lockwood's commitment to juvenile issues did not stop with her responsibilities as a judge. She reached out into the community on her own time and established neighborhood councils in an attempt to improve communities for delinquency prevention and control, organized the Arizona Conference on Crime and Delinquency Prevention and Control, started the Arizona chapter of Big Brothers and Big Sisters, and established the Girl's Ranch of Arizona.^{vi,46}

Lockwood was also dedicated to the equality and professional advancement of women. Her involvement in the women's movement was not as an outspoken activist; her approach was subtle and focused on the local and community level. She once stated, "I am not a feminist, but I am terribly glad when women succeed."⁴⁷ This modest statement understates Lockwood's contribution and influence on the women's movement in Arizona. Throughout her lifetime, Lockwood helped women in the legal profession by being actively involved in

^{vi} The Girl's Ranch of Arizona is a residential treatment center for troubled girls.

many civic and professional organizations,^{vii} and most importantly, she helped by breaking numerous barriers for women that existed in the law and the legal profession.^{viii}

Arizona women owe much gratitude to Lockwood for helping to change the law to promote equality and justice for women.^{ix} Lockwood authored a number of opinions advancing women’s rights during her tenure at the Arizona Supreme, yet most of these opinions were issued after 1967. Thus, they would not have been available to be evaluated in 1967 when her name was submitted to President Johnson as a possible candidate for nomination to the U.S. Supreme Court. The lack of significant opinions extending the rights of women in the law in Arizona before 1967 is not due to Lockwood’s lack of commitment to the cause of women’s rights, but instead is due to fact that the second wave of the women’s movement was just gathering steam in the early 1960’s.^x The groundwork for major changes was in place,^{xi} but the movement could not become a revolution unless there was a change in consciousness and enough women began to question their legal rights and feel that it was legitimate to fight to change them.

One opinion, Gardner v. Gardner (1964), would have been available and gives insight into Lockwood’s commitment to protecting women’s rights. In Gardner a divorced husband

^{vii} Some of the women’s civic and professional associations Lockwood was involved in include: National Federation of Business and Professional Women’s Clubs (Arizona State President 1956-57, Western Regional Director 1957-58); Past President of the Soroptomist Club of Phoenix (Women’s Service Club); National Association of Women Lawyers; Kappa Beta Pi, Legal Sorority; Member of Governor’s Commission on Status of Women (1966-67, 1967-68, 1969-70); Member of the American Association of University Women, Phoenix Branch

^{viii} Lockwood’s extended her commitment to helping women by personally mentoring other women lawyers in Arizona. About the time Lockwood was first elected to Superior Court, she and three or four other women attorneys would get together once a week for lunch. This small group included every practicing female attorney in Maricopa County. By 1976 the group had gotten to large for one table, but these lunch meetings planted the seeds for the Arizona Women Lawyers Association.

^{ix} See Glendale v. Bradshaw. 108 Ariz. 582, 503 P.2d 803 (1972).

^x The women’s movement, as reincarnated in the 1960’s, is often called by historians as the “second wave” of feminism, to distinguish it from the “first wave,” which arose during the nineteenth century and won the right to vote for women in 1920. [Moving the Mountain . p.11]

^{xi} In 1964 Title VII of the Civil Rights Act banning discrimination on the basis of sex in the workplace was signed into law.

sought to avoid paying alimony to his former wife by seeking a judgment holding that the community property of his second marriage would be immune from alimony obligations arising out of his previous marriage.⁴⁸ The husband's argument turned on the definition of a single word in an Arizona Statute. The husband argued that alimony was a "contracted" debt and thus did not impose a liability on the community property of his second marriage. The court rejected the husband's argument on the basis that alimony did not arise from a business transaction, but grew out of the relation of marriage and thus was not founded on contract but on a natural and legal duty arising out of marriage.⁴⁹ At the end of the opinion, to drive the point home Lockwood proclaimed: "essentially our decision in this case rests on public policy...The obligations of marriage cannot be thrown aside like an old coat when a more attractive style comes along."⁵⁰ This opinion reveals the strength of Lockwood's voice as the only woman on the bench at the Arizona Supreme Court and her courage to use her influence to refuse to allow someone to manipulate the law to trample on a woman's rights.

Although Lockwood was dedicated to women's issues, Lockwood earned the right to have her name submitted to President Johnson not solely because she would have provided a women's perspective on the U.S. Supreme Court but because she had a sharp legal mind, which she applied to various controversial issues brought before the court.

