

The Trailblazers

By Suzanne Craig Robertson

That they were breaking ground didn't occur to these women when they were doing it.

They each knew, in their own ways, that they had what it took to be a lawyer. For society, it seemed a little too soon. But for them, the timing was right.

Today in Tennessee there are 1,552 women practicing law — or

16.6 percent of the state's attorneys are women —

according to Joseph L. White, editor of *Tennessee Attorneys Directory*. Estimates are that

women entering law school make up about 50 percent of the student body. But when Osta Underwood was licensed in 1936 and began practicing law in Nashville she recalls that "when the women lawyers wanted to meet we reserved a table for six at the Old

Chamber of Commerce dining room on Union Street." That's a far cry from the numbers of today.

Women who were among the first — the pioneers for women in the law — have differing accounts of how they ended up where they are. They all agree, though, that times have changed.



Erma G. Greenwood, of Knoxville, always knew she wanted to practice law. She came from a family of lawyers. "I started when I was six saying I was going to study law," she says. Her father tried to talk her out of it because he had worked with a few women lawyers and said "their slips always showed." He wanted her to be a lady, Greenwood explains.

But she decided to go to law school anyway and "had a great time all the way through. I had 30-some-odd big brothers." When she went to her Duke University class's 50th reunion it was said, "You didn't have big brothers, you were one of us." She was admitted to practice in Virginia in 1938 and in Tennessee in 1943.

She practiced with her father in Virginia until World War II started. She says the scariest part of starting out was going to General Sessions Court. "That scared

Erma Greenwood's father tried to talk her out of being a lawyer because he had worked with a few women lawyers and said "their slips always showed." He wanted her to be a lady, Greenwood explains.

me the most. Still does." That from a woman who argued her first case before the Supreme Court of Virginia the day after finishing law school. Her father was with her, but she had written the briefs while she was in law school so she argued it. She admits she had advantages, since the chief justice was a close friend of her mother's. After she started to speak, the justice leaned over and said, "Now you know we have a bunch of old men up here. Speak louder. I wouldn't ask you to do it if I didn't know you could." She won the case.

During the war, she went to work for a Knoxville firm that was looking for someone not subject to the draft. "I came down thinking it would just be during the war. I've been here ever since." Today, she is a partner with Kramer, Rayson, Leake, Rodgers & Morgan in Knoxville.

While "the men" were gone to war, Greenwood says she also had advantages. "If I did a good job, I think I got more credit than a young man would've gotten. If I messed up, though, I also got more attention!"

She says she didn't run into much prejudice because of her gender. "A time or two lawyers would come in and be surprised to find a woman," but she found that the more education a person had, the more accepting they were of having a woman lawyer.

She believes young women have it harder now than when she started out, "maybe because the competition is more strenuous today for all lawyers." But she does say it's a great field for women and that politeness is coming back. "There was a time when kindness was regarded as a weakness," she says. "In the courtroom and dealing with other lawyers, if you are polite without giving away any client's rights, you get treated the same way. The judicial system, lawyers, clients — everyone is better off when that's how disputes are settled.

"When I first started, the politeness was at its height. It went down and now it's turning around and going back up. Maybe it's because there are more women now."

Her advice to young lawyers, men and women, is to "be prepared, do your



"No woman in her right mind would want to be a lawyer in 1947. It wasn't a profession that a woman would consider."

— Selma Cash Paty. This 1974 photo was taken when Paty was president of the Chattanooga Bar Association, after being told several years earlier that the Chattanooga bar wasn't "ready for a woman president."

homework and know your case."

But has she broken ground? "Yes, in a way, I guess I have. I've had everyone but the Supreme Court justice of the United States call me when their daughters wanted to go to law school. Judges have wanted my opinion on whether their daughters should go into law — not that they could have stopped them," she adds, under her breath. "They must regard me as having opened some doors."



