

# Women and Justice for the Poor

## A History of Legal Aid, 1863–1945



Felice Batlan

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FELICE BATLAN

*IIT/Chicago–Kent College of Law*



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32 Avenue of the Americas, New York, NY 10013-2473, USA

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Information on this title: [www.cambridge.org/9781107446410](http://www.cambridge.org/9781107446410)

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First published 2015

Printed and bound in Great Britain by Clays Ltd, St Ives plc

*A catalog record for this publication is available from the British Library.*

*Library of Congress Cataloging in Publication Data*

Batlan, Felice, 1965– author.

Women and justice for the poor : a history of legal aid, 1863–1945 / Felice Batlan.  
pages cm. – (Studies in legal history)

Includes bibliographical references and index.

ISBN 978-1-107-08453-7 (hardback) – ISBN 978-1-107-44641-0 (paperback)

1. Legal aid – United States – History. 2. Women – United States – History. I. Title.

KF336.B38 2015

362.5'8–dc23 2014046191

ISBN 978-1-107-08453-7 Hardback

ISBN 978-1-107-44641-0 Paperback

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**Women and Justice for the Poor**  
*A History of Legal Aid, 1863–1945*

This book reexamines fundamental assumptions about the American legal profession and the boundaries between “professional” lawyers, “lay” lawyers, and social workers. Creating a dialogue between legal history and women’s history, it demonstrates that nineteenth-century women’s organizations were the first to offer legal aid to the poor, and that middle-class women, functioning as lay lawyers, provided that assistance. Felice Batlan illustrates that by the early twentieth century, male lawyers had founded their own legal aid societies. These new legal aid lawyers created an imagined history of legal aid and a blueprint for its future in which women played no role and their accomplishments were intentionally omitted. In response, women social workers offered harsh criticisms of legal aid leaders and developed a more robust social work model of legal aid. These different models produced conflicting understandings of legal expertise, professionalism, the rule of law, and, ultimately, the meaning of justice for the poor.

Felice Batlan is professor of law and associate dean at IIT/Chicago–Kent College of Law. Her groundbreaking work, which explores interactions among law, gender, history, and the legal profession, has appeared in numerous law reviews, history journals, and anthologies. She is a book review editor for *Law and History Review* and was an associate editor of the *Encyclopedia of the Supreme Court* and *Continuity and Change*. She has been a New York University Golieb Fellow, a Hurst Fellow, and a Freehling Fellow, and she received the Coordinating Council for Women in History (CCWH)/Berkshire Women’s History Dissertation Award.

*In memory of my mother, Syrene R. Batlan,  
Who stood with me on the starting line  
In dedication to my husband, the Honorable Robert Balanoff,  
Who took each step with me*

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## Acknowledgments

I consider myself the luckiest person in the world to be surrounded by my actual and fictive families. It was in Linda Gordon's kitchen, over a cup of well-brewed coffee, that she encouraged me to write a book, even though I had just snippets of archival documents. She read the prospectus and then the manuscript – twice. I went from Linda's home into Sarah Barringer Gordon's orbit. She has been one of my heroes since she sat on my dissertation committee many moons ago. I cannot imagine a more involved, hardworking, or committed editor and advocate, and she pushed me to do more than I ever thought possible. I am a better person and scholar because of her.

My truly wonderful friend Richard Bernstein has been my constant source of encouragement. He read, commented on, and edited this manuscript with his "special pen," more than once. No matter what time of day, Richard was willing to listen to my frustrations, as were my dear friends Tristin Kirvin, Jennifer Anderson, Marjorie Kornhauser, Martin Drell, Carole Balin, and Jancy Hoeffel.

A number of my colleagues read drafts of chapters at many different stages, and I am grateful for their comments and ideas. Thank you, Norma Basch, Karen Tani, Alfred Brophy, David Tanenhaus, Joanna Grisinger, Mary Ziegler, Christopher Schmidt, Linda Kerber, Jill Norgren, Leon Fink, Susan Levine, Gwen Jordan, Tracey Thomas, T. J. Boisseau, Henning Grunwald, Kenneth Ledford, Thomas Bender, Katharine Baker, Nancy Marder, Ron Staudt, Steve Heyman, and Carolyn Shapiro.

