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# STEREOSCOPE



*In this important and interesting article, Ruth S. Stevens writes about the pioneering women of the law in West Michigan. Ms. Stevens is an attorney and an Associate Professor at Grand Valley State University. She is the coordinator of Grand Valley's Legal Studies program. Ms. Stevens serves as a trustee of the Historical Society for the U.S. District Court for the Western District of Michigan and as a board member of the Greater Grand Rapids Women's History Council. We thank her for her contribution.*

—David J. Gass, President

*The Historical Society for the U.S. District Court for the Western District of Michigan*

## Claiming Their Place: Pioneering Women of the Law in the Western District of Michigan

By Ruth S. Stevens

### Preface

**T**his article will introduce you to the first female attorneys who were admitted to practice in the federal courts in the Western District of Michigan and female attorneys in the office of the U.S. Attorney for the Western District of Michigan.<sup>1</sup> It grew out of an in-depth biography of attorney Ella Mae Backus that I published in the *Michigan Historical Review* in the fall of 2016.<sup>2</sup> Backus's story is unique; she was admitted to practice in 1895, and she had a pivotal role in the U.S. Attorney's Office for the Western District of Michigan in the early 20<sup>th</sup> century. However, she is connected to the women who came both before and after her, and who, collectively, established a foothold for women in the courts and law offices of the Western District. Together, Backus's story and the stories of other West Michigan women show how women's progress in the legal profession has been shaped by the efforts of individual women and by larger social forces, as well as by men who broke with tradition and welcomed female attorneys into the realm of law.

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The seed for this article was planted over 10 years ago when I was browsing through Marg Ed Kwapil and Ellen Arlinsky's 1995 history of the Grand Rapids Bar Association<sup>3</sup> and stumbled upon a paragraph about Backus and learned that she had worked in the Office of the U.S. Attorney for the Western District of Michigan for 35 years. I was shocked. I had never heard of Backus before and wondered why she was not part of the historical lore shared by other West Michigan attorneys. When I began practicing law in 1980, the received wisdom was that Rosemary Scott, Jean McKee, and Margaret Cook were the first women to practice law in Grand Rapids and that they were followed by Janet Neff and Mary Jane Morris.<sup>4</sup> I was quite surprised to discover that the story of women attorneys in Grand Rapids began long before Scott, McKee, and Cook were even born, and I was drawn to learn more about Ella Mae Backus.

What began as idle curiosity blossomed into a ten-year project that involved hours online, in dusty archives, and taking trips around the State of Michigan and to Chicago as I searched for clues that would help me piece together Backus's life story. Her brief biography revealed that she began work as the Clerk of the U.S. Attorney's office in Grand Rapids in 1903 and that she was promoted to Assistant U.S. Attorney (AUSA) in 1923, but I knew nothing about her personal background or her work in the office of the U.S. Attorney. Jim Hunter, then Administrative Officer for the U.S. Attorney's Office for the Western District, shared invaluable biographical information about Backus.

However, many of my other queries led to dead ends. I was never able to determine how Backus, an attorney who was admitted to the bar in Traverse City and then practiced in Reed City, came to be hired by the U.S. Attorney's Office in Grand Rapids in 1903. Local newspapers, however, yielded some gems. By searching newspaper databases, I was able to find an early career profile of Backus in the *Grand Rapids Press*,<sup>5</sup> as well as her obituary and a tribute to her written after her death. Along the way, I also discovered a revealing description of her first appearance in court in northern Michigan,<sup>6</sup> as well as an entertaining article featuring her encounter with an "insane printer" during a lunch-hour shopping trip in downtown Grand Rapids.<sup>7</sup>

My research on Backus led me to connect with members of the local history community and to other revelations. Backus was not the first female attorney to practice in Grand Rapids. Local historian Jo Ellyn Clarey discovered that that honor belongs to Elizabeth Eaglesfield, a woman who opened a law office in Grand Rapids shortly after her graduation from the University of Michigan Law School in 1878.<sup>8</sup> As I broadened my research, I found other "unknown" female attorneys who were admitted to practice in the Western District of Michigan in the first half of the 20<sup>th</sup> century, as well as women who were the first to work in clerical positions in the U.S. courts. This article tells their stories as part of the larger story of the progress of female attorneys in the United States, from early victories in winning bar admission through the 1970s, a decade when women finally achieved significant and lasting gains in claiming their place in the legal profession.

