

University of Kentucky

UKnowledge

Law Faculty Scholarly Articles

Law Faculty Publications

1996

"Some Kind of Lawyer": Two Journeys from Classroom to Courtroom and Beyond

Terry Birdwhistell

University of Kentucky, tlbird@uky.edu

Follow this and additional works at: https://uknowledge.uky.edu/law_facpub



Part of the [Legal Education Commons](#), [Legal History Commons](#), and the [Legal Profession Commons](#)

[Right click to open a feedback form in a new tab to let us know how this document benefits you.](#)

Recommended Citation

Terry Birdwhistell, *"Some Kind of Lawyer": Two Journeys from Classroom to Courtroom and Beyond*, 84 Ky. L.J. 1125 (1996).

This Article is brought to you for free and open access by the Law Faculty Publications at UKnowledge. It has been accepted for inclusion in Law Faculty Scholarly Articles by an authorized administrator of UKnowledge. For more information, please contact UKnowledge@lsv.uky.edu.

"Some Kind of Lawyer": Two Journeys from Classroom to Courtroom and Beyond

Notes/Citation Information

Kentucky Law Journal, Vol. 84, No. 4 (1995-1996), pp. 1125-1152

“Some Kind of Lawyer”: Two Journeys from Classroom to Courtroom and Beyond

EDITED BY TERRY BIRDWHISTELL*

Following graduation from the University of Kentucky College of Law in 1952, Norma Boster Adams worked briefly as a legal secretary and eventually began practicing law in Somerset, Kentucky. One day a man came into her office and announced, “I’m looking for a lawyer, and they tell me over at the bank that you’re some kind of lawyer.”¹

Almost thirty years later, Annette McGee Cunningham began work for the Legal Services office in Lexington following her graduation from the University of Kentucky College of Law in 1980. In a Lexington courtroom, the presiding judge told her, “Counselor, the next time you come here you have to wear a tie.”²

In January 1996 a panel of the American Bar Association released a report concluding that “discrimination continues to permeate the structures, practices and attitudes of the legal profession.”³ It has been

* University Archivist and Director, Oral History Program, University of Kentucky Libraries. B.A. 1972, Georgetown College; M.A. 1974, M.A. 1978, Ed.D. 1994, University of Kentucky. The author is a past-president of the Oral History Association. The author wishes to thank Carolyn Bratt for first suggesting this project and for assisting in all aspects of its completion. Marsha Milby Ridings, the current and first woman president of the Kentucky Bar Association assisted in locating prospective interviewees. Jeffrey Suchanek read both interviews and made important editorial suggestions. Finally, the author wishes to thank Norma Boster Adams and Annette McGee Cunningham for their willingness to participate in the interviews.

¹ Interview with Norma Boster Adams, in Lexington, Ky. (Sept. 19, 1995). Alumni/Faculty Oral History Project, Special Collections and Archives, Margaret I. King Library, Lexington, Kentucky.

² Interview with Annette McGee Cunningham, in Dayton, Ohio (Dec. 1, 1995). Alumni/Faculty Oral History Project, Special Collections and Archives, Margaret I. King Library, Lexington, Kentucky.

³ Aaron E. Knight-Ridder, *Female Lawyers Still Face Bias*, LEXINGTON

a long journey in women's efforts to obtain equity in both law schools and in the legal profession generally. Unfortunately, the journey is far from over.

The University of Kentucky College of Law opened its doors in the Fall of 1908 with a Dean, two part-time instructors and thirty law students, none of whom were women. The first woman enrolled in the college two years later in 1910 but she remained in the law program only one year. In the fall of 1913-14 the college's second woman student enrolled and by 1916 a total of four women took law classes. When she received her law degree at the 1917 commencement, Lela Madesin Phillips became the law college's first woman graduate. Between the World Wars, enrollment of women in the college fluctuated between two and seven, except in 1927 when no women attended.

During the Second World War men's enrollment declined dramatically throughout the university while women's enrollment declined only slightly. This caused women to represent a much greater percentage of the total student population. In the law college men's enrollment dropped from a prewar high of 164 to only thirty male students in the midst of the war. At the same time women's enrollment held steady at roughly four or five students annually. As veterans returned home after the war the number of men in the law college quickly escalated to 250, reaching nearly 400 by 1950. Meanwhile, the number of women law students peaked at ten in 1946-47 and gradually slipped back to only five students in 1954-55. By 1952, 1149 students held law degrees from the University of Kentucky. Only thirty of those graduates were women.⁴

Equally troubling, even those few women who persevered and earned the right to practice law found few professional legal opportunities upon leaving the confines of academe. Graduates like Lela Madesin Phillips (class of 1917) and Chloe Gifford (class of 1923) went on to have outstanding, even nationally recognized careers, but not as attorneys.⁵ A

HERALD-LEADER, Jan. 8, 1996, at A1.

⁴ EZRA L. GILLIS, *THE UNIVERSITY OF KENTUCKY, ITS HISTORY AND DEVELOPMENT: A SERIES OF CHARTS DEPICTING THE MORE IMPORTANT DATA, 1862-1955*, at 12-17 (1956).

⁵ Phillips (1881-1955) served as President of the National Federation of Business and Professional Women's Clubs from 1926 to 1929. In 1930 she became president of the newly created International Federation, a post she held until 1947. Phillips also served as President of the National Council of Women of the United States and in 1933 presided over the International Congress of Women held in conjunction with the Chicago Century of Progress Exhibition.

world in which women students comprised at least half the student population would come, but not until the last quarter of the century. A world in which women law graduates could expect the same professional opportunities as male graduates has yet to arrive.

Even more elusive and slower coming than gender equity has been equal opportunity for African-Americans, both women and men. African-Americans won the right to attend the U.K. College of Law by the late 1940s. Ollen B. Hinnant became the first African-American graduate of the college when he received his degree in 1955. It was another seventeen years until Beverly J. Odom became the first woman African-American graduate. Between 1972 and 1980, only eight African-American women graduated from the U.K. College of Law. These women, like the white women who preceded them, found legal employment an even more difficult barrier to surmount than issues of access and equity within the College of Law.

Twenty-eight years separated Norma Adams (class of 1952) and Annette Cunningham (class of 1980) at the College of Law. They faced different obstacles and chose varied paths to success. While each can speak only for herself and her distinct experience, their life stories touch upon the experiences, the hopes, the setbacks and the achievements of most women who attended the U.K. College of Law. A fuller understanding of sexism and racism and for the slow process of change await further analysis by scholars. But for now, the recollections of Norma Adams and Annette Cunningham offer a glimpse into that debate.

I. AN INTERVIEW WITH NORMA BOSTER ADAMS⁶

Birdwhistell: In the [University of Kentucky] yearbook you are listed from Russellville. Is that your hometown?

Adams: I went to school in Russellville the last two years that I was in high school. Actually I only lived in Russellville those two years, but

Following graduation from U.K. Chloe Gifford (1901-1982) taught and served as Dean of Women at Sayre School in Lexington. In 1940 she became Director of Community Services at the University of Kentucky. Gifford served as President of the General Federation of Women's Clubs from 1958 to 1960. She was appointed by Governor Edward T. "Ned" Breathitt as Chair of the 1964 Governor's Commission on the Status of Women.

⁶ Norma Boster Adams, a 1952 graduate of the U.K. College of Law presently practices law in Somerset, Kentucky with the firm Adams and Adams.

that is where I finished high school. I was born in Providence, Kentucky, in western Kentucky.

Both my parents were from Providence. I lived in Greenville and Central City for short periods of time and then moved to Owensboro and stayed there until I started the eighth grade. In the eighth grade I went to the Bowling Green Training School, the high school known as College High that was run by the university [Western Kentucky State Teachers College]. I was there for my eighth grade and freshman year and then went to Russellville and finished high school in two years. I was only sixteen when I finished high school. [I] then went to Western for two years, and then to the University of Kentucky Law School. At that time I think anyone could have gone with sixty hours or whatever the number of semester hours. We were called the “two-year wonders,” a few of us, because so few people did it. But I don’t think it was anything real special. Larry [Laramie] Leatherman, who later became the senior attorney for the Greenebaum firm, and I [both] graduated at twenty-one from law school.

Birdwhistell: Let’s go back for a second. [When] you were moving around these communities in western Kentucky, what were your parents doing?

Adams: My father had begun getting trucks and leasing them, which a lot of people do today. He had very little education, but was a very good businessman. He would buy trucks and get drivers for them and started something of a trucking company. Then he came to Owensboro and worked for Whitney Transfer Company and [he] later became a part owner and sold out, went to Bowling Green and started a moving company, Dave Boster, Incorporated.

Birdwhistell: What about your mother’s background?

Adams: My mother came from a farm family. Actually, her father had been licensed to practice law, but he was not practicing when I was young. However, he encouraged me.

Birdwhistell: And where did he live?

Adams: In Providence on a farm. His name was Skinner, Ben Skinner.

Birdwhistell: So he had studied law with an attorney?

Adams: That's right. He had read law, apprenticed, and was very bright. All of that family was well read and put great stock in reading. I have a copy of a newspaper from the early 1900s and it had pictures of people teaching in Webster County. Five of those people were either my grandparents or their brothers and sisters. So they were a family of teachers. The women were teachers. My mother was not a teacher.

Birdwhistell: Now how far did your mother go in school?

Adams: She graduated from Providence [High School]. Actually they lived in the Webster County district, but she boarded [in] Providence and went to school.

Birdwhistell: In moving around all these elementary schools, were you a pretty good student?

Adams: Actually I only went to one elementary school. I went to the Lee Elementary School in Owensboro. Yes, I was a good student when I went to school.

Birdwhistell: What was the experience at University High like for you?

Adams: I was a very good student there. I think probably that until I went to law school that was my best academic experience and I think I understand that. I have an analytical mind and I don't memorize well. At that time they were doing more with thinking through problems and so forth and I did enjoy it. My parents were willing for me to stay there and live in the dorm and finish at College High School, but I decided not to.

Birdwhistell: Do you remember why you ended up at University High?

Adams: Oh, I think my mother felt that it would be a better place for me to be. She was interested in my education very much.

Birdwhistell: I see. What about brothers and sisters?

Adams: I have one brother, and he's ten years younger.

Birdwhistell: So you ended up going to Western State Teachers College for two years, is that right?

Adams: That's right. I started in 1948 and stayed until the fall of 1950.

Birdwhistell: And was that a real positive experience for you, in terms of college education?

Adams: It was positive. I think Western had some very good teachers at that point. I remember having classes under Gordon Wilson and Miss [Frances] Richardson, who taught history or English, I'm not sure. I remember mostly history and English teachers. I actually had a lot of hours in physics, but I don't remember that very positively. [chuckle] I remember, though, good experiences with English and history. And I worked on the newspaper, the *College Heights Herald*. That was a good experience.

Birdwhistell: Did you live with your family while you were in college?

Adams: I did. My parents were divorced by that time.

Birdwhistell: Before you went to college?

Adams: While I was in high school.

Birdwhistell: So did you live with your mother?

Adams: Yes, I did.

Birdwhistell: And did your father stay in Bowling Green?

Adams: He was in Bowling Green, too. My mother then remarried and went back to Russellville. By the time that I came to the University of Kentucky my mother was living in Russellville. I guess I considered that my primary home and I had graduated from high school in Russellville.

Birdwhistell: So you're at Western and you make a decision to then go to the University of Kentucky. How did you come to make that decision?

Adams: Well, I wanted to go to law school and it really wasn't that hard to go to law school at that time.

Birdwhistell: Why did you want to go to law school?

Adams: Well, my grandfather had talked about it, that he thought it was a really good education. I don't think I really thought I would ever practice law.

Birdwhistell: Why?

Adams: I don't know. It's hard to go back. I had no burning desire to practice law, really, at that point, but I liked what I heard about legal education.

Birdwhistell: What did you hear about legal education?

Adams: That it was a really good way of learning to think, and think positively and analytically, and was a good background for lots of different kinds of education. I know that sounds strange but I think that's really what I had in mind at that point. And I did not know any women who practiced law.

Birdwhistell: Did you know any women with law degrees?

Adams: Yes. Living in a small town you know lawyers that you go to church with and so forth.

Birdwhistell: So there were women with law degrees in Bowling Green?

Adams: Oh, no, no, no, not women!

Birdwhistell: Oh, you mean men?

Adams: I mean men. [chuckle] No, I didn't know any women with law degrees.

Birdwhistell: So your grandfather was still alive at this time when you were deciding to go to law school?

Adams: He died when I was a freshman in law school.

Birdwhistell: And so, just him talking to you about the law, stimulated your interest.

Adams: And then my mother talked about it, too, I think. We all sort of talked about it. I wasn't real . . . my father didn't want me to teach, I remember that. He kept saying, "Don't be a teacher." I don't know why he felt so strongly about that.

Birdwhistell: How did you feel about it?

Adams: I think probably I thought I would end up teaching.

Birdwhistell: So many women who end up going into non-traditional fields are either only children or they're the oldest. And of course, not only are you the oldest, but then you have a ten-year gap, so it's very much like being an only child for ten years in that sense.

Adams: For all practical purposes, I [was] an only child. I read once that the common denominator among women who succeed in non-traditional fields is that their fathers took them to work with them, and that was true for me. It just was amazing to me when I read that. I thought, "Well, that's true." He took me to the warehouse with him, and I could write bills of lading when I was very young. I was very much at home on the docks with the truck drivers. So I think that gives you a sense of being at home in situations that maybe . . . and that's all changed so much today because women are involved in all fields. But at that time, that would have been certainly true. And I was never aware of that at all. Nor was I really aware that he had been an influence in my going into a non-traditional field. He has now died. My mother is still living.

Birdwhistell: I am curious [about] your reaction to your parents' divorce in terms of how you felt about your future at that point. Can you remember thinking differently about what you had to do to then to take care of yourself or to plan for your future? Did that cross your mind at all?

Adams: No. It didn't. I was sorry that they were getting a divorce, but I don't think I felt it would affect my future.

Birdwhistell: It was not threatening?

Adams: No, it was not threatening.

Birdwhistell: So you decide to leave Western and go to U.K. Now, as I understand this, when you applied to U.K., you actually applied to the law school?

Adams: That's right. The only thing I can remember doing was sending thirty-five dollars and a transcript. I think that everyone who applied, and had a certain number of hours of college work, was accepted. I'm sure you had to have a "C" average. But other than that, if there were any standards, I don't remember them. And you had to have two years' work in any field. You didn't have to have any major. It was really a very easy [chuckle] school to get into.

Birdwhistell: In the post-war setting [with] a lot of the veterans and tremendous growth in enrollment, here you are a woman student at a teachers college finishing two years and then moving directly into the law school without any . . . seems like there are no barriers, no road blocks in any form or fashion.

Adams: I don't think there was. The only road blocks were the ones that women had placed there for themselves. [chuckle] I don't think there were road blocks if you chose to do that. I remember being disappointed there were no other women in the class. There were two in the class ahead of me, but there were no other women in my class. I was a little disappointed in that because I had expected that there would be one or two more women. I doubt if even the law school knew the makeup of the class until everybody registered because I remember people registered right up to the day we started the class. We were a fairly small class, even in the beginning. I think there were sixty or sixty-one of us. I joined a sorority and moved into the sorority house. [Alpha Gamma] Delta.

Birdwhistell: Where was that sorority house then?

Adams: It was on Maxwell Street. Actually the Kappa House is in that house now. A beautiful old house.

Birdwhistell: Did you come early that fall to pledge?

