

Rosalie Loew Whitney

The Early Years as Advocate for the Poor

By Rada Blumkin

Professor Babcock

Women in the Legal Profession

Fall 2001

Synopsis

This paper contributes to the understanding of Rosalie Loew Whitney's life by taking a closer look at the early years of her legal career, especially the years she spent working for the Legal Aid Society of New York. Rosalie began her legal career in private practice with her father, but soon thereafter joined the Legal Aid Society and after working there for five years, became its fifth attorney in charge and the first woman to achieve such prominence. One cannot understand the person that was Rosalie Loew without understanding the type of devotion she felt for the work the Legal Aid Society allowed her to do. She cared deeply about the plight of working class women and men and as a lawyer for the Legal Aid Society, she tried to help those who had nowhere else to turn.

Rosalie was a multi-dimensional woman, and as other women lawyers of her time, she also cared about the advancement of women. This paper describes her involvement with the Women Lawyer's Club and her application to the NY Bar Association. Even though this paper concentrates on the first chapter of Rosalie's legal career, it contributes to the understanding of her life by describing her commitment to charitable legal work and the people behind the cases.

I. Introduction

Rosalie Loew Whitney was a remarkable woman, full of passion for her work and her family and full of an all-absorbing sympathy for humankind. In choosing a subject for this paper, I was looking for someone with whom I could possibly find some type of connection. I found much more than just a connection when I began to research Rosalie's life. I found a woman I could respect, a woman who not only had a distinguished career as a lawyer and a judge, but was also a wonderful mother to three sons who adored her, and a grandmother to eight

grandchildren some of whom still remember her from the time they lived together at 212 Columbia Heights in New York.

While doing research for this paper, I was lucky enough to be contacted by one of these grandchildren and was even luckier to have an opportunity to meet another. After establishing contact with Wells Whitney, one of Rosalie's eight grandchildren who happens to live in San Francisco, we decided to meet at a designated place at Stanford University. I got there first and waited impatiently for him to arrive. There were other people around me and I wasn't sure if any one of them matched the description of Wells Whitney. Suddenly, I saw a man walking straight up to me as though he knew who I was. Later, Wells Whitney told me that as soon as he saw me, he knew that I was the person researching his grandmother's life. Apparently, Rosalie and I share some of the same physical characteristics. We are both very short (5") slender brunettes with brown eyes. And somehow, as soon as Rosalie's grandson, who was six when she passed away, saw me standing there in the middle of a busy plaza, he recognized that in some ways I was like his grandmother.

However, even before I met Wells Whitney, I was drawn to Rosalie and was especially interested in writing about her years at the Legal Aid Society, helping many poor immigrants who didn't speak any English and didn't know the laws of this country. I was drawn to this particular time of her life, because my family and I immigrated to the United States from Ukraine when I was eleven years old and I am still very close to the Russian immigrant community in Los Angeles. Rosalie was also the daughter of Hungarian immigrants and had this incredible desire to help other immigrants from all over the world, which she accomplished as an attorney for the Legal Aid Society of New York. I was fascinated by the work Rosalie did for the Legal Aid Society and how she felt this need to create justice and equality in the world of

those who did not think any existed. I think that everyone might look for a connection with his or her subject, but I feel that I found more than just a connection. I found someone I could admire and whose life has some important lessons to offer future generations.

Thus, this paper concentrates on Rosalie's early life and especially her work for the Legal Aid Society. I include other major events and accomplishments during the same time period, including her early practice with her father, the co-founding of the Women Lawyers' Club, application to the Bar Association of New York City, and finally, the choice between career and motherhood.¹

II. Background

Rosalie was born on May 4, 1873 in New York City.² She was the daughter of William Noah Loew and Leontine Wechsler. Her father was born August 12, 1847 in Papa, Hungary and raised in Szegeed where he attended school. His father, Rosalie's grandfather, was a renowned rabbi in Hungary. In 1866 William Loew immigrated to the United States at the age of nineteen and became a lawyer. However, William Loew was much more than just a lawyer. He was also an author, as well as a translator of Hungarian poetry and later in his life, a judge. William Loew married Rosalie's mother, Leontine Wechsler, on November 23, 1868.

Rosalie's mother was born on April 18, 1848 in Sebeskelemes, Hungary and immigrated to the United States from Poppa, Bohemia at the age of eight. According to the account of the

¹ This paper does not cover Rosalie Loew's life beyond marriage to Travis H. Whitney and the choice between career and motherhood. The section on future work includes some ideas for possible future papers that might describe the next chapter of Rosalie's life when she became involved in politics and was eventually appointed as a judge.

² Most of the following biographical information about Rosalie and her parents is from a Wells Whitney's working draft of a family history.

family written by Wells Whitney, Leontine was a milliner in New York.³ Wells Whitney writes that she “was the real driver in the family” and ran the milliner shop despite her lack of any formal education and certainly not in business.⁴ Apparently, she kept all the numbers in her head including what people owed her and made good money from her business.⁵

Leontine was most likely an important figure in her daughter’s life. According to Wells Whitney, she was the one who pushed for the education and achievements of her children even though she did not have a formal education herself.⁶ Also, while in college, Rosalie assisted her mother in the conduct of the millinery shop and supervised its bookkeeping.⁷ This experience surely helped Rosalie later in life when she developed an accounting system for the offices of the Legal Aid Society upon becoming its attorney-in-chief. Wells Whitney tells an interesting story about Rosalie’s mother that might suggest where Rosalie got some of that business sense she sometimes described as lacking in other women. One day Leontine told the family that she bought a farm in upper Manhattan, but the family forced her to sell it because it was too far out of town at that time.⁸ That farm would be worth a lot of money today if the family didn’t convince Leontine to sell it back, since the area where it was located became the upper Manhattan we know today.

According to Wells Whitney, William Loew was quite devoted to helping other Hungarians immigrants and was always bringing them home.⁹ Some of them would even live

³ Whitney, Wells, Family History, Chapter III, *Leopold, William to Rosalie Loew, Europe to America*, 3/13/2002, p.2.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ Memorial of Rosalie Loew Whitney prepared by Dudley F. Sicher. Yearbook of The Association of the Bar of the City of New York 1940, p. 1. *Also, see* section IV *supra*, for a description of Rosalie’s development of an accounting system for the Legal Aid Society when she became its attorney-in-charge.

⁸ Whitney, Wells, Family History, Chapter III, *Leopold, William to Rosalie Loew, Europe to America*, 3/13/2002, p.2.

⁹ Whitney, Wells, Family History, Chapter V, *Travis & Rosalie in NYC*, 3/13/2002, p. 2.

with the Loews for several years at a time. Having these Hungarian immigrants stay in her home while she was growing up probably had an influence on Rosalie’s life and the decisions she subsequently made when considering what to do with her legal education. For example, she chose to leave private practice with her father to join the Legal Aid Society where she worked very hard for little pay to help poor immigrants that were unjustly oppressed. Also, “during the closing years of her life, despite multitudinous other calls upon her, she gave generously of her time, thought and substance to enable kinsmen of [her] beloved parents to escape the Nazi scourge and to begin new careers in this country.”¹⁰ Thus, even though Rosalie was born in the United States, she still felt close to her relatives in Hungary and helped many of them immigrate and begin new lives in this country.

Rosalie grew up in New York City where she went to public schools for her preliminary and secondary education. In 1892 she graduated from Normal College (now Hunter College) with the degree of Bachelor of Arts. “Already at that early stage she manifested the vigorous personality and indefatigable industry which signalized her later career.”¹¹ While at Normal College, she was “a high-rank scholar, president of the undergraduate literary society and winner of a contest for essay in the field of economics.”¹² But not only did Rosalie manage to excel at school, she also found the time to assist her mother in running the milliner shop and supervise its bookkeeping, as already discussed *infra*.

In 1895 Rosalie graduated from New York University Law School with the degree of Bachelor in the Laws. She was admitted to the New York bar that same year and joined her father’s firm in the general practice of the law. She was often cited as the first female attorney to

¹⁰ Memorial of Rosalie Loew Whitney prepared by Dudley F. Sicher. Yearbook of The Association of the Bar of the City of New York 1940, p. 1.

¹¹ *Id.*

¹² *Id.*

actually engage in the general practice of law in New York City, but I am not sure whether this is accurate.

III. Early Legal Practice with Father

Upon graduation from NYU Law School, Rosalie joined her father's legal practice at what became the offices of "Loew and Loew" at 233 Broadway, room 6 in New York. Even though William Loew had been practicing law for many years while his daughter had just graduated from law school, they seemed to be equally represented on their joint business card for the law firm of "Loew and Loew."¹³ The card had the name "Rosalie Loew" in the left hand corner and the name "Wm. N. Loew" in the right hand corner. "Loew and Loew, Counselors at Law" was written in the middle followed by the address of the office on the bottom of the card. The fact that Rosalie's first name was written out on the card, instead of just having an "R" for Rosalie, shows that neither she nor her father were trying to hide the fact that she was a "woman lawyer" as many newspaper accounts referred to her. She seemed to have been treated by her father as an equal even this early in her legal career. This is further supported by a later newspaper article which described Rosalie's early legal career and reported that her father made her work as hard as he did himself and as hard as he would have made a son work.¹⁴ The following are some examples of cases Rosalie handled while working with her father, as reported in the newspapers.

¹³ Wells Whitney generously allowed me to have a copy of this business card as well as of some other articles regarding Rosalie.

¹⁴ *New York American*, November 29, 1905 (page unknown).

Early Cases

One of Rosalie's earlier cases actually involved defending her little brother in criminal court.¹⁵ The following is the newspaper account of the incident.

Rosalie Loew, the young woman attorney, made her debut in a criminal case before Magistrate Wentworth, in the Yorkville Court today. She defended and procured the discharge of her little brother John, who had been arrested by Policeman T. C. Flynn, and charged with throwing dirt at a store window. Miss Loew said the policeman had been abusive to the boy, and when he resented it had arrested him. Now she threatens to make charges against Flynn.

Rosalie was obviously not afraid to challenge authority even when she was just starting out as a young attorney, which is evident in her threat to bring charges against the policeman who arrested her little brother John. She also seems to have always found the time for those who needed her help the most. She started out by getting her little brother out of trouble when he threw dirt at a window and later, she assisted thousands of clients who came to the Legal Aid Society when they had nowhere else to turn.

