

**“MAY IT PLEASE HER HONOR”:
THE UNITED STATES’ FIRST WOMEN JUDGES,
1870–1930**

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ABSTRACT

Between 1870 and 1930, hundreds of women served as judges in the United States. While a small number compared to the men who served, these pathbreaking officials were particularly visible and influential in women’s efforts to secure political rights and advance in the legal profession. Women’s progress in obtaining judgeships developed in a regional pattern, with women in the Midwest and West able to secure earlier and broader jurisdiction positions than their counterparts in the Northeast and South. Seeking access to the judiciary, women in conservative states made gendered arguments about women’s supposed superiority in overseeing cases involving women, children, and families. Some demonstrated women’s skill in handling juvenile and family matters through service as the country’s first probation officers, a step that supported women’s selection as judges in juvenile and family courts. Regardless of location or type of court, women judges attracted significant attention because they seemed to embody the promise and perils of women’s increasing political and professional power. Yet since most served in local trial courts, nearly all are forgotten today. This Article recovers the stories of these overlooked trailblazers, offering the most comprehensive account of the obstacles they faced and the strategies they deployed to join the country’s judicial benches.

TABLE OF CONTENTS

INTRODUCTION	1730
I. EARLY ADVOCACY FOR WOMEN IN THE JUDICIARY (1840–1880)	1736
A. <i>Women’s Movement Leaders and Judicial Ambitions</i>	1737
B. <i>Women Justices of the Peace on Trial</i>	1739
II. SUFFRAGE AND THE REGIONAL DIVIDE IN WOMEN’S JUDICIAL SERVICE (1881–1919).....	1749
A. <i>Successes in the Midwest and West: Votes for Women Judges</i>	1750
B. <i>Slow Progress in the Northeast and South: Women Judges on Probation</i>	1765
III. JUDGING WOMEN’S ELIGIBILITY AND QUALIFICATIONS AFTER NATIONWIDE ENFRANCHISEMENT (1920–1930).....	1777
CONCLUSION.....	1785
APPENDIX.....	1787
A NOTE ON METHODOLOGY	1787
THE FIRST WOMEN JUDGES IN THE UNITED STATES (1870–1930) .	1789

INTRODUCTION

In 1907, lawyer and suffragist Catherine Waugh McCulloch trounced her male competitor to be elected as a justice of the peace in Evanston, Illinois.¹ She received twice the number of votes that he did, yet her service was not assured due to eligibility questions.² Back in 1870, Amelia Hobbs had been the first woman in the country to win an election for a judicial position, when the all-male electorate in Jersey Landing, Illinois, selected her.³ But

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1. *Woman Justice Likes Her Job*, DES MOINES TRIB., Apr. 5, 1907, at 5. For more detail on the campaign, see JILL NORGREN, *REBELS AT THE BAR: THE FASCINATING, FORGOTTEN STORIES OF AMERICA’S FIRST WOMEN LAWYERS* 152–53 (2013).

2. *Mrs. Catherine Waugh McCulloch Is Chosen Justice of the Peace by 1,205 Votes*, CHI. DAILY TRIB., Apr. 3, 1907, at 5.

3. *A Female Justice of the Peace*, BUFF. EVENING COURIER & REPUBLIC (N.Y.), Feb. 9, 1870, at 4; STEVEN BUECHLER, *THE TRANSFORMATION OF THE WOMAN SUFFRAGE MOVEMENT: THE CASE OF ILLINOIS, 1850–1920*, at 152, 164, 178 (1986) (explaining that women first obtained partial suffrage in Illinois in 1913).

Hobbs had not been permitted to hold the post. The Illinois attorney general determined that women could not be judges because they could not vote.⁴ And still, in 1907, women in Illinois could not vote. Had anything changed? Maybe. A few years after Hobbs's disappointment, the Illinois legislature passed statutes to permit women to hold at least some offices.⁵ The broadest of those statutes proclaimed "[t]hat no person shall be precluded or debarred from any occupation, profession or employment (except military) on account of sex."⁶ But, the statute continued, "this act shall not be construed to affect the eligibility of any person to an elective office."⁷ It seemed, then, that McCulloch faced a tough legal predicament.

McCulloch was prepared to fight for the position. In her first statement after the election, she declared that she would hold the office, even if it required a test case before the state's supreme court to prove her eligibility.⁸ In an article published in the *Chicago Legal News*, she practiced her arguments, observing that no language in the state's constitution limited judicial offices to men—in contrast to the provisions governing the franchise.⁹ Moreover, women had occasionally served in the position "[i]n the courts of our ancestors" in England.¹⁰ She retained hope that litigation would be unnecessary, telling the press she was not worried.¹¹ The governor who needed to authorize the commission had already congratulated her on her victory and had been a classmate in law school.¹²

Not everyone was convinced. The county clerk sought an opinion from the county attorney general before moving forward with the paperwork to finalize McCulloch's position.¹³ Then the defeated candidate persuaded the governor to delay signing the commission until the legal issues could be

4. Beth McGlasson, *Elsah Woman's Story Was One for History Books*, JERSEY CNTY. J. (Jerseyville, Ill.), Feb. 19, 2020, at A4; see text accompanying *infra* note 109. The attorney general's opinion was in line with the Illinois Supreme Court's holding the prior year that Myra Bradwell could not be a lawyer because a lawyer was an "officer of the court," and women could not hold public office. *In re Application of Bradwell*, 55 Ill. 535, 537–40 (1869). For further discussion, see Elizabeth D. Katz, *Sex, Suffrage, and State Constitutional Law: Women's Legal Right to Hold Public Office*, 33 YALE J.L. & FEMINISM 110, 148–50 (2022).

5. Katz, *supra* note 4, at 149.

6. Act effective July 1, 1872, 1871 Ill. Laws 578 ("An Act to secure to all persons freedom in the selection of an occupation, profession or employment").

7. *Id.*

8. *Mrs. Catherine Waugh McCulloch Is Chosen Justice of the Peace by 1,205 Votes*, *supra* note 2, at 5.

9. Catherine Waugh McCulloch, *Mrs. McCulloch Elected a Justice of the Peace*, 39 CHI. LEGAL NEWS 277, 281 (1907).

10. *Id.* She also incorrectly claimed that Amelia Hobbs had been permitted to serve. *Id.*

11. *Begin Fight for Office*, CHI. DAILY TRIB., Apr. 13, 1907, at 4.

12. *Id.*

13. *Woman Justice Goes in Today*, CHI. TRIB., Apr. 11, 1907, at 4.

more thoroughly vetted.¹⁴ According to the man's attorney, women were ineligible to hold all constitutional offices in the state because they were not voters.¹⁵ The lawyer claimed it would be "revolutionary and in defiance of established law" to let McCulloch hold the post, so the votes cast for her were "simply superfluous and irrelevant scribbling."¹⁶ McCulloch countered that if the governor denied her commission, she would seek a special enactment from the legislature to authorize her service.¹⁷ Perhaps hoping for a clean escape from the controversy, the state attorney general advised the governor to grant the commission and leave the constitutional objection to the courts if the defeated candidate chose to pursue the matter.¹⁸

A few weeks after the election, McCulloch finally received her commission. The *Chicago Daily Tribune* described her first day as "uneventful," as she handled a few basic tasks.¹⁹ Illinois justices of the peace were low-level judicial officers who performed routine legal work, such as McCulloch's first official act—taking acknowledgement of a mortgage on a piano.²⁰ Justices oversaw civil litigation involving small sums and criminal cases for minor offenses,²¹ and they earned money by charging litigants small fees.²² When McCulloch held her first session on the bench a couple of weeks later, newspaper coverage painted her as prepared and competent and noted that many women, including suffrage leaders who campaigned for her, had come to watch.²³ Her male competitor grumbled to the press for years that he would challenge her eligibility in court, but he never did.²⁴ He instead tried to best her in the next election, losing yet again.²⁵

McCulloch was not particularly keen on the justice of the peace position. She repeatedly referred to it as lowly and humble, and she reported that it

14. *Begin Fight for Office*, *supra* note 11, at 4.

15. *Id.*

16. *Id.*

17. *Id.*

18. *Decides for Mrs. M'Culloch*, HERALD NEWS (Joliet, Ill.), Apr. 19, 1907, at 11. McCulloch's eligibility remained questionable in the eyes of many male attorneys, even after she was reelected. *See, e.g., Lawyer Claims Woman Can't Be Trial Justice*, EVENING WORLD-HERALD (Omaha, Neb.), Mar. 13, 1911, at 3.

19. *Woman Justice Assumes Office*, CHI. DAILY TRIB., Apr. 27, 1907, at 5.

20. *Id.*

21. MICHAEL WILLRICH, CITY OF COURTS: SOCIALIZING JUSTICE IN PROGRESSIVE ERA CHICAGO 3, 10 (2003).

22. *Id.* at 12. For a representative list of fees, see *Makes \$35 in a Year*, CHI. SUNDAY TRIB., May 17, 1908 (Special Features), at 3.

23. *Woman on Bench Rushes Justice*, CHI. DAILY TRIB., May 12, 1907, at 3.

24. *Id.*; *Would Oust Mrs. M'Culloch*, CHI. DAILY TRIB., Apr. 17, 1909, at 3.

25. *Would Oust Mrs. M'Culloch*, *supra* note 24, at 3.

was not lucrative.²⁶ Yet she sought the post and reelection because she recognized how the title supported her larger goals. She explained that her service affirmed women's eligibility for other positions, provided a basis for pursuing higher judicial offices, encouraged women to enter the legal field, and did "more than anything that has happened in a long time for the cause of woman's suffrage."²⁷ These arguments were not new; women had drawn these connections since entering judicial service in the 1870s.²⁸ Subsequent developments supported McCulloch's predictions. By the time she announced she would not seek a third term in January 1913, two other women were serving as justices of the peace in Illinois.²⁹

Later that year, Illinois enacted a partial women's suffrage law that reflected nearly two decades of strategizing and campaigning by McCulloch and her allies.³⁰ The statute, drafted by McCulloch, extended suffrage as far as possible absent a constitutional amendment.³¹ Illinois women could vote for president and nearly all city, county, and town offices.³² Ironically, the constitutional offices for which they still could not vote included justice of the peace.³³

This Article recovers the first decades of women's remarkable service in the judiciary, contributing and exploring the most extensive list ever compiled of the United States' early women judges.³⁴ Women judges served in a special position of prominence in the development of women's political and professional rights. Judicial posts were among the first public offices women secured, provoked the earliest legal holdings on women's eligibility for public offices, and remained among the highest profile positions that women sought.³⁵ Before ratification of the federal suffrage amendment in 1920, more than ninety women already had served as judges.³⁶ Many more aspired to the role and ran viable campaigns. The number increased

26. *Woman Justice Likes Her Job*, *supra* note 1, at 1 (describing the position as "the humblest judicial official in jurisprudence"); see also, e.g., *Begin Fight for Office*, *supra* note 11, at 4; *Makes \$35 in a Year*, *supra* note 22, at 3.

27. *Woman Elected Judge*, VA. ENTER. (Virginia, Minn.), May 17, 1907, at 2. Other women lawyers and suffragists similarly recognized the importance of McCulloch's victory for suffrage and professional opportunities. See, e.g., *Crown for Woman Judge*, CHI. DAILY TRIB., Apr. 21, 1907, at 7.

28. See *infra* Section I.B.

29. *Mrs. M'Culloch to Give Up Office*, CHI. DAILY TRIB., Jan. 29, 1913, at 13.

30. BUECHLER, *supra* note 3. On McCulloch's longstanding advocacy for women's rights, see NORGREN, *supra* note 1, at 150–52.

31. BUECHLER, *supra* note 3, at 152, 177–78, 242.

32. *Id.* at 178.

33. See *Governor to Sign Bill*, CHAMPAIGN DAILY NEWS (Ill.), June 12, 1913, at 3 (listing offices included).

34. See Appendix.

35. See *infra* Parts I, II.

36. See Appendix, including "A Note on Methodology." This is a conservative estimate that omits many likely judges for whom there is insufficient evidence available.

significantly thereafter. By 1930, the number of women who had served as judges had at least doubled.³⁷ While a modest number relative to the number of men who served, these trailblazing officials were particularly visible and influential in women's efforts to progress in the legal profession. Notably, these advancements occurred during decades when few states permitted women jurors.³⁸

Today nearly all the early women judges are forgotten.³⁹ In historical accounts of women's battles for legal, political, and professional equality, women judges rarely appear, especially in studies focused before the ratification of the Nineteenth Amendment in 1920.⁴⁰ Scholarship claims or implies that few women served as judges prior to the federal suffrage amendment and emphasizes women's underrepresentation into the 1970s and beyond.⁴¹ The conventional account aligns with a broader

37. See Appendix.

38. HOLLY J. MCCAMMON, *THE U.S. WOMEN'S JURY MOVEMENTS AND STRATEGIC ADAPTATION: A MORE JUST VERDICT* 38 tbl.3.1 (2012).

39. This oversight partly reflects research challenges. It is difficult to identify women who served in local trial courts more than a century ago. Indeed, this project would not have been possible without access to digitized newspapers. See Appendix, "A Note on Methodology." Using historical newspapers accurately is not straightforward. For instance, newspapers routinely included incorrect claims about new judges being "first." See Mary Sumner Boyd, *Women Defenders in Time of Peace*, HONOLULU STAR-BULL., July 3, 1917, at 5 ("According to the newspapers every woman appointed to a judgeship is 'the first instance of the kind;' items of this kind appear again and again and we do not know who actually was the first woman judge."). Additionally, scholars have devoted far greater attention to judges who served in higher state courts or federal courts. For example, one of the most prolific and helpful contributors to the literature on women judges focuses only on benches that required a law degree or that were "prestigious." Beverly B. Cook, *Women Judges: A Preface to Their History*, 14 GOLDEN GATE U. L. REV. 573, 573 n.1, 577 (1984). While a logical choice from a modern perspective, this narrowed focus does not align with how early women judges' contemporaries discussed the judiciary.

40. The bulk of the historical literature on pathbreaking women judges is comprised of biographies, typically focused on women who served after ratification of the Nineteenth Amendment. E.g., JACQUELINE A. MCLEOD, *DAUGHTER OF THE EMPIRE STATE: THE LIFE OF JUDGE JANE BOLIN* (2011); TOMIKO BROWN-NAGIN, *CIVIL RIGHTS QUEEN: CONSTANCE BAKER MOTLEY AND THE STRUGGLE FOR EQUALITY* (2022); Tracy A. Thomas, *The Jurisprudence of the First Woman Judge, Florence Allen: Challenging the Myth of Women Judging Differently*, 27 WM. & MARY J. RACE, GENDER, & SOC. JUST. 293 (2021); Mae C. Quinn, *Fallen Woman (Re)Framed: Judge Jean Hortense Norris, New York City – 1912–1955*, 67 KAN. L. REV. 451 (2019); JENNIFER TROST, *GATEWAY TO JUSTICE: THE JUVENILE COURT AND PROGRESSIVE CHILD WELFARE IN A SOUTHERN CITY* (2005) (devoting considerable attention to judge Camille Kelley); Felice Batlan, *The "Rabbi's Daughter" and the "Jewish Jane Addams": Jewish Women, Legal Aid, and the Fluidity of Identity, 1890–1930*, 4 IND. J.L. & SOC. EQUAL. 135 (2016) (including discussion of judge Rosalie Loew Whitney). Some scholars have offered accounts of select groups of judges. E.g., Mary L. Clark, *One Man's Token Is Another Woman's Breakthrough? The Appointment of the First Women Federal Judges*, 49 VILL. L. REV. 487 (2004); Anna Blackburne-Rigsby, *Black Women Judges: The Historical Journey of Black Women to the Nation's Highest Courts*, 53 HOW. L.J. 645 (2010); Janice Dilg, *From Coverture to Supreme Court Justice: Women Lawyers and Judges in Oregon History*, 113 OR. HIST. Q. 360 (2012).

41. Virginia Drachman notes a "handful" of nineteenth-century women judges, mostly appointed to quasi-judicial positions (such as master in chancery or commissioner), and recognizes that "some" women became justices of the peace around the turn of the century. VIRGINIA G. DRACHMAN, *SISTERS*

misconception that women rarely held public offices prior to the Nineteenth Amendment. This version of events reflects a common focus on federal laws and courts that overlooks the importance of state laws and state courts.⁴² In fact, women served in numerous posts—judicial and otherwise—prior to federal suffrage, including in full suffrage and non-suffrage states.⁴³ Scholars' severe undercounting of women judges and emphasis on their rarity misses women judges' accomplishments and importance.

Women's ability to secure judgeships varied by region, as was generally true for women's officeholding.⁴⁴ Women made the earliest progress in places where they won state-level suffrage, a development that spread from west to east.⁴⁵ In a few states in the middle of the country, women were able to serve as judges before suffrage and even held elective judicial posts for which they could not vote.⁴⁶ But in the Northeast and South, conservative gender politics and the perception that the legal profession was a masculine domain restricted women's opportunities.⁴⁷

Blocked in their judicial ambitions, women in conservative regions advocated for new opportunities by arguing that women were superior to men in handling cases involving children, women, and families. One of the major developments that helped open the judiciary to women in these states was the creation of a new court official: the probation officer. In the early

IN LAW: WOMEN LAWYERS IN MODERN AMERICAN HISTORY 229 (1st paperback ed. 2001). Cynthia Fuchs Epstein claims that the "first few women to serve as judges were appointed to minor judicial positions" in the 1880s, naming two women who held quasi-judicial positions. CYNTHIA FUCHS EPSTEIN, *WOMEN IN LAW* 239 (Univ. of Ill. Press 2d ed. 1993) (1981). She continues that "the following decades saw a mere sprinkling of judges appointed in the various states," and then she describes five women selected after 1920 who were unusually well connected or obtained particularly high judicial posts. *Id.* at 239–240; see also KAREN BERGER MORELLO, *THE INVISIBLE BAR: THE WOMAN LAWYER IN AMERICA 1638 TO THE PRESENT* 219, 224 (1986) (counting only five women serving in "judicial or quasi-judicial" positions by 1900 and ten by 1920, and similarly undercounting how many states had women judges in subsequent decades); RICHARD L. ABEL, *AMERICAN LAWYERS* 97 (1989) ("Women began to enter the judiciary in significant numbers only in the 1970s; they represented 5.4 percent of the federal judiciary in 1980 and 2.1 percent of all judges nationwide (but 12.4 percent of family court judges in 1977).").

42. Cf. Miriam Seifter, *State Institutions and Democratic Opportunity*, 72 DUKE L.J. 275, 281–82 (2022) (calling for greater attention to state constitutions and democratic opportunity in the present).

43. See generally Katz, *supra* note 4.

44. See *id.* at 113–14; see also DRACHMAN, *supra* note 41, at 25–26 (describing litigation regarding women's eligibility to hold public offices, including justice of the peace, in the late nineteenth century).

45. On the spread of women's suffrage, see ALEXANDER KEYSSAR, *THE RIGHT TO VOTE: THE CONTESTED HISTORY OF DEMOCRACY IN THE UNITED STATES* 150, 158, 167–80, app. tbl.A.20 (rev. ed. 2009); REBECCA J. MEAD, *HOW THE VOTE WAS WON: WOMAN SUFFRAGE IN THE WESTERN UNITED STATES, 1868–1914*, at 1–16 (2004).

46. See *infra* Section II.A.

47. See *infra* Section II.B. For context, see Michael Grossberg, *Institutionalizing Masculinity: The Law as a Masculine Profession*, in MEANINGS FOR MANHOOD: CONSTRUCTIONS OF MASCULINITY IN VICTORIAN AMERICA 133, 147 (Mark C. Carnes & Clyde Griffen eds., 1990).

1900s, courts hired increasing numbers of probation officers, especially in family courts and juvenile courts. Gender stereotypes helped women lawyers and social workers secure these posts, and judges and other stakeholders soon viewed them as indispensable. In some places, male judges assigned quasi-judicial powers to women probation officers, and newspapers described these officials as “judges.” Leading women lawyers and other proponents of women in the judiciary publicized the seemingly short and warranted step of elevating women serving as pseudo-judges to be official judges. This discourse overlapped with women’s increasing state-level enfranchisement, culminating in the placement of women on specialized court benches starting in the late 1910s.⁴⁸ This proved to be an effective short-term strategy, but it constrained women’s opportunities in the longer term.⁴⁹ Over the following decades, women served disproportionately on specialized court benches,⁵⁰ especially in the states that were slowest to accept women judges.⁵¹

Once women won full suffrage across the nation in 1920, women obtained judgeships in new places and in greater numbers. While these were important advancements, the percentage of the judiciary comprised of women remained low, and few women secured positions above the local trial court level into the 1930s.⁵² Thus, while the story of the first women judges is richer and more significant for women’s political and legal history than previously recognized, the early decades provided only a tentative start toward women’s meaningful and equal service.

I. EARLY ADVOCACY FOR WOMEN IN THE JUDICIARY (1840–1880)

Beginning in the mid-nineteenth century, women’s movement leaders and their allies regularly described judicial posts as one of women’s aspirations. Judgeships were a particularly useful goal because the position combined professional and political elements, brought a prestigious title, and impliedly supported arguments for women’s suffrage. In many places,

48. See *infra* Section II.B.

49. Drachman offers a similar observation about how women judges more frequently sat on gendered specialized courts in the 1920s and 1930s, though her briefer account does not identify the regional distinction. DRACHMAN, *supra* note 41, at 229–34; see also MORELLO, *supra* note 41, at 225 (“As some women activists had predicted, the likelihood of women’s suffrage led to an increase in the number of women nominated to the bench, although not surprisingly most of these were appointments to divorce and children’s courts.”).

50. ABEL, *supra* note 41, at 97 (finding that around 1980, women were 2.1 percent of all judges but 12.4 percent of family court judges); EPSTEIN, *supra* note 41, at 123, 239 (observing that most women who “manage[d] to slip through the filters that excluded women and minorities from the judiciary . . . were located in domestic relations courts or lower municipal courts”).

51. See *infra* Section II.B & Part III; see also *infra* note 472 and accompanying text.

52. See *infra* Part III.

however, women's legal eligibility to serve as judges was at best debatable.⁵³

Following the Civil War, a few trailblazing women tested the waters by securing appointments as justices of the peace. Although justice of the peace was a low-level judicial office, obtaining these posts was nevertheless a crucial step. Women's service as justices drew attention to their capabilities and tested their eligibility in a manner that was relevant to other positions. The experiment was a partial success. By 1880, people across the nation were aware that women had served as capable judicial officers in some locations, especially in the West. But this same development prompted influential state supreme courts in the Northeast to rule women ineligible to serve throughout the judiciary.⁵⁴

A. Women's Movement Leaders and Judicial Ambitions

When the women's movement launched in the 1840s,⁵⁵ women's ability to serve in the judiciary was socially, politically, and legally dubious. Many state constitutions expressly limited all public officeholding to white men or accomplished that result by restricting offices to eligible voters.⁵⁶ Moreover, judges were elected or appointed, depending on the location and category,⁵⁷ and women lacked the political capital to secure positions.

Nevertheless, the promise of judgeships was not beyond the ambitions of the earliest women's movement leaders. For example, in 1854, women's rights advocate Elizabeth Oakes Smith delivered a lecture on "The Dignity of Labor" in her home state of Maine, asking: "But what is the sphere of woman? Shall she take her seat on the judicial bench, in the pulpit or at the bar?"⁵⁸ After listing several other professional pursuits, she concluded, "Whatever she has the ability and capacity to do, it is right she should do."⁵⁹

As the women's movement gained traction after the Civil War,⁶⁰ women's interest in becoming judges served as a common example of

53. See *infra* Section I.A.

54. See *infra* Section I.B.

55. ELLEN CAROL DUBOIS, *FEMINISM AND SUFFRAGE: THE EMERGENCE OF AN INDEPENDENT WOMEN'S MOVEMENT IN AMERICA 1848–1869*, at 22 (1978).

56. Katz, *supra* note 4, at 122; LAURA E. FREE, *SUFFRAGE RECONSTRUCTED: GENDER, RACE, AND VOTING RIGHTS IN THE CIVIL WAR ERA* 15–16 (2015).

57. George Sutherland, *The Selection Tenure and Compensation of the Judiciary*, 3 AM. LAW. 204, 204–205 (1895) (describing state variation in judicial selection methods); see also Glenn R. Winters, *Selection of Judges—An Historical Introduction*, 44 TEX. L. REV. 1081, 1082–84 (1966).

58. *Mrs. E. Oakes Smith's Lecture*, E. TIMES (Bath, Me.) Dec. 7, 1854, at 2.

59. *Id.* Occasionally women argued for women judges (and juries) for the sake of fairness to women defendants. *E.g.*, Mary E. Walker, *The Seventh Street Infanticide*, NEW ORLEANS REPUBLICAN, Mar. 19, 1870, at 5.

60. See DUBOIS, *supra* note 55, at 54.

women's pursuit of political and professional rights. The *Revolution*, a newspaper published by leading suffragists Susan B. Anthony and Elizabeth Cady Stanton, regularly featured commentary on women's officeholding rights, including in the judiciary. For instance, in one 1868 column explaining the financial benefits of enfranchisement, Stanton opined: "Now, if woman had the ballot she would hold office, be President, Chief-Justice, judge, chaplain, lawyer, doctor of medicine and divinity, professor, soldier, sailor, be anything, go everywhere," rather than being limited to a few types of lower paid labor.⁶¹ A few months later, the *Revolution* printed a letter to the editor that suggested women should strategically forgo demanding offices in order to make it easier to secure suffrage.⁶² The editors were unpersuaded and responded: "The fact that the 'white male' is beginning to concede the vote, while he turns up the whites of his eyes at the idea of women holding office shows us that it is good policy to demand everything, and then we shall be sure and get something."⁶³ They continued that "those of us who have brains do not propose to chop wood or dig ditches, but to be lawyers, judges, physicians, ministers, postmistresses, senators or president."⁶⁴ In sum, "[b]read and the ballot go together."⁶⁵

In late 1869, the *Revolution* printed a condensed version of a speech that influential social reformer Henry Ward Beecher delivered at a women's suffrage convention, in which he cast the possibility of women judges as an opening wedge for women officeholders. Listing and rejecting the antisuffragist arguments, Beecher observed that some people objected to women's suffrage on the basis that women's officeholding would follow. "Very well, what of it?" he posed.⁶⁶ Only a capable woman would be selected, he maintained. His immediate example was the possibility of a woman judge. For example, "[h]er neighbors and her own grown up sons might put some great-browed, great-hearted [abolitionist and suffragist] Lucretia Mott in as justice of the peace, and she would settle two-thirds of

61. Elizabeth Cady Stanton, *Gail Hamilton*, 1 THE REVOLUTION 105, 105 (1868). For a similar argument the following year, see R., *The Banks—Currency and Woman Suffrage*, 3 THE REVOLUTION 396, 396–97 (1869) ("Women must vote and be allowed to fill the professions, occupy seats on the judges bench . . . in short, she must enjoy the same liberty that a man does—she must be paid an equal amount with man for the same labor.").

62. E.H.H., Letter to the Editor, 1 THE REVOLUTION 323, 323–24 (1868).

63. Response to E.H.H., 1 THE REVOLUTION 324, 324 (1868).

64. *Id.*

65. *Id.*

66. *Connecticut Woman's Suffrage Convention*, 4 THE REVOLUTION 298, 299 (1869).

the cases without opening a law book,” he proposed, before noting several other positions that women could hold as capably as men.⁶⁷

To early proponents of women’s rights, advocating for women in the judiciary was a logical fit with other political and professional goals. Women’s movement leaders recognized that judicial posts were attractive positions for individual women and held even higher value for the movement because of the respected place of judges in American society.

B. Women Justices of the Peace on Trial

Eighteen-seventy proved to be a watershed year for women’s officeholding prospects, with the position of justice of the peace drawing the most attention. Many observers celebrated the first woman to become a justice of the peace and anticipated that her service would open opportunities for other women. But her victory was short-lived, and eligibility challenges quickly quashed promising starts elsewhere in the nation. By the end of the decade, women’s future in the judiciary remained deeply unsettled.

