

**THE STORY OF CALIFORNIA'S
PIONEER WOMAN LAWYER -- CLARA SHORTRIDGE FOLTZ**

Sheldon Portman
1561 Peregrino Way
San Jose, CA 95125
(408) 265-6979

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Clara Shortridge Foltz
1849 - 1934

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By Sheldon Portman

Introduction.

The growing number and importance of women in the legal profession in Santa Clara County and throughout California is truly phenomenal, especially to this writer who began his legal career more than a generation ago. Women lawyers were rare then.

In 1961, when I joined the Santa Clara County District Attorney's Office as a young deputy, there were no women lawyers. Today, there are 73 women attorneys -- more than 40 percent of the total number of attorneys employed (173) -- including the Chief Assistant District Attorney.

In 1961, no women were employed in the Santa Clara County Counsel's Office. Today, out of a total of 41 attorneys, 28 are women (68.3 percent) including the Chief Assistant.

In 1961, there was only a handful of woman lawyers in the entire county. Today, 223 women attorneys are affiliated with the Santa Clara County Bar Association's Women Lawyer's Section.

In 1965, when I left the D.A.'s office to join the newly established Santa Clara County Public Defender Office, none of

the starting lawyers in the new office were women. Today, that office and its affiliated Alternative Defense Office, includes 41 women attorneys out of a total of 104 (39.4 percent).

Neither in 1961 nor 1965 were there any women judges in the county. Today, 16 women serve in the local state and federal courts as judges, commissioners or magistrates.

Times have certainly changed. Women have come a long way in the legal profession. But it has been a slow process considering that the right to practice law was first "won" more than a century ago.

Winning that right did not come easily. It had to be fought for. The struggle began in the 1870s in Santa Clara County. It was fought single-handedly by a 27-year-old single mother of five who had a burning ambition to become a lawyer. Against great odds, she achieved her goal, and in her new profession, she went on to win other important legal reforms.

For many years, the accomplishments of California's first woman lawyer were forgotten. In 1985, this writer, then serving as Santa Clara County Public Defender, learned about her and her connection with the public defender movement in an article by Superior Court Judge Mark E. Thomas, Jr., describing the "colorful individuals who, though now gone, made an impact upon our present legal scene and tradition." (Thomas, "A colorful look at those who played a role in county bar," San Jose

Independent Advocate Journal, Jul. 16, 1984, p. 4.)

The source of Judge Thomas' article was a 1976 Hastings Law School law review article by Professor Mortimer Schwartz with Susan Brandt and Patience Milrod. (Schwartz, M.D., Brandt, S.L., Milrod, P. "Clara Shortridge Foltz: Pioneer in the Law," 27 Hastings L.J. 545, 557 (1976) [hereafter cited as "Pioneer"]. To them, goes the credit for rediscovering the heroine of this story.

In April, 1985, in a joint celebration of the 20th anniversary of the Santa Clara County Public Defender Office and the centennial of the public defender movement (based on her work), the achievements of that pioneer woman lawyer were given belated national and state recognition.

Now, more than a dozen years later, as a new generation of lawyers populates Santa Clara County's legal community, many of them women, the story of that pioneer -- Clara Shortridge Foltz -- deserves retelling. To that end, this essay is dedicated.

The Santa Clara County Beginnings.

Clara Shortridge Foltz was born in Indiana in 1849, the only daughter of a family of five children. Her father was a minister with a reputation as an orator. After only three years of formal schooling, she eloped at the age of 16, married Jeremiah Foltz

and moved to Oregon. In 1872, the couple and their five young children, moved to San Jose. (Babcock, B.A., "The Founding Mother," 22 In Brief: Official Bulletin of the Santa Clara County Bar Association No.1, Spring 1985, p. 7 at 8-9 [hereafter cited as Babcock], citing History of the Bench and Bar of California (O. Shuck, ed. 1901).)

Whether she was divorced or widowed is unclear, but by 1877 Clara Foltz was a single parent and the sole support of her children. Her parents and brothers were also living in San Jose then. Her brother, Charles, later became publisher and editor of the San Jose Mercury newspaper.

Not long after arriving in San Jose, Foltz became well known in the community. She led the fight for a paid city fire department. She was active in the suffrage movement, and was reputed to be a "brilliant and logical" speaker on sexual equality.

From childhood, her ambition was to study law. Her family encouraged that ambition, and she asked a prominent San Jose attorney, Francis Spencer, to allow her to "read law" with him.¹

In a strongly worded letter, Spencer admonished Foltz to forget her ambition, that it was a . . .

