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A History of the North Carolina Association of Women Attorneys

BY ANNA STEIN

The North Carolina Association of Women Attorneys (NCAWA), founded in 1978, celebrates its 25th anniversary this year. It is an opportune time to reflect upon the beginnings of the organization and all that it has accomplished in this period.

NCAWA was the brainchild of Sharon Thompson, who settled in Durham after attending law school at Antioch in Washington, DC. Thompson commented to her friend Carolyn McAllaster, a 1976 graduate of the University of North Carolina School of Law, how wonderful it would be for North Carolina to have an organization for women attorneys like those she had heard about in other states. This organization, she felt, could promote the rights of women under the law and also support the advancement of women in the profession. Thompson recalls, "There was a real sense of possibilities, of things that could be changed, and certainly an awareness of things that needed to be changed." Thompson and McAllaster joined with McAllaster's UNC law school classmate Anne Slifkin, of Raleigh, and Kathy Schneberk-King, a Durham attorney, to see if they could make this vision a reality.

The women first created a list of the female attorneys in the state to solicit their

interest in such an organization. The State Bar does not categorize attorneys by gender, so the group pored over lists of names to determine who might be female. This task presented a bit of a challenge (Leslie? Robin? Beverly?), but was completed with the assistance of Mary Alice Simmons at the State Bar. As it turned out, at that time there were approximately 375 women attorneys in the state. It was a small universe. McAllaster recalls, "The interesting thing is that we knew a huge majority of the people on that list and we probably knew of every woman attorney with more than five years'



Pictured in photo, left to right: Carolyn McAllaster (founding mother), Ellen Gerber, Anne Slifkin (seated, founding mother), and Sharon Thompson (founding mother).

experience. The vast majority of the women had fewer than five years' experience at that point, because our class was really the first big class of women law students."

From the list of women attorneys contacted, more than 100 showed up for the organizational meeting held on March 11, 1978, at UNC Law School. The meeting was a well-organized all-day affair with

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workshops and speakers. Distinguished Durham attorney Kathrine Everett, who was in her mid-eighties at the time, sat in the center of the front row of the welcoming meeting. The third woman admitted to the bar in North Carolina, Everett had fought for suffrage rights earlier in the century and was at that time working for the passage of the Equal Rights Amendment. Her presence was a distinct honor and inspiration to those in attendance.

One of the speakers called in to provide vision for the group was Dr. Pauli Murray, an African-American lawyer and Episcopalian priest who had been raised in Durham. She noted with approval the racial diversity she saw in the crowd and encouraged the group to continue this diversity as it became established. NCAWA has been successful in this regard. McAllister comments, "From the beginning, this organization was integrated racially, and we had a lot of participation from African-American women as well as white women. It was one of the few groups that you could join where

you had that working together of black and white women, and that was really exciting."

At the end of that first meeting, the women voted to form an organization and created a steering committee. Some of the women involved in the creation of the fledgling NCAWA and who are still members of the organization today include Judge Linda McGee, Judge Robin Hudson, Leslie Winner, Lennie Gerber, Carol Spruill, Joyce Davis, Angela Bryant, Joslin Davis, Deborah Greenblatt, and Lark Hayes.

Over the next few months, numerous meetings were devoted to delineating the goals of the new organization and writing the proposed by-laws. Many of those involved in these early gatherings attest to the amazing attention to detail shown. The framers of the by-laws debated every sentence of the document and claim to have had fun in the process. Anne Slifkin says, "I remember going to Lennie Gerber's lake house and lying out on the deck arguing about how to make a viable structure that wasn't hierarchical and that just seemed to

take hours, but it was wonderful. You know, if you couldn't take too much more, you just got in the lake!"

Once in place, the organization rapidly set about achieving one of its primary goals: to promote the rights of women under the law. NCAWA's first legislative priority was the passage of the Equal Rights Amendment. In spite of making numerous calls and visits to legislators, participating in marches, and giving speeches in favor of the amendment, NCAWA's effort was in vain.

The group had more success, however, with its next important legislative push. NCAWA members, notably Meyressa Schoonmaker, Gwyn Davis, and Lennie Gerber, worked tirelessly to promote passage of legislation enacting equitable distribution of marital property in 1981. Members helped draft the legislation, lobbied legislators, and gave speeches throughout the state educating women and encouraging them to contact their legislators. Before the passage of equitable distribution, in a divorce, property passed to the spouse

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in whose name assets were held, almost always the husband. Equitable distribution laws decreed that marital property is to be divided between husband and wife in an equitable manner by a judge at the dissolution of a marriage.