Lockwood made a bold entrance into shaping Arizona law when she was called upon in her first year on the Arizona Supreme Court to author a landmark decision, State Bar v. Arizona Land, Title and Trust Co (1961).⁵¹ This case outlawed the practice of real estate brokers and title companies preparing and executing documents for various real estate transactions, on the basis that it was an unauthorized practice of law.⁵² It was noteworthy for Lockwood to author this opinion in her first year because real estate agents and title

companies vehemently opposed the result and waged a vigorous political campaign to nullify the decision by amending the Arizona Constitution.⁵³

Although Arizona Land, Title and Trust Co was eventually nullified by the passage of an amendment to the Arizona Constitution,^{xii} this opinion still remains a significant part of Lockwood’s judicial record because in this opinion she provides insight into her views of the “rule of law.”⁵⁴ She observes that the “rule of law...signifies the *equality* in the determination of the rights, responsibilities and relationships of individuals under established law, instead of by edict or the shifting whims of dictatorial authority.”⁵⁵ The most important element of the “rule of law” for Lockwood was equality. Whether it was equality for women, juveniles, minorities, or just people seeking justice, Lorna Lockwood dedicated herself to “achieve equal protection and justice under the law”.⁵⁶

One of Lockwood’s greatest strengths was her courage to overrule entrenched judicial precedent if it would serve the cause of justice. As a colleague once noted:

Throughout her whole life and her whole career, Lorna Lockwood has possessed the quality of legal creativity. In a tradition-encrusted profession in which novelty is not the order of the day, she has never been afraid of an idea because it was new.⁵⁷

Lockwood’s creativity and courage to challenge tradition is most apparent in Stone v. Arizona Highway Commissioner (1963).⁵⁸ In this case a highway construction contractor failure to properly post warnings of a dangerous condition on the highway resulted in a fatal automobile collision.⁵⁹ This case was brought on appeal from orders dismissing the case against the defendants for failure to state a claim because the defendants were exempt under the doctrine of governmental immunity from tort liability.⁶⁰

^{xii} ARIZ. CONST., art. 26.

Lockwood began the Stone opinion with what has been called “her most fundamental article of faith,”⁶¹ quoted in judicial opinions even to this day: “We are of the opinion that when the reason for a certain rule no longer exists, the rule itself should be abandoned.”⁶² Thus, in one quick stroke of the pen Lockwood abolished the doctrine of governmental immunity from tort liability. Lockwood did not, however, toss aside centuries of judicial precedent lightly. Lockwood’s development of the law was based on extensive historical and legal study.

In the Stone opinion, she diligently traced the evolution of the rule of governmental immunity from its medieval English background to its emergence in Arizona law. In addition, she supported her opinion by referencing the decisions of other jurisdictions that had abolished the rule. Yet, instead of dryly reciting case law to trace the legal history of this rule, Lockwood crafted a beautiful opinion peppered with several memorable passages:

Sovereign or governmental immunity began with the personal prerogatives of the King of England upon the theory that ‘the King can do no wrong,’ and even though at a very early date in American history we overthrew the reign of the English King the doctrine somehow became entrenched in our judicial code.⁶³

This doctrine of the English common law seems to have been windblown across the Atlantic as were the pilgrims on the Mayflower and landed as if by chance on Plymouth Rock, for the first case arose in Massachusetts.⁶⁴

Lockwood concludes the Stone opinion by stating that when a rule becomes “unjust or outmoded” it does not “become with age invulnerable to judicial attack.”⁶⁵ Thus, in one opinion Lockwood rewrote the law relating to tort liability for the state of Arizona, its agencies and subdivisions.

This case is hailed by Lockwood’s biographers and commentators as an example of her “courage to change the law from the outmoded to a modern tool with which society can

better function.”⁶⁶ The Stone opinion provides insight into how Lockwood seems to have viewed the relationship between society and the judicial process. It appears that she subscribed to the belief that the world and society is rapidly changing; thus, it is the role of the law to keep pace with the times.⁶⁷ To ensure that the law keeps pace with the times, when legislation fails to solve a new problem and when that problem winds its way to court, Lockwood appears to be of the opinion that the burden falls on judges to “hammer out new rules” to govern the case at hand.⁶⁸ Although Lockwood is highly acclaimed by some commentators for this progressive view, it is a view that generated a great amount of controversy and could be interpreted as a weakness in her judicial ideology.

Judicial Record – Weaknesses

Lockwood had a distinguished legal career and was an important leader who shaped the history and law of Arizona, however those revered qualities such as legal creativity and courage to overrule entrenched precedent raise questions as to whether she would have been considered a suitable candidate for nomination to the U.S. Supreme Court in 1967.

One of the major issues raised during the confirmation hearings for the nomination of Thurgood Marshall to the U.S. Supreme Court in 1967 was concern over judge-made law.⁶⁹ Questions were raised about the supposed trend of Supreme Court Justices making policy decisions, assuming legislative power, overruling precedent, and failing to exercise “judicial self-restraint.”⁷⁰ Extreme criticism of this trend was voiced on the basis that “[i]t is a foundational idea of our legal system that when people come before a court to resolve a dispute, it is the law, not the judge, that determines the outcome of the dispute.”⁷¹ One of the fundamental elements of this idea is that judges should follow a policy of *stare decisis*. This doctrine springs from such fundamental ideas as the equality of treatment of litigants, stability

and predictability in the law, protection against arbitrary judicial decisions, and the need to promote “the actual and perceived integrity of the judicial process.”⁷² Lockwood appears to have supported all of these ideals when she asserted her commitment to the “rule of law” by stating in Arizona Land, Title and Trust Co that “the rule of law signifies the equality in the determination of the rights, responsibilities and relationships of individuals under established law, instead of by edict or the shifting whims of dictatorial authority.”⁷³ However, an examination of Lockwood’s judicial record shows that she might not have fully subscribed to this idea and thus she may not have practiced the judicial restraint sought after by the political and legal community in 1967.

