
Legal Pioneers: Four of Illinois First Women Lawyers

Four women pioneers in Illinois broke the barriers of the male dominated legal profession. Through their individual struggles and combined effort Myra Bradwell, Alta Hulett, Ada Kepley, and Catherine McCulloch opened the door of the legal profession to women, and serve as role models for today's lawyers of either gender.

By Meg Gorecki

I. Introduction

Throughout the late eighteen hundreds, women were moving ahead in the medical profession. Some were able to break the barriers and establish medical schools, hospitals, and clinics to educate women.¹ Unfortunately, the legal profession was harder to enter. "In 1880 there were only two hundred women lawyers in the entire United States, which was less than the number of women doctors practicing in Boston alone."² Illinoisans can be proud that four pioneering women lawyers from the Prairie State helped break the barriers of the male-dominated legal profession.

These four women - Myra Bradwell, Alta Hulett, Ada Kepley and Catherine McCulloch - were not only individual successes, but also played a role in the larger struggle for sexual equality. Myra Bradwell was the first woman to apply for a license to practice law. Alta Hulett was the first woman to become a lawyer in Illinois, Ada Kepley was the first woman in the world to receive a law degree, and Catherine McCulloch was the first woman in Illinois to become a justice of the peace.³

By working within the socially accepted female role, these four pioneers opened the legal system to all women. Once women had access to

the courts, they began to present legal arguments for women's suffrage. The story begins with a woman who went down in history as one of the greatest contributors to the advancements of law without practicing a single day.

II. Myra Bradwell

Myra Colby Bradwell, born in 1831, was the first woman in the United States to apply to become a lawyer. After her marriage to James Bradwell in 1852, she began working with him at his legal office in Chicago. "Originally a school teacher, Myra had no intention of practicing law, but hoped to be helpful in preparing briefs, doing research and interviewing clients for her husband." Yet, the more Bradwell became involved with litigation and briefed cases, the more she wanted to become a licensed attorney.

Before Bradwell began to study law, she worked for the Union cause during the Civil War. Bradwell designed a program to raise funds for nursing wounded soldiers, and worked to assist soldiers' widows and orphans.⁵ After the war, Bradwell was able to turn her attention back to law. She passed the bar exam in 1868 and in August of 1869 was certified to the Illinois Supreme Court for admission to the bar. Unfortunately, her application was rejected. Bradwell received a

letter from the supreme court reporter which read as follows:

The court instructs me to inform you that they are compelled to deny your application for a license to practice as an attorney-at-law in the courts of this state upon the ground that you would not be bound by the obligations necessary to be assumed where the relation of attorney and client shall exist, by reason of the disability imposed by your married condition."

On October 6, 1869 Bradwell filed a brief citing several arguments in support of her application, including statistics showing the number of women in the medical profession. However, the Illinois Supreme Court affirmed the original decision denying her admission to the bar. There was one significant difference between the

For a discussion of women in the medical profession, see Mary Walsh, *Doctors Wanted: No Women Need Apply* (Yale 1977), and Virginia Drachman, *Hospitals With a Heart* (Cornell 1984).

2. Ronald Chester, *Unequal Access: Women Lawyers in a Changing America*, p 8 (Bergin and Garvey, 1985) (Chester), quoting Mary Walsh "No Women Need Apply."

3. For a discussion of women lawyers see The Dillion Collection, Schlesinger Library (Cambridge, MA); Charlotte Adelman, *A History of Women Lawyers*, 74 Ill Bar J 1986, p 424-428 (Adelman); The Catherine McCulloch Collection, Schlesinger Library (Cambridge, MA) (McCulloch Collection); and Herman Kogan, *Myra Bradwell: Crusader of Law*, 3 Chicago History 3 (Fall 1974) ("Kogan").

4. Kogan at 132 (cited in note 3).

5. Id.

6. Id at 136.

original decision, *In Re Application of Bradwell*,⁷ and the appeal, *Bradwell v Illinois*⁸ - Bradwell would now be denied access to the bar not because she was a married woman, but simply because she was a woman. The court based its reasoning on common law which barred all women from becoming attorneys.

Neither of these rejections deterred Bradwell from her goal of becoming a licensed attorney. She filed a writ of error to the United States Supreme Court, and while the case was pending she pursued several other interests. In October of 1868, just before she applied to the bar, she had become the founder and editor of the *Chicago Legal News*. This newspaper was the first weekly legal publication in the Midwest. In each issue there was a record of recent case decisions from the United States and Illinois courts.

