

Judge Mary Margaret Bartelme:
Crusader for Juvenile Justice

(1866-1954)

Maggie Hoag
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Professors Barbara Babcock & Erika Wayne

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DESCRIPTION OF PORTFOLIO

In 1923, Mary Bartelme became the first woman elected judge in Illinois and the second one in the nation. She served on the juvenile court bench, founded the Mary Bartelme Clubs for Girls, and dedicated her career to underprivileged girls.

I chose to write on Mary first and foremost because of our shared links to Illinois and Chicago. There was a familiarity with her name—particular the Bartelme Home, now the Lawrence Hall for Youth Services, which was near my old apartment in Chicago. Last fall, I saw that she was a lawyer and a judge. She attended Northwestern, a law school that I was attending until being accepted at Stanford. She spent her later life in Carmel—just a few hours away from where I attend school now. But most importantly, we shared a progressive approach to the arena of juvenile justice.

Many of my small papers overlap in subject matter. I chose to focus on the Juvenile Court and Mary Bartelme's participation in its founding. The Historical Context piece traces the development of the Court through the women's groups who dominated the Progressive Era—those of Hull House and those of the Chicago Women's Club. The Legal Issue paper focus on Bartelme's own approach to Juvenile Justice which centers around the formation of the Court and her own appointment as judge on its bench. The Friends & Allies paper branches off a bit from the Court formation to discuss Mary Bartelme's mentor—Myra Bradwell. Finally, I have included my class presentation, a short synopsis of the movie pitches the class made, a timeline, and most significantly, suggestions for future research on Mary Bartelme—something that I would definitely recommend, particularly to someone with access to the University of Illinois-Chicago library

BIOGRAPHICAL ESSAY

BARTELME, MARY MARGARET

July 24, 1866—July 25, 1954

Judge, Lawyer, Juvenile Court Activist, Suffragist

Throughout her career, Mary Margaret Bartelme sincerely believed that she and her fellow reformers could make a difference in the legal treatment and in the lives of children, particularly those before her in the juvenile court.

Mary Margaret Bartelme was born on July 24, 1866, in a Chicago farmhouse. She and her brother Alfred and sister Adeline were raised by their Alsatian immigrant parents, Jeannette and Balthazar Bartelme in River Forest, Illinois, outside of Chicago. Bartelme excelled in her studies while attending Chicago public schools, graduating from West Division High School in 1882, and later attending Cook County Normal School. At age nineteen, she became a schoolteacher at two Chicago public schools.

Seeking a new career upon the death of her mother, Bartelme decided to become a professional, first leaning toward medicine. However, upon the advice of a female physician met during her search, she sought the direction of Myra Bradwell, a well established legal journalist and editor for over twenty years who had been a pioneer in the study of law. Instantly striking up a bond of mutual respect, Bradwell encouraged Bartelme to pursue a career in the law. Acting on this counsel, Bartelme began her pursuit at Northwestern University Law School in 1892.

Northwestern, at the turn of the century, was known for its favorable attitude towards women, and Bartelme was treated as an equal, though her ability was anything but average. The only woman in her class, she excelled in the study of law, achieving prizes both for her thesis on spendthrift trusts, published by Bradwell's husband

(Bradwell died a few months earlier) in the *Chicago Legal News*, and from the *American Law and Register Review* for a case notation. Graduating in 1894, Bartelme was admitted to the Illinois bar on June 15 of that year, later becoming a member of the Illinois State Bar, the Chicago Bar and the Federal Court for the Northern District of Illinois.

Immediately following graduation, Bartelme opened the law office Barnes, Barnes and Bartelme with two male partners. She practiced probate law, making several court appearances. She also began her important work towards the advancement of women in the legal profession, as one of the founders, and later president, of the Chicago Business Woman's Club, organized in 1894. Bartelme also championed the cause of woman's suffrage as a member and officer of the Chicago Suffrage Club. She advocated for women's full citizenship rights and wrote a letter arguing for suffrage that the *Chicago Tribune* published as a response to its query. (It was later republished by Bradwell's *Chicago Legal News*).

It was after a few years in practice that Bartelme's career redirected itself to the advancement and protection of juvenile rights. Bartelme's probate court practice caught the attention of Judge Christian C. Kohlsaas, the Cook County probate judge, who encouraged Governor John R. Tanner to appoint Bartelme to the position of Public Guardian of Cook County. She accepted in 1897 and became the first woman to hold the position, which she held for sixteen years (four terms) under four different governors. Bartelme expanded the office's traditional duties of deciding custody questions and handling the estates of minors who were wards of the states, to utilize her power and the state's resources to improve the children's quality of life. She advanced her own policies,

recognizing each child as an individual and she did everything in her power to protect the children, including donating her own time, money, clothing and even home and care, when she and her sister raised two young orphan sisters. Bartelme garnered the respect of judges, agencies and women's groups alike who often approached her as a resource and expert on finding homes and determining custody cases.

During her appointment as Public Guardian, Bartelme became an active participant in the campaign to establish a juvenile court. She joined other woman reformers including Lucy Flower and Julia Lathrop in their battle to create the first juvenile court in the U.S. The Juvenile Court was established in 1899 but Bartelme's efforts continued as she, Louise DeKoven Bowen, Sara Hart and others founded and operated a juvenile detention center to serve as an alternative to jail.

The Cook County Juvenile Court struggled at first in its attempts to establish an effective procedural system while always needing increased financial assistance and support. As more and more female juveniles came before the court, Presiding Judge Merritt W. Pinckney decided a woman judge should hear the cases and Bartelme, chosen unanimously by the circuit court judges, was appointed in 1913 as Pinckney's assistant judge. This move significantly restructured the juvenile court system: all participants in the cases—from judge to police officer—were women.

Bartelme continued to advocate her own policies and expand the duties afforded her, as she introduced new court practices to address the needs of the female juveniles before her. When the wrongdoing was minimal, Bartelme did not see the justification in committing the girl to a state institution or sending her back to an abusive home. As an alternative, she established the first "Mary Club" in 1914, by donating her own Chicago

home as a place where the girls could live together and be trained as workers. Praised by the press, new Marys Clubs sprouted up, just for white girls at first, but later adding homes for “girls of color”. In addition to founding the Marys Clubs, Bartelme, with the aid and donations of women’s organizations, instituted a program providing girls coming through the juvenile courts with suitcases full of clothes and other necessities. Again, her approach was praised in the press, earning her the nickname “Suitcase Mary”.

Though not all supported Bartelme’s efforts. In 1915, the grand jury, upon request, ordered a committee to investigate allegations that Bartelme was acting as a “judge” when she had not been elected to that position. Upon examining Bartelme’s techniques, however, the committee had nothing but praise for her treatment of juvenile girls and urged for the juvenile court to have more power over juvenile cases, an opinion adopted by the grand jury.

In 1923, a vacancy on the juvenile court bench was created upon the death of a Cook County circuit court judge. Bartelme, still in the position as assistant judge in the court, decided to run for the office. Bartelme’s friends and colleagues, including fellow members of the many bar associations, women’s clubs, and suffragists, supported this decision and her candidacy. Sara Hart, Bartelme’s good friend and juvenile court advocate, filled the position of campaign manager. Bartelme planned to use the judicial seat to further her mission of establishing and protecting the rights of women and children, and continue the expansion of her existing programs. She was elected judge in the Circuit Court of Cook County by a fairly large margin, and was assigned to sit in the juvenile court. She saw her election as a personal victory as well as a victory for all women.

Once again, Bartelme used the position to advocate her beliefs and employed an innovative cooperative approach in the courtroom. She spoke to the children directly, listened sympathetically and collaborated with the pioneering social scientists, philanthropists, and social workers in determining beneficial treatment for the children. She continually emphasized the importance of the provision of public services to children through parks and amusement programs, by reforming truancy and employment law, and forming service counsels. She won praise and acclaim from the city, the nation and even internationally, as evidence by a courtroom visit of the Queen of Romania in 1925.

In 1927, Bartelme was reelected to the bench for a full-six year term where she presided over both male and female juveniles until her term expired in 1933. She retired that year, indicating some disappointment that she had not done even more. Her retirement, however was met with more praise by the Chief Judge, her fellow juvenile court colleagues, as well as Jane Addams. She spend the last 21 years of her life in Carmel, California with her brother and his daughter. After a short illness, Bartelme died in 1954 at the age of eighty-eight. She requested that in lieu of sending flowers, contributions should be made to the Mary Bartelme Clubs.

HISTORICAL CONTEXT PAPER

Women and Children First: Women Reformers & The Chicago Juvenile Court Movement in the 1890s

The Illinois Juvenile Court Law of 1899 marked a grand departure from the judicial system's earlier manner of treating delinquent and dependent children in both the city of Chicago and the country as a whole. The law represented an acceptance by the State of Illinois that it had a duty towards its children; more importantly, the law treated children as individuals in need of help, but recognized their status as children in need of guidance, rather than as adult criminal offenders in need of punishment.⁴⁴

During the Progressive Era and its many social welfare reforms, the establishment of the juvenile court system in cities across the United States, but starting in Chicago, represented one of the greatest alterations in the traditional legal and social framework.⁴⁵ Interestingly enough, though quite logically, women reformers took many of the lead roles in the movement, using their unique abilities and knowledge to shape this important reform. Ultimately, the Juvenile Court of Cook County was established in 1899.

