

## ARTICLES

### THIRTY YEARS OF THE JOURNEY OF INDIANA'S WOMEN JUDGES 1964-1994

HONORABLE BETTY BARTEAU\*

#### TABLE OF CONTENTS

<b>Table of Contents</b> .....	43
Introduction .....	45
I. The Genesis of Women in the Legal Profession in the United States . . .	46
A. <i>The State Bar Experience</i> .....	46
B. <i>The Federal Experience</i> .....	52
C. <i>Personal Lives</i> .....	53
II. The Genesis of Women in the Legal Profession in Indiana .....	55
III. The Genesis of Women in the Judiciary in the United States .....	62
IV. The Genesis of Women in the Judiciary in Indiana .....	65
V. The Arduous Climb from Bar to Bench .....	70
VI. A Profile of Indiana Women Who Have Made the Arduous Climb . . . . .	75
A. <i>Education</i> .....	75
B. <i>Family Life</i> .....	76
C. <i>Income</i> .....	77
D. <i>Path to the Profession</i> .....	78
E. <i>The Practice</i> .....	79
F. <i>Path to the Bench</i> .....	80
G. <i>Struggles for Fairness as Judges</i> .....	84
H. <i>Jurisdiction and Work Preferences</i> .....	87
I. <i>The Trails Blazed</i> .....	88
VII. Have Women Judges Made a Difference Nationally .....	88
VIII. Have Women Judges Made a Difference in Indiana .....	94
IX. Conclusion .....	96
Addendum .....	100
Appendix A: Alphabetical Summary of Women Judges .....	103
Appendix B: Chronological Summary of Women Judges .....	108
Appendix C: Biographies of Women Judges (Chronological Order) . . . . .	113

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\* Judge, Indiana Court of Appeals. J.D., Indiana University School of Law—Indianapolis; L.L.M., 1995, University of Virginia.

Appendix D: Map of State of Indiana Showing Distribution of Women Judges .....	196
Appendix E: Indiana Judges .....	197
Appendix F: Indiana Doctors .....	198
Appendix G: Indiana Senators and Representatives .....	199
Appendix H: Indiana Law Graduates .....	200
Appendix I: Years of Practice .....	201
Appendix J: Indiana Women Judges (Age) .....	202

### APPENDIX C INDEX

Biography of Vivian Sue Shields .....	113
Biography of Betty Scales Barteau .....	115
Biography of Linda L. Chezem .....	117
Biography of Judith Hayes Dwyer .....	119
Biography of Wanda Mears .....	120
Biography of Patricia J. Gifford .....	122
Biography of Antoinette Antonellis Cordingly .....	124
Biography of Betty L. (McDonel) Shelton Cole .....	126
Biography of Maryland Lewis Austin .....	128
Biography of Eleanor Bankoff Stein .....	130
Biography of Sally H. Gray .....	132
Biography of Jeanne Jourdan .....	134
Biography of Clementine B. Barthold .....	136
Biography of Mary Lee Comer .....	138
Biography of Patricia Ann McNagny .....	140
Biography of Kathy R. Smith .....	142
Biography of Judith S. Proffitt .....	143
Biography of Sarah Evans Barker .....	145
Biography of Olga Hulewicz Stickel .....	147
Biography of Mary Rudasics Harper .....	148
Biography of Margaret J. Hand .....	150
Biography of Elaine B. Elliott .....	152
Biography of Suzanne Trautman Dugan .....	154
Biography of Kelley B. Huebner .....	156
Biography of Phyllis Schramm Kenworthy .....	158
Biography of Elizabeth Ward Hammond Swarens .....	160
Biography of Cynthia S. Emkes .....	162
Biography of Z. Mae Jimison .....	164
Biography of Barbara Arnold Harcourt .....	166
Biography of Elizabeth N. Mann .....	168
Biography of Patricia Ann Woodworth Riley .....	169
Biography of Cynthia J. Ayers .....	170
Biography of Jane Spencer Craney .....	171
Biography of Susan Hay Hemminger .....	172
Biography of Paula E. Lopossa .....	174

Biography of Mary Louise McQueen .....	176
Biography of Ruth Diane Reichard .....	177
Biography of Judith A. Stewart .....	179
Biography of Lisa M. Traylor-Wolff .....	181
Biography of Nancy Eshcoff Boyer .....	182
Biography of Ronda R. Brown .....	183
Biography of Diana LaViolette .....	184
Biography of Susan Macey-Thompson .....	186
Biography of Nancy Harris Vaidik .....	187
Biography of Sheila Marie Moss .....	189
Biography of Mary Beth Bonaventura .....	191
Biography of Rosemary Higgins Burke .....	193
Biography of Heather M. Mollo .....	195

### INTRODUCTION

A few introductory comments must of necessity begin this Article. This Article's primary purpose is to review the growth in the number of women judges in Indiana over the thirty-year period beginning with the first woman's election to an Indiana court of record in 1964 through the end of 1994. This Article does not attempt to make a comparative study between the decisions of men judges and women judges, but it simply presents the progression of women judges to the bench, provides a biography of each of them, and discusses their impact on the judicial system. Because of inadequate or unavailable records, this Article will not consider women justices of the peace or women judges on town or city courts. It only reviews the women elected or appointed to county, superior, circuit, and appellate courts between 1964 and 1994. The many women who have served on courts not of record are an important part of Indiana history, for it was there that many of the first women, most not legally trained, began the acts that raised public consciousness to the point that later women were accepted in higher courts.

First, this Article presents an overview of women's struggles to become lawyers in the United States, generally, and in Indiana, specifically. Second, this Article presents an overview of the labors of women to become judges, both nationally and locally, as well as an examination of the factors hindering women's progress from the bar to the bench. Third, this Article examines the unique features women bring to the judiciary, followed by biographies of all of the Indiana women judges between 1964 and 1994.<sup>1</sup> These biographies were compiled from a questionnaire sent to the forty-six living women who have served as Indiana judges during this period.<sup>2</sup> Forty-five of these forty-six women

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1. Appendix C contains the biographies of the forty-eight women who have served as judges in Indiana. Appendix C is arranged in chronological order beginning with the biography of the first woman judge to the biography of the last woman judge to ascend to the bench in 1994. An alphabetical and chronological list of the Indiana women judges can be found in Appendix A and Appendix B, respectively.

2. Questionnaires filled out by Indiana women judges, returned to the Honorable Betty Barteau, Indiana Court of Appeals (1994) (on file with the author) (summary reproduced in

responded to the questionnaire. Additionally, two judges are deceased, and their biographies, as well as that of the one failing to respond, were constructed from available records, newspaper articles and speaking with their acquaintances.<sup>3</sup> This Article concludes with an examination of the contributions of Indiana women judges to the bench and with an attempt to gauge their impact.

## I. THE GENESIS OF WOMEN IN THE LEGAL PROFESSION IN THE UNITED STATES

### A. *The State Bar Experience*

In 1870, Esther McQuigg Morris, a non-lawyer, was appointed Justice of the Peace for the South Pass Mining Camp in Wyoming.<sup>4</sup> With her appointment, Morris became the first of an elite group of women who have served in a judicial capacity in the United States.<sup>5</sup> By the early 1900s, nearly every state required all active judges, except for municipal court judges and justices of the peace, to have formal legal training.<sup>6</sup> Thus, the assimilation of women into the judiciary, a difficult task in itself, was prefaced by a far more difficult task, the assimilation of women into the legal profession. Although women were professionally active as attorneys-in-fact in the colonies, that is, women acting as lawyers for themselves, the first woman was not admitted to the legal profession until June of 1869, when Arabelle A. Mansfield passed the Iowa bar and was admitted to practice by an Iowa District Court.<sup>7</sup>

In 1869, section 1610 of the Iowa Code of 1851, limited admission to “any white male person, 21 years of age, who is an inhabitant of this state and . . . possesses the requisite learning . . .”<sup>8</sup> Mansfield took the bar examination despite the gender-specific language. The attorneys conducting the examination recommended her admission, stating that “she has given the very best rebuke possible to the imputation that ladies cannot qualify for the practice of law.”<sup>9</sup> However, to circumvent the gender-restrictive provisions, Justice Francis Springer of the Iowa Supreme Court relied on another statute, which provided “words importing the masculine gender only may be extended to females.”<sup>10</sup> Justice Springer held that the admission statute’s specific statement of “white male person” could not be construed as an implied denial of females’ right to be admitted to the practice of law.<sup>11</sup> Therefore, in June 1869, Arabelle A. Mansfield

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Appendix C) [hereinafter Questionnaires].

3. Judge Antionette Antonellis Cordingly and Judge Susan Hay Hemminger died during their terms in office. Judge Heather Mollo did not respond to the questionnaire.

4. Larry Berkson, *Women on the Bench: A Brief History*, 65 JUDICATURE 286, 287 (1982).

5. *Id.*

6. *Id.*

7. *Id.* at 288.

8. KAREN B. MORELLO, *THE INVISIBLE BAR: THE WOMAN LAWYER IN AMERICA: 1638 TO THE PRESENT* 12 (1988).

9. *Id.*

10. *Id.*

11. *Id.*

became the first woman in the United States to be formally admitted to the bar.<sup>12</sup> The following year, Iowa amended its statute by removing the gender-specific language.<sup>13</sup>

Arabelle Mansfield's admission was accomplished without a great amount of conflict because she had the support of men in positions of power. However, at the same time, women in other states faced difficult obstacles to becoming members of the bar. For example, the Illinois Supreme Court refused to grant a license to practice law to Myra Colby Bradwell, an Illinois resident and wife of Cook County Court Judge James B. Bradwell, although she had successfully passed the required examination.<sup>14</sup>

Similar to Iowa, Illinois' statute provided that "when any party or person is described or referred to by words importing the masculine gender, females as well as males, shall be deemed to be included."<sup>15</sup> Bradwell relied on this statute in arguing that the Illinois Lawyer Admission statute encompassed female as well as male applicants.<sup>16</sup> She cited instances where women were necessarily included, such as the right to a trial by jury, laws of public domain, and laws of forcible detainer.<sup>17</sup> After denying her admission, the Illinois Supreme Court sent Bradwell a notice stating "a married woman would be bound neither by her expressed contracts nor by those implied contracts which it is a policy of the law to create between attorney and client."<sup>18</sup>

Before the Civil War, the legal condition of married women was grim largely because of the influence of Blackstone's Common Law Doctrine of Femme Couverture, which Blackstone introduced to America through his commentaries.<sup>19</sup> According to this doctrine, marriage merged a woman's legal existence into that of her husband.<sup>20</sup> As a result, she was unable to own her own property, keep control of her wages or personal effects, inherit from her husband, enter into contracts without her husband's consent, sue or be sued in her own name, initiate a divorce, or have a right of custody over her children.<sup>21</sup> Because women were not entitled to vote or to otherwise have a voice in government, they had no political means to change these restrictions.<sup>22</sup>

With Blackstone's doctrine effectively adopted, it is not surprising that the Illinois Supreme Court used it to prohibit Bradwell's admission to the bar. Undaunted, Bradwell printed the Illinois Supreme Court's notice on the front page of the *Chicago Legal News*. The *Chicago Legal News* was the first law journal

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12. *Id.*

13. *Id.* at 12-13.

14. *In re Bradwell*, 55 Ill. 535 (1869), *aff'd*, 83 U.S. 130 (1872).

15. MORELLO, *supra* note 8, at 15-16 (quoting ILL. REV. STAT. ch. 90, § 28 (1845)).

16. *Bradwell*, 55 Ill. at 541.

17. MORELLO, *supra* note 8, at 16.

18. *Bradwell*, 55 Ill. at 535-36.

19. MORELLO, *supra* note 8, at 17.

20. *Id.*

21. *Id.*

22. *Id.*

printed in the west;<sup>23</sup> it was published by Bradwell who had learned the law by researching and writing briefs for her husband's firm.

Bradwell appealed the Illinois Supreme Court's decision, asked for a new hearing, and submitted a brief arguing that "under the laws of Illinois it is neither a crime nor a disqualification to be a married woman."<sup>24</sup> Again, she was denied admission, but the Illinois Supreme Court gave a more detailed explanation. The court stated that it was denying Bradwell the right to practice law because of custom and natural law.<sup>25</sup> Bradwell printed the Illinois Supreme Court's full opinion in her legal journal and appealed the decision to the U.S. Supreme Court. She argued that under the Fourteenth Amendment and Article IV of the U.S. Constitution, she was entitled to the same privileges and immunities as citizens of all other states and that Illinois could not bar admission on the basis of sex or race.<sup>26</sup> Two years later, all except the Chief Justice of the United States voted to affirm the Illinois Supreme Court.<sup>27</sup>

According to Justice Miller's majority opinion, the decision was not based on the fact that Bradwell was a married woman, but rather was based on two other grounds. First, because Bradwell was a citizen of Illinois, the Article IV Privileges and Immunities Clause gave her no protection against Illinois courts or legislation.<sup>28</sup> Second, because admission to a state bar is not one of the privileges and immunities of U.S. citizenship, the Fourteenth Amendment did not secure the right sought by Bradwell.<sup>29</sup> The Court's ruling ensured that women would have to conduct a state by state battle to obtain the right of admission to the practice of law.

Justice Bradley's concurring opinion reflects much of the contemporary thinking at the time of the decision:

[T]he civil law, as well as nature herself, has always recognized a wide difference in the respective spheres and destinies of man and woman. Man is, or should be, woman's protector and defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life. The constitution of the family organization, which is founded in the divine ordinance, as well as in the nature of things, indicates the domestic sphere as that which properly belongs to the domain and functions of womanhood. The harmony, not to say identity, of interest and views which belong, or should belong, to the family institution is repugnant to the idea of a woman adopting a distinct and independent career from that of her husband. . . .

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23. *Id.* at 14.

24. *Id.* at 17.

25. *In re Bradwell*, 55 Ill. 535, 535-41 (1869).

26. *Bradwell v. Illinois*, 83 U.S. (16 Wall.) 130, 130 (1872).

27. *Id.* at 142.

28. *Id.* at 138; *cf.* *Supreme Court of New Hampshire v. Piper*, 470 U.S. 274 (1985).

29. *Bradwell*, 83 U.S. at 139.

It is true that many women are unmarried and not affected by any of the duties, complications, and incapacities arising out of the married state, but these are exceptions to the general rule. The paramount destiny and mission of woman are to fulfil [sic] the noble and benign offices of wife and mother. This is the law of the Creator. And the rules of civil society must be adapted to the general constitution of things, and cannot be based upon exceptional cases.

. . . In the nature of things it is not every citizen of every age, sex, and condition that is qualified for every calling and position. It is the prerogative of the legislator to prescribe regulations founded on nature, reason, and experience for the due admission of qualified persons to professions and callings demanding special skill and confidence.<sup>30</sup>

Also at this time, in June of 1870, Ada H. Kepley graduated from the Union College of Law in Chicago<sup>31</sup> (now Northwestern University School of Law), becoming the country's first women law graduate.<sup>32</sup> As it had denied Bradwell, the Illinois Supreme Court denied Kepley admission to the bar.<sup>33</sup> However, the circuit court of Effingham, Illinois, admitted Kepley to practice in the local county bar.<sup>34</sup> "The admitting judge said that although the Illinois Supreme Court had refused to license a woman in another case, he nonetheless believed that the motion to admit was proper and in accord with the spirit of the age."<sup>35</sup> Thus, Ada Kepley became the first woman to attend and graduate from a school of law before admission to the bar.<sup>36</sup>

During this time, Alta Hulett, an eighteen-year-old woman, also applied for admission to the Illinois bar.<sup>37</sup> Hulett was unmarried and did not have the same disability to contract as the Illinois Supreme Court had used in Bradwell's case; yet she too was denied a license to practice law. In response, Hulett drafted a bill providing that no person could be precluded from any occupation, profession, or employment, except the military, based on sex.<sup>38</sup> She submitted it to the Illinois Legislature. With the help of Ada Kepley, Myra Bradwell, and numerous other women, Hulett's bill was passed in 1872, and Alta Hulett became the first woman admitted to the Illinois state bar.<sup>39</sup> In the 1870s, other states amended their statutes

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30. *Id.* at 141-42 (Bradley, J., concurring).

31. MORELLO, *supra* note 8, at 49.

32. *Id.* Just over one hundred years later, Washington & Lee School of Law became the last law school to permit women to enter their first year class; D. Kelly Weisberg, *Barred from the Bar: Women and Legal Education in the United States 1870-1890*, 28 J. LEGAL EDUC. 485, 486 (1977).

33. MORELLO, *supra* note 8, at 21.

34. Berkson, *supra* note 4, at 288.

35. *Id.*

36. Weisberg, *supra* note 32, at 485 n.2.

37. MORELLO, *supra* note 8, at 21.

38. *Id.* Act of Mar. 22, 1872, 1871 Ill. Laws 578.

39. *Id.*

by dropping the word “male.”<sup>40</sup>

Myra Bradwell never reapplied for admission to the bar after the Illinois statute was passed. However, “in 1890, the Illinois Supreme Court on its own motion granted Bradwell a license to practice law” in the state.<sup>41</sup> Two years later, Bradwell was admitted to practice before the U.S. Supreme Court. However, she did not practice in front of that Court.<sup>42</sup>

It appears that Bradwell’s struggle is typical of what other women aspiring for the right to practice law had to endure. For example, Lavinia Goodell was admitted to practice at a local level in Wisconsin in 1874.<sup>43</sup> In 1875, one of Goodell’s cases was appealed to the Wisconsin Supreme Court. Goodell immediately applied for admission to the state bar so she could represent her client.<sup>44</sup> However, the Wisconsin Supreme Court denied Goodell admission.<sup>45</sup> The Wisconsin statute governing admission to the bar did not prohibit women nor restrict admission to males, but the words “he” and “his” were used referring to applicants.<sup>46</sup> Goodell unsuccessfully argued that the Wisconsin statute which allowed the masculine gender in statutes to be extended and applied to females, applied to the statute governing admission to the practice of law.<sup>47</sup> In denying Goodell’s admission, Chief Justice Edward Ryan ruled that to say the masculine pronoun includes women would be “judicial revolution” not “judicial construction.”<sup>48</sup> Chief Justice Ryan stated in his opinion:

Nature has tempered women as little for the juridical conflicts of the court room, as for the physical conflicts of the battle field. Womanhood is moulded for gentler and better things. And it is not the saints of the world who chiefly give employment to our profession. It has essentially and habitually to do with all that is selfish and malicious, knavish and criminal, coarse and brutal, repulsive and obscene in human life. It would be revolting to all female sense of the innocence and sanctity of their sex, shocking to man’s reverence for womanhood and faith in woman, on which hinge all the better affections and humanities of life, that woman should be permitted to mix professionally in all the nastiness of the world which finds its way into courts of justice . . . .<sup>49</sup>

The radical nature of Justice Ryan’s opinion brought a swift reaction from the press. The *Wisconsin State Journal* wrote, “[i]f her purity is in danger, it would

40. Weisberg, *supra* note 32, at 486-87; MORELLO, *supra* note 8, at 21-22.

41. MORELLO, *supra* note 8, at 21.

42. *Id.*

43. *Id.* at 22.

44. *Id.* at 23.

45. *In re Goodell*, 39 Wis. 232 (1875); MORELLO, *supra* note 8, at 23-25.

46. Act of Apr. 10, 1861, ch. 189, § 5, 1861 Wis. Laws 218, 219; *Goodell*, 39 Wis. at 233.

47. *Goodell*, 39 Wis. at 233.

48. *Id.* at 242.

49. *Id.* at 245-46.

be better to reconstruct the court and bar than to exclude women.”<sup>50</sup> On March 8, 1877, through Goodell’s efforts, the legislature revised the Wisconsin statute by adding the following: “[N]o person shall be denied a license [to practice as an attorney in any court of this state] on account of sex.”<sup>51</sup> After the bill passed, Goodell again petitioned for admission, and on June 18, 1879, she was admitted to the Wisconsin bar.<sup>52</sup> Justice Ryan dissented from her admission.<sup>53</sup>

Lemma Barkaloo was one of the nation’s first woman law students, and she was Missouri’s first woman lawyer after being admitted to the bar in March 1870.<sup>54</sup> Barkaloo had struggled to become a lawyer. Barkaloo desired admission to both Columbia and Harvard Law Schools.<sup>55</sup> At the time she was denied admission to Columbia, in 1868, an entry in Columbia’s George Templeton Strong’s diary reflected the attitude of the day. It read: “No woman shall degrade herself by practicing law in New York especially if I can save her. . . . ‘Women’s Rights Women’ are uncommonly loud and offensive of late. I loathe the lot.”<sup>56</sup> Although she was not a Midwesterner, Barkaloo abandoned a career in music in her home state of New York and moved to Missouri to attend law school at Washington University in St. Louis.<sup>57</sup>

Charlotte E. Ray was the first woman admitted to the District of Columbia bar.<sup>58</sup> Ray was a graduate of Howard University School of Law.<sup>59</sup> It is said that Howard University initially resisted the admission of a woman to its law classes and that Ray gained entry “by a clever ruse.”<sup>60</sup>

At the time of her admission to the law school, Ray was an instructor in the Normal and Preparatory Department of Howard University and sent in her application as C.E. Ray.<sup>61</sup> It was not until after her admission that Howard University discovered that Ray was a woman.<sup>62</sup> Ray was a legal scholar, as reflected by the 1870 annual report of the university president where he reported that a trustee of the law school was amazed to find “there was a colored woman who read us a thesis on corporations, not copied from books but from her brain, a clear incisive analysis of one of the most delicate legal questions.”<sup>63</sup> With her 1872 admission to the District of Columbia bar, Ray became not only the first

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50. MORELLO, *supra* note 8, at 25 (quoting THE WISC. ST. J., Feb. 17, 1876).

51. Act of Mar. 8, 1877, ch. 300, sec. 1, § 5, 1877 Wis. Laws 616, 616 (amending Act of Apr. 10, 1861, ch. 189, § 5); MORELLO, *supra* note 8, at 26.

52. *Id.*

53. *Id.*

54. *Id.* at 44.

55. *Id.*

56. *Id.* at 44-45, 76 (quoting George T. Strong, Diary).

57. *Id.* at 44.

58. *Id.* at 146.

59. *Id.*

60. *Id.* at 145.

61. *Id.* at 145-46.

62. *Id.*

63. *Id.* at 146.

woman lawyer in the District of Columbia, but also the first African-American woman lawyer in the United States.<sup>64</sup>

### B. *The Federal Experience*

Women's slow and tedious admission to the practice of law in various state courts was paralleled by women's struggles for admission to practice law in the federal courts. Belva Lockwood was one of the women who sought admission to practice in the federal courts in the 1870s.<sup>65</sup> Lockwood had struggled at every step of her legal career. In 1869, Lockwood tried unsuccessfully to be admitted to both Georgetown and Howard law schools.<sup>66</sup> Lockwood was also denied admission to the Law Department of Columbia College in Washington, D.C. in 1869, because her presence "would be likely to distract the attention of the young men."<sup>67</sup> Lockwood was nearly forty years old when she received this refusal and called the excuse "ridiculous."<sup>68</sup>

Finally, the newly formed National University School of Law, later George Washington University National Law Center, admitted Lockwood where she completed the course in 1873.<sup>69</sup> However, the law school would not give her a diploma because the male students threatened to boycott any graduation exercises that required them to share the stage with a woman.<sup>70</sup> Lockwood wrote to President Ulysses S. Grant, also President of the law school, saying: "If you are [the law school's] president . . . I have passed through the curriculum of study in this school . . . and demand my diploma. If you are not its President, then I ask that you take your name from its papers, and not hold out to the world to be what you are not."<sup>71</sup> She received no reply, but a few days later her degree was awarded.<sup>72</sup>

In 1873, after building a legal practice in the Washington, D.C. area, Lockwood was refused the right to plead a case before the U.S. Court of Claims;<sup>73</sup> in 1876, Lockwood was also denied admission to the U.S. Supreme Court.<sup>74</sup>

The federal statute then in existence providing for admission to the U.S. Supreme Court was gender neutral. However, Chief Justice Morrison Waite, upon denying Lockwood's admission to the Court, stated that as a matter of custom the rule granted "none but men" the privilege of practice.<sup>75</sup> After her denial,

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64. *Id.* at 146-47.

65. *Id.* at 71.

66. *Id.*

67. *Id.*

68. *Id.*

69. *Id.*

70. *Id.*

71. *Id.* at 72.

72. *Id.*

73. *Id.* at 31-33; *In re Lockwood*, 9 Ct. Cl. 346 (1873).

74. MORELLO, *supra* note 8, at 33.

75. *In re Robinson*, 131 Mass. 376, 383 (1881) (quoting *In re Lockwood* (U.S. 1876) (unreported order denying Lockwood's admission to practice before the Supreme Court)).

Lockwood led a fight for passage of a federal statute that would prevent the exclusion of women from practice before the U.S. Supreme Court.<sup>76</sup> In 1879, the act was passed.<sup>77</sup> The act enabled women to practice before the U.S. Supreme Court only if they had been members of the bar of the highest court of a state or territory, or of the Supreme Court of the District of Columbia, for at least three years.<sup>78</sup>

Finally, in March of 1879, Lockwood became the first woman admitted to practice before the U.S. Supreme Court.<sup>79</sup> Lockwood continued her activism in the political arena. In 1884 and 1888, Lockwood was a candidate for President of the United States on the Equal Rights ticket.<sup>80</sup>

The activism of women like Morris, Mansfield, Bradwell, Kipley, Hulett, Goodell, Barkaloo, Ray, and Lockwood, illustrates the hurdles for women who aspired to be lawyers in our early history. These pioneer lawyers' determination was aptly expressed by Belva Lockwood when she said, "I never stopped fighting. My cause was the cause of thousands of women."<sup>81</sup> Despite the problems encountered, by 1880 approximately twelve states and the District of Columbia had admitted women to the bar.<sup>82</sup> When Belva Lockwood died in 1917, all but four states allowed women to practice law.<sup>83</sup>

### C. *Personal Lives*

The women discussed herein were representative of the many women lawyers in this period and later. Many of the women, both married and single, had influential male relatives who were lawyers. These women sought admission to the bar with the support of their families. Lawyer brothers, fathers, or husbands gave many of the women the opportunity to learn the law. By 1890, one-third of the 135 women lawyers in the United States were married women, of which more than one-half were married to lawyers.<sup>84</sup> That same year, there were twenty husband and wife law partnerships in the United States.<sup>85</sup>

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76. MORELLO, *supra* note 8, at 34.

77. *Id.* at 35; Act of Feb. 15, 1879, ch. 81, 20 Stat. 292 (codified as amended at 28 U.S.C. § 353 (1946) (repealed 1948)).

78. MORELLO, *supra* note 8, at 35.

79. *Id.*

80. *Id.* at 36-37.

81. *Id.* at 38.

82. Berkson, *supra* note 4, at 290. Those states and the year they, and the District of Columbia, first admitted women to the bar are as follows: Iowa (1869); Illinois (1870); Michigan (1871); Missouri (1871); District of Columbia (1872); Utah (1872); Maine (1872); Ohio (1873); Indiana (1875); Wisconsin (1875); Minnesota (1877); California (1878); and North Carolina (1878). MORELLO, *supra* note 8, at 37-38.

83. MORELLO, *supra* note 8, at 38. The four states, and the year they first admitted women to the bar are as follows: Arkansas (1918); South Carolina (1918); Rhode Island (1920); and Delaware (1923).

84. Weisberg, *supra* note 32, at 494-95.

85. *Id.* at 495.

Although Myra Bradwell never practiced law, she sought admission to assist her judge husband.<sup>86</sup> Her daughter, Bessie Bradwell Helmer, became an attorney and practiced with her attorney husband, Frank Helmer.<sup>87</sup> Kate Pier and her mother, Mrs. C.K. Pier, both graduated from Wisconsin Law School in 1887 and joined Mr. Pier in a law partnership.<sup>88</sup> Also, Arabelle Babb Mansfield's brother was an attorney.<sup>89</sup>

The usual nature of the practice for these women lawyers was solely office work; however, a handful of women did trial work.<sup>90</sup> Approximately one-fifth of the women attorneys that can be identified between 1870 and 1890 never practiced law at all.<sup>91</sup>

The women used their law degrees in different ways.<sup>92</sup> For example, Arabelle Babb Mansfield, the first woman lawyer in the United States, was twenty-three in June of 1869 when she faced a committee of law examiners and was admitted to the Iowa bar.<sup>93</sup> Prior to her admission, Mansfield had served a law apprenticeship in her brother's law firm, Ambler & Babb.<sup>94</sup> In 1868, Mansfield married Iowa Wesleyan College professor John Mansfield, who encouraged her legal studies and efforts for women's suffrage.<sup>95</sup> After her admission, Arabelle Babb Mansfield never practiced law.<sup>96</sup> Instead, while traveling with her husband in Europe, Mansfield continued her legal studies; upon her return to the United States, she joined the Iowa Wesleyan faculty.<sup>97</sup> In 1881, Mansfield and her husband accepted faculty positions at DePauw University in Greencastle, Indiana, where she retired as Dean of the DePauw School of Music and Art.<sup>98</sup> Mansfield died in 1911.<sup>99</sup>

Many women were active in different social movements and politics, with a few being ardent suffragettes.<sup>100</sup> In 1910, the U.S. Census Bureau reported a total of 122,149 lawyers and judges in the United States of whom women numbered 1343 (approximately 1% of the total).<sup>101</sup> By 1963, the number of lawyers had

86. *Id.* at 496.

87. *Id.*

88. *Id.*

89. *Id.* at 494-95; MORELLO, *supra* note 8, at 11.

90. Weisberg, *supra* note 32, at 496.

91. *Id.* at 498.

92. *Id.*

93. MORELLO, *supra* note 8, at 11.

94. *Id.* at 11-12.

95. *Id.* at 12.

96. *Id.* at 13.

97. *Id.*

98. *Id.* at 13-14.

99. *Id.* at 14.

100. Weisberg, *supra* note 32, at 501.

101. 4 U.S. CENSUS BUREAU, U.S. DEP'T OF COMMERCE, THIRTEENTH CENSUS OF THE UNITED STATES 54 (1914); Berkson, *supra* note 4, at 289 (citing GRIFFIN, EMPLOYMENT OPPORTUNITIES FOR WOMEN IN LEGAL WORK 2 (1958)).

risen to 296,069, with 2.7% of them women.<sup>102</sup> The percentage of women lawyers had increased to approximately 13% by 1980, representing nearly 59,000 women who had been admitted to the practice of law in the United States.<sup>103</sup> In 1991, 20% of all lawyers were women.<sup>104</sup> However, in 1991, of all practicing lawyers, those admitted prior to 1975 made up 44% of the lawyer population, and only 5% of the admittees prior to 1975 were women.<sup>105</sup>

## II. THE GENESIS OF WOMEN IN THE LEGAL PROFESSION IN INDIANA

While women were entering the legal profession throughout the nation, women were not sitting still in Indiana. In 1893, Antoinette Dakin Leach, heralded as Indiana's first woman lawyer, was admitted to the practice of law in Indiana by order of the supreme court.<sup>106</sup> However, the records reflect that at least two women, and perhaps more, preceded Leach into the practice of law as a result of admission by lesser courts.<sup>107</sup> At that time, admissions to the bar were made by individual circuit courts throughout the state.<sup>108</sup> Each person wishing to be admitted to the practice in a particular county had to petition the circuit court judge in that county.<sup>109</sup> Judges were not uniform in their interpretations of the constitutional provisions on bar admissions.<sup>110</sup> Thus, women were admitted in some counties and not in others.<sup>111</sup>

In the 1890s, Indiana had no central registry of Indiana lawyers.<sup>112</sup> It is therefore difficult to ascertain the exact number of women admitted into some level of practice. However, Order Book Number 24 of the Vigo Circuit Court shows that on September 8, 1875, Attorney William Mock moved the court to admit Bessie Eaglesfield to practice law in all of the courts of justice.<sup>113</sup> The

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102. Berkson, *supra* note 4, at 289 (citing James J. White, *Women in the Law*, 65 MICH. L. REV. 1051 (1967)) (White agrees that 2.7% of the total are women, but places the total number of lawyers at 268,782 as of 1963.); BARBARA A. CURRAN ET AL., *THE LAWYER STATISTICAL REPORT: A STATISTICAL PROFILE OF THE U.S. LEGAL PROFESSION IN THE 1980S 1-9* (1985).

103. Berkson, *supra* note 4, at 289 (citing U.S. BUREAU OF LABOR STATISTICS, DEP'T. OF LABOR, MONTHLY REPORT, EMPLOYMENT AND EARNINGS 180 (1981)).

104. BARBARA A. CURRAN, A.B.A., *WOMEN IN THE LAW: A LOOK AT THE NUMBERS 8* (1995).

105. Barbara A. Curran & Clara N. Carson, *The U.S. Legal Profession in the 1990s*, *THE LAWYER STATISTICAL REPORT* (1994).

106. James E. Farmer, *Indiana's First Woman Lawyer: The Historical Evidence*, 37 RES GESTAE 109, 109 (1993) [hereinafter *Indiana's First Woman Lawyer*].

107. *Id.*

108. *Id.*

109. *Id.*

110. *Id.*

111. *Id.*

112. *Id.*

113. *Id.* In stating her qualifications to be admitted, Eaglesfield falsely alleged that she was a voter. She evidently felt this allegation was essential because article VII, section 21 of the Indiana Constitution required an admittee to be a voter. However, it would have been impossible for

motion was granted, and Eaglesfield was admitted to the bar. History reflects that Eaglesfield graduated in 1877 from the University of Michigan School of Law,<sup>114</sup> so she was apparently admitted to the Indiana bar prior to completion of law school.

Other claims were made to being the first woman lawyer in Indiana. Civil Order Book Number 28 of the Hendricks Circuit Court reflects that on January 26, 1886, CeDora Lieuellen was admitted to practice on the motion of Attorney Muratt W. Hopkins.<sup>115</sup> Unlike Eaglesfield, who practiced for a time in Terre Haute and Indianapolis, as well as Grand Rapids, Michigan, Lieuellen apparently never practiced law.<sup>116</sup>

A claim has been made that Stella Colby Meeker of Crown Point, Indiana, admitted in 1893, was Indiana's first woman lawyer.<sup>117</sup> Lafayette boasts of Helen M. Gougar, a suffragette who appeared before the Indiana Supreme Court acting as her own attorney after being barred from casting a ballot in the 1894 general election.<sup>118</sup> Gougar's bar admission was on January 10, 1895, the same day she stood in Tippecanoe Superior Court to challenge the denial of her right to vote.<sup>119</sup>

Finally, Wendell L. Willkie, a 1940 presidential candidate, contended that his mother, Henrietta Trisch Willkie of Elwood, Indiana, was the first woman lawyer in Indiana.<sup>120</sup> But the *Anderson Bulletin* stated that Mrs. Willkie took her oath on July 11, 1897, which is much later than when Eaglesfield, Lieuellen, or even Leach took their oaths.<sup>121</sup> In her admission to the bar, Mrs. Willkie was strongly opposed by an attorney, J.E. Beeler.<sup>122</sup> They both had written statements published in the *Anderson Bulletin*.<sup>123</sup> Attorney Beeler argued, "I am not opposed to women practicing law because I am prejudiced against their happiness, but because I am their friend."<sup>124</sup> Beeler continued, "The happiest women we see are those who learn to love their homes away from the worries and strifes of this life, with their families gathered about them, teaching them to become good citizens in this life, and directing their erring steps for the life to come."<sup>125</sup>

Henrietta Willkie wrote, "My efforts in seeking admission to the Madison County Bar and to practice in the Indiana courts are not prompted by a desire to make a livelihood or money for myself, but to lend what aid I may to remove the

Eaglesfield to be a voter because women were not allowed to vote at that time.

114. *Id.*

115. *Id.* at 110.

116. *Id.*

117. *Id.*

118. *Id.* at 111.

119. Women in the Law Banquet, Program at the Indiana State Bar Association 97th Annual Meeting, (October 28, 1993).

120. *Indiana's First Woman Lawyer*, *supra* note 106, at 110.

121. *Id.*

122. *Id.*

123. *Id.*

124. *Id.*

125. *Id.* at 110-11.

popular prejudice against women entering all honorable professions with men, and letting ability, and not sex, mark the distinction of attainments."<sup>126</sup> Mrs. Willkie noted that a charge had been made that such a move would interfere with the "sanctity of the home," and said, "It is to refute this charge against our sex that has especially urged me onward in my ambitions and to give those theorists an example of its falsity."<sup>127</sup>

Prior to her admission, Henrietta Willkie worked in the law office of her husband, Herman F. Willkie, and apparently continued to do so after her admission to the bar.<sup>128</sup> The Willkies had five children at the time, one of whom was Wendell.<sup>129</sup>

Despite these contradictory claims of firsts, it was clearly Antoinette Dakin Leach whose 1893 appeal to the Indiana Supreme Court firmly and finally granted all Indiana women the right to be admitted to the practice of law.<sup>130</sup> Leach had asked the circuit judge in the Greene/Sullivan Circuit Court for admission to practice law.<sup>131</sup> The judge rejected Leach's petition.<sup>132</sup> However, records preserved in the Indiana State archives indicate that the judge may have been deliberately setting the stage for a test of the state constitutional provision that, "[e]very person of good moral character, being a voter, shall be entitled to admission to practice law in all courts of Justice."<sup>133</sup>

Antoinette Dakin Leach was born in Ohio in 1859. When she was fourteen years old she graduated from the Ascension Seminary in Sullivan, Indiana. Leach taught school for four years before enrolling at Ohio Wesleyan University in Delaware, Ohio.<sup>134</sup> In 1879, at the age of twenty, Leach returned to Indiana to marry George W. Leach, a Sullivan businessman.<sup>135</sup> Leach may have been one of Indiana's first proponents of antenuptial contracts. Prior to her marriage, Leach made a prenuptial agreement with George that allowed her to pursue a profession.<sup>136</sup>

In the first five years of her marriage, Leach gave birth to a son and a daughter and explored career possibilities.<sup>137</sup> Leach trained as a stenographer, shorthand writer, and court reporter in Sullivan and Greene County and introduced both stenography and shorthand to the local community.<sup>138</sup> Leach became well-known

126. *Id.* at 111.

127. *Id.*

128. *Id.*

129. *Id.*

130. *Id.* at 109.

131. James E. Farmer, *Women in the Law: A Centennial Legacy of Antionette Dakin Leach*, 37 RES GESTAE 106, 106 (1993).

132. *Id.*

133. *Id.*; IND. CONST. art. VII, § 21 (repealed 1932).

134. Farmer, *supra* note 131, at 109.

135. *Id.* at 108.

136. *Id.* at 108-09.

137. *Id.* at 109.

138. *Id.*

as a teacher and advocate of modern stenography.<sup>139</sup>

In 1884, Leach enrolled in law school in Knoxville, Tennessee and received her degree the same year.<sup>140</sup> She continued her legal studies in Detroit.<sup>141</sup> In 1888, Leach returned to Sullivan where she worked in the law office of John S. Bays.<sup>142</sup> While working for Bays, Leach continued to serve as a court reporter in the local circuit court and was active in the suffrage movement.<sup>143</sup> In 1893, when she applied for admission to the Greene County bar, Leach was well-known to the local bar, who supported her petition to Judge John C. Briggs, for whom she had worked as a court reporter, and to the community at large, because of her work in the suffrage movement.<sup>144</sup> On February 14, 1893, John Bays, Leach's attorney, associate, employer, and friend, petitioned the Greene Circuit Court for her admission to the practice of law.<sup>145</sup> The petition asserted that Leach was a woman over the age of twenty-one, a resident of Sullivan, Indiana, for more than fifteen years, and possessed both good moral character and a thorough knowledge of the law.<sup>146</sup> The petition further stated that Leach was willing to be examined by the judge or any committee of the bar selected by the judge.<sup>147</sup>

At that time, Indiana had both a constitutional provision and a statute addressing the admission of attorneys. Article VII, section 21 of the 1851 Indiana Constitution provided that: "Every person of good moral character, being a voter, shall be entitled to admission to practice law in all courts of justice."<sup>148</sup>

The Indiana General Assembly had also adopted a statute that tracked the constitutional provision but added:

[A]nd any person desiring admission to the bar, may, upon motion, be examined touching his learning in the law, by the Judge, or a committee of the bar whom the Judge may select for that purpose. If he shall be found, by reason of his learning, qualified to practice the law, as well as otherwise qualified, he shall be admitted to the practice. . . . A roll of attorneys shall be kept in every Court, and no name shall be placed thereon except such as are thus shown to be qualified to practice law by reason of their learning therein.<sup>149</sup>

In denying Leach's petition, Judge Briggs made special findings that she possessed a good moral character and was learned in the law.<sup>150</sup> Women did not

139. *Id.*

140. *Id.* at 106.

