



the

# COOK-WITTER REPORT

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## Myra Bradwell: Illinois' First Female Attorney

**W**hen the Illinois Supreme Court finally granted Myra Bradwell her law license in 1890, technically making her Illinois' first woman lawyer, it must have been anticlimactic. She had terminal cancer and had long ago given up fighting for the license she deserved. Besides, she'd accomplished so much without it.

This Chicago mother and former teacher had founded and written the nation's most popular legal newspaper -- making the same male lawyers who denied her the right to practice law dependent on her articles. She had helped pass women's rights legislation, helped secure the 1892 World's Fair for her beloved Chicago, and encouraged many women to enter law, according to Jane M. Friedman's *America's First Woman Lawyer: The Biography of Myra Bradwell* (Prometheus Books, 1993).

After she married attorney James Bradwell in 1852, Myra worked alongside him in his Chicago law office and read law books with him. She became so adept at legal matters that she took and passed the Illinois Bar exam in 1869 with "highest honors," according to Lyndee Jobe Henderson's *Remarkable Illinois Women* (Morris Book Publishing 2007).

Bradwell applied to the Illinois Supreme Court for her law license. Although she had the recommendation of a circuit judge who had tested her legal knowledge, and although state law stipulated that any appropriately trained "person" of good character was eligible for the bar, Bradwell

was denied. The court said it was because she was married and therefore, unable to enter into a contract. (Years later, she successfully wrote and lobbied for the passage of legislation allowing married women to enter into contracts.)

Upon appeal the court denied her again, this time saying women couldn't be lawyers because they were too emotional and delicate and their "mysterious wiles" would sway juries, giving them an unfair

advantage. In addition, the court argued that granting Bradwell a license would encourage women into public service even though they couldn't vote, writes Henderson. Critics accused Bradwell of making her family's happiness and stability suffer for her ambition.

Undaunted, Bradwell got a top-notch attorney and took her case to the United States Supreme Court. While awaiting the Court's decision, the Illinois State Bar admitted her as an honorary member in 1872 (she later became its vice president). The next year, the U.S. Supreme Court refused her request for a law license citing the same reasons she'd heard before -- women weren't fit for the rough and tumble business of law.

Bradwell was done with the courts. She had a

business to run.

Since 1868 (a year before she passed the bar exam), Bradwell had published the *Chicago Legal News*, a newspaper she founded which reported legal opinions as well as proposed and newly approved

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*Chicagoan Myra Bradwell opened the legal field to women in Illinois. A mother and school teacher, she originally wanted her law license so she could help her husband with his law practice. Photo courtesy of the Abraham Lincoln Presidential Library.*

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legislation. Thanks to her masterful marketing, the paper became “indispensable” to every Illinois attorney and eventually every U.S. attorney, Friedman writes in her book. Shrewdly, Bradwell arranged it so that her paper told attorneys about new laws before anybody else. At that time the Illinois Secretary of State didn’t publicize new laws until three to five months after their passage. Bradwell made a special deal with the legislature -- if it gave her copies of new statutes as soon as it adjourned, she would print them perfectly. For 25 years she accomplished this by bringing typeset copies of the *News* to Springfield and comparing them verbatim with the nascent laws.

Her paper became an official legal record, writes Friedman. “Myra had obtained from the state legislature a special charter that made all laws printed in the *News* valid as ‘evidence of the existence and contents of such laws before all courts in Illinois.’”

The paper served Bradwell, too. She used it as a platform. In it she constantly advocated for women’s rights and “attacked lawyers and judges for incompetence and moral deficiency,” says American National Biography Online. In her book about prominent Illinois women, Henderson writes: “Judges, lawyers, and legislators roiled at the sight of their names” in Bradwell’s paper.

Chicago’s Great Fire of 1871 might have felled much of the city, but it didn’t stop Bradwell. Even though the fire destroyed the Bradwells’ home, her husband’s law office, Myra’s office building and her printer’s, the *Chicago Legal News* never missed an issue. (While fleeing the fire on foot, her daughter ran into the *News*’ of-

fices and grabbed the book of subscribers.) Bradwell was a prolific worker: in all, she edited 1,300 issues of the *Chicago Legal News*, according to the Women’s Bar Association of Illinois.

While publishing the *News*, Bradwell helped other women become lawyers, lobbied for women’s suffrage, watched her son and daughter become lawyers and take over her paper, and even helped Mary Lincoln during her institutionalization for insanity. (Some credit the Bradwells with helping Mary gain release from the asylum.)

She died in 1894 -- four years after the court granted her a legal license. The courts postdated it to 1869, the year she first requested it.

