

Bessie Eaglesfield: Indiana Lawyer Pioneer

On September 8, 2015, the Women and the Law Division of the Indianapolis Bar Association is sponsoring the Woman in the Judiciary Roundtable to commemorate Indiana's fearless first attorney – Elizabeth (Bessie) Jane Eaglesfield – on the 140th anniversary of her admittance to the bar in Indiana. Bessie was truly the captain of her own ship in life, law and business. Embracing the challenges of her day, Bessie boldly charted a successful and diverse career that redefined roles for women. Like today's women, she strove to manage a work-life balance. Bessie wore many hats in her life including well-respected litigation attorney, ship captain, savvy business owner of a shipping company run with her son whom she raised as a single mother, and real estate mogul.¹

Bessie was born on June 29, 1853 in Clay County, Indiana.² She was one of seven daughters of well-to-do lumber merchants, William and Margaret Eaglesfield. During the Civil War, Bessie and her family moved to Terre Haute where she grew up. After graduating from Terre Haute High School in 1871, she left for Ann Arbor, Michigan to attend the University of Michigan where she eventually studied law. Before finishing her formal legal studies at University of Michigan, Bessie returned to Indiana to study law intermittently with Terre Haute lawyer, William Mack.³ In September of 1875, despite not yet obtaining a legal degree, Bessie was

¹ *The Michigan Women's Hall of Fame - Virtual Gallery of Honorees*, The Michigan Women's Historical Center & Hall of Fame, <http://hall.michiganwomen.org/> (follow "Elizabeth Eaglesfield" hyperlink) (last visited Aug. 24, 2015). In 2013, Bessie Eaglesfield was inducted into the Michigan Women's Hall of Fame for achievements in business and law.

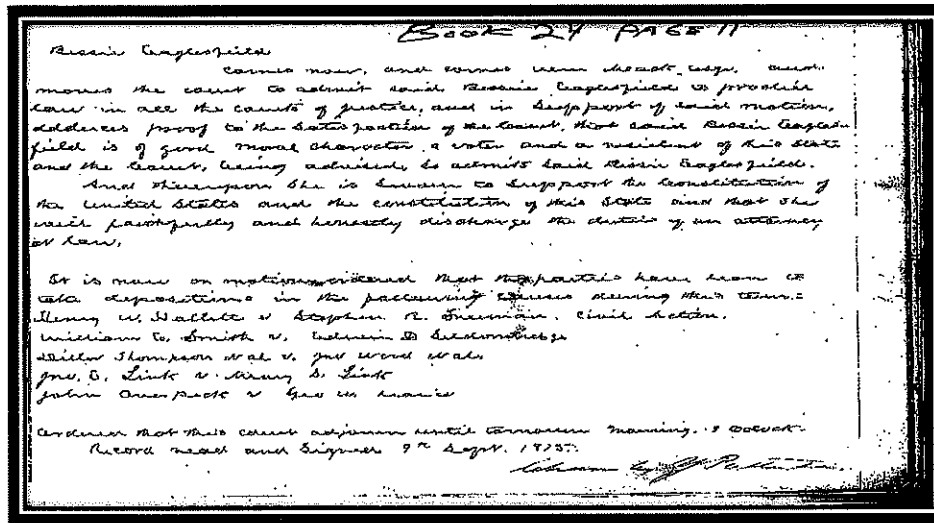
² *Elizabeth Jane Eaglesfield*, Find A Grave, <http://www.findagrave.com/cgi-bin/fg.cgi?page=gr&GRid=28769329> (last visited Aug. 24, 2015).

³ Mike McCormick, *Historical Perspectives: Bessie Eaglesfield first female lawyer in state*, TERRE HAUTE TRIBUNE STAR, Mar. 19, 1995, at B7; see also Greater Grand Rapids Women's History Counsel, *Women at the Bar: Grand Rapids Attorneys in the 1870s-1970s* (March 5, 2014), <http://therapidian.org/women-bar-grand-rapids-attorneys-1870s-1970s>.



