



1-1-1995

Book Review [America's First Woman Lawyer, The Biography of Myra Bradwell]

Santa Clara Law Review

Follow this and additional works at: <http://digitalcommons.law.scu.edu/lawreview>



Part of the [Law Commons](#)

Recommended Citation

Santa Clara Law Review, Book Review, *Book Review [America's First Woman Lawyer, The Biography of Myra Bradwell]*, 35 SANTA CLARA L. REV. 1107 (1995).

Available at: <http://digitalcommons.law.scu.edu/lawreview/vol35/iss3/10>

This Book Review is brought to you for free and open access by the Journals at Santa Clara Law Digital Commons. It has been accepted for inclusion in Santa Clara Law Review by an authorized administrator of Santa Clara Law Digital Commons. For more information, please contact sculawlibrarian@gmail.com.

AMERICA'S FIRST WOMAN LAWYER, THE BIOGRAPHY OF MYRA BRADWELL. By Jane M. Friedman. Buffalo, New York: Prometheus Books. 1993. Pp. 217. Hardcover. \$22.95.

*Reviewed by Justice Patricia Bamattre-Manoukian**

Few things are more important to the practice of law than effective communication, whether it involves vigorous advocacy in the trial court or written argument at the appellate level. In the rare individual where the gift of communication is combined with dedication, leadership qualities and great vision, the practice of this profession is truly elevated to its highest level. Such an individual was America's first woman lawyer, Myra Bradwell.

On August 2, 1869, Myra passed the Illinois bar exam with high honors and made a formal application to the Illinois Supreme Court for a license to practice law. The mother of four children (two of whom had died in early childhood) and married to a lawyer, Bradwell began her legal studies as an apprentice in her husband's law firm and decided to become a lawyer so that she and her husband could "work side by side and think side by side." In a brief accompanying her application she wrote: "The only question involved in this case is—Does being a woman disqualify [me] under the law of Illinois from receiving a license to practice law?"

Jane Friedman's interesting biography of Bradwell begins with the story of Bradwell's early rejections—by the Illinois Supreme Court and later by the United States Supreme Court—first on the basis of "the disability imposed by [her] married condition" and then simply upon the ground that she was a woman. "The paramount destiny and mission of woman", wrote Supreme Court Justice Bradley in a concurring opinion, "are to fulfill the noble and benign offices of wife and mother."

* B.A., 1972, University of California, Los Angeles; M.P.A., 1974, University of Southern California; J.D., 1977, Loyola School of Law; Ph.D., 1989, University of Southern California. Justice Bamattre-Manoukian is an Associate Justice at the California Court of Appeal, Sixth Appellate District.

The author thanks Christina Floyd, a research attorney at the California Court of Appeal, Sixth Appellate District, for her able research assistance and helpful comments.

Bradwell, however, had a broader vision. Undaunted by the denial of her application, she turned her interest in the law, and her abundant energy, to the task of education and reform. By the time the Supreme Court affirmed the denial of her application to practice law in 1873, the Illinois Legislature had already passed legislation, co-drafted by Bradwell herself, providing that "no person shall be precluded or debarred from any occupation, profession, or employment . . . on account of sex." Had Bradwell reapplied for a license in 1873 she almost certainly would have been accepted for admission to the bar.

However, more important to Bradwell than her own personal achievement was the fact that, largely due to her efforts, Illinois and several other states had passed legislation providing for equal professional opportunities for all women. As she wrote, "[m]y business had acquired such dimensions by the time the barriers to my admittance to the Bar were removed that I had no time to give to law practice, and I didn't care to be admitted just for the privilege of putting 'Attorney' after my name."

The "business" referred to by Bradwell was the Chicago Legal News (the "*News*"), founded by her in 1868, which was to become the most widely circulated legal newspaper in the nation. For the next 25 years, Bradwell was the journal's publisher and business manager as well as its editor-in-chief. From this forum she was able to exert a powerful influence for change in ways far beyond what she might have achieved in the practice of law.

The story of the development of the Chicago Legal News illustrates Bradwell's business acumen as well as her leadership abilities. Recognizing the need for lawyers to have ready access to new legislation and recent judicial opinions, Bradwell set out to make her newspaper indispensable. She obtained contracts with the Illinois Legislature to furnish her with copies of all newly passed legislation immediately after the adjournment of each session, and she obtained a special charter which made all laws reprinted in the Chicago Legal News valid as "evidence of the existence and contents of such laws before all courts in Illinois." In order to guarantee her readers the accuracy of this published "evidence," she personally traveled to Springfield to compare her galley proofs with the original statutes in the office of the Secretary of State.

