



An oral history of the first wave of women attorneys

BY STEVE KNOPPER

The 1970s were the tipping point. According to the American Bar Association, women made up just 3.4% of J.D.s in 1960, and while by 1970 that number had more than doubled, to 8.6%, it was still just a sliver. Over the next 10 years it exploded. By 1980, 34.2% of the attorneys in the country were women.

The six San Diego attorneys interviewed here experienced that revolution firsthand. When Candace Carroll graduated from Duke University Law School in 1974, about 25 women were in her class; the year before, there were 10; in 1972, just seven or eight. "It was changing every year," she says.

Not everyone was on board with the changing dynamic. Some law firms wouldn't hire women, or had barely disguised quotas; some female grads had trouble even landing interviews. Cynthia Chihak, who graduated from Pepperdine in 1977, recalls male judges assuming she was always wrong and her male colleagues right: "'Oh, that young woman doesn't know what she's talking about,' they'd say."

But she persisted. "If it turns out 'that young woman' is right eight out of 10 times," she says, "the presumption goes away. All you have to do is be right."

Here are their stories.

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'THE DOORS WE'RE OPENING'

WHY THE LAW?



Candace Carroll, Sullivan Hill Rez & Engel; Appellate; Duke University Law School, 1974: I wanted to do something beyond undergraduate school and being a lawyer was something I thought I could do. I wrote well and I was reasonably smart, so I applied to law school and took the LSAT and did well. Then I started applying to law schools and I was admitted every place. My mother's comment was, "You went all the way through undergraduate school without getting married, and now *this*?"



Cynthia Chihak, Chihak & Martel; Personal Injury - Medical Malpractice: Plaintiff; Pepperdine School of Law, 1977: I didn't want to be an attorney. I wanted to be an airline stewardess. But you had to be 5'3". I was too short! I had graduated from UCLA with a degree in chemistry and psychology, so the question became: "What do you do for a job?"



Barbara Brown, Brown & Brown; Family Law; University of San Diego School of Law, 1976: My husband was instrumental in persuading me that I should go to law school. He was a lawyer and thought that that would be a really good fit for me. When we first married, he started law school at the University of Connecticut, and I put him through law school by working as a social worker for the state and as a French teacher for the public school system in Windsor, Connecticut.



Nora Milner, Milner & Markee; Immigration; University of Denver College of Law, 1976: I was a U.S. Navy lieutenant junior grade line officer in an air squadron here, and I was able to get the position of legal officer, which essentially functioned as a paralegal. I did what they call

non-judicial punishment. Whenever someone in the squadron got an unauthorized absence or did something in the command that was inappropriate, then the commander of the squadron held a NJP hearing. The line legal officer was there to supervise the legalities of the hearing and make sure everything was done correctly. I had to go to a legal officer school for six weeks. I enjoyed that so much, I thought, "Wow, I'd really like to go on and be an attorney."

LAW SCHOOL

Chihak: I got on a waitlist to University of Colorado and I got accepted to Hastings College. Since I decided it would be more fun to go to Colorado, I waited for them, but by the time they said no and I called Hastings, they said, "Sorry, we're full." That gave me a year off to basically work as a cocktail waitress.

Brown: I was in my 30s. I started law school in the evening program at University of Connecticut. I don't know for sure how many women there were in my class, but I'd be surprised if there were more than 10.

Carroll: It seemed the school was trying to identify women who would keep quiet and not cause any trouble. Don't ask why they thought that about me!

Milner: When I went to law school, there were fewer women attorneys than there were women doctors in the U.S. The '70s was the beginning of the realization that the doors were opening.



Abby Silverman Weiss, JAMS; ADR; University of San Diego, 1979: I did not feel I was a trailblazer. What made me a little unusual was that I had three children, two dogs and several cats, and I carried a pager in case anything happened at home.

The only time I was ever paged was when the dog set off the house alarm.

Milner: I went into labor in one of my last finals—in trial and evidence. I knew my due date and I started to feel sick and got up and told my professor, "I think I may be going into labor." He just freaked and said, "No, you have to go home right now—you cannot have this baby right here!" I thought, "Oh, my God, if I go home and have this baby and have to come back in the fall, I may not remember half of what I'd prepared for." I said, "If you just give me a few minutes to go to the restroom to lay down, I may be able to get this to relax." I went into the restroom and I literally had a heart-to-heart talk with my daughter. I said, "Don't you dare come out right now! This is not going to happen!" I was able to drink some water and felt better and I went back to the room. She was born two days later. She's now my law partner.