On May 1, 1896, the *New York Daily Tribune* in an article entitled, *A Woman Lawyer's Success*, reported that Rosalie appeared in Yorkville Court for the "second time."¹⁶ She was defending Jacob Kochmann who was alleged to have overcharged \$42 for champagne served to guests of the Centennial Bowling Club and was being charged with grand larceny. Rosalie "succeeded in showing that the charge should have been one of petit instead of grand larceny, and also got her client's bail reduced from \$1,000 to \$500."¹⁷ Even though cases like this one allowed Rosalie to appear in court and gain some experience as a lawyer, they were probably not very exciting or well paid. Instead, petty criminal cases were likely typical of the kinds of cases

¹⁵ *Woman Lawyer Wins. Miss Loew Defends Her Little Brother Who Threw Dirt at a Window.* Unknown Source. In addition to meeting with Wells Whitney, I also got in touch with Tom Whitney, another one of Rosalie's grandsons. He was kind enough to send me copies of various newspaper articles about Rosalie. However, these articles were not identified by their source.

¹⁶ *New York Daily Tribune*, May 1, 1896, p. 14, c. 4.

¹⁷ *Id.*

that first women lawyers often handled because male lawyers did not want them. But everyone has to start somewhere and Rosalie Loew is no exception.

On May 7, 1896, both the *New York Times* and the *New York Daily Tribune* reported that Rosalie Loew has argued the first case on record where a woman has appeared in the Supreme Court of New York (which is New York’s baseline trial court) as an advocate.¹⁸ Rosalie was representing Mrs. Rose F. Finn who wanted a divorce from John J. Finn because his first wife was living with him at the time he married Rose. The *New York Times* article provided information about the setting and described Rosalie as she appeared on this occasion. She did not appear to be nervous at all and acted as though she had been in that courtroom on many previous occasions. Her voice was “clear” and “ringing” when she spoke to the judge and she was “entirely unembarrassed by her surroundings, as she made her way through the crowd of lawyers who thronged the room” even though “all eyes were turned on her.”¹⁹ In addition, Rosalie “showed a thorough mastery of the case” when she questioned her witness.²⁰ Rosalie won the case and got her client a divorce from her husband after proving that he was living with another wife at the time he married her client.²¹ Representing the woman in divorce matters was also not the type of case that distinguished men of the Bar wanted to handle and early women lawyers, including Rosalie, often represented women in such matters.

On July 1, 1896, Rosalie was reported to be the first woman to appear in the Centre Street Police Court.²² She was there as counsel for Ignatz Wolf, who was “accused by William Phyle of picking up his pocketbook ... containing \$225, and keeping the money.”²³ Rosalie asked the

¹⁸ *New York Times*, May 7, 1896, p. 2, c. 7; *New York Daily Tribune*, May 7, 1896, p. 9, c. 1.

¹⁹ *New York Times*, May 7, 1896, p. 2, c. 7.

²⁰ *Id.*

²¹ *Id.*

²² *New York Daily Tribune*, July 2, 1896, p. 7, c. 1.

²³ *Id.*

judge to adjourn the examination until the following day because the defendant was not ready to proceed. According to the newspaper article, “The Magistrate treated Miss Loew with much consideration, and as there was no one present representing the complainant to object, granted her request.”²⁴ The reporter seems to suggest that Rosalie’s request was granted because the complainant’s counsel was not there, which doesn’t make it sound like the Magistrate actually treated her with much “consideration.” It was probably difficult for twenty-three year old Rosalie to appear in front of these male judges one year after graduating from law school and to sometimes be the first female attorney to do so. “Yes, at first it was difficult,” said Rosalie Loew in a later interview, “but being suited for the work, I soon mastered what might seem impossible to women who were not meant for this special work.”²⁵ Rosalie must have been much more than just suited for the work; she must’ve also been determined to succeed as an attorney even though she had to begin her legal career with petty criminal cases and divorce matters.

One of Rosalie’s early successes was described in a newspaper article which depicted an incident when both Rosalie and her father appeared in the same courtroom on the same day trying two different divorce cases and Rosalie won her case while her father’s case was thrown out. The article described the incident as a “rather novel spectacle . . . of a young woman and her father trying two different suits for absolute divorce in the same court, the young woman winning and the father’s case being thrown out.”²⁶

The reporter described Rosalie as “dark-eyed and slender” and said that even though the “case was not at the head of the calendar, Justice Clement gave it preference because Miss Loew was counsel.”²⁷ I am not sure if this comment suggests that the judge especially liked and

²⁴ *Id.*

²⁵ Unknown source, from a copy of one of the newspaper articles I received from Tom Whitney.

²⁶ *New York Daily Tribune*, October 24, 1896, p. 10, c. 3.

²⁷ *Id.*

respected Rosalie or just felt that he should give her preferential treatment because she was a woman. Regardless of why Rosalie’s case got preference, after she presented the requisite testimony, Justice Clement granted the divorce being sought by Rosalie’s client.

“Then Mr. Loew’s case was called, but the way that was so smooth for his daughter was full of snags from him.”²⁸ Mr. Loew also appeared on behalf of a woman who wanted a divorce from her husband, but his case was thrown out because it should have been brought in New York County instead of Kings County. The reporter concludes the article by noting that “Mr. Loew has been practicing law for thirty-one years.”²⁹ This story probably seemed humorous to the reporter who mentioned how many years Mr. Loew had been practicing law in an obvious comparison to his “young” daughter who just won another case even though there was probably nothing special in the fact that Rosalie was successful in this particular case while her father wasn’t.

From these newspaper accounts, it seems that during Rosalie’s first year of practice with her father she was mostly involved with petty criminal cases and divorce matters. These cases were reported in the newspapers because Rosalie was a woman lawyer and not because they were very interesting or challenging for an attorney. Rosalie’s one year of routine practice was made special in the newspapers because she was a woman and not because any of the cases had any significance of their own. And after a year of these cases, Rosalie was probably ready to move on to something more interesting and worthwhile for an attorney to do.

From “Loew and Loew” to Legal Aid Society

Even though Rosalie seemed to be doing well while practicing law with her father, she did not stay in practice with him for a very long time. “Her first year as a lawyer she spent in her

²⁸ *Id.*

²⁹ *Id.*

father's office; then branched out for herself. Becoming greatly interested in the work of the Legal Aid Society, the offices of which were in the same building as her own.³⁰ It is possible that Rosalie first discovered the Legal Aid Society because its main office was at No. 233 Broadway, which is also where Rosalie and her father had their offices. However, being in the same building does not fully explain why Rosalie chose to leave her father's law practice and join the Legal Aid Society, likely taking a cut in her income. I would like to think that somehow she was drawn to the Legal Aid Society and its work, since she regarded legal aid as one of "the most noblest forms of present-day philanthropy." In addition, Rosalie decided to join the Legal Aid Society even though it was reported that she was offered a professorship in medico-legal jurisprudence in Rutgers Female College.³¹ But Rosalie did not want to simply teach, she wanted to practice law and have a real and measurable impact on people's lives, which is probably why she joined the Legal Aid Society.

It is also possible that Rosalie's father encouraged her to go out on her own and help immigrants that were too poor to get justice on their own. As already described he was very keen on helping other Hungarian immigrants and brought them over to the house all the time while Rosalie was growing up. His views about female lawyers also seem to suggest that he was supportive of his daughter and her career. When interviewed for an article about women practicing law, he offered the following comments.

The conditions of law today seem eminently suited to the condition of women, since today the eligibility to the profession is only a matter of moral and intellectual fitness. Women have a higher sense of duty than men, and law success is not a matter of ability alone, but of a high sense of integrity already developed, and a keen sense of honor. ... I believe that women will be treated as minds regardless of sex. ... In legal combat, the retort courteous will remain the most powerful weapon in the hands of the man lawyer – and women are as good at this as he is. I believe that woman's fine wit and dignity will suppress the shyster!

³⁰ *New York Times*, September 4, 1939, p. 19, c. 3.

³¹ Unknown source, from a copy of one of the newspaper articles I received from Tom Whitney.

Inferior men are afraid of superior women. In order to enter the law today a woman must be superior.³²

Even though Rosalie's father seems to have accepted the idea of women practicing law, he still suggests that a woman lawyer has to be better than just average to enter the legal profession. On the other hand, Rosalie hoped that women would be accepted on the same basis as men. In some later articles she talked about individuality and expressed her belief that women who were good at being lawyers were well judged by their male counterparts and succeeded in the practice of law after the initial struggles of a beginner. When talking about women's chances of success in the legal profession, Rosalie said, "I think her chances of success are about on a par with those of men. If she has the elements of success, she will succeed; if not, she will fail, just as hundreds of men do every year."³³ It's possible that William Loew was considering the present situation when he said that women have to be superior to become lawyers while Rosalie was looking at the future and hoping that women would be accepted on the same footings as men and judged based on their individual ability and not their gender.

IV. The Legal Aid Society

On the day of Rosalie's funeral, Mr. Justice Philip J. McCook spoke of the days when Rosalie Loew was chief attorney of the Legal Aid Society, and he was about to take charge of the East Side Branch. He told of her as he saw her "when she was full of youth and vigor, using her professional ability and her enthusiastic and attractive personality as a power for permanent good in the lives of her unfortunate fellow human beings."³⁴ Mr. McCook said, "her passion for

³² *New York Times*, June 16, 1895, p. 3, c. 2-7.

³³ *New York Daily Tribune*, July 2, 1898, p. 7, c. 3.

³⁴ Memorial of Rosalie Loew Whitney prepared by Dudley F. Sicher. Yearbook of The Association of the Bar of the City of New York 1940, p. 2.

justice to the wronged was something, once seen in action, never to be forgotten.”³⁵ He also talked about how all the judges liked and trusted Rosalie, even allowing her to act as an interpreter when necessary. She seemed to have been popular with everyone around her, except the installment sharks and other crooks of her time in whom she instilled fear even though she was just “a slender little figure.”³⁶ Mr. McCook concluded, “it is no exaggeration to say that by her intelligent sympathy and help she set thousands of men and women again on their feet.”³⁷

The following is the story of the Legal Aid Society of New York and Rosalie’s involvement with it, at first as a staff attorney and later as its Attorney-in-Chief. The Legal Aid Society provided Rosalie with an opportunity to impact people’s lives while also advancing on her path as a lawyer. She was able to handle a huge variety of cases and not just petty criminal cases and divorce matters that she was left with in private practice.

