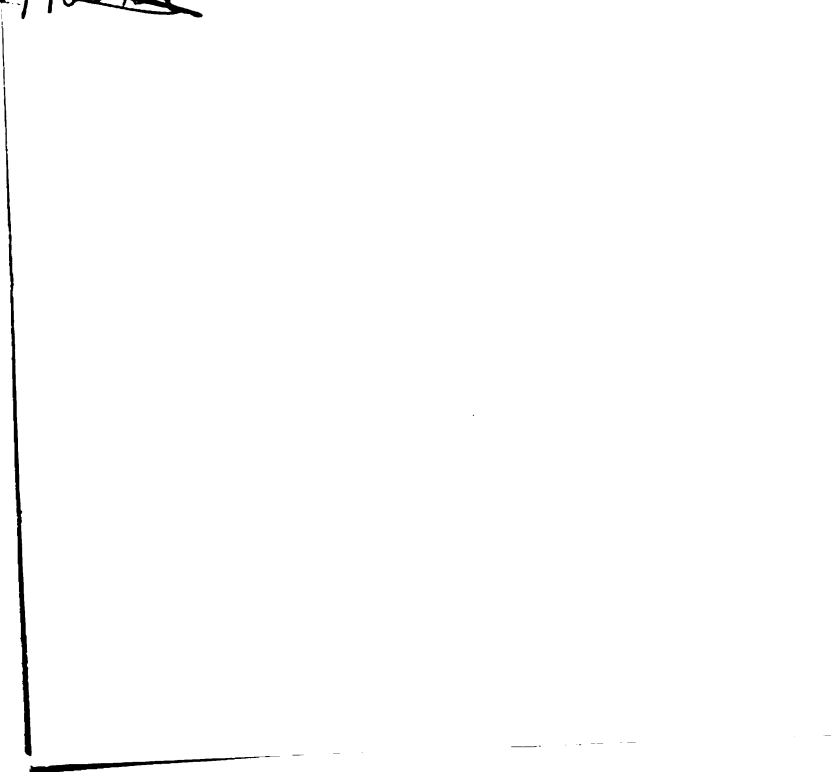


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AMERICAN WOMEN JUDGES: A SURVEY OF
THEIR BACKGROUNDS AND ATTITUDES

By

Barbara L. Brehm

An Abstract of a Thesis Submitted to
The College of Social Science
Michigan State University

In Partial Fulfillment
of the Requirements for the Degree of

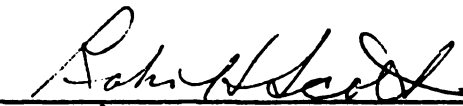
MASTER OF SCIENCE
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1974

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ABSTRACT

AMERICAN WOMEN JUDGES: A SURVEY OF THEIR BACKGROUNDS AND ATTITUDES

By

Barbara Laurie Brehm

Although the feminist movement has been around for a long time, only recently has there been a renewed interest in the position of the American working woman. The law, and in particular the office of judge, has generally been considered to be "men's work." But there is concern over the backlog of cases in our courts. A proposed increase in the number of courts to remove and prevent further backlog would necessitate more judgeships. Women lawyers are an almost virtually untapped source to fill these proposed positions.

The purpose of this study was to gather information on who our current women judges are, with emphasis on their career ladders. Also the judges' viewpoints on such current legal issues as the age of majority or factors important in sentencing were solicited from the respondents.

The names of all American women judges were collected from state bar associations. Then a forty-three item questionnaire was sent to each of the women judges on the state lists. The questions covered family history, legal

experience, judicial experience, political activity, feminist views and attitudes on several legal controversies. Interviews were conducted with four Michigan women judges of varying bench levels to gather further information on these topics.

The major findings of this study showed that the women judges who were in the prime occupational movement group in the 1950's were as numerous as those from other age groups but that they saw stronger sexual and political barriers to their advancement than did the other groups. Secondly, most of the current women judges did not come from families already involved in the practice of law, nor did these women use heavy political activity as an entry into the judiciary. There was some specialization by the women judges in areas of "women's law" such as probate court. A larger percentage of the women judges were found in urban areas. Finally, the women judges were not heavily active in formal feminist groups. This study also provided a large body of descriptive data on the backgrounds of the women judges.

It is believed that this study has uncovered no information that would support any argument against women serving as judges. Therefore, unless a functional reason is discovered for discrimination against women becoming judges, qualified women should be considered equally for promotion to and within the American judiciary.

AMERICAN WOMEN JUDGES: A SURVEY OF
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Barbara Laurie Brehm

A THESIS

Submitted to
Michigan State University
in partial fulfillment of the requirements
for the degree of

MASTER OF SCIENCE

School of Criminal Justice

1974

Dedicated to my Mother and my Father
--who put up with me all these years.

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Great help was given by Justice Mary Coleman, Judge Cornelia Kennedy, Judge Zoe Burkholz and Judge Alice Gilbert by their granting me interviews. This thesis would not have been possible without the effort by all the women judges who took the time to complete the questionnaire.

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CHAPTER I

INTRODUCTION

Currently, there is a backlog of cases in our courts as was noted in the Task Force Report: Courts¹ and in Howard James' Crisis in the Courts.² Because a speedy trial is not only guaranteed by our Constitution but is also necessary to insure justice by producing evidence that is fresh, this backlog of cases has become a major concern to all who must use the courts.

One way in which this backlog can be reduced, outside of preventing more crime, is to increase the number of courts. Increasing the number of courts creates the problem of finding qualified personnel to run them. As a judge carries the great responsibility of decision making in our court system, that office should have high standards of legal knowledge, experience, and ethical behavior. These standards make a judgeship difficult to fill as the pool of qualified potential candidates is limited.

¹The President's Commission on Law Enforcement and Administration of Justice, Task Force Report: The Courts (Washington: Government Printing Office, 1973), p. 31.

²Howard James, Crisis in the Courts (New York: David McKay Co., Inc., 1971), p. 20.

Where can we find enough trained and experienced people to fill our judicial posts and at the same time maintain, if not increase, the required standards of knowledge and ethics? Since only 3 percent of our judiciary are women (only 1 percent at the Federal level), this is one possible group to use as a possible source for more qualified judges.³

THE PROBLEM

Unfortunately the current group of women judges is largely unknown. There are no studies attempting to evaluate women judges' performances on the bench as to the quality and quantity of work that they do. But before such a study could be attempted, some information had to be gathered on who these women judges are, how they got to their current positions and where they want to go occupationally. Therefore, the main problem is a lack of information on current American women judges with a particularly large gap in the data on their career ladders. The main thrust of this study will be to investigate these women and to supply the missing data.

³ Alice D. Jacobs, "Women in Law School: Structural Constraint and Personal Choice in the Formation of Professional Identity," Journal of Legal Education, XXIV, 4 (1972), 465.

PURPOSE OF THE STUDY

The purpose of this study is to survey women judges of all bench levels and all jurisdictions on their backgrounds with special emphasis on factors affecting their career decisions. Women judges were also surveyed on their attitudes toward several controversial issues in the law such as what should be the legal age of majority and for what reasons should a judge be removed from office. This was done to gain some idea of the political and sociological slant of their judicial thinking which may result from the position the judge holds on feminism and political activity.

Because the current population of women judges is less than five hundred persons, it is not an overly large group to survey.⁴ By focusing on their career patterns, the study becomes a manageable size and the material is kept relevant for later use on research covering judicial qualifications and performance evaluations. Another factor that is limiting to the scope of the study is the lack of previous research on women judges. Prior to this time, women lawyers and women judges were lumped together for study. Although the subject matter that each occupation deals with is the same, a different approach and different techniques are used in performing each job. Therefore, it is

⁴Martin Gruberg, Women in American Politics (Oshkosh, Wisconsin: Academia Press, 1968), p. 190.

possible that women lawyers and women judges are two distinct populations. From this it seems reasonable to prepare information on women judges rather than generally on women in the law-related fields. This study aims to prepare descriptive information rather than do an evaluation on women judges' performances on the bench.

IMPORTANCE OF THE STUDY

The lack of information on working women who are in highly responsible positions creates a significant problem to research for several reasons. First, there is a greater interest in the American working woman today due to the feminist movement and its efforts to help women achieve equal opportunity in the area of employment. One of the main thrusts of the proposed Equal Rights Amendment is to create definitive law against job discrimination. This study, by examining women who have succeeded occupationally, adds to the increasing number of studies on women professionals and may encourage qualified women to enter the judiciary.

Secondly, there have been some reports done on women doing work in other parts of the criminal justice system.⁵ The most active writer in the area of women judges has been

⁵Gordon Atcheson, "Police Women Walk the Beat Successfully in Ann Arbor," Detroit Free Press, May 27, 1974, p. 16A; "Study Finds Women Cops Equal to Men," Detroit Free Press, May 20, 1974, p. 14A.

Doris Sassower, with most of her articles having been published in the last three years.⁶ This one researcher can not fill the gap in the study of our women judges. It therefore appears necessary to gather more information on women judges, especially as judges as a group hold so much power and have such a large impact on policy in criminal justice. This brings up the third reason for the importance of this study. Although women judges are a small population, it is a critical one to the efficient running of our courts. On several of the questionnaires that the women judges returned, they mentioned that they got their posts because no qualified men would take the job because of the low salary. This small group of women judges has great potential for growth as there has been a large increase in the number of women attending law school in the last five years. With more women lawyers available to seek a judgeship, it is likely that some of them will reach the bench.

Fourthly, more people are receiving a higher education. There are more people with the necessary training to be a judge. Many states have done away with the justice of the peace system, as Michigan did in its new constitution in 1963, and have instituted a requirement of a law degree

⁶Doris Sassower, "Women and the Law: The Second Hundred Years," American Bar Association Journal, LVII (April, 1971), 329; "Women and the Judiciary: Undoing the Law of the Creator," Judicature, LVII (February, 1974), 282-88.

to be a judge. This was also necessary because of the increasing complexity of some sections of the law. Since many women already meet the requirements and more are seeking to meet these requirements, it becomes more likely that the population of women judges will grow. It is important to know where these women came from educationally and where they received their legal experience so that the most qualified can be chosen to serve on the bench.

Finally, this study, because it deals with some highly personal data, can indicate difficulties in collecting information from women who are public figures. Women public officials could have a different attitude towards the media's probing into their private lives than do male public officials.

THEORETICAL FRAMEWORK

There is no theory as to why certain women become judges, just as there is little study done on why women become lawyers. The focus of most studies in this area is why most women do not enter these fields. So we are left with a set of myths and stereotypes as to who these women are and what motivated them to enter the legal profession. Because there are no studies on the motivational factors for a woman judge, those for a woman lawyer will be explored and extrapolated where applicable to the case of women judges.

"In our country we have been very wasteful. We have accomplished what we have by sheer good luck, despite our extravagance. Our problem is how we can put to work the potential that is woman."⁷ This potential is increasing as more women receive a higher education. It is interesting to note that during a period of manpower shortage, as in World War II, women were encouraged to fill the gap but that after the veterans returned, women were encouraged to once again become homemakers so that men could take the women's old jobs. Now there would be a gap in the number of qualified and experienced men to serve as judges if more judgeships were created to prevent case backlog, but women are not encouraged to enter the field. Even with the recent increased number of lawyers, there would still be a judicial manpower gap as the qualifications for a lawyer are not the same as the qualifications for a judge. Yet some women have succeeded in the judiciary.

Of course, a woman can become a doctor, a senator, or a business executive. Exceptional women have always escaped society's restrictions. The point is the exceptional quality of the achievement and the requisite struggles against normal life patterns. Women as a class are not really free to become doctors, senators or business executives. They are not expected or encouraged to achieve in this fashion, and indeed

⁷ Martha Stuart and William T. Liu (eds.), The Emerging Woman: The Impact of Family Planning (Boston: Little, Brown & Co., 1970), p. 64.

are actively hindered from doing so. . . . We live in a male dominated society.⁸

The same could be said for the office of judge. This points out that women on the bench are the exception and not the rule and that it is reasonable to assume that these women have had to display some exceptional qualities or skill to reach the bench.

"Women are traditionally thought to be too idealistic and fragile to survive in the rugged and competitive legal business world. Research has disproved this myth."⁹ It has become common thought that law is a study for men. Whether this is because men are considered logical while women are viewed as emotional beings has not been determined but that seems a likely reason. In an article on Lorna Lockwood, associate justice of the Arizona Supreme Court, her fellow justices said of her, "[Lorna] has all of the qualities that make a great judge. She has overcome the emotional reaction common to many women."¹⁰ Yet Justice E. Harris Drew in 1944 noted,

⁸ Jean Murphy and Susan Deller Ross, "Liberating Women--Legally Speaking," With Justice for Some, ed. Bruce Wasserstein and Mark J. Green (Boston: Beacon Press, 1970), p. 105.

⁹ Janette Barnes, "Women and Entrance to the Legal Profession," Journal of Legal Education, XXIII (1970), 289.

¹⁰ "Bias Lingers as Women Lawyers Seek New Heights," Detroit Free Press, July 2, 1967, p. 1-C.

Flexibility, tact, intuition, understanding of people are as valuable in the practice of law as the so-called legal logic. This leads to the conclusion, startling to many, that feminine attributes rather than masculine, are important in the high task of administering justice.¹¹

I would not go so far as Justice Drew in saying that feminine attributes are the important ones in administering justice. Rather Margaret Mead's comment that cultural and not biologic differences between men and women are what count shows that our delineation of law as men's work is superficial and nonfunctional.

Finally, if a woman does enter the law, she is generally encouraged to specialize in areas of women's traditional concerns such as trusts and estates, real estate, domestic relations and juvenile law. These legal specialties reflect what has been women's domain of home and family. This points out why it seems startling to find a woman in such a practice as criminal defense. In an exchange between Recorder's Court (criminal court of Detroit) Judge Susan Borman and a male prosecutor, when asked "Why does a woman want to do all this dirty work?" Judge Borman answered, "For the same reasons you do!"¹² Also women end up doing the legal work that men do not want to do because it is less rewarding financially or has low status. Such

¹¹Ibid.

