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75 Years of Women at Fordham Law

The Ethics of Cloning
Building a 21st Century Library
Jesuits in Training
Women graduates from seven decades reflect on how the School of Law—one of the first in the country to admit women—helped launch their careers.

BY FRANCES A. MCCORMIS

The advertisement in The New York Times on Sept. 22, 1918, was not itself unusual—the law school placed a start-of-term ad in the Times every year—but it did contain a nearly unprecedented phrase: "Courses Open to Women."

It was a decision that had been made only a few weeks earlier, on Sept. 12, when, according to minutes of a law-school faculty meeting, "The Rev. Rector authorized the matriculation of women and ordered the insertion of this fact to be put in the newspapers." The move was the result of much debate among the school's all-male faculty and administration, with economic considerations apparently making the difference—men students were becoming a scarce commodity because of World War I.

Two weeks later, eight women strode into the Woolworth Building—then the location of the law school—and into Fordham's history. They joined 312 classmates.

The progress of the women of Fordham's School of Law School can be measured not only in numbers, but in the individual achievements of the nearly 3,000 alumnae who have graduated since those women entered. The story of women at Fordham Law is an inspiring one, and it continues today. At the end of a yearlong celebration commemorating 75 years of women at the school, another 179 women received juris doctor degrees as part of the 428-member Law Class of 1994.

As John D. Feerick, dean of Fordham's law school, wrote recently in the commemorative book, The Women of Fordham Law, the history of women at the school is "a story of many firsts, of many climbs from adversity, and of Fordham at its very, very best." When 119 members of the class graduated in 1921, only three of them were women: Patricia O'Connell, Mildred O'Connor and Ella Ralston, a transfer student from New York University School of Law. Ralston graduated with the highest standing in her section and was the first Fordham Law woman to pass the New York State Bar—a trailblazing accomplishment since, in 1918, there were only about 1,000 women lawyers across the country, according to U.S. Census Bureau statistics.

By the 1920s, law-school enrollment was expanding rapidly. At Fordham, it grew to as many as 1,600 students attending four sessions on...
Five generations. Law school alumnae, from left: Kathleen Dooley, '94; Marjorie A. Cadogan, '85; Maureen Scannell Bateman, '68; Irene K. Duffy, '57; and Grace Corcoran Kennedy, '40.
two campuses by 1935. There were more women enrolled at Fordham Law during the '20s than in the '40s, '50s or early '60s.

Today, women make up nearly 25 percent of the legal profession, which is fast approaching the one million mark in this country. And women lawyers, including those from Fordham, continue to enter every aspect of the law. At Fordham, women represented 42 percent of both the law school's graduates this year, and 42 percent of its entire enrollment—643 women out of a total of 1,529 students. Of 51 faculty members, 14 are female, eight of whom have tenure. Women professors make up 23 percent of the law school's faculty compared to 24 percent nationwide in 1991.

University Law School had been admitting women since 1889, only five female students were in attendance in 1918. Being admitted was only the first hurdle. Until at least the 1970s, law schools could be uncomfortable places indeed for women, who were usually a tiny minority of their class. Ellin Mulholland, Class of 1955, attended Fordham Law in the early '50s, when it was located at 302 Broadway, arriving after spending a year in France studying French on a Fulbright scholarship. She later became a name partner in a firm that is today known as Herzfeld & Rubin—after working for an insurance company and eventually maneuvering her way into the legal department, then moving on to her uncle's law firm as an associate. She found the law school "intimidating" because there were so few women. "I had always gone to all-girls' schools, she says. "So for me it was a very different experience." It wasn't an unprecedented one in her family, however. Her mother, Nathalie McCarthy, had been a member of the Class of 1927, and the tradition now extends to Mulholland's niece and namesake, Ellin Regis, a member of this year's graduating class.

A few years later, Geraldine Ferraro, Class of 1960, also found herself one of the few women students in class, as she attended the law school's evening division. In a 1993 article in The New York Law Journal, she recalled an admissions officer saying to her, "I hope you're serious about this, because you're taking a man's place." In fact, she was quite serious, and Ferraro didn't let such attitudes discourage her. Like many other women, she had turned to law as a second career. A schoolteacher and mother before entering law school, after graduation she became an assistant district attorney in Queens, the first congresswoman from that borough and, finally, in 1984, the first female vice-presidential candidate on a major-party ticket. After she lost the nomination for New York's Senate seat in 1992, she became a managing partner at Keck, Mahin & Cate, a Chicago-based law firm. Today, she also serves as President Clinton's...