The paper also included general news and legal developments. Bradwell "made it clear that she would use her publication to battle for improvements in everything directly or indirectly connected with the practice of law."⁹ She struggled to change the poor conditions of the Cook County Courthouse. She attacked law schools that had discriminatory admission standards, and occasionally lashed out at inept lawyers.¹⁰

Because she managed the *Chicago Legal News*, Bradwell often found herself in front of the Illinois Legislature. In 1869, she "drafted the law giving married women their own earnings; she became the first and only woman in the world to possess her own earnings by special act of the Illinois Legislature."¹¹ Bradwell continued to work for women's rights and during that same year, 1869, she was an organizer and speaker at the Chicago Suffrage Convention. She not only argued for women's suffrage but for women's right to own property, to sit on juries, and to enter law school. She even had a column in the *Chicago Legal News* called "Law Relating to Women" in order to advance the political and legal status of women.

In this column, Bradwell's style was blunt. "She campaigned for women's suffrage, maintaining that the issue was not a matter of politics, but of necessary reform":

We have never said anything in the

columns of the News and never intend to, from which any person could tell whether we were in favor of the Democratic or Republican party - the Methodist, Baptist, Universalist or Catholic churches. But one thing we do claim - that woman has a right to think and act as an individual - believing that if the Great Father had intended it to be otherwise, he would have placed Eve in a cage and given Adam the key.¹²

In October of 1871, Myra and James Bradwell lost their home, their law library, and the *Chicago Legal News* in the Chicago fire. Their library, which contained over two thousand volumes, was completely destroyed, but Myra insisted that the newspaper would continue. In a matter of a few weeks she had the paper back on its feet. Several of the paper's subscribers were mailing law books and journals to help the Bradwells rebuild their library.¹³

In May 1873, the United States Supreme Court upheld the decision of the Illinois Supreme Court denying Bradwell admission to the bar. In *Bradwell v Illinois*¹⁴ the court held that admission to the bar was not a privilege guaranteed by the Fourteenth Amendment. The Court emphasized that women were limited to their functions of womanhood, based on their weakness and inability to be rational, maintained by "the Laws of the Creator."¹⁵

Even after this rejection, Myra Bradwell refused to quit. "[S]he devoted her time to legal reform, her newspaper, women's rights, working for the formation of what would eventually be the Chicago Bar Association, and encouraging other aspiring female attorneys."¹⁶ In 1876 she was appointed by the governor to be the Illinois representative at the Centennial Exposition in Philadelphia. Brad-

well was also selected by the governor as a delegate to the Prison Reform Congress in St. Louis. She attended the American Women's Suffrage Convention in Cleveland and was the secretary of the Illinois Suffrage Association.

While Myra Bradwell was a crusader for the woman's rights, she, like the three other pioneers discussed here, lived up to the typical expectations for women of this period. She was a married, white, middle-to-upper class woman with children; her husband was an attorney and later became a judge. Because of her social and economic status, Bradwell was able to join organizations and work for causes outside the home.

In short, she was able to remain in her defined role as a woman, mother, and wife, and still make reforms. She was the first woman admitted to the Illinois Press Association and was a member of the Illinois State Bar Association. She was a member of the Women's Club, the Daughters of the American Revolution, The Grand Army of the Republic, the Women's Press Association, and the National Press League.¹⁷ Yet even after all of these achievements, Bradwell was eulogized as a devoted wife and mother.

7. 55 Ill 535 (1869).

8. 83 US 130 (1873).

9. *Kogan* at 133 (cited in note 3).

10. *Id.*

11. The Dillion Collection, A-68 Box 2, Schlesinger Library (Cambridge, MA) ("Grace Harte Papers").

12. *Kogan* at 134, quoting the *Chicago Legal News* (cited in note 3).

13. *Grace Harte Papers*, A-68 Box 2 p 2 (cited in note 11).

14. 83 US 130-142 (1873).

15. *Adelman* at 424 (cited in note 3).

16. *Id.*

17. James Bradwell, *Women Lawyers of Illinois*, The *Chicago Legal News*, June 2, 1900 (from The *Chicago Legal News* Collection of the Chicago Historical Society).