1. "Reading law" with a member of the bar was the traditional way of preparing to pass the bar examination during the 19th century before law schools became common two decades later.

... foolish pursuit -- wherein you would invite nothing but ridicule if not contempt.

A woman's place is at home, unless it is as a teacher. (Schwartz, M.D., Brandt, S.L., and Milrod, P., "The battles of Clara Shortridge Foltz," 1 California Defender, Spring 1985, p. 7 [Hereafter cited as "Schwartz."] (Excerpted from the 1976 Hastings Law Review article, "Pioneer," cited above.)

Clara was disappointed but not discouraged. On the contrary, she resolved "... to do battle against all comers who would deny to women any right or privilege that men enjoyed." (Ibid.) In later years, she described herself as "'... descended from heroic stock of Daniel Boone and never shrank from contest nor knew a fear. I inherit no drop of craven blood.'" (Ibid.)

A more enlightened San Jose attorney, C.C. Stephens, granted Clara Foltz' request and allowed her to study law in his offices. (1 Bay of San Francisco 670 (1892).)

But a more daunting hurdle awaited her. To study law was one thing, to be admitted to the profession was yet another. Before 1876, state law permitted only "white male citizens" to become lawyers. Again, Clara Foltz was not to be denied.

She drafted an amendment to Section 275 of the Code of Civil Procedure, to replace the restrictive language as follows:

Any citizen or person resident of this state who has bona fide declared his or her intention to become a citizen in the manner required by law, of the age of twenty-one years, of good moral character, and who possesses the necessary qualifications of learning and ability, is entitled to admission as attorney and counselor in all the Courts of this state.
(Substituted text underlined.)

She persuaded a state senator to introduce her proposal in the California Senate in February, 1876, as Senate Bill 66. It became known as the Woman Lawyer's Bill. In the debate on the bill, there was no objection to deletion of the racial restriction. But the removal of the sex qualification drew strong objections. Nevertheless, the bill passed easily in the Senate by a vote of 22-11. A more uncertain fate awaited in the Assembly.

There, one Assemblyman spoke of the "omnipotent power which had defined the walks of life from which women should not be drawn." Another preached that "the sphere of women was infinitely more important than that of men, and that sphere was home." Another warned of "embarrassing situations" in court in which a woman attorney might have "to listen to or elicit indelicate evidence." (Schwartz, supra, p. 8)

On the first vote, the bill was defeated, 33-30. But a parliamentary maneuver put the bill over for reconsideration the next day, giving Foltz time to lobby the bill that evening. Her powers of persuasion worked again, and the bill passed by a vote of 39-33. (Ibid.)

Returning to San Jose, Clara completed her legal studies, and two years later, in September, 1878, she passed the required oral examination, with, as she described it, "highly colored compliments." Thus, began the career of Santa Clara County's and

California's first woman lawyer, admitted to practice law in California under a statute that she, herself, had drafted and won adoption.

On beginning her law practice in San Jose, she later admitted to "secret misgivings as to my ability to cope with men who had a thousand years advantage over me." (Ibid.) Her fears were groundless. Her law practice grew quickly, and even in her earliest cases, she was an able advocate.

Never one to mince words concerning her abilities, she later described one of her first court victories this way:

I kept my wits fairly well, though I trembled, and certainly was dreadfully scared lest I should fail to serve my trusting client as capably as a man lawyer might have done. No one, not even the astute experienced Registrar himself -- as he told me later -- regarded me as a novice in his department -- so intelligently and effectively did I guard the interests of my client by the skillful manner in which I handled the contestant and his witnesses. (Ibid.)

The Fight for Admission to Hastings Law School.

Even though Clara Foltz had achieved her goal of becoming a member of the bar, she was not satisfied. She felt the need for more formal training to give her greater skill and confidence. In October, 1878, she applied for admission to the newly established Hastings College of Law in San Francisco, a department of the University of California.

The law school's admission standards made no reference to a candidate's sex, requiring only that the person be over the age of 21 years, of good moral character and a citizen and resident of the state. Clara paid her \$10 tuition and started classes on January 9, 1879.

But the next day, the janitor barred her entry to the classroom, telling her he was ordered not to allow her inside. She returned shortly with a note from the dean and founder of the college (Judge S. Clinton Hastings), ordering the janitor to admit her to the class. But the note was issued with the caveat that her continued attendance was conditioned on approval by the board of directors of the college.