Selma Cash Paty didn't even want to be a lawyer. "No woman in her right mind would want to be a lawyer in 1947. It wasn't a profession that a woman would consider," she says. She wanted to be a journalist — a profession where she could raise a family and work. Her husband planned to attend Cumberland Law School in Lebanon, Tenn., and he assured her that she could get a journalism degree there. When they got there she found out that there were only two

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“There’s one secret to the whole thing and that’s ‘work hard.’ It’s the same 40 years ago as it is now. You just have to work hard and keep current.” — Anne H. Schneider. This 1977 photo was taken with her husband, Victor. They started practicing law together in 1948.

graduate degrees she could get, divinity or law. “I could be a Presbyterian preacher or a lawyer, and I’m Jewish,” so that made the decision for her.

In school, one professor never called on her, Paty says, especially when she was pregnant. “He didn’t think a pregnant woman should be in law school.” After the baby was born, though, the stu-

dents sometimes looked after her child in the hall while she was in class.

When she began law school, her family and friends thought she would have a hard time getting a job. “I did,” she says. “Nobody hired women then.” So she went into practice with her husband and his brother. The hardest part for her was getting business. “I don’t think I could

have gotten business had I not been with them.” After they had a client, “people then learned that I could handle it competently.”

Later, each time she had one of her four other children, she worked until the Friday before the child was due, went to the hospital, had the baby and was back at work on Monday. Judges, she says, were uncomfortable with her being in court that close to her due date, but Paty contends that cases have been held up for a lot less substantial reasons.

Paty’s current law firm, Paty, Rymer & Ulin, P.C., in Chattanooga, includes her daughter, son and niece. She says that just 15 years ago her niece, who was in the top 15 percent of her class, had a hard time finding a job. Reasons given to Paty on why her niece wasn’t hired ranged from “she’s too pretty,” to “she wears her dresses too tight.”

Paty’s early memories of walking into the jury room where lawyers had gathered between cases is vivid: “I would walk in, and it would suddenly get silent. When I would leave, I would hear them laughing. I thought it was because I was Jewish or, at first, because I was a Yankee.”

When Paty wanted to run for president of the Chattanooga Bar Association she was told that the bar “wasn’t ready” for a woman president, but she could run for secretary. Instead of doing that, she became more involved in the Chattanooga Trial Lawyers Association and was elected its president in 1972. She went back to the CBA and ran for secretary/treasurer, saying that she wanted to be president-elect the next year and president the next. She was elected president in 1974-75. “Things have changed considerably. Carole Lynch was elected president last year, and I was very proud of her. She worked hard and deserved it.” In fact, she says, “All the women I know work harder than men.”

Paty notes that things have changed for women in the law: “When I started practicing there were 125 female lawyers in Tennessee. Many were frozen out and not going to court” and had been turned into legal secretaries. “‘Can you type’

was often the first question" when firms were interviewing. She says she understands that today 50 percent of law students are women, but she doesn't see that many coming into practice. "I don't know if they're stopping to have children — if they are, it's a mistake because they won't be able to come back in." She says women are "finding out that if you're going to be successful, you're going to sacrifice family and personal time."

Although at one time in her career, Paty was called "things like 'little lady' " in court, she doesn't believe she faces any prejudice today. "I'm like mother of the bar now. It's hard to yell at a 63-year-old woman in court — whether you like women in court or not."



Anne H. Schneider, of Jackson, was asked in the ninth grade to make a "vocational" choice and she put down "lawyer." So her mother suggested she talk to a lawyer about the career choice. He told her there wasn't any chance for a woman to succeed in the law. Disregarding that, she went on to forge a career in law that would span more than 36 years.

She quit college to get married and then her husband, Victor F. Schneider, suggested they go to law school together. So they headed to Lebanon, Tenn., to Cumberland Law School. There were only two other women in the class (one was Selma Cash Paty), but Schneider says she was "treated like everyone else. They still just said 'gentlemen' to the classes, but that never bothered me."

She and her husband began their practice in the fall of 1948 "with two desks and two chairs." She worked as a correspondent for *The [Memphis] Commercial Appeal* during the first 18 months of practice. Then she "worked for the *Jackson Sun* in the mornings and practiced law in the afternoons."

She says she never faced any prejudice in her work, even though she was the only female lawyer in Jackson at the time. "There was very little resentment. I

had grown up there. There was only one lawyer who ever talked down to me like I didn't know what I was talking about."