A Little Bit of the History of the Legal Aid Society of New York

“Some public-spirited American citizens of German birth” formed the German Legal Aid Society of the City of New York on March 8, 1876 for the purpose of rendering legal advice to German immigrants who were too poor to afford it.³⁸ In 1889 Arthur von Briesen became the president of that Society and “under his leadership the organization found its true purpose and began to move forward.”³⁹ Even though the Society had been offering legal help to all nationalities, during the first year of Arthur v. Briesen’s presidency, the constitution of the Society was actually amended to say that legal aid would be rendered gratuitously to all, instead

³⁵ *Id.* at 2-3.

³⁶ *Id.* at 2.

³⁷ *Id.*

³⁸ Schmitt, J. P., History of the Legal Aid Society of New York: 1876-1912, p. 3.

³⁹ Tweed, Harrison, The Legal Aid Society: New York City 1876-1951, 1954, p. 7.

of only to those of German birth.⁴⁰ Then in 1896, the word “German” was taken out of the name of the Society and it became “The Legal Aid Society” and has remained such since then.

In the first issue of the Legal Aid Review, a quarterly magazine intended to familiarize the public with legal assistance to the poor, Arthur v. Briesen wrote a short history of the Legal Aid Society and tried to clarify its purpose. He wrote that the “object of this society ... was to create a sense of justice in all men and women toward all men and women.”⁴¹ He further explained that even though many people are sometimes *deliberately* cruel to others, even more people are *unconsciously* cruel to others. Thus, according Arthur v. Briesen, besides helping the “poor and the helpless” who come to the Society with individual cases, the Society also benefits other people by educating them and teaching them “to become just to the helpless.”⁴² Arthur v. Briesen concluded by adding that the Society also elevates the public’s opinion of lawyers and “teaches the lesson that lawyers like other good citizens will devote themselves to the enforcement of fair dealing and justice, and are not as selfish as they have sometimes been painted.”⁴³ And Rosalie was definitely one of those attorneys that elevated the public’s opinion of lawyers and devoted a large part of her legal career to helping others.

The Society has mainly sustained itself through membership dues. During Rosalie’s time with the Society, members paid twenty dollars a year and associate members paid ten dollars a year. In 1879 the practice of charging a 10% commission on collections of money for clients was instituted.⁴⁴ At first the commission was only taken out of collections of \$20 or over but in 1881 it was extended to collections of \$10 or over and in 1903 the limit was reduced to \$5.⁴⁵ In

⁴⁰ *Id.*

⁴¹ Arthur v. Briesen, *The Legal Aid Society*, *The Legal Aid Review*, vol. I, no. 1, p. 2.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ Tweed, Harrison, *The Legal Aid Society: New York City 1876-1951*, 1954, p. 20.

⁴⁵ *Id.*

1896 the Society began charging a retainer fee of ten cents, which was raised to twenty-five cents in 1903 and then later to fifty cents. However, the Society did not turn clients away and also helped those who could not even afford the minimal retainer fee.

Rosalie's Early Years at the Legal Aid Society

Every year the Legal Aid Society publishes an annual report, and the annual report of the Society for the year 1896 mentions Rosalie Loew for the first time. In that report, Robert Goeller, who was the attorney in charge of the Society that year, thanks a number of attorneys for “their kind assistance in the investigation, preparation and trial of many cases.”⁴⁶ It is a list of about a dozen male attorneys, but the last name on that list is that of Miss Rosalie Loew. Interestingly enough, all of the newspaper articles I have found cite 1897 as the year when Rosalie joined the Legal Aid Society. However, it is possible that in 1896 Rosalie was still working for her father while also volunteering at the Legal Aid Society. In fact, the President’s Report for 1896 mentions that Mr. Goeller was assisted by associate counsel, “many of whom gave their services voluntarily.”⁴⁷ Later when she became Attorney-in-Charge of the Legal Aid Society, Rosalie tried to persuade students from NYU and Columbia law schools to volunteer at the Society. Rosalie must have considered it to be a valuable experience, beneficial to both the society and the student. Thus, it seems logical that Rosalie began as a volunteer at the Society and then was hired permanently when a position became available.

In 1897, Mr. Goeller resigned as the general attorney for the Legal Aid Society and Carl L. Schurz was selected to replace him.⁴⁸ That same year, the main office of the Legal Aid Society moved from No. 233 Broadway, where Rosalie and her father had an office, to No. 239 Broadway. The attorney’s annual report for that year says, “At the end of August Mr. Gignoux

⁴⁶ Report of the Attorney of the Legal Aid Society for the Year 1896, p. 22.

⁴⁷ Report of the President of the Legal Aid Society for the Year 1896, p. 7.

⁴⁸ Report of the President of the Legal Aid Society for the Year 1897, p. 7.

severed his connection with the office to return to private practice, and since then the work has been in charge of Miss Rosalie Loew, whose ability and self-sacrificing energy cannot be too highly commended.”⁴⁹ Thus, in August 1897 at the age of twenty-four and just two years out of law school, Rosalie Loew officially became an assistant attorney at the Legal Aid Society. The *New York Daily Tribune* described her work there in the following way.

Miss Loew’s practice is confined to the municipal courts. She has from eighteen to twenty-three cases on the docket a day, which are scattered among the eleven divisions of the Borough of New York. She prepares the cases, argues them in person, and is responsible for their disposal ... her work is never ceasing. Her salary is said not to exceed \$100 a month. ... Her fluency in the languages, especially the jargons of the German Jewish element, which largely makes up the clientele of the Legal Aid Society, renders her services almost invaluable.⁵⁰

The reporter also mentioned that Rosalie is often cited as the only woman who is actually making money practicing law. However, Rosalie denied this and explained that male lawyers encounter her more than other women lawyers because she makes so many appearances in court and this leads them to believe that she is making money. Rosalie further explained that she is employed at the Legal Aid Society on a salary and is not allowed to take any personal fees from her clients.⁵¹ She also remembered to mention that working for the Society and actually appearing in court is a valuable experience, which is very different from working in ones own law office, which might have been a reference to her previous experience of working with her father. The Legal Aid Society really allowed Rosalie to expand her practice as an attorney.

At this time, financial difficulties kept the number of attorneys at the Society very small and the “office had to work at a furious pace in order to keep even.”⁵² However, the legal aid attorneys were proud never to seek postponement even when the Society was called to appear in

⁴⁹ Report of the Attorney of the Legal Aid Society for the Year 1897, p. 30.

⁵⁰ *New York Daily Tribune*, July 2, 1898, p. 7, c. 3.

⁵¹ *Id.*

⁵² Maguire, John MacArthur, *The Lance of Justice: A semi-centennial history of the Legal Aid Society 1876-1926*, (Harvard Univ. Press: Cambridge), 1928, p. 72.

five district courts at the same time or to conduct the trials of twenty or thirty cases in one day. They realized that “speed was their clients’ crying need.”⁵³ In his 1898 annual report, Arthur v. Briesen spoke about the office staff being overworked and the need for more money to hire additional attorneys. He also explained that the attorneys of the Society were precluded from having any cases of their own. They had to give all of their time and effort to the work of the Society. All of the attorneys worked very hard and could be found at their desks from as early as seven o’clock in the morning until as late as nine o’clock in the evening.⁵⁴ In his annual report for that same year, Carl Schurz also talked about the need for more attorneys at the Society and his appreciation for the work that is accomplished by the current staff.⁵⁵ He also mentioned the need for additional branches of the Society in other parts of the city, including Brooklyn, since clients lost a lot of time and money commuting to the only office of the Society. Thus, Rosalie worked extremely hard at the Legal Aid Society, and because her compensation was not very high, it can be assumed that she felt compensated by the type of work she was doing, by the appreciation she got from her clients, and by the type of experience she was getting in practicing law.

In the year 1899 the Legal Aid Society saw some major changes. Three branch offices of the Society were established: The Seamen’s Branch, the East Side Branch, and the Women’s Branch. As a result of the new branch offices, the number of applicants for legal aid nearly doubled that year, having increased from 5,602 in 1898 to 9,436 in 1899.⁵⁶ It is interesting to note that Rosalie did not join the Women’s Branch of the Society. Instead, she remained at the Main Office where she first fulfilled the job of the general attorney when Mr. Schurz was away

⁵³ *Id.* at 73.

⁵⁴ Report of the President of the Legal Aid Society for the Year 1898, p. 16.

⁵⁵ Report of the Attorney of the Legal Aid Society for the Year 1898, p. 30.

⁵⁶ Report of the Attorney of the Legal Aid Society for the Year 1899, p. 17.

in Europe and shortly after became the fifth Attorney-in-Chief when he resigned in 1901. In his annual report for the year 1900, Mr. Schurz personally thanks Rosalie for being in charge while he was gone and taking on management responsibilities in addition to the many duties she already had. He concludes by saying, “I would like to take this opportunity of expressing my appreciation for her great ability and her self-sacrificing devotion to the work.”⁵⁷ That year alone the number of cases at the Society increased by nearly 5,000 over the year 1899, which was nearly three times as many as in the year 1898.⁵⁸ Thus, in the first couple of years of Rosalie’s time at the Society, it saw incredible growth, which Rosalie participated in by working extremely hard and pushing the Society forward with her devotion to helping those who needed her most. She became an even more integral part of the Society and its history when she became its fifth Attorney in Charge.

Becoming Attorney-in-Chief of the Legal Aid Society

In October 1901, Rosalie Loew succeeded Carl L. Schurz as the General Attorney of the Legal Aid Society.⁵⁹ At this point, Rosalie had already been acting as general attorney for eight months during which Mr. Schurz was in Europe on account of his wife’s illness. In his book on the first fifty years of the Legal Aid Society, John MacArthur Maguire described Rosalie’s appointment as the fifth Attorney-in-Chief to be “a striking occurrence.”⁶⁰ According to Maguire, Rosalie was the first woman “to achieve definite prominence” at the Society and “no other woman has ever approached her attainment in the New York legal aid field.”⁶¹ In another

⁵⁷ Report of the Attorney of the Legal Aid Society for the Year 1900, p. 35.

⁵⁸ Report of the President of the Legal Aid Society for the Year 1900, p. 11.

⁵⁹ *New York Times*, October 25, 1901, p. 9, c. 4.

⁶⁰ Maguire, John MacArthur, *The Lance of Justice: A semi-centennial history of the Legal Aid Society 1876-1926*, (Harvard Univ. Press: Cambridge), 1928, p. 193.

