



PRESIDENT'S PAGE THOMAS H. BIENERT, JR.

Remarkable Women in Orange County Contributed to Our Shared History

I grew up primarily with my mother in a single-parent household. She was attractive, witty, and a strong personality. She was quite intelligent, graduating high school two years early, at sixteen. My mother was, by today's standards, an ideal candidate to graduate college, get an advanced degree, and have a successful career as a professional or executive. But that's not what she did. Doing those things just wasn't the norm or expected at that time. Instead, she did what the vast majority of working women did in the 60s: she went to work for men.

March is Women's History Month, a time to reflect on tremendous changes in the opportunities afforded women. I was fortunate this month to get the perspectives of three women who were willing to buck the system and challenge the norm. These three remarkable attorneys changed history here in Orange County.

Judge Alicemarie Stotler is truly the "First Lady" of Orange County lawyering. She was the first female Deputy D.A. in the county, first female elected-officer of the OCBA, and first female United States District Judge in Orange County. Upon graduating from UCLA, Alicemarie Stotler's father expected her to get a job and start raising a family. But Alicemarie had other plans—she wanted to be a cop. Her uncle, a career police officer, encouraged her to be a lawyer instead. "Police work is coarse, messy, and dangerous," he said. "Go to law school."

He convinced her. Alicemarie enrolled at USC Law School. "I wasn't viewing law school as a tough climb based on my gender; I was more worried about the challenge of doing well academically relative to my classmates." She found her male classmates collegial and friendly to her and the seven other women in her class. What bias she did feel was from a few older professors who were condescending to women and made clear their view that women were "taking up seats intended for men." Some professors went so far as to direct the class questions about salacious cases and facts only to the female students.

After graduating law school in 1967, she was hired by the Orange County District Attorney's Office. While she was a bit of a "curiosity" as the first female DDA in the county, she felt well treated and accepted by her fellow, all-male DDAs. "It was much more about our being 'in it together' than about my being a girl," she recalls. She did, however, sense a difference in court. "I think there was a discomfort level for some people. I couldn't help but stand out as the only woman attorney in the court. And some males seemed uncomfortable, not wanting to be perceived by jurors or judges as picking on a woman." Alicemarie also felt a "certain amount of self-consciousness. I felt I had to be a standard bearer, projecting a certain bearing and image. I wouldn't go into court unless I felt I looked and acted as professional as I could."

Judge Stotler also worked in the DA's Writs and Appeals Section, "enjoying the quiet victories of the library as much as being in court." Her combination of trial and written work made her the

perfect judicial candidate; Governor Brown appointed her to the municipal court bench in 1976. Shortly after, she was selected to sit by designation on the Fourth District Court of Appeals. Rose Bird was Chief Justice of the State Supreme Court, and there was a focus on selecting female judges. "It was the reverse of the norm; I was selected over more experienced men because I was a woman," she recalls. "It made me feel a bit uncomfortable." Once selected, however, it was a wonderful experience. "I learned a lot. The appellate judges I worked with were very down to earth. They taught me to look at the record and the rules, and apply them faithfully, even if they were not keen on the result."

She thereafter served on the OC Superior Court and, in 1984, was appointed by President Reagan to the United States District Court in Los Angeles. In 1988, the federal court was opened in Santa Ana, and Judge Stotler moved back to Orange County as its first female federal judge. She continues to preside in the U.S. District Court to this day, having assumed Senior Judge status in 2009 after acting as Chief Judge for the Central District of California from 2005-2009.

Judge Stotler believes the practice of law has changed a lot for the better. "I feel the discomfort level has disappeared, with acceptance across the board about race and gender preferences." She notes that when she started her career, the few women practicing felt pressure to present themselves in a standard set by their male counterparts. "Now women are more free to be themselves in their appearance, dress, and mannerisms. They recognize that others can choose to like or dislike them, but it won't be based on gender."

Justice Sheila Sonenshine knew by the age of seven that she wanted to be a lawyer. In third grade, she petitioned her school to change the rule permitting only boys to wear shorts. "It was hot in Las Vegas; the rule should be changed to apply to girls as well. I always valued the process of law, even as a young girl." She didn't stop there. At UCLA she and other female students, concerned they had received Bs and Cs instead of their usual As and Bs, realized they were all Jewish. They confronted their professor, a German, who promptly pulled up his sleeve revealing his concentration camp ID tattoo. "It's not because you're Jewish," he said, "it's because you're women. You'll take the places of men who need to work, then you'll go home and have babies." After speaking with the women, the professor corrected their grades.

Sheila then attended Loyola Law School, where she felt "zero gender bias." After graduating in 1970, she found "the real world was a shock." Big firms offered her jobs, but made it clear she'd never get an office with windows or a partnership. Sheila passed on this compromised assured income. "Some people quit or never try because they're afraid. You can't be afraid. I've never not done something because I was afraid of failure." So, she opened her own law firm. She and her firm were very successful. *(continued on page 50)*

Back then, women attorneys were rare; women bar groups were non-existent. So Sheila and a few others started one in 1974. "I was able to get Gloria Steinem to speak at the annual 'Secretary's Day' event, and she gave a great talk. After it, OCBA President Fred Mason said it was time to have a women's section of the bar." Strong resistance to a "women's group," however, resulted in expanding the focus to address issues for any group discriminated against, not just women—hence the name, "Women and Individual Rights Section of the OCBA."

