

Also this month: Asset Forfeiture in Practice: Legislative Reform and Financial Considerations ■ Humor: Give 'em heck!

# Tennessee Bar Journal

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WHAT  
HAVE **WE**  
**DONE FOR**  
**YOU**  
**LATELY?**

You might be surprised. Meet the people who are working for you behind the scenes at the Tennessee Bar Association.

# President's Perspective

By Kathryn Reed Edge

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## Celebration of women lawyer pioneers to be held in June

### Not for ourselves alone

My favorite baseball writer, Ken Burns, has authored a wonderful book along with Geoffrey C. Ward, chronicling the lives and times of Elizabeth Cady Stanton and Susan B. Anthony. *Not for Ourselves Alone* is history made alive by Burns' and Ward's skillful interplay of personality and fact. "We shall some day," wrote Susan B. Anthony, "be heeded, and ... everybody will think as many young people think that all the privileges, all the freedom, all the enjoyments which women now possess always were hers. They have no idea how every single inch of ground that she stands upon today has been gained by the hard work of some little handful of women of the past." The gift of profession is one about which we think so little that it is worth being reminded that women are privileged to practice law because of a few purposeful pioneers. My professional and personal lives have been influenced, even shaped, by strong, pioneering women, women who generously sacrificed themselves so that those of us who have come later have not been subject to the same intense prejudices and limitations and disabilities of being born female in pre-suffrage America.

For women lawyers the legacy goes back to Margaret Brent, the first woman lawyer in America, who chastised Lord Baltimore in Maryland in 1647 because she was denied suffrage even though she was already a respected member of the bar. The legacy goes back to all the women who convened in 1848 in Seneca Falls, New York, to issue the Declaration of the Rights of Women, and to the first woman admitted to law school in this country, Lemma Barkaloo, and to Belle Mansfield, the first black woman officially admitted to the bar in America in 1869.

In June 2001, during the TBA's annual meeting and convention, we will help the Tennessee Lawyers' Association for Women and the Marion Griffin Chapter of the Lawyers' Association for Women celebrate the contributions of the first women to practice law in Tennessee. Fifty Years of Pioneers will be an event every member of the bench and bar should attend.

My own heroes include contemporary women, and at the risk of leaving out so many who have been important to me and to the profession of law, I'd like to celebrate here the lives and contributions of ABA President Martha Barnett; Nashville lawyers Margaret Behm and Kate Eyler; Hon. Martha Craig Daughtrey; and Knoxville lawyer Pamela Reeves. Each in her own fashion has played a pivotal role in this lawyer's life.

Martha Barnett, a Florida lawyer, rose to the top post in the American Bar Association the traditional way — understanding association politics and working hard. She is not the first woman president of the ABA but one whose energy and dynamic leadership have been an inspiration to me — also a "second" woman president. I was honored to be invited to attend a 2000 seminar in Atlanta on death penalty issues and fully expected President Barnett to make a few welcoming remarks to the attendees and then be on her way to the next venue in her hectic schedule. Instead, this intensely committed woman made her introductory but substantive speech and then stayed for the entire conference. Her presence lent to the efforts a sense of importance and

meaning. She reinforced my notion that if it is important, the president needs to show up and stay and participate as much as possible. This is not an office of ceremony.

I first met Margaret Behm before I had a law license. Employed by an architectural firm while I attended the Nashville School of Law, I knew virtually no lawyers except my professors and none who were willing to give a middle-aged, former English teacher a job. By accident I learned about Margaret's firm, then Shipley & Behm, an all-woman law firm in Nashville, and called for an appointment. Margaret Behm spent a full hour of her valuable time with me, giving me good advice, talking to me about my goals and encouraging me. While her firm had no openings, I came away feeling confident that the right job was just around the corner, and it was. Because of Margaret, I never turn away a young lawyer who wants to talk — even if our firm has no place for them, I may know someone who does.

"Read the statute; read the rule," advised Kate Eyler, then an assistant state attorney general. "If all else fails, read the Constitution." When I joined the staff of the Tennessee Department of Financial Institutions in 1983, in the midst of the infamous Butcher bank failures, Kate Eyler was the agency's lawyer and president of the Marion Griffin Chapter of the Lawyers' Association for Women (LAW). When I despaired of ever getting the hang of practicing law (when all I did was try to keep Charlie Gearhiser from discovering privileged failed bank documents and other damage control), Kate would bolster my confidence, offer sound advice, and provide the mentoring that was lacking in my small agency office. She taught me how to get to the basics, how to analyze the problem and craft a position the Attorney General could defend. She invited me to LAW meetings and introduced me to bar work. Today, she is my best friend; I read her original poetry and offer my muse-ings, and she still helps me get to the bottom of things, professional and personal.