¹²"Meet Susan Borman--Profile of a Judge-Elect," Detroit Free Press, November 17, 1972, p. 1-C.

areas are legal librarianship and poverty law. ". . . When firms are looking specifically for a woman lawyer, they probably want to hire a woman to do work that they are unable to find a man to do."¹³

Women do not try to attain high office, either because they are unaware of possibilities open to them, or because they are reluctant to strain traditional social patterns and attitudes. Men's failure to appreciate women's leadership abilities is also a factor.¹⁴

As we have seen, most prospective career women were restricted to "female" occupations and did not enter male-dominated fields. . . . And when females did enter male-dominated fields, unequal pay and inadequate promotional opportunities discouraged them from staying. . . .¹⁵

Perhaps the law is not more frequently chosen as a career by women because there is little in literature which makes the woman lawyer an appealing figure.¹⁶

With all of this going against them, it is not so much a wonder that so few women enter the law as it is a wonder that a woman would ever attempt it at all.

What do women have to encourage them to enter the legal profession and to attain the bench? After the push

¹³Barnes, op. cit., p. 295.

¹⁴Margaret Mead and Frances Balgley Kaplan (eds.), American Women: The Report of the President's Commission on the Status of Women and Other Publications of the Commission (New York: Charles Scribner's Sons, 1965), p. 158.

¹⁵William Henry Chafe, The American Woman--Her Changing Social, Economic and Political Roles, 1920-1970 (New York: Oxford University Press, 1972), pp. 90, 100.

¹⁶Lois G. Forer, "Whither Women in the United States," Women Lawyers' Journal, 1 (Winter, 1967), 4.

for suffrage had succeeded, the women's movement failed to maintain its momentum especially since no other "women's issue" surfaced to serve as a focal point. Too much had been expected of the use of the ballot as no female voting block formed. The 1930s were overshadowed by the Depression and the 1940s used up the nation's energy in a war. Surprisingly, the culture of the 1950s taught there was no better alternative for women than being a housewife, as evidenced by the glorification of the housewife in women's magazines. But within a period of ten years the black movement and the women's movement started to gain momentum and achieved legislative results.

From the earliest days, the emancipation of women and the Negro slave have been linked. Myths to perpetuate male superiority, also perpetuated white superiority. . . . Because of these common myths the cause of the Negro and the woman are inextricably linked and this has led to the growth in the United States of women's liberation movements, to some extent modeled in methods and organization upon the civil rights movements of the early 1960's.¹⁷

But if the strength of women's liberation for women and the civil rights movement for Negroes was as powerful as some say, then Sheldon Goldman would not be able to say, "There is little doubt that black Americans and women are severely underrepresented at all levels of the judiciary."¹⁸

¹⁷Barnes, op. cit., p. 278.

¹⁸Sheldon Goldman, "American Judges," Current History, LXI (July, 1971), 6.

Much of this theoretical framework is based on studies of women lawyers who constitute a distinct population from women judges. Even though both groups study the same material but use it differently, some of the material on women lawyers can be applied to women judges, for, "As more women enter the legal profession, more will be qualified to assume the duties of the bench in all realms of trial work."¹⁹

In summary, this study operates within a framework of myths and stereotyping of women in the work force, in the law and in the judiciary. (Women constitute 38 percent of the American work force, 3.5 percent of all lawyers are women and 3 percent of all judges are women in 1972.²⁰). The aim of the study is to show what parts of the framework hold true for existing women judges and what parts are false. It is also evident that much of this framework rests on the philosophy of the current feminist movement.

THE HYPOTHESIS

Although this is a descriptive study of who are the current American women judges, with emphasis on their career ladders, several questions on the questionnaire were more important because they were intended to gather information

¹⁹Forer, op. cit., p. 23.

²⁰Jacobs, "Women in Law School," p. 465.

that would test several hypotheses. Before sending out the questionnaire a "typical woman judge model" was designed by the researcher to fit the averages of the American working woman as found in census statistics.

The typical woman judge was expected to be fifty-five years old, with both parents working while she was growing up, her mother being a teacher and her father being an attorney. She would be the first-born child with one brother and two sisters. She would be married. Probably the judge would have a law degree and her family paid her way through school. She would have been admitted to the bar in 1944 (because women had to fill the manpower gap and the empty university seats during the war) and she entered the legal profession because of family involvement or a desire to serve. Before ascending to the bench she would have worked for a government agency, practiced law by herself or with a family member. The main types of cases she handled would be trusts, domestic relations or juveniles. She would have ascended to the bench in 1970 and would not have been promoted, and would also be in her second term of four years. Most likely she was appointed to fill an unexpired term and she presides in a large, liberal urban area. The judge would be on a local bench, most likely a probate court, with service again her reason for her occupation. The model would have been surveyed as a woman and as a judge but not as a woman judge, and would have had a newspaper article

written about her. Politically she would have been active doing such low-status activities as ringing doorbells and mailing leaflets. She would have found her political activity helpful as it brought her to the attention of the appointers but she would not think such activity a prerequisite to a judgeship. The typical woman judge was expected to have received some service award, to attend courses for the judiciary and professional meetings. Her memberships would include the local and national bar associations, a church, a service group such as the Red Cross, a social group such as a country club and some parental group like the PTA. Although the model might see some personal risk in being a judge, such as threatening letters or attacks on her person, she would take no precautions. There would not be a convenient women's legal association for her to join and she would not be participating in the feminist movement because it is not accepted by a large segment of the population. Also the woman judge would be careful not to appear to be prejudiced sexually and so would shy from formal feministic activities. She would not think it proper for a person in her position to advocate either more women lawyers or more women judges. In the past three years she would have found more women plaintiffs in civil cases and more women defendants in criminal cases because of women's increased involvement in the affairs of business. She would not feel that she has an equal chance

of advancement in the judicial hierarchy because of sexual and political barriers and she plans to remain on the same bench until she retires at sixty-five. On legal issues, she would believe the male age of majority should be eighteen and the same for the female age of majority. The model judge would feel appointment is the best method of judicial selection as that is how she made it to the bench. Misuse of judicial office and private misconduct would be her reasons for removing a judge, while the best length of judicial term would be four years. Breakdown of the family, permissiveness and alcohol would be viewed as the main causes of crime. The model judge would believe that a judge should reflect community values a great deal when sentencing. In ranking purposes of sentencing she would say: reformation, individual deterrence, general deterrence, punishment and incapacitation. She would list information about offenders as: criminal record, family background, ties in the community, use of alcohol and drugs, employment record, marital status, mental condition, intelligence and attitude to rehabilitation. Finally on information about the offense she would say: planning and premeditation, degree of personal injury or violence, culpability in other respects, damage or loss of property and offender's present attitude to the offense.

While no single judge was expected to match this model, the averages from all the questionnaires were expected

to approximate the above description designed by the researcher. It must be noted that this model fits within the myths and stereotypes of the theoretical framework and was partially created by a pattern set by Florence E. Allen. Therefore, one aim of the study is to see how close myth and reality are.

Next, by focusing on career ladders certain factors become more important and they are tested by the following hypotheses.

- I. There will be a significant drop in the number of women judges between the ages of forty-nine and fifty-nine (they were in the prime occupational movement group in the 1950s).
- II. More often than not, women judges had a family involvement in the legal profession.
- III. Women judges participated in politics to only a minor degree before ascending to the bench.
- IV. Women judges handled "women's law" as lawyers and continued to specialize in this area while on the bench.
- V. Women judges are more likely to preside in large, liberal, urban areas.
- VI. Women judges do not help other women ascend to the bench by participating in the formal activities of the feminist movement.

These six hypotheses focus on the factors of age, motivation, politics, city size and feminism. Attitudinal questions such as the causes of crime could serve as indicators of women judges' orientations to controversial legal topics.

The first hypothesis expects fewer women judges between the ages of forty-nine and fifty-nine because these women were in the prime occupational moving age during the 1950s. This period has been categorized as a time of societal repression of many women's desires to join the work force. Following this categorization, the women of these ages would have been pushed by society to not pursue their careers so that there were fewer women of this age group available to serve as judges.

The high family involvement in law was expected as this could be the motivational factor that enabled women to fight the discrimination against their entering the law and especially in gaining admittance to law school. Family involvement could also have stirred an academic interest in the law as well as serving as an emotional supportive system for these women during their difficult years of law school. Finally family involvement may have provided role models of lawyers.

The third hypothesis tests political activity. It aims at discovering whether there is any truth in the assumption that women lawyers can not take the hard knocks of campaigning and so participate little in partisan politics, or if there are other societal reasons for few women being in politics. This necessitates their being appointed to the bench if they are ever going to make it into the judiciary.

The hypothesis on areas of women lawyers' and judges' specialization is to test if women really do take the path of least resistance and enter a legal area where they would be more welcome, where they have a "natural interest" because of the experiences of home life, or if women are pushed into the probate area of the judiciary.

The fifth hypothesis works on the assumption that only in the more liberal areas could a women be allowed on the bench due to a rural bias against women authority figures. More women judges should also occur in urban areas because these places have more qualified women to choose from.

Finally, one concern of the feminist movement is that women seem to be their own worst enemies as far as gaining occupational equality for as once a woman makes it into a position of high responsibility and pay, she does not assist other women to achieve the same goal. In the opinion of the author participation in the formal feminist movement was the most objectively measurable form of assistance offered by the women judges to other women. Therefore, it was used to test the sixth hypothesis. Also advocacy of more women in the legal profession and in judgeships was used as a further indicator of women's possible use of the issue of feminism as a career ladder.

From these hypotheses, it can be noted that the focus was on age, education, city size, politics and feminism.

Age is viewed as an independent variable and therefore it should be evenly spread across the other variables. It is quantitatively measurable but for convenience the ages were grouped into pre-1950s, a 1950s group and post-1950s. The choice of what ages to put into these groups, although somewhat arbitrary, was aiming at grouping the women together who were at the prime occupational movement period during a time when society was not supportive of women working, especially in the professions. The possible errors involved in grouping these women as such is whether the twenty-four through thirty-five age group is the prime occupational movement time for women and the possibility that while some women may have not made their move in the 1950s, they did so in the early 1960s and have worked hard to make up for lost time, which would have counteracted the societal effect of the 1950s. Another error may have resulted in the dying or retiring of members of the pre-1950s group so that it is not a representative sample or that the sample could be too small to really mean anything. The only way to have corrected this error would be to do a study over a long period of time and note the temporal changes. These problems can be serious enough to prevent any distinguishable difference between the groups from being detected.

City size was also felt to be an independent variable and was measured quantitatively. There was no information available to lead one to believe that persons from cities of

various sizes would be more or less likely to answer and return a questionnaire.

Education was felt to be a dependent variable with age and city size being the independent variables from which changes in educational level resulted. The dependence was expected to be in the form of the younger the judge, the higher the educational level. There was the problem of judges being so young that they have not had the time to complete or further their legal education. City size was expected to affect educational level by the larger the city size, the higher the educational attainment. This was anticipated because of the ability of cities to attract more highly educated talent through better pay and a greater variety of positions. But another problem occurs here when age and city size work against each other for in the case of a young rural judge, she would be unlikely to have a law degree. This problem, though, is balanced out in some measure where age and city size work together, such as in the case of Judge Susan Borman of the Detroit Recorder's Court, who is young (thirty-three) and presides in a large urban area. Her educational level is a law degree.

Political activity is a dependent variable with age, city size, and education as its independent variables. Political activity was measured qualitatively on the basis of a judge's answers to three questions concerning her partisan activities: what she did politically, how it affected

her ascending to the bench and how necessary she felt that it was for gaining a judgeship. Although the classifications of political activity of low, medium and high are arbitrary, certain activities were necessary to be placed in the higher categories. Low-status participation was categorized by activity in many campaigns but not in work concerning policy or making major decisions. Medium-status political activity was viewed as activity in several campaigns with a position that necessitated deciding policy. High-status political activity included participation in many campaigns as either a campaign manager or with the judges themselves running for an office other than their judgeship. This set of standards does create a problem in that making decisions for a governor's campaign is of a higher political status than is running for library commissioner of a rural township. In such cases of nondefinite status of political activity or in borderline cases the judgment of the coder was used.

Finally feminism was viewed as a dependent variable with age, city size and educational level as its controlling factors. The younger the judge, the larger the city and the higher the educational attainment, the more profeminism the judge was expected to be. But again a question of measurement develops in that the three factors can work against each other as in the case of a seventy-seven year old judge from a large city and holding a law degree who was very profeminism. The categories of strength of feminism were

set up in a manner similar to the evaluation on political activity. The standards were along these lines: low participation was either just joining an organization or contributing money. These are activities that can be done with little real effort. Medium participation involved joining organizations, writing letters to support ERA and contributing money. These show a little more effort but do not put the individual's name on the line as being a feminist. High participation included joining organizations, contributing money and personally working for the feminist movement such as testifying before legislative committees for ERA. This showed a personal involvement in the feminist movement and a willingness to go on public record as being in support of women's issues. There is one problem here in that there are so many ways to support the feminist movement that it is difficult to judge the relative strength of each activity.

In summary, with these six hypotheses and the general background data on the women judges, their career ladders were examined with the intent of discovering if there was some major pattern to attaining and maintaining judgeships by females in the United States.

DEFINITION OF TERMS

Women judge: Any female who holds the position titled magistrate, judge, or justice whether by election or appointment at local, state and federal levels. This does

not include hearing board commissioners, contract arbitrators, referees nor justices of the peace.

Legal training and experience: This term refers to law school, private and/or public practice as an attorney and counselor.

Judicial training and experience: This term includes special courses and professional meetings for the judiciary, and time spent on the bench and in administering the court. Note: A distinction will be made at all times between the legal and judicial occupations even though they are related in subject matter.

Career determinant: This term means any psychological, sociological, legal or economic factor that worked for or against any person in attaining their lifetime occupation.

CHAPTER II

SURVEY OF THE LITERATURE

HISTORICAL BACKGROUND

This study has historical foundations in the women's movement. With increased emphasis placed on the role of the American working woman and the use of the law to help her achieve equal opportunities in employment, an increase in women's interest in entering the legal field followed. But as yet, the numbers of women practicing law and presiding on the bench are nowhere near proportionate to their numbers in the United States population at large.

Legal equality does not exist in the United States today. We have thousands of laws which discriminate against women. In addition our cases are fought in court by male lawyers (3% of the attorneys are female) and decided by male judges.¹

The women's movement started with a convention at Seneca Falls in 1849 and peaked with the passage of the Nineteenth Amendment in 1920. Betty Friedan revitalized the movement in 1963 by founding the National Organization of Women, which is currently supporting the passage of the Equal Rights Amendment.

¹Karen DeCrow, The Young Woman's Guide to Liberation (New York: Pegasus Publishers, 1971), p. 116.