141. *Id.* at 109.

142. *Id.*

143. *Id.*

144. *Id.* at 106-09.

145. *Id.* at 106.

146. Brief for Petitioner at 3, *In re Leach*, 34 N.E. 641 (Ind. 1893) (No. 16972).

147. *Id.* at 3-4.

148. IND. CONST. art. VII, § 21 (repealed 1932).

149. Act of Apr. 7, 1881, ch. 38, § 831, 1881 Ind. Acts 240, 383 (superseded 1932).

150. Farmer, *supra* note 131, at 106.

have the right to vote at that time, so Judge Briggs concluded that Antoinette Leach, not being a voter, is not entitled to be admitted to practice law at the bar on the Greene Circuit Court.<sup>151</sup> The denial of Leach's admission was clearly based on the constitutional provision requiring that the admittee be a voter.

Thus, the circuit court set the stage for Leach's appeal to decide the issue of whether an applicant's gender, which denied her the right to vote, was sufficient to bar her from the legal profession. Leach's appellate brief was among the very first typewritten briefs to be submitted to the Indiana Supreme Court.<sup>152</sup> In her brief, Leach argued that the generosity of the constitution in admitting voters to the practice of law only expanded the opportunity to a class not heretofore recognized and did not limit admission to those who were voters.<sup>153</sup> Leach argued that the constitution should be construed to enlarge the class of people eligible, not to shrink the eligible class.<sup>154</sup>

Leach also argued that there was no intent, either in the constitution or the statute, to exclude women from the practice of law on account of their sex and stated that "[w]e are not to forget that all statutes are to be construed, as far as possible, in favor of equality of rights."<sup>155</sup> Leach noted that the U.S. Supreme Court and other state courts had held that the term "person" included an Indian,<sup>156</sup> persons of both sexes,<sup>157</sup> and married as well as single women.<sup>158</sup> Thus, she insisted that the word "'persons' must be used in its general sense . . . and not in a limited sense."<sup>159</sup>

Finally, Antoinette Dakin Leach wrote: "We are living in an age of advancement. Bigotry and prejudice [sic] are giving way before the enlightened thought of better ages and less barbarous times, and many harsh and unreasonable rules have fallen before the spirit of enlightened reason and true progress."<sup>160</sup> Leach argued that in her case "there is neither law, reason, nor excuse, for holding that a *person* who is, in the language of the special finding, of 'sufficient knowledge of the law to qualify her to be admitted to practice law in the Courts of the State of Indiana and the Greene Circuit Court and is sufficiently qualified to so practice law in the Courts of said State,' is disqualified under our Constitution. . . ."<sup>161</sup>

Because the circuit court had specifically found Leach to be learned in the law, she contended that to deny her admission would violate the common law, which

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151. *Leach*, 34 N.E. at 641. Farmer, *supra* note 131, at 106.

152. Farmer, *supra* note 131, at 110.

153. Brief for Petitioner at 9, *In re Leach*, 34 N.E. 641 (Ind. 1893) (No. 16972).

154. *Id.*

155. *Id.* at 6.

156. *Id.* at 11 (citing *United States ex rel. Standing Bear v. Crook*, 25 F. Cas. 695, 697 (C.C.D. Neb. 1879) (No. 14,891)).

157. *Id.* (citing *Brown v. Hemphill*, 74 Ga. 795 (1885)).

158. *Id.* (citing *Benny v. Globe Nat'l Bank*, 150 Mass. 581 (1890)).

159. *Id.* (citing *In re Hall*, 50 Conn. 131 (1882)).

160. *Id.* at 13 (citing *Haynes v. Nowlin*, 29 N.E. 389 (1891)).

161. *Id.* at 14 (emphasis added).

required only that a person be learned. In her brief, Leach further contended:

This would seem strange indeed that the applicant, who is a person of culture and learning, who would bring into the profession knowledge, scholarship and enlightenment, is to be relegated to the rear, to make way for some clever clown, for the reason that he can exercise the right of elective franchise, though he be uneducated and untutored.<sup>162</sup>

Leach's appeal was heard by the five justices of the Indiana Supreme Court. Justice Leonard J. Hackney, a thirty-eight-year-old man who had joined the court only four months before, became responsible for the majority decision.<sup>163</sup> Justice Hackney was a Democrat from Shelbyville, Indiana, who in November 1892, had been elected to the Indiana Supreme Court after four years as the Shelby Circuit Court Judge.<sup>164</sup> Justice Hackney wrote quite simply and eloquently when he rendered the court's decision on June 14, 1893. Justice Hackney reversed the circuit court, stating that "[w]hile voters, of good moral character, are granted admission, upon application and proper evidence, there is no denial of such right to women."<sup>165</sup> He termed as "fictions" ancient customs relegating women to the domestic scene, and said, "If nature has endowed woman with wisdom, if our colleges have given her education, if her energy and diligence have led her to knowledge of the law, and if her ambition directs her to adopt the profession, shall it be said that forgotten fictions must bar the door against her?"<sup>166</sup> He decided that to enforce rules of common law for the exclusion of women would abridge their privileges as citizens.<sup>167</sup>

Examining the common law, Justice Hackney found that it was by the "customs and usages of Westminster Hall," and not by explicit pronouncement, that women were excluded from the legal profession.<sup>168</sup> Describing the "custom and usage" as "incident to the prevailing order of society—that to the domestic sphere, *only*, did the functions of womanhood belong [. . .]. [Judge Hackney concluded that] [s]uch of these fictions as became a part of the law of this country are rapidly disappearing, and few if any of them exist in Indiana."<sup>169</sup>

In referring to the common law, Justice Hackney found that

[w]hatever the objections of the common law of England, there is a law higher in this country, and better suited to the rights and liberties of American citizens,—that law which accords to every citizen the natural right to gain a livelihood by intelligence, honesty, and industry in the arts, the science, the professions, or other vocations. This right . . . must be

162. *Id.* at 9.

163. Farmer, *supra* note 131, at 107.

164. *Id.*

165. *Leach*, 34 N.E. at 641.

166. *Id.*

167. Farmer, *supra* note 131, at 107 (citing *Leach*, 34 N.E. at 642-43).

168. *Leach*, 34 N.E. at 641-42.

169. *Id.* (emphasis added).

held to exist as long as not forbidden by law.<sup>170</sup>

Thus, the Indiana Supreme Court held that women could practice law because they were not expressly forbidden from doing so by state law or by the constitution, because as citizens they had the privilege of choosing a profession, because society had progressed to such a state to make such choices acceptable, and because they now wanted to enter the profession.<sup>171</sup> That women wanted to enter the practice of law was not in question; a Petition for Immediate Decision was filed by W.H. Latta in the *Leach* case stating that “two young ladies, who will receive their diplomas” from DePauw School of Law on June 14, 1893, desire to practice law.<sup>172</sup>

This decision was certainly more enlightened than that of the Illinois Supreme Court which denied Myra Bradwell’s petition to practice law in the State of Illinois with rhetoric such as: “That God designed the sexes to occupy different spheres of action, and that it belonged to men to make, apply, and execute the laws, was regarded as an almost axiomatic truth.”<sup>173</sup> Indeed, the U.S. Supreme Court, in affirming the *Bradwell* decision of the Illinois Supreme Court joined in the rhetoric, observing: “The paramount destiny and mission of woman [sic] are to fulfill the noble and benign offices of wife and mother. This is the law of the Creator. And the rules of the civil society must be adapted to the general constitution of things. . . .”<sup>174</sup>

The *Leach* decision was not relished by many among the 2450 lawyers then in the State of Indiana.<sup>175</sup> An Indianapolis attorney wrote in *The Bench and Bar of Indiana* in 1895 that the decision “has not been accepted by the Bar.”<sup>176</sup> Because “only voters” could be admitted, he claimed, “no one seriously thought that a woman could be admitted.”<sup>177</sup> He added, “[t]here was no prejudice against her admission, but simply an understanding that it was impossible.”<sup>178</sup> A 1900 report of the fledgling Indiana State Bar Association quoted a former Attorney General as referring to such cases as “petticoat decisions.”<sup>179</sup>

Antoinette Dakin Leach was sworn in as a member of her county bar on October 10, 1893, and she was finally able to appear in court.<sup>180</sup> Leach maintained a general practice, including criminal defense, for twenty-four years.<sup>181</sup> By 1896, Leach had her own office in “her elegant home on West Washington Street in Sullivan,” where it was said that she “gathered together one of the finest working

170. *Id.* at 641-42.

171. *Id.* at 642.

172. Petition for Immediate Decision at 1, *In re Leach*, 34 N.E. 641 (Ind. 1893) (No. 16972).

173. *In re Bradwell*, 55 Ill. 535, 539 (1869), *aff'd*, 83 U.S. 130 (1872).

174. *Bradwell v. Illinois*, 83 U.S. 130, 141-42 (1872).

175. *Farmer*, *supra* note 131, at 107.

176. *Id.* at 107-08.

177. *Id.* at 108.

178. *Id.*

179. *Id.*

180. *Id.*

181. *Id.*

law libraries in Sullivan” [and] “knew how to find therein the decisions which supported her theory of a case.”<sup>182</sup>

Although in 1893, Antoinette Dakin Leach’s successful appeal guaranteed the rights of all qualified Indiana women to be admitted to the practice of law, Indiana dates the admission of its first woman lawyer from 1875 in the person of Miss Elizabeth (Bessie) Eaglesfield.<sup>183</sup> Only seven states and the District of Columbia had admitted women to practice law prior to the admission of Indiana’s first lawyer. Those women and states were: Ada H. Kepley (Illinois 1870); L.M. Barkaloo (Missouri 1870); Sarah Kilgore (Michigan 1871); Charlotte E. Ray (District of Columbia 1872); Clara H. Nash (Maine 1872); Phoebe W. Couzens (Utah 1872); Nettie C. Lutes (Ohio 1873); and Elsie B. Botensek (Wisconsin 1875).<sup>184</sup>

### III. THE GENESIS OF WOMEN IN THE JUDICIARY IN THE UNITED STATES

Women had three formidable obstacles in breaking a path to the judiciary. They had to be educated in the law, politically powerful and experienced attorneys.<sup>185</sup> Winning admission to law schools was just the beginning of the struggle to claim benches in the United States. In fact, the first woman to serve as a judge was not legally trained, but was a milliner. She was Esther McQuigg Morris.<sup>186</sup> Prior to her appointment, “Morris had been instrumental in drafting and gaining passage of the 1869 Women’s Suffrage Bill, which made Wyoming women the first in the world to win equal suffrage.”<sup>187</sup> When the bill was signed into law, P.S. Barr, the presiding justice of the peace, resigned in protest, sarcastically suggesting a woman might better fill the office.<sup>188</sup> The County Commissioners took him at his word and appointed Esther Morris.<sup>189</sup>

In 1886, Carrie Burnham Kilgore, another ardent suffragette, was named a master of chancery in Philadelphia, becoming one of the first women to serve in a state judiciary.<sup>190</sup> Kilgore was also the first woman to graduate from the University of Pennsylvania Law School and the first woman in New York State to earn a medical degree.<sup>191</sup> Other women slowly were appointed to the bench and joined the ranks of women jurists.

It was not until 1921, however, that a woman was elected, rather than appointed, to a judicial position.<sup>192</sup> Florence Ellinwood Allen was elected as

182. *Id.* at 108-10.

183. *Indiana’s First Woman Lawyer*, *supra* note 106, at 109.

184. Berkson, *supra* note 4, at 290.

185. See Beverly B. Cook, *The Path to the Bench: Ambitions and Attitudes of Women in the Law*, TRIAL, Aug. 1983, at 48, 48.

186. MORELLO, *supra* note 8, at 219.

187. *Id.*

188. *Id.*

189. *Id.* at 219-20.

190. *Id.* at 223.

191. *Id.*

192. *Id.* at 233.

Judge of the Court of Common Pleas in Cuyahoga County, Ohio.<sup>193</sup> Prior to studying law at the University of Chicago Law School, Florence Allen was an accomplished pianist and worked as a music critic and teacher.<sup>194</sup> Allen was the only woman in her law class; when she excelled, her fellow law students attributed her success to having an unnaturally "masculine mind."<sup>195</sup> Allen transferred to New York University and, in 1913, graduated second in her class.<sup>196</sup>

Allen was unable to get a job with any law firm in Ohio, so she set up her own law practice.<sup>197</sup> Five years later she was offered a job as Assistant Cuyahoga County Prosecutor.<sup>198</sup> In 1920, Florence Allen successfully campaigned for a trial judgeship in Cleveland on the basis of an equal right to and competence for office.<sup>199</sup> Allen's election came only ten weeks after women were given the right to vote.<sup>200</sup> She refused to accept a special assignment to domestic relation cases, which her brethren thought appropriate for her gender.<sup>201</sup>

Allen became the first woman judge in the United States to sentence a defendant to death.<sup>202</sup> In the following year, she became the first woman elected as a state supreme court justice.<sup>203</sup> During her second term on the Ohio Supreme Court in 1934, President Franklin D. Roosevelt appointed her to the U.S. Sixth Circuit Court of Appeals, thus becoming the first woman to serve on the U.S. Court of Appeals.<sup>204</sup> Allen remained the only woman on a federal court of appeals for thirty-two years.

"The first woman to serve on a state intermediate appellate court was Annette Adams."<sup>205</sup> In 1942, Adams was appointed to the Third District Court of Appeals in Sacramento, California.<sup>206</sup>

Forty-three years after Florence Allen's election to a state supreme court, a woman was first selected as chief justice of a state supreme court. Lorna Lockwood had served on the Maricopa County Superior Court from 1951 to 1960 and served on the Arizona Supreme Court for four years before assuming its leadership in 1965.<sup>207</sup> Lockwood's father, the Honorable Alfred Collins Lockwood, had served on the Arizona Supreme Court from 1925 to 1942,

193. *Id.* at 232.

194. *Id.*

195. *Id.*

196. *Id.*

197. *Id.*

198. *Id.*

199. *Id.* at 232-33.

200. *Id.* at 233.

201. *Id.*

202. *Id.*

203. *Id.* at 234.

204. *Id.*

205. Berkson, *supra* note 4, at 292.

206. *Id.*; Beverly B. Cook, *Women Judges: The End of Tokenism*, in *WOMEN IN THE COURTS* 84, 86 (Winifred L. Hepperle & Laura Crites eds., 1978).

207. *Spirit of 1976*, 62 *WOMEN LAW. J.* 136, 138 (1976); MORELLO, *supra* note 8, at 240.

including six years as chief justice.

Ten years after Justice Lorna Lockwood's selection as chief justice, the second woman chief justice was named. In 1975, Susie Marshall Sharp became the Chief Justice of the North Carolina Supreme Court.<sup>208</sup> Sharp was North Carolina's first woman judge.<sup>209</sup> Before her appointment, she had served as a superior court judge for thirteen years.<sup>210</sup>

The first woman to serve on a U.S. District Court was Burnita Shelton Matthews.<sup>211</sup> Matthews was appointed by President Truman in 1949 to the U.S. District Court for the District of Columbia.<sup>212</sup> At the time of Matthews' appointment, Harvard Law School had just begun accepting women applicants.<sup>213</sup> The blanket acceptance was, however, restricted by Dean Erwin Griswold when he announced that because many able men were turned away each year, Harvard would expect to admit "only a small number of unusually qualified women."<sup>214</sup>

Judge Matthews, in writing "an article on women and the law for the October 11, 1950, *Harvard Law School Record* . . .," mentioned that it had been suggested that she had taken a judicial position that rightfully belonged to a man.<sup>215</sup> She said:

As Congress had created more than 20 new federal judgeships and only one had gone to a woman, the story was recalled of the little boy and little girl who were in a swing that was large enough for only one. The little boy said to the little girl, "If one of us would get out of this swing there would be room enough for me."<sup>216</sup>

Judge Matthews was the only woman judge at a federal district court level for twelve years.<sup>217</sup> Another ardent suffragette, Judge Matthews obtained a law degree in 1919 and a master's degree in patent law in 1920.<sup>218</sup> While still in law school, Matthews picketed the White House in a women's suffrage demonstration.<sup>219</sup> In her private practice, Matthews had many feminist clients, including Ruby Black. With Black's case, Matthews created a precedent that a woman "who has not changed her name upon marriage need not assume her husband's name to obtain a passport."<sup>220</sup> Matthews also drafted several pieces of legislation including: the statute removing the disqualifications of women as jurors in Washington, D.C.; the

208. MORELLO, *supra* note 8, at 241.

209. *Id.* at 242.

210. *Id.*

211. *Id.* at 238.

212. *Id.*

213. *Id.* at 101-02.

214. *Id.* at 101.

215. *Id.* at 102.

216. *Id.* (quoting Burnita S. Matthews, *HARVARD LAW SCHOOL RECORD*, Oct. 11, 1950).

217. *Id.* at 238.

218. *Id.*

219. *Id.*

220. *Id.*

Arkansas and New York statutes eliminating preference for males over females in inheritance; Maryland and New Jersey acts giving women teachers equal pay with men teachers; the South Carolina law allowing married women to sue and be sued without joining their husbands; and the 1931 and 1934 amendments to the federal statute extending citizenship rights of women.<sup>221</sup>

The number of women on the bench in state courts grew at a snail's pace until the 1970s. In 1930, twelve states had women who had served in some judicial capacity.<sup>222</sup> By 1940, there were twenty-one, and by 1950, twenty-nine states had women in the judiciary.<sup>223</sup> During the 1970s, the number of women state judges increased rapidly.<sup>224</sup> In 1977, Professor Beverly Cook identified nine women serving on various states' high courts, eighteen on intermediate appellate courts, 130 on general jurisdiction trial courts and 317 on courts of limited and special jurisdiction.<sup>225</sup> Twenty states had no women appellate judges, ten others had only one woman on their trial courts, and six states did not have women serving on even limited or special jurisdiction courts.<sup>226</sup> It was not until 1979, when Montana selected a woman judge, that every state had at some time at least one woman serve in its judiciary.<sup>227</sup> In the fall of 1980, with the appointment of a woman superior court judge in New Hampshire, every state had a woman judge serving at some level of the judiciary.<sup>228</sup> The national percentage of women in the judiciary rose from 4% in 1980 to 9% in 1991.<sup>229</sup>

#### IV. THE GENESIS OF WOMEN IN THE JUDICIARY IN INDIANA

However progressive Indiana may have been in admitting women to the legal practice, it lagged far behind other states in permitting women to enter the judiciary. While seven states had admitted women to the practice of law when Indiana admitted Bessie Eaglesfield, thirty-seven states had women judges when Indiana's first woman assumed the bench.<sup>230</sup> Ninety years after Indiana admitted its first woman lawyer, Indiana had its first woman judge.<sup>231</sup> In 1964, V. Sue Shields<sup>232</sup> was elected to serve as a superior court judge in Hamilton County, Indiana. Although there may have been women justices of the peace or perhaps women on courts not of record prior to Judge Shields' election, she was the first woman to assume the bench in a court of record.

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221. *Id.*; see also Maurine H. Abernathy, *Women Judges in the United States Courts*, 55 *WOMEN LAW. J.* 57, 57-58 (1969).

222. Berkson, *supra* note 4, at 292.

223. *Id.*

224. *Id.* at 293.

225. Cook, *supra* note 206, at 88; Berkson, *supra* note 4, at 293.

226. Berkson, *supra* note 4, at 293.

227. *Id.*

228. *Id.*

229. CURRAN, *supra* note 104, at 29.

230. Berkson, *supra* note 4, at 290.

231. *Id.*

232. Questionnaires, *supra* note 2; see Shields, *infra* Appendix C.

Judge Shields was only twenty-five years-old and out of law school four years when she was elected to a newly-created superior court in Hamilton County. Shields had worked as counsel for the Internal Revenue Service and as a Deputy Attorney General. Shields had not been in the private practice of law, but had intended to open a law office with her attorney husband. At that time, attorneys could not advertise. Judge Shields expected that her candidacy would bring public attention to the law office she and her husband were to open. However, Shields was elected and began her long and distinguished judicial career.

It was not until 1975 that another woman joined Judge Shields as a member of Indiana's judiciary. Betty S. Barteau<sup>233</sup> was elected in Marion County and began to serve in January of 1975 on a superior court having unlimited jurisdiction, but exercising civil and domestic jurisdiction.

Thus began the slow ascension of women to the bench in Indiana. In fifteen of the nineteen years from 1975 through 1994, a woman assumed the bench in at least one of the ninety-two counties in Indiana. The only years where no women assumed the bench were 1977, 1982, 1992, and 1994. In 1976, Linda L. Chezem<sup>234</sup> and Judith H. Dwyer<sup>235</sup> were appointed to county courts in Lawrence County and Daviess County, respectively. In 1978, Darlene W. Mears<sup>236</sup> was appointed to the Lake Superior Court, Juvenile Division. Also in 1978, Judge Shields of the Hamilton Superior Court was appointed to the Indiana Court of Appeals, becoming the first woman in Indiana history to serve on an appellate court.

In 1979, Patricia L. Gifford<sup>237</sup> was elected. Her court exercised felony jurisdiction in Marion County. Also in 1979, Antoinette A. Cordingly<sup>238</sup> was appointed to the municipal court in Marion County. In 1980, the only woman becoming a judge in Indiana was Betty Shelton Cole.<sup>239</sup> She was appointed to a county court in Delaware County.

In 1981, four women took the bench in Indiana, the largest number as of that date in any one year. Maryland L. Austin,<sup>240</sup> Eleanor B. Stein<sup>241</sup> and Sally H. Gray<sup>242</sup> were elected to county courts in Harrison-Crawford Counties, Howard County and Putnam County respectively, and Jeanne Jourdan<sup>243</sup> was appointed to a superior court in St. Joseph County.

233. Questionnaires, *supra* note 2; see *Barteau, infra*, Appendix C.

234. Questionnaires, *supra* note 2; see *Chezem, infra* Appendix C.

235. Questionnaires, *supra* note 2; see *Dwyer, infra* Appendix C.

236. Questionnaires, *supra* note 2; see *Mears, infra* Appendix C.

237. Questionnaires, *supra* note 2; see *Gifford, infra* Appendix C.

238. Information about the Honorable Antoinette Cordingly, deceased, was obtained from public records and interviews by this author (1994) (on file with author); see *Cordingly, infra* Appendix C.

239. Questionnaires, *supra* note 2; see *Cole, infra* Appendix C.

240. Questionnaires, *supra* note 2; see *Austin, infra* Appendix C.

241. Questionnaires, *supra* note 2; see *Stein, infra* Appendix C.

242. Questionnaires, *supra* note 2; see *Gray, infra* Appendix C.

243. Questionnaires, *supra* note 2; see *Jourdan, infra* Appendix C.

No changes were made in 1982. In 1983, five women took the bench. Clementine B. Barthold<sup>244</sup> was elected to a superior court in Clark County; Mary Lee Comer<sup>245</sup> was elected to a superior court in Hendricks County; Patricia A. McNagny<sup>246</sup> was elected to the Whitley County Court; Kathy R. Smith<sup>247</sup> was elected to the Clinton County Court, and Judith S. Proffitt<sup>248</sup> was appointed to the Hamilton Circuit Court.

In 1984, two more women took the bench. Sarah Evans Barker<sup>249</sup> made history by becoming the first woman to preside over a federal district court bench in Indiana, and Olga H. Stickel<sup>250</sup> was appointed to the Elkhart County Court. 1984 was also the first year that a woman left the bench in Indiana. Maryland Austin was not re-elected.

In 1985, the number of women in judicial offices was increased by only one. Mary Rudasics Harper<sup>251</sup> was elected to the Porter County Court. In 1986, Margaret Hand's<sup>252</sup> appointment to a superior court bench in Tippecanoe County increased the ranks, making the total number of women serving on the bench in Indiana nineteen.

In 1987, great strides were made. Six women became Indiana judges. Elaine B. Elliott<sup>253</sup> was elected to the Dubois Circuit Court; Suzanne Trautman Dugan<sup>254</sup> was elected to the Bartholomew Circuit Court; Kelley Huebner<sup>255</sup> was elected to the Martin Circuit Court; Phyllis Kenworthy<sup>256</sup> was appointed to the Monroe Superior Court; Elizabeth Ward Hammond Swarens<sup>257</sup> was elected to the Crawford Circuit Court, and Cynthia Emkes<sup>258</sup> was appointed to the Johnson Superior Court. This raised the number of Indiana women judges to twenty-five, the highest number to date.

In 1988, Linda Chezem of the Lawrence Circuit Court was appointed to the Indiana Court of Appeals. More glass ceilings were shattered when Z. Mae Jimison,<sup>259</sup> the first African-American woman judge in Indiana, was appointed to the Marion Superior Court. Phyllis Senegal, an African-American attorney from Lake County, had hammered on the ceiling in 1975 and 1976 when she was

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244. Questionnaires, *supra* note 2; see *Barthold*, *infra* Appendix C.

245. Questionnaires, *supra* note 2; see *Comer*, *infra* Appendix C.

246. Questionnaires, *supra* note 2; see *McNagny*, *infra* Appendix C.

247. Questionnaires, *supra* note 2; see *Smith*, *infra* Appendix C.

248. Questionnaires, *supra* note 2; see *Proffitt*, *infra* Appendix C.

249. Questionnaires, *supra* note 2; see *Barker*, *infra* Appendix C.

250. Questionnaires, *supra* note 2; see *Stickel*, *infra* Appendix C.

251. Questionnaires, *supra* note 2; see *Harper*, *infra* Appendix C.

252. Questionnaires, *supra* note 2; see *Hand*, *infra* Appendix C.

253. Questionnaires, *supra* note 2; see *Elliott*, *infra* Appendix C.

254. Questionnaires, *supra* note 2; see *Dugan*, *infra* Appendix C.

255. Questionnaires, *supra* note 2; see *Huebner*, *infra* Appendix C.

256. Questionnaires, *supra* note 2; see *Kenworthy*, *infra* Appendix C.

257. Questionnaires, *supra* note 2; see *Swarens*, *infra* Appendix C.

258. Questionnaires, *supra* note 2; see *Emkes*, *infra* Appendix C.

259. Questionnaires, *supra* note 2; see *Jimison*, *infra* Appendix C.

appointed as Judge Pro Tempore to complete the term of another judge. However, Senegal never progressed beyond the pro tempore level because her name was not included when the Judicial Nominating Commission submitted three names to the governor for selection to permanent appointment.

In 1989, Barbara Arnold Harcourt<sup>260</sup> was elected to the Rush Circuit Court, Elizabeth N. Mann<sup>261</sup> was appointed to the Monroe Circuit Court, and Eleanor Stein retired from the bench to which she had been elected in 1981. In 1990, Patricia A. Riley<sup>262</sup> was appointed to the Jasper Superior Court. Also, in 1990 Z. Mae Jimison's appointed term expired, and she was not re-elected.

In 1991, more women joined the courts than in any previous year. Nine women assumed the bench that year with two retiring, making a total of thirty-five women serving at the end of 1991. Those assuming the bench were: Cynthia J. Ayers,<sup>263</sup> Indiana's second African-American woman judge, elected to the Marion Superior Court; Jane Spencer Craney,<sup>264</sup> elected to the Morgan County Court; Susan H. Hemminger,<sup>265</sup> elected to the LaPorte Superior Court; Paula E. Lopossa,<sup>266</sup> elected to the Marion Superior Court; Mary L. McQueen,<sup>267</sup> elected to the Shelby Superior Court; Ruth D. Reichard,<sup>268</sup> appointed to a Marion Municipal Court; Judith A. Stewart,<sup>269</sup> elected to the Brown Circuit Court; Lisa M. Traylor-Wolff,<sup>270</sup> appointed judge of the Fulton and Pulaski County Courts, and Nancy E. Boyer,<sup>271</sup> appointed to the Allen Superior Court. Marion Superior Court Judge Betty Barteau moved from that court to the Indiana Court of Appeals on January 1, 1991. Leaving courts that year were Patricia McNaghy, who retired after eight years on the bench, and Suzanne Dugan, who resigned after four years on the bench.

In 1992, four women left the bench. Those removed from the ranks in 1992 were Elizabeth Ward Hammond Swarens, Kelley Huebner, and Darlene Mears, all of whom lost elections, and Antoinette Cordingly, whose life was claimed by breast cancer.

In 1993, eight women assumed the bench. Those were: Ronda R. Brown,<sup>272</sup>

260. Questionnaires, *supra* note 2; see *Harcourt*, *infra* Appendix C.

261. Questionnaires, *supra* note 2; see *Mann*, *infra* Appendix C.

262. Questionnaires, *supra* note 2; see *Riley*, *infra* Appendix C.

263. Questionnaires, *supra* note 2; see *Ayers*, *infra* Appendix C.

264. Questionnaires, *supra* note 2; see *Craney*, *infra* Appendix C.

265. Information about the Honorable Susan Hemminger, deceased, was obtained from public records and interviews by this author (1994) (on file with author); see *Hemminger*, *infra* Appendix C.

266. Questionnaires, *supra* note 2; see *Lopossa*, *infra* Appendix C.

267. Questionnaires, *supra* note 2; see *McQueen*, *infra* Appendix C.

268. Questionnaires, *supra* note 2; see *Reichard*, *infra* Appendix C.

269. Questionnaires, *supra* note 2; see *Stewart*, *infra* Appendix C.

270. Questionnaires, *supra* note 2; see *Traylor-Wolff*, *infra* Appendix C.

271. Questionnaires, *supra* note 2; see *Boyer*, *infra* Appendix C.

272. Questionnaires, *supra* note 2; see *Brown*, *infra* Appendix C.

elected to the Parke Circuit Court; Diana LaViolette,<sup>273</sup> elected to the Putnam Circuit Court; Susan Macey-Thompson,<sup>274</sup> appointed to a Marion Municipal Court; Nancy H. Vaidik,<sup>275</sup> elected to the Porter Superior Court; Sheila M. Moss,<sup>276</sup> appointed to the Lake Superior Court; Mary Beth Bonaventura,<sup>277</sup> appointed to the Lake Superior Court, Juvenile Division; Rosemary Higgins Burke,<sup>278</sup> appointed to the Fulton Superior Court; and, Heather M. Mollo,<sup>279</sup> appointed to the Brown Circuit Court. Leaving that year were Judith Stewart, who resigned her Brown County bench to become the third woman in Indiana history to serve as U.S. Attorney, Southern District of Indiana, and Susan Hemminger who lost her battle with cancer.

No additional women assumed the bench in 1994. However, effective January 1, 1994, Patricia Riley, left her position as Jasper Superior Court Judge, accepting an appointment to the Indiana Court of Appeals. Also, in 1994, Karen Love was elected to the Hendricks Superior Court with her term beginning January 1995, Myra C. Selby was named by Governor Evan Bayh as the first African-American and the first woman to serve on the Indiana Supreme Court with her term beginning in 1995, and Clementine Barthold retired from the Clark Superior Court effective December 31, 1994.

At the end of 1994, thirty years after the first Indiana woman assumed the bench, thirty-seven women were serving on the various municipal, superior, circuit courts and courts of appeals throughout the State of Indiana.<sup>280</sup> At that time, Indiana had a total of 301 judges on these courts. Thus, at the close of 1994, women held 12.3% of the judgeships in Indiana.<sup>281</sup>

The latest year for which figures are available, 1991, show that there were 11,304 attorneys in Indiana, 9450 men (83.6%) and 1854 women (16.4%).<sup>282</sup> These statistics are comparable with those in the medical profession. At the end of 1992, there were 8761 doctors in Indiana, 7228 (82.5%) men and 1533 (17.5%) women.<sup>283</sup>

Women began serving in the Indiana General Assembly much sooner than women served in the judiciary. In the Indiana House of Representatives, the first woman was elected in 1921, and in the Indiana Senate, a woman was first elected

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273. Questionnaires, *supra* note 2; see *LaViolette*, *infra* Appendix C.

274. Questionnaires, *supra* note 2; see *Macey-Thompson*, *infra* Appendix C.

275. Questionnaires, *supra* note 2; see *Vaidik*, *infra* Appendix C.

276. Questionnaires, *supra* note 2; see *Moss*, *infra* Appendix C.

277. Questionnaires, *supra* note 2; see *Bonaventura*, *infra* Appendix C.

278. Questionnaires, *supra* note 2; see *Burke*, *infra* Appendix C.

279. Questionnaires, *supra* note 2; see *Mollo*, *infra* Appendix C.

280. See Map of the State of Indiana Showing Distribution of Women Judges (By County), *infra* Appendix D.

281. Information obtained from Indiana Judicial Center, Indianapolis (1994) and summarized graphically in Appendix E.

282. CURRAN, *supra* note 104, at 65.

283. Information obtained from Indiana University School of Medicine, Indianapolis (1994) and summarized graphically in Appendix F.

in 1943.<sup>284</sup> Their early entry into the legislature may have been aided by the fact that they did not have to first win a battle to gain admission to law school and to the bar. But they did have to be political, credible, and knowledgeable, the same attributes required of women judges. Although women legislators started sooner, their progress in increasing their numbers was as slow and ponderous as that of the women judges. The chart in Appendix G compares the number of women and men in the Indiana Senate from 1965, the year the first woman assumed a bench, through 1994; it also compares the number of women in the Indiana House of Representatives for each of the same years. The highest number of women in the Indiana Senate to date was 1994, when there were thirteen women comprising 26% of the Senate. The House women made their strongest showing in 1993, with nineteen of the 100 sitting members being women. In 1994, that number dropped back to fifteen women members.<sup>285</sup>

As compared to the number of Indiana women lawyers (16.4%), women doctors (17.5%), women senators (26%), and women representatives (15%), women judges (12.3%) are underrepresented. However, Indiana's pool of women lawyers which are gaining the experience necessary for a judgeship is growing dramatically.<sup>286</sup> In 1971, when one woman held a bench in Indiana, only 4% of the students graduating from Indiana law schools were women. In 1980, the percentage of women graduates reached 30%, and it has subsequently fallen beneath that percentage in only two years. In 1991, the women graduates constituted 40% of the total graduates, the highest of any year. In 1993, when thirty-seven women were serving on the judiciary for a total of 12.3% of the total judges, 39% of the total graduates from Indiana law schools were women. The first of the obstacles for women reaching the judiciary, the educational obstacle, now clearly appears to have been overcome. With the growing pool of women lawyers, the other obstacles of politics and experience will no doubt fall also.

## V. THE ARDUOUS CLIMB FROM BAR TO BENCH

Why did it take so long for women to make the leap from lawyer to judge?

Entry to a judgeship is restricted by educational requirements, professional recognition and political credentials. In each of these areas, women have faced significant obstacles.<sup>287</sup>

First, the prohibition or discouragement of women's admission to law school kept the pool of educationally qualified women low for many years. At the beginning of the nineteenth century, women were routinely denied secondary education because of their sex.<sup>288</sup> Women's minds were considered inferior, and an education was not deemed necessary to performing so-called women's

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284. INDIANA LEGISLATIVE SERVS. AGENCY, WOMEN LEGISLATORS (1994).

285. *Id.*

286. Information obtained from the American Bar Association, Indianapolis (1994) and summarized graphically in Appendix H.

287. See generally Cook, *supra* note 206.

288. Weisberg, *supra* note 32, at 499.

functions of bearing and raising children.<sup>289</sup> It was not until 1821 that a publicly endowed institution for women opened.<sup>290</sup> Oberlin, in 1833, was the first institution to admit all students without reference to race or sex.<sup>291</sup> Mount Holyoke was founded for women's higher education in 1837, and between 1865 and 1879, the women's colleges, Vassar, Smith, Wellesley and Radcliffe, were founded.<sup>292</sup>

As early as 1846, the minutes of the Board of Trustees of Indiana's Vincennes University reflect that the University had thirty-one female students in attendance, and in 1855 the University acquired a frame building for the purpose of a Female Classical Institute.<sup>293</sup>

The Indiana General Assembly passed a statute in 1820<sup>294</sup> founding an educational institution known as Indiana Seminary at Bloomington. In 1828, it became Indiana College, and in 1838, it became Indiana University. In 1867, Sarah Park Morrison became the first woman admitted at Indiana University.

Once women gained a foothold in general education, the next step was to open law schools to women. In 1870, Union College of Law (now Northwestern University School of Law) became the first law school to graduate a woman.<sup>295</sup> This was just the beginning. Gradually, other law schools admitted women.

In Indiana, Tamar Althouse Scholz was apparently the first woman to graduate from an Indiana law school. In 1892, Scholz graduated from Indiana University School of Law—Bloomington.<sup>296</sup> In 1893, two women, Merta Mitchell and Mary McCulloch, received LL.B.'s from DePauw University School of Law.<sup>297</sup>

The school of law presently known as Indiana University School of Law—Indianapolis was established in 1893 as the Indiana Law School.<sup>298</sup> It began operating in the 1894-95 academic year, and the class of 1896 had two women graduates, Caroline Hendricks and Helen Parry.

Valparaiso University School of Law claims Frances Tilton Weaver as its first woman graduate. Tilton was in the class of 1925.<sup>299</sup> Tilton practiced in Chicago

289. *Id.*

290. *Id.* at 500.

291. *Id.*

292. *Id.*

293. Memorandum from Dr. Phillip M. Summers, President of Vincennes University to author (Jan. 24, 1996) (memorandum on file with author). Legend has it that Princess Red Bud, granddaughter of the Piankeshaw Chief, Son of Tobacco, as a girl of fourteen or fifteen years of age came to Vincennes from northern Indiana following the 1811 Battle of Tippecanoe. With the assistance of Governor William Henry Harrison, General John Gibson, and Francis Vigo, she enrolled as a student at Vincennes University. If the legend is true, she became not only the first woman, but also the first Native American to attend Vincennes University. *Id.*

294. Act of Jan. 20, 1820, ch. 48, 1819 Ind. Acts 82 (superseded).

295. Weisberg, *supra* note 32, at 485.

296. Information obtained from Indiana University School of Law—Bloomington (1994).

297. CLIFTON J. PHILLIPS ET AL., *DEPAUW: A PICTORIAL HISTORY* (1987).

298. Ronald W. Polston, *History of the Indiana University School of Law—Indianapolis*, 28 IND. L. REV. 161, 161 (1995).

299. Professor Ruth Vance, *Frances Tilton Weaver: Our Own "First Woman,"* AMICUS:

until 1933 when she joined her father in practice in Valparaiso.<sup>300</sup>

Notre Dame School of Law was the last school of law in Indiana to admit women, and nearly the last in the nation, followed only by Washington & Lee. In 1966, Carol Masson and Diana Shaw were admitted to Notre Dame School of Law. Notre Dame School of Law's first woman graduate was Graciela Olivarez in 1970.

