

Clara Foltz Entry:

Yale Biographical Dictionary of American Law

FOLTZ, Clara Shortridge (16 July 1849-2 Sept. 1934) women's rights activist, founder of the public defender movement. Clara Foltz's public life started when she was almost thirty, and her husband left her with five young children to support. To keep her family together, she needed more income than traditional women's work could supply. Acting on a long-deferred dream, Foltz decided to become a lawyer—she would be the first woman at the California Bar.

Initially she had to contend with the law providing that only white males of good character could be attorneys. Aided by a small band of sister suffragists, Foltz lobbied her Woman Lawyer's Bill through the legislature. On 4 September 1878, she was sworn in to the Bar; her story generated nationwide publicity, and a sobriquet she liked: the "Portia of the Pacific."

Foltz and her friend Laura Gordon, soon to be California's second woman lawyer, decided to improve their skills by studying at the new law school, Hastings College of the Law, the first in the state. Denied admission on account of their sex, the women sued, representing themselves. Though they eventually prevailed, both were too busy to attend by the time the decision came down. Their victory was magnified, however, because the state's 1879 Constitutional Convention, influenced by the lawsuit and the suffragist's lobbying, adopted two unprecedented clauses guaranteeing women's access to employment and education.

Though occasionally she was also an editor and an orator, Clara Foltz made her living as a lawyer. She practiced for fifty years, arguing to juries at a time when she was often the only woman in the courtroom. When an opponent tried to use her sex against her, Foltz delivered this stirring credo.

I ask no special privileges and expect no favors, but I think it only fair that those who have had better opportunities than I, who have had fewer obstacles to surmount and fewer difficulties to contend with should meet me on even ground, upon the merits of law and fact, without this everlasting and incessant reference to sex.

Foltz worked all her life for women's rights, and was one of the few "original" suffragists who lived to cast a legal ballot. Her greatest achievement, however, was her conception of a public defender. Speaking at the Congress of Jurisprudence and Law Reform in 1893, she drew on her own observations in the criminal courts to paint the injustice of the powerful state against the uncounselled accused. Foltz went on to wage a long campaign—writing articles, giving speeches, lobbying a public defender statute she drafted in legislatures from New York to California. In 1921, California enacted the "Foltz Defender Bill."

Clara Foltz was a famous first-woman in her day, with name-recognition of a kind few practicing lawyers attain. Yet in terms of wealth and influence, she could never reach the

upper levels of the profession or achieve the prestige she sought. The sex discrimination was simply too strong. Instead, her efforts paved the way for a more just and equitable profession. Modern lawyers have honored her efforts in two ways. At the instance of its women students, Hastings granted a posthumous degree of Doctor of Laws in 1991, and in 2002, the Los Angeles Criminal Court building, where public defenders represent most of the accused, was named for Clara Shortridge Foltz.

Barbara Babcock, "Clara Shortridge Foltz: `First Woman,'" Arizona Law Review 30 (1988), and "Clara Shortridge Foltz: Constitution-Maker," Indiana Law journal 66 (1991). Clara Shortridge Foltz, *Public Defenders; The Rights of Persons Accused*, 48 Albany Law Journal 248 (1893); *Public Defenders*, 31 American Law Rev. 393 (1897).