## Introduction

Although some evidence suggests that women practiced law even in colonial times, 1869 marks the beginning of the era when states began formally admitting women to the practice of law.<sup>9</sup> In that year, Arabella Mansfield was admitted to the bar in Iowa and became the first woman admitted to practice law in the United States. Michigan followed quickly after Iowa and admitted its first woman attorney, Sarah Kilgore, in 1871, the year after the University of Michigan Law School began accepting women. It was not until 1920, however, that women were eligible to be admitted to practice in all 50 states.<sup>10</sup> Although some law schools began admitting women in the late 19<sup>th</sup> century, most states did not require a law school diploma for admission to the bar until many years later. Some early women attorneys gained admission to the bar through independent study and apprenticeship. Even as late as 1927, a law school degree was not a prerequisite for admission to the bar in any state.<sup>11</sup> Michigan imposed this requirement in 1949.<sup>12</sup>

The intrepid women who became attorneys in the 19<sup>th</sup> century not only faced formidable obstacles to entering the legal profession, they also had to overcome barriers to enter the work force in any capacity. Before 1900 it was extremely unusual for women to work outside of the home, and most women who did so were engaged in less-than-desirable service or factory positions. Clerical positions of the type which later would become “pink collar” jobs, predominantly occupied by women, were held almost exclusively by men. Thus, the early female attorneys were entering territory that was doubly foreign to them; both the legal profession they aspired to and office work in general were male domains.

## Opening Doors: The First Women in Courthouse Employment in the Western District

The novelty of a woman entering the male world of the courtroom is underscored by community reaction to the hiring of a female stenographer in the U.S. District Court in Grand Rapids in 1880. The *Kalamazoo Gazette* reported:

The U. S. Court, at Grand Rapids, has a female stenographer, and all of the opposite gender in that city are in attendance upon court – just to hear the girl read, you know.<sup>13</sup>

The stenographer who created such a stir was most

**TABLE 1**

### **Female Attorneys Admitted to Practice in the Western District of Michigan Before 1960**

<u>Names</u>	<u>Date of Admission</u>	<u>Business Address</u>
Ella Mae Backus	09/28/1904	Grand Rapids
Lelia Boyce	09/20/1929	Allegan
Elizabeth H. Forhan	03/24/1932	Detroit
Isabella Ganton Frappier	08/30/1934	Greenville
Gale Saunders	11/26/1934	Grand Rapids
Jane E. Mapes	12/05/1936	Grand Rapids
Esther Tuttle	01/13/1938	Lansing
Marjorie Lee Luna	07/13/1939	Allegan
Angela Mohar	09/07/1944	Coloma
Rosemary Scott	11/25/1947	Grand Rapids
Elizabeth Ramsey MacTavish	02/17/1948	Grand Rapids
Margaret Cook	04/09/1956	Grand Rapids
Ann Cooper Penning	05/31/1956	Grand Rapids
Edna Boddy	10/25/1957	Fenton
Jean McKee	03/13/1958	Grand Rapids
Cornelia B. Groefsema	06/13/1959	Detroit

United States District Court for the Western District of Practice, Attorneys Admitted to Practice 1863-1965, archives Historical Society of the Western District of Michigan. The record of attorneys admitted to practice in Western Michigan is organized chronologically by letter of the alphabet. Names of women known to have practiced in West Michigan were searched. There may be additional women who were admitted to practice whose names were not discovered during this limited search.

likely the first woman to be employed by the court. Interestingly, the *Gazette* did not deem it important to include her name in its article. She joined an all-male court staff led by U.S. District Court Judge Solomon L. Withey, 6<sup>th</sup> Circuit Judge John Baxter, and Court Clerks Henry M. Hinsdill and Chester B. Hinsdill.<sup>14</sup> At that

time, it was indeed unusual for a woman to work as a stenographer. In 1880, only 4 per cent of office workers (including stenographers) were female.<sup>15</sup> Court positions were considered to be especially unsuitable for women, because of the possibility that the woman would be exposed to testimony that was too coarse for female ears.

Men's monopoly on office positions began to change in the late 19<sup>th</sup> century, and women found new opportunities opening up to them. By 1900, 77 percent of stenographers were women,<sup>16</sup> and women entered other office positions in much greater numbers. Employment opportunities for women were enhanced by the booming economy of the late 19<sup>th</sup> century and by the proficiency that women showed in using new office equipment, like the typewriter. Women were drawn to office work by the wages and working conditions, which were much more favorable than in other available alternatives such as teaching, factory work, or domestic service.