⁶¹ *Id.* at 193-194.

history of the Society, the author describes Rosalie’s appointment as Attorney-in-Chief in the following way.

It was something of an event at the turn of the century that a woman should hold this office. There were then very few feminine members of the Bar and it was unusual to find a woman in an important administrative or executive position. Many eyebrows were raised but Miss Loew dispelled any doubts as to her ability to meet her problems. She served with great distinction..⁶²

In his annual report for the year 1901, Arthur v. Briesen reported that Rosalie “was appointed attorney in charge and promoted to a position which she had richly deserved by reason of years of faithful service under Mr. Schurz and his predecessor.”⁶³ He went on to say that she had acquired “complete command over the practice necessary in the class of cases that come to the Society.”⁶⁴ In the same report, Arthur v. Briesen once again told the same story of the Society having too many cases and not enough attorneys to attend to them. He described Rosalie’s day in the following way.

Miss Loew is at her office nearly always from seven o’clock in the morning till late in the evening. Her work hardly ever stops before ten o’clock at night. During this time the vast correspondence of her office, the personal consultation with clients, arguments in court and the keeping of accounts had to receive her personal attention.⁶⁵

It is evident from the various histories of the Legal Aid Society that a few eyebrows were raised when Rosalie became the Society’s chief attorney and the first woman to achieve such prominence. However, men like Arthur v. Briesen who knew what Rosalie was capable of and recognized her devotion to the Society, believed in her enough to entrust her with such enormous responsibilities even though in the eyes of others she was only a twenty-eight year old *woman*. But being young and female never deterred Rosalie, and she soon became a successful Attorney-in-Chief of the Legal Aid Society.

⁶² Tweed, Harris on, *The Legal Aid Society: New York City 1876-1951*, 1954, p. 18.

⁶³ Report of the President of the Legal Aid Society for the Year 1901, p. 15.

⁶⁴ *Id.*

⁶⁵ *Id.*

Developing a Much Needed Accounting System

One of the first things Rosalie did as Attorney-in-Chief of the Legal Aid Society is develop a much needed accounting system that could reflect the Society's financial state. Apparently she found the Legal Aid Society without one, so she developed a simple system to meet the immediate needs of the Society.⁶⁶ "The auditing committee, appointed for the first time at the end of 1901, commended Miss Loew's system as eminently practical and sufficient."⁶⁷ With the addition of some minor changes, the system was continued until 1906 at which time there was a comprehensive reorganization of all the accounts by a trained accountant. The time Rosalie spent helping her mother run the millinery shop and keeping its books probably helped her develop this simple accounting system for the Society. In several of her articles, Rosalie had discussed the importance of business sense and the apparent lack of it in some women. Rosalie obviously possessed that much needed business sense as shown by her ability to develop this accounting system and manage the Legal Aid Society in addition to handling many individual cases. Just as when she was in college and managed to help her mother with the millinery shop and succeed as a student, at this point in her life, Rosalie was able to succeed in the practice of law itself and manage an organization like the Legal Aid Society.

Variety of Cases at the Legal Aid Society

Rosalie handled all types of cases while working for the Legal Aid Society and her "dynamic personality drove forward the legal aid practice."⁶⁸ Rosalie cared about the Society and its clients very much and "[w]ith the enthusiasm and courage of youth she fought for servants and sweatshop workers, faced and sometimes triumphed over corruption in official

⁶⁶ Maguire, John MacArthur, *The Lance of Justice: A semi-centennial history of the Legal Aid Society 1876-1926*, (Harvard Univ. Press: Cambridge), 1928, p. 194.

⁶⁷ *Id.*

⁶⁸ *Id.* at 194.

quarters, and made herself a terror to dishonest lawyers.”⁶⁹ This type of practice and the variety of cases it involved is quite a change from the petty criminal cases and divorce matters Rosalie handled in her first year of practice. But the Legal Aid Society was special to Rosalie because of the people it helped, no matter what problem or case they might have had.

Rosalie herself often described the variety of work that she handled at her “free law hospital.” The collection of wages was the largest single class of cases that the Society handled. Many different people came to the Society and complained of not being paid for the work they had been hired to do and actually did. Rosalie said, “For the journeyman, the domestic, the artisan, the nurse, the dressmaker, the day laborer, the shop-girl, the Legal Aid Society has collected hundreds of thousands of dollars.”⁷⁰ Rosalie explained that even though \$3 might seem like a very small amount to some people, it is not small to the claimant. To him it represents one week of work which is “seven times twenty four hours’ devotion to the service of the master.”⁷¹ Thus, according to Rosalie, the Legal Aid Society was different from other charities since it did not simply give poor people financial support, but instead helped them obtain what they were entitled to and what was wrongfully withheld from them.

The Society also handled what Rosalie called savings-bank cases. In one of these cases, a wife had deposited her own money in the savings-bank on a book previously issued to her husband. When the husband abandoned her, he decided to deny the fact that she was his wife and took her money out of the account. However, the Legal Aid Society took this case to court and the jury believed the woman whose money was thus recovered for her.⁷² Not all of the cases

⁶⁹ *Id.* at 194-195.

⁷⁰ Loew, Rosalie, *Lawyer’s Work Among the Poor*. Read for the American Social Science Association on April 16, 1901.

⁷¹ *New York Times*, April 1, 1900, p. 25, c. 6-7.

⁷² Loew, Rosalie, *Lawyer’s Work Among the Poor*. Read for the American Social Science Association on April 16, 1901.

that Rosalie worked on resulted in trials. In fact many cases were simply resolved by giving the applicant advice or by sending a letter to the wrongdoer.

Another type of a savings-bank case that Rosalie handled was that in which the bank paid the money to a person who wrongfully obtained possession of the bankbook and who by impersonating the depositor took money out of someone else's account.⁷³ In one such case, the depositor was a poor Russian immigrant who for five years had worked very hard, slept in his shop and barely ate enough to stay alive while he was saving money to bring his wife and children over from Russia. And then just when he thought he had enough money to do that, he realized that his bankbook was missing and was told that someone pretending to be him withdrew all of his money from the bank. He came to the Legal Aid Society for help and it was able to recover his money after a jury trial and an appeal in two appellate courts.⁷⁴ According to Rosalie, all of this work was worth it once she saw the man's face when he got his money: "One need only to have seen that man's face when the money was paid over to him to realize by what sacrifices he had accumulated it, with what torture he had seen it apparently lost, and with what encouragement and hope he now looked forward to the future." Rosalie worked hard to make sure that even the poorest of the working class got what he or she earned with the sweat of his brow and also to educate the public that all men were equal before the law.

In addition to improving the condition of its clients, the Legal Aid Society also educated them. Rosalie valued the educating effect of the Legal Aid Society on the people it helped as well as on the public at large, and often talked about it in her articles about the Society. She explained that the Society educates by enforcing rights and giving advice, since in many cases only advice is actually necessary. "The applicant not only is assisted in each individual case, but

⁷³ *Id.*

⁷⁴ *Id.*

all are taught the why and wherefore of our action,” wrote Rosalie.⁷⁵ Rosalie described the work she did at the Legal Aid Society in the following way, “it Americanizes the foreigner, and is the one medium through which he learns that, in truth, before the law all men are equal.”⁷⁶ Thus, Rosalie cared about more than just the cases she was presented with every day; she cared much more deeply about the people whom she served and helped educate.

Not only did the Legal Aid Society educate its clients, but it also educated the wrongdoers themselves. Rosalie wrote, “Every wrongdoer brought face to face with his crime through the prosecution of the society at the instance of some poor individual learns that justice can be had in this land of freedom by the meanest of her citizens.”⁷⁷ The Legal Aid Society also provided an important lesson in human nature. “At no point better than in this office can the student either of human nature or of metropolitan conditions find subjects to study. Picture after picture is presented, each a chapter in the life of a human soul, however apparently simple the proposition of law involved.”⁷⁸ To Rosalie, it was much more than just about law, it was about helping people who could not get this help anywhere else. She saw the Society’s work as “a heaven to the whole unfortunate cosmopolitan population of the city, carrying to its inhabitants the fulfillment of the promises of this golden land.”⁷⁹

These are just some examples of cases handled by the Legal Aid Society and by Rosalie while she worked there. However, there were also many others, including some that fell into the following categories: goods sold and delivered, slander and libel, breach of contract, damages to personal property, board and lodging, pension matters, landlord and tenant, insurance and

⁷⁵ Loew, Rosalie, *The Rise and Purpose of the Legal Aid Society*. Central Law Journal p 126.

⁷⁶ Loew, Rosalie, *Lawyer’s Work Among the Poor*. Read for the American Social Science Association on April 16, 1901.

⁷⁷ *New York Times*, April 1, 1900, p. 25, c. 6-7.

⁷⁸ *Id.*

⁷⁹ *Id.*

benefit, fraud, money loaned, breach of promise, partnership matters and many, many more.⁸⁰ In

Rosalie's own words,

We recover the trunk withheld from the working-girl on an unjust claim for board, or the tools detained by an angry employer from an employee who has left him. We represent the widow whose deceased husband's estate of two or three hundred dollars must be administered, and we sue to recover for the widow the mere pittance due under an insurance policy; we protect the tenant from an unjust landlord, and we instruct the poor boarding-house keeper as to her right to detain baggage when her bill is not paid.⁸¹ In addition to all of the cases already described, Rosalie had what she called the "bad-

lawyer" department where she cornered and prosecuted all dishonest practitioners, thus, raising the standard of the whole legal profession and performing a public duty.⁸² These dishonest lawyers must have been men since there were so few women practicing law at the time and I am sure these men didn't expect a little young woman to prosecute them for their wrongs upon receiving notice from her clients.

The Matrimonial Patch-Up Department and Family Issues

Rosalie was very proud of her "matrimonial patch-up department" since she was especially interested in family difficulties and how they affected the children involved. She even wrote an article to educate the public regarding legal aid offered to children through the Legal Aid Society. She explains that the Legal Aid Society is not a society that is exclusively for the assistance of children but that it does have child clients that need general legal assistance and cannot afford it. In order to better illustrate her point, Rosalie describes several actual cases of children who turned to the Society for legal help. The following is Rosalie's description of one of the cases.

A girl of ten lost both parents by death within a few months. The mother dying last, left a small amount of money. No will was found. A neighbor of the deceased parents, a

⁸⁰ Loew, Rosalie, *Lawyer's Work Among the Poor*. Read for the American Social Science Association on April 16, 1901.

