

**Legal Knowledge
Episode 6 Interview**

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—Musical Intro —

Meggan Cashwell 00:11

This is Legal Knowledge, a podcast that chronicles the two-hundred-year history of the Law School at the University of Virginia. I'm your host, Meggan Cashwell. In this inaugural season, I'm sitting down with a group of scholars to discuss the first hundred years of UVA Law, from Thomas Jefferson's founding vision for the Law School in 1819, to coeducation in 1920. Each of these scholars is writing a chapter for the Law School's forthcoming volume on legal education at UVA, for which I'm an editor. In every episode, I'll chat with one of our authors to find out the approach they've taken in their chapter and the stories they've discovered along the way.

For our final episode of the season, I spoke with Professor Anne Coughlin of the University of Virginia School of Law about the first women to be admitted to the school in 1920: Rose May Davis, Catherine Lipop, and Elizabeth Tompkins. Despite facing significant professional hurdles, the first women to attend UVA Law persevered, two of them earning a perfect score on the bar exam. All went on to have successful careers. Anne walks us through the lived realities of these women. From the small, familiar anxieties about grades and tuition costs, to the bold steps they took to combat gendered notions of inferiority, these women built professional networks, influenced legal pedagogy, and one of them even pushed the boundaries of what areas of law were considered acceptable for women to practice. Their dedication and tenacity helped pave the way for the Law School today, with the class of 2023 having the first female majority in the school's history. We hope you enjoy this last conversation of season one.

Meggan Cashwell 02:02

Well, welcome Anne to the studio. Thank you so much for being here. I'm really excited to have you.

Anne Coughlin 02:06

Thank you for having me. I'm thrilled to be here.

Meggan Cashwell 02:08

This is our last episode of the first season of Legal Knowledge. So, something extra special for today is that I have a special co-host, and that is my colleague and co-producer Addie Patrick. Addie, welcome.

Addie Patrick 02:22

Hi, Meggan. I'm also happy to be here.

Meggan Cashwell 02:24

Well, let's get started. We've heard from our other contributors both about the landscape of legal education in the nineteenth century, as well as how women shaped the law, and the ways their lives were shaped by the law. One major takeaway is that the UVA Law School emerges from this century as a prestigious regional institution, with a particular way of teaching and mentoring that was driven in large part by John Barbee Minor. While Minor had his specific method of teaching, which was, as he called it, a textbook and lecture method, beginning in 1870 a new method emerges from Harvard Law called the case method. Would you tell us about it?

Anne Coughlin 03:04

So, the Harvard method, also known as the case method, really consists, as I see it, of two different parts. The first is to switch up the lecture and text method and teach students by having them read appellate cases. The pedagogy that the case method replaces, the one that you're associating with Minor, was one where professors would lecture for the entire class, and they would be describing the content of legal rules. So, it's more like what we would call a treatise today. So, the students would read something that was like a treatise and then the professor would again regurgitate the treatise. What Langdell did was two things. One was he changed the reading assignments for the students so that they were no longer reading these treatise-like texts, but that they were reading appellate opinions themselves. And then the students were, based on their reading, to determine for themselves what the rule in the case was. They had to master the facts of the case, the procedural setting, and then they had to identify the holding or the doctrine in that case, as opposed to the professor telling them, spoon feeding them what the holding was. The students were supposed to be doing this work for themselves, the thought being this is the work that they would have to do when they were lawyers. And then the other thing was to change the classroom pedagogy. Today, we call it the Socratic method. When the students came to the class, they weren't lectured. The professor didn't describe back to them what they had just read. Instead, the professor would lead the student through what was supposed to be a structured dialogue to elicit from the student the important features of the case, but most importantly to lead the student through the legal rule plus the reasoning that the case represented. That was the big move that is associated with Langdell. This is conventional wisdom, and it's true. That method has caught on and remains very influential in legal pedagogy today. But of course, in many schools, there were alternative approaches. We see at UVA, in fact, that well in—after the turn of the twentieth century, UVA law professors continued to believe that they should not follow the Langdellian approach but should continue with the old lecture and textbook method.