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Legal Pioneers

(Continued)

In 1890, the Illinois Supreme Court granted Bradwell an *Amende Honorable*: a license to practice law. Although Bradwell never reapplied for the license she was issued one by the court "to right a previous wrong."¹⁸ In 1891, Bradwell traveled to Europe, but not for a vacation or suffrage convention; instead, she saw a specialist who confirmed that she had cancer. She returned to the United States and spent her last two years fighting for women's rights and working on the World's Columbian Exposition to be held in Chicago. Myra Bradwell died on February 14, 1894. In a Centennial biographical sketch, written in 1876 by historian Charles Mosher, she was remembered as a journalist, not a lawyer. He wrote as follows:

Endowed with rare gifts of mind, a profound thinker and brilliant conversationalist, this talented journalist (was) also a true mother, one of those whose children shall rise up and call her blessed.¹⁹

III. Alta Hulett

In 1871, while Myra Bradwell's application to the bar was pending, another aspirant was seeking entrance to the bar. At first glance, Alta M. Hulett must have looked like a school girl lost in a courthouse on a field trip, but this young woman was to become Illinois' first female lawyer.

Alta Hulett was born on June 4, 1854 in Rockford. While growing up she attended the Rockford Seminary, and at 16 she began to work for a family friend, William B. Lathrop. Lathrop was a successful attorney in Rockford and under his direction Hulett studied law. One year later she moved to Chicago and worked for the law firm of Sleeper and Whiton. She continued to study law and in 1871, while Myra Bradwell's case was still pending, she petitioned the Illinois Supreme Court for admission to the bar.

Hulett used two arguments that were radical for the times. First, she argued that women as human beings

had the right to be attorneys. Alta also argued that women had the same ability and intellectual capacity as men did and therefore could practice law at an equal level.

When Hulett's application was rejected the first time, Myra Bradwell immediately joined forces with her. In her newspaper column relating to women, Bradwell wrote as follows on November 18, 1871:

Well Miss Hulett, wait a little longer. The doors of the legal temple in Illinois will surely open for the admission of women. It only remains to be seen whether it will be done by the Supreme Court of the United States or the state legislature.²⁰

Hulett was not discouraged by the court's refusal; one month later she began drafting proposed legislation that would prohibit denying access to any occupation because of sex. At the age of 18, she began lobbying the

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Illinois Legislature. She appeared before the judiciary committees of the House and Senate. During this battle she received support from Myra Bradwell and from Ada Kepley, who had also been refused admission to the bar. Only eight short months later, Alta Hulett was able to celebrate the passage of her bill into law. Instead of attempting to amend the general law to make it apply to both sexes, Hulett drafted a law making it illegal to discriminate on the basis of sex. The law read:

Section 1. Be it enacted by the People of the State of Illinois, represented by the general assembly: That no person shall be precluded or debarred from any occupation, profession, or employment (except military) on account of sex; provided that the act shall not be construed to affect the eligibility of any

person to an elective office."²¹

Illinois was the first state to enact a law giving women access to the legal profession. This law was also the first piece of legislation in the United States which prohibited sex discrimination in employment.

After passing the bar exam in 1873 (and receiving the highest score on the test) Alta Hulett was admitted to the bar on her nineteenth birthday. Hulett was not only the first woman attorney in Illinois, but also the youngest female attorney in the world. She began practicing immediately and was extremely successful. Hulett never lost a case before a jury, but her legal career was tragically cut short when she was diagnosed with pulmonary consumption in November of 1876. Four months later, on March 26, 1877, Hulett died at the age of 23.

Hulett was remembered as a genial and talented woman, always spirited in argument.²² Her short, virtually flawless career and victorious battle for equal employment legislation helped the many women who followed gain access to the legal profession.

IV. Ada Kepley

The third pioneer, Ada H. Kepley, broke the barriers against women practicing law in a different way, by working within the established system of a male-dominated legal institution. Kepley enrolled at the Union College of Law, the predecessor to Northwestern University Law School. Upon entering, Kepley was considered a token woman and was never expected to finish the program. Women were viewed as mentally inferior to men, and those who enrolled in law school during this period must, it was thought, be trying to become better secretaries or stenographers. In June of 1870 the graduating class looked different from previous classes - a woman, Mrs. Ada Kepley, was receiving a law degree. Kepley became the first woman in the world to do so.

18. *Kogan* at 140 (cited in note 3).

19. Charles Mosher, 7 *Biographical Sketches* 50, Chicago Historical Society ("*Mosher*").

20. Chicago Legal News, "Law Relating to Women," Nov 18, 1871.

21. *Grace Harte Papers*, A-68. Box 2 (cited in note 11).

22. *Mosher* at 50 (cited in note 19).