But she never felt that being a woman in her chosen profession was a hindrance. "I was lucky. I never felt that way — that I was a pioneer — people were always so nice. Being in a smaller town really made it easier."

"For a long time I was the only [woman lawyer] in Jackson. Mary Jo Middlebrooks was the second," she says. "It's just marvelous now to see so many women in the profession."

She was ahead of her time when it came to raising a family because she put it off until she was established in her career. The first of her two daughters, Nella, was born "two days after our 14th anniversary." Following in the footsteps of both her parents, Nella (now Nella Schneider Hunt) is associate vice president and associate counsel of Title Insurance Company of Minnesota in Nashville. "I was very pleased when Nella went to law school," Schneider says. "I just love it."

Schneider was the president of the women's section of the Tennessee Bar Association at one time but says that she's glad it was discontinued. This way, she says, women are more integrated in the mainstream bar. She also served on the National Conference of Lawyers and Realtors, an American Bar Association committee, from 1978-84. She was the only woman lawyer on the committee.

Quite obviously, she had made a contribution to law in Tennessee and in her own area. The Lawyers' Association for Women even named its Jackson-area group the Anne H. Schneider Chapter.

In 1984, Schneider retired. Now she's involved in a literacy program that she enjoys because "it's so tangible; you can see the results."

Since retirement, she says the advent

"We have a large percentage of women lawyers who have established themselves really well. There's no curiosity anymore. We've been accepted as members of the bar." — Rebecca Thomas

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"I ended up a lot of places where no woman had been before. In each instance it was a matter of conceding the field or just plowing in." — *Supreme Court Justice Martha Craig Daughtrey. Here, she is sworn in as the first woman on the Court of Criminal Appeals in 1975 by Supreme Court Justice William J. Harbison. Then-governor Ray Blanton, Daughtrey's daughter Carrie and husband Larry watch as Tennessee history is made.*

of mandatory continuing legal education is "one of the finest things that's happened." And her advice to lawyers starting out is simple: "There's one secret to the whole thing and that's 'work hard.' It's the same 40 years ago as it is now. You just have to work hard and keep current."

Rebecca Thomas just wanted to improve her position in the law firm where she was working when she went to law school. She "didn't know she would finish," when she started attending the YMCA Law School. She

started out thinking that two years in law school would better prepare her for the job she was doing, which she likened to being a paralegal. But, "after the first year, I knew I wanted to be a lawyer."

The law firm, Williams & Felts, was very encouraging of her attending school. When she finished, she just stayed on and moved up: "They worked me in." She was admitted to the bar in 1939. Today, her firm is Thomas & Archer in Nashville, which she says "is the remnants of the original firm." She still even has some of the books from Williams & Felts. When Thomas started practicing, Mildred Lunn was the only female lawyer practicing in Nashville, she says. Lunn worked for the firm that is now Boulton, Cummings, Conners & Berry.

After she started practicing, Thomas says she didn't "suffer from any prejudice." And now, especially, she says she feels women are completely accepted. "We have a large percentage [of women lawyers] who have established themselves really well. There's no curiosity anymore. We've been accepted as members of the bar."

She "never had a burning desire to be a trial lawyer," and has made her practice of probate and estate work and representing corporations.

Thomas was the first woman on the Nashville Bar Association board, and served as secretary of the Tennessee Bar Association from 1974-84. She now serves on the Tennessee Bar Foundation board and was on the Interest On Lawyers' Trust Accounts grant review committee from 1987-89.

She says she has tried to encourage women and believes that women have established themselves as "real lawyers." As for herself, she says, "I worked my way up and didn't try to tear down barriers."

Her mother was "puzzled" when she went to law school. "Her main advice to me had been to marry a lawyer or a doctor," says Martha Craig Daughtrey, the first woman to sit on the Tennessee Supreme Court. In fact, her career has been full of "firsts." She also was the

first woman appointed assistant U.S. attorney, first woman appointed assistant district attorney, first woman on the Court of Criminal Appeals (which made her the first woman in Tennessee to sit on a court of record) and the first woman on the Vanderbilt law faculty.