Meggan Cashwell 05:30

You do see that hybridity in the curriculum at UVA Law really well into the 1930s or so, where at some point professors could choose what they wanted to do in terms of their pedagogy. We see a growing professionalization of lawyering in the latter part of the nineteenth century in which the case method, as you're saying, played an important role. What were some key national developments that made becoming a lawyer more difficult?

Anne Coughlin 05:56

In the beginning, law schools didn't resemble the programs that we have today. The primary way for lawyers to become lawyers, a budding lawyer would associate himself to an established practitioner, and there was a prescribed period of time that the newcomer would spend with the seasoned practitioner in order to learn the law, in order to learn the content of the substantive law. And I take it even as important to learn how to be a lawyer in the world, what the procedures looked like, and so forth. One thing that was fascinating to me to discover was just the dearth of books. So few people had access to books, that the idea of reading for the law, studying to become a lawyer, was not something that people could afford to do. So you had to associate yourself with an established lawyer who had a library and would be willing to share it with you.

Addie Patrick 06:50

You and other scholars have observed that this professionalization of the law has also resulted in the further masculinization of the legal profession. Could you talk a little bit about what that means, exactly?

Anne Coughlin 07:03

One thing that we can say, of course, is that it was men and not women who primarily practice law. When law schools began to be organized, they did not admit women, women were first admitted, I think in 1869, to one law school, that was Washington University in St. Louis. Women could and did become lawyers by other routes. In other words, I just mentioned the apprenticeship method, and that was something that women could and did do. We're not at all sure how many, I'm sure the numbers were very small, but notice, there were men who were lawyers who were willing to take in their female relatives, their daughters, their nieces, their granddaughters, their wives, to apprentice with them and possibly obtain admission to the bar that way. But of course, at that time, the organized bar, to the extent there was an organized bar, didn't admit women either. There were lots and lots of obstacles, what we would today call sex-based discrimination, that kept women from these positions. Not admitted to law school, can't be admitted to the bar, have to be a man to be admitted to the bar. And the legal profession was one that was so deeply associated with political leadership in our country, that I think that it really was viewed as one of those professions that was not one that was suited for women. It was one that was quintessentially masculine. The other thing that was totally fascinating to me to read about this history, was the connection that many of the influential men at that time, were deeply concerned about the connection between suffrage and bar admission. There was a thought at the time that if women were

admitted to the bar, you would be acknowledging that they were officers of the court, and that they were capable, therefore, of being public servants and officers of the court. And if you decided that they were capable of doing that, the thought was, it absolutely would follow that they should be voters as well.

Addie Patrick 09:13

You mentioned one of the oppositional thoughts against having women be lawyers as the sort of essentialist gendered ideas about women not being able, based off of their sex, of being lawyers. Can you talk a little bit more about some examples? What were some of these gendered ideas that the men had?

Anne Coughlin 09:31

I came across an absolutely fascinating article that was published in *The Green Bag* by Lelia Robinson, I believe, who I also believe was the first woman admitted to the bar in Massachusetts. She said in the imagination of the public, women lawyers didn't exist, I'm paraphrasing now, didn't exist just as sea serpents didn't exist. You were just as likely to find a woman lawyer as you were to find a sea serpent. There are a whole range of concerns that are associated with the notion that women could practice law. One went to women's intelligence; they were thought to have smaller brains than men and therefore lack the intellectual firepower that was required. Even if there were some women who were intelligent enough to go to law school, there were grave fears that were discussed, particularly towards the end of the nineteenth century, that women's health would be destroyed if they were educated. The claim went that the blood that was needed for their reproductive processes would be diverted to their brain, and they would be rendered infertile, enfeebled, and potentially, in the worst cases, even insane. There were also many concerns about women losing their special virtue as women, that if they became lawyers, they would necessarily have to mingle in matters of the world, some of which were considered obscene, and really toxic for women's chastity and virtue. Think of criminal cases, the courts, or the bar officials that refuse to admit women would refer to cases involving incest or rape, domestic violence, those kinds of horrific matters. They didn't want women to read about these things and become tainted. The irony, of course, is that women were themselves survivors or victims in those cases. Another thing that struck me was that women would have to be doing a fair amount of traveling during that time, a lot of lawyers would travel for their work. And then they would have these sort of convivial meetings, again, meetings among men, which as I read the descriptions, the conviviality often involved alcohol, as well as various kinds of chatting. Women were thought to lack judgment in business matters, they were thought to lack the kind of adversarial skills, shrewd judgment that you needed. There was also a worry expressed that women would distract men, there were references to women's clothing, women's clothing would rustle, their shoes would tap, their voices, their high-pitched voices, all of this would distract the men around them from the serious studies that they had to do. And then there were also concerns that women were there looking for husbands, and that they would inevitably marry and when they married, they would leave the profession, and thereby they will have wasted a valuable seat for a man.