“Within fourteen months after its inception,” Friedman writes, “Myra had established the *News* as the official medium for the state’s legislative enactments and the unofficial organ for the reporting of the state’s judicial pronouncements.” Bradwell then went on to secure similar contracts and agreements with other state legislatures, and with the United States Supreme Court and all the lower federal courts across the nation, eventually reaching every state and territory in the country. “Throughout the country, the *News* had achieved unofficial officialdom. While the newspaper was valid as ‘evidence’ only in the courts of Illinois, judges in other state and federal jurisdictions—including those on the Supreme Court of the United States—realized that lawyers throughout the country would first become aware of their decisions by reading them in the *News*. Thus, it was common practice for judges and even Supreme Court justices to communicate directly with Myra about any corrections or changes in their decisions prior to her publication of them. It is not surprising, therefore, that within a decade the *News* became the most widely circulated legal newspaper in the United States, ‘familiar in nearly every law office in the country.’”

Once having established a solid commercial base, Bradwell used the *News* as a means of preaching her vision for women’s rights as well as other legal and social reforms. A skilled communicator, Bradwell soon garnered praise from all quarters for her newspaper’s readable format, its humor and its pithy essays on social and legal issues. One member of the Chicago bar termed the newspaper “a noble enterprise in new journalism.”

Friedman’s book details the numerous social and legal reforms Bradwell took on, from cleaning up the local courthouse to “enabling nineteenth century women to gain control over their children, their earnings, and above all their personal liberty.” The accounts are interspersed with generous samples of Bradwell’s writing, which reveal not only her insight into social problems of the day, but also her wry wit. Her newspaper was clearly entertaining as well as educational.

The legal profession itself was a frequent target of Bradwell’s reforming zeal. She announced early on that “[b]y a thorough organization of the bar . . . the standard of profes-

sional conduct could be elevated, and the disreputable shysters who now disgrace the profession could be driven from it." She constantly pushed for higher standards, denounced unethical and unprofessional behavior, and campaigned tirelessly to improve every facet of the practice of law. In 1877, at the second annual meeting of the Illinois State Bar Association, Bradwell, although she did not have a license to practice law, was invited to become a member. In doing so she became the first woman to be admitted to membership in any bar association in the United States.

Although she had been denied her chosen profession, Bradwell was instrumental in Illinois and other states in securing the passage of laws which provided for equal opportunities for women to engage in professions of their choice. In 1879, just six years after the United States Supreme Court denied her appeal, she informed her readers that 26 women had been admitted to the bars of several states and that 17 of those were currently in active practice. Progress was slow, however. In at least 30 out of 37 states, Bradwell lamented, "the laws are such that [a woman] would be refused admission by the Bar, simply on account of her sex." As she succinctly put it, "[t]his will not do!"

The *News* reported in detail the triumphs and tribulations of all female aspirants to the bar, as well as accounts of women gaining access to various appointive positions and elective offices. According to Friedman, much of the reforming legislature and decisional law, at least in Illinois, was directly traceable to Bradwell. In addition to the immense influence her newspaper had on public opinion, she frequently actually drafted the reforming statutes, which were sponsored by her husband James, a member of the State Legislature, and she often wrote the briefs which became the basis for important decisions of the Illinois Supreme Court.

The many changes Bradwell was able to bring about are testimony to the power of effective communication. As Friedman writes, women in the nineteenth century, disenfranchised and handicapped by outmoded laws, "had virtually one weapon in their arsenal: the written and spoken word. It is generally conceded that it was the words of Myra Bradwell that had the most striking impact in improving the legal status of nineteenth-century women in Illinois and in

many other states as well. Indeed, twenty years after Myra's death, the Illinois Equal Suffrage Association compiled in a single volume a list of all 'Laws in Illinois Affecting Women and Children.' The preface to that compilation was dedicated to Myra Bradwell and reads in part as follows: "There is one woman to whom our thoughts invariably turn whenever we think of the laws of Illinois affecting women, a woman who through her unswerving loyalty to the cause of women's rights made it possible for women to enter the legal profession in Illinois, who in her defense of the weak and oppressed framed laws which were passed by the legislature of this State and which gave the impetus to legislation for women not only in Illinois but throughout the United States. This woman was Myra Bradwell."