Also in 1870, Kepley became the first woman to practice in a court of law. Although Myra Bradwell's case had not been decided by the Supreme Court and Alta Hulett's legislation had not been passed, Kepley was permitted to practice in the Circuit Court of Effingham County. Judge Decius, on November 16, 1870, in defiance of the opinion of the Illinois Supreme Court, entered an order allowing Kepley to practice in his court. "He stated that although the Illinois Supreme Court had refused to license a woman, it was in another case, and he believed that Kepley's motion was proper and in accord with the spirit of the age."²³

V. Catherine Waugh McCulloch

In Ronald Chester's book, *Unequal Access*, the author interviews women who attended law school 50 to 60 years after Ada Kepley. Even though hundreds of women graduated from law schools all over the country, their acceptance into the legal profession had hardly changed. One woman remembered that "[n]eighbors had come to...(my parents) and tried to persuade them not to let their daughter go into law. She'll never get anywhere with it. Wouldn't it be better to have a safe career?"²⁴

This view was common and there was discrimination against women in all law schools. Women were able to enter the profession by sticking to the definition of true womanhood. As in medicine, women entering the legal profession were restricted to "a regular" legal path. Just as female doctors were barred from progressive studies such as psychology, women lawyers were also forced to practice mainstream law.

Although few women practiced law, they concentrated in the fields concerning women - family law, labor law, food and drug regulation, and environmental law. Only a few women entered criminal or trial practices. The argument used for women to study law also kept within the context of the social norms:

Someone has said it will destroy our home and take away the refining influence of home life; I do not agree. It will make her have higher ideals and become more intelligent in every phase of life. It will make women better wives, mothers and citizens, and make

the profession more respected than it ever had been before.²⁵

Woman fought the social guidelines and sexism of the day through an early version of female networking. The first women's legal sorority, Kappa Beta Pi, was founded at the Chicago-Kent Law School in 1908. Although enrollment was low, the sorority provided a support system for women (interestingly, networking

was much more successful for women in medicine, where they were able to organize hospitals, medical colleges, and medical associations to advance the status of women in the profession). Other legal sororities were

23. Adelman at 425 (cited in note 3).

24. Chester at 97 (cited in note 2).

25. Id at 94, quoting I. Adden, *Why Women Should Study Law*.

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Legal Pioneers

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established throughout the country, but Portia Law School in Boston was the only all-women institution of its kind.²⁶

Women determined to enter legal roles reserved for men were required to perform the duties of a woman as well as an attorney. The fourth pioneer, Catherine Waugh McCulloch, was able to successfully blend career and family responsibilities. Born on June 4, 1862 in Illinois, she was known as "her father's little lawyer" from a very early age.²⁷ She studied at Rockford College and then attended the Union College of Law. In May of 1886 she graduated from Union and on November 9, 1886 she was admitted to the bar. Women's advancement in the legal profession was progressing slowly. "From 1875 through 1879, one woman was admitted to the bar each year. In 1880 and 1881, two women were admitted. In 1882 one woman was admitted; in 1884 through 1887, two were admitted each year."²⁸ Over this 13-year period Illinois admitted only 18 women.

After graduating from the Union College of Law, Catherine Waugh began searching for a job in Chicago. Because no firm would hire her as an attorney, she was forced to return to Rockford. During the next four years she practiced in Rockford until she received an offer from a member of her graduating class, Frank McCulloch. He not only offered her a position at his Chicago law firm, Prussing and McCulloch, he also proposed marriage. On May 30, 1890, Catherine Waugh married Frank McCulloch, but being an ardent feminist, she refused to change her name. It was not until much later that she began using McCulloch.²⁹

She was not only an attorney, but a leader of the women's suffrage movement. She was the president of the Illinois Equal Suffrage Association and a member of the National Women's Suffrage Association. McCulloch was constantly writing articles and preparing pamphlets on suffrage. She even wrote a play to further the

cause called "A Mother's Prayer."

Catherine McCulloch used her skill and influence as an attorney to advance the suffrage movement and related causes. She wrote books on the legal aspects of suffrage and lobbied other lawyers and judges for support. She drafted and lobbied for legislation raising the age of consent to 16. McCulloch also worked for the passage of a bill that secured "joint guardianship" by parents of their children. She wrote educators, clergy, and labor unions to shift public opinion in favor of suffrage.

Although her letters and aggressive speaking style might seem radical, McCulloch, like the other pioneers, remained within the boundaries prescribed by society. Even when she

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lashed out at the male hierarchy, she maintained the image of a "true woman." Her plays which condemned women's lack of property rights, low wages, and poor legal status were given such titles as "No Doll."