In the decades around the turn of the twentieth century, justices of the peace were township, county, or city level judicial officers who typically heard low-level civil suits and criminal cases, as well as officiating at weddings and performing other legal tasks.⁶⁸ They did not need legal training or bar admission.⁶⁹ States varied in whether justice of the peace was an elected or appointed post, but in either instance the position brought a level of distinction in the local community⁷⁰ and an income dependent on the volume of cases.⁷¹ In some places selection as a justice of the peace

67. *Id.* For a brief biography of Lucretia Mott, see Debra Michals, *Lucretia Mott*, NAT’L WOMEN’S HIST. MUSEUM (2017), <https://www.womenshistory.org/education-resources/biographies/lucretia-mott> [https://perma.cc/KQH5-GFVT].

68. WILLRICH, *supra* note 21, at 10; Marcy Lynn Karin, *Esther Morris and Her Equality State: From Council Bill 70 to Life on the Bench*, 46 AM. J. LEGAL HIST. 300, 331–32 (2004); *The Justice of the Peace*, 1 N.C. J.L. 157, 159–61 (1904).

69. Chester H. Smith, *The Justice of the Peace System in the United States*, 15 CALIF. L. REV. 118, 122–23, 122 n.20 (1927).

70. The scope and prestige varied by location. For example, in Wyoming Territory, justices of the peace were particularly important and had wide jurisdiction because of the dearth of other courts. Karin, *supra* note 68, at 331; *see also, e.g.*, CHRISTOPHER WALDREP, *ROOTS OF DISORDER: RACE AND CRIMINAL JUSTICE IN THE AMERICAN SOUTH, 1817–80*, at 16 (1998) (“Not just in Mississippi but all over America, justices of the peace were popular, accessible, efficient, and trustworthy—close to the life of the people and ‘set up to handle the small disputes of the average man.’”). The justice of the peace role became less desirable, especially in urban areas, in the first decades of the twentieth century. *See infra* notes 431–37 and accompanying text.

71. Justices typically charged fees that varied by service. *The Justice of the Peace*, *supra* note 68, at 159–61; *see also Makes \$35 in a Year*, *supra* note 22.

came through a hotly contested election, while in other locations the post attracted minimal competition.⁷²

Women's initial opportunity to serve as justices of the peace came shortly after Wyoming Territory became the first jurisdiction to grant women far-reaching political rights. On December 10, 1869, Wyoming Territory enacted an "ACT to grant to the women of Wyoming Territory the right of Suffrage *and to hold office*."⁷³ Though it does not seem women's activism was a major contributor to the passage of this law,⁷⁴ women's suffrage proponents celebrated it as a crucial milestone. The following month, at the national suffrage meeting in Washington, D.C., Susan B. Anthony facetiously encouraged "all the women to emigrate to Wyoming, and make a model State of it by sending a woman Senator to the National Capital."⁷⁵

Not everyone was impressed. About a week after the governor signed the law granting women political rights, a man serving as a justice of the peace in South Pass City, Wyoming, resigned from his position to protest the idea that a woman could serve in such a role.⁷⁶ A few days later, a district court judge (a position above justice of the peace) proposed the appointment of Esther Morris to fill the vacant position.⁷⁷ He persuaded Morris to complete the necessary paperwork, and on February 14, 1870, the local county commissioners voted two to one to forward her application to the governor.⁷⁸

Wyoming Territory's acting governor promptly approved Morris's appointment and sent her a letter congratulating her on being the first woman "ever" to hold judicial office.⁷⁹ That same day, he issued a justice of the peace commission to Caroline Neil, followed by one to Francis

72. This observation is based on the author's review of thousands of newspaper articles relating to justice of the peace selection and service.

73. Karin, *supra* note 68, at 310 (emphasis added).

74. The reasons for passage are not entirely clear because prior discussion was limited. Possible explanations include the influence of a few local women, including the governor's wife; political party tactics; seeking publicity for the sparsely populated area to attract newcomers; and countering the growing Black male vote. MEAD, *supra* note 45, at 42–43. It is likely relevant that men outnumbered women roughly six to one; enfranchising women would not undermine men's power and might attract families to the area. SANDRA L. MYRES, *WESTERING WOMEN AND THE FRONTIER EXPERIENCE, 1800–1915*, at 220–21 (1982).

75. *Woman Suffrage*, EVENING STAR (D.C.), Jan. 19, 1870, at 4.

76. Karin, *supra* note 68, at 320.

77. *Id.* Morris was one of the first women in the country to vote. Rena Delbridge, *Trailblazer – Wyoming's First Female Judge, Esther Hobart Morris Was Ahead of Her Time*, MADE IN WYO., <https://web.archive.org/web/20090426071329/http://www.madeinwyoming.net/profiles/morris.php> [https://perma.cc/MHW2-BV35].

78. Karin, *supra* note 68, at 320.

79. *Id.* at 321 & n.117.

Gallagher eleven days later.⁸⁰ Coverage suggested that the appointment of “several ladies” to the position of justice of the peace demonstrated “that women suffrage reigns in all its glory” in the Territory.⁸¹ Legal challenges to the women’s eligibility for the office failed.⁸² However, for unknown reasons, it does not appear that Gallagher was sworn into office, and there are no records of Neil’s service.⁸³ Thus, while the appointment of multiple women increased publicity, it was Morris’s tenure that received the most attention.⁸⁴

Morris’s performance as a justice of the peace was successful on many measures. According to Professor Marcy Karin’s careful research, Morris was supported in her judicial post by her sons, was respected in the community as a fair and efficient jurist, and received a greater share of the eligible legal work than the other (male) justice of the peace serving in the area.⁸⁵ Though she had no legal training and minimal formal education,⁸⁶ only two of the approximately seventy cases she decided were appealed. Both rulings were affirmed.⁸⁷ A possible key to her success was that she was one of the oldest people living in South Pass, in her late fifties, which may have afforded authority and enhanced the effectiveness of her sometimes “motherly statements” to litigants.⁸⁸

Despite Morris’s largely positive reception, she was unable to secure the nomination of any political party to seek election to a new term.⁸⁹ Moreover, her tenure was unusually short, just shy of nine months, because she had been appointed to complete the term of the judge who had resigned.⁹⁰ Poignantly, she was replaced by that man.⁹¹ The local newspaper reported that the former acting governor regretted that people in Morris’s county “had not the good sense and judgment to nominate and elect her for the ensuing term.”⁹² The fact that men greatly outnumbered women in Wyoming⁹³ may have reduced the viability of her candidacy.

80. *Id.* at 321–22.

81. *The Women Judges in Wyoming Territory*, BALT. SUN, Mar. 19, 1870, at 4 (reprinting article from CIN. GAZETTE).

82. Karin, *supra* note 68, at 321–22.

83. *Id.*

84. For representative coverage noting more than one appointment, see *The Women Judges in Wyoming Territory*, *supra* note 81, at 4; *Women Judges in Wyoming*, MANCHESTER WKLY. TIMES AND EXAM’R (Eng.), Apr. 9, 1870, at 6.

85. Karin, *supra* note 68, at 325–26.

86. *Id.* at 326.

87. *Id.* at 332.

88. *Id.* at 322, 325.

89. *Id.* at 332–33.

90. *See id.* at 333.

91. *Id.*

92. *Id.*

93. *Id.* at 315.

After her term concluded, Morris made occasional appearances at women's suffrage events to support the cause, with her success as a jurist supporting women's arguments for greater political rights.⁹⁴ In a letter Morris penned that was read at a women's suffrage convention in the nation's capital, she observed that "[c]ircumstances ha[d] transpired to make [her] position as Justice of the Peace a test of woman's ability to hold public office."⁹⁵ She provided a largely positive account of her service, before commenting on the "advance" women made in securing the vote.⁹⁶

At least some naysayers viewed Morris's short experiment as dangerous. According to a column printed in multiple newspapers, Morris's selection reflected a troubling effort by some women, "not content to be either male or female," to take on roles properly reserved for men and to thereby become a "third sex."⁹⁷ The writer suggested that this unsettling of gender expectations "might be laughed out of Court, literally, if it did not seriously interfere with the administration of justice."⁹⁸ Views like these help explain why several women who sought election as justices of the peace in Wyoming in the remainder of the 1870s failed to secure sufficient votes,⁹⁹ though voters elected at least one woman to the post.¹⁰⁰

Elsewhere in the country, women received support from politicians, journalists, women's movement leaders, and voters to serve as justices of the peace, but results differed due to eligibility questions. About a week before Morris was commissioned, newspapers across the country reported that Amelia Hobbs had won an election against two men to serve as justice

94. *Id.* at 334.

95. *Mrs. Esther Morris, J.P.*, DAILY COMMONWEALTH (Topeka), Feb. 2, 1871, at 3 (printing letter).

96. *Id.* The connection between suffrage and officeholding was also clear in republications of the letter. See, e.g., *How Woman's Suffrage and Office-Holding Work—Letter from Mrs. Justice Morris*, BUCHANAN CTY. BULL. (Independence, Iowa), Feb. 24, 1871, at 2.

97. *An Amusing Illustration of Woman's Rights*, HOLMES CNTY. REPUBLICAN (Millersburg, Ohio), Feb. 22, 1872, at 1 (reprinting column from N.Y. COM. ADVERTISER).

98. *Id.*

99. The *Her Hat Was In the Ring* website identified five women who campaigned unsuccessfully for positions as Wyoming justices of the peace in the 1870s: Thankful Cunningham, [Unknown] Ostrander, [Unknown] Ferris, [Unknown] Gabitt, and Pat Keane. See *Thankful Cunningham's Campaign for Justice of the Peace, 1870*, HER HAT WAS IN THE RING!, <https://herhat.historyit.com/items/view/project/10042/> [<https://perma.cc/6UF4-9GGT>]; *Mrs. Ostrander's Campaign for Justice of the Peace, 1874*, HER HAT WAS IN THE RING!, <https://herhat.historyit.com/items/view/project/10065/> [<https://perma.cc/9WVT-FJQP>]; *Mrs. Ferris' Campaign for Justice of the Peace, 1876*, HER HAT WAS IN THE RING!, <https://herhat.historyit.com/items/view/project/14909/> [<https://perma.cc/RP8Q-SSDS>]; *Mrs. Gabitt's Campaign for Justice of the Peace, 1876*, HER HAT WAS IN THE RING!, <https://herhat.historyit.com/items/view/project/14908/> [<https://perma.cc/5KMN-Q8WF>]; *Pat Keane's Campaign for Justice of the Peace, 1876*, HER HAT WAS IN THE RING!, <https://herhat.historyit.com/items/view/project/10068/> [<https://perma.cc/3NTF-BZRK>].

100. *First Female Justice Ever Elected*, DEMOCRATIC LEADER (Cheyenne, Wyo.), Nov. 11, 1876, at 4 (announcing the election of Mary Davis); see Appendix, entry for Mary Davis (1876).

of the peace in Jersey Landing, Illinois, making her the first woman elected to office in that state.¹⁰¹ Notably, she was elected before women could vote.¹⁰² In the words of a Pennsylvania publication, “Justice is always represented *as* a woman, and now is represented *by* one.”¹⁰³ Her neighbors may have trusted her for the role because, like Morris, she was among the oldest in her community at age seventy.¹⁰⁴

But male voters' confidence was insufficient to guarantee her the spot; legal eligibility was a prerequisite. The *Chicago Legal News*, recently founded by Myra Bradwell,¹⁰⁵ reported that Hobbs had won “a fair contest,” and that her “opponent is too gallant to contest her election on the ground she is a woman.”¹⁰⁶ The writer, likely Bradwell herself,¹⁰⁷ was not optimistic that this gallantry would be sufficient. “It therefore remains to be seen,” the writer continued, “who will volunteer to stifle the voice of the people.”¹⁰⁸ The answer soon came: the state's attorney general, who determined women were ineligible for the office.¹⁰⁹

A few months later, Indiana's *Noblesville Ledger* reported a rumor that a woman in an Indiana county planned to run for the justice post. “The lady referred to,” the brief entry informed readers, “is a woman of more than ordinary judgement and talent, and would personally command a respect not usually accorded to the man she will probably succeed.”¹¹⁰ The writer further observed that this possibility would hold broader significance, as it

101. See e.g., *Notes from the West*, EVENING TEL. (Phila.), Feb. 8, 1870, at 8; *Female Office-Holders*, CHI. TRIB., Feb. 12, 1870, at 1; *A Female Justice of the Peace*, *supra* note 3, at 4.

102. BUECHLER, *supra* note 3, at 152, 164, 178.

103. [No title], RAFTSMAN'S J. (Clearfield, Pa.), Feb. 16, 1870, at 3 (emphasis added).

104. See McGlasson, *supra* note 4, at A4. McGlasson also reports that Hobbs's election was made possible by one man's disqualification the prior year; when he attempted to run again, voters selected Hobbs instead. *Id.*

105. When Myra Bradwell founded the *Chicago Legal News* in 1868, it was the first legal paper edited by a woman. It became extremely influential and successful. Christine Lamberson, *Myra Bradwell: The Woman Behind Bradwell v. The State of Illinois*, FED. JUD. CTR., <https://www.fjc.gov/history/spotlight-judicial-history/myra-bradwell> [<https://perma.cc/UY75-R4GV>]. For more detail, see NORGREN, *supra* note 1, at 26–36. Bradwell's quest for admission to the Illinois bar in 1869 led to *Bradwell v. Illinois*, 83 U.S. (16 Wall.) 130 (1873).

106. *A Woman Justice of the Peace*, 2 CHI. LEGAL NEWS 153, 156 (1870).

107. On Bradwell's editorial control and her use of the *Chicago Legal News* to further women's rights, see Richard H. Chused, *A Brief History of Gender Law Journals: The Heritage of Myra Bradwell's Chicago Legal News*, 12 COLUM. J. GENDER & L. 421, 423 (2003). That Bradwell likely authored this article is further confirmed by the research of Siobhan Barco for her dissertation-in-progress, “Women, Power, and the Legal News, 1830–1930.” E-mail from Siobhan Barco, PhD Candidate, Princeton University, to author (Feb. 26, 2025) (on file with author).

108. *A Woman Justice of the Peace*, *supra* note 106.

109. McGlasson, *supra* note 4. Though evidence is sparse on the attorney general's opinion, additional support comes from coverage of Anna Crandall's efforts to be appointed as a justice of the peace in Chicago later that year. Newspapers reported that the governor cited precedent for women's ineligibility. See, e.g., [No title], BUFF REFLEX (Mo.), Dec. 17, 1870, at 6.

110. *Woman's Rights*, NOBLESVILLE LEDGER (Ind.), July 13, 1870, at 2.

would “open up the entire question of woman’s right to hold office.”¹¹¹ Subsequent newspaper silence indicates the woman was not selected, yet her potential service helped awaken readers to this possibility.

Women’s progress in the Northeast initially seemed more promising but soon prompted court opinions that imposed long-lasting legal roadblocks. In the final months of 1870, the governor of Maine appointed three women to serve as justices of the peace, and they began their service.¹¹² Notably, justices of the peace in Maine had limited authority compared to those in many other states. They administered oaths, took depositions, acknowledged deeds, and officiated marriages, but they did not hold trials.¹¹³ Media coverage of these appointments leaned favorable, though some commenters expressed concern about women moving into men’s positions.¹¹⁴

The following May, the governor of Massachusetts nominated prominent suffragist Julia Ward Howe and successful conveyancer Mary E. Stevens to serve as justices of the peace.¹¹⁵ Press suggested that Howe’s interest in the role was “for the sake of establishing a principle,” while for Stevens the position would be professionally advantageous.¹¹⁶ For the governor, the appointments were just one of many efforts in furtherance of women’s legal rights and political opportunities.¹¹⁷

The appointments received a mixed reception in the press. According to one skeptical commenter, it should not be a problem for a woman to take on such a role because justices of the peace in Massachusetts (similar to Maine) did not have jurisdiction over criminal cases; the position typically consisted of “taking affidavits and acknowledgment of deeds,” as well as solemnizing marriages.¹¹⁸ These were “simple acts, requiring neither learning nor experience beyond the range of any very moderately intelligent woman.”¹¹⁹ For the same reason, the writer considered the office of “very little

111. *Id.*

112. See Appendix, entries for Anne P. Ladd (1870), Inez A. Blanchard (1870), and Clara H. Nash (1870).

113. *Two Women Justices of the Peace and More Horrors Coming*, PORTLAND DAILY PRESS (Me.), Sept. 29, 1870, at 2.

114. For example, the *New York Times* described Anne Ladd as “a young lady of first-class business qualifications.” *Woman’s Rights—A Lady Made a Justice of the Peace in Maine*, N.Y. TIMES, Sept. 4, 1870, at 5. For a mocking account that nevertheless included positive descriptions of the specific women, see *Two Women Justices of the Peace and More Horrors Coming*, *supra* note 113, at 2.

115. *Women’s Rights Are Looking Up in Massachusetts*, READING TIMES (Pa.), May 12, 1871, at 4; [No title], CHI. TRIB., July 6, 1871, at 2.

116. [No title], CHI. TRIB., *supra* note 115, at 2.

117. Dale Baum, *Woman Suffrage and the “Chinese Question”: The Limits of Radical Republicanism in Massachusetts, 1865–1876*, 56 NEW ENG. Q. 60, 63–64 (1983).

118. [No title], DEMOCRAT & CHRON. (Rochester, N.Y.), May 27, 1871, at 2 (quoting WORCESTER SPY).

119. *Id.* (quoting WORCESTER SPY).

importance.”¹²⁰ Another intoned that if the governor found it “necessary or expedient to appoint some woman to some office, to show sympathy with ‘the cause,’ why not have taken one more congenial to a woman’s tastes (as we should suppose), a position on some State Board, for instance?”¹²¹

Other commenters saw more promise and significance in the governor’s appointments. For instance, one writer acknowledged that justice of the peace was a “very honorable, but, nevertheless, not very distinguished office,” yet recognized that it might be “only a stepping stone to something higher.”¹²² That writer predicted eligibility objections, arguing that the state’s constitution did not allow women to be justices of the peace and that affirming eligibility would mean women could even serve as the chief justice of the state’s supreme court—a possibility the writer found implausible.¹²³ Outside the Northeast, the appointments inspired optimistic commentary. For example, a newspaper in Arkansas reported that the Massachusetts “precedent” prompted the Tennessee governor to appoint a woman as the state librarian.¹²⁴

The governor’s nominations required the approval of the Executive Council,¹²⁵ whose members formally raised the question of women’s eligibility. The governor and council then solicited advice from the Supreme Judicial Court of Massachusetts.¹²⁶ The court responded in June 1871, with a single-paragraph opinion proclaiming that women could not hold any judicial office included in the state’s constitution.¹²⁷ The court maintained that excluding women from the post was supported by “[t]he law of Massachusetts at the time of the adoption of the Constitution, the whole frame and purport of the instrument itself, and the universal understanding and unbroken practical construction for the greater part of a century afterwards.”¹²⁸

At a Fourth of July meeting a few days after the opinion was released, suffragists including Lucy Stone forcefully condemned it.¹²⁹ Stone proclaimed that “she was saddened by and indignant at the recent disgraceful decision,” and she “wanted to make these Judges odious in

120. *Id.*

121. *Editorial Paragraphs*, WATCHMAN AND REFLECTOR (Bos.), June 8, 1871, at 2.

122. Styx, *A Female Judiciary*, PITTSFIELD SUN (Mass.), May 18, 1871, at 2.

123. *Id.*

124. [No title], DAILY GAZETTE (Little Rock), May 20, 1871, at 2.

125. The Executive Council’s responsibilities included providing advice and consent on gubernatorial appointments. See *Governor’s Council*, MASS.GOV, <https://www.mass.gov/orgs/governors-council> [<https://perma.cc/6R23-S3EY>].

126. *In re Op. of the Justs.*, 107 Mass. 604, 604 (1871).

127. *Id.*

128. *Id.*

129. *Women in Council*, CHI. TRIB., July 9, 1871, at 3.

society.”¹³⁰ The group adopted several resolutions that proclaimed that the governor and his council had the sole authority to select justices of the peace, the court’s opinion was not rooted in the state’s constitution or statutes, and the governor should still appoint Howe and Stevens “and leave with the Supreme Court the responsibility of invalidating it after having heard the case duly argued by the parties interested.”¹³¹ Another speaker claimed that the court’s “foolish decision” reflected their “personal interest in this matter.” He speculated that “[t]he Justices probably thought that if women became Justices of the Peace, they would next demand to sit on the Supreme Bench, and then they would be displaced.”¹³²

Condemnation of the Massachusetts result spread across newspapers and magazines. The *National Aegis*, published in Massachusetts, quoted an influential women’s rights supporter who proposed that men teach the court “a salutary lesson by electing a worthy female to the highest office in the Commonwealth,” adding that Howe “would make as good a governor as any candidate yet named.”¹³³ Coverage in the *Chicago Tribune* observed that the rejection of Stevens for the justice role was anomalous because she was permitted to perform the more complex tasks of researching centuries-old real estate titles and drafting legal papers.¹³⁴

A writer at the *Woman’s Journal* employed sarcasm to drive home a critique of the opinion. Responding to the supposed argument that a major obstacle to women judges would be men’s aversion to being sentenced by women, the writer retorted:

Now as judges are always appointed with special reference to the taste and preferences of the criminals to be sentenced, it is, evidently, utterly hopeless, in such a state of things, for woman to ever aspire to judicial honor. Besides that, it is a perfectly patent fact that citizens *do* so very much “want to be sentenced” by a man! Else why are our police courts and records so crowded?¹³⁵

The article appeared immediately above one that reported on a speech delivered by the Wyoming acting governor who had commissioned Esther Morris as a justice the previous year. Pointing to Morris’s service and other developments, the man stated that “Wyoming claimed the credit of putting

130. *Id.*

131. *Id.*

132. *Id.*

133. [No title], AEGIS & GAZETTE (Worcester, Mass.), July 15, 1871, at 4.

134. [No title], CHI. TRIB., *supra* note 115, at 2.

135. *Why a Woman Cannot Be a Judge*, 2 WOMAN’S J. 380, 380 (1871).

in practice the great principle of the political equality of women, while other communities had only discussed it, and she was pleased with the result.”¹³⁶

The following year, women’s rights supporters petitioned the Massachusetts legislature for an act declaring women eligible to hold public offices.¹³⁷ Proponents preferred this route over seeking a suffrage constitutional amendment, which they believed would implicitly carry the right to hold office, because they expected that securing an amendment would “occupy two or three years, and perhaps longer.”¹³⁸ In support of their proposal, Henry B. Blackwell (a suffragist married to Lucy Stone) read statements describing Esther Morris’s effective service to emphasize how progress in Western states demonstrated women’s capacity.¹³⁹ Opponents responded by claiming it would harm families for women to hold office, and they also maintained that the rule should be changed only by constitutional amendment.¹⁴⁰ The legislature did not act on the proposal at that time.

A few years later, Maine backtracked on its earlier allowance of women justices, after its governor asked the Supreme Court of Maine to determine a woman’s eligibility.¹⁴¹ Though the previous governor’s appointments of women to the post had not provoked controversy, commenters questioned the validity of the new nomination, probably because of the Massachusetts holding.¹⁴² Commentary indicated that the question was highly symbolic and stood in for the issue of women’s rights more broadly.¹⁴³

Over the protests of three dissenting justices, the Maine Supreme Court followed Massachusetts in prohibiting women justices of the peace.¹⁴⁴ The majority ruled that women were ineligible for all offices listed in the constitution because the document (partially adopted from Massachusetts) had been “the work of its male citizens,” and “it was never in the contemplation or intention of those forming” the document that there could be women officers.¹⁴⁵ The legislature could, however, create new offices open to women.¹⁴⁶ The dissenters faulted the majority for imposing restrictions without textual support and for halting the steady progress of

136. *Practical Results of Woman Suffrage*, 2 WOMAN’S J. 380, 380 (1871).

137. *Woman Suffrage Hearing*, 3 WOMAN’S J. 80, 80 (1872).

138. *Id.*

139. *Id.*

140. *Id.*

141. *Ops. of the Justs. of the Supreme Jud. Ct.*, 62 Me. 596, 596 (1874).

142. [No title], PORTSMOUTH DAILY TIMES (Ohio), Feb. 28, 1874, at 4.

143. See, e.g., *Women’s Rights in Maine*, DESERET EVENING NEWS (Salt Lake City), Feb. 16, 1874, at 2.

144. *Ops. of the Justs. of the Supreme Jud. Ct.*, 62 Me. at 597–98. For a more detailed treatment of this case, see Katz, *supra* note 4, at 157–59.

145. *Ops. of the Justs. of the Supreme Jud. Ct.*, 62 Me. at 597–98.

146. *Id.* at 598.

women's rights.¹⁴⁷ Since women were admitted to the state's bar the previous year and permitted to hold positions including school superintendent and register of deeds, the dissenters maintained that it was inconsistent to exclude women from the judiciary.¹⁴⁸

Maine's legislature agreed with the dissenting justices' view that women could serve capably in the justice of the peace role. In line with the majority's observation that the legislature was empowered to create new offices not bound by the same eligibility constraints, the legislature authorized the governor to appoint women to solemnize marriages and acknowledge deeds but without the "justice" title.¹⁴⁹ The governor promptly nominated a handful of women to this post.¹⁵⁰ As women in Maine continued to obtain this position over the following decades, commenters, legislators, and the women themselves recognized that women in this role were justices of the peace in all but name.¹⁵¹ Massachusetts took a similar approach. The legislature passed statutes in 1883 and 1896 that extended most justice of the peace powers to women appointed as "special commissioners," colloquially referred to as "justices of the peace."¹⁵²

The initial specter of women judicial officers also led to preemptive moves to exclude women in some states. During Michigan's constitutional commission in 1873, participants debated whether to permit women to hold offices in the state's revised constitution.¹⁵³ Even some men who were open to allowing women to hold positions they viewed as gender appropriate, such as school and library offices, thought judicial offices would be a step too far.¹⁵⁴ One representative proposed language that would open to women all offices except judicial.¹⁵⁵ The final version permitted women citizens to

147. *Id.* at 601–03 (Dickerson, J., dissenting).

148. *Id.* at 605.

149. Act of Feb. 24, 1875, ch. 56, 1875 Me. Laws 44.

150. *Matters in Maine*, PORTLAND DAILY PRESS (Me.), Apr. 15, 1875, at 2.

151. See, e.g., *The State*, PORTLAND DAILY PRESS (Me.), Dec. 15, 1888, at 1 ("Although there are now no women holding justices of the peace commission [in Kennebec County], the names of seven of them appear upon the commission books as holding special appointments to solemnize marriages, administer oaths and take acknowledgments of deeds."); *A Woman Justice of the Peace*, PHILA. INQUIRER, June 6, 1897, at 40 (claiming that Louise Cabel of Maine was the only woman justice of the peace in the world); Ella N. Harvey, *Appointed Jan 15, 1901*, BOS. GLOBE, May 21, 1902, at 11 (printing letter from Ella N. Harvey, self-described justice of the peace, correcting a newspaper's claim that a woman recently appointed "justice of the peace" in Maine was the only one to hold that position); *State Chat*, SUN-J. (Lewiston, Me.), Mar. 24, 1903, at 4 (describing how women appointees had "nearly all the power of justice of the peace" and explaining that a new law drafted by a woman made women's position even more similar to justice of the peace by extending the term of appointment and the scope of jurisdiction, observing "[t]his gives them practically all the privileges and powers of justices of the peace without having the name").

152. *Women Justices of the Peace*, BOS. DAILY GLOBE, Oct. 29, 1897, at 6.

153. *Woman in Michigan*, DET. FREE PRESS, Oct. 11, 1873, at 2.

154. *Id.*

155. *Id.*

serve as registers of deeds, notaries public, in school and library offices, and in “such other offices as may be designated by law.”¹⁵⁶ Michigan voters rejected the whole constitution.¹⁵⁷

In sum, the initial excitement surrounding women justices of the peace selected in 1870 was cut short, as voters rejected eligible candidates in some locations and male officials and politicians swiftly used law to shut down the possibility in others. Though the 1870s proved to be an important decade for women in some states to secure legal eligibility for offices including lawyer, notary public, state librarian, and school official,¹⁵⁸ even the lowest judicial posts proved to be almost completely unobtainable.

