UNIVERSITY OF PENNSYLVANIA LAW SCHOOL

ORAL LEGAL HISTORY PROJECT

NARRATOR: JUDGE DOLORES K. SLOVITER
INTERVIEWER: CATHARINE L. KRIEPS

Place: U.S. Courthouse
      Philadelphia, Pennsylvania

Date: April 2, 1999

No. of videotapes: 1
Length of tape: 82 minutes

Counter Number  TOPIC OF DISCUSSION
0.20  Introduction
0.57  Birthplace
      Philadelphia
1.00  Tape stopped for technical reasons
1.15  Parents
      Born in Radom, Poland. Both worked in factories. Her mother made
dresses and her father made caps.
1.50  Family
      No siblings. She has an only child.
2.00  Growing up
      In Strawberry Mansion neighborhood until the end of high school, and
then the greater northeast.
2.20  Interests and hobbies
      Reading.
2.38  Memories of childhood
      She went to a day nursery, unlike most of her friends. It wasn’t accepted
then as it is now.
3.30  High school
      Girls’ High. This was a very happy time.
3.45  Activities in high school
      She was elected co-editor of the yearbook, and won a drama award.
4.34  College
She knew she would go to college.

5.05  Temple University
It was the only school she could afford.

5.20  Major
She majored in Economics, and didn’t want to teach, despite her
mother’s encouragement. Teaching was seen as a very attractive
lifestyle for “nice Jewish girls.” She didn’t want to do what she was
expected to do.

6.12  Extracurricular activities in college
She was on the Temple newspaper and became city editor, covering city
government. She also was a delegate to the NSA student convention in
1952, and involved in activities dealing with world affairs and events.

7.02  Thoughts of career
Did not think about it much. Considered something to do with Latin
America, which she was interested in. She didn’t have a long-term plan.

7.45  Decision to attend law school
She can’t remember what first sparked her interest. When she decided,
she went to work at a law firm as a part-time secretary to see what it was
like, and to earn money. She had no role model, but just went to law
school.

8.23  Work at a law firm
The last year of college, she gave up all of her activities and got the job
as a part-time secretary in a small law firm, working for Joseph Sharfsin,
former City Solicitor of Philadelphia.

9.04  Interruption for technical reasons
The microphone has slipped. It takes some time to find a better spot to
clip it, etc.

10.35 University of Pennsylvania Law School selection/interview
She picked it because it was a good school. At an admission interview,
she was discouraged and not treated well. A faculty member asked why
they should take her, when she’d just take a place that could go to a man
who would make a contribution to the profession, when all she would do
would be to get married and have children. Although unimaginable
now, this was in the spring of 1953.

11.50  Aftermath of admission interview
She cried but came back and asked for a scholarship.
First year of law school
As the largest class of women ever at Penn, there were 8 women of a graduating class of 132, so women were noticeable.

Classes
All were required, unlike now: Contracts, torts, agency, constitutional law, and criminal law.

Activities during first year
None, because she was working. Classes met each morning until 12:30, and then she worked in the law firm from 1 to 6, and went home to study.

Comparison with students today
Her students at Temple also had a lot of hurdles. She “didn’t have it very leisurely.”

Changes in second year
When she made Law Review, she said she couldn’t accept unless she didn’t have to work. Her scholarship was increased to full tuition, so she was able to stop working. She lived at home and worked during the summer.

Summer work
First summer, she worked at Unity House, an adult camp/meeting place in the Poconos owned by the International Ladies Garment Workers Union, to which her mother belonged. The second summer, she worked at the City Solicitor’s Office (Law Department).

Law Review
Her second year, she was a member of the editorial staff. She was elected Note Editor her third year, and was one of a staff of 8. Curtis Reitz, currently a Law School faculty member, was the Editor-in-Chief. He was also interviewed for the Oral Legal History Project, and she’d like to hear his recollections.

Law Clubs
Everyone was a member. She didn’t participate much. Some others played bridge. She had no time, didn’t play bridge, and didn’t participate in the social life.

Other activities
When no longer working, she was very focused on the Law Review. May have done other things, but can’t remember.
Other women law students
She didn’t socialize with them, except one other woman on Law Review. They were friendly enough. Some congregated in the lounge of the women’s rest room.

Minority students
There was one minority student at this time, a year behind her: Hardy Williams, who became a state senator in Pennsylvania.

Faculty
No women or minority faculty members at this time. There were several women in the legal writing program.