Lockwood’s opinion in Stone would have given ample ammunition to anyone wishing to challenge her nomination on grounds of a lack of judicial restraint. In Stone Lockwood rejects the policy of *stare decisis* when she states:

We are of the opinion that when the reason for a certain rule no longer exists, the rule itself should be abandoned. After a thorough re-examination of the rule of governmental immunity from tort liability, we now hold that it must be discarded as a rule of law in Arizona and all prior decisions to the contrary are hereby overruled.⁷⁴

Even if there was doubt after this case as to where she stood on the policy of following *stare decisis*, there remained none after she stated in an interview, “I’ve always prided myself in rendering decisions based on common sense rather than strictly on legal precedent.”⁷⁵

The Arizona Supreme Court’s decision and Lockwood’s bold opinion in Stone received major criticism for rejecting legal precedent and not deferring to the legislative process. Stone directly overruled a case decided by the Supreme Court of Arizona in 1958, in which the court declared that the doctrine of governmental immunity should be modified by the legislature and “not by judicial fiat.”⁷⁶ Along this line of reasoning, after the Stone case

was decided several Law Review articles were written expressing concern that a court-made abrogation of government immunity was an inappropriate solution to the problem.⁷⁷ They argued the solution should have come from the legislature to ensure predictability and proper balance of policy considerations.⁷⁸ In addition, critics of the Stone case implored the court to exercise restraint, in the interest of stability and dependability in the law, by leaving these controversial issues to the legislative process.⁷⁹ This criticism reveals that Lockwood's attitude towards *stare decisis* would have been a source of debate if she had been nominated for a U.S. Supreme Court position in 1967. Whether her ideology on *stare decisis* would have been considered a strength or a weakness will remain unanswered, but it definitely raises the question as to whether she would have been viewed as a viable candidate for a Supreme Court nomination.

In addition to her view on legal precedent and judicial restraint, a juvenile case which came before Lockwood when she was Chief Justice casts doubt on whether she consistently adhered to her ideologies. In re Gault (1967) involved a writ of habeas corpus filed by the parents of Gerald Gault to secure the release of their 15-year-old son who had been committed as a juvenile delinquent to a state industrial school.⁸⁰ In re Gault was a decision made by the U.S. Supreme Court overruling a judgment made by the Arizona Supreme Court in Application of Gault (1965).⁸¹ The issue in this case was whether Gault was denied the due process of law because of the manner in which he was detained, tried, determined to be delinquent, and finally committed to a state institution.⁸²

Gerald Gault was committed to a "state industrial school" until the age of 21 for allegedly making lewd statements to a neighbor over the phone.⁸³ The issues in this case began when Gault, at the age of 15, was first taken into custody and no notice was given to his

parents that he had been arrested.⁸⁴ In fact, the parents only found out he had been detained by the police when they returned home from work and while frantically searching for their son found out from a neighbor that he had been taken by the police.⁸⁵ Once in custody, Gault's parents were not provided formal notice of the charges against Gault and were not informed of their constitutional rights including: the rights to counsel; to confrontation; and the privilege against self-incrimination.⁸⁶ After a preliminary hearing, and after being detained for 4-5 days, Gault was released to the custody of his parents.⁸⁷ A number of days later Gault appeared at the formal hearing in the Juvenile Court, without council, and was determined to be delinquent.⁸⁸ The hearing was conducted without the complainant in attendance, without a record made of the proceedings, and was based on unsworn hearsay testimony.⁸⁹ Finally, without an avenue of appeal available, Gault was removed from the custody of his parents and committed to a juvenile delinquent institution until the age of 21.⁹⁰

The questionable conduct in this case did not persuade the Arizona Supreme Court, and in the majority opinion to which Lockwood concurred, the court found that the juvenile court proceeding had *not* denied Gault the due process of the law. On appeal, the U.S. Supreme Court issued a scalding decision chastising the Arizona courts and reversing the Arizona Supreme Court's decision.⁹¹ The U.S. Supreme Court noted that if Gault had been over 18 he would have received a fine of \$5 to \$50, or imprisonment in jail for no more than two months.⁹² Instead, because he was a juvenile he was committed to custody for a maximum of six years. In addition, the court observed that if he had been over 18 he would have been entitled to substantial rights under the Constitution of the United States as well as under Arizona's laws and Constitution.⁹³ Finally, the U.S. Supreme Court proclaimed:

We conclude that the Due Process Clause of the Fourteenth Amendment requires that in respect of proceedings to determine

delinquency, which may result in commitment to an institution in which the juvenile's freedom is curtailed, the child and his parent be notified of the child's right to be represented by counsel retained by them, or if they are unable to afford counsel, that counsel will be appointed to represent the child.⁹⁴