⁸¹ Loew, Rosalie, *The Rise and Purpose of the Legal Aid Society*. Central Law Journal p 126.

⁸² *New York Times*, April 1, 1900, p. 25, c. 6-7.

saloonkeeper, caused himself to be appointed administrator of the small estate, and guardian of the child. He took her to live with his family. Soon neighbors gossiped to the effect that the child was poorly cared for and even maltreated. One of the neighbors, a refined young school teacher, who lived with her widowed mother and one brother came to The Legal Aid Society. The mother and she knew the child, and had decided that if the child could be removed from the saloonkeeper's family, they would take her; indeed her mother desired to adopt the little girl. It was found that the child was most unhappy; the saloonkeeper's wife had occasionally beaten her and had frequently required household work from her, far beyond her strength. Ultimately, the program was carried out. The mother of the school teacher adopted the child and she entered their home. When her personal safety was assured, the saloonkeeper was made to account as administrator and her money made safe for her use on reaching maturity.⁸³

With this simple, yet touching story, Rosalie was able to demonstrate how the Society assisted a helpless child whose parents passed away and whose guardian was being abusive to her, and instead placed her in a loving home where she had a chance of a brighter future. In the same article, Rosalie went on to describe other cases where the Society had helped its child clients. She described how the Society annulled the marriages of two sixteen-year-old girls who had been seduced under the promise of marriage and forced into a life of shame. She told another story of helping a crippled thirteen-year-old boy get money for much needed medical attention from the executor of his grandfather's estate. Rosalie concluded the article by saying that "the sum total of the good accomplished is a large item" and no matter what reforms are passed to help children as a group, "the Legal Aid Society will still be called on to prevent injustice to the individual child, and will still be rolling up its records of children made safe and happy."⁸⁴

Domestic difficulty cases were quite common at the Legal Aid Society and Rosalie describes one type of such a case in the following way.

The husband not only deserts his wife, neglects to provide for her, but frequently, also, tries to restrain her from prosecuting him by commencing an unfounded action for

⁸³ Whitney, Rosalie Loew, *The Legal Aid Society and its Child Clients*, Legal Aid Review, vol. IX, no. 1, January 1911, p. 3.

⁸⁴ *Id.* at 4.

divorce against her or by threatening to take her children. Through every phase of this difficulty the Legal Aid Society protects the woman who is in the right.⁸⁵

The Legal Aid Society was very conscious of protecting women where the husband was in the wrong but it also helped men when necessary. Rosalie tells a story of a man who came to the Legal Aid Society because a woman was holding on to his son in an attempt to force the father to pay her money which he did not owe her.⁸⁶ The child's mother had died a few months before and this woman had pretended to take care of the child and now claimed that she boarded him. The Legal Aid Society filed a petition before the court and the child was returned to his father the next day. However, before serving the petition we "made sufficient investigation to show the absolute truth of the man's story," wrote Rosalie.⁸⁷ Thus, the Legal Aid Society did not discriminate against any of its clients, but in some cases simply made sure that they were telling the truth before taking their cases to court.

Rosalie also explained the Society's attitude towards divorce. The Society did not interfere unless there was real need and unless some practical benefit would be gained for the applicant or her or his children. Thus, the Society would not help a woman get a divorce just because she wants to be free from her husband. However, it would help if the man is threatening to take the children away or is somehow taking advantage of the woman. Based on this attitude of the Society, whenever possible, Rosalie attempted to help couples reconcile their differences instead of getting a divorce. However, not all of Rosalie's efforts to help families with their problems and accomplish matrimonial reconciliations always succeeded. Maguire describes one somewhat humorous incident that didn't turn out so well when Rosalie tricked an estranged wife and husband into meeting at the office.

⁸⁵ Loew, Rosalie, *Lawyer's Work Among the Poor*. Read for the American Social Science Association on April 16, 1901.

⁸⁶ *Id.* at 22.

⁸⁷ *Id.*

Tempers flamed up, and Miss Loew “thought it prudent for their sake to sit between them. In three minutes I was the storm center of the strongest domestic gale I had ever seen. The man, poking his fingers into my ribs, shouted in my ear: ‘Now listen to her, lawyer lady; did ye hear that? A nice woman you’re tryin’ to make me live with!’ On the other side the wife was nudging me with her sharp elbow and shrieking, ‘Listen to that lunatic, will you! I’d rather die than live under the same roof with a maniac!’” No happy family reunion followed.⁸⁸

Rosalie cared so much about family relations that she was willing to put herself in the middle of this couples’ relationships in order to help them out reconcile their differences. But she probably did not expect to actually get physically abused while trying to do so. This incident shows just how much Rosalie valued the idea of a family unit and to what lengths she was willing to go to help couples reconcile. Many other lawyers in her situation would just do what the client had requested but Rosalie was the type of person who did more – she personally invested her heart and mind in the cases she handled for her clients and really cared about the people involved.

Rosalie’s First Full Year as Attorney-in-Chief: 1902

During her first year as the Attorney in Charge of the Legal Aid Society, which at this time maintained four offices, the Society handled 15,257 cases at a total expense of \$17,307.75.⁸⁹ For the first time that year, a contract was made with the attorney-in-charge where she was to receive \$14,500 each year, which was supposed to cover all expenses connected with her office, including, rent, telephone, printing of reports and law books. At this time, the Society employed one attorney-in-charge, six assistant attorneys, five stenographers and typists, one bookkeeper, and two office boys.⁹⁰ Just as in previous years, the number of attorneys that the Society could actually employ was not sufficient to meet the needs of its clients, but in 1902,

⁸⁸ Maguire, John MacArthur, *The Lance of Justice: A semi-centennial history of the Legal Aid Society 1876-1926*, (Harvard Univ. Press: Cambridge), 1928, p. 195.

⁸⁹ Report of the President of the Legal Aid Society for the Year 1902, p. 3.

⁹⁰ *Id.* at 6.

Rosalie actually decided to do something about it. She went to Columbia College and New York Law School to persuade many of their students to become volunteer assistant counsel in her various offices. Rosalie believed in the work of the Society and that it would be a valuable experience for law students, and was successful in getting volunteers to help ease the workload of the Society's staff.

In his annual report for 1902, after describing this new financial plan for the Society, Arthur v. Briesen concludes that it actually does not involve more money than was previously paid for the same purposes, but under this plan, the Attorney-in-Charge is more “completely in control of her subordinates.”⁹¹ This shows that the President of the Legal Aid Society trusted Rosalie enough to give her greater control of the Society's expenses as compared to the control given to the attorneys-in-charge before her. But this trust didn't just come from nowhere; Rosalie had earned it by proving herself to be not only a good lawyer, but also a good manager and accountant (since she set up an accounting system for the Society upon becoming its general attorney). By the time Arthur v. Briesen approved the new financial plan, he knew that Rosalie could be fully trusted to implement it.

In that same report, Arthur v. Briesen gives Rosalie “the highest praise” for the work she had done that year, and again describes just how hard she had worked: “she can usually be found in her office several hours before other law offices are opened and several hours after they are closed – too great a strain, indeed, for one individual to bear.”⁹² It might have been too much to bear for some other individual, but not for Rosalie. In addition to the management of the Society and numerous individual cases that Rosalie handled that year, she also found the time “to earnestly and successfully combat the installment dealers and some of the Sheriff's marshals

⁹¹ *Id.*

⁹² *Id.* at 7.

who were participating in these frauds, and to practically prevent a recurrence of the cruel injustice practiced by these harpies upon their credulous and unsophisticated victims.”⁹³

The Installment Crusade of 1902

Over the years, the Society helped many men who had been wrongfully imprisoned for owing on goods bought on an installment plan. Finally, under Rosalie’s leadership, the Society decided to take more aggressive steps than merely getting the individuals released from prison and what became known as the “installment crusade” followed. The Society discovered that certain installment dealers took advantage of poor immigrants by inducing them to buy worthless jewelry and then without any notice bringing suit and obtaining judgment against the purchaser and causing his arrest.⁹⁴ The helpless purchaser would then borrow money and pawn anything he had of value to pay the judgment instead of going to jail. The arrest of the purchaser would usually involve the dealer, a marshal and two or three assistants who would all go the purchaser’s house at night and drag him out of bed and to jail unless he paid the dealer back much more than he ever owed.

In this crusade against injustice, a young *New York Tribune* reporter, Frank Simonds, assisted the Society and made the public aware of the crusade. In one of his first articles, he described several of the victims of the installment dealers. One such victim was Tadero Rosario, who bought a watch from the installment dealer, paying \$2 down and signing a paper with words that he probably could not read. A pawnbroker later told him that the watch was not even worth two cents. “But the dealer refused to call the trade off and Rosario was suddenly jailed under a body execution for \$51.14 issued after default judgment in an action of which he received no

⁹³ Id. at 6.

⁹⁴ Maguire, John MacArthur, *The Lance of Justice: A semi-centennial history of the Legal Aid Society 1876-1926*, (Harvard Univ. Press: Cambridge), 1928, p. 108.

notice.”⁹⁵ Frank Simonds recounted many new cases in his numerous articles as the Society kept an eye on the courts and the innocent victims. Finally, the Mayor approved and the Governor signed a bill limiting the power of arrest in installment cases and enabling the mayor to suspend a marshal against whom a municipal court justice preferred charges.⁹⁶

The Legal Aid Society looked for a test case and the case of Rosario became the basis of a damage suit for false arrest. As the result of this case, the Mayor removed a city marshal on charges brought by the Society. In addition, in 1903, there was a new law enacted which made it impossible for an installment dealer to arrest a purchaser unless he first obtained a net money judgment of more than \$100 exclusive of costs.⁹⁷ “Never again was the Ludlow Street Jail to become the scene of such revolting, sordid, and pathetic drama.”⁹⁸

Rosalie reported some of these events in her annual report as the general attorney for the Society in 1902. She mentioned the forthcoming legislation but most importantly, she kept the focus on the poor and oppressed people she helped everyday by concluding that the work of the Society and the legislation “will be a wholly beneficial thing for the poorer classes who have been the victims of certain of the dealers.”⁹⁹ Rosalie never lost sight of the people who needed her most and whom she served tirelessly as the general attorney for the Society.

After the installment dealers crusade the Society revised the purpose clause of its constitution to the following: “The purpose of this Society shall be to render legal aid, gratuitously if necessary, to all who may appear worthy thereof and who are unable to procure assistance elsewhere, and to promote measures for their protection.”¹⁰⁰ Thus, the installment

⁹⁵ *Id.* at 109.