Meggan Cashwell 12:23

What I think is just so ironic about all of this is, Addie and I, we've spent a lot of time reading nineteenth century law student notebooks. If you go through these student notebooks, you find that women are really a key part of the legal curriculum as subjects. The antebellum law curriculum at UVA, I think this could be said for any law curriculum at the time, it's focused on property law. It's focused on laws of inheritance. You're spending a lot of class time talking about legal dependents. So that's women and children, enslaved persons. We have this law school exam that we came across and it had questions like: "When was a woman entitled to dower? At what age did they qualify to be an executrix?" And so on. So, it's certainly interesting to hear that there were such strong sentiments towards women becoming legal professionals. There are some women trailblazers in this movement, who are advocating for women to be educated as lawyers and to be admitted to the bar. I was hoping that you could talk a little bit about Belva Lockwood and why she's so important to this larger story.

Anne Coughlin 13:28

Belva Lockwood is an amazing character and figure, extremely important trailblazer in this area. And, Meggan, your comments about the reasons why women would be interested in the law, they were primary subjects of the law, and presumably would want to have something to say about how the laws were treating them, or at least would want to understand those features of the law. I think that's a nice segue to Lockwood, because she was very concerned about having a job. She gets married fairly young, she's from a middle-class family, and her husband dies leaving her with a child. She was one of the earliest women lawyers. She graduated from what was then known as National University Law School. It's now the George Washington University School of Law. So, she graduates there in 1873. But the school was so hostile to her presence and to providing law degrees to women that the school withheld her degree. If she's ever going to get admitted to the bar, she has to prove she has this degree. She notices that President Ulysses S. Grant is an ex-officio official at National University Law School. So, she eventually writes him this shaming letter demanding that she be given her degree. I don't want to tell apocryphal stories, but within a very short time, in fact, she did have her diploma. She is the first woman who's admitted to the United States Supreme Court bar and the first woman to argue cases in the United States Supreme Court. Notice, though, the United States Supreme Court refused to admit her. She then lobbies and spearheads a movement to get an act of Congress so that women can be admitted to the Supreme Court bar. She succeeds on that front, and in fact, then she is admitted. She's very, very well known in her time, deservedly so. Did an amazing amount of work in terms of moving the needle for women's participation, both in the law, in the bar, and in the political scene. It's fascinating to notice that in 1893, Virginia denied her petition for entry to the Virginia bar. There were reciprocity agreements that allowed all licensed attorneys to practice here. She was licensed in the District of Columbia, but Virginia refused to admit her. She appealed the case and lost.

Meggan Cashwell 15:52

Let's take a break now. And when we come back, we will talk more about the Virginia side of this story.

—Musical Break—

Rebecca Barry 16:07

Want to learn more about the history of the University of Virginia School of Law? Consider stopping by the Arthur J. Morris Law Library located within a Law School in Charlottesville, Virginia. Explore the library and check out our rotating exhibits, or come to the Special Collections reading room to dig deeper into some of the sources we reference in our episodes. You can also visit the Special Collections website at archives.law.virginia.edu, where you'll find digitized archival material, oral histories, and online exhibitions covering topics like UVA is first law library, the Scottish Court of Session papers, law student activism during the 1970s, and student organizations, including Virginia Law Women and the Black Law Students Association. Again, that's archives.law.virginia.edu.