After examination of the Gault case, one has to ask how Lockwood, who once proclaimed "my hobby, my only hobby is children,"⁹⁵ and who exhibited an inordinate amount of compassion in cases involving much graver offenses, could have subscribed to an opinion finding that Gault's right of due process had not been violated. It has been stated that "warmth and compassion were her trademarks on the bench."⁹⁶ In fact there are numerous stories of her being merciful in cases much worse than Gault. One example is when she placed an ex-convict with a long record only on probation after he testified that he stole to feed his wife and child.⁹⁷ In another burglary case she placed a first offender on probation when he said that he was stealing items to furnish an apartment for his bride-to-be.⁹⁸ Lockwood's philosophy on the function of a Juvenile Court was once put as that of "rehabilitation rather than retributive punishment."⁹⁹ Yet, it is unclear how committing a 15 year old to a state juvenile institution until the age of 21 for making inappropriate remarks to a neighbor over the phone can be viewed as rehabilitation. In fact, even Justice Fortas noted:

However euphemistic the title, a "receiving home" or an "industrial school" for juveniles is an institution of confinement in which the child is incarcerated...Instead of mother and father and sisters and brothers and friends and classmates, his world is peopled by guards, custodians, state employees, and "delinquents" confined with him for anything from waywardness to rape and homicide.¹⁰⁰

The original judgment in Gault, as handed down by the Supreme Court of Arizona, absolutely contradicts Lockwood's philosophy on juvenile justice. This inconsistency appears inexplicable and is exacerbated by an article she authored after the U.S. Supreme Court issued its decision in Gault

In an article entitled “The Role of Counsel in Juvenile Proceedings” Lockwood supports the Supreme Court’s opinion in Gault, in effect rejecting the Arizona Supreme Court’s opinion she originally concurred with.¹⁰¹ Lockwood explains that legal publications, law reviews, and lay periodicals had all urged to reform the juvenile court system.¹⁰² She argues that “all but the most myopic judges” recognized this need to reform.¹⁰³ Finally she concludes the article by stating:

The juvenile court has needed rejuvenation for some time...and [I] feel that at last the juvenile court will become a real part of the judicial system, instead of a social agency with unlimited power but which has not as yet been able to justify itself as a vehicle for justice as well as mercy.¹⁰⁴

These are very strong statements for a judge who originally concurred with an opinion which denied that a juvenile’s due process rights were violated by a system “which has not as yet been able to justify itself as a vehicle for justice as well as mercy.” It is unclear how she could call other judges “myopic” when she, herself, did not heed the warnings of all the legal publications and law reviews urging to reform the juvenile court system.

If she did in fact believe what she wrote in this article, why did she not dissent from the original Arizona Supreme Court opinion? One possible explanation for this apparent inconsistency is that trained as a trial judge for 10 years, Lockwood was a judge who looked to the immediate resolution of each case and failed to envision the implications of the result. Another explanation is that she might have been influenced by the other justices on the court to concur with the unanimous majority opinion. Unfortunately, there is no record available to answer this quandary. However, this case calls into question Lockwood’s ability to stand up for her convictions and ideologies, arguably a necessary quality for a U.S. Supreme Court Justice.

In contrast to the Gault case, where Lockwood failed to protect the constitutional rights of a juvenile, in Rojas v. Superior Court of Maricopa County (1966) Lockwood's concern over a defendant's constitutional protection of a speedy trial allowed an accused murder walk free.¹⁰⁵ The issue in this case revolves around the Arizona Constitution's right to a speedy trial as protected by Rule 236 of the Arizona Rules of Criminal Procedure, which requires that if the defendant is not brought to trial within 60 days after the filing of the information the prosecution shall be dismissed.¹⁰⁶

In Rojas, an information charging murder was filed against the defendant Rojas.¹⁰⁷ One week later the defendant was brought to court for arraignment, well within the 60-day requirement of Rule 236.¹⁰⁸ However, the Public Defender appointed to represent Rojas requested and was granted a two-day continuance to determine if Rojas was indigent or wished to hire a private attorney.¹⁰⁹ The problem occurred when the Court Administrator failed to place the defendant's name on the arraignment calendar.¹¹⁰ Thus, after the sixty-day limit of Rule 236 passed, Rojas filed a motion to dismiss the charge on the grounds that his right to a speedy trial had been violated.¹¹¹ Although Rule 236 provided for waiver of this rule if there was a showing of good cause, the Arizona Supreme Court, in an opinion written by Lockwood, granted the motion to dismiss allowing the accused murder to walk free.¹¹² Lockwood's strict adherence to constitutional rights and procedural due process for criminal defendants took precedence in this case resulting in a remedy that seems to far out-weigh the State's negligence.

Adhering to the letter of the law is important to uphold the rule of law and to maintain the legitimacy of the courts. However, legitimacy is also only maintained if judges are consistent and do not arbitrarily chose whether to apply existing law or change the law

because it seems to be “the right thing to do” or because they are swayed by academia, the media, or their peers. Lockwood had very strong beliefs that she was not afraid to voice, but in the judicial context this courage is only a strength if those beliefs are applied consistently.