Adams: Yes, went through rush. As an incoming law student I was treated as a transfer student. [I] lived in Sayre Hall where many transfer students lived. Where Sayre School is now. It's on North Limestone. It was women's housing and primarily transfer students. And most of them had come from two-year girls' schools [like] Sweet Briar [or] Randolph-Macon.

Birdwhistell: Were there any other graduate students living with you at the time?

Adams: Not that I remember. I don't think so.

Birdwhistell: Now when the people living there with you at Sayre Hall asked you, "Norma, what are you majoring in?" and you said, "I'm in law school," was there any reaction?

Adams: Yes. They'd say, "Really?" [laughter] That's about it. [laughter] "Really?"

Birdwhistell: Think back to that first week and tell me what that was like. You're the only woman in the incoming law school class, you're young, and you're new to town.

Adams: I can remember registering in the lobby of Lafferty Hall, and paying fees when I registered. I remember the first orientation in what we called the courtroom in Lafferty Hall. It was a room that had seats in a semi-circle and a sort of an arena setting. That was a little bit frightening. Some of the professors talked with us — the old story of look to the right of you and look to the left of you and only one of the three of you will graduate. They really said those things. You hear them, but they really said that. It was true, and that was a little frightening. Although I think I had a great deal of confidence in my academic ability. I really wasn't terribly afraid that I wouldn't graduate if I chose to. I don't know why I had that much confidence, but I did. I worked very hard that first semester. And I remember there was a young man I had known as a child, named Charles Carnes. He and I had known each other in Owensboro. Our mothers had been close friends. He was in the class and was actually four years older than I. I was really glad to see him because he was someone I knew. He was married and that was sort of nice. I

believe he ended up being the number one graduate in our class. He now teaches at the University of Arkansas Law School and has for many years. But he was the only person I knew.

I had had a blind date . . . this is a little bit interesting. I had two roommates from Paducah, Bobbie [Barbara A.] Stivers and Tillie [Matilda A.] Metzger. They were cute and funny. Bobbie was pinned to a Sigma Chi and she said, "I'll call the house and get Bob to bring a couple people and we'll go out on a date." So she did. One of them was a law student and it turned out that's the man I married. So I met him on the first night. But we did not date continuously after that. I wanted to go with the other boy and he wanted to go with the other girl. We didn't really click. When he found out I was in law school, he said, "Oh no!" because he had been engaged to another law student [chuckle] the year before. The last thing he wanted was to get involved with another law student. So it was very difficult for us eventually to get back together. Among the people I dated that first year and was really close friends with and was very, very helpful to me was Bob Stephens, who became the Chief Justice of the Supreme Court. He was a third-year student. We've been friends ever since. And I dated a few people who weren't in law school. But I really studied very, very hard the first semester. I can remember sitting up on Friday nights and Saturday night. And we had Saturday classes, too. All law students had Saturday classes. You could not arrange a schedule without a Saturday class as a freshman law student. That was not permitted. That kept you on the campus.

Birdwhistell: How did you get back and forth from Sayre Hall to the campus?

Adams: We walked, unless it was really cold or terrible, and then we took the bus up and down [Limestone] Street. But normally we walked.

Birdwhistell: So you would just go over [to the campus] and expect to spend the day?

Adams: That's right. Carrying the books was the only thing that was tough about it.

Birdwhistell: Did you have lockers in Lafferty Hall?

Adams: We did. Well, we girls didn't even have to have lockers because we had this little tiny lounge. We left what we wanted to there.

We had no worry at all about anything happening to the books. So we would study in the library and if I didn't have to take that book back to the dorm with me, I'd leave it in the little lounge. It was probably six feet by ten feet, and it had no window [chuckle]. We have a wonderful story about Dean Elvis Stahr. We were complaining that it was so hot and stuffy in the lounge. We went to see Miss [Mary] Dunne, who was Elvis Stahr's secretary, and we told her. She said, "Well, why don't you tell the Dean about that?" So we went in to see the Dean and he looked at us and said, "Well, why don't you open a window?" Of course, we were at least one room removed from any exterior walls. We just sort of said, "Oh," and we gave up. [chuckle] And we stayed in our lounge.

Birdwhistell: Did the men students have their own lounge area?

Adams: They did. It was actually called the Student Lounge, I think, but we just didn't go down there. [laughter]

Birdwhistell: It wasn't called the Men's Lounge, it was the Student Lounge?

Adams: The Student Lounge, that's right.

Birdwhistell: And you never went there?

Adams: We never went down there. [chuckle] That's interesting. I forgot. I never thought of it in those terms, but that's the way it was.

Birdwhistell: You said that there were two women students ahead of you? So there were just three women students that you recall?

Adams: There was one woman in the class who was a senior, but she rarely was around. She would come to class and leave and I can remember that her first name was Bonnie [Patricia Evans]. I can't remember her last name.

Birdwhistell: So that would be four total?

Adams: Four total.

Birdwhistell: Were there women students in classes after you?

Adams: Yes. But they were not there that first semester, of course. There were five of us whom I really considered that were very close. Mary Osborne and Anne Woods were one year ahead of me. I was in the middle and then Dianne McCabe and Virginia Roberson were in the class below me. The five of us were close and really remained in contact through our lives. Only two of us are living at this point. Dianne was really successful. She became the first woman who was a vice president of Coca-Cola International. She was director of, I'm not sure what the department is, Department of Labor dealing with women, whatever that is. She was director of Consumer Affairs for the State of Michigan. She and I, particularly, remained relatively close. She was in Atlanta with Coca-Cola during the years that my children were in prep school at Westminster in Atlanta, so we really renewed the friendship. And she did come back to visit me probably about ten years ago and stayed for two or three days. She was really bright and articulate.

Birdwhistell: So there was this bonding, if you will, among the women students?

Adams: Oh, very much so.

Birdwhistell: And I assume you would rely on each other for support, encouragement and sympathy? [chuckle]

Adams: That's right. That's right.

Birdwhistell: I was going to ask you this question and this seems like the appropriate time. I'm thinking about the young woman who is trying to become the first woman cadet at the Citadel. Eventually she was accepted and then within a short period of time drops out because being the only woman there was just too difficult. In following that story in the news, did you think back to your days in the law school and did you make any connections between those two stories?

Adams: No. Not really. No. It wasn't that kind of a situation. I mean, there was certainly no resistance to our going to law school like there was resistance to her going to The Citadel. And it was not an entirely new experience. It might have been rather unusual but it wasn't . . . I don't think I could equate that at all.

Birdwhistell: But if you'd have been the only woman in the law school, I guess it would have been a little different for you.

Adams: I think it would have been different if I had been the first woman in the law school. But the big thing is there was no resistance. She met such resistance.

Birdwhistell: [The] first semester of any kind of graduate program, or professional school, has to be a little tough. You're learning the ropes, learning the routine, getting to know the faculty. You said you entered with great confidence. Did you ever have any moments when you thought maybe I'm in the wrong spot here?

Adams: Oh, I'm sure that I did. I'm sure that I worried and did some real worrying about the finals, because your whole grade was that one test in law school. I think that's still the same way. You write one exam and that's your grade. I remember that we had a mid-semester sort of warm-up for the final test. We did a test and I didn't do real well on that as I remember. I had some B's and C's and a D. I was a little concerned about that. But I learned my lesson well because I ended up [with] the third highest grades for the first semester. By today's standards that was not real high. I think I had one "A" and the others "B." But the grading system in law school at that time was just unreal. One interesting thing that happened [was] normally they took the persons with the top two grade averages onto the *Kentucky Law Journal* from the freshman class. Well, that year they took the top three. In everybody's opinion it was because they would get the first woman on the *Law Journal*.

Birdwhistell: Who do you think made that decision?

Adams: Probably the faculty in conjunction, maybe, with the senior editors of the *Law Journal*. I don't know. But that's the first and only resentment I think I ever felt. There was a little bit of a murmur at this point. Well, this was done to . . . I remember when the selections were posted, of freshman who would be joining the *Law Journal* staff, and there was a little bit of that, you know. That they've reached below the usual persons in order to pick up a woman on the *Law Journal*.

Birdwhistell: How did you deal with that?

Adams: With the resistance? I don't think it bothered me. I don't remember it bothering me. But you know, sometimes you just don't choose to think about things that might have bothered you.

Birdwhistell: But you were pleased to have that opportunity?

Adams: I was very pleased to have that opportunity and enjoyed being on the *Law Journal* and writing.

Birdwhistell: You were business manager?

Adams: Yes, I was business manager. I also was Note Editor. I did both.

Birdwhistell: That was a fairly influential position on the *Law Journal*.

Adams: Well, probably more influential today because of the large staff that they have. The staff was small then. I think the Note Editor's job, which I believe I did my third year, probably was a higher position in the course of things. I believe Charlie Carnes did end up being the editor and I don't think that he made the *Law Journal* the first semester.

Birdwhistell: Did you aspire to be the editor?

Adams: Oh, I probably would have liked to have been, yes. But I was not. By that time I was probably fourth, fifth, sixth in the class grade wise. I didn't retain that third position. I stayed within the top five or six or seven. But then there were only eighteen or nineteen of us who graduated in that class. It was very small.

Birdwhistell: Tell me about working on the *Law Journal*. Was that a very pleasant experience for you?

Adams: It was. Paul Oberst was my advisor and, of course, he's delightful. That was good and I really enjoyed that. I liked to write and so that was a good experience.

Birdwhistell: Let's talk about some of the people that were there. You mentioned Elvis Stahr, Dean of the Law School. What do you recall about Dean Stahr? Did you have access to him or was he sort of remote?

Adams: I think he was remote. I remember him as being remote. He was gone quite a lot. I don't remember him being a good dean. He was succeeded by people who were much more available. I don't remember him having much interest in the law school. That's the impression that I had, that he was not really interested in the law school. I had one class with him. And he was rarely there. [chuckle] I remember that.

Birdwhistell: He had people come in and do the lectures for him?

Adams: He would do that sometimes. Sometimes he'd have the class meet for two hours at like seven o'clock in the morning before he caught a plane somewhere. [chuckle] Seven o'clock in the morning! But I don't have the impression that he left much of a mark on the law school, that he influenced it greatly.

Birdwhistell: What about other faculty members? You mentioned Paul Oberst. His name comes up so many times in relation to the university and specifically to the law school. You've already identified him as a person who was particularly helpful to you.

Adams: Helpful, and also molded my thinking a great deal. You know, that was the time when the move for civil rights was in its infancy and he certainly influenced my thinking a great deal about that. I once heard Governor [Edward T.] Breathitt say that he influenced him so much. He broadened the thinking of law students. Now many people think he was not a great teacher. I do think he was a great teacher. I liked hearing him, but I've heard other people say he was much too general, he was never specific, he talked in generalities. But now I didn't feel that way. And I never made great grades under him. I made better grades under W. L. Matthews, [William L. Matthews, Jr.] who laid everything out cold and stayed within the course he was teaching. He was a great teacher. But he didn't change my thinking the way Paul Oberst did. [Although] I don't know that Paul Oberst changed my thinking because my family had always thought well on those issues. I can remember at six or seven years old walking down the street in Owensboro and going by the Catholic school, my first recollection of seeing black children and white children together. [I] asked my mother why that was true there and not in my school? She said, "Because some people do understand that all people are created equally." I've always thought, what an amazing statement for a twenty-eight year old woman in 1937. So I had a background of not being prejudiced. But Paul Oberst put that in the

framework of the Constitution and the framework of the whole country. I felt he and Elizabeth, his wife, had great influence on me, on this whole state because of the way in which they've influenced law students.

Birdwhistell: At the time you were at law school it had been desegregated. There is a picture of the Student Bar Association, and there is an African-American student in the picture.

Adams: There is, and he didn't stay. I'm not sure why. His last name was Hinnant [Ollen B. Hinnant, Jr.]. I didn't know him real well, but he wasn't in my class, either. He was in the class above. He may have been drafted. It may have been as simple as that. Someone told me later that he did finish [U.K., 1955] and become a lawyer somewhere. And you know, many students had financial problems at that time. They would be out of school a semester or two and then come back because they worked and there weren't nearly so many vehicles for financing education.

Birdwhistell: Who was financing your education at that time?

Adams: My parents financed it all. I never did work. Well, I did work one summer. I worked in the alumni office and stayed in Lexington and wrote *Law Journal* articles.

Birdwhistell: I was going to ask you if you clerked during the summer. But you worked in the alumni office and worked on the *Law Journal*?

Adams: Yes. If clerking was available, I didn't know about it. I don't really think it was generally available. Probably the people whose families were lawyers, had lawyers in their family, probably worked in their law offices. But I don't think it was generally done as it is today. At least nobody asked me to clerk for them. [chuckle] Nor did they ask me to practice with them when I got out. [laughter]

Birdwhistell: Were there other faculty members who you learned a great deal from [or you have] a particularly positive recollection about?

Adams: Oh, [Frederick W.] Fred Whiteside [Jr.], yes, who's still living. You know, these people certainly live long lives. W. L. Matthews has died, but I see Paul Oberst and Fred Whiteside on a regular basis. Wilbert Hamm was an excellent teacher of contracts. I have a less

positive reaction to Mr. [Frank] Murray and W.L. [Alfred Buffin] McEwen. He [McEwen] was killed. A bolt of lightning hit him on a golf course.

Birdwhistell: Was Roy Moreland still on the faculty when you were there?

Adams: Yes, he was. I did not have a positive reaction to him. I don't think he was real happy with having women students there. He's the one member of the faculty that I think really did not like women students.

Birdwhistell: Now, how did you come to that conclusion?

Adams: He would try to embarrass us in the classroom, but I don't know if that was as much from just dislike for us. It's just that he wanted to be . . . oh, he liked making fun of people generally, and so he tried.

Birdwhistell: Did he make fun of the men students too?

Adams: Some of them, yes.

Birdwhistell: Did you know this before you took his class?

Adams: I was told in advance. I was ready.

Birdwhistell: How did you handle it?

Adams: I didn't let him get under my skin. I would just sort of answer him as best I could and endured. Strangely enough, the people in the class were very protective of that and did not like it either.

Birdwhistell: Now, when you were in Moreland's class, were you the only woman in the class?

Adams: Yes I was.

Birdwhistell: Is there a particular instance that you recall where he would do this?

Adams: Yes. He taught criminal law, and when he was teaching rape he would become explicit.

Birdwhistell: He would call on you?

Adams: Yes. And I had heard this, that it went on in every class, so I was sort of prepared for it. I just answered him as simply as I could. I did not ever leave the class or get upset or let him get under my skin. But it was interesting. I think the whole class resented it. Oh, maybe some of them didn't, but generally there was resentment that he would use this as a forum for doing this. He also just wasn't a good teacher. I mean, more than that, he wasn't a good teacher. He was the one teacher in law school who wanted one answer rather than reasoning. The important thing about being a lawyer is recognizing the issues. If you recognize the issues you can look up the law. Today you can do it with the touch of a finger on a computer. Then you could do it in the index. Rather than deal with that, he wanted you to say whether a person was guilty or not guilty. I think he was not a good teacher. I don't know why he felt it necessary to do that. I think he just probably didn't like women much, although I certainly don't think he ever discriminated in grading. Of course, supposedly he used the number system.

Birdwhistell: Looking back were you angry about that situation?

Adams: I'm sure I was. I don't remember being angry, but I'm sure I was because my personality, my disposition would just mean I was angry. I'd be angry today. So I'm sure I was. But I don't think I dwelled a lot on the anger, which probably was real[ly] helpful.

Birdwhistell: Now, as you look back over the course work, other than Roy Moreland's class, you don't have any other memories of those types of situations in the law school? Would that be the exception or not?