The Section had its work cut out for it. Male

jurists were not used to female attorneys and sometimes didn't know how to react to them. Many reactions were less than ideal. Some judges had rules for women's attire, such as not allowing them to wear pants but insisting on skirts or dresses. Others were downright inappropriate. Sheila recalls hearing one judge address the clothing issue by saying, "You can wear anything or nothing in my courtroom."

In 1981, Governor Brown appointed Sheila to be one of the few female judges on the Orange County Superior Court. Then, in 1982, he elevated her to the Fourth District

Court of Appeal, where she served until 1999. As a jurist, she continued taking stands against previously accepted inequities. She wrote dissents in cases where judges upheld practices of providing women free services at carwashes or bars while making men pay. Her dissents later became the law when the Supreme Court adopted her dissenting views, rejecting such gender-based disparate treatment. "When I consider such situations, I ask, 'If you quit making the issue about men versus women, but made the same issue about African Americans versus whites, would the ruling be the same?' It should be the same."

Justice Sonenshine also addressed gender discrepancies by serving on the first gender-bias commission in California. She advocated that "gender is a two-sex word. We can't talk about just women, but have to talk about men and women. Other gender-based differentiations, such as the notion that men aren't as good at parenting as women, or that men deserve harsher sentences in criminal cases than women, need also be remedied." She also addressed gender-bias beyond just attorneys. "When it comes to gender bias in the law, we tend to concentrate on lawyers; but we need to comment on the entirety of the legal process: how are witnesses and parties perceived based on gender; are male experts perceived as 'better' than female; will jurors view the same damages differently for men than for women?" These issues previously had received little, if any, consideration.

Sheila doesn't think it useful to quantify the degree to which gender-based inequity has diminished. "We still live in a society where people are treated differently because of their general status." A woman is commended for giving up a career to stay at home with kids, but a man is considered crazy for doing so. The elderly are given discounts at movies, while those younger pay full price, regardless of ability to pay. "As lawyers and judges, we need to guard against any 'ism' or generality; decisions should not be based on a generality but on the specific facts or evidence. Anything that gives or takes away rights based on a group, as opposed to an individual assessment, is senseless."

Marjorie "Marge" Fuller was teaching English at Cal State Fullerton in the 60s when she decided to go to law school. "We were in Vietnam and bombing Cambodia, and the police were on campus in riot gear. I thought I might be able to do something more useful than discuss Victorian novels." She attended USC Law School, one of twelve women in her class of 200, graduating in 1974.

When Marge started practicing, the reception she received wasn't always

welcoming. There was “a sense that men were lawyers, women were housewives or secretaries, and women particularly didn’t belong in the trial courts,” she recalls. She remembers instances when, upon approaching a courtroom clerk or counsel table, the clerk or bailiff would tell her to get back behind the bar because only lawyers were allowed to be there; or when a judge, so unused to having a woman trial attorney in his court, would rotely say, “You may proceed, sir” while looking in Marge’s general direction; after the judge would say it about three times, she’d respond, “Do you mean *me*?”

Marge did find a silver lining: there were so few women practicing at that time that it was easy to stand out and be remembered by other lawyers and potential clients. Many people assumed one had to be “really smart” to have been one of the few women to get a law degree at that time. “That brought me a lot of clients,” laughs Marge.

With the increasing number of women becoming attorneys, the OCBA tapped Marge and Justice Sonenshine to head a “Gender Equity Committee” composed of men and women judges and lawyers to better educate the judiciary and the bar on dealing with women attorneys. Covering areas from simple protocols (do I refer to women attorneys as “Miss,” “Mrs.,” or “Ms.”? Should I pull out the chair for a woman attorney?) to legal rulings and precedents addressing gender issues, the Committee educated the bench and bar in seeking appropriate, gender-neutral addressment of attorneys in the courts and law firms. It put together a brochure with important information on the topic. The brochure was so well-regarded that the state adopted it for use statewide.

Marge applauds the progress that’s occurred in the forty years she’s been practicing. “The practice for women is tremendously changed for the better. With the number of women in law now at around 50%, I rarely see overt discrimination. Women are no longer unusual in the courts and law firms, and we are all now mostly judged on our abilities and not, as we used to say, on the shape of our skin.”

These women have clearly left their mark. All three have been recognized by the Orange County Bar Association with its highest honor as “the best of the legal profession,” each having received the Franklin G. West Award: Judge Stotler was the recipient in 1984, Justice Sonenshine in 1995, and Marge Fuller in 2006. The Women and Individual Rights Section, now called the Orange County Women Lawyers Association, has over 100 members and lifetime members and fulfills not just the educational and marketing

needs of its members, but also the needs of the community at large. OCWLA is a proud sponsor of the Public Law Center, El Viento Foundation, and the Collaborative Courts of the Orange County Superior Court.

Remarkably, all three attorneys are still practicing. Judge Stotler continues to handle cases as a Senior U.S. District Judge. Justice Sonenshine continues her ADR practice and is considered one of the best arbitrators and mediators in the state. Marge Fuller still has a thriving appeals and writs practice based out of her office in Fullerton. Having had the privilege of speaking at length with

each of them, I can see why they were able to accomplish so many things that hadn’t been done before. They’re simply amazing people: brilliant, well thought-out, witty, thick-skinned, and hard working. I doubt I could’ve done what they did. They’ve done a great service for all of us.



Thomas H. Bienert, Jr. specializes in trial work, civil litigation, and white-collar criminal defense for Bienert, Miller & Katzman, PLC. He can be reached at tbienert@bmkattorneys.com.