Bessie Eaglesfield, courtesy of The Greater Grand Rapids Women's History Counsel

admitted "to practice law in all the courts of justice" by Vigo Circuit Court Judge Chambers Y. Patterson following a motion by Attorney Mack.⁴



Records courtesy of Kacie Johnson, Deputy Clerk,
 Vigo County Records

At the age of 22, Bessie became the first woman to gain admission to the bar in Indiana and one of a mere fifteen female lawyers in the United States.⁵ This was almost 18 years before the Indiana Supreme Court granted Antoinette Dakin Leach a license to practice law.⁶ This was a remarkable feat considering that bar admission at that time required a candidate to be "of good moral character, a voter, and a resident of the state."⁷ Meanwhile, the 19th Amendment did not permit women to vote until 1920. On that front, Bessie assisted the Michigan Women's Suffrage Association to advance equality for women.⁸

**Mrs. Elizabeth Eaglesfield, attorney,
 announces that she will make a specialty
 of collections in this city and Indiana-
 polis. A town which has but one lady
 lawyer should see that she is well patron-
 ized.**

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Terre Haute Saturday Evening Mail, Volume 16,
 Number 42, April 10, 1886

⁴ Vigo County Records, Docket Entry, Book 24 at 11.
⁵ *Indiana Female "Firsts" in the Legal Profession*, Elizabeth (Bessie) Jane Eaglesfield, <http://www.in.gov/judiciary/citc/museum/female-firsts/> (last visited Aug. 24, 2015). Bessie Eaglesfield was also one of the first female practicing attorneys in Grand Rapids, Michigan.
⁶ *In re Leach*, 134 Ind. 665 (1893).
⁷ See Vigo County Records, *supra* note 4 (emphasis added); Article VII, section 21, of the state constitution of 1851 provided: "Every person of good moral character, being a voter, shall be entitled to admission to practice law in all courts of justice."
⁸ Elizabeth Cady Stanton, Susan Brownell Anthony, et al., *History of Woman Suffrage: 1883-1900*, at 5, <http://bay-journal.com/bay/1he/writings/mi-womens-suffrage-assoc.html>.

Bessie finished her studies at the University of Michigan, earning a degree in literature in 1876 and law in 1878 before returning to her hometown to practice law. She was said to “be a bright young lady and an impressive speaker.”⁹ She later married James Ashley, Jr., superintendent of the Toledo and Ann Arbor Railroad in August 1879.¹⁰

Bessie’s accomplishments may have well ended with her bar admission. From the mid-nineteenth century, and well into the mid-1900s, women had difficulty in finding firms in the male dominated industry that were willing to hire them. Women who succeeded in graduating from law school during Bessie’s era typically found themselves forced to pursue more socially acceptable careers. Even women who were able to put their legal education to use often were relegated to doing legal work for their attorney husbands in their homes, far from an actual court.¹¹ Yet, even if the unwelcoming attitudes of the 19th century could have prevented Bessie from joining a practice, she made her own opportunities.

Bessie hung her own shingle and frequently sought work by advertising her services in local newspapers. She worked as a litigator in Terre Haute, Indianapolis, and Brazil, and eventually Grand Rapids, Michigan, again making history, as Michigan’s first female attorney. Newspapers touted her as Indiana’s only “lady lawyer,” both a reflection of the changing attitudes and the then-existing uneven legal landscape.¹² She tried her first case in the September term of a Michigan Circuit Court in 1876.¹³ In February 1877, it was reported that Bessie “appeared as attorney for defendant in a horse case . . . and acquitted herself with honor.”¹⁴

Elizabeth Eaglesfield vs. James M. Ashley, Jr. This suit was under a contract for the support of the son of both the parties, made at the time the divorce between them was granted, under which Ashley was to pay \$400 a year for the support of the child in quarterly installments. The suit was on the first two installments of \$100