The Progressive Era in General

An era that lasted from about 1890 to 1924, the Progressive Era embraced a wide array of social and economic programs, including women's suffrage, Prohibition, trust-busting, shorter work hours, elimination of child labor, and adoption of social welfare reform. Chicago experienced the era most definitely in the years of 1896-97, when

⁴⁴ Elizabeth J. Clapp, *The Chicago Juvenile Court Movement in the 1890s*, Paper given at the Centre for Urban History, University of Leicester. Mar. 17, 1995. <http://www.le.ac.uk/hi/teaching/papers/clapp1.html>.

⁴⁵ *Progressive Movement*. BRITANNICA STUDENT ENCYCLOPEDIA. 2004. Encyclopedia Britannica Online. 24 Feb. 2004. <http://search.eb.com/ebi/article?eu=337542>.

corrupt local governments were thrown over. Despite initial differences among urban reformers, by the early 1890s, the vast majority were fighting for and winning much of the same objections. A new form of city government was born, allowing more effective administration to combat the ever-present Chicago corruption. The Juvenile Court movement in Chicago is illustrative of many other areas of maternal and child welfare reform during the Progressive Era, as it reflects the concerns of women reformers throughout the United States.

The Early Juvenile Court System (or Lack There of)

Prior to 1899, children in the United States charged with criminal conduct went through the same judicial process as adults.⁴⁶ Thus children were jailed with adult criminal offenders before their trials, tried in the same courts as adults, subject to the same sentences as adults (including imprisonment, corporal punishment and execution) and jailed with convicted adults again after they were sentenced. Age was deemed relevant only to judge criminal responsibility: children under age 7 were deemed too young to be held criminally or morally responsible (the infancy defense), children between 7 and 14 were presumed not responsible, but the presumption could be rebutted by the prosecution, children over 14 were considered equally culpable with adults.⁴⁷

Though the law attempted to lower the severity of trying and punishing children as adults through the above distinctions, young children were sometimes sentenced to prison and occasionally to death. Prior to 1900, at least 10 children under the age of 14

⁴⁶ *Juvenile Justice Bulletin: Minorities in the Juvenile Justice System*, 1999 NATIONAL REPORT SERIES. Dec. 12, 1999. http://www.ncjrs.org/html/ojdp/9912_2/juv1.html>

⁴⁷ Robert E. Shepherd, Jr., *The Juvenile Court at 100 Years: A Look Back*. Juvenile Justice, Vol. VI, No. 2, Dec. 1999. Available at <http://www.ncjrs.org/html/ojdp/jjournal1299/2.html>>

were executed in the United States.⁴⁸ For those “merely” incarcerated, the mixed incarceration of young children and adults in the same prisons proved dangerous and deadly. Children were exposed to many an experienced and hardened criminal mind. As well, they lacked the ability to defend themselves against the superior strength and manipulation of their fellow adult inmates.

Reports of capital punishment of children and poor prison conditions shocked the public conscience. Early reforms in Chicago called for children to be removed from the adult institutions to be placed in juvenile institutions, called “Reform Schools” and “Houses of Refuge”. The Houses were created to “receive and take...all such children as shall be taken up or committed as vagrants, or committed of criminal offenses”.⁴⁹ Unfortunately, these reformatories proved to be jails and prisons with fancier names, and little was actually changed in the form of treatment and incarceration conditions. The cries for reform continued, however, and women reformers and activists would finally make them audible towards the end of the 19th century as the juvenile court movement began.

The Progressive Era of the 1880s marked the development of novel attitudes towards the nature of childhood and adolescence, causing reformers—especially women—to seek new methods as a reaction to deal with the delinquent children. Child development and the mother’s role in the process came to the forefront through the studies of psychologists. These changes were reflected in the demands and desires of the

⁴⁸ Shepherd, *supra* note 4.

⁴⁹ *Id.*

female juvenile court reformers in Chicago, and particularly the members of both Hull House and the Chicago Woman's Club.⁵⁰

Women Reformers: Hull House

Jane Addams founded Hull House on the Near West Side of Chicago in 1889. The social settlement stood in a residential and industrial neighborhood full of immigrants from all over Western and Eastern Europe. Addams and her fellow residents provided neighborhood services, such as daycare and pre-schooling for the children of working mothers, a community center and gathering place, and employment placement.⁵¹ A list of the Hull House residents forms a "Whos-Who" of influential women reformers, including Florence Kelley, Louise DeKoven Bowen (president following Addam's death), Julia Lathrop, Lucy Flower, and Sophonisba Breckinridge. Together, they launched programs calling for social reform, one obviously being the recognition of the need for the first juvenile court in the nation, while others being the Immigrant's Protective League, the Juvenile Protective Association and the Institute for Juvenile Research.

The predominantly female organization was not truly "maternalistic" though its members used maternal concerns to strengthen the organization's position.⁵² Most were well-educated women with experience in the social sciences, who had the hands-on experience of living in the very kind of neighborhood for which they wanted reforms. Many had no children of their own. Women, devoid of any voting power, used the settlement as a support system, "reaching beyond female institutions to enter the political

⁵⁰ Kendall Burton, *Mother Knows Best: Mary Margaret Bartelme and the Chicago Juvenile Reform Movement*. Student Paper, Autumn 2002. <http://womenslegalhistory.stanford.edu/>.

⁵¹ *Urban Experience in Chicago: Hull House and Its Neighborhoods, 1889-1963*, available at <http://www.uic.edu/jaddams/hull/urbanexp/narrative/socialresearch/GenderedPerspectives.html>.

⁵² Clapp, *supra* note 1.

realm dominated by men” and used the support of fellow male reformers to strengthen their position. The women of Hull House used social science to illuminate social concerns and to conclude that reform was demanded as much by the gathered evidence as by the ever-present moral necessity (though they attempted not to emphasize any maternal inklings).⁵³

Julia Lathrop spearheaded the problem of juvenile delinquency, placing an emphasis on the prevention of delinquency even before the courts in the development of an informal probation system at Hull House.⁵⁴ Probation served as a non-custodial means of dealing with wayward children, supervising them and preventing further trouble. As such programs grew, the Hull House women became convinced of the need for legislation due to the inadequacy of existing laws and institutions.⁵⁵

Women Reformers: Chicago Woman’s Club

The Chicago Woman’s Club was founded in 1876 by Caroline Brown. It attracted prominent women of significant means as well as the growing class of professional women in Chicago. Most of the members were white, married, middle class and Protestant, who drew largely on their “identification of mothers and the perceptions of family life and childhood which this produced”.⁵⁶ Largely conservative, the women strove to preserve the existing society of which they were a part against social unrest through charitable work and social reform. They relied heavily on maternalistic

⁵³ *Id.*

⁵⁴ Generally, E. Stebner, *THE WOMEN OF HULL HOUSE: A STUDY IN SPIRITUALITY, VOCATION AND FRIENDSHIP*. State University of New York Press. 1997.

⁵⁵ Clapp, *supra* note 1.

⁵⁶ *Id.*

arguments, noting that as women and mothers it was their duty to protect the children of the community—both fortunate and unfortunate.

The Club mainly desired to prevent children from becoming “hardened criminals” and attempted reforms to alleviate the harsh conditions prevalent in jails and institutions. Working with fellow women’s clubs, the Club supported legislation directed to the welfare of women and children and formed the Protective Agency for Women and Children in 1886. As social groups emphasized the woman’s role in the upbringing of their youth, Club members fought against the detrimental effects of urbanization, industrialization and immigration. Not having the direct exposure to poverty and its effect on family life like the residents of Hull House, members were shocked to discover the growing problems of delinquency in two-parent working homes, where even the child might be toiling in a factory. Efforts concentrated on the reformation of children already in jail and the prevention of future delinquents through educational programs. The women introduced measures to employ night matrons in jails, provide separate hearings for children’s cases, and allow juveniles a speedy trial within 24 hours of arrest. While its attempts at legislation were thwarted by lawyers, the Club continued to study laws regarding women and children, finally contacting other women’s organizations to aid them in their goals—most importantly in a meeting an address to the “Women and the Women’s Clubs of Illinois”.⁵⁷

Combining Forces

The members of the Chicago Woman’s Club were closely tied to the women of Hull House and there was even some overlap in membership lists. The two agencies

⁵⁷ *Id.*

worked closely together on many activities as the groups shared similar initiatives. The goals were nicely stated by Frederick Wines, penal reformer:

*We make criminals out of children who are not criminals by treating them as if they were criminals. That ought to be stopped. What we should have, in our system of criminal jurisprudence, is an entirely separate system of courts for children, in large cities, who commit offences which would be criminal in adults. We ought to have a 'children's court' in Chicago and we ought to have a 'children's judge', who should attend to no other business.”*⁵⁸

From 1897, Hull House residents worked with the Chicago Woman's Club in an effort to reform the juvenile system and establish a separate juvenile court. As chairman of the Illinois Conference of Charities Business Committee, Lathrop drew up the resolution for legislative change, finally bringing the issues to a wider audience and calling for new legislation in the juvenile judicial arena. Other agencies joined in after the conference meeting in 1898 and the proposals were presented to the Bar Association that fall. All resolutions keenly mirrored the concerns of the women activists and they were adopted by the Bar Association, who subsequently appointed a committee to draft the legislation. The Hull House community and the Chicago Woman's Club served as the impetus behind the campaign for the soon-to-be-born Illinois Juvenile Court Law. Other agencies were involved, as well as the necessary male reformers, but the women's groups were instrumental in the passage of the bill after over ten years of significant effort.