Adams: Oh, certainly it was the exception. No, I don't remember other teachers. Just being one woman, I probably got called on more than other people, just because, you know, you look up, you see somebody who's different [chuckle] and that name comes to mind. But I probably liked being called on.

Birdwhistell: As far as the academic expectations, did you feel that because you were the only woman student in the class the academic expectations were lower, or did you feel like there was pressure to excel academically as a woman student?

Adams: You mean from the faculty or whatever?

Birdwhistell: From the faculty, from your fellow students or from yourself.

Adams: Oh, I think I wanted to excel. I think I probably put that pressure on myself to excel. Although once I knew I could, I probably didn't push myself that hard after the first semester. I proved I could do it and then I just sort of took it easier and had more fun. That's, again, part of my personality. I'm prone to do that.

Birdwhistell: Back to your social setting in law school, were any men law students living in fraternity houses?

Adams: A lot of them were. My husband lived in the fraternity house and was treasurer and earned some money that way. The fraternities paid people to be treasurer. But they had to live in the house [so] maybe they got the room and board. That's probably what happened.

Birdwhistell: After that first semester when you found out you could do the work and do well, you also found time to participate in the college culture?

Adams: Absolutely. I had a great time. Wonderful time. I was the president of the sorority. Lived in the sorority house. Had a lot of good friends who are still good friends. You would probably recognize many of the people who were in that sorority at that point. Anita Madden, the horsewoman, Marilyn Moosnick, who's a Lexington personality, and Mary Blanton Williams Cotton, all there at that same time. We had a great time.

Birdwhistell: Did you get to know [Dean of Women] Sarah Holmes?

Adams: Yes, I did.

Birdwhistell: Tell me about her.

Adams: Well, she would come to the sorority house because she was an Alpha Gamma alum. We would play bridge. She would come have dinner and we would play bridge with a quarter on the corner of the table. Anita and I were laughing about that not long ago. [chuckle] She

was supportive of women. And Jane Haselden was the assistant dean at that time. They were supportive. I didn't have any special connection with them other than Dean Holmes coming to the sorority house and having dinner occasionally.

Birdwhistell: When you look at the world of women students back then it was really an interesting time for women because you were so privileged in so many ways: living in a sorority house, the dean of women coming over and playing bridge, having your meals served and your house cleaned and those kinds of things.

Adams: Yes.

Birdwhistell: And yet, in a way, you were not privileged because you did have many rules and regulations still that governed your life. Do you think about those two almost polar differences?

Adams: I do now. I didn't then. It was pretty natural. Now I think about it and, of course, we had to be in every [week night at] nine-thirty, maybe? And then on weekends we could stay out until eleven unless it was a special function, and then maybe it was twelve, I don't know. But it [was] very controlled. More than probably junior high students are controlled today. But I don't remember even thinking about it, even when I was in law school. Maybe I did. Maybe I did think, well, here I'm twenty years old and I can't stay out. But I don't have any recollection.

Birdwhistell: You just enjoyed the environment, enjoyed your situation.

Adams: I really did. Yes. The three years I was in law school were very happy years. I had a good time.

Birdwhistell: As the sorority president, were there ever times when some of the other sorority members would get in trouble with the rules or have problems that you had to intervene?

Adams: Yes.

Birdwhistell: How did you handle that?

Adams: I was very liberal in my thinking. I didn't think they should be in trouble. I would stand up for them. I felt . . . well, so, see, maybe I did think the rules were silly. Because I thought that was pretty bad, pretty silly to penalize people for being out too late or whatever. I don't remember that we had a lot of disciplinary problems. That's been a long time ago. I think I always was sort of a good counselor in the sense of talking with women. In fact, later I found I couldn't practice domestic relations law because I moved into the counseling area rather than the legal area. So I've never done it at all.

Birdwhistell: I understand there are study groups in law school where people would get together and study. Did you participate in study groups?

Adams: Yes. They included me. I studied with Charlie Carnes. I can remember studying, I can't tell you who was in the particular groups. But Charlie Carnes . . . that was probably helpful that he was in that class. I can remember studying with Larry Leatherman. There also was a man who had taught at Western whose name was Martel [Charles M.] Hale. We called him "Red" Hale. I studied with him. That must have been the group. I wasn't excluded. Later I just sort of quit studying with [the] study group because I wanted to set my own schedule. But I don't think I was ever really excluded from any study group I wanted. We did get together and study for tests.

Birdwhistell: Did you take your turn at moot court?

Adams: You know, I think that the *Law Journal* people didn't do court at that time. You did one or the other. I missed that experience.

Birdwhistell: I've always heard that the law students, meaning men, would stand outside Lafferty Hall between classes and sort of cause a scene as the students passed by. Do you have any recollection of that?

Adams: I think that they did some of that. I remember them playing football. I don't remember them ever doing that with me. I think they did do that. But I recall their playing football on the lawn right in front of Lafferty. They played touch football a lot. I remember that more than I remember them whistling or making remarks at girls or women. A lot of these students were married at that time. They had been in service and I don't think they were probably as likely to do that as maybe at a later

time. Many of them were people who had been in service and were very serious about just getting finished and getting on with their lives.

Birdwhistell: While you were in law school were you starting to think about your future, future possibilities? Did you still think you would not practice law?

Adams: No, I thought I probably wouldn't practice law. One of the options that had been discussed with me by some of the members of the faculty was going to work for one of the publishing companies, like Westlaw. I guess they were already becoming concerned about what was going to happen to us. [chuckles]

Birdwhistell: You can look at this two different ways — they're either looking out for you or they're fulfilling this stereotype in a sense.

Adams: Yes.

Birdwhistell: Do you recall any faculty member saying, "Now Norma, you can practice if you want to. There's a place for you out there."

Adams: No, not in those words. I think probably it would have been like, "You probably will have [to] face some prejudice if you do that, but do you really want to do that? If you do you'll probably do it but, you know, it's not going to be easy if you choose to do that." I don't remember a lot of direct conversations, but the general direction was that there are some things you can do that you would be good at doing, but not necessarily practicing. I mean, I don't remember any discussion of going back . . . I had no desire to go back to Russellville and practice.

Birdwhistell: You didn't talk to any attorneys there about future possibilities?

Adams: No. No, that wasn't in my thought, nor, going to Bowling Green. Of course, by the time I was a third year student and I knew I was going to marry. It was just a matter of when. Actually I married between semesters of my third year because my husband had gone into the Air Force and had an overseas assignment. We married so I could go with him, but then he turned out not going. He was in the Judge Advocate's Office and he ended up being at Wright-Patterson [Air Force

Base] in Dayton [Ohio]. I went up and joined him after I graduated. [I] studied for the Bar [and] came back and took it.

Birdwhistell: During your courtship, at some point during your law school days you have to think about what you are going to do. Professors are saying you could work with the publishing houses. Did you and Mr. Adams talk about what kind of future you would have together as two attorneys?

Adams: I'm sure we did. We had to. Of course, the immediacy of going into service, going overseas and dealing with all of those things sort of consumed you. We had no children so I'm not sure we had that great concern for the future.

Birdwhistell: In thinking about getting married, it's very difficult for women students, no matter what stage in their education, making the marriage decision because a lot of women then would drop out as undergraduates or as graduate students. You made a very conscious decision that if you married you were still going to complete your degree?

Adams: Oh yes. There was no question about that. And we would not have married until after I had finished had it not been for the concern of his going overseas. I would not have been able to join him as a dependent. And really, we were looking forward to that. He was supposed to go to France. And then, after he had been in service about a year, the general of his office was assigned to the opening of the Air Force bases in Spain. They opened the bases in Spain, and he and his wife wanted us to go with them. He would have been the general's aide. He would have had to sign up for two more years and he said, "You know, if I do this, I'll probably stay in the Air Force, and that's not going to work well for you."

Birdwhistell: That's interesting. Now, tell me about Mr. Adams. When you first met him he wasn't interested in . . .

Adams: In me. [chuckle] No.

Birdwhistell: . . . in an attorney.

Adams: That's right.

Birdwhistell: What do you think changed his mind?

Adams: Well, we fell in love. [chuckle] I don't know what changed his mind, really, or either of our minds. You know how those things happen. I think we probably always thought a great deal alike. For some reason, I'm not sure. But both of us had been pretty forward thinking in the sense of the changes that had taken place in our . . . he's quite a forward thinking . . . he's never made an issue of things, but he thinks very well on social issues.

Birdwhistell: Obviously here's a man who decides to marry a woman who's going to have a law degree, if not be a practicing attorney. You end up becoming partners in your own firm and that separates him from a lot of other men students at the time. Was that obvious at the time?

Adams: I think it probably was. I think he had no ego problem. He was quite self-sufficient. He just simply didn't have the fears of someone competing with him. He is a very, very stable person. Self-sufficient. There's a word I'm grasping for that I can't come up with.

Birdwhistell: You mentioned in law school the grades being based on this final exam and, of course, the other problem with law school is that you have to pass the Bar exam.

Adams: Right.

Birdwhistell: And so you are studying in Ohio after you were married and moved there, and then you come back down here and take the Bar exam. What kind of experience was that for you?

Adams: It was a grueling experience. It was hot. The air conditioning was off in the Capitol. It was a tough experience. It was physically exhausting to take that.

Birdwhistell: Did you still have your confidence that you were going to do well on that?

Adams: I did not expect to fail it. [chuckle] I mean, I don't know what I really thought, but I certainly didn't expect not to pass it. The failure rate was not high. People had been flunked out of law school who

weren't doing well, but I don't think the failure rate was nearly as high as it is today on the Bar exam.

Birdwhistell: So you passed the Bar and then you moved to Somerset.

Adams: We were in Ohio for almost a year and I worked for a law firm. I just primarily did secretarial work.

Birdwhistell: This is in Dayton?

Adams: In Dayton, yes.

Birdwhistell: How did you find that law firm? How did you get a job there?

Adams: One of the wives of another officer had worked for the law firm. She was leaving and I thought I'll probably get more experience doing that than anything I can do and find out what's going on in a law firm. So I did and I really couldn't even type. I mean, I had not had typing since I was in the seventh grade. But I brushed up and went down there. It was a great learning experience because if there were clerkships then, I don't remember that. I don't think that there were clerkships. I had no business background. I had never been involved in any business of any kind. And the lawyer I worked for did some business-type law. He also represented some insurance companies. So I learned how to draft pleadings, and before I left I was doing everything. It was an experience I could not have bought anywhere at all.

Birdwhistell: Did you tell them you had a law degree?

Adams: Yes, I did. There just wasn't a job I could get. I had applied.

Birdwhistell: Did you sense that they had any hesitancy in hiring you with a law degree?

Adams: I didn't sense that. I don't know. He knew I would only be there a year, too. So, I think back, it was sort of a generous thing for him to do. I couldn't type very well, [chuckles] and that's what he needed, someone to type pleadings and letters and things. But before I left I was drafting his pleadings and writing his letters and so it was good for awhile.

Birdwhistell: So before you left you were actually getting the same kind of experience you would in clerking at a law firm?

Adams: That's right, particularly today where so many clerks draft pleadings on computer.

Birdwhistell: So when it came time to leave, did he say, "Norma, why don't you just stay and become one of our attorneys?"

Adams: No, he didn't. You know, we really didn't like each other very much.

Birdwhistell: Oh really?

Adams: [chuckle] No, we really didn't. He was an older man and, frankly, I thought he paid little attention to what he was doing at that time. We didn't have a real[ly] good relationship.

Birdwhistell: So you just took advantage of your situation. You had a job. You had income.

Adams: Right. And I learned.

Birdwhistell: You learned all this and you were ready to move on.

Adams: Right. We were coming back to Kentucky. We knew we would. You know, neither of us were licensed to practice in Ohio.

Birdwhistell: Was it a one-person law firm?

Adams: No, it was a three-person firm. At one time there were four people, but there were three people most of the time I was there.

Birdwhistell: Did each attorney have a secretary then? Is that how it worked?

Adams: They did.

Birdwhistell: So you were in there with three other women, basically?

Adams: Yes.

Birdwhistell: How did you get along with them?

Adams: Well, they were friends and helpful to me. [They] covered up the fact I couldn't type for awhile while I tried to catch up. [chuckle]

Birdwhistell: So you finished up your time in Dayton?

Adams: One of the prestigious firms in Paducah made an offer to [Mr. Adams], but they did not want his wife to practice with or against them. [chuckle]

Birdwhistell: What year was that, do you know?

Adams: Well, it would have been '54 because we went to Somerset in November of '54.

Birdwhistell: So if you can't practice for or against, then you have to go somewhere else?

Adams: If I was going practice law I would have to. I don't know that I felt too strongly about it. He said, "No, that's not going to work. We're not going to do that." And so he decided not to go the big firm route. He thought he would rather live in a smallish town anyway. And I said, "Well, I think I would, too." So we talked about that and we went to Somerset without any connections.

Birdwhistell: How did you pick Somerset? Did you just throw a dart at a map or what? [chuckle]

Adams: No, it's interesting. [chuckle] We had a friend who had graduated from law school, I think two years before me who was at Wright-Patterson in the Judge Advocate's [Office]. His name was George Creedle. He was an engineering graduate and a law graduate. He made this careful study of towns in Kentucky and the number of lawyers that each town had to the number of people, the economy, and the numbers of lawyers who practiced together in firms. At that time there were a lot of sole practitioners all through Kentucky. And he said, "Somerset is the place someone should go." He decided to go to graduate school in Texas, so we went to Somerset [chuckle] We said, "George, if you're not going, we will." He said, "That's the place to go." He also said, "You know, that's sort of an interesting town down there, Norma. You might get

along down there, too. It seems to not be as southern as most smaller towns in Kentucky.” This was his reading, his demographics. And we went. I remember coming back to the law school for some reason and talking to Paul Oberst in the lobby. And he said, “Oh, that’s the town that they won’t let anything change in,” and then he walked away. [But] he came back and he said, “You know, I’m wrong. I’m thinking about Stanford. Somerset is probably a good place for you to go.” [chuckle]

Birdwhistell: So what did you do, load up a truck and just take off to Somerset?

Adams: No, the Air Force pays for moves for officers, so it paid to move us to Somerset. We moved to an apartment. My husband had made an arrangement to share an office with an attorney. But we had no income so we had to figure out a way to have some income. We had saved a little money from the Air Force, but not enough to live off for long at all. And one of the lawyers said, “You know, the person who does the bookkeeping for the city school system is leaving. Do either of you have any accounting experience?” And once again I said, “Well, I’m sure I could do it.” [chuckle] So I did for a year. They paid me, I think, two hundred and fifty dollars a month. But that was not a little. That was what teachers were making at that point. And so I did it for two years. Then another interesting thing happened. In 1956 my husband said, “I think I’ll run for county attorney,” which was just sort of unheard of. I mean, we had been there less than two years, complete outsiders for the political system. He ran and won. So from that point that gave us a cushion.

Birdwhistell: How did he win?

Adams: He called on every household in the county and I called on every household in the city. That’s how he won.

Birdwhistell: [chuckle] Why did you divide it that way?

Adams: Well, it’s easier to walk in the town and it’s a big county! So that gave us a cushion and I worked part-time. Our first daughter was born in 1957. I worked part-time when she was little. [I] had begun working full-time and then we had Chuck, whose offices we are in today.

Birdwhistell: What year was he born?

Adams: He was born in '59. And Jane, who is a lawyer, practices with us. Jane Adams Venners was born in '61. Then John was born in '67. He's in law school at Chase [Law School, Northern Kentucky University].

Birdwhistell: So you get to Somerset, you're a bookkeeper for the school system, your husband shares an office with another attorney, and starts to do case work.

Adams: Made eight hundred dollars his first year.

Birdwhistell: What kind of cases was he handling?