Women’s v. men’s law school experience
Maybe women felt isolated; she didn’t. She’s not sure it was different. The faculty picked on the women for awhile, but stopped picking on her. She “gave back as good as I got” and that was the end of that. Her experience might have been different, but she doesn’t know and hasn’t thought about it.

Memories of law school years
She has fond memories, and was very happy. She was treated well, and loved the law. She had great enthusiasm for it.

Influential faculty members
Louis Schwartz, who taught antitrust, and Clark Byse, who taught contracts and administrative law, and is reputed to be the model of the Paper Chase professor.

Yearbook
From 1956, the year she graduated. Everyone looks so old-fashioned. She was not a fashionable student. She seems short and much thinner in her picture.

Best friends have died
What is really sad is that her three best friends from law school have all died: Richard L. Bond, Richard H. Floum, and Robert H. Clampitt. She recounts attending the Salzburg Seminar in American Studies with Dick Bond in 1960 as a University of Pennsylvania Fellow, and hearing of their deaths. None of the people left were as close. She didn’t keep in touch with them except at reunions, but occasionally visited when in California or New York.

Differences from law school today / McCarthy era
There was no great feeling of public service. She attended law school in mid-1950’s, the McCarthy period, and students focused a lot on the
Army-McCarthy hearings. People were mostly interested in getting jobs.

24.47
Civil rights
The civil rights movement was just beginning. Brown v. Board of Ed. came down in 1954, after her first year.

25.19
Diversity and public service in 1970s
When she taught at Temple Law School full time [1972-1979], the community was much more diverse, with a lot more blacks and women, though no Hispanics. Many students were interested in public service, doing good for some kind of group. She taught law and the elderly. She doesn’t remember anything similar when she was in school. [Penn in the 1950s] was a much more career-directed environment.

26.11
Socratic method and lessons from law school
She learned rigorous thinking at Penn. The Socratic technique as taught then was an “eye-opener” and also a “social leveler.” People came from disparate backgrounds, including the Main Line and rural Tennessee. It opened her eyes to how other people live. When it came to the law, she had the sense that they would be judged based on what they could do, rather than where they came from. This was a very important lesson.

27.28
Enthusiasm for learning
She just wanted to come in and learn, especially in the first year. Second-year classes were less stimulating.

27.48
First job at a firm
She joined Dilworth, Paxson, Kalish & Green, one of the smaller “large” Philadelphia firms then, with thirty-something lawyers. It was the firm she would have picked, but also the only one that would hire her.

28.28
Firm’s practice
The firm had departments, including tax, business, real estate, trusts and estates, etc. She was in major litigation, which is why she was hired.

29.09
Influences at the firm
Harold Kohn, senior partner in charge of litigation, and Aaron Fine, second in command, “still the most brilliant person I have met.” Also William Coleman, an African-American, who became Secretary of Transportation under President Ford, and is an influential Washington lawyer. He became a partner soon after she came to the firm.

30.02
Other women/minorities
None at this time.
“The trauma” of getting this job
Women were generally not well received. She had the same experience as Justices O’Connor and Ginsburg: being offered jobs as secretary, librarian, or writing briefs. Being Jewish was another obstacle, because over half the large Philadelphia firms didn’t take Jews. At smaller firms, you could get in if you brought in business, but she didn’t come from that kind of background. Nobody would hire a woman except the Dilworth office.

How she was hired
She was hired to work in the City Solicitor’s office, but Abe Freedman left that position after a dispute with the mayor. Dilworth had expressed its interest earlier, but had no opening. When she became available in the spring, they interviewed and hired her, and she was thankful.

First trial
This assumes there was a first trial. No one would let her handle the major litigation. She was the third lawyer on a three-lawyer team handling the Electrical Cases.

Electrical Cases
The trial lasted from March 16, 1964 to June 2, 1964, after three years’ preparation. It made a tremendous impression on her. She listened to pleas in the original criminal case. Many civil cases were filed afterwards [she estimates 2500]. It was the first major litigation, and modern procedures were developed by the judges in the civil antitrust suits. There were indictments in 20 electrical equipment lines, involving six or seven manufacturers. Dilworth represented many states, cities, Philadelphia Electric, India, and others [she estimates 1400 clients]. She did a lot of the communication and information gathering. They did it all with 3 attorneys, while each defendant had many more. Harold Kohn tried the first case in the country. [She corrects the year as 1964.]

Origin of the Electrical Cases
Bids for major turbine equipment for the TVA were the same to the penny, even though supposedly bid separately. The Senate held hearings, a grand jury indicted in the Eastern District of Pennsylvania, and that’s how they became involved.