In further protection of the economic interests of women in the state, NCAWA lobbied heavily for a change in the nature of tenancy by the entireties. Before the change, all rents and profits received from property held by a husband and wife as a tenancy by the entirety went to the husband only. In 1982, the General Assembly enacted legislation giving husband and wife "an equal right to the control, use, possession, rents, income, and profits of real property held by them in tenancy by the entirety."

During its 25-year history, NCAWA has lobbied in support of numerous laws to promote the rights and welfare of women and children. The organization has from the beginning been a staunch advocate of the right of women to choose abortion; it has also worked in support of legislation to fund prenatal care for poor women. NCAWA has also long been an advocate for victims of domestic violence. It consistently fights to protect money set aside for domestic violence programs and worked for such legal changes as the criminalization of marital rape and the right to proceed *pro se* in seeking domestic violence protective orders. NCAWA has helped to enact legislation to improve the collection of child support and to allow the enforcement of alimony during appeal. It has supported child care reform to give parents a greater voice in regulations and to improve caregiver ratios and rating systems, as well as numerous other initiatives aimed at improving the lives of women and children in this state. Since 1993, the organization has hired a lobbyist to help enact its legislative agenda, the first one being Ann Christian and the current being Anne Winner.

In addition to its mission to promote the

rights of women under the law, NCAWA has worked from its inception to help women achieve positions of power in the bar and the judiciary. Of distinct importance to NCAWA has been helping women and people of color get elected to the State Bar Council, which at the formation of NCAWA was all white and male. Bar Councilors are responsible for electing officers of the State Bar, enacting ethical rules governing the profession, and reviewing grievances against attorneys by members of the public. NCAWA worked for many years publicizing among its members the need for women Bar Councilors and encouraging them to become involved in their local bars. The organization also pressed for changes in the way local districts selected Bar Councilors in order to promote diversity.

Finally, in 1986, three women were elected to the State Bar Council: Trish Pegram, Julia Jones, and Kaye Webb. They reported being warmly welcomed to the group. "So many people made a point of saying, 'Glad you're here; it's way past time that women be represented,'" commented Pegram. By 1996 there were seven women State Bar Councilors, and it was during this year that the State Bar passed a ban on sexual relations between attorney and client. Past NCAWA president Harriet Hopkins opined in a 1998 newsletter: "Without the seven women bar councilors in 1996, the ban on sex with clients would never have passed. All can recall the tie vote (with all women voting in favor of the ban), with the tie being broken in favor of the ban by then President Erwin Spainhour. Not only were the votes of those women critical, but also their eloquence during the discussion was imperative."

Perhaps NCAWA's most single-minded pursuit has been to help put women attorneys on the bench. At the time the organization was founded, there were no female superior court judges and only a few female

district court judges. The Supreme Court and the court of appeals had one woman judge each: Chief Justice Susie Sharp and Chief Judge Naomi Morris. Jack Cozort, then legal counsel to Governor Hunt and later himself a court of appeals judge, began calling NCAWA for advice when judicial vacancies occurred. The first endorsement of NCAWA was for Karen Galloway for district court in Durham County, and she was appointed in 1979, bringing the number of female district court judges to three.

In 1982, Joyce Davis and Frances Ruffy were the first women attorneys appointed to the nominating committee for superior court judgeships. Finally, in 1984, Mary McLaughlin Pope was appointed by Governor Hunt to the superior court bench. Pope was only the third woman in the state to hold a superior court judgeship, following Susie Sharp (1948-1962) and Winifred Wells (1972).

In 1985, Governor Hunt appointed Sarah Parker to the court of appeals, and Governor Martin appointed Rhoda Billings to the Supreme Court, each the second woman to serve on these courts. Billings lost her bid to retain her seat. Sarah Parker won a seat on the Supreme Court in 1992 and has remained the only woman on the state's highest court to this day. Following Sarah Parker on the court of appeals have been nine women judges: Allyson Duncan (appointed by Martin in 1990), Elizabeth McCrodden (appointed by Hunt in 1993), Linda McGee (appointed by Hunt in 1995, elected in 1996), Patricia Timmons-Goodson (appointed by Hunt in 1997, elected in 1998), Robin Hudson (elected in 2000), Loretta Biggs (appointed by Hunt in 2001), Wanda Bryant (appointed by Easley in 2001 and again in 2003), Martha Geer (elected in 2002), and Ann Marie Calabria (elected in 2002). In 2001, Judges McGee, Timmons-Goodson, and Biggs sat on the first all-woman panel of the court of appeals. In 2002, Judges Timmons-

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Goodson, Biggs, and Bryant sat as the first panel composed of three African-American women. The most recent judicial appointment of a female North Carolinian is that of longtime NCAWA member Allyson Duncan to the Fourth Circuit Court of Appeals by President George W. Bush. Judge Duncan is the first African-American woman to serve on the Fourth Circuit and also the first woman or African-American to serve on the Fourth Circuit from the state of North Carolina.