Adams: Anything, anything at all.

Birdwhistell: The first two years when you were doing the bookkeeping, did you wish you were doing legal work yourself?

Adams: I'm sure I did. [chuckle] But, yes, yes, I think I did.

Birdwhistell: How did you handle that?

Adams: Oh, just as something that you do, you know, to get things started. I mean, we did whatever we had to do, both of us, to get things going.

Birdwhistell: But you weren't resentful?

Adams: I'm not going to admit it. [laughter] I must have been, yes. I'm sure I fussed around about it. I said one time, not too long ago, that women's lack of equality in the early years didn't really bother me. My oldest daughter said, "Oh, mother!" [chuckle] You know, like she could remember me saying things all the years that she was growing up. She has become something of an advocate for women's rights. She is a Presbyterian minister and a graduate of Smith [College] and Princeton Theological Seminary. [She] has been very much a leader in human rights generally, and particularly women's rights. She has made a trip to South Africa as a representative of the National Y.W.C.A.

Birdwhistell: Seems to me what would be so frustrating about it, you're down there in Somerset, you are happily married, you've

relocated, and yet you can't practice law. There is not a law that says you can't practice law.

Adams: I'm not sure that I felt about it that way. I think I felt that we had to have money to live on.

Birdwhistell: It's a practical thing.

Adams: It was a practical thing. I'm not sure that I thought I couldn't, because when I did go into the office part-time, the farmers had just been covered by the Social Security Act. Many of them had never filed a tax return. So they had to have tax returns filed and I started filing tax returns and I had more business than I could possibly handle. Then those same farmers would come back and have me write deeds and things like that. So I don't think I saw it that I couldn't practice law. I think it was in terms, first of having some steady income, and no beginning lawyer had a steady income if he went out on his own. I guess they still don't. So that was the concern. I don't think I thought in terms of "I can't practice here, nobody will come to me." Because I built that following doing the tax returns and then it was a matter of how much time I could spend in the office and still have this family of very small children. Now I did have full-time help always at home, from the very beginning. And that was not that difficult at that time in Somerset [to have] full-time people, good people who worked in your home. This is an interesting side light. The woman who came when John was three [and] worked for me twenty-five years is now taking care of my daughter's twins, who are eight, and has been with her now for eight years. That's nice, isn't it? But it was a matter of how much time I had I could spend in the office. Then by the time they were a little older, I was spending all my time and never lacked practice from that time.

Birdwhistell: So you sort of eased into this, in a way. You did the bookkeeping and then you started working with the farmers on their Social Security and tax returns. You built up a client base yourself where you would have these people coming back to you, and after they got to know you and worked with you, it didn't matter if you were a woman.

Adams: That's right. I don't think it really mattered to them. One of the banks in Somerset that did a lot of lending at that time and still does — we still represent it — began sending people to me to get deeds and mortgages written, and title work. I think, initially, it was a convenience

thing. I was there. Most lawyers were running in and out of the courtroom. I wasn't doing any courtroom work at that time and there was always a favorite saying. People would come over and say, "I'm looking for a lawyer, and they tell me over at the bank that you're some kind of a lawyer." [chuckle] So that sort of grew and then I did begin doing some work in the courtroom and generally all kinds of work.

Birdwhistell: What time period are we talking about when you did your first courtroom work?

Adams: First I began doing motions, a motion practice and that is still what I do most. Probably the mid-60s. No, a little earlier than that. Early 60s.

Birdwhistell: Now would this be in district court or circuit court?

Adams: Usually circuit court. I never did any criminal work. There was a lot of criminal work in district court.

Birdwhistell: Did you do any criminal law?

Adams: No. Of course, my husband was county attorney for the first four years so I couldn't have done it. And then we have never done any since then.

Birdwhistell: The reason I'm asking is that historically, women who do go to practice law, there's even a smaller group that then go on to practice criminal law. And that's still the case today, right?

Adams: That's still the case today. Well, no, I'm not sure that it is because most of the criminal law is done by the public defenders' offices. And a lot of women are in the public defenders' offices. There's not a great deal of criminal work for which lawyers are paid directly by the client today. And I don't think there are many women doing that. I don't know any who do it, but I'm sure there are some.

Birdwhistell: As you worked your way into this courtroom setting, do you have any memories of any anxiety? When you walked into that courtroom, did the judge there in Somerset treat you differently?

Adams: The first judge did. He was an elderly man. He was John Sherman Cooper's uncle. He was in his late 70s even then. Roscoe Tarter. He tried to be really nice to me, but in doing that he made a difference and so it was different. And then I did have some anxiety. I didn't do a lot of it. But there was nothing that really kept me from doing it. I mean, I wasn't told I couldn't. He didn't not welcome me. But I just didn't.

Birdwhistell: Do you remember what the case was that day you appeared in Judge Tarter's court, where he was stumbling around trying to [chuckle] make you feel comfortable?

Adams: He used to swear me in all the time because he thought it was novel. If he had a big crowd he'd swear me in to practice. He really was a humorous person and liked to just play to the crowds. In a sense he sort of made fun of the crowds that would come to the courtroom. [chuckles] But no, I don't remember the case. Probably not anything real important. It was probably a mortgage foreclosure and I went on a motion or something like that.

Birdwhistell: What about the other attorneys in Somerset, Pulaski County? Obviously your husband becomes county attorney, so he has automatic stature within the legal community there. Did you feel like, among the other attorneys, that you were accepted?

Adams: Yes, I did.

Birdwhistell: Treated in a fair way?

Adams: I felt accepted, yes. I don't think there was any non-acceptance or at least it wasn't overt. I didn't feel it. You know, I was pretty busy during those years. I had children and I was doing lots of different things. And practicing law, I'm not sure I dwelled much on that. Although as I say, my daughter, one day when I said that, said, "Oh, mother!" because apparently she heard some of this and I probably made remarks that I don't remember, and didn't think much about. But she heard.

Birdwhistell: Let's talk about what I'll call the Hillary Clinton factor. There were women in the community who were watching you raise four children with help, practice law, and do those types of things that were,

by any definition, non-traditional. Was there any resentment among other women, or did you sense that there was a less than full approval of the way Norma Adams was approaching her life in Somerset?

Adams: I cannot remember directly thinking of disapproval. But I do remember that I put a lot of pressure on my children because there was some feeling at that point that children were not going to turn out right if their mother worked. And whether I was really conscious of that, I really hoped that that wasn't going to be true because it was going to prove me wrong. That's the only element of that I remember. But that was certainly there. So I must have sensed some disapproval or I would not have had that approach to child-rearing. Because I did become aware of that at a later time, "Well, I'm putting an awful lot of pressure on these kids because I'm afraid if they fail, it's going to be a reflection on me for having worked." And so, in that sense, I must have felt there was some disapproval.

Birdwhistell: But all along, you knew you were making those choices. It's like you'd made the choice to go to law school and you made this choice to raise children and have a career at the same time. I mean, it was a conscious choice obviously.

Adams: Yes, yes, it was.

Birdwhistell: We've talked about your husband as a person who would marry a woman who had a law degree, who wanted to be involved in the practice of law. In your children's generation, men [are] helping out at home and going to the PTA meetings and doing all this stuff, did your husband help at home in the way that . . .

Adams: Men do today? No. No, he really didn't much. He can't cook at all, and, oh, you know, he never did much of that kind of thing. But the fact that we did have a full-time housekeeper always would make some difference in that. No, he really didn't.

Birdwhistell: But when it came down to the Halloween costumes, that was . . .

Adams: My problem.

Birdwhistell: When it came down to the children's clothes . . .

Adams: My problem. . . .

Birdwhistell: The person you hired to help you didn't go out and . . .

Adams: Buy their clothes, no . . .

Birdwhistell: . . . or figure out who was going to be what at Halloween and . . .

Adams: Right. It was more a traditional role.

Birdwhistell: So in that sense you had to have the energy and the self-discipline to do the double duty, which is still the case so many times today. Did it ever make you tired?

Adams: Yes! [chuckle] I was tired a lot.

Birdwhistell: You can remember being tired? [chuckle]

Adams: I can remember being tired indeed, although I've always had a lot of energy. But I can remember being tired, yes, Absolutely. I also played golf and tennis during those years. Really enjoyed both.

Birdwhistell: What about involvement in the local bar association or the Kentucky Bar Association? Tell me about breaking into that and being involved in that.

Adams: I was president of the local bar association in probably the late 60s or 70s, but that's done by rotation of age. But they didn't skip me! [chuckle]

Birdwhistell: Now what about involvement in the state bar?

Adams: That didn't come easily. I have served on a lot of committees. [I have] never been on the Board of Governors. I was on the board of the foundation. In fact I resigned from that board while I was still on it because I had become so involved in education issues in Kentucky. When you live in a small town and you serve on these state-wide boards, you just do so much traveling. I've been here in Lexington now since Sunday dealing with this higher education conference. Stayed over last

night because I'm on the board of the Prichard Committee, which is meeting here today. I was never asked to run for the Board of Governors or House of Delegates or any of those things in the early years. I did serve on the Ethics Committee beginning in the mid-70s. And I've also served on the Professionalism Committee and the Unauthorized Practice Committee at different times. I guess those are about as important as any of the committees at the Bar.

Birdwhistell: Did you have aspirations to be an officer in the state bar?

Adams: No, never did have. Well, if I did I sure don't remember it. I think that would have been something that I just simply would not have wanted to put the time and travel into during those early years.

Birdwhistell: Did you go to national Bar meetings?

Adams: No, never have and again, don't want to take the time to do it.

Birdwhistell: I was just thinking about the opportunity to meet other women attorneys who shared similar experiences. In Kentucky were there women that you felt you identified with, [whom] you would get together [with] at a state meeting and compare notes about raising families and practicing law?

Adams: We did get together some in the 70s especially. Kay [Katherine Randall], [who is] still practicing here in Lexington with Brown, Todd & Heyburn. She and I talked a lot about these things. At that time, I didn't feel it was really a good idea to have a Women's Bar Association. I felt it was better to be a part of the bar association. I don't know how I feel about that today. I think there are some advantages, you know, in women discussing things that are going on. But I really had always hoped that there wouldn't be differences. And now with the number of women that are practicing, if women choose to be different, that's okay. If they want to have their own Bar it's not really separating a small minority from the Bar. So I sort of opposed it in that sense. But a lot of us talked about different things going on during those years. Most of them, of course, were younger than I am. I think Natalie Wilson and I are about the same age. She went back to law school. She moved here

and then went to law school. So even though she began practice later we are about the same age.

Birdwhistell: So how do you feel about the present and future for women attorneys?

Adams: I just don't think there are a great many differences in the present and future for women attorneys than men attorneys. I'm not real happy with what I see is the future for attorneys generally. I don't enjoy the profession as much as I did when I was younger. I think there are so many lawyers that there is some competing for practice that's not healthy. Yet the consumer may get as much for the cost as he or she used to. But in another way I think I do see some overkill, overworking of a case on the part of lawyers. I think it's less bad in our area than in cities.

Birdwhistell: You said at one point that . . . was it domestic law?

Adams: Right.

Birdwhistell: That you . . .

Adams: That I never did practice.

Birdwhistell: But how did you find out that you didn't want to do that?

Adams: Because often women came to me and then I would begin to realize that they really wanted a counselor, not a lawyer. I think anyone who practices domestic relations law will find that some of that is true. But being the only woman in the community who practiced law and counseling services were not as acceptable or accessible then as they are now. So women needed someone to talk with desperately and they'd come to a woman lawyer without saying, "I've got to get counseling, psychiatric help, psychological counseling for this," and I wasn't equipped to do that. And I didn't want to do it anyway. Also it was very depressing to me. I think I am prone to avoid things that really bother me too much.

Birdwhistell: I would assume that you and Mr. Adams have done well as attorneys in Somerset.

Adams: Yes, we built a very good practice and for years our practice was so large that we sent people to other lawyers. Probably more cases than we kept. It's not that large at this point. It's a comfortable practice, but we don't have an enormous practice where we're sending people to other lawyers all the time.

Birdwhistell: But it must be quite satisfying to know that you and your husband, just from scratch . . .

Adams: Built it.

Birdwhistell: . . . built this. I mean, that says something it seems to me.

Adams: Tremendously satisfying. And, you know, this is a strange thing to say, but I'm very satisfied with my life. I've really had everything I would ever have hoped to have had. Not great wealth [chuckle], but everything else.

Birdwhistell: So you don't catch a glimpse of the O.J. [Simpson] trial and wish you were the prosecutor?

Adams: Oh yes, maybe, just for a minute. [chuckle]

Birdwhistell: What do you make of Marcia Clark?

Adams: I think she's done very well. I think the trial is doing such a disservice to the judicial system. I've probably not seen more than a total hour of it since it's been on, but it has eschewed the whole concept of judiciary in this country. I'm really sorry that it was televised. But, you know, just the media attention that it's had, even if it weren't televised. I really hate it. I hate the trial.

Birdwhistell: And, of course, the Marcia Clark part of that has been about gender in some ways.

Adams: In some ways. The things I have seen, the little bit I have seen of it, she is very good at what she does. She seems to have stayed directed toward what she's doing. I admire her probably more than any character involved in the trial, as best I know them. She didn't make the decision that it be a circus. She's had to deal with what's been dealt her.

I think she's maintained some dignity and yet she's never backed down. She gets fined occasionally and all of those things by the court.

Birdwhistell: Do you recall how you felt about the appointment of a woman to the Supreme Court?

Adams: When Sandra Day O'Connor . . .

Birdwhistell: . . . when it finally came?

Adams: Really pleased. And, in fact, thought about going up for her swearing in but didn't, like so many things you think about doing. [chuckle] I was just really pleased and she has been an extremely sound member of the Court. I would be more liberal in many issues than she has been, but she's certainly been sound and I think probably one of the hardest working members of the Court. And Ruth Bader Ginsburg, too. Very sound appointments, whether they were men or women. I did not want Clarence Thomas to be appointed.

Birdwhistell: As far as women on the Supreme Court, I guess you would argue it was just about time, right?

Adams: Oh yes. You know I ran for the Supreme Court in Kentucky. It's strange. That race has been really overlooked. I must not have been a very colorful candidate. I was nominated by the nominating committee when there was a vacancy.

Birdwhistell: Now what year are we talking about?

Adams: Nineteen eighty-six. Judge [Calvin] Aker left from our district and I was nominated by the three-panel nominating committee to take his place, and [Governor] Martha Layne Collins did not appoint me, which was an interesting thing.

Birdwhistell: Do you know why?

Adams: Well, I think politics. I think it was pure politics.

Birdwhistell: Who did she appoint?

Adams: I cannot think of his name. He only served until the election, but I have understood that this had all been determined by political connections and that it really bothered her a great deal that she couldn't appoint me.

Birdwhistell: Well, I hope so.

Adams: I do, too. I hope so, too. Then I ran and was defeated. But there were four of us who ran and actually I was fourth. But there was only fifteen hundred votes between the top and the bottom, so I really ran a very good race and was fine. Twenty-eight counties in that district.

Birdwhistell: Now who [won]?

Adams: Joe Lambert. The difference was not in being male or female. He had a political background and had done lots of things in the Republican Party and had an organization. In fact, I probably ran better as a woman than I would have run as a completely unconnected male without a political organization.

Birdwhistell: How did you go about running a campaign? Those are difficult campaigns, aren't they?

Adams: Oh, terribly difficult. And you know, up until that time, those had been very low key campaigns. Very little money spent.

Birdwhistell: [Justice Lambert] spent a lot of money, didn't he?