A sample of Lockwood’s most highly revered cases illuminates some possible inconsistencies in the beliefs she expressed and her subsequent decisions in cases. In Stone Lockwood rejected the applicable law to help compensate for a fatal car accident caused by the negligence of the government.¹¹³ In Gault Lockwood failed to stand up for her convictions on juvenile justice and concurred in an opinion denying a juvenile his constitutional rights.¹¹⁴ In Rojas Lockwood strictly adhered to the law and let an accused murder walk free.¹¹⁵ And finally, in other decisions she rendered while in the Superior Court Lockwood gave offenders lighter sentences out of “compassion.” Putting aside whether these decisions were “right” or “wrong,” viewed together these cases seem to show some inconsistency in the application of Lockwood’s convictions. This ideological shifting might have negatively affected Lockwood if she would have been considered for a position on the U.S. Supreme Court in 1967.

1967 U.S. Supreme Court Nominee Selection – Political & Social Forces

Since World War II, Supreme Court appointments have become high-stakes political events.¹¹⁶ On the one hand, a president ideally tries to choose a nominee whose influence will reach beyond the current political environment. On the other hand, a president cannot ignore the political issues of the immediate environment. 1967, the year in which Lorna Lockwood’s name was recommended to President Johnson as a possible candidate for a Supreme Court nomination, was a turbulent year arising in the midst of a social revolution marked by the Vietnam War, the Civil Rights Movement, and the emergence of the modern women’s

movement.¹¹⁷ President Johnson’s selection of a nominee during these volatile times had the power to either bring the nation together or tear it apart.

The Women’s Movement

The changing climate of the turbulent 1960’s provided an unusually fertile ground for the second wave of the women’s movement.^{xiii} Piggybacking on the gains made by the Civil Right’s Movement, in 1964 feminists were successful in including women into Title VII of the Civil Rights Act banning discrimination in the workplace.¹¹⁸ The combination of Title VII and the establishment of the Equal Employment Opportunity Commission (EEOC) marked the beginning of significant changes for the role of women in the American landscape.¹¹⁹ But it would take more than the creation of a new law to actually create major changes. There had to be a social awakening by women themselves to have the courage to challenge their positions as second-class citizens.

In Arizona, Lockwood was part of this awakening. Lockwood publicly urged women to get involved in government from the local to the federal level because women “have something to offer.”¹²⁰ Also, by her own example, Lockwood showed women that they could break through the glass-ceilings and accomplish anything they set their minds to. The women’s movement wouldn’t reach its peak intensity until the early 1970’s, when, with the help of the media^{xiv} and the massive effort to pass the hotly debated Equal Right’s Amendment (ERA),^{xv} the message of the movement finally reached the general public.¹²¹

^{xiii} The women’s movement, as reincarnated in the 1960’s, is often called by historians as the “second wave” of feminism, to distinguish it from the “first wave,” which arose during the nineteenth century and won the right to vote for women in 1920. (Davis, Flora, MOVING THE MOUNTAIN: THE WOMEN’S MOVEMENT IN AMERICA SINCE 1960 11 (1991))

^{xiv} Starting in 1969 the media lavished attention on women’s liberation groups from protest to the Miss America Contest to the Women’s Strike for Equality Day in the summer of 1970. (Davis, Flora, MOVING THE MOUNTAIN: THE WOMEN’S MOVEMENT IN AMERICA SINCE 1960 Chapter 6 (1991))

^{xv} The ERA was a proposed constitutional amendment which stated: “Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.” The amendment was passed by

The fact that the women's movement was not very strong in 1967 was most likely a factor in President Johnson's calculation of who he should nominate to the Supreme Court and thus possibly a factor why Lockwood was not considered. In addition, there was another movement whose urgency peaked in the mid-sixties and required immediate attention, the Civil Right's Movement.¹²²

The Civil Right's Movement

Many movements marked the sixties however the Civil Rights Movement would reshape the history and the consciousness of the United States forever. Although the movement for civil rights for African Americans began long before the sixties, it was during this decade that the movement reached the boiling point. In 1963, African Americans protested in Savannah, Cambridge, Maryland, Chicago and Philadelphia.¹²³ In 1964 Mississippi law enforcement officers were implicated in the lynch murder of three civil rights workers and riots broke out in Harlem and Brooklyn lasting several days.¹²⁴ In the summer of 1965, sparked by rumors of police brutality, riots broke out in Watts which raged for five days and ended with 34 people dead, a thousand injured, four thousand in jail, and property damage worth over \$40 million.¹²⁵ The riots in Watts were followed by protests during the summer of 1966 in thirty-eight cities, including Chicago, Cleveland, Milwaukee, Atlanta, Philadelphia, and Minneapolis.¹²⁶ This racial unrest reached its peak in the spring and summer of 1967 when Newark erupted in a holocaust that took 23 lives and a devastating riot in Detroit took the lives of 43 people.¹²⁷ America could no longer ignore the plight of the African American people. The power of television brought images of protestors, being brutalized by police using dogs, fire hoses, and cattle prods, into the living rooms across the

Congress in 1972, but fell three states short of ratification. (Davis, Flora, MOVING THE MOUNTAIN: THE WOMEN'S MOVEMENT IN AMERICA SINCE 1960 134 (1991))

nation and forced America to confront the reality of racism. Although great legal and legislative gains had been achieved to advance the cause of African Americans such as, Brown v. Board of Education and the 1964 Civil Rights Act, it was not enough.