Paralleling these developments was an increase in the activity of women lawyers. In 1869 the first woman was admitted to the bar but the United States Supreme Court failed to require states to allow women to practice law in the famous case of Bradwell v. Illinois² in 1873 by saying "The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life [like being a lawyer]. . . ."³ But by 1920, all states allowed women to practice law and the American Bar Association permitted female members. Yet Harvard Law School did not open its doors to female students until the 1950s.⁴ In 1899 the Women Lawyer's Association was founded and today they publish the Women Lawyers' Journal. Women as a percentage of all workers in the legal profession has risen from 1.8 percent in 1948, 2.5 percent in 1951, 2.3 percent in 1954, 2.7 percent in 1957, 2.6 percent in 1960, and 2.7 percent again in 1963.⁵ This last figure translates into there being 7,143 women lawyers out of almost 300,000 practitioners. In 1970, out of 355,242 lawyers

²83 U.S. (16 Wall.) 130 (1873).

³Ibid., p. 140.

⁴Barnes, "Women and Entrance," p. 277.

⁵James J. White, "Women in the Law," Michigan Law Review, LXV (April, 1967), 1051.

only 9,103 were women.⁶ These numbers do not favorably compare with such countries as the Soviet Union where 30 to 40 percent of the legal practitioners are women.⁷ It must be noted, however, that the practice of law does not carry as high a status in the Soviet Union as it does in the United States. Even in the area of teaching law (teaching being a "feminine" occupation) women hold only fifty-three positions of instruction out of more than 2,000 at schools approved by the American Bar Association.⁸

"We know from experience and reading that most judges are men. . . ."⁹ A woman justice of the peace was first elected in Seattle in 1914 according to Martin Gruberg.¹⁰ He also notes the following historical progression. New York City's first woman magistrate served from 1919 to 1931. In 1923 Cleveland and Chicago followed suit and appointed their first women judges. Many such as Lillian M. Westropp of Cleveland were first appointed to the bench but maintained their positions through election.

⁶American Bar Foundation, The 1971 Lawyer Statistical Report (Chicago: American Bar Foundation, 1971).

⁷Gruberg, Women in American Politics, p. 76.

⁸Barnes, p. 278.

⁹Aleta Wallard, "Genesis of a 'Women in the Law' Course: The Dawn of Consciousness at the UCLA Law School," Journal of Legal Education, XXIV, p. 311.

¹⁰Gruberg, pp. 294-96.

Calvin Coolidge became the first president to appoint a woman to the Federal bench when he placed Genevieve R. Cline on the U.S. Customs Court in 1928.¹¹ In 1922 Florence E. Allen of Ohio became the first woman elected to a state Supreme Court. In 1934 Franklin D. Roosevelt appointed her to the highest Federal judiciary post attained by a woman when she was elevated to the Sixth Circuit Court of Appeals, in which she later served as chief justice. To date no woman has even been nominated to the United States Supreme Court. Supreme Court Justice Tom Clark said in 1962, "Out of the ninety-three persons who have sat on the Supreme Court, not one yet has been a woman, too bad, for they always have the last word except here, where the last word really counts."¹²

From the above-noted statistics, it is obvious that the number of women entering the legal profession and becoming available for judgeships is increasing as the women's movement gains momentum. But as Janette Barnes says,

There is no doubt that women are experiencing and have experienced discrimination on the grounds of sex in the legal profession. They have been accepted, in many cases grudgingly, to fulfill specialized needs within the profession. There is a good deal of

¹¹Maurine H. Abernathy, "Women Judges in the United States Courts," Women Lawyers' Journal, LV (Spring, 1969), 57-58.

¹²Gruberg, p. 151.

evidence to suggest that they have not in many cases been accepted as full and equal members of the profession.¹³

REVIEW OF PREVIOUS RESEARCH

Justice E. Harris Drew said, "Feminine attributes rather than masculine are important in the high task of the administration of justice."¹⁴ Yet Leona E. Tyler in The Psychology of Human Differences¹⁵ and Eleanor Maccoby in The Development of Sex Differences¹⁶ suggest that men and women do not significantly differ in such qualities as intelligence, conscientiousness, impartiality, patience and courtesy, which are all listed in the American Bar Association's canons of judicial ethics which state what a judge should be.

From the 1972 American Association of Law Students Questionnaire on Women in Legal Education it was discovered that 16 percent of the 1972 law students were women while in 1970 only 7.8 percent of these students were women.¹⁷ The

¹³Barnes, p. 297.

¹⁴Gruberg, p. 295.

¹⁵Leona E. Tyler, The Psychology of Human Differences (New York: Appleton-Century-Crofts, Inc., 1956), pp. 73-246.

¹⁶Eleanor Maccoby, The Development of Sex Differences (Stanford, Calif.: Stanford University Press, 1965).

¹⁷Shirley Raissi Bysiecuricz, "1972 AALS Questionnaire on Women in Legal Education," Journal of Legal Education, XXV (1973), 503-13.

number of female applicants to law school has risen fourteen times since 1969, while the increase for the total number of applicants has risen only three times.¹⁸ There was no significant difference between the number of men and women dropping out of law school and their reasons for doing so were similar. Also 8 percent of the law professors and deans are now women, which is double the figure of 1970.¹⁹

The most authoritative research done on women in the law was conducted by Professor James J. White of the University of Michigan in 1966.²⁰ Dr. White used income as his major factor in discussing the career of women lawyers as compared to men lawyers. He found that women earn significantly less than men of comparable schooling and experience, controlling for the type of employer.²¹ He also found no data to suggest that women were either intellectually nor emotionally unsuitable to practice law.²² Nor did he find women collecting in groups specializing in areas of "women's law" such as juvenile, trusts and estates.²³ From his findings, Dr. White advocated the removal of

¹⁸Ibid.

¹⁹Ibid.

²⁰White, "Women in the Law," pp. 1051-1122.

²¹Ibid., p. 1055.

²²Ibid., p. 1088.

²³Ibid., p. 1062.

nonfunctional discrimination against women who wish to study and practice law.

Janette Barnes wrote an article discussing the difficulty women have in entering the legal profession.²⁴ She focused on the cultural factors that discouraged women from getting a legal education. She also discussed the barriers women law graduates have to face in being placed in law firms.

In 1973, The American Bar Foundation published a supplement to their 1971 Lawyer Statistical Report on the number of women lawyers and women judges by city size and level of bench.²⁵ Most notable was the lack of women on the Federal bench. Doris Sassower has written extensively on women in the law, with emphasis on their current status.²⁶ She predicted more involvement by women in all aspects of legal work in the second hundred years since women were admitted to the bar.²⁷ Beatrice Dinerman noted in her article, "Sex Discrimination in the Legal Profession," that

²⁴Barnes, pp. 276-308.

²⁵Martha Grossblat and Bette H. Sikes (eds.), "Women Lawyers: Supplementary Data to the 1971 Lawyers Statistical Report" (Chicago: American Bar Foundation, 1973), Table 18.

²⁶Doris Sassower, "Role of Lawyers in Women's Lib," Case and Comment, LXXVI (May, 1971), 9-18.

²⁷Sassower, "Women and the Law," p. 329.

women lawyers are given conflicting behavioral demands and so women attorneys turn to governmental agencies after being rebuffed by private firms.²⁸

More specifically on the subject of women judges, Doris Sassower writes about the underrepresentation of women on the bench.²⁹ But she does note an increase in the number of women lawyers and judges. Unfortunately the women judges are concentrated in the lower bench levels.

In a pamphlet put out by the Alpha Kappa Alpha sorority, Negro women in the judiciary are highlighted.³⁰ But the purpose of this publication was more to encourage Negro girls not to be discouraged by discrimination against their race rather than against their sex. Sometimes the Women Lawyers' Journal publishes biographies of prominent women judges but has not put out a great deal of information of the women judges as a group. Maurine Abernathy did write an article for that journal calling for the National Association of Women Lawyers to begin a drive for more women in the judiciary.³¹

²⁸Beatrice Dinerman, "Sex Discrimination in the Legal Profession," American Bar Association Journal, October, 1969, pp. 77-89.

²⁹Sassower, "Women and the Judiciary," pp. 282-88.

³⁰Alpha Kappa Alpha Sorority, Negro Women in the Judiciary (Chicago: Alpha Kappa Alpha, 1968).

³¹Abernathy, p. 58.

From this listing it is evident that research is needed on women lawyers and more especially on American women judges for most of the information consists of individual biographies or historical studies with no emphasis on just the backgrounds and/or career ladders of women in law as a group.

CHAPTER III

DESIGN OF THE STUDY

According to Martin Gruberg, there are approximately three hundred women judges in the United States.¹ Because the total population was so small, it was decided that all members of the population should be used in the study.

Because of the size of the population and the fact that they are spread nationwide, a mailed questionnaire seemed to be the most efficient way of gathering data. Mailing a questionnaire does restrict the amount of data that can be collected and its depth. Therefore, interviews were conducted to supplement the questionnaires. The interviews were restricted to Michigan women judges and the individuals were selected so that they represented a cross-section of bench levels and a geographical cross-section of the state.

As the entire population was used, no pilot study was tried, nor were any sampling procedures necessary. The results are applicable to all current women judges. This is not the case with the interviews. As only Michigan judges

¹Gruberg, Women in American Politics, p. 190.

were used, due to distance limitations, their comments can only apply to a small section of women judges. Also as the interview judges were not selected randomly, there is some researcher bias.

DETERMINING THE POPULATION

There is no nationwide listing of judges. Therefore a letter was sent to each state bar association requesting that they send a list of women judges who were presiding in their state. The researcher's definition of who was considered to be a woman judge was included in the letter to insure that only the desired classifications of women were listed. All but eleven states responded. A second letter was sent to the court administrators of each of the eleven nonresponding states requesting a list of women judges. Only Massachusetts, Delaware and New Mexico failed to respond.

While several states sent lists of only their women judges or circled their names on lists, other states sent a list of all of their judges and it was necessary to pick out the women judges from these lists. While some women judges were readily identifiable by their names or by their being listed as "Mrs.," others were not so easily found. If only initials were given it was assumed to be a man. In cases where the name could have been either a man's or a woman's name, it was assumed to be a woman. This created

a problem as fourteen questionnaires were returned by male judges saying that the questionnaire did not apply to them. It is highly likely that other male judges received a questionnaire by this mistake in names and did not bother to return it. Another limitation of this method of determining the population was that women judges were missed because they could not be identified from the lists. Also it is possible that other women judges were missed because they ascended to the bench so recently that the lists were out of date. As there is not a high turnover in the judiciary, the above should not have been a significant problem.

By using the above procedure, names from forty-seven states and Washington, D.C., formed the list. Four hundred and thirty questionnaires were sent out. While this number is considerably larger than Gruberg's three hundred, it was still a manageable number for a mailed questionnaire type of survey. As the possible errors in getting the names appear to be minor, the population used for the study seems to be representative of the total population of American women judges.

PREPARING THE QUESTIONNAIRE

The questionnaire was limited to fifty questions. It was assumed that taking one-half minute per question would make it possible for the questionnaire to be completed in under one-half hour. In its final form the questionnaire

consisted of forty-three questions, although some of the questions had multiple parts.

Because not much is known about women judges' career patterns, a wide range of questions was necessary so that important factors were not excluded by omission of a question pertaining to it. Both multiple choice and open-ended questions were needed so as to let the judges freely express themselves while keeping the data in a manageable form. The final question was used to allow the judges to make any comments they had on the questionnaire or the study, to more fully explain any of their answers or to explain any aspect of their job not touched on by the questionnaire.

The questionnaire was sent out with a cover letter explaining the purpose of the study and informing the judges that the information received would remain confidential. Actually the questionnaires were anonymous unless the judges chose to sign their names or otherwise indicate who they were.

The first section of the questionnaire dealt with the judges' personal lives and history. Questions were put so that the events discussed would be in chronological order of their happening in the judges' lives. The first question was their age. This was important because it was used to determine if there was a change in career ladders in recent years. The next two questions dealt with the employment of their mothers and their fathers during the years that the

judges were growing up. These questions showed whether a working mother may have influenced her daughter by example to work and the father's occupation was somewhat indicative of the family's social status, which could affect a daughter's working and/or going to college. The fourth question was whether a family member was in the legal profession. This helped determine if family involvement in the law was an influence on the daughter's going into law. The next question was on birth order. This related to whether being the oldest may have influenced the women on their achievement needs and expectations. Following that was a question on the number of brothers and sisters the judges had while growing up. This showed whether the judges came from smaller families and if other members of their families entered the law, again indicating the strength of family influence in a choice of a career. Marital status was next and this noted whether the women have been able to successfully combine a career with the societal expectation that they be married.

The next group of questions focused on the judges' legal training. Question eight asked them to list their degrees and the colleges where they earned their degrees. This was a vital question as it pointed out who were lay judges and who were lawyers. This information was used in comparing the two groups to see if they held significantly different views on the law and on women's place in the law.

The next question was how each had financed her education. This showed their social status again and was compared to the method in which they chose to use their degree to earn a living. The tenth question was the year that they were admitted to the bar to see if there was any particular time that women judges did or did not go into the law. The next question was on their reasons for entering the legal profession. These were compared to the stereotype of women entering the law to serve humanity rather than to make money. Following this was a question on the type of work they did before ascending to the bench. This was intended to discover if any type of agency was serving to promote more women to the bench. Then the types of cases that they mainly handled showed whether women gravitated to the "women's area of law" (i.e. juvenile and probate work, trusts and real estate). This section showed the researcher's assumption in expecting most of the women judges to be lawyers with considerable legal experience.

The following section of questions covered the judges' judicial experience. First was the year that they first ascended to their current position followed by the number of terms that they have served and the length of those terms. These questions showed if the number of women judges was increasing and if they were moving up in the judicial hierarchy. They also show how long the women judges have held their posts which has an effect on the

impact that these women have made. Question eighteen was on how they first ascended to the bench. This was to point out if women had a larger percentage of appointments to the bench than men did. The size of the community they preside in was next, to see if there was any rural bias against women judges. Question twenty was on their bench level and jurisdiction. This was meant to show if women were judges but were not making it to the higher positions in the judiciary, or if they were specializing in such areas as probate court. Finally the judges were asked to list their reasons for serving on the bench. This checked if the women viewed the bench as a promotion and what their motivation was for becoming a judge.

The fourth section of questions was on the women judges' political involvement. This section started with whether they had ever been surveyed as a woman, as a judge, as a woman judge and whether there had ever been a newspaper article written about them. This was an indicator of how much people were aware of a particular individual judge. The next question was on the extent of their participation in partisan political activity before ascending to the bench. As politics is one way to reach the bench, this indicated how often these women judges had used it. The next two questions dealt with whether the women judges felt partisan politics had affected their ascension to the bench and whether they felt it was necessary for a judgeship.