Until 1975, only a token number of women were admitted to law schools. From 1951 to 1970, women made up 3% of the lawyer population in the United States.<sup>301</sup> In 1980, it increased to 8%, in 1985 to 13%, in 1991 to 20%, and is projected to be 27% in 2000.<sup>302</sup>

If we assume that once law degrees are obtained by women they will have the same opportunity as men for legal jobs, we would surely see the same percentage of women judges as women lawyers. However, statistics show that this has not been the case. Arabelle Mansfield of Iowa, the nation's first woman lawyer, was admitted in 1869.<sup>303</sup> It is safe to assume that Iowa's other women were admitted to practice after Mansfield, but it was 100 years before Iowa had its first woman judge.<sup>304</sup> Indiana dates its first woman lawyer from 1875, and its first woman judge from 1965, ninety years later.<sup>305</sup> The average length of time between a state's first woman lawyer and its first woman judge was fifty-two years.<sup>306</sup> Therefore, education alone did not lower the barriers between women and the judiciary.

A 1970 census of lawyers revealed that women are still concentrated in government work, in divorce and estate work, and in legal research.<sup>307</sup> In 1991, women lawyers were still over represented in government, free legal service programs, and as support personnel for the judicial system.<sup>308</sup> Rarely would the areas where women lawyers were concentrated routinely bring about the necessary professional recognition to demand or even suggest an appointment to a bench.

The eligibility pool from which judicial selections are made usually consists of trial lawyers or persons with experience in a courtroom. Until recent years, that pool was made up primarily of men. Women lawyers were historically dissuaded from litigation. Initially, this dissuasion was based upon a cultural belief that refined women should not speak in public places, and this resulted in women being lodged in specialties that seemed appropriate for their sex— divorce, child issues, probate or real estate law. These specialties rarely gave women the

VALPARAISO SCHOOL OF LAW ALUMNI MAGAZINE, Winter 1994, at 8.

300. *Id.* at 9.

301. CURRAN ET AL., *supra* note 102, at 10.

302. CURRAN, *supra* note 104, at 8.

303. Berkson, *supra* note 4, at 290.

304. *Id.*

305. *Id.*

306. Beverly B. Cook, *Women Judges: A Preface to Their History*, 14 GOLDEN GATE U. L. REV. 573, 598 (1984); *see* Berkson, *supra* note 4, at 290.

307. CURRAN ET AL., *supra* note 102, at 38-44.

308. *Id.*

professional recognition necessary to obtain a judgeship. As late as 1983, only 6% of the members of the American Trial Lawyers Association were female.<sup>309</sup> As more women lawyers concentrate in litigation, these numbers will change with a corresponding change in the number of women in judgeships.

The third barrier between women and judgeships was political credentials. For many reasons, few women ran for office. Perhaps the most controlling reason was that they did not perceive themselves as candidates. Women were used to being the coffee makers, the voter registrars, and the envelope stuffers, but not the candidates. Part of the cause of this perception was that there was no support network for women urging them to become candidates, nor was there a network to support a woman judge after she assumed a bench. Each woman judge felt unique and isolated. This changed dramatically in 1979 when Joan Dempsey Klein and Vaino Spencer, both California judges, issued an invitation to women judges across the United States to convene and organize. One hundred women answered the call, met in Los Angeles, California, and formed the National Association of Women Judges (NAWJ).<sup>310</sup> It was an exciting time for women judges. Many met other women judges for the first time and all recognized a sense of emotional and professional support non-existent before then.<sup>311</sup>

The National Association of Women Judges (NAWJ) left their organizational meeting in Los Angeles with specific objectives and goals, but most importantly, with the idea that these objectives and goals could be accomplished. The goals were 1) to place the first woman on the U.S. Supreme Court; 2) to speak out against and end discrimination against *all* women in the courtroom, not simply women judges; and 3) to work for judicial selection of women in all states.<sup>312</sup>

The NAWJ's goal of placing the first woman on the U.S. Supreme Court was accomplished in 1981 when NAWJ member Sandra Day O'Connor was appointed to the Court by President Ronald Reagan. To achieve their second goal of ending discrimination against women in the courtroom, the NAWJ helped create task forces in a majority of states to identify discrimination in the courts and to eliminate it by creating and encouraging the use of judicial educational materials.<sup>313</sup> The first task force on women in the courts was created in 1983, and by 1993, task forces had been created in thirty-four states, the District of Columbia, Puerto Rico, and two federal circuits.<sup>314</sup>

The task forces began their work by identifying the areas in which gender makes a difference in courts and then established educational projects to change the culture to eliminate those differences. The task of identifying gender discrimination seemed simple on its face. However, when the task forces began

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309. MORELLO, *supra* note 8, at 174.

310. Gladys Kessler, *NAWJ: The Value of Sisterhood on the Bench*, TRIAL, Aug. 1983, at 55, 55.

311. *Id.*

312. *Id.*

313. *Id.*

314. Lynn Hecht Schafran, *Gender Equality in the Court Still on the Federal Agenda*, 77 JUDICATURE 110, 110 (1993).

to meet, they recognized that many actions affecting women's credibility in a courtroom were not acknowledged by those in power as being discriminatory. For example, representative of the findings of the thirty-six task force reports are:

1. the practice of addressing women litigants, women lawyers, and often women judges by their first names or terms of endearment, whereas men are addressed by their title or surnames was not perceived by many as discriminatory;
2. the practice of commenting on the attire or appearance of a woman in the courtroom was considered appropriate by many;
3. the regular failure to treat domestic violence as a crime was not seen as denying women their rights;
4. the fact that child support orders rarely considered the reality of woman's earning power was not acknowledged;
5. the holding and application of different standards for men and women and believing in female stereotypes was often not considered discriminatory; and
6. the relating of sexist jokes or stories by people presiding in courtrooms was not widely believed to be demeaning to female litigants, witnesses or lawyers.<sup>315</sup>

Once these and other problem areas were identified, the development of the educational programs began. Many of the task forces presented their findings at state judicial conferences; state judicial educators were provided with gender discrimination programs to present at their judicial meetings. The national judicial educators began to incorporate these educational programs into their presentations. These major judicial reforms were initiated by the National Judicial Education Program to Promote Equality for Women and Men in the Courts, a project of the National Organization for Women (NOW) Legal Defense and Education Fund in cooperation with the NAWJ.<sup>316</sup>

The third goal of increasing the number of women judges throughout the nation has come closer to reality each day since 1979, the inaugural year of the National Association of Women Judges' existence. This progress was partly possible because NAWJ created an educational program to teach women lawyers the steps other women had successfully taken to be elected or appointed to the

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315. Task force reports are available from the NAWJ. *See also* NATIONAL CENTER FOR STATE COURTS & NATIONAL ASS'N OF WOMEN JUDGES, PROCEEDINGS OF THE NATIONAL CONFERENCE ON GENDER OF WOMEN JUDGES, BIAS IN THE COURTS (1990) (discussing results of several state task force surveys).

316. Lynn Hecht Schafran, *Is the Law Male?: Let Me Count the Ways*, 69 CHI.-KENT L. REV. 397, 397-98 (1993).

bench. This program, "So You Want to Be a Judge," was presented in many states. Although the program has not yet been presented in Indiana, forty-three of Indiana's forty-eight women judges have assumed the bench since the 1979 formation of NAWJ.

The supportive network needed by women judges was created and began to function with the organization of the NAWJ in 1979. By acting collectively, women judges' impact on the law is far stronger than might be expected from their small numbers.<sup>317</sup>

## VI. A PROFILE OF INDIANA WOMEN WHO HAVE MADE THE ARDUOUS CLIMB<sup>318</sup>

Indiana's women who have made the arduous climb to the bar and then to the bench have many different backgrounds. It is safe to say that the majority are Hoosier born and educated, sought the bench to improve the system and to contribute to society, and most of Indiana's women judges have enjoyed the challenges of their positions.

### A. Education

Of the forty-eight women who have served the Indiana judiciary in the last thirty years, thirty-four graduated from Indiana high schools and fourteen graduated from high schools outside the state. Six of these high schools were religiously affiliated. One was a private school.

Thirty-four of the women obtained their undergraduate degrees from Indiana colleges. Twelve graduated from Indiana University. Ball State University and Indiana State University each graduated four women that became judges. Valparaiso University, Indiana University-Purdue University at Indianapolis, Butler University, Purdue University, Earlham College, Hanover College, DePauw University, Marion College and Franklin College all had women graduates who joined the judiciary. The remaining women received their undergraduate degree from various out-of-state colleges. Three women entered law schools without undergraduate degrees: Betty Barteau, Betty Shelton Cole and Clementine Barthold. Judge Barthold pursued her undergraduate work at the same time she was in law school, and received her undergraduate degree two years prior to receiving her law degree.

Not all of the judges knew at the time that they graduated from college that law school was their next step. Several held jobs before going to law school. Eight of the women were teachers, five were involved in social work or some form of probation work, four were secretaries, and three were homemakers. The others went directly from college to law school.

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317. NATIONAL ASS'N OF WOMEN JUDGES, NEWS ANNOUNCEMENT 2 (1988).

318. The remaining portion of this Article contains some quotations and statements that are not credited to their authors. This omission is done because the authors of such statements have requested anonymity regarding their responses. Such information is taken from questionnaires that were sent to and returned from Indiana women judges, and are on file with this author. *See supra* note 2.

When enrolling in law school, twenty-one of the future judges chose Indiana University School of Law—Indianapolis, and twelve selected Indiana University School of Law—Bloomington. Seven graduated from Valparaiso University School of Law and two from Notre Dame School of Law. Thus, an astonishing number, forty-two of the total forty-eight women judges, received their legal education in Indiana. Arizona State University School of Law claims one Indiana woman judge as an alumni, as does The Ohio State University School of Law, Northern Illinois University School of Law, Suffolk University School of Law, New York University School of Law, and University of Louisville School of Law. All Indiana women judges in this study began their judicial career at the trial level and most were graduates of parochial schools. This perhaps partially proves Professor Cook's theory that, "Graduation from a parochial law school sets the student on the path to trial judgeship; but graduation from an elite school is a credential which facilitates entry to the appellate bench."<sup>319</sup>

While in law school, five of the women judges, Shields, Barteau, Barker, Stewart and Stein, were members of their respective law reviews, and Shields and Barteau were members of the Order of the Coif. Graduating with honors were Boyer, Comer, Emkes and Mann, who graduated *cum laude*, Barteau and Hand with distinction, Gray with high honors, and Harcourt, *magna cum laude*. Judge Vaidik, when asked about her honors received in law school, replied that her honors were twin daughters born to her during Christmas break in her second year.

### B. Family Life

Among the forty-eight women judges in Indiana, there have been sixty marriages; four of the judges have not married. Of the forty-four women who married, there have been twenty-five (57%) divorces, eleven (44%) of which took place after the women took the bench. Twenty-two of the forty-four women (50%) remain married to their first spouse, and eleven (25%) have been divorced and have not remarried. Three of the women judges have been widowed. There are eighty-four children born to these women judges, and they are parents to nineteen stepchildren. They have been married to twenty-three attorneys, and they have fifteen children who are attorneys.

In discussing the impact of their professional lives on their marriages, six of the women believed it had no impact at all, and five felt that it had been good for their marriage. In explaining her career's positive effect on her marriage, one stated that loving her work had helped her marriage and another believed that because her husband is an attorney, they can share better discussions. Another indicated that her entire career had helped to make the marriage stronger. Judge LaViolette said that a career such as hers has a significant impact on a marriage, "requiring a well-adjusted male who is very supportive. I am lucky to have such a husband."

However, most felt the judgeship added great stress to the marriage, even when it ultimately made the relationship stronger. For the judges who practiced law with their husbands prior to taking the bench, the change in positions created

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319. Cook, *supra* note 306, at 591.

different stresses in the marriage. One judge said her elevation to the bench affected her attorney husband's self-esteem and severely limited his practice. Another found that her career as an attorney was just fine with her attorney husband, but when she assumed the bench, there was a "power shift" in his mind causing temporary problems.

Although these two couples have stayed together, all married women judges were not able to resolve their problems. The "power shift" in one relationship brought about a divorce. One judge stated that after becoming a judge, her position of authority and economic equality created changes in expectations that were not unresolvable. Several judges reflected that the commitment of time and energy required on the bench left little for the family. The fact that the women "love their work and want to do it well" also caused rifts for several couples. One judge related that her career as a lawyer was a plus, but when she applied for the bench, her husband considered it an act of disloyalty; they were later divorced.

Other extremes were noted in that one judge related that her husband left on the first day she took office. Another stated that her attorney husband was opposed to her being a judge and, after she decided to become a candidate, they divorced between the primary and general elections. Yet another judge said the fact that her husband felt less significant after her election and that she had less free time to spend with him led to a divorce one year after she assumed the bench. One judge, with a different twist, said her husband "dumped" her the day she lost a judicial election.

As one judge stated, it is tough to live with a career-driven woman. Where the woman has higher visibility and name recognition, unless the husband is tolerant and self-assured, an uncomfortable tension often develops.

### *C. Income*

At the time of this writing, judicial salaries in Indiana are among the lowest in the nation.<sup>320</sup> Only thirteen of the women judges in Indiana have income in addition to their judicial salary. The additional income comes from various sources such as consulting and writing, social security, farm income, an annual financial parental gift, teaching, and investments.

Nineteen of the women responded that their spouse's income was less than their judge's salary, two said that it was approximately the same, and the other married judges indicated that their spouse's income was usually greater than their own.

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320. In 1994, the statutory annual salary for a full-time trial judge was \$61,740. IND. CODE § 33-13-12-7.1(a) (1993). This ranked Indiana 50th in the nation in judicial salaries. When the fact that some other counties supplement this income and the fact that some judges earn extra income through special judge fees were taken into account, Indiana ranked 46th in the nation. NATIONAL CENTER FOR STATE COURTS, REPORT, SURVEY OF JUDICIAL SALARIES IN STATE COURT SYSTEMS (1994). Effective August 1, 1997, full-time Indiana trial court judges will earn \$90,000 per year. IND. CODE § 33-13-12-7.1(a) (Supp. 1996).

*D. Path to the Profession*

The judges' reasons for entering the legal profession varied. Only five of the women knew at age twelve that they wanted to be a lawyer. Eight wanted to be teachers, and the rest desired professions ranging from homemakers and mothers, to a nun, horsetrainer, actress, astronaut, a CEO, and a ballet dancer. However, at the age they did decide to enter law school, there is seemingly common ground. Each felt that she could contribute special talents to the profession and to the public. For example, Judge Jimison said:

When my son, Kwamé, was born and placed in my arms, all the questions I should have considered prior to his conception surfaced. I concluded that becoming an attorney would help me to give him a better life. He was born before I went to college.<sup>321</sup>

Judge Mann said:

There was no incident that caused me to enter the legal profession. Even in high school I knew that I would do something to improve people's lives, social work, law, something like that. I was very interested in civil rights and the role of the lawyers and the issues of the 60s.<sup>322</sup>

Judge Reichard said:

I can't identify one "epiphany," as it were. However, I grew up in the 60s, and I was very aware of current events. I lived in Cleveland not far from Kent State. I saw the Cuyahoga River burn and trash floating on Lake Erie. My older brother, Peter, was in Viet Nam. I saw black people die for their civil rights, and I saw women march for theirs. All of this, along with the usual socialization for girls back then (be nice, do what you're told, don't challenge authority, accept your status and don't question why you aren't permitted to do some things your brother can do, etc.), contributed to an awareness of injustice, and I believed that being a lawyer might give me a chance to work for Justice.<sup>323</sup>

Judge Stickel said:

My grandmother was very important to me. She often spoke of her struggles in the Ukraine and the Soviet Union. Power was often abused. People were deprived of their rights and possessions. My grandfather was sent to Siberia without a trial and later executed during a purge. These stories and the sense of unfairness impact me greatly.<sup>324</sup>

Judge Ward said, "I was living in Washington, D.C., during the Watergate era and

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321. Questionnaires, *supra* note 2.

322. *Id.*

323. *Id.*

324. *Id.*

was fascinated by the legal proceedings.” Judge LaViolette said, “Working at the Indiana Women’s Prison as a teacher, my students asked so many questions about the law I became interested.”

### *E. The Practice*

These future judges had many different experiences when they left law school and sought jobs. During an interview with a private firm, a 1961 graduate was told that the firm would not consider hiring her because it had inadequate restroom facilities for a female associate. A 1965 graduate said, “[o]ne judge interviewed me for a part-time commissioner job and then said he couldn’t hire me because I was a woman, but he wasn’t too prejudiced to interview me.” A 1969 law school graduate said, “Getting interviews with law firms after law school was nearly impossible, never mind landing any offers.” Another 1969 graduate of law school was assigned to a major law office to be an intern. When she arrived, she was shown to her office, which was a typing pool. One attorney offered a 1971 graduate the job of law librarian, stating that the county was not ready for women lawyers. Another 1971 graduate did not get a job with a law firm because the partner’s wife did not want any women attorneys in the firm. A 1976 graduate returned to her home town to practice law and at one of her first interviews with a law firm she was asked, “Do you have a boyfriend? Are you intending to get married? Are you intending to have children? If you have children, will you practice law or stay home with them?” As late as 1980, one future judge applied for a position as a manager of a Chamber of Commerce but was advised that they were looking for a man.

A great number of the women law graduates, particularly those in the late 1970s and the 1980s, indicated that if there was a gender problem they were not aware of it. No less than four of the women, the same ones who answered that jobs were not less available to them because of their gender, answered that when they graduated from law school they were hired as deputy prosecutors for sex crimes because the prosecutors wanted a woman in the job at that time. However, eighteen of the women responded that they started their own practice or joined practices with a family member when they first got out of law school, often because they had no other alternative. When one future judge graduated from law school, her brother, uncle and cousins did not ask her to join a family law firm in which her father and husband were partners. The law firm was founded by her grandfather. She believed that had she been a male, she undoubtedly would have been asked to join the firm. After serving two terms on the bench, she and her daughters now practice in their own firm.

When asked if they ever felt that they experienced economic discrimination prior to assuming the bench because of their gender, fifteen of the women said no. The discrimination cited by the others included: having attorney fees arbitrarily reduced by a male judge after an affidavit of hours had been presented; being less able to obtain credit; being told that a certain salary would be paid because that is what the employers were able to get women to work for; not receiving the prior salary for a position because the job had been held by a man; being refused a credit card because there was no husband or father to co-sign or because of a requirement that the card be issued in the husband’s name; receiving a lower

salary than the male lawyers at a law firm; missing out on promotions in the system because of being a woman; being told that an unmarried woman chief deputy prosecutor does not need to be paid what a man with a family would earn in that position; and clients assuming that their woman attorney should not charge as much as men or that she was not capable of handling the really important cases. One judge told of a professor who suggested that she should see him after she graduated from law school because he was sure he could get her a job as a legal secretary with a firm in town. She points out that this is not an example of economic discrimination, but anecdotal of the insensitive statements made to women students. It is certainly a representation of the kind of attitudes and statements that were made at the point when women were entering the legal profession. Judge Jimison said that she had failed to receive jobs, but in response to the question of whether the denials were discriminatory she replied: "I don't know. I never stopped to consider whether a denial of a job opportunity was because of race, gender, or both. I just kept right on stepping."

#### *F. Path to the Bench*

Although the women took various routes to law school, the path taken to the bench was similar for a majority of the women—public service.<sup>325</sup> Twenty-three of the forty-eight women (47.9%) who have served on a bench in Indiana served as deputy prosecutors during their early years of practice. One, Judge Craney, was the first woman to be elected as prosecutor in the State of Indiana. Two served as Deputy U.S. Attorneys, and one was the U.S. Attorney. One served as a deputy attorney general, seven as public defenders, and three as law clerks. Fifteen (31.2%) of the women judges were sitting as referees or commissioners at the time they were elevated to the bench.

Women became interested in the judiciary for varied reasons according to their circumstances at the time. A common thread creating interest was their impatience with the manner in which their local court was being operated. Several of the women thought that they could do a better job than the incumbent judges. Therefore, they challenged the incumbents in their elections. Many thought that being in the judiciary would be meaningful work that they could do successfully. A number of the women thought that with their additional responsibilities of children, the job would require less time or energy than required by a normal private practice. One judge with young children said, "I perceived, perhaps not entirely accurately, that judges were in control, especially with respect to work hours." A number of judges indicated that they saw themselves to be resolution seekers more than advocates and, therefore, believed that they would be better suited to the bench than to the private practice of law.

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325. There is no available comparable data for the male judiciary. It would be interesting to have a cohort study to determine the differences, if any, in background, training, etc., of male and female judges. Because men have been judges in Indiana from the inception of the court system, it would be almost impossible to have comparable data for male jurists as this study reflects *all* of Indiana's female jurists. However, even a study of the current judiciary, or one for specific years, would be of interest and value.

Judge Jimison said her interest in the judiciary was piqued because of some of the arbitrary and punitive orders given to people whom she represented as a lawyer. Jimison felt that the absence of women and blacks in the judiciary caused minorities to suffer because of the lack of sensitivity and the lack of desire of some of the judges to be fair and just. Jimison believed she could help fill that void. Judge Mann indicated that for her it was a combination of all factors coming together at the same time. She had always thought that judges were in a unique position to effectuate systemic changes and approaches. Mann also believed that, compared to her family law practice, a judicial position would allow her to give some time to her contemplative side. She missed research and writing and was not entirely happy with her law practice. As she contemplated all of these things, a judicial position became available. One judge said that the death of her husband created her interest by facilitating an economic necessity as well as a desire to keep busy and work full time.

Judge Reichard said:

I had some definite ideas about how a judge should perform his or her duties and how *not* to do that. I had some unpleasant experiences as a young lawyer during which I felt the judge went out of his way to humiliate me and I saw him do that to other lawyers. I thought it was terrible that this person could be given such a position of public trust and abuse it in that way. That was one motivator. I also saw some very good judges in action and that was inspiring. I felt I could at least try to become one. I basically viewed it as a type of career evolution, another form of public service.<sup>326</sup>

One judge decided to run against the incumbent judge in her county because she felt he was very politically and personally motivated, and that he used the power of the office to influence and obtain his often arbitrary goals. One said that she had been a trial attorney for so long that she began to believe she could do a better job of judging than many presently on the bench, and that she felt more women needed to be represented on the bench. Judge Traylor-Wolff indicates that when Sandra Day O'Connor was appointed to the U.S. Supreme Court, she became interested in becoming a judge.

When asked if they had a mentor, ten of the women responded that they had female mentors who helped them decide to run for the judiciary. Seven indicated that they had no mentors. The remaining responded that their mentors were usually males who were either family members or lawyers with whom they practiced.

There is a wide variance in the length of time the judges were in practice before taking the bench, ranging from thirteen months to thirty-two years. Eleanor Stein and Patricia McNagly had been out of school thirty-two years when they took the bench in 1981 and 1983 respectively. Rosemary Burke graduated from law school in June 1992 and was appointed to the bench in July 1993. Five other women had been out of school less than two years at the time they were either

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326. Questionnaires, *supra* note 2.

elected or appointed to the bench. The average number of years that the women were out of school before taking the bench was 8.8 years, and the median was eight years.<sup>327</sup>

The range of ages for women assuming the bench is twenty-five to sixty-two. The youngest woman to assume a bench was also the first woman. V. Sue Shields assumed the bench in 1965 at age twenty-five. The oldest woman to assume the bench was Clementine Barthold, who went on the bench in January 1983 at the age of sixty-two. The average age of women upon taking the bench was thirty-nine and the median age was thirty-eight. Nineteen of the forty-eight judges (39.5%) took the bench between the ages of thirty-seven and forty-one, and eleven (22.9%) took the bench between the ages of twenty-nine and thirty-two.<sup>328</sup>

It appears that even though most of the judges were not acquainted with each other at the time they assumed the bench, they may be more alike than different. Thirty-four of the women, when asked about hobbies, stated reading is one of their main hobbies. Another common hobby among the women is gardening. Very few named cooking as a hobby, although one's hobby was "cooking wonderful things."

There is a general assumption that women are more apt to be appointed than elected to the bench. In Indiana, this has not been proven to be true. Twenty-four of the forty-eight women judges in Indiana were appointed and twenty-four were elected. Additionally, a 1983 study suggests that the Republican Party has more traditional expectations for women than the Democrats and, therefore, fewer Republican women are prepared for judgeships;<sup>329</sup> this has not proven to be true in Indiana, a Republican-dominated state. Twenty-nine (60.4%) of Indiana's women judges are Republicans, and nineteen (39.6%) are Democrats. From 1964 through 1994, fourteen Republicans and ten Democrats have been elected to serve on the bench, and fifteen Republicans and nine Democrats were appointed.

Sarah Evans Barker, a U.S. Federal District Court Judge and a Republican, was appointed by President Ronald Reagan. Republican Governor Otis R. Bowen appointed four women: Chezem, Dwyer, Mears and Cordingly. Republican Governor Robert D. Orr appointed eight women: Cole, Jourdan, Emkes, Hand, Kenworthy, Proffitt, Smith and Jimison. Ten women, Mann, Riley, Reichard, Traylor-Wolff, Boyer, Bonaventura, Macey-Thompson, Moss, Burke, and Mollo, were appointed by Democratic Governor Evan Bayh. In addition, Governor Bayh appointed Barteau, who had been an elected judge, and Riley, who had been an appointed and then an elected judge, to the Indiana Court of Appeals while they were superior court judges. Governor Orr appointed Chezem to the Indiana Court of Appeals while she was a circuit court judge. Governor Bowen appointed Shields to the Indiana Court of Appeals while she was a superior court judge.

The appointments were almost entirely along political lines. The only Democrats appointed by a Republican governor were Judge Jeanne Jourdan in 1981 and Judge Z. Mae Jimison in 1988. Judge Jourdan is from a Democratic

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327. See Years of Practice, *infra* Appendix I.

328. See Age of Indiana Women Judges, *infra* Appendix J.

329. Cook, *supra* note 185, at 50.

county and at the time her name was submitted by the Nominating Commission to the governor, the three names on the panel submitted were all Democrats. Judge Jimison, a Democrat, was appointed by Republican Governor Orr to fill a position required to be filled by a Democrat. Democratic Governor Evan Bayh has appointed three Republicans: Reichard, Macey-Thompson and Bonaventura. Reichard and Macey-Thompson were both appointed to the Marion County Municipal Court. The statute creating that court requires that one-half of the seats be held by Republicans and one-half by Democrats.<sup>330</sup> The two vacancies available when Reichard and Macey-Thompson were appointed were Republican vacancies. Therefore, Democratic Governor Bayh appointed Republicans to these positions. Bayh also appointed Bonaventura, a Republican, to a position that was not required to be filled by a member of a particular political party.

Of the twenty-four judges appointed, only the Marion Municipal Court judges were subject to reappointment.<sup>331</sup> The Honorable Sarah Evans Barker, an Article III judge, has life tenure. All other judges run for election, either in a general election or a retention election, even though they may have reached the judgeship by appointment in the first instance.

Whether the judges assumed office by appointment or by election, they fairly uniformly indicated that they received support from both men and women. There were, however, conflicts. One judge indicated that in her early years, when she was campaigning, she would be asked about her children and then told that she should be home with them. Another indicated that many women stated that they would vote for her, but they would not tell their husbands. As the years went by, the younger judges were finding that most women were generally enthusiastic and hopeful about having women on the bench. A majority of the women judges indicated that most of their financial support came from men, primarily because the men were in the positions of power to give the support. One judge indicated that she had tremendous support from men; she said that it was "partly because I had paid my dues as a trial attorney, partly because my husband is a lawyer, and partly because the incumbent developed a bad case of black robe fever." One judge recalled that running for election was "a very humbling and nourishing experience," during which she received support from all directions. Fifteen of the twenty-four women elected to judgeships successfully ran against incumbent male judges.

Political activism did not play a role in most of the judges rise to the bench. Sixteen of the women indicated that they had not been active in politics in any way prior to their assumption of the bench, and twenty-two stated that they had been political contributors in a very minor way; thus, 79% of the women judges had little or no political background. Three had been precinct committeemen, one a state delegate, and one a prosecutor. When asked if any of their family members had been active or influential politically, nineteen (40%) indicated that they had

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330. IND. CODE § 33-6-1-12(a)(3) (1993) (repealed 1995).

331. This was changed by the 1995 legislature. Act of May 3, 1995, No. 16, 1995 Ind. Acts 1513 (codified in scattered sections of IND. CODE). Marion County Municipal Court judges are now superior court judges and will be elected in the future.

no family members politically active at all, but twelve (25%) of the judges had family members who had held office. Those offices held by family members ranged from county prosecutor to precinct committeemen, mayor, and Governor of the State of Indiana.

When asked what they believed swayed the appointing power when they were appointed to the bench, three judges indicated that their reputations as professionals and for honesty were important factors. Seven others indicated that their experience as trial lawyers and in the general practice of law was an important factor. Eleven indicated politics, and five indicated gender, believing that their gender was a plus at the time and place of their appointment. One judge frankly stated that people “who were my friends had done major fundraising for the Democratic party,” and that was the most important factor in her appointment. Another indicated that because she is a Republican appointed by a Democrat, the fact that she was the least politically entrenched candidate made her attractive.

When asked if they had any experiences, good or bad, during the campaign for election or appointment that were attributed to gender, twelve of the judges answered that they had good experiences. Sixteen had bad experiences and many were mixed. A number of the women indicated that their appearance was commented upon frequently; often they were told that they were too young to be or did not look like judges. Others had to fight rumors that they had abandoned their family and had affairs while running for election. When one asked a male for his support at her election, she was told that God created women as helpmates to men. One was vice-president of her county bar association at the time she was up for election, yet she received an unfavorable election recommendation from the association, and she notes that no female candidate has ever received a favorable rating by that particular county bar association. One judge located in a rural county not far from Indianapolis was told flatly by a man, “I ain’t voting for no woman judge.”

However, in spite of the sometimes negative comments, thirty judges felt that being a woman had a positive impact on their campaigns. This was especially true for those who assumed the bench in recent years. They believed that people were genuinely interested in having women on the bench at the particular times of their appointments or elections. Many of the women said that they believed that in their counties the voters and appointing powers thought it was “time” for a woman to be on the bench. Three women thought that voters believed that a woman would have more integrity and would be more trustworthy than a man.

### *G. Struggles for Fairness as Judges*

Once on the bench, most of the women judges felt that they received less respect than the men judges from other judges, members of the bar, court officials, and employees. Most women judges felt that they had to prove themselves before being accepted by members of the bar, and most received challenges from all directions testing their authority, knowledge and ability to do the job. One judge said that she was openly treated graciously, but that there were always people who did not take her seriously because of a number of factors, such as her age, her lack of years practicing law, her gender and the type of cases that she handled. Judge Jimison indicated that the other judges, most members of the bar and court

officials treated her fine, but the employees she inherited from her predecessor, who had been forced to resign, "gave her hell" and tried to make every day a miserable experience. Another judge said that the employees she inherited from the judge whom she replaced were resentful and defiant. Another said that she had problems with respect from the bar and her employees who were present when she went onto the court, but the public treated her alright, especially because her expectations were not too high. She went on to say:

Come to think of it, they still aren't too high in this area. Maybe I am immune to all of the little indignities because I spent so many years as a prosecutor in the mental health court, but basically all I ask [is] that people are quiet, [and that they] do not have violent outbursts in the courtroom and office areas.<sup>332</sup>

Thirty (65.2%) of the women surveyed reported they did not feel that they received the same respect as did male judges. The primary indication of disrespect was in the manner in which the women judges have been addressed. The women judges were often called by their first name rather than "judge." One judge said that she would often walk down the street with a male judge and attorneys would say, "Hello, judge." to him, and not speak to her or, if they did, they would call her by her first name. A number of the women said that they were repeatedly called "sir" on the bench, and two reported that they had been called "honey" while presiding. Others believe that they are treated unfairly in bar polls and feel excluded in many ways. Two indicated that they did not believe that their views on issues were given the same weight as men's views on the same issues. For example, if a woman judge suggests an idea in a meeting, it is ignored, but if the same idea is expressed by a male judge, it is acted upon. Judge Burke said:

I have a sense that the idea of "judge" has certain contours in the minds of most people. If a person is male, silver haired, very articulate, dignified, dark suit, etc., the contours of that idea are completely filled and satisfied. That person is immediately fully congruent with the idea of "judge." The more a person differs from that idea the further he or she has to walk to become congruent.<sup>333</sup>

Many described isolated incidents of a lack of respect for the position. One judge relates that one male attorney handed her an exhibit and asked her to make a copy of it, even when she was in her robe at the time. A litigant asked another judge, "Is this a real court?"

Eleven judges (24%), however, stated that they had not noticed they received any less respect than that accorded to men judges. One judge stated that persons who would not show respect to her probably would not show respect to male judges either. One judge said that the judge she succeeded was not at all well respected. Thus, she felt at least as respected as he had been and perhaps even more so.

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332. Questionnaires, *supra* note 2.

333. *Id.*

Twenty-six (58%) of the women felt they had suffered discrimination while being on the bench. One indicated that a particular attorney took it upon himself to become her “babysitter” and actually questioned her staff as to her whereabouts if she was not in the office on a particular day or afternoon. When she took steps to curtail his behavior, he attempted to recruit a male to run against her in the subsequent election. Another judge stated clearly what several others surmised: that they are left out of professional-type outings, such as golf matches, trips to the horse races, and things of that nature, to which the men judges are invited. One judge stated that she is not readily invited to social banter over a beer or lunch with the other judges. Another judge stated:

As for professional acceptance, I am aware that certain behavior and traits, when demonstrated by women in their interactions with the bar, are viewed and characterized in pejorative terms, though they are received either with neutrality or with some admiration when men exhibit the same behavior. I frequently read the judicial evaluations conducted by the bar and wonder if the commentators even know me. Male judges are described as firm, demanding, running tight ships, decisive. Women judges are not dealt with so lightly.<sup>334</sup>

Judge Boyer indicated that an attorney informed her that a hearing scheduled for the next day in her court was going to be settled and suggested that she could take the extra time to go shopping at the mall. One judge even indicated that an attorney had referred to the potential for having a case scheduled for “the wrong time of the month.” Another said that she has encountered, and still does, outright rudeness in the courtroom from defendants and she sincerely doubts that they would act that way in front of older, gray-haired, distinguished men judges. Additionally, some of her male colleagues tend to view any woman judge, “whether it is me or some other judge who is interested in women’s issues or who described something as discriminatory, as a crazy, rabid feminist.” Seventeen judges stated that they had not experienced discrimination.

In one county, when the second woman judge was elected, they were referred to by a local attorney as the “Killer Bees.” When a third woman in that county ran for a judgeship, several male attorneys commented, “Aren’t two enough?”

Fourteen (31%) women said that, while on the bench, they had been the subject of sexual harassment. This harassment ranged from sexual advancements, to sexual innuendos, and being told by political superiors in their party that sex and money equal power. Other judges relate being referred to by their colleagues as “you girls.” One judge indicated that, when she was a deputy prosecutor, her boss gave her assignments that were secretarial in nature, a type of assignment never given to her predecessor, a male, nor to her successor, a male. When she assumed the bench, a male attorney in her city took it upon himself to come to her office and give her advice on her hair and makeup and wardrobe so that she would look like a judge. He then told her that in the preceding four years, when they had worked closely together, he would have liked to “get into [her] pants.”

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334. Questionnaires, *supra* note 2.

When asked if attitudes had changed over the years that they had served as judges, most women indicated that there had been a change simply by virtue of the fact that there are greater numbers of women on the bench. Numbers make a difference. Another factor helping to change attitudes is that women make up an increasing and tremendous part of the work force. A greater number of women working in a greater number of areas make women in the judiciary more acceptable. Others more cynically suggest that attitudes have not changed, but people are less likely to manifest their attitudes in words or deeds.

#### *H. Jurisdiction and Work Preferences*

Indiana courts are not uniform throughout the state as to the kind of cases a particular court will hear. Eighteen (38%) of the women entered the judiciary at the lowest level court in their county. Only two of those judges moved from the lowest level in the county to a higher level in the same county. In Marion County the lowest level court of record is the municipal court.<sup>335</sup> In some counties it is the county court and in others it is the superior court, county division. Many of those county courts were changed to superior courts as time elapsed, but, although the name changed, the work remained the same. Judges in these courts remain on the same bench unless appointed or elected to another position.

Twenty-two (45%) of the women judges in Indiana preside over a court with general jurisdiction. Fourteen judges (29.1%) are on courts specializing in criminal law, five on courts specializing in juvenile law, two on courts specializing in civil law, and three on courts specializing in family law. The specialization was by assignment in most cases. When asked what kind of cases they most enjoy, ten judges answered civil law, fifteen criminal law, three family law, three juvenile law, one medical malpractice, two general law, two small claims, two first time offenders, and one any difficult case involving research and study. One judge answered that any case well-prepared by attorneys with different issues was a pleasure to try. Several agreed with Judge Shields that they liked every kind of case that came before them. Judge Jimison and Judge Lopossa agreed that there was little joy in criminal court for any judge.

When asked what their strongest dislikes were in their trial work, without question, divorce and child custody led the list of those responding, with small claims following close behind. Twelve judges said divorce was their least liked area of law, nine said child custody, and seven said small claims was their least liked.

The judges were asked to review the entire work of the court to determine what they least liked. Again there was strong agreement. Twenty (44%) of the women indicated that, without question, they liked administration and paperwork less than anything else they did on the bench. Most explained that they were not trained to administer employees or to deal with salary raises or appropriations from county councils and did not like having to do such tasks. Two of the judges indicated that the part they are least comfortable with is politics, specifically running for office in a political race. One judge in a specialized court indicated

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335. Marion County Municipal Court, now Marion Superior Court, *see supra* note 331.

that she disliked the monotony of doing initial hearings over and over again, repeating herself so many times each day. She further stated, "I don't have time to think straight. I want to try and move my calendar and aim for scheduling my cases within the ABA guidelines." One indicated that what she liked the least was the fact that she did not have time to think any more. She stated, "I'm like a gerbil in a cage on a treadmill."

Even in spite of the areas of the work that they disliked, when asked generally if they liked the work of being a judge, thirty-nine answered they loved it, four answered that sometimes they liked it and sometimes they did not, but no one answered no.

### *I. The Trails Blazed*

Thirty-three of the forty-eight women (68.7%) surveyed were the first woman to sit as a judge in their respective counties. Judge Barker was and remains the first and only woman to be a federal district court judge in Indiana. Judge Shields, the first woman trial judge and appellate judge, is the only woman to serve as a U.S. Magistrate Judge in Indiana.

Five of the eleven women judges who left the bench, did so because they lost elections; two died and four left for retirement or personal reasons. Only three of the eleven women leaving the bench were succeeded by women.

## VII. HAVE WOMEN JUDGES MADE A DIFFERENCE NATIONALLY?

Traditional wisdom seems to compel the belief that women judges have different experiences in life and, as a result, come to courts with different perspectives than those possessed by men judges. Although research has shown that women in the general public have a different perspective on politics than do men,<sup>336</sup> it has not been clearly established whether this difference translates into different decisions or approaches to decision-making. The difference certainly suggests that women judges present a perspective that has not been previously represented. Christine M. Durham, former president of the NAWJ and present Utah Supreme Court Justice, states: "We bring an individual and collective perspective to our work that cannot be achieved in a system which reflects the experience of only a part of the people whose lives it effects."<sup>337</sup>

However, the question has arisen as to whether women who achieve the bench have been "socialized" to get along in a male dominated profession and, therefore, act and think in a way established by and acceptable to men. If the law is male, as suggested by a 1993 Symposium,<sup>338</sup> then the profession "has been structured to mesh with the lives of men and the norms of society which encourage men's

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336. See, e.g., SANDRA BAXTER & MARJORIE LANSING, *WOMEN & POLITICS: THE VISIBLE MAJORITY* (1983).