II. SUFFRAGE AND THE REGIONAL DIVIDE IN WOMEN’S JUDICIAL SERVICE (1881–1919)

Beginning in the 1880s, a regional divide developed in women’s access to judicial posts. In the Midwest and West, where women could vote in an increasing number of states, women secured judicial positions including justice of the peace, probate judge, and county judge. Most women judges earned their positions through elections, though frequent vacancies allowed governors and appointing bodies to select women as well. Many women candidates wished only to earn a living, while some (especially lawyers) recognized how their positions furthered women’s broader political agenda. By the 1910s, women in these regions aspired to states’ higher courts and ran respectable though unsuccessful campaigns.¹⁵⁹

Meanwhile in the Northeast and South, conservative gender norms and stricter eligibility rules kept judicial positions beyond women’s grasp. Seeking entry points into the legal profession, some women became court officials through a nontraditional path: they served as the country’s first probation officers. Women probation officers were especially welcome in specialized courts focused on women, children, and families. Recognizing the crucial and sometimes even quasi-judicial role that women probation officers played in specialized courts, women lawyers pressed for their states to authorize women judges. Finally, in the late 1910s, proponents scored a

156. THE CONSTITUTION OF MICHIGAN WITH AMENDMENTS THERETO AS RECOMMENDED BY THE CONSTITUTIONAL COMMISSION OF 1873 AND REPORTED TO THE GOVERNOR, WITH AN ANALYSIS OF THE CHANGES PROPOSED 39 (Lansing, Mich., W. S. George & Co. 1873).

157. John A. Fairlie, *The Referendum and Initiative in Michigan*, 43 ANNALS AM. ACAD. POL. & SOC. SCI. 146, 156 (1912).

158. Katz, *supra* note 4, at 110, 144, 150–51. On lawyers being “officers,” see *id.* at 148–49.

159. See *infra* Section II.A.

telling victory, when a small number of women were appointed as judges for specialized court benches.¹⁶⁰

A. Successes in the Midwest and West: Votes for Women Judges

After a lull in women's progress in entering the judiciary, women in the Midwest and West obtained judgeships in bursts from the mid-1880s into the 1890s and starting again around 1910. The most crucial factor was the spread of state-level suffrage, which proceeded from west to east.¹⁶¹ Suffrage brought or clarified eligibility and empowered women candidates. Some women secured judicial offices even before enfranchisement, reflecting the fact that gender norms were less rigid than in the East.¹⁶² Nearly all the positions that women obtained were at the bottom of the judicial hierarchy. These offices did not require a law degree, and only a small portion of title holders brought such credentials. Instead, one path women followed to become judges was to first serve as judicial assistants, clerks, or stenographers. Sometimes they held these positions to assist judges who were their husbands and then assumed the judgeships after their husbands died. Positive publicity covering women's experiences inspired new waves of women to pursue judgeships. Experiences varied. Many women held judicial posts on similar footing to men, but a minority faced disrespect and even insubordination. By the 1910s, women in these regions aspired to higher judicial offices, including states' highest courts and federal courts.

The gradual spread of women's suffrage was a major factor in sparking tentative new judicial opportunities. Washington Territory's extension of full suffrage to women in 1883 brought the election of two women as justices of the peace in November 1884.¹⁶³ News traveled far. For instance, a letter to the editor published in a newspaper in England reported the elections and observed: "Few thoughtful people will deny that this is a step in the right direction."¹⁶⁴ Colorado's full enfranchisement of women in 1893¹⁶⁵ led women to run for judicial offices there, beginning with justice

160. See *infra* Section II.B.

161. See *supra* note 45.

162. Katz, *supra* note 4, at 144–45, 173–77.

163. For the date of enfranchisement, see KEYSSAR, *supra* note 45, app. tbl.A.20. For the women, see Appendix, entries for J. Anderson (1884) and Eliza A. Forbes (1884). For more context specific to Washington Territory, see SANDRA F. VANBURKLEO, GENDER REMADE: CITIZENSHIP, SUFFRAGE, AND PUBLIC POWER IN THE NEW NORTHWEST, 1879–1912, at 61–62 (2015) (discussing women's attainment of low-level positions, including justice of the peace).

164. Themis, Letter to the Editor, *Women Elected Justices of the Peace*, STOCKPORT ADVERTISER (Greater Manchester, Eng.), Feb. 13, 1885, at 7.

165. KEYSSAR, *supra* note 45, app. tbl.A.20.

of the peace in 1894.¹⁶⁶ Idaho's full enfranchisement of women in 1896¹⁶⁷ helped a woman secure election as a justice of the peace in 1902.¹⁶⁸ Newspapers soon carried positive accounts of her performance presiding over an assault and battery trial. According to one journalist, "Her conduct of the case was dignified and her rulings and decisions marked by a degree of fairness that called for and met the approval of the learned attorneys on both sides."¹⁶⁹ The writer observed that this episode established "the judicial ability of woman."¹⁷⁰ Meanwhile, back in Wyoming, several additional women ran for justice of the peace,¹⁷¹ and some were elected.¹⁷² Though few women served as judges in this period, the coverage they received helped spread the idea that women could serve competently in new political and professional roles.

The relationship between suffrage and officeholding was more complex in Kansas.¹⁷³ Women successfully held school offices in the 1870s, overcoming challengers who alleged women were ineligible on the basis that women could not vote.¹⁷⁴ In one of those cases, future U.S. Supreme Court Justice David Brewer wrote for the Kansas Supreme Court that women were eligible to hold any public office that the state's constitution did not explicitly limit to voters.¹⁷⁵ For support, Brewer cited the opinion of the Maine justices who dissented from their court's ruling that women were ineligible to be justices of the peace.¹⁷⁶

166. Elizabeth Hutton campaigned for justice of the peace in 1894 and 1897. *Hutton, Elizabeth*, HER HAT WAS IN THE RING!, <https://herhat.historyit.com/items/view/project/19631/search> [https://perma.cc/7CE2-7EJ3]. Winona Taylor lost in her campaign for district judge in 1906. *Taylor, Winona Washburn*, HER HAT WAS IN THE RING!, <https://herhat.historyit.com/items/view/project/22637> [https://perma.cc/SSMR-2FUR]. The first woman judge in Colorado identified to date was elected in 1910. See Appendix, entry for Jeannette Schaffer (1910). However, coverage of her election is routine and specifies she was the first woman judge in her county, which likely indicates other women had already served as justices of the peace elsewhere in Colorado. See, e.g., *Anti-Brainlets*, AKRON NEWS (Colo.), Jan. 12, 1911, at 4 (collecting bits of local news, including: "The first lady Judge to be sworn into office in Washington county is Mrs. Jeannette Schaffer . . .").

167. KEYSSAR, *supra* note 45, app. tbl.A.20.

168. See Appendix, entry for E.L. Cole (1902).

169. *A Portia Presides at Salubria Trial*, WEISER SEMI-WKLY. SIGNAL (Idaho), Apr. 4, 1903, at 2.

170. *Id.*

171. *Alice Fitzgerald's Campaign for Justice of the Peace, 1886*, HER HAT WAS IN THE RING!, <https://herhat.historyit.com/items/view/project/20020/search> [https://perma.cc/RK24-8443]; *Padgett, Josephine*, HER HAT WAS IN THE RING!, <https://herhat.historyit.com/items/view/project/2258> [https://perma.cc/VZL9-D688].

172. See Appendix, entries for Ann Scally (1892), M. Agnes Garrett (1902), and Maggie H. Gillespie (1902).

173. See generally Lorraine A. Gehring, *Women Officeholders in Kansas, 1872–1912*, 9 KAN. HIST. 48 (1986).

174. Katz, *supra* note 4, at 150–51.

175. *Wright v. Noell*, 16 Kan. 601, 604 (1876).

176. *Id.* at 606–07. See *supra* notes 141, 144–48 and accompanying text for a discussion of the Maine case.

In 1886, the Kansas governor asked the state's attorney general whether women could be justices of the peace.¹⁷⁷ The attorney general responded affirmatively.¹⁷⁸ Women were citizens, and officeholding provisions in the constitution lacked the sex qualifications specified for suffrage.¹⁷⁹ Commenters found this conclusion logical. One writer observed that permitting women justices "is only the extended application of a settled rule."¹⁸⁰

Newspaper articles indicate that the spark for the justice of the peace eligibility question was the Kansas governor's desire to appoint Maria DeGeer, a successful lawyer, newspaper editor, and businesswoman.¹⁸¹ According to one account, DeGeer was interested in the position for two reasons: to regulate the whisky business in her town, "and second, she is an advocate of 'woman's rights' and loses no opportunity to push that doctrine to the front and to put in practice what she preaches."¹⁸² Though news coverage is somewhat inconsistent, it seems that the governor appointed DeGeer's brother before learning of her likely eligibility.¹⁸³ Later that year, DeGeer claimed significant speaking time at the annual meeting of the American Equal Suffrage Association, which met in Topeka and also featured Lucy Stone and Julia Ward Howe.¹⁸⁴

Kansan suffragists finally won a partial victory in February 1887, with the enactment of "An Act conferring upon women the right to vote at city elections, and to hold certain offices."¹⁸⁵ Effective immediately, women could vote for city and school officers, and they were eligible for those same offices.¹⁸⁶ Impliedly this meant they could not vote for town, county, or state officers,¹⁸⁷ yet the law arguably left untouched the precedent that women

177. *They Can Hold Office*, WKLY. CAP. & FARMER'S J. (Topeka), July 15, 1886, at 5.

178. *Id.*

179. *Id.* The attorney general also cited *Wright v. Noell*, 16 Kan. 601 (1876), for support. *Id.*

180. *Atchison Champion*, MED. LODGE CRESSET (Kan.), July 29, 1886, at 1.

181. [No title], WALLACE CNTY. REG. (Kan.), July 24, 1886 (Supp.). For more on her background, see *A Business Woman*, INTER OCEAN (Chi.), Jan. 6, 1886, at 5.

182. [No title], WALLACE CNTY. REG., *supra* note 181. According to one historical account, DeGeer helped found a town in Kansas that she envisioned would allow equal rights, but she was deeply disappointed when the town did not allow women officers. Stephanie Fisher, "Legacy" *Maria E. DeGeer Statue at DeGeer Corner*, CLIO (Nov. 29, 2022, 2:44 PM), <https://theclio.com/entry/93055> [<https://perma.cc/D5Y9-DS88>]. Many Kansan women were motivated to participate in politics by temperance considerations in this period. Gehring, *supra* note 173, at 49.

183. [No title], WALLACE CNTY. REG., *supra* note 181. *But see* [No title], WALLACE CNTY. REG. (Kan.), Sept. 11, 1886, at 2 (suggesting voters preferred the brother because they "do not want a woman in that office").

184. *Equal Rights*, SCOTT CNTY. HERALD (Kan.), Dec. 4, 1886, at 2.

185. Act of Feb. 15, 1887, ch. 230, 1887 Kan. Sess. Laws 324–25.

186. *Id.*

187. See Gehring, *supra* note 173, at 56 (describing how some women won county-level offices, for which they could not vote even after municipal suffrage).

could hold offices for which they could not vote. The statute soon translated into more women city officers, including the first woman police judge (with jurisdiction over violations of city ordinances)¹⁸⁸ in 1889.¹⁸⁹ The following year, a newspaper article that gathered reporting from around the world concluded that Kansas was “the Paradise of Women” because of women’s political and professional achievements, including the election of a woman police judge.¹⁹⁰ By 1896, around a half-dozen women had been elected to serve as police judges in Kansas, including some elected on all-women tickets.¹⁹¹

Perhaps inspired by the growing number of women judges in neighboring jurisdictions, women in non-suffrage states in the Midwest and West also sought judicial office. For instance, in Nebraska, Zara Wilson—a lawyer and supporter of women’s rights—took the bold steps of running first for county attorney in 1892¹⁹² and then for county judge in 1894.¹⁹³ In 1897, the Liberty Party, which included equal suffrage as one of its major planks, selected Wilson as their nominee for the state’s highest court.¹⁹⁴ Citing Wilson’s advocacy for women’s suffrage and property rights, one newspaper writer deemed her “in an especial sense most fully qualified for the high office for which she is named.”¹⁹⁵ Though she did not win any of the positions she sought, her campaigns raised awareness of women’s ambitions and capabilities.

188. C.F.W. DASSLER, COMPILED LAWS OF KANSAS, 1885. BEING A COMPILATION OF ALL THE LAWS OF A GENERAL NATURE BASED UPON THE GENERAL STATUTES OF 1868 ch. 18, art. 4[5], § 51, at 147 (Topeka, Kan., Geo. W. Crane & Co. 1885).

189. See Appendix, entry for Mary F. Groundwater (1889). That same year, the Kansas legislature passed a law to “legalize” the acts of Ella Cameron, who had unofficially acted as probate judge in Rice County, Kansas, when her father was too ill to serve in his position. See Ella Cameron, *A Card*, LYONS REPUBLICAN (Kan.), Nov. 8, 1888, at 5 (thanking people for helping her do her “duty” in trying to “fill my father’s place”); Act of Mar. 1, 1889, 1889 Kan. Sess. Laws 9. Though Cameron was not formally a judge, her performance and the legislature’s legalization of her service supported women’s advancement toward judicial roles.

190. Porter Sherman, *Kansas the Paradise of Women*, WYANDOTT HERALD (Kan. City, Kan.), Jan. 2, 1890, at 3.

191. Those elected on all-women tickets included Mary F. Groundwater (1889), Jessie Greer (1890), F.M. Leibel (1891), and Mary Foote (1896). *Women in Office*, in 12 COLLECTIONS OF THE KANSAS STATE HISTORICAL SOCIETY, 1911–1912, at 396, 399–401 (Geo. W. Martin ed., 1912). Other women elected as police judge included Mary Burton (1891) and Jessie McCormick (1891). See Appendix. News coverage indicates other women may have been elected as police judges but declined to serve. See Josephine M. Patten, *Woman’s Republic*, BELOIT GAZETTE (Kan.), Dec. 12, 1889, at 2 (quoting a speaker who noted that of the three women elected as police judges, two declined to qualify).

192. A WOMAN OF THE CENTURY: FOURTEEN HUNDRED-SEVENTY BIOGRAPHICAL SKETCHES ACCOMPANIED BY PORTRAITS OF LEADING AMERICAN WOMEN IN ALL WALKS OF LIFE 789 (Frances E. Willard & Mary A. Livermore eds., Buffalo, N.Y. Charles Wells Moulton, 1893).

193. See *Lancaster County*, NEW PATRIOT (Lincoln, Neb.), Sept. 29, 1894, at 8 (including Wilson on the ticket for county judge).

194. *Supreme Judge*, INMAN NEWS (Neb.), July 27, 1897, at 1.

195. *Id.*

In other non-suffrage states in the Midwest, women sometimes succeeded in winning the justice of the peace position. Long-time suffragist Catherine McCulloch paved the way when she was elected as a justice of the peace in Illinois in 1907.¹⁹⁶ Once she set this precedent, other women in Illinois were able to obtain the position without eligibility queries.¹⁹⁷

McCulloch's victory also may have reassured county commissioners in non-suffrage Indiana about their decision to appoint Clara Hess as a justice of the peace later that same year.¹⁹⁸ A newspaper article reported that fifty voters petitioned the county commissioners to appoint Hess.¹⁹⁹ After securing the county attorney's opinion that there was no legal impediment, the commissioners went ahead.²⁰⁰ A state-level official responsible for issuing her commission also questioned her eligibility, prompting the governor to weigh in that he saw "no reason why a woman should not serve as a justice of the peace."²⁰¹ That perspective opened the opportunity for another woman to run for circuit court judge in Indiana the following year. She made a respectable showing but lost.²⁰²

In states where women had not yet held judicial office, they sometimes found opportunities to prove their competency by serving in temporary positions. A representative example is the service of Mayme Graham in 1905. Graham worked capably as a clerk to a Nebraska county judge for six years, so the county board appointed her to serve as a substitute judge during his monthlong absence for travel.²⁰³ Newspaper coverage deemed her "well qualified," and reported that her friends anxiously awaited the day they could greet her as "the first lady Judge of Nebraska."²⁰⁴ Similarly, court reporter Olga Melinda Victoria Miller was celebrated as the first woman judge in New Mexico Territory in 1910, after she served as judge pro tem during the regular judge's absence.²⁰⁵ Newspaper coverage suggested she

196. See *supra* notes 1–29 and accompanying text.

197. See Appendix, entries for Mary Phares (1910), Carrie Partridge (1912), and Mattie M. Hoff (1915). Partridge was a "school friend" of McCulloch's. *Three Women Justices to Attend Conference*, CHI. TRIB., Apr. 1, 1913, at 12.

198. See Appendix, entry for Clara M. Hess (1907). Hess attracted attention through her role as president of the Woman's Relief Corps of Indiana. See *Woman's Relief Corps*, INDIANAPOLIS NEWS, Apr. 7, 1905, at 5.

199. *Indiana Woman Justice*, RICH. ITEM (Ind.), Oct. 11, 1907, at 6.

200. *Id.*

201. *Woman Justice of Peace*, FORT WAYNE SENTINEL (Ind.), Oct. 16, 1907, at 4.

202. *Official Returns Are About All In*, STAR PRESS (Muncie, Ind.), Nov. 6, 1908, at 2 (noting that Julia Siegfried received 751 votes, which was more than any other candidate running on the Socialist party ticket).

203. *Young Lady County Judge*, SHELBY SUN (Neb.), July 27, 1905, at 8.

204. *Id.*

205. *Las Cruces Boasts First Woman Judge*, EL PASO HERALD (Tex.), Oct. 31, 1910, at 12.

“demonstrated a good knowledge of law” and had been praised by the mayor.²⁰⁶

Women’s service as judges was not always seen as a success. In some locations, women’s elections were reported as a “joke” or the result of an unusual plot, and some quit after short periods.²⁰⁷ One episode that captures these negative themes was reported in a lengthy article in the *Indianapolis News*, covering the unsuccessful service of Kansas police judge Jesse Greer and the other women elected to posts on the same ticket in 1890. The article began: “After a stormy and wholly unsatisfactory career of less than two months the female officials of this town have thrown off the yoke of office and gone home to attend to their knitting.”²⁰⁸ The backstory, according to the reporter, was that a former mayor who lost office due to women’s organizing submitted the all-women ticket in an act he expected to play out as revenge.²⁰⁹ Then, surprisingly, the women embraced their nominations and were elected.²¹⁰ Though the accuracy of the account is unclear, it may have influenced readers’ views on the desirability of women officeholders.²¹¹

On the other hand, candidacies that allegedly began as a prank had the potential to encourage serious consideration of women as judges, even outside the relatively favorable regions of the Midwest and West. For instance, the initial coverage of Ada Reed’s election as justice of the peace in Pennsylvania in 1884 characterized her win as “a joke.”²¹² Yet reportedly, Reed accepted the position “with good grace” and completed the necessary

206. *Id.*

207. For instance, newspapers reported that the first woman judge in Iowa (L.E. Castle) was possibly elected due to a clerk mistakenly using her initials on the ballot in lieu of her husband’s. The confusion may have been caused by the fact that he ran a drugstore using her name. She served briefly before resigning. *Woman Justice of the Peace*, SIOUX CITY J. (Iowa), Dec. 30, 1894, at 2; *Female Justice Loses Courage*, WATERLOO DAILY COURIER (Iowa), Jan. 22, 1895, at 2. When Mary Phares became the second woman justice of the peace in Illinois, an early article reported that her “campaign was started as a joke” and she “did not know she was a candidate until notified of her election.” *Woman Elected Justice*, DAILY HERALD (Chi., Ill.), July 1, 1910, at 3. However, the fuller story indicated the “joke” characterization may have reflected her modesty about the fact that a male attorney had encouraged her to consider the position and sought her permission before submitting her name. *See id.* Sometimes the “joke” allegation seemed designed to undermine a woman for political reasons, rather than serving as an accurate account. For example, after the election of one Kansan woman as justice of the peace, newspaper coverage read in part: “The candidacy of Mrs. [Jessie] McCormick was regarded as a joke until her election was assured and now the anti-prohibitionists are alarmed.” *Women Police Judges*, KAN. CITY GLOBE (Kan.), Apr. 10, 1891, at 1.

208. *The Women Quit Office*, INDIANAPOLIS NEWS, June 6, 1890, at 6.

209. *Id.*

210. *Id.*

211. Additionally, coverage indicates that other all-women local governments were more successful. *See Gehring, supra* note 173, at 52–53.

212. *Points on State Politics*, DAILY PATRIOT (Harrisburg, Pa.), Apr. 28, 1884, at 2.

paperwork.²¹³ Subsequent reporting described her as a “very respectable and intelligent lady, who will make a capable Justice.”²¹⁴ And more significantly, this episode provided an opportunity for a newspaper writer to opine that “every office in the land ought to be open to women like Mrs. Reed” because “[a]bility not sex should be the necessary passport to office.”²¹⁵ But more was needed than favorable public opinion. About a month after news of her election, a newspaper quoted Reed as acknowledging that she had not performed any work as a justice yet because “[t]he legality of my holding the office is likely to be tested.”²¹⁶ Subsequent silence in available newspapers, as well as Pennsylvania’s broader officeholding history, suggests she was unable to hold the position.²¹⁷

The joke theme was just one indication that the specter of women justices of the peace was on the minds of antisuffragist men. Even Congressmen were concerned. In 1887, one of the most vocal opponents of women’s suffrage in Congress detailed his “aversion” to women’s officeholding (implicitly linked to suffrage) by comparing the “gentle words and caressing hand” of a deceased mother to “the idea of a female justice of the peace or [a] township constable.”²¹⁸

After decades in which the only attainable judicial posts for women were justice of the peace and police judge,²¹⁹ women began to secure more competitive and distinguished posts by completing the terms of their late husbands. This trend began in Kansas in 1908. After a probate judge died, the governor faced a dilemma in choosing between two men who stepped forward as candidates.²²⁰ The governor circumvented this problem by appointing the judge’s wife, Mary Cooper.²²¹ According to newspaper coverage, Cooper had served as “deputy probate judge” to assist her husband and therefore “thoroughly [understood] the work of the office.”²²² The governor explained that he “decided that if Mrs. Cooper was so valuable in the office there was no reason why she should not be appointed

213. *Her Honor Ada Reed, J.P.*, BLAIRSVILLE ENTER. (Pa.), May 2, 1884, at 3.

214. [No title], PUB. WKLY. OP. (Chambersburg, Pa.), May 10, 1884, at 2.

215. *Id.*

216. *A Woman Justice of the Peace*, SENTINEL (Carlisle, Pa.), May 27, 1884, at 1.

217. Women had been permitted to become lawyers in Pennsylvania only the prior year and were not permitted to become notaries public until 1893. See Katz, *supra* note 4, at 165.

218. 18 CONG. REC. 986 (1887) (statement of Sen. George Graham Vest).

219. For example, at least a few women had campaigned for election as probate judge in Kansas. See *Additional Local*, WINFIELD SENTINEL (Kan.), May 17, 1895, at 4 (reporting on the campaign of Florence Covert); *Unofficial Vote of Franklin County, Kansas, November 8, 1904*, EVENING HERALD (Ottawa, Kan.), Nov. 9, 1904, at 8 (showing the defeat of Adelaide Moe).

220. *Mrs. Cooper Is Probate Judge*, BELOIT GAZETTE (Kan.), Apr. 30, 1908, at 4.

221. *Woman Probate Judge*, ABILENE DAILY CHRON. (Kan.), Apr. 29, 1908, at 1.

222. *Id.*

herself.”²²³ After seeking legal guidance, he was satisfied that she was eligible,²²⁴ despite the fact that the municipal suffrage women had secured did not include voting for this position.²²⁵ Press coverage was positive, with one representative article observing that “[t]his appointment will meet with the approval of every one.”²²⁶

Several months later, coverage indicated Cooper’s performance had been “thoroughly competent,” prompting the Republican party to select her in their primary.²²⁷ In the general election, she won the office by a large margin.²²⁸ As Cooper continued her service, newspapers published beyond the state reassured readers that Cooper had “lost none of her feminine traits.”²²⁹

Cooper’s positive reception helped pave the way for the next Kansas governor to appoint Helen McClung as a probate judge to complete the term of her late husband.²³⁰ Cooper sent a congratulatory letter to her new colleague,²³¹ and the “sister” probate judges continued corresponding in the following years.²³² McClung was also elected to a new term, though she resigned for unknown reasons in 1911.²³³ Pointing to Cooper’s and McClung’s successful service, as evidenced in part by their elections, subsequent Kansas governors continued to appoint women to complete their late husbands’ terms.²³⁴ Moreover, once women’s capacity to serve as

223. *Id.*

224. *Id.*

225. Women had municipal suffrage, which did not include voting for county offices such as probate judge. Gehring, *supra* note 173, at 56. On probate judge being a county office, see DASSLER, *supra* note 188, at ch. 25, art. 6, § 84, at 280.

226. *Mrs. Cooper Is Probate Judge*, *supra* note 220, at 4.

227. *A Woman Probate Judge*, LEAVENWORTH TIMES (Kan.), Aug. 20, 1908, at 3. After Cooper won the election, the governor appointed a different woman to complete the remaining term of a probate judge for whom she had served as clerk. This nomination was less consequential, as there was already a probate judge-elect set to begin about a month later. *New Probate Judge Qualifies*, OTTAWA DAILY REPUBLIC (Kan.), Nov. 16, 1908, at 1 (discussing the appointment of Clara Keiser).

228. *The Kansas Woman Who Became a Judge*, DET. FREE PRESS, Aug. 29, 1909, at 64.

229. *Id.*; see *Only Woman Probate Judge*, PLAIN DEALER (Cleveland), Sept. 12, 1909 (Magazine), at 5.

230. Newspaper coverage directly connected the appointment to Cooper’s. See *Woman Probate Judge at Leoti*, RUSH CTR. BREEZE (Kan.), Sept. 17, 1909, at 6.

231. *Ladies Exchange Greetings*, W. CALL (Beloit, Kan.), Sept. 24, 1909, at 1.

232. *Will Be a Candidate*, BELOIT DAILY CALL (Kan.), June 17, 1910, at 4 (discussing the judges’ interest in each other’s elections); see also [No title], CAWKER CITY PUB. REC. (Kansas), Nov. 17, 1910, at 8 (using the phrase “Probate Sisters”).

233. *Woman Probate Judge Quits*, TULSA WKLY. DEMOCRAT (Okla.), Oct. 5, 1911, at 5.

234. See, e.g., Z.C. Hopkins, *Woman Probate Judge*, SALINA UNION (Kan.), Apr. 10, 1914, at 5 (discussing the appointment of Achsah Cullison and noting that Cooper’s “success was of much influence” in encouraging the appointment); *Names of Woman as Probate Judge*, HUTCHINSON GAZETTE (Kan.), Apr. 8, 1914, at 1 (in announcement of Cullison’s appointment, noting the prior appointments of two women as probate judge and suggesting their election “speaks well for the

probate judges was established in Kansas, women achieved election without relying on their husbands' legacies.²³⁵

The opportunity to succeed a late husband smoothed the way for a woman judge in neighboring Colorado, too. In February 1911, Lydia Tague became the country's first female county judge, after county commissioners selected her to complete her late husband's term.²³⁶ Newspaper coverage detailed how Tague's assistance of her husband prepared her for the role, with one early account suggesting she had "done most of the work" for the prior five years.²³⁷ The daughter of a judge, Tague had no formal legal training but told a reporter she was "reading law" (a common alternative to law school in these years) and thought she might take the bar exam in the future.²³⁸ She supported women's involvement in politics, noting she had voted in every election since women's enfranchisement in Colorado eighteen years earlier.²³⁹ Her docket included a variety of matters, including probate, divorce, and occasionally criminal cases.²⁴⁰

In the case that garnered the most publicity, Tague presided over a bootlegging trial, which was heard by a jury that included women.²⁴¹ Coverage of her role was largely complimentary. The *St. Louis Post-Dispatch* reported that Tague had "a great capacity for work" and was "careful, conscientious and quick to grasp difficult points of law and technicalities, according to lawyers who have appeared before her."²⁴² Those lawyers deemed her "fair and impartial," though the reporter believed she leaned toward the prosecution in some of her rulings and jury

women"). Like the prior appointees, Cullison had served as her husband's deputy for several years. *Mrs. Cullison for Probate Judge*, HOW. COURANT (Kan.), Apr. 23, 1914, at 2. She later campaigned for election and lost by a narrow margin. *Official Canvass Alters Nothing*, ELK FALLS REFLECTOR (Kan.), Nov. 13, 1914, at 1.

235. See Appendix, entry for Maggie Gilmore (1912). Kansans seemingly viewed probate judge as one of the most prestigious posts a woman won, during an election with a record number of women officeholders. See, e.g., *Women Scored*, HUTCHINSON NEWS (Kan.), Nov. 14, 1912, at 9 (emphasizing that a woman was chosen as probate judge). Additional women probate judges are discussed below. See *infra* notes 266–75 and accompanying text.