These were to see if the women judges were aware of other ladders to the bench and whether they had considered another way to gain the exposure necessary to become a judge.

The next group of questions was used to judge how involved in other activities (besides serving on the bench) each woman was. The first question asked for awards for professional achievement while the next question was on professional activities. The last two questions were on memberships and officerships in both professional and non-professional groups.

The thirtieth question was on personal risks from being a judge that they perceived and what precautions they took. This served to slightly indicate how secure each judge felt and also to show how a judge felt some defendants perceived the judge.

The next four questions focused on the women judges' feministic attitudes. The first question asked if there was a women's legal association for them to belong to and if they did belong. This was to note if the rural atmosphere had any effect on their feministic beliefs by limiting the number of feministic activities. Question thirty-two was on what feministic activities they have participated in. From this the strength of their feminism could be gauged. Next, the judges were asked if they would advocate having more women lawyers and more women judges. This served as a minor indication of how willing the judges would be to help

other women reach the bench. The last question was on whether the judge had noticed an increase in the number of women plaintiffs in civil cases and the number of women defendants in criminal cases over the last three years. This was to see if the judges perceive that there are more women using the courts today.

Question thirty-five asked if the women judges felt that they had equal promotional opportunities and if not what the barriers were. The next question asked what their future occupational plans were. These two questions combined are indicators of what the women judges view as their future career ladders or if they even want any future work.

The last seven questions dealt with the judges' opinions on several controversial issues in the law. The first was on what they felt should be the male age of majority and the female age of majority. This was a slight indicator of their view on feminism. Next was how they felt judges should be selected and this information was compared to the way each woman herself first reached the bench. After that the next question asked them to list the reasons why a judge should be removed from office. Question forty was what was the optimum term for a judge to serve. This was followed by asking them to list the three main causes of crime. Next was how much should a judge reflect community values when sentencing. Forty-three was three lists of factors and each judge was asked to rank them in

order of importance to her when sentencing. The three groups were: purposes of sentencing, information about offenders and information about offenses. These questions indicated how the judge was thinking and expressed the standards that they try to maintain while performing their judicial duties. As was noted before, the last page was left free so that a judge could make clarifications or comments on the previous information.

One questionnaire was sent to each judge. Included was a stamped, self-addressed envelope so that it would cost a judge nothing but a half an hour of her time to do the questionnaire. About two weeks after a questionnaire was sent out, a reminder postcard was sent to all judges to encourage participation.

SELECTION OF THE INTERVIEW SUBJECTS

It was decided that an interview was to be used to get a better feeling for these judges as people. Because of time and distance limitations only Michigan women judges were considered for interviews. After looking at the list of twelve Michigan judges it was decided that five interviews were necessary to reach all bench levels.

At the Federal level there was Judge Cornelia G. Kennedy and Magistrate Barbara Hackett, both in Detroit. Judge Kennedy granted an interview so the Hon. Barbara Hackett was not contacted.

Fortunately, Michigan is one of the three states to have a woman sitting on the state supreme court. The Hon. Mary S. Coleman granted an interview which was invaluable as there was no other judge of comparable position to be interviewed. Justice Coleman represented Lansing geographically.

Both the Hon. Susan D. Borman and the Hon. Geraldine Bledsoe Ford of the Detroit Recorder's Court were contacted but neither of them was able to grant an interview. Therefore it was necessary to have only four interviews to cover all of the bench levels. It was even more disappointing that neither of these judges could give an interview as the Recorder's Court is concerned solely with criminal cases.

Judge Zoe S. Burkholz was chosen to be interviewed as the representative of the three women probate judges in Michigan. She presides in St. Joseph and represented the western half of the state.

Judge Marjorie L. Luna and Judge Alice L. Gilbert were chosen to be interviewed as the state's district court judges but only Judge Gilbert was able to grant an interview. She presides in Bloomfield Hills.

There are no women circuit court judges in Michigan, so only the four interviews were conducted representing the Federal bench, the state Supreme Court, the Probate courts, and the District courts. It was important to try to reach all bench levels to help the information gathered from the

interviews apply more generally to the judiciary. As was noted, special attention was paid to getting judges from areas around the state other than just from Detroit. This was done as an attempt to minimize the influence of the metropolitan area.

THE INTERVIEW FORMAT

The interviews were arranged to last one hour. All but one were tape recorded. The background of each judge was researched so that the questions could be phrased so as to apply to the judge's particular situation and to remove questions that did not pertain to her. Each interview was conducted in the judge's own chambers. The same person conducted all of the interviews so as to prevent varying biases from different interviewers.

Each interview began with a short explanation on the aim of the study and the purpose that the interview was to serve in the study. Each judge was assured that the tapes would be used only for the purposes of the study. During all interruptions to the interview (i.e. telephone calls) and at the judge's request, the tape recorder was stopped.

The first question asked was how many years the judge had sat on the bench. Then they were asked what were the most influential factors in the choice of their career. This was done to see if the individual judges were aware of

their own career ladders. Next they were asked what were the most and least gratifying aspects of their work. This was again to determine the motivational factors in continuing to serve on the bench. They were then asked to describe their judicial training. While they were answering this question they generally answered the next one by describing how they felt their judicial training could have been improved. Next they were asked if being a woman had helped or hurt them ascend to the bench. This question indicated whether the judges saw their sex as a barrier or not. They were then asked if they saw women judges specializing in areas of "women's law." This was to show if they perceived any difference in the areas of legal interest of women from those that interest men. They were then asked why they thought there were so few women judges. The purpose here was to see if they knew of the barriers to becoming a judge that other women perceive. They were then asked if they would encourage their daughter to go into law and if they saw the number of women judges increasing. Their answers indicated whether they saw the legal field losing its sex barriers or not. Each woman was asked what and who served as their supportive systems and role models in becoming and staying a judge. This was aimed at seeing if the women perceived outside influences in their career choice and patterns.

Then the tenth question was on what each judge defined as success and whether they felt that they were successful. The aim of this question was to see how positively the judges felt about their roles as judges. Then the questioning returned to feminist ideas by asking where more women could be put to work in the criminal justice system. This supplied information on what areas of the criminal justice system the judge was familiar with and served as an indicator of the judge's advocacy of women working in male-dominated fields. Some of the judges were then asked what changes they foresaw in the legal system of the future. Its focus showed how current the judges were on the technological advances that are available to them in administering justice. Next the judges were asked what was the most important choice in their lives. This highlighted the central orientation of their lives. The last three questions were used to determine the strength of satisfaction that each judge felt about her occupation and her life. The questions were: Are these the best years of your life, have your experiences met with your expectations, and knowing what you know now, would you still pursue the same profession?

The questions were not grouped into personal questions and feministic questions as was done on the questionnaire. This was done so that each judge could answer a fairly neutral question and clear her mind before returning

to the main thrust of the interview. It was also done to cut down on boredom from hammering on a topic for a long period of time. Other questions had been prepared but they were not used due to a lack of time. Some questions did not have to be asked of certain judges as they were already answered by working on another question.

No special training other than complete familiarity with the questions was necessary as the same interviewer did all of the interviews. As a tape recorder was used, only notes on interesting points were necessary. At the end of each interview, each judge was given the chance to say anything she wanted to so as to clarify a previous point or to comment on the interview.

METHODOLOGICAL LIMITATIONS

This study attempted to reach a widely divergent population. Therefore the survey method was the most efficient means of data collection. But this method is limited as to how deeply it can cover a topic so interviews were conducted to remedy this.

The questionnaire had both quantitative and qualitative questions. This sometimes restricted the judges from giving full explanations of their particular situations. Also the qualitative information was difficult to code and involved value judgments on the part of the researcher, which possibly introduced some bias into the data. The

questionnaire did not cover the judge's current family life, which has considerable bearing on how she conducted her career. Numerous or sickly children could have necessitated an otherwise qualified woman the giving up of a career. A husband with a compatible occupation may serve as a supportive career factor.

There were semantic problems in gathering the names of women judges. Some states renamed the post of justice of the peace but left the duties and qualifications nearly the same. This caused a large segment of the population to be included when they were not lawyers. The questionnaire was constructed with the assumption that all the women judges would hold a law degree. Therefore the results of the data were skewed because of partially completed questionnaires. Another problem in getting completed questionnaires was that this study dealt with some personal and political information that some of the women were reluctant to divulge.

The questions were in such a form that it was difficult to structure a continuum from the strength of the answers. The data would have been in a more useful form had some of the questions been phrased differently. And finally, the richness of the qualitative answers and comments was lost by the coding system used for the computer. The judges' own words told more about themselves than most statistics ever could.

CHAPTER IV

ANALYSIS OF DATA

The data collected were in many forms. Some data such as the judges' ages were quantitative while others such as their reasons for being a judge were qualitative. Also the interview information was in an unstructured form. Therefore the methods for handling the data varied with the type of question.

First all of the returned questionnaires were skimmed to see if each contained any usable material. Next all usable questionnaires were hand tabulated. This was done to get the basic information about each judge so that it could be used in a descriptive manner. Even partially completed questionnaires were used for this. Each judge was taken strictly on her word so that if the information appeared to conflict with other answers, the data was recorded just as it appeared on the questionnaire. It was also assumed that the answers that the judges gave were truthful and accurate. Following this first tabulation, the questionnaires were also tabulated by relating certain questions to others. For example when tabulating age, the groups were also marked as to whether they were lawyers or

not. This was necessary to provide the information on whether to accept or reject each of the six hypotheses.

Next, the data were coded and placed on computer cards. (See Appendix E for the coding system.) Using the Statistical Package for the Social Sciences (SPSS) by Norman H. Nie and Dale H. Bent and C. Hadlai Hull, marginals and cross-tabulations were run on the data. This produced descriptive data as well as 2 x 2 and other size tables of cross-tabulations. Two breakdowns were run on the information that appeared to be most significant. Data from the interviews were not coded as it was in a highly qualitative form. Therefore the information gained was used only to confirm relations already noticed from the computer print-outs.

QUESTIONNAIRE RESULTS

After all of the names had been collected, 430 questionnaires were sent out to judges in forty-seven states and Washington, D.C. Those states that did not send names of women judges were: Massachusetts, Delaware and New Mexico and were not expected to have so many women judges that the exclusion of their judges would make the sample nonrepresentative of the true population. Two hundred and forty were returned for a 56.5 percent return rate. Only 200 of the 240 returns were usable, which makes for a 46.5 percent use rate. Questionnaires were unusable because they

were undeliverable, sent to a male judge or the judge did not fill it out as they felt it did not apply to them. Even partially filled out questionnaires were used. The return rate by region was:

Table 1
Return Rate by Region

Region	Number of Responses	% of Return
Northeast	49	48.0
Southeast	38	38.0
Midwest	22	44.0
South Central	14	56.0
Plain States	35	48.6
Northwest	18	58.0
Southwest	19	41.0
Total	240	56.5

There is a 20 percent difference in the return rate between the highest (Northwest) and the lowest (Southeast). There is nothing to indicate that those judges in the Southeast were any busier than those in the Northwest, which would have kept some of them from answering. One possible reason for the Southeast's low rate of return is that the women judges in the Southeast are less likely to hold a law degree due to there being more justice of the peace systems and because of this felt that the questionnaire did not apply to them and so did not answer.

Concerning personal background, the women judges' ages ranged from twenty-seven to seventy-seven, with mean being 51.8 years old and the modal age being sixty years of age. Twenty-nine percent were in the pre-1950s group, 34 percent were in the 1950s group and 37 percent were in the post-1950s group. Only three women failed to list their ages. Almost one-third of their mothers worked while the women judges were growing up and 97 percent of the fathers did so. The most frequent occupation of the mothers was saleswoman, teacher, secretary and nurse, while their fathers' main jobs were farmer, attorney, manufacturer and enginner. Two-thirds of the judges had no family member that was in the legal profession but of those who did, the father was most likely to be the one in law. Uncles and grandfathers were the next most common legal family members. While no mothers of the judges were lawyers, there was one grandmother that had been a lawyer. Several judges, by their listing family members in law, clearly showed that there had been a long tradition of going into the law from their family. Similarly, 30 percent of America's black judges had a family member in the law and father, brother and uncle were the ones most likely to be listed.¹ Almost one-half (48 percent) of the women judges were first-born

¹"The Black Judge in America: A Statistical Profile," Judicature, LVII (June-July, 1973), 24.

children. Among all of the judges they had 291 sisters and only 182 brothers while 29 of the judges were only children. Forty-nine of the judges came from two-children families and fifty-one came from three-children families, so it appears that smaller families produced most of the women judges. The majority of the women (65.7 percent) were married while 12.1 percent were single, 1 percent were separated, 9.6 percent were divorced and 11.6 percent were widowed. Sixty-three percent of the women judges today hold law degrees with 27.8 percent having a high school diploma, 7.2 having a bachelor's degree and 1.5 percent a master's degree. The percentage of law degrees is expected to increase due to a sharp rise in the number of women law students. In 1970, 7.8 percent of all law students were women while barely two years later women constituted 16 percent of all law students.² In 1973, women law students numbered 16,760, which is a 37.8 percent increase over 1972.³ The study on all the American black judges found that 2.5 percent had only a high school education, 1.2 percent had bachelor's degrees and 96.3 percent had law degrees.⁴ It appears then that black judges have a higher educational attainment than do the

²Bysiecwicz, "1972 AALS Questionnaire," pp. 503-13.

³"Women, Minority Students Up," Michigan State Bar Journal, LIII (January, 1974), 46.

⁴"The Black Judge in America," p. 24.

women judges. Also Howard University dominated as the school that produced the most black judges. There was no one school or group of schools from which these women mainly received their degrees. Family aid was the most frequent method of financing their schooling while family aid and work was the next method used. Only 3.1 percent were able to get scholarships to help put them through law school, although it has not been until recently that there were many scholarships available for use in law school.

On their legal experience, the year most women entered the bar was in 1948, possibly due to the influence of World War II. Otherwise they were fairly evenly spread across the years for entering the bar. Unfortunately, 40.5 percent failed to answer this question and the non-answers are assumed to be from the nonlawyers. The main reasons that they listed for becoming a lawyer were scholastic interest and family involvement. Also 19 percent said that they wanted a profession or to move up from their positions as legal secretaries or librarians. Most of the women judges were first employed as lawyers while working for government agencies (37 percent). "Many women attorneys rebuffed by private firms turn to government. . . ." ⁵ This is even more apparent when it was learned in a study by

⁵Dinerman, "Sex Discrimination," p. 952.