337. Christine M. Durham, *President's Column*, NAWJ NEWS AND ANNOUNCEMENTS (vol. 1) (1987), at 1.

338. Symposium: *Is the Law Male?*, 69 CHI.-KENT L. REV. 293 (1993).

commitment to work,"<sup>339</sup> and perhaps women have adopted this role.

If women in law do conform to male norms, it will not matter how many women enter law school or the judiciary. Changes in the practice of law will not come; it will be the same picture and same program with a few more female faces. For women in the judiciary, the question is more dramatic. As judges, women can impact the law itself, not just the practice of law. But the extent of their impact on the law is limited because it is difficult for any judge to implant personal values on the law. Judges work within a structure where decisions are limited by the present system of stare decisis. This system was developed over the years when women had little, if any, part in its development. If women's voices had been a part of the system's development, a different structure might have evolved.

Carol Gilligan argues that women's voices have not been a part of the development of this system.<sup>340</sup> The early feminists' were assimilationists and worked to be included in what was then considered the man's world of law.<sup>341</sup> That approach is changing. Modern feminists say that this type of acceptance is forcing women into a role of "men in skirts," which is not acceptable today.<sup>342</sup> Today women should be able to be women and function in roles that were, in the past, only for men.<sup>343</sup>

Regarding whether women judges have really been "socialized" or "assimilated" or whether they do make a difference, it is safe to say that the results are not yet in. Professor Elaine Martin of Eastern Michigan University has conducted two studies on this issue. Martin's first study compared experiences of female federal judges appointed by President Carter and male judges.<sup>344</sup> She found that men and women had different pre-bench careers that could impact on their decision making process.<sup>345</sup> She determined that these differences were related to the different societal roles of men and women.<sup>346</sup> For example, one difference she found was that women were significantly less politically active than their male counterparts.<sup>347</sup> Similarly, the instant survey of the forty-eight Indiana women judges establishes that thirty-eight of them were minimally or not at all politically active prior to becoming a judge. If political activism, always considered one path to the bench, also impacts on the judicial decision making process, differences may be apparent.

The roles of men and women in the family also impact the pre-bench careers of women. Women carry a heavier burden at home and experience greater conflict

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339. CYNTHIA FUCHS EPSTEIN, *WOMEN IN LAW* 8 (1983).

340. Judith Resnick, *On the Bias: Feminist Reconsideration of the Aspirations for our Judges*, 61 S. CAL. L. REV. 1877, 1913 (1988).

341. *Id.*

342. *Id.*

343. *Id.*

344. Elaine Martin, *Women on the Federal Bench: A Comparative Profile*, 65 JUDICATURE 306 (1982).

345. *Id.* at 309-11.

346. *Id.* at 310.

347. *Id.* at 308.

between parental and career roles than do men. In Martin's study, she established that 82% of the men judges studied had spouses who took the major responsibility for running the household.<sup>348</sup> In contrast, 9.3% of the women judges had spouses who carried the primary responsibility.<sup>349</sup> The dual role and responsibilities of women lawyers and homemakers may have limited the legal and political experience of some women attorneys, thus narrowing the path to the bench and changing the outlook of the women in the process.

Martin extended her study to a comparison of Carter-appointed and Reagan-appointed judges.<sup>350</sup> She established that Carter-appointed women were stronger in their support of women in changing social roles than either Carter-appointed men or Reagan-appointed men or women.<sup>351</sup> She determined this by comparing results of surveys she conducted of men and women judges.<sup>352</sup> However, in the process, she became convinced that a definition of behavior that makes a difference had to include more than case decisions. It should also include: 1) women's conduct of courtroom business, especially regarding sexist behavior on the part of litigators; 2) women's influence on sexual attitudes held by their colleagues; and 3) women's behavior as administrators, for example, in the hiring of women law clerks.<sup>353</sup> If these areas of proposed comparisons show a difference between men and women, they may perhaps have little impact on decisions, but they can certainly change the nature of the work place and perhaps the system itself.

Other researchers<sup>354</sup> reported that their preliminary research found no major statistically significant gender difference in voting behavior, even on women's issues, but acknowledged that more research with a larger number of both cases and women judges might produce different results.

Martin then surveyed a number of state judges and found that women feminists felt strongly that women have a unique perspective that needs to be represented and that without that representation the bench does not reflect our society.<sup>355</sup> Martin also found that both feminist and non-feminist women were significantly more likely than any group of men to perceive that 1) women judges behave differently than men judges; 2) women judges have an ability not possessed by men to bring people together; and 3) women judges face special

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348. Elaine Martin, *Men & Women on the Bench: Vive La Difference?*, 73 JUDICATURE 204, 206 (1990).

349. *Id.*

350. Elaine Martin, *Gender and Judicial Selection: A Comparison of the Reagan and Carter Administrations*, 71 JUDICATURE 136 (1987).

351. *Making a Difference: Women on the Bench*, 12 WOMEN'S RTS. L. REP. 255, 260 (Marilyn Loftus, moderator, 1991) (quoting Elaine Martin).

352. *Id.*

353. *Id.* at 261.

354. See, e.g., Gotshall, *Carter's Judicial Appointments: The Influence of Affirmative Action and Merit Selection on Voting on the U.S. Courts of Appeals*, 67 JUDICATURE 165 (1983).

355. *Making a Difference*, *supra* note 351, at 262.

problems in our judicial system.<sup>356</sup>

Carol Gilligan would certainly agree with Martin. Gilligan, through her research, found that women dealt differently with conflict situations than did men.<sup>357</sup> She theorized that this difference may be due to the different experiences of boys and girls while growing up, primarily because boys distance and separate themselves from their mothers because of their gender difference, and girls identify with their mothers and grow in the context of connection.<sup>358</sup> It is argued that this difference in development can result in women judges being more conciliatory in their approach to cases and less apt to apply strict rules.<sup>359</sup>

Along the same lines, Walker and Barrow compared opinions of twelve pairs of women and men federal judges and ten pairs of black and white federal judges.<sup>360</sup> One finding was that “[f]emale judges exhibit a much greater tendency to defer to the position taken by government than do male judges.”<sup>361</sup> Walker and Barrow concluded that “[n]o differences were found on any of [their] measures of judicial quality and acceptance.”<sup>362</sup> Women were more deferential than men, and Resnick suggests that perhaps women’s behavior was more appropriate and men were displaying arrogance.<sup>363</sup>

Social science researchers Allen and Wall conclude that unconventional women justices, who are the first women to serve on their courts, will be more willing to entertain proposals for major changes in legal doctrine.<sup>364</sup> Allen and Wall’s research and analysis of the role orientations of women state supreme court justices provide some support for their conclusion. Allen and Wall use four role orientations to explain the judicial decisions of women state supreme court justices. Those roles are: 1) representative; 2) token; 3) outsider; and 4) different voice.<sup>365</sup>

Women justices adopting the “representative” role are assumed to incorporate a woman’s viewpoint in legal matters directly impacting on women as a category, such as cases involving damages for sexual assault.<sup>366</sup> They perceive themselves as a representative of all women and feel obligated to see that the interests of women are considered.<sup>367</sup>

356. *Id.*

357. Resnick, *supra* note 340, at 1912.

358. CAROL GILLIGAN, IN A DIFFERENT VOICE: PSYCHOLOGICAL THEORY AND WOMEN’S DEVELOPMENT 7-10 (1982).

359. Resnick, *supra* note 340, at 1911-13.

360. Thomas G. Walker & Deborah J. Barrow, *The Diversification of the Federal Bench, Policy and Process Ramifications*, 47 J. POL. 596 (1985).

361. *Id.* at 608.

362. *Id.* at 614.

363. Resnick, *supra* note 340, at 1933.

364. David W. Allen & Diane E. Wall, *Role Orientations and Women State Supreme Court Justices*, 77 JUDICATURE 156, 159 (1993).

365. *Id.* at 158-59.

366. *Id.* at 158.

367. *Id.*

Women justices adopting the "token" role may modify their behavior to conform to the dominant majority and occupy a centrist position on the court.<sup>368</sup> In this way, they avoid drawing attention to their gender, the characteristic that sets them off as a minority member of the court, and therefore are given legitimacy.<sup>369</sup> A justice in the "token" role would have voting records that lie within the central area of any scale.<sup>370</sup>

The "outsider" role, an opposite to the "token" role, appears to be adopted by women justices who "are not afraid to deviate from group norms."<sup>371</sup> Their voting behavior may be comparatively extreme, and they do not moderate, persuade or compromise.<sup>372</sup> Instead, they address audiences outside the court.<sup>373</sup> This can be a very demanding role. Researchers Werner and Backtold point to the personality traits of women who "are among the first of their gender to enter a previously all male bastion."<sup>374</sup> These are women of high self-esteem, with no fear of deviating from institutional norms, and not constrained by minority status.<sup>375</sup> Allen and Wall conclude that these women "justices might be expected to have the emotional and psychological wherewithal to maintain the Outsider role."<sup>376</sup>

The "different voice" role may be exhibited by women justices who have a different view of morality and place a higher value on relational concerns than their male colleagues.<sup>377</sup> Allen and Wall found that women justices of a different voice are generally more likely than men to be the most pro-women members of their court on women's issues, to occupy the extreme liberal or conservative ends of their courts, and to engage in extreme and isolated dissenting behavior in criminal and economic cases.<sup>378</sup>

After analyzing twenty-four female justices from twenty-one states, Allen and Wall determined that a preponderance of women justices in the study adopted a representative role.<sup>379</sup> Strongly pro-women in decision and behavior, the justices saw a broad spectrum of issues as women's issues, such as sex discrimination, sexual conduct and abuse, property settlements, and parent-child issues.<sup>380</sup>

After studying the Minnesota Supreme Court, the first and only state supreme court to have a majority of women justices, Allen and Wall found that no women

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368. *Id.*

369. *Id.* (citing Beverly B. Cook, *Women Judges: The End of Tokenism*, in *WOMEN IN THE COURTS* (Winifred L. Hepple & Laura Crites eds., 1978) (other citations omitted)).

370. *Id.*

371. *Id.* at 158-59.

372. *Id.*

373. *Id.* at 159.

374. *Id.* (citing WERNER & BACKTOLD, *Personality Characteristics and Women in American Politics*, in *WOMEN IN POLITICS* 83 (Jacquette, ed., 1983) (other citations omitted)).

375. *Id.*

376. *Id.*

377. *Id.*

378. *Id.* at 161-62.

379. *Id.* at 161.

380. *Id.*

on the court adopted the token role orientation.<sup>381</sup> Also, on criminal cases three of the four women were outsiders, but none of the men were.<sup>382</sup> On the economic liberties scale, two women and one man were outsiders.<sup>383</sup> Only one woman on each scale (one liberal and one conservative) and one man demonstrated a different voice on the economics liberties scale.<sup>384</sup>

The 1991 appointment of Justice Sandra Gardebring to the Minnesota Supreme Court created the four to three female majority studied by Allen and Wall and made news throughout the nation. David Margolick wrote for the *New York Times* that this was the first powerful legal institution dominated by women and stated:

No one is predicting that the new female majority on the seven member Minnesota Court will instantly produce changes in its jurisprudence, though some lawyers anticipate heightened sensitivity to cases involving domestic abuse, child custody, spousal support, sexual harassment, employment discrimination and other issues of traditional concern to women.<sup>385</sup>

Minnesota Justice Rosalie Wahl, the first woman on the Minnesota Supreme Court, while speaking at the Chicago-Kent College of Law Women's Legal Studies Institute in July 1994, said the news article was misleading in two regards. She stated that:

First, we don't want to make instant changes in our jurisprudence—only significant ones—and those in a principled way in the proper time and case. And, second, we haven't dominated the court, we haven't wanted to. We only want our values and the law to relate in a way that will do Justice—to the law and to the people that law serves.<sup>386</sup>

Justice Wahl retired from the Minnesota Supreme Court in August 1994, and her position was filled by a man.<sup>387</sup> Thus ended the only female majority on any state supreme court. Justice Wahl believes that, while the Minnesota female majority is gone, we now know it is possible for women to be the majority on a state supreme court and that other states may follow.<sup>388</sup> She said: "My experience is that the presence of one woman alone on a court—one person of color—one differently abled person—heightens awareness, broadens perspective, begins to

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381. *Id.* at 162.

382. *Id.*

383. *Id.*

384. *Id.* at 159-162.

385. David Margolick, *Women's Milestone: Majority on Minnesota Court*, N.Y. TIMES, Feb. 22, 1991, at B16.

386. Rosalie E. Wahl, Address at the Chicago-Kent College of Law Women's Legal Studies Institute, Living the Life of a Woman Judge (July 23, 1994) (unpublished manuscript, on file with Justice Wahl).

387. *Id.*

388. *Id.*

change direction in some way. But *numbers* make a *difference*.”<sup>389</sup>

### VIII. HAVE WOMEN JUDGES MADE A DIFFERENCE IN INDIANA?

Do the Indiana judges believe they have made a difference as Justice Wahl suggests? Thirty-eight (88%) of the women judges responded with a resounding “yes.” Those responding negatively were primarily judges who were very new to the bench. However, one long-time judge responded that she did not feel she had made a difference and was running out of energy to keep trying. Some felt they had chosen a profession that did not want them and therefore suffered from their choice.

However, a common thread among the Indiana women is that each felt she helped to make the path easier for the women coming behind her on the bench. Judge Barker stated: “I’ve been the first one through the door on several occasions now, and I am very attentive to the needs of those who are coming after me. I have been alert all along to this special visibility I have had and the responsibility it imposes on me.” Judge Barteau said that even though her own career path has been full of head winds, she believes the fact that she has spent more than twenty years on the bench has removed many obstacles for other women. Judge Boyer believes that her biggest contribution has been opening up the private practice to women in her Fort Wayne area. Judge Gray said, “My presence in court alone helps women attorneys *and* male attorneys overcome barriers. My working hard and doing my job well has helped other women in whatever field of interest they have had.” Judge Jimison said, “I tried to bring a type of respect for all who came to the court, whether victim or wrongdoer. Humanity demands respect—especially fallen humanity.” Judge Reichard believes that she has personally made a difference on the system because of the responses she has had from other attorneys, and from defendants and victims. She further states:

I also know that as a woman my age I owe a great deal to the generation of women who came before me and who had to endure a lot more discrimination, outright hostility, etc., than I have had to. They made it easier for me and I hope that I, in turn, am making it easier on the next generation of women in the legal profession.<sup>390</sup>

Only four women thought that the increase in the number of women judges and lawyers had failed to make a systemic difference. One tongue in cheek response was that a major difference is there are now longer lines at the ladies’ rooms at judicial conferences. All believed that it helps to have other women to talk to concerning the experiences of women on the bench and that it is no longer fashionable to be discriminatory.

Indiana women judges have brought a diverse and positive approach to the practice of law and to the judiciary. Because many of the women judges are married and raising children, the system has been forced to become a little more

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389. *Id.*

390. Questionnaires, *supra* note 2.

flexible. The realities of child support and child care impact the highest officer of the court. One judge stated that “the increase in the number of women judges and lawyers has made a difference in the expectations of our children and in the dispensation of Justice. We are enriched by the attitudes, aptitudes and interest of women.” Another mentioned, “every accomplished woman judge and lawyer adds to the likelihood that we will see real gender neutrality in our lifetime.” One judge said:

Only now—when there are more women in the legal profession—are issues like child abuse, domestic violence, homelessness and so forth being addressed in any serious systemic fashion . . . . Men have been on the bench for centuries and have dominated the bench in this century for at least the first seven or eight decades, but as numbers of women increase, sticky societal problems are actually getting the attention they deserve.<sup>391</sup>

As Judge Vaidik suggested, perhaps the most simple change, but one so important, is that our judicial system is simply more credible when the judges and advocates are from diverse backgrounds.

Even those that believe they have made an impact on the system, still believe that the “good ole boy network” is alive and well, but perhaps a little more subtle than before. One judge indicates that more men are accepting the notion that women can be capable judges and attorneys, but the network is still there and active. A relatively new judge with several years of legal experience said:

At the beginning of my legal career, women lawyers, including me, fought hard to be one of the few women accepted by the good ole boys. Now, a good ole girls’ network has been established and women are more often a part of the girls’ network as opposed to the boys’ network, by choice.<sup>392</sup>

However, when asked if their closest ties were to men or women judges, thirty-one judges (67%) indicated that it was either to men or to both men and women. These judges almost uniformly expressed that the reason for their ties was because most of the judges in their communities are male, while the women were scattered throughout the state.<sup>393</sup> Those indicating that their closest ties were with female judges said, “The female judges allow you to bare your soul to them. The men judges would just as soon you not get too personal about things beyond work.” One indicated, “I like the social company and concerns of women—even women judges—better than male judges.” Another indicated that although she is close to both men and women judges, she has more in common with the women judges.

Because thirty-three of Indiana’s women judges were traveling a path in their

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391. *Id.*

392. *Id.*

393. See Map of State of Indiana Showing Distribution of Women Judges, *infra* Appendix D.

counties that had not been previously traversed by women, all were asked if they felt that they had personally changed since becoming a judge. Nine (20%) of the women answered "no," without any explanation, but thirty-six (80%) women answered "yes." Of the latter, a majority answered that they had become wiser and more knowledgeable, even about things in which they had little interest. They are more distressed about what is happening to families. Many of the women indicated that they had become more cynical and less trusting of others since going on the bench. Others indicated that they were more confident of themselves as a person once they had proven that they could meet the challenge of the bench, but they became more aware of their weaknesses and humanity than they had been prior to the bench. A few, with tongue in cheek, said that they had changed by becoming heavier, by as much as thirty pounds, since they had begun this sedentary job.

One common thread among the women seemed to be the fact that they felt more alone. One said:

I was not prepared for the isolation, the loneliness of the job. You have to be so careful about discussing cases with anyone else, so the burden is[,] in the end, only yours to bear. You must make decisions affecting people's families and lives and it is a very solemn, sobering task, one that you want to do well, you want to do Justice. Instead . . . you have to move the calendar and can barely think straight. I read one judge's words describing her job as something like 'exquisite torture,' and I know exactly how she feels. I have come to value my friends and family more than ever and I have learned much about human nature.<sup>394</sup>

For a number of years, Indiana's women judges have met at least once, sometimes twice, a year in a retreat. This has created an Indiana network of women judges. The network is not in opposition to anything and has not established objectives and goals as has the NAWJ, but it is simply to help understand the humanness of one another and to support each other in personal goals. "We are not against the male establishment," as Judge Cole says, "we just want to be included." The network created by the retreat helps alleviate this feeling of isolation and exclusion.

## IX. CONCLUSION

Do women judges make a difference? "Sometimes, some women do." A comparative study made of the Ninth Circuit does not support the theory that women judges will change the very nature of the law.<sup>395</sup>

But perhaps we should not be asking "will women judges make a difference," but instead "will women judges change the law or be changed by it?" If the women assuming the bench do no more than operate by the rules and structure established by the men, then they shall do no more than increase the numbers of

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394. Questionnaires, *supra* note 2.

395. Sue Davis, *Do Women Judges Speak "In a Different Voice?" Carol Gilligan, Feminist Legal Theory, and the Ninth Circuit*, 8 WIS. WOMEN'S L.J. 143, 171 (1993).

women in the judiciary. The increase in numbers is, in itself, important. For, once the judiciary is changed to reflect the fabric of society, it will be more acceptable to society, which encompasses the persons who deal with courts. Almost every woman judge can tell you of an experience where a woman litigant, juror, or lawyer has told them how good it is to see a woman presiding in the courtroom. The women judges make the women participants feel more comfortable and feel as if their gender is more credible.

But, unless women bring something new to the bench, a court that physically resembles the fabric of society is all we can expect. Discrimination in achieving the bench will disappear, but the result will be only more judges that are women, not judges that bring about change or something new to the law.

It has been suggested that this is in fact what is happening, that women lawyers are being assimilated into the traditional culture of the profession, rather than bringing innovation.<sup>396</sup> It is further suggested that women judges, even more than women lawyers, are being assimilated into the culture of a judge.<sup>397</sup> These suggestions may be true, but a transformation of the system may come about simply by virtue of increased numbers because, as Justice Wahl stated, "Numbers are important."<sup>398</sup>

If greater numbers of women judges do bring about a transformation, it will, of necessity, be slow because all women are not the same and do not have the same personal or political experiences and beliefs. Further, in a judicial decision even when a woman expresses and considers values and interests thought to be unique to women, she may still reach the same decision as a man. However, even if the same decision is reached, it is important that women's perspectives be considered in reaching the decision. This in itself can be a change.

Areas exist where an increased number of women judges may strongly impact the law. Because of the familial responsibilities still hovering in the women's realm, women may bring changes to the work place that will make it more hospitable to families. Because of their history in experiencing discrimination, perhaps women will make and enforce laws that promote more equal treatment of everyone. Because of women's sense of connection to others as described in Carol Gilligan's work,<sup>399</sup> perhaps they can change the adversarial system to one less damaging to participants.

Small changes have already been made. When Sandra Day O'Connor was nominated to the U.S. Supreme Court, the first change was simple. The proper address for a member of the U.S. Supreme Court became simply "Justice," not "Mr. Justice." Justice O'Connor also helped bring about the simple change of elimination of gender biased language from the U.S. Code.<sup>400</sup>

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396. Carrie Menkel-Meadow, *Portia in a Different Voice: Speculation on a Woman's Lawyering Process*, 1 BERKELEY WOMEN'S L.J. 39, 42 (1985).

397. Davis, *supra* note 395, at 172.

398. Wahl, *supra* note 386.

399. CAROL GILLIGAN, IN A DIFFERENT VOICE: PSYCHOLOGICAL THEORY AND WOMEN'S DEVELOPMENT (1982).

400. Stephen J. Wermiel, *O'Connor: A Dual Role—An Introduction*, 13 WOMEN'S RTS. L.

The presence of women judges in Indiana has brought about simple changes to the system. The men litigators have almost stopped calling them "sir" in open court. The frequency of being told that they "don't look like a judge" is smaller in the thirty-three Indiana counties that have had a woman judge. Women judges have become great enough in number that it is no longer news when a woman assumes a bench. Women judges' decisions are now more apt to bring comment because of the legal content rather than because of the gender of the judge.

However important these small changes are, Indiana women judges have also been instrumental in making major changes to the system. Almost all of the women have been activists on the bench. By creating programs in their counties, they have shifted the focus in drug and alcohol violations from punishment to treatment.<sup>401</sup> Because of their special interest in children, they have consistently made changes in the numbers and kinds of programs for juveniles and first-time offenders.<sup>402</sup> They established Alternate Dispute Resolution (ADR) programs, even before Indiana adopted ADR rules.<sup>403</sup> They have initiated court-based counseling and mediation programs to gently close the book on marriages that are dissolving and to assist in the resolution of custodial issues.<sup>404</sup> Family violence, literacy, parenting, and inmate General Education Degree (GED) programs have been addressed by the women judges, usually for the first time in their jurisdictions.<sup>405</sup> The Indiana Court of Appeals was computerized because of Judge

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REP. 129, 132 (1991).

401. For example, Judge Chezem established the first court-based alcohol and drug services in Indiana to be certified by the Indiana Division of Addiction Services and she established the first treatment alternatives to a street crime program directed toward offenders with substance abuse problems. *See Chezem, infra* Appendix C. Judge Gray established an educational program for prevention, intervention, and education to reduce alcohol and drug abuse and established a drug and alcohol abuse education program at the Indiana State Farm. *See Gray, infra* Appendix C. Judge Jourdan initiated a court-administered alcohol program in St. Joseph County which evaluates persons convicted of drunk driving, placing some in community treatment programs and others in educational programs. Judge Jourdan also coordinated efforts to develop a comprehensive criminal justice plan for drug offenders in her county which resulted in the establishment of a drug court and a treatment program for indigents under court supervision. *See Jourdan, infra* Appendix C.

402. Questionnaires, *supra* note 2. Biographies, *infra* Appendix C. Judge Barthold established, for the first time in her county, a 24-hour juvenile in-take program. Judge Chezem established juvenile caseworkers for the first time in her county, and Judge Austin has organized a youth shelter for juvenile offenders. *Id.*

403. Judge Barteau established a mediation program in the Marion County, Indiana, Domestic Relations Counseling Bureau in the late 1970s. Both Judge Comer and Judge Kenworthy initiated mediation programs in family disputes in their counties. *Id.*

404. Judge Barteau was instrumental in establishing a court-connected custody evaluation and counseling program for the benefit of the families and judges in divorce court. Judge Hand was instrumental in the domestic relations task force for her county. Judge Jourdan established a domestic relations counseling bureau in her county. *Id.*

405. Judge Barthold established a parenting family focus project to assist families. Judge McNagny was instrumental in establishing G.E.D. programs and literacy training for the first time

Chezem's chagrin when she was appointed to the court and found one computer being rolled back and forth among the three judges of her district. She wrote for and obtained grants providing for the purchase of computers and the necessary technical assistance for the entire court.<sup>406</sup> The women in the judiciary throughout Indiana were instrumental in establishing programs that benefitted their particular neighborhoods.<sup>407</sup>

Imbued in Indiana women judges bent for judicial activism is a sense that they are role models for the future generation of women. They actively participate in and create community educational programs for young people.

A view of the judicial biographies of the Indiana women judges<sup>408</sup> clearly establishes that each has had an impact and been an agent of change in the county where she serves. And, by participation in the Indiana Judges Association, the women are putting their imprint on the development of Indiana by being a part of its growth and development. Finally, by their visibility in their communities, the judges are bringing the judiciary within reach of an entirely new generation of women, and, hopefully, a more representative view of the judiciary to citizens in Indiana.

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ever in the county where she presided. *Id.*

406. When Judge Chezem was a county court judge, she established the first of its kind computer link between the court, the Indiana State Police, and the Indiana Bureau of Motor Vehicles. Judge McNagny was instrumental in the computerization of the courts in her county. *Id.*

407. Judge Barthold established programs for liaison between the courts and the schools. She also established a neighborhood complaint program where citizens could bring their complaints to the court. Judge Jourdan established a program to combat violence in the community and a community residential correction facility. Judge McNagny established a community residential correction facility. Judge Smith was instrumental in establishing a leadership program for young people. Judge Barteau organized an Adopt-A-School program where a judge was assigned to every middle school in Marion County, Indiana. Judge Stewart was active in the Guardian Ad Litem program. Judge Hand was active in Court Appointed Special Advocates (CASA) for her community. Judge Barthold got volunteers from her community to act as probation officers when there were insufficient officers for the offenders. Judge Gray was instrumental in establishing alternatives to prison for non-violent offenders in her community, as was Judge McNagny in establishing counseling programs for non-violent offenders in her community. Judge Vaidik, prior to assuming the bench, was active in establishing a victims' assistance program and a sexual assault prevention program for her county. *Id.*

408. *Id.*

## ADDENDUM

In February of 1995, the women judges of Indiana met at their annual retreat. Portions of this Article were made available to the women in attendance. During the organization of the retreat, it was decided to have a woman psychologist address the group on problems that professional women have in competing in a world that is dominated by men. Dr. Diane Brashear of Indiana University School of Medicine was gracious enough to agree to attend the meeting and make a presentation. A draft of the section containing the profile of Indiana women judges was sent to Dr. Brashear prior to the meeting so that she could become familiar with the statistics about the Indiana women jurists. Her comments are as follows:

I write to comment on the study of women judges in Indiana obtained by Judge Betty Barteau for her thesis. This material was used in a seminar of Indiana women judges on February 11, 1995. As the leader of the seminar, I found the information from the study most relevant and helpful in my preparation as well as providing information to the group. My mission for this seminar was to present and discuss factors that had social and psychological impact for these women. The data, obtained by Judge Barteau, was particularly helpful. Some respondents gave specific experiences which were noted in Judge Barteau's notes. This information gave me direction as to what these women had experienced and therefore allowed me to plan and present material about professional women within the framework of what female judges experience. In addition, the data gave important information about the personal impact of being appointed to the bench: for example, the fact that twenty-five percent of these women became divorced after they took the bench. This information signaled to me the importance of discussing gender differences in terms of communication and personal achievement. More importantly, the individual responses from the participants again provided information that validated others' experiences. These individual remarks were anecdotal but most relevant in my discussion of issues of credibility, gender difference in respect to authority and validating what many of the participants had experienced.

For example, with respect to credibility, it has been noted that many professional women in leadership positions are not taken seriously or are monitored more closely as to how they dress, spend their time, etc. Although this is known in business and some professions, it is not documented for women judges, a significant leadership position in law. Very specific examples gave many of the seminar participants [an] opportunity to identify their own experiences and share those in discussion. These common experiences helped the group members become more mutually supportive. It also offered an opportunity for them to reframe these experiences in such a way as to enable them to respond to the situation more positively and assertively.

Professional women, especially those in leadership positions, are often isolated socially and emotionally from their female peers. This group offers a positive resource to women judges and I think will be most helpful over time. . . .<sup>409</sup>

The profile of Indiana women judges was given to a woman judge and a man judge for their comment. Another commentary was from a man judge who has been a member of the judiciary at various levels for over nineteen years. He believes that a comparative cohort study would be of interest. He would like to know the extent to which the increasing number of women judges and, for that matter, the increasing number of women lawyers is affecting the male judiciary in making them advocates of some of the same issues that this Article suggests are typically endorsed by women judges and lawyers.

Because his judicial experience parallels the period of time when women began to assume an increasing presence on the bench, he agrees with the conclusion of this Article that women may reach the same decisions of men, but they may get there through utilization of a different perspective. He shares that he was naively shocked at some of the quotes attributable to the women judges on the bench when they were called upon to share how they were originally, and now continue to be, accepted on the bench and treated by male peers.

Judge Chezem, who has served on the bench since 1976, also commented on the profile section of the Article. She stated:

As I read *A Profile of Indiana Women Who Have Made the Arduous Climb* I began to feel almost tearful. I was not sad but a well of feeling from deep within me began to rise as I realized that, for the first time a voice was describing twenty years of my life. I read the numbers and descriptions and saw my life in those lines. I relived the most challenging and rewarding part of my life and broke through a denial of the fear and anger I had suppressed in order to be a white man's judge. I have loved the people for whom and with whom I have worked in the court system and have not given voice to the power of love in serving the people of Indiana. I did not want to be soft.

I have not talked about the satisfaction I felt in my work, especially, with young people. Yet, both my children have grown up in my work. I have taken them as toddlers to county council meetings and to other meetings. They have been in my court room and office as though I were merely cooking dinner. I wanted them to know that I loved them and they were a part of my work. I wanted them to know what I could not explain about work as a part of a whole and healthy life.

Even though my experiences have been different from some of those reported, they are a part of that history. What we still have not fully given

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409. Letter from Diane Blake Brashear, Ph.D., Indiana University School of Medicine, to Betty Barteau, Judge, Indiana Court of Appeals (Mar. 28, 1995) (on file with author).

voice to is the toll of those battles to take the women's presence beyond that of token visibility. Perhaps it will take retirement before some of us are willing to risk our "credibility" as professionals and speak openly about the challenges in a paternalistic addicted legal system.<sup>410</sup>

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410. Letter from Honorable Linda L. Chezem, Judge, Indiana Court of Appeals, to Betty Barteau, Judge, Indiana Court of Appeals (Mar. 30, 1995) (on file with author).

## ALPHABETICAL SUMMARY OF WOMEN JUDGES

<u>Judge</u>	<u>Law School/ Year of Graduation</u>	<u>County</u>	<u>Years of Service</u>	<u>Court</u>
Maryland L. Austin	Arizona State University 1979	Harrison- Crawford	1981-1984	Harrison-Crawford County Court
Cynthia J. Ayers	I.U. Indianapolis 1982	Marion	1991-	Marion Superior Court Civil Division, Room 4
Sarah Evans Barker	I.U. Bloomington 1965	Marion	1984-	United States District Court, Southern District of Indiana
Betty Scales Barteau	I.U. Indianapolis 1965	Marion	1975-1990	Marion Superior Court Civil Division, Room 3
Clementine B. Barthold	I.U. Indianapolis 1980	Clark	1991- 1983-1994	Indiana Court of Appeals Clark Superior Court
Mary Beth Bonaventura	Northern Illinois University 1981	Lake	1993-	Lake Superior Court Juvenile Division
Nancy Eshcoff Boyer	I.U. Indianapolis 1976	Allen	1991-	Allen Superior Court
Ronda R. Brown	Valparaiso University 1989	Parke	1993-	Parke Circuit Court
Rosemary Higgins Burke	University of Notre Dame 1992	Fulton	1993-	Fulton Superior Court
Linda L. Chezem	I.U. Bloomington 1971	Lawrence	1976-1982 1982-1988 1988-	Lawrence County Court Lawrence Circuit Court Indiana Court of Appeals

APPENDIX A  
ALPHABETICAL SUMMARY OF WOMEN JUDGES

<u>Judge</u>	<u>Law School/ Year of Graduation</u>	<u>County</u>	<u>Years of Service</u>	<u>Court</u>
Betty L. (McDonel) Shelton Cole	I.U. Indianapolis 1969	Delaware	1980-1984 1985-	Delaware County Court Delaware Superior Court Room 3
Mary Lee Comer	I.U. Indianapolis 1981	Hendricks	1983-	Hendricks Superior Court Room 1
Antoinette Antonellis Cordingly`	Suffolk University 1971	Marion	1979-1992	Marion Municipal Court Criminal Division, Room 10
Jane Spencer Craney	I.U. Indianapolis 1979	Morgan	1991-	Morgan County Court
Suzanne Trautman Dugan	I.U. Bloomington 1982	Bartholomew	1987-1991	Bartholomew Circuit Court
Judith Hayes Dwyer	I.U. Bloomington 1963	Davies	1976-1987 1988-	Davies County Court Davies Superior Court
Elaine B. Elliott	I.U. Bloomington 1982	Dubois	1987-	Dubois Superior Court
Cynthia S. Emkes	I.U. Indianapolis 1985	Johnson	1987-	Johnson Superior Court Room 2
Patricia J. Gifford	I.U. Indianapolis 1968	Marion	1979-	Marion Superior Court Criminal Division, Room 4
Sally H. Gray	I.U. Indianapolis 1979	Putnam	1981-	Putnam County Court

## ALPHABETICAL SUMMARY OF WOMEN JUDGES

<u>Judge</u>	<u>Law School/ Year of Graduation</u>	<u>County</u>	<u>Years of Service</u>	<u>Court</u>
Margaret J. Hand	I.U. Indianapolis 1978	Tippecanoe	1986-	Tippecanoe Superior Court Room 3
Barbara Arnold Harcourt	I.U. Indianapolis 1987	Rush	1989-	Rush Circuit Court
Mary Rudasics Harper	Valparaiso University 1974	Porter	1985-1986 1986-	Porter County Court Porter Superior Court Room 3
Susan Hay Hemminger	Valparaiso University 1983	LaPorte	1991-1993	LaPorte Superior Court Room 4
Kelley B. Huebner	I.U. Indianapolis 1979	Martin	1987-1992	Martin Circuit Court
Z. Mae Jimison	Ohio State College 1977	Marion	1988-1990	Marion Superior Court Criminal Division, Room 6
Jeanne Jourdan	University of Notre Dame 1975	St. Joseph	1981-	St. Joseph Superior Court
Phyllis Schramm Kenworthy	I.U. Bloomington 1981	Monroe	1987-1990	Monroe Superior Court Rooms III & V
Diana LaViolette	I.U. Indianapolis 1980	Putnam	1993-	Putnam Circuit Court
Paula E. Lopossa	I.U. Indianapolis 1973	Marion	1991-	Marion Superior Court Criminal Division, Room 1

APPENDIX AALPHABETICAL SUMMARY OF WOMEN JUDGES

<u>Judge</u>	<u>Law School/</u> <u>Year of Graduation</u>	<u>County</u>	<u>Years of</u> <u>Service</u>	<u>Court</u>
Elizabeth N. Mann	I.U. Bloomington 1976	Monroe	1989-	Monroe Circuit Court Division IV
Patricia Ann McNagy	I.U. Bloomington 1951	Whitley	1983-1984 1985-1991	Whitley County Court Whitley Superior Court
Mary Louise McQueen	I.U. Indianapolis 1979	Shelby	1991-	Shelby Superior Court Room 2
Darlene Wanda Mears	Valparaiso University 1971	Lake	1978-1992	Lake Superior Court Juvenile Division
Heather M. Mollo	I.U. Bloomington 1983	Brown	1993-	Brown Circuit Court
Sheila Marie Moss	Valparaiso University 1981	Lake	1993-	Lake Superior Court County Division, Room 2
Judith S. Proffitt	I.U. Indianapolis 1971	Hamilton	1983-	Hamilton Circuit Court
Ruth Diane Reichard	I.U. Indianapolis 1985	Marion	1991-	Marion Municipal Court Criminal Division, Room 16
Patricia Ann Woodworth Riley	I.U. Indianapolis 1974	Jasper	1990-1993	Jasper Superior Court Room 2
Vivian Sue Shields	I.U. Bloomington 1961	Hamilton	1994- 1965-1978 1978-1994 1994-	Indiana Court of Appeals Hamilton Superior Court Indiana Court of Appeals United States District Court, Southern District of Indiana

**APPENDIX A**  
**ALPHABETICAL SUMMARY OF WOMEN JUDGES**

<b>Judge</b>	<b>Law School/ Year of Graduation</b>	<b>County</b>	<b>Years of Service</b>	<b>Court</b>
<b>Kathy R. Smith</b>	<b>I.U. Indianapolis 1980</b>	<b>Clinton</b>	<b>1983-1990</b>	<b>Clinton County Court</b>
<b>Eleanor Bankoff Stein</b>	<b>New York University 1949</b>	<b>Howard</b>	<b>1990- 1981-1989</b>	<b>Clinton Superior Court Howard County Court</b>
<b>Judith A. Stewart</b>	<b>I.U. Indianapolis 1982</b>	<b>Brown</b>	<b>1991-1993</b>	<b>Brown Circuit Court</b>
<b>Olga Hulewicz Stickel</b>	<b>I.U. Bloomington 1976</b>	<b>Elkhart</b>	<b>1984-</b>	<b>Elkhart County Court</b>
<b>Elizabeth Ward Hammond Swarens</b>	<b>University of Louisville 1981</b>	<b>Crawford</b>	<b>1987-1992</b>	<b>Crawford Circuit Court</b>
<b>Susan Macey-Thompson</b>	<b>I.U. Bloomington 1980</b>	<b>Marion</b>	<b>1993-</b>	<b>Marion Municipal Court</b>
<b>Nancy Harris Vaidik</b>	<b>Valparaiso University 1980</b>	<b>Porter</b>	<b>1993-</b>	<b>Porter Superior Court Room 4</b>
<b>Lisa M. Traylor-Wolff</b>	<b>Valparaiso University 1986</b>	<b>Fulton- Pulaski</b>	<b>1991-1993</b>	<b>Fulton-Pulaski County Court</b>
			<b>1993-</b>	<b>Pulaski Superior Court</b>

## CHRONOLOGICAL SUMMARY OF WOMEN JUDGES

<u>Judge</u>	<u>Law School/ Year of Graduation</u>	<u>County</u>	<u>Years of Service</u>	<u>Court</u>
Vivian Sue Shields	I.U. Bloomington 1961	Hamilton	1965-1978 1978-1994 1994-	Hamilton Superior Court Indiana Court of Appeals United States District Court, Southern District
Betty Scales Barreau	I.U. Indianapolis 1965	Marion	1975-1990	Marion Superior Court Civil Division, Room 3
Linda L. Chezem	I.U. Bloomington 1971	Lawrence	1991- 1976-1982 1982-1988	Indiana Court of Appeals Lawrence County Court Lawrence Circuit Court
Judith Hayes Dwyer	I.U. Bloomington 1963	Davies	1988- 1976-1987	Indiana Court of Appeals Davies County Court
Darlene Wanda Mears	Valparaiso University 1971	Lake	1988- 1978-1992	Davies Superior Court Lake Superior Court
Patricia J. Gifford	I.U. Indianapolis 1968	Marion	1979-	Juvenile Division Marion Superior Court Criminal Division, Room 4
Antoinette Antonellis Cordingly	Suffolk University 1971	Marion	1979-1992	Marion Municipal Court Criminal Division, Room 10
Betty L. (McDone) Shelton Cole	I.U. Indianapolis 1969	Delaware	1980-1984 1985-	Delaware County Court Delaware Superior Court Room 3
Maryland L. Austin	Arizona State University 1979	Harrison- Crawford	1981-1984	Harrison-Crawford County Court