Illinois Juvenile Court Law of 1899

The Illinois Juvenile Court Act of 1899⁵⁹ created a special court for children under the age of 16 who were defined as “neglected, dependent, or delinquent”.⁶⁰ The

⁵⁸ Alden Long, *The Origins of the Juvenile Justice System in America*, World Socialist Web Site. Nov. 1999. <http://www.wsws.org/articles/1999/nov1999/juve-n11.shtml>.

⁵⁹ a.k.a., The Act to Regulate the Treatment and Control of Dependent, Neglected and Delinquent Children.

Act formalized some informal measures, while adopting several novel provisions. The Act focused on rehabilitative methods toward children rather than the former punitive effects. Children would be physically separated from adults when incarcerated or placed into the same institution. Juvenile court records would be maintained separately and confidentially from criminal records so as not to place such a stigma on a youth. Children under the age of twelve were absolutely barred from detention in jails.

The legislation spoke directly to the concerns of its main advocates. The Act served to formalize many of the existing procedures in the Chicago courts that would now sit as juvenile courts in the adjudication of children’s cases, a formalization advocated by both the Chicago Woman’s Club activists and those of Hull House. Furthermore, the Act reestablished the philosophy of *parens patriae* to govern such cases, a term literally meaning “father of the country”, and a doctrine used by English courts offering judicial protection to orphans and widows.⁶¹ The informal paternalistic approach mirrored the women’s groups emphasis on maternalism in their view towards Chicago youth, the same maternalism that propelled them into the public reform arena to protect society’s dependents. The doctrine of *parens patriae* was perhaps best demonstrated by Chicago’s own Judge Mary M. Bartelme, discussed below.

The Act, giving courts jurisdiction over all children charged with crimes, also gave jurisdiction over a wide array of conditions such as:

“Any child who for any reason is destitute or homeless or abandoned; or dependent on the public for support; or has not proper parental care or guardianship; or who habitually begs or receives alms; or who is living in any house of ill fame or with any vicious or disreputable person; or whose home, by reason of neglect, cruelty or depravity on the part of its parents, guardian or

⁶⁰ *The Juvenile Court: One Hundred Years in the Making*, Building Blocks for Youth, available at http://buildingbocksforyouth.org/juvenile_court.htm. (Feb. 23, 2004)

⁶¹ Shepherd, *supra* note 4.

*other person in whose care it may be, is an unfit place for such a child; and any child under the age of 8 who is found peddling or selling an article or singing or playing a musical instrument upon the street or giving any public entertainment.*⁶²

The first separate court for youth charged with committing criminal acts was established in Illinois in 1899, as the Cook County Juvenile Court. In its first year, Judge Richard S. Tuthill presided over the Juvenile Court, implementing its procedures with brevity and simplicity. The informal nature would allow the judge to converse with the accused youth, asking about the charges, allowing the child to feel more at ease with the process. Tuthill's successor, Judge Julian Mack summarized the goals of the Juvenile Court in 1909, stating:

*"The child who must be brought into court should, of course, be made to know that he is face to face with the power of the state, but he should at the same time, and more emphatically, be made to feel that he is the object of care and solicitude. The ordinary trappings of the courtroom are out of place in such hearings...[Whereas in the Juvenile Court] [s]eated at a desk, with the child at his side, where he can on occasion put his arm around his shoulder and draw the lad to him, the judge, while losing none of his judicial dignity, will gain immensely in the effectiveness of his work."*⁶³

While Illinois served as the birthplace of the modern juvenile court, it would not be fair to isolate the movement in Chicago. Influences came from outside the city, particularly from the philosophy of Judge Ben Lindsey, serving on the Denver Bench from 1901 to 1927. Lindsey maintained that a more informal and intimate approach to legal proceedings would allow children to be counseled and protected, rather than merely dealt with as regular offenders.⁶⁴ Acting as much as a social worker as he was a judge, Lindsey looked to what best fit the child's situation, while simultaneously thinking about the well-being of the city of Denver. Adopting this informal and parental treatment,

⁶² Illinois Juvenile Court Act, 1899 Ill. Laws 132 *et seq.*

⁶³ Shepherd, *supra* note 4.

⁶⁴ *The Juvenile Court: One Hundred Years in the Making*, Building Blocks for Youth, *supra* note 17.

juvenile court judges such as Judge Mack of Chicago declared that the juvenile court judge's role would not be to determine whether "this boy or girl committed a specific wrong...but what had best be done in his interest and in the interest of the state to save him from a downward career".⁶⁵

The Cook County Juvenile Court

The Cook County Juvenile Court struggled at first in its attempts to establish an effective procedural system, while it always needed increased financial assistance and support. As more and more female juveniles came before the court, Presiding Judge Merritt W. Pinckney decided a woman judge should hear their cases and Mary Margaret Bartelme, Public Guardian of Cook County, was unanimously chosen by the circuit court judges to be appointed in 1913 as Pinckney's assistant judge. This move significantly restructured the juvenile court system, and was highly regarded by the women reformers: all participants the cases—from judge to police officer—were women.

Bartelme's policies were in line with Judges Lindsey and Mack, as well as the women activists who had battled to create the Juvenile Court (she was one of them) as she sought to introduce new court practices of informality, sensitivity, and cooperation to address the needs of the female juveniles before her. Bartelme urged rehabilitation methods, establishing group homes, in lieu of commitment in state institutions or the return to an abusive home. Praised by the press for her efforts, Bartelme was fully supported by the women's organizations, including Hull House and the Chicago Woman's Club, of which she was an officer, in setting up placements and donations for her wayward girls.

⁶⁵ *The Juvenile Court: One Hundred Years in the Making*, Building Blocks for Youth, *supra* note 17.

As a candidate for a vacant spot on the juvenile court bench in 1913, Bartelme was elected, becoming the first woman judge in Illinois, by a wide margin as the women’s clubs, suffragists and other supporters of Bartelme and of the juvenile reform in general rallied behind her mission of establishing and protecting the rights of women and children. Speaking to children directly, listening sympathetically, and collaborating with social scientists, philanthropists, and social workers in determining beneficial treatment for the children, Judge Bartelme proved a fine incarnation of what the women reformers desired for the juvenile court system as she “looked after her daughters”.⁶⁶

Post-Movement

The Chicago juvenile court philosophy spread across the United States with over 46 states and the District of Columbia creating separate juvenile courts by 1925.⁶⁷ The courts were not without their problems, many coming under scrutiny due to the great discretion afforded the juvenile court judges. Many of the judges had little or no specialized training regarding the treatment of children, and some were not even lawyers. The inquiry led to a string of Supreme Court decisions which served to protect juveniles by imposing due process safeguards on the juvenile court, formal procedures to answer concerns as to the validity and vitality of the Court’s informal *parens patriae* approach.⁶⁸

Conclusion

The women reformers and their male counterparts continued their quest for social reform after the establishment of the Juvenile Court. In 1903, the residents of Hull House

⁶⁶ T.S. Stribling, *Mary Bartelme, Friend in Court*, THE WOMAN CITIZEN. (Nov. 17, 1923), at 9.

⁶⁷ *The Juvenile Court: One Hundred Years in the Making*, Building Blocks for Youth, *supra* note 17.

⁶⁸ Shepherd, *supra* note 4.

achieved a major goal when the Illinois legislature enacted legislation protecting women and children, including a strong child labor law in 1903, accompanied by a compulsory education law. The reform pushed outwards to the national level with the creation of the Federal Children's Bureau in 1912 and the federal child labor law in 1916. Female social workers such as Sophonisba Breckinridge worked together with the Juvenile Court to integrate studies on the causes of delinquency through the emerging fields of the social sciences and psychology into the proceedings of the Court and its treatment of women and children.

FRIENDS/ALLIES/INFLUENCES PAPER

MYRA BRADWELL: THE FOUNDING MENTOR

The social reform movement in Chicago during the late 1800s and early 1900s was a combination of efforts, particularly of women fighting for suffrage, social justice, and the improved legal treatment of women. Women banded together in the many clubs and organizations that sprung up to provide both a united front to its public as well as internal support for its individual members. Judge Mary M. Bartelme did not toil alone in her efforts to revamp the manner in which young women and children were treated by the courts, in the introduction of the first Juvenile Court in Chicago, in the adoption of a novel approach to social justice, and in her appointment as the first female judge in the state of Illinois. At all stages she was joined by many of the most influential Chicago society women such as Louise de Koven Bowen; the most adamant social reformers including Jane Addams of Hull House, Lucy Flower and Julia Lathrop; fellow attorneys and judges such as Florence Kelley and Judge Christian C. Kohlstaat ; and enterprising newcomers such as social worker Sophonisba Breckinridge.

Unfortunately, the research currently in this biographer's reach do not shed light upon the breadth of many of these presumably significant relationships, aside from that they did in fact exist. Correspondence records and the membership lists in the women's clubs and articles describing the reform movements link the names repeatedly. However, perhaps to find the link between those working for legal reform, particularly females working for female reform, one must direct her view to the roots of the movement—an earlier source that gave voice and life to the woman lawyer, allowing Bartelme and her peers to exert real influence and change over their turn of the century Chicago. Sitting in

such a role is Chicago's matriarch of legal news—Mrs. Myra Bradwell, and her supportive husband James B. Bradwell.