Alice Jacobs that 27 percent of all women lawyers work for some government while only 14 percent of the male lawyers do so.⁶ The questionnaire results also revealed that corporations only got 3.1 percent of these women and the rest went into private practice. This compares to 33,593 corporation lawyers out of 355,242 lawyers in 1970 (9.3 percent).⁷ Of those in private practice, one-half of these women were the sole practitioner or practiced with a family member. White found similarly that women gain entrance into private practice by being more than just employees such as joining their father's or husband's firm.⁸ Fifty-four and two-tenths percent of the women judges said they ran a general practice. Fourteen percent specialized in criminal law as opposed to 6.8 percent specializing in juvenile problems and 10.2 percent working on divorce, which are areas typically viewed as women's law. ". . . The size of the female response to this question and to the question about the number of court appearances per year indicate that a substantial part of the practicing women carry on active trial practice and are not hidden away in the 'women's specialties.'"⁹

⁶Jacobs, "Women in Law School," pp. 462-71.

⁷White, p. 1060.

⁸U.S. Bureau of the Census, Statistical Profile of the United States (Washington: Government Printing Office, 1973), p. 158.

⁹White, p. 1062.

Concerning their judicial experience, 1973 was the year with the most women ascending to the bench. There were twenty-six women reaching the bench that year or 13 percent of the total. The year 1934 was the first year that any of these women reached the bench and five women have already ascended in 1974 (data collection occurred in early April). During the 1950s, nineteen women ascended to the bench (9.5 percent). The 1960s showed an increase in the number of women becoming judges and a big jump occurred between 1969 (nine women became judges) and 1970 (fifteen women became judges). The 1970s have maintained this increased number of women ascending to the bench. In the year that they ascended to their current position, again there is a big jump between 1969 (eight women) and 1970 (fourteen women). The year 1971 had twenty-one move to their current positions, while 1972 had twenty-three, 1973 had thirty-seven and 1974 had nine women move in the judiciary. On the average the women had served a little over two terms with their terms usually being four years in length. Fourteen women were serving life terms on the bench.

Thirty and four-tenths percent of the women judges were elected to the bench, 46.6 percent were appointed and 23 percent were appointed to fill an unexpired term. This compares with 37.5 percent elected, 32.7 percent appointed and 29.8 percent appointed to fill an unexpired term among

the black judges.¹⁰ The women judges reached the bench significantly more by appointment. Most served in either very small communities or very large urban areas. Twenty-five and nine-tenths percent were from areas of 10,000 population and under, while 36.3 percent were from 500,000+ areas. Over half (50.8 percent) served in local courts, 44.4 percent worked in state courts and 4.3 percent (eight women judges) were in the Federal judiciary. This means that 1.3 percent of the Federal judiciary is made up of women.¹¹ Again comparing these figures to those of the black judges, it was found that 11 percent of the black judges sat in the Federal judiciary (including one Supreme Court justice), 38 percent sat in state courts (only two on state Supreme Courts) and 51 percent on local courts.¹² Obviously, the blacks have made greater gains in the Federal judiciary possibly due to the greater strength of the civil rights movement. The number of black judges to women judges in state and local courts is comparable although the women do have one more state Supreme Court justice. It must be remembered that women make up a greater percentage of the American population than do blacks and therefore there is a

¹⁰"The Black Judge in America," p. 19.

¹¹Chuck Stone, "Women Get a Bad Deal in American Judiciary," Detroit Free Press, February 20, 1973, p. 11-A.

¹²"The Black Judge in America," p. 19.

greater pool of people to draw women judges from than there is to draw black judges from. Doris Sassower emphasizes this point when she says,

Despite the fact that women outnumber blacks in the legal profession more than two to one, and more have been in it longer, by 1970 black judges already exceeded female judges, both in absolute numbers and relative to their proportion in the population, and had already achieved that which is still denied women: a seat on the U.S. Supreme Court. One might conclude that sexism is more deeply rooted than racism. But it is undoubtedly true that the head start the black's movement had over today's feminist movement has contributed to their success in that regard.¹³

Over half (54.4 percent) were general trial jurisdiction with 42.4 percent special jurisdiction at the trial level. Most of these special jurisdiction courts were probate courts. Only 3 percent of the women judges served on appellate courts, of which only three women serve on their state's highest court. These states are Arizona, Michigan and North Carolina.

The main reason cited by many of the women (21.2 percent) for serving on the bench was their availability at the time the position became vacant. Some noted that men could make more money in private practice and so would not take the judgeship. Several rural judges stated that their position was only part-time and because of this no qualified man wanted the position. Also a few women did say that the men lawyers practicing in a certain court decided it was time to

¹³Sassower, "Women and the Judiciary," p. 285.

have a woman judge and as that particular woman was qualified for the job, she was drafted for the job. Fifteen and nine-tenths percent listed service and the same number listed academic interest as their reasons for being on the bench. Twelve and six-tenths percent viewed ascending to the bench as job advancement and 9.3 percent were on the bench to serve the interests of justice. Finally, 7.9 percent listed job security and steady hours for their becoming a judge.

Forty-nine and seven-tenths percent had been surveyed as a woman, 63.7 percent had been surveyed as a judge and 48.9 percent had been surveyed as a woman judge with 86.2 percent having had a newspaper article written about them. In political activity, seventy women judges or 36.5 percent had had no experience, 25.5 percent were categorized as low-status participation, 16.7 percent were medium-status participation and 21.4 percent were active in high-status positions in politics before ascending to the bench. The black judges were similar in their political activity to the women judges, for 67 percent categorized themselves as not active with 33 percent saying that they were politically active.¹⁴ While 56.7 percent of the women judges felt their political activity had not affected their ascension to the bench, 34.4 percent felt it gave them exposure to the

¹⁴"The Black Judge in America," p. 24.

electorate and the appointers. Further, 60.4 percent did not think political activity was necessary for a judgeship but of those who did, the main reason for its necessity was to gain political support.

The numbers and types of awards and honors that they had received are too numerous to mention. Ten women judges had received honorary degrees while others had been named "Woman of the Year." Fifty-four and two-tenths percent attended judicial courses and professional meetings, while some (14.5 percent) had written articles on legal topics. Almost three-fourths of the women judges belonged to a bar association, judicial association or both. Memberships in churches were numerous while only seven women listed a political party affiliation. Various ethnic, social, service, artistic and educational groups were represented. Fifty-four and six-tenths percent of the judges felt that there was some form of personal risk involved in being a judge but very few took any precautions.

The next set of questions dealt with the judges' feminism. Thirty-two and one-tenth percent said there was a women lawyers' association near them and that they belonged while 7.6 percent did not belong. Sixty and three-tenths percent noted, however, that there was no such organization close enough to them to join. Fifty-nine percent listed themselves as not participating in the feminist movement with the rest spreading themselves among joining

groups, giving speeches, contributing money and writing articles. This low participation in feminist activities was surprising, for according to Karen DeCrow, feminists are more likely to be first-born children and have few or no brothers, which appeared to be the case for many of the women judges.¹⁵ From their answers, the strength of the judges' feminism was determined. Fifty-three and four-tenths percent were not participating, 18.7 percent were low on participation, 14 percent were mediumly active and 14 percent were highly active in the feminist movement. Seventy-two and three-tenths percent said that they would advocate more women lawyers and 70.5 percent said that they would advocate there being more women judges. Twenty-eight and three-tenths percent saw more women plaintiffs in civil cases in the past three years, 32.2 percent saw the same number and 5.9 percent saw fewer women while the rest did not know or the question was not applicable to them. Forty-one and five-tenths percent of the women judges saw more women defendants in criminal cases in the past three years, 25.2 percent saw the same number and 5.4 percent saw fewer women defendants. This perception of more women defendants is supported by the FBI's Uniform Crime Reports as the rate of women arrested for serious crimes rose 246.2 percent from

¹⁵Linda Lee Landis, "Karen DeCrow Wants to Get the Sex Out of the Courts," Chicago Tribune, March 12, 1974, section 2, p. 1.

1960 to 1972 and for all offenses rose 85.6 percent for the same period.¹⁶ No correlation was noted between perception of women defendants and plaintiffs and the judge's strength of feminism. In discussing the barriers to their advancement, sex was listed 20.2 percent of the time, 18.5 percent listed lack of education, 5.1 percent noted political barriers and 3.4 percent saw their age as a barrier. The rest of the judges saw no barriers or were satisfied to remain in their current position. Most judges (66.9 percent) wished to remain at the same bench level, 11.4 percent were retiring, 18.3 percent wanted to advance to a higher bench level and 2.3 percent were returning to their law practices.

On the attitudinal questions, 53.9 percent felt eighteen should be the male age of majority and 40.7 percent felt it should be twenty-one. Fifty-nine and six-tenths percent felt eighteen should be the female age of majority with 34.3 percent feeling it should be twenty-one. On the selection of judges, 42.4 percent supported appointment, 26.6 percent favored nonpartisan election, 12.1 percent wanted partisan elections and 16.2 percent supported the use of the Missouri Plan. Most felt the misuse of office and private misconduct were the main reasons for removing a judge. Thirty-five and one-tenth percent felt a four-year

¹⁶"Women in Crime: The Numbers Continue to Grow," Detroit Free Press, July 7, 1974, p. 4-C.

term was the best, although 11.9 percent felt that a life term on the bench was better. On the causes of crime, alcohol, poverty, permissiveness, the breakdown of the family, drugs, lack of a useful education, frustration and the removal of the death penalty were cited in the above order. Nineteen and four-tenths percent said community values were not a factor that a judge should consider while sentencing, 34.7 percent felt it had a minor influence, while 15.3 percent felt it played a major part in the judge's decision. The rest of the judges felt that community values were too difficult to be determined for a judge to use. The judges listed the following purposes of sentencing in this order: reformation, individual deterrence, general deterrence, punishment and incapacitation. The information on offense was listed as: degree of injury, attitude toward the offense, planning and premeditation, culpability and damage. The order on information on offenders was: criminal record, attitude toward rehabilitation, mental condition, intelligence, family background, use of alcohol and drugs, ties in the community, employment record and marital status.

CROSS-TABULATIONS AND BREAKDOWN RESULTS

Cross-tabulations were run after the marginals on those results that dealt with questions pertaining to the six hypotheses. Also two breakdowns were run on several of

the more important factors to see if there was any relation between them. Only those relationships found to be statistically significant at the .05 level will be discussed.

The first hypothesis concerned age, with emphasis on the group in the prime occupational movement range during the 1950s. The cross-tabulations dealing with the question of age did not show to be significant except when run with the question on equal chance of promotion. Table 2 contains a listing of how each age group felt about its promotional chances and the main barriers that they saw.

Table 2
Barriers to Promotion by Age Group

Age Group	Sees Equal Opportunity % N	Barriers							
		Education		Age		Sex		Political	
		%	N	%	N	%	N	%	N
pre-1950s	30.6 (15)	24.5	(12)	10.2	(5)	18.4	(9)	4.1	(2)
1950s	43.3 (26)	10.0	(6)	1.7	(1)	25.0	(15)	10.0	(6)
post-1950s	48.5 (32)	22.7	(15)	0.0	(0)	18.2	(12)	1.5	(1)

It can be noticed that among each age group, the percentage feeling that they have an equal chance to be promoted increases as the group gets younger. Obviously the youngest age group sees no age barrier. What is surprising is that the 1950s group sees a much smaller education barrier but a much larger one because of sex and politics. Most women

cited the lack of a law degree as being the educational barrier. By comparing the percentage of each group that had a law degree to the barriers perceived, it is obvious why the 1950s group saw less of an educational barrier. Of the pre-1950s group, 50 percent had a law degree, the 1950s group had 72.7 percent with a law degree and of the post-1950s group only 63 percent had a law degree. On the sex barrier, the 1950s group sees a bigger barrier. This could possibly have been caused by the discrimination that this group of women had to face in establishing their careers. The question on strength of feminism as compared with age group showed that there was no real difference between the 1950s group and the post-1950s group. On the political barrier, the reverse is true. The pre-1950s group and the 1950s group parallel each other on the strength of their political activity while the post-1950s group is much less involved. Yet again the 1950s group saw a larger political barrier. This can possibly be explained by this group's longer experience in politics and their larger number of attempts to reach higher positions that take more political support than those attempted by the post-1950s group. Finally, it was noticed that the younger the group the less satisfied they were to remain in the current position.

While these statistics showed that there was an important difference in the 1950s group from the other two groups, these facts do not answer whether there are more or

less judges in this age group than in the other two. From the marginal run it was found that in those from age sixty to seventy-seven (pre-1950s) there were fifty-four judges, from forty-nine to fifty-nine (1950s) there were sixty-eight and from age twenty-four to forty-nine (post-1950s) there were seventy-four. The differences in the number of judges in each group are not great. The lower number in the pre-1950s group is probably due to deaths and retirements. The post-1950s group may be smaller than anticipated because many women are preparing to run in the forthcoming fall election but have not yet made it to the bench.

Therefore, from the above information it appears that the 1950s era produced a similar number of judges but that these women saw different barriers to their advancement.

The next hypothesis dealt with family members being involved in the law. From the fourth question on the questionnaire, it was found that 68.3 percent had no family member in the law. Fathers, uncles and grandfathers were the relations most likely to be in the legal profession (14.1 percent, 5.5 percent, 5.5 percent, respectively). Yet when broken down between lawyers and nonlawyers we find the results shown in Table 3. From these figures it can be seen that the judges who were lawyers had a much greater chance of having a family member in the law. Also, on seventeen of the questionnaires the judge noted that at some time a family member in the law had also been a judge. Therefore,

while having someone in one's family in the law is not the major influence in directing current women judges into the law, it is still a very strong factor.

Table 3

Family Members in Law by Educational Attainment

Education Level	Family Member in Law		No Family Member in Law	
	%	N	%	N
Lawyer	44.4	(55)	55.6	(69)
Nonlawyer	16.0	(11)	84.0	(58)

The third hypothesis concerned the strength of the political activity of women judges. Judging from what each woman put down as her involvement, it was found that 36.5 percent had no political participation, 25.5 percent had low-status participation, 16.7 percent had medium-status participation and 21.4 percent were involved in high-status activities. Therefore, over half of the women judges had little or no political experience before coming to the bench. Also over half (56.7 percent) felt that their political activity did not affect their ascension to the bench. Nor did almost two-thirds (60.4 percent) of the women feel that it was necessary for a person to participate in politics before ascending to the bench.