Inside the classroom a different form of resistance to her presence was expressed by her classmates, as she later reported:

The first day I had a bad cold and was forced to cough. To my astonishment every young man in the class was seized with a violent fit of coughing. You would have thought the whooping cough was a raging epidemic among the little fellows. If I turned over a leaf in my note book every student in the class did likewise. If I moved my chair -- hitch went every chair in the room. (Schwartz, supra, at 8.)

The board's decision was not long in coming. She was denied admission. But once again, Clara refused to accept defeat. She applied to the District Court in San Francisco for a writ of mandamus to compel the board to admit her and another woman applicant, journalist Laura de Force Gordon.

The opposition to Foltz's lawsuit speaks volumes concerning

the attitude of the male gender of her day towards women. First, the board claimed absolute discretion to exclude from the law school anyone "whose presence it believed would be 'useless to such persons themselves, or detrimental to said college or likely to impair or interfere with the proper discipline and instruction of the students."

As the reason for excluding women, the board asserted that, "'The rustle of the ladies' garments would distract the attention of the young gentlemen.'" (Id., n. 4, at 9, 11.)

On Feb. 24, 1879, before a packed San Francisco courtroom, Foltz argued her case. First, she contended that the 1868 act that created the University of California contemplated affiliation of future medical and law colleges to be governed by the same admission standards as the rest of the university. Second, that nothing in the 1878 act creating the law college required any special qualifications, and third, nothing in the act gave the board discretion to adopt inconsistent rules for admission.

The sole legal argument made by the attorney for the board was that the university rules didn't apply because the law school was established under a special trust and the board's discretion couldn't be reviewed by a court.

Then, straying from the legalities of the case, the attorney representing the board put forward the traditional objection of a

"woman's sphere." He began by complimenting "the grace and beauty of the applicant," and went on to warn that it would be "dangerous to justice" to have "lady lawyers" in the courtroom "inasmuch as an impartial jury would be impossible when a lovely woman pleaded the case of the criminal."²

Finally, the board's attorney quoted at length from the decision of a Wisconsin judge who had ruled against allowing a woman to be admitted to the bar of that state:

The law of nature destines and qualifies the female sex for the bearing and nurture of the children of our race and for the custody of the homes of the world and their maintenance in love and honor. And all life long callings of women, inconsistent with those radical and sacred duties of their sex, as in the profession of the law, are departures from the order of nature; and when voluntary, treason against it Reverence for all womanhood would suffer in the public spectacle of woman so instructed and so engaged.
(Schwartz, supra, at 9.)

Foltz objected to this divergence from the legal issues in the case, but she "'commiserat[ed] them if [her opponents] thought a broader education would make a woman less womanly.'" (Ibid.)

She didn't have to wait long for a decision. Nine days

2. Later, Foltz would encounter the same argument in defending a criminal case in San Francisco when, during the prosecutor's argument to the jury, he observed: "'She is a WOMAN, she cannot be expected to reason; God Almighty decreed her limitations ... this young woman will lead you by her sympathetic presentation of this case to violate your oaths and let a guilty man go free.'" (Schwartz, supra, at 7.)

later, on March 5, 1879, the district court granted her relief and ordered the college board to admit her and Gordon. The board appealed to the California Supreme Court.

In the months that followed, Clara studied for and passed the examination for admission to the bar of the Supreme Court. But even before her formal admission in December, she appeared before the high court, representing herself, to argue the case. Again, she was victorious. Later, she described that victory as "the greatest in my more than half century before the bar." (Schwartz, supra at 9.)

Although she resumed her studies at Hastings, she never graduated. After two years, the demands of her increasing law practice and her family compelled her to drop out. But she had succeeded in opening the door and paving the way for the many other women who would follow her into the next century.

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Founder of the Public Defender System.

At the start, Clara Foltz's law practice consisted of probate and divorce cases. But she soon gained a reputation as a "humane and sympathetic counselor" which resulted in many indigent clients being drawn to her office. By what her friends described as "unwise generosity," she acquired a criminal practice that exposed her to the inequities of the criminal justice system of that day. This prompted her to become an advocate of penal reform. Among her most important was that of the public defender system.

The idea of a public defender grew out of the injustice of impoverished defendants having to rely upon assigned lawyers who, in her words, were "wholly unequal to the public officers [district attorneys] with whom they are to cope." (Foltz, "Public Defenders -- Rights of Persons Accused of Crime -- Abuses Now Existing," 48 Albany L.J. 248, 249 (1893). (Hereafter cited as "Foltz.")