The NYU Legal History Symposium has been my home away from home for many years, and William E. Nelson has provided me with every kind of support imaginable. I will be forever grateful to him. Those



attending the symposium have read various chapters over the past couple of years, and then the near-complete manuscript. All of their comments and criticisms have been enormously helpful, including those of William LaPiana, Harold Forsythe, Lloyd Bonfield, Daniel Hulsenbosch, Lauren Benson, Brad Snyder, Gautham Rao, and William Forbath. Likewise I thank my colleagues on the faculty at Chicago–Kent College of Law for the many times they have listened to and commented on my work at faculty workshops.

Kenneth Mack, Susan Carle, and Tamar Carroll are three of the most generous scholars I know. They shared their own archival documents and took the time to discuss with me a number of frustrating questions. Martha Jones has been a constant source of inspiration, and her comments always have been right on target. At just the right moment, she invited me to the legal history seminar she taught with William Novak at the University of Michigan, and the feedback that I received there helped me to reach the next level. At an early stage, Mary Anne Case, Amy Dru Stanley, Lisa Bernstein, and the participants in the University of Chicago's Sex and Gender Workshop and Scholarship Workshop provided me with excellent critiques and questions that sent me in new directions, as did attendants at the University of Pennsylvania Social History Conference, including William Eskridge and Michael Katz. Participants in the American Bar Foundation Legal History Workshop, the Vanderbilt Legal Culture Workshop, and the Newberry Symposium on Women and Gender have been supportive and their comments and critiques generative.

I am indebted to our former associate dean, Sarah Harding, and our dean, Harold Krent, for their patience, support, and funding. Becoming a Freehling Scholar was crucial to my completing this project, and I thank Norman and Edna Freehling.

I also had wonderful research assistants, including Alexander Rabanal, Sylvia St. Clair, Asa Naiditch, Lauren Crawford, and Christina Ziegler-McPhersen. Tom Gaylord is one of the most knowledgeable, patient, and hardworking librarians I have encountered. Laura Caringella, like a magician, has put together this manuscript and assisted me in too many ways to count.

I cannot thank my husband, Bob Balanoff, enough. He has done everything imaginable to help me complete this book. He has been my cook, chauffeur, photographer, citation checker, official staple person, IT guru, proofreader, and the one always ready to listen to half-baked ideas. He has encouraged me daily to push on, and when my spirits were low he made me cakes and cookies and caramels. I have also benefited greatly

from our many conversations about his own role as a judge on Chicago's Juvenile Court and how he spends his days surrounded by social workers, women lawyers, and mothers hoping to have their children returned to them. He reminds me that what I write about is not just the past.

Parts of this book draw from material in Felice Batlan, "The Birth of Legal Aid: Gender Ideologies, Women, and the Bar in New York City, 1863-1910," *Law and History Review* 28, no. 4 (2010): 931-71.

## Abbreviations of Primary Organizations

ABA	American Bar Association
BLAS	Legal Aid Society of Boston
BoJ	Bureau of Justice
CLAS	Legal Aid Society of Chicago
CWC	Chicago Women's Club
LAB	Legal Aid Bureau (Chicago)
NALAO	National Association of Legal Aid Organizations
NYLAS	Legal Aid Society of New York
PAWC	Protective Agency for Women and Children
UCC	United Charities of Chicago
WEIU	Women's Educational and Industrial Union (Boston)
WWPU	Working Women's Protective Union (New York)



PLATE I. Working Women's Protective Union: "Complaint Day." From *Good Words for the Working Women of New York* (New York: Working Women's Protective Union, 1878). Courtesy of Felice Batlan.



PLATE 2. "The Waiting-Room in the Building of the Workingwoman's Protective Union." From *Frank Leslie's Illustrated Newspaper*, February 5, 1881. Illustration by Georgina A. Davis. Courtesy of Felice Batlan.