While this information makes it appear that current women judges shunned the use of the political ladder to attain their current positions a cross-tabulation between years of attaining the bar and strength of political activity shows differently. (See Table 4.)

Table 4
Bar Year by Partisan Political Activity

Bar Year	Political Activity							
	None %	N	Low %	N	Medium %	N	High %	N
1920-29	0.0	(0)	20.0	(1)	20.0	(1)	60.0	(3)
1930-39	27.3	(6)	27.3	(6)	13.6	(3)	31.8	(7)
1940-49	22.9	(8)	25.7	(9)	22.9	(8)	28.6	(10)
1950-59	26.5	(9)	26.5	(9)	17.6	(6)	29.4	(10)
1960-69	47.4	(9)	21.1	(4)	10.5	(2)	21.1	(4)
1970-74	100.0	(4)	0.0	(0)	0.0	(0)	0.0	(0)

The judges who have attained the bar in the last two decades are obviously not as politically active as the women before. This is especially true for the 1970s group. The 1970 women had to have ascended to the bench fairly quickly after attaining the bar. Some of the 1970s judges may have had little time for political activity because of the quick jump from being a lawyer to being a judge. It is possible that the 1960s women had help from the feminist movement and so did not have to rely on politics as heavily as the women before

them did. The 1920 group had a significantly higher political involvement than did anyone else. These women were of the suffrage era and so had an issue around which to base their political activity. All of the other groups were fairly evenly divided among the different strengths of political activity. Still it must be observed that little or no political activity was the rule in most age groups.

Finally on political activity, it appeared that the higher the educational attainment, the more likely is a woman judge's chances of being politically active. (See Table 5.)

Table 5

Political Activity by Educational Attainment

Education Level	Political Activity							
	None		Low		Medium		High	
	%	N	%	N	%	N	%	N
High School	46.9	(23)	28.6	(14)	14.3	(7)	10.2	(5)
Bachelor's and Master's Degree	50.0	(9)	21.4	(3)	14.3	(3)	14.3	(2)
Law Degree	30.1	(37)	25.2	(31)	17.1	(21)	27.6	(34)

As more and more states raise standards for judges and as more of the judges have a law degree because of this, it appears possible that more of the women judges will be politically active and use the political ladder to attain judgeships even though the recent trend has been away from active political careers.

The fourth hypothesis focused on women lawyers and judges specializing in areas of "women's law." When listing the main types of cases handled as a lawyer, the women judges put: general practice 54.2 percent, liability 5.1 percent, commercial 3.4 percent, criminal 14.4 percent, juvenile problems 6.8 percent, divorce cases 10.2 percent and all others 5.9 percent. Juvenile problems, divorce, trusts and estates are usually considered "women's law" as it covers areas usually thought to be women's concerns such as the home and children. Yet criminal law, which is considered to be "men's law" had 14.7 percent of the women specializing in it. Yet it did appear that these women did not concentrate on "men's law" in business concerns such as commercial or liability.

On maintaining their specialization after becoming judges, it was found that only 3 percent of the women judges were on appellate courts, which have long been considered as men's areas. The U.S. Supreme Court had never had a woman nominated to it, much less serve on it. Fifty-four and seven-tenths percent of the women judges were general trial jurisdiction, while 42.4 percent were specialized trial level. From the titles given with the judges' addresses it was noted that about one-third of the judges served on probate courts. Probate has long been considered "women's law." Therefore while a majority of women do not specialize in "women's law" while practicing law, a larger segment of

the population of the women judges has been funneled into this area than into any other legal specialty.

Hypothesis five stated that women judges would be expected to be found in large, liberal urban areas. Rural areas had 11.9 percent of the women judges, 14 percent were in cities of 3-9,999, 12.4 percent in areas of 10-35,000, 2.1 percent in areas of 36-50,999, 10.4 percent in areas of 51-99,999, 13 percent in areas of 100-500,000 and the largest percentage (26.3 percent) in areas of 500,000+. From these figures it appeared that the women judges are more highly concentrated in urban areas. A sample was taken from the judge lists received from the states to determine if women judges were more concentrated in urban areas than were male judges. The judge lists from eleven states (Alabama, Alaska, Arizona, District of Columbia, Florida, Illinois, Iowa, Mississippi, Ohio, Oregon and Washington) contained the names of both male and female judges. While it was believed that it was a good sample of the states responding, several bench levels may have been represented in the male sample that were not represented in the female sample simply because no women were on those levels. The sample consisted of 3,267 male judges and 99 female judges. The female judges represented about 24 percent of the total population of this study. All of the judges, both male and female, were classified according to the size of the area they presided in, with the results shown in Table 6.

Table 6
Sex by City Size

Sex	City Size			
	Rural-9,999	10-100,000	100-500,000	500,000+
Male	19.0%	44.5%	17.0%	19.5%
Female	28.7%	27.9%	15.9%	27.4%

While it did appear that women judges were more concentrated in the most urban areas than were the male judges, the women judges were also more heavily concentrated in the most rural areas. The figures are not enough to suggest that the highly urban areas are more accepting of the idea of a woman judge, only that women judges were more concentrated on the extremes of the city-size continuum. This may be due to a larger pool of qualified women in the cities to draw women judges from and lower qualifications required by the rural court system.

It is also important to note that urban women judges are more politically active than are rural women judges. (Table 7). Because these women are more politically active, this may enhance their chances of being elected and so make the number of women judges in urban areas larger because of the urban effect.

Table 7
Political Activity by City Size

City Size	Political Activity							
	None		Low		Medium		High	
	%	N	%	N	%	N	%	N
Rural	77.3	(17)	9.1	(2)	13.6	(3)	0.0	(0)
3,000-9,999	38.5	(10)	26.9	(7)	11.5	(3)	23.1	(6)
10,000-35,999	20.8	(5)	29.2	(7)	25.0	(6)	25.0	(6)
36,000-50,999	50.0	(2)	0.0	(0)	25.0	(1)	25.0	(1)
51,000-99,999	30.0	(6)	25.0	(5)	25.0	(5)	20.0	(4)
100,000-500,000	45.8	(11)	20.8	(5)	4.2	(1)	29.2	(7)
500,000+	24.3	(17)	32.9	(23)	18.6	(13)	24.3	(17)

It also appeared that urban judges are more feminist than those in the rural areas. Eighty-eight and two-tenths percent of the areas with 100,000 or more population had a women lawyers' association, while 94.7 percent of the rural areas did not have one. Using such a group as a base to work for more women judges may be one reason why urban areas have more women judges. It also appears that urban areas are more supportive of feminist activities by having more groups available for the women to join. Because of this, women judges in urban areas have the highest strength of feminism (Table 8). Whether larger cities are more supportive of feminism and so allow more feminist judges to be elected or if there just are more feminists in larger cities and so more get elected than in rural areas is unknown.

But this higher level of feminism could be helpful in getting a woman onto the bench and so may serve as another career ladder.

Table 8
Strength of Feminism by City Size

City Size	Strength of Feminism							
	None		Low		Medium		High	
	%	N	%	N	%	N	%	N
Rural	95.2	(20)	0.0	(0)	4.8	(1)	0.0	(0)
3,000-9,999	92.6	(25)	7.4	(2)	0.0	(0)	0.0	(0)
10,000-35,999	62.5	(15)	20.8	(5)	4.2	(1)	12.5	(3)
36,000-50,999	100.0	(4)	0.0	(0)	0.0	(0)	0.0	(0)
51,000-99,999	60.0	(12)	20.0	(4)	10.0	(2)	10.0	(2)
100,000-500,000	48.0	(12)	16.0	(4)	16.0	(4)	20.0	(5)
500,000+	18.8	(13)	29.0	(20)	27.5	(19)	24.6	(17)

This information on feminism leads into the last hypothesis about women not helping other women attain the bench because they do not participate in feministic activities. As was noted above, feminism is viewed as an aid in reaching the bench. If current women judges do not participate in feministic activities then there is less likelihood of more women attaining the bench. There are undoubtedly other ways in which women judges could help other women attain the bench but participation in feministic activities was the most easily measured and so was used.

Fifty-nine and one-tenth percent listed themselves as not participating in the feminist movement. Yet almost three-fourths (72.3 percent) would advocate having more women lawyers and 70.5 percent would advocate having more women judges. One reason for this advocacy is that 60.5 percent saw the same or more women plaintiffs in civil cases and 66.7 percent saw the same or more women defendants in criminal cases in the last three years. In the author's opinion because of this increased number of women using the court system, the women judges may see a need for more women practitioners in the field who could empathize with attitudes and problems particular to women and "women's law." This does not imply that male practitioners could not handle women's cases but merely means that women lawyers and judges may have insights derived from common female experiences that would aid in working on women's cases. But they are not doing anything to increase the number of women practitioners by working in formal feministic groups. Of those who are not participating in feministic activities, 50.1 percent are lawyers. Also of the nonparticipants, 37.4 percent feel that they have an equal chance of promotion in the judicial hierarchy and so perhaps do not see a need to support the women's movement. Yet of the nonparticipants, 13.1 percent see their sex as a barrier to their achievement. Why they are not using the feministic groups to break down this barrier is unknown. The nonparticipants are split,

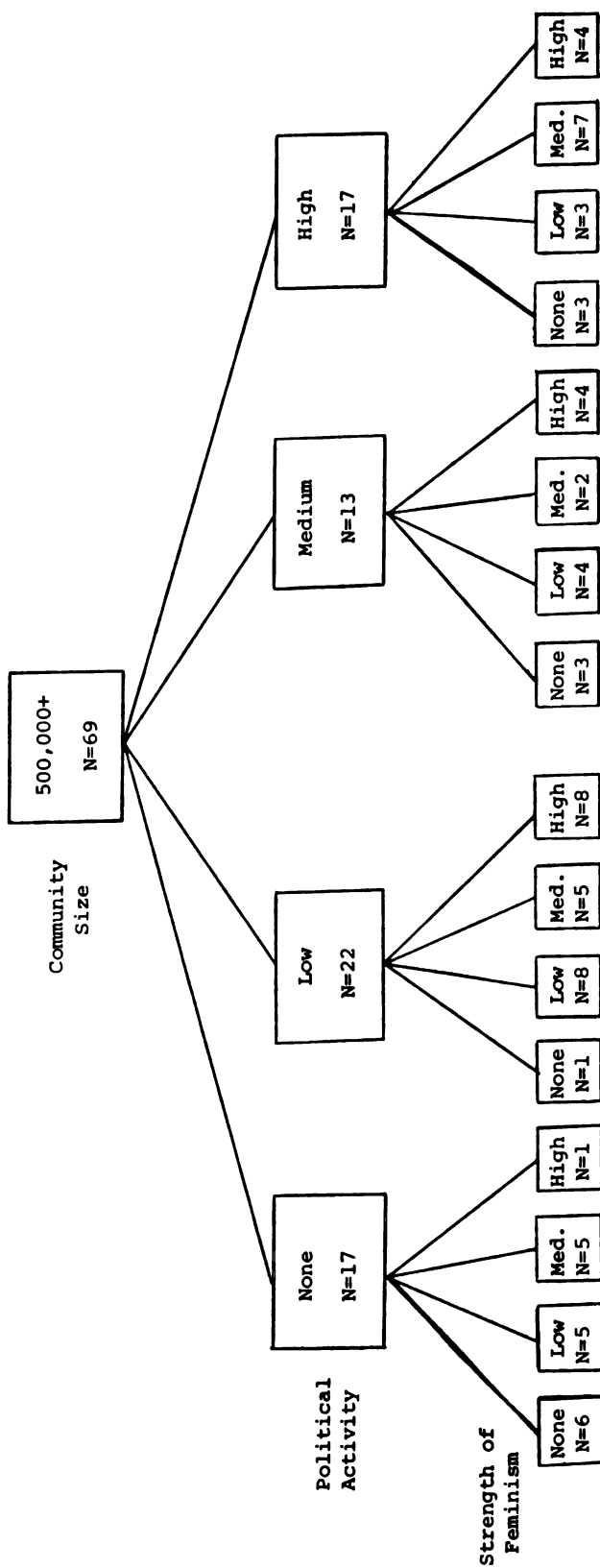
with 69.1 percent wishing to remain in the same position, 13.8 percent planning to retire and 12.8 percent wanting to advance. Among those who wish to advance in the judicial hierarchy, 61.3 percent are participating in some way in the feminist movement and so may be using feminism after all as a part of their career ladders.

From these statistics it does not appear that a large number of women judges are participating in the feminist movement but that those who are still building their careers are more likely to be participating.

Finally, two breakdowns were run for age by community size, political activity and strength of feminism and for strength of feminism by community size and politics (see Figures 1 and 2). The breakdown charts list the number in each group, as the mean and standard deviation have no meaning for this kind of data. The first breakdown again points out the larger number of women judges in cities of 500,000+ and that they appear to be more politically active and feministic than in the other groups. Breakdown two works with the same variables and emphasizes the same finding but with the strength of feminism as the initial variable.