Adams: He spent a tremendous amount of money, had a political organization. So when I say I lost, and one of the other candidates was an extremely well-financed Democratic candidate, I might as well have been running for Congress of the United States. We realized this halfway into the thing, and I said, "I am not going to get out." We didn't spend any more money. I think we spent a total of \$25,000. About sixteen was given to me and so I just traveled around and talked to people. So really, it was a very fine race, I mean from the standpoint that people were supporting a woman because other than people that knew me, there would been no other reason for them to vote for me other than I was a woman. I mean, unless they just carefully read everything about each candidate. Got a lot of support from the papers. [The Louisville] *Courier-Journal*

did some really fine articles. He's [Lambert] turned out being a very good justice and I did not think he would be.

Birdwhistell: Of course, your connection with [Chief Justice Robert F.] Bob Stephens goes all the way back to law school.

Adams: Yes.

Birdwhistell: Wouldn't that have been nice? Well, I'm sorry you lost.

Adams: I am, too. I wanted to do that.

Birdwhistell: That would have been a nice turn in your career, wouldn't it, in a sense?

Adams: Although when I learned what a large percentage of the cases that go to the Supreme Court are criminal cases, I had some concern about that because I had no background at all in criminal law. I guess I could have learned. Also, they would have bothered me a great deal. You know, I said I can ignore things that . . . the criminal cases would have been bothersome for me to sit on.

Birdwhistell: I want to follow up with your involvement in the education movement in Kentucky and just ask you in terms of how you generally got involved in that so deeply?

Adams: Well, I was involved in the formation of Leadership Kentucky. I was on the original board and then on the executive committee.

Birdwhistell: Was that Wilson Wyatt . . .

Adams: Wilson Wyatt's group. I will never forget getting this telephone call, and my secretary said, "Former Governor Wyatt is on the telephone." And I said, "Oh yeah!" [chuckle] And so then I pick up the phone and say, "This is Norma Adams," and he says, "Norma, this is Wilson Wyatt." That was one super experience to work with him on that. Later he was on the higher education nominating committee with me and had to leave when he quit traveling. That was even a better experience because we really got to sit around a table like this, and when we weren't working he would tell these wonderful stories of government. Oh, I just

had tears in my eyes the day he told us that he was going to have to leave that position. That was just a great experience.

But anyway, in Leadership Kentucky we got more and more involved with the necessary changes in education. About that time the education reform act [KERA] came along and I guess Jim Wiseman called me one day and asked me if I would serve on the Kentucky Advocates Board for Higher Education. I knew him through Leadership Kentucky. And so I began doing that and then got involved with the Prichard Committee and eventually became chair of that. And my daughter, Jane Adams Venners, is on the State School Board. Oh, and then I wrote Governor [Brereton] Jones when he became governor. This is sort of a funny story. I wrote him a letter and said I would like to serve on the higher education nominating committee. And everybody thought that it was funny because I had no connections with the governor. I had always supported the Republican candidate, but he appointed me. But I mean, he didn't even know me. I received a six-year appointment which is good because I may have a chance to serve through the next governor, regardless of his feelings about our approach to the trustee appointment. So, anyway, it just all sort of evolved and to me, education is the real issue in Kentucky. So now that's pretty much where I devote my time.

Birdwhistell: I guess, bringing it back to the focus of women's education, women's issues, women's employment, are you fairly optimistic about women generally in higher education in this state?

Adams: Yes. I am. I think probably employment for women in higher education is more difficult than [for] women lawyers. And that's a perception. I'm not involved in it all the time. But if you look at the hierarchy, tenured professors and so forth, I think it's maybe tougher. Banking is a terribly hard field for women. They just have had a terrible time. The ministry, my oldest daughter is a minister, is also a very tough field. So there are still some fields that are much harder than law and medicine, I think.

Birdwhistell: I certainly have enjoyed talking with you and I appreciate you taking the time to do this today.

Adams: Well, I've enjoyed it.

II. AN INTERVIEW WITH ANNETTE MCGEE CUNNINGHAM⁷

Birdwhistell: And are you originally from Dayton [Ohio]?

Cunningham: Yes, I am originally from Dayton. My mother [Elizabeth McCracken McGee] was from Minnesota and she came to Dayton to become a librarian. And my father [James Howell McGee] was born in West Virginia and lived in the Steubenville area which is in eastern Ohio. He came to Wilberforce to go to college. Then he went to Ohio State [University] Law School and ended up coming back to the Dayton area and then they met.

Birdwhistell: What did you know about your father attending Ohio State Law School? What did he tell you about that experience?

Cunningham: Well, when he attended I think there were five [African-American law] students there. He graduated in '48. He came back after the war on the GI Bill and was able to go to law school. I think there were only two [African-Americans] that graduated in his class. He decided to come back to Dayton. I guess that's the thing that he said, it was very difficult back then. But he struggled and made it through. He's not the first [African-American] to practice here in Dayton. In fact, they had a guy named DeMar Pitman who graduated from the Ohio State Law School in 1918. I believe he was the first one to come.

Cunningham: At this particular time, my father is the second oldest practicing attorney here in Dayton. And to answer some of your questions specifically, it was just as difficult then in law school as it was when I went through law school.

Birdwhistell: Did he find it difficult to set up a practice in Dayton?

Cunningham: Back then when he started in '48 on Fifth Street, that's where a lot of the black businesses were. I think there were two or three other black attorneys at that time practicing on that street. Also they had a couple [of] doctors. So it was very difficult, he said. At the time, my mother, a graduate of the University of Minnesota in library science, was

⁷ Annette McGee Cunningham, a 1980 graduate of the U.K. College of Law, presently serves as Juvenile Referee for the Montgomery County Common Pleas Court in Dayton, Ohio.

a librarian. My father was about three or four years older than my mother. She graduated in the 40s also. So essentially she was the one who basically paid the bills the first couple years. I think [my father] said he only made two thousand dollars.

Bratt: And was he a sole practitioner?

Cunningham: He was a sole practitioner for a period of time. Then he and another fellow went into practice where they were in an office-sharing arrangement, but he was not a member of a firm.

Birdwhistell: What kind of job did your mother have in Dayton?

Cunningham: She was a librarian in a public library until I was born. Then after I was born she was a housewife. By then, I guess they had enough money to take care of three people.

Bratt: So, are you an oldest child?

Cunningham: I'm the olde[r] of two children. I have a sister who is also an attorney. She's a prosecutor across the street with the Montgomery County system.

Bratt: Now your dad eventually gets into politics and becomes mayor.

Cunningham: That's correct. When I was in the eighth grade he became a city commissioner for the city of Dayton. He was appointed [commissioner] because Don Crawford left. [Crawford] was the first black city commissioner for the city of Dayton. He took a job with the city so he was unable to keep his position. My father, because of his involvement in the city [with] civil rights [and the] NAACP, was appointed to that position. He later went on to be elected. Then in '71 or '72, the mayor at that time, Dave Hall, was sick and later had to resign. So they had to select a mayor from the remaining commissioners. [My father] was the one that was selected. He went on to win the [subsequent] elections and at this point in time, he is the longest reigning mayor in Dayton's history.

Bratt: He's still mayor?

Cunningham: No, he's not mayor now. But he served for a period of, I think, eleven years. That's the longest that any mayor in Dayton's history has served.

Bratt: And he was the first, I would assume, African-American?

Cunningham: Yes, that's correct. We've had one since then.

Birdwhistell: Did you go to the public schools?

Cunningham: Yes, I went to Jackson Primary School up until the seventh grade and then we moved. Dayton is kind of segregated, I guess you'd say. It has been, for a period of time, one of the most segregated places, they say, in the United States, believe it or not. We went to school on Dayton's west side. From there we moved to the Dayton View area which at the time was integrated. I went to [school at] Cornell Heights and then on to Fairview High School, where I graduated.

Birdwhistell: How old were you when you moved to the integrated neighborhood?

Cunningham: I was in the seventh grade. I guess right at thirteen. That was a different experience because it was a mixed neighborhood. There were quite a few [of] Jewish faith in that particular area. So it was a different kind of experience for me. The only thing I didn't like about where we lived was there were no young [children] at the time. You want someone to pal around with and it was kind of a neighborhood that was pretty much established. In fact, some of the same people are still living in that particular area that were there when we moved in.

Birdwhistell: Their kids were already older?

Cunningham: Their kids were already older and had left home.

Birdwhistell: Well if your mother was a librarian, needless to say you were a good student, right?

Cunningham: Right. Right. We could only watch TV [at] certain periods of time. In the summer months we could not watch TV at all until four or five in the afternoon. We could watch no soap operas and so we were left to read. They had these book clubs or contests in the

summer to see how many books you could read and so that was one of the things that she always had us to do. In the end it paid off and I can see as an adult the benefit of that. [laughter] And I guess basically she was one of those homemakers who stayed home and made sure that we did those things that we should do.

Bratt: What kind of activities were you engaged in?

Cunningham: She had us reading and the Girl Scouts. That was a big part of our life, the Girl Scouts. She was a Girl Scout leader and so we went all the way up from Brownies to Senior Scouts. One of the interesting things about our troop is that we've had people to go on [to] become priests, federal probation officers, lawyers, doctors, and radio announcers. It's kind of neat now to see these women that my mother had an impact on their life.

Birdwhistell: Was it an integrated Scout troop?

Cunningham: No, it was not an integrated Scout troop. In fact, the church we grew up in, St. Margaret's Episcopal Church, is where we had our meetings. Several times we sold the most [girl scout] cookies in the area. We took various kinds of backpacking trips. We went to New Hampshire where we backpacked. She was truly into this camping thing more so than myself. But it was a good experience and a good exposure. But I will have to say that some of the experiences as a Girl Scout, earning the various badges and being exposed to the camping, I think helped to make me a more well-rounded person. I would also say that all the reading that I did under duress [chuckle] helped, especially in later life. It helped tremendously.

Bratt: You said your father was active in the NAACP. Were you involved in any of those activities as a young person?

Cunningham: No, I really wasn't involved in that. I think he was considered to be, quote, "militant," because he worked on one lawsuit on the schools here. [Also], they had two swimming pools and he was one of the persons that filed a lawsuit on behalf of the NAACP to desegregate the pools. I think he might have had one case with Thurgood Marshall years ago. I forget which case that was, but I think it was the pool case. It was not in Dayton but one of the surrounding little towns. So he was very active with that, along with several other civic organizations.

Bratt: And was this talked about at home and were you aware that all this was going on?

Cunningham: I was aware that all this was going on. In fact, when things would come on TV that were of great significance, I remember the March on Washington. We had the black and white TV. I don't know if they had color back then. We just had a black and white TV. And they set us down, my sister and myself, and they said, "This is history. You need to watch it." And so, that's very vivid in my mind in 1963. That's one of those things that I truly remember. I remember Martin Luther King saying that speech and watching it on TV. So [my father] would point out things like that as we would go along. Sometimes on the news when you would see all the other things that were going on in the south he would point those things out to us. But I guess that by the time I was old enough to understand the things that were going on. I didn't really see the segregation, even though it had gone on here in Dayton. But by the time I was old enough to know these things, I think I didn't experience it.

Bratt: What kind of things did you do in high school? Were you in the band?

Cunningham: In high school I was on the fencing team. I played volleyball and I was on the basketball team. [I] tried my hand at track. I wasn't that fast, but I did that. And so I enjoyed more athletically inclined activities. Honor Society. And, by the time we did that, plus church, Scouts, reading and, of course, talking on the telephone.

Birdwhistell: So do you look back at your experiences in elementary [and] high school [as] fairly positive?

Cunningham: I would put it in a positive category. I think that, as a parent now, sometimes you see things a little differently as how it was then. I think for me, as I was growing up, we had a certain expectation. The expectation was that we were to do well. I did not think about not doing well. It didn't even cross my mind. My parents never said you had to get these kind of grades. It was just understood that that's what you would do, just like it was just understood that you would go on to college. I mean, the thought of not going to college did not even [enter] my mind so to speak. So I would say that it was positive. At Fairview, at the time, it was twenty percent African-American and eighty percent

the majority race. So that was a good experience too because my sister and myself were in the Honors Program. So that kind of took us away from some of the others that weren't. And when I look back at some of the same people that were in that program, we had, again, people to go on to become lawyers. [Track star] Edwin Moses sat right behind me in all my classes. And so we had great expectations of things that we were to do. All of us that were in that Honors Program have been pretty successful individuals. I would never have thought that Ed Moses would have gone on to do as well as he's done. He was a four-time Olympic winner. But like I said, we did pretty good. We just had certain expectations [about] what we were supposed to do.

Birdwhistell: During your childhood through high school, you have two movements running parallel. You have the civil rights movement and you have a women's movement. So where are you in your thinking at this point in regard to career expectations for you and your sister as young women? What kind of signals are your parents sending you about that? Obviously you're going to college. But what is out there beyond that at this point? What is the thinking in the family?

Cunningham: Well, the thinking of the family was basically you can be whatever it is you wanted to be in life. And always to do your best. That's what was told to us. And both of us decided that we wanted to be attorneys. So my father did give me some advice that I followed [but] my sister didn't. He said that you need to be certified to teach in the event that law school doesn't work out for you. So I said, "Well okay, I'll follow that." So I did get certified to teach. I guess that was just to make sure that after you go through college you still [will] be able to provide for yourself in the event you don't get in law school [or] in the event you don't stay or graduate or pass the bar.

Bratt: So you knew as early as high school that you wanted to be a lawyer?

Cunningham: Right.

Bratt: Did you just one day wake up wanting to be it or was it just sort of a given for you that you were going to do it?

Cunningham: Well, it was just a given. I mean, I just felt that's what I wanted to do and that was one of the choices that I felt that I wanted

to make. I really hadn't thought about being anything else. I knew I had to get good grades and try to do the best that I could. So that was my motivation.

Bratt: Is it because you were emulating your father? Was there somebody else there that was providing the models that maybe you should be a lawyer? Did you see women being lawyers?

Cunningham: No. I didn't see any women being a lawyer. In Dayton, you have Judge Alice McCollum. I think she was just coming to Dayton in '73 or '74. I didn't really know her at that particular time. There was another woman, Alvarene Owens, but I didn't really know her either. So I guess you might say it was me trying to emulate my father in thinking that this was what I wanted to do. It just sounded like it was a good career option for me and both of us just decided, yes, that's what we were going to do. It was just another one of those things you just kind of understood. Now I don't know if my parents, when I was young, said "You need to be a lawyer," and that was just a message that I felt. I don't know. Now my sister did not go on to be certified as a teacher. She didn't. She said forget all that. [laughter] She just did what she wanted to do.

Birdwhistell: But you're the oldest and there's a lot of pressure on you.

Cunningham: Right. But there's only a year and a half difference. My parents were married like seven years before we were born. Then they had the two and that was it.

Birdwhistell: Did you ever sense that they would like to have a son?

Cunningham: No, not really. But I think my father is probably about as chauvinistic as they come. He probably would have liked to have had one, I'm sure. But I think they both were very proud of our accomplishments.

Birdwhistell: So your father could make a distinction about this larger view of the roles that women . . .

Cunningham: I'm not so sure about that. I don't know. I didn't say that.

Birdwhistell: [laughter] He can make the distinction between other people and yourself. I mean, he thought you could do anything.

Cunningham: Right. He thought we could do anything.

Bratt: If you didn't see women being lawyers here in town it didn't cross your mind . . .

Cunningham: That I couldn't be one? Right. [laughter] When I look back at it now, it didn't cross my mind that I couldn't be one because they always taught us from the very beginning you can be anything that you wanted to be. So that was the thinking that I grew up with. We just said, "Okay if that's what you want to be, then that's what you can become." It wasn't thought that, "No, you couldn't become that." That thought had not even crossed my mind. When I realized, doing research about going to law school, how difficult it was to get in, then I realized well maybe [chuckle] I might not be able to be a lawyer.