Myra Colby Bradwell was born in Manchester, Vermont, to aggressive abolitionist parents. She arrived in Chicago around the age of twelve, where she spent the greater part of her life. Educated in Kenosha and Elgin, she became a teacher and in 1852 married James B. Bradwell, a penniless legal apprentice at the time.⁶⁹ The couple moved to Memphis and “opened, operated and taught at a highly respected school”.⁷⁰ James continued to read law and was soon after admitted to the Tennessee bar, followed by the Illinois bar upon their return to Chicago in 1854. After her marriage, Myra began her legal training informally through an intensive apprenticeship working with her husband at his office. She had no intention of becoming a practicing attorney, but felt that her knowledge of the law might be able to assist her husband in his private legal practice and in his positions as county probate judge and elected state legislator.⁷¹ The more she became involved with litigation, the more she desired becoming a licensed attorney.⁷²

Excelling in her legal studies, Myra Bradwell passed the Illinois bar exam with high honors and applied to the Illinois bar in the summer of 1869. She was the first woman in the United States to apply for admission to the bar. However, her application was answered by a letter from a court reporter stating that she was rejected solely as a result of the “Disability imposed by your marriage condition”.⁷³ As she and her peers, including Ada Kepley and Alta Hulett, were continually denied admission to the bar,

⁶⁹ Jeanine Becker, *Myra Colby Bradwell: Sisterhood, Strategy & Family*. WOMEN'S LEGAL HISTORY PROJECT, Stanford Law School, Appendix A. Available at <<http://womenslegalhistory.stanford.edu/>

⁷⁰ *Id.*

⁷¹ Herman Kogan, *Myra Bradwell: Crusader of Law*, 3 CHICAGO HISTORY 3, 132. (Fall 1974).

⁷² Meg Gorecki, *Legal Pioneers: Four of Illinois' First Women Lawyers*, ILLINOIS BAR JOURNAL, 510. (October 1990).

⁷³ *Id.*

Myra began to look for other avenues for entering the legal profession than the Illinois Supreme Court. While the Illinois Supreme Court granted Myra a license to practice law based on her original 1869 application in 1890 and the Supreme Court admitted Myra to practice two years later, Myra Bradwell was in the midst of a career that potentially gave her greater power than that of an early practicing female attorney.

At the end of the 19th century, the need for mentoring among women became apparent as women social reformers began to band together in membership—notably in Chicago in the formation of the Chicago Women’s Club in 1873 and Hull House in 1889. Women needed to learn from each other and utilize the old adage of strength in numbers. Myra Bradwell saw this need through her informal mentoring “long before networks of women lawyers were formed”⁷⁴, allowing her fellow sister to benefit from her efforts in using the *Chicago Legal News* as a tool of encouragement to women professionals. Myra first began publishing the *Chicago Legal News*, the first paper in Illinois devoted exclusively to legal news, in 1868. She served as the paper’s editor and business-manager up until her death. The paper became the official and exclusive source for the republication of court records after the devastating effects of the Chicago Fire.

Through her paper, Myra actively encouraged other women to pursue careers in the law, social reform and charity. “She didn’t speak of sisterhood, she acted sisterhood”.⁷⁵ Student biographer Jeanine Becker emphasized the role that Myra played during her tenure as editor as an advice-giver, “acting sisterhood” by using her paper as a tool to aid women in their endeavors with the law, and also for women editors and

⁷⁴ Becker, *supra* note 26, at 4.

⁷⁵ Obituary, Feb. 17, 1894.

writers.⁷⁶ She provided publicity or even personal endorsement in her articles, mentioning the accomplishments of women and publishing announcements enabling women to gain employment. Most importantly, Myra influenced her sisters through the strong mentoring relationships she formed with several of them. The bond between Myra and Miss Catherine Waugh, later McCulloch is evident in a hefty announcement in the Chicago Legal News, celebrating Waugh's graduation from Union College of Law and recommending her to "any law firm needing such help."⁷⁷ This mentoring relationship appears long lasting as the articles mentioning Waugh McCulloch, and praising both her professional and personal life, continue up to Myra's death in 1894.⁷⁸

Myra continued her chosen role as a mentor when a young teacher named Mary Margaret Bartelme decided to embark on a new career as a professional after the death of her mother. Originally leaning towards medicine, a female physician friend urged Bartelme to seek the direction of Mrs. Bradwell, now well-established as a legal journalist and editor for over twenty years, and arranged an appointment. Instantly striking up a bond of mutual respect, Myra encouraged Bartelme to pursue a career in the law. Acting on this counsel, Bartelme began her studies at Northwestern University Law School in 1892. Bartelme definitively stated, "One visit to her, and I was determined to take up the study of law".⁷⁹

But Myra's encouragement did not stop upon Bartelme's enrollment. As Bartelme made a name for herself as the only woman in her class, Myra and James Bradwell

⁷⁶ Becker, *supra* note 26, at 2.

⁷⁷ CHICAGO LEGAL NEWS. June 6, 1886.

⁷⁸ Becker, *supra* note 26, at 3.

⁷⁹ June Sawyers, "Suitcase Mary Leads a Crusade for Needy Girls", Chicago Tribune, March 12, 1989 (Sunday Magazine), at 8.

continued to support her endeavors. Unfortunately, Myra Bradwell died from cancer in 1894, just months before Bartelme’s graduation from Northwestern and her ensuing admission to the Illinois bar. The relationship did not die with Myra, though. When Bartelme won a prize for her thesis on spendthrift trusts, James Bradwell, stepping in for his wife, published this thesis in the *Chicago Legal News*. Furthermore, in the final paragraph of this thesis, Bartelme endorsed Myra’s motto “*Lex vincit*”, a phrase indicating their shared activist approach to the law.⁸⁰ Records indicate that James Bradwell mentioned Bartelme’s accomplishments in the *Chicago Legal News* and even republished a letter she wrote to the *Chicago Tribune* advocating for women’s full citizenship rights and suffrage.

Through the direction given by Myra Bradwell, and the continued support she and her husband provided to their young lawyer friend, Mary Margaret Bartelme launched into a new career in the law. It seems only logical that Bradwell had such a determinative influence on her young peer, as a tribute to Myra upon her death by the Illinois Press Association, it was declared, “She opened the door of the professions to her sex, and compelled law makers and judges as well, to proclaim that it was not a crime to be born a woman”.⁸¹ Had Myra Bradwell lived past Bartelme’s graduation, she would have seen that from her advice was born a true social reformer in Illinois’s first female judge—a jewel of a story for the editor of the *Chicago Legal News*.

⁸⁰ Mary M. Bartelme, *Nichols v. Eaton*, 2 N.W.L. Rev. 177, 190 (1894).

⁸¹ CHICAGO LEGAL NEWS. Feb. 24, 1894.

LEGAL ISSUE PAPER

Mary Margaret Bartelme & the Formation of the Juvenile Court

Described in history books and women biographies as the first female judge in Illinois, Mary Margaret Bartelme's role beyond this "cloak" of honor is often overlooked. She indeed served as a judge, and, before that, the first female assistant to a judge and the first woman to be appointed public guardian in Illinois. Yet, perhaps more importantly she helped to form the court in which she sat as judge and she developed and implemented her own methods of juvenile justice. Rather, Judge Bartelme was not simply elected to serve as Illinois' first female judge—she built a Juvenile Court so that she could accomplish her commitment to public service.

The Role of Public Guardian

After attending Northwestern University Law School, Mary Bartelme opened the law practice of Barnes, Barnes & Bartelme with two male partners. Bartelme specialized in probate law and appeared before the Illinois courts for three years.¹ At some point, her skill as a litigator impressed Judge Christian C. Kohsaat. He lobbied Governor Tanner to appoint her to the post of Public Guardian, which Tanner did in 1897.

Bartelme escaped criticism as many saw the job befitting of a woman, though she was the first female Public Guardian in the state. "The office of Public Guardian of Cook County, held by Miss Mary Bartelme, a member of a prosperous Chicago law firm, is one that frequently calls for equalities essentially maternal...[T]he public guardian becomes the chief friend and counselor, the mother, to a considerable extent, of the child in

charge”.² She arrived into a position long abused by the males before her. Bartelme took to the office quickly, ending the widow and orphan swindling had that painted the position in a negative light.

Once in office, Bartelme expanded the traditional duties of Public Guardian. Essentially, the Public Guardian directed custody issues and handled the estates of the minors before it. Bartelme “sought to understand what was causing the trouble in the lives of children who came before her”³, as she looked to serve her wards emotional, physical *and* legal needs. She visited the homes of children, spoke with their parents and donated clothes to the needy women and children.⁴ She and her sister even went so far as to raise two former wards as their own.⁵

During Bartelme’s first years as Public Guardian, she became involved in the campaign to establish the juvenile court. She served as Public Guardian until 1913, when Judge Pinckney appointed her assistant judge in the juvenile court she had helped create.

The Call for the Establishment of the Juvenile Court

The Progressive Era reformers were calling for change in all aspects of Chicago life—work conditions, corrupt politics, and social reform. By the 1890s, reformers were outraged at the state’s treatment of delinquent children. Children who stole food or coal or who skipped school were arrested, taken to jail, and if indicted by the grand jury, they were tried and often convicted. Those, usually most, who were unable to pay the fine

² WOMEN’S JOURNAL. Feb. 5, 1898. Available at <http://www.stanford.edu/library/wlhbpb> (last visited 3/3/04)

³ Gwen Hoerr McNamee, *The Bartelme Years, in, A NOBLE SOCIAL EXPERIMENT? THE FIRST 100 YEARS OF THE COOK COUNTY JUVENILE COURT 1899-1999* (Gwen Hoerr McNamee, ed. 1999) at 64 (hereinafter *A NOBLE SOCIAL EXPERIMENT?*).