While many federal agencies in Washington, D.C. led in bringing women into clerical positions, before 1900 it was rare for a woman to be employed as a clerk at a U.S. District Court or in the office of a U.S. attorney. However, as women made gains in employment outside of the domestic and factory spheres, court positions also opened up for them. The first woman to be employed in the clerk's office of the U.S. District Court for the Western District of Michigan was most likely Leolyn Tenhopen, who was appointed to serve as deputy clerk in 1900. A notice in the Grand Rapids Herald announcing her appointment states:

Mrs. Leolin [sic] Tenhopen, *and not Mr. Tenhopen* has been appointed deputy clerk of the United States circuit and district courts by Judges Severens and Wanty.<sup>17</sup> [emphasis added]

The wording of the article suggests that it was unusual for a "Mrs." and not a "Mr." to serve as a clerk and reflects prevailing attitudes: the workplace was for a husband, and not a wife.

Nonetheless, Leolyn Tenhopen flourished in her position and went on to serve for a number of years in the clerk's office. A 1915 article announcing her retirement refers to her "kindly and obliging nature" and notes that she would continue to help the office from time to time "when there is a rush of work."<sup>18</sup> Tenhopen's retirement did not last long, because the court's caseload soon ballooned with cases relating to World War I and to Prohibition. Tenhopen was reappointed deputy clerk on July 1, 1919,



*Ella Mae Backus. Undated photo courtesy of the Office of the U.S. Attorney for the Western District of Michigan.*

and she continued to serve in this position for several more years. In 1919, she was joined by Clerk Assistant, Lucille L. Mutchler.<sup>19</sup> Tenhopen and Mutchler were succeeded by a long line of women who worked in the clerk's office.<sup>20</sup>

Ella Mae Backus joined Tenhopen in the federal building in 1903, when Backus was appointed Clerk of the U.S. Attorney's office, the first woman to hold this position. She joined the small staff of the office, which included U.S. Attorney George G. Covell and AUSA Walter I. Lillie.<sup>21</sup> Backus was already a licensed attorney in Michigan when she was hired, and she had extensive experience as a stenographer from her prior work at the law office of Pratt & Davis in Traverse City. She had practiced law in both Traverse City and Reed City and thus had a foundation of legal knowledge in addition to her clerical skills. Her duties as clerk included preparing documents, keeping all records of the office, and preparing reports to the Department of Justice. While serving as clerk, she also assumed some of the responsibilities of an AUSA, such as doing legal research and appearing in court for arraignments.

For Backus, employment in the U.S. Attorney's office was not a stepping stone to other legal employment, as it was for male AUSAs. Her options as a female attorney were very limited. While the U.S. Attorney and AUSAs changed as federal administrations changed, Backus stayed on as clerk. Edward J. Bowman had worked with Backus when he served as AUSA from 1910 to 1914 and as U.S. Attorney in 1914, and he returned to the office in 1922 as the newly-appointed U.S. Attorney. By then Backus had served with four different U.S. Attorneys and with



seven different AUSAs. The sole AUSA in the office, Roy M. Watkins, a former Republican state legislator, had been appointed just a year earlier and had very limited experience in the practice of criminal law.<sup>22</sup>

Backus received only meager financial rewards for her loyalty. After twenty years as the clerk of the office, she had a salary of \$1,500 a year, while Watkins had been hired in 1921 with a salary of \$2,000 a year, the standard salary for an AUSA.<sup>23</sup> Due to inflation, Backus's wages were worth barely more than her salary in 1903. Her experience, license to practice law, and seniority meant little, because her wages were set based on the pay scale for clerks.

U. S. Attorney Bowman quickly realized the inequity of the situation. He had known Backus for fifteen years and had great respect for her dedication, knowledge, and skill. He also recognized that her workload and the workload of the office had expanded significantly due to the press of cases brought about by Prohibition. Bowman wrote to the U.S. Attorney General asking for a raise for Backus, so that "simple justice be done [for] this faithful and exceptionally competent employee."<sup>24</sup> He was met with resistance, however, because, even in the largest districts, clerks' salaries topped out at \$1,800. After an exchange of correspondence, the solution to the problem finally became evident. With the support of District Judge Clarence W. Sessions, Bowman successfully petitioned for the creation of a second AUSA position in the Western District. He appointed Backus to the new AUSA position in September 1923, gaining a raise for her (although not to the level of Watkin's wages) and making history.