Birdwhistell: Did you see the aspiration to be a lawyer in any way connected to civil rights? The fact that these leading African-Americans, your father included, made gains because of the legal cases? Did that cross your mind?

Cunningham: No. In my mind, I didn't realize, to be truthful with you. They always instilled in us [that] yes, you can be whatever you want to be. You just have to believe that you can do it. And that was what we were taught from day one. That's what we believed and we did not realize a lot of the negative. In fact, to a certain extent, I think we were probably sheltered a little bit. Growing up we traveled all across the country, but we didn't go in the South. We went everywhere else. Went out to California, New York. But we did not travel as a family to the South. So I did not know about a lot of the things that were going on. I mean from my reading I knew. But in terms of first-hand experience Whereas, conversations I had with Shirley [Cunningham], my ex-husband, he said that right there in his little town [of Cadiz, Kentucky] there were separate water fountains. This was even up until the 70s. In fact, I had never been called "Nigger" until I was at the University of Kentucky walking down the road. I shouldn't probably say that, but that was on a loudspeaker. I turned around to try to see. But I had never up until that point. That was part of being sheltered by my parents. We just weren't exposed firsthand to a lot of those experiences. But the other part

is, we had no reason to go to the South, either. My mother's family was from Minnesota and my father's was from Ohio. When we traveled, for whatever reason, we just never went to the South.

Birdwhistell: But growing up here in Dayton, racial discrimination in its worst form, you were . . .

Cunningham: [We] were protected, isolated from and protected from. That might have something to do with the population. I think back then [the African-American population] might have been twenty or twenty-five percent. [Now] I think it might be thirty or thirty-five percent in the city of Dayton.

Birdwhistell: In high school your parents were telling you you could be anything you wanted to be. Were your teachers sending you those signals or were you getting mixed signals?

Cunningham: I can't say that I was. I wasn't getting any mixed signals because I mean I had the grades. I graduated with a 3.5 or a 3.6. So there was nothing to stop me from thinking that it was possible for a woman to do that.

Birdwhistell: So when it comes time to start thinking about a college, you know you're going, but you still have to decide where. How did you go about making a decision about college?

Cunningham: Well, one of the things that I wanted at that particular time was to go to a black university. But my mother was very adamant about me going to a school in Ohio. So we went round and round and that was just a big thing. You know how you remember little arguments you had with your parents? That was probably one of the bigger ones.

Bratt: Why were you adamant about a black school?

Cunningham: Well, I guess having gone to Fairview, I wanted to experience a black university.

Bratt: And your mother wants you in Ohio.

Cunningham: In Ohio because she wants us close to home. She even promised me a car. I'd been wanting a car, but I said, "No, I want the

opportunity to go to a black university." At the same time my father was mayor of the city of Dayton, so I wanted to basically get away [from] always being the mayor's daughter or the commissioner's daughter. So the schools that I chose were Howard University and Tennessee State University. I was accepted in both of them. I was accepted also at Bowling Green of Ohio, [and the] University of Toledo. My parents were still pretty adamant. So then [for] Howard we had to turn our money in, in terms of saving space, and that deadline went by. So I ended up at Tennessee State. But that was a good experience for me. I thought it was a good experience because I was able to show some signs of leadership on my own. I was a class officer. Again, involved in the Honor Society and able to participate in a lot of the programs that they had there. Yet, it was far enough away from home that I could be my own person, but close enough from home that I could get home in about five and a half hours. So that was a good experience for me.

Birdwhistell: Was it an adjustment?

Cunningham: That was somewhat of an adjustment, but then again, I was in the Honors Program, too. So some of the classes that we took were honors classes. I think some of the other students were of the same kind of background. So it was an adjustment but it wasn't [an] adjustment. I was able to be involved in some of the sororities, student government, [and the] student union Board of Governors. So I was able basically to, quote, "find myself," assume some of the leadership qualities that I wanted to demonstrate and yet at the same time get away from home. So I was willing and wanted to make that change essentially. The other part of it is, like I said, always the mayor's daughter. You know, everywhere you go everybody knew it. That was a big burden to try to carry. Because my parents were pretty well connected to Dayton I really couldn't do too much of anything. Not that I was going to, but yet at the same time, I wanted the experience just to be somewhere and no one know who I was.

Birdwhistell: I would assume by the time you go to college your family's income is doing well also.

Cunningham: Yes. I didn't have any bills to worry about. My father put me on a limited budget, but he paid for everything for us to go.

Birdwhistell: Was it any different living in Nashville than in Dayton?

Cunningham: I didn't find my experiences to be any different than living in Dayton at the time. But then again, I didn't have a car, so you are kind of limited where you can go. You take the bus or walk so we did a lot of walking [laughter]. They gave me a very limited allowance of only ten dollars a week. I remember that. I said, "Ten dollars a week? What can you do with ten dollars a week?" But I managed.

Bratt: What did you major in, in college?

Cunningham: I majored in political science with a minor in education.

Bratt: Did you have any women instructors, African-American women?

Cunningham: I had an Indian instructor, from India. And that was kind of strange. For whatever reason, we could not get along. I did have several others. Lois MacDougal [for] history and Miss Cotton [for] English. I would say that perhaps, of all those teachers, probably Miss MacDougal, [who] was also advisor to my sorority, probably made a big impact on me. Another person that I think was very influential was Dr. Frederick Humphries, who was the president of the university at that particular time. I think he's [now] president of Florida A&M University. I would say that I did hurry through college too, because I graduated in three years. I graduated August of 1976. And at the time I thought I was in love, too. That might have had something to do with it, but I came back to Dayton after that. I knew I still wanted to go to law school, but I still had the problem [that] I had not planned where I wanted to go to law school. So I came home and my parents said, "Well, you can't just sit at home. You need to be in school." So I started working on a Master's in education.

Bratt: Here in Dayton?

Cunningham: Here in Dayton at Wright State. But I hadn't really planned to finish that. But when I realized I had enough hours that I could graduate I said, "Well, I might as well go on and try to graduate."

Bratt: You said your mother wanted you to stay in Ohio and they were not very supportive of you going to a historically black school. Did

your experience there at Tennessee State tell you that that was the right choice for you?

Cunningham: I think that was the best choice for me.

Birdwhistell: Why is that?

Cunningham: I say the best choice for me because it gave me an opportunity to grow up, to build up my self-esteem. It was already up anyway, but it built it up even higher. It gave me a chance to assume some of the leadership positions and to really feel, I already felt I could do anything I wanted to do in the world, but I think having gone through there, it just confirmed that belief.

Bratt: And you think that it might have been a different experience for you if you had been in a school where you were part of a minority of students there rather than in the majority?

Cunningham: Well, the other advantage to Tennessee State versus a larger school was that at the time it only had six or seven thousand students.

Bratt: And what kind of choice did your younger sister make about college?

Cunningham: When it came time for college she, of course, did not have to go through the battle that I did. She went on to Howard, which was my first choice. [laughter] She graduated from there.

Birdwhistell: Did she enjoy that?

Cunningham: She enjoyed that experience. She ended up going to Ohio State Law School.

Birdwhistell: [While] you are in the Master's program at Wright State in education you are applying to go to law schools?

Cunningham: Right. Right.

Birdwhistell: And where are you looking?

Cunningham: Like I said, back then I was in love.

Birdwhistell: Was that somebody you'd met at Tennessee State?

Cunningham: Shirley Cunningham, who I met at Tennessee State. He went on to the University of Missouri to work on a Master's in [Agricultural] Economics. He decided he was going to become a lawyer. I'd already made up my mind I was going to. So we applied at Ohio State, the University of Dayton, [the] University of Kentucky, [the] University of Louisville, and [the] University of Toledo. I did not get accepted at the University of Louisville, but he did. And he did not get accepted at Ohio State, but I did. We kind of narrowed it down to those school where we both got accepted. That's how we ended up at the University of Kentucky.

Birdwhistell: What did your parents think of this decision to go to Lexington?

Cunningham: Well, my father was the one that told, suggested that [U.K.] would probably be the best for us to go. There was some reservation because, [Adolph] Rupp was known throughout, up here in Ohio and so there was some reservation. But he felt that's what I wanted to do [and] probably the best school to go to. So that's how I chose that school. Plus, it was close enough, having been five hours away from Dayton, then it became a little closer to get back home.

Birdwhistell: So did you plan to marry then before you entered law school?

Cunningham: Well the thought was we would get married. We hadn't picked a particular date, but we would get married at some point. We married between my second and third year of law school.

Birdwhistell: As you moved to Lexington and entered law school what are some of your initial impressions of the law school? Tell me about your first week at law school.

Cunningham: Oh, I remember Carolyn Bratt. [laughter] She appeared to be a pretty friendly person. But probably the biggest awakening for me was you see all these assignments and all this reading that you have to do. You read it and you say, "Oh my gosh, what was I supposed to get

from that?" So it was kind of scary. I think what concerned me was the fact that there were no tests in between so you had no measure of how well you were or were not doing, if you were on track or on target. I guess I began to question just a little bit if I was going to make it or not make it. That's probably the first time in my life I began to wonder. But then, you just have to have that drive and that belief that, yes, I'm going to do it and just go for it.

Bratt: How many African-American students came in your class?

Cunningham: In my class there were five. Three of us graduated. Then the class behind us, there was one and no one graduated. Then the class after that, I think there were eight and six graduated. In the classes before us, there were some, but most of them flunked out. Quite a few of them flunked.

Bratt: But wasn't yours the class with the largest number?

Cunningham: No, that was two classes behind me.

Bratt: Yes, but up until the time when you entered we had never had five at a time?

Cunningham: I thought they had, but I could be wrong. It was the class of '82 where they had the most. I think they were the most successful too, in terms of the numbers that graduated. But that whole experience, here you are and you see these big, heavy books, and these assignments that you have to read. It was kind of scary really because [it was] the first time I began to really wonder if I can make it or not make it.

Birdwhistell: Did you meet some other students who helped you in the adjustment or did you feel pretty much on your own? Did you make friends fairly quickly?

Cunningham: Well, I felt that we had some friendships that we made, some persons to help us out. But sometimes you felt isolated. You just felt isolated because [of] the sheer numbers or the fact that there were just a few of us. Often we were the only African-American in the class. So you can't help but [chuckle] feel . . . but you adjust and you adapt. You have other students who befriend you and help you along the way.

You go to some study groups. Like I said, it was an adjustment. It was truly an adjustment. I think probably just in the amount of work that we realized we had to do to make it through in the amount of time. Some people are able to get through it quicker and some people have to spend a little longer time to get there. [chuckles] I was one of those that had to spend a little longer time to get there.

Birdwhistell: So in your classes you would look around and you might be the only African-American student?

Cunningham: Often I was the only.

Birdwhistell: What about in terms of looking around and seeing other women in the room?

Cunningham: There were quite a few women. I think at that time, a third of the [law school] population were women, so there were women of many diverse backgrounds. Some had been homemakers. Some had been teaching for awhile.

Bratt: Well, you came through when there were returning women students, so you were one of the young ones.

Cunningham: Right. And I think that might have been a disadvantage, looking back now. I don't know what is best. Some of the others were returning and were able to use some of their life experiences. Whereas I might have been panicking, but they'd say, "Yeah, it'll work out, it'll work out." I think overall, it probably was best that I went through right away. Otherwise it's a very difficult challenge, having been a mother. I don't know how they managed the mothering aspect and trying to go to law school at the same time. Being married can be all overwhelming.

Birdwhistell: Because basically you were in a situation where [attending law school was] all you had to do.

Cunningham: That was all I had to do. It was all I had to focus on. I didn't have to worry about . . . again, my father paid for [everything]. So I didn't have to worry about anything, any of those other things that can make studying very difficult.

Bratt: You mentioned earlier that your first absolute confrontation with racism in its ugliest form was at the University of Kentucky.

Cunningham: That's true. It was that first year in the spring. I was walking down Rose Street by the university, and there was a fraternity. There was some old . . . I can't remember the name of these apartments now, but they were university apartments and right across the street was a fraternity. And this guy hollered out on a loudspeaker, "Nigger." And that was the first time in my life being called that. It was just amazing to me. The second experience, and these are the only two experiences I had actually in my life, was I had a girlfriend from college, who had lived several places, but she was from Georgia. We went down to the Rupp Arena where they had the shops and we were just looking around. We were just looking around and these policemen came up to us and tried to say that I looked like someone who was stealing something at the University of Kentucky. Just because I was . . . I just was appalled about that. But I really was more appalled because I was in law school so I knew that a guy — this was a policeman from the University of Kentucky and one of "Lexington's finest" — and so I knew the one from the University of Kentucky couldn't do anything because he didn't have any jurisdiction. That was one of the things I [laughter] learned. So I got his police badge number. Then I had my father call about that because I truly felt offended. I saw my girlfriend a couple months ago and she reminded me of this particular incident.

Birdwhistell: What was going on?

Cunningham: I'm not sure, but I think that there was someone who met my general description who was going into some of the dormitories stealing stuff. So they were trying to stop me and interrogate me about this. We were just window shopping. I don't know if they thought we were stealing something or whatever, but we were just window shopping at the time.

Bratt: What about in terms of your interactions with your fellow law students? Were there any problems either because you were a woman or an African-American woman?

Cunningham: I would say that in terms of the law school I had no negative feelings that way. I think that sometimes you felt alone. But I don't know that that was so much . . . I mean, it was kind of a good-old-

boy type system. I don't know if it's still that way, but that was kind of the good-old-boy system. But I think that basically my experience with the students, everybody was pretty fair. In fact, when I was talking to Terry I mentioned his brother, Barry Birdwhistell. We at one time did a project together when we were in litigation class. I think we had a criminal mock trial experience. I always felt I was treated fairly anytime we had to do group-like projects such as that and just felt real comfortable about that. I'm sure that there were some who probably didn't like me because we were women or African-American. I'm sure of that. But in terms of the blatant experience that I felt downtown and on the campus, I didn't feel that in the law school. I would say that some things I felt might have been a little subtle, the fact that, okay, we want minorities, but then if you look around there are no minorities. That kind of hits you in the face. Well, maybe they don't want minorities. After that class behind me where there was only one [black] admitted, then it seemed like there was some active effort to recruit minorities. So in my opinion then at that point, it was no longer lip service but that we were actually trying to make some changes. It always felt that it was like you were going back twenty years in the system basically. I remember after graduating from law school and working for legal services and being in one of those surrounding counties. They had not seen any African-Americans and African-American women [attorneys]. I remember one time the bailiff said, "Are you sure you're a lawyer?" And all I had to do was mention, "Yes, I graduated from the University of Kentucky." Then I was fine. But that was kind of [a] different experience.

Bratt: One that you don't think you would have had in Dayton?

Cunningham: No. Because by then, like I said, some of the first women . . . right now, I think we might have, in Dayton presently, forty or fifty African-American attorneys. The first ones in Dayton, females, was like '73. And so maybe, maybe not. But I don't think so because in Dayton, I think in the 40s there were, like, eight African-American attorneys there. When I graduated I don't think that there were that many. There were a handful, maybe four or five practicing at that particular time.

Bratt: And no women?

Cunningham: Right. Right. Well, Gayle Slaughter. Gayle and I graduated together. So we were the first ones in that area. By then we

were married and I chose to work with legal services. I got a fellowship to work there.

Bratt: You had a Reggie [Reginald Huber Fellowship]?

Cunningham: A Reggie Fellowship, right.

Bratt: It's a very prestigious fellowship.