INTERVIEW RESULTS

All of these results were obtained in personal interviews with Justice Mary Coleman, Judge Cornelia Kennedy, Judge Zoe Burkholz and Judge Alice Gilbert. Many of the



Criterion Variable: Age by Community Size by Political Activity by Strength of Feminism (Com. of 500,000+ only one shown)

Figure 1

Breakdown I

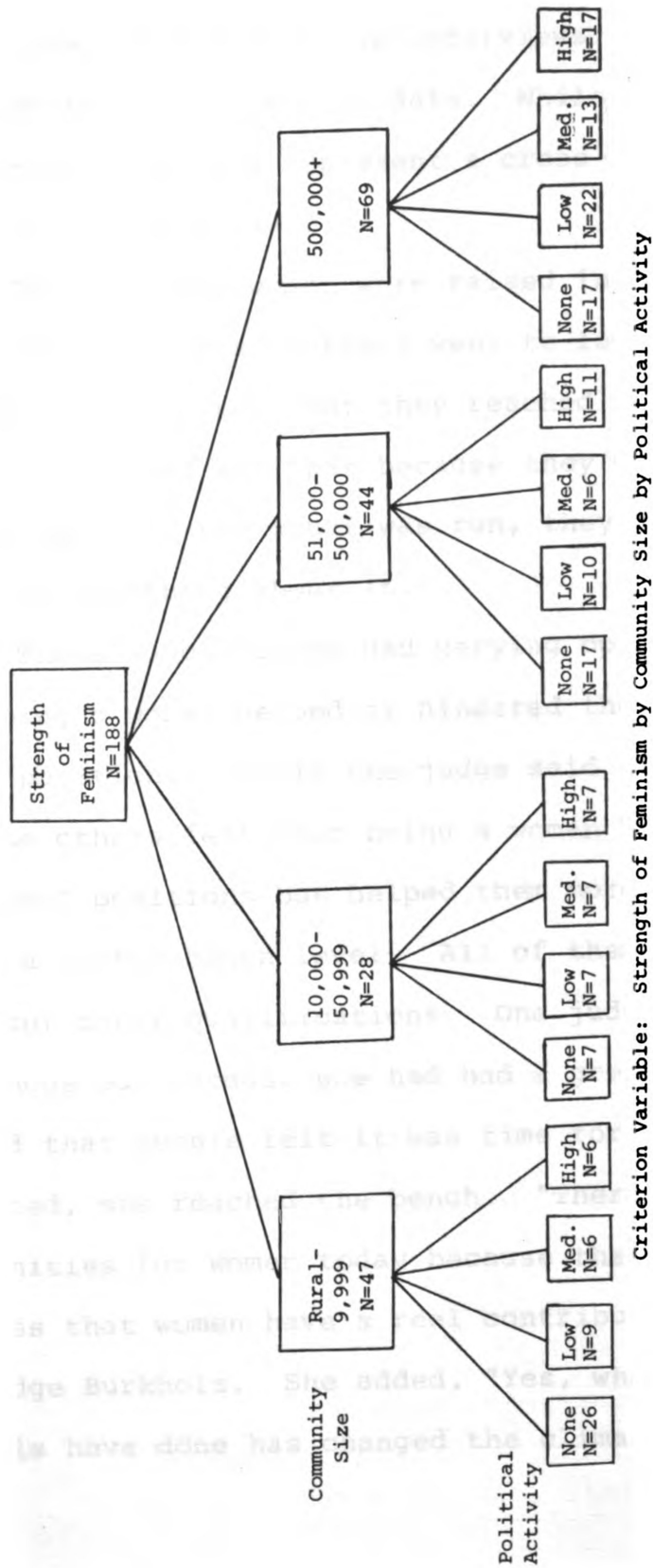


Figure 2

Breakdown II

answers received during these interviews echoed the trends found from the questionnaire data. While the sample is small, these women did represent a cross-section of the women judges in Michigan.

Two of these women were raised in "legal families" and one of the judges' mothers went to law school. The two other judges indicated that they reached the bench because a vacancy occurred and that because they were disenchanted with the way that the court was run, they took the opportunity to do something about it.

These women judges had varying opinions on whether their being a woman helped or hindered their reaching their current positions. While one judge said it made no difference, the others felt that being a woman hindered them at lower level positions but helped them more recently to achieve a higher bench level. All of them noted that people sought out their qualifications. One judge said she took her chances but because she had had a great deal of experience and that people felt it was time for a woman judge to be elected, she reached the bench. "There are greater opportunities for women today because there is a greater awareness that women have a real contribution to make," said Judge Burkholz. She added, "Yes, what the women's lib girls have done has changed the climate although there

has always been a place for women, men too, who excel."¹⁷

Another woman judge said, "I made up my mind that I would be so well equipped and trained that they could not refuse me."¹⁸

All of these judges felt that while many women do specialize in "women's law" that if a woman had interests in other legal specialties that she should develop and follow these interests and that she would probably now be accepted in those areas of the law. They all see the number of women judges increasing. Justice Coleman noted, "The general feeling has been that men should be judges, with the exception of the probate area, but people are becoming adjusted to having women in this male world."¹⁹ But another judge pointed out that she needs the male judges and attorneys' assistance in discussing points of law and procedure as there just aren't any other women to converse with on these topics.

In answer to the question, Where would be a good place in the criminal justice system to have more women working? Judge Gilbert answered, "She should be in every

¹⁷Statement by Zoe Burkholz, Probate Judge for Berrien County, personal interview, April 19, 1974.

¹⁸Statement by Alice Gilbert, District Court judge, personal interview, May 13, 1974.

¹⁹Statement by Mary Coleman, Justice of the Michigan State Supreme Court, personal interview, April 8, 1974.

segment of the economic community, social community and political community as long as that is where her personal interest lies."²⁰ Justice Coleman continued on this by saying, "As a matter of fact, I can't think of a place where a woman wouldn't do as well, maybe even better, than the men do. I do strongly feel that there should be more women on the police force."²¹ Judge Kennedy pointed out that the district attorney's office in Detroit now has two women trying cases for them and that previously women lawyers had a next-to-impossible time getting work in this legal specialty.²²

All of the judges expressed a desire to continue on the bench for some time and some of them said that they wished to go higher in the judicial hierarchy. Every one of these women spoke at length about the technical changes that were being tried to improve the court system by making things go faster and by preventing cases from being lost in the mass of cases that go through the system each year. Judge Gilbert said, "We judges must assume responsibility for the administration of justice."²³ Still they noted problems

²⁰Gilbert interview.

²¹Coleman interview.

²²Statement by Cornelia Kennedy, Judge of the Federal District Court, personal interview, April 10, 1974.

²³Gilbert interview.

in becoming a woman judge. One said, "I would not have made it here if my children had not been normal and healthy, for if it had been otherwise I would have had to remain at home to care for them. . . . What a working woman needs is a wife at home."²⁴ Nevertheless, when asked if they would enter the law, knowing what they know now, to a woman they answered yes!

²⁴Ibid.

CHAPTER V

SUMMARY, IMPLICATIONS AND CONCLUSIONS

This study aimed to provide descriptive data about American women judges of all bench levels and jurisdictions. While it generated data on their backgrounds and attitudes on certain legal issues, the study also sought to define career ladders used by these women. The data showed:

1. The current women judges who were in the prime occupational movement age group during the 1950s are not significantly less in number than in the pre- and post-1950s groups but that the 1950s group saw less educational barriers to their advancement and more sexual and political barriers than did the other two groups.

2. While having a family member in the legal profession was not the dominant reason for these women to enter the law, it was a strong factor in influencing their choice of career as 31.7 percent had some family member in the law. This figure increases to 44.4 percent if the woman judge herself is a lawyer.

3. A majority of the current American women judges (62 percent) had low-status participation in partisan politics before ascending to the bench. Judges admitted to the bar in the 1960s and the 1970s had a much lower-status

participation in politics than did the older judges. Higher education also appears to be positively correlated to higher-status levels of participation in partisan politics.

4. Although 17 percent of the women judges had specialized in areas of "women's law" during their legal careers, a larger group of these women judges (about one-third) specialized in "women's law" (probate court) after coming to the bench. It appears from their comments that many women judges used probate court as a stepping stone to general trial judgeships.

5. Women judges were more concentrated in urban areas than in rural areas. The reason for this is unclear, as either these urban areas could be more accepting of the idea of a woman judge or that women in these areas made it to the bench more often because of their higher political and feminist activity.

6. Fifty-nine and one-tenth percent of the women judges listed themselves as not participating in the feminist movement. Yet almost three-fourths of these judges advocate there being more women lawyers and more women judges. Of those women judges who wish to advance in the judicial hierarchy, 61.3 percent are participating in feminist activities to some degree.

IMPLICATIONS OF THE FINDINGS

After viewing these statistics it is not a question of why there are so few women judges, but of why there are so many when there does not appear to be a single major supportive career ladder for women judges. Men have support from the societal view that law is men's business. Women must overcome this view to enter law school, get a job and become a judge. While some women obviously had strong family encouragement to enter the law and may have even been following a family tradition in pursuing a legal career, this support did not occur in a majority of the cases. A majority of the women did not use political participation as an entry into the judiciary nor are most of the women judges active feminists who are paving the way for other women to enter the judiciary.

While women do have these factors acting against them, it does seem that large, liberal urban areas have a higher concentration of women judges than was found for male judges but also the extreme rural areas had a higher concentration of women. Also the supposedly retarding effect of the 1950s did not show on this group of women judges for they were as numerous from this time span as from any other.

No single career ladder appeared for women judges. Most used a combination of forces to attain their judgeships. From some of their comments, many of the women did

not originally intend to become judges and did so because a position was vacated and the particular woman had the necessary qualifications. Also a few were purposefully drafted by fellow lawyers as a need for a woman on the bench was felt. As with some of the women's entries into law, some judgeships were obtained by concentrated hard work, some by good timing and some by plain luck. One factor in getting a number of the women on the bench was that the male lawyers would not take a cut in the financial rewards of being a lawyer so that the lower paying but higher status judgeships opened up for women lawyers.

Is it desirable to have more women judges? There is nothing in this study to suggest any reason why women could not serve a larger role in the American judiciary. Until some information is uncovered that suggests some functional reason for not having women judges, candidates should be selected without regard for their sex. That is a decision, though, for those voters and heads of governments who choose our judges. The data from this study can be used by these people to determine how their candidates measure up to the current group of women judges.

AREAS FOR FURTHER STUDY

Now that this study has begun the task of defining who our women judges are, a companion study on American male judges would prove useful. By using male judges of

equal rank of the women judges used in this survey, differences in backgrounds and attitudes on legal issues could be found. Also such a study would indicate if these two groups had taken different career ladders.

The information collected here only covers a small portion of the factors influencing a person's career decision. Motivational factors, difficulties in maintaining one's bench position and relationships with those coming before the bench are other areas deserving of research. With the current interest in judicial standards, a study on the quality and quantity of work done by women judges as compared to men judges would be useful.

In an area outside of criminal justice, this study could provide data to be used on why certain women succeed or why certain women choose to have a career. The information found in such a study would have psychological, sociological and business value especially in the current era of women's liberation.

CONCLUSION

Women are serving as judges in almost every level of court in America, the United States Supreme Court being a notable exception. With the rebirth of the women's movement and with its gaining momentum so that it is now one of the major current issues, it is highly likely that more women will seek the bench and attain it.

It is also highly important that America make the best use of its human resources. This study has discovered that women are not put to a full use in the judiciary and that at the present moment there does not appear to be a functional reason for not doing so. More women have already entered the study of law and therefore more women will be qualified to serve as a judge. With several barriers still remaining which keep qualified women from attaining the bench, more effort must be directed to remove the barriers.

APPENDICES

APPENDIX A

LETTER REQUESTING JUDGES' NAMES

APPENDIX A

LETTER REQUESTING JUDGES' NAMES

243 Burcham Drive
East Lansing, Michigan 48823
January 26, 1974

State Bar Association
Address
City, State Zip Code

Dear Sirs:

I am a graduate student at Michigan State University and am currently working on a master's degree in criminal justice. The topic for my thesis is women judges. To complete my study, it is necessary for me to contact every woman who holds the title of magistrate, judge or justice at local, state and federal levels. Would it be possible for your organization to send me the name, title and address of all such women who preside in your state? If such a list does not exist could you send me a list of all judges and their addresses presiding at any level in your state so that I can go through the list and find the women judges for myself? If your organization does not have this material could you tell me to which state organization I can write to obtain a listing of judges?

I hope that this is not too time consuming a request. Thank you for your time and consideration.

Sincerely,

Barbara L. Brehm

APPENDIX B

THE COVER LETTER AND QUESTIONNAIRE

APPENDIX B

THE COVER LETTER AND QUESTIONNAIRE

MICHIGAN STATE UNIVERSITY

COLLEGE OF SOCIAL SCIENCE • SCHOOL OF CRIMINAL JUSTICE

EAST LANSING • MICHIGAN • 48824

243 Burcham Drive
East Lansing, Michigan 48823
March 17, 1974

Dear Judge:

I am a graduate student at Michigan State University and am currently working on my masters thesis in criminal justice. The topic of my thesis is women judges and my study aims to collect information on their backgrounds, their attitudes on several legal issues and their future plans. Currently there is no information of this type.

Enclosed is a questionnaire that attempts to gather the above listed information. It would be a great help to me if you would please fill out the questionnaire and return it to me as soon as it is convenient for you. It should take you about one-half hour to complete the questionnaire. All information received will be treated confidentially. If there is a part of the questionnaire that you object to answering or that you feel does not pertain to you, it is not mandatory that you complete that section. Even a partially completed questionnaire will aid me in my study.

The information will be used in a descriptive manner in conjunction with information from secondary sources to give a clearer picture of who our women judges are, how they came to their posts and their involvement in their communities.

Again, please be assured that your responses will be treated confidentially. For your convenience I am enclosing a stamped, self-addressed envelope.

Thank you for your time and consideration.

Sincerely,

Barbara L. Brehm

Barbara L. Brehm
School of Criminal Justice
Michigan State University

Enclosures

FEMALE JUDICIAL SURVEY

BACKGROUND INFORMATION

- 1) Age _____ years
- 2) Was your mother employed while you were growing up? yes no
If yes, what was her occupation? _____
- 3) Was your father employed while you were growing up? yes no
If yes, what was his occupation? _____
- 4) Was anyone in your family in the legal profession? yes no
If yes, who are they and their position: _____

- 5) Are you: first born second born third born fourth or later born?
- 6) How many brothers and sisters did you have while growing up?
_____ brothers _____ sisters
Please list their current occupations: _____

- 7) Marital status: single married separated divorced widowed
- 8) List your college and/or law degrees and the universities where you
earned them: _____

- 9) How did you finance your way through college?
Family aid Loan Scholarships Working Other _____

LEGAL EXPERIENCE

10) Year admitted to the bar: _____

11) List your reason(s) for entering the legal profession: _____

12) Before ascending to the bench were you in:

a government agency _____

a corporation _____

private practice _____ If so, the size of the firm was _____

13) Types of cases you mainly handled while practicing law were:

general practice _____

specialized practice _____

liability _____

commercial _____

criminal _____

juvenile _____

divorce _____

other _____

JUDICIAL EXPERIENCE

14) Year first ascended to the bench _____

15) Year ascended to your current position _____

16) Number of terms you have served _____

17) Length of your terms _____ years

18) How did you first ascend to the bench?

 elected appointed appointed to fill an unexpired term

19) Size of the community in which you preside:

Rural- 2,999 _____
 3,000- 9,999 _____
 10,000-35,999 _____
 36,000-50,999 _____
 51,000-99,999 _____
 100,000-500,000 _____
 500,000+ _____

20) Level of current judicial post:

A) Local state federal

B) Trial _____ Appellate _____

 1)General jurisdiction _____ 1)Intermediate _____

 11)Special jurisdiction _____ 11)Highest Court in state _____

21) List your reason(s) for serving on the bench: _____

22) Have you ever been surveyed before because you are a woman?

yes no

Because you are a judge? yes no

Because you are a woman judge? yes no

Have you ever been written up in a local newspaper article? yes no

23) Did you participate in partisan politics before ascending to the bench? yes no If yes, the extent of your participation was:

24) Did participating in partisan politics affect your ascension to the bench? yes no If so, how: _____

25) Do you think political activity is necessary for consideration for a judgeship? yes no If so why: _____

26) Special honors, awards, recognitions for professional achievement:

27) In addition to your judicial responsibilities, what other professional activities have you engaged in the past year?