Shortly before her death Bradwell wrote that she hoped "to live to see the day when . . . in every state of the Union . . . every man and woman shall stand on an equality before the law." The same year she wrote those words, 1892, the United States Supreme Court, on a motion by the U.S. Attorney General, admitted her to practice law before the nation's highest tribunal, making its decision *nunc pro tunc* as of her original application in 1869.

When reading about the remarkable achievements of Myra Bradwell, one cannot help but think of another, considerably more famous, Illinoian with similar vision and dedication. Indeed it was not surprising to learn that Abraham Lincoln and Mary Todd Lincoln enjoyed a "long and intimate acquaintance" with Myra and James Bradwell, both before and after Lincoln became president of the United States. Like Bradwell, Lincoln was an "intelligent communicator" and an inspiring leader.¹ Also like her, he believed in preaching his vision of a world where there is equality and justice for all.²

One of the most interesting chapters of Friedman's book recounts Bradwell's role in securing Mary Todd Lincoln's release from Bellevue Place, a private "exclusive" insane asylum for "lady patients of quiet, unexceptionable habits," where Mrs. Lincoln was ensconced for several months in 1875. Following a hasty and unpublicized "insanity" hearing, a proceeding apparently not uncommon during the nine-

1. See DONALD T. PHILLIPS, *LINCOLN ON LEADERSHIP* 151 (1992).

2. See generally PHILLIPS, *supra* note 1.

teenth century as a means of disposing of "annoying females," Mrs. Lincoln had been committed to Bellevue Place, where she was virtually kept a prisoner. For the first two months, she was allowed visits only by her son Robert, who had instituted the proceedings which had resulted in her confinement. Eventually she managed to get several letters posted, one of which she sent to her friends "these loyal hearts, Myra and James Bradwell," informing them of her plight and seeking their assistance in securing her release.

Myra responded immediately by boarding a train for Batavia, the site of Bellevue Place, where she was personally informed by the doctor in charge that she was not allowed to see, or even to write to, her friend. "Myra was incensed!" as Friedman writes, and promptly "retaliated with her favorite weapon, journalistic exposé." The very next day a piece appeared in an Illinois newspaper, the Bloomington Courier, not mentioning Bradwell by name, but describing the unsuccessful attempt "by a lady of this city" to visit her friend, the former first lady. This anonymous lady's story depicted the prison-like conditions at Bellevue Place and detailed her encounter with the doctor in charge, who was referred to in the headline as Mrs. Lincoln's "Jailer and Physician".

Following the appearance of this article, Bradwell was granted permission to visit frequently and she and Mary Todd Lincoln were able to correspond freely. Eventually, Bradwell was allowed an overnight visit and she took this opportunity to bring a journalist from the Chicago Times to interview Mrs. Lincoln.

Another news story was published describing this visit. According to the journalist, Mrs. Lincoln exhibited no signs of mental weakness. He came away "thoroughly convinced that whatever condition of mind Mrs. Lincoln may have been in previously, she is unquestionably *compos mentis* now, and ought not to be deprived of her liberty." This account was followed by a published interview with Bradwell, who described Mrs. Lincoln's situation and condition and concluded that "[s]he is no more insane than I am."

Friedman speculates that Bradwell personally orchestrated the timing of the publication of this piece in the Chicago Times in order to apply the coup de grace to her private efforts with the Lincoln family to secure Mrs. Lincoln's release. It worked admirably, precipitating widespread public

clamor for the release of President Lincoln's widow. In less than two weeks, Mary Todd Lincoln was released. Nine months later she was summarily declared "sane" by the Cook County Court. She then exiled herself to France for several years until her physical health declined.

Before departing for France, Mary Todd Lincoln "showered the Bradwells not only with gratitude and praise, but also with many gifts, remembrances of herself and President Lincoln." Among these gifts were the pen President Lincoln had used to sign the "Emancipation Proclamation" and his "Definition of Democracy," written in his own hand. It is fitting that these symbols of the power of the written word should pass to Bradwell, who dedicated her life to education and reform and shared Lincoln's vision of equality and justice for all.

Many thanks to Jane Friedman for this interesting and scholarly account of the life's work of our nation's first woman lawyer. More than simply a biography, it is a source of inspiration to all of us who love the law to hone our skills as communicators and to rededicate ourselves to a vision of a more just world. In this way we can raise our profession to its highest level.