Cunningham: Yes. So that was kind of a different experience, I think. They weren't used to seeing African-American women there. I think Jennifer Bishop came next. She worked for legal services also. I think she had felt some of those same types of things.

Bratt: When you were looking for work your third year, obviously you apply for a Reggie and you have to wait to hear whether you are going to get it. Was that your first choice?

Cunningham: It was my first choice because, at that particular time, I felt that I wanted to work with the poor and I felt that would be a good opportunity. It was the first choice and probably the only choice I really wanted to do at that particular time because the summer before I'd worked for legal services. I enjoyed that kind of work. I enjoyed the people that I met in the Richmond offices where I worked. I met some of the people in the Lexington office. So that was what I thought would be a good move for me at that particular time — try to help people who were less fortunate than myself.

Bratt: Did you apply for other kinds of jobs or did you interview with law firms?

Cunningham: No, I did not interview with any law firms. I might have applied for something with the City of Lexington or the Urban County Government. There might have been an opening that I applied for. But my primary thing that I wanted to do was legal services. I didn't think in Lexington I would be hired by any big law firms. So I think that, to a certain extent, was not an option that was probably available to me. I just began to figure out [that] I could either go [into] private practice myself, or work for someone or the government. I think John McNeil, a tall guy that used to play basketball, was the first [black] to be hired by a firm. Back then we really didn't . . . I don't think Shirley applied for

anything. He got a job teaching at the university in the Agriculture Department. I don't think that there were firms that were really offered . . . I didn't really want to go over to Frankfort [to work] for state government. I really wanted something in the Lexington area. Then having worked that one summer I became interested in [legal services] because a lot of these people were uneducated, did not know how to go about protecting some of their rights in terms of the benefit area.

Bratt: Was it talked amongst the African-American students that there were no opportunities to go with law firms, or was it just you knew?

Cunningham: You knew. You knew. It was understood. You knew.

Bratt: And so it wasn't expressly talked about? You just knew. Take yourself out of this.

Cunningham: Right. Take yourself out and don't even apply for anything like that. I mean, you just didn't at the time. Well, I take that back. Shirley applied for a job in Hopkinsville. He wanted to go back to the western Kentucky area, which I wasn't too keen on doing myself. He had an interview and we went down. That was probably about the only one. But I wanted to be in more of an urban area. . . . Aside from us going down at that particular time, we just ended up in Lexington and I did not apply because I did not really think that I would be hired. I think in law firms in general you do not find as many African-Americans becoming partner. Even in Dayton I would say that we have made some inroads to firms but I would say there might have been only five [or] six to my knowledge who have been with firms.

Bratt: How does it cut that you're a woman and an African-American in terms of access to jobs? I mean, does that make you less or more acceptable?

Cunningham: I think that being a wom[a]n, unfortunately . . . , well, I'm not saying unfortunately. I think that at the time I was looking for a job, there were several things that I was looking for. I was looking for something where I would be able to have some access to get off. At that time I had a child [and Legal Services] had pretty flexible leave policies when children are sick. That was one of my concerns. My other concern was trying to be in Lexington close to my son so that in case something came up I would be able to get there, as opposed to being in Frankfort

where I would have had to commute. So I would say that when I was looking for a job those were some of the considerations that I thought about in terms of the kind of job that I wanted. I guess I kind of limited myself to thinking that those were the ones that I could have available to me. I dearly wanted to come back to Dayton. But as it worked out Shirley had a job first with the Ag[riculture] Department so we just decided, well, okay, we are going to live in Lexington, and that's basically how we made that choice.

Birdwhistell: Because Dayton would have made a lot of sense.

Cunningham: Right. It would have made a lot of sense. But, like I said, I met some excellent friends in Lexington so that worked out. I'd say it worked out.

Bratt: I was just thinking at the time that you were at the law school we had no African-American faculty members, and for part of that time we only had one woman, [a] white woman.

Cunningham: That's correct.

Bratt: Did you notice that?

Cunningham: Yes. [chuckle]

Bratt: Did that make any difference? [laughter]

Cunningham: Right. Right. Right. I noticed that. I remember I was on the student committee where we were to hire a faculty member, and they hired, Reginald Thomas. And then Louise Graham was hired. But, yes, those were some of the things.

Birdwhistell: You came to law school with excellent grades and excellent academics so there's not anybody saying that this is an affirmative action issue with you, but that's an issue that cuts across African-American . . .

Cunningham: I don't know because I think that there might have been an affirmative action plan there at the time. I don't know. I'd rather not get into sticky issues of affirmative action, but I think it's necessary. The reason I think of that as necessary is because I think that sometimes

if we base things solely on tests, that cannot be a total predictor of if a person will be successful or not. It's usually a good indicator of how well they will or won't do it. But I don't think that should be the sole basis. After having gone through law school I see how other people prepare to take tests, I did none of those things. I'm sure that a lot of people who take some of the standardized tests probably do not do the same thing, too. They might take it cold, whereas I know that some people take the courses and that prepares them and they're able to score better. Some people study through books. And some people just take it cold But part of it is what kind of exposure you have.

Now, anytime I know someone who's going to take these tests, I say, "Look, you need to get this book. This is what you need to do. You need to take this course. This is what you need to do." I don't think it's emphasized enough the importance of preparation in trying to take these tests. So I think that we need some kind of affirmative action. Personally, I think we need some kind of affirmative action because most people do not have that same kind of exposure. Even though my parents, both of them are college educated, they did not tell me, because I guess they didn't know that you have to truly, truly prepare for those tests. And you can prepare for those tests to score better. And if here you have college educated people who don't know that, then what about the people whose parents barely got out of high school? They won't know that. So I think that you need to have some plans to have minority students, I think, enrolled in the schools. I think the other thing you need to look at is the past history. If we take a look at the past history of the University of Kentucky, they did not have minorities accepted to school. I think. Just pointing out the differences between the University of Kentucky and Ohio State. I think the first graduate of Ohio State was 1918, whereas I think at the University of Kentucky, the first person was in the 50s. And then he was not at the university. They had to go over to Kentucky State to try to teach him. So I think it makes schools such as the University of Kentucky, and maybe some of these other schools, a little bit more willing to accept minorities. On their own, they didn't do it. [chuckles]

Birdwhistell: Looking back, as you decided to get married and you were going to marry a person who was also on [his] way to becoming an attorney, how were you thinking about how all this was going to work career-wise, balancing all of this? And how did your future husband look upon your future job prospects?

Cunningham: Well, that might have been part of the reason we are divorced now, maybe because [chuckle] I think at the particular time we decided whoever got a job first, because he graduated a semester before I did, then the other person would try to get a job in the same area. Because he had the Ag Economics background, [he] was able to get a job at the university and then at that same time to be able to start in private practice himself. And so that's what he was able to do. So given the fact that he was working two jobs, we kind of . . . sort of decided that, okay, then that means that I, of course, fell into traditional roles of being primary caretaker of our child. So I needed something that would enable me to be able to take off when he was sick, and ha[ve] some flexibility with that. Basically, that's how we ended up in Lexington.

However, both jobs were demanding. You know, the fact of being a mother, I think perhaps some of the problems that we might have had was the fact of him not understanding that. "Yes, you work, but you have a responsibility to family and that means caretaking of our son." And so that might have been some of the conflicts that we might have had resulting in us getting a divorce. I think as a woman, sometimes the job falls on somebody and I don't think that he, at that particular time, was totally sensitized to the fact that when you're married, two people have responsibilities of the home, not just one person. I think that might have been some of the problems that we encountered.

Bratt: So you graduate in May of '80, take the summer Bar.

Cunningham: In fact I did not pass the Bar at first. I didn't pass it until June of the next year. I had my son three weeks before I was to take the Bar. Like I said, things had a way of working themselves out because having this Reggie Fellowship I still had a job, even though I had not passed the Bar. And so that part of it worked out.

Bratt: So you have your son and then you're going right to work?

Cunningham: Right. But what happened was this. I graduated from law school and I had the Reggie. [I] did not pass the Bar the first time, continued working, took the Bar again that next July. I had my son three weeks before I was to take the Bar the second time.

Bratt: So then do you take time off from work?

Cunningham: No. At that particular time I could not, really, because [of] trying to study for the Bar. All I had was six weeks so I had parents and in-laws who came and basically helped out some initially with my son. I had Chris three weeks before the Bar, so I knew what I had to do to put the finishing touches on studying. So I came home and my parents took care of my son. I basically fed him one time and that way it enabled me to put those finishing touches on it. Then when I went to take the exam I left him here in Dayton. Afterwards [I] got him and by then it was time for me almost to go back to work. I wanted to make sure, having not passed, that there was no reason in the world . . . you have to study hard and I knew what you had to do those final days. I was weak, I was tired. But, again, it's the drive and desire. I said, "Hey, I can do this. I gotta do it." That's what I was able to do.

Bratt: Shirley pursues a political career but you're the one who comes from the political background. Have you never perceived yourself as having an interest in politics? It always seemed to me that of the two, that you were the one who had grown up in the political household; you were the one who had really fine people skills. And yet he's the one who goes off in politics and you didn't.

Cunningham: Right. Right. When we were in Lexington . . . well, all through our college, he was class president. Then he was Student Bar president. So he had this persona that he felt that he was the politician. And he might have been, I don't know. [He] still hasn't been elected. He might get mad at me for saying that [laughter]. Yet, at the same time I think that if I had stayed in Lexington I probably would have [run] myself and tried to do that. But being the supportive wife, so to speak, I kind of got burned out on politics there in Lexington. Sometimes here in Dayton I have thought about following that and pursuing that. I think my sister has that same interest too.

You know, with politics you basically have your life open, so to speak, when you choose to do that. And you have to cut some deals. I wasn't really sure that was what I wanted to do. However, as I have reached forty, sometimes I think, well, that might be the thing to do. I have thought about it. When I was in Lexington I worked a lot on campaigns, Shirley's campaigns and some of the other campaigns. So I did do that. I will say that I have not worked as much here in Dayton on those types of things. And maybe it's because I'm still trying to figure out what I want to do with my life even though at a certain age you should know what you want to do. But I know that being a politician

takes a lot out of you. Know it means that you have to be at the neighborhood groups. You have to be at the various meetings. And I just, for whatever reason, did not follow through with that. I don't know what the next ten years will bring. In Dayton it seems like all the African-American judges are Republican. I'm a Democrat, so that might present a problem. . . . I've thought about it on more than one occasion of running for judge. But there's a lot involved.

Birdwhistell: How many years, then, were you working as an attorney in Lexington?

Cunningham: Five years. I worked with legal services for five years, '81 to '86. In the meantime I got a divorce in '85 and decided that since I really wanted to live in Dayton anyway, that I would finally do what I really wanted to do. Sometimes we have to go away in order to come back home. I think I was one of those that had to mature some. I could then begin to appreciate all that my parents did for me and I came back to it. At that particular time I went in practice with my father for awhile, and then a firm. A group of us got together and formed a firm.

Birdwhistell: How did you assemble the group that formed the firm? How did you meet?

Cunningham: Well, we just met at the time. I was with my father with the chauvinistic ideas. I wasn't sure that I could continue [because] he's still chauvinistic, regardless of what we say. So I decided that this would be a good opportunity for me. There [were] five of us that just got together. Gwendolyn Bowers was the lead attorney basically, and four . . . of us who decided to go in with her. So we went in with her.

Birdwhistell: Women and men?

Cunningham: Women and men. There were two women and three men.

Bratt: General practice you set up?

Cunningham: General practice, right. We did criminal, civil, divorce, juvenile, real estate, probate . . .

Bratt: So how long were you with your dad?

Cunningham: I was with him for about six months, then I was with the firm for about two years. That did not work. We had some personality conflicts. I was leaning toward coming down to the juvenile court and work[ing] as a referee. I felt that was probably a good move for me at that particular time. I left the firm when I started here at juvenile court as a referee hearing delinquency cases part-time. So I just did that with my father in his office and then eventually took this job full-time.

Bratt: And so how long have you been at this full-time now?

Cunningham: It'll be three years in January full-time. And I did it one year before that.

Bratt: You told us some stories about what happened when you went out to the outlying counties around Fayette County as a legal services attorney. Do you have other experiences like that, where your presence was, I don't know, unique [or] noticed?

Cunningham: Well, yes. Judge [Armand P.] Angelucci. I remember the very first time I went before him. I had a blouse that was kind of curved, a V-neck. The very first time I stood up he told me, "Well, Counselor, next time you come in here you have to wear a tie." And then of course everybody laughed. Then Donnie White stood up and said, "Well, your honor, she's a woman." That particular incident was a little different.

Birdwhistell: How did you handle it? What was going through your mind?

Cunningham: I felt anger. I felt anger because also in the courtroom was my ex-husband. He did not speak up. It was Donnie White who spoke up and said, "Look, hey, this is a woman. She doesn't have to wear a tie." So I would say those two incidents are things that I remember the most.

Birdwhistell: You called up two instances but, when you would go into a court setting was it always in the back of your mind wondering if somebody was going to say something or wondering if there were people thinking those kinds of things? Or did you just block it out?

Cunningham: Well, most of the time I tended to block it out. But then, I guess, having experienced those things, then you began to realize, hey, wait a second, you know, you have to realize who you are and where you are. Because essentially at that particular time, aside from Gayle and myself, there were no other females, African-American females practicing law and very few females practicing.

Bratt: When you went to legal services, was Gayle at legal services too or did she go directly out into practice?

Cunningham: I think she went directly into private practice. I don't know why, like I said, it was like Gayle went to private practice, Shirley decided he was going to do Ag work at the Agriculture Department and private practice, and I guess basically we just felt that those were the jobs that might have been available to us. I don't know if either one of them contacted the placement services. I don't know.

Bratt: Did you find, when you were out in practice, were you able to put together a support system? I know some of those early women who went out into practice and tried to find sympathetic souls with whom to meet and commiserate. Did you have any kind of network like that?

Cunningham: Well, I would say in the legal services arena we had all the attorneys to draw upon. You know, their vast experiences. When I began in private practice in Dayton, basically it was my father and Gwen Bowers I would always ask about "what kind of form do I need for this?" Of course you are taught theory in law school. But then in terms of how to get to the courthouse, what kind of papers to file, those types of things you are not taught. . . . I found that in legal services those attorneys were able to help me. When I had private practice here, Gwen Bowers and my father were both able to help me.

Bratt: In dealing with your clients over the years, have there been incidents where being either a woman or an African-American woman made a difference?

Cunningham: Well, I remember one experience in Lexington. I had a domestic violence case and I thought it was interesting that this little bitty man was trying to beat up his wife. He had a big mouth but he really didn't scare me. I think he tried to be intimidating to me. I couldn't figure out how this woman could be so fearful because he was

like two or three inches shorter than I was. But I think what it was, he was probably very intimidating. I would say that a lot of times, when I was in private practice, seemed like quite a few women would come seek my services. Sometimes we would have some men, but I'd have probably more women. I did a lot of divorce work back then so that might have attributed to that. A lot of the women that came through were specifically looking for a female attorney, and then I got referrals from another female attorney. In terms of networking with some of the female attorneys here, Alvarene Owens, who did personal injury work and had been around, say, since '74. She and Alice McCollum and I hooked up and they were able to give me referrals. I found them to be very, very helpful in that regard. Since I have been out of the practice sometimes people still call and they'll ask specifically for a female attorney.

Bratt: Why do you think they do that? Why do they call and ask for a woman?