_____ writing articles or books on legal topics

_____ attending courses for the judiciary

_____ attending professional meetings

_____ other _____

28) Memberships and officerships in professional organizations:

29) Memberships in non-professional organizations: (PTA, church, etc.)

30) Do you think that there are any personal risks involved in being a judge? yes no If so, what are they and what precautions do you take? _____

31) Is there a women's legal association in your area that would be convenient for you to join? yes no Do you belong? yes no

32) Have you participated in the feminist movement by:

_____ joining an organization

_____ writing articles

_____ contributing money

_____ other _____

_____ not participating

33) Do you think it is proper for a person in your position to directly advocate and work for: more women lawyers? yes no

more women judges? yes no

Please explain: _____

34) In your experience, are there significantly more or less women plaintiffs in civil cases in general than three years ago?

more less If so, what do you think is the reason? _____

More or less women defendants in criminal cases? more less

For what reason(s)? _____

35) Do you feel that you have an equal chance to move up the judicial hierarchy? yes no Please explain: _____

36) What are your future occupational plans? _____

ATTITUDINAL QUESTIONNAIRE

37) At what age do you think a male should be considered legally an adult? _____ A female? _____

38) How do you think judges at your bench level should be selected?

_____ Appointed

_____ Elected in a non-partisan election

_____ Elected in a partisan election

_____ Missouri Plan

_____ Other

39) Under what circumstances do you feel a judge should be removed from his post? _____

40) How long should a judge's term of office be at your bench level?

_____ years

41) What do you believe to be the causes of crime? (Please list only 3)

42) How much do you feel the judge should reflect community values when sentencing? _____

43) Rank (from first to last) the following in order of importance to you when you are deciding on a sentence:

Classical purposes of sentencing:

- _____ reformation
- _____ general deterrence
- _____ individual deterrence
- _____ incapacitation
- _____ punishment

Information about offenders:

- _____ family background
- _____ criminal record
- _____ employment record
- _____ intelligence
- _____ marital status
- _____ ties in the community
- _____ mental condition
- _____ attitude to rehabilitation
- _____ use of alcohol or drugs
- _____ other _____

Information about offenses

- _____ planning and premeditation
- _____ culpability in other respects
- _____ degree of personal injury or violence
- _____ damage or loss to property
- _____ offender's present attitude to the offense
- _____ other _____

Please feel free to make any comments on the questionnaire, its presentation, its content or to give me any further information that you feel would be helpful in my study. Be assured that all information will be kept confidential. Thank you for your time and cooperation.

APPENDIX C

INTERVIEW REQUEST LETTER

APPENDIX C

INTERVIEW REQUEST LETTER

243 Burcham Drive
East Lansing, Michigan 48823
March 20, 1974

Judge
Address
City, State Zip Code

Dear Judge _____:

I am a graduate student in the School of Criminal Justice at Michigan State University, and I am writing my Master of Science thesis on the backgrounds and attitudes of women judges as they relate to their career patterns. To gain advice and counsel on judicial career patterns, I am conducting personal interviews with selected women judges. Because of your position on the _____ Court, I would like to have the benefit of your judicial experience and therefore I would like to have the privilege of interviewing you on this topic.

My schedule at Michigan State University will permit me to conduct the interview in your chambers on any Monday, Wednesday or Friday afternoon in April that is convenient for you. In my planning of the interview I recognize that you are very busy and therefore I have constructed the interview so that it should take no more than one hour of your time. Would you please let me know of arrangements that are convenient for you?

Thank you for your time and consideration.

Sincerely,

Barbara L. Brehm

APPENDIX D

INTERVIEW QUESTIONS

APPENDIX D

INTERVIEW QUESTIONS

1. How many years have you served as a judge?
2. What were the most influential factors in your choice of a career?
3. What are the most gratifying aspects of your work? The least gratifying?
4. Did you receive any special training before you ascended to the bench on how to perform the duties of a judge, including administrative as well as trial activities?
5. In your opinion, how could the training of judges be improved?
6. Has being a woman helped or hindered you in your climb to your present position?
7. Do you believe that your decisions and opinions have been treated with equal respect (as compared to those of your male counterparts) by fellow judges and the lawyers that have practiced before you?
8. In your opinion, should women judges specialize in such areas as probate as they seem to be doing?
9. Why do you think that there are so few women judges today? Do you see the number of women judges increasing?
10. Would you encourage your daughter (if you had one) to enter the legal profession today?
11. What has been your supportive system and role models as you are a woman judge?
12. What is your definition of success, and do you think that you are successful?
13. Do you think that it is desirable to have more women working in the criminal justice system and if you do, where would you put them?

14. Do you see any significant changes in our legal system in the future?
15. What was the most important choice in your life and why?
16. Have your experiences met your expectations? Are you tempted to retire?
17. Knowing what you know now, would you still pursue the same profession, and what would you do differently?

APPENDIX E

CODING SYSTEM FOR TABULATING QUESTIONNAIRES

APPENDIX E

CODING SYSTEM FOR TABULATING QUESTIONNAIRES

9 was the standard for no answer but does not apply where listing ages or years

Column

- | | |
|-----|----------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Region (REG) |
| | 1. Northeast--Maine, New Hampshire, Vermont, New York, Connecticut, Rhode Island, New Jersey, Pennsylvania, Maryland, Washington, D.C. |
| | 2. Southeast--Virginia, West Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Florida, Mississippi |
| | 3. Midwest--Ohio, Indiana, Illinois, Michigan, Wisconsin |
| | 4. Central South--Missouri, Arkansas, Texas, Louisiana, Oklahoma |
| | 5. Plains States--Iowa, Kansas, Minnesota, North Dakota, South Dakota, Nebraska, Colorado |
| | 6. Northwest--Wyoming, Montana, Idaho, Oregon, Washington, Alaska |
| | 7. Southwest--Utah, Nevada, California, Hawaii, Arizona |
| 2,3 | Age (AGE) |
| 4 | Mother's employment (ME) |
| | 1. Mother employed |
| | 2. Mother not employed |
| 5 | Father's employment (FE) |
| | 1. Father employed |
| | 2. Father not employed |

Column

- | | |
|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6 | Family member in law (LEFA)
1. None
2. Father
3. Mother
4. Uncle
5. Aunt, husband
6. Grandfather
7. Brother
8. Sister |
| 7 | Birth order (BO)
1. First born
2. Second born
3. Third born
4. Fourth or later born |
| 8 | Number of brothers (BR) |
| 9 | Number of sisters (SI) |
| 10 | Marital status (MS)
1. Single
2. Married
3. Separated
4. Divorced
5. Widowed |
| 11 | Education level (ED)
1. High school and/or junior college
2. Bachelor's degree
3. Master's degree
4. Law degree |
| 12 | Financing college (FIN)
1. Family aid
2. Loan
3. Scholarship
4. Work
5. Family aid and work
6. Loan, scholarship and work
7. Family aid and scholarship
8. Family aid and loan |
| 13,14 | Year admitted to the bar (BAR) |

Column

- | | |
|-------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 15 | Reasons for becoming a lawyer (BELA) <ol style="list-style-type: none"> 1. Service 2. Money and status 3. Scholastic interest 4. Family involvement 5. Further social justice 6. Wanted a profession 7. Other |
| 16 | Occupation before reaching bench (JOB) <ol style="list-style-type: none"> 1. Government agency 2. Corporation 3. Private practice--firm size--15 & up 4. Private practice--firm size--5 to 15 5. Private practice--firm size--2 to 5 6. Private practice--sole practitioner or with family member 7. Other |
| 17 | Types of cases handled (CAS) <ol style="list-style-type: none"> 1. General 2. Special 3. Libel 4. Commercial 5. Criminal 6. Juvenile, probate 7. Divorce, family relations 8. Other |
| 18,19 | Year ascended to the bench (BEN) |
| 20,21 | Year ascended to current position (CUPO) |
| 22 | Number of terms served (NOTE) |
| 23 | Length of term (TEYR) |
| 24 | How first ascended to the bench (ASC) <ol style="list-style-type: none"> 1. Elected 2. Appointed 3. Appointed to fill unexpired term |
| 25 | Size of Community (COM) <ol style="list-style-type: none"> 1. Rural-2,999 2. 3,000-9,999 3. 10,000-35,999 4. 36,000-50,999 |

Column

5. 51,000-99,999
 6. 100,000-500,000
 7. 500,000+
-
- 26 Level of bench (LEV)
1. Local
 2. State
 3. Federal
-
- 27 Jurisdiction (JUR)
1. Trial, general
 2. Trial, special
 3. Appellate, highest
 4. Appellate, intermediate
-
- 28 Reasons for serving on the bench (BEJU)
1. Service
 2. Career advancement
 3. Prestige, status
 4. Academic interest
 5. Available when judgeship was vacant
 6. Security, part-time work
 7. Other
 8. Aid in cause of justice
-
- 29 Been surveyed as a woman (WSUR)
1. Yes
 2. No
-
- 30 Been surveyed as a judge (JSUR)
1. Yes
 2. No
-
- 31 Been surveyed as a woman judge (WJSU)
1. Yes
 2. No
-
- 32 Been written up in a newspaper article (NEWS)
1. Yes
 2. No
-
- 33 Participated in partisan politics (POL)
1. No
 2. Yes--low participation--menial work
 3. Yes--medium participation--decision making
 4. Yes--high participation--ran for office

Column

- 34 Politics affected her ascension to the bench (POAF)
 1. No
 2. Yes--exposure to appointer & electors
 3. Yes--experience in government
 4. Yes--other
- 35 Partisan politics necessary for a judgeship (NECJ)
 1. No
 2. Yes--to get support from appointers
 3. Yes--to get exposure to the people
 4. Yes--other
- 36 Honors (HON)
 1. Scholastic
 2. Honorary degree
 3. Bar association award
 4. Who's Who
 5. Service on community project
 6. Woman of the Year
 7. Other
- 37 Professional activities (PROF)
 1. Write articles
 2. Attend courses for the judiciary
 3. Attend professional meetings
 4. 1 & 2
 5. 2 & 3
 6. 1 & 3
 7. All three
 8. Other
- 38 Memberships in professional organizations (PROO)
 1. Bar association
 2. Judicial organization
 3. Women's bar association
 4. Drug or service group
 5. 1 & 2
 6. 1 & 4
 7. 2 & 4
 8. Other
- 39,40,41 Nonprofessional organizations (AOO,BOO,COO)
 1. Political parties
 2. Women's organizations (i.e. NOW)
 3. Church
 4. Social (sorority, country club)

Column

5. Service (YWCA, Red Cross)
 6. Arts groups (symphony, ballet)
 7. Ethnic group (NAACP)
 8. Other
- 42 Personal risk in being a judge (RISK)
1. Yes
 2. No
- 43 Women's legal association near to belong to (WLAS)
1. Is one and judge belongs
 2. Is one and judge does not belong
 3. Is not one nearby
- 44 Feministic activities (FEM)
1. Join organization
 2. Write articles
 3. Contribute money
 4. Support the Equal Rights Amendment
 5. 3 & 4
 6. 1 & 4
 7. Other
 8. Not participating
- 45 Strength of feminism (SFEM)
1. None
 2. Low--not personally involved
 3. Medium--personally involved
 4. High--put name on the line to support feministic causes
- 46 Would advocate more women lawyers (MWL)
1. Yes
 2. No
- 47 Would advocate more women judges (MWJ)
1. Yes
 2. No
- 48 Sees change in number of women plaintiffs in civil cases (WPC)
1. More
 2. Same
 3. Less
 4. Don't know
 5. Not applicable

Column

- 49 Sees change in number of women defendants
in criminal cases (WDC)
1. More
2. Same
3. Less
4. Don't know
5. Not applicable
- 50 Feels she has equal promotional opportunities
in the judicial hierarchy (EQPR)
1. Yes
2. No--educational barrier
3. No--age barrier
4. No--sex barrier
5. No--political barrier
6. No--satisfied with current position
7. Other
- 51 Occupational plans (OPLA)
1. Remain the same
2. Retire
3. Advance in the judiciary
4. Return to law practice
5. Other
- 52 Male age of majority (MAGE)
1. 17
2. 18
3. 19
4. 20
5. 21
- 53 Female age of majority (FAGE)
1. 17
2. 18
3. 19
4. 20
5. 21
- 54 How judges should be selected (JSEL)
1. Appointed
2. Elected nonpartisanly
3. Elected partisanly
4. Missouri Plan
5. Other

Column

55,56	Reasons for removing a judge (AREJ, BREJ) 1. Age, senility 2. Misuse of office--abuse of authority 3. Private misconduct 4. Conviction of a crime 5. Incompetency--not fulfilling duties of office 6. Other
57	Length judge's term of office should be (TEMO) 1. 1 year 2. 2 years 3. 4 years 4. 5 years 5. 6 years 6. 8 years 7. 10-15 years 8. life
58,59,60	Causes of crime (ACC, BCC, CCC) 1. Drugs 2. Alcohol 3. Poverty 4. Permissiveness, no discipline 5. Emotions, greed, frustration 6. Lack of useful education 7. Break down of the family 8. Other--removal of death penalty
61	Judge reflecting community standards (JCOM) 1. Not at all 2. Minor degree 3. Some, along with other factors 4. Major degree 5. Totally 6. Community values can not be determined 7. Varies from case to case 8. Other
	Rank
62	reformation (REF)
63	general deterrence (GDET)
64	individual deterrence (IDET)
65	incapacitation (INC)
66	punishment (PUN)

Column

67	family background (FAM)
68	criminal record (CR)
69	employment record (ER)
70	intelligence (INT)
71	marital status (CMS)
72	ties in the community (TCOM)
73	mental condition (MC)
74	attitude to rehabilitation (ATT)
75	use of alcohol or drugs (AAD)
76	planning and premeditation (PAP)
77	culpability in other respects (CUL)
78	degree of personal injury or violence (INJU)
79	damage or loss to property (DAM)
80	offender's present attitude to the offense (ATTO)

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