236. *Brief News from the Wire*, LINCOLN EVENING NEWS (Neb.), Feb. 27, 1911, at 6B.

237. *Id.*

238. *Woman Judge Has Pronounced Views on Justice*, DET. TIMES, Apr. 14, 1911 (First Edition), at 1. On the transition from informal training and apprenticeships to law schools, see DRACHMAN, *supra* note 41, at 39–40.

239. *Woman Judge Has Pronounced Views on Justice*, *supra* note 238, at 1.

240. *Id.*

241. *Bootleggers' Fate Rests with Women*, MOLINE DALY DISPATCH (Ill.), Mar. 11, 1912, at 1.

242. *Woman Judge and Women Jurors Try a Man*, ST. LOUIS POST-DISPATCH, Mar. 31, 1912 (Magazine), at 3.

instructions.²⁴³ That Coloradans were satisfied with her service is reflected by their decision to reelect her three times.²⁴⁴

Appointment to late male relatives' posts proved to be a useful opening wedge in non-suffrage states, too, yet these advances proved more fleeting. The first two women judges in Missouri served to complete the terms of a deceased husband or father.²⁴⁵ Their stories began similarly to those in Kansas and Colorado. Newspaper coverage emphasized their preparedness for the roles based on their prior service.²⁴⁶ For instance, a journalist explained that Isabelle Earll had served as her husband's clerk and stenographer for six years before she assumed his position as justice of the peace.²⁴⁷

Positive news coverage quoted Earll as saying she was initially "nervous" when she took the office, "but [she] soon grew accustomed to it."²⁴⁸ Among other matters, she heard over one hundred criminal cases, though she reported that police avoided bringing "the worst cases" to her court.²⁴⁹ Sometimes unexpectedly indelicate testimony came out, but she professed to not really notice. "I guess I forget that I'm a woman and they are men," she explained. "You see I'm so busy thinking of it as a justice."²⁵⁰ Though she lost her bid for election at the end of the term, local officials kept her involved with the court by appointing her as a deputy constable, a secretarial role.²⁵¹

It was not a given that women would be permitted to finish their relatives' terms, and eligibility questions contributed to derailing some women's candidacies. For instance, in 1912, the widow of a Missouri probate judge received significant support for completing his term, with "prominent men" withdrawing from consideration when they learned she

243. *Id.* Tague was a strict enforcer of Colorado's prohibition law. Kathy Heicher, *Eagle County's Tee-Totaling Judge*, VAILDAILY (Oct. 11, 2018), <https://www.vaildaily.com/news/eagle-countys-tee-totaling-judge/> [<https://perma.cc/TSY6-PFUP>].

244. *See* Heicher, *supra* note 243. She served until 1924. *Id.*

245. *See* Appendix, entries for Isabelle Earll (1912) and Frances Hopkins (1914).

246. For example, Frances Hopkins was clerk of a probate court for twelve years before she was appointed in 1915 to complete the term of the judge, her late father. *Woman Judge Is Dead*, ST. JOSEPH NEWS-PRESS (Mo.), Feb. 17, 1916, at 6.

247. *Missouri's First Woman J.P.*, ST. JOSEPH NEWS-PRESS (Mo.), May 11, 1912, at 10; *A Joplin Portia and Her Daughter*, KAN. CITY STAR (Mo.), May 15, 1912, at 3A.

248. *Married 300 in Six Months*, KAN. CITY STAR (Mo.), Jan. 12, 1913, at 15A.

249. *Id.*

250. *Id.*

251. *Woman Is Constable's Deputy*, KAN. CITY STAR (Mo.), Aug. 12, 1913, at 4. The second Missouri woman judge appointed under similar circumstances did not have the opportunity to seek election because she took office for the brief period between the death of her father and the term of a successor who had been elected before the father's death. *Fair Judge Keeps Her Court Orderly*, ST. JOSEPH GAZETTE (Mo.), Dec. 22, 1914, at 5; *see* Appendix, entry for Frances Hopkins (1914).

had applied to the governor.²⁵² However, one former judge interested in the position reached out to the governor “in case it was deemed unwise” to appoint the woman.²⁵³ When that man was selected, newspaper coverage suggested that the woman’s application was not accepted because some feared that a woman presiding as probate judge would cast “a cloud” on land titles.²⁵⁴

A burst of suffrage wins in the 1910s added momentum to women’s increasing judicial service. After more than a decade with no new full-suffrage states, women secured full suffrage in Washington (1910), California (1911), Arizona (1912), Kansas (1912), Oregon (1912), Montana (1914), and Nevada (1914).²⁵⁵ Several states’ constitutional amendments explicitly included the right to hold office, while in others that result was reached by implication.²⁵⁶ The officeholding consequences were quick in some states, with women selected as judges in several for the first time. Women became justices of the peace in California in 1912,²⁵⁷ Washington in 1912,²⁵⁸ Montana in 1915,²⁵⁹ and Arizona in 1918.²⁶⁰

Kansas’s 1912 constitutional amendment upgraded women from municipal to full suffrage and expressly included equal officeholding rights.²⁶¹ The combined effect was to increase the number of women in judicial posts, even before women had the chance to exercise the suffrage component. Between the time the amendment passed in 1912, and when women could vote for all officials in November 1914, the governor appointed the state’s first woman justice of the peace.²⁶² Because justice of

252. *Woman as Probate Judge*, ST. LOUIS GLOBE-DEMOCRAT, June 21, 1912, at 3.

253. *Fight on for Probate Judge*, HOWELL CNTY. GAZETTE (W. Plains, Mo.), July 11, 1912, at 1.

254. *McClain Is Probate Judge*, HOWELL CNTY. GAZETTE (W. Plains, Mo.), July 18, 1922, at 5. There was an understanding that under Missouri law a woman could be appointed but not elected to the position of probate judge. *Woman as Probate Judge*, *supra* note 252, at 3.

255. KEYSSAR, *supra* note 45, app. tbl.A.20. The November 1912 elections were particularly crucial, as that single year added Arizona, Kansas, and Oregon to the list of suffrage states, but women’s suffrage amendments simultaneously failed in Michigan, Ohio, and Wisconsin. *See Suffrage in Illinois Now*, CHAMPAIGN DAILY GAZETTE (Ill.), June 12, 1913, at 1.

256. Katz, *supra* note 4, at 178.

257. *See* Appendix, entries for Lily Laird (Files) (1912), Clara Alice Jess (1912), and Edna Keeran (1913).

258. *See* Appendix, entries for Edmonia Mills (1912), Reah Whitehead (1914), M.N. Clark (1916), and Martha Warner (1916).

259. *See* Appendix, entries for Watie S. Duff (1915) and Margaret Hopkins (1918).

260. *See* Appendix, entry for Nellie T. Bush (1918).

261. *Lizzie S. Sheldon Gives Her Campaign Platform*, TOPEKA DAILY CAP., July 12, 1914, at 8B (“[T]he equal suffrage amendment . . . secured for the women of Kansas not only the right to vote but the right to hold office equally with man.”); KAN. CONST. art. 5, § 8 (1912) (eliminated by revision). For the text of the suffrage amendment, see *Constitution of the State of Kansas: List of Amendments and Proposed Amendments*, KAN. SEC’y OF STATE, <https://sos.ks.gov/publications/kansas-constitution/kansas-constitution-list-of-amendments.html> [<https://perma.cc/NCR8-V95K>].

262. *A Woman J.P.*, TOPEKA ST. J., Apr. 17, 1914, at 6.

the peace was a township-level position, women could not vote for it during the prior period of municipal-only suffrage.²⁶³ When a vacancy opened in Spring 1914, Lura Middaugh, a stenographer with legal training, sought the position. “With equal suffrage in Kansas,” an early report explained, “the woman urged that she was qualified for the office.”²⁶⁴ The governor agreed and selected her.²⁶⁵

When Kansan women first exercised full suffrage at the polls a few months later, nineteen women were elected as justices of the peace and four as probate judges.²⁶⁶ Many more obtained other types of offices.²⁶⁷ This trend continued the following election cycle. In 1916, Kansan women secured so many offices that a headline suggested: *Kansas Women Office-Seekers Worry the Men*.²⁶⁸

In campaigning for the probate bench, some Kansan women emphasized the probate judge’s secondary role as juvenile court judge and made gendered arguments about their own qualifications with varying degrees of explicitness.²⁶⁹ For instance, in 1914, Mary Hale placed a newspaper ad informing readers that the “important office of Probate Judge should be filled by one who is especially fitted by training and character to handle the work of the Juvenile Court.”²⁷⁰ The text continued: “Miss Hale is not only interested in the development of the work of Juvenile Court, but in all the other and better known duties of the office.” She was “honest, clean, and honorable in every way, always lending a hand to the unfortunate.”²⁷¹ She

263. There is some uncertainty about whether the passage of full suffrage was required for women’s eligibility for the position. As noted above, an attorney general opinion issued in 1886 maintained that women were eligible. See *supra* notes 177–79 and accompanying text. However, the fact that no women obtained the position during the period of municipal suffrage (even as they held numerous other positions) indicates there may have been doubt on this point. Unlike the county position of probate judge, which women could hold before county-level enfranchisement, see *supra* notes 224–25 and accompanying text, the township position of justice of the peace included eligibility language stating that the position was open only to a person who was “an elector of said township.” DASSLER, *supra* note 188, at ch. 110, art. 3, § 16, at 985.

264. *A Woman J.P.*, *supra* note 262, at 6. On her legal training, see *Woman Justice of the Peace*, OTTAWA DAILY REPUBLIC (Kan.), Apr. 18, 1914, at 5.

265. *A Woman J.P.*, *supra* note 262, at 6. She and her sister alternated in serving in the position over the coming years. See Appendix, entries for Lura Middaugh (1914) and Mettje Middaugh (1915).

266. *Women Hold 159 Elective Township and County Offices*, TOPEKA DAILY CAP., Dec. 26, 1915, at 5A.

267. *Id.*

268. *Kansas Women Office-Seekers Worry the Men*, ST. LOUIS POST-DISPATCH, May 28, 1916, at 7B (noting that two women were appointed as probate judges to succeed their husbands and then won reelection).

269. When Kansas created juvenile courts in 1905, the state designated the probate judge of each county to sit as the juvenile court judge for efficiency reasons. GEORGE STEPHENS, *THE JUVENILE COURT SYSTEM OF KANSAS* 19, 49–50 (1906).

270. *Mary Hale for Probate Judge*, BUCKLIN BANNER (Kan.), Oct. 29, 1914, at 4.

271. *Id.*

won.²⁷² A more deeply gendered argument by another woman candidate that same election cycle did not persuade voters. Blanche Love suggested that the probate judge's responsibility for orphan children meant that motherhood helped prepare a person to hold the office.²⁷³ The tagline of her ads read: "An office a lady can fill."²⁷⁴ Apparently, voters believed it was also an office a man could fill, given that they elected her male opponent.²⁷⁵

Other than Kansas, the state with the greatest number of women judges in the 1910s was California.²⁷⁶ Perhaps for that reason, newspaper coverage of California women judges reveals particularly varied experiences. Some held office without apparent issue,²⁷⁷ later seeking and winning reelection.²⁷⁸ Others encountered numerous problems.

The experiences of the first woman selected to serve as a California judge in her own right provides an early discouraging example.²⁷⁹ In April 1912, Dale City trustees selected stenographer Clara Jess to serve as recorder, a role similar to police judge that included concurrent jurisdiction as justice of the peace.²⁸⁰ Jess told reporters that she appreciated the "honor" of being the first woman to sit as a judge in the state, and she would try all cases "in accordance with law and justice."²⁸¹ Six months into her service, she found the role more challenging than anticipated.²⁸² Although she was popular with women litigants who appreciated her sympathetic stance, she found that some men had "a thousand petty little ways of making it hard."

272. See Appendix, entry for Mary Hale (1914).

273. Blanche Love, *To Voters of Meade County*, FOWLER NEWS (Kan.), Oct. 22, 1914, at 6.

274. *Vote for Mrs. Blanche Love*, FOWLER NEWS (Kan.), Oct. 22, 1914, at 5.

275. See *Capper and Curtis Elected*, MEADE GLOBE (Kan.), Nov. 5, 1914, at 1.

276. See Appendix. Joining a trend that began in other states, many of the first women judges in California were appointed to complete the terms of deceased husbands or fathers. See *Women Justices Are Coming to Front*, SACRAMENTO BEE, Feb. 9, 1917, at 8 ("While in nowise is it a general rule, it is becoming the practice of Supervisors to fill vacancies caused by death by appointing the widow of the deceased. The practice has been more general in Justice of the Peace positions than in any other department of county government.").

277. Reporting on women judges' service is often routine, indicating that they filled the positions without issue. See, e.g., *Physician and Rancher Play Legal Game Over Bill*, TULARE CNTY. TIMES (Visalia, Cal.), Apr. 22, 1915, at 4 (reporting on case heard by Kathryn Bingham); *Peninsula Towns Suffer from Tool Thief Caught Here*, PENINSULA TIMES (Palo Alto, Cal.), May 26, 1917, at 1 (reporting on case heard by Isabelle Charles).

278. See, e.g., Appendix, entries for Edna Keeran (1913) and Abbie Barkway (Sears) (1914).

279. The first woman judge was appointed to complete the term of her late husband a few months prior. See Appendix, entry for Lily Laird (Files) (1912).

280. *First Woman to Become a Judge*, OAKLAND TRIB. (Cal.), Apr. 16, 1912, at 5; *First Woman Judge Jailed Marshal and Thus Upheld Court's Dignity*, SACRAMENTO STAR, Nov. 6, 1912, at 2. Later coverage suggests the Socialist Party had recruited Jess to run for city treasurer and, after she lost, the new trustees selected her for this position instead. *Young Woman Judge Rules Her Court Firmly*, MINNEAPOLIS SUNDAY TRIB., Nov. 10, 1912, at 55.

281. *She's the First of Her Sex in State to Be Justice of Peace*, THE BULL. (S.F.), Apr. 16, 1912 (pt. 2), at 13.

282. Lucy Baker Jerome, *California's First Woman Judge*, S.F. CALL, Oct. 20, 1912, at 22.

They acted disrespectfully in her courtroom and called her “madam” instead of “judge.”²⁸³ But the most problematic interaction was with her court marshal, who reportedly disliked seeing a woman in a position of authority.²⁸⁴ When he refused to serve a warrant she ordered, she jailed him for contempt of court.²⁸⁵ Still, she maintained an optimistic view of women’s potential, suggesting that she set her sights on a higher judicial position.²⁸⁶ Ultimately, however, the difficulties proved too much. She resigned after the first year.²⁸⁷

Although no woman obtained a judicial position above the justice of the peace level in California in this period, Lucy Goode White, a great-niece of Chief Justice John Marshall, became the first woman nominated to the California Superior Court in 1912.²⁸⁸ In the primaries, over 7,000 people voted for White, which secured her the eighth and final position on the ballot.²⁸⁹ After this initial victory, a newspaper interview recorded her efforts to navigate being a high-profile woman candidate.²⁹⁰ Goode’s comments alternated between emphasizing the importance of women’s representation and tentatively suggesting that women might judge in a meaningfully distinctive way. For instance, she offered that “women have a greater sense of responsibility than men” and could better understand the suffering of litigants because of suffering that women endured.²⁹¹ She also offered that she wished to be a judge in part because of the stories Justice Marshall told her as a child, including “his condemnation of the domination of our courts by the ‘dead hand of precedent.’”²⁹² She concluded that if San Francisco voters elected her, “it will be because they too feel with old John Marshall that the dead hand of precedent has gotten hold of our courts and that perhaps a woman pioneer may be able to set them free.”²⁹³

Unfortunately for Goode, her chances diminished greatly when she was refused admission to the California bar following an oral examination.²⁹⁴ Newspapers reported that this development came as a “surprise,” given Goode’s prior admission to the bar in Illinois, her extensive experience as a

283. *Id.*

284. *First Woman Judge Jailed Marshal and Thus Upheld Court’s Dignity*, *supra* note 280, at 2.

285. *Id.*

286. *Id.*

287. *Woman Peace Justice Quits: Didn’t Like the Job One Bit*, S.F. EXAM’R, Apr. 16, 1913, at 1.

288. *Socialists Elect a Woman to the Bench in Frisco District*, DAILY REP. & DAILY REPUBLICAN (Ontario, Cal.), Sept. 4, 1912, at 4.

289. *Complete Returns for Vote in City*, S.F. CHRON., Sept. 5, 1912, at 2.

290. *‘Need Women Judges,’ Says Woman Nominated for Superior Court*, SACRAMENTO STAR, Sept. 16, 1912, at 1 (apostrophe error in title is present in the original).

291. *Id.*

292. *Id.*

293. *Id.*

294. *Socialist Party Nominee Refused Admittance to Bar*, THE BULL. (S.F.), Sept. 19, 1912, at 1.

law clerk and stenographer, and the support she received from several “prominent and careful attorneys” of the local bar.²⁹⁵ However, the articles do not hint at foul play. Whatever the reason the examining judges denied her admittance, it tanked her prospects for election because she was no longer eligible to hold the position.²⁹⁶

Women in the Midwest and West also set their ambitions to states’ highest courts, sometimes to make a statement and other times based on a real expectation that they could be elected. The first was likely Kate Kane, a lawyer who made a symbolic run for the Wisconsin Supreme Court in 1883, only four years after women were allowed to practice before that bench.²⁹⁷ Next came Ada Bittenbender, who was the Prohibitionist candidate for Nebraska’s Supreme Court in 1887 and 1893.²⁹⁸ Bittenbender was the state’s only woman lawyer and served as president of the state’s women’s suffrage association.²⁹⁹ Although it does not seem anyone expected her to be elected, her campaign prompted discussion of women’s competence and eligibility.³⁰⁰

The campaign for a state supreme court position that received the most traction in this period was Lizzie Sheldon’s run for the Kansas Supreme Court in 1914.³⁰¹ Sheldon was a prominent lawyer with over a decade of practice experience. She was also credited with writing Kansas’s full suffrage constitutional amendment, which explicitly included officeholding rights.³⁰² During her campaign for the state’s high court, she explained to reporters: “To many people the idea of a woman justice is incomprehensible, but it is really but the logical outgrowth” of coeducation and women’s acceptance in law practice.³⁰³ Her talking points included that

295. *Id.*; see also, e.g., *Woman Aspirant as Judge Barred*, SACRAMENTO BEE, Sept. 20, 1912, at 2. On the prior admission being in Illinois, see *Socialists Elect a Woman to the Bench in Frisco District*, *supra* note 288, at 4.

296. *Judge Lawlor Re-Elected, Too*, S.F. CALL, Nov. 6, 1912, at 3.

297. Joel E. Black, *Citizen Kane: The Everyday Ordeals and Self-Fashioned Citizenship of Wisconsin’s “Lady Lawyer,”* 33 LAW & HIST. REV. 201, 225–26 (2015). In the 1890s, Kane ran for two judicial positions in Illinois and lost both times, with her sex being a factor in her ineligibility. *Id.* at 226–27.

298. *A Woman Politician*, TRUE NORTHERNER (Paw Paw, Mich.), Oct. 5, 1887, at 3; *Law Expounding Women*, VINCENNES COM. (Ind.), Nov. 25, 1887, at 1; *Personal Gossip*, N.Y. TIMES, Sept. 1, 1893, at 4 (reporting on Nebraska Prohibitionists’ nominations of women for three positions).

299. *A Woman Politician*, *supra* note 298, at 3; *Law Expounding Women*, *supra* note 298, at 1.

300. See, e.g., *Law Expounding Women*, *supra* note 298, at 1.

301. For example, contrast Sheldon’s run to Jennie McGehe’s campaign as the Socialist candidate for the Colorado Supreme Court in 1912. The novelty was noted in newspapers, but there was no detailed coverage of her qualifications or optimistic takes about her campaign. See, e.g., *Socialist Party Files State Ticket*, UNITED LAB. BULL. (Denver), Oct. 10, 1912, at 1.

302. *Lizzie S. Sheldon Gives Her Campaign Platform*, *supra* note 261, at 8B. For the text of the amendment, see *supra* note 261.

303. *Lizzie S. Sheldon Gives Her Campaign Platform*, *supra* note 261, at 8B.

she wanted to “shakeup” the court and, more specifically, she supported temperance and advocated for broader application of the constitutional provision for equal protection.³⁰⁴ In the first Kansas primaries in which women could participate in selecting nominees for the state’s high court, Sheldon won a spot on the ballot alongside five men.³⁰⁵ At the election that November, the top three candidates secured positions. Sheldon was not among them. She made a respectable showing but received the fewest votes of the six candidates.³⁰⁶ Press suggested that it was generally believed that she would try again, but she never did.³⁰⁷

More rarely, women set their sights on federal benches. For instance, in Washington, where women served as judges beginning in the 1880s, suffrage leaders advocated for the appointment of a woman to a vacancy in the Western District of Washington in 1912.³⁰⁸ Their demand was plausible, albeit unsuccessful, in contrast to the federal ambitions of women in the East. That same year, women lawyers in the nation’s capital advocated for a woman to be appointed to the U.S. Supreme Court.³⁰⁹

Women in the Midwest and West made meaningful advancements as judges in the years before the federal suffrage amendment and sometimes even before full suffrage in their own states. Most obtained judicial positions with general albeit low-level jurisdiction and held court on terms similar to men. Men vested with the powers to appoint or elect judicial candidates recognized that women were capable and ready to serve in these important roles.

B. Slow Progress in the Northeast and South: Women Judges on Probation

In the Northeast and South, women’s progress toward securing judgeships stalled. Unable to win suffrage and faced with state supreme court cases ruling women ineligible to hold public offices, women had little power or standing to demand access to judicial posts.³¹⁰ Still, they tried. Beginning in the 1910s, women lawyers led an increasingly organized and

304. *Id.*; *To Shake Up Kansas Court*, ELLINWOOD LEADER (Kan.), July 2, 1914, at 3.

305. *See A Woman for High Court*, WYANDOTTE DAILY CRICKET (Kan. City, Kan.), Aug. 17, 1914, at 1.

306. The three winners received between 202,634 and 209,650 votes, while Sheldon received 156,466. *Total State Vote for 1914*, W. KAN. WORLD (WaKeeney, Kan.), Dec. 5, 1914, at 1.

307. *Women after the Kansas Offices*, OBERLIN TIMES (Kan.), Aug. 6, 1915, at 2.

308. *Suffragettes Want Woman Judge*, ELBERT CNTY. TRIB. (Colo.), Feb. 16, 1912, at 4.

309. RENEE KNAKE JEFFERSON & HANNAH BRENNER JOHNSON, *SHORTLISTED: WOMEN IN THE SHADOWS OF THE SUPREME COURT* 17–18 (2020).

310. *In re Op. of the Justs.*, 107 Mass. 604, 604–05 (1871); *Ops. of the Justs. of the Supreme Jud. Ct.*, 62 Me. 596, 596–598 (1874); *see also* Katz, *supra* note 4, at 155–72.

sustained campaign, recognizing that exclusion from the judiciary was a political and professional affront. Efforts concentrated in New York, where a significant number of women lawyers lived.³¹¹ Many advocates leaned heavily on gendered arguments about women's supposedly superior ability to serve in new specialized courts focused on families, women, and children.³¹² Pointing to the service of probation officers, some of whom were lawyers,³¹³ proponents gradually built the case for placing women on judicial benches. Over time, the deeply gendered service of probation officers in specialized courts provided a path—rhetorically and literally—for women to become judges. This nationwide trend proved particularly useful in the most conservative regions.

In the decades surrounding the turn of the twentieth century, women thwarted by law and gender norms from pursuing traditional careers in the “masculine” legal field found a new court-related opportunity by serving as probation officers.³¹⁴ States across the country passed probation statutes to authorize investigation and oversight of criminal defendants beginning in the 1890s.³¹⁵ From the earliest experiments with this penal surveillance method, judges tasked women with serving as probation officers in cases involving children and women³¹⁶ because of stereotypes about women's

311. New York had long attracted a disproportionate share of women lawyers. In the first year for which statistics are available, 1920, approximately 10 percent of women lawyers were in New York (and 7.2 percent of women lawyers were in New York City specifically), second only to Illinois with around 13 percent (with 9.5 percent in Chicago). DRACHMAN, *supra* note 41, at 176, app. tbls.5 & 6.

312. DRACHMAN, *supra* note 41, at 231–32.

313. For example, Paula Laddey graduated from New Jersey Law School while serving as a probation officer because she expected her legal training to help in her ongoing probation work. *Dames and Daughters*, STAUNTON SPECTATOR & VINDICATOR (Va.), Oct. 13, 1911, at 4.

314. On law as a masculine profession, see DRACHMAN, *supra* note 41, at 2, 4.

315. Elizabeth D. Katz, *Criminal Law in a Civil Guise: The Evolution of Family Courts and Support Laws*, 86 U. CHI. L. REV. 1241, 1263–64 (2019).

316. See, e.g., Hannah M. Todd, *Probation Work for Women*, 11 LEND HAND: REC. PROGRESS 466, 466 (1893) (discussing women appointed as probation officers in Boston under a law authorizing women officers to “investigate the cases of all women against whom a criminal charge is brought” in the municipal court); *New Office for Women*, LEAVENWORTH TIMES (Kan.), Aug. 12, 1899, at 4 (reprinting story about women probation officers in Chicago juvenile court); *Woman Probation Officer*, N.Y. TIMES, Sept. 24, 1901, at 14 (describing a woman volunteer from the Salvation Army appointed to serve as a probation officer for women in New York City, and finding her “thoroughly fitted for the office of intelligent mercy”); *Work of Woman Probation Officer*, HARTFORD COURANT (Conn.), Oct. 31, 1912, at 6 (describing woman officer's oversight of 9 women, 120 boys, and 25 girls); Maude E. Miner, *Probation Work for Women*, 36 ANNALS AM. ACAD. POL. & SOC. SCI. 27 (1910) (explaining how women probation officers helped girls convicted of prostitution); see also CHERYL D. HICKS, TALK WITH YOU LIKE A WOMAN: AFRICAN AMERICAN WOMEN, JUSTICE AND REFORM IN NEW YORK, 1890–1935, at 159–65 (2010) (discussing service of Black woman probation officer in overseeing Black women probationers).

maternal nature and expected ability to serve as role models.³¹⁷ Indeed, some women interested in legal careers chose probation because they (or their families) perceived working as a lawyer as too masculine.³¹⁸ Women's successes in rehabilitating young and female probationers received widespread publicity, which led court officials, politicians, and women's groups in other locations to propose trying this approach.³¹⁹ Judges and other stakeholders soon viewed women probation officers as indispensable.³²⁰

Crucially, women's eligibility to serve as probation officers rarely faced legal challenges for a few reasons.³²¹ First, the position of probation officer was not rooted in state constitutions or historical practices.³²² It was a recent creation, free from the eligibility constraints of traditional offices. Second, in some locations, women eased into the role. They began as volunteers and gradually transitioned to government salaries after proving their value.³²³ And finally, men typically did not have a personal stake in rendering women ineligible, given that probation work was largely sex-specific.³²⁴

The embrace of women as probation officers coincided with and influenced the adoption of specialized courts to hear matters focused on children, women, and families. In 1899, Chicago opened the country's first

317. Anne Meis Knupfer, *Professionalizing Probation Work in Chicago, 1900–1935*, 73 SOC. SERV. REV. 478, 482, 487–88 (1999) (explaining rationale for selecting women probation officers for cases involving delinquent girls and certain family matters). Some courts matched probation officers to probationers by sex, race, and religion. See Elizabeth D. Katz, “Racial and Religious Democracy”: *Identity and Equality in Midcentury Courts*, 72 STAN. L. REV. 1467, 1515 (2020).

318. For example, Zelma George was dissuaded from law because her father thought it was not “a womanly kind of vocation.” Instead, she turned to “legal social work” and served as a probation officer in the Chicago juvenile court from 1925 through 1932. Interview by Marcia Greenlee with Zelma George in Cleveland, Ohio, at 3 (Aug. 20–21, 1978) (transcript on file with the Black Women Oral History Project, Schlesinger Libr., Radcliff Coll., Harv. Univ.).

319. See, e.g., Lillian W. Betts, *Women's Clubs and Probation Officers*, 37 CURRENT LITERATURE 43 (1904) (describing women's clubs' efforts and successes in securing women probation officers in juvenile courts in a number of large cities).