Even in the late 1970s, women law students had to deal with dismissive attitudes. Georgene Vairo, Class of 1979, remembers that the manager of the now-defunct bookstore at the law school refused to hire her, saying that women could not move the books around. Vairo protested to Assistant Dean Robert M. Hanlon Jr., who ultimately reversed the manager’s policy.

Like the first group of Fordham women, Vairo inadvertently challenged any notions that women could not make the grade: She was ranked first in her graduating class, was an associate editor on the Law Review and won the National Moot Court competition with two teammates. After graduation, she worked for Skadden Arps for two years, then became the first law clerk to U.S. District Court Judge Joseph M. McLaughlin, a former Fordham Law dean. In 1982, she returned to Fordham as a faculty member, becoming associate dean in 1987. In 1988, she added the Dalkon Shield Claimants Trust Fund’s board chairship to her many duties, which included teaching on the federal courts, and on complex litigation. Vairo also became a recognized expert on Rule 11 of the Federal Rules of Civil Procedure.

Despite lingering resistance, women law students and lawyers were becoming commonplace around the country by the 1980s. And that has had a salutary effect on the law-school experience for recent generations of women students. Gone are archaic customs that patronized women as a class apart.

One of the most condescending of these had been “Ladies Day,” instituted in 1932 as an annual tradition. This was the one day in the term on which professors called upon their women students to answer questions in class. For the rest of the year, women were expected to be seen but not heard. The “tradition” faded away in later decades, as rising female enrollment and the achievements of the school’s women students turned it into an anachronism. “I listened to people who came before me talk about Ladies Day, and none of that existed by the time I got to Fordham,” says Christine DeVita, Class of 1980, and president of the DeWitt Wallace-Reader’s Digest Fund, a charitable organization.

Still, problems and prejudices against women lawyers persist. As Anne Vitale, Class of 1981, a senior vice-president and associate general counsel at Republic National Bank, says, “You have to prove yourself more.” Janice Smith, Class of 1990 and former president of Fordham’s Black Law Student Association, now works at the prestigious firm of Weil, Gotshal & Manges, but notes that she is often mistaken for a secretary or paralegal. “When I call people on the phone, I make sure I say I’m an attorney from Weil,” she says.

Until recent decades, law firms generally assumed that a woman would always place her husband’s career first; job interviews included as much discussion of family planning as of qualifications. Sadie Baris Turak, Class of 1932, for example, recalls one slight she received from none other than the first woman Secretary of Labor, Frances Perkins, who asked her: “If I give you a job what would I do with a man who had a family?” Turak, who had graduated near the top of her 150-member law-school class, went on to establish her own civil-law practice, and later became a New York administrative law judge. She still runs a solo law practice in Jackson Heights, Queens, at age 84.

Many other Fordham Law women have similar stories of opposition and eventual triumph. One of them is Lucille Polk Buell, Class of 1947, who was hired in the year she graduated by Hughes, Hubbard & Reed, becoming the first Fordham Law woman to break into the high-powered Wall Street ranks. Buell graduated first in her class—the first woman to do so—and was one of the first women to serve as editor-in-chief of the Fordham Law Review. (The first was Mildred Fischer, in 1934.) Her achievement is especially impressive because Fordham Law graduates, both male and female, did not begin to join the more prestigious Wall Street law firms in significant numbers until the late 1950s and early 1960s.

A Queens native who attended public schools, Brooklyn College and held a master’s degree in mathematics from Columbia University, Buell was appointed the first female Family Court Judge in Westchester by then-Gov. Malcolm Wilson, who graduated from Fordham Law in 1936. She later became the first woman elected a State Supreme Court Justice in the Ninth Judicial District in upstate New York.

Buell’s career as a law-firm associate, judge and, in 1972, as the first woman faculty member at Fordham Law, was not a straight and easy path, however. During her first year of law school, she married Richard Buell, now deceased, who was also a lawyer. When she became pregnant in 1952, she did what many well-educated women of that era did: “stayed home, period.” Only after her children grew up did she go back to practicing, teaching and the judiciary.

The ability to have both a work and a personal life, or to work while being a major caregiver in the home, remains a problem. Maureen Scannell Bateman, Class of 1965 and the first woman to serve as general counsel for U.S. Trust Company, recalls how she would stop by the office with a date on Saturday night when she worked as an associate for Davis, Polk & Wardwell. Once she even “fell asleep on a date at a Mexican restaurant” while a Mariachi band
Giving Back: Women's Financial Contributions Are Growing

One measure of women's growing importance and influence at Fordham Law is the amount of financial support they contribute to the school. As more women graduate and find that a Fordham law degree can be a ticket to a satisfying career, more are feeling the urge to give something back to the institution.

