Memorializing the Work and Lives of Women Trailblazers in the Law

By Brooksley Born and Linda Ferren

Senior women lawyers today have not forgotten the challenges they faced in law schools, law firms, corporate America, and academia decades ago. Some women who graduated at the top of their classes from the nation’s premier law schools were offered positions in some of the country’s preeminent law firms—not as associates but as legal librarians or legal secretaries. Others were never granted an interview. Still others were harassed in their law school classes and on the job for taking positions that were thought rightfully to belong to men. Others were barred by institutional policies from even applying to some of the nation’s top law schools or from seeking prestigious clerkships because of their gender.

Stories like these appear in many of the oral histories recorded for the Women Trailblazers Project (WTP), a unique initiative that is designed to make the life stories of outstanding women in the legal profession readily available to lawyers and nonlawyers alike. The heroes of these tales are women, now in their 60s, 70s, 80s, and 90s, who not only persevered against great odds in law school classes and legal positions in all parts of the country, but who succeeded in a profession that was often hostile and rejecting.

The stories of this generation of women who entered the profession at a time when only 3 percent of lawyers were female are important and compelling. These women met unique challenges and overt discrimination, and not only succeeded, but also opened the doors to younger generations of women in the profession. Many of them were also instrumental in developing and implementing legal strategies that were an essential part of the social revolution of the last forty years, opening economic opportunities to women in our society.

The WTP is designed to memorialize the stories of these women, as recounted in their own voices, to ensure that they are not lost to history. The goal of the effort has been to record the stories the women tell about what they experienced and how they saw the world as young children, adolescents, young adults, and mature members of society; what people and forces impacted them as they grew; how and why they chose to enter the legal profession; how they developed the determination to try to break into, and then succeed in, a profession that for many years shut many more doors than it opened; and what they have accomplished. Their words will remind future generations of their courage and the many contributions they have made.

The project, which we conceived and developed in 2003, actually began in earnest in late 2004 when the ABA Commission on Women in the Profession agreed to sponsor the effort. The WTP was the first, and remains the only, nationwide program to take the complete oral histories of outstanding women in the law, selected for their accomplishments and contributions to the law, highlighting the role of women in the profession. The interviewees, who thus far number eighty-nine from twenty-four states and the District of Columbia, are from all areas of the legal profession: the judiciary, academia, government, law firms, corporations, and public interest organizations.

The WTP has selected as interviewees a number of the Commission on Women’s Margaret Brent honorees and nominees, federal and state court judges, and attorneys recommended by ABA members and others involved or interested in the project. Whenever possible,
older women have been selected with diversity of race, ethnicity, geography, and professional backgrounds being key considerations.

All project interviewers are women volunteers who are practicing lawyers. Interviewers are teamed up with interviewees who, in almost every case, live in the same or neighboring communities. Each interviewer is instructed in the art of taking an oral history. At the beginning of the project, we looked to Donald A. Ritchie, associate historian of the U.S. Senate, author of Doing Oral History: A Practical Guide, and a highly skilled and experienced trainer of oral historians to run the WTP’s first four training sessions. The sessions were held at ABA meetings over a two-year period when large numbers of women from different parts of the country were gathered together. Trainees were provided with a training manual that includes detailed program procedures on preinterview preparation; a practical article on how to schedule, conduct, audiotape, transcribe, and edit oral history interviews; information about donation instruments; and sample questions relating to gender, among other things. More recently, when on-site training for large numbers of women has not been feasible, we have conducted telephonic training sessions for new project interviewers, who also were provided with copies of the project’s training manual and other background materials.

Preparatory to conducting an oral history, each interviewer is asked to engage in extensive preinterview research on her interviewee. Then follows a series of interviews that are audiotaped and transcribed. Each interview session is typically 1½–2 hours, and while there is not a “typical” oral history, many of the histories are taken in five, six, seven, or more sessions. A supplemental videotaped interview has been conducted with seventeen of the WTP’s interviewees thus far; additional interviewees will be videotaped as resources permit.