320. See, e.g., *Reed v. Hammond*, 123 P. 346, 347 (Cal. Dist. Ct. App. 1912).

321. But see two cases discussed *infra* notes 330–37 and accompanying text.

322. In this regard, the position of probation officer was similar to the quasi justice of the peace positions that legislatures created for women. *Supra* notes 149–52 and accompanying text.

323. For instance, a woman probation officer who began in an “honorary position” was able to join the New York civil service in the same role a couple of years later, at which point she received a salary. *Miss McCauley Gets Her Pay*, N.Y. TIMES, Dec. 8, 1907, at 9; see also, e.g., *Young Woman Probation Officer*, BOS. DAILY GLOBE, Aug. 19, 1899, at 2 (reporting on woman appointed as unpaid volunteer probation officer in Providence); *New Tombs Angel*, DEMOCRAT & CHRON. (Rochester, N.Y.), Mar. 22, 1902, at 1 (describing arrangement between a New York City court and the Charity Organization Society for a woman to serve as an unpaid probation officer); *Rockefeller Pays Her: Woman Probation Officer Gets Salary from John D., Jr.*, N.Y. TIMES, Oct. 19, 1905, at 14. By 1911, over thirty women were “publicly paid” probation officers in New York state, and they oversaw more than 1,500 girls and women. *Women Probation Officers*, N.Y. TIMES, Mar. 27, 1911, at 13.

324. Eligibility litigation regarding other positions often began when a man lost an election to a woman. See, e.g., Katz, *supra* note 4, at 147, 150, 151 n.363.

juvenile court to focus on juvenile delinquency and dependency cases.³²⁵ From its earliest days, the Chicago court relied on the service of women probation officers, a development that one commenter described as “a new era in criminal procedure as well as in the advance of women.”³²⁶ By 1910, the court’s probation staff included thirty-three women and only two men.³²⁷ As the juvenile court model spread rapidly across the country,³²⁸ so too did support for women probation officers.³²⁹

Judicial enthusiasm for women serving as juvenile probation officers was on full display in the only two appellate cases that considered women’s eligibility to serve in the position. Both times the litigation began when a government official refused to pay the salary of a woman who had already been serving as a probation officer. In 1912, a county auditor in California refused to compensate a woman serving in a juvenile court since 1911, on the basis that the probation statute limited the office to voters.³³⁰ A California court agreed “[w]ith great reluctance” that due “solely to an oversight,” the legislature failed “to remove the disability of women [as non-voters] to fill this important office, in the performance of the duties of which she is peculiarly fitted.”³³¹ The court further observed: “It is impossible to accomplish [the goals of the juvenile court] without the aid and assistance of women ready and willing to sacrifice their personal comfort and ease for the good and welfare, not only of such dependent children, but for the good of society in general.”³³² The court then expressed relief that this was a temporary blip: “Fortunately the disability due to the omission on the part of the Legislature has been removed by the [recent state] constitutional amendment extending the franchise.”³³³

In 1918, the West Virginia Supreme Court struggled valiantly to justify paying a woman for her work as a juvenile probation officer. Women in that state were ineligible to hold any county office.³³⁴ However, the court

325. DAVID S. TANENHAUS, *JUVENILE JUSTICE IN THE MAKING* 4–6 (2004).

326. *New Office for Women*, *supra* note 316, at 4 (describing two women appointed as probation officers in the Chicago juvenile court).

327. Harriet Ferrili, *Following the Trail of a Probation Officer*, CHI. SUNDAY TRIB., July 31, 1910 (Special Features), at 2.

328. DRACHMAN, *supra* note 41, at 230.

329. See, e.g., *Woman Probation Officer*, WASH. POST, June 27, 1909, at 7 (describing woman selected as head probation officer for juvenile court system in Philadelphia); *Plan Detention Home for Girls*, DET. FREE PRESS, Nov. 7, 1909, at 5 (describing juvenile court judge’s support of women’s club’s efforts to hire a woman probation officer, pointing to success with this approach in other cities); *For Women Judges*, THE CAUCASIAN (Clinton, N.C.), May 16, 1912, at 3 (State Federation of Women’s Clubs endorsed “the movement for the appointment of women as judges of juvenile courts”).

330. *Reed v. Hammond*, 123 P. 346, 347 (Cal. Dist. Ct. App. 1912).

331. *Id.*

332. *Id.*

333. *Id.*

334. *State ex rel. Hall v. Monongalia Cnty. Ct.*, 96 S.E. 966, 968 (W. Va. 1918).

reasoned that while probation officers technically were authorized to perform tasks reserved to county officers, it would not be necessary for them to do so, and thus they did not fall under the “county officer” rules.³³⁵ The court offered: “Grammatical use of words need not be adhered to in construing a deed where a contrary intent is apparent from the whole instrument,” and “and” could be construed as “or” to further legislative intent.³³⁶ In a more persuasive part of the opinion, the court analogized probation officers to lawyers, masters in chancery, and similar offices that other states had allowed women to hold.³³⁷

As women probation officers secured a foothold in the nation’s juvenile courts, women’s rights advocates and newspaper writers blurred the line between probation officers and judges and pointed to probation officers’ service to advocate for official women judges.³³⁸ In New York City, the service of probation officers was a major talking point when lawyers, social workers, and judges debated the desirability of appointing a woman judge to hear girls’ cases in the “children’s court,” the juvenile court division of the criminal court system.³³⁹ According to one proponent, it was a common practice for a woman probation officer to serve as a “go-between” for a male judge, a delinquent girl, and the girl’s mother, in order to avoid embarrassing conversations. It made sense to streamline the process by installing a woman judge instead. Men serving as children’s court judges acknowledged their reliance on women probation officers but argued that there was no need for women judges.³⁴⁰

One children’s court judge instead proposed the appointment of women as “referees,”³⁴¹ an idea implemented in other places. A “referee” was similar to a master in chancery. Typically, the position involved hearing testimony, developing findings, and providing recommendations to a judge.³⁴²

335. *Id.*

336. *Id.*

337. *Id.* at 969.

338. For instance, a woman probation officer in New Jersey, with responsibility for over 300 children, was “called the feminine Judge Lindsey,” referring to one of the most famous male juvenile judges of the period. *Women Active in the Day’s Affairs*, DET. FREE PRESS, Aug. 8, 1909 (Editorial & Society), at 3.

339. *Is Woman Judge Needed in Children’s Court*, BROOK. DAILY EAGLE, May 25, 1913 (§ 2), at 8. The matter was raised by women’s clubs that pursued a law to make appointment of a woman judge mandatory and their endorsement of a specific woman lawyer for the role. *Id.*

340. *Id.*

341. *Id.*

342. Miriam Van Waters, *The Socialization of Juvenile Court Procedure*, 13 J. AM. INST. CRIM. L. & CRIMINOLOGY 61, 62–63 (1922) (describing the role of “referee” and noting that California and New Mexico had laws specifically authorizing women to serve as referees for cases involving girls and young boys).

To support the women judges proposal, some New York commenters highlighted the service of Chicago “judge” Mary Bartelme.³⁴³ Bartelme was a lawyer who had advocated for the creation of the Chicago juvenile court.³⁴⁴ After years of involvement with that court, Bartelme became an unofficial “assistant judge” for girls’ cases in 1912.³⁴⁵

The press often obscured the fact that Bartelme’s position was not a real judgeship under state law. For example, in the days leading up to her selection, newspapers reported that a woman attorney (probably Bartelme) would be selected as “an assistant” to the juvenile court judge, would act as “a sort of master in chancery,” and would technically be appointed as a probation officer, with her salary supplemented by private sources.³⁴⁶ After Bartelme’s appointment, writers dropped that level of nuance and instead described her as “the first woman judge Chicago has ever had.”³⁴⁷ Bartelme contributed to this blurring, adopting the title of “judge” without qualifiers.³⁴⁸ She also used her position to advocate for women judges on specialized court benches, writing: “Personally, I believe a woman of good judgement and legal training should be able to handle more efficiently and justly than a man the cases that arise in a juvenile court, morals court or a court of domestic relations.”³⁴⁹

Chicago’s model of appointing a woman as a pseudo-judge in the juvenile court spread to other cities, including St. Louis. In 1914, the *St. Louis Post-Dispatch* ran a lengthy Sunday story, above the fold and with pictures, on *How Our New Women Juvenile Judges Run Court*.³⁵⁰ The article explained that the court’s male judge decided “to waive ceremony and legislative procedure and appoint, cloak with authority and install two women Judges.”³⁵¹ What this meant as a technical matter was that the judge appointed the two senior women probation officers as “referees” to hear

343. *Is Woman Judge Needed in Children’s Court*, *supra* note 339.

344. Beverly B. Cook, *Women on the State Bench: Correlates of Access*, in *POLITICAL WOMEN; CURRENT ROLES IN STATE AND LOCAL GOVERNMENT* 191, 203 (Janet A. Flammang ed., 1984) [hereinafter Cook, *Women on the State Bench*]; see also Beverly Blair Cook, *Moral Authority and Gender Difference: Georgia Bullock and the Los Angeles Women’s Court*, 77 *JUDICATURE* 144, 146 n.16 (1993) [hereinafter Cook, *Moral Authority*].

345. Bartelme’s service received extended attention from women lawyers. See, e.g., *The Ideal Woman Judge for Children*, 2 *WOMEN LAWS*’ J. 67 (1913).

346. *Choose a Woman Assistant Judge*, CHI. DAILY TRIB., May 31, 1912, at 7.

347. *Has Court of Her Own*, EVENING STAR (D.C.), June 3, 1912, at 9.

348. See, e.g., Mary M. Bartelme, *The Opportunity for Women in Court Administration*, 52 *ANNALS AM. ACAD. POL. & SOC. SCI.* 188 (1914) (using byline “Judge, Chicago Municipal Court”).

349. *Id.* at 189. Bartelme became an official judge in 1923. *Mary Bartelme First Judge in Illinois Courts*, CHI. DAILY TRIB., Nov. 7, 1923, at 1. For additional detail, see Appendix, entry for Mary M. Bartelme (1923).

350. Marguerite Martyn, *How Our New Women Juvenile Judges Run Court*, ST. LOUIS POST-DISPATCH, Jan. 18, 1914, at 1.

351. *Id.*

cases involving girls.³⁵² He deferred to the women officers when they agreed on the outcome of a case; if there was disagreement, he made the final decision.³⁵³ A journalist predicted that social workers across the country would be interested to know the result of this “radical” innovation.³⁵⁴ As news spread, some readers probably missed the nuance of the arrangement and took at face value headlines such as *St. Louis Has Women Judges*.³⁵⁵

A few years later, the Missouri Woman’s Bar Association (formed because women remained excluded from the regular state bar association) pointed to women’s service as juvenile referees to press for the next step: women judges.³⁵⁶ According to the group’s vice president, the judge who appointed the “refereettes” was acting in “excess of his authority.”³⁵⁷ The vice president explained that the association’s legislative department was therefore interested in reforms to permit the service of true women judges. Newspaper coverage of her remarks continued: “Of course, we wouldn’t mind,” she added, gayly, “seeing women presiding over any or all the courts.”³⁵⁸

But back in the more conservative states of the Northeast, even quasi-judicial positions met legal roadblocks. Most notably, in New York, there was an understanding that children’s court judges lacked the authority to select women as unofficial judges. In 1914, the chairwoman of the Brooklyn Committee on Women Judges in the Children’s Court explained in a letter to the editor that her organization supported a pending bill to authorize women judges as “assistants.”³⁵⁹ Citing Bartelme’s successful service in Chicago, as well as support from some New York judges, she explained that local judges could not follow suit “without authorization from the Legislature.”³⁶⁰ The bill did not pass.

In these years, people also pressed for women judges in newly created “women’s courts,” which heard criminal cases (especially prostitution)

352. *Id.*

353. *St. Louis Has Women Judges*, DUNN CNTY. NEWS (Menomonie, Wis.), Mar. 26, 1914, at 10.

354. Martyn, *supra* note 350, at 1.

355. *St. Louis Has Women Judges*, *supra* note 353, at 10. There was a similar arrangement in Philadelphia. See *Four Women ‘Judges,’* YORK DAILY (Pa.), Mar. 6, 1915, at 6 (reporting on four women appointed as assistants in Philadelphia’s juvenile court to acts as judges in girls’ cases). As news spread, reports were simplified to state that Philadelphia had “four female assistant judges.” *Modern Portias*, YONKERS HERALD (N.Y.), July 30, 1915, at 4.

356. Marguerite Martyn, *Woman’s Bar Association Wants Law to Place Women on Bench in Juvenile Courts*, ST. LOUIS POST-DISPATCH, Feb. 11, 1915, at 3.

357. *Id.*

358. *Id.*

359. Mrs. Frank H. Cothren, Letter to the Editor, *Strong Plea for Women Judges*, BROOK. DAILY EAGLE, Mar. 3, 1914, at 16.

360. *Id.*

against adult women.³⁶¹ For reasons similar to those in the juvenile court context, women lawyers and other advocates envisioned women judges presiding.³⁶² For instance, when women's organizations in New York City advocated for a special women's court division of the criminal magistrates' court system, they insisted from the outset that it be overseen by a woman magistrate.³⁶³ Advocates only partly succeeded. The special division was created, but it was under the control of a male judge.³⁶⁴

The most sustained and organized voice for women judges by this time was the Women Lawyers' Association (WLA). Founded as the Women Lawyers' Club in 1899, at a time when women were excluded from most bar associations, the WLA first served as a professional organization for New York City's women lawyers.³⁶⁵ In 1911, the group founded the *Women Lawyers' Journal*, which extended the organization's reach through disseminating news and attracting membership from prominent women lawyers in other places.³⁶⁶ One of the journal's most frequent topics and points of advocacy was the selection of women judges, especially in specialized courts.³⁶⁷

In 1914, the *Women Lawyers' Journal* congratulated "the women of the far West" for making their vision of a woman judge presiding over a women's court a reality, or at least nearly doing so.³⁶⁸ A Los Angeles judge had appointed lawyer Georgia Bullock as the "judge" of a new women's court, technically a division of his own court.³⁶⁹ New York women lawyers remembered they had "for some years been preaching the doctrine that women should be judged—and obstreperous juveniles mothered" by women judges, and it was "encouraging to realize that the reasonableness,

361. DRACHMAN, *supra* note 41, at 231–32. A related endeavor was the creation of "morals courts," where women lawyers also pressed for women judges. *See, e.g., Women Judges to Help Girls*, 3 WOMEN LAWS.' J. 18, 18 (1913) (reporting on a proposed Illinois bill to create a morals court with women judges).

362. DRACHMAN, *supra* note 41, at 232.

363. *Woman Magistrate Wanted*, DEMOCRAT & CHRON. (Rochester, N.Y.), Dec. 20, 1910, at 3.

364. This is apparent from the fact that a man still presided as judge a few years later. *Night Court Suggestions*, 5 WOMEN LAWS.' J. 13 (1915).

365. DRACHMAN, *supra* note 41, at 234.

366. *Id.* at 234–36.

367. For example, see articles throughout 3 WOMEN LAWS.' J. 17–24 (1913), for a discussion of how the New York City Federated Women's Club was involved in probation issues for the women's court, a description of efforts in Illinois to get women appointed to morals courts, proposals for uniform legislation to help get women appointed to specialized courts, and a profile of the first woman county judge.

368. *Women Should Be Judged by Women*, 4 WOMEN LAWS.' J. 45, 45 (1914).

369. *Id.* For more detail on the creation of the Los Angeles court, Bullock's qualifications and service, and comparison to women serving in other pseudo-judicial roles, see Cook, *Moral Authority*, *supra* note 344, at 145–48. Bullock became an official judge in 1924. See Appendix, entry for Georgia Bullock (1924).

the logical necessity for such a judicial reform, should appeal at length to the men of the community.”³⁷⁰

When the New York City women’s court finally adopted a similar approach, the *Women Lawyers’ Journal* found the quasi-judicial arrangement insufficient.³⁷¹ A 1915 column condemned how the court installed a woman probation officer to act as judge without giving her formal recognition as holding that position.³⁷² Men were ill-equipped to oversee these sorts of cases, the writer charged, and “[s]eemingly some vague notion of this fact penetrated into some one’s brain when women probation officers became a part of this Court.”³⁷³ Thus, every night a woman probation officer was in attendance to question the offender, and “as any one in the court room knows, pass[] sentence on the culprit.”³⁷⁴ While this was the right idea, it was the wrong “procedure since she has become not a probation officer at all, but the alter ego of the magistrate. That woman should occupy such a position, yes; most emphatically yes.”³⁷⁵ A qualified woman should be appointed as an official judge. “Let us give her the same dignity we have given the magistrate.”³⁷⁶

A similar line of advocacy developed regarding a third category of specialized courts: courts of domestic relations, which eventually grew into family courts.³⁷⁷ In 1910, New York City opened the first court of domestic relations, focused on quasi-criminal non-support cases against men who failed to financially support their families.³⁷⁸ Women probation officers were involved with intake and in attempting to avoid formal legal proceedings by providing services similar to marital counseling.³⁷⁹ In New York and other places where the domestic relations court idea spread, women lawyers and their allies again pressed for women judges, sometimes picturing a joint bench shared with a man.³⁸⁰

370. *Women Should Be Judged by Women*, *supra* note 368, at 45.

371. *Night Court Suggestions*, *supra* note 364.

372. *Id.*

373. *Id.*

374. *Id.*

375. *Id.*

376. *Id.*

377. For a more complete history of these courts, see Katz, *supra* note 315, at 1271–78.

378. *Id.* at 1272–73.

379. See, e.g., Marguerite M. Marshall, *Record Set by Courts as Peacemakers*, PITT. PRESS, Oct. 20, 1911, at 15 (praising efforts of women probation officers in domestic relations courts in New York and Chicago); Marguerite Mooers Marshall, “Mother Confessor” in *Every Court*, BOS. EVENING GLOBE, Feb. 26, 1915, at 11 (detailing “invaluable” work of women probation officers in domestic relations courts); *Brockton’s Official Cupid*, BOS. SUNDAY GLOBE, July 18, 1915, at 37 (describing skill of woman probation officer in settling family disputes to avoid divorce).

380. See, e.g., Winona S. Jones, *The Court of Domestic Relations*, CHI. SUNDAY TRIB., Dec. 18, 1910 (pt. 9), at 1; *Man and Woman Judge Needed in Domestic Relations Court*, BROOK. DAILY EAGLE, June 24, 1915 (Forum, Sports, Pictures), at 4.

A major obstacle to the selection of women as real judges was uncertainty regarding legal eligibility in many states. In the mid-1910s, women lawyers in conservative non-suffrage states sought to clarify or secure women's eligibility. For instance, in 1914, the Massachusetts Association of Women Lawyers unsuccessfully petitioned the legislature to enact a law authorizing women judges in courts created by statute,³⁸¹ as they understood a constitutional amendment would be required to undo the Supreme Judicial Court's ruling that they were ineligible for constitutional judicial offices.³⁸² While proponents pointed to women's positive judicial service in Illinois, opponents suggested that Massachusetts voters' recent rejection of a law to authorize women notaries public indicated that voters would not support women judges either.³⁸³

In New York City, the eligibility issue came to a head in 1915, when the mayor considered the possibility of appointing lawyer Clarice Baright to a judicial vacancy in the children's court division.³⁸⁴ Suffragists strongly supported the possibility,³⁸⁵ with some arguing that "[w]omen's training for centuries . . . fitted them to care for children."³⁸⁶ Prominent suffragist Carrie Chapman Catt weighed in that, although she did not know Baright, "I think it very appropriate that a woman should hold such a position if she is qualified."³⁸⁷ Baright's background was in fact particularly suited to the role, as she paired legal training with more than a decade of social service work with delinquent children.³⁸⁸

Press initially leaned favorable. An editorial in the *Brooklyn Daily Times* supported the proposal, offering that "a woman trained in this sort of work, especially a mother," was better qualified than "the best and ablest of men" to handle delinquent girls.³⁸⁹ The writer also recognized that "this agitation [is] another entering wedge on behalf of so-called equal rights."³⁹⁰ Responding to opponents, the editorial offered that if a woman served as a

381. *Petition that Women Be Eligible as Judges*, BOS. DAILY GLOBE: EVENING EDITION, Jan. 20, 1914, at 8. Other law-adjacent professionals in conservative states also sought judicial eligibility. *See, e.g., Woman Justice, and Perhaps Soon*, EVENING SUN (Balt.), Jan. 3, 1912, at 7 (describing woman notary public's effort to persuade Maryland legislators to authorize women justices of the peace).

382. *See supra* text accompanying notes 137–40.

383. *Want Women Judges*, BOS. EVENING GLOBE, Feb. 20, 1914, at 9.

384. *Mitchel May Name Woman as Justice*, N.Y. TIMES, June 20, 1915, at 9.

385. *Id.* ("Although she has never enrolled in any woman suffrage society, political bodies composed of women have urged the Mayor to appoint her.")

386. *Suffragists Back Woman for Judge*, THE SUN (N.Y.C.), June 21, 1915, at 7.

387. *Id.*

388. *Mitchel May Name Woman as Justice*, *supra* note 384, at 9.

389. Editorial, *Will We Have a Woman Judge?*, BROOK. DAILY TIMES, June 21, 1915, at 6.

390. *Id.*

judge, “the heavens will neither fall in nor will fire from the bowels of the earth envelop our fair city.”³⁹¹

Unsure of women’s eligibility, the mayor requested advice from the city’s legal office.³⁹² While the mayor’s legal advisor “struggled” to reach a conclusion, the city’s bar association stepped in with the argument that such an appointment would be unconstitutional—pointing to common law understandings dating from 1777, as well as the Massachusetts case holding that women could not be justices of the peace.³⁹³ Impliedly persuaded by that argument, the mayor selected five men for children’s court vacancies.³⁹⁴ Baright received a consolation prize; a judge appointed her and three other women as court “referees.”³⁹⁵

In 1917, suffragists secured a major victory when New York enfranchised women.³⁹⁶ Commenters immediately recognized the potential implications for women judges, and some women lawyers promptly sought appointments.³⁹⁷ In one representative newspaper article, the writer noted that “[a]t present there are no women jurors or judges, although with the enfranchisement of women both are sure to come.”³⁹⁸ That women judges would be helpful seemed obviously proven by the work of women probation officers. The writer claimed that Brooklyn’s women probation officers “are the chief factors in the work with women in the courts and have proved their worth,” and “[i]n the Children’s Court practically all the work is done by women.”³⁹⁹ The article featured interviews with supportive women and men, concluding with the perspective of a woman deputy assistant district attorney. That official advocated for a court in which *all* the officials were women. “Women have proved a great asset in the courts and are demanding more and more representation every day,” she observed.⁴⁰⁰ Initial uncertainty about what the suffrage amendment meant for officeholding

391. *Id.*

392. *Mitchel May Name Woman as Justice*, *supra* note 384, at 9.

393. *Musty Statutes and Precedent May Keep Women from Bench*, N.Y. TRIB., June 24, 1915, at 9. See text accompanying *supra* notes 125–32 for a discussion of the Massachusetts case.

394. *Five Children’s Court Justices Designated*, THE SUN (N.Y.C.), June 26, 1915, at 7.

395. *Brooklyn Women Lawyers Who Get Jobs as Referees*, BROOK. DAILY TIMES, June 25, 1915, at 2. Of the four appointees, three were lawyers (including two active in the women’s rights movement), and one was a probation officer. *Id.*

396. KEYSSAR, *supra* note 45, app. tbl.A.20.

397. For more detail, see Elizabeth D. Katz, *Women’s “Chilly Path” to the New York Judiciary*, SHGAPE BLOG (Sept. 8, 2021), <https://www.shgape.org/womens-chilly-path-to-the-new-york-judiciary/> [<https://perma.cc/RR3F-PXYW>].

398. *Judges Indorse Movement to Increase Number of Women Officers in the City Courts*, BROOK. DAILY EAGLE, Dec. 15, 1918 (§ 3), at 5.

399. *Id.*

400. *Id.*

rights prompted the state's attorney general to issue an opinion that women were now eligible.⁴⁰¹ Still, no women secured judicial positions at that time.

Stymied in their state-level efforts, East Coast women secured their first judicial victory when President Woodrow Wilson nominated, and the U.S. Senate confirmed, Kathryn Sellers to serve as a juvenile court judge for the District of Columbia in 1918.⁴⁰² Declared to be the first woman appointed to the "federal judiciary" because of federal control over District government, Sellers was understood as a high profile stand-in for women's political and professional advancement.⁴⁰³ Revealingly, Sellers was a suffragist with expertise in international law and had no special experience relating to children's issues.⁴⁰⁴ It seems the President wished to select a smart and well-connected woman lawyer as a savvy appeal to the growing number of women voters.⁴⁰⁵ According to a D.C. Supreme Court judge who claimed to have spoken directly to the President about Sellers's appointment, "The President frankly said that he was making an experiment of the woman judge—not only for the juvenile court, but for all courts."⁴⁰⁶ That judge believed the future was "unlimited" for women jurists, "especially where women and children come often."⁴⁰⁷

Back in New York, with women's judicial eligibility confirmed and women preparing to vote for the first time, the experiences of two candidates capture important dynamics about the use of gendered arguments to secure posts. Bertha Rembaugh, a well-known lawyer and suffragist, campaigned for a seat on the municipal court, which heard a variety of civil matters with no particular connection to women or family issues.⁴⁰⁸ During her campaign, Rembaugh tried to walk a fine line, discounting claims to women's special expertise, while maintaining the importance of women's representation. She told a reporter, "I do not believe there is as much difference between the viewpoint of the man and the woman as most people think, but, just the same, the people most concerned should be represented by one of their own sex."⁴⁰⁹ Newspaper coverage was supportive, with a column running under the headline *May It Please Her Honor* dismissing the idea that women lacked judicial temperament.⁴¹⁰ Despite the support

401. 1918 N.Y. ATT'Y GEN. ANN. REP. 115–18.

402. See *Miss Sellers Named Juvenile Court Judge*, EVENING STAR (D.C.), July 1, 1918, at 2.

403. Lily Lykes Rowe, *Judge Kathryn Sellers: The First Woman Appointee to the Federal Judiciary*, LADIES' HOME J., Jan. 1920, at 45, 45.

404. *Id.*; *Miss Sellers Named Juvenile Judge*, *supra* note 402.

405. See KEYSSAR, *supra* note 45, app. tbl.A.20.

406. Rowe, *supra* note 403, at 138.

407. *Id.*

408. *Should Be One Woman on Bench, Says Miss Rembaugh*, N.Y. TRIB., Oct. 7, 1919, at 11.

409. *Id.*

410. *May It Please Her Honor*, ANACONDA STANDARD (Mont.), Oct. 17, 1919, at 6.

Rembaugh received from women on both sides of the political aisle, she lost.⁴¹¹

Instead, the honor of becoming the first woman judge in New York went to Jean Norris, a leading suffragist, the president of the WLA, and a longtime supporter of specialized courts and women's crucial role in them.⁴¹² In October 1919, the New York City mayor appointed Norris to fill a temporary vacancy on the magistrates' court,⁴¹³ the low-level criminal court with jurisdiction over the women's court. He asked the chief judge with assignment powers to place her in that division.⁴¹⁴ After that preliminary term ended, the mayor appointed Norris to a vacancy that had seven years remaining in the term, again to serve in the women's court division.⁴¹⁵

Through the 1910s, women in conservative regions failed to secure the judicial opportunities of their counterparts in the Midwest and West. Seeking entry points to court work, women served as probation officers, referees, and quasi-judges in gendered specialized courts, while they strategized next steps and pursued enfranchisement.

III. JUDGING WOMEN'S ELIGIBILITY AND QUALIFICATIONS AFTER NATIONWIDE ENFRANCHISEMENT (1920–1930)

After a flurry of additional state suffrage constitutional amendments in the late 1910s,⁴¹⁶ all women citizens were enfranchised through the federal suffrage amendment in 1920.⁴¹⁷ Enfranchisement sparked new efforts to join the judiciary, yet women's legal right to hold judicial offices remained uncertain in many places.⁴¹⁸ After establishing eligibility and embracing

411. *Woman Vote Cannot Be Lined Up*, N.Y. TRIB., Nov. 9, 1919 (pt. 8), at 1.

412. *Jean H. Norris Is Made Judge*, BROOK. DAILY TIMES, Oct. 27, 1919, at 1.

413. *Mayor Appoints Mrs. Jean Norris City Magistrate*, EVENING WORLD (N.Y.C.), Oct. 27, 1919, at 1 (explaining the position was for 30 days, during the illness of another magistrate, but could be continued depending on his recovery).