CHRONOLOGICAL SUMMARY OF WOMEN JUDGES

<u>Judge</u>	<u>Law School/ Year of Graduation</u>	<u>County</u>	<u>Years of Service</u>	<u>Court</u>
Eleanor Bankoff Stein	New York University 1949	Howard	1981-1989	Howard County Court
Sally H. Gray	I.U. Indianapolis 1979	Putnam	1981-	Putnam County Court
Jeanne Jourdan	University of Notre Dame 1975	St. Joseph	1981-	St. Joseph Superior Court
Clementine B. Barthold	I.U. Indianapolis 1980	Clark	1983-1994	Clark Superior Court
Mary Lee Comer	I.U. Indianapolis 1981	Hendricks	1983-	Hendricks Superior Court Room 1
Patricia Ann McNagny	I.U. Bloomington 1951	Whitley	1983-1984 1985-1991	Whitley County Court Whitley Superior Court
Kathy R. Smith	I.U. Indianapolis 1980	Clinton	1983-1990 1990-	Clinton County Court Clinton Superior Court
Judith S. Proffitt	I.U. Indianapolis 1971	Hamilton	1983-	Hamilton Circuit Court
Sarah Evans Barker	I.U. Bloomington 1965	Marion	1984-	United States District Court, Southern District of Indiana
Olga Hulewicz Stuckel	I.U. Bloomington 1976	Elkhart	1984-	Elkhart County Court
Mary Rudasics Harper	Valparaiso University 1974	Porter	1985-1986 1986-	Porter County Court Porter Superior Court Room 3

APPENDIX B  
CHRONOLOGICAL SUMMARY OF WOMEN JUDGES

<u>Judge</u>	<u>Law School/ Year of Graduation</u>	<u>County</u>	<u>Years of Service</u>	<u>Court</u>
Margaret J. Hand	I.U. Indianapolis 1978	Tippecanoe	1986-	Tippecanoe Superior Court Room 3
Elaine B. Elliott	I.U. Bloomington 1982	Dubois	1987-	Dubois Superior Court
Suzanne Trautman Dugan	I.U. Bloomington 1982	Bartholomew	1987-1991	Bartholomew Circuit Court
Kelley B. Huebner	I.U. Indianapolis 1979	Martin	1987-1992	Martin Circuit Court
Phyllis Schramm Kenworthy	I.U. Bloomington 1981	Monroe	1987-1990	Monroe Superior Court Rooms III & V
Elizabeth Ward Hammond Swarens	University of Louisville 1981	Crawford	1987-1992	Crawford Circuit Court
Cynthia S. Emkes	I.U. Indianapolis 1985	Johnson	1987-	Johnson Superior Court Room 2
Z. Mae Jimison	Ohio State College 1977	Marion	1988-1990	Marion Superior Court Criminal Division, Room 6
Barbara Arnold Harcourt	I.U. Indianapolis 1987	Rush	1989-	Rush Circuit Court
Elizabeth N. Mann	I.U. Bloomington 1976	Monroe	1989-	Monroe Circuit Court Division IV

APPENDIX B

CHRONOLOGICAL SUMMARY OF WOMEN JUDGES

<u>Judge</u>	<u>Law School/ Year of Graduation</u>	<u>County</u>	<u>Years of Service</u>	<u>Court</u>
Patricia Ann Woodworth Riley	I.U. Indianapolis 1974	Jasper	1990-1993	Jasper Superior Court Room 2
Cynthia J. Ayers	I.U. Indianapolis 1982	Marion	1994-	Indiana Court of Appeals
Jane Spencer Craney	I.U. Indianapolis 1979	Morgan	1991-	Marion Superior Court Civil Division, Room 4 Morgan County Court
Susan Hay Hemminger	Valparaiso University 1983	LaPorte	1991-1993	LaPorte Superior Court Room 4
Paula E. Lopossa	I.U. Indianapolis 1973	Marion	1991-	Marion Superior Court Criminal Division, Room 1
Mary Louise McQueen	I.U. Indianapolis 1979	Shelby	1991-	Shelby Superior Court Room 2
Ruth Diane Reichard	I.U. Indianapolis 1985	Marion	1991-	Marion Municipal Court Criminal Division, Room 16 Brown Circuit Court
Judith A. Stewart	I.U. Indianapolis 1982	Brown	1991-1993	
Lisa M. Traylor-Wolff	Valparaiso University 1986	Fulton- Pulaski	1991-1993	Fulton-Pulaski County Court
Nancy Eshcoff Boyer	I.U. Indianapolis 1976	Allen	1993- 1991-	Pulaski Superior Court Allen Superior Court

APPENDIX B  
CHRONOLOGICAL SUMMARY OF WOMEN JUDGES

<u>Judge</u>	<u>Law School/ Year of Graduation</u>	<u>County</u>	<u>Years of Service</u>	<u>Court</u>
Ronda R. Brown	Valparaiso University 1989	Parke	1993-	Parke Circuit Court
Diana LaViolette	I.U. Indianapolis 1980	Putnam	1993-	Putnam Circuit Court
Susan Macey-Thompson	I.U. Bloomington 1980	Marion	1993-	Marion Municipal Court
Nancy Harris Vaidik	Valparaiso University 1980	Porter	1993-	Porter Superior Court Room 4
Sheila Marie Moss	Valparaiso University 1981	Lake	1993-	Lake Superior Court
Mary Beth Bonaventura	Northern Illinois University 1981	Lake	1993-	County Division, Room 2 Lake Superior Court Juvenile Division
Rosemary Higgins Burke	University of Notre Dame 1992	Fulton	1993-	Fulton Superior Court
Heather M. Mollo	I.U. Bloomington 1983	Brown	1993-	Brown Circuit Court

**APPENDIX C**  
**BIOGRAPHIES OF WOMEN JUDGES**  
**(CHRONOLOGICAL ORDER)**

**VIVIAN SUE SHIELDS**

Judge of the Hamilton Superior Court

January 1, 1965 - June 30, 1978

Judge of the Indiana Court of Appeals

July 1, 1978 - January 28, 1994

United States Magistrate Judge,

United States District Court

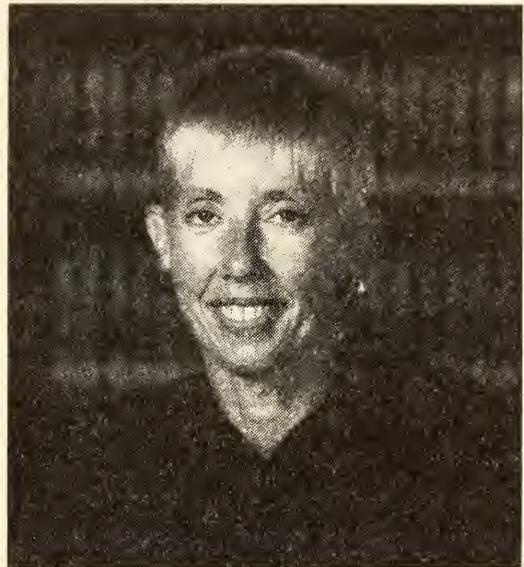
Southern District

January 28, 1994 - To Date

Term Expires: January 28, 2002

D.O.B.: January 17, 1939

Republican



Vivian Sue Shields, in 1964, at the age of twenty-five, was elected to the Hamilton Superior Court and became the first woman to sit as a trial judge on a court of record in the State of Indiana.

Judge Shields was a military child and attended high school in both Germany and the United States before graduating from New Palestine High School in New Palestine, Indiana. She is a 1958 Honors Graduate of Ball State University in Muncie, Indiana, and a 1961 Honors Graduate of Indiana University School of Law—Bloomington. While in law school, Judge Shields was named to the Order of the Coif and was a member of the *Indiana Law Journal*. She and her husband, Bill Shields, an attorney, were married on September 30, 1961, and they are the parents of two sons, of whom one is an attorney and the other is in law school.

Immediately after law school, Judge Shields went to work as counsel for the Internal Revenue Service. From 1962 through 1964, she was employed as a Deputy Attorney General for the State of Indiana. In 1964, Judge Shields decided to run for judge to generate publicity for the fact that she and her husband were opening a law office. She defeated a male opponent in the 1964 primary election and did not have opposition in the November election. She was elected to the Superior Court of Hamilton County and served from 1965 to 1978. She did not have opposition at any time that she ran for re-election.

In 1977, Judge Shields was one of the three nominees for a vacancy on the Indiana Supreme Court, but she was not appointed. She is believed to be the first woman nominated for that position. Subsequently, Governor Otis R. Bowen appointed her to the Indiana Court of Appeals, effective July 7, 1978, and she ran in retention elections to maintain her position. In February of 1994, Judge Shields

was appointed to her present position as an U.S. Magistrate Judge for the U.S. District Court, Southern District of Indiana. She was the first woman to serve in Indiana on a superior court, on the court of appeals, and as a U.S. Magistrate Judge in Indiana.

During Judge Shields' judicial career, she has been extraordinarily active in improving the administration of justice. She has been a member of the Judicial Administration Committee of the Indiana Judges Association, Co-Chairing an in-depth study of the Indiana Judicial System with recommendations on judicial reorganization, sentencing guidelines and child support guidelines. She was a member of the Benchbook Committee of the Indiana Judges Association, publishing a handbook establishing uniformity in judicial procedures. She was a member of the Trial, Sentencing, and Appeal Section of the Indiana Lawyers Commission, which, after an extensive study of the Indiana criminal justice system, made specific recommendations for improvement. She was a member of the Ad-Hoc Committee on Standards and Goals of the Indiana Criminal Justice Standards and Goals Committee, where she drafted standards and goals for courts, prosecutors and defense counsel in areas such as sentencing, court organization and criminal charges. She was a member of the Indiana State Bar Association's Commission on Marion County Courts and Commission on Family Law Courts, which conducted an in-depth study of the Marion County court system and Marion County domestic relations courts, providing recommendation for organization and selection. Judge Shields was also a member of the Judicial Liaison Committee and Judicial Ethics Committee of the Hamilton County Bar Association. She is a member of the Judicial Improvement Committee of the Indiana State Bar Association and Vice-President of the Board of Visitors of the Indiana University School of Law.

Judge Shields has held numerous Committee appointments in the American Bar Association and has served on the Board of Managers of the Indiana Judges Association and the Indiana Judicial Center. She has been President of the Region V Board of the Criminal Justice Planning Agency and was General chair of the 1993 Fall Meeting of the Indiana State Bar Association.

Judge Shields has also been active in her community. She is a Board Member of the Information and Network Services, Inc.; a member of the Phi Delta Phi Legal Fraternity; and a member of the Sheridan, Indiana, First United Methodist Church.

Judge Shields has received many honors since she has been a member of the judiciary, including being the first recipient of the Antoinette Dakin Leach Award of the Indianapolis Bar Association; receiving the Paul Buchanan Award of Excellence from the Indianapolis Bar Association; and being made an Honorary member of Delta Kappa Gamma.

**BETTY SCALES BARTEAU**

Judge of the Marion Superior Court

Civil Division, Room Three

January 1, 1975 - December 31, 1990

Judge of the Indiana Court of Appeals

January 1, 1991 - To Date

Term Expires: November 2004

D.O.B.: October 19, 1935

Democrat



When Betty Barteau was elected to the Marion Superior Court in 1974, she became the second woman in the history of the State of Indiana and the first woman in Marion County, Indiana, to serve as a trial judge. Effective January 1, 1991, she was appointed by Governor Evan Bayh to the Indiana Court of Appeals, becoming the third woman to serve on that court.

Judge Barteau is an Indiana native, graduating from Boonville High School in Boonville, Indiana. After her graduation from high school in 1952, Judge Barteau became a comptometer operator with Standard Oil Company of Indiana. She worked full time in that position until 1956 and then part-time until 1961. During this time she attended Indiana University Extension and in 1961 was admitted to Indiana University School of Law—Indianapolis without an undergraduate degree. She graduated in 1965 with distinction, and was a member of the *Indiana Law Review* and Order of the Coif. Judge Barteau received her Masters of Laws from the University of Virginia in 1995.

Judge Barteau was married upon graduation from high school at age sixteen to her first husband, an engineer, and they are the parents of three sons and two daughters. In 1968, she was married to her second husband, an attorney, and they were divorced in 1974.

Judge Barteau's first job after graduation from law school was as a deputy prosecutor in Warrick County, Indiana. She later held positions as deputy prosecutor of Spencer County; Warrick County Attorney; Warrick County Park Board Attorney; Tennyson, Indiana Town Attorney; and Boonville City Court Judge. During the years of 1965 through 1969, she also was in private practice in Boonville, Indiana, with her brother, John Burley Scales. In 1969, Judge Barteau moved to Indianapolis where she accepted an appointment to the Indiana Employment Security Review Board. She also established a law practice on the west side of Indianapolis with a former classmate, Charles Runnels. She served on the Review Board until 1972, and then worked in her law firm in a general practice until her election to the Marion Superior Court in 1974.

During her sixteen years of service on the Marion Superior Court, Civil

Division, Room Three, Judge Barteau became a specialist in family law. She taught family law at the National Judicial College in Reno, Nevada, from 1979 to 1994. She was Chair of the Faculty Council at the National Judicial College in 1990, and in 1993 received its highest award, the Erwin N. Griswold Award for Excellence in Teaching. She was the keynote speaker at the New Zealand Family Law Conference in 1991.

During her years on the superior court, Judge Barteau was the supervising judge of the Domestic Relations Counseling Bureau, where she was instrumental in creating innovative programs in mediation and in child custody evaluation. In 1978, she was named Indiana Woman of the Year by the Women in Communications. She was President of the Association of Family and Conciliation Courts in 1980, an interdisciplinary organization of judges, lawyers and social workers involved in the dissolution of marriage. She received their Distinguished Service Award in 1991.

In 1973 and 1974, Judge Barteau was a member of the National Security Forum at the Air War College in Montgomery, Alabama.

Judge Barteau has been very active in legal organizations. She is a member of the Indiana State Bar Association and the Indianapolis Bar Association. She has served on the Board of Managers of the Indianapolis Bar Association and the Indiana Judicial Conference. She is a member of the Indiana Judges Association, American Bar Association, and was a charter member of the National Association of Women Judges, where she has served as a member of the Board of Directors for two different terms. She serves as the National Association of Women Judges Liaison to the U.S. State Department Central and Eastern European Legal Institute. She was also a Board Member of the Women Judges Fund for Justice in 1993 and 1994.

Judge Barteau organized the Adopt-A-School/Judge program for Marion County in 1993. The program matched a Marion County judge with each middle school in Marion County. Thirty-two judges participated, bringing the reality of law and a legal education to children in their formative years. Judge Barteau was given the Indiana Judges Association 1994 award for "Excellence in Public Information and Education" for this activity.

Judge Barteau has been active in her community, having worked in various political caucuses before her election. She was also a Community Board Member of the Registered Nurse Registry of Private Duty Nurses from 1976 to 1984; a past Board Member of the Girls Clubs of America; past Board Member of the Community Service Council; and a past Board Member of the Family Service Agency.

Judge Barteau has twice been one of three candidates recommended by the Indiana Judicial Nominating Commission to the governor for appointment to the Indiana Supreme Court.

**LINDA L. CHEZEM**

Judge of the Lawrence County Court  
January 1, 1976 - September 30, 1982  
Judge of the Lawrence Circuit Court  
October 1, 1982 - November 22, 1988  
Judge of the Indiana Court of Appeals  
November 23, 1988 - To Date  
Term Expires: November 2002  
D.O.B.: September 26, 1946  
Republican



When Linda L. Chezem first assumed the bench on January 1, 1976, she was the first woman to serve as judge in Lawrence County and the third woman to sit as a trial judge in the State of Indiana. Judge Chezem is a Brazil High School graduate, and in 1968, after attending the University of Indianapolis, in Indiana, Monterey Peninsula Junior College in California, and the University of Maryland, she obtained her B.S. in English from Indiana State University in Terre Haute, Indiana. Judge Chezem received her J.D. in 1971 from Indiana University School of Law—Bloomington.

Immediately after law school, Judge Chezem worked as a substitute teacher and began a general practice of law in Paoli, Indiana. She and her second husband, an attorney, were married from 1971 to 1991. They are the parents of two children, Andrew and Sally.

In 1976, Judge Chezem began her judicial career with her appointment by Governor Otis R. Bowen to the newly created Lawrence County Court. On October 1, 1982, she was appointed by Governor Robert D. Orr to fill a vacancy on the Lawrence Circuit Court, thus becoming the first woman to serve as circuit court judge in Indiana. In 1988, Judge Chezem was appointed by Governor Orr to the Indiana Court of Appeals.

Judge Chezem has been a leader and an activist during her judicial career. At the county court level, she established the first-of-its-kind computer link between the court, the Indiana State Police, and the Bureau of Motor Vehicles. She also established the first court-based alcohol and drug services program in Indiana to be certified by the Indiana Division of Addiction Services. While serving on the circuit court, Judge Chezem established Indiana's first treatment alternatives to a street crime program, which was directed toward offenders with substance abuse problems. She was twice awarded the Governor's Exemplary Project Award for her work with the Lawrence County Life Skills Program and the Juveniles Casework Program.

Judge Chezem has been recognized locally and nationally for her expertise in substance abuse. She is a past member of the Governor's Task Force to reduce

drunk driving and has worked with various federal and state agencies to develop strategies for community based programs against substance abuse, for treatment options and for drug control. She speaks and writes on diverse subjects throughout the country.

Judge Chezem has received many honors and awards during her career. Among those are the National 4-H Alumni Award in 1994; National Friend of Extension Award by the Epsilon Sigma Phi National Honorary Extension Fraternity in 1993; in 1991, the Hoosier Hero Award from the Honorable Dan Coats, U.S. Senator from Indiana; in 1990, a Community Service Award from the Bedford Area Chamber of Commerce; in 1989 the Distinguished Hoosier Award given by Governor Robert D. Orr; and in 1988, the Robert J. Kinsey Award for Outstanding Judicial Service and Support to the Children and Youth of Indiana; and the Sagamore of the Wabash given by Governor Robert D. Orr. She has also served on the White House Conference for a Drug Free America. She is a Board member of the Fairbanks Hospital and Robert E. Greenleaf Center, served on the Board of Trustees of the Gibault School for Boys, is a founding member of the Lawrence County Leadership Program, and was a member of the U.S. Constitutional Bicentennial Commission.

Judge Chezem drafted the proposal and helped implement the program that resulted in the computerization of the Indiana Court of Appeals. She currently serves on many national projects including reviewing grant applications for the U.S. Department of Justice, Office of the Juvenile Justice and Delinquency Prevention and the U.S. Department of Health and Human Services Center for Substance Abuse Prevention.

Judge Chezem is a National Judicial Fellow for the National Highway Safety Program, and through Indiana University School of Law—Indianapolis, she is developing a judicial training curriculum.

Judge Chezem has served on the Board of Directors of the Judicial Conference of Indiana and the Indiana Council of Juvenile Family Court Judges. She has also served on the Board of Managers of the Indiana Judges Association and is a past Chair of the Judicial Educational Committee of the Judicial Conference of Indiana. She is a member of the Indiana Council of Juvenile and Family Court Judges, Indiana State Bar Association and the American Bar Association.

**JUDITH HAYES DWYER**

Judge of the Daviess County Court

February 28, 1976 - December 31, 1987

Judge of the Daviess Superior Court

January 1, 1988 - To Date

Term Expires: December 31, 1996

D.O.B.: November 27, 1938

Republican



Judith Hayes Dwyer became the fourth woman to sit as a trial judge in the State of Indiana when she took the bench in the Daviess County Court in February of 1976.

Judge Dwyer is a native Hoosier, graduating from the Washington Catholic High School in Washington, Indiana. She graduated from Marquette University, Milwaukee, Wisconsin, with a B.A. in Liberal Arts after having attended Indiana University for one semester and College of Sacred Heart in Saint Louis, Missouri, for one semester. In 1963, Judge Dwyer graduated from Indiana University School of Law—Bloomington. She was married in 1962 to her present husband, J.D. Dwyer, also an attorney, and they have five children.

Between the years of 1966 to 1976, Judge Dwyer was in the general practice of law with her husband, father, and brother. During this time, she was also a deputy prosecuting attorney for a four-year period. In 1976, she became a referee in the Daviess Circuit Court and two months later, in February, 1976, when the referee's position became a county court, she was appointed judge of that court. There was no competition for the appointment at that time, and she ran for re-election in 1980 and 1984 without opposition. In 1988, the Daviess County Court was changed to the Daviess Superior Court. She successfully ran against a male opponent in 1990 for re-election to the superior court. Judge Dwyer was the first woman to be a judge in Daviess County and one of the early women judges in southern Indiana. Judge Dwyer believes that over the years as more women have taken the bench attitudes toward women judges have changed.

Judge Dwyer has been President of the Daviess County Bar Association and is a member of the American Judges Association and Indiana Judges Association, where she has served as a member of the Indiana Judges Association's Court Benchbook Committee. She is active in numerous community organizations, including being on the Board of Directors of the Daviess County United Way; a member of Kappa Kappa Kappa, St. Simon's Church, St. Simon's Guild, Daviess County Republican Women and Monday Afternoon Club. From 1967 to 1975, she served as a member of the Board of Governors of the Daviess County Hospital.

**DARLENE WANDA MEARS**

Judge of the Lake Superior Court  
Juvenile Division

April 1, 1978 - November 22, 1992

D.O.B.: July 19, 1946

Republican



Darlene Wanda Mears was appointed to the Lake Superior Court, Juvenile Division, on April 1, 1978. She became the first woman to serve as a judge in Lake County and the fifth woman to sit as a trial judge in the State of Indiana.

Judge Mears is a graduate of the Lutheran High School in Los Angeles, California, a 1968 graduate of Valparaiso University with a Bachelor of Arts, and a 1971 graduate of Valparaiso University School of Law. She is divorced with one son.

After graduation from law school, Judge Mears worked for Chicago Title and Trust Company in Chicago, Illinois. She then established a solo legal practice in Lake County, served as a deputy prosecutor, and as a referee in the Lake Superior Court. She was appointed Judge of the Lake Superior Court, Juvenile Division, starting her term on April 1, 1978. She served two full terms and one partial term on this court. She had political opposition in her last retention election and was defeated by 1.6% of the vote.

During her last term in office, Judge Mears was charged with twelve Class D felonies. Seven of those were theft charges, alleging that seven employees were given duties that were for the personal benefit of Judge Mears with the intent to deprive Lake County of the value of their services. Five charges involved ghost employment in which it was alleged that different employees had duties not related to the operation of the court, but to the personal benefit of Judge Mears. After losing the election, Judge Mears went to trial where she was acquitted on each charge.

During her nearly fourteen years on the juvenile court, Judge Mears was active in many different organizations concerning juvenile law. Judge Mears served on the Board of Directors and as President of the Indiana Council of Juvenile and Family Court Judges; the Board of Directors of the Judicial Conference of Indiana; the Board of Directors of the National Juvenile Court Foundation; was both on the Board of Directors and President of the Juvenile Justice Task Force; Chair of the Family and Juvenile Law Section of the Indiana State Bar Association; a member of the Judicial Ethics Committee and Probation Committee of the Judicial

Conference of Indiana; was a member of the Criminal Justice Program Advisory Committee; and the Lake County Judicial Advisory Task Force. Judge Mears was also a member of the Lake County Bar Association, Indiana Judges Association, Indiana State Bar Association, American Bar Association, Indiana Council of Juvenile Family Court Judges, and National Council of Juvenile and Family Court Judges. She is also a recipient of the Sagamore of the Wabash Award.

Judge Mears feels that she administered her court in such a way that causes her to be remembered as a judge who loved children and cared for them as if each and every one was her own.

**PATRICIA L. GIFFORD**

Judge of the Marion Superior Court  
Criminal Division, Room Number Four  
January 1, 1979 - To Date  
Term Expires: December 31, 1995  
D.O.B.: April 13, 1938  
Republican



Patricia J. Gifford was elected to the Marion Superior Court in 1978 and when she assumed the bench on January 1, 1979, she became the sixth woman to sit as a trial judge in the State of Indiana. Judge Gifford graduated from high school in Athens, Georgia, and in 1960, graduated with an A.B. from the College of William and Mary in Virginia. Prior to entering law school, Judge Gifford taught school in both Washington Township Indianapolis schools and the Army Dependent Schools in Germany. Judge Gifford received her J.D. from Indiana University School of Law—Indianapolis in 1968. She and her husband were married in 1973 and have one child.

After law school graduation, Judge Gifford joined a law firm for six months and then became an Indiana Deputy Attorney General from 1969 to 1970. She was Assistant Attorney General from 1970 to 1972. From 1972 to 1974, she served as a Deputy Prosecutor for Marion County. While serving as Deputy Prosecutor, Judge Gifford became one of the first women in the United States who was assigned to prosecute only sex offense cases. In 1975, she became a referee for the Marion County Juvenile Court.

In 1978, Judge Gifford successfully ran for Marion Superior Court and assumed the bench on January 1, 1979. She ran for re-election in 1984 and in 1990 and was successful both times. During her tenure on the bench, she has presided over a court that handles exclusively felony cases. Judge Gifford achieved national prominence in 1992 by presiding over the Michael Tyson rape trial.

Judge Gifford has been active in her community, her church and the legal profession. She is a former member of the Board of Directors of the Third Christian Church, St. Richards School, the Board of Church Extension of Disciples of Christ, and the Board of Trustees of the Christian Theological Seminary. She has been President of the Board of Directors of the Third Christian Church and has twice served as Chairman of the Board of Directors of the Board of Church Extension of the Disciples of Christ.

Judge Gifford has been a member of the Indiana Lawyers Commission and

currently serves on the Board of Directors of the Legal Aid Society. She is also a member of the Indiana Judges Association, Indiana State Bar Association, Indianapolis Bar Association and the National Association of Women Judges.

**ANTOINETTE ANTONELLIS CORDINGLY**

Judge of the Marion Municipal Court

Criminal Division, Room Number 10

May 1979 - August 24, 1992

D.O.B.: August 19, 1945

D.O.D.: August 24, 1992

Republican



Antoinette “Toni” Cordingly was the first woman to sit as a judge in a municipal court in Marion County and the seventh woman to sit as a trial judge in the State of Indiana. Judge Cordingly was one of Indiana’s two foreign born women judges. She was born in the village of Sandonato, Italy, and came to the United States in 1956 when she was ten years old. At that point, she had no knowledge of the English language, but she learned the language and later worked to pay her way through school. First, she went to the University of Massachusetts at Amherst, where she graduated in 1968 with a B.A. in Government, and then Suffolk University School of Law in Boston, where she graduated with a law degree in 1971. Judge Cordingly always told the story that after she graduated from the University of Massachusetts, she won a contest for advertising students where one of the prizes was a trip to New York City. Her mother forbade her to go, saying that only single girls who were tramps leave home for a strange city unless it is to enroll in the university. Forbidden to leave home, she resorted to her alternative plan, which mother approved, of enrollment at Suffolk University School of Law in Boston.

While attending a law review course in preparation for the bar examination, she met her husband, an Indianapolis resident, attorney Bruce Cordingly. They were married the following year, and Judge Cordingly moved to Indianapolis. Two children were born during the marriage which ended by divorce in 1988.

After moving to Indianapolis, Judge Cordingly became Coordinator of the Indiana Criminal Justice Planning Agency. From 1973 to 1979, she served as a precinct committeeman and worked on political campaigns for many prominent Republican figures.

In May of 1979, Governor Otis R. Bowen appointed Judge Cordingly to complete the term of Municipal Court Judge Frank P. Huse. She was reappointed in 1981, 1985 and 1989. Judge Cordingly noted that in 1982 she was the only municipal court judge in Marion County, Indiana, history to take a maternity leave for the birth of her first child.

On marking ten years of her service on the municipal bench, Judge Cordingly

said:

Its made me more human, more humble. I've always been a person who expected perfection from myself and sometimes from others. Being here for ten years, I no longer expect perfection. People have good days and bad days. I see everything that comes in here and I say, 'That's life, that's what humanity is all about.'

Judge Cordingly received many awards during her term on the bench. She was named the Indianapolis Woman of the Year by the Indianapolis Star in 1979. She was active with many groups including the Indianapolis Bar Association, the Commission of the Indiana Judicial Standards and Goals Committee, the Civic Theater Masquers Club, the Wayne Township and Eagle Creek GOP Clubs, the Indianapolis Lawyers Commission Volunteer Public Defender Program and the Indianapolis Press Club.

Judge Cordingly had a lengthy battle with breast cancer, which claimed her life on August 24, 1992.

Judge Cordingly was well respected by persons from every social status. As one of her friends said at her death, "If you really do measure life's quality in terms of richness and variety of the friends that you attracted, then she was the woman who walked at a level that few of us will ever be able to attain."

**BETTY L. (MCDONEL) SHELTON COLE**

Judge of the Delaware County Court

May 27, 1980 - December 31, 1984

Judge of the Delaware Superior Court

Room Number 3

January 1, 1985 - To Date

Term Expires: December 31, 1996

D.O.B.: June 5, 1926

Republican



Betty L. (McDonel) Shelton Cole was appointed on May 27, 1980, to the Delaware County Court to serve the last seven months of the four year term of a deceased incumbent. She became the eighth woman to sit as a trial judge in the State of Indiana. She has since been elected for a four-year term and two six-year terms. In 1984, the county court over which she presided became a superior court.

Judge Cole attended Elwood, Indiana, public schools. She moved to Indianapolis in 1940, and in June 1944 graduated from Emmerich Manual Training High School. Judge Cole worked at the Curtis Wright Division of General Motors as an electrical inspector for six months. She married Elbert Shelton, a lieutenant in the U.S. Air Force, on December 13, 1944. They had two children, one born in 1946 and one in 1952. From 1948 to 1950, she attended classes at Indiana University and from 1963 to 1965, she attended classes at Ball State University. She did not receive an undergraduate degree, but was allowed to enter law school with three years of undergraduate credits. She graduated from Indiana University School of Law—Indianapolis in 1969. Her marriage to her first husband ended in divorce in 1973 and she remarried on December 24, 1975, to Dewey G. Cole. She has three stepchildren from that marriage.

Immediately after graduation from law school, she worked as an associate in a seven member firm in Muncie, Indiana. In November of 1970, she opened her own law office and maintained a general, small town type practice for seven years. She had a male associate who worked for her for two years. She then joined a local firm as a senior partner in 1978.

Judge Cole says that it was not until age fifty-three that she decided that she would like to become a judge. She attributes that decision to experiences beginning in the 1960s when she was President of the local League of Women Voters and was asked if the League would consider studying the Judicial Article of the Indiana Constitution. As a result of those years of studies and contacts with the attorneys and judges, she decided that she wanted to become an attorney and eventually a judge. Judge Cole had a young male judge who was her mentor, asking her many times to serve as judge pro tempore for him. He encouraged her

to run for his office because he was contemplating leaving the bench to complete a doctorate in philosophy. In May 1980, she won the Republican primary nomination to the same court where her Democratic mentor presided. He was killed in an automobile accident two weeks after the primary, and she was appointed by Governor Otis R. Bowen to complete his term. In November of 1980, she was elected to her first complete term on the bench. Judge Cole ran for re-election in 1984 and 1990, and had both male and female competition for those elections.

Judge Cole has been a member of the League of Women Voters and was President of her local league in 1962. She has been a member of the Business and Professional Women. In 1982, she became a charter member of the Riley-Jones Club, a professional women's club. Because the Rotary, Kiwanis and Muncie Club excluded women at that time, a group of professional women created the Riley-Jones Club, purchased an old house and remodeled it as a place for women to have lunch, business meetings, and social gatherings. Men are now allowed to join.

Judge Cole received the Liberty Bell Award from Ball State University in 1986, and a Citation from The Partners for Progress Program of Indiana in 1986. She was awarded the Vivian Conley Public Service Award in 1994, recognizing her as an outstanding woman in government, which was presented by a League of Women Voters representative at the Second Annual Women's Equality Day Celebration.

Judge Cole is a member of the Indiana Judges Association, the Delaware County and Indiana State Bar Associations, and the National Association of Women Judges.

**MARYLAND LEWIS AUSTIN**

Judge of the Harrison-Crawford County Court

January 1, 1981 - December 31, 1984

D.O.B.: August 25, 1941

Republican



Maryland Lewis Austin was elected to the Harrison-Crawford County Court in the November election in 1980. She was one of four women to assume a bench on January 1, 1981. Judge Austin was the first woman judge in Harrison and Crawford Counties as well as the first woman attorney in those counties.

Judge Austin graduated from Jefferson High School, Lafayette, Indiana, and attended the University of Wisconsin at Madison, Wisconsin, Purdue University in Lafayette, Indiana, and George Washington University in Washington, D.C., before graduating in 1966 from Monterey Institute of International Studies in Monterey, California. There she was awarded a B.S. in political science. She was married from 1961 through 1989 and is the mother of three children.

Judge Austin decided to go to law school because she was interested in people-oriented problem solving. She graduated from Arizona State University with her law degree in 1979. She took the Arizona bar exam after her second year of law school and, after passing the bar, devoted her third year of law school to a civil clinical internship. During that year, she represented an inmate of the Arizona Women's Prison against a deputy attorney general who was seeking to terminate the inmate's parental rights to a young child because of the lengthy prison sentence that she had received.

She was admitted to the Indiana bar in August 1979. From September 1, 1979 until December 31, 1980, she was a part-time Deputy Prosecutor for Harrison-Crawford Counties and had a part-time civil practice in the Whitis Law Office.

Judge Austin decided to run for judge because she did not believe she would be considered for a partnership in the office where she practiced with two male attorneys. She also felt that she could make improvements in the manner in which the local court was being run at that time. She was encouraged in her candidacy by two friends, both judges, one male and one female. She ran against a male incumbent and was elected, beginning her term on January 1, 1981. The court over which she presided handled traffic offenses, small claims, misdemeanors and class D felonies.

In 1984, Judge Austin ran for re-election in Harrison and Crawford Counties

and carried Harrison, but lost Crawford County and the election. In 1990, after the counties became separate judicial districts, she ran in Harrison County only and lost to the incumbent judge. She believes that her experiences while on the bench paved the way for the next woman who held the bench in Crawford County, Judge Elizabeth Ward.

During her term on the bench, Judge Austin implemented the new criminal procedure act in an orderly fashion. She also established the first alcohol and drug treatment program in Harrison and Crawford Counties, established probation services for misdemeanants and substance offenders, and helped to establish the Wyandotte House youth shelter for children in need of services and status offenders.

After leaving the bench, she has developed a solo practice in Corydon, Indiana, and expects one or perhaps two of her daughters to join her in her legal practice.

**ELEANOR BANKOFF STEIN**

Judge of the Howard County Court

January 1, 1981 - August 31, 1989

D.O.B.: January 24, 1923

Republican



Eleanor Bankoff Stein was one of four Indiana women to take the bench on January 1, 1981. She was elected Judge of the Howard County Court in 1980 and brought the number of women serving as trial judges to twelve. Judge Stein attended Barnard College and graduated in 1944 from Columbia School of Business. She graduated in 1949 from New York University with a law degree. While at New York University she served on the Law Review. Judge Stein says that although the school was co-educational, there were only three women in her class of 300. She was married in 1947 and she and her husband, a physicist, are the parents of two sons and one daughter. Their daughter is an attorney.

For a period of two years before entering law school, she worked as a legal secretary and office manager at the Manhattan Project in New York. After graduation from law school, Judge Stein practiced for one year in New York State, but she and her family moved to Pennsylvania at the end of that year. She stayed home with her family from 1950 to 1976, moving to Indiana in 1963. When her youngest son went to college in 1976, she took and passed the Indiana Bar Exam. She practiced first with Hillis and Button in Kokomo, Indiana, then two years with Paul Hillis, until his death, and two years with Bayliff, Harrigan, Cord & Maughans. During her years as a lawyer, Judge Stein had a general practice, working with divorce, contracts, mortgage abstracts, probate, wills, and real property collections, and worked part-time as a juvenile court referee. In 1980, she won the nomination of the Republican party for judge of the Howard County Court. She successfully ran in the fall election against a male opponent and was re-elected in 1983, running against a female opponent. She retired on August 31, 1989, one and one-fourth years before her term expired, because she had reached the age of sixty-six and her husband was retired.

Judge Stein remains active in many legal and community groups. She has held memberships in the American Judicature Society, Indiana Trial Lawyers Association, *New York University Law Review* Alumni Association, Howard County Legal Aid Society, National Association of Women Judges and the Howard County, Indiana State and American Bar Associations.

Among her many community activities are the Kokomo Human Relations Commission and the Mental Health Association. She has served on the Boards of United Way, St. Joseph Hospital Advisory Board, Youth Services Bureau, Salvation Army, Meals on Wheels, Fellowship Center Halfway House, and Howard County Children's Center. She was the 1992 recipient of the Academy of Women Award for the area of Public Service and Education.

Judge Stein holds memberships in Kokomo in Altrusa, Symposium, Republican Women's Association, Kokomo Country Club, and Temple B'Nai Israel.

Judge Stein feels that her greatest accomplishment during her terms on the bench was the creation of the Howard County Alcohol and Drug Services Program. During her tenure, over 6000 defendants went through the program. Judge Stein feels that it has been her privilege to touch many lives and in many ways help the community where she lives and the persons involved in that community.

**SALLY H. GRAY**

Judge of the Putnam County Court

January 1, 1981 - To Date

Term Expires: December 31, 1996

D.O.B.: October 6, 1933

Democrat



In January 1981, when Sally H. Gray was elected, she was one of four women assuming the bench, increasing the number of women in the judiciary to twelve. Judge Gray grew up in Kirkwood, Missouri, and graduated with highest honors from both Ohio University where she received a Bachelor of Arts in 1955, and from Syracuse University where she received a Master of Arts in Economics in 1958. Twenty-one years later, in 1979, she received her J.D. from Indiana University School of Law—Indianapolis with high honors.

Between obtaining her masters degree and her J.D., Judge Gray was an economics instructor at DePauw University in Greencastle, Indiana; Wabash College in Crawfordsville, Indiana; Little Rock University in Little Rock, Arkansas; and Ohio University in Athens, Ohio. At age forty-two, after being married for twenty years, having a son and a daughter, and being a career teacher, Judge Gray decided to go to law school believing that she could make a difference in her community by entering the legal profession.

Judge Gray graduated from law school in 1979, and in 1980 was asked to run for the county court bench. She was first elected in 1980, and again in 1986 and 1992. Judge Gray does not intend to seek election to a fourth term. Judge Gray was the first woman to be elected to a trial bench in Putnam County and believes that simply her presence in the court has helped to overcome barriers for women attorneys. In 1993, when Diana LaViolette was elected judge of the Putnam Circuit Court, Putnam County became the first Indiana county with more than one court to have an all female judiciary.

