

The catalyst behind a new generation of women lawyers

By Barbara Babcock

Clara Foltz was the first woman to be admitted to the State Bar, the founder of the public defender movement and a single mother of five. The preface to *Woman Lawyer* explores the relevance of her story to the modern legal profession.

BOOK EXCERPT

Preface

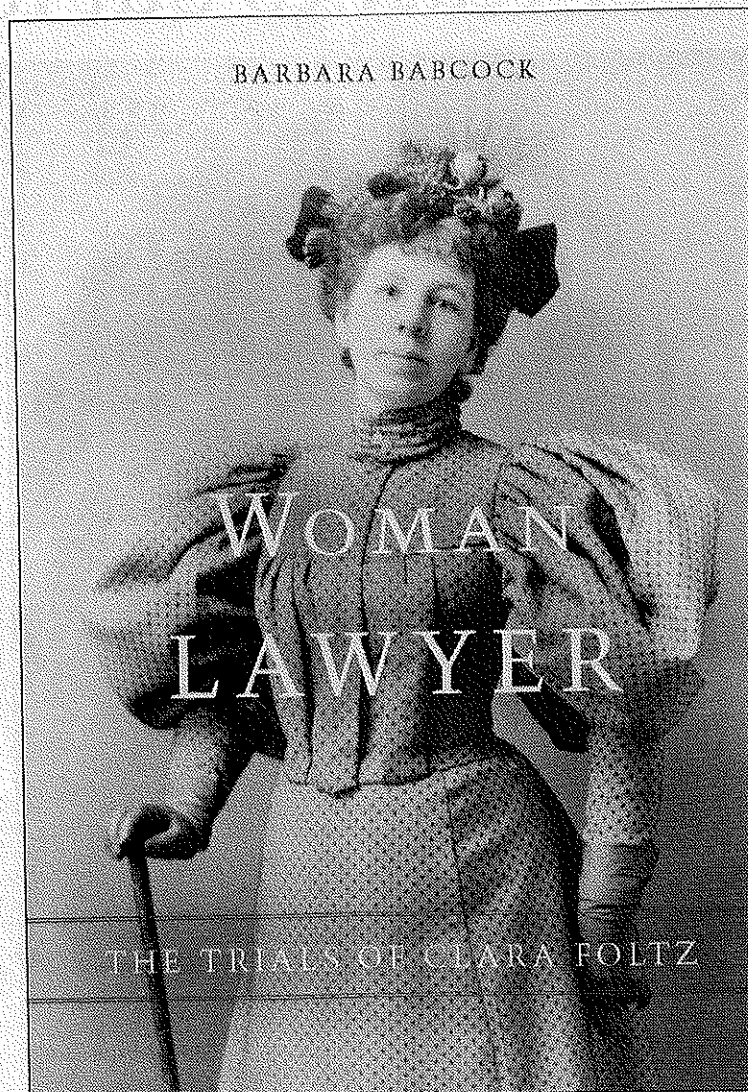
Clara Foltz was one of the first women lawyers in the United States, and for a time one of the most famous. From the day of her admission to the Bar in 1878, she was often in the news — arguing to all-male juries, stumping in political campaigns, working for woman suffrage, penal reform and other causes. She had a large part in the adoption of the first guaranties of equal access to employment and education in U.S. constitutional history, pioneered the public defender movement and practiced law continuously for fifty years.

In everything she did, Foltz enjoyed remarkable celebrity, due in part to the human interest of her personal situation. She was a single mother of five children and became a lawyer in order to support them as well as to find personal fulfillment and advance women's rights.

Unwilling to relinquish any possibility, she was determined to be an inspiring movement leader, a successful lawyer and legal reformer, a glamorous and socially prominent woman, an influential public thinker, and a good mother.

Despite the lavish attention in her lifetime, Foltz was largely forgotten until quite recently. The revival of her reputation started with the rise of the second women's movement in the 1970s, which brought a surge in law school attendance. Almost overnight, the percentage of female students rose from three to twenty, and today it comprises nearly half the total number. When all at once they became a large part of this important profession, women found themselves without a history to guide and to inspire.

Clara Foltz was one of the first beneficiaries of the interest these students and their male allies took in finding models and perhaps heroines for the new generations of women lawyers. Almost a hundred years after she successfully sued California's first law school for refusing to admit women, its law review featured an article about her extraordinary life, co-authored by a male professor and two women law students. Mortimer D. Schwartz, Susan L. Brandt & Patience Milrod, *Clara Shortridge Foltz: Pioneer in the Law*, 27 *Hastings L.J.* 545.



In 2002, the revival of interest in this pioneer woman lawyer reached a new level, when the central criminal court building in Los Angeles was renamed the Clara Shortridge Foltz Criminal Justice Center. Justice Sandra Day O'Connor was the lead speaker at the dedication ceremony, which honored the accomplishments of women lawyers, and Foltz as first among them. My pleasure on behalf of my subject was only slightly dimmed by the L.A. Times query: "Clara Who?" In this book, I try to answer that question, and to examine the full dimensions of her achievement.

Though Foltz's personal papers did not survive — a serious loss to a biographer — she left behind an extensive public record. Her story is in court records, her own publications, biographical indexes and perhaps most of all in news accounts and interviews. Most of her publicity was favorable, largely

because, long before public relations became a recognized occupation, Foltz was a genius at managing her image. With confidence in her abilities and belief in her destiny, Clara Foltz was a true western character: larger than life, prodigious in her enjoyment of the moment and in her ambitions for the future. Her distinctive voice, optimistic, figurative, hyperbolic, elevated but humorous, comes through not only in interviews and profiles, but also in the twenty-eight magazine columns she wrote when she was in her sixties, entitled: *The Struggles and Triumphs of a Woman Lawyer*. Foltz took the title from *Struggles and Triumphs: The Recollections of P.T. Barnum* (1882). Like the famous circus impresario, she lived a life of great highs and considerable lows and also like him, she was an open and tireless self-promoter.

Though often speaking of her sacrifices for women's cause, Foltz never quite fit the mold of selfless crusader. Unwilling to relinquish any possibility, she was determined to be an inspiring movement leader, a successful lawyer and legal reformer, a glamorous and socially prominent woman, an influential public thinker, and a good mother. The result of these often conflicting desires was a life so frantic and scattered that it resists a logical, well-formed narrative. Yet these very qualities make her biography particularly relevant now, both as cautionary and heroic tale.

In my research and writing about Clara Foltz, I have come to admire her courage and charisma. At the same time, I have confronted her flaws and mistakes in judgment, which I try to portray accurately and fully — to mix the hag with the hagiography. But in a sense, full detachment is not really possible; I have necessarily interpreted Foltz's life through my own experiences, as a trial lawyer, a public defender, a first woman, and a feminist. Though I cannot wholly follow her direction to her anticipated biographer to "let wreaths of triumph my temples twine," I think she would approve of what I have done here.

The book is published at a moment when women lawyers have made gains which would have seemed incredible to most people in the past. Not to Clara Foltz, however; she predicted that women would win an equal place in the legal profession, and even sooner than it has actually happened. Foltz also believed that women would change the profession for the better, and hoped that her own busy career promoting constitutional rights for the criminally accused and civil rights for women would inspire and instruct. I hope so too.

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Barbara Babcock was the first woman appointed to the regular faculty at Stanford Law School, the first director of the Public Defender Service in Washington, D.C. and served as assistant attorney general for the Civil Division in the Carter administration. For more information, go to <http://wlh.law.stanford.edu>.