414. *Jean H. Norris Is Made Judge*, *supra* note 412; *see also Hylan Appoints Woman to Magistrates' Bench*, N.Y. TRIB., Oct. 28, 1919, at 1 (noting she would probably preside only in the women's court and court of domestic relations).

415. *Judge Jean Norris*, 9 WOMEN LAWS, J. 12, 12 (1920). As explained in more detail in "A Note on Methodology" in the Appendix, there is a meaningful distinction between women who filled judgeships on a temporary, substitute basis versus those who held the title in their own right. While Norris's initial appointment was temporary, it was particularly important due to news coverage and the fact that she soon received an appointment to complete a full term of many years.

416. KEYSSAR, *supra* note 45, app. tbl.A.20.

417. U.S. CONST. amend XIX. Still, Black women remained disenfranchised in many locations. *See* Serena Mayeri, *After Suffrage: The Unfinished Business of Feminist Legal Advocacy*, 129 YALE L.J.F. 512, 512–13 (2020). *See generally* MARTHA S. JONES, VANGUARD: HOW BLACK WOMEN BROKE BARRIERS, WON THE VOTE, AND INSISTED ON EQUALITY FOR ALL (2020).

418. Katz, *supra* note 4, at 185–91; *see also* PAULA A. MONOPOLI, CONSTITUTIONAL ORPHAN: GENDER EQUALITY AND THE NINETEENTH AMENDMENT 115–25 (2020).

their new political rights, women secured meaningfully more judicial posts than in prior years. Still, they rarely obtained judicial offices higher than local trial courts. To at least some extent, these low numbers tracked the fact that few women held the law degrees necessary for more distinguished judicial positions.⁴¹⁹ Additionally, in the conservative regions where women had emphasized their unique capabilities to serve in specialized courts, women found their opportunities somewhat limited to those positions.

As women's suffrage expanded through a few final state constitutional amendments and then the Nineteenth Amendment in 1920, the justice of the peace position returned to its former prominence in litigation probing women's officeholding eligibility. The first of these cases arose in Michigan, where women were enfranchised in 1918.⁴²⁰ The following year, Phoebe Patterson became the state's first woman judge when she was elected as a justice.⁴²¹ In 1920, a litigant challenged her authority, prompting a court to confirm her eligibility.⁴²² An editorial in the *Detroit Free Press* opined that the result was "in accordance with common sense and the state constitution."⁴²³ The Supreme Court of Michigan concurred in 1921, building on its precedent that held women eligible to serve as jurors.⁴²⁴

The Supreme Court of Maine, one of the original promulgators of conservative restraints on women's officeholding back in 1874, now returned to the justice of the peace issue with a new perspective. Just a few weeks after ratification of the Nineteenth Amendment, the state legislature passed a law to eliminate sex discrimination for all civil offices.⁴²⁵ The following February, the governor asked the court to determine whether this meant he could appoint a woman as a justice of the peace.⁴²⁶ The justices adopted the view of the dissenters from decades prior.⁴²⁷ The court now held that the legislature was empowered to permit women officeholders and, even if that were not the case, the Nineteenth Amendment had effectively

419. Between 1920 and 1930, the percentage of lawyers who were women rose from 1.4 percent to 2.1 percent. DRACHMAN, *supra* note 41, at 174. For background on women's increasing access to the legal profession in subsequent decades, see generally Elizabeth D. Katz, Kyle Rozema & Sarath Sanga, *Women in U.S. Law Schools, 1948–2021*, 15 J. LEGAL ANALYSIS 48 (2023).

420. KEYSSAR, *supra* note 45, app. tbl.A.20.

421. *People ex rel Liebnitz v. Patterson*, 183 N.W. 28, 28 (Mich. 1921).

422. *Test Suit to Settle Right of Women to Hold Office in Mich.*, DAILY OSHKOSH NW. (Wis.), Dec. 9, 1920, at 1.

423. *A Commonsense Decision*, DET. FREE PRESS, Dec. 18, 1920, at 6; see also *In Michigan Women Are People*, 5 WOMAN'S J. 865, 865 (1921).

424. *Patterson*, 183 N.W. at 28 (citing *People v. Barltz*, 180 N.W. 423 (Mich. 1920)).

425. *Op. of the Justs.*, 113 A. 614, 614 (Me. 1921).

426. *Id.*

427. *Id.* at 615 (citing *Op. of the Justs. of the Supreme Jud. Ct.*, 62 Me. 596 (1874)).

struck “male” from the state’s franchise law—which implicitly extended to officeholding.⁴²⁸ Other states took far longer to reach that result.⁴²⁹

Just as women were being declared eligible as justices of the peace and securing that post in new places,⁴³⁰ the position began to fall into disfavor. While there had long been variation in the prestige and power of justices of the peace,⁴³¹ a growing chorus of commenters condemned the office. They criticized how the fee system used in many locations threatened judicial neutrality, how selecting justices through elections undermined the integrity of the position, and how the minimal rules for eligibility allowed the selection of unqualified candidates, including those without legal training.⁴³²

The justice of the peace position was so undistinguished and unlucrative in some locations by the 1920s that at least a few of the first women to be elected to the position after enfranchisement chose not to assume their posts. Martha Kemble and Lillian Dorsey became the first women elected as justices in New Jersey in November 1920, and news coverage emphasized the novelty of women holding office in the state.⁴³³ Both were set to begin their positions on May 1, 1921,⁴³⁴ yet they declined to serve.⁴³⁵ Kemble had doubts about the office from the beginning. On the day of her election, a newspaper reported that her “friends declare it is exceedingly doubtful that she will open an office in which to dispense justice, particularly as there is no salary attached to her new post and she has no idea of giving up her position at the bank.”⁴³⁶ After the deadline to submit qualifying paperwork passed, Dorsey shared a similar rationale, telling a newspaper that the position was “[a]n insignificant job with little pay.”⁴³⁷ Though she had campaigned for the position, she learned that the state legislature had recently reduced the role. She was particularly disappointed that justices could no longer preside at weddings.⁴³⁸ Still, she did not believe her election had been insignificant. As she spoke to a reporter, her husband “stood

428. *Id.*

429. For example, see discussion of New Hampshire in Katz, *supra* note 4, at 189–90.

430. See examples in Appendix.

431. See discussion *supra* notes 68–72, 118–21, and accompanying text.

432. See, e.g., Edmond Bourgeois, *Justice of the Peace Courts*, 1 LOY. L.J., 44, 45 (1920); Smith, *supra* note 69, at 119–23.

433. See, e.g., *Mrs. Dorsey Is Peace Justice*, CAMDEN DAILY COURIER (N.J.), Nov. 4, 1920, at 14; *But Two Women Candidates Win in South Jersey*, CAMDEN DAILY COURIER (N.J.) Nov. 5, 1920, at 5.

434. *But Two Women Candidates Win in South Jersey*, *supra* note 433.

435. *Women Justices Fail to Qualify*, CAMDEN POST-TEL. (N.J.), May 2, 1921, at 1.

436. *Bargain Day Lures New Woman ‘Judge,’* PHILA. INQUIRER, Nov. 4, 1920, at 10.

437. *Woman Declines Post of Justice*, CAMDEN DAILY COURIER (N.J.), May 5, 1921, at 2.

438. *Id.*

nearby smiling as she declared in an emphatic manner that it was time that the women were recognized and given public office.”⁴³⁹

In surrounding states, the justice of the peace position retained more appeal. In New York, the first women elected to judgeships secured the justice position.⁴⁴⁰ In nearby Connecticut, in just the first two elections in which women could vote, close to fifty became justices.⁴⁴¹ Nevertheless, the position had drawbacks in that state, too. According to one skeptical account that predicted the election of dozens of women for the role, justices’ jurisdiction was lowly and often rewarded by unpaid fees.⁴⁴² But for women who had been excluded from public offices for generations, there was more to gain than income. As the Connecticut League of Women Voters tracked and tallied the consequences of enfranchisement, they heralded women’s new opportunities and included “judge” at the top of the list.⁴⁴³ Tellingly, three presidents of local League chapters were among the first women to become justices.⁴⁴⁴ One pledged to donate the fees she earned by officiating at marriages to the League.⁴⁴⁵ Connecticut voters also elected three women as probate judges in the same years.⁴⁴⁶

Holding the position of justice of the peace seemed strategic for bolder goals, perhaps especially for women in the Western states that had long afforded greater opportunities. For instance, Arizona’s first woman judge, Nellie T. Bush, entered politics in a successful run for justice of the peace in 1918.⁴⁴⁷ Just two years later, she was elected to the state legislature and had her eyes set on the U.S. Congress.⁴⁴⁸ In 1922, when Blanche Funk Miller won a primary to become a candidate for justice of the peace in Tacoma, Washington, she told reporters: “The nomination of a woman to

439. *Id.*

440. See Appendix, entries for Gertrude A. Williams (1919) and Jennie MacMillan (1921).

441. *Women Well Represented in Government of Towns Says Connecticut League*, THE DAY (New London, Conn.), Sept. 26, 1923, at 3. At least one was reportedly nominated to the Republican ticket as a “reward” for helping to register women to vote. Ward Greene, *Woman Justice of Peace Perplexed Over Question of ‘Kissing Groom’ at Marriages*, ATLANTA TRI-WKLY. J., Feb. 10, 1921, at 1.

442. *An Ancient Office*, HARTFORD COURANT (Conn.), Nov. 6, 1920, at 12. For broader context, see Lane W. Lancaster, *Justice of the Peace in Connecticut*, 19 NAT’L MUN. REV. 9, 11 (1930) (describing criticisms of the position in Connecticut, while recognizing that justices still served an important role in rural areas).

443. *Women Well Represented in Government of Towns Says Connecticut League*, *supra* note 441.

444. *Id.*

445. *Wedding Fees to Women’s League*, THE DAY (New London, Conn.), Nov. 9, 1922, at 1. For evidence of her position as a local League president, see *Women Voters Pass Many Resolutions*, HARTFORD COURANT (Conn.), Nov. 18, 1921, at 4.

446. See Appendix, entries for Mary P. Lewis (1922), Susie B. Rogers (1922), and F. Victoria Markham (1922).

447. Edith E. Morairty, *With the Women of Today*, RICH. PALLADIUM (Ind.), Mar. 19, 1923, at 9.

448. *Id.* She served fourteen years as a representative and two as a state senator. In 1936, she lost in her run for the U.S. Congress. *Nellie T. Bush*, ARIZ. WOMEN’S HALL OF FAME, <https://www.azwhf.org/inductees/nellie-t-bush> [<https://perma.cc/KYN8-L7RF>].

one of the important county offices emphasizes the prophecy that a new political era is dawning, in which women will be a prominent factor.”⁴⁴⁹ In her campaigning, she emphasized the importance of women’s representation, posting an ad that claimed that “[o]ne Justice should be a woman, as approximately 75 per cent of cases in Minor Courts involve women, directly or indirectly.”⁴⁵⁰ She won and served for over two decades.⁴⁵¹

As the 1920s continued, some women secured judicial positions through a common path developed in the prior period: they first served as assistants to judges,⁴⁵² often including their late husbands.⁴⁵³ For example, Fannie Scott was celebrated as the first woman elected to office in South Carolina, as well as the first woman judge there, when she won an unopposed election for probate judge to complete the term of her late husband.⁴⁵⁴ Scott had served as her husband’s deputy and clerk during his six years in office and, according to news coverage, she had “frequently executed with great ability the duties of the judge.”⁴⁵⁵ Almost a year into her judicial service, newspaper coverage described her as “one of the most efficient and popular judges ever known to the probate court in the Palmetto State.”⁴⁵⁶ In addition to the experience she had gleaned when assisting her husband and in informally studying law, she brought “tact and sound common sense—not to mention her women’s intuition— . . . to render decisions which have satisfied both sides in some warmly contested cases.”⁴⁵⁷ Though she faced challengers for reelection, she won.⁴⁵⁸

449. *Woman Victor in Primary Most Grateful*, TACOMA NEWS TRIB. (Wash.), Sept. 13, 1922, at 13.

450. Advertisement, *Blanche Funk Miller*, TACOMA NEWS TRIB. (Wash.), Nov. 6, 1922, at 8.

451. *Miller, Blanche Funk*, STAN. WOMEN’S LEGAL HIST., https://wlh.law.stanford.edu/biographysearch/biopage/?woman_lawyer_id=12042 [<https://perma.cc/7776-5LGJ>].

452. For example, Ella Eggleston served as the register of the probate court under four different judges before she became the first woman probate judge in Michigan in 1919. Her father had also been a probate judge. *First Woman Judge Is Dead*, BATTLE CREEK ENQUIRER & NEWS (Mich.), May 15, 1948, at 6. After Alberta Wright was elected as a probate judge in Missouri in 1926, she recalled how a former probate judge had recommended she try for the position when she was serving as his stenographer years earlier. She lost her first campaign but tried again and won. *Woman Probate Judge Elected in Macon Co.*, KIRKSVILLE DAILY EXPRESS (Mo.), Nov. 4, 1926, at 6.

453. For example, in Kansas in 1920, Maggie Mettler was appointed to complete the term of her late husband, for whom she had served as an assistant. *New Woman Probate Judge*, TOPEKA STATE J., Feb. 25, 1920, at 6. For other examples of women taking over for late husbands, see Appendix, entries for Grace Dyson (1920) and Bessie S. Bellinger (1922).

454. *Mrs. Scott Will Fill Greenville Office*, THE STATE (Columbia, S.C.), Jan. 18, 1921 (Magazine), at 3.

455. *Id.*

456. Phillip Warren, *Woman Judge Serves in Husband’s Place*, ATLANTA J., Nov. 20, 1921, at 5.

457. *Id.*

458. *Sixteen Already Seeking Offices*, GREENVILLE NEWS (S.C.), May 4, 1922, at 12; *State Election Returns*, SUMTER DAILY ITEM (S.C.), Nov. 21, 1922, at 3.

In states where women had long been excluded from judicial office, a developing trend was for their initial opportunities to come in specialized courts focused on women and children. Especially in the South, women's first foray into the judiciary was often in a juvenile or family court. The first was Camille Kelley. The mayor of Memphis, Tennessee, named her for the juvenile court bench in January 1920,⁴⁵⁹ when the Nineteenth Amendment was still moving through the state ratification process.⁴⁶⁰ However, he did not formally nominate her at that time, in part because he realized that there might be questions about her eligibility.⁴⁶¹ The mayor promised that "[i]f there is any possible way to remove any legal obstacles it will be done."⁴⁶² He further explained, "The appointment of a woman may be a radical departure, but the juvenile court has to do largely with domestic problems, and I consider her eminently qualified" to perform the duties of the bench.⁴⁶³ While Kelley awaited the official appointment, she traveled across the country to learn the methods of other juvenile courts.⁴⁶⁴ Finally, in April 1920, the mayor sent her name to the city commission for approval, and she took the bench on May 1.⁴⁶⁵ A few months later, Tennessee provided the final state ratification necessary for the Nineteenth Amendment's adoption.⁴⁶⁶ Kelley remained on the bench for three decades.⁴⁶⁷

Women in other Southern states similarly found their earliest judicial openings in juvenile or family courts.⁴⁶⁸ Gendered arguments facilitated these opportunities. For instance, when Virginia Mayfield became a domestic relations judge in Alabama in 1923, making her the first woman judge in the state, newspaper coverage went beyond her qualifications as a lawyer from a family committed to public service to observe: "It is generally

459. *Mayor Names Woman as Juvenile Judge*, COM. APPEAL (Memphis, Tenn.), Jan. 14, 1920, at 1.

460. Scott Bomboy, *The Vote that Led to the 19th Amendment*, NAT'L CONST. CTR. (Aug. 18, 2023), <https://constitutioncenter.org/blog/the-man-and-his-mom-who-gave-women-the-vote> [<https://perma.cc/5TJJ-P372>].

461. *Mayor Names Woman as Juvenile Judge*, *supra* note 459. There were also questions about when the term of the prior judge would end. *Id.*

462. *Id.*

463. *Id.* Kelley's nomination may have helped paint the Memphis political machine as "progressive." Ray Hill, *Camille Kelley: The Little Irish Judge*, KNOXVILLE FOCUS (Tenn.) (Sept. 22, 2013), <https://www.knoxfocus.com/archives/camille-kelley-the-little-irish-judge/> [<https://perma.cc/5R9M-UCSL>].

464. *Mrs. Kelley Goes to Study Juvenile Courts in East*, NEWS SCIMITAR (Memphis, Tenn.), Mar. 15, 1920, at 3.

465. *Will Elect Mrs. Kelley*, COM. APPEAL (Memphis, Tenn.), Apr. 23, 1920, at 3; *First Woman Judge Takes Office Today*, COM. APPEAL (Memphis, Tenn.), May 1, 1920, at 5.

466. Bomboy, *supra* note 460.

467. Hill, *supra* note 463.

468. See Appendix, entries for Annie Anderson (juvenile court, Ga., 1921), Kerr M. Harris (juvenile court, Va., 1922), and Virginia H. Mayfield (domestic relations court, Ala., 1923).

conceded, at least by the thinking women of the country, that a woman is more capable of dealing with [domestic relations] cases than a man.”⁴⁶⁹ In Florida, the first woman elected as a judge employed gendered arguments in her campaign for the juvenile court. Her tagline read: “VOTE FOR A WOMAN FOR A WOMAN’S JOB.”⁴⁷⁰ One of her more detailed advertisements claimed that “[a] woman’s sympathy and intuition, combined with legal training fits me to serve.”⁴⁷¹ Into the 1930s and beyond, Southern women found specialized courts to be the most attainable opportunities for judgeships.⁴⁷²

Women in the Northeast secured a broader mix of judicial positions than their counterparts in the South, but they nevertheless remained restricted in the number and type of posts.⁴⁷³ In New York, aside from women elected as justices of the peace in small towns,⁴⁷⁴ women were expected to oversee gendered dockets.⁴⁷⁵ One illuminating moment came after the New York City mayor appointed Jeannette Goodman Brill as the city’s second woman magistrate, in 1929.⁴⁷⁶ During her induction ceremony, the chief magistrate shared his appreciation for that fact that Brill’s service would make it possible for a woman judge to hear cases against women defendants in Brooklyn, just as was done in the Manhattan women’s court.⁴⁷⁷ He took the opportunity to call on listeners to open a similar court in Brooklyn. If that effort succeeded, he continued, he intended to make Brill the “chief presiding officer in such court,” as well as for her to spend part of her time presiding over family court.⁴⁷⁸ Brill did not comment about her potential

469. Judge Virginia Henry Mayfield *Is the First Woman Judge in South*, MONTGOMERY ADVERTISER (Ala.), Sept. 29, 1923, at 8.

470. Advertisement, *Mrs. Edith M. Atkinson: Candidate for Judge of the Juvenile Court*, MIA. HERALD, Apr. 27, 1924, at 18.

471. Advertisement, *Edith M. Atkinson, To the Voters of Dade County*, MIA. HERALD, May 4, 1924, at A4.

472. In the years after the Appendix concludes, examples include: Mamie Walker (juvenile court, N.C., 1934); Anna Levy (juvenile court, La., 1941); and Elizabeth Hallanan (juvenile court, W. Va., 1959). Mattie U. Russell, *Walker, Mamie Dowd*, NCPEDIA (1996), <https://www.ncpedia.org/biography/walker-mamie> [<https://perma.cc/2ZCP-EHPT>]; *Louisiana’s First Woman Judge*, MONROE NEWS-STAR (La.), Jan. 3, 1941, at 1; Tom D. Miller, *Elizabeth V. Hallanan*, E-WV: W.VA. ENCYC. (Feb. 8, 2024), <https://www.wvencyclopedia.org/entries/113> [<https://perma.cc/7HV2-TPXV>].

473. This assessment is based in part on the author’s related project covering 1930 through 1970.

474. See Appendix, entries for Gertrude A. Williams (1919) and Jennie MacMillan (1921).

475. See Appendix, entries for Jean H. Norris (1919) and Luella North (1922). While outside the period covered in this Article, it is worth noting that the New York City domestic relations court provided the first opportunity for a Black woman to become a judge, when Jane Bolin was appointed in 1939. I previously described how Mayor Fiorello LaGuardia appointed Bolin in part to make a statement against Nazi Germany. Katz, *supra* note 317, at 1505–06; see also MCLEOD, *supra* note 40.

476. Marjorie Dorman, *Mrs. Brill, Brooklyn’s First Woman Judge, Is Inducted in Splendor*, BROOK. DAILY EAGLE, June 3, 1929, at 2.

477. *Id.*

478. *Id.*

assignments at the time, and it does not appear her cases were so limited.⁴⁷⁹ However, when she later advocated for more women judges, she endorsed women's supposedly special contributions in cases involving women, children, and families.⁴⁸⁰

The most successful woman to begin a judicial career in the 1920s was Florence Allen, whose refusal to accept a gendered docket was a major factor in her accomplishments. Allen first won election to an Ohio county court in 1921.⁴⁸¹ Crucially for her later trajectory, Allen rebuffed her colleagues' efforts to create and assign her to a special divorce division.⁴⁸² Instead, she insisted on hearing the full range of civil and criminal matters within the court's jurisdiction.⁴⁸³ In November 1922, Allen became the first woman to reach a state high court bench, when voters elected her to the Ohio Supreme Court.⁴⁸⁴ While most commenters celebrated her victory, a former Ohio mayor publicly cast doubt on her eligibility to no avail.⁴⁸⁵ After more than a decade in the role, she became the first woman to serve on a federal court of appeals, in 1934.⁴⁸⁶ She served for twenty-five years, with her final year of service allowing her to achieve one additional "first"—as the first woman chief justice of a federal bench.⁴⁸⁷

Rounding out the decade following the Nineteenth Amendment's ratification, Massachusetts finally welcomed its first women judges in a manner that foreshadowed how gender stereotypes would continue to complicate women's pursuits. Both women were appointed to district courts by a Massachusetts governor,⁴⁸⁸ nearly sixty years after a governor there had first tried to appoint a woman to a judicial office.⁴⁸⁹ The *Boston Globe* covered the duo under the headline *Two Mothers Named Bay State Judges*, even though both had notable accomplishments unrelated to their families and neither were placed on specialized court benches for which motherhood might seem relevant.⁴⁹⁰ One had served as the assistant corporation counsel for Boston.⁴⁹¹ The other came from a suffragist family, earned graduate

479. See, e.g., *Magistrate Brill Begins Duties with Jail Sentence*, STANDARD UNION: LATE NEWS EDITION (Brook.), June 4, 1929, at 2 (reporting on Brill presiding over routine criminal matter with male defendant).

480. *More Women Judges Urged by Mrs. Brill*, N.Y. TIMES, May 7, 1933, at N2.

481. Thomas, *supra* note 40, at 321.

482. *Id.* at 322.

483. *Id.*

484. *Id.* at 326–27.

485. *Id.* at 327.

486. *Id.* at 335.

487. *Id.*

488. *Two Mothers Named Bay State Judges*, BOS. DAILY GLOBE, Dec. 11, 1930, at 1.

489. *In re Op. of the Justs.*, 107 Mass. 604, 604 (1871).

490. *Two Mothers Named Bay State Judges*, *supra* note 488, at 1.

491. *Id.*

degrees in law and social work, served as a probation officer for women and girls early in her career, and more recently became the first woman in Massachusetts appointed an assistant attorney general.⁴⁹² She had also served as the president of the Massachusetts Women Lawyers' Association,⁴⁹³ and she had been one of its members to advocate for women's eligibility for judgeships in 1914.⁴⁹⁴

By 1930, women had made undeniable strides in obtaining judgeships, a development that commentators saw as indicative of women's progress and potential.⁴⁹⁵ Journalist Julia Blanshard authored a widely reprinted article about women judges, in which she offered that "no women in any profession win quite the influence nor the public respect for their success that judges do."⁴⁹⁶ The number of women holding judgeships had "grown so tremendously in the past three decades," she continued, that the position "offers enormous future opportunities to the women of tomorrow."⁴⁹⁷ Still, gendered expectations remained salient. Especially in the places where women had faced the greatest hurdles in securing eligibility, the most accessible judicial offices were often in specialized courts handling children and family issues. For women able to break out of that mold, there were broader opportunities.

CONCLUSION

For more than a half-century prior to federal enfranchisement, women across the nation sought to join the judiciary. Nearly one hundred succeeded. Long overlooked in accounts of women's legal, political, and professional history, women judges were in fact a central and consistent feature in women's advocacy for equal rights and opportunities. Importantly, progress occurred unevenly and varied by region. State

492. *Woman Justice Organized Local Probation Work*, SPRINGFIELD DAILY REPUBLICAN (Mass.), Dec. 11, 1930, at 8; Inna Babitskaya, *Historical Perspectives: Malden Resident Overcame Barriers from the Bench*, WICKED LOCAL (Apr. 5, 2012, 5:18 AM), <https://www.wickedlocal.com/story/observer-advocate/2012/04/05/historical-perspectives-malden-resident-overcame/39029701007/> [<https://perma.cc/K95T-6WV2>].

493. *Woman Justice Organized Local Probation Work*, *supra* note 492.

494. *Want Women Judges*, *supra* note 383 (maiden name Emma Fall).

495. See, e.g., Ida Clyde Clark, *Feminists Made Gains in Many Fields in 1928*, N.Y. TIMES, Feb. 17, 1929 (§ 10), at 8 ("The most conspicuous evidence of [women's] progress in this field is perhaps the increasing number of women lawyers who have been elevated to important judgeships.")

496. Julia Blanshard, *Judicial Posts Attract Women*, ALTOONA MIRROR (Pa.), June 7, 1929, at 36 [hereinafter Blanshard, *Judicial Posts Attract Women*]. For an example of a republication, see Julia Blanshard, *Women Are Court Success as Judges*, KY. POST (Covington, Ky.), Sept. 27, 1929, at 52.

497. Blanshard, *Judicial Posts Attract Women*, *supra* note 496. The author rightly observed that women's first opportunity for court careers was in probation, and that more recently women had three main opportunities in courts: as juvenile or magistrate judges, as probation officers, or as referees. *Id.*

constitutions and lawmaking mattered. Individual ambitious women and their supporters mattered. Decades of campaigning and competent service on lackluster benches mattered.

Where judgeships remained out of reach due to ineligibility and political barriers, advocates for women in the judiciary developed arguments about women's supposedly natural ability to oversee cases involving children, women, and families. Some women seemed to prove the veracity of those assertions by serving as the country's first probation officers, typically in juvenile and family courts. While gendered strategies were particularly common in conservative regions, women across the country struggled over how to balance claims about the importance and fairness of women's representation versus their potentially unique qualifications.

Ratification of the Nineteenth Amendment in 1920 helped eliminate the final eligibility constraints, and women began to obtain judgeships in new places and in greater numbers over the following decade. Still, women's acceptance onto judicial benches was difficult and contested. Especially in regions where women long offered gendered arguments to seek inclusion, their opportunities to serve as judges clustered in specialized courts focused on children, women, and families. Women in states with longer traditions of women in the judiciary found broader opportunities, yet few obtained positions above the trial court level. Pursuing equal access to judgeships remained a major endeavor for decades to come.⁴⁹⁸

498. This preliminary conclusion is based on the author's related project focused on 1930 through 1970.

APPENDIX

A NOTE ON METHODOLOGY

This Appendix was created by combining dozens of secondary sources and by conducting extensive primary source research in historical newspaper databases. I began with Virginia Drachman's table listing the first woman judge in each state.⁴⁹⁹ I next compiled women judges from other secondary sources, most notably: (1) the judicial entries posted on the website *Her Hat Was In the Ring*, which documents women who ran for elective office prior to 1920; (2) lists purporting to collect all the women judges in a particular state; and (3) biographies of individual women judges. In conducting research to verify these sources and to develop the broader context, I found dozens of additional women judges. This finding, in turn, led to more open-ended searches for key terms in historical newspaper databases.

There are limits to this research method. Newspaper coverage of women judges is uneven by time and place. Evidence of some women's service is limited to small newspapers. It is likely there are many other judges whose service cannot be identified through this method because newspapers have been lost or have not been digitized. Additionally, once it became commonplace for women to serve in certain judicial posts, it was less likely that newspapers would cover their election or appointment.⁵⁰⁰ I identified many women whose service is plausible but for whom I deemed the evidence insufficient to include in this chart. For women whose service is a closer call, I included their names in the chart and noted evidentiary uncertainties in the footnotes. Accordingly, the chart is sufficiently comprehensive to identify patterns but inevitably has omitted some pioneering women judges.