Carroll: Men would occasionally say unpleasant things to you. Somebody came up to one of my best friends in law school and made a nasty remark: "Now you've taken a space away from a man who needed to support his family." We got a lot of that stuff. They liked being able to say the reason they hadn't done well was because women were taking their places and women were taking over—not that they weren't very smart and they hadn't worked hard enough.

Chihak: Of course, you noticed [the lack of women]. Especially after coming from UCLA [undergraduate], where it was at least equal. It wasn't a disadvantage at all. It was fun. You got an extra measure of attention. But if I didn't show up, it was much easier to notice. So you were accountable.

JOB INTERVIEWS:



Marilyn Moriarty, Lewis Brisbois Bisgaard & Smith; Personal Injury - Medical Malpractice: Defense; UCLA School of Law, 1979: The job market when we graduated was not great for lawyers, but it was less so for women. If you were in that very, very top 1%, you maybe had

a better chance of getting a job, but the mid-level firms weren't really hiring.



Left: Brown graduating in 1976. "I don't know for sure how many women there were in my class, but I'd be surprised if there were more than 10." Above: Milner, with her daughter and law partner Tifany Markee, receiving an LL.M in 2005. The two had a memorable heart-to-heart 30 years earlier during Milner's law school finals.

Carroll: It was hard for women to get clerkships because most of the judges were men and most of the judges wouldn't hire women law clerks. But the D.C. circuit hired two law clerks every year called motions clerks. If any emergency motions came in, they would handle them. They would hire women for that job. I applied and got it.

Weiss: I went looking for a law-clerking job after my first year in law school. The people in law firms who interview you are often young, and they were all male, and one was really honest. He said, "How would you feel reporting to someone younger than you?" I think he meant a younger *man*. From then on, for these interviews, I would find a way to say, "I really respect experience," thinking that would overcome that awkward question and I might get a job. It didn't work.

Brown: The interviewer said, "I see you did very well in law school." He said, "Are you married?" I said yes. "Do you have any children?" I said yes. He asked me how old they were. At that point, they were about 9 and 11. And there was a pause and he said, "Do you think you can be both a mother and a lawyer?" I've never forgotten that.

Carroll: I interviewed and got a job at the National Labor Relations Board. The federal government was one of the first employers to hire women. Like a third of the people there were women.

EARLY JOBS

Moriarty: My first job out of law school was at the city attorney's office, where I was a prosecutor doing criminal cases at the age of 25.

Brown: I was offered a job as a federal prosecutor: U.S. attorney's office, Southern District of California. I was then one of—count 'em—two women.

Moriarty: I had moved up to the position of "Let's make a deal," to hand out plea-bargain agreements to resolve a case. It's more of a powerful position than just being a regular trial lawyer. A male attorney came in and wanted a certain deal that was outside the parameters we were told we could do. I said, "No, this is what

the offer is." He looked at me, smiled, and said, "No, I'll go down the hall and talk to Ted." Ted, of course, was the *male* chief of the division. And he got the deal he wanted from Ted. I remember being so infuriated that the chief had done that: "Why do you tell me these are the guidelines and then you overrule them?" The irony is that several years later, that other attorney became my husband.

Milner: When I graduated from law school, I went right back into the Navy. The Judge Advocate General's Corps was made up, at that time, of 700 lawyers, and there were only seven women. We were a tiny, tiny minority. We were really breaking down some barriers.

Moriarty: I started doing medical malpractice defense, and there was only one other woman attorney doing that. Those were the days when alcohol was served at lunch, and adjusters would want to go out and be wined and dined. I remember feeling uncomfortable about that process because I was still single and young.

IN THE COURTROOM

Moriarty: When I started as a prosecutor, three out of the five of us were women. One of the guys was very confident and had real bravado. He would come back from court and say, "I killed 'em on cross!" The three of us women were a lot more self-conscious and worried about how we did. It taught me early on that, first of all, lawyers that do trial work usually have pretty good-sized egos. But the men always think they do better.

