

WOMEN AS LAWYERS AND JUDGES

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The question which is most commonly asked by people confronted for the first time with a woman who is a lawyer is: "How many women lawyers are there in Toronto,—or in Ontario, or in Canada?" My answer invariably is that I do not know; I do not know how many red-headed lawyers there are, or how many blue-eyed lawyers there are, or how many lawyers with varicose veins. And the most usual observation made to any woman in our profession is "I didn't think you would look like you do!" and one knows that they expected to see a stiff, high collar, high boots, clipped hair and a grim visage.

As a matter of principle I don't know, but I heard the Treasurer of the Law Society of Upper Canada reporting at the mid-winter meeting of the Ontario Section of the Canadian Bar Association, say that one hundred and twenty women had graduated from the Osgoode Hall Law School since Clara Brett Martin graduated in 1897. She was the first woman in the British Empire to be admitted to the Bar. She had a long fight to get a special act of the Legislature passed to enable her to be admitted as a member of the Law Society, and then, having graduated from Law School, she had another fight to get an amendment passed to the Barristers' Act, which would permit her to be called to the Bar.

It has been my privilege, largely due to the fact that I am a member of an honour International Legal Sorority, to have met many outstanding women in the United States and abroad as well as in Canada, who are lawyers, and some who are judges. Judge Helen Kinnear, the County Court Judge for the County of Haldimand in Ontario, was the first woman in the British Empire to be created a King's Counsel. She was admitted to the Bar in 1920 and created a King's Counsel in 1934. She practised in Port Colborne, a thriving industrial city on the Welland Canal, until she was made a Judge in 1943.

There are now five other women King's Counsel in Ontario. One of them has a very successful criminal practice in Toronto. She has, on more than one occasion, successfully defended persons accused of murder and manslaughter. Another is the Town Solicitor for Brampton, Ontario, an industrial town of 6,000, which lies some thirty miles northwest of Toronto. Another is the Assistant Registrar of the Supreme Court of Ontario. The other one is the Secretary of the County of York Law Association, which includes the City of Toronto.

Women from different Provinces have been members of the Council of the Canadian Bar Association. One of these, Miss Ruth McGill of Regina is at present an alderman in the City of Regina, and has recently been acting Mayor. Women lawyers in Canada, like men lawyers, are as a rule leaders in their communities. Miss Emily F. Lynch of Windsor was alderman of East Windsor some years ago and also acted as mayor for a time.

If I were to hazard a guess I would say that there are about fifty women with interesting practices earning good livings in the City of Toronto.

The woman judge who is best known and gone the furthest in the United States is Judge Florence E. Allen. She was a member of the Ohio State Bar, was first elected a Judge in Ohio, and has, for a number of years, been a Judge of the United States Court of Appeals. She has an outstanding record and it has been said that had President Roosevelt lived to make one more appointment to the Supreme Court of the United States Judge Florence Allen would have been his choice.

Another very successful Judge in the United States is Judge Genevieve Cline, who is a Judge of the United States Customs Court. She is charming, an eloquent speaker and one of the best-dressed women I know.

The first "woman lawyer" from the United States whom I ever met is Mrs. Helen Z. M. Rodgers, of Buffalo, New York. She was the first woman to plead a case in the Court of Appeal of New York State, and one of the first women to be admitted to the Bar of the Supreme Court of the United States. She is a very able counsel and for many years represented two of the large American railways. Judges of the New York State Courts have told me that she was one of the most able trial lawyers who ever appeared before them. Often trial lawyers are not the best counsel for appeals, but she was an exception. Mrs. Rodgers studied law after she was married. She has one daughter. She no longer says how long it is since she was called to the Bar, but it must be getting on for forty years. She does not look as old as she must be. She is a brilliant speaker and a woman of very great charm. She has been a leader in all progressive and good campaigns in her city. She was one of the first women to advocate the service of women on juries, and one of those who originated and conducted jury schools for women when the Legislature of New York provided for the service of women on juries.