Her description of the kinds of lawyers typically assigned in such cases conveys her deep sense of outrage and her motivation for what became a thirty-six year crusade. She prefaced her observations with the caveat that she did not wish to "detract... from the able men who sometimes do offer their services in behalf of a poor prisoner," then continued:

Those whose ability commands a law business are seldom chosen. The appointees come from failures in the profession, who hang about courts hoping [sic] a stray dollar or two from the unfortunate, or from the kindergartens of the profession just let loose from college and anxious to learn the practice. They have no money to spend in an investigation of the case, and come to trial wholly unequipped either in ability, skill or preparation to cope with the man hired by the State who marshals the evidence for the prosecution. The defense is at most a sort of perfunctory one. It is wholly inadequate to the requirements of the case. It is but a shadow of the substance sought for. The prisoner has asked for bread and has received a stone. (Ibid.)

To remedy this injustice and the "many . . . evils of the present criminal court practice," she proposed "the election or appointment of a public defender," and described in glowing terms how the system would operate:

For every public prosecutor there should be a public defender chosen in the same way and paid out of the same fund. Police and sheriffs should be equally at his command and the public treasury should be equally open to meet the legitimate expenses of the defense and prosecution. With public defenders the injuries we have mentioned would be avoided, malicious prosecution would cease, the accused would have an adequate defense, trials would be judicial inquiries, courts would be freed from the squabbles that now disgrace them, the profession would be relieved from the burden of compulsory services and the expense would fall on the State at large, where it legitimately belongs, higher ideals of courts and government would be created, a deeper patriotism would be engendered and a deeper feeling of security would pervade the community, by reason of the comforting knowledge that a court of justice was not so merely in name, and a chamber of torture in fact, but a court to which rich and poor might freely go and equally expect the justice to which the law entitled them. But above and over all, the inauguration of the office of public defender would enable the State to do its duty to its citizens. (Ibid.)

She put forward two grounds for provision of "free"

counsel. Opposing the practice of permitting appointed lawyers to take civil judgments against their clients for fees, she argued that the constitutional right to counsel ought not to be conditioned upon an ability to pay, just as in the case of other freely provided constitutional rights such as speedy trial, trial by jury, and confrontation and presentation of witnesses.

At the same time, she pointed out the unfairness of imposing an obligation on the bar to defend the indigent without compensation:

Criminal cases, especially pauper ones, are often lost, and every case lost detracts from the reputation of the successful lawyer. There is no justice in asking him to sacrifice such a reputation without compensation. Why should an attorney be required to give his time and skill and energy, -- his sole capital, -- for a book account against a pauper prisoner? He is no more interested in seeking justice done than any other citizen is, or ought to be. True, lawyers have been generous in volunteer services in behalf of the unfortunate and despised so as to secure them a fair trial; but is it just to impose on them the burden of laborious, and, in practice, gratuitous services, or the alternative of witnessing all the principles of law and justice outraged in the conviction of an undefended prisoner? (Foltz, supra, at 400.)

Foltz felt so strongly the need for a public defender system that she wrote law review articles supporting her proposal and drafted a model statute that became known as the "Foltz Defender Bill." During the 1890s she personally introduced her bill in 32 state legislatures. (Pioneer, supra, at 557.)

In 1893, she attended the 1893 Congress of Jurisprudence and Law Reform as a representative of the California bar, held in

connection with the Chicago World Columbian Exposition. There, she sought to persuade others to adopt her program.

Foltz's contemporaries greeted her proposal with ridicule. Years later she would report, "[M]y idea of a public defender ... was laughed at by the judges of the criminal departments as chimerical." (Foltz, "Struggles and Triumphs of a Woman Lawyer," The New American Woman, Jan. 1918, at 4.)

In the end she prevailed. The first experiment with her idea took place in Los Angeles in 1914. It was the first public defender office in the nation. It became a model for offices throughout the country, and in 1919, received high praise from the father of the modern legal aid movement, Reginald Heber Smith, in his classic study on the nation's legal services for the indigent. (Smith, R.H., Justice and the Poor, 1919.)

By then, Clara was living in Los Angeles, where she moved in 1906. She remained there until her death in 1934. Ironically, in 1910, four years after her arrival in that city, she was offered and accepted a position as first woman deputy district attorney in the Los Angeles County District Attorney's Office. She was invited to help improve the system she had criticized. She was 61 years of age at that time.