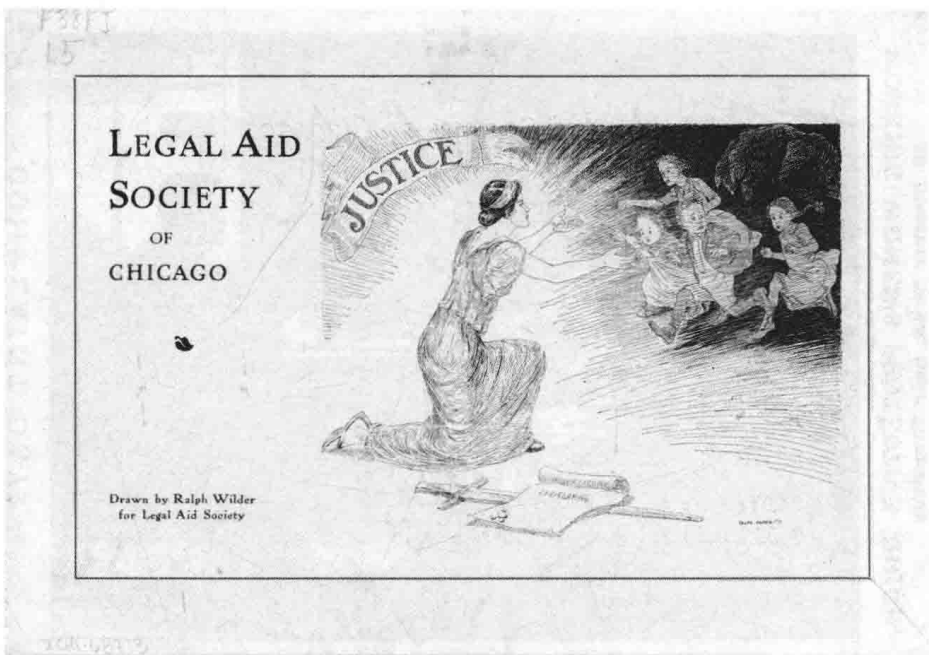


PLATE 3. Cover of pamphlet published by the Legal Aid Society of Chicago, ca. 1905. Illustration by Ralph Wilder. Courtesy of Chicago History Museum.

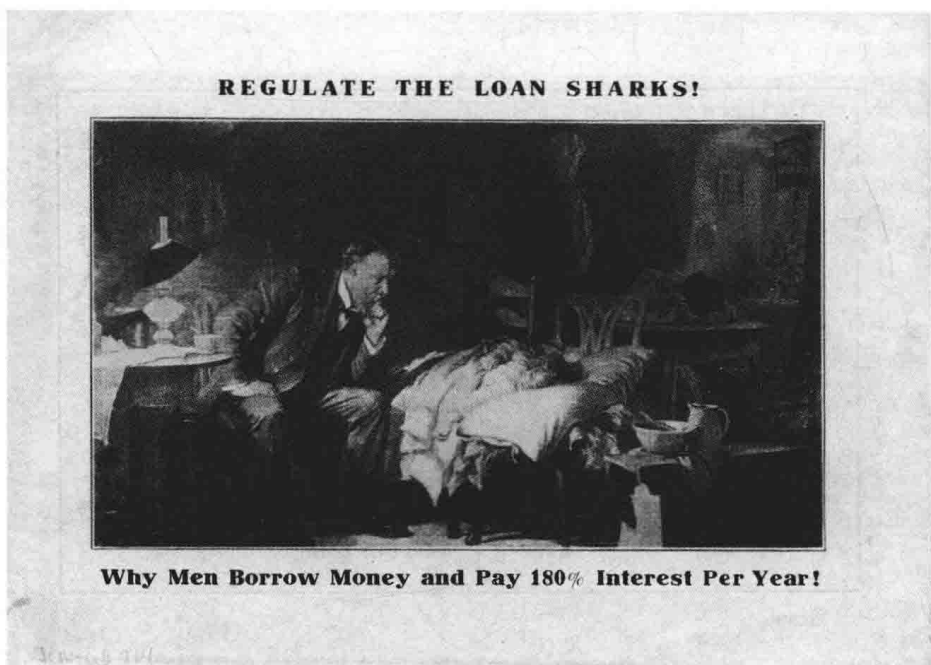
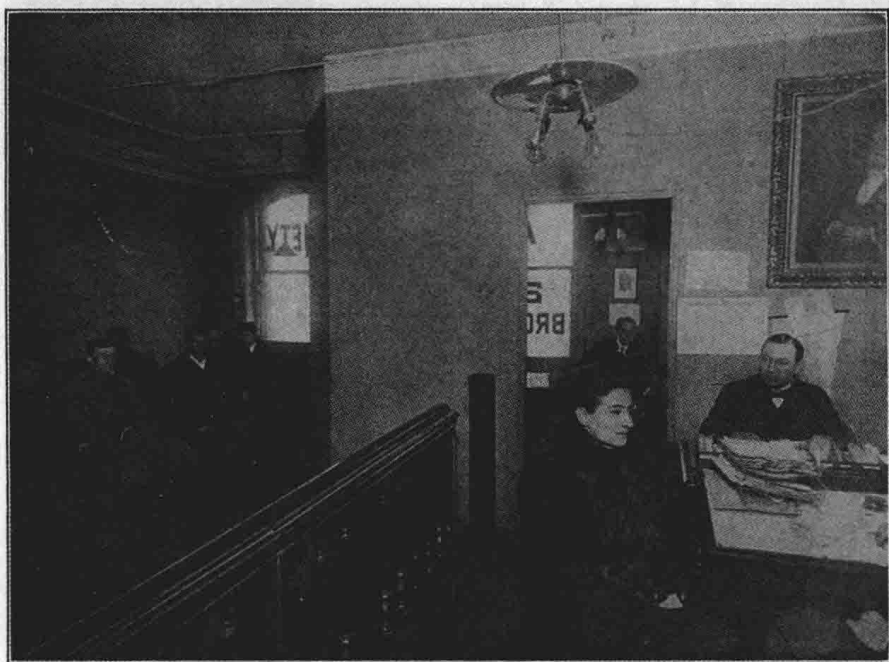