⁹⁶ *Id.* at 110.

⁹⁷ *Id.* at 111-112.

⁹⁸ *Id.* at 112.

⁹⁹ Report of the Attorney of the Legal Aid Society for the Year 1902, p. 25

¹⁰⁰ *Id.*

dealers crusade was only the beginning of the Legal Aid Society's effort to not only render legal aid but to also promote measures that might lead to the protection of those who seek that aid.

Rosalie's Resignation from the Legal Aid Society

Throughout 1903 and 1904 Rosalie continued as the Attorney-in-Charge of the Legal Aid Society while it continued its steady growth. Both of the years saw an increase in the number of applicants and Rosalie was as busy as always, trying to attend to all of her duties. However, in 1904 Rosalie tendered her resignation, which was to become effective on February 1 of the following year. Arthur v. Briesen's annual report for the year 1904 regretfully relays the news, as he writes that Rosalie's "indefatigable zeal and entire devotion, coupled with unusual learning and ability, rendered her an object of universal admiration." He also adds that under her administration the Society advanced more rapidly than it had ever done so before.

After eight years of her service to the Legal Aid Society, Rosalie addressed the readers of the *Legal Aid Review* for the last time as its general attorney and used the opportunity to once again proclaim the importance and the absolute necessity of legal aid and her reasons for those beliefs. She begins by saying that "no one can know the real merit of such work better than one who has heard thousands of stories of misfortune, and who has been privileged to see removed the causes of such misfortune in the large majority of cases."¹⁰¹ She explains that it is not enough to just show that the immediate effects of the philanthropic work are good. Instead, it is important to show that the cause of the distress is removed and that "every subject of assistance is to some extent put on his feet."¹⁰² "This is unquestionably true of legal aid," claims Rosalie.¹⁰³ She then tells a story of a Russian immigrant that got help at the Legal Aid Society and whom she happened to see years later and much firmer on his feet. He never forgot that the Legal Aid

¹⁰¹ Whitney, Rosalie Loew, *The Legal Aid Review*, vol. III, no. 1, p. 1.

¹⁰² *Id.*

¹⁰³ *Id.*

Society secured him a chance to make a living. Rosalie writes that this is just one of the thousands of cases where the Society helps someone back on his feet and enables him to better take care of himself and his family. In conclusion she writes:

The work of The Legal Aid Society is sound; it does not encourage faults; it is upbuilding and constructive. For that reason I feel that it is worth the devotion of every person who is interested in improving the conditions that surround the working class to-day. For that reason it ought to be liberally supported, so that it can extend its help to the other thousands who need it. . . . I shall never cease to urge that The Legal Aid Society is one of the soundest, one of the most practical and helpful charities that appeals to the public to-day.¹⁰⁴

Not all early women lawyers shared Rosalie's sentiments regarding the value of charitable work. For example, Emma Gillett of Illinois declared: "Charity clients should be shunned . . . They have no more right to a lawyer's services for nothing than a washerwoman's."¹⁰⁵ But other early women also served the impoverished and appreciated the value of their work. "My modest law office had become a sort of labor bureau . . .," wrote Clara Foltz, "for the poor and sick and despairing, the ex-convict, the drunkard, and our weak little sisters of the so-called underworld."¹⁰⁶

In addition to finding support for her views from women like Clara Foltz, Rosalie also found support from men like President Theodore Roosevelt who praised the work of the Legal Aid Society. Rosalie quoted President Roosevelt in one of her articles about the Legal Aid Society.

All honor to the legal aid society for what it has done. Honor to the legal aid society for the suffering it has averted for the wrongs that it has righted, and thrice honor to it for the American spirit in which it has done the work, for the way in which it has not merely preached, but practiced the doctrines that here we recognize in each man his right to be treated as such, to be given his rights as such, and to be held to a rigid accountability, in the interest of his fellow citizen, as to the way in which he exercises these rights.¹⁰⁷

¹⁰⁴ *Id.* at 2.

¹⁰⁵ Babcock, Barbara Allen, *Book Review: Feminist Lawyers*. 50 *Stanford Law Review* 1689 (1998).

¹⁰⁶ *Id.*

¹⁰⁷ Loew, Rosalie, *The Rise and Purpose of the Legal Aid Society*. *Central Law Journal* p 126.

Rosalie shared the beliefs of the President and worked hard to avert the suffering of her clients. She wasn't the type of person who just talked about getting things done, she actually got them done. She helped thousands of clients who came to the Legal Aid Society and she always believed in the value of the service she was providing. She loved the law for the opportunity that it afforded her – to help others and to teach them to be able to help themselves.

Continuous Involvement

Resigning as Attorney-in-Charge of the Legal Aid Society did not stop Rosalie from continuing to support the Society by offering both her time and money in the years that followed. For example, through the efforts of Rosalie Loew as well as some other generous individuals, in January 1907, the much needed Brooklyn Branch of the Legal Aid Society was opened at 186 Remsen Street and Rosalie became the chairman of the directors' visiting committee at that Branch.¹⁰⁸ Unfortunately, the Society was forced to close the Brooklyn Branch in 1909 because there was not enough financial support to sustain it. However, Rosalie didn't give up on the idea of a Brooklyn Branch and helped organize a concert at Carnegie Hall to raise money for the reopening of that branch. The concert raised \$4,155 and in 1910, the Society was able to reopen the Brooklyn Branch.

In addition, both Rosalie and her husband Travis were associate members of the Legal Aid Society and gave \$10 a year each in membership dues, the collection of which was the main way the Society raised money. They also remained active as board members of various committees of the Society and never forgot the importance of legal aid in our society.

¹⁰⁸ Maguire, John MacArthur, The Lance of Justice: A semi-centennial history of the Legal Aid Society 1876-1926, (Harvard Univ. Press: Cambridge), 1928, p. 204.

V. The Women Lawyer's Club

While working extremely long hours at the Legal Aid Society, Rosalie also found the time to help organize the Women Lawyer's Club, an organization that was intended to help women lawyers of New York come together for mutual aid and comfort.

On June 5, 1899 both the *New York Times* and the *New York Daily Tribune* carried stories about a meeting that took place on a Saturday afternoon in East Orange, N. J., which "was held under the trees" and where "refreshments were served in the intervals of business."¹⁰⁹ Women lawyers of New York and its neighboring cities attended this meeting, and its purpose was to discuss creating an organization of women lawyers in New York. The articles reported of Rosalie's presence at the meeting and about the creation of a committee to which she was appointed to consider the question of forming such an organization and calling another meeting. The other women lawyers on the committee included Miss Gail Laughlin, Miss Mary G. Potter, Miss Mary Philbrook, Dr. Mary D. Hussey, Mrs. Dangerfield, and Mrs. Rose Levere.

These women lawyers did not waste any time once they decided to accomplish something, since twenty days later, the same two newspapers reported a meeting attended by twenty-five New York "women lawyers" at which they actually formed the Women Lawyers' Club.¹¹⁰ The stated purpose of the club was "to advance the interests of all women of the bar and to promote social intercourse among members."¹¹¹ The constitution and the bylaws of the organization were framed and accepted at the meeting and officers were elected. Rosalie Loew was elected as the Women Lawyers' Club first president. The *New York Times* reported that "the new organization is believed to be the first of the kind in this country" and is expected to be large

¹⁰⁹ *New York Times*, June 5, 1899, p. 4, col. 1; *New York Daily Tribune*, June 5, 1899, p. 5, c. 4.

¹¹⁰ *New York Times*, June 25, 1899, pg. 5, col. 3; *New York Daily Tribune*, June 25, 1899, p. 7, c. 6.

¹¹¹ *Id.*

in scope since “any woman lawyer in the United States in good standing will be eligible to membership.”¹¹²

A year later, as the Women Lawyer’s Club was entering its second year of existence, had twenty members from the states of New York, New Jersey and Connecticut, and once again elected Rosalie Loew as its president, Rosalie wrote about it in a magazine called *Success*.

We regard it as a very interesting and thriving infant. We women lawyers of New York joined ourselves together to become better acquainted with each other, and to assist one another professionally, whenever possible. We feel a little isolated in the law among so many men, perhaps, and desire to meet for mutual aid and comfort.¹¹³

In the same article, Rosalie also talked about women lawyers in general and reasons they have chosen to study law. She explained that only a small proportion of the women lawyers in the United States actually practice law since many studied it because of its value to their political careers or as a part of their business careers. However, Rosalie goes on to note that “every year more women are entering the profession and some of them are beginning to plead before judges and juries in the courts.”¹¹⁴ She then describes men’s attitude towards women who actually practice law.

Rosalie says that there is “prejudice in the mind of the average man against women undertaking this court work, and to succeed in it a woman must have a forceful character and a personality which is strong and yet not too masculine.”¹¹⁵ She goes on to add, “I am quite sure that, if a woman is able and earnest, she can, after the usual struggle of the beginner, make a lucrative living in the law.”¹¹⁶ In another article on the subject of women practicing law and men’s attitudes towards them, Rosalie explained that men treated her with respect and “held their

¹¹² *New York Times*, June 25, 1899, p. 5, c. 3.

¹¹³ *Success Magazine*, July 1900, p. 257.

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ *Id.*

opinions” until they could actually see an example of the kind of work women did.¹¹⁷ In that article Rosalie said that she believed this was almost the universal attitude of the profession and that men listened and watched before they came to any conclusions.

However, in a different article, Rosalie is quoted as saying “nearly every man in the profession is prejudiced against women entering the field. They in many cases believe that women are unbusinesslike and frivolous, but once you convince these men that you are in the courtroom for business and can do good work they are your greatest aid.”¹¹⁸ Rosalie recognized that men were prejudiced towards women lawyers, but she also recognized that the women who were actually fit for the job could convince the men that they were good lawyers. Rosalie excused some of the negative attitudes of men by saying that “everything new is to be suspected,” and that some women were actually not capable of being good lawyers.¹¹⁹ She seemed to have been fair and realistic about the capabilities of both women and men. On behalf of herself and other women lawyers, Rosalie simply asked for a fair chance to show the world what they were capable of. She recognized that in the end, it is “a question of individuality” and she knew that men would have no choice but to accept and respect women as lawyers once they could see that they were worthy of that respect.

¹¹⁷ *Cleveland Journal: Women’s Place in the Legal Profession*, v. 4, March 31, 1906.