## Early Female Attorneys in the U.S. Department of Justice

If it was rare for women to be appointed to clerical positions within the courts or U.S. attorneys' offices in the early 20<sup>th</sup> century, it was even rarer for a woman to be appointed U.S. Attorney or AUSA. When Ella Mae Backus was appointed AUSA in 1923, she became the first female AUSA in the State of Michigan and one of only six women in the United States serving in that capacity.<sup>25</sup>

Annette Abbott Adams is credited as being the first female AUSA. Adams was appointed to serve as AUSA in the Northern District of California in 1914.<sup>26</sup> She became U.S. Attorney for the District in 1918, and in 1920 was appointed to serve as an Assistant Attorney General in

## WOMAN NAMED ASSISTANT UNITED STATES ATTORNEY

**Mrs. Annette Abbott Adams, of San Francisco, First of Her Sex for Such a Position.**

Washington, September 28.—Mrs. Annette Abbott Adams, of San Francisco, was today appointed assistant United States attorney there. She is the first woman in the United States to occupy such a position. Representative Baker, of California, declared he considered the appointment a recognition of woman suffrage.

*Detroit Free Press, September 29, 1914.*

the offices of the Department of Justice in Washington, D.C., the highest position in the Department of Justice ever held by a woman.<sup>27</sup>

In 1921, Adams was succeeded by Mabel Walker Willebrandt, who achieved fame as "Prohibition Portia," because of her role in enforcement of the National Prohibition Act. Interestingly, Willebrandt had a connection to West Michigan. Willebrandt moved with her family to the small northern town of Buckley, Michigan, from Park City, Kansas, when she was 17. Her father, David Walker, founded the Buckley Bank. Willebrandt took some classes at the Ferris Institute in Big Rapids and became a teacher in a one-room schoolhouse there.<sup>28</sup> Through her teaching position, Willebrandt met her future husband, Arthur Willebrandt, the principal of the Buckley High School. They married in Grand Rapids in 1910 and moved from Michigan to Arizona because of Arthur's poor health. The Willebrandts ultimately settled in Los Angeles, where Mabel attended law school at night and launched her legal career by working as an assistant public defender.<sup>29</sup> She quickly established herself in the community and, through her political connections, gained the attention of U.S. Attorney General Harry Daugherty, who chose her over prominent California attorney Clara Shortridge Foltz to take over Adam's position as Assistant Attorney General.<sup>30</sup>

Progress for women in the Department of Justice came in fits and starts. Although Willebrandt and other female attorneys achieved success, attitudes towards the hiring of women were slow to change. The number of women entering the legal profession and the number of female attorneys serving in the Department of Justice in Washington, D.C. and in field offices remained very small during the 1920s and 1930s. Some female attorneys were hired into the department, but were relegated to jobs as secretaries and stenographers instead of being offered positions as attorneys.<sup>31</sup> After Mabel Walker Willebrandt resigned in 1928, it was over forty years before another woman was appointed to the rank of Assistant Attorney General.<sup>32</sup> In 1935, Department of Justice attorney Mary Connor Myers lamented that "this Administration has appointed women only to inferior positions in the Department of Justice" and that "no woman was appointed as United States Attorney."<sup>33</sup> There was also a gap in employment of female attorneys in the U.S. Attorney's Office in the Western District of Michigan. Backus served as AUSA until her death in 1938, and Margaret Cook, the next female AUSA in the Western District, was not appointed until 20 years later. Janet Kinnane, the first female AUSA in the Eastern District of Michigan, was not appointed until 1945.<sup>34</sup> Overall, the gains made by female attorneys in the 1920s and 30s were precarious. It would be years before women established a firm footing in the legal profession.

### Other Female Attorneys in the Western District of Michigan before World War II

In the years between World War I and World War II the community of female attorneys in the Western District of Michigan grew, albeit quite slowly. Backus was in the public eye by virtue of her position in the U.S. Attorney's office, but she was not the only female attorney in the Western District during this era. Records of attorneys admitted to practice in the U.S. District Court for the Western District of Michigan show that at least seven other women were admitted to practice in the Western District before 1940. (See Table 1).

These newly minted barristers came from across the district and from varied backgrounds. Several, including Isabella Ganton Frappier, Lelia Boyce, and Marjorie Lee Luna, hailed from small towns. Ganton Frappier hung out her shingle in the community of Greenville in

1919. Boyce and Luna followed as sole-practitioners in Allegan. Several of the early Western District admittees were from prominent families. Esther Tuttle was the daughter of Arthur Tuttle, U.S. District Judge for the Eastern District of Michigan. She established a law office in Lansing with her sister, Ruth Tuttle Freeman, in the late 1930s. Jane E. Mapes was the daughter of Fifth District Congressman Carl

E. Mapes. Mapes married and moved to Washington, D.C. shortly after she was admitted to the bar, and it does not appear that she practiced law in Michigan.