Most recently, Patricia M. Hynes, Class of 1966 and a name partner of the New York law firm Milberg Weiss Bershad Hynes & Lerach, made a gift of $100,000 to the Fordham University Campaign to establish the Patricia M. Hynes Endowed Scholarship for Women, which will be awarded each year to a woman law student who has demonstrated both academic achievement and financial need. Hynes has served as the chairperson of the 75th Anniversary Committee during the law school's yearlong celebration.

Another prominent donor is a woman who found her Fordham degree helpful in her current career—the theater. "My law school education and professional legal career gave me confidence to move into this new career and be comfortable in it," says Margaret Hill Rosenkranz, LAW '64, producer of the Broadway shows Marvin's Room, Jelly's Last Jam and Oleanna. Negotiating contracts, managing budgets and arranging publicity are the business of producing, and a law degree is extremely useful, she finds.

Earlier this year, Rosenkranz expanded on an existing financial commitment to the law school by creating the Margaret Hill Rosenkranz Endowed Scholarship for Women through a $50,000 gift. The scholarship will be awarded each year to a woman student of the School of Law who has demonstrated both high academic achievement and a commitment to social responsibility.

Another supportive alumna is Maureen Scannell Bateman, LAW '88, who has pledged $50,000 to the law school to create the Daniel T. Scannell Scholarship in honor of her father. Bateman is the senior vice president and general counsel at the United States Trust Company of New York; her father, who graduated from Fordham Prep in 1931, Fordham College in 1935 and the School of Law in 1940, was general counsel to the New York City Transit Authority. Her sister, Joan P. Scannell, LAW '74, and her brother, the late Robert E. Scannell, joined her in making the gift.

Many other women have contributed in support of the law school, including Mary M. McDonald, LAW '69, Ellis M. Mulholland, LAW '55, Rosemary B. Orr, LAW '79, and Loretta A. Preska, LAW '73, and Anne Vitale, TMC '70, LAW '81.

played. With her husband, Frank Bateman, Fordham Law Class of 1967, she has a 6-year-old son, Daniel, and she says she does not know how people with more than one child manage.

Jacqueline Silbermann, Class of 1972 and a New York City Civil Court Administrative judge, knows how. When she entered law school at the age of 31, she was already a mother of two and heading into her second career. Marriage and children had deferred her dreams of a legal education, and she chose Fordham's evening division so she could be home during the day with her pre-school aged children. "There is always a pull between the choices," she says. Despite the growing influence of feminism in the early 1970s, there were still only 10 women in Silbermann's class. Even before graduation, she began working at Skadden, Arps, Slate, Meagher & Flom, but "at Skadden, I was staying very late and working occasional weekends and the children were not reacting that well to it," she says. She left, becoming a court attorney for a judge for five years before taking over her father's law practice. She then ran for New York City Civil Court in 1983.

The rise of the contemporary women's movement in the 1970s, combined with changes in the U.S. economy that encouraged more women to consider careers, had a huge impact on the legal profession. At Fordham Law, the 1970s produced many women graduates who have gone on to become academicians, associates and partners in large law firms, public interest lawyers, prominent prosecutors, and respected judges [see story, page 12]. Among the latter group is New York City Family Court Judge Cira A. Martinez, Class of 1979, who recalls her evening classes as grinding. "I was learning a new language. English being my second language, it was quite hard," says the Cuban-born judge who was appointed to the bench by former New York Mayor David Dinkins.

The '70s seemed to be a rewarding time for such determined women, who were finding that the legal profession's doors were opening wider for them.

One legal career in which the women of Fordham Law have excelled is that of prosecutor. Laura A. Ward, for example, a 1978 graduate and an assistant U.S. Attorney in the Eastern District of New York, became the only woman prosecutor to help put the nation's most notorious organized crime chief, John Gotti, behind bars. The first female president of the Student Bar Association, Ward had joined Skadden, Arps after graduation, doing securities litigation. But in 1983 she decided to shift gears, and joined the Organized Crime Strike Force, a prosecution unit for the Eastern District of New York.