The Appendix deliberately omits some women included in other accounts of women judges. One reason is that some women's positions, as well as public perception of their service, were meaningfully distinct from regular judges. The most notable examples are masters in chancery⁵⁰¹ and

499. DRACHMAN, *supra* note 41, at 263 tbl.22. Drachman's table served as a helpful starting point, but further research revealed errors and omissions. Drachman notes that her table drew from Larry Berkson, *Women on the Bench: A Brief History*, 65 JUDICATURE 286, 290 tbl.1 (1982).

500. The difficulty of finding women judges through newspaper coverage was already apparent in 1917. As one columnist explained, women judges had become "so common that it has grown impossible to keep track of them. At the most a new election or appointment of this kind is given an inch news note in a local paper." Boyd, *supra* note 39.

501. Carrie Kilgore is included in Drachman's chart as the first woman to serve as a judge in Pennsylvania because she was appointed as a master in chancery in 1886. DRACHMAN, *supra* note 41,

U.S. Commissioners.⁵⁰² Second, the chart excludes women who were referred to informally as “judges” because of their pseudo-judicial roles.⁵⁰³ These women were important for reasons discussed in the Article text, but this chart records only official women judges. Finally, this chart does not include women who served officially as judges for brief periods of time (such as one day), while a permanent judge was unavailable.⁵⁰⁴ Although these women mattered for proving women’s competence for the role, their position was distinct from women who were the primary holders of judicial titles. By contrast, the chart does include women who were selected to complete the term of judges who died, retired, or otherwise vacated positions early. These women held the full powers of the position, and newspaper coverage indicates people regarded them as true judges.

For women who were appointed to complete the term of late husbands or fathers, the chart indicates in the “Selection Method” column if there is evidence that the women were subsequently elected. This information is not provided exhaustively, but it is included frequently to indicate that such appointments were not merely honorary. Similar information is included selectively for other appointees.

at 263 tbl.22. However, the selection method and role of a master in chancery are not sufficiently similar to a judge to warrant inclusion. *Cf.* Cook, *Women on the State Bench*, *supra* note 344, at 198 (describing chancery position as “quasi-judicial”). At least as importantly, sources from the time did not claim that Kilgore served as a judge. *See, e.g., A Woman Master in Chancery*, DAILY EVENING SENTINEL (Carlisle, Pa.), Jan. 27, 1887, at 4 (explaining that a judge appointed Kilgore as a master in chancery for one case, and Kilgore became the first woman in the state to administer an oath and take testimony).

502. For example, Drachman includes Marilla Ricker, who served as a U.S. Commissioner in the District of Columbia beginning in 1884. DRACHMAN, *supra* note 41, at 263 tbl.22. While news coverage described Ricker as a “judge,” the role of U.S. Commissioner varied by time and place such that not all people who held the title would fairly be classed as a “judge.” On Ricker, see, for example, *Merciful as a Judge*, ST. LOUIS GLOBE-DEMOCRAT, Apr. 20, 1884, at 22; *Marilla Ricker*, N.H. RADICAL HIST. (June 25, 2021), <https://www.nhradicalhistory.org/story/marilla-ricker/> [<https://perma.cc/7GWZ-3XJ7>]. On the history of this position, see generally Charles A. Lindquist, *The Origin and Development of the United States Commissioner System*, 14 AM. J. LEGAL HIST. 1, 9 (1970). If this Appendix included U.S. Commissioners, a non-exhaustive search indicates that at least around ten more women would be included.

503. For example, Mary Bartelme was sometimes referred to as a “judge” in Chicago’s juvenile court beginning in 1912, yet she did not officially become a judge there until a decade later. *See, e.g., Has Court of Her Own*, *supra* note 347; Genevieve Forbes, *Mary Bartelme ‘Real Judge’ Now and Real Human*, CHI. DAILY TRIB., Nov. 8, 1923, at 3.

504. *See, e.g., Las Cruces Boasts First Woman Judge*, *supra* note 205 (providing positive account of court reporter Olga Melinda Victoria Miller filling in for an absent judge for one Saturday in a New Mexico district court).

THE FIRST WOMEN JUDGES IN THE UNITED STATES (1870–1930)

Selection Date	Name	Location	Vote ⁵⁰⁵	Position	Selection Method
Feb. 1870	Esther Morris ⁵⁰⁶	Sweetwater County, WY Territory	F	Justice of the Peace (JP)	Appointed by county commissioners
Feb. 1870	Caroline Neil ⁵⁰⁷	Point of Rocks, WY Territory	F	JP	Appointed by county commissioners
Sept. 1870	Anne P. Ladd ⁵⁰⁸	Kennebec County, ME	N	JP	Appointed by governor
Sept. 1870	Inez A. Blanchard ⁵⁰⁹	Portland, ME	N	JP	Appointed by governor
Dec. 1870	Clara H. Nash ⁵¹⁰	Columbia Falls, ME	N	JP	Appointed by governor
Nov. 1876	Mary Davis ⁵¹¹	Tie Siding, WY	F	JP	Elected
Nov. 1884	J. Anderson ⁵¹²	King County, WA Territory	F	JP	Elected
Nov. 1884	Eliza A. Forbes ⁵¹³	King County, WA Territory	F	JP	Elected
Apr. 1889	Mary F. Groundwater ⁵¹⁴	Cottonwood Falls, KS	M	Police Judge	Elected
Apr. 1890	Jessie Greer ⁵¹⁵	Edgerton, KS	M	Police Judge	Elected
Apr. 1891	Mary L. Burton ⁵¹⁶	Jamestown, KS	M	Police Judge	Elected
Apr. 1891	Jessie McCormick ⁵¹⁷	Burr Oak, KS	M	Police Judge	Elected
Nov. 1892	Ann Scally ⁵¹⁸	Buffalo, WY	F	JP	Elected
Apr. 1894	Laura N. Anderson ⁵¹⁹	Spring Hill, KS	M	Police Judge	Elected

505. For women who became judges prior to ratification of the Nineteenth Amendment in 1920, this column records whether, at the time of their selection as a judge, women in their jurisdiction had full enfranchisement (F), municipal suffrage broad enough to encompass voting for at least some offices (M), or no suffrage (N). For women who became judges after ratification of the Nineteenth Amendment, the chart records whether women in that state had full suffrage before that amendment: yes (Y) or no (N). This column relies on KEYSSAR, *supra* note 45, app. tbls.A.18 & A.20.

506. *Female Justices of the Peace*, DAILY EXAM'R (S.F.), Feb. 21, 1870, at 1. For a detailed account, see Karin, *supra* note 68, at 300, 320–21.

507. There are gaps in the evidentiary record regarding Neil's service, as explained in Karin, *supra* note 68, at 321–22; T.A. Larson, *Woman Suffrage in Wyoming*, 56 PAC. NW. Q. 57, 61 n.9 (1965).

508. *Woman's Rights—A Lady Made a Justice of the Peace in Maine*, *supra* note 114, at 5.

509. *Local and Other Items*, BANGOR DAILY WHIG & COURIER (Me.), Sept. 28, 1870, at 3.

510. *Nominations by the Governor*, PORTLAND DAILY PRESS (Me.), Dec. 19, 1870, at 3; Clara Hapgood Nash, *a Woman of Her Time and Ahead of It*, ACTON HIST. SOC'Y (June 17, 2018), <https://www.actonhistoricalsociety.org/blog/clara-hapgood-nash-a-woman-of-her-time-and-ahead-of-it> [<https://perma.cc/8Z3Z-KMW5>].

511. *First Female Justice Ever Elected*, *supra* note 100; MARIE ERWIN, 1 WYOMING BLUE BOOK 397 (Virginia Cole Trenholm ed., 1974).

512. *Female J.P.'s.*, SEATTLE DAILY POST-INTELLIGENCER, Nov. 9, 1884, at 4. The "J." initial may refer to her husband's name; newspapers use "Mrs. J. Anderson." See *id.*

513. *Id.*

514. *Under Petticoat Rulers*, KAN. CITY TIMES (Mo.), Apr. 7, 1889, at 11; *Women in Office*, *supra* note 191, at 399.

515. Accounts vary regarding whether Greer (along with a full slate of women candidates) was elected as a joke. She and the other women apparently served very briefly, again for disputed reasons. For jocular and dubious accounts, see *Where Women Rule*, DAILY PICAYUNE (New Orleans), Apr. 19, 1890, at 9; *The Women Quit Office*, *supra* note 208. For a recent account indicating the women were elected for serious reasons and quit because of restrictions placed on them, see *Women's Firsts in Johnson County*, JOCOHISTORY BLOG (July 30, 2021), <https://jocohistory.wordpress.com/2021/07/30/womens-firsts-in-johnson-county/> [<https://perma.cc/DP95-TCYR>]. See also *Women in Office*, *supra* note 191, at 399.

516. Evidence is thinner for Burton and McCormick than for women elected to this post in prior years, but many Kansas newspapers carried news of their elections. See, e.g., *Women Police Judges Elected*, EMPORIA DAILY REPUBLICAN (Kan.), Apr. 9, 1891, at 1.

517. *Id.*

518. *A Female Judge*, DAILY TIMES (New Brunswick, N.J.), Nov. 11, 1892, at 3.

519. *The Election*, SPRING HILL NEW ERA (Kan.), Apr. 5, 1894, at 3.

Dec. 1894	L.E. Castle ⁵²⁰	Callender, IA	N	JP	Elected
Apr. 1896	Mary L. Foote ⁵²¹	Gaylord, KS	M	Police Judge	Elected
Nov. 1902	M. Agnes Garrett ⁵²²	Garrett, WY	F	JP	Elected
Nov. 1902	Maggie H. Gillespie ⁵²³	Lookout, WY	F	JP	Elected
Nov. 1902	E.L. Cole ⁵²⁴	Salubria, ID	F	JP	Elected
Apr. 1907	Catharine McCulloch ⁵²⁵	Evanston, IL	N	JP	Elected
Oct. 1907	Clara M. Hess ⁵²⁶	New Durham Township, IN	N	JP	Appointed by county commissioners
Apr. 1908	Mary H. Cooper ⁵²⁷	Mitchell County, KS	M	Probate Court	Appointed by governor to complete term of late husband; then elected
Nov. 1908	Clara Kaiser ⁵²⁸	Franklin County, KS	M	Probate Court	Appointed by governor to fill vacant position until judge-elect's term
Sept. 1909	Helen McClung ⁵²⁹	Wichita County, KS	M	Probate Court	Appointed by governor to complete term of late husband; then elected
Apr. 1910	Mary Phares ⁵³⁰	Clintonia Township, IL	N	JP	Elected
Nov. 1910	Jeannette Shaffer ⁵³¹	Washington County, CO	F	JP	Elected
Feb. 1911	Lydia Berkeley Tague ⁵³²	Eagle County, CO	F	County Judge	Appointed by county commissioners to complete term of late husband; then elected several times
Jan. 1912	Lily Laird (Files) ⁵³³	Rocklin, CA	F	JP	Appointed by county supervisors to complete term of late husband

520. It is debatable whether L.E. Castle warrants a place on this list. Newspapers report she was elected accidentally because a clerk used her initials instead of her husband's on the ballot. The confusion may have been caused by the fact that he ran a drugstore using her name. However, newspapers also report that she was sworn in and served briefly before resigning. *Woman Justice of the Peace*, *supra* note 207; *Female Justice Loses Courage*, *supra* note 207.

521. *Town Run by Women*, GAYLORD HERALD (Kan.), Apr. 23, 1896, at 1; *Women in Office*, *supra* note 191, at 400.

522. *State News Items from Exchanges*, NEWCASTLE NEWS-J. (Wyo.), Nov. 14, 1902, at 8; *Woman Elected a Justice*, BOS. DAILY GLOBE: GLOBE LATEST, Dec. 2, 1902, at 11.

523. *State News Items from Exchanges*, *supra* note 522; *State News*, CONCORD TIMES (N.C.), Dec. 11, 1902, at 2 (reporting on election and noting Gillespie was from North Carolina).

524. Most newspaper coverage uses the name "Mrs. E.L. Cole," though one article uses "Mrs. S.L. Cole." The initials may be for her husband's name. *New Officials at the Helm in Washington County*, WEISER SIGNAL (Idaho), Jan. 14, 1903, at 1; *A Portia Presides at Salubria Trial*, *supra* note 169.

525. *Woman Elected Justice*, WASH. POST, Apr. 3, 1907, at 4.

526. *Indiana Woman Justice*, *supra* note 199; *Woman Justice of Peace*, *supra* note 201, at 4.

527. *Woman Probate Judge*, *supra* note 221; *Governor Congratulates Mrs. Cooper*, BELOIT GAZETTE (Kan.), Nov. 19, 1908, at 2; *Women in Office*, *supra* note 191, at 398.

528. *New Probate Judge Qualifies*, *supra* note 227.

529. *Another Woman Named as Probate Judge*, CLAY CTR. DISPATCH (Kan.), Sept. 9, 1909, at 1; *Woman Probate Judge Quits*, *supra* note 233; *Women in Office*, *supra* note 191, at 398.

530. *Mrs. Phares a J.P.*, CLINTON REG. (Ill.), Apr. 8, 1910, at 1; *Three Women Justices to Attend Conference*, *supra* note 197.

531. *Election Returns*, THE NEWS (Akron, Colo.), Nov. 17, 1910, at 4; *Local and Personal Happenings*, WASH. CNTY. LEADER (Colo.), Jan. 13, 1911, at 5.

532. *Brief News from the Wire*, LINCOLN EVENING NEWS (Neb.), Feb. 27, 1911, at 6B; Heicher, *supra* note 243.

533. *Supervisors*, PLACER HERALD (Auburn, Cal.), Jan. 6, 1912, at 1. Partway through her first term, she remarried and changed her name. *Will Continue as Justice of Peace*, ROSEVILLE REG. (Cal.), Dec. 26, 1913, at 3.

Apr. 1912	Clara Alice Jess ⁵³⁴	Daly City, CA	F	City Recorder (similar to JP ⁵³⁵)	Selected by city's board of trustees
Apr. 1912	Carrie Partridge ⁵³⁶	Stillman Valley, IL	N	JP	Elected
May 1912	Isabelle Earll ⁵³⁷	Joplin, MO	N	JP	Selected by county court to complete term of late husband
Nov. 1912	Maggie Gilmore ⁵³⁸	Wichita County, KS	F ⁵³⁹	Probate Court	Elected
Nov. 1912	Edmonia Mills ⁵⁴⁰	Fruit Valley, WA	F	JP	Elected
Apr. 1913	Edna Keeran ⁵⁴¹	Princeton Township, CA	F	JP	Appointed by county supervisors to complete term of late husband; lost reelection but appointed to complete term of another deceased judge in 1917; elected in 1918
Feb. 1914	Abbie Barkway (Sears) ⁵⁴²	Denver Township, CA	F	JP	Appointed by county supervisors to complete term of late father; then elected
Apr. 1914	Achsah L. Cullison ⁵⁴³	Elk County, KS	F	Probate Court	Appointed by governor to complete term of late husband
Apr. 1914	Lura Middaugh ⁵⁴⁴	Kansas City, KS	F	JP	Appointed by governor; later elected
May 1914	Miriam Rains ⁵⁴⁵	El Cajon, CA	F	JP	Appointed by city council

534. *She's the First of Her Sex in State to Be Justice of Peace*, *supra* note 281, at 13.

535. *Id.* (“[T]he city Recorder has concurrent jurisdiction with Justices of the Peace, and in regard to police matters.”).

536. *Announcements*, DURAND GAZETTE (Ill.), Mar. 28, 1912, at 9 (noting Partridge as candidate for election to be held in April); *Mrs. McCulloch to Give Up Office*, *supra* note 29; *Three Women Justices to Attend Conference*, *supra* note 197.

537. *Missouri's First Woman J.P.*, *supra* note 247. She ran for election but was defeated. *Married 300 in Six Months*, *supra* note 248.

538. *Women Scored*, *supra* note 235, at 9; *One Hundred and Fifty-Nine Public Offices in Kansas Filled by Women*, HUTCHINSON SUNDAY GAZETTE (Kan.), Dec. 26, 1915, at 5.

539. Women won full suffrage in this election, but they were not able to exercise that right until a subsequent election. *See supra* discussion accompanying notes 261–68.

540. *Clark Returns Counted*, MORNING OREGONIAN (Portland), Nov. 14, 1912, at 19; *Washington's Only Woman Judge Likes Duties on the Bench*, SEATTLE POST-INTELLIGENCER, Feb. 20, 1913, at 4.

541. *Princeton Woman J. P. Takes Her Oath of Office*, SACRAMENTO BEE, Apr. 21, 1913, at 2 (misspelling of “Princeton” in the original); *Mrs. Keeran Appointed Justice of Peace at Princeton*, SACRAMENTO BEE, Jan. 4, 1917, at 8; *Mrs. Edna Keeran Re-Elected Justice of Peace*, WILLOWS DAILY J. (Cal.), Aug. 29, 1918, at 1 (she defeated another female candidate). Some members of the Colusa County Board of Supervisors preferred to appoint the wife of the judge who died in 1916, but after several votes, they chose Keeran. *Board of Supervisors, Colusa County, State of California, January Term A. D. 1917, January 2, A. D. 1917*, COLUSA HERALD (Cal.), Jan. 6, 1917, at 2.

542. *Woman Justice of the Peace*, VALLEJO EVENING CHRON. (Cal.), Feb. 6, 1914, at 1; *Complete Return on County Places*, VALLEJO DAILY TIMES (Cal.), Nov. 14, 1914, at 2.

543. *Names of Woman as Probate Judge*, *supra* note 234. She sought election but lost. *Official Canvass Alters Nothing*, *supra* note 234. Her first name is spelled inconsistently in newspapers but appears as “Achsah” in most coverage and on her tombstone. Judy Mayfield, *Achsah Leah Lowder Cullison*, FIND A GRAVE (Sept. 6, 2007), <https://www.findagrave.com/memorial/21408310/achsah-leah-cullison> [https://perma.cc/B54Y-VZDS].

544. *A Woman J.P.*, *supra* note 262. After she resigned to shore up her claim to a homestead in Colorado, her sister was appointed. *Succeeds Sister as K.C.K. Justice*, KAN. CITY POST (Mo.), Mar. 18, 1915, at 7. Lura later ran for the position and was elected. *Wyandotte County Elects Two Women on G.O.P. Ticket*, KAN. CITY POST (Mo.), Nov. 6, 1920, at 7.

545. *Woman Justice Hears First Jury Case; Women on Jury*, SAN DIEGO SUN, Mar. 15, 1915, at 1 (stating she was asked to serve ten months earlier); *Woman Police Judge Loses Her Job*, OAKLAND ENQUIRER (Cal.), May 19, 1915, at 3 (giving start date as May 1914).

Aug. 1914	Kathryn Bingham ⁵⁴⁶	Farmersville, CA	F	JP	Elected
Aug. 1914	Mary Kenney ⁵⁴⁷	Cedarville, CA	F	JP	Elected
Nov. 1914	Reah Whitehead ⁵⁴⁸	King County, WA	F	JP	Elected
Nov. 1914	Sara Bullock ⁵⁴⁹	Twin Lakes, CO	F	JP	Elected
Nov. 1914	19 women: 1. Katie Barnes 2. Nellie Burk 3. Joy Fuller 4. Roxie Fulton 5. Blanche Grubb 6. Flora Johnson 7. Ida Kerr 8. Mrs. M.U. Lockwood 9. Josie McCoy 10. Ida Neer 11. Carrie Pierce 12. Grace Rude 13. Olive Smith 14. Mary E. Stark 15. Mrs. John Terry 16. Mrs. Chase Warner 17. Mrs. R.P. Whipple 18. Mrs. W. Willey 19. Mrs. I.A. Williams ⁵⁵⁰	Counties throughout KS	F	JP	Elected
Nov. 1914	Mary Hale ⁵⁵¹	Ford County, KS	F	Probate Court	Elected
Nov. 1914	Anna Garten ⁵⁵²	Gray County, KS	F	Probate Court	Elected
Dec. 1914	Frances Hopkins ⁵⁵³	Jefferson City, MO	N	Probate Court	Appointed by governor to complete term of late father

546. *Notice of Primary Election*, DAILY TULARE REG. (Cal.), Aug. 12, 1914, at 7; ROSTER OF CALIFORNIA OFFICIALS, *supra* note 569, at 67.

547. *Statement of All Votes Polled at the Primary Election Held August 25, 1914*, NEW ERA (Alturas, Cal.), Sept. 16, 1914, at 2; ROSTER OF CALIFORNIA OFFICIALS, *supra* note 569, at 43 (including incorrect spelling of last name as “Kinney”).

548. Julia Thompson, *Biographical Sketch of Reah M. Whitehead*, ALEXANDER ST., <https://documents.alexanderstreet.com/d/1010113900> [<https://perma.cc/9HUB-3WFA>]. She defeated nine male candidates. Sheila Farr, *King County Superior Court: The Early Years*, HISTORYLINK (Dec. 11, 2022), <https://www.historylink.org/File/22607> [<https://perma.cc/N7VU-24HL>].

549. *Republicans Gain Five*, HERALD DEMOCRAT (Leadville, Colo.), Nov. 5, 1914, at 1. Newspaper coverage uses the name “Mrs. E.N. Bullock.” *Her Hat Was In the Ring* identifies her first name as “Sara.” *Sara Bullock*, HER HAT WAS IN THE RING!, <https://herhat.historyit.com/items/view/project/24043/biography> [<https://perma.cc/MS2K-FH5M>].

550. *Women Hold 159 Elective Township and County Offices*, *supra* note 266. This article provides a detailed list of 159 women serving in elected offices in Kansas as of late December 1915. The list includes four probate judges (included separately in this chart) and 19 justices of the peace. I researched each of the justices, but there is little coverage of them individually because it had become less newsworthy for women to hold these posts. Since I found corroborating evidence for several women and no contradictory information, I deemed the article sufficiently reliable to include these women in the chart. It is likely Kansas justices of the peace are under included in subsequent years, as their election became increasingly routine and therefore absent from newspaper coverage. For many of the married women, it was not possible to recover their first names; the chart uses husbands’ names or initials.

551. *Election Results*, BUCKLIN BANNER (Kan.), Nov. 5, 1914, at 1; *Judges to Dodge City*, HUTCHINSON DAILY GAZETTE (Kan.), Oct. 19, 1915, at 4.

552. *Official Canvass of Vote of General Election Held on Nov. 3rd 1914*, JACKSONIAN (Cimarron, Kan.), Nov. 12, 1914, at 4; *Women Hold 159 Elective Township and County Offices*, *supra* note 266.

553. *Woman Probate Judge*, BOS. SUNDAY GLOBE, Dec. 20, 1914, at 4.

Feb. 1915	Watie S. Duff ⁵⁵⁴	Chinook Township, MT	F	JP	Appointed by county commissioners; then elected
Mar. 1915	Mettje Middaugh ⁵⁵⁵	Kansas City, KS	F	JP	Appointed by governor to complete term of sister, who resigned
Apr. 1915	Mattie M. Hoff ⁵⁵⁶	Clinton, IL	M	JP	Elected
Nov. 1916	J.A. Hebrew ⁵⁵⁷	Farmington Township, KS	F	JP	Elected
Nov. 1916	Martha Warner ⁵⁵⁸	Anderson Island, WA	F	JP	Elected
Nov. 1916	M.N. Clark ⁵⁵⁹	Quinault, WA	F	JP	Elected
Dec. 1916	Minnie Penn ⁵⁶⁰	San Luis Obispo County, CA	F	JP	Appointed by county supervisors to complete term of late husband
Jan. 1917	Isabelle Charles ⁵⁶¹	Santa Clara County, CA	F	JP	Appointed by county supervisors to complete term of late husband
Feb. 1917	Edith M. McGahan ⁵⁶²	Stonyford Township, CA	F	JP	Appointed by county supervisors to complete term of late husband; then elected
Apr. 1917	Othilia G. Beals ⁵⁶³	Seattle, WA	F	JP	Appointed to brother's position when he left to fight in WWI; then elected
June 1918	Nellie Burtis ⁵⁶⁴	Grimes, CA	F	JP	Appointed by county supervisors
July 1918	Lulu Barry ⁵⁶⁵	Trenton, MO	N	Probate Court	Appointed by governor to complete term of judge who resigned

554. *First Woman Justice of the Peace Holds Her Court in Chinook*, BILLINGS GAZETTE (Mont.), Feb. 12, 1915, at 1; *Rolfe Won by One Vote*, CHINOOK OP. (Mont.), Nov. 14, 1918, at 12; see also Kayla Olson & Andrew Moore, *Biographical Sketch of Watie Susan Councilman Duff*, ALEXANDER ST., <https://documents.alexanderstreet.com/d/1009872272> [https://perma.cc/SKM4-TP54].

555. *Succeeds Sister as K.C.K. Justice*, *supra* note 544.

556. *Democrats Win in D'Witt County*, DECATUR HERALD (Ill.), Apr. 7, 1915, at 11.

557. *Commissioner's Proceedings*, ROOKS CNTY. REC. (Kan.), Jan. 11, 1917, at 8; *Woman Justice of Peace*, STOCKTON REV., Nov. 21, 1918, at 1 ("She was elected two years ago and accepted the place, qualified and served the two years" and was reelected.). The initials "J.A." are likely her husband's, as coverage refers to her as "Mrs. J.A. Hebrew."

558. *Notice of Nomination*, TACOMA SUNDAY NEWS-LEDGER (Wash.), Nov. 5, 1916, at 38; *3 Women Elected to Office in County*, TACOMA DAILY NEWS (Wash.), Nov. 20, 1916, at 1. Newspapers report that Mary Canty was elected as a justice of the peace in the same county that election. However, since she said her nomination had been a joke and that she did not intend to serve, she is not included in this chart. *Notice of Nomination*, *supra*; *3 Women Elected to Office in County*, *supra*.

559. *Few Votes for President Lost*, PORT TOWNSEND LEADER (Wash.), Nov. 15, 1916, at 1; *County Has New Peace Officer*, PORT TOWNSEND LEADER (Wash.), Jan. 15, 1918, at 1. The initials "M.N." are likely her husband's, as coverage refers to her as "Mrs. M.N. Clark."

560. *Woman Justice*, COURIER-FREE PRESS (Redding, Cal.), Dec. 9, 1916, at 4; *Files Official Bond*, DAILY TELEGRAM (San Luis Obispo, Cal.), Dec. 27, 1916, at 5.

561. *Palo Alto Has Woman Justice of the Peace*, S.F. CHRON., Jan. 3, 1917, at 10.

562. *Proceedings*, COLUSA HERALD (Cal.), Feb. 8, 1917, at 2; *Colusa County Election Results*, COLUSA HERALD (Cal.), Aug. 29, 1918, at 2.

563. *Woman to Be Judge*, SANTA BARBARA DAILY NEWS & INDEP. (Cal.), Mar. 31, 1917, at 7; *Judge Othilia G. Beals, of Seattle*, EVENING SUN (Balt.), Apr. 30, 1917, at 6; *Othilia Carrol Beals*, DAILY OLYMPIAN (Olympia, Wash.), May 26, 1970, at 10.

564. *Second Colusa County Town Has Woman for Justice of Peace*, SACRAMENTO BEE, June 6, 1918, at 9.

565. *First Woman Probate Judge*, KAN. CITY TIMES (Mo.), July 9, 1918, at 4.