Although few in number, the female attorneys in the pre-World War II era helped to change attitudes towards



Attorney Saunders has been practicing law in Grand Rapids four years, having formerly been associated with Attorney Benn M. Corwin, vice-president of the Bar Association, at 406 Grand Rapids Trust Building. Miss Saunders this week moved her offices to 818 Michigan Trust Building.

*Grand Rapids Legal News, September 9, 1936. Gale Saunders was admitted to practice in the U.S. District Court for the Western District of Michigan in 1934.*

### WOMAN ATTORNEY OPENS OFFICE AT GREENVILLE

Greenville, Nov. 7.—Miss Isabella Ganton, Montcalm county's only woman attorney, has opened a law office in the Rasmussen building. She was admitted to the bar early this fall.

*Grand Rapids Press, November 7, 1919*

*Isabella Ganton Frappier was admitted to practice in the U.S. District Court for the Western District of Michigan in 1934.*

*Photo courtesy of MLive Grand Rapids Press*





*Jean McKee, circa 1976. Photo courtesy of Grand Rapids Public Library, Grand Rapids, MI, History & Special Collections.*



*Rosemary Scott. Circa 1947. Courtesy of MLive Grand Rapids Press.*



*Margaret Cook. Undated photo courtesy of MLive Grand Rapids Press.*

female attorneys, and they laid the groundwork for those who followed them. This group of pioneering attorneys included Elizabeth H. Forhan, a Benton Harbor attorney who was admitted to the Michigan bar in 1931, and Gale Saunders, a 1933 graduate of the University of Michigan Law School who established a practice in Grand Rapids as an associate of attorney Benn M. Corwin.<sup>35</sup> Forhan served as a U.S. Commissioner in Benton Harbor from 1933 to 1965 and was appointed as a municipal judge there in 1959.<sup>36</sup> Forhan is reported to have been the first woman to serve as a U.S. Commissioner in the United States. Saunders was the first woman to serve as secretary of the Grand Rapids Bar Association, and she had a bright future ahead of her when her life was tragically cut short by a fatal heart attack in 1945.<sup>37</sup> Her death left Grand Rapids, the district's largest city, without any female attorneys engaged in the practice of law, but that was soon to change.

## **The World War II Era: New Opportunities for Women**

World War II was a catalyst for change within the legal profession, and it had a significant impact on opportunities for women. Total law school enrollment at ABA-accredited law schools dropped precipitously in the 1941-1942 academic year as men went off to war. Law schools responded to the lower enrollment by admitting greater numbers of women. Female enrollment at the University of Michigan Law School peaked between 1947 and 1951, with a total of 34 women out of 978 students in the class of 1951.<sup>38</sup> One estimate suggests that, during

the war, total law school enrollment of women increased from 3% to 12%.<sup>39</sup> Women attorneys also found greater employment opportunities. Some firms who had never hired women as associates opened their doors to female attorneys to fill places left by men serving in the armed forces.<sup>40</sup>

Three of the earliest female attorneys in Grand Rapids were among the women who joined their male contemporaries in the classrooms of the University of Michigan during, and shortly after, World War II. Mary Jane Morris graduated from the University of Michigan Law School in 1943.<sup>41</sup> Rosemary Scott received an undergraduate degree from the University of Michigan in 1942 and a law degree in 1946.<sup>42</sup> Margaret Cook graduated with a bachelor's degree from the University of Michigan in 1946 and with a law degree in 1949.<sup>43</sup> Morris, Scott, and Cook were followed at the University of Michigan Law School by Jean McKee. McKee had received a bachelor's degree from Michigan State University in 1946 and a master's degree in education at Wayne State University in 1948. She obtained her law degree from the University of Michigan in 1956.

In spite of the greater numbers of women at the University of Michigan during this period of time, the law school was still adjusting to the presence of women. Sixth Circuit Judge Cornelia Groefsema Kennedy, who graduated a year before Rosemary Scott, reported that, although only one professor had a reputation for "not particularly liking women students," women were not permitted to live or eat in the law school dorms. As a result, she and the other female students would gather in the women's restroom – the only spot other than the library where they could be together.<sup>44</sup>