In 1921, she finally realized her goal and saw her public defender bill enacted by the California Legislature. (Cal.Statutes 1921, ch. 245) Within the next three decades,

public defender offices were established in Alameda, San Francisco, Sacramento and Orange counties. Many more would follow.

In Santa Clara County, where Foltz first conceived her idea, a public defender office was not adopted until 1964, when, at the behest of the Santa Clara County Bar Association after a contested plebiscite, the Board of Supervisors agreed to fund a "small" six-lawyer office.

Today, reflecting the growth of the County over the past thirty years, the Public Defender Office and its companion "Alternative Defense Office," which handles cases the public defender cannot handle due to a conflict of interest, consist of a total of 104 attorneys.³

First Santa Clara County Woman Deputy Public Defender.

In 1966, one year after its establishment, the Santa Clara County's Public Defender Office hired its first woman Deputy Public Defender, Rose Elizabeth Bird. Like Clara Foltz, Rose Bird would go on to accomplish many "firsts."

3. Information supplied by Ms. Rebecca Gomez, Secretary to Public Defender Jose Villereal. For a history of the establishment of the Santa Clara County Public Defender Office, see Portman, S., "'A One-Hundred-Year Idea, A Twenty-Year Reality,' -- A History of the Public Defender's Office and of the Public Defender Movement in Santa Clara County," 22 In Brief, supra, at 11.

As a public defender attorney she was an outstanding trial and appellate advocate. From 1972 to 1974, she was the first woman to teach at Stanford University Law School. In 1975, she was appointed by Governor Edmund G. Brown, Jr., as the first woman in California history to serve as a cabinet secretary, as the Secretary of the Agriculture and Services Agency.

In 1977, Bird was appointed Chief Justice of the California Supreme Court -- the first woman to serve on the court and its first woman chief justice. She served in that capacity until 1986. (See "Honorable Rose Elizabeth Bird Chief Justice of California and Distinguished Alumna of the Public Defenders' Office," 22 In Brief, supra, at 59.⁴

National Recognition.

Doubtlessly, some of the judges that had ridiculed Clara Foltz's idea of a public defender were from Santa Clara County. If alive today, they would be surprised to find that not only has her "chimerical" idea become a reality but that it has been accepted throughout the United States, in federal as well as state jurisdictions, "as the most effective and efficient method for fulfilling the Sixth Amendment's guarantee of assistance of

4. In 1986, Chief Justice Bird and two other so-called "liberal" justices were voted out of office in reaction to the court's decisions restricting the imposition of the death penalty.

counsel." ("Resolution Commemorating Founding of Public Defender Movement By Clara Shortridge Foltz," adopted by the National Legal Aid and Defender Assn., December 4, 1984, 22 In Brief,
⁵
supra, Appendix A, at 40.)

The National Legal Aid and Defender Association, representing hundreds of public defender and legal aid organizations throughout the country, has also officially recognized Clara Foltz as the founder of the public defender
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movement in the United States. (Ibid.)

In 1985, the American Bar Association and the National Legal Aid and Defender Association also created an annual award in the name of Clara Shortridge Foltz, to be conferred on an outstanding public defender or voluntary defender program. The first

5. At the time of adoption of that resolution, the Department of Justice reported that public defenders were providing legal services for 68% of the nation's population, in 43 of the largest 50 counties, and that 15 states then had some form of statewide public defender office. (U.S. Dept. of Justice, Bureau of Justice Statistics, Special Report: A National Survey -- Criminal Defense Systems, August, 1984, at 3) There are, doubtlessly, many more now.

6. Similar resolutions were adopted by the Santa Clara County Bar Association, the California Senate, the California State Assembly, the Santa Clara County Board of Supervisors, and the Mayor and City Council of San Jose. (See copies reproduced in 22 In Brief, supra, at 49-52.)

Foltz's contributions were also acknowledged and commended in remarks entered into the Congressional Record by the County's congressional delegation, consisting of the Hon. Don Edwards, Norman Y. Mineta and Ed Zchau. (Id., at 43-53)

recipient of that award was the Los Angeles County Public Defender Office, the first office to have been established based on the Foltz model.

Other Penal Reforms, Political and Business Activities.

A number of other penal reforms resulted from Clara Foltz's advocacy. She was responsible for ending use of iron cages to hold prisoners in the courtrooms of San Francisco during trial. She obtained the segregation of juvenile inmates from adult prisoners and appointment of a matron in the San Francisco county jail. She drafted and lobbied the enactment of the act creating a parole system for California prisoners in 1893, permitting any prisoner, other than one convicted of murder or having a prior felony conviction, to be paroled after one year. She also advocated indeterminate sentences to encourage rehabilitation. (Schwartz, supra, at 10.)