—Musical Break—

Meggan Cashwell 17:02

We are back with Anne Coughlin, and I am joined by my co-host Addie Patrick. Before the break, we were discussing major changes in legal education at the national level. And now we'll shift our conversation to Virginia. Addie, I was actually hoping that you could start us off because you've done so much research on this topic. At the turn of the century, the growing number of female high school graduates in Virginia helped build a movement around a coordinate, or women's, liberal arts college at UVA. And the leader of this movement was a woman named Mary Cooke-Branch Munford. Who was she?

Addie Patrick 17:39

Mary Cooke-Branch Munford, she's a suffragette from Richmond. And she comes out during the story as the leader of what was called at the time the coordinate college league, the coordinate college movement, the coordinate college league being sort of the organized group that pushed for this. And this is just a really fascinating story for me, because I think a lot of people think about coeducation in the University of Virginia in 1970, because that's when undergraduate coeducated. But the story goes back, starting really in 1870, when the state of Virginia gets its first public education statewide school system. And that's why you get all of this increasing number of high school graduates and there's more female graduates. So, back to Mary Cooke, she's a suffragette from Richmond. And the story with the coordinate college really begins around 1910, you start to see this momentum that she is not single handedly able to build, but she does correspond with Edwin Alderman who's the president of UVA at the time, she corresponds with Woodrow Wilson, who's the president of the United States at the time. Edwin Alderman is a supporter of this idea of coordinate, so not coeducation but coordinate. Other faculty members are also in support of this as the movement grows. Basically, what happens is Mary Cooke-Branch Munford and her cohort, the coordinate college league, take bills to the Virginia Legislature during every biennial session from 1910 to 1918. She's arguing for the establishment of this coordinate college, and actually from the sessions 1914, 1916, and 1918, these bills are passed in the Virginia Senate, but they do not pass the House of Delegates. One thing that happens during the course

of it all is UVA alumni start to become more and more outspoken against the establishment of the coordinate college. The arguments that they're making are resources that would be put into building this coordinate college should be used for increasing literacy and the quality of public education in Virginia's rural areas. Things start to change and shift around 1918 for a variety factors. You have World War I that's happening, so people are looking abroad, not inward at local issues. But also in 1918, the College of William & Mary decides to coeducate their undergraduate school. And then of course, by 1920, you have the passage of the 19th Amendment, giving women the right to vote. That essentially quells the coordinate college movement with the final sort of nail in the coffin being the admission of white women to UVA's graduate schools in 1920.

Anne Coughlin 20:06

I so appreciate the description, it's rich and fascinating. In following this chronology, I was fascinated to see what Alderman's position was in all of this. And you're quite right, there are a number of letters and other published remarks by him in which he expresses support for the coordinate college movement. From what I was reading, it sounded as if he supported the coordinate college movement, not so much because he was committed to educating women, which he was, but because he was deeply opposed to coeducating the University of Virginia.

Addie Patrick 20:41

Yeah, I can't say for sure. But the other members of the faculty that were in support of coordinate college were very particular in saying coordinate, not coeducate. Now women are going to be voters, and are we going to be ahead of this or behind this in terms of providing them access to the University. The faculty votes in favor of coeducating the graduate and professional schools. The Board of Visitors also passes this motion seven to two. Fall of 1920 is when UVA sees its first female students in the Law School.

Meggan Cashwell 21:09

The context is really important. It's also what other top tier law schools are starting to do as well. We have Yale in 1918. We have Columbia in 1923. So, all of this is also weighing on this decision to admit women. But William Minor Lile, who was the first dean of the Law School, was himself a UVA Law graduate. And he did recognize that women had persisted in achieving this, but he clearly was not in favor of it himself. Anne and I have talked about Lile many times, and saying how he both speaks and he writes with his purple pen, and I was hoping, Anne, if you would read this excerpt from his address to the University alumni during its centennial celebration, which happens in 1921, a year after this decision.