Morris, Scott, Cook, and McKee had differing experiences after law school. Mary Jane Morris found employment in the general counsel's office of the Federal Communications Commission (FCC) and served as secretary of the FCC before moving to Grand Rapids in 1960 to start a practice with her brother, John C. Morris.<sup>45</sup> After law school, Rosemary Scott clerked for Judge Thomas F. McCallister of the 6<sup>th</sup> Circuit Court in Grand Rapids.<sup>46</sup> According to Scott, McCallister specifically requested a female law clerk when he advertised the position with the law school placement office.<sup>47</sup> Interestingly, Scott succeeded clerk Margaret Groefsema, another University of Michigan Law School graduate who was the older sister of Cornelia Groefsema Kennedy.<sup>48</sup> Records indicate that Judge McCallister was eager to hire another woman after his positive experience with Margaret Groefsema's work, and he also tried to recruit Cornelia Groefsema Kennedy to work for him as a clerk. But she turned down the offer because she was interested in moving to Washington, D.C.<sup>49</sup>

After Scott completed her clerkship with Judge McAlister in 1948, she was unable to find employment in a Grand Rapids firm. She worked in the American Seating factory for a year while establishing a solo practice.<sup>50</sup> In spite of her difficulty in being accepted into the legal fraternity, Scott recalled that "[t]his was a period when more women found jobs than at any other time in the history of the United States . . . . Consequently, it did not seem strange to be a woman lawyer, when many other women were employed."<sup>51</sup> Margaret Cook and her husband George, who was also an attorney, initially moved to Lowell and then to Grand Rapids, where she obtained employment at a mortgage investment firm. In 1951 she was hired at the firm of Amberg, Law & Buchen, where she practiced in the areas of real estate and probate.<sup>52</sup> Cook is credited as being the first woman to be hired by a law firm in Grand Rapids.<sup>53</sup> Jean McKee was associated with her husband's law firm, Rhoades, McKee, Boer, Goodrich & Titta, but quickly turned her attention to public service. She was elected to the Board of Governors of Wayne State University in 1959.

After the end of World War II, enrollment of women in law school declined almost to its pre-war level. Professor Cynthia Bowman argues that "[w]omen lawyers have served as Marx's reserve army of the unemployed – entering the legal profession in the prosperous 1920s, sent home in the Depression, sought out during World War II when men were unavailable, and dispatched again

when the veterans returned."<sup>54</sup> Enrollment by women at the University of Michigan Law School in the 1958-1959 academic year reached a low of eight women. Positions in law firms that had been given to women were now made available to returning veterans.

Even though gains made by female attorneys during the war proved to be fleeting, in their own ways the women who persisted in the practice of law helped to advance the cause of women in the legal profession. Scott, who had initially been rejected by local law firms, ultimately found her niche as a solo practitioner and became a pillar of the Grand Rapids legal community. She was active in the Michigan and Grand Rapids Bar Associations and in numerous community organizations. Morris built on her experience with the FCC and developed a specialized practice consulting for West Michigan broadcasting companies. She also was active politically. McKee was active in a wide variety of community organizations throughout her career and served on other appointed boards and commissions at the state and local level. She also ran unsuccessfully for the position of probate judge and for U.S. Congress. Cook had a lengthy career that is described in more detail below. These women and other pioneering female attorneys of the post-war period showed that women could establish successful careers.<sup>55</sup> Women who grew up in the 1960s could look at women like Morris, Scott, Cook, and McKee and see that careers in law and public service were achievable goals. This awareness, the burgeoning feminist movement, and other factors helped to draw young women towards professional careers, although change did not happen overnight.<sup>56</sup>

### **A Path Forward: Women in the Office of the U.S. Attorney for the Western District of Michigan**

Government service is a thread that is woven through the stories of many of the earliest female attorneys in the Western District. Ella Mae Backus, the first female AUSA, worked in the office until her death, in 1938. She was followed by Margaret Cook, who was appointed AUSA in 1958 by U.S. Attorney Wendell Miles. Cook succeeded Roman J. Snow, who had left for private practice. Cook's appointment was front page news in Grand Rapids.<sup>57</sup> At the time, she and Rosemary Scott were the only female attorneys practicing in Grand Rapids. Newspaper articles indicate that Cook was involved with criminal cases handled by the office and that she helped to staff the office on election night in



November 1958, on call to address complaints of election law violations.<sup>58</sup> Her career in the U.S. Attorney's Office paused when her adopted daughter, Anne, arrived. Cook chose to leave the U.S. Attorney's Office in 1959 to stay home with Anne. Her resignation was announced with the dramatic headline "Grand Rapids Woman Ends Law Career," but Cook's departure from her legal career proved to be a hiatus, not an exit.<sup>59</sup> After Anne started school, Cook returned to the workforce.