In September 2008, the WTP was

**Completed Oral Histories**

Barbara Allen Babcock—Stanford, CA
Barbara Aronstein Black—New York, NY
Ruth C. Burg—Washington, DC
Mary B. Cranston—San Francisco, CA
Carol E. Dinkins—Houston, TX
Sara-Ann Determan—Washington, DC
Betty Weinberg Ellerin—New York, NY
Betty Binns Fletcher—Seattle, WA
Maryann Saccomando Freedman—Buffalo, NY
Jamie Gorelick—Washington, DC
Antonia Hernandez—Los Angeles, CA
Irma Herrara—San Francisco, CA
Zona Hostetler—Washington, DC
Petra Maes—Sante Fe, NM (under seal)
Barbara Mendel Mayden—Nashville, TN
Marygold Shire Melli—Madison, WI
Dorothy W. Nelson—Pasadena, CA
Bettina B. Plevan—New York, NY
Betty Roberts—Portland, OR
Barbara Paul Robinson—New York, NY
Lynn Hecht Schafran—New York, NY
Grace Berg Schaible—Fairbanks, AK
Mary Murphy Schroeder—Phoenix, AZ
Shirley Adelson Siegel—New York, NY
Dolores Korman Sloviter—Philadelphia, PA
Fern M. Smith—San Francisco, CA
Judith P. Vladeck—New York, NY
Rosalie E. Wahl—Lake Elmo, MN
Patricia M. Wald—Washington, DC
Judith A. Winston—Washington, DC
Miriam E. Wolff—Los Altos Hills, CA
Rya Zobel—Boston, MA
transferred from the Commission on Women in the Profession to the Senior Lawyers Division (SLD) of the ABA, which, unlike the commission, sponsors long-term projects. A committee was appointed to oversee the project and includes Carol Dinkins, Lizabeth A. Moody, Bettina Plevan, and Estelle Rogers. Brooksley Born serves as committee chair. Most committee members have been involved with the WTP either as interviewees or interviewers.

Linda Ferren has served as the project director of the WTP since the project’s inception, handling day-to-day activities, which include program planning, arranging training sessions, developing program reports and materials, assisting interviewers and interviewees, tracking the progress of each oral history, researching potential interviewees and interviewers, reviewing oral histories, and communicating with repositories.

In addition to chairing the SLD Committee, Born has served as a key adviser to the project, a role she has played since the project began. Born has helped to plan and develop the project and has been solely responsible for all of its fundraising to date.

The historical importance of the WTP was underscored when the Library of Congress agreed to become a repository for the WTP collection. The Schlesinger Library at the Radcliffe Institute at Harvard University, which specializes in American women’s lives and issues, has also expressed a strong interest in housing the WTP collection, and the project is currently involved in negotiations with the Schlesinger Library to make this a reality.

At the time of this writing, thirty-two oral histories have been completed. A list of these oral histories appears on page 12. Most have been sent to the Library of Congress where they are available to the public. Many of them are posted in their entirety on the SLD Web site at www.abanet.org/srlawyers/oralhistory. Fifty-seven additional oral histories are on-going, and we are planning to initiate additional oral histories in the coming year.

Brooksley Born is a retired partner of Arnold & Porter LLP in Washington, DC, where she practiced for over thirty years. She chairs the SLD’s WTP Committee and is a member of the SLD Council. She chaired the U.S. Commodity Futures Trading Commission from 1996–1999 and currently chairs the Board of Directors of the National Women’s Law Center.

Linda Ferren currently serves as project director of the SLD’s WTP and as the executive director of the Historical Society of the DC Circuit. Previously, Linda served as circuit executive of the DC Circuit, as executive director of the Commodity Futures Trading Commission, and as director of research, Evaluation and Special Projects of the Superior Court of the District of Columbia.