During Judge Gray's tenure on the bench, she has been very active in judicial education and has both taken and taught many courses at the National Judicial College and the Indiana Judicial Center. She has taught courses at the National Judicial College on alcohol, drugs and the courts and has published a number of articles. Among those are a March 1989 *Res Gestae* article entitled, *Counselling the Chemically Dependent and Co-Dependent Client—an Opportunity to Make a Difference*, co-authored with Dr. Tim Kelly, Medical Director of the Fairbanks Hospital. She also had a series of articles published in her local newspaper, the

*Banner-Graphic*, entitled, "The U.S. Constitution, the Bill of Rights and Our System of Criminal Justice: A Bicentennial Perspective in a Nutshell." Judge Gray has also published a set of manuals to assist persons for their appearances and presentations in small claims courts.

Judge Gray has been a leader in the legal community. She served on the Commission on Women in the Profession for the Indiana State Bar Association in 1989-1990; the Hart Task Force for the Indiana State Bar Association in 1991 and 1992 (a commission to examine the entire structure and programs of the Association); and the Board of Directors of the Indiana Judicial Conference in 1985-1990 and 1993 to date. She has been both member and Chair Person of the County Court Committee of the Indiana Judicial Conference and served as Secretary-Treasurer of the Indiana Judges' Association in 1989-1991, the first time that Association had a woman officeholder.

Of special interest to Judge Gray has been the topic of alcohol and drug abuse and her work in that area has resulted in Judge Gray receiving numerous honors. In 1994, she was appointed by the White House Office of Drug Control Policy to a seven member panel on Reducing Drug Use in Rural America. She was on the Steering Committee of the Governor's Commission for a Drug Free Indiana for four years and received the Rector Health Association Award in 1994 from the Putnam County Family Support Services for work in the community to combat domestic violence. Currently, Judge Gray serves on a State of Indiana Sentencing Evaluation Task Force funded by a Clark Foundation grant.

Over her terms of office, Judge Gray has been involved in the creation of many court related innovations in that field. Among those was the creation of "Phoenix," a Clay-Putnam County Community Correction program to provide an alternative to prison for non-violent offenders; the creation of the P.I.E. Coalition (prevention, intervention and education), a community wide, broadly based effort to reduce the use and abuse of alcohol and other drugs; education classes at the Indiana State Farm with inmates in recovery conducting the anti-drug and alcohol program; and various other drug-alcohol related programs.

In 1994, she was named a Sagamore of the Wabash by Governor Evan Bayh for her work in her community and state to combat substance abuse.

**JEANNE JOURDAN**

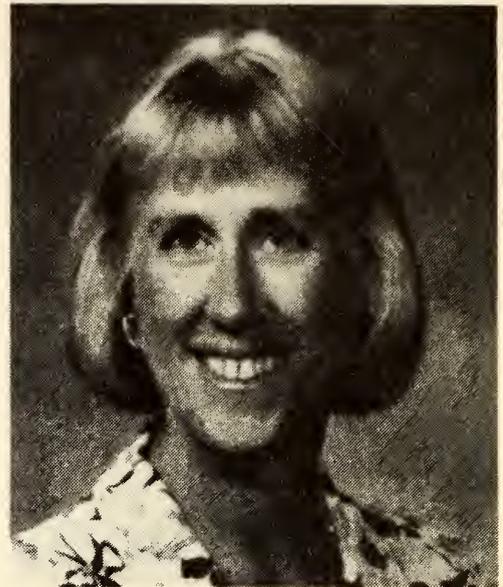
Judge of the St. Joseph Superior Court

January 1, 1981 - To Date

Term Expires: December 31, 1996

D.O.B.: July 14, 1939

Democrat



When Jeanne Jourdan was appointed to the St. Joseph Superior Court on January 1, 1981, she became the first woman trial judge in St. Joseph County, Indiana, and was one of four women to take the bench on that date. Judge Jourdan is a graduate of the Gwynedd-Mercy Academy in Gwynedd Valley, Pennsylvania, and a 1961 graduate with a Bachelor of Arts from Chestnut Hill College. In 1975, she graduated with her J.D. from the University of Notre Dame. Judge Jourdan is married to an economist and is the mother of five daughters.

Between her graduation from college and law school, Judge Jourdan was a homemaker. Immediately after law school, she became an Assistant City Attorney in the South Bend. From 1975 to 1980 Judge Jourdan practiced law on a part-time basis with the law firm of Cekanski & Swartz. Her practice consisted primarily of domestic relations, rights of the handicapped and general law. During this same time, from October 1975 to January 1979, she worked part-time as a public defender, where she defended indigent people accused of both misdemeanors and felonies, both at trial and on appeal. From 1979 to January 1980, Judge Jourdan was a part-time deputy prosecuting attorney. From January 1980 to December 1980 she worked as a full-time deputy prosecutor, prosecuting a variety of felony cases. She was the supervising attorney for the Career Criminal Division, where she administered a grant, directed the staff and selected and investigated cases for prosecution of offenders with at least two prior convictions.

Judge Jourdan was appointed to the St. Joseph Superior Court on January 1, 1981, and has since been retained in three elections. From 1983 to 1986 and from 1990 to 1992, she served as Presiding Judge of the St. Joseph Superior Court. In 1990, Judge Jourdan was one of three nominees to the Indiana Supreme Court.

Prior to taking the bench, Judge Jourdan was a founder of the first Community Residential Correctional Facility in Indiana, the DuComb Center, and served on its Board of Directors for five years. While on the bench, she assisted in the establishment of the Domestic Relations Counseling Bureau, which served the courts in resolving disputes between parents over custody, visitation and child support. In 1983, she started the Court Administered Alcohol Program in St.

Joseph County. This program evaluates persons convicted of drunk driving and places some in community treatment programs and others in educational programs. In 1990, Judge Jourdan chaired the Justice Section of the St. Joseph County Comprehensive Criminal Justice Program for Drug-Free Indiana. She coordinated the efforts of the police, prosecutor, courts and corrections in the county to develop a comprehensive criminal justice plan for drug offenders. This resulted in the establishment of a "Drug Court" and treatment for indigents under court supervision.

Judge Jourdan has been active in teaching during her legal career. She began teaching in 1977 at the Notre Dame Law School; since 1984, she has held the position of Adjunct Professor. In 1987, Judge Jourdan began coaching the Notre Dame Trial Team, which earned three Regional Championships and the National Championship in 1993. She has been a guest faculty member at the Trial Advocacy courses at Harvard Law School, a team leader for the National Institute for Trial Advocacy in Chicago, Indianapolis, Dallas, San Diego and Boulder and on the Faculty of the Indiana University Paralegal Studies Program in South Bend, Indiana. In 1993, Judge Jourdan was honored by the Indiana Judicial College for her contributions to judicial education and her efforts in developing day long interactive evidence workshops for Indiana judges in 1993.

Judge Jourdan is a member of the American Bar Association, Indiana State Bar Association, St. Joseph County Bar Association, American Judicature Society, National Association of Women Judges and the Indiana Judges Association, where she serves on the Board. She has served on the Judicial Administration Committee of the Indiana Judicial College as well as its Board. She was appointed to the Indiana Rules of Civil Procedure Committee in 1993.

Judge Jourdan has been active in her community as well as her profession. She was a Board member of the Holy Cross Parish from 1967 to 1968; the Madison Center (a community mental health facility) in 1982; the St. Joseph YMCA in 1981; the Family & Children Center in 1992; and the S.O.S. (a women's committee on sex offenses). She was also a member of the Civil Liberties Union, the St. Joseph County Shelter, and Leadership I.

In 1994, Judge Jourdan initiated a community wide program to combat gun violence in South Bend, Indiana, "This Is My Neighborhood—No Shooting Allowed," which reached 7000 kids in their classrooms. Local lawyers, police officers and Leadership XX of the Chamber of Commerce, as well as the television media, participated in this effort to empower children to reject violence and develop alternative resolutions to disputes.

**CLEMENTINE B. BARTHOLD**

Judge of the Clark Superior Court

Room Number 1

January 1, 1983 - December 31, 1994

D.O.B.: January 11, 1921

Democrat



Clementine B. Barthold was one of four women to assume office on January 1, 1983. She was the first woman to serve as judge in Jeffersonville, Clark County, Indiana. Judge Barthold was born in Odessa, Russia, one of the two Indiana foreign born women judges. She came to the United States when she was four years old. She was one of seven children in her family. She grew up and was educated in Aberdeen, South Dakota. In 1941, Judge Barthold married Edward Brendel Barthold, a civil engineer. They traveled throughout the East and South until they settled in Jeffersonville, Indiana, in 1955. Two children, Judith Ann and John Edward, were born to them. Mr. Barthold died in 1972 and in 1981, Judge Barthold married Joel L. Stokes, a retired military man. Their marriage ended in divorce in 1991.

From the years 1960 to 1973, Judge Barthold was the Chief Probation Officer for the Clark Circuit and Superior Courts. From 1973 through 1975, she worked for the PACE (Public Action in Correctional Effort) organization as a research consultant. In 1974, at age fifty-three, Judge Barthold began to fulfill a life-long dream of a college education and enrolled in the General Studies Program at Indiana University Southeast. She transferred to Indiana University-Purdue University at Indianapolis in June of 1975 after accepting a position as Institutional Parole Officer at the Indiana Women's Prison, where she worked until 1980. It was during this period of time that she decided to go to law school. She was admitted to Indiana University School of Law—Indianapolis as a "special student" in the fall of 1976. Judge Barthold pursued her law and bachelor degrees simultaneously. In 1978, she received a Bachelor of General Studies, with Distinction, and in May 1980, graduated from Indiana University School of Law—Indianapolis.

She became a sole practitioner in Jeffersonville, Indiana, and in 1982, decided to run against the incumbent judge of the Clark Superior Court because she felt that he had ended many of the programs that she, as a probation officer, had helped to develop. She was particularly interested in Superior Court, Room Number 1, because it had jurisdiction over juvenile delinquents and she strongly

believed that society must do something to redirect the lives of its young people. She ran for the judicial post so that she would be able to effect such a change in her own community. She won the 1982 election and was re-elected in 1988.

When her second term ended in 1994, Judge Barthold was seventy-three years old. The Indiana Legislature, when creating her court, made seventy a maximum age limit to be elected to the job. Judge Barthold, true to her nature, decided that she would fight the law because she felt that arbitrary age limits were unfair and that she should be judged for her ability and knowledge, not her age. On February 20, 1992, Governor Bayh signed a bill that removed the requirement that a judge under seventy years of age be elected to the Clark Superior Court. Judge Barthold did not seek re-election for her third term.

Judge Barthold has received awards far too numerous to totally recount in this article. Projects that she implemented which demonstrate a positive impact on the criminal and juvenile justice process in Indiana and that have the potential for being replicated successfully elsewhere under similar circumstances have won Judge Barthold five Governor's Exemplary Project awards during her years on the bench. Among those programs honored were the Systematic Training Effective Parenting/Family Focus Project; the Voluntary School Liaison Office Project; the Volunteers in Probation One on One Program; the 24 Hour Juvenile Intake Program; and the Neighborhood Complaint Program. She has twice received the Distinguished Service Award from the Indiana Correctional Association, first in 1967 when she was Chief Probation Officer for the Superior Court and again in 1985 as Judge of the Clark Superior Court.

In 1982, she was one of six women in the United States given the Older Womens League Role Model Award. In 1984, Judge Barthold was presented the Wonder Woman Award by the Wonder Woman Foundation of Warner Communications. This award was given to fourteen women in the United States honored for qualities of courage, risk taking, and pursuing the truth in making a difference in the history of the country. She has also been recognized by the Indiana Youth Institute in 1991 for her devotion to the concept of rehabilitation of juveniles over incarceration whenever possible.

Among the most treasured of her awards was the December 23, 1992, award where she was honored by her peers, the Indiana Judges' Association. She was the recipient of the Association's award for outstanding contributions to the Indiana Judiciary by fostering positive community and media relations. In 1994, she received the "Rosa Parks Award" from the Southern Indiana Chapter of the Southern Christian Leadership Conference in recognition of her contribution to the struggle for freedom, justice and equality and the "Distinguished Alumni Award" from the Indiana University School of Continuing Studies Alumni Association in recognition of her outstanding and significant achievement. The "I am Myne Owene Womman Well at Ese" Award was presented to her by the Women Lawyers of Southern Indiana.

Clementine Barthold, "Tiny" as she is known to her friends, is tiny only in her 4'10" stature. When asked how she hoped to be remembered when she left the bench, she answered, "As having had an impact on the lives of people (particularly the juveniles) who have been going through my Court." All of the numerous awards and honors received by her from different organizations throughout her tenure certainly prove that she achieved that goal.

**MARY LEE COMER**

Judge of the Hendricks Superior Court  
Room Number 1

January 1, 1983 - To Date

Term Expires: December 31, 2000

D.O.B.: December 7, 1948

Republican



Mary Lee Comer was one of four women assuming the bench on January 1, 1983. Judge Comer graduated from Science Hill High School in Johnson City, Tennessee, received an undergraduate degree in education with the honors of high distinction and outstanding student from Indiana University Purdue University in Indianapolis in 1976, and in 1981 graduated *cum laude* from Indiana University School of Law—Indianapolis. She has been married since 1967 to Lee T. Comer, a Danville, Indiana, attorney and businessman. They are the parents of a daughter, Amy, an attorney, and a son, Ben, who is attending law school at the time of this writing.

After graduation from college, Judge Comer taught high school English. With her attorney husband's encouragement, she attended law school and entered the general practice of law in Danville, Indiana, with the firm of Raber & Vandivier. Sometime during this period of time, she served on a jury and decided she could do a better job than what she saw. With the emotional and financial encouragement from her husband, she ran against two male opponents for election for Judge of the Hendricks Superior Court, Room Number 1. She was first elected in 1982 and has subsequently been re-elected without opposition. Judge Comer was the first woman elected to a trial bench in Hendricks County, Indiana. She believes that her presence on the bench has brought about a greater acceptance of women and women's abilities and is slowly helping to overcome barriers for women in the work force.

Judge Comer was President of the Hendricks County Bar Association in 1986-1987 and is a member of the Indiana State Bar Association, the American Judicature Society, and the National Association of Women Judges. Judge Comer has long been involved with the National Institute for Trial Advocacy, donating her time to training lawyers in the skills of advocacy in the courts. In October of 1993, Judge Comer was honored by the Indiana State Bar Association as a "Woman In the Law Honoree" at the annual conference. She is a frequent lecturer for the Indiana Judicial Conference and the Indiana Continuing Legal Education Forum.

During her terms as judge, she has established mediation and counseling programs to help divorcing parties and their children better handle the trauma and emotional harm of divorce. She is also a co-supervisor of the Hendricks Superior Court's Probation Department. This Department has been a leader in the state and the nation in implementing its own home detention program without taxpayer funding. It has also recently established a jail-based drug and alcohol treatment program at the Hendricks County Jail.

Judge Comer is a member of the Danville Friends Church and the Beta Chapter of Tri Kappa and is a Girls Advocate member of Girls, Inc., an organization that promotes the health, education, welfare, and self-esteem of young women.

**PATRICIA ANN MCNAGNY**

Judge of the Whitley County Court

January 1, 1983 - December 31, 1984

Judge of the Whitley Superior Court

January 1, 1985 - December 31, 1991

D.O.B.: June 29, 1926

Republican



Patricia Ann McNagny was one of four women assuming the bench on January 1, 1983, and became the first woman judge in Whitley County, Indiana. Judge McNagny is a Hoosier native, graduated from Columbia City High School and then attended Indiana University, graduating in 1948 with an A.B. degree, receiving the honors of Phi Beta Kappa and President of the Mortar Board. At Indiana University, she was a Wendell Willkie Scholar to the United Nations; President of Kappa Alpha Theta; and Vice President of the Association of Women Students. In 1951, she graduated from Indiana University School of Law—Bloomington, joining a long line of attorneys in her family. The legal profession attracted her father, brother, husband, three daughters, grandfather, uncle and cousins. Her father, Ralph Gates, was Governor of Indiana from 1945 to 1949.

In February of 1951, during her last year in law school, she married Phil M. McNagny, Jr., an attorney. Four daughters were born during the marriage, three of whom are now attorneys. During the years of 1952 to 1968, she was primarily self-employed, doing wills and estate work out of her home office while raising the children. During this period of time, she was also occupied with volunteer work, serving as a Board member and President of the Peabody Library, Vice-Chairman of the Whitley County Republican Committee, Girl Scout Leader and various other community positions. In 1969 and 1970, Judge McNagny worked part-time at the family law firm assisting her father in his estate work. Her husband was an U.S. District Court Judge for the Northern District of Indiana from 1976 until his death in March 1981.

Judge McNagny successfully ran in the Republican primary in 1982 against the incumbent judge and was elected to the Whitley County Court. In 1985, the Whitley County Court became the Whitley Superior Court. In 1986, Judge McNagny ran unopposed for her second term. During the period of time that she decided to run and serve on the bench, she was strongly encouraged by her daughters. In 1991, she left her judicial position to join her daughter, Marcia A. McNagny, in the practice of law.

During her tenure, Judge McNagny was involved in many judicial activities. She introduced community service into criminal sentencing in her county; the use of counseling services for violent offenders and drug and alcohol offenders; the promotion of the GED education to jail inmates; a wider use of work release; literacy training for illiterate offenders; the collection of all fees; the introduction of unsupervised probation; the introduction of a probation users fee for unsupervised probation; and many other innovations to the system. She was instrumental in installing computers in the court, probation and clerk's offices, and introduced a home detention program in certain criminal areas. Judge McNagny saw the need for a Community Corrections Department and worked toward its establishment.

Judge McNagny is a member of the Whitley County and Indiana State Bar Associations and has served as Secretary of the Indiana State Bar Association. In 1994, she was named a Fellow in the Indiana Bar Foundation. Judge McNagny is a life member of the Indiana University Alumni Association and The Nature Conservancy. She has served as Director of the Whitley County Drug Awareness Program and the Otis R. Bowen Center for Human Services. She is a member of the Whitley County Literacy Chapter, Mental Health Association and the Whitley County Old Settlers Day Association. Judge McNagny was given The Nature Conservancy Oak Leaf Award for her successful campaign to purchase a 100 acre Crook Lake property for dedication as Crook Lake Nature Preserve.

**KATHY R. SMITH**

Judge of the Clinton County Court

January 1, 1983 - June 30, 1990

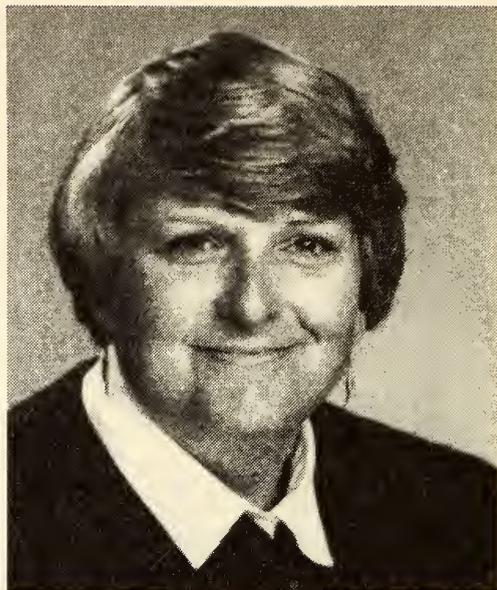
Judge of the Clinton Superior Court

July 1, 1990 - To Date

Term Expires: December 31, 1996

D.O.B.: January 7, 1952

Republican



Kathy R. Smith was appointed to the Clinton County Court in January 1983, and became one of four women to assume the bench on that date. In 1990, the legislature changed her county court to a superior court. After her original appointed term, Judge Smith successfully ran unopposed in two elections.

Judge Smith is a graduate of Goshen High School, Goshen, Indiana, a 1974 *cum laude* graduate of Ball State University in Muncie, Indiana, and a 1980 graduate of Indiana University School of Law—Indianapolis. After college and during law school, Judge Smith worked in personnel while attending evening classes. Immediately after law school, she began a general practice in a firm with two male attorneys, as well as serving as a deputy prosecutor. During the period of time that she practiced in Clinton County, she was the only woman practitioner in that county. Judge Smith decided early in her life that she wanted to be an attorney, but it was not until her late twenties that she decided that she wanted to be a judge.

Judge Smith has been an officer in the Clinton County Bar Association, is a member of the Indiana Judges Association and the Indiana State Bar Association, and a member of the County Court Benchbook Committee of the Judicial Conference of Indiana. She considers one of her greatest successes the creation of an alcohol-drug program for her court.

Judge Smith has also been active in her community. She has been a member of the Boys and Girls Club of Clinton County; Clinton County Humane Society; Leadership Clinton County; Abilities Services Incorporated; Camp Collum, a youth camp and nature area; and Zonta International.

In order to make the courtroom a learning experience for adults and youth, Judge Smith developed and presented one day programs on "Criminal Justice" for Leadership Clinton County participants. She has also been involved in making films for schools with the emphasis on drunk driving. Judge Smith serves as a Tutor in Frankfort Community Schools and makes regular presentations to church groups, schools and other organizations.

**JUDITH S. PROFFITT**

Judge of the Hamilton Circuit Court

July 7, 1983 - To Date

Term Expires: December 31, 1996

D.O.B.: January 5, 1942

Republican



On July 7, 1983, Judge Judith Shaw Proffitt was appointed to the Hamilton Circuit Court bench to fill a vacancy created by the resignation of an elected judge. She became the seventeenth woman to sit as a trial judge in the State of Indiana, and the second woman to serve as a trial judge in Hamilton County, Indiana.

Judge Proffitt graduated from Broad Ripple High School in Indianapolis, and in 1967, from Butler University with a Bachelor of Science degree, and in 1971, from Indiana University School of Law—Indianapolis. Judge Proffitt worked as a secretary while attending a college and law school. After law school, she went into partnership with two men attorneys and later joined a larger law firm. During the time she practiced with the larger firm, she was one of two women practitioners in the office. Her husband, an attorney, was also a member of this firm.

When she was in law school, she decided that in the future she would like to become a judge because of a basic interest in legal research and writing. When the circuit court judge in her county retired because of a disability, Judge Proffitt was appointed to fill his term. She has since been elected to two terms of her own. The first woman trial judge in the State of Indiana served in Hamilton County, Indiana, but by the time Judge Proffitt was appointed to the bench, Judge V. Sue Shields had progressed to the Indiana Court of Appeals, leaving Judge Proffitt to be the only woman judge in the five existing courts in Hamilton County, Indiana.

Judge Proffitt has been an active contributor to the legal profession. Prior to going on the bench, she was the co-author of *Indiana Forms of Pleadings and Practice*, 4 volumes, published in 1972 by Matthew-Bender. She was also editor of the Family Law Manual prepared by the Indiana Continuing Legal Education Forum for the 1973 Meeting of the Indiana State Bar Association. Judge Proffitt recently completed a term on the Board of Governors of the Indiana State Bar Association. She was the first Chairperson of the Indiana State Bar Association Commission on Women in the Legal Profession from 1988 through 1991, and has in the past been a member of the Board of Managers of the Indiana Judges Association; Secretary of the Indiana State Bar Association; and General

Chairperson of a Spring Meeting of the Indiana State Bar Association.

Judge Proffitt is also active in her community, serving as Trustee of the Carmel-Clay Public Library, past President of the Carmel-Clay Educational Foundation, past Director of Hamilton County League of Women Voters, and a speaker and contributing author to many seminars for the Indiana Continuing Legal Education Forum.

**SARAH EVANS BARKER**

Judge of the United States District Court

for the Southern District of Indiana

March 30, 1984 - To Date

D.O.B.: June 10, 1943

Republican



When Sarah Evans Barker was appointed to the U.S. District Court by President Reagan, she became the first woman federal judge in Indiana and the eighteenth woman to sit as a trial judge. Judge Barker graduated from Mishawaka High School in Mishawaka, Indiana, and in 1965 from Indiana University—Bloomington. While working on her undergraduate degree at Indiana University, she was active in the Indiana University Foundation and student government.

After graduating from Indiana University, Judge Barker worked for a year on the residence hall staff at the University of Rhode Island to earn enough money to enroll in law school. In 1969, she received her J.D. from American University Law School in Washington, D.C., where she served on the law review.

While in law school, she worked part-time as a special assistant to the parole executive on the D.C. Parole Board. After graduating from law school, she served first as Legislative Assistant to Congressman Gilbert Gude (R. Md.) and then to Senator Charles H. Percy (R. Ill.). In 1971, she was appointed Special Counsel to a Permanent Sub-Committee on Investigations, Senate Government Operations Committee and in 1972 she became the Director of Research and Director of Scheduling and Advance for Senator Charles H. Percy's re-election campaign.

Judge Barker married her husband, an attorney, on November 25, 1972, and they are the parents of three children. Also in 1972, she took a position as Assistant U.S. Attorney for the Southern District of Indiana, the first woman to so serve in Indiana. In 1976, Judge Barker became the first Assistant U.S. Attorney.

Judge Barker was in private practice with Bose, McKinney & Evans in Indianapolis from 1977 until 1981, when President Reagan appointed her U.S. Attorney for the Southern District of Indiana. At that time, she was one of only two women to hold that job in the United States. In 1984, she was appointed a federal district court judge in the State of Indiana, the first woman to so serve in Indiana. In 1994, she was elevated to Chief Judge of the U.S. District Court for the Southern District of Indiana.

Judge Barker had considerable experience in the courtroom, both as a

government lawyer and a private practitioner, when the vacancy occurred on the U.S. District Court. She believed that her work ethic and temperament would serve her well in the position. There were three finalists recommended to the President by a merit selection committee: Judge Barker; another woman, V. Sue Shields, the first woman trial judge in Indiana, now a U.S. Magistrate; and a man, Randall T. Shepard, presently the Chief Justice of Indiana. Currently, the Federal District Court for the Southern District of Indiana is composed of five active judges and two senior judges. Five judges and one senior judge serve in the Northern District. Judge Barker remains the only female federal district court judge in Indiana.

Judge Barker has received numerous honors and awards during her career. In 1984, she was named Indiana Woman of the Year by the Women in Communications; in 1989, she received both the Touchtone Award given by The Girls Club of Greater Indianapolis, and the Wabash College Peck Award; in 1993, she received the Leach Centennial First Woman Award from the Valparaiso School of Law, and the Antoinette Dakin Leach Award, from the Indianapolis Bar Association. Judge Barker has received four honorary degrees: in 1984, an Honorary Doctor of Laws from the University of Indianapolis; in 1987, an Honorary Doctor of Public Service from Butler University; in 1991, an Honorary Doctor of Laws from Marian College; and in 1993, an Honorary Doctor of Humane Letters from the University of Evansville.

Judge Barker is a member of the Long Range Planning Committee of the Judicial Conference of the United States, a member of the Judicial Council of the Seventh Circuit, and a member of the Judicial Fellows Commission of the U.S. Supreme Court. She also is a member of the Federal Judges Association, the National Association of Former U.S. Attorneys, the Indianapolis Bar Association, Indiana State Bar Association, and the American Bar Association. She is a member of the Board of Advisors of Valparaiso University School of Law, Indiana University School of Law—Bloomington and Indianapolis and a member of the Board of Visitors of Indiana University School of Law—Bloomington.

Judge Barker is also active in civic and religious affiliations. She serves on the Board of Directors of the Methodist Hospital of Indiana and the Conner Prairie Museum. She was the first female member of the Indianapolis Downtown Kiwanis Club. She is a member of the Indiana Historical Society, the Morgantown United Methodist Church, and the Indiana Leadership Celebration.

**OLGA HULEWICZ STICKEL**

Judge of the Elkhart County Court

June 8, 1984 - To Date

Term Expires: December 31, 1996

D.O.B.: December 28, 1947

Republican



With her 1984 appointment, Olga Hulewicz Stickel became the first woman to sit as a trial judge on a court of record in Elkhart County, Indiana, and the nineteenth woman in the State of Indiana. Judge Stickel graduated from Goshen High School, Goshen, Indiana, and, in 1970, received her Bachelor of Arts from Indiana University and her Master of Library Science in 1972. In 1976, she received her J.D. from Indiana University School of Law—Bloomington. Judge Stickel was married in June of 1971, and she and her husband are the parents of three sons.

Prior to attending law school, Judge Stickel was employed by the Indiana University Library. Immediately after law school, she did volunteer work and awaited the birth of her first son. She then opened a law office as a sole practitioner. She served as a Public Defender by appointment and from 1978 to 1984 was a part-time Goshen City Court Judge. Then in 1984, she decided to become a candidate for the Elkhart County Court. She had announced her intentions when the sitting judge stepped down in 1984. Governor Orr appointed her to finish that term and she was elected in 1984 and again for a second term, defeating male opponents in each election. She presides over a court with jurisdiction over criminal cases up to class D felonies and \$10,000 in civil matters.

Judge Stickel is a member of the Elkhart County Bar Association and is the Past President of the Goshen City Bar Association. She is also a member of the Probation Committee of the Judicial Conference of Indiana and is a 1990 graduate of the Indiana Judicial College.

Most of Judge Stickel's activities outside of the judiciary have been with her children's school, where she has been the President of the Parent Teacher Organization (PTO).

**MARY RUDASICS HARPER**

Judge of the Porter County Court

Room Number 2

January 1, 1985 - May 31, 1986

Judge of the Porter Superior Court

Room Number 3

June 1, 1986 - To Date

Term Expires: December 31, 1998

D.O.B.: September 18, 1950

Republican



Mary Rudasics Harper was elected to the Porter County Court in 1984. When she assumed office on January 1, 1985, she became the twentieth woman to sit as a trial judge in the State of Indiana. Judge Harper graduated from Saint Mary's Academy, South Bend, Indiana, and from Colorado State University in Fort Collins, Colorado, with a Bachelor of Arts in May 1972. She graduated from Valparaiso University School of Law with a J.D. in December 1974, and began practice in Porter County, Indiana, in 1975. Her first employment was as a deputy prosecuting attorney. She became the Chief Deputy Prosecutor three years later. In 1979, she decided to be a part-time prosecutor so that she could open a solo law practice. She worked in that practice for approximately six years and at the time she left there were four attorneys in the office, two male and two female.

Judge Harper was married in 1981 to her first husband, an attorney, and that marriage ended in divorce. From that marriage, she has one child and four stepchildren. She remarried in 1993 to another attorney.

Judge Harper was about twenty-four years old when she decided that she eventually wanted to be a judge. About ten years later, in 1984, in the primary election she successfully ran against the male incumbent and then won a contested general election against a male opponent. She was strongly encouraged to run for election by her first husband who acted as her mentor. In 1986, the Porter County Court, Room Number 2, to which she was elected, was changed to the Porter Superior Court, County Division. She was re-elected in 1992. Presently, in Porter County, there are six judges, two of them are women.

At this point in her tenure on the bench, Judge Harper has been involved in numerous felony and misdemeanor trials, including over fifty jury trials.

Judge Harper has been involved in many professional activities since joining the legal profession. She was a 1993 member of the Board of Managers of the Indiana Judges Association, a member of the Indiana Judicial Ethics Committee, the State Board of Law Examiners Committee on Character and Fitness and was President of the Porter County Community Corrections Advisory Board. She was the first female deputy prosecutor, first female chief deputy prosecutor, and first

female judge in Porter County. She was also the first and only woman to be elected President of the Porter County Bar Association to date.

Judge Harper is involved in community activities where she is a speaker at various public meetings including a Rape Panel at Valparaiso University, and child abuse panels. She was a Corporate Board member of the Porter County Boys Club, a member of the South Haven Boys and Girls Club Board, and a member of the Indiana Criminal Justice Planning Agency. She was named the Outstanding Porter County Woman by the *Gary Post Tribune* and has received the City of Valparaiso Citation for Community Service.

**MARGARET J. HAND**

Judge of the Tippecanoe Superior Court

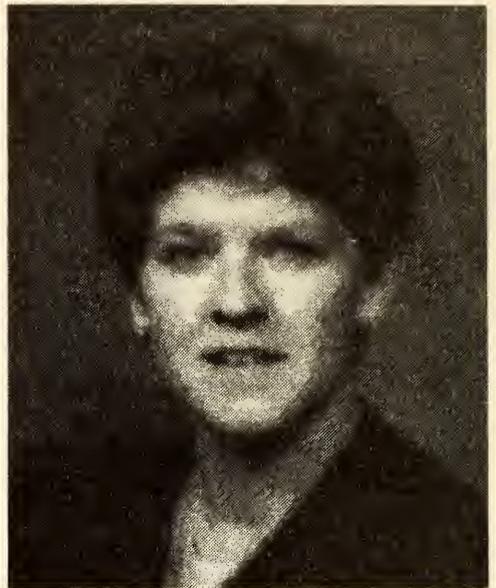
Room Number 3

January 1, 1986 - To Date

Term Expires: December 31, 1998

D.O.B.: July 28, 1951

Republican



Margaret J. Hand assumed the bench on January 1, 1986, becoming the twenty-first woman to sit as a trial judge in the State of Indiana. Judge Hand attended West Lafayette High School and Terre Haute Schulte High School before graduating from Broad Ripple High School in Indianapolis. In 1974, she received her Bachelor of Arts in English Literature from Purdue University, and in 1978 graduated with distinction from the Indiana University School of Law—Indianapolis. Judge Hand and her second husband, an attorney, were married on April 23, 1983, and they have two children.

While in college and shortly thereafter, Judge Hand worked as a legal secretary. While she was in law school, Judge Hand clerked for the only woman then serving on the Indiana Court of Appeals, Judge V. Sue Shields. After graduation, she continued to work as a law clerk for Judge Shields. Following her clerkship, she moved to Lafayette, Indiana, and worked as a trust officer. It was while she was working as a clerk for Judge Shields that she became interested in becoming a judge. In 1982, she was appointed by Governor Orr as a juvenile referee. The Tippecanoe Superior Court, Room Number Three, was created in 1985, and Judge Hand was appointed to become the first judge of that court. She started in that office on January 1, 1986, but had to run for election in November of that year. She had opposition in the primary but no opposition in the general election. She was successful and ran for re-election in November 1992 without opposition. Judge Hand was the first woman to serve on a trial court bench in Tippecanoe County, Indiana.

During Judge Hand's tenure, she has served on the Board of Managers of the Indiana Judges Association, the Board of Directors and Treasurer of the Indiana Council of Juvenile and Family Court Judges, has been a member of the Juvenile Justice Improvement Committee of the Indiana Judicial Conference of Indiana, and a member of the Indiana Judges Association and Indiana State Bar Association.

Judge Hand has been active in Court Appointed Special Advocates (CASA), the Domestic Relations Task Force, and Alternative Community Based Service.

She has also been active in her community, particularly in the schools and Scouts with her children.

She has received numerous awards. Among those are the Girl Scout Woman of Distinction Award, the Tippecanoe County Black Chamber of Commerce Award, Award from United Way, the Indiana Correctional Association Judge of the Year Award in 1981, and the Robert J. Kinsey Award.

**ELAINE B. ELLIOTT**

Judge of the Dubois Superior Court

January 1, 1987 - To Date

Term Expires: December 31, 1998

D.O.B.: February 8, 1954

Republican



On January 1, 1987, Elaine B. Elliott became the first woman trial judge in Dubois County. She was one of five women in Indiana assuming the bench on that date, increasing the number of women judges to twenty-six. Judge Elliott grew up in southern Indiana and graduated in 1972 from Forest Park High School, Ferdinand, Indiana, as Salutatorian of her graduating class, and from Indiana University in 1976 with a Bachelor's degree with Distinction.

After graduation from college, but before attending law school, Judge Elliott taught school in Jasper, Indiana. She then received her law degree from Indiana University School of Law—Bloomington in January 1982. She worked part-time as a law clerk while she was in law school. After her graduation from law school in 1982, she taught part-time for Vincennes University as an instructor in civil and criminal law while practicing law with the firm of Thom & DeMotte in Jasper, Indiana. In 1986, she successfully ran against the male incumbent judge of the Dubois Superior Court, and then was re-elected without opposition in 1992.

Since being on the bench, Judge Elliott has been very active in both law-related activities and civic groups. She serves on the Board of Governors of the Richard G. Lugar Excellence in Public Service Series and is a 1993 graduate of that course. She also serves as a Team Leader for the 1994-1996 session of the Brooks Inns of Court. Judge Elliott received the Indiana Jaycees Outstanding Young Hoosier Award in 1992; the Jasper Jaycees Distinguished Service Award in 1991; and was Dubois County's Outstanding Republican Woman in 1988.

Judge Elliott served as President of the Dubois County Court Alcohol and Drug Services Program from 1987 through 1992; on the Executive Board of the Dubois County Substance Abuse Task Force from 1991 to 1994; the Dubois County Community Corrections Advisory Board from 1990 to present; the Dubois County 4-H Council Planning Committee from 1993 to present; and the Dubois County Adolescent Services Advisory Board from 1992 to present. She was on the Board of Managers of the Indiana Judges Association from 1990 to 1992 and the Board of Directors of the Indiana Judicial Conference from 1991 to 1993. She was also President of the Dubois County Bar Association in 1985 and has been an

officer numerous other times.

Judge Elliott was appointed by the Indiana Supreme Court to the following committees: Indiana Supreme Court Character and Fitness Committee, 1987 to present; Indiana Supreme Court Records Management Committee, 1987 to present; Judicial Administration Committee of the Indiana Judicial Conference, 1987 to 1992.

Judge Elliott holds or has held memberships in many professional associations and community organizations, including the American, Indiana State, and Dubois County Bar Associations; the American and Indiana Judges Association; the Indiana Council of Juvenile and Family Court Judges; Dubois County Business and Professional Women; Dubois County Panhellenic Association; and is a member of the Precious Blood Catholic Church in Jasper, Indiana.

Judge Elliott has three stepsons, ages three, four and fifteen, from her present marriage to Michael F. Elliott. She is the custodial parent of her children of an earlier marriage, a son born in 1985 and a daughter born in 1987.

**SUZANNE TRAUTMAN DUGAN**

Judge of the Bartholomew Circuit Court

January 1, 1987 - September 30, 1991

D.O.B.: October 21, 1943

Democrat



On January 1, 1987, Suzanne Forester Trautman Dugan was the first woman to sit as a trial judge in Bartholomew County, Indiana. She was one of five women assuming the bench on that date. Judge Dugan is a native Hoosier, receiving her high school education from Columbus High School, Columbus, Indiana. She graduated from the University of Denver in 1965 with a Bachelor of Arts with honors of Mortar Board. After her graduation from the University of Denver, Judge Dugan was married and had two children, one born in 1970, the other in 1972. That marriage ended in divorce. She remarried in 1991 and has one stepson. She was employed as a social worker and homemaker until 1978, when she entered Indiana University School of Law—Bloomington. At that time, she had never met a woman practicing attorney, but one-third of her 1982 law school graduating class were women.

Immediately after law school, she joined a sole practitioner in a general practice of law. In 1985, at the age of forty-two, she decided that she would like to become a trial judge. Judge Clementine Barthold encouraged her in that endeavor, helping her realize that she was qualified for a judgeship and could win an election. She ran in 1986 against a male incumbent and was elected to the Bartholomew Circuit Court, a position that had not been held by a Democrat since 1954. She does not believe that her tenure on the court made any particular impact on the system, but believes that the mere fact that there is an increase in the number of women judges has made a difference, making the system more acceptable to the hiring of female attorneys and to women running for judicial offices.

As a judge, she was particularly interested in the diversity of cases in different areas of law that she was exposed to and felt that she was best at negotiation and settlement of cases. During the time that she was on the bench, she became a certified mediator. Judge Dugan resigned from the bench on September 30, 1991, and moved out of the state to enter private practice. She is now involved in a specialized area of law where she does both negotiated settlements and trial work.

While on the Bartholomew Circuit Court bench, Judge Dugan was a member

of the Bartholomew Bar Association, the American Bar Association, Indiana State Bar Association, National Council of Juvenile and Family Court Judges, and the Indiana Judges Association. In 1989, she chaired the Community Relations Committee of the Judicial Conference of Indiana.