What is remarkable is not that Cook left work to care for her infant daughter but that, after this pause in her career, she was able to re-establish herself professionally. In 1960, less than 20 percent of women with children under the age of six worked outside the home.<sup>60</sup> The vast majority of women who could afford to stay home to care for young children did so. Women had virtually no legal protection from discrimination, and discrimination against women attorneys with children was widespread.<sup>61</sup> Even future Justice Ruth Bader Ginsburg, who graduated first in her class from Columbia Law School in 1959, was unable to find a job at a law firm. She noted, "to be a woman, a Jew, and a mother to boot – that combination was a bit too much."<sup>62</sup> Also, during this time period, many employers had no provision for maternity leave. Women were simply supposed to quit their jobs when they had children.

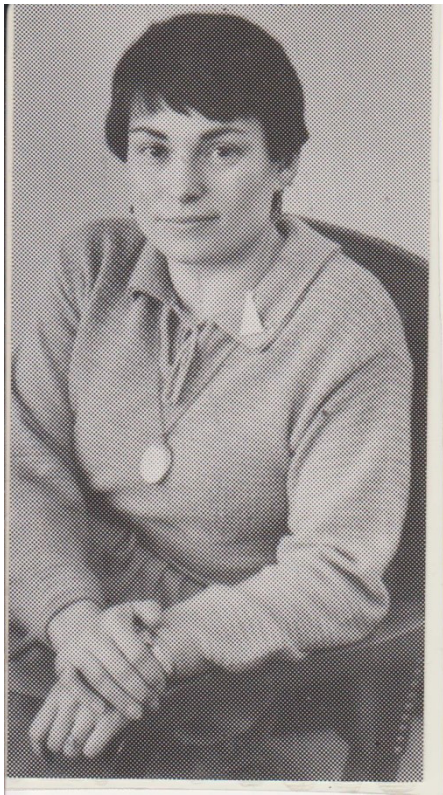
Cook was undeterred by the obstacles presented by being a working mother. She was assisted by her attorney husband George, who was in private practice before he became a Kent County Circuit Court judge in 1975. After returning to work, she had a successful career in the trust department of Old Kent Bank, where she became Vice President and Trust Counsel. She was also elected Secretary of the Grand Rapids Bar Association, and was one of the first women to serve as an officer of the association.

The U.S. Attorney's Office meanwhile had no female attorneys for a number of years after Cook's departure. That changed in 1978, when U.S. Attorney James Brady hired Agnes Kempker-Cloyd, who joined AUSAs Robert C. Green, J. Terrance Dillon, and Donald A. Davis. Kempker-Cloyd, a 1977 graduate of the University of Detroit Law School, had worked as a law clerk in the U.S. Attorney's Office for the Eastern District of Michigan during and after law school. She served as an AUSA in the Western District for 36 years before moving on to private practice. In 1980, Brady hired Janet T. Neff, doubling

**Table 2**  
**Female Assistant U.S. Attorneys - Western District Of Michigan**

<u>Name</u>	<u>Working Years</u>
Backus, Ella M.	1903-1938
Cook, Margaret	1958-1959
Kempker-Cloyd, Agnes	1978-2013
Neff, Janet	1980
Landman, Edith A.	1980-2000
Braceful, Brenda E.	1981-1984
LaVille, Jeanine Nemesi	1982-1996
Husum, Carol A.	1983-1984
Woods, Julie A.	1983-2012
Tuuk, Anne M. Vandermale	1984-1988
Mann, Janice Kittle	1987-1999
Spaulding, Karla R.	1988-1989
Ferguson, Francesca W.	1989-2016
Ernest, Ruth	1990-1993
Shekmer, Rene	1990-Present
Uetz, Patricia A.	1991-1994
Gordon, Glenda G.	1991-2002
Smith, Margaret A.	1995-2002
Tanase, Barbara C.	1996-2007
Meyer, Joan E.	1997-2008
Chiara, Margaret (U.S. Attorney)	2001-2007
Buckleitner, Anne	2002
Hagen, Leslie	2002-2009
McManus, Jennifer	2003 -Present
Castrolugo, Elisa	2005-2010
Almassian, Carrie	2008 - Present
Sample, Katie	2010-2011
Berens, Sally	2012-Present
Hessmiller, Tessa	2012-Present
Long, Jeanne	2012-Present
Bobee, Hannah	2013-Present
Mazzocco, Nicole	2014-Present
Murnahan, Jennifer	2015 - Present
Zell, Kate	2015--Present
Sanford, Alexis	2016--Present

Source: U.S. Attorney's Office for the Western District of Michigan. Updated through March 15, 2017.



