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Lady Justice: Women, the Law, and the Battle to Save America

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Lady Justice: Women, the Law, and the Battle to Save America

Dahlia Lithwick
Penguin Press, 2022

Review by Nancy Jane Moore

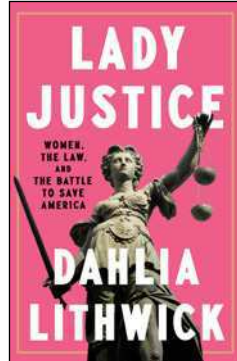
While Dahlia Lithwick was working on this book, a “prominent constitutional law professor” asked why Lithwick “would waste time and credibility writing a ‘pink book about the law.’” Clearly this unnamed professor assumed that the growing and highly visible presence of women in the profession hadn’t changed anything.

But in its coverage of the outstanding work of numerous women lawyers in the years be-

tween 2016 and 2022, this “pink book” shows just how much difference women can make when they wield the power of the law.

Early in the book, Lithwick, an attorney herself, observes that women were allowed to practice medicine in the United States some years before they were admitted to the bar. Lawyering was seen not just as men’s work, but also as “the gateway to real power.” Despite more than two centuries of unequal treatment, women lawyers have built a large enough presence to make a significant impact.

This book only scratches the surface of the many women practicing law today who devote at least some of their work to changing things for the better, particularly in response to what they viewed as injustices during the Trump presidency.



Lithwick’s report on the legal efforts behind the 2017 Jane Doe case — brought on behalf of a minor immigrant who sought an abortion while being held in a Texas detention center — makes clear that the women attorneys taking on these cases are not acting alone. Brigitte Amiri, deputy director of the ACLU’s Reproductive Freedom Project, argued the case before a federal district judge and then the D.C. Circuit. This action was necessary because an official with the Office of Refugee Resettlement refused to allow Jane to leave the facility, even though she had a state court order allowing her to have an abortion. That court order had been obtained due to the work of Texas women lawyers like Rochelle Garza, the 2022 Democratic candidate for Texas attorney general who served as guardian ad litem for Jane.

Amiri and the ACLU followed up that case with a class action on behalf of other teenage girls in the same situation, one that eventually

continued on page 38

JEZIC & MOYSE

A WINNING DEFENSE

CRIMINAL



Andrew Jezic

- Top 10 MD Lawyers, *Superlawyers*, 2022
- Fellow, American College of Trial Lawyers
- Published West co-author, *Maryland Law of Confessions*
- Dozens of acquittals in felony jury trials



David Moyse

- *Washingtonian* Best Lawyers, 2017-2022
- *Superlawyers* Best Lawyers, Maryland, 2014-2022
- Chair, Montgomery County Criminal Law Section
- Handled 50+ jury trials

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*Each case is different; prior results do not guarantee a similar outcome.

IMMIGRATION



Tamara Jezic

- *Washingtonian* Best Lawyers, 2015-2022
- Harvard Law School
- Lectured around the U.S. on asylum to immigration lawyers
- Several precedent-setting 4th Circuit wins



Himesdes Chicas

- *Washingtonian* Best Lawyers, 2017-2022
- Maryland Federal Public Defender’s on-call expert consultant
- Several precedent-setting BIA and Fourth Circuit decisions

BLOOD & INK *continued from page 36*

problems was among his pastoral duties. When last seen by her husband around the same time, Mrs. Mills was wearing her best blue-and-red polka dot dress and matching hat. As she walked out the door, her husband asked where she was going. She taunted, “Follow me and find out.” Perhaps he did.

Two days later on De Russey’s Lane, a well-used assignation spot, a teenage girl and her boyfriend happened upon the dead couple lying side by side under a crabapple tree, their bodies posed and surrounded by their torn-up love letters. The reverend’s calling card was propped up against his heel, “like a curator’s label in a museum exhibit.” Oddly, during the 36 hours they were missing, neither of their spouses bothered to call the police to report their absence.

The discovery brought curiosity seekers trampling over the crime scene and pocketing evidence for souvenir value. Reporters swarmed the town to mine gossip about the couple. The only alleged eyewitness was an eccentric farm woman living in a tar-paper shack nearby. Jane Gibson, also known as Pig Woman, suddenly could not stop yapping about the crime after a long silence. She told whomever would listen — mostly circulation-conscious newspaper scribes, few of whom believed her — that she heard someone rustling in her cornfield on the night in

question, hopped on her faithful mule, and set out in pursuit. While giving chase, she happened upon two men and two women arguing, and then heard multiple gunshots.