President Johnson heard the concerns of African Americans and the nation and thus saw an appointment to the Supreme Court as his chance to make a statement about his commitment to the civil rights of African Americans.¹²⁸ In the 178-year history of the Supreme Court no president had ever proposed appointing an African American or woman to the Court.¹²⁹ Johnson believed that “as with desegregation of all public institutions, the Court should now reflect the shift in social and political mood toward fulfilling constitutional mandates on equal treatment under the law.”¹³⁰ There was no better time or place to promote equality and justice for all than in the U.S Supreme Court, the institution most responsible for defining the law of the land.

The political and social circumstances of the time demanded that a nominee for the Supreme Court be a strong advocate of civil rights for African Americans. Thus, in order for Lockwood to have been a possible candidate for the U.S. Supreme Court, she would have had to demonstrate a commitment to the promotion of civil rights for African Americans. However, public record and Lockwood’s judicial record up until 1967 is devoid of any such evidence. Lockwood’s most acclaimed demonstration of her commitment to the rights of any minority group arose in 1973 when she authored the opinion in Shirley v. Superior Court.¹³¹ Shirley, a Navajo Indian, had been denied a seat on the Apache County Board of Supervisors despite having received the most votes at the election.¹³² The losing party sought an injunction preventing Shirley from taking his seat on the basis that Shirley lived on the reservation, had no property, and was not subject to taxation.¹³³ Despite entrenched political

resistance Lockwood quashed the injunction and ordered that Shirley be certified as duly elected.¹³⁴ Although, Shirley indicates that Lockwood might have been sensitive to minority issues and civil rights, unfortunately this case was not available in 1967 when her possible candidacy for a U.S. Supreme Court nomination would have been evaluated.

Thurgood Marshall

In contrast, Thurgood Marshall, President Johnson's nominee for the Supreme Court, had an extraordinary record on civil rights activism. In June 13, 1967, President Johnson nominated Thurgood Marshall to be Associate Justice of the Supreme Court of the United States.¹³⁵ As the first African American to be nominated to the Supreme Court, Johnson hoped that Marshall would be a role model for African Americans, demonstrating that "old fences are coming down" and that they could aspire to any job in the United States and could do it just as well as anyone else.¹³⁶ President Johnson also recognized that "Marshall's name is symbolic in America...It is worth more than all the gold in Fort Knox to know that there is an opportunity and that there is a sense of equality which has been generated."¹³⁷ Sheer symbolism was not however the basis for Marshall's appointment. Marshall was the ideal candidate for the appointment to the Supreme Court in 1967 because of his remarkable record of accomplishment as an attorney and a judge. Marshall graduated first in his class from Howard University and after graduation launched a career as an advocate for African American rights.¹³⁸ Even before Marshall was appointed to a federal judgeship in 1961 and Johnson named him Solicitor General, Marshall secured his place as one of the greatest jurists in American history by successfully arguing Brown v. Board of Education and twenty-eight other winning pleas (out of thirty-two) made before the U.S Supreme Court.¹³⁹

With the nomination of Thurgood Marshall, President Johnson sought to bring the nation together and demonstrate that “equality and justice for all,” truly did mean everyone. Although nominating a woman to the U.S. Supreme Court would have also made a strong statement about equality for all, the critical nature of the Civil Rights Movement in 1967 necessitated President Johnson to select Thurgood Marshall to the U.S Supreme Court bench.

Conclusion

The legendary Justice Oliver Wendell Holmes once said that a Supreme Court Justice should be a “combination of Justinian, Jesus Christ, and John Marshall.”¹⁴⁰ Whatever the perfect formula for U.S. Supreme Court Justice might be, the one thing that is certain is that the decision is not to be taken lightly and there is not a single criterion that will identify a model Justice. Throughout history many factors have played a role in the evaluation and selection of a nominee to the U.S. Supreme Court. As should be expected, a fundamental criterion for the selection of a Supreme Court Justice is whether they have the judicial experience necessary to do the job.¹⁴¹ However, other factors that influence the evaluation and selection process include, political ideology, character, political and personal favoritism, and starting in 1967, ethnicity and gender.¹⁴² In addition, the nomination of a Supreme Court Justice does not occur in vacuum. One of the most influential factors in the selection of a Supreme Court Justice is the political and social environment. Considering all these factors, was Lockwood a viable candidate for a U.S. Supreme Court nomination in 1967?

Lockwood had many excellent qualities that she would have brought to the U.S Supreme Court. Lockwood’s level of judicial experience was impressive. Although Lockwood lacked federal judicial experience, by 1967, having already been selected once to be Chief Justice of the Arizona Supreme Court, Lockwood was one of the highest ranked

women in the legal profession. Thus, if President Johnson had decided to select a woman to fill the U.S Supreme Court vacancy in 1967, Lockwood would have been a strong contender.