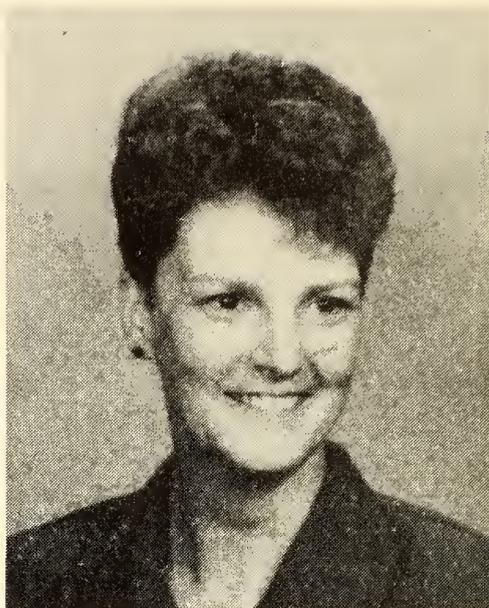
**KELLEY B. HUEBNER**

Judge of the Martin Circuit Court

January 1, 1987 - December 31, 1992

D.O.B.: January 14, 1948

Republican



With her 1986 election, Kelley B. Huebner became one of twenty-six women to sit as trial judges in the State of Indiana. Judge Huebner is a graduate of Lincoln High School in Vincennes, Indiana, and a graduate of Vincennes University, receiving a General Academic degree in 1968, and a Land Title Technology and Civil Engineering Technology degree in 1974. In 1970, she obtained her Bachelor of Science in Economics from Indiana State University, Terre Haute, Indiana. She then received her J.D. from Indiana University School of Law—Indianapolis in 1979. Judge Huebner has been married since 1979.

Prior to going to law school, Judge Huebner worked as a guidance counselor at Vincennes University from 1971 to 1972, and as a Staff Abstractor for Virginia M. O'Leary, Attorney, in Oakland City, Indiana, from 1974 to 1976.

In the 1986 election, Judge Huebner defeated the incumbent male judge of the Martin Circuit Court. Prior to taking the bench, she served as deputy prosecuting attorney in Martin County; public defender in Dubois County; and Attorney for the Martin County Department of Public Welfare. She was also involved in the general practice of law. She served one term as Martin Circuit Court Judge and lost her campaign for re-election. Judge Huebner was the first woman to serve as judge in Martin County.

After leaving the bench, Judge Huebner became a sole practitioner and served as City Attorney for the City of Loogootee, Indiana, School Attorney for the Loogootee Community School Corporation, and County Attorney for Martin County, Indiana. She has been in practice with O'Leary & Associates in Oakland City, Indiana, since 1994.

Judge Huebner has been very active in community organizations. She serves on the Boards of Directors of the Four Rivers Rehabilitation Services, the Daviess-Martin Rehabilitation Services, and the Vincennes University Alumni Association. She is also a Vincennes University Foundation Associate. Judge Huebner is the Vincennes District United Methodist Church Lay Leader and serves on the Committee On Superintendency, District Council on Ministries, Loogootee United Methodist Church Administrative Board (elected 1995 Chair of the Board), and

other church organizations.

In the past, Judge Huebner served on the Southwest Regional Advisory Board for the Governor's Commission For Drug-Free Indiana; the Martin County Community Corrections Advisory Board; the Committee For Drug-Free Martin County; and the Loogootee High School Scholarship Steering Committee. She received the Vincennes University Faculty Citation Award in Social Science in 1990 and was an Indiana State Bar Association Woman in the Law Honoree in 1993.

Judge Huebner was a member of the Guardianship and Mental Commitment Committee of the Judicial Conference of Indiana, the Indiana Judges Association, the Indiana and National Conference of Juvenile and Family Court Judge, and is a member of the Martin County, Indiana State, and American Bar Associations.

**PHYLLIS SCHRAMM KENWORTHY**

Judge of the Monroe Superior Court

Room Number III &amp; V

January 1, 1987 - December 31, 1990

D.O.B.: January 27, 1947

Republican



Phyllis Schramm Kenworthy became one of the twenty-second through the twenty-sixth women to sit as trial judges in the State of Indiana when she assumed the Monroe Superior Court in 1987. Judge Kenworthy attended Southport High School in Indianapolis, and obtained an Associate of Science Degree from Indiana University in 1976. She worked as a dental hygienist until she decided to study law. She graduated from Indiana University School of Law—Bloomington in 1981. In 1981, she entered the private practice of law in Bloomington, Indiana, working in the civil area, mostly real estate and family law.

Judge Kenworthy did not have any interest in becoming a judge until she was thirty-eight years old. In 1987, a new small claims court was created in Monroe County, and a friend suggested that she should apply. She was encouraged in her application by several of the male judges in the county. Since this was a new court, the original judge was appointed by the Governor. The applicants were interviewed by the precinct committeemen who selected Judge Kenworthy and forwarded their recommendation to Governor Robert D. Orr. With Governor Orr's appointment, Judge Kenworthy became the first woman to serve as judge in Monroe County, Indiana. After serving one and a half years in the small claims court, Judge Kenworthy was selected by her fellow judges to assume another court where the caseload was civil, felony criminal, and family law.

Judge Kenworthy ran for election in 1990 and was narrowly defeated by a male candidate. Elements of gender were not specifically addressed during the election campaign, but Judge Kenworthy believed that it was an issue with the public because of comments she received when she was knocking on doors seeking re-election.

During Judge Kenworthy's term on the bench, she had a particular interest in the incorporation of mediation into the court system, especially in regard to family law matters. She relates that there was a great deal of opposition to it from both the attorneys and the judges. The attorneys were concerned that it would affect their practices and the judges were not very interested in changing the way they handled cases. Eventually, Indiana and Monroe County enacted mediation rules

and now mediation is routinely used in family law cases.

Judge Kenworthy became trained as a mediator and since leaving the bench has been involved in mediation training, and has been in the private practice of mediation for both family and civil cases. She is a mediator and Advisory Board member with Resolute Systems Inc. of Milwaukee, Wisconsin, and a mediator with U.S. Arbitration and Mediation of Indiana, Indianapolis. She is also a member of the Academy of Family Mediators. Judge Kenworthy serves as Supervising Attorney for the Community Legal Clinic at Indiana University School of Law—Bloomington.

Judge Kenworthy is a graduate of the National Judicial College and serves two times a year there as a faculty member in a forty hour mediation course for judges. She also serves as a hearing officer for the Indiana Supreme Court Disciplinary Commission.

Judge Kenworthy is also active in her community. She is in the Women Partners Program, Office for Women Affairs at Indiana University, was on the Board of Directors of both the Girls Club of Bloomington and the Northside Exchange Club, and was past President of the Network of Career Women. She also is a member of the Indiana State, American and Monroe County Bar Associations and the American Association of Law Schools. During her term on the bench, she was a member of the Indiana Judges Association and the American Judges Association.

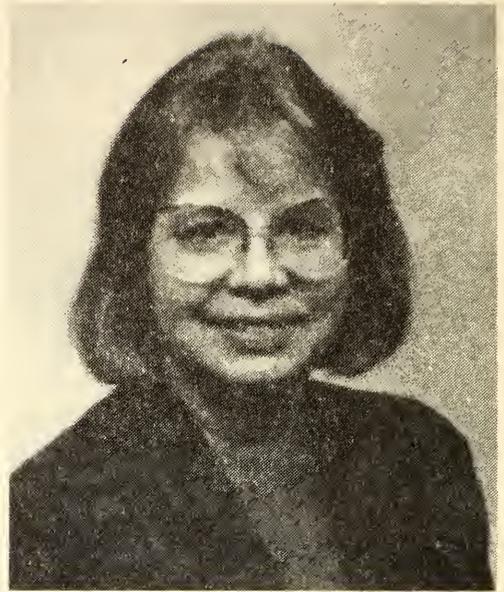
**ELIZABETH WARD HAMMOND SWARENS**

Judge of the Crawford Circuit Court

January 1, 1987 - December 31, 1992

D.O.B.: January 9, 1948

Democrat



On January 1, 1987, Elizabeth Ward Hammond Swarens was one of five women assuming the bench in the State of Indiana. Judge Ward is a native Hoosier and is one of twelve children. She graduated from Corydon Central High School in 1966, and from Indiana University in 1969 with a B.S. in Education.

Judge Ward was certified to teach English and social studies at the high school level and taught in secondary schools in Utah, Maryland, and Indiana before going to the University of Louisville Law School. Judge Ward became interested in going to law school as a result of living in Washington, D.C. during the Watergate era, when she became fascinated by the legal proceedings. She received her J.D. in May 1981. After receiving her law degree, she worked for two years as deputy prosecuting attorney and for four years as a public defender. During these years, she also worked as a sole legal practitioner in the areas of criminal defense, divorce, bankruptcy, small claims collections and wills and estates.

Judge Ward was first married in 1970 and her son, Matthew, was born in 1975. She was divorced from her second husband during her judgeship and in 1992 remarried.

During her law practice, Judge Ward felt that she was a resolution seeker more than an advocate and knew that she could be fair. Therefore, she sought election to the bench. In 1986, she successfully ran for election against a male opponent. Judge Ward graduated from the Indiana Judicial College in September of 1992.

She left the court when her term expired on December 31, 1992, pursuant to an agreement with the Judicial Qualifications Commission not to run for re-election in 1992. Judge Ward had been charged with three counts of alleged misconduct, two relating to actions concerning a will while she was an attorney and a third alleging she failed to avoid the appearance of impropriety while on the bench. These charges were resolved by the above agreement.

After leaving the bench in 1992, Judge Ward moved to Tampa, Florida, to be with her husband. She became a certified family, circuit, civil, and federal

mediator and in July 1993, passed the Florida bar exam. She has now formed a professional association and opened a law office in Tampa and practices in the areas of domestic relations, probate and estate, contract, civil, criminal, juvenile, and bankruptcy law.

**CYNTHIA S. EMKES**

Judge of the Johnson Superior Court

Room Number 2

July 28, 1987 - To Date

Term Expires: December 31, 1996

D.O.B.: July 27, 1958

Republican



On July 28, 1987, Cynthia S. Emkes was appointed by Governor Robert D. Orr to the Johnson Superior Court. She became the twenty-seventh woman to sit as a trial judge in the State of Indiana and the first woman to serve in Johnson County. Judge Emkes graduated from Seymour High School in Seymour, Indiana. In 1979, after graduating from Indiana University with her Bachelor of Arts degree, she attended and graduated from the Institute of Paralegal Training in Philadelphia, Pennsylvania, and worked two years as a paralegal at an Indianapolis law firm.

Judge Emkes graduated *cum laude* from Indiana University School of Law—Indianapolis in 1985. After graduating from law school, she practiced in Johnson County, primarily in a general civil practice of law. In April of 1987, she became a Juvenile Referee for the Johnson Circuit Court and in July of 1987 she was appointed to complete a vacancy on the Johnson Superior Court, Room Number 2. At the time Judge Emkes was appointed to the bench, there were four other applicants seeking the same appointment.

In 1990, Judge Emkes ran unopposed for election to her first full term. Judge Emkes believes that one of her strongest assets at the time of her appointment was her gender, because it was time for a woman to be appointed in her county, and she was there and qualified for the position. Since she has been on the bench, Judge Emkes has strived to be involved in all phases of her work and to make her voice heard when it is appropriate. She believes that the fact that there has been an increase in the number of women judges and lawyers brings a much more diverse and positive approach to the practice of law and to the judiciary. Judge Emkes feels the most challenging aspect of her career has been, and probably always will be, the balancing of her career with being a wife, a mother, a teacher, a role model, a politician, and a student. There are so many roles to play and never enough time to do them the way she would like. She intends to make the judiciary her lifetime profession, subject to the will of the electorate, and hopes to be remembered as a good listener, and an open-minded and hard-working judge dedicated to service.

Judge Emkes was married in 1980 and has two children, Joshua and Sarah Emkes. Judge Emkes has been an officer in the Johnson County Bar Association; is a member of the County Court Benchbook Committee of the Judicial Conference of Indiana; a member of the Indianapolis State, and American Bar Associations; the Indiana Judges Association; and the National Conference for Juvenile and Family Court Judges.

**Z. MAE JIMISON**

Judge of the Marion Superior Court  
Criminal Division, Room Number 6  
August 5, 1988 - December 31, 1990  
D.O.B.: June 29, 1943  
Democrat



Z. Mae Jimison was appointed by Governor Evan Bayh to sit on the Marion Superior Court, Criminal Division, Room Number 6, and with that became the twenty-eighth woman and the first African-American woman to serve as a trial judge in the State of Indiana. Judge Jimison, one of eleven children, is a native Hoosier. She graduated from Shortridge High School in Indianapolis, and received a Bachelor of Arts and a Master of Science degree from Indiana State University in 1972. In 1977, she graduated with her J.D. from the Ohio State College of Law. She was married on September 25, 1965, and has two sons, Robert M. Jimison, Jr. (Kwamé Kareem), and Willard E. Jimison (Kojo Kenyatta).

Judge Jimison had not attended college until after the birth of her oldest son, Kwamé. At that time, she decided to pursue a career as an attorney to have an opportunity to give him a better life. She worked as a secretary while obtaining her undergraduate degree. After graduation from law school, Judge Jimison returned to Indianapolis where she entered into a law practice and worked as a public defender. On April 7, 1988, she was appointed by the Indiana Supreme Court as Judge Pro Tempore in Marion Superior Court, Criminal Division, Room Number 6. She was to serve until a vacancy caused by the resignation of an elected judge was filled. On August 5, 1988, she was appointed by Governor Orr to complete the term as the judge of that court. Prior to this time, she served three and one-half years as a public defender in Marion Superior Court, Criminal Division, Room Number 2, and four and one-half years as a commissioner in that court.

Judge Jimison states that she never had a burning desire to be a judge, but had considered it in undergraduate school. She did not consider it as a serious possibility until after her criminal court appointment as commissioner.

At the completion of the term to which Judge Jimison was appointed, she announced her candidacy for re-election. She was not slated by the Democrat party in the primary and chose not to run against the party's wishes. Therefore, she was not a candidate in the primary or the general election for that position.

Subsequently, Judge Jimison ran for election to the Indianapolis City Council, and is now in the middle of a four year term in that position. She presently serves

as Director for the Office of Special Population for the State Department of Health. When asked whether she felt that she experienced economic discrimination because of her gender, she answered "I don't know. I never stopped to consider whether a denial of job opportunity was because of race, gender or both. I just kept right on stepping."

Judge Jimison has been very active in her community. She serves on the Boards of Directors of the Indiana Make-A-Wish Foundation, The Indianapolis Chamber Orchestra, The Gennesaret Free Clinic, and the Riverside Community Corrections Facility. She chairs the Dr. Martin Luther King, Jr. Indiana Holiday Commission and was a 1993 National Recipient of "The Making of the King Holiday" Award.

Judge Jimison and her family are active members of the Kingsley Terrace Church of Christ. She has written many gospel songs and a musical entitled, "Momma, I Got Aids," which was presented at the Indiana Black Expo in 1994.

**BARBARA ARNOLD HARCOURT**

Judge of the Rush Circuit Court

January 1, 1989 - To Date

Term Expires: December 31, 2000

D.O.B.: December 19, 1950

Democrat



Barbara Arnold Harcourt on January 1, 1989, became the twenty-ninth woman to sit as a trial judge in the State of Indiana and the first woman to be a trial judge in Rush County. Judge Harcourt grew up in Rush County and graduated from Rushville Consolidated High School. She attended Earlham College in Richmond, Indiana, and graduated with a Bachelor of Arts in 1973. Fourteen years later she graduated *magna cum laude* from Indiana University School of Law—Indianapolis. In 1974, Judge Harcourt married her husband, Carl.

After graduation from college, Judge Harcourt became a welfare caseworker in Decatur County, Indiana, working with abused and neglected children. After five years, she was promoted to Director of the Rush County Department of Public Welfare. While attending law school, she clerked for an Indianapolis law firm and for the Henry Circuit Court. Immediately after law school, she was the Probate Commissioner in the Henry Circuit Court. In 1988, at age thirty-seven, after working for years with courts on child welfare issues, she decided that she would like to be a judge. She ran for election against the male incumbent judge of the Rush Circuit Court and was successful.

Judge Harcourt believes that the increasing number of women, both as attorneys and as judges, is changing the system and making it more available for other women. Judge Harcourt relates that in her county courthouse, opposite the bench in her circuit courtroom, there is a beautiful stained glass window portraying Justice as a woman. Several people have commented to her that it is great to finally have a woman on the bench and not just in the window.

Judge Harcourt is on the Faculty of the National Judicial College and is completing her work on a Master's Degree in judicial studies from the University of Nevada, Reno.

Judge Harcourt is active in both her legal and civic communities. She has memberships in the Indiana Judges Association, where she is on the Board of Managers, and the Rush County Bar Association, where she has served as President. She serves on the Juvenile Justice Improvement Committee for the State of Indiana and the Judicial Education Committee of the Indiana Judicial

Conference. She has been elected to the Governing Board of St. Luke's Episcopal Church in Shelbyville, Indiana, for fourteen years and serves as Director and Treasurer of the Rush County Community Foundation. She is a member of the Monday Circle Literacy Society and a life member of the Rush County Historical Society.

Judge Harcourt has received numerous awards. Among them are Rush County High School Junior Distinguished Alumni Award in 1989, Rushville Republican Woman of the Year in 1990, and in 1992, Judge Harcourt was awarded the Robert Kinsey Award for outstanding judicial service to the children of Indiana.

**ELIZABETH N. MANN**

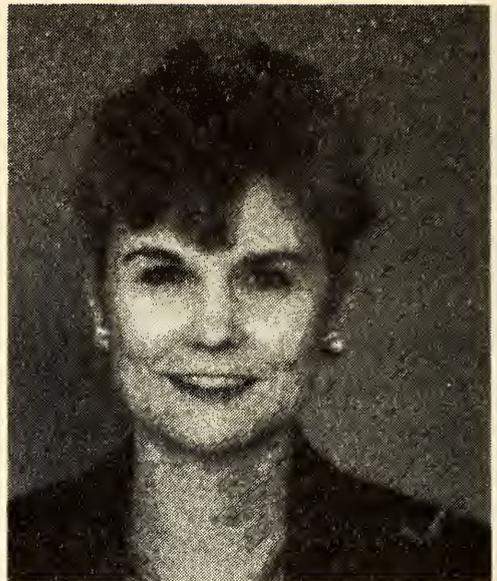
Judge of the Monroe Circuit Court  
Division IV

July 20, 1989 - To Date

Term Expires: December 31, 1998

D.O.B.: September 13, 1947

Democrat



With her appointment, Elizabeth N. Mann became the thirtieth woman to sit as a trial judge in the State of Indiana. Judge Mann graduated from Tudor Hall School in Indianapolis. In 1973, after attending Vassar, Cornell, and the University of Wisconsin, she graduated from Indiana University with a Bachelor of Arts degree. Her moves were a result of following her then husband through his academic journey. In 1976, she graduated *cum laude* from Indiana University School of Law—Bloomington. Judge Mann was married from 1967 to 1972 and from 1979 until 1993. She attended and graduated from law school while she was a single parent with two small children.

After graduation from law school, Judge Mann entered into a law practice with another woman and worked part-time as a public defender. She subsequently became a sole practitioner, county attorney, and then a partner in a small firm where she was the only woman of the seven attorneys. She claims that a combination of factors caused her interest to turn to the judiciary. She had always enjoyed legal research and writing. After practicing law for a number of years, she came to believe that judges were in a unique position to make changes in the system. She was also feeling some frustration with her legal practice, which had evolved over the years to the point where it was limited to family law. At about the same time, one of the local judges was appointed to the Indiana Court of Appeals and the vacancy was to be filled by a gubernatorial appointment. She applied, was successful, and was appointed on July 20, 1989. At the time she took the bench in Monroe County, there was one other woman judge, but she was defeated in the 1990 election. Judge Mann ran unopposed for re-election in 1992.

Judge Mann has been very active in the legal profession. She is a member and was Treasurer of the Monroe County Bar Association. She is a member of the Civil Benchbook Committee of the Judicial Conference of Indiana and serves on its Board of Directors, and is a past member of the Board of Managers of the Indiana Judges Association. Judge Mann is also a member of the American and Indiana State Bar Associations, the Indiana Judges Association and the American Judges Association.

**PATRICIA ANN WOODWORTH RILEY**

Judge of the Jasper Superior Court

Room Number 2

July 1, 1990 - December 31, 1993

Judge of the Indiana Court of Appeals

January 1, 1994 - To Date

Term Expires: November 1996

D.O.B.: September 26, 1949

Democrat



Patricia Ann Woodworth Riley was appointed by Governor Evan Bayh to the newly created Jasper Superior Court, Room Number 2, on July 1, 1990, to become the thirty-first woman to sit as a trial judge in the State of Indiana. Judge Riley is a Jasper County native, graduating from Rensselaer High School and then attending Indiana University, graduating in 1971 with a Bachelor of Arts in Political Science. She then enrolled in Indiana University School of Law—Indianapolis, graduating in 1974.

After her graduation from law school, Judge Riley became a deputy prosecutor in Marion County, Indiana, primarily prosecuting sex offenses. She was married to attorney Michael Riley in 1979, and they practiced together in a general law practice for ten years in Jasper County, Indiana, prior to her appointment to the bench. Judge Riley is the mother of two sons and the stepmother of three daughters. She has been an Associate Professor at St. Joseph College in Rensselaer, Indiana, teaching government related subjects.

In 1988, she ran for election to the Jasper Circuit Court, but lost to the male incumbent. In 1990, a new superior court was created for Jasper County and Judge Riley was appointed to fill that judgeship by Governor Bayh, the first woman judge in that county. She was elected to that position in 1992 without opposition.

In 1994, Judge Riley was appointed by Governor Bayh to fill a vacancy on the Indiana Court of Appeals. She became the fourth woman to serve on that court.

Judge Riley is a member of the American, Indiana State and Jasper County Bar Associations. She is a member of the Advisory Board of the Task Force on Women in the Law and is Chair of the Joint Committee of the Bench and Bar on Gender Issues in the Profession. Judge Riley is on the Board of Directors of the National Association of Women Judges and the Indiana Judges Association. Judge Riley is also a member of the American Businesswomen's Association and Partners for a Drug Free Jasper County.

**CYNTHIA J. AYERS**

Judge of the Marion Superior Court  
Civil Division, Room Number 4  
January 1, 1991 - To Date  
Term Expires: December 31, 1995  
D.O.B.: October 19, 1947  
Republican



Cynthia J. Ayers was elected to the Marion Superior Court, Civil Division, Room Number 4, in November of 1990. She was one of nine women assuming the bench in 1991, raising the number of women judges to thirty-eight. She was the second African-American woman to sit as a trial judge in the State of Indiana. Judge Ayers graduated from Shortridge High School in Indianapolis, and obtained a Bachelor of Arts in 1974 from Indiana University. She received her Masters from the Indiana University School of Public and Environmental Affairs in 1978, and in 1982 received her J.D. from Indiana University School of Law—Indianapolis. Judge Ayers is divorced and the mother of one daughter.

In 1972, prior to attending law school, Judge Ayers became a probation officer for the Marion Superior Court, Criminal Division. In 1975, she became a parole agent for the State of Indiana.

Upon graduation from law school, Judge Ayers became a deputy prosecutor in the Marion County Prosecutor's Office and served in that capacity for two years. She then entered into the private practice of law in a six person firm and served as an attorney for the Office of the Utility Consumer Counselor until 1988. In 1988 through 1991, she worked as the Master Commissioner for Marion Superior Court, Title IV-D, presiding over child support collection cases.

Because of her experiences on the IV-D Court, Judge Ayers decided to run for election to the Marion Superior Court. In this court, she exercises a general civil and domestic jurisdiction. She is one of a thirty-two member court, comprised of fifteen superior courts and seventeen municipal courts.

In addition to serving as a judge of the Marion Superior Court, Judge Ayers works on committees in the Indiana State Bar Association, Indianapolis Bar Association, the Marion County Bar Association and the National Bar Association. She is also a member of the Monument Circle Roundtable Club and the Greater Indianapolis Republican Women's Club. She was named as a Girls' Incorporated Forum Series Honoree in 1992, was honored by the National Association of Social Workers in 1992, and also received the Service Appreciation Award from the International Girl Aid League in 1992.

**JANE SPENCER CRANEY**

Judge of the Morgan County Court

January 1, 1991 - To Date

Term Expires: December 31, 1996

D.O.B.: April 17, 1954

Republican



Jane Spencer Craney was elected to the bench in 1990. She and the other eight women taking the bench on January 1, 1991, brought the number of women who serve in the judiciary in Indiana to thirty-eight. Judge Craney is a graduate of Manchester High School in North Manchester, Indiana, and in 1976, she received her Bachelor of Arts from the Long College for Women at Hanover College. In 1979, she graduated from Indiana University School of Law—Indianapolis, with her J.D. She was married from 1978 to 1981 to an attorney, and is presently married to an airline pilot.

Judge Craney went directly from college to law school. After law school, she served as a law clerk for the Indiana Court of Appeals. She was then hired as a deputy prosecutor to prosecute sex crimes in Morgan County. In 1982, she became the first female elected prosecutor in the State of Indiana. She developed a reputation as a tough prosecutor and was referred to by the local newspaper as “The Iron Lady.” She was re-elected in 1986 and served in that capacity until 1990 when she was elected to the Morgan County Court. Her opponent was the male incumbent who dropped out of the race before the election. With her election, she became the first woman to serve as a judge in Morgan County.

Judge Craney has been active in her profession since her admission to the bar. She is a member of the Public Relations Committee and Education Committee of the Judicial Conference of Indiana and a member of the Mentor Judge Committee at the Indiana Judicial Center. She also served on the Board of Directors of the Judicial Conference of Indiana in 1993-1994. Judge Craney, as a role model for young women of her community, tries to participate in activities to expose young people to the legal profession, such as Girl Scouts and school trips to the courthouse. She also reads in elementary schools and does a mock trial in middle schools.

**SUSAN HAY HEMMINGER**

Judge of the LaPorte Superior Court

Room Number 4

January 1, 1991 - September 2, 1993

D.O.B.: October 14, 1958

D.O.D.: September 2, 1993

Republican



When Susan Hay Hemminger assumed the superior court bench in LaPorte County in 1991, she was one of nine women to enter the judiciary, the largest group of new women of any year to date. Judge Hemminger was a 1980 graduate of the University of Michigan with a Bachelors in Art History and a 1983 graduate of the Valparaiso University School of Law.

Shortly after her graduation from law school, she opened a law office in Michigan City, Indiana, and then joined the Hyatt Law Office for a short period of time in Merrillville, Indiana. In 1984, she entered into a law practice with Gregory H. Hofer in LaPorte, Indiana. While there she worked in a general practice of law, including probate, criminal work, and juvenile work, and was a public defender in the LaPorte County Court system.

Her law partner encouraged her to run for judge. In June of 1990, she was nominated and selected by the Republican party caucus as the Republican candidate for the LaPorte Superior Court. Prior to that time, she had not been active in politics.

The year 1990 was a challenging one for Judge Hemminger. One month after her selection as the candidate for the Superior Court judgeship, her husband committed suicide. Then in October, during her campaign for the LaPorte Superior Court, she announced that she had been diagnosed with cervical cancer. She nonetheless continued her campaign and defeated Democrat Barbara Friedman in the November election.

Judge Hemminger served until March of 1992, when her cancer recurred. She died on September 2, 1993, at the age of thirty-four.

Judge Hemminger chose a phrase from John Wesley's Rule to be read at her funeral. During her judicial tenure, she had kept it pinned to her bulletin board where she could see it each day. It read: "Do all the good you can, by all the means you can, in all the ways you can, in all the places you can, at all the times you can, to all the people you can, as long as ever you can."

In her will, she established the Susan Hay Hemminger Scholarship Foundation to award tuition scholarships for county residents pursuing post-high school

education. She also selected a grave site memorial that represented her life and service to the county. She chose a bench that bears the following biblical inscription: "What does the Lord require of you but to do justice, love kindness and walk humbly with your God."—*Micah* 6:8.

**PAULA E. LOPOSSA**

Judge of the Marion Superior Court  
Criminal Division, Room Number 1

January 1, 1991 - To Date

Term Expires: December 31, 1996

D.O.B.: February 21, 1944

Democrat



Paula E. Lopossa was elected in 1990 and was one of nine women assuming the bench in 1991. Judge Lopossa graduated from high school in Berkley, Illinois, and received a Bachelor of Arts in English in 1966 from Millikin University in Decatur, Illinois. She taught school in Decatur, Illinois, for one year before attending graduate school at Indiana University—Bloomington. In 1969, she received her Master of English from Indiana University. She then came to Indianapolis, taught high school English during the day and attended night law school at Indiana University School of Law—Indianapolis, graduating in 1973.

After graduation from law school, Judge Lopossa taught one more year and began a private practice in Marion County, Indiana. In 1975, she became a deputy prosecutor in Marion County, trying major felony cases, including murder, rape, and armed robbery. In the two-year period that she was with the Marion County Prosecutor's Office, she was involved in approximately sixty jury trials and obtained convictions in 98% of those cases. During this time, she was selected for the Career Criminal Program, a federally funded program to target offenders with two prior felony convictions.

From 1977 to 1989, she was an Assistant U.S. Attorney for the Southern District of Indiana, assigned to the criminal division. For most of the time, she was responsible for supervising investigations and prosecuting violations of federal criminal laws, primarily in the economic crime area. During her last two years, she was coordinator of the Joint Federal and State Task Force on Obscenity and Child Pornography. During her eleven years as Assistant U.S. Attorney, she tried over twenty-five jury trials in the U.S. District Court and briefed and argued ten cases in the U.S. Court of Appeals.

After about fifteen years as a litigator, Judge Lopossa decided that she would like to change her area of work and that she would like to be a judge. She left the U.S. Attorney's Office to become the Executive Secretary/Hearing Judge of the Indiana Alcoholic Beverage Commission, a job she held until December 1990. It was during this period of time that she ran for election to the Marion Superior Court. She ran in a system unique to Marion County, wherein each political party

selected eight candidates in a primary, and fifteen of sixteen candidates were elected in the general election. Since January 1991, Judge Lopossa has presided over many felony trials because her court is one of the high volume courts in Indiana.

Judge Lopossa believes that the fact that she was a woman was a positive rather than a negative attribute in her election campaign. During Judge Lopossa's term on the Marion Superior Court, she has been involved in the creation of a Public Defender Agency for Marion County and the implementation of a blind filing system for the criminal division in Marion County. Judge Lopossa hopes that during the rest of her career she will be able to work toward eliminating any flaws in the criminal justice system of Marion County.

Judge Lopossa is a member of the Criminal Instructions Committee at the Judicial Conference in Indiana. She has been a volunteer in the Big Sisters Program in Indiana.

**MARY LOUISE MCQUEEN**

Judge of the Shelby Superior Court

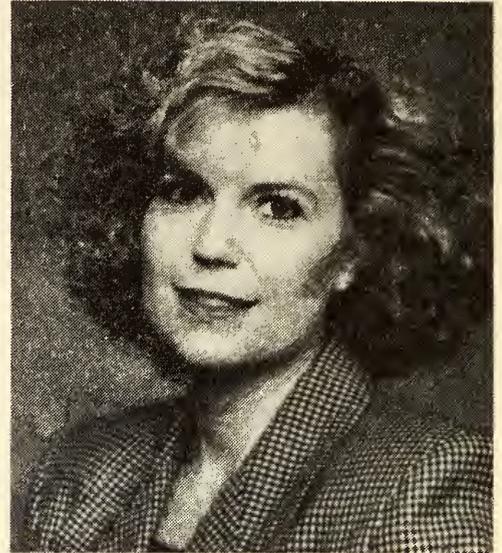
Room Number 2

January 1, 1991 - To Date

Term Expires: December 31, 1996

D.O.B.: April 13, 1952

Democrat



Mary Louise Neijstrom McQueen was elected to the Shelby Superior Court, Room Number 2, in 1990 and became the first woman judge in Shelby County, Indiana. Judge McQueen graduated from Cedar Cliff High School in Camp Hill, Pennsylvania. In 1974, she graduated Phi Beta Kappa with a Bachelor of Arts from Indiana University. She entered Indiana University School of Law—Indianapolis, and graduated in 1979. Judge McQueen married in May 1975 and divorced in 1993. She and her husband, an attorney, have four children.

Judge McQueen started work as a deputy prosecutor approximately one year after graduating from law school. She worked part-time for a small law firm, and part-time in the prosecutor's office. She was in a firm with three male attorneys, practicing primarily tax law, child support and domestic relations.

While she was in law school, she became interested in becoming a judge. In 1980, she ran unopposed in the primary for the superior court judgeship and against the incumbent male in the November election and was unsuccessful. In 1984, she again ran unopposed in the primary, but was opposed by the incumbent male in the general election and was again unsuccessful. In 1990, she ran against a male opponent in the primary election and won, and then in the general election ran against a woman and defeated her by approximately 300 votes.

Judge McQueen is a member of the Special Jurisdiction Committee of the Judicial Conference of Indiana, the Shelby County Bar Association, and the Indiana State Bar Association.

**RUTH DIANE REICHARD**

Judge of the Marion Municipal Court  
Criminal Division, Room Number 16  
January 1, 1991 - To Date  
Term Expires: December 31, 1998  
D.O.B.: September 25, 1960  
Republican



Ruth Diane Reichard was appointed to the Marion Municipal Court, Criminal Division, Room Number 16, in January of 1991. She was one of nine women to assume the bench in 1991. Judge Reichard is a 1978 graduate of North Central High School in Indianapolis; a 1982 graduate *cum laude* of Ball State University in Muncie, Indiana, with a Bachelor of Science, English, and History degree; and a 1985 graduate of Indiana University School of Law—Indianapolis. While at Ball State University, Judge Reichard received numerous honors: Alpha Lambda Delta (National Freshman Honor Society) 1979, Honor College Graduate 1982, Mortar Board (National Senior Honor Society) 1982, Lambda Iota Tau (National Literature Honor Society) 1982, and Phi Society (Liberal Arts Honor Society) 1982.

Judge Reichard indicated that she does not know of any specific time when she decided to become a judge, but that it always seemed a possible career path for her from the time she entered the legal profession. Prior to going on the bench, Judge Reichard was a deputy prosecuting attorney in Marion County, Indiana. During her service as a prosecuting attorney, she set up a specialized prosecution unit for family violence at the prosecutor's office and the Adult Protection Services Unit. She is recognized as an expert on domestic violence and has given numerous presentations on many different phases of domestic violence throughout the State of Indiana. She is a member of the Mayor's Commission on Family Violence and an adhoc reviewer of the *Journal of Child Sexual Abuse*. In 1992, 1993, and 1994, Judge Reichard published articles in the *Journal of Child Sexual Abuse*.

Prior to going on the bench, Judge Reichard was an Associate Faculty member at Indiana University—Purdue University at Indianapolis, from 1986 through 1990. She is now a member of the National Council of Family Court Judges, the Indiana State, Marion County, and Indianapolis Bar Associations, the National Association of Women Judges, the Indiana Judges Association, and the American Judicature Society.

Judge Reichard is also active in her community. She is on the Board of

Directors of the Christian Theological Seminary Pastoral Counseling Center and the Indiana Cares Food from the Heart Program, and served on the Board of Directors of Parkview Manor Nursing Home in 1991, the Indiana Coalition Against Domestic Violence from 1985-1986 and 1989-1990, and various other community organizations.

**JUDITH A. STEWART**

Judge of the Brown Circuit Court

January 1, 1991 - October 21, 1993

D.O.B.: September 22, 1957

Democrat



Judith A. Stewart was elected to the Brown Circuit Court in the 1990 election, becoming the first woman to serve on the bench in Brown County, Indiana. Judge Stewart is a Marion County, Indiana, native, graduating from Speedway High School in Speedway, Indiana. In May of 1979, she graduated *magna cum laude* with a Bachelor of Arts in English and German from Butler University. While there, she had a full tuition academic scholarship each year and was on the Dean's Lists. In 1982, Judge Stewart graduated *cum laude* from Indiana University School of Law—Indianapolis. While in law school, she was the Executive Editor of Volume 15 of the *Indiana Law Review*, was active in moot court, was on the Student Bar Association Board of Directors, was an officer of the legal fraternity of Phi Delta Phi and served on the Faculty Selection Committee. As a student, she published a Note in the *Indiana Law Review* entitled *Beyond Enterprise Liability in DES Cases*.

For one year after her graduation from law school, Judge Stewart clerked for the Honorable Harold Baker, Judge of the U.S. District Court in the Central District of Illinois. When she left the clerkship, she entered the private practice of law with the law firm of Lewis, Bowman, St. Clair & Wagner in Indianapolis, where she worked in a general litigation practice. She worked in the area of criminal defense, personal injury, products liability, civil rights liability and appellate practice. She also prepared and presented seminars for corporate clients on comparative fault and slip and fall cases.

In 1988, she married and began work as a referee of the Brown Circuit Court. Her responsibilities included hearing cases in the areas of class D felonies and misdemeanors, child support issues, small claims, and making recommended findings to the Circuit Court judge. While there, she implemented the Guardian Ad Litem/Court Appointed Special Advocate Program in Brown County. She successfully ran for election to the Brown Circuit Court in 1990. Judge Stewart resigned from her judicial position in October 1993 to become the U.S. Attorney for the Southern District of Indiana.

Judge Stewart is a member of the American, Indiana State, and Brown County

Bar Associations, the Indiana and National Councils for Juvenile and Family Court Judges and has been Chair of the Joint Committee of the Bench and Bar on Gender Issues in the Profession. She was active in Brown County, being on the Brown County Kiwanis Board of Directors, Brown County Community Corrections Board of Advisors, Brown County Business and Professional Women President in 1981, and the Brown County Historical Society.

Judge Stewart believes that having the opportunity to eliminate some institutional prejudices and assisting in educating others in the criminal justice system on issues of domestic violence and sexual crimes were perhaps her greatest impacts as a woman judge.

**LISA M. TRAYLOR-WOLFF**

Judge of the Fulton-Pulaski County Court

August 1, 1991 - July 1993

Judge of the Pulaski Superior Court

July 1993 - To Date

Term Expires: December 31, 2000

D.O.B.: April 22, 1960

Democrat



Lisa M. Traylor-Wolff, with her appointment in August of 1991, became the thirty-ninth woman to sit as a trial judge in the State of Indiana. Judge Traylor-Wolff graduated from Fort Wayne North Side High School, Fort Wayne, Indiana, and, in 1982, graduated from Ball State University. In 1986, she graduated from Valparaiso University School of Law. She married her husband, an engineer, in 1984, and they have two sons.

After graduating from law school, Judge Traylor-Wolff started a private practice from her home. In 1987, she became the chief deputy prosecutor of Pulaski County as well as an associate attorney in the Murphy Law Office in Winamac, Indiana. She became interested in becoming a judge because of Sandra Day O'Connor's appointment to the U.S. Supreme Court. She was the first woman to practice law in Pulaski County and, upon her appointment by Governor Evan Bayh, was the first woman to serve on the Pulaski-Fulton County Court. She successfully ran for election to that court in 1992 with male opposition. In July 1993, the Pulaski and Fulton County Courts were separated, and the Pulaski Superior Court was created. She was appointed to that court in 1993, and in 1994 successfully ran for re-election against a female opponent.

Judge Traylor-Wolff is a member of the Pulaski County, Fulton County, Indiana State, and American Bar Associations, Phi Delta Phi, the Indiana Judges Association, and the Kiwanis Club of Winamac. In 1992, she was appointed a delegate to the American Bar Association Special Courts division.