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*Myra Bradwell worked for women's suffrage, as well as the right for women to become lawyers. While she won the latter fight, she did not live to see women gain the right to vote, as portrayed on the cover of this 1920 Life magazine. Image courtesy of the Abraham Lincoln Presidential Library.*

**Myra Bradwell...***Continued from page 2*

Bradwell paved the way for other aspiring female attorneys like Illinois' Alta Hulett, who became the "youngest female attorney in the world" when she got her license at the age of 19 in 1873. (Bradwell still hadn't won her appeal to get a license at this time.) Like Bradwell, the courts initially denied Hulett's effort to get a law license, so she, Bradwell and aspiring attorney Ada Kepley successfully lobbied the Illinois legislature to make it illegal to deny a person access to a profession (outside of the military) based on their gender. As a result Illinois was a national pioneer: "This law was the first piece of legislation in the United States which prohibited sex discrimination in employment," according to an article by Meg Gorecki in the October 1990 *Illinois Bar Journal*.



## Before Law Schools...

When Myra Bradwell tried to become a licensed lawyer in 1869, the process was very different from today. There were no law schools in Illinois then, according to David Anderson with the Illinois State Bar Association. Instead, an aspiring lawyer "read the law under the supervision of a working lawyer who had done the same thing" to enter the profession. The apprentice would study the statutory and case law of Illinois. (This is how Abraham Lincoln became a lawyer in the 1830s.)

By 1868, Illinois law stipulated that after studying with a practicing lawyer, an apprentice had to pass a legal examination (there was no standardized exam like today's bar exam), have their circuit's judge and state attorney certify they had passed, get a county court to certify their "good moral character," and finally get two Illinois Supreme Court justices to approve their license to practice.

# Women in the Law Today

Women lawyers no longer have to fight for their license like Chicago's Myra Bradwell did in the 1800s, but they still face challenges. After Bradwell, Alta Hulett, and other Illinois pioneers opened the field to women, many followed. At last count, 34 percent of the 83,908 lawyers in Illinois were women, according to the Illinois Attorney Registration and Disciplinary Commission's 2008 Annual Report.

But nationwide, women attorneys still face challenges including unequal representation in higher positions, pay inequity, and balancing work and home needs, according to organizations that formed to help them. While fifty percent of law school graduates are women, they hold a much smaller percentage of law's top positions, according to the new Center for Women in Law at the University of Texas Law School. The Center was formed by women lawyers concerned about "the lack of women managing partners and the increasing number of women leaving the field altogether."

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The Minority Corporate Counsel Association, founded in 1997, annually surveys Fortune 500 companies to determine the number of women among their general counsel. Its 2009 survey showed that 85 women held these top legal positions, which was slightly fewer than the last two years. (There were nine corporations in Illinois in which women served as general counsel, making it

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## Women In Law Today

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one of the top three such states in the country. Of course Illinois also has the distinction of having a female, Attorney General Lisa Madigan, as its top attorney.)

The National Association of Women Lawyers, which organized in 1899 as “The Women Lawyers’ Club” and is headquartered in Chicago, has fought for issues related to women and women attorneys, including the right for women to vote and serve on juries. Today it strives for professional parity for women attorneys, according to its Web site ([www.nawl.org](http://www.nawl.org)). Its goal is to have women represent “30 percent of chief legal officers, 30 percent of law

firm equity partners, and 30 percent of tenured law school faculty members” by 2015.

Illinois has its own organization dedicated to helping women lawyers. In 1914, nine Chicagoland female attorneys organized the Women’s Bar Association of Illinois to help their peers and lobby for legislation for “justice” and “the common good,” according to its Web site ([www.wbaillinois.org](http://www.wbaillinois.org)). It fought for women’s rights, including suffrage, and in later years has welcomed male members. It helps members achieve employment opportunities through a variety of activities.



## Transitions

On September 18<sup>th</sup>, former Illinois State Treasurer **James H. Donnewald** died at the age of 84. Donnewald was a lawyer and a Democrat who served in the Illinois House and the Senate, where he was assistant Senate majority leader.

Vernon Hills businesswoman **Carol Sente** has been appointed to fill the 59<sup>th</sup> District State Representative seat vacated by **Kathy Ryg**, who resigned to become the Chief Executive of Voices for Illinois Children. Rep. Sente, a Democrat, was sworn in on September 12<sup>th</sup>. She has been active in her community and formerly served on the board of the Vernon Hills Park District.

**DeShana Forney** resigned September 10<sup>th</sup> as Executive Director of the Illinois Housing Development Authority. Before that post she was Director of Public Safety. **Gloria L. Materre** is the new IHDA Executive Director.

On September 1<sup>st</sup>, **Governor Pat Quinn** appointed **Dave A. DeFraties** as Acting Illinois State Fire Marshal; his appointment comes after the retirement of former State Fire Marshal **David B. Foreman**. DeFraties was a firefighter in Springfield for more than 21 years. He has worked at the Office of the State Fire Marshal for four years.