Her role in the trial
She would get the daily transcript and index it every night, so secretaries could type it and get it to them in the courtroom.

Trial preparation
She traveled to depositions in different places, which were always taken before a judge. Other attorneys from New York and Chicago would come, and sometimes Aaron Fine.
Partner
She became a partner at the end of 1964, after the Electrical Cases. Doesn’t think there were standard requirements. Became a partner with William Henrich, who is still at Dilworth. He was also president of Triangle Publications for awhile, until bought by Rupert Murdoch.

Only woman in the firm
There had been one or two women in the meantime, but she was probably the only woman at this time.

Male/female differences in experience
Within the firm, her experience wasn’t different from male colleagues. Outside the firm, some clubs would not serve her, and she could not eat in the men’s room of Stouffer’s Restaurants, which served working men much more quickly. It was a disincentive to invite her to lunch. Sometimes they put on a little fuss and were let in, but she didn’t do a lot of challenging at this time.

Trail blazing
She thought everyone else after her would have it easier because she became partner. Did not see herself as a trail blazer. Thought just doing things would send a message. “It’s very hard to blaze alone, if you want to be effective.” She was still the only woman in her firm, and there weren’t many others in other firms.

Decision to teach at Temple Law School [1972-1979]
She practiced for 16 years. The firm divided in 1969, and she’d gone with the litigation group. Her husband was an academic, a research scientist at Penn’s Medical School, and he made academic life sound more attractive for its different goals. 1972 was the revolution in law schools, with demand for more women and minorities. A classmate from Penn, Peter Liacouris, became dean at Temple, and asked her to teach Antitrust and Civil Procedure. She left the firm and taught full time.

Environment at Temple
A whole new wave came in, with minorities and another woman teaching. It was a very agreeable environment, and she loved the students, including a lot of women, some older, who wanted to do good for the world.

Brief break

Teaching at Temple
Was a very happy time. There was some internal politics.
Feminism
She learned “everything” from teaching, and became a feminist during her teaching experience. She had felt she didn’t have to march, because change would come inevitably, when people saw women can do things. She found her female students were having the same problems she’d had getting jobs, having their abilities denigrated, etc., and she wasn’t going to take that. Saw there was a need for a movement insisting on equal treatment for women, and put some steps into place at the law school. She gives examples. They were successful after awhile.

Still teaching
A session on judicial administration, the classroom component of a clinical program for Temple 3Is who work in federal judges’ chambers. She lists topics covered.

Co-teaching with Judge Pollack
A seminar on the current term of the Supreme Court. They took students to the Supreme Court to listen to arguments, and met with Justice Souter. May give up the seminar as it’s very time-consuming.

Most important contribution as a law professor?
Can’t say. Ask a student.

Third Circuit Court of Appeals judge, 1979 to present
Appointed by President Carter in 1979. “He didn’t owe me, so that couldn’t have been that.” Her name came from his nominating commission. He was interested in appointing minorities and women.

Wanted to become a judge
But more a court of appeals judge than a district judge. Thought she could put into effect what she had been teaching.

Thoughts on judging
It has been fascinating. It will be 20 years this summer.

Agenda
She didn’t come on with an agenda, just wanted to be a good judge.

Carter women Court of Appeals appointees
Carter appointed ten women in three years, including Judge Sloviter, to federal Courts of Appeals. Later it became eleven when he appointed Ruth Bader Ginsburg to the D.C. Circuit. The ten women all met in Washington when attending “baby judge school,” and the Women’s Caucus gave them a great party at an ambassador’s house in Georgetown.
Only Democratic appointee on the court?
No; Judge Higginbotham, who had been a district judge, and Chief
Judge Seitz were also Democrats.

Only woman on the court
Not relevant in her relationship to her colleagues; she doesn’t think they
think of her in terms of gender. She doesn’t know, but doesn’t feel it.

Making statements about equality
It gave her the opportunity to make statements about equality. Invited
by the Lawyers’ Club to a reception at the Union League, she very
publicly declined because women weren’t accepted there as members,
and most of her colleagues didn’t attend. The Philadelphia Bulletin
reported it on the first page, and the reception for federal judges was
moved the next year. Ultimately, the Union League began to accept
women. She received nasty letters, and some good ones from thankful
young women attorneys. There are now many women having lunch at
the Union League.

Gender differences in judging
She hasn’t found that women think differently. She may be more
sensitive to Title 7 discrimination issues, but isn’t sure. Has seen no
evidence attributing women judges’ decisions to gender as distinguished
from social class, political affiliation, etc.