Cunningham: Perhaps maybe women sometimes tend to be a little bit more sympathetic to them and can understand some of their needs, especially a woman in a divorce. And I think that having gone through a divorce it helped me to do divorce work in that one of the things I always would tell people [was], "You don't have to wonder if you're ready [or] if the time is right for you to have a divorce. When the time is right, you don't have to ask any questions. You know that is what you're going to do." That's basically one of the things I've told both men and women that came through there. I think the reason that people . . . women tended to seek other female attorneys was because of the fact that if you have children, we would understand what it's like to have a child in divorce. Or you understand this, or you understand when he doesn't come to visit the child like he should. Having been through it myself I was able to share quite a bit of experience [with] them. As a result the female attorneys that made the referrals kept making the referrals to me. A lot of the criminal cases I took were assignments, where you get court assignments. So then I tended to have males. Of course, all they want to do is figure what you could do to get them out of the situation. It didn't really make a difference.

Bratt: How about in your position now as a magistrate? You are dealing with youngsters. Do they challenge you on occasion because you are female or do they give you extra respect because you are, or doesn't it make a difference?

Cunningham: Well, I think part of it is your approach and how you approach people. Before they did the remodeling we were in smaller quarters. Sometimes I've had people to go off, depending on the kids. I've had my little stands here and my microphones broken. I would say in those situations where the kids have gone off, they've been agitated by somebody else in the room who might have said something. One fellow in particular, [of] Appalachian descent, [had] been up to the Department of Youth Services numerous times. The last time he was sent up, I sent him up. We were in a little bitty quarters then because we were renovating. But I didn't have any problem with him. But then this prosecutor, who was a white male, said something to him he didn't like, and this guy [who] had on handcuffs . . . hit the prosecutor upside the head. But it's the same guy in the more crowded room. . . .

I think my approach with some of the juveniles or some of the things I do, I try to make sure in giving my dispositions that we have individual treatment for that specific juvenile. A lot of them we see repeat. I look at the particular individual. I try to assess where they are in school. Somebody sixteen, seventeen years old in the ninth grade. When I started here people thought I was wrong to tell them don't continue high school. But my theory was don't continue high school; work on your GED, then get a trade. And at first people would complain about that. I said, "But it doesn't make sense. This child will not finish high school realistically unless we do something realistic for that particular child." The same thing holds true if I see a child who comes through here with a lot of thefts. Immediately I think drugs. What kind of drugs are you taking? And nine times out of ten there is a drug problem and we try to treat that particular part of it.

I'd say that working in this kind of job, what I bring to it is the fact that I am a parent and I tend to be pretty rigid about time requirements. We're required to hold some kind of hearing within ten days after the child comes in here or is detained here. We have a detention hearing and then we have to have an adjudicatory hearing within ten days. I'm pretty rigid about that because I feel that if my child were here, I'd want somebody making sure that something's going on in their particular case. And I think I bring that with me in terms of all the dispositions, in terms of how I talk to the child. Sometimes people don't talk to the children to try to figure out why [they are] doing some of the things.

I had a young lady here earlier today. The probation person said, "This person's AWOL." So I come in, "Where you been?" Then they'll say, "Well, I was at so-and-so's house." I say, "Well, does your mother know this?" "Yes, she knew it." "Well, then, if your mother knew it, I

don't think you're AWOL, you're just not at home where you should be." But I think that sometimes when we're here in juvenile court, I don't think we talk and listen and find out what the problem is. You see a lot of children here, low income, single-headed households. You see a lot of people on drugs. We see that. I mean, not just occasional use, but I mean serious drug users. My belief is to try to get treatment for them. We see some parents come in here in denial. "Well, no, my son isn't . . . my daughter . . ." "Well, I'll tell you what, we have a facility downstairs, a lab, where we're able to take urines on the spot. So then that helps us to get everybody seeing that, "Hey, you've got a problem."

What I see myself doing is bringing in my own personal experience as a mother and as a parent in trying to figure out what is the problem? What is this child's problem? What can we do to try to help him? Now I do bring that into it, but I also bring in another side. If you come down here over and over again, as I tell them, I don't talk too much when I send you away to a Department of Youth Services. I don't have a problem. I don't have a problem if you're female. I don't have a problem if you're male. We don't send as many females, but I will send them if they keep coming back down here because my thinking is that I want to try to see that they're rehabilitated and become productive citizens. Sometimes it takes going away for you to understand that. Some people understand it the first time they're down here and on probation. And some people don't. So some of the kids will go off, and some of them will disrespect me. But then I have a little speech that I tell them [what] they have to do while they're on probation. And they can recite it to me so they know. "Well, I'm not doing that, but I'm doing this," so they know what I'm going to ask.

Bratt: It's interesting that what you tell me you're doing here is exactly what kinds of things all the literature says should be done in this kind of a setting.

Cunningham: Yes.

Bratt: But we didn't teach you that in law school. I know that you weren't taught any of that.

Cunningham: No. [laughter]

Bratt: So you attribute this to having been a mother? This is where you began to get the ideas that you've been . . .

Cunningham: Well, one of the persons when I started working here, Denise Martin-Cross, worked as a referee but now she is our legal director. There are a lot of things when I started here that weren't right. I think there was an abuse of rights, and the only reason I knew there was abuse of rights is because those were some of the things that I was taught in law school. In fact they had a system where they would adjudicate kids [with] no complaint file[d]. I mean, blatant disregard for any procedural due process. Those are the things I learned [chuckle] in law school, due process. So from law school I learned those things that were right and I tried to do those things, tried to be fair and impartial. We do detention hearings. I don't look at any police reports or anything like that. I have known some magistrates who read the police reports. I said, "No." I don't want anything that would influence me on my decision. I look at the charge. I look at the juvenile's record and how things are going in the community. And based on that, that's how I make my decision. So I take from law school those things that I learned about the Constitution and what's right, what's fair, and those points.

I also learned how to read a statute. You know, some of the people don't read the statute. For example, in cases where the case had been dismissed, they would order restitution. I said, "You can't do it. The statute says only when a person has been adjudicated." That part of law school was very just because I was the only one who would read the statute and follow it that way. They'd say, "Well, we've done it for so many years." I'd say, "That's fine, but I'm not going to do it that way." So those types of things, from law school, I learned that part of it. So that's part of my persona, I'd say, as a magistrate. But I tell you, the other part of it is, having talked with Denise Martin-Cross, and we talk about these things, about what's right, what's wrong, and in terms of what it is that you need to be doing with these kids. The other part, the fact that I'm a mother, but also it's just using some common sense about stuff. Common sense should have told you all, even though you all have been doing it for years that way, you can't adjudicate somebody without a complaint. Took a lawsuit for us to be sued for them to actually realize that.

But I'd say from law school you learn to do what's right and sometimes to do things differently from all the other magistrates. Because everybody else was doing it, they might dismiss one case, but still order restitution, and I said, "You can't do it, I wouldn't do it. And same thing about being fair and impartial. How can you be fair and impartial and read a police report? That's going to taint [your judgement] no matter how much you say that it's not going to. So I exclude that part and then

just bring in all the other different roles. So I'd say that yes, law school really did help me a lot in terms of when I have my trials, the evidence clicks in. [chuckles]

I wasn't going to do any criminal law type stuff but here in delinquencies that's all I hear. I don't think I took juvenile law. I was surprised at that. But Denise Martin-Cross helped me. She has a big picture of what's right and wrong. When I didn't know the answer I would always go to her to ask her. She's a real stickler and I followed likewise with her in trying to follow with what the law says.

When I heard somebody say there's a detention there, they read the police report. I say, "Well, I don't see how you can do it because they put in everything they want, and policemen do lie." And I think that might have been attributed in my mind and based on my experiences that sometimes you see some people that will tell stories and just because a policeman says it's so, doesn't make it so. They have to prove a case. When they want to talk about a case, I won't listen to it.

Bratt: You know, they often talk about all these studies that show what happens as young girls grow up, and that although they're able to be very self-confident and full of self-worth, as they go further and further through the educational system they lose that sense of self. You obviously have an incredibly strong sense of self.

Cunningham: Right.

Bratt: Why?

Cunningham: I guess it was seeing my parents, both of them come . . . I won't really get into that. But I mean, like in Minnesota my mother's father was like a secretary to a congressman way back then and her grandfather was like the first black fire captain in the state of Minnesota. My father's father had a patent in the 30s to do chains on tires. Limited education, both his parents. But they always told him, "You can get your education. That's how you can make it and to be somebody." And I guess one of the things my father told me one time when we went back to *Steubenville*, he said, "As a minimum, you need to do at least as well as what I've done. And you need to just believe that you can do it." And I think that those types of things kind of made an impression upon me. And those are some of the things that, as a magistrate to the juveniles, I try to impart on some of these juveniles. I say, "Look, you have got to make some choices. Now you can either

make the right choice or you can make the wrong choice. And you can either believe me now or later. But while you're school-age, going to school is something that you have to do." And you have to be able to say, "I want to be something." Most of them will say, "I don't know what I want to be." So then I tell the probation officer, "When he meets with you, why don't you discuss various career opportunities? Things that he could be?" We have a program here that I always send kids to, boys, young men where they can work on a GED and work on trade . . . carpentry, plumber, being an electrician, and like that. Because some people, that's their best educational plan for them.

Birdwhistell: What percentage of the people coming through, the young people, are males and females?

Cunningham: We have probably, I forget the exact statistic, but I would probably say ninety-five percent male and five percent female come through here. We don't have a lot of things that are available, but we have more services that are available to the males because we just have a greater percentage of them. That's why I said how they do things wrong. They would have corrections time for boys but not for girls. What about the equal protection clause? . . . Some of those things have changed. But we do have a higher number of males to come through here. And all of the ones I see that come through here, you see your repeats. I say things in my hearings sometimes, I wonder if someone ever got a hold of the tape. But if you have someone [and] the probation officer tells you that this child is promiscuous, a female, then you've got to talk about some things in the hearing or whatever. Now I don't know that some of the male probation people talk about it, but I talk about AIDS. I talk about sexually transmitted diseases. I talk about the fact that you need to protect yourself. Likewise, when we have a young guy who will come in and say "Well, she says that that's my baby," I say, "How do you know that's your baby? She already has two others that could have been somebody else's too, you know." I bring into my job my own personal experiences. I'd say definitely experiences as a female trying to tell them what is the right thing, what I think is the right thing to do. Young girls I see coming through here twelve years old, mothers. I try to explain to them, I say, "You have just lost the opportunity to be a teenager because you have a responsibility now of this child. But you're basically a child yourself." In terms of everything I do, in terms of disposition, I bring in to my dispositions the fact that I am a female, the fact that I am a mother. I think that my hearings probably are a little bit

different even from the other. In the delinquency area we have two females and three males and I would say that even compared to the other female, I'm different. I'm the only African-American in the delinquency area. We have two others in the Custody and Support area. Our legal director is African-American and one of our judges is. I think that plays a part too, how they see me in the scheme of things.

Bratt: Some women and some African-American men or women don't like to attribute to who they are the fact that they are either African-American or they're women. You don't have any trouble doing that?

Cunningham: No. I have none whatsoever.

Bratt: You think this had an impact on who you are?

Cunningham: Right. I'm convinced that it had an impact on who I am, because sometimes I say stuff and they look at me real funny. Sometimes how things are set up here I don't think are totally right in the suburbs. We have what's called satellite courts. [In] Montgomery County we have a lot of little cities. We have Huber Heights, Centerville, Kettering, and Oakwood and all of them have satellite [courts]. Then we have the inner city, which is comprised basically of Dayton. Now [in] the satellite courts you have a lot of cases that are handled unofficially. The effect is that those juveniles that go through that will not have an official record, whereas those that come in to Dayton would have a record.

So I posed a question and said, "I don't have a problem doing this, but how do you explain to me why a female, first-time offender, petty theft, would have to go through the system at that particular time, they had the intake and then they went on to probation and all like that. Then they came to us for adjudication and disposition." I said they have to go through the system, whereas the people in the surrounding areas, same petty theft, the case gets handled unofficially. Then they say well, "They have better this . . . I said, "Wait a second. Are you trying to tell me that a single mother cannot provide those same types of things?" So I do raise the social consciousness. I do say things and one of the things that I try to do, I try to be fair. I treat all the kids the same. You know, that way there's not any mistake. You understand if you do this, this, and this, you won't have to worry about it. And I do raise things if I think it's not right [and] that doesn't always make me the favorite person around town, so to speak.

Sometimes it makes me like the Lone Ranger out there, speaking up when no one else . . . but I think you can't forget where you come from. And I think that if I don't speak up, who would? And so then I say that, and then sometimes by making comments like that it might raise the social consciousness of some others. I think it does sometimes. I think they try to be . . . try to be fairer. And when I say stuff, I think they do . . . they do listen and . . . and I try to say, well, it just doesn't sound right or it's not right. I think some . . . and I have said this sometimes in terms of our placement dollars. I don't think that we have always placed money the same for both races, and I might make a comment about that or, you know . . . so I mean, I say it, and then I figure all they can do is . . . if they fire me, I'll get another job somewhere or go out in private practice, you know.

Bratt: Are you active in the local bar?

Cunningham: I'm a member of the Dayton Bar Association. I spoke recently on delinquency for the Dayton Bar. I am active with the Thurgood Marshall Society which is the Minority Bar, so I am active with that.

Birdwhistell: Now that you're forty, do you see yourself as a mentor for younger people coming up?

Cunningham: I try to help people. And I would say that [with] some people I would be considered to be a role model. Those people that come through, some of the advice that I give them, that you have to have your education. So if someone comes through that might be a probation officer, I emphasize the importance of having a master's degree at the minimum, because in that way, if something else becomes available, then you'll be qualified to handle that. Some of the attorneys that come through, I try to provide that to them. So I try to help some people.

One of the things I always tell some of the juveniles that come through here [is] that you can be whatever it is you want to be. But you first have to have a plan. I emphasize to them that working at McDonald's, or any other fast food [won't] pay for you being able to have housing, adequate housing, provide for yourself or your children. You know, that four-something an hour, you can't even buy a value meal basically. You know what I mean? I say let's get to the realities of the situation. I think that these are some of the things that they . . . well, they think that they can make it because they're at home, still. Well, yes, you

might be able to do it at home, but if you have the responsibility, you can't.

Birdwhistell: Another thing that comes to mind, people who work in law enforcement or people who work in criminal law, day in and day out, seeing problems and being hit with this all the time. How do you . . . how do you deal with that?

Cunningham: It's hard. It's hard. I'm going to tell you it's hard because some days are very difficult and you feel very frustrated sometimes, especially when you see some of the same people. It always hurts me sometimes when I see kids who you know are going to have a problem. Then the system says, "Well, we don't have money for placement for that child." Then two weeks later, sure enough, your prediction is correct. That type of problem with the system bother[s] me. I think the key is to try to keep [an] upbeat attitude. I do understand, because we see the worst of a lot of these kids, [that] you cannot save everybody. I tell them all the time, "You can either believe me now, or you can believe me later. Later you will be in the adult system and then you're going to say, 'Well, she was right. I needed to do this, this, and this.'" But I do realize that every child you can't save. A lot of times what I try to impart with some of these kids is the fact that there is hope. You can reach certain goals, but the goals have to be realistic. I think sometimes in probation we do not always make realistic goals for the child. They think everybody could be saved. I don't think everybody can. So I think that is what gets me through the day — trying to have a realistic approach and realizing that you can only help some of them. Some kids you can help and some kids you cannot help.

Bratt: This was wonderful. Thank you.

Cunningham: Okay. Okay.

Birdwhistell: Thank you for all this time to share that with us.

Cunningham: Well, no problem. No problem at all.

Bratt: It's just wonderful, from the perspective of being a teacher, to visit a former student and see how well you are doing.

Cunningham: I think the key is, the experience of law school. I mean the theory and all that you learn, you can put it to practical use.