⁴ *Id.*

⁵ *Id.*

were shipped off to the city prison with adult prisoners.⁶ The reformers blamed the state government for neglecting its children and punishing them regardless of age or crime.

Women reformers at the Hull House settlements—many of Mary Bartelme’s friends and allies, including Julia Lathrop, Louise DeKoven Bowen, Lucy Flowers and Jane Addams, began to “investigate and document the circumstances of the children in their neighborhood”⁷—by looking at the conditions of the children’s homes and the conditions of the prisons where they were sent. As the social justice reform movement gained momentum, reformers set their goals on enacting legislation, particularly in the form of a child labor law, a compulsory education law to keep children in school and a law to establish a juvenile court.

Mary Bartelme joined in the efforts, attending meetings and helping to run the Chicago Women’s Club, along with Flower and Lathrop, and became a major player in the call for legislation. Attending a meeting organized by Lathrop in 1898 at the State Board of Charities. According to Jane Addams, her words “impressed the committee as one well versed on the issues, aware of the circumstances, committed to children, and an expert in the law”.⁸ She committed herself to the campaign both through her work as guardian and through her outside network of support, particularly from judges and social agencies that respected her effort and expertise.⁹

Seeking endorsement and support of their bill from various organizations and the general public, Mary Bartelme attended a meeting with Julia Lathrop before the finance committee of the Chicago City Council. She recounted, “. . .and then another member of

⁶ Gwen Hoerr McNamee, *Introduction: ‘Who is the Criminal—the State or Child’?*, in, *A NOBLE SOCIAL EXPERIMENT?*, *supra* note 3, at 8.

⁷ *Id.*

⁸ Gwen Hoerr McNamee, *The Bartelme Years*, in, *A NOBLE SOCIAL EXPERIMENT?*, *supra* note 3, at 64.

⁹ *Id.*

that committee—tall, slender, blue-eyed and light curly [sic] hair, assured us about as follows: ‘It sure is up to us gentlemen to do whatever youse want. It ain’t often that such distinguished citizens come before us men and you ain’t got no reason to be afraid that you will get whatever you ask for.’”¹⁰

In 1899, after several failed attempts, the women reformers and their male allies finally established the Cook County Juvenile Court, “the first children’s court in the world”¹¹ The enacting legislation was the Illinois Juvenile Court Act of 1899, signed into law effective July 1, 1899. Based on this law, the Circuit Court of Cook County established a separate juvenile court within their jurisdiction to “regulate the treatment and control of dependent, neglected, and delinquent children”.¹²

The Court’s Early Years

The press lauded the Court’s establishment as a “noble, social experiment”. But even ten years after its founding, there were still a number of men and women who challenged the court—especially its innovations and its intrusion into the private lives of its citizens.¹³ However, most Chicagoans supported the court and its work, and similar courts began sprouting up all over the country.

The new law established a separate tribunal for hearing the cases of children; it focused its attention on the individual circumstances of the child and sought to determine not just ‘whether’ but ‘why’ child had fallen into delinquency. In 1907, the Juvenile

¹⁰ Gwen Hoerr McNamee, *The Origin of the Cook County Juvenile Court*, in *A NOBLE SOCIAL EXPERIMENT?*, *supra* note 3, at 18.

¹¹ Gwen Hoerr McNamee, *Who is the Criminal—the State or Child?*, in *A NOBLE SOCIAL EXPERIMENT?*, *supra* note 3, at 8-9

¹² Gwen Hoerr McNamee, *The Origin of the Cook County Juvenile Court*, in *A NOBLE SOCIAL EXPERIMENT?*, *supra* note 3, at 18.

¹³ Gwen Hoerr McNamee, *Who is the Criminal—the State or Child?*, in *A NOBLE SOCIAL EXPERIMENT?*, *supra* note 3, at 9.

Court moved to its own building—complete with its own detention home and a competent and independent staff.¹⁴

The work of the Court and its reformers moved beyond the courthouse. In 1907, Jane Addams and her fellow Hull House colleagues formed the Juvenile Protective League (JPL), today's Juvenile Protective Association (JPA). The JPL “provided the first probation officers for the first Juvenile Court in the United States until this became a government function”.¹⁵ The leading figures in its development were essentially the same cast of characters lobbying for a Juvenile Court, particularly Louise DeKoven Bowen, president of the JPL. Their goal of establishing the court having been reached, the women's committees directed their efforts to ameliorating the conditions of juvenile delinquency and combating its increasing occurrence. These women shared an ideology with Mary Bartelme and the new Juvenile Court, as discussed below, as Jane Addams remarked, “there are certain temptations into which children so habitually fall that it is evident that the average child cannot withstand them”.¹⁶

It was now within the discretion of the Juvenile Court judge to remove a child from an environment that the court found to be a negative influence and place the child instead into either an institution or a private home. In 1912, the juvenile court's legitimacy was attacked by those who felt that such discretion was actually a hidden abuse of power. One particularly individual troubled by the court's newly granted power was attorney William H. Dunn. Dunn accused the court of improper practices.¹⁷ While

¹⁴ Jane Addams, *Twenty Years at Hull House*, (1910). Available at <http://www.spartacus.schoolnet.co.uk/USAWjuvenile.htm>

¹⁵ *About the JPA*, available at <http://www.juvenile.org/about.html>

¹⁶ Jane Addams, *TWENTY YEARS AT HULL HOUSE*, (1910), quoted from *Juvenile Protective Association*, available at <http://www.spartacus.schoolnet.co.uk/USAWjuvenile.htm>

¹⁷ David S. Tanenhaus, ‘*Rotten to the Core*’: *The Juvenile Court and the Problem of Legitimacy in the Progressive Era*, in *A NOBLE SOCIAL EXPERIMENT*, *supra* note 3 at 25.

addressing this issue is beyond the scope of this paper, Dunn’s lawsuit, later dismissed in 1912, did not terminate the Juvenile Court’s discretion, but it did cause the court to change several procedures, directly affective the life of Mary Bartelme.

Assistant Judge Bartelme

As delinquency rose, and the caseload before the court increased, particularly girls’ cases, Judge Merritt W. Pinckney was overburdened and suffering from ill health. He requested an assistant to handle the girls’ cases.¹⁸ Recognized for her years of service as public guardian with the Probate Court, “in which capacity she became the ‘mother’ to hundreds of little orphans with estates”¹⁹, Bartelme had received favorable press and was supported by her many allies. A committee appointed to select an assistant judge to sit under Judge Pinckney revealed Bartelme as the “obvious and unanimous choice”²⁰, though she would be the first female assistant judge in the state. Pinckney believed that a woman should hear the cases of girls—a man could neither understand their position nor gain their trust.²¹ Bartelme accepted the position in 1913, and as assistant judge could now hear cases of the dependent and delinquent girls brought before the court. She could not however render a decision in the case, but could only recommend a disposition to the presiding judge.

Once again, Bartelme instantly began to reshape the court’s practices as she did during her years as Public Guardian. The girls’ cases were now heard in private—closed to the public and off-limits to all men, as women served as clerk, bailiff and probation

¹⁸ WOMEN BUILDING CHICAGO 1790-1990, at 68 (Adele Hans & Rima Lunin Schultz eds., 2001)

¹⁹ *First Chicago Woman Judge Will Hear Girl Cases*, CHICAGO RECORD HERALD, Dec. 11, 1912.

²⁰ Gwen Hoerr McNamee, *The Bartelme Years*, in, A NOBLE SOCIAL EXPERIMENT?, *supra* note 3, at 65.

²¹ T.S. Stribling, *Mary Bartelme: Friend in Court*, THE WOMAN CITIZEN, Nov. 17, 1923.

officer.²² Men were only present in the capacity of father or the occasional police officer. Her private and less formal setting were far from the overcrowded and public courtroom of the Juvenile Court’s fledgling years. Bartelme spoke to “her girls” as a mother and a friend, but never forgetting that she was also a judge.

Bartelme’s changes were lauded by the press and by the women reformers. But her appointment did not remain unchallenged. In 1915, a grand jury investigation was initiated after complaints that Bartelme was acting as a judge though she was not elected to such an office. Fortunately, the grand jury was on the side of the press and reformers; they found no violation of the law and rather praised Assistant Judge Bartelme’s practices, particularly the hearing of cases in private, “remarking it was a vast improvement over the previous ‘barbarous system’.”²³

A Novel Approach to Juvenile Justice

1923 marked the arrival of women in the state judiciary. A vacancy arose on the Circuit Court that year and Bartelme was encouraged to run for the position by her close friend and fellow juvenile court supporter Sara Hart. Supported by the fellow women reformers long by her side and their male allies, by her new relationship with the National Association of Colored Women’s Clubs, and by presiding Judge Arnold, Bartelme was elected to the Cook County Circuit Court and served as the first woman judge in Illinois and the Court’s sole woman judge for twenty years, in its Juvenile Court. She was then reelected in 1927, for a six-year term, when she became the Court’s presiding judge.