Pig Woman’s story expanded with the attention it brought her, until she said she could identify the perpetrators, pointing the finger at Mrs. Hall and one of her brothers. The local prosecutor dumped the matter on the grand jury, which declined to indict. The investigation languished for four years until the *Daily News’* ambitious young managing editor, Philip Payne, switched jobs for William Randolph Hearst’s New York upstart, the *Daily Mirror*. Payne was determined to reignite interest in the case and win a circulation war with his former employer, pressuring New Jersey Governor A. Harry Moore to appoint a special prosecutor who indicted Frances Hall, her two brothers, and her cousin for the crime.

The court proceedings were billed as the “trial of the century,” of which there were so many between 1900 and 2000 most of us have lost count. Scores of reporters showed up to cover it, including some famous names, and the trial attorneys were the legal heavyweights of their day.

But the star was Pig Woman, who by the trial in 1926 was suffering from cancer and other ailments and testified while stretched out on a hospital gurney in the well of the courtroom. A *Daily Mirror* reporter wrote, “No more dramatic, no more powerful scene, has ever been staged

in an American courtroom.” No matter, the jury still acquitted.

By the mid-1960s, the family members central to the Hall–Mills murders were dead. The Hall mansion became home to the dean of Douglass College, now a residential women’s college within Rutgers University. When invited there 50 years ago for student–faculty functions, co-eds (including me) would scare themselves looking around for the minister’s ghost.

In 1964, before the Chicago Seven trial made him a household name, radical civil rights lawyer William Kunstler wrote *The Minister and the Choir Singer*, which for years was the Bible on the case. He posited a now largely discredited theory about the culprits, blaming a resurgent Ku Klux Klan, supposedly active in New Jersey in the 1920s and not taking kindly to cheating men of the cloth.

Pompeo considers other suspects, without drawing final conclusions. One strong prospect is the choir singer’s hapless husband, Jim Mills. His janitorial skill with sharp tools, his claim of cluelessness about the affair, his wife’s taunt on the night of her disappearance, and his unsupported claim to police that Eleanor often went missing for days all point an accusatory finger at him. Were the Hall–Mills murder an episode of *Dateline* today, producers might ask why the police didn’t take a closer look at him. ■

Diane Kiesel is an acting justice of the New York Supreme Court, adjunct law professor, and author.

LADY JUSTICE *continued from page 37*

resulted in a change in policy at the Office of Refugee Resettlement.

The two most powerful chapters in this book focus on the response to the white supremacist demonstrations in Charlottesville, Virginia, in 2017 and on the women lawyers who brought the MeToo movement into the federal courts following allegations against Ninth Circuit Judge Alex Kozinski, who later stepped down. Lithwick lives in Charlottesville and wrote about her own sexual harassment by Judge Kozinski. Her connection to those two situations provides an emotional resonance that reminds us that while legal work is a necessary response to abusive actions, it cannot provide complete healing.

The Charlottesville chapter also emphasizes the importance of networks of women attorneys around the country. After the violent right-wing

demonstrations that led to the killing of Heather Heyer, attorney Roberta Kaplan called Lithwick with an idea for a lawsuit. Kaplan, who had just started a new firm, brought in another experienced litigator, Karen Dunn, and filed a successful suit against the organizers of the rally.

Lady Justice begins with Pauli Murray, who, as Lithwick points out, should be better known. Murray, who faced significant discrimination both as a woman and as an African American, wrote a law school paper in 1944 on the 13th and 14th Amendments that was used by the NAACP Legal Defense Fund in its arguments in *Brown v. Board of Education*. She also cofounded the National Organization for Women and did other important legal work.

But there were few women lawyers when Murray began practicing. As someone who went to law school when women were just beginning to be a presence, I can imagine how lonely that must have felt.

It is impossible for anyone who pays close attention to U.S. political and legal affairs today not to harbor serious concerns about the future. All too often discussions of women’s rights devolve into images from Margaret Atwood’s *The Handmaid’s Tale*. But as Lithwick makes clear, today we have many women lawyers who will work to protect both our rights and our democracy. Some are driven by a conscientious belief in the institution of law and love of the legal system, while others will use it as an activist tool. Lithwick profiles both.

The presence and skill of these women lawyers gives me hope for the future of our country. ■

Nancy Jane Moore practiced law and worked as a legal editor for many years in the District of Columbia. She now lives in Oakland, California, where she is working on the sequel to her second novel, For the Good of the Realm.