Anne Coughlin 21:58

So, here's what Lile had to say, or part of what he had to say, in his centennial remarks. "When the information first came to your ears a year ago that we were preparing to open the doors of Jefferson's masculine University to women and admitting them even within the sacred precincts of the Law School,

you doubtless wondered why and recorded your mental if not written protest, but it has been done. Not because we of the Law School believed the law a fit profession for the mothers of the coming generations, but for the same reason that the gods gave the frogs a king. They clamored, I dare not say croaked, for it so vociferously. Voters as they now are, the women, not the frogs, their insistence and persistence, their crying aloud night and day without surcease. Their strident threats of forcing their way in by the legislative door, and therefore on their own terms, convinced us that discretion was the better part of valor. We surrendered on very honorable terms, magnanimously dictated by ourselves."

Addie Patrick 23:11

Can I counter him with the other quote? So, this is a quote that I came across in reviewing some of this coeducation material for today. This is a letter that another suffragette, Roberta Welford, wrote to Mary Cooke-Branch Munford during the same time, June 1921, about this exact same moment. To Munford she writes, "I could not go to bed tonight without sending you a word. Today, as those first women passed up to take their master's degrees, the alumni, hundreds of them rose and cheered them madly. And with that strange tumult in my ears, my mind as many others must have turned to you, remembering all that had gone to bring about that hour. And I wondered, again, how much underlies everything that we see as a single event of history. I wish you had been present to see what the next centennial will surely look back upon as the outstanding fact of this one, as long before then you will have had from all recognition and gratitude for your great work here and elsewhere for the women of our state."

Anne Coughlin 24:03

I'm so glad that you added the additional material, which I had not yet heard. And so thank you for that so much, because it is an amazing corrective in more than one way, because it shows you again, that there's more than one story or more than one perspective to offer about the history of all of this. This moment of great celebration for women and the fact that there were women and, potentially I take it men, men were standing up and madly cheering if I'm hearing what you read correctly. The speech by Lile is pretty hard to take. It's pretty devastating. We sit here today and we celebrate the fact that women came to the University of Virginia, and he clearly did not seem to be celebrating their arrival but speaking of them in disparaging and very belittling terms, comparing them to frogs. It's hard to read. The magnanimous terms that he dictated, imposed more stringent admission requirements on women than on men. And in another part of his remarks, he mentions that the Law School developed these more stringent requirements to be sure that no quote "airy fairy Lillians" were admitted to the Law School. He wanted women who were serious minded. So women had to either hold a baccalaureate degree or be twenty-two years old. At that time, male applicants had to only complete one year of college and be eighteen years old.

Meggan Cashwell 25:33

Did the Law School curriculum change at all once women began enrolling as law students, did it cater to them in any way?

Anne Coughlin 25:42

I believe that the curriculum did not change immediately or quickly in response to the arrival of women. As you said, there were many subjects in the Law School curriculum that covered women's interests, their property rights, interests in children, and so forth. But there were no efforts made to incorporate topics or subjects that were thought to be especially important to women, or to incorporate women's experiences or perspectives into the curriculum. It was not until the 1970s that UVA Law School added a course that we might call a "women in the law" course.

Addie Patrick 26:20

Three women enrolled to the University of Virginia School of Law in 1920. Can you tell us a little bit more about who those three women were, starting with Rose May Davis?

Anne Coughlin 26:28

Unfortunately, I don't know as much about Rose May Davis as I do about one of the other women. We haven't yet uncovered a lot of material about her time at UVA. Interesting, she's one of the first three women to have passed the Virginia bar exam, and she earned a perfect score when she did that. She took that as a second-year law student and when she did that, she left without obtaining a degree and went on to private practice with her brother. We also know about her that she continued to pursue higher education. She in fact went on to get a PhD in chemistry at Duke. She was the first woman to earn a doctorate degree there. And then she later taught chemistry at Randolph Macon College. The second woman who was in that class of 1920 was a woman named Catherine Lipop. And she was married to a law faculty member. We do know that she was enrolled as what is known as a special student. That means that when she enrolled, she had no intention of seeking a degree. She was the Law School's librarian at the time, an incredibly important role at the Law School then, and clearly she wanted to understand the subjects that were being covered. So, she took classes until 1923 but she did not obtain a degree. She continued to serve as the law librarian until 1945.