Not only did Lockwood excel in the legal profession on an objective level, but she also excelled subjectively as is evidenced by how highly regarded she was by her judicial peers. A fellow Arizona Supreme Court Justice once praised her for her ability apply her “keen legal mind” to “[find] solutions acceptable to all members of the court for many difficult problems.”¹⁴³ This statement shows that Lockwood was influential in the court and helped build cooperation and consensus. Had Lockwood been appointed to a position on the U.S Supreme Court these attributes would have been extremely valuable.

Lockwood’s strong character is revealed in a number of key opinions she authored before 1967. Lockwood did not shy away from making bold statements about her convictions and she was also not scared to explore new legal territory. For example, Gardner advanced the rights of women¹⁴⁴ and Stone abolished the doctrine of governmental immunity.¹⁴⁵ Depending on the critic, some of Lockwood’s judicial opinions can either be viewed as problematic or examples of her “courage to change the law from the outmoded to a modern tool with which society can function.”¹⁴⁶ Strong criticism was raised during the nomination process of Thurgood Marshall in 1967 about Justices acting as legislatures rather than judges. Lockwood’s opinion in Stone might have fallen prey to this criticism. Additionally, Lockwood’s leniency in some cases and not in others might have also sparked criticism of inconsistent judicial decision-making. However, criticism of weak or inconsistent judicial records has befallen many Supreme Court nominees and yet has not proven to be fatal.

On weakness in Lockwood’s judicial record, which would have most likely been fatal, was the lack of opinions evidencing a commitment to civil rights for African Americans. In

1967, President Johnson wanted to appoint someone to the Supreme Court who would demonstrate to the nation that notion of “equality and justice for all” applied to white Americans as well as black Americans. Lockwood’s record was silent on this issue in 1967 and thus she failed to meet one of the most important requirements that President Johnson was looking for in a Supreme Court nominee.

What if however, President Johnson would have heeded Lady Bird’s advice and seriously considered appointing a woman to the U.S Supreme Court in 1967? Considering the social turmoil afflicting the nation in the sixties her stance on civil rights would have still been decisive, however, Lockwood would have brought an element to the nomination table that no man could have brought. That is a woman’s perspective and experience. Having a representative judiciary is necessary to legitimate the role of the courts in society. A woman on the bench can provide balance to the traditionally male perspective on justice, thus acting as a voice for the other half of the population. Despite any differences in opinion about Lockwood’s judicial record or ideologies, her character and dedication to women’s issues indicate that she would have been a strong voice on the Supreme Court, bringing a feminine perspective to controversial issues and providing a role model for other women.

Lorna Elizabeth Lockwood was a trailblazer for women in the field of law. Although the lobbying efforts to get Lockwood nominated to U.S. Supreme Court in 1967 did not succeed, she was instrumental in paving the road for the appointment of the first woman to the U.S. Supreme Court in 1981, Justice Sandra Day O’Connor. Justice O’Connor expressed her gratitude for Lockwood’s role in breaking the barriers which enabled her to reach the Supreme Court when she stated, “[e]ach position I held in Arizona was one which was

attainable by following a course made far more accessible because Lorna Lockwood had prepared the way by proving it could be done and done well by a woman.”¹⁴⁷

But Justice O’Connor is not the only one that has benefited from Lockwood’s achievements. As a product of a University of Arizona education and having worked in the legal field in Arizona, I must also thank Lockwood. I have had the privilege of never having to think twice about attending law school and never having to deal with discrimination when searching for a job in a law firm in Arizona or anywhere else for that matter. We cannot forget that the path to this privilege was paved by the efforts and courage of many strong women, of which Lorna Elizabeth Lockwood stands out as one of the great leaders.

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LORNA ELIZABETH LOCKWOOD¹
 MARCH 24, 1903 - SEPTEMBER 23, 1977

1900	Arizona Population: 122,931
1902	.....	Sarah Herring Sorin become the first woman to be admitted to the Arizona Bar.
1903	.....	March 24, 1903, Lorna Elizabeth Lockwood born to Alfred Collins Lockwood (an attorney and State Supreme Court Justice for 17 years) and Daisy Maude Lincoln
1912	.....	Arizona becomes 48 th State
1913	.....	Lockwood family moved to Tombstone when Lorna's father is appointed Superior Court Judge
1916	.....	Father keeps Lockwood home for one year to learn domestic arts
1920	.....	Graduated from Tombstone High School
1922	.....	Florence Ellingwood Allen become first woman to be elected to a State Supreme Court (Ohio)
1923	.....	Received Bachelor's degree from the University of Arizona
1925	.....	Graduated from University of Arizona College of Law (second woman to attend, first to receive J.D, degree)
1925-39	.....	Admitted to the Arizona Bar. Lockwood employed as legal stenographer for 14 years.
1930	.....	University of Arizona becomes and ABA approved law school
1934	.....	Florence Ellingwood Allen, appointed by President Franklin D. Roosevelt, becomes first woman to serve on a U.S. Court of Appeals
1939	.....	Admitted to practice before the U.S. District Court
1939-42	.....	Entered private practice with Loretta Savage. Served two terms as legislator in the Arizona House of Representatives (Democrat).
1941-45	.....	WWII sparks an economic boom in Arizona
1942	.....	Resigned her seat in the legislature to move to Washington, D.C. to be the secretary to Representative John Murdock.
		Admitted to practice before the U.S. Supreme Court