**NANCY ESHCOFF BOYER**

Judge of the Allen Superior Court

August 2, 1991 - To Date

Term Expires: December 31, 1998

D.O.B.: May 1, 1951

Democrat



In August of 1991, Nancy Eshcoff Boyer was appointed to the Allen Superior Court, Civil Division. She became the first woman to serve as judge in Allen County and the fortieth woman to serve in the State of Indiana. Judge Boyer is a native Hoosier. She is a graduate of South Side High School in Fort Wayne, Indiana. In 1973, she graduated *cum laude* from DePauw University with a degree in English Literature. In 1976, she graduated *cum laude* from Indiana University School of Law—Indianapolis.

When she returned to Fort Wayne, Indiana, in 1976, there were only two women in the private practice of law in the Fort Wayne area. She was associated with the Lebamoff Law Offices from 1976 until 1985, where she practiced primarily in the area of family law. In 1985, she joined the law firm of Burt, Blee, Dixon & Sutton. In 1987, she was named a partner and remained there until March of 1990, when she was appointed referee of the small claims division of the Allen Superior Court.

Judge Boyer was appointed to the Allen Superior Court, Civil Division, in August of 1991, by Governor Evan Bayh. To obtain the appointment, she first went through interviews with a nominating commission who selected three candidates to present to the Governor for consideration. Judge Boyer and two male candidates were presented, and the Governor selected Judge Boyer. She has since run for re-election and is now serving her second term.

Judge Boyer is married to an attorney, Thomas P. Boyer, and they have two children.

Judge Boyer is a member of the Indiana State Bar Association, the Allen County Bar Association, and has served on the Board of Directors of the Legal Services of Maumee Valley, Inc., and the Indiana Continuing Education Commission since March 1991.

**RONDA R. BROWN**

Judge of the Parke Circuit Court

January 1, 1993 - To Date

Term Expires: December 31, 1998

D.O.B.: October 20, 1963

Republican



On January 1, 1993, Ronda R. Brown became the first woman judge in Parke County and one of four women joining the courts in Indiana on that date, increasing the number of women judges to forty-four. Judge Brown is a graduate of Rockville Junior and Senior High schools. In 1986, she received a B.S. in Business Management and a minor in Marketing from Indiana State University. She maintained an academic scholarship for her entire course of study. In 1989, she received a law degree from Valparaiso University School of Law. There she was a member of the Women Law Students Association and the Environmental Law Caucus. Judge Brown has been married since 1983.

After graduation from law school, she joined the law firm of Kenley & Kenley, where she was involved in a civil practice. She held numerous legal positions in Parke County. Among those were Parke County Attorney, Town of Rockville Attorney, Public Defender, Town of Montezuma Attorney, Parke County Planning and Zoning Attorney, and Deputy Prosecutor. Judge Brown had decided at age fifteen or sixteen that she wanted to be a judge when she grew up, so in 1992, feeling that she had experience in several areas of the legal profession, decided that it was time for a new challenge. She ran for election for Parke Circuit Court Judge. She was opposed by a male in the election, was successful, and started her tenure on January 1, 1993.

She believes that her election and the election of other women to the bench have helped open the door for women in all fields of endeavor.

Judge Brown is a member of the Indiana Council of Juvenile and Family Court Judges Association.

**DIANA LAVIOLETTE**

Judge of the Putnam Circuit Court

January 1, 1993 - To Date

Term Expires: December 31, 1998

D.O.B.: August 29, 1945

Republican



When Diana LaViolette was elected in 1992, she became one of forty-four women to sit as a trial judge in the State of Indiana and the second woman to serve on the bench in Putnam County, Indiana. Her election made Putnam County the only Indiana county where there is more than one court to have an all female judiciary.

Judge LaViolette was born in Sullivan, Indiana, attended North Salem High School, and graduated in 1967 from Texas Christian University with a B.A. in English and History. In 1980, she graduated from Indiana University School of Law—Indianapolis. Prior to going to law school, Judge LaViolette taught high school in Kansas City, Kansas, for two years before joining the Peace Corps, where she served in Turkey. After her two year term in the Peace Corps, she taught for two years in Putnam County and then took a job teaching at the Indiana Women's Prison. The experience of working with women offenders ultimately led her to law school.

Judge LaViolette entered law school in 1975 and married John LaViolette the same year. During her law school years, she gave birth to two children, Alan Paul and Jean Marie. Six months after leaving law school, she took a job with the Putnam County Prosecutor where she was Chief Deputy Prosecutor. She also had a civil practice with a law firm in Greencastle, Indiana. Judge LaViolette, over her years of practice, grew to believe that she was a better resolver of conflicts than a litigator and, thus, decided to run for judge in 1992. She was victorious in a primary where she had three male opponents, with one of the males being the incumbent. Then in the fall election, she ran against a male opponent. Judge LaViolette believes that each year the acceptance of women as professionals gets better and that women get respect when they earn it; however, it takes more for women to win that respect than it does a male member of society.

During the years that Judge LaViolette practiced law, she was the Attorney for the Greencastle Zoning Board and Planning Commission; Attorney for Greencastle Board of Realtors; and a Special Prosecutor in Hendricks, Clay, Parke, and Owen Counties, investigating and prosecuting political corruption and official

misconduct. She taught constitutional law and history at DePauw University.

Judge LaViolette has been active in both her social and legal community. She has been Vice-President of the Putnam County Bar Association, is a member of the Indiana State Bar Association, is past President of the Board of Putnam County Family Support Services, and Board Member of the Mental Health Association, United Way, and the P.I.E. Commission. She is also an Elder in the First Christian Church in Greencastle, Indiana.

**SUSAN MACEY-THOMPSON**

Judge of the Marion Municipal Court

January 1, 1993 - To Date

Term Expires: December 31, 1996

D.O.B.: December 13, 1955

Republican



Susan Macey-Thompson was appointed to the Marion Municipal Court on January 1, 1993, thereby becoming one of forty-four women to serve as a trial judge in the State of Indiana. Judge Macey-Thompson graduated from Holy Name High School in Reading, Pennsylvania. In 1977, she graduated from Indiana University, Phi Beta Kappa, with an A.B. in Psychology. She is a 1980 graduate from Indiana University School of Law—Bloomington. Judge Macey-Thompson and her husband, an attorney, have one daughter.

Immediately after her graduation from law school, Judge Macey-Thompson worked in the Human Resources Department for Continental Forest Industries in Greenwich, Connecticut. She was admitted to the Pennsylvania bar in 1980 and in that year returned to Indianapolis and took a job as a paralegal in the prosecutor's office in the child support division. She was admitted to the Indiana bar in 1981 and accepted employment in the City Legal Division as Assistant Corporation Counsel. Subsequently, Judge Macey-Thompson worked as an Assistant to the Personnel Director and was in the private practice of law. She worked in the Office of the Majority Attorney in the Senate during legislative sessions in the years 1986, 1988 through 1990, and in 1992. From 1986 through 1989, she was a Marion Municipal Court Commissioner in the criminal division. In 1990, she accepted a position as assistant to the CEO of USA Funds, Inc., and worked there for a year and one-half.

In 1992, through her work experience serving as a municipal court commissioner, Judge Macey-Thompson applied for a municipal court appointment. She was interviewed by the Marion County Municipal Court Nominating Commission and her name, along with that of a male and a female, was sent to the Governor. Governor Evan Bayh appointed her effective January 1, 1993.

Judge Macey-Thompson is a member of the Indianapolis Bar Association and is on the Board of Managers of the Indiana Judges Association. She is also a Fellow of the Indianapolis Bar Association. She is on the Board of Trustees of the Bethel United Methodist Church and is a volunteer at St. Richard's School in Indianapolis.

**NANCY HARRIS VAIDIK**

Judge of the Porter Superior Court  
Room Number 4

January 1, 1993 - To Date

Term Expires: December 31, 1998

D.O.B.: June 24, 1955

Democrat



Nancy Harris Vaidik was elected in November 1992 to the Porter Superior Court to become one of forty-four women to serve as a trial judge in the State of Indiana. Judge Vaidik is a graduate of Portage High School, Portage, Indiana. She graduated from Valparaiso University in 1977 with high distinction and a Political Science and Psychology double major. She graduated from Valparaiso University School of Law in 1980. She was married to her first husband from 1977 to 1980 and she and her present husband, an attorney, were married in 1982. Judge Vaidik has twin daughters and two stepchildren.

Judge Vaidik worked as a full-time deputy prosecutor from 1983 until 1986. She then became a part-time deputy prosecutor working in the sexual assault and child abuse area until 1992. Judge Vaidik was also a partner in a law firm with her husband and one other attorney from 1986 through 1992. In 1986, she began teaching Trial Advocacy as an Adjunct Professor of Law at Valparaiso University.

After practicing law for a number of years, primarily as a trial attorney, she decided that she would like to be judge and thought that more women needed to be represented on the bench. She ran successfully for election against the male incumbent in the November 1992 election. Porter County has six judges and the two female judges both preside in the County Court division.

Prior to assuming the bench, Judge Vaidik was very active in trial work. She tried nearly 100 jury trials and hundreds of bench trials. These included many high-profile cases, including murders, rapes, drug cases, robbery, arson, and habitual offenders. As a prosecutor, she developed an interest in community corrections and served as one of the first members of the local Community Correction Advisory Board and continues to work in those programs today. As a prosecutor, Judge Vaidik started the Porter County Victims Assistance Program and the Porter County Sexual Assault Program. Because of her special interest in victim issues, she is often asked to speak to various organizations.

Judge Vaidik served from 1981 to 1986 on the Porter County Welfare Administration Review Panel. She has also been named to the Who's Who in

American Law and, in 1990, was named the local United Way Volunteer of the Year for her work with a local battered women's shelter. Judge Vaidik is a member of the Porter County, Indiana State and American Bar Associations.

**SHEILA MARIE MOSS**

Judge of the Lake Superior Court  
County Division, Room Number 2  
February 1, 1993 - To Date  
Term Expires: December 31, 1996  
D.O.B.: July 18, 1956  
Democrat



On February 1, 1993, Sheila Marie Moss was appointed to the Lake Superior Court, County Division, Room Number 2, and became the forty-fifth woman to sit as a trial judge in the State of Indiana and the third African-American woman to serve at this level of the judiciary.

Judge Moss graduated from Bishop Noll Institute in Hammond, Indiana, and obtained her B.A. from Valparaiso University in 1978. From June 1979 through May 1980, Judge Moss was the Writer/Analyst for the Gary Neighborhood Services Multi-Handicapped Program, where she wrote proposals for funding and analyzed current legislation concerning handicapped persons. From May 1980 through January 1981, she was the Department Head of the Youth Leadership Program for the Gary Neighborhood Services. Her responsibilities included planning and implementing cultural and educational activities for Gary, Indiana's disadvantaged youth. She was a Labor Relations Intern at Bethlehem Steel Corporation from January 1980 through June 1981.

In 1981, Judge Moss graduated from the Valparaiso University School of Law. In law school, she was the faculty representative for the minority students and the sub-regional director of the Black American Law Student Association. Judge Moss and her attorney husband were married in 1987. She has one son and one stepson.

Judge Moss began her legal career as a public defender in the Gary City Court. After one year as a public defender, she became a deputy prosecutor in the Gary City Court and began a private law practice with an emphasis in labor law and personal injury law. From 1983 through 1989, she was Chief Deputy Prosecutor. From 1989 to January 1993, she was the Deputy Director of the Child Support Division of the Lake County Prosecutor's Office. In February 1993, she was appointed by Governor Evan Bayh as Judge of the Lake Superior Court, County Division.

The court over which she presides has small claims and civil jurisdiction with the maximum judgment of \$10,000. The criminal portion of her court handles town and city ordinances, misdemeanors and class D felonies.

Judge Moss is a member of the James C. Kimbrough Law Association, where she served as Vice-President from 1985 through 1989. She was a member of the Association of Trial Lawyers of America from 1981 to 1993. Judge Moss is the District 1 representative of the Board of Directors of the Indiana Judicial Conference; member of the Judicial Ethics Committee; member of the Lake County Bar Association's Library and Judicial Facilities Committee and Legislative Committee; and a member of the Supreme Court Committee of Women in the Judiciary.

**MARY BETH BONAVENTURA**

Judge of the Lake Superior Court

Juvenile Division

April 1, 1993 - To Date

Term Expires: December 31, 1998

D.O.B.: July 12, 1954

Republican



On April 1, 1993, Mary Beth Bonaventura was appointed by Governor Evan Bayh to the Lake Superior Court, Juvenile Division, in Lake County, Indiana. She became the second woman to sit as a judge of this particular court and the forty-sixth woman to sit as a trial judge in the State of Indiana.

Judge Bonaventura has been a Lake County resident all of her life. She was born in East Chicago, Indiana, and attended Bishop Noll Institute in Hammond, Indiana, for her high school education. She attended Marian College in Indianapolis, graduating in 1976 with a Bachelor of Arts in Psychology. Judge Bonaventura then attended Northern Illinois University where she graduated with her law degree in 1981.

After graduating from college, Judge Bonaventura became a probation officer. She worked in the Lake County Court, Division Two. While she was working as a probation officer, she realized that she wanted to be an advocate instead of a passive participant, so she attended law school. After law school, she was first employed as a referee in the Lake County Juvenile Court. An opening on that court came about as a result of another woman judge losing a retention election. Judge Bonaventura applied for the position at that time because she felt that she had the qualifications and the experience for doing the job. She had competition for the job from one male and one female, but had strong support from both men and women for the position. The Lake Superior Court now has thirteen judges, and Judge Bonaventura became the second woman judge sitting in that Court.

Since 1986, Judge Bonaventura has served as Executive Advisor for the Court Appointed Special Advocate Program and is a member and serves on the Board of Directors of the Indiana Council of Juvenile and Family Court Judges. She worked on the Indiana Juvenile Benchbook Committee preparing a new edition of the benchbook on juvenile justice. She is now a member of the Juvenile Justice Improvement Committee which was established to strive for improvements in the Juvenile Code. She is also a member of the Lake County Community Corrections Advisory Board.

Judge Bonaventura is active not only in judicial associations, but also in her

local bar association and community organizations. In 1982, she received recognition from the Lake County bar for her dedicated work. In 1989 Judge Bonaventura became a Director of the Justinian Society of Lawyers, Northwest Chapter, after previously serving in other offices. In 1991, she received a recognition award from the Hoosier Boys Town for outstanding service to children and presently serves as a member of the Board of Directors of the Boys and Girls Clubs of Northwest Indiana and the Board of Directors of the local American Red Cross. In 1994, Judge Bonaventura received the Morton Kanz Award which was presented by Tri-City Community Mental Health. The award was in recognition of Judge Bonaventura's efforts and dedication toward improving community mental health.

Judge Bonaventura specializes in juvenile law by choice and hopes to continue the implementation of new programs and exploring new avenues for assistance in the juvenile area.

**ROSEMARY HIGGINS BURKE**

Judge of the Fulton Superior Court

July 1, 1993 - To Date

Term Expires: December 31, 2000

D.O.B.: January 6, 1943

Democrat



Rosemary Higgins Burke was appointed to the Fulton Superior Court in July of 1993 by Governor Evan Bayh, becoming the forty-seventh woman to sit as a trial judge in the State of Indiana. Judge Burke graduated from Kalamazoo Central High School in Kalamazoo, Michigan. Judge Burke received a diploma in nursing in September 1963 from the Bronson Methodist Hospital School of Nursing. Judge Burke practiced nursing on and off for a number of years and completed a Bachelor of Business Administration *summa cum laude* in April of 1984 at Nazareth College in Kalamazoo in Nazareth, Michigan. She also obtained a Master of Science in Administration from the University of Notre Dame in 1987. She was married from 1963 to 1983.

Judge Burke remarried in 1987. She is a mother of four children, stepmother of two, and a grandmother of three. Her husband, daughter, and son-in-law are attorneys, and a stepdaughter is currently attending law school. Judge Burke is thought to be the first woman judge in Indiana to swear her own daughter in as a member of the Indiana bar when she administered the oath to Bridget Ryan Sommer on January 2, 1995.

Judge Burke was working in healthcare finance and nursing home administration when she became frustrated with her employment. After one particularly frustrating day, her husband suggested that she go to law school. She obtained an LSAT application the next day. Her daughter, a law student at that time, and her husband, an attorney, were very encouraging to her. She was admitted to Notre Dame Law School and received her J.D. in May 1992. In October 1992, Judge Burke was the winner of the First Annual Cynthia Northup Memorial Essay Contest sponsored by The American Association of Nurse Attorneys' Forum with a paper entitled "Towards Congruity in the Legal and Ethical Basis for Nursing Practice."

After law school, Judge Burke entered a general law practice with her husband. She worked in dissolutions, small claims, estates, and CHINS actions. She had not considered going on the bench until a new superior court was created in Fulton County. There was concern at that time in the small local bar association

about who was available to serve. Her husband, other attorneys, and another woman judge actively encouraged her to seek the appointment.

In Fulton County, Lisa Traylor-Wolff had presided over the county court that existed prior to the establishment of the superior court. Judge Traylor-Wolff was appointed to the newly created Pulaski Superior Court and, thirteen months after her graduation from law school, Judge Burke was appointed to the Fulton Superior Court. She was elected without opposition in 1994.

As with most judges, Judge Burke is more comfortable with the legal work required by a judge than the administration necessary to run a court. She thinks that the most challenging aspect of her career to date is maintaining a sense of humor while working with extremely limited resources.

Judge Burke is the President of the Board of Trustees of the Fulton County Leadership Academy and a past member of the United Way Board of Directors and the Hearthstone Community Hospice Board of Directors.

**HEATHER M. MOLLO**

Judge of the Brown Circuit Court  
December 13, 1993 - to Date  
Term Expires: December 31, 1996  
D.O.B.: February 11, 1955  
Democrat



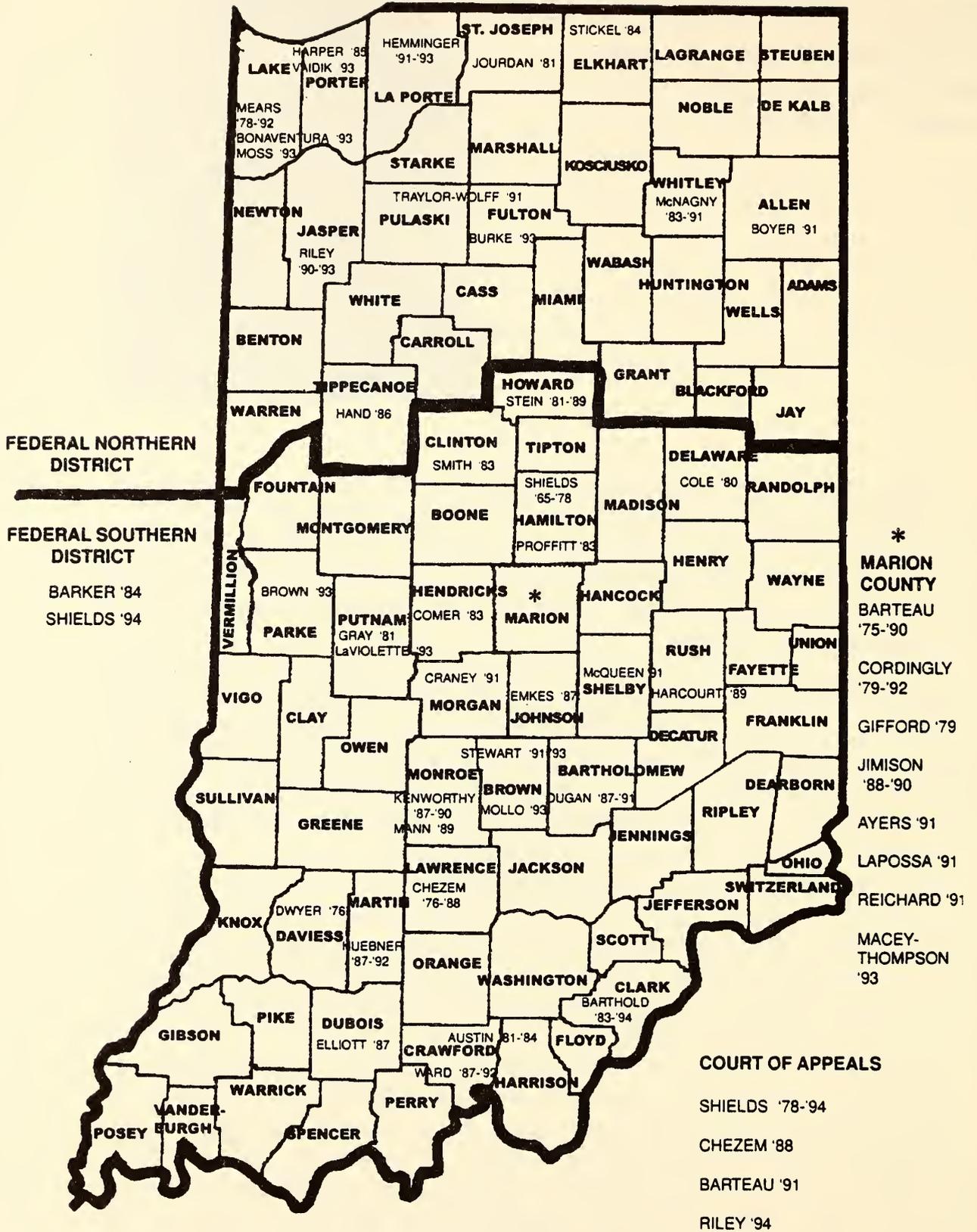
Governor Evan Bayh appointed Heather M. Mollo as Judge of the Brown Circuit Court to complete the term of former Judge Judith Stewart, who resigned to take an appointment as the U.S. Attorney for the Southern District of Indiana. Upon her appointment, Judge Mollo became the forty-eighth woman to serve as a trial judge in the State of Indiana. She and her husband, Steven Anthony Mollo, are the parents of two children.

Judge Mollo graduated *cum laude* from Franklin College in May of 1977 with a Bachelor of Arts in Psychology. From May of 1977 to August of 1980, she was the Director of CETA, a Title IIB Program with the Interlocal Association of Johnson, Brown and Bartholomew Counties. She graduated in May of 1983 from Indiana University School of Law—Bloomington with her J.D. She started a private law practice in Nashville, Indiana, with an emphasis in real estate, family law, and litigation. She is also a qualified mediator.

While practicing law, Judge Mollo held several positions: she was a part-time deputy prosecutor for Brown County; a part-time public defender for Brown County; referee of the Brown Circuit Court; and Counsel for the Brown County Office of Family and Children. Judge Mollo also served as Counsel for both the Commissioners of Brown County and the Board of Directors of the Brown County Solid Waste Management District.

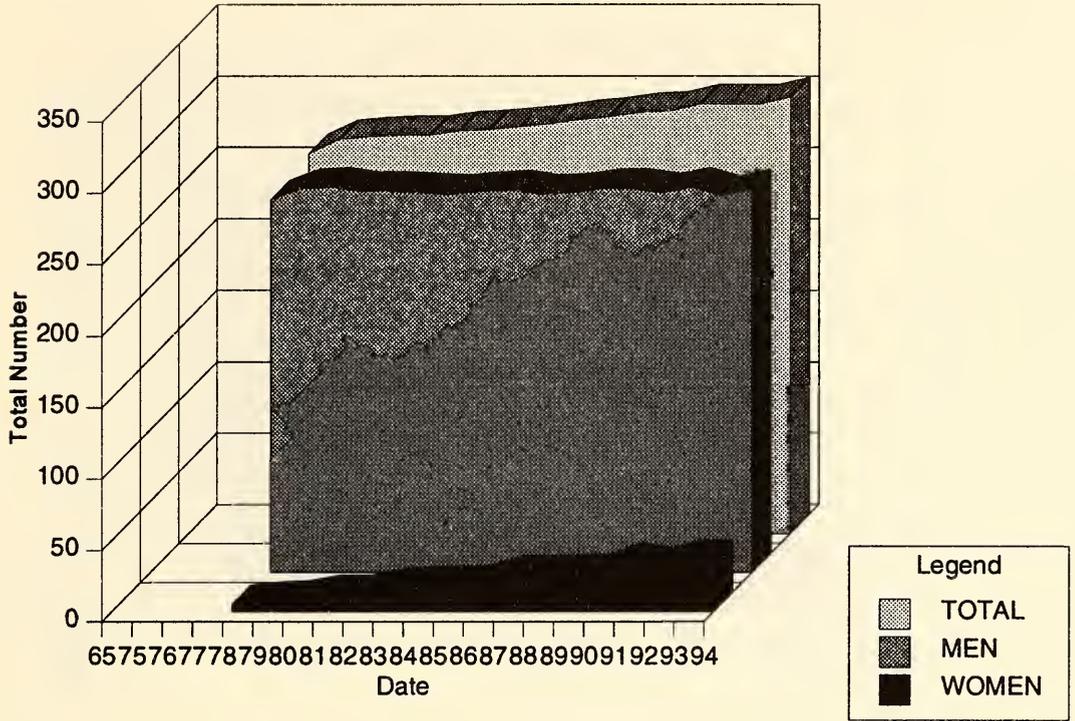
Judge Mollo is a member of the Brown County, Indiana State, and American Bar Associations and has served as the Brown County Bar Association President.

Judge Mollo has been active in civic organizations as well. She was a member of the Business and Professional Women's Club for a number of years, serving as State District Director, Brown County Club President and the Indiana Young Careerist in 1984. She also served as a member of the Board of Directors of the Brown County Convention and Visitor Bureau, Board of Directors of the Brown County Art Gallery and the Nashville Elementary Parent Teachers Organization.



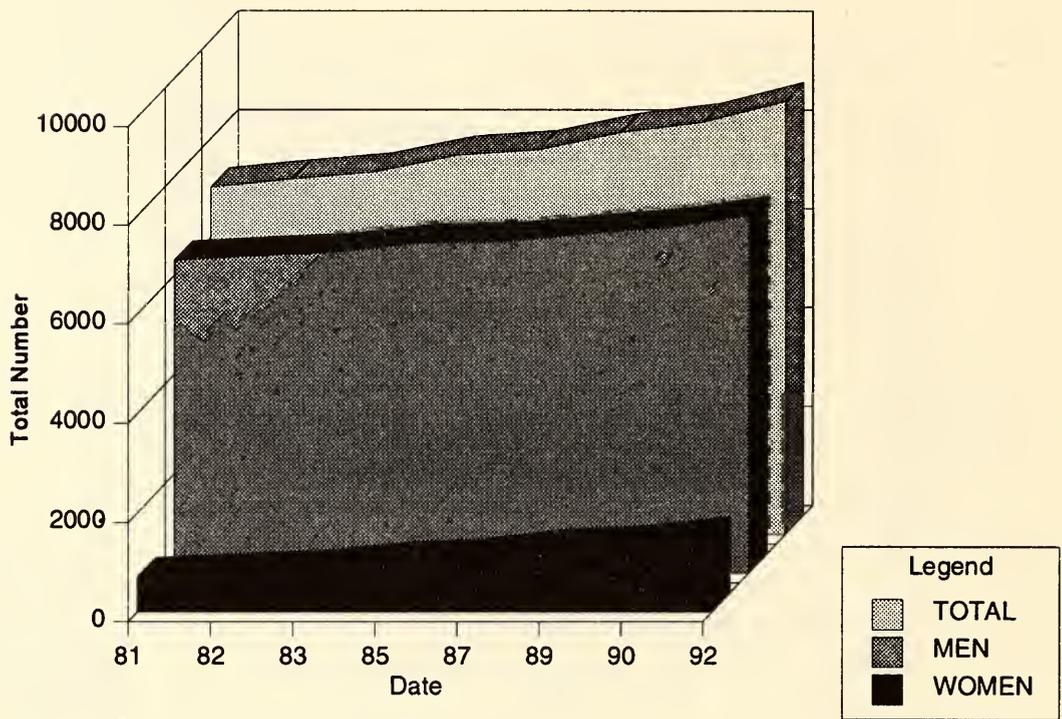
### APPENDIX E

## INDIANA JUDGES



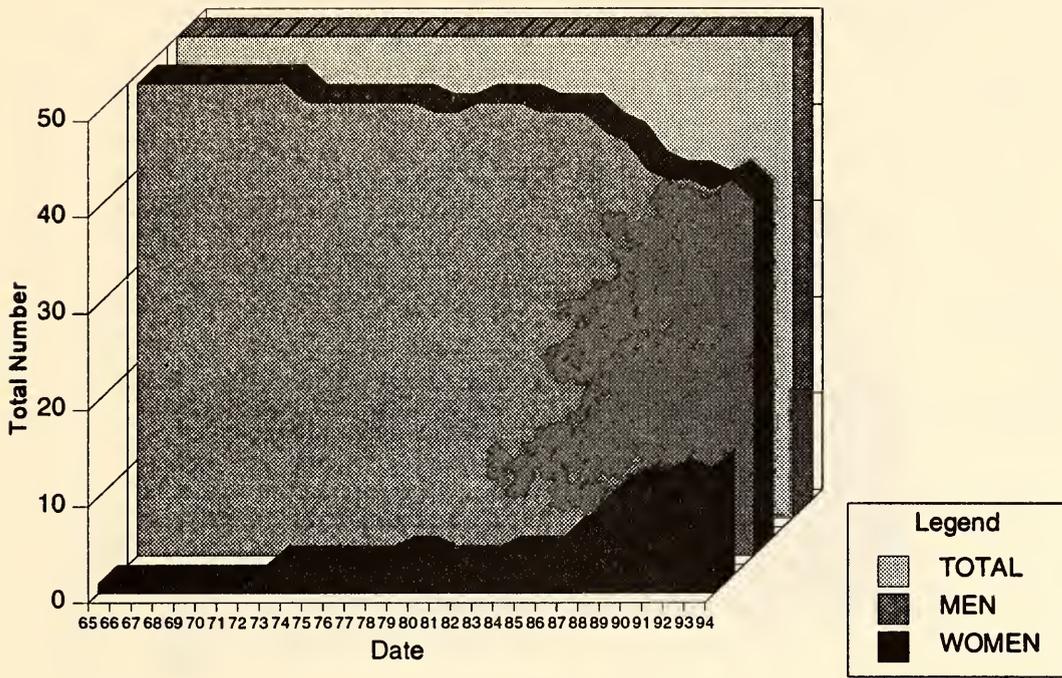
# APPENDIX F

## INDIANA DOCTORS

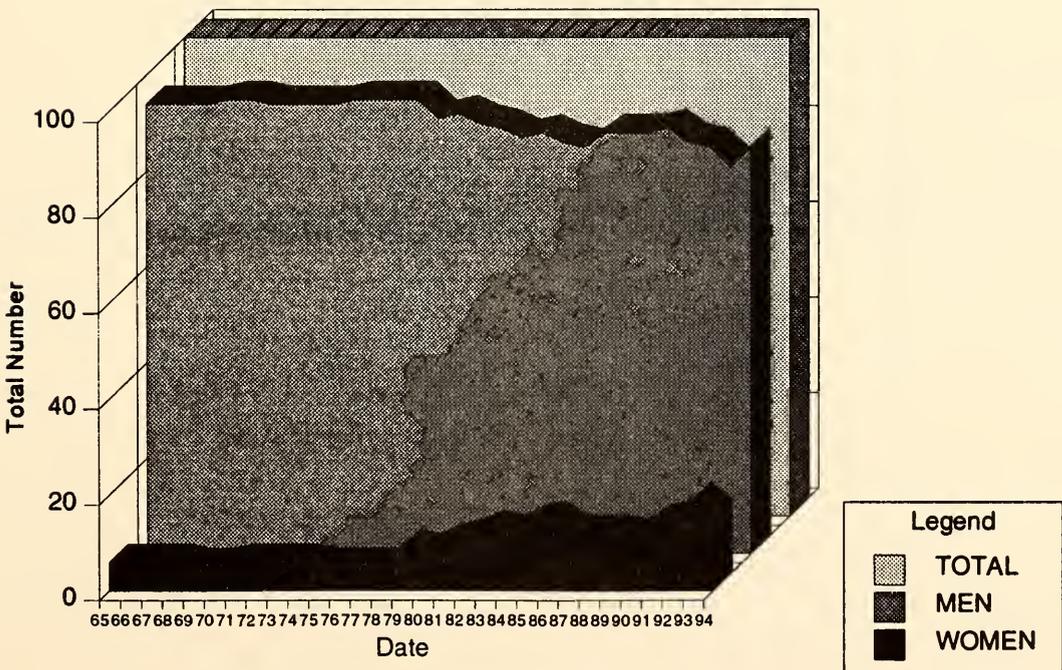


### APPENDIX G

## INDIANA STATE SENATORS

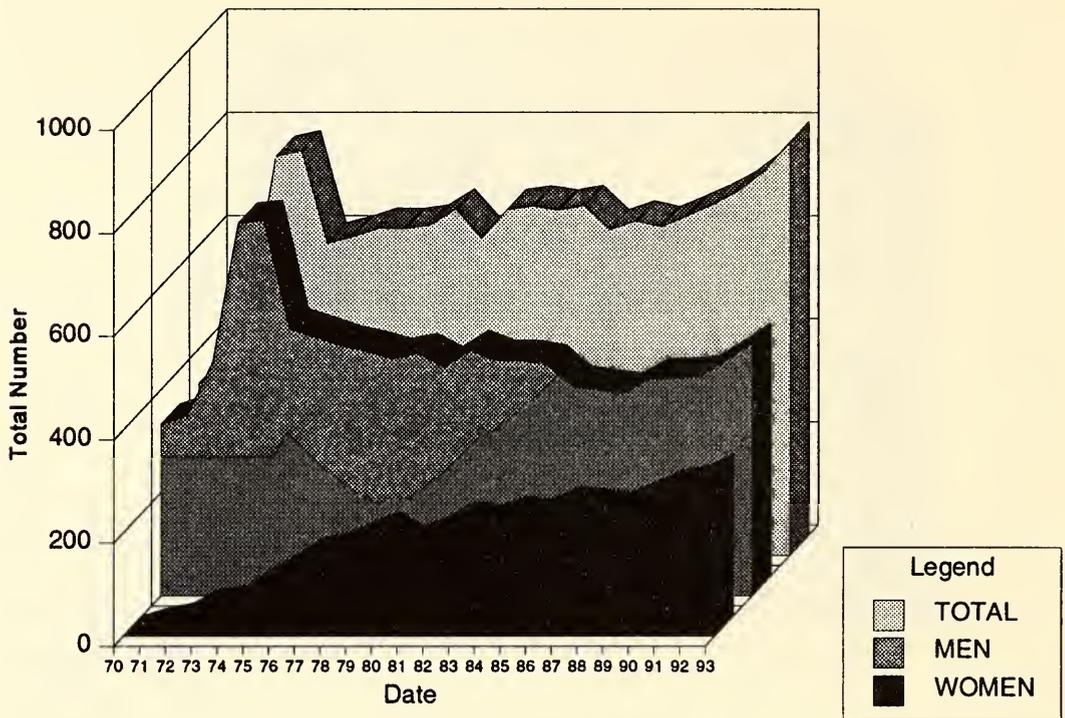


## INDIANA HOUSE OF REPRESENTATIVES



### APPENDIX H

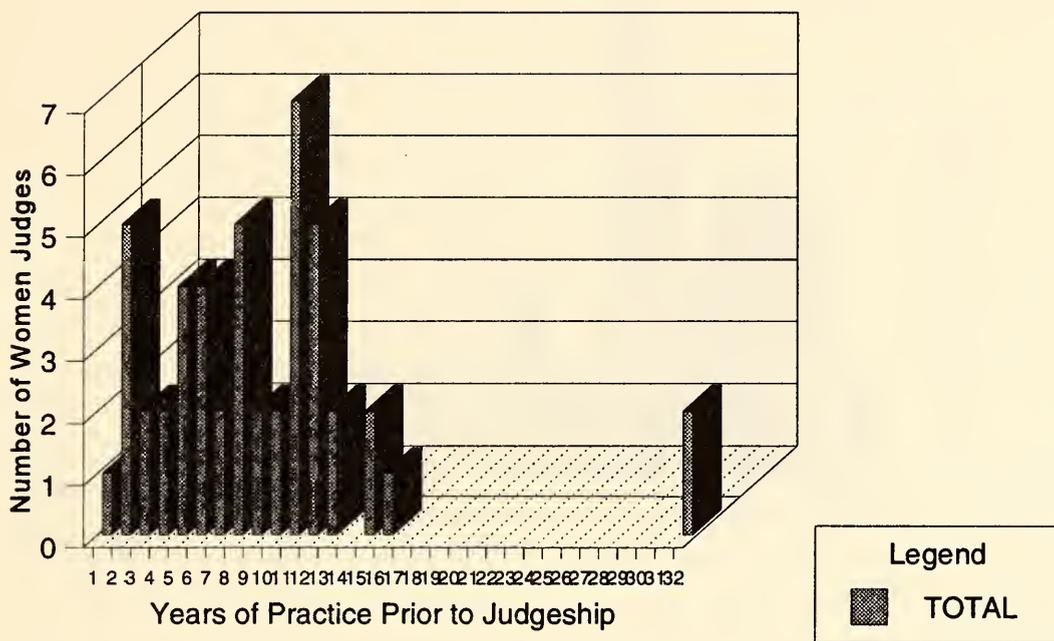
## INDIANA LAW GRADUATES



### APPENDIX I

## YEARS OF PRACTICE\*

Prior to Bench

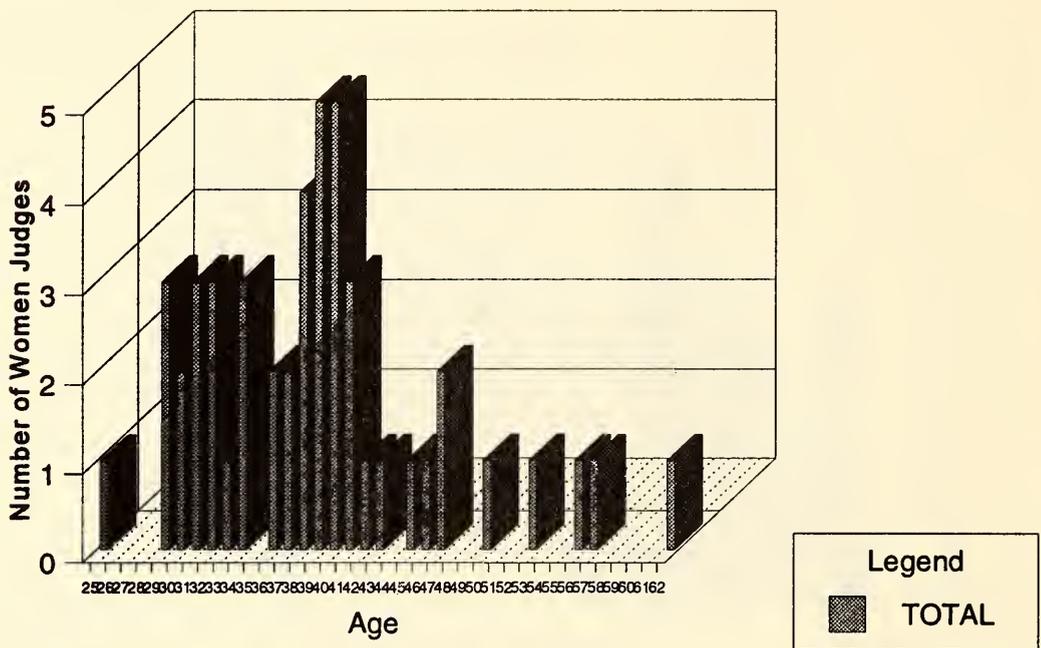


\*Information obtained from Questionnaires and public records and personal interviews made by this author and graphically summarized above.

## APPENDIX J

## INDIANA WOMEN JUDGES\*

Ages Assuming Judgeships



\*Information obtained from Questionnaires and public records and personal interviews made by this author and graphically summarized above.