*Janet Neff from Grand Rapids Press, Feb. 13, 1980 accompanying article, "Appointments Add Experience to U.S. Attorney's Office," which announced her appointment as AUSA. Photo courtesy of MLive Grand Rapids Press.*

the number of female attorneys in the office.<sup>63</sup> Neff was an experienced attorney who had graduated from Wayne State University in 1970. She had worked initially as an Assistant City Attorney for the City of Grand Rapids and then became a partner in the firm of VanderVeen, Freihofer & Cook. She then served as a Michigan Supreme Court Commissioner. Neff only worked as an AUSA for one year. Local

attorney William Reamon, Sr. was impressed with Neff's courtroom ability and recruited her to join his firm. Neff practiced with Reamon's firm for eight years before winning a seat on the Michigan Court of Appeals.<sup>64</sup> In 2007 she became the first woman to be appointed U.S. District Court Judge in the Western District of Michigan.

Female attorneys have served in the U.S. Attorney's office for the Western District of Michigan since Kempker-Cloyd's appointment, and the number of female attorneys in the office has grown continuously. Nine other women were appointed during the 1980s and, to date, 34 female attorneys have served in the office.<sup>65</sup> Their names and terms of service are included in Table 2. In addition, women achieved a first in 2001, when Cass County attorney Margaret Chiara was appointed U.S. Attorney for the Western District of Michigan.<sup>66</sup> Currently, eleven out of thirty-five AUSAs in the office are female.<sup>67</sup>

Judge Neff recalls the importance of government service to her career and the careers of other early female attorneys in Grand Rapids. Neff notes that opportunities in city, state, and federal government were open to women at a time when other positions were closed, and that female attorneys were able to gain experience in these positions that helped them to launch their careers.<sup>68</sup> Her thoughts echo sentiments expressed in 1974 by Eleanor Acheson, Assistant Attorney General for the U.S. Department of Justice, Office of Policy Development, who was then one of the highest ranking women in the Department of Justice. She recalled, "My distinct, but unscientifically based impression during my years in private practice, somewhat buttressed by my observations now that I am at the Department, is that the government was, particularly during the pioneer years, and the still relatively tough going of the 1970s, more friendly toward women lawyers."<sup>69</sup>

While government service created opportunities for female attorneys in the early and middle decades of the 20<sup>th</sup> century, it was not until the 1970s that women began entering the legal profession in significantly greater numbers. This was a time of major change resulting from the passage of Title VII in 1964 and Title XI in 1972. Between 1970 and 1990, the percentage of women enrolled in ABA accredited law schools grew from 8.6% to 42.5%,<sup>70</sup> an increase unparalleled since the ABA began keeping statistics in 1947. During these two decades, the percentage of attorneys who were female almost tripled, growing from 2.8 to 8.1 percent.<sup>71</sup> The Grand Rapids Bar Association reported that 14 female attorneys were admitted to practice in Grand Rapids in 1977, a record number. By 2016, over half of students in ABA-accredited law schools,<sup>72</sup> and 36 percent of attorneys,<sup>73</sup> were female.

The exponential growth in the number of female attorneys from the 1970s to the present has contributed to the myth that there were no female attorneys in West Michigan in the earlier part of the 20<sup>th</sup> century. Progress for female attorneys is viewed as having started in the 1960s and 1970s. A closer look reveals, however, that, in addition to well-known women like Cook, Morris, Scott, and McKee, there are a number of other female attorneys, like Backus, Forhan, and Saunders, who made significant contributions to the legal profession in the Western District of Michigan in the early and mid-20<sup>th</sup> century. This article has only begun to tell their stories. There is much more to be learned about and from these female pioneers and their contemporaries.

## Endnotes

- 1 I would like to thank Anna Mucci, Graduate Assistant, Grand Valley State University, Mary Andrews, 6<sup>th</sup> Circuit Court Librarian, and members of the staff of the local history room at the Grand Rapids Public Library for their assistance with this article.
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- 22 U.S. Department of Justice, *Register of the Department of Justice* (Washington, D.C.: GPO, 1922), 102. For more on Watkins, see George N. Fuller, ed., *Historic Michigan: Land of the Great Lakes*, (Dayton, OH: National Historical Assn., 1928), 395 and for more on Bowman, see John W. Dasef, *History of Montcalm County, Michigan* (Indianapolis: B.F. Bowen, 1916), 592-3.
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