¹ Source: Solano, Angele, *Lorna Lockwood: Lawyer, Legislator, Leader* (2001)

- 1943-45 Returned to Arizona to serve two years as District Price Attorney for the Office of Price Administration
- 1945-47 Joined Cox, Lockwood & Lockwood (private practice with brother and father)
- 1947-9 Served a third term in the State Legislature. Chair of House Judiciary Committee.
- 1949 Native Americans obtain the right to vote
- 1948 Became first woman in Arizona appointed Assistant Attorney General
- 1951-60 Became first woman to sit on the bench of the Arizona Superior Court
- 1961 Elected to Arizona Supreme Court.

 Authored controversial State Bar of Arizona v. Arizona Land Title and Trust, outlawing the practice of real estate brokers and title companies preparing and executing documents for various real estate transactions, on the basis that it was an unauthorized practice of law
- 1963 Authored Stone v. Arizona Highway Commissioner, which rejected the state's immunity from tort liability.
- 1964 Senator Barry Goldwater runs for President as Republican Party nominee.

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- 1970-71 Served second one-year term as Chief Justice
- 1972 Authored City of Glendale v. Bradshaw, changing existing common law by granting women the right to claim loss of consortium of their spouse in personal injury actions.
- Equal Right's Amendment (ERA) passed by Congress (falls three states short of ratification).
- 1973 Authored Shirley v. Superior Court, which broke the barrier against full-scale participation of Native Americans in the county government.
- 1974 Authored New Times, Inc. v. Arizona Board of Regents, which struck down as unconstitutional university regulations limiting the distribution of an off-campus newspaper.
- 1975 Retired from Arizona Supreme Court due to poor health.
- 1977 Died from complication with pneumonia at age 74.
- 1981 Sandra Day O'Connor becomes First woman nominated to the U.S. Supreme Court
- 1986 U.S Supreme Court holds in Meritor Savings Bank, FSB v. Vinson, that sexual harassment constitutes actionable sex discrimination under Title VII
- 1988 First Woman elected as Governor of Arizona (Rose Mofford). Arizona Population: 4.7 million.

LORNA ELIZABETH LOCKWOOD¹
 MARCH 24, 1903 - SEPTEMBER 23, 1977

1900	.....	Arizona Population: 122,931
1902	.....	Sarah Herring Sorin become the first woman to be admitted to the Arizona Bar.
1903	.....	March 24, 1903, Lorna Elizabeth Lockwood born to Alfred Collins Lockwood (an attorney and State Supreme Court Justice for 17 years) and Daisy Maude Lincoln
1912	.....	Arizona becomes 48 th State
1913	.....	Lockwood family moved to Tombstone when Lorna's father is appointed Superior Court Judge
1916	.....	Father keeps Lockwood home for one year to learn domestic arts
1920	.....	Graduated from Tombstone High School
1922	.....	Florence Ellingwood Allen become first woman to be elected to a State Supreme Court (Ohio)
1923	.....	Received Bachelor's degree from the University of Arizona
1925	.....	Graduated from University of Arizona College of Law (second woman to attend, first to receive J.D, degree)
1925-39	.....	Admitted to the Arizona Bar. Lockwood employed as legal stenographer for 14 years.
1930	.....	University of Arizona becomes and ABA approved law school
1934	.....	Florence Ellingwood Allen, appointed by President Franklin D. Roosevelt, becomes first woman to serve on a U.S. Court of Appeals
1939	.....	Admitted to practice before the U.S. District Court
1939-42	.....	Entered private practice with Loretta Savage. Served two terms as legislator in the Arizona House of Representatives (Democrat).
1941-45	.....	WWII sparks an economic boom in Arizona
1942	.....	Resigned her seat in the legislature to move to Washington, D.C. to be the secretary to Representative John Murdock.
		Admitted to practice before the U.S. Supreme Court

¹ Source: Solano, Angele, *Lorna Lockwood: Lawyer, Legislator, Leader* (2001)

- 1943-45 Returned to Arizona to serve two years as District Price Attorney for the Office of Price Administration
- 1945-47 Joined Cox, Lockwood & Lockwood (private practice with brother and father)
- 1947-9 Served a third term in the State Legislature. Chair of House Judiciary Committee.
- 1949 Native Americans obtain the right to vote
- 1948 Became first woman in Arizona appointed Assistant Attorney General
- 1951-60 Became first woman to sit on the bench of the Arizona Superior Court
- 1961 Elected to Arizona Supreme Court.

 Authored controversial State Bar of Arizona v. Arizona Land Title and Trust, outlawing the practice of real estate brokers and title companies preparing and executing documents for various real estate transactions, on the basis that it was an unauthorized practice of law
- 1963 Authored Stone v. Arizona Highway Commissioner, which rejected the state's immunity from tort liability.
- 1964 Senator Barry Goldwater runs for President as Republican Party nominee.

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