July 1918	Kathryn Sellers ⁵⁶⁶	Washington, D.C.	N	Juvenile Court	Nominated by U.S. President and confirmed by Senate
Nov. 1918	Nellie T. Bush ⁵⁶⁷	Yuma County, AZ	F	JP	Elected
Nov. 1918	Ethel C. Blair ⁵⁶⁸	Shasta Township, CA	F	JP	Elected
(Nov.) 1918	Kate S. Evans ⁵⁶⁹	Kern County, CA	F	JP	Elected
(Nov.) 1918	Margaret Lee ⁵⁷⁰	Inyo County, CA	F	JP	Elected
Nov. 1918	Margaret Hopkins ⁵⁷¹	Superior, MT	F	JP	Elected
Nov. 1918	Amelia Kuhr ⁵⁷²	Sherman County, KS	F	JP	Elected
Nov. 1918	Emma Tucker ⁵⁷³	Sherman County, KS	F	JP	Elected
Dec. 1918	Sadie E. Dechambeau ⁵⁷⁴	Bridgeport Township, CA	F	JP	Elected
Apr. 1919	Phoebe Patterson ⁵⁷⁵	Plymouth, MI	F	JP	Elected
<i>May and June 1919: The U.S. House and Senate Passed the Nineteenth Amendment</i>					
Oct. 1919	Jean H. Norris ⁵⁷⁶	New York, NY	F	Magistrates' Court (assigned to Women's Court)	Appointed by mayor to 30-day term during another judge's illness; appointed by mayor again in 1920 to complete term of a different judge (over seven years remaining)
Nov. 1919	Ella Eggleston ⁵⁷⁷	Barry County, MI	F	Probate Court	Appointed by governor; then elected
Nov. 1919	Gertrude A. Williams ⁵⁷⁸	Kennedy, NY	F	JP	Elected
Jan. 1920	Camille Kelley ⁵⁷⁹	Memphis, TN	N	Juvenile Court	Appointed by mayor; then elected

566. Rowe, *supra* note 403.

567. *Result in Yuma County*, PARKER POST (Ariz.), Nov. 9, 1918, at 1. She served in the position for six years and later was elected to the state legislature. *Nellie T. Bush*, *supra* note 448.

568. *Elects Woman Justice*, SACRAMENTO BEE, Nov. 8, 1918, at 8.

569. I was unable to find newspaper coverage to show the timing and method of her appointment. However, it was likely the same as the other California woman JP serving at this time. Evidence of her service is available in ROSTER OF STATE, COUNTY, CITY AND TOWNSHIP OFFICIALS STATE OF CALIFORNIA ALSO FEDERAL OFFICIALS FOR CALIFORNIA 40 (1919) [hereinafter ROSTER OF CALIFORNIA OFFICIALS].

570. I was unable to find newspaper coverage to show the timing and method of her appointment. However, it was likely the same as the other California woman JP serving at this time. Evidence of her service is available in *id.* at 39.

571. *Official Proceeding of the County Board of Canvassers*, MIN. CNTY. PRESS (Superior, Mont.), Nov. 28, 1918, at 4; *Woman Justice Fools Citizens Seeking Comedy*, DAILY MISSOULIAN (Missoula, Mont.), Jan. 21, 1919, at 6.

572. *Two Women Justices of the Peace Elected*, W. KAN. NEWS & KANORADIAN (Goodland, Kan.), Dec. 6, 1918, at 1.

573. *Id.*

574. *New County Officials to Take Office January 6*, BRIDGEPORT CHRON.-UNION (Cal.), Dec. 28, 1918, at 1 (spelling error in title is present in the original).

575. *People ex rel. Liebnitz, v. Patterson*, 183 N.W. 28, 28 (Mich. 1921) (affirming her eligibility for the position).

576. *Mayor Appoints Mrs. Jean Norris City Magistrate*, *supra* note 413, at 1; *Judge Jean Norris*, *supra* note 415; see also Quinn, *supra* note 40, at 476–80.

577. *First Woman Probate Judge in Michigan*, PORT HURON TIMES HERALD (Mich.), Nov. 15, 1919, at 1; *First Woman Judge Is Dead*, *supra* note 452.

578. *Unusual Stories about Unusual People*, BRIDGEPORT TELEGRAM (Conn.), Mar. 30, 1922, at 10. Although press coverage is limited, an historical marker recording her service as beginning in 1920 lends support to the proposition she was elected the previous November. *Gertrude A. Williams*, HIST. MARKER DATABASE (June 16, 2016), <https://www.hmdb.org/m.asp?m=60145> [<https://perma.cc/63PF-XKSD>].

579. *Mayor Names Woman as Juvenile Judge*, *supra* note 459; *First Woman Judge Takes Office Today*, *supra* note 465. For more detail, see TROST, *supra* note 40, at 51–58. When Kelley was selected, the judgeship was appointive; it became elective in 1921. *Id.* at 52.

Feb. 1920	Maggie Mettler ⁵⁸⁰	Rawlins County, KS	F	Probate Court	Appointed by governor to complete term of late husband
Apr. 1920	Ada Newberry ⁵⁸¹	Sioux Falls Township, SD	F	JP	Elected
June 1920	Jessie O. Simpson ⁵⁸²	Greeley County, KS	F	Probate Court	Appointed by governor; then elected
<i>August 1920: The Nineteenth Amendment Was Ratified</i>					
Sept. 1920	Grace Dyson ⁵⁸³	Missoula, MT	Y	JP	Appointed by county commissioners to complete term of late husband; then elected
Nov. 1920	Florence Allen ⁵⁸⁴	Cleveland, OH	N	Court of Common Pleas	Elected
Nov. 1920	Jessie Hance ⁵⁸⁵	Stockton, KS	Y	JP	Elected
Nov. 1920	At least 4 women: ⁵⁸⁶ 1. Alice Drieu ⁵⁸⁷ 2. Marion L. Gildersleeve ⁵⁸⁸ 3. Alice O'Neill ⁵⁸⁹ 4. Maud Potter ⁵⁹⁰	Several cities in CT	N	JP	Elected
Jan. 1921	Fannie C. Scott ⁵⁹¹	Greenville, SC	N	Probate Court	Elected (unopposed in special election to complete term of late husband); reelected

580. *New Woman Probate Judge*, *supra* note 453.

581. *Chooses Woman Justice Peace*, DAILY ARGUS-LEADER (Sioux Falls, S.D.), Apr. 21, 1920, at 5.

582. *Governor Henry J. Passes Out Plums*, PARSONS DAILY REPUBLICAN (Kan.), June 19, 1920, at 4; *Greeley County Election Results*, GREELEY CNTY. REPUBLICAN (Tribune, Kan.), Nov. 11, 1920, at 1.

583. *Schlick Named G.O.P. Chairman*, DAILY MISSOULIAN (Missoula, Mont.), Sept. 10, 1920, at 2; *Mrs. Dyson Wins; Gagnon Elected*, MISSOULA SENTINEL (Mont.), Nov. 8, 1920, at 5.

584. *Elect Cleveland Woman as Judge*, LANCASTER DAILY EAGLE (Ohio), Nov. 3, 1920, at 5; *see also* Thomas, *supra* note 40, at 293. For Allen's subsequent election to the Ohio Supreme Court, see *infra* note 600.

585. *Notice of Primary Election*, PHILLIPSBURG NEWS (Kan.), July 22, 1920, at 6; *Stockton Woman First Justice in Kansas*, STOCKTON REV. (Kan.), Feb. 22, 1923, at 1.

586. Coverage is overlapping and somewhat spotty, so it is helpful to group these women together. In Connecticut at this time, nominations for justice of the peace essentially secured elections. Cities were allocated a specific odd number of justices, and each party nominated an even number such that only the one person to receive the fewest votes would not be elected. *See Hartford May Be Shy One Marrying Official*, HARTFORD COURANT (Conn.), Nov. 16, 1920, at 1 (discussing election of 47 justices out of 48 nominees); *27 Justices Are Elected*, BRIDGEPORT TIMES & EVENING FARMER (Conn.), Nov. 8, 1922, at 11 (discussing election of 27 justices out of 28 nominees). This selection method makes tracking results more difficult. Some newspaper coverage only records women at the nomination stage and does not reveal if they were later elected or served. For example, three women were named as nominees in *Women for Justices in Town of Franklin*, NORWICH BULL. (Conn.), Oct. 12, 1920, at 5, and then disappeared from newspaper coverage. Additionally, some people (including women) who were elected chose not to hold the position. For example, coverage notes that Flora Chidsey was elected but did not qualify. *Woman Qualifies as Windsor Jurist*, HARTFORD COURANT (Conn.), Jan. 2, 1921, at 20. This chart entry includes only women for whom evidence is strong that they were elected and served. It likely undercounts the actual number. For instance, an article published in November 1920 predicted that as many as a dozen women might be elected. *See An Ancient Office*, *supra* note 442, at 12.

587. *Woman Qualifies as Windsor Jurist*, *supra* note 586.

588. *Portland Young Woman Will Be Real Justice*, HARTFORD COURANT (Conn.), Oct. 30, 1920, at 12; Greene, *supra* note 441.

589. *Andrews Charged with Bigamy and Perjury*, NORWICH BULL. (Conn.), Apr. 15, 1921, at 1 (noting that O'Neill became a justice on January 1, 1921, which indicates her likely election the previous November).

590. Since Potter was serving by early 1921, she likely was elected the previous November. *See Girl, Arrested by Woman Sleuth, Tried Before Woman Justice*, HARTFORD COURANT (Conn.), Mar. 19, 1921, at 4.

591. *Mrs. Scott Will Fill Greenville Office*, *supra* note 454; *State Election Returns*, *supra* note 458.

(Apr.) 1921	Jennie MacMillan ⁵⁹²	Glen Park, NY	Y	JP	Elected
June 1921	Blanche Butler ⁵⁹³	Fenton Township, AR	N	JP	Appointed by governor
July 1921	Mary O'Toole ⁵⁹⁴	Washington, D.C.	N	Municipal Court	Nominated by U.S. President and confirmed by Senate
Nov. 1921	Belle Russell ⁵⁹⁵	Haddam, CT	N	JP	Elected
Nov. 1921	Mary Freed ⁵⁹⁶	Atlantic City, NJ	N	Magistrates' Court	Elected
Dec. 1921	Annie Anderson ⁵⁹⁷	Laurens County, GA	N	Juvenile Court	Appointed by superior court judge
Feb. 1922	Bessie S. Bellinger ⁵⁹⁸	Escambia County, FL	N	County Court	Appointed by governor to complete term of late husband
Sept. 1922	Kerr M. Harris ⁵⁹⁹	Danville, VA	N	Juvenile Court	Appointed by circuit court judge
Nov. 1922	Florence Allen ⁶⁰⁰	OH	N	Supreme Court	Elected
Nov. 1922	Blanche Funk Miller ⁶⁰¹	Tacoma, WA	Y	JP	Elected
Nov. 1922	Anna Joy ⁶⁰²	Buckeye, KS	Y	JP	Elected
Nov. 1922	Bessie M. Flick ⁶⁰³	Sherman County, KS	Y	Probate Court	Elected
Nov. 1922	Luella North ⁶⁰⁴	Clinton County, NY	Y	Children's Court	Elected

592. The earliest news coverage available is from April 1921, but it is unclear exactly when she was elected. *See, e.g., Justice of the Peace*, STANDARD UNION (Brook.), Apr. 2, 1921, at 12.

593. *Malvern to Boast First Woman J.P.*, ARK. GAZETTE (Little Rock), June 1, 1921, at 1; *Arkansas Marriages*, ARK. DEMOCRAT (Little Rock), Jan. 1, 1922 (Magazine & Society), at 8 (reporting on her officiating at marriages).

594. *New Women Officials in Capital*, BOS. SUNDAY POST, July 31, 1921, at 38; *Miss Mary O'Toole as Municipal Court Judge*, 49 WASH. L. REP. 449 (1921).

595. For reasons discussed when introducing the Connecticut women elected in November 1920 in note 586, *supra*, it is difficult to find evidence of elections for Connecticut justices of the peace. However, Russell served as a justice beginning in January 1922, so she likely was elected the previous November. *See Boys Bound Over for Motor Theft*, HARTFORD COURANT (Conn.), Jan. 1, 1922, at 10.

596. *First Woman Squire Elected in City*, ATL. CITY GAZETTE-REVIEW (N.J.), Nov. 9, 1921, at 1; *Finger for Gavel*, ATL. CITY DAILY PRESS (N.J.), May 16, 1922, at 1.

597. *First Woman Judge in Georgia Will Temper Justice with Mercy*, ATLANTA CONST., Jan. 10, 1922, at 9.

598. *First Woman Judge in Florida Named to Succeed Husband*, TAMPA DAILY TIMES (Fla.), Feb. 24, 1922, at 1.

599. *Mrs. W. T. Harris Is Named Judge*, THE BEE (Danville, Va.), Sept. 18, 1922, at 1.

600. *Women Win State Offices*, CIN. POST, Nov. 8, 1922, at 1. For Allen's previous election to the Ohio Court of Common Pleas, see *supra* note 584.

601. *New Woman Judge Has Definite Aims*, MORNING OREGONIAN (Portland), Nov. 13, 1922, at 11; *Woman Justice Hears First Case*, SPOKANE DAILY CHRON. (Wash.), Jan. 13, 1923, at 3.

602. *Commissioners' Proceedings*, HAYS FREE PRESS (Kan.), Dec. 14, 1922, at 6; *Stockton Woman First Justice in Kansas*, *supra* note 585.

603. *Sherman County Election Results*, GOODLAND REPUBLIC (Kan.), Nov. 16, 1922, at 7.

604. *Mrs. North Wins Judgeship*, N.Y. TRIB., Nov. 8, 1922, at 2.

Nov. 1922	43 women including ⁶⁰⁵ • Ruth Benton ⁶⁰⁶ • Edith Breckenbridge ⁶⁰⁷ • Julia Conway ⁶⁰⁸ • Pansy C. Dart ⁶⁰⁹ • Gertrude Smith ⁶¹⁰	Cities in CT	N	JP	Elected
Nov. 1922	Mary P. Lewis ⁶¹¹	Canton, CT	N	Probate Court	Elected
Nov. 1922	Susie B. Rogers ⁶¹²	Salem, CT	N	Probate Court	Elected
Nov. 1922	F. Victoria Markham ⁶¹³	Saybrook, CT	N	Probate Court	Elected
Nov. 1922	Clara Arnold ⁶¹⁴	Nickerson, KS	Y	JP	Elected
Jan. 1923	Elizabeth Forhan ⁶¹⁵	Benton Harbor, MI	Y	JP	Appointed by city commission
May 1923	Rose MacDonald ⁶¹⁶	Clarke County, VA	N	Domestic Relations Court	Appointed by circuit court judge
Sept. 1923	Virginia H. Mayfield ⁶¹⁷	Jefferson County, AL	N	Domestic Relations Court	Appointed by governor
Nov. 1923	Mary Belle Grossman ⁶¹⁸	Cleveland, OH	N	Municipal Court	Elected
Nov. 1923	Mary M. Bartelme ⁶¹⁹	Chicago, IL	N	Circuit Court (assigned to Juvenile Court division)	Elected

605. An article about women's service in Connecticut counts 43 serving as justices of the peace but only names the three serving as presidents of local chapters of the League of Women Voters. This chart entry includes those three and others I identified separately. See *Women Well Represented in Government of Towns Says Connecticut League*, *supra* note 441, at 3. See also the discussion, *supra* note 586, about women elected in Connecticut in 1920 for context about evidentiary challenges.

606. *Women Well Represented in Government of Towns Says Connecticut League*, *supra* note 441. For sample coverage of her service, see *Appeals from Court Decision on \$2 Tax*, HARTFORD COURANT (Conn.), May 15, 1926, at 2.

607. *Woman Justice of Peace Takes Office*, BRIDGEPORT TIMES & EVENING FARMER (Conn.), Dec. 23, 1922, at 8.

608. *27 Justices Are Elected*, *supra* note 586.

609. *Republicans in County Towns Nominate for Representatives*, NORWICH BULL. (Conn.), Oct. 17, 1922, at 5; *Women Well Represented in Government of Towns Says Connecticut League*, *supra* note 441.

610. *Mrs. Herbert K. Smith Now Justice of Peace*, MERIDIAN DAILY J. (Conn.), Nov. 9, 1922, at 1. For her full name, see *Noted Speaker for the Women Voters League*, MERIDIAN DAILY J. (Conn.), Mar. 16, 1923, at 7.

611. *Probate Judges*, HARTFORD COURANT (Conn.), Dec. 1, 1922, at 12.

612. *Id.*

613. *Id.*

614. *Woman Elected J. of P. Doesn't Like the Joke*, TOPEKA DAILY CAP. (Kan.), Dec. 11, 1922, at 5; *Will Take Office as Justice*, SALINA EVENING J. (Kan.), Jan. 22, 1923, at 1.

615. *First Woman Justice Appointed at Berrien*, STATE J. (Lansing, Mich.), Jan. 23, 1923, at 7; *Lady Judge Dies*, NEWS-PALLADIUM (Benton Harbor, Mich.), Oct. 7, 1968, at 1.

616. *Woman Judge Is Chosen Delegate*, ROANOKE TIMES (Va.), May 13, 1923, at 1-S; Virginia Lee Cox, *Virginia Woman Justice Never Holds Court*, RICH. TIMES-DISPATCH (Va.), Feb. 10, 1924 (pt. 7), at 7. The headline in the latter article reflects the informality of her approach.

617. Mayfield's title was "associate judge." This chart does not include women who were assisting judges and received honorific but informal or unofficial judicial titles. However, in this instance, "associate" seems to mean she was junior to the other judge. She received a commission from the governor and had full control over one of the two dockets. *Mrs. Virginia Henry Mayfield, of Birmingham—First Woman Judge*, SELMA TIMES-J. (Ala.), Sept. 30, 1923, at 1; *Tributes Paid New Judge at Luncheon*, BIRMINGHAM AGE-HERALD (Ala.), Oct. 7, 1923 (Local News), at 2.

618. *Woman Judge Elected by Large Majority*, LAKE CNTY. TIMES (Hammond, Ind.), Nov. 17, 1923, at 9; Marian J. Morton, *Mary Belle Grossman*, JEWISH WOMEN'S ARCHIVE, <https://jwa.org/encyclopedia/article/grossman-mary-belle> [https://perma.cc/2SVV-HCBY].

619. Many sources date Bartelme's service to 1912, when she became an "assistant" judge in the juvenile court. However, this was a courtesy title and not a formal judgeship. On the previous role and her election as a real judge in 1923, see *Mary Bartelme First Judge in Illinois Courts*, *supra* note 349.

Nov. 1923	Fannie Belle Sutherland ⁶²⁰	Paris, KY	N	Police Judge	Appointed by city council
Nov. 1924	Edith Atkinson ⁶²¹	Dade County, FL	N	Juvenile Court	Elected
Nov. 1924	Ruth Thompson ⁶²²	Muskegon, MI	Y	Probate Court	Elected
Nov. 1924	Tina Strayer ⁶²³	Madison, OH	N	Probate Court	Elected
Nov. 1924	Clara Allen ⁶²⁴	East Windsor, CT	N	Probate Court	Elected
Dec. 1924	Georgia Bullock ⁶²⁵	Los Angeles, CA	Y	Police Judge/ Municipal Court (assigned to Women's Court division)	Appointed by city board of supervisors; then elected
Jan. 1925	Cora Lipscomb ⁶²⁶	McDonald County, MO	N	Probate Court	Appointed by governor to complete term of late husband; then elected
Feb. 1925	Matilda Robb and Beulah Taylor ⁶²⁷	Harrison County, TX	N	JP	Appointed by county commissioners
Apr. 1925	Maude A. Palmer ⁶²⁸	San Juan, UT	Y	Juvenile Court	Appointed by juvenile court commission
Mar. 1926	Mary Jane Spurlin ⁶²⁹	Portland, OR	Y	District Court	Appointed by governor
Apr. 1926	Lila M. Neuenfelt ⁶³⁰	Fordson, MI	Y	JP	Elected
Nov. 1926	Alberta Wright ⁶³¹	Macon County, MO	N	Probate Court	Elected
Nov. 1926	Alice P. Mitchell ⁶³²	Salem, CT	N	Probate Court	Elected

620. *Paris and Bourbon County News*, LEXINGTON LEADER (Ky.), Nov. 18, 1923 (§ 2), at 4; *State's Only Police Judge "Socks" "Soaks" Hard Jolts*, LOUISVILLE HERALD (Ky.), Dec. 12, 1923, at 2.

621. *Miami Man and Wife Judges, Mixup Results*, MIA. DAILY NEWS & METROPOLIS, Nov. 6, 1924, at 1.

622. *County Contests Attract Interest*, GRAND RAPIDS PRESS (Mich.), Sept. 11, 1924, at 2; *Ruth Thompson*, MICH. WOMEN FORWARD, <https://miwf.org/celebrating-women/michigan-womens-hall-of-fame/ruth-thompson/> [<https://perma.cc/GTU6-XX34>].

623. Newspaper coverage explains that Tina Strayer ran as an Independent to avenge her husband, after he lost his bid for renomination by the Republican Party. While he was judge, she served as his deputy. Her election was viewed as a way of indirectly voting for him to resume the role. *Wife Succeeds Husband as Probate Court Judge*, TROY DAILY NEWS (Ohio), Nov. 6, 1924, at 4. As the departing judge, he swore her into office. She then appointed him as deputy. *Madison County Has First Woman Judge*, RICHWOOD GAZETTE (Ohio), Feb. 12, 1925, at 5.

624. *Woman Endorsed for Probate Judge*, HARTFORD COURANT (Conn.), Oct. 12, 1924, at 1 (noting that unanimous nomination "assures her election"); *71 Probate Judges Are Unopposed*, HARTFORD COURANT (Conn.), Nov. 7, 1928, at 3 (noting she was an incumbent and running unopposed).

625. GLORIA G. HARRIS & HANNAH S. COHEN, *WOMEN TRAILBLAZERS OF CALIFORNIA: PIONEERS TO THE PRESENT* 114–115 (2012). In 1926, a statute converted the police court into the municipal court, and Bullock automatically became a municipal court judge. Cook, *Moral Authority*, *supra* note 344, at 148. She was reelected to the Municipal Court in 1927. *Id.* at 151.

626. *Lively Local Lore*, PINEVILLE DEMOCRAT (Mo.), Jan. 16, 1925, at 3 (documenting earliest newspaper coverage of her service as probate judge); *Two Missouri Counties Have Woman Judges*, ST. LOUIS GLOBE-DEMOCRAT, Mar. 1, 1927, at 10 (noting her subsequent election); *Death Takes Former Judge*, SPRINGFIELD DAILY NEWS (Mo.), Feb. 2, 1963, at 5 (providing detail about original appointment).

627. *Two Ladies Are Appointed by County Commissioners as Justices of Peace*, MARSHALL MESSENGER (Tex.), Feb. 10, 1925, at 1; Margie Neal, *Women Justices of the Peace an Innovation in this State*, MARSHALL MORNING NEWS (Tex.), July 15, 1926 (noting they were running unopposed in upcoming election).

628. *Judges Named by Commission*, SALT LAKE TRIB., Apr. 24, 1925, at 24.

629. *Miss Mary Spurlin Sworn in on Bench*, MORNING OREGONIAN (Portland), Apr. 2, 1926, at 6; *Oregon's First Woman Judge*, 13 EQUAL RTS. 178 (1926).

630. *Girl Youngest State Justice*, NEWS-PALLADIUM (Benton Harbor, Mich.), Apr. 6, 1926, at 8; Carry Sharlow, *Michigan Lawyers in History: Lila M. Neuenfelt*, MICH. BAR J., June 2020, at 40, 40–41.

631. *Woman Probate Judge Elected in Macon Co.*, *supra* note 452; *B.P.W. Clubs Ask Recognition for the Modern Woman*, LINN CNTY. BUDGET-GAZETTE (Brookfield, Mo.), Nov. 15, 1935, at 1.

632. *Probate Contests to Be Few*, HARTFORD COURANT (Conn.), Oct. 26, 1926, at 22 (noting her unopposed run); *71 Probate Judges Are Unopposed*, *supra* note 624, at 3 (noting her unopposed win).

Nov. 1926	Gertrude C. Roe ⁶³³	Brookfield, CT	N	Probate Court	Elected
June 1927	Louisa Wright ⁶³⁴	Jefferson County, GA	N	Court of Ordinary (Probate Court ⁶³⁵)	Elected
May 1928	Genevieve R. Cline ⁶³⁶	Federal		U.S. Customs Court (now Court of International Trade)	Nominated by U.S. President and confirmed by Senate
Nov. 1928	Mary H. Adams ⁶³⁷	Bennington, VT	N	Probate Court	Elected
Nov. 1928	Grace Miles ⁶³⁸	Coffeyville, KS	Y	Probate Court	Elected
Dec. 1928	May D. Lahey ⁶³⁹	Los Angeles, CA	Y	Municipal Court	Appointed by governor
May 1929	Jeannette Goodman Brill ⁶⁴⁰	Brooklyn, NY	Y	Magistrates' Court	Appointed by mayor
Feb. 1930	Annabel Matthews ⁶⁴¹	Washington, D.C.	N	Board of Tax Appeals	Nominated by U.S. President and confirmed by Senate
July 1930	Mary Wetmore ⁶⁴²	San Francisco, CA	Y	Municipal Court	Appointed by governor
Aug. 1930	Theresa Meikle ⁶⁴³	San Francisco, CA	Y	Municipal Court (Women's Court division)	Appointed by governor; then elected
Aug. 1930	Sara M. Soffel ⁶⁴⁴	Allegheny County, PA	N	County Court	Appointed by governor; then elected
Nov. 1930	Mary Drury ⁶⁴⁵	Brule County, SD	Y	County Court	Elected
Dec. 1930	Emma Fall Schofield ⁶⁴⁶	Malden, MA	N	District Court	Appointed by governor
Dec. 1930	Sadie L. Shulman ⁶⁴⁷	Dorchester, MA	N	District Court	Appointed by governor

633. *Probate Contests to Be Few*, *supra* note 632, at 22 (noting her unopposed run); *71 Probate Judges Are Unopposed*, *supra* note 624, at 3 (noting her unopposed win).

634. *Contest for Ordinary's Post*, ATLANTA J., June 18, 1927, at 15; *Miss Louisa Wright*, ATLANTA J., July 10, 1927 (Rotogravure), at 4.

635. Georgia used the label "Court of Ordinary" instead of "probate court" in this period. See *Court History*, ALCOVY JUD. CIR., <https://alcovyjdcircuit.com/walton-county/probate-court/court-history/> [https://perma.cc/9F84-EGKJ].

636. Lillian Campbell, *First Woman Judge on Federal Bench Thrilled at Jump*, ROANOKE TIMES (Va.), June 3, 1928 (§ 4), at 10.

637. *Majority Voted Straight Ballot*, BENNINGTON EVENING BANNER (Vt.), Nov. 8, 1928, at 1.

638. Available news coverage begins with her time on the bench rather than with her election. Accordingly, the precise election date cannot be documented but is inferred from the text. Newspapers found her service notable because she appointed only women as assistants. See *Women to Have Say*, MORNING CHRON. (Manhattan, Kan.), Jan. 17, 1929, at 2 (describing Miles as "new" and "elected").

639. *Oyez! Oyez! Order in Court in Honor of New His 'N' Her Honors*, EVENING EXPRESS (L.A.), Dec. 27, 1928, at 8.

640. *Jeannette Brill Takes Flatbush Court on Monday*, BROOK. DAILY EAGLE, May 28, 1929, at 3; Jane Nusbaum, *Jeanette Goodman Brill*, JEWISH WOMEN'S ARCHIVE, <http://jwa.org/encyclopedia/article/brill-jeanette-goodman> [https://perma.cc/E3LR-YSJB].

641. *Georgia Woman Wins Post on Board of Tax Appeals*, ATLANTA CONST., Feb. 6, 1930, at 1.

642. Wetmore died just one week after she assumed office. Coverage of her successor, Theresa Meikle, indicates that Wetmore likely was expected to serve on the women's court, but her tenure was too short for news coverage to document this. *Mary Wetmore, First Woman Judge Here, Dies*, S.F. EXAM'R, Aug. 9, 1930, at 1.

643. *Theresa Meikle Chosen Court Judge for S.F.*, OAKLAND POST ENQUIRER (Cal.), Aug. 13, 1930, at 13; *All Incumbent City Judges Retain Office*, S.F. EXAM'R, Nov. 4, 1931, at 2; *Theresa Meikle, Ex-S.F. Judge, Dies*, OAKLAND TRIB. (Cal.), Aug. 8, 1967, at 20.

644. *Fisher Names Woman Judge*, LANCASTER NEW ERA (Pa.), Aug. 5, 1930, at 16; *Hon. Sara Soffel, J.D. 1916*, PITTLAW, <https://scholarship.law.pitt.edu/exhibit/breaking-barriers-milestones-in-diversity-at-pitt-law/sara-soffel-jd-1916/> [https://perma.cc/T83N-6PXU].

645. [No title], WOMEN LAWS' J., Winter 1932, at 27 (photograph with caption); Rosalind Goodrich Bates, *History of Western Women Lawyers*, WOMEN LAWS' J., Fall 1931, at 20, 21.

646. *Two Mothers Named Bay State Judges*, *supra* note 488.

647. *Id.*