Judge Martha Craig "Cissy" Daughtrey has so many "firsts" associated with her name that I know she wearies of the hype, so in this tribute, I want to congratulate her on an achievement that gets too little attention. Cissy Daughtrey is the mother of another fine lawyer, Carran Daughtrey, an assistant district attorney general in Nashville, whose passions include working with victims of domestic violence. In Carrie and in the judge's other "daughters" and "sisters," Cissy has helped instill a sense of social responsibility. She has been my friend and mentor and inspiration for years.

I have told Pamela Reeves (TBA President 1998–1999) that I was very grateful that she, and not I, was the first woman to hold this office. Because of Pam's pioneering efforts, I can be just the TBA president. I can espouse causes and initiatives without people talking about my gender. I can follow in her footsteps and be happy that she earned her title as the "first" through conscientious work and service. To all the women who will follow us in this office, you can look to Pam as an ideal toward which to work.

Without these women and their historical predecessors, and all they have stood for, the bruises would be mine — because I would have been in the fray continuing to work toward true equality for all persons. I am thankful that my energies can be spent on my profession and the causes I care about rather than every day being required to battle for the basics. I enjoy the opportunities I have because my fore-sisters and some very good men fought hard battles for me. But for them, I'd be organizing protest rallies instead of organizing new banks. But for them I'd be submitting letters to the editor advocating gender and racial equality instead of writing this President's Perspective.

As my term as president comes nearer its end, I thank those who prepared me for this wonderful opportunity and nurtured me along the way, among them the women lawyers and judges of Tennessee who brought me to the dance.

Edna Ferber wrote that "living in the past is a dull and lonely business, looking back strains the neck muscles, causes you to bump into people not going your way." I do not disagree, but I also agree with Germaine Greer who said that there have been "women in the past far more daring than we would need to be now, who ventured all and gained a little, but survived after all."

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## **Capital Justice Initiative Proposal Generates Members' Responses**

Regardless of whether individual members of the Tennessee Bar Association agree or disagree that the association should undertake a thorough study of the capital justice system in Tennessee, we should all be proud that the proposal has generated responses from all segments of the Bar. (See "President's Perspective," Tennessee Bar Journal, February 2001.) I have been gratified by the number of e-mails and letters that I have received, even those critical of the proposal, because it means that our members are paying attention to these important issues, taking the time to write a response, and offering their candid and thoughtful ideas.

Approximately 80 percent of the respondents at this writing have favored the study committee, even those who favor the death penalty as an appropriate punishment for capital crime. Individuals who do not think the study committee is a good idea include several state prosecutors and a few private lawyers, as well. Some have questioned my motives; at least one thinks that we should look at the entire criminal justice system, not just the "glamorous" issues of capital punishment. One respondent wondered why we weren't looking at the entire justice system, particularly the judiciary. One respondent offered no view on the study commission specifically but wondered if our next study would be on the rights of the unborn. Undocumented responses include those lawyers who have stopped me on the street (all of those have been in favor of the committee's inquiry), and a few who have called me (also, so far, in favor). I have used this opportunity to tell members more about the other vitally important things the TBA is doing — from a new juvenile justice commission to an antitrust law study committee — from a jury improvement pilot project to a study of changes in the model business corporation act — from responding to legislative assaults on lawyers to planning an international business law symposium. If you can imagine a legal issue or concern, someone in the TBA is dealing with it. I am the most fortunate of all our members because I get to be in the middle of all of it. Again, I thank you for the opportunity.

I have responded personally to each e-mail and each letter. I have enjoyed the intellectual interchange of ideas and have valued dissent as much as agreement. If you read my first President's Perspective column published in the July 2000 issue of the Tennessee Bar Journal, you may recall that it is all about the "value of dissent and the blessing of agreement." I was serious when I encouraged our members to tell us what you think, when you agree, and when you disagree. It's what lawyers do.

The Board of Governors will vote on April 7 whether or not to establish the study commission on capital justice. If the Board votes "yes," you will hear more about how that group will proceed; if the Board votes "no," I will thank you and them for your consideration of the proposal and we will move on as professional friends. It's what lawyers do.

— Kathryn Reed Edge, President

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