Before Judge Bartelme could proceed in her role as judge, she had to address the petty issues that accompany a woman pioneer—“whether she will wear the official garb”,

²² Gwen Hoerr McNamee, *The Bartelme Years*, in, *A NOBLE SOCIAL EXPERIMENT?*, *supra* note 3, at 65.

²³ *Id.*

meaning the gown of a circuit court judge, and how the male lawyers would address her.²⁴ But once such formalities were squared away, Bartelme used her new power and influence easily, flexibly, and confidently. Mary Bartelme’s approach towards juvenile justice and the rehabilitation of the children who came before her in court was directly in line with, and perhaps even went beyond, the social reform going on in Chicago during the Progressive Era. Though she never seemed overly aware or self-congratulatory of the differences, however small, she made in the lives of “her children”, she was aware that each child deserved to be treated as a respected individual. She is often quoted as saying:

*“There are no bad children. There are confused, neglected, love-starved and resentful children, and what they need most I try to give them—understanding and a fresh start in the right direction.”*²⁵

Bartelme sincerely believed in the original mission of the Court’s establishers—to treat the child as an individual, to realize that he is a child, and to use the court’s resources to help him.

Mary Bartelme’s ideas and reforms went beyond the confines of her court. Her “infectious enthusiasm and persuasive personality enlisted a community-wide response to the court’s children”.²⁶ Continuing the community outreach that she had started during her tenure as Public Guardian, Bartelme arranged for the contributions of suitcases and clothes and other necessities for the needy girls in her court. She soon earned the nickname “Suitcase Mary” by the Chicago press.²⁷ Believing that a girl’s morale was

²⁴ Bonnie McGrath, *The Struggles of the Past Inspire Those Who Follow*, CHICAGO DAILY LAW BULLETIN, Mar. 10, 1998.

²⁵ June Sawyers, *Suitcase Mary’ Leads a Crusade for Needy Girls*, CHICAGO TRIBUNE, at 8, Mar. 12, 1989.

²⁶ Gwen Hoerr McNamee, *Who is the Criminal—the State or Child’?*, in, A NOBLE SOCIAL EXPERIMENT?, *supra* note 3, at 12.

²⁷ Sawyers, *supra* note 25.

affected by wardrobe and appearance, Bartelme encouraged her fellow women reformers and club members to help create and distribute these suitcases.

Another significant change in court practice was Bartelme's insistence on alternative placement for delinquent girls. Rather than sending the girls back to their homes to suffer additional neglect and rather than committing them to the poor conditions of a state institution, Bartelme chose to create her own halfway home. She opened up the first Mary Club in 1914.²⁸ The Mary Club provided temporary housing for girls awaiting private placements and provided services and a social environment for its tenants. The Club was meant to provide a place of rest, where the girls could gain back their self-possession and composure. The first club was actually Mary Bartelme's own home, supported by financial donations from the women's clubs that supported her efforts. The second Mary Club was established in 1916 and a third Mary Club for African-American girls was founded in 1921 with the help of African-American women reformers. By 1923, "more than 2600 girls had passed through the Mary Bartelme Clubs"²⁹, which later became grouped as the Mary Bartelme Home for Girls.

In addition to the Marys Clubs, Bartelme advocated for better quality services and facilities for her youth. Believing that the city of Chicago lacked the appropriate public entertainment and recreational facilities, and blaming delinquency on this lack of services, Bartelme set up and chaperoned school dances at the neighborhood schools and service programs at the community centers.³⁰

²⁸ Gwen Hoerr McNamee, *The Bartelme Years, in A NOBLE SOCIAL EXPERIMENT?*, (Gwen Hoerr McNamee, ed., 1999), *supra* note 3 at 66.

²⁹ *Id.*

³⁰ WOMEN BUILDING CHICAGO 1790-1990, at 68 (Adele Hans & Rima Lunin Schultz eds., 2001)

As demonstrated in the outpouring of support during and after her election to the Court, Mary Bartelme and her practices were well-received by the Chicago public, the press and even international figures. The Chicago Women’s World Fair honored her as one of its famous women³¹, her contemporaries described her using words like “kind” and “brilliant”³², and the papers stood by her side in support both during and after the entire grand jury inquiry. Word even reached the Queen of Romania who spent a day in Judge Bartelme’s courtroom in order to observe these notable methods.³³

Mary Bartelme proved successful in almost all that she set out to change and influence. However, she was unable to meet the obstacle thrown her way—that of the Great Depression. By 1933, there were more children in poverty and the court had little to no funding with which to do anything. Her commitment without end, she had grown weary. Revealing her disappointment during a tribute to her friend Sara Hart in 1932, Bartelme stated,

*“The Court has gone through deep waters for several years, the change from two to one judge, changes in personnel, the tax situation...and many other difficulties have meant some chaos and unceasing adjustment and re-adjustment, much to the chagrin and unhappiness of the judge who had hoped to do some really constructive things during her term of office.”*³⁴

Bartelme retired in 1933 to Carmel, California. She had greatly underestimated her legal career of thirty-six years.

³¹ Helen Burling, *The Women’s World Fair*, THE WOMAN CITIZEN, May 2, 1925, at 28.

³² WOMEN BUILDING CHICAGO, *supra* note 30.

³³ Gwen Hoerr McNamee, *The Bartelme Years*, in A NOBLE SOCIAL EXPERIMENT?, *supra* note 3.

³⁴ *Id.*, at 72.

Mary Bartelme's Continued Legacy

Mary Bartelme's name has not been lost due to the passage of time. While not a house-hold name like that of Jane Addams, Bartelme's continued influence pervades the Chicago-land area, if only one knows to look for it.

The Juvenile Protective Association (JPA) continues to play a fundamental role in protecting Chicago's children and adolescents since its founding in 1901. The JPA deals with the most severe cases of child abuse as well as the correlated issues of alcoholism, drug abuse, depression, violent behavior and STD's with programs of prevention and intervention. Much like Mary Bartelme's strong influence and broad outreach, the JPA works to minimize any potential negative outcomes on the children who come under its wing. "No family has ever been turned away due to their inability to pay for services provided by the JPA."³⁵ Also comparable to the Marys Clubs is the JPA's provision of direct services to children and families for as long as needed. If possible, the JPA strives to keep its children in their homes, but will provide shelter and homes when necessary. In 1997, the JPA partnered with the Juvenile Court of Cook County to define standards to be used to "determine if it is necessary to remove children away from their parent's custody".³⁶

In 1988, Lawrence Hall School for Boys and Bartelme Homes & Services (the child of the Marys Clubs) merged to create Lawrence Hall Youth Services (LHYS), creating "one the largest co-educational child welfare agencies and the largest Episcopal Charity in Illinois".³⁷ The combination rescued the financially troubled Mary Bartelme

³⁵ *About the JPA*, *supra* note 30.

³⁶ *Id.*

³⁷ *Lawrence Hall Youth Services: Our History*, Available at <http://www.lawrencehall.org/history/index.html>

Homes as its six group homes had feared shutting their doors to the city's young females. The Homes, quite ironically, had also received bad publicity in 1985 after police discovered girls from the home had been "lured into prostitution, drugs and pornography"³⁸ by men in the area, all vices that Mary Bartelme had worked hard to dissipate.

The merger's success was noted by the Beatrice Foundation who awarded the it an award in 1989 for Management Excellence.³⁹ Located in northern Chicago, LHYS collaborates with the Chicago public schools, the Illinois Department of Children and Family Services (DCFS) and other residential treatment centers to provide treatment to its children, families and communities. Lawrence Hall's services include a residential treatment program, foster care, independent living arrangements for older teens learning to live on their own, Head Start programs for preschool children, and a special education program. Its goals appear unchanged from Mary Bartelme's when she founded the initial Marys Clubs and the later Mary Bartelme Home for Girls. Every April, the "Bartelme Board" of LHYS holds an annual dance at the Beverly Country Club, a fundraising event which also exhibits the children of LHYS's artwork.

Apart from her continued legacy in the area of juvenile justice and treatment, Mary Bartelme's academic achievements have not gone unnoticed. Northwestern University Law School has joined five other Chicago law schools in bestowing awards in memory of their "pioneer women graduates".⁴⁰ Northwestern's award, entitled the Mary

³⁸ Jane Tanner, *Merger Saves Home for Troubled Teens*, CHICAGO TRIBUNE, Apr. 6, 1988.

³⁹ *Id.*

⁴⁰ *Law Schools to Honor Grads in Names of Pioneer Women*, 1999 Illinois State Bar Association Bar News, 3 (Feb. 15, 1999), available at <http://www.illinoisbar.org/association/2-15c.htm>

Margaret Bartelme Award, is given to a leader in the child and family law program. A past winner was Diane Geraghty, a professor at the Loyola University School of Law.

Two important figures in the reform of juvenile justice best summarized the accomplishments of Mary Margaret Bartelme—and like her influence the comments made are separated by seventy-five years. In 1925, at a tribute to both Lucy Flowers and Mary Bartelme, long-time ally Louise DeKoven Bowen publicly announced, “Judge Mary L. Bartelme is my conception of what a woman judge should be”.⁴¹ In 2000, Steven A. Drizin, a clinical professor at Northwestern, Bartelme’s alma mater, who represents children charged in Cook County’s juvenile and criminal courts stated that she was “perhaps the single most important person in sustaining the Juvenile Court during the court’s tumultuous first 25 years”.⁴² Mary Bartelme embraced her role of judge—but also took on the roles of counselor, mother, friend, reformer, surpassing the already enormous task of the judiciary. She believed in treating her charges with “real sympathy and understanding”⁴³ and going behind the scenes of a mere judgment on delinquency to change the actual conditions and lessen its causes. The Cook County Juvenile Court symbolized the larger social reform in the United States, and Mary Bartelme’s judgeship symbolized her place in its history. Not surprisingly, her commitment to reform and public service live on.