Meggan Cashwell 27:54

What's interesting is that the deans each year would have to report to the president about state of their school and so whenever Lile would report to Aldermen, part of that report was actually from Catherine Lipop. The third woman who enrolls is Elizabeth Tompkins, and she becomes the first woman to graduate from the Law School in 1923 and we're approaching her centennial. Could you tell us about Tompkins and how she came to enroll at Virginia Law?

Anne Coughlin 28:26

Elizabeth Tompkins was the only daughter, and I believe the only child, of Samuel Woods Tompkins and Sarah Nelson Tompkins. They lived in Richmond, they moved there in 1884, where Samuel Tompkins joined the law firm, W. D. Tompkins and Company. His uncle was a senior partner there, and he later went into business in Richmond. Elizabeth Tompkins, his daughter, graduated from the Virginia Randolph Ellett School in 1915. This is now the St. Catherine School, and she graduated from

Westhampton College in 1919, with high honors. In the year she graduated the yearbook is known as The Tower provides us with some very interesting clues about her as a young woman. Her nickname was Tommy, one thing that I was fascinated to see was that the yearbook listed her ambition as quote "to be a corporation lawyer." And this was just utterly fascinating to me, because the notion that there was a lawyer figure known as the corporation lawyer was very new. And the thought that this young woman that her aspiration was to be a cutting-edge professional is just really astonishing. Even more remarkably, I suppose for the time, she went off to New York City and attended Columbia University, where she received her master's of arts degree.

Meggan Cashwell 29:49

Well, let's take one final break. And when we come back, we'll talk about Elizabeth Tompkins experiences at Virginia Law and read some excerpts from her wonderful letters.

—Musical Break—

Meggan Cashwell 30:08

If you're enjoying Legal Knowledge, we've got more content for you on our website, including short interviews, field recordings, photographs, and some of the archival materials we discuss with our contributors. For this episode, you'll find bios for the first three women to attend UVA Law, as well as a link to a booklet on the history of coeducation at the school. You can find all of this and more at legalknowledgepodcast.com Let's get back to the episode.

—Musical Break—

Meggan Cashwell 30:45

We're back with Anne Coughlin and Addie Patrick. And we have been talking about Elizabeth Tompkins, the first woman to graduate from UVA Law in 1923. I'd like for us to read and discuss excerpts from some of Tompkins' letters, three of which are housed at UVA Law Special Collections. These letters are just so rich and poignant. I have read them so many times and I feel like I always walk away with something new.

Anne Coughlin 31:13

In these letters, she writes about a lot of things that would be of concern to any law student. She worries about her classes. She talks about her torts class and how she's anticipating that grades will be coming out in a week. She's concerned about the grades she might be getting or is getting in her criminal law classes. She names her teachers, she praises one of them highly. He's her favorite teacher. She criticizes another, calling him an old devil. She also mentions that some of the third-year men told her something quote, "mighty nice," which is that the one professor she admires the most had spoken approvingly of her and the other women law students. She worries about studying for the bar. She also talks a good bit about concerns about money, which is something that you would imagine that law students would do.

She's worried that the expenses of law school are too much for her family. She even goes so far as to propose to them a way of saving money, she says she should leave UVA Law School, take night classes at Richmond College of Law. That plan, she argues to her father, would allow her to work during the day and then pay for her own tuition studying at night. So, there just a very rich array of things that she discusses with her parents in language that is often very, very frank and unvarnished.

Meggan Cashwell 32:37

Juxtaposed against these reports of classes and exams are also her obviously gendered experiences as a woman. And I thought we could read one excerpt from a 1921 letter to her father and discuss it. Quote, "Father, I think you ought to hear and know in black and white my side of this proposition for next year. I want to state, as conditions precedent, that this is not blind excitement but well considered plans. If you can show better views and arguments on your side for returning here next winter, then I am perfectly willing. I don't care personally a straw for I have learned to get along without the girls, and this mob of men are so many ants in a hill. But the way I feel is this, I have been here nearly a year now, and outside of class I have never heard a word of law discussed or mentioned. There has been and there is no one to argue with when I leave class at noon. I have no law afterwards. I can only dig it by reading and understanding only probably one half at that. The boys at practically every fraternity have a roundtable and discuss law every night for an hour. Of that, I know nothing," end quote. What are your thoughts when you hear that?