Importance of a diverse judiciary
To get opinions by people who’ve seen a different slice of life. It’s also
important for the perception of the public.

Talking about cases
She has to be careful, because she doesn’t usually tend to talk about
cases. “Don’t push me into talking about anything I don’t think I can.”

Riley v. City of Chester, an early opinion (1979)
She reversed an opinion by Judge Luongo, who stopped her outside the
judges’ dining room and said she was quickly getting to the top of his
list. Not a hard opinion to write, although she reversed a colleague,
because you either reverse or affirm, and you get used to doing them
very quickly. Won’t speculate as to the effect of Riley on journalists (it
found a common law privilege for journalists not to disclose their
sources). Doesn’t know that it had any effect.

Televising trial proceedings
She discussed this in a recent article. Has never had a camera in the
courtroom for a case, and thinks that a camera has to have an influence,
because people will know it’s there. “When you’re deciding a case, no
extraneous influences should be had if you can avoid it.”
Role for media
Print media is welcome in court, because they serve as the conduit to the public by writing articles. Courts don’t do that. Not sure if media has strengths. To the extent a writer understands the issues, it is that much more clear to the people reading it.

Break and microphone adjustment

Craig v. Y&Y Snacks, a sexual harassment case (1983)
Was from an early period in sexual harassment law. She’d have to reread it for exact holding.

Message her opinion conveyed?
She didn’t mean to convey anything, just to decide the case, as in all decisions. “What the opinion conveys is up to the people who read it, or the press who reports it.” “I don’t have an agenda, and I’m not out to do anything other than the job that I have been appointed to, which is to decide each case.”

Changes in sexual harassment litigation
She doesn’t know because she hasn’t had many cases. The Supreme Court has had some very influential cases, and has confirmed that sexual harassment is a form of sex discrimination.

ACLU v. Reno (Communications Decency Act case, 1996)
Not her most influential opinion; that was Franklin v. Apple, [Apple Computer Inc. v. Franklin Computer Corp., 714 F.2d 1240 (1983)] which is used early in copyright classes by Professor Robert Gorman at Penn. That probably had a more lasting effect. She didn’t write ACLU v. Reno as a Court of Appeals judge, but as a member of a three-judge district court she had appointed. The case did get a lot of press. She can’t answer what was the most interesting aspect of the case, but did learn a bit about the Internet.

Internet
Still can’t get on easily, but uses E-mail almost exclusively to communicate with her daughter, leaving them both their privacy.

Specialized courts
She is very much opposed to specialized courts. Thinks federal judges are respected and can do their job better because they deal with many subjects. The approach in one subject can be applied to others. Judges should be generalists, not specialists. For development of the law, it’s better to have issues percolate before going up to the Supreme Court. You get a wider input, based on different kinds of knowledge.
Patent case
She had a patent case before exclusive jurisdiction went to the Federal Circuit; a major case dealing with the patentability of a particular kind of chemical. [Standard Oil Co. (Indiana) v. Montedison, S.P.A., 664 F.2d 356 (1981)] It had been in the Patent Office and lower courts for over 20 years, and they finally resolved it. It took a long time to decide because it had a very big record.

Wanted to better educate the public about the federal court system. She’s not sure if they did that, although they tried. Thinks it’s important because the judiciary and the court system depend upon the acceptance of the public, and the belief that they act justly. The more the public knows, the better.

Task Force on Equal Treatment in the Courts, 1994-1997
Studied gender, race and ethnic bias. Congress passed a statute encouraging circuit councils to undertake studies, and she wanted to find out if they were doing everything they could to diversify the race and gender of people working in the federal court house. She found particularly noteworthy the fact that there were very few complaints about judges and how they were doing their work. Lasting benefits will depend on judges afterwards. She can’t tell what the benefit will be.

Women’s Issues: Mentor or role model?
She doesn’t think of herself as a role model, and can’t talk about any effect she’s had on others.

Words of advice for young woman attorney
Just do the same as everybody else. Would not necessarily give a woman different advice than a young man. “And I don’t give advice!”

Accommodating the needs of women attorneys
“Law as a profession is going to have to accommodate to part-time work.” If women have children, they will want to spend some time on maternal responsibilities. It’s not fair to say they have to be out of the profession ten years full time, when in many instances, it would be easy enough to accommodate women with part-time work. As Chief Judge, she had an extra position that she shared between a part-time law clerk and a part-time secretary. A number of women with children took the jobs.

End of term as Chief Judge
It’s been wonderful! She’s had less responsibility for administrative matters, and more cases, and that’s fine, both ways.