McCulloch employed her role as a wife and mother to help win the office of justice of the peace. In 1907, she announced that she would be running for the office in Evanston. While campaigning she was quoted in the Evanston Press as follows:

As I am the mother of little children and must be near them I shall be in Evanston most of the time during the next two years, and thus be at hand to perform any judicial duties necessary.³⁰

McCulloch won the election and became the first woman justice of the peace in Illinois. She was re-elected in 1909 and served a second term while

her involvement with the suffrage movement increased rapidly. McCulloch organized events and lectured throughout the state. She began drafting legislation and prepared the Illinois suffrage bill. In 1913, after intense lobbying, the bill passed the state legislature. The bill gave women the right to vote for president and vice president. Although women were still barred from voting for congressional and state offices, they were allowed to vote for municipal positions.

Even after Illinois became the first state to ratify the Nineteenth Amendment, Catherine McCulloch ceaselessly fought for women's rights. She pushed for women's rights to sit on juries and to serve as law clerks. McCulloch was quoted as follows:

The first two steps necessary for the woman lawyer have been accomplished in Illinois - admission to law school and admission to the bar. The confidence of the employing public is coming, but how soon we can not say.³¹

It was gaining this confidence that proved the challenge. McCulloch arranged meetings and organized several groups to raise the status of women. She was the first president of the Illinois Democratic Women's Club and the Chicago Women's Club. She helped found the Women's Bar Association of Illinois, the Women's City Club, and the Evanston Women's Club. McCulloch was also an active member of the Women's Christian Temperance Union, the League of Women Voters, and the Daughters of the American Revolution. Catherine McCulloch, like Bradwell, Hulett, and Kepley, was considered above all else a true woman. Even while holding a list of accomplishments longer than most men, she was seen as the nurturing wife and mother.

If you ever asked an Evanstonian about Catherine Waugh McCulloch you are most apt to hear she is a wonderful mother. No four children have been better trained!³²

VI. Conclusion

All of these women were extraordi-

26. Id.
27. *McCulloch Collection*, Box 5 (cited in note 3).
28. *Adelman* at 425 (cited in note 3).
29. *McCulloch Collection* (cited in note 3).
30. (*Evanston Press*, March 30, 1907)
31. Id.
32. The Dillion Collection, Box 2, "A letter from Ella Stewart, the President of the National Education Association."

nary individuals, but were also part of a progressive movement that championed the causes of blacks and immigrants as well as women. All of these pioneers were married, white, middle class, American born women, with the exception of Alta Hulett, who was not married. Myra Bradwell, Ada Kepley, and Catherine McCulloch were able to enter the legal profession largely because they married lawyers. No matter how hard a women worked, and no matter how many hours she devoted to law, unless she was offered a legal position by a family member, her occupation was considered a temporary job, not a career. By marrying attorneys, Bradwell, Kepley, and McCulloch did not have the sort of struggle attorney Grace Harte described:

In fact, the young women starting out in general practice must be prepared for 'short commons' until she has built up a paying clientele by sheer dint of ability, integrity, perseverance, infinite capacity to take pains, work and study, and more work and study.³³

By having powerful and supportive husbands these pioneers were able to spend time away from the home working for social causes. This flexibility was available to economically stable women, but it was these four pioneers who took advantage of this remarkable opportunity. The barriers of the legal system proved to be much more difficult to overcome than the barriers of the medical profession. Because law was seen as a public, aggressive, and rational occupation, women had a difficult time winning the argument for access, while access to medicine was more easily argued

on the grounds that women were by nature caring and nurturing. As a result, fewer gains were made for women in law and the complete acceptance of women into the profession, some claim, has yet to arrive.

Although these pioneers helped women advance in the legal profession, they were able to make these gains more quickly because they did not employ radical techniques. By cooperating with the male hierarchy, the women lawyers of Illinois were able to advance more quickly than women in other states. A 1901 issue of the *Chicago Legal News* contained the following quote:

It is with pride and pleasure we mention the fact that Illinois has more women lawyers than any state in the world and Chicago has more than any other city in the world.³⁴

In Grace Harte's biographical sketch of Alta Hulett, she wrote a tribute to Hulett for her achievements. This tribute could be paid as well to Myra Bradwell, Ada Kepley and Catherine McCulloch for their devotion and dedication to women in the legal profession.

Even among the late comers in the profession of law her name and works are not the living force they are entitled to be. What she did for those that followed and are still unconsciously following in her footsteps, is not fully appreciated and the smooth path she has left for them to follow is taken as a matter of course.³⁵

33. Grace Harte Papers, folder 38 p 5 (cited in note 11).

34. Chicago Legal News, September 14, 1901, p 29.

35. Grace Harte Papers, folder 38 p 5 (cited in note 11).

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