When she wasn’t practicing law, she was making waves as the first female to hold captain’s papers for navigation on the Great Lakes on her steam ship, the “Golden Girl.” And even as American jurisprudence was only just shifting away from a preference for paternal custody, in 1888,

Bessie was a divorcee raising her son whom carried her surname.¹⁵ She fought for child support in court and won.¹⁶

⁹ MICH. ARGUS, Oct. 21, 1871. At an annual law school reunion and banquet, Bessie was a featured speaker and provided a toast on women in the profession. *Commencement “Proscripts,”* MICH. ARGUS, April 5, 1878.

¹⁰ *Personalities*, MICH. ARGUS, Aug. 15, 1879.

¹¹ Greater Grand Rapids Women’s History Counsel, *Women at the Bar: Grand Rapids Attorneys in the 1870s - 1970s (March 5, 2014)*, <http://therapidian.org/women-bar-grand-rapids-attorneys-1870s-1970s>.

¹² MICH. ARGUS, Mar. 16 1888, at 1.

¹³ MICH. ARGUS, Sept. 9, 1876.

¹⁴ MICH. ARGUS, Feb. 24, 1877.

each and the verdict rendered on Tuesday was \$210 for the plaintiff.

How could Bessie have accomplished so much in the legal field during a time when women were not even afforded the right to vote? Certainly, some of her success might be attributed to her family, the quality of her education, or the historic ruling issued by Judge Chambers Y. Patterson who, while not formally educated in law, tended to decide his cases “according to the natural equity or right of the case.”¹⁷ Yet, Bessie demonstrated gutsy determination, a spirit of adventure, and independence in all facets of her life that simply cannot be chalked up to circumstances and luck. Fittingly, Bessie’s grave marker bears the inscription, “*I found life difficult but wonderful, beautiful, and worth living.*”¹⁸

Today, the legal landscape is considerably improved from the conditions faced by Bessie and her female lawyer contemporaries. A 2014 study by the American Bar Association showed that women now make up a third of individuals in the legal profession with similar representation in the judiciary.¹⁹ Yet, there is still some work to be done. Although men and women have been graduating from law school and entering private practice at about the same rate, the trial bar continues to have a substantial gender gap according to a recent joint research report by the American Bar Association’s Commission on Women and the American Bar Foundation.²⁰ Women were consistently underrepresented in lead counsel roles in all but a few types of settings and cases (such as women representing the government and in criminal cases).²¹

On September 8, 2015, the Women in Law Division will be hosting a Round Table and Reception to honor Bessie Eaglesfield and to learn from an interactive panel of women in the judiciary who will share their experience, insights, strategies and life lessons for women in law today. Please join us in celebrating the legacy of Bessie Eaglesfield and to discuss the advancement of women in the legal profession.

■ Patricia Orloff Erdmann and Claire Sakurada

¹⁵ See Lynn Marie Kohm, *Tracing the Foundations of the Best Interests of the Child Standard in American Jurisprudence*, 10 J. L. FAM. STUD. 337, 357-58 (2008).

¹⁶ *The Circuit Court*, MICH. ARGUS, Mar. 16, 1888.

¹⁷ Goodspeed Brothers, *History of Greene and Sullivan counties, State of Indiana: from the earliest time to the present: together with interesting biographical sketches, reminiscences, notes, etc.*, 528 (1884).

¹⁸ *Elizabeth Jane Eaglesfield Memorial*, *supra* note 2.

¹⁹ ABA Comm. on Women in the Legal Profession, *A Current Glance at Women in the Law* (July, 2014), available at <http://www.abanet.org/women/womenstatistics.html>.

²⁰ Stephanie A. Scharf and Roberta D. Liebenberg, *First Chairs at Trial: More Women Need Seats at the Table*, ABA Comm. on Women and the American Bar Foundation (2015) at 13-14.

²¹ *Id.*

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