Her family was not of the you-can-do-anything-you-want-to school, she says. "I'm not sure they took me completely seriously. I don't think the people of the law school took it seriously. I did get pregnant in law school and dropped out two years. They never expected to see me again, but there was no question in my mind that I'd finish." She did finish Vanderbilt Law School — sixth in her class — and was admitted to the bar in 1968.

It all started when a history professor at Vanderbilt assigned the class a research project. He had them draw a topic from a shoe box. Daughtrey's was "What is the origin of 'separate but equal?'" Instead of using the undergraduate library, she had to go the law library to research it. The process intrigued her and the rest is ... well ... history.

Her class at Vanderbilt had fewer than 10 women in it.: "A woman law student was a rarity," she says.

When she looked for a job after law school, she says there were only five or six women practicing in town at the time and she had a hard time breaking in. "I not only couldn't get a job, I couldn't get an interview. Banks told me they had a policy where they wouldn't hire women. Of course, that was against the law, but they didn't know it and neither did I."

She was hired by then-U.S. Attorney Gilbert S. Merritt as an assistant U.S. attorney. "There had never been a woman lawyer on the sixth floor of the courthouse and the officers were leery about letting me come through the bar," she says. Later, Tom Shriver, who was district attorney, hired her as assistant district attorney.

After being on both sides, she decided that the most interesting job was not in defending or prosecuting, but in *deciding*.

In 1975 she was appointed to the Court of Criminal Appeals by the gover-

nor, a position she held until 1990 when she was appointed to the Supreme Court.

"I ended up a lot of places where no woman had been before. In each instance it was a matter of conceding the field or just plowing in." She did plow in, but not without encountering bumps in the road.

"Some women say they never encountered discrimination. I think it's true that some people don't want to identify discrimi-

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The Trailblazers

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nation for what it is," she says. "There was a great deal of reluctance about women practicing law.

"There's no question that women had to work harder. I like to say that 'when a mediocre woman can get as far as a mediocre man, then we'll know we've achieved equality.'"

Some of the attributes women are labeled with have been put to good use, Daughtrey believes. "We've always been given more points for being more verbal than men. Women have always been thought to be good at language." It makes sense, she says, that women would excel in the law.

Although these days women can expect to be able to get as far as they want in their careers, Daughtrey has a word of warning for young women: "Understand that there will be sacrifices. Unfortunately, some of these sacrifices will not be the same as their male colleagues [will have to make]. But I continue to think the prize is worth the sacrifice."



"I wasn't interested in being a lawyer," Osta Underwood says. "I wanted to be a doctor."

After graduating from high school in 1931, her college education "went down the drain" because of the economy. Then she took an aptitude test that showed she was equally capable of becoming a doctor or a lawyer. "I could go to law school at night," and since she needed to work during the day, that made the decision for her. Her family had always told her that she could do anything she wanted, so when she graduated from the YMCA Law School and was admitted to the bar in 1936, it

was probably no surprise to them.

There were two women in her class in a school that "never discriminated against women." After school, she began working for an insurance company, then moved on to a real estate office. When she was 65, she went into private practice. At 76, she's still in practice in Nashville and says she'll retire at the end of this year.

**Osta Underwood
remembers her company
bringing in men for her to
train who would repeatedly
become her bosses.**

In the early days, she says she did not face any prejudice because "a lot of people got acquainted with me as an attorney.

I was accepted. But it wasn't as if I was trying to get into a law firm," which she says was much harder. She remembers her company, though, bringing in men for her to train who would repeatedly become her bosses. Once she saw the pattern, she left that company.

Women lawyers today have "a much easier time, but they still have a tough time. Trying to make partner in a large firm is nigh unto impossible."

Her outlook for the future of women in the law is bright, as long as people keep working at it. "When we work for women candidates and as we get more in the Legislature and Congress, we'll increase our visibility, which helps the image of women lawyers."



Clearly, the numbers of women lawyers in Tennessee are growing. In the judicial arena alone, headway has been made in the last two years. There were 13 women judges in the state in 1988. This year, according to White of Tennessee Attorneys Directory, there are 22. It's probably safe to say that some are there because of the ground-breakers; some of these are the ground-breakers. ♣

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