Ward served there until the first series of trials against the Gambino crime family ended in December 1987. Then, after a year with the State Attorney General's office doing securities fraud work, she "begged" Andrew Maloney, then-U.S. Attorney for the Eastern District, to let her work for him. "I'm a big supporter of Laura Ward," says Maloney, Fordham Law Class of 1961, who is now with the law firm of Brown & Wood. "She lives for the job and particularly organized crime work. No one has more enthusiasm."

The enthusiasm shows. "Every day is like opening up a spy novel," Ward says—words confirmed by the decor of her Brooklyn office. News clippings about mobsters and trials line the walls, along with pictures of her father, U.S. District Court Judge Robert Ward, and her colleagues. Also on display is the U.S. Attorney-General's Award for Distinguished Service, given to Ward for prosecuting Gotti. She was in charge of the grand jury and admits to being "nervous" about putting Salvatore Gravano, Gotti's right-hand man and an admitted killer, on the witness stand. She felt the prosecution's surveillance tapes were enough—tapes on which the mob-
TERM: ‘Wise guys don’t care to be prosecuted by a woman,’ observes a 40-year-old prosecutor.

Like Ward, Janice McKenzie Cole has thrived as a prosecutor. A 1979 graduate and the first African-American woman to become U.S. Attorney for the Eastern District of North Carolina, she earned her undergraduate and master’s degrees in public administration at John Jay College. At the same time she worked in Brooklyn as a police officer. Laid off in 1975, she returned to John Jay as a researcher and attended Fordham Law at night. As president of the Black Law Students Association, she established the Ruth Whitehead Whaley Dinner, which honors the first African-American woman to attend Fordham Law. After graduation, she worked as a federal prosecutor, then moved with her husband, James Carlton Cole, to his home state of North Carolina.

They settled in the rural town of Hertford. “I went and set up a private practice and eventually was successful at it,” she says. Her husband joined her in the practice after receiving his law degree in 1987. Three years later, she ran for judge in a seven-county region where a woman or African-American had never been elected to the bench. She defeated three white men in the Democratic primary, and a fourth in the Democratic primary and a fourth in the election. Last February, at age 47, she became one of 93 U.S. Attorneys in the country, only three of whom are African-American women. Cole now directs a staff of 25 prosecutors and a budget of $3.5 million.

The accomplishments of Fordham Law’s female graduates have not come about in a vacuum, of course; they have expanded with a greater, though still limited, openness to women and minorities in the legal profession.

Recent graduates have not come up against all the obstacles that alumnae of earlier generations had to face. They now fare nearly as well as the men, in terms of job offers from prominent firms and federal clerkships, according to the placement office.

At the school itself, women faculty members are growing in number while adding distinction to the school. And alumnae are among them. Beside Vairo, there is Associate Professor Gail Hollister, Class of 1970 and a staff member of the Law Review while a student, who joined the faculty in 1977. She became the second woman to be granted tenure at Fordham Law, and was appointed assistant dean of student affairs. Associate Professor Mary C. Daly, Class of 1972, teaches professional responsibility and constitutional law while serving as director of the Stein Institute of Law and Ethics.

Then there are such outstanding scholars as Associate Professors Tracy Higgins, who teaches on feminist legal principles, and Deborah Denno, who conducts a rape-law seminar. Associate Professor Deborah Butts, who teaches family law, was recently confirmed by the U.S. Senate as a federal judge in the Southern District of New York.

Professor Maria Marcus, the second woman to become a tenured full professor, moderates the moot court program.

Vairo credits her return to the faculty to her role model and mentor, Professor Sheila Birnbaum, the first woman to gain tenure at Fordham Law. Like Birnbaum, Vairo has served as a role model for women she has taught. In her cluttered office on the second floor of the law school, which overlooks the library and has a view of the atrium, she meets often with students to offer expertise and encouragement.

Nancy Mangone, Class of 1986 and a senior attorney for the U.S. Environmental Protection Agency in Denver, Colo., recalls that she “found some connection” with the associate dean, whose humor, sometimes self-deprecating, calms anxious students. “I just found a lot of what she had to say interesting. I still send her little notes and law review articles I’ve written,” Mangone says.

Although many such informal networks of women graduates have emerged, the school is now developing a formal mentorship program, in which 1994 graduates are paired with more senior attorneys. It is all part of the ongoing process of making women equal participants in the school, as students, faculty members and alumnae.

Together, the women of Fordham Law have made an essential contribution to what is becoming a legal institution of national stature. They are a resource that the school can not afford to take lightly. As Dean Feerick says, "Their good will and dedication will remain critical assets as our school's national reputation grows."