Throughout its history, NCAWA has worked to make appointments and elections such as those highlighted above happen. The group maintains a list of members interested in appointments and actively encourages its members to seek elected office. Court of appeals Judge Linda McGee, for example, had never really considered a career in the judiciary until fellow NCAWA member Leslie Winner encouraged her to seek appointment by Governor Hunt and vigorously lobbied on her behalf. In 1981, at one of its first annual meetings, NCAWA sponsored a seminar entitled "Making Women Electable," attended by over 200 women lawyers and lay people. In 1984, NCAWA joined with the Office of the Governor to sponsor a Judicial Appointments Conference, with the goal of educating women interested in becoming judges about the appointment process. Most recently, NCAWA's 2003 conference included a panel entitled, "Why You Should Be a Superior Court Judge and How We Can Help You Get There."

Since its inception, NCAWA has nominated women for judicial appointments, and with the establishment of its political action committee in 1986, the group also began making endorsements in judicial elections. The PAC's goal is to promote the election of candidates who have demonstrated their support for the participation of women in the legal profession and who have promoted the rights of women under the law. NCAWA's endorsement, according

to court of appeals Judge Robin Hudson, has become "one of the endorsements judicial candidates definitely want." She believes this is because the organization is "perceived as non-partisan and non-biased" and "does one of the most thorough jobs researching candidates of any endorsing group." To wit, the group now receives requests for endorsement even from men running unopposed.

In 1998, reflecting the growing number of women judges in the state, NCAWA established its own Judicial Division. This group, first chaired by Judge Linda McGee, allows women judges from across the state to get to know one another. It also holds Women Judges Forums at all five law schools in North Carolina to encourage young women law students to think about a career in the judiciary. Judge McGee says, "Sharing how we got to be judges might light a spark in people's minds about where they want to go someday."

A further mission of NCAWA is to provide women attorneys with an opportunity to network and socialize. This function was particularly important at the organization's beginning, when many members were the only women attorneys in their communities. It was hard to find the kind of support NCAWA provided; when the women came together, they could swap stories of being called "honey" in the courtroom or being mistaken for the attorney's secretary instead of the attorney.

The organization sponsors an annual conference, with continuing legal education and an awards banquet to present NCAWA's Gwyneth B. Davis Public Service Awards. For many years it has conducted a spring retreat at the beach to allow members to mingle and relax. In the past five years, local chapters have sprouted, with chapters currently established in Wake County, Durham/Orange County, Guilford County, and Asheville. Local chapters have participated in numerous service projects, including clothing drives

for battered women shelters and collecting books for women in prison. Women attorneys also find their membership directory helpful for referrals to members in other geographical areas or fields of specialty. Judge Linda McGee comments that she has always reached for her NCAWA directory when asked for referrals, because "I have confidence in the interest and ability of the people on that list. I know that person would take care of the client."

Finally, NCAWA also engages in worthwhile public education work. Since December 2001, NCAWA member Lynne Albert has produced and hosted a television show, "Laying Down the Law," for broadcast on community access stations around the state, in an effort to provide the public with basic information about everyday legal issues. In August, the National Conference of Women's Bar Associations awarded NCAWA its 2003 Public Service Award for sponsoring "Laying Down the Law."

On the occasion of NCAWA's 25th anniversary, three of its founding mothers, Sharon Thompson, Carolyn McAllister, and Anne Sifkin, are thrilled with the growth of the organization and all the many things it has accomplished. They emphasize that now it is assumed women attorneys "have a place at the table" in a way that was not true before NCAWA was formed. Thompson concludes: "It's amazing to think that we sat around and stuffed envelopes for the first meeting, and the organization still exists and is thriving. I hope that folks do hear what's happened in the last 25 years and appreciate how different things were and appreciate what people who have gone before have done, and I hope that they will carry that forward to help people in the future." ■

Anna Sein, a 1995 graduate of the University of North Carolina Law School, is past historian and current government action chair of the North Carolina Association of Women Attorneys.