⁴¹ *Celebrate Birthday of Juvenile Court*, THE DAILY NEWS, Jan. 2, 1925.

⁴² Martha Neil, *Six to be Honored for Work in Juvenile Court*, CHICAGO DAILY LAW BULLETIN, Feb. 4, 2000.

SUGGESTIONS FOR FUTURE BIOGRAPHERS

I wish that I could have given more of a voice to Mary Bartelme. A future research could have an easy job with this task if they had the time and ability to get to Chicago. I unfortunately was not able to physically get there and I feel like my project could have really peered into Mary Bartelme's life, if only I could get my hands on her papers. All of her papers are housed in the Special Collections Department at the University of Illinois-Chicago. While the librarian sent me a finding aid, the collection is 4.5 linear feet and can only be accessed in person. The papers reflect both Bartelme's personal life and her judicial career from the years 1890 to 1954. I would have most like to read the letters between Bartelme and her family as well as her communication with women's organizations and groups. Her personal photographs are contained there as well. While I feel that I adequately spoke on Mary's professional involvement in the Court formation and her approach to juvenile justice, I never got a real sense of who she was and what motivated her. The papers are therefore key.

While I located some court decisions, particularly when Bartelme was a probate lawyer, I have not yet located any court transcripts or any of her decisions, especially those cases before her in the Juvenile Court. Her relationships with her fellow judges including Judge Victor P. Arnold and Judge Christian Kohlstaat might be leads worth pursuing. Also, a more thorough look into the position of Public Guardian is recommended. The position still exists in Chicago and it might be interesting to trace it from before Bartelme's time, to her efforts to expand the responsibilities, to what it encompasses today.

A future researcher could expand on the Friends and Allies section. The book “Women of the Illinois Bar”—Chicago Legal News lists and describes the many women that Myra Bradwell helped in their legal pursuit. It would be interesting to draw parallels between those helped such as Bartelme and Catherine Waugh McCulloch

Similarly, it might be interesting to discover the true relationships between Bartelme and the fellow women reformers. Other than citing a connection—mainly professional, my research did not uncover how well these women (Julia Lathrop, Louise DeKoven Bowen, Jane Addams) knew Mary Bartelme. Did they vote for her in the judicial election? Did they meet outside the formal club environment? This traces back to my lack of a strong sense of Mary Bartelme’s personality. Furthermore, who *did* she spend time with? Did she have *any* friends other than her siblings? Should anything be taken of her lack of marriage or mention of lovers?

Several organizations might be of help:

--The Chicago Bar Association, 312-554-2000

--The Chicago Historical Society: 312-642-4600

--The Women’s Bar Association of Illinois: 217-524-7080

--The UIC Special Collections Library: 312-996-2742

--Northwestern Law School: 312-503-8451

I spoke to people at all of these organizations as well as the Lawrence Hall Youth Services, the Juvenile Protective Association, and I contacted Bartelme scholar Gwen Hoerr McNamee but received no response.

I encourage a fellow researcher to take on any or all of the above issues. I personally would love to find out more.

TIMELINE

- 1827 Illinois criminal statutes set age of criminal responsibility at age ten. Children between ages 10 and 18 could serve time in county jails alongside adult offenders.
- July 24, 1866 Mary Margaret Bartelme born in Chicago in a farmhouse.
- 1866-1882 Raised with brother Alfred and sister Adeline by Alsatian immigrant parents, Balthazar and Jeanette Theresa (Hoff) Bartelme in River Forest, Illinois. Bartelme attended the Chicago public schools.
- 1868 Myra Bradwell establishes the *Chicago Legal News*, the foremost legal publishing house and legal newspaper in “the West”. As early as the second issue, she brings a column on “Law Relating to Women”, calling for suffrage and reporting on women attorneys even before such women sought formal admission to the bar.
- 1869 Myra Bradwell certified to the Illinois Supreme Court; application rejected. Chicago Suffrage Convention takes place
- 1870 Ada H. Kepley graduates from Union College of Law, the predecessor to Northwestern University Law School. First woman in the world to receive a law degree.
- 1873 In *Bradwell v. Illinois*, the U.S. Supreme Court holds that states may statutorily deny women the right to practice law. (Myra Bradwell is finally licensed in 1890 when state supreme court, on its own motion, reconsiders the 1869 application and grants the license *nunc pro tunc*, backdating its effect to the original date.
- June 1882 Graduated from West Division High School at age 16
- 1882-1885? Attended Cook County Normal School and was privately tutored
- 1885-1892 Became a schoolteacher at age 19, teaching at Armour Street and Garfield Park schools in Chicago—both city public schools like her own
- 1889 Jane Addams founded Hull House on the Near West Side of Chicago.
- 1891 Her mother Jeanette died causing Bartelme such sadness that she was unable to continue teaching and decided to seek a new career
- 1891 Investigated opportunities for entering one of the learned professions, particularly women doctors when a female physician suggested she consider the law and directed her to seek the counsel of Myra Bradwell,

who had studied law since the 1850s and had been a well-established journalist and editor for more than 20 years.

- 1892 Bartelme met with Bradwell who is instantly taken with Bartelme and encouraged her to pursue a career in law. Bartelme, equally impressed with Bradwell, follows her advice and in 1892 began her studies at Northwestern University School of Law. At the time, NU is known for its support of women students, though she was the only woman in her class. Bartelme excelled in her studies and her superior legal ability.
- 1894 Awarded a prize of \$75 from the *American Law Register & Review* offered to the students of all law schools in the United States graduating in June 1894 for a case annotation of *Synge v. Synge*, in an article on Contracts to Make Wills. Awarded a prize for her thesis on spendthrift trusts, "Spendthrift Trust", a review of the doctrine in *Nicholas v. Eaton*, which Bradwell's husband published in the *Chicago Legal News*
- Feb. 1894 Myra Bradwell dies of cancer
- May/June 1894 Graduated from Northwestern University School of Law and admitted to the Illinois Bar (June 15, 1894).
- Summer 1894 Bartelme opens up a law office—Barnes, Barnes, and Bartelme—with two male partners and began practicing probate law, while simultaneously promoting the advancement of women in the profession.
- 1894-? Co-founded the Chicago Business Woman's Club, an organization first organized after the 1893 World's Columbian Exposition created to support women professionals in their work and to provide basic services needed but not otherwise obtainable. Bartelme served as president in 1902, where through a fundraising campaign, the Chicago Business Woman's Club was able to establish a clubhouse containing exercise and shower facilities for the women, reading rooms, lounges and dining rooms. But the high cost of the club later forced bankruptcy and disbanding. Bartelme lost almost three thousand dollars that she had personally invested.
- 1894-? Acted as Professor of Medical Jurisprudence in The Woman's Medical School of Northwestern University for several years.
- 1895 Northwestern University School of Law established the Mary Margaret Bartelme Award for an outstanding female law student or professor.
- 1895? As an active suffragist, Bartelme was a member and officeholder in the Chicago Suffrage Club and used her position as an attorney to advocate for women's full citizenship rights. Wrote a response (date unknown?) to a question posed by the *Chicago Tribune* asking if women wanted the vote.

The *Tribune* published Bartelme’s letter and the *Chicago Legal News* republished it. It argued that since all women were subject to all the laws of the United States as well as to criminal penalties for violating them, they should have a voice, and thus the vote, to determine the nature of those laws.

- 1895 Chicago Women’s Club drafted bill providing for a separate court and probation staff for children—Bartelme was a member and on the legislative committee.
- 1896 Member of the Illinois State Bar Association, member of the Chicago Bar Association, member of the American Bar Association, and the Women’s Bar Association of Illinois, long-time suffragist and a member of the Women’s League of Women Voters.
- 1897 Bartelme’s practice in the probate court catches the attention of Judge Chrisitan C. Kohlsaas, Cook County probate judge, who encouraged Governor John R. Tanner to appoint Bartelme Public Guardian of Cook County, and urged her in turn to accept
- 1897 Appointed Public Guardian of Cook County by Governor Tanner. Became first woman to hold the position, which she keeps for sixteen years. Bartelme then focused her legal career on advancing and protecting the rights of children.
- 1897-1913 Served as Public Guardian. Reappointed every four years under four governors (including Tanner, Yates and Deneen). The traditional duties of deciding questions of custody and handling the estates of minors who were wards of the state were expanded by Bartelme by using state resources to improve the quality of life of these children. Recognizing their rights as individuals, she sought to protect the children from assault on their person or property. Bartelme visited homes of children in need, and even raised two young orphaned sisters with her sister Adeline.
- 1897-1899 Bartelme became involved in the campaign to establish a juvenile court. Attended, in her official capacity, a meeting organized by Julia Lathrop at the State Board of Charities. Assisted Lathrop, Lucy Flower and other women reformers in the fight to establish the first juvenile court in the United States.
- 1899 Illinois Juvenile Court Law of 1899. Creates a special court for children under the age of 16 who were defined as “neglected, dependent, or delinquent”.
- 1899 Juvenile Court of Cook County is established.