Miss Mary Donlon of New York is a well known and very successful lawyer who has mixed politics with a successful career as a corporation lawyer. She is now the Chairman of the New York State Workmen's Compensation Board,—a very large and important administrative and judicial post.

The women in Britain were only admitted to the practice of law twenty-five years ago. One of the first women to be admitted to the Bar and the first woman to be admitted to practice in the criminal courts was Mrs. Helena Normanton. I had the pleasure of meeting Mrs. Normanton last summer. For some years past,—I think ever since the beginning of the war, Mrs. Normanton has been in charge of the distribution of free cases at the Old Bailey. As you know, English barristers are not articulated in an office and when they are admitted to practice have to wait for clients to retain them and the clients have to take a chance on them before they have had any actual experience in pleading cases. The exceptions are that anyone who wants criminal practice puts his name on a list at the Old Bailey offering his services to indigent prisoners. And now for civil lawyers, the Poor Man's Legal Committee will apportion free civil cases to barristers who want to take them. During the war the problem was to find enough lawyers to defend these actions which were coming up for trial at the Old Bailey. Since the war the problem has been to apportion the cases fairly amongst the many returned young barristers who want all the experience they can get. The person distributing the cases has, of course, a primary duty to supply the poor accused with the best defence possible and a secondary obligation to play no favourites amongst the young men craving experience. Mrs. Normanton seems to have struck a very happy balance, and she is beloved by the young barristers, who in October of this year gave a party for her and presented her with a diamond and pearl necklace in appreciation of her work. This job at the Old Bailey is entirely a labour of love and is carried on along with her regular practice as a barrister. There are between four and five hundred women barristers in Great Britain.

When I was in Paris this summer I had the pleasure of meeting a dozen or more women advocates who practice at the Paris Bar. I visited the Palais de Justice one day and I saw a larger proportion of women hurrying to and fro in their robes than one sees around the courts of London, or in court houses in American cities. Lawyers in Paris must have their offices in their homes. Members of the governing body of the Bar call at intervals to inspect these offices, and no one, man or woman, is admitted to the Bar until he or she satisfies the

powers that be that he or she has a proper office in a dignified and appropriate setting. I visited two of my sorority sisters in their homes and saw their offices. These women were both married, one had children, the other had a child who was seized and killed by the Germans during the occupation. I asked them whether they found it distracting to have their offices in their homes, especially when they had husbands and children, but they assured me that when they entered their offices they were as far away from home as if they were at the other side of the city. This, I should think would take considerable organization and discipline.

Another outstanding French woman advocate is Maitre Madeleine Martinache, who has the highest award given by the French Government for resistance. She was arrested and tortured by the Germans for her work in liberating British soldiers who had been caught in France when the British army left Dunkirk. Another member of our Kappa Beta Phi Legal Sorority is Judge Wanda Grabinska. She is a member of our London, England, Chapter, having made her home in London since the beginning of the war. She went into active practice in Poland in 1924 and then began her ultimately successful effort to obtain for women the right to become judges. In 1927 she passed the State judicial examinations qualifying her for an appointment as professional judge in the courts of Poland, and shortly afterwards was appointed judge.

I could go on at much greater length telling you of the very fine women and girls whom I know who have chosen and are engaged in what seems to me the most fascinating and most satisfactory profession for anyone,—man or woman.

I am often asked what qualities I think a woman needs to be a successful lawyer. She needs the same qualities and the same training as a man does. In addition, she must not have lurking anywhere, even in her subconscious mind, the faintest suspicion that because she is a woman she is under an inherent disability as a lawyer. If she had any such idea she would have provided herself with a permanent alibi for failure which is the worst handicap any lawyer could have. If she doesn't think it matters whether or not she is a woman, no one else is likely to think about it. And she will soon be accepted as "that bright young Miss So and So" who is especially good at trial work, or in company law, or taxation law, or conveying, or criminal work, or whatever the field may be in which she excels.