As a result of her activities and experience, she was appointed in 1909, at the age of 60, as the first woman to serve on the California State Board of Charities and Corrections (Id., at 11.)

Clara was also very active in the the suffrage movement. In 1880, soon after becoming an attorney, she drafted and worked for adoption of a bill giving women the right to vote in state school elections. Though it failed to win passage, her activity

established her as a "'leader of woman suffrage on the Pacific Coast.'" (Ibid.) A year later, at age 31, she was elected president of the California Woman Suffrage Association. For 30 years afterward she continued working for women's suffrage in California and was often invited to speak on the issue throughout the state. After moving to Los Angeles, she was elected president of the Los Angeles Votes For Women Club, one of the largest and most active suffrage groups. She drafted a suffrage amendment in 1911, and worked for passage of the 19th Amendment, guaranteeing women the right to vote in federal elections.

A political activist throughout her life, she campaigned across California for the Republican party during the 1880s, except when she worked for a Democratic opponent of the Republican candidate for governor in 1886 when the latter voiced the opinion that women had no right to be lawyers. The Democrat (Washington Bartlett) won and appointed Foltz to a State Normal School trusteeship, the only state office that could be held by a woman at the time. (Id., at 10-11, n. 9.)

She also helped elect her brother, Samuel M. Shortridge, to the United States Senate, where he served from 1921 to 1932. (Ibid.)

At the ripe age of 81 years, Clara ran for governor of California in 1930 on a women's rights platform, polling 3,570 votes in the Republican primary. She had no illusions as to the outcome, but, as she wrote to a friend, "'I simply must go right

on demonstrating our great cause.'" (Id., at 10.)

This indefatigable woman also developed extensive business interests along with her successful law practice. In San Francisco, in 1905, she set up a women's department for the United Bank and Trust Company and started a monthly magazine entitled Oil Fields and Furnaces. From 1921 to 1922, she headed an oil producers venture. (Id., at 11, n. 10.)

Foltz also encouraged women to become lawyers, taught law to women in her offices, established women lawyers' clubs in San Francisco and Los Angeles, and published a serialized autobiographical account of her battles for women's rights. (Foltz, "Struggles and Triumphs of a Woman Lawyer," New American Woman, Jan. 1918.)

In Conclusion.

Clara Shortridge Foltz was a pioneer whom we of Santa Clara County can claim with great pride. Although she moved to San Francisco and to Los Angeles later in her career, it was here, in Santa Clara County, that she dedicated herself to her life's work. This is where she began her legal studies. This is where she resolved "... to do battle against all comers who would deny to women any right or privilege that men enjoyed."

This is where she tried her first cases and began to experience, first-hand, the inequities and harshness of the

criminal justice and penal systems in her time, inspiring her to devote much of her considerable skill and energy to reforming them.

Ironically, Clara Foltz's perceptions of the ills of those systems may well have been colored by her very nature -- "as a woman" -- precisely what her male opponents claimed should bar her and others of her gender from the legal profession. Professor Barbara Babcock of Stanford Law School, a former public defender herself and an authority on women and the law, has expressed this well in analyzing Foltz's character and motivation:

Modern feminist writing has turned toward an appreciation of the differences in and benefits of "thinking like a woman." The thesis is that women as women have a unique experience to problem solving -- and that there are benefits from this special female perspective. In this vein, I think it took a woman to start the idea of public defending. Having been an underdog herself, Clara Foltz could identify with the helpless defendants who came to her. Having suffered from governmental authority which refused her the vote and the right to practice law, she naturally turned to measures that would make the government a servant of all of the people, including criminal defendants. From her maternal and conciliatory instincts, she imagined a system in which the criminal suspect was treated with dignity, and trials were "calm and solemn investigations unmarked by prejudice and untainted by rancor." (Babcock, supra, at 9, quoting Foltz, 48 Albany L.J., supra, n.3, at 248.)

In light of this history, we can aptly say, paraphrasing the words of one of her male detractors, "'She is a WOMAN [Thankfully,] God Almighty decreed her [special qualities]....'"

- END -

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Sheila Mohan, Business Manager, Santa Clara County District Attorney's Office supplied the data on the current number of women attorneys in the Santa Clara County District Attorney's Office.

Linda Weis, Secretary to the County Counsel, supplied the current data on the number of women attorneys in the County Counsel's Office.