Anne Coughlin 33:54

The first thought that jumps to my mind is how lonely she must have been. I mean, we do speak of there being three women there but we don't know that they spent much time together and Catherine Lipop, of course, was married. You picture Elizabeth Tompkins being very alone in this, as she calls them at one point, this mob of men. I find myself thinking about her coming from an all-women's high school and an all-women's undergraduate school where she was surrounded by people with whom she could talk. But she's also putting her finger on what we as law professors and as a law school institution believe is that the experience that the students have of talking to each other, hearing each other's voices, not only in the classroom, but outside the classroom, in the hallways, in the library, and their study groups here. You know, again, she's mentioning fraternities, that that's a huge part of developing one's skill as a lawyer, and then also collaborating with people, forming those sort of lifetime professional friendships. I'd like to reflect a little bit more if I could, Meggan, on your comments about the gendered experience that she's having, and that because of her gender, she's missing out on these social and professional opportunities that men presumably have. During her last year she spearheads, she organized and hosts, a visit by a prominent female attorney, a woman who is United States assistant attorney general named Mabel Willebrandt. Elizabeth invited Ms. Willebrandt to come to UVA. She's being hosted at Madison Hall by maybe a collection of departments. She then writes a letter to her parents expressing almost ecstatic joy and relief about how well this went and how much it meant to her to spend time with a successful female lawyer, a woman role model. Elizabeth Tompkins is right, her speech at Madison Hall was wildly successful. So successful that Dean Lile rushed to the front of the audience and invited Ms. Willebrandt

to come the next day to speak at the Law School. And Elizabeth Tompkins just speaks so movingly about how important this experience was to her, and how it made her dream of the kinds of things that she might do as a lawyer.

Addie Patrick 36:15

As Elizabeth Tompkins enters her career, what are her prospects like?

Anne Coughlin 36:19

They're probably really, really difficult. If we read the histories of women lawyers around the country, there were certain areas in which women were expected to practice and largely did practice and other areas where they didn't. That's why when she says her ambition was to be a corporation lawyer, I found myself just filled with admiration and astonishment, because corporation lawyer was emphatically a space that was masculine. It was expected that women would assist men in doing what we would call office work, and that they would typically be working on family matters, wills and trusts, maybe drawing up contracts, and that they would not be engaged in complicated business negotiations, and they wouldn't be going to court.

Meggan Cashwell 37:05

We also know that she writes to William Minor Lile in 1924, which is the year after she graduates and we don't have the letter that she wrote to Lile, but we do have his response. Clearly, she's written to him to talk about her struggles securing a job as a legal practitioner. And he says, "I fear the ancient prejudice against women is going to make it difficult for you to secure a desirable office position except with some friend who knows and appreciates your qualities and qualifications." Later on in the letter, he says, quote, "I see no reason why you should not be bold enough to go to Richmond, and open a law office on your own hook," end quote. Lile does have a great deal of confidence in Elizabeth Tompkins, but then he goes on to say, quote, "You would of course be handicapped on account of your sex and the before mentioned prejudice and business might be slow in coming. But I believe that in the long run, you can make an eminent success out of the experiment," end quote. We know that she goes on to clerk for two years in Charlottesville, for R. T. W Duke, Jr. The Duke family owned the land that we now know as North Grounds, where the Law School now sits. Then she entered private practice in Richmond. And she did go on to lead a successful fifty-four-year legal career, which is impressive of any moment but especially of the historical moment in which she lived. As we close today, I'd really like to talk a little bit about legacy. After Tompkins graduates, for so many decades there's nominalism, right? There are just a few women here and there. There are some classes who have no women at all, it will ultimately take the draft to sort of change the tide. And so many of the older attitudes that you were talking about earlier, this idea that women were just taking up the seats of men, that really persist for a long time. These women are just so impressive in their perseverance, and what they did at the Law School as law students and as women, and what they did in their careers as well. And it's really been an honor of ours to be able to study them as individuals, because we always say, we're looking at the legacy of the institution. But we're also looking at what people did at the Law School and what they did after