¹¹⁸ Unknown source, from a copy of one of the newspaper articles I received from Tom Whitney.

¹¹⁹ *Cleveland Journal: Women’s Place in the Legal Profession*, v. 4, March 31, 1906.

VI. Application to the New York Bar Association

In April of 1903, Rosalie Loew was the first woman to apply for admission to the New York Bar Association. Even though by this time she was the Attorney-in-Chief of the Legal Aid Society and also had some influential male supporters, her application was vehemently opposed by some members of the Bar Association and eventually withdrawn.

A Good Beginning

The first accounts of Rosalie's application to the New York Bar Association were positive and reported that the Bar Association would soon have its first woman member.¹²⁰ Apparently Rosalie's name was the eleventh on a list of fourteen candidates and it almost escaped notice. One newspaper reported that the "application of Miss Rosalie Loew, associated counsel in the Legal Aid Society, has been acted upon favorably by the Committee on Admissions." The story went on to say that unless something unforeseen happens, Miss Loew would become a member of the bar association. In explaining her reasons for applying for membership, Rosalie said, "As I understand it, the Bar Association is an organization of the lawyers of highest standing in the city, and its membership list is a sort of roll of honor." As the Attorney-in-Charge of the Legal Aid Society, Rosalie considered herself accomplished enough as a lawyer to seek membership in the Bar Association. After all of her work as an attorney and an advocate, she definitely deserved to be on this roll of honor.

When the Bar Association was organized in 1869, the possibility of a woman applying for membership was probably not even considered and its constitution and bylaws did not prohibit women from membership. According to the constitution in effect when Rosalie applied for membership for the first time, any member of the profession in good standing who lived or

¹²⁰ Unless otherwise noted, all of the quotes and information in this section comes from unidentified newspaper articles that I received from Tom Whitney. These articles can be found at the Robert Crown Law Library at Stanford Law School.

practiced in New York City could become a member by vote of the association on recommendation of the committee on admissions. Thus, the newspapers had every reason to believe that Rosalie would be admitted into the Bar Association, since there was no statute that would have prohibited her from qualifying. In addition, Cephas Brainerd and Edward B. Whitney proposed Rosalie for membership and were reported to be some of the most prominent members of the association. However, even though some men were open-minded enough to realize that women should be allowed into the Bar Association, there were plenty of others who were opposed to the idea of women becoming part of their “male club” and who were determined to make sure that no woman would ever be admitted.

The Opposition Strikes Back and the Fight that Follows

Rosalie’s name remained posted for membership for about six months and she gained enough support that some members of the association feared that the possibility of female membership was not that far away. To guarantee that no female lawyer would ever be able to join the bar association, Alexander B. Campbell proposed an amendment to the constitution that would bar all women lawyers from the association. There was a lot of discussion about the amendment before the members actually met to vote on it. All of the newspaper stories repeated that there was no personal objection to Miss Loew and even the men who opposed her admission recognized her ability as a lawyer. Instead, the men objected to the possibility of having to restrain themselves in what they referred to as their “club.” As one member of the association explained, “The Bar Association is distinctly a place for men. In the library men take off their coats and get down to hard work without restraint. They smoke wherever they like. There is perfect freedom in every respect.”¹²¹ Another member added, “After regular meetings a light dinner is served, at which everybody smokes and drinks and tells stories, and here a woman

¹²¹ *New York Times*, September 27, 1903, p. 13, c. 7.

would be hardly in her element.” The general objections seemed to have been against “the swish of skirts about the workrooms and parlors of the association’s beautiful clubhouse.”¹²² The men opposing Rosalie’s application were resisting anything that might possibly force them to change their ways and someone much wiser than them referred to this behavior as a “relic of barbarism.”

Rosalie’s supporters argued that the association is not a club but is instead a workroom for lawyers and that Rosalie should not be excluded from this workroom simply on account of her sex. They also added that the association has the best library in the city and women lawyers should not be excluded from using it in their practice of law.

The members of the association did not get to actually vote on the issue of whether to accept Rosalie Loew for membership in the Bar Association, since her name was withdrawn shortly before the vote on the amendment. One newspaper simply reported that “Miss Loew had the shrewd wit to withdraw her name from consideration before the vote on the amendment.” However, another account was more critical of the Bar Association and explained, “As merely the narrower and coarser reasons were urged against the application, it is the Bar Association that is the loser and stands in an unchivalrous and behind-the-times attitude.”

Even though Rosalie’s application was withdrawn, 250 members of the Bar Association still met in the bar association’s house at 42 West Forty-fourth Street to vote on the proposed amendment. In order to pass, two-thirds of the members present had to vote in favor of the amendment. Many opinions were heard before the vote was actually taken. In his opening speech, Mr. Campbell praised Rosalie Loew and admitted that he is “really very fond of femininity” before he proceeded to make the following argument for the exclusion of women from the Bar Association.

¹²² *Id.*

But this place is more of a lawyers' study than a legal association ... why goodness gracious, think of your wife dropping into the library here, cutting her way through tobacco smoke and finding her husband in his shirt sleeves! ... I do not for a moment question the civilizing influence which a fair lady lawyer would have on this bohemian assemblage. But, gentlemen, we don't want to be civilized in this club. For the sake of our shirt sleeves, our tobacco and our easy flow of good cheer, help me keep the missionaries out. We don't want the drawing-room harness here.

Not every member of the Bar Association shared Mr. Campbell's views and a fellow member of the Bar Association who voted against the amendment went on the record with the following statement.

I myself voted against the measure. When the law, the legislature, and the courts have recognized and affirmed the right of woman to enter the legal field I do not think the Bar Association should put itself on record before the world as being forever closed to able and even eminent women lawyers who may arise.

Among other members of the association who voted against the amendment was Gen. Stewart L. Woodford, former minister to Spain, who said, "As women are now eligible to admittance and practice as lawyers, I can see no reason why they should not be admitted on equal qualifications to membership to the Bar Association."

The morning following the meeting, New York newspapers reported that the "Bar Association failed to pass the proposed amendment to its constitution by which women lawyers would be excluded from membership." It was further explained that even though the majority of the members voted to pass the amendment, it was still a couple of votes short of the two-thirds necessary for its adoption. Thus, even though Rosalie withdrew her own application, she still contributed to the cause of advancing women lawyers in the legal profession and helped ignite an important debate among the male lawyers. She forced them to consider the possibility of women lawyers as equals in their "club" and not just as someone they might occasionally encounter and have learned to tolerate.

Rosalie's Opinion on the Matter

“It is very likely that I shall try again,” said Rosalie Loew after the withdrawal of her application for membership in the association. Rosalie was not a woman who gave up easily when obstacles were placed in her path, and she went on to counter the arguments advanced against admitting women to the association and express her own feelings on the matter.

I was shocked and surprised when I learned that one of the members had said that the Bar Association is a club. It is an association of professional persons, having common professional interests. The Bar Association of New York is the association of the better element of lawyers in the city, and it is for that reason I wish to join it. It is not a club, and has no right to regard itself as such. The inconvenience which the men would suffer by having women present is a small thing compared with the principles involved, since the law itself recognizes no sex in the professions. ... To belong to the Bar Association is a sort of reward of merit – it is a distinction.

The reporter then asked Rosalie whether she thought the scant number of women lawyers who actually practice law in New York and might eventually succeed in entering the bar association would feel rather awkward among seven or eight hundred men. She didn't hesitate to answer, “By no means. How about me when I enter a courtroom filled with men? I may be the only woman, but I am not flustered a bit.” Rosalie was not a woman that could be easily flustered by men and she knew that in the end, she would succeed and gain membership into the NY Bar Association no matter how much resistance she would face along the way.

Rosalie compared the situation she faced to the one faced by women doctors when they tried to get into the County Medical Society some thirty years earlier. She correctly concluded by saying that in the end, women lawyers would be accepted into the Bar Association just like women doctors were accepted into the County Medical Society.

Two years later, members of the Women Lawyers' Club, co-founded by Rosalie in 1899, decided to organize the Women's Association of the Bar of New York. Mrs. Fannie Carpenter said that there was “no war between the men and the women” and that the women were not at all

angry with the men for opposing the application of Rosalie Loew in the association. She further clarified that Rosalie “withdrew her name of her own accord, so no offence was given or received.” Mrs. Carpenter then explained that the adopted purposes of the Women’s Association were exactly the same as that of the Bar Association, with the only change being the insertion of the word “fellowship” instead of “brotherhood.” The women lawyers believed that they deserved the same privileges as the men lawyers and decided to form their own bar association since the men would not admit the women into their “club”. There might not have been a war, but there was definitely a silent battle fought by every woman lawyer individually and together as a group to be accepted as equals and to be afforded the same privileges and the same respect as their male counterparts and not to be discriminated against because of their sex. As a woman lawyer, Rosalie was part of this battle and she deeply cared about the issues at stake.

Conclusion to this story: Thirty Years Later

It took over thirty more years but the women finally won and the members of the New York Bar Association admitted them into their association. In October 1937, Rosalie Loew was one of the first twelve women elected to membership in the New York Bar Association.¹²³ Her struggle was definitely a long one, and she wasn’t in it alone, but in the end, she still achieved what she set out to do more than thirty years earlier and finally joined the NY Bar Association. And this is just one of many examples of Rosalie’s perseverance in the face of challenge.

VII. Mother and Lawyer

Rosalie met Travis H. Whitney when he applied to the Legal Aid Society for a job upon his graduation from Harvard Law School in 1902. According to Wells Whitney, Travis came for

¹²³ Memorial of Rosalie Loew Whitney prepared by Dudley F. Sicher. Yearbook of The Association of the Bar of the City of New York 1940, p. 6.

an appointment at the main office of the Legal Aid Society expecting to be greeted by a man who had corresponded with him as R. Loew, Esq., Attorney-in-Chief for the Legal Aid Society. However, to his total surprise, instead of a man, he was greeted by a slender brunette with big brown eyes.

Travis and Rosalie began seeing each other shortly thereafter and exchanged many letters and notes between February and June of 1903. Wells Whitney has summarized some of the letters written by Rosalie to Travis and was generous enough to share them with me. Many of these were just short little love notes; in others, Rosalie talked about that day's events, sometimes complaining about too much work, and in some of the letters, she talked about more "serious things," such as independence versus devotion to Travis. In a letter that Rosalie sent to Travis on March 19, 1903, she starts off by describing a dinner party she attended the night before and concludes the first paragraph with, "... I went home to sleep, but first, of course, to long for you." She then mentions a friend she saw that day at lunch and goes on to say that she has been thinking about "some serious things."