- 1899 Bartelme admitted to the Federal Court for the Northern District of Illinois.
- 1899-? Bartelme joined with Louise deKoven Bowen, Sara Hart, and other women reformers in founding a detention home—an alternative to jail for juveniles who came before the new Juvenile Court.
- 1903 Residents of Hull House reach goal when Illinois legislature enacted legislation protecting women and children, including a strong child labor law and a compulsory education law.
- 1907 Catherine Waugh McCulloch is elected as the first woman justice of the peace in Illinois.
- 1909 Ethel Sturges Dummer, philanthropist and social activist, persuaded psychologist William Healy to come of Chicago and found the Juvenile Psychopathic Institute to aid the juvenile court. Healy evaluated the 3 children and made recommendations to the court based on what he believed would most directly help the child.
- 1912 Creation of the Federal Children’s Bureau.
- 1912 Cook County Juvenile Court has established an effective system to process cases, house children, and develop options in line with its policy to help rather than punish the child. However, the Court required continued financial assistance, legal expertise, and support, and particularly needed help in determining what to do with the increasing number of female juveniles appearing before it. Presiding Judge Merritt W. Pinckney determined a need for a woman judge to hear these cases, and Bartelme was chosen unanimously by the circuit court judges to fill this position.
- 1913 Pinckney appointed Bartelme his assistant judge, marking a significant restructuring of the juvenile court. As a first, cases involving juvenile girls were heard behind closed doors. All participants, from the judge to the police officers were women.
- 1913 Woman Suffrage bill giving the right for women to vote for the president and vice president is passed by the Illinois state legislature.
- 1913-? Bartelme introduced new court practices to address the needs of girls in the justice system. She began a mission to find alternative outlooks for the large number of girls before the court who had committed only slight wrongdoings. Due to the abusive homes or streets from which they came, Bartelme could not send them home, but did not find the offense to justify commitment to the state institution.

- 1914 Bartelme provided the alternative in the establishment of the first “Mary Club” by donating her own home in Chicago’s Austin neighborhood as a place where the girls can live with other girls and trained workers until proper placement elsewhere. Home was well-received by press.
- 1914-? Women’s clubs in the county strongly supported Bartelme. Member of the CWC, the Cordon Club, the Woman’s City Club of Chicago, the Every Day Club. Honorary member of the Chicago College Club and the Big Sisters. With the help of these women’s associations, Bartelme filled the void of support for juvenile girls that had long existed for boys in the system through the Union League Boy’s Club, the Rotary Club of Chicago, the Kiwanis Club, and the Knights of Columbus.
- 1914-? Bartelme continued to expand the approach started in the Public Guardian’s office to all aspects of her judicial work. Collaborating with women’s volunteer organizations, she instituted a program that provided a suitcase of clothes and necessities to girls in the juvenile court who then resided in a girls’ home. Bartelme relied on women’s clubs to furnish the suitcases and contents. The Chicago Woman’s Club (CWC) formed a Service Council for just this purpose, and a group of ten women in Evanston met once a week to make dresses for the girls—150 dresses/year. The press widely praised the program and nicknamed Bartelme “Suitcase Mary”.
- 1915 While the programs were supported by the press and public, Bartelme’s authority was challenged in 1915 when the grand jury created a committee to investigate allegations that Bartelme was acting as a judge when in fact she had not been elected to a judicial position. The committee examined her methods and reported that Bartelme’s work was exemplary in its treatment of juvenile girls. Her programs were lauded and the committee urged the juvenile court to be given absolute discretion over juvenile cases. The grand jury adopted the report and joined the committee’s high approval of Bartelme’s work.
- 1916 “Mary Club B” was established to account for the growing number of girls coming through the court and the small size of the initial residence. Both clubs were for white girls only.
- 1916 Federal Child Labor Law passed.
- 1919? Nineteenth Amendment ratified by Illinois—the first state to do so.
- 1921 Mary Club Board worked with middle-class black women reformers making up the board of the Friendly Big Sister’s League. Together, they established a third home, “Mary Club C”, for girls of color.

- 1923 More than 2,600 girls had passed through the three homes.
- 1923 Judge Thomas Windes died in his second year of a six-year term as Cook County circuit court judge, which created a vacancy on the juvenile court bench. Bartelme, still presiding as an assistant judge in the court, decided to run for the position. Candidacy as the first woman judge of the Cook County Juvenile court was supported by Juvenile Court Judge Victor Arnold and Violette Anderson, a leading black woman lawyer in Chicago. Sara Hart, dear friend and juvenile court advocate, served as campaign manager. Her campaign was also supported by women reformers including Harriet E. Vittum and Catharine Waugh McCulloch.
- 1923 By a margin of fourteen thousand votes, Bartelme was elected judge in the Circuit Court of Cook County and was assigned to sit in the juvenile court, which she did until 1933. Bartelme viewed the election as a personal victory as well as one for all women. *“I hope my election will act as an incentive in interesting women in their government, both local and national, and in everything that pertains to the welfare of their country and the world. The day is coming, I believe, when women will share equally with the men the burdens of our courts... Though I may not be living at that time, I expect a woman to some day be president of the United States”* (“Miss Bartelme Back at Work after Victory”)
- 1923-1933 Bartelme continued to employ innovative techniques through a cooperative courtroom style, collaboration with social science experts and support of public programs directed at juveniles.
- Her style was non-adversarial, but rather she spoke directly and sympathetically with children to discern facts and issues. She bought handkerchiefs “by the gross” to hand out of children brought to tears during their hearings.
 - Bartelme collaborated with social scientists studying the causes and treatment of delinquency and child welfare experts trained in the new field of social work. Bartelme supported the work of philanthropist and social activist Ethel Sturges Dummer—see above. Bartelme was assisted by lawyer/scholar/social reformer Sophinisba Breckinridge, one of the founders of the Chicago School of Civics and Philanthropy (in 1921, the University of Chicago School of Social Service Administration), who trained social workers in the methods necessary in investigating the social and economic conditions of children’s lives which were then reported to the juvenile court.
 - Bartelme emphasized the provision of public services to children—services intended to prevent delinquency by providing alternative activities for the children and teaching them the skills the court believed would allow them to lead productive lives. Bartelme championed reforms to keep children in school, such as a law that set the minimum age

for women's employment at sixteen years. She also worked with the Juvenile Protective Association and the Chicago Park District.

- 1925 Bartelme chaperoned a dance at the Westside Chicago public park
- 1926 Bartelme organized the Service Council for Girls to help her in the provision of public services.
- 1926 The Queen of Romania, on a visit to the U.S., spent a day in Bartelme's courtroom to observe her methods.
- 1927 Bartelme was reelected to the bench for the full six-year term. She became the presiding judge over the juvenile court and began hearing cases of boys and girls, handling the boys' cases as she did the girls', attempting to establish the same services for both.
- Late 1920s During a placement crisis for African American children, Bartelme with the support of the Chicago Council of Social Agencies (in 1948, the Welfare Council of Metropolitan Chicago, after 1976, the United Way of Metropolitan Chicago) ordered the Joint Services Bureau to create the Department of Child Placing. Task was to provide foster care for black children in need of placement. Acknowledging the extreme racial barriers that existed in Chicago, the black community showed some support for this practice and for Bartelme.
- 1932 The department reported to the court that it could not meet the needs of the children under its supervision. Bartelme arranged a meeting of Protestant organizations and agencies, intending to persuade them to assist in providing foster care. She noted the responsibilities taken on by the Archdiocese for Roman Catholic children and by the Jewish Child Welfare Council for Jewish children. She encouraged the Protestant organizations to provide for all Protestant children, black and white. Disappointingly, only a few organizations agreed to help the juvenile courts.
- 1930s The Great Depression ultimately ends Bartelme's effort, particularly straining her attempts to assist black children. In 1931, two group homes that housed 177 white boys closed their doors due to inadequate funding. State then refused to provide care for the released boys. Bartelme's attempts to turn to her women's association networks for support were unsuccessful due to strained efforts to survive themselves. The lack of community support and the effects of the Depression, made it difficult for the Juvenile Court to maintain its mission.
- May 26, 1932 Bartelme expressed her disappointment in a speech in tribute to her dear

friend and longtime colleague Sara Hart, nothing that she had "*hoped to do some really constructive things during her term of office*". (Speech, May 26, 1932, Bartelme papers).

- 1933 Bartelme's term expired and she decided to retire.
- 1933 Over 93,000 suitcases of clothes had been distributed to girls by Bartelme's retirement date.
- 1933 Chicago Bar Association and all those affiliated with the Juvenile Court held a civic dinner in her honor. Chief Judge of the Cook County Circuit Court praised Bartelme for her work as did Jane Addams and fellow juvenile court associates.
- 1933-1954 Bartelme lived with her brother, until his death, and his daughter in Carmel, California. Bartelme's sister Adeline Tilt lived nearby. Bartelme was a member of Christian Scientist Church, gardened, and made several trips to Chicago during these years to visit friends and family.
- July 25, 1954 Mary Margaret Bartelme died at the age of 88 after a short illness. She made a last request that anyone wishing to send flowers should instead make a contribution to the Mary Bartelme Clubs.
- 1988 Lawrence Hall for Boys and Bartelme Homes and Services merge to form the Lawrence Hall of Youth Services
- Now Annual Bartelme award in her honor at Northwestern University
Big Brother/Big Sister Programs continue with strong support
Continued expansion of the Juvenile Court Center and Delinquent Facilities

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