PLATE 4. Advertisement in Legal Aid Society of Chicago pamphlet, ca. 1905: "Regulate the Loan Sharks!" Courtesy of Chicago History Museum.



**Main Office, Legal Aid Society, 239 Broadway, Manhattan**

PLATE 5. Legal Aid Society of New York, main office waiting room. Photograph appeared in the program for *The Bartered Bride*, presented for the benefit of the Legal Aid Society, April 29, 1909. Courtesy of New York Public Library.

## POOR MAN'S PORTIA



One of the youngest of the Legal Aid Bureau's six women lawyers is Miss Edna Brown, shown above as she enters the main office at 320 S. Wells st. to start an average day's work. Already the waiting room is crowded with people in need of free legal assistance.

EVERY month more than a thousand of Chicago's needy, confronted with legal problems but unable to pay for a lawyer's help, come to the offices of the Legal Aid Bureau, 320 S. Wells and 2859 S. Michigan av., where a staff of 10 attorneys—six women and four men—are on hand to assist them free of charge. Many are orphans and incompetent old people whose estates are so small that there would be nothing left for them to live on if attorney or guardian fees and Probate Court costs were deducted. Many are servicemen and their dependents. Others are working people in search of legal assistance in handling debts incurred during the depression, or in forcing claims for workmen's compensation.

Legal service for the city's poor was first inaugurated by the Chicago Woman's Club in 1885, with the establishment of the "Protective Agency for Women and Children," in order, as its charter stated, to protect women and girls from physical assault, from exploitation in financial matters. In 1888 the Ethical Culture Society organized the "Bureau of Justice," to serve men and women alike. These two agencies merged in 1905 to become the Legal Aid Society, which was taken over in 1918 as a special bureau of the United Charities of Chicago. The bureau is financed by the Community and War Fund, and by direct contributions.

PLATE 6. The Chicago Legal Aid Bureau: "Poor Man's Portia," *Chicago Daily News*, November 20, 1943. Courtesy of Chicago History Museum.

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## Introduction

This book began in New Orleans amid the debris and destruction of Hurricane Katrina. In 2005, when the storm struck, I was living in New Orleans and teaching at Tulane University. The weeks after the storm were a confusing jumble of friends' couches, searches for clothing, and a growing sense that this would not end soon and that I would need to occupy my time until the university reopened. Doing something in New Orleans seemed better than passively watching the continuing disaster on CNN, so I moved back into my damaged but still standing home. As someone actually living in New Orleans when much of the city was unoccupied and in ruins, I received constant calls from acquaintances, friends, and friends of friends who were unable to return to the city. People needed help with insurance forms and mortgages, with locating relatives, procuring housing, finding documents, and, above all else, dealing with the Federal Emergency Management Agency (FEMA) and its arbitrary and changing policies and procedures. In the wake of such an enormous catastrophe and the haphazard response by the government, many people needed a witness and advocate on the ground.

FEMA established a series of disaster recovery centers in and around New Orleans that were intended to function as "supermarkets" for hurricane aid. In these centers, victims could apply for FEMA benefits; procure information on repairing a roof; speak to the Army Corps of Engineers; receive a disaster tax rebate; find a Bible, a hot meal, a friendly ear. In theory, the centers were an excellent idea; in practice, they resulted in hundreds of people waiting in long lines for hour after hour. One day I approached a FEMA manager, handed her my résumé, and asked if I could set up a legal-information booth. She allowed me to do so without