Dear, I've been thinking some serious things. I've been thinking how wonderful it is! All of it – You, and I, and our feeling for each other. Isn't it wonderful? I suppose others have some things of those sensations – but with us they've made such a difference. With me it's such a new world – such a different. And that's why it annoys me so and distresses me that I should not give myself up to it – Wholly – but should fight it. In a way, it's because I love my erstwhile independence – and I should like to have both – the independence and the devotion to you. And I'm sure it will work itself out just so. That there will really be both in one, when we're finally together, as husband and wife. Ah, we will be happy. I think of it always. When I see interesting things – or do them, or read them, I think of doing them, seeing them, making them with you. So may it be! Pray for it, Travis. Travis – I belong for you – intensely, your Rose.

Rosalie was obviously very much in love with Travis but she was also worried that giving herself fully to him would mean giving up her independence for which she had fought very hard. In the end, Rosalie gave herself to Travis and the two were married on July 2, 1903,

and even though the marriage brought many changes into Rosalie's life, it didn't signify the end of her independence. I am not sure if Rosalie's parents approved of her marriage to Travis, since she was Jewish and he wasn't. The newspaper article that reported her wedding simply says that it took place at her home and that about fifty friends were present at the ceremony. Rosalie was attended to by her younger sister, Frederica, and dressed in white. However, the newspaper article does not say anything about the parents of either the bride or the groom. If at the time she got married Rosalie was still living at home with her parents, then the wedding took place at their house, in which case it could be assumed that they agreed to it even though Travis did not come from a Jewish family. However, if at the time of the wedding Rosalie had her own home, then it's not clear whether her parents approved of the marriage and were actually at her wedding.

At first, marriage didn't make much of a difference in Rosalie's professional life. "She went to her office every day, kept her long hours, rose early and retired late, and continued to spend her magnificent force in the defense of the helpless and oppressed."¹²⁴ However, when Rosalie became pregnant with her first son, she tendered her resignation from the Legal Aid Society. One newspaper reported that Love and Wifehood won the battle against Law and Work.¹²⁵ However, Rosalie disagreed and said that she will not have to choose between love and law, since she plans on having both by going into private practice with her husband upon leaving the Society. She pointed out that men do not sacrifice their careers and ambitions when they fall in love and she shouldn't either. "The joys to come to her through love, she believes, will never steal away from her the joys that come through work."¹²⁶ But Rosalie's opinion on the matter changed when she had her first son and it became obvious that motherhood was quite different from just being in love.

¹²⁴ Unknown source, from a copy of one of the newspaper articles I received from Tom Whitney.

¹²⁵ Unknown source, from a copy of one of the newspaper articles I received from Tom Whitney.

¹²⁶ Unknown source, from a copy of one of the newspaper articles I received from Tom Whitney.

Upon becoming a mother, Rosalie proclaimed the joys of motherhood and claimed that nothing that she had achieved so far in her ten-year legal career could possibly compare with being a mother. Rosalie did not regret having a career before becoming a wife and a mother, but instead believed that her years as an attorney made her a better mother. However, she also said, “There is no work I could have accomplished that can compare in significance to the holding of my son’s tiny hand, and my service to my husband. I bring to these glorious duties, the mature brain, the thoughtful heart, and the deliberations of the disciplined woman.”¹²⁷

When interviewed in late 1905 when her first son was eleven months old, Rosalie said that she was still planning on being both a mother and a lawyer.¹²⁸ However, she did add that if she had to make a choice between her son and her career, she would “give up all the art and science in the world” to be with her son.¹²⁹ So, Rosalie and Travis went into private practice for a couple of years, but when two more sons arrived shortly thereafter, Rosalie was faced with a choice that she had contemplated during that 1905 interview. And as one newspaper account put it, “maternal love triumphed and Mrs. Whitney came to the decision which robbed the legal world of one of its most talented members.”¹³⁰

Rosalie explained that at this point in her life she could not be both a successful lawyer and a good mother and she had to choose one or the other. Thus, because she felt that her children needed her, she chose them and added, “No real mother will hesitate for a moment in choosing between her children and her profession . . . No matter how great has been her success she will forfeit it for the benefit of her babies if she feels that they need her care.”¹³¹ Even

¹²⁷ *New York American*, November 29, 1905.

¹²⁸ *New York Daily Tribune*, December 31, 1905, p. 2, c. 3-6.

¹²⁹ *Id.*

¹³⁰ Unknown source, from a copy of one of the newspaper articles I received from Tom Whitney. The year is shown on the top of the page to be 1911.

¹³¹ *Id.*

though Rosalie did not regret her decision to be with her children, she also did not hide the fact that she missed being a lawyer, “daily, hourly” and would go back as soon as she had raised her three boys.¹³² She also did not forget to mention that “every great man in the world’s history owes his greatness largely to his mother.”¹³³

Thus, Rosalie Loew took time off to raise her boys to become great men, but as promised, she did return to the public sphere later in life and achieved more greatness as a judge.¹³⁴ Rosalie tried to continue practicing law while also raising three boys but realized her own limits and the importance of family life. The choice between the continuation of a successful career and motherhood is also faced by women today and Rosalie shows us that it is not necessary to do everything at once, but it is possible to do it all at different stages of one’s life. Rosalie was a lawyer, a mother, a wife, a public figure, and a judge, but she did not try to be successful at all of these things at once. She just succeeded at them one at a time.

VIII. Conclusion

Even though Rosalie achieved many great things in her legal career, none of them came easily and she fought hard to break down many barriers placed in her way. “At each step the young lawyer met with resistance and was forced to fight down barriers which would have discouraged a less determined woman.”¹³⁵ Rosalie’s life and eventual success show that she did not lack the requisite determination. She was determined to show the world that women could be just as good as men and she did, becoming the first woman Attorney-in-Chief of the Legal Aid Society at the age of twenty-eight.

¹³² *Id.*

¹³³ *Id.*

¹³⁴ My story stops here. I leave it to the next biographer to tell the story of Rosalie Loew Whitney as a public figure in her later life and as a judge.

¹³⁵ Unknown source, from a copy of one of the newspaper articles I received from Tom Whitney.

Rosalie’s actions often spoke louder than her eloquent words. She did not only advocate for the need of legal aid among the poor and the oppressed, she did everything she could to get that help to those who needed it most. “She was a successful human being, successful because her entire life, with its treasury of talents and its storehouse of energy, was devoted quite simply to human service.”¹³⁶ She also didn’t just advocate for women lawyers but she helped create the Women Lawyer’s Association and tried to break down barriers with her application to the NY Bar Association.

However, unlike some other successful women lawyers of her time, Rosalie did not concentrate upon a public career to the exclusion or sacrifice of family life. She was an amazing “wife, mother, grandmother and cherished friend.”¹³⁷ When she realized that she could not be a successful lawyer and a good mother, she temporarily put her career aside while she raised her three boys and returned to public service as soon as it became possible. From my conversation with Wells Whitney, I found out that Rosalie’s sons adored their mother. In fact, Wells Whitney has a very vivid memory of his dad telling him about the death of Rosalie when he was just six years old. Wells Whitney writes, “since I don’t remember much else from the first six years of my life, I think that my father must have been uncharacteristically emotional, that it both amazed and scared me. I knew that something important and very sad had just happened to him.”¹³⁸ Everyone around Rosalie knew her for her “energy, courage, dependability, initiative, forcefulness, candor and warm-heartedness.”¹³⁹ As Mrs. Grace Davis Vanamee, a good friend of Rosalie’s, said upon her death, “She was the close advisor and helpful friend of hundreds of

¹³⁶ Memorial of Rosalie Loew Whitney prepared by Dudley F. Sicher. Yearbook of The Association of the Bar of the City of New York 1940, p. 7.

¹³⁷ *Id.* at 6.

¹³⁸ Whitney, Wells, Family History, Chapter V, *Travis & Rosalie in NYC*, 3/13/2002, p. 2.

¹³⁹ Memorial of Rosalie Loew Whitney prepared by Dudley F. Sicher. Yearbook of The Association of the Bar of the City of New York 1940, p. 3-4.

women to whom she gave the breadth and sanity of view” and offered a helping hand when needed.¹⁴⁰ It seems that there was no one out there to whom Rosalie would not offer her assistance if needed.

I am glad to have had the opportunity to research and write about Rosalie Loew’s life. And even though the events I wrote about took place about a century ago, I still feel as though I developed a special bond with Rosalie.

IX. Future Work

The first paper about Rosalie Loew Whitney written by Danielle Haas-Laursen for the Women in the Legal Profession class was an overview of Rosalie’s life mainly gathered from newspaper articles. In this paper, I decided to concentrate on Rosalie’s early legal career at the Legal Aid Society and the first couple of years as wife and mother, struggling to make the choice between work and motherhood. However, Rosalie also did many amazing things when she entered another chapter of her life and became involved in politics and also when she was appointed as judge in 1935. A subsequent paper about Rosalie could possibly explore the next chapter of her life, which is definitely just as fascinating as the first.

In addition, Rosalie was really close to Mayor LaGuardia. While doing research at Green Library, Erika Wayne ran across a reference to Rosalie that might be useful to look up when researching the next chapter of her life. The reference is in the Columbia Oral History microfiche set (microfiche #58, under the name William Harvey Allen, fiche 6/6, p.529-531...). According to Erika, it is an oral history of William Harvey Allen and he discusses a chat (or two) he had with Rosalie about her chats with her good pal Fiorello LaGuardia and about appointments.

¹⁴⁰ *Id.* at 4.

When reporting about Rosalie's marriage and her subsequent resignation from the Legal Aid Society, some of the newspapers say that Rosalie wrote epigrams on marriage. These would be really interesting to find and read. However, I am not sure where they were published. I looked through the *New York Times* and the *New York Daily Tribune* indexes but the epigrams could have been published in another newspaper or magazine at the time.

Obviously Rosalie's grandchildren are a great source of information for any future biographer. In order to get in touch with Wells Whitney or other grandchildren, please contact Professor Babcock or Erika Wayne at Stanford University for information. Wells Whitney is in the process of writing a family history and is gathering more information about Rosalie. In addition, the family has some letters written by Rosalie, which would be fascinating to read and analyze. Interviewing members of the family might be a lot of fun and could also provide future biographers with some very useful information.