Chihak: There were attorneys notorious for yelling or being very aggressive with opposing counsel. That wouldn't happen to me, especially not in front of a judge, because no one would yell at this young woman. They might yell at this young man but they weren't going to yell at this young woman. There were advantages like that. I've never had so many doors open for me as I do when I'm in a trial. All these men barge in front of you when you're walking into the deposition. Invariably, they'll hold every single gate open [to look good] in front of the jury.

“MY MOTHER’S COMMENT [ABOUT LAW SCHOOL] WAS, ‘YOU WENT ALL THE WAY THROUGH UNDERGRADUATE SCHOOL WITHOUT GETTING MARRIED, AND NOW *THIS?*’”

—Candace Carroll

Weiss: After a federal jury case—and it was a long trial—two women jurors pulled me aside and said they had this debate about whether I looked like the older woman lawyer on *L.A. Law* or the younger one—who was named Abby. I looked at them and said, “This is what you were talking about?” They laughed, a little embarrassed, and said, “Well, we do have a lot of downtime.”

Brown: It was thought at the time that women attorneys did not belong in the courtroom, they belonged doing juvenile law. At the conclusion of a jury trial—and I got a conviction, by the way—a woman [on the jury] stayed behind and I’ll never forget her comment. She said, “I have to say, it was wonderful having a woman prosecutor. Women are so much more believable.”

Milner: I was the staff judge advocate for the Naval Amphibious Base here in San Diego. I prosecuted a case with a girl—she was only 11—who had been sexually abused by a Navy chief. She was a daughter of a neighbor of his. He was stupid enough to take pictures of her in various stages of undress and took the film to the Navy Exchange. In the photography they processed, they saw something irregular and sent it up to the line of supervisors, and then it eventually got to the Naval Investigative Service. They determined there were sufficient grounds to believe this child was being sexually abused. He was a chief and getting ready to retire. They sent it over to my office and I prosecuted it and he was discharged on a dishonorable discharge.

Moriarty: I had a brain tumor [defense] case—a large tumor known as a meningioma. This woman in her 70s had gone to the doctor several times complaining of facial numbness. She’d also had some dental work recently done. Those were her only symptoms, so the presumption was, “Oh, it had to do with your dental work.” The doctor was an internist and referred her to another specialist, but nobody thought it was likely a brain tumor. Eventually, they did some CAT scans and discovered the tumor, but by that point it had grown considerably and so she was left with a lot of deficits. I remember thinking, “This is so defensible, in terms of the medicine.” And I had good experts who explained why you wouldn’t immediately do a CAT scan, you wouldn’t do an MRI. You wouldn’t expect it in this situation, she had no other symptoms. But the jury couldn’t get over the fact that she had a brain tumor that wasn’t diagnosed. The award was large. That was one of the few cases I actually lost.



The March Toward Equality

Year	% female first-year students	% female J.D.s
1950-51	3.5	3.0
1960-61	3.9	3.4
1970-71	10.3	8.6
1980-81	36.1	34.2
1990-91	42.2	42.5
2000-01	49.4	48.4
2010-11	46.1	46.8

Source: American Bar Association

CHANGES

Brown: In the early ‘80s, women were starting to look [to hire] other women professionals—doctors, lawyers. Women statistically had more divorce problems than real-estate problems, so I got a lot of female clients.

Milner: Nobody knew anything about immigration. It wasn’t even taught in law school. I bought two books and basically taught myself and started volunteering at one of the community centers. That’s how my practice grew.

Moriarty: In my practice group at the firm, over the years, I’ve had six top female attorneys who were some of the best attorneys I ever worked with, who ended up, after they had children, going with an in-house firm or corporation. Because they couldn’t do it all. Nor did they necessarily want to do it all, in the sense of being actively in trial. That’s still really unfortunate.

Weiss: For years now, women have been in leadership positions in San Diego’s bench and bar. We have a woman district attorney, a woman city attorney, a woman candidate for mayor. The not-so-good news is there’s an intractable statistic in the number of women equity partners in national law firms. It’s stayed around 21% since 2009. There are still pockets of misogyny. We can’t declare victory until we figure out how—either with laws or education or good examples—to get rid of those pockets.

Chihak: There are a lot more women in the law now. A lot more. It’s still predominantly men in the trial court, but that’s changing. There are a lot of women now doing personal injury. I attribute a lot of that to the fact that there are more women in sports. They’re learning to be competitive at an early age. They’re not intimidated by a contest.

Milner: There are no barriers to anywhere we want to go. Those days are over. 📌