the Law School as well. We're also starting to look at the work of Elizabeth Tompkins, and what she had to say about integration and segregation, that she later was a member of the University of Richmond Board of Trustees when that university decided not to integrate undergraduate education until around 1965, due to a policy put in place by the trustees. This is a part of Tomkins story. The experiences that she had at the Law School are a part of her story. And we want to talk about all of that. I was hoping you could talk a little bit about what do you think the longer legacy of coeducation here at Virginia Law really is.

Anne Coughlin 40:01

As a female faculty member, as a woman who has been teaching at the UVA Law School since 1996, I'm part of this history, and I've learned things about my own history that I previously just didn't know or didn't have the appropriate perspective on. What's fascinating to me is what a long journey it's been. There have been by now in 2023 we know remarkable changes. When I look around my classrooms today, we have very, very large representation of women, I think we're up to half or maybe slightly more than half women. And that's quite a recent development at UVA. For many years, women remained a distinct minority. And that was true during some of the years that I taught as well. Many of the questions that were vexing women at that time continue to vex us today. Questions about what are the practice areas for women, for example, what type of law practice will be one that women will find the most interesting and enjoyable, but also one that will make them happy across a lifetime, where they have obligations to family as well as to work? We're still struggling with those very same questions today. And so many of the smaller questions, questions about women's clothing, questions about what women should look like, what our demeanor should be. Are we sufficiently professional appearing in a world that continues to think about the figure of the lawyer as a man? What should the representation be on the faculty, the representation of women and of other previously excluded professors? One of the ones that I'm the most interested in goes back to a question that Meggan asked about the impact of women on the curriculum. Did the coming of women change the curriculum? And that's an issue that I'm working on in some research that I'm doing in other areas, which has to do with when an institution brings in outsiders. When you have an institution like UVA Law School that previously was closed to women, previously was closed to people of color, do they have an obligation to change their institutional norms, and particularly to change their discourse in ways that reflect the interests, aspirations, experiences of women? We're still using methods, pedagogical methods, that are associated with the late nineteenth century, the so-called casebook method. Methods that arose at a time when women were not part of the academy. Is that a good way to educate women? Is it a good way to educate anybody? All of those questions are ones that I have in mind.

Meggan Cashwell 42:45

Well, Anne, your work is so fascinating. And we're so grateful to have you be a part of this project. Addie and I and some other members of the Special Collections team put together a booklet on the history of coeducation. And we can also post that on our website, legalknowledgepodcast.com. Well,

Anne, thank you so much for joining us today. And Addie, thank you for cohosting. I really appreciate it.

Anne Coughlin 43:07

Thank you.

Addie Patrick 43:08

Thank you for this conversation, Anne.

—Musical Break—

Meggan Cashwell 43:22

For more on today's episode, please visit our website legalknowledgepodcast.com, where you'll find show notes, a transcript, and bonus content. We'd also love to hear from you. So, if you have thoughts on the show, feel free to reach out to us via our Contact Us page, also at legalknowledgepodcast.com. And while I'm signing off as host, keep a lookout for season two of Legal Knowledge. Thanks for listening.

Rebecca Barry 43:54

Legal Knowledge is a production of the Arthur J. Morris Law Library at the University of Virginia. The podcast is produced by me, Rebecca Barry, along with Meggan Cashwell and Addie Patrick. Special thanks to Loren Moulds for designing our website, Jane McBrian for assisting with transcription, and Randi Flaherty for supporting this podcast in countless ways. We also want to thank the staff at WTJU for use of the studio and the staff at the Albert and Shirley Small Special Collections Library at UVA for use of their materials. Our theme song is *Center of Gravity* by Phutureprimitive. Please rate and review Legal Knowledge on your favorite podcast app, and be sure to tell your friends about the show. We'll see you next time.

—Musical Outro—