UNIVERSITY OF PENNSYLVANIA LAW SCHOOL

ORAL LEGAL HISTORY PROJECT

Oral History Interview

with

JUDGE DOLORES K. SLOVITER

by Catharine L. Krieps

United States Courthouse, Philadelphia, Pennsylvania

April 2, 1999
Catharine Krieps (CK): My name is Catharine Krieps. I’m here with Judge Dolores Sloviter at the Federal Courthouse at 6th and Market Streets in Philadelphia. The date is Friday, April 2nd, 1999. I’m interviewing Judge Sloviter for the Oral Legal History Project of the University of Pennsylvania Law School, and Brady Ajay is videotaping this interview. Judge Sloviter, do we have your consent to videotape this?

Judge Dolores Sloviter (JDS): Absolutely. Of course.

CK: Thank you. First, I’d like to ask you some questions about your childhood.

JDS: Oh, that’s a long time ago. [Laughs.]

CK: Where were you born?

JDS: In Philadelphia. I’m a Philadelphian, born, lived here all my life.

CK: Uuhh. And where were your parents born?

Brady Ajay (BA): I’m sorry, I’m going to have to [inaudible]

CK: Okay.

[Videotape was interrupted for technical reasons.]

CK: So, first I’d like to ask you some questions about your childhood. Where were you born?

JDS: I’m a Philadelphian, born, in Philadelphia.

CK: Okay, and where were your parents born?

JDS: They were born in Poland.

CK: Aah, where in Poland?

JDS: Um, in a small town called Radom.

CK: Okay, and what did your parents do?

JDS: Well, they were young.

CK: No, no, when they came to this country.
JDS: Oh, well, they didn’t come together. Ah, my mother worked in a factory, and, ah, my father, who came a number of years later, also worked in a factory.

CK: Okay.

JDS: And my mother made dresses and I think my father—to the extent I know—made caps. Also in the tr... in the needle trade.

CK: Mm, okay. Ah, did you have any siblings?

JDS: No, I’m an only child, I have an only child.

CK: Okay, and where did you grow up? In Philadelphia, or....

JDS: Ah, we were, I was born in Strawberry Mansion, ah, or I lived in the Strawberry Mansion neighborhood until... the end of high school, and then we moved to the greater northeast. The lesser part of the greater northeast, so that it’s closer in.

CK: [laughs.] Okay. Um, what were some of your interests or hobbies when you were growing up?

JDS: [pause.] Ah, I don’t remember any particular interests. I read a great deal.

CK: Uhuh.

JDS: I think mostly reading.

CK: Okay. And, um, what would your fondest memory be of your childhood?

JDS: Oh. [long pause.] I don’t think I have a particular, particular memory that I would call... It was like, we were, it was a neighborhood of ah, similar people, a pretty homogeneous neighborhood. And, and that’s all. I, my mother worked, unlike the mothers of most of my friends. And so I went to a day nursery, and that was not a fond memory.

CK: Mm. Yeah, that must have been unusual....

JDS: In those days, that’s right. Not now. Now the children of all the career women or other working women go to nurseries and that’s accepted. It wasn’t when I grew up.

CK: Mmmmm, mmmmm. Well, let’s talk then about, about your college years.

JDS: [quickly] Well, high school. High school was a very happy time. [laughs.]

CK: Well, tell me about high school.

JDS: I went to Girls’ High...
CK: Okay.

JDS: ...and I was very happy, in Girls’ High. That was at that, it was an all-academic high school, and, um, I think it was a very happy place.

CK: Mmhmm, mmmhm. Did you have, um, a favorite activity that you did in high school?

JDS: Well, I was the editor, ah, I ended up as the editor of the yearbook, which at that time—as the co-editor of the yearbook—which at that time was an elected position, and it, ah, was all-encompassing. And, um, I still have friends—I don’t see them, but I have, I feel very friendly toward the people I went to high school with.

CK: Wow.

JDS: That is, so that’s what’s very nice, yeah.

CK: Mmhmm.

JDS: Oh, and I did act. I forgot.

CK: You acted?

JDS: I did. I was…. That’s right. I won the drama award.

CK: Which roles?

JDS: Ah, I think we did Little Women, I think. I don’t remember, ah, but I did a lot of acting.

CK: Mmhmm. Good preparation for later life.

JDS: Well, I didn’t think about it at that time, but ah, yeah, that’s what I did.

CK: Mmhmm, mmmhm. Okay. Well, shall we talk about your college years now?

JDS: You’re the questioner.

CK: Okay. Well, how did you decide to go to college?

JDS: Oh, I knew I would go to college. I think, ah, all the people in my group went to college, and Girls’ High was a college preparatory high school.

CK: Mmhmm, mmmhm.

JDS: So I knew that somehow or other I would get to college.

CK: So there really weren’t any alternatives?
JDS: No, I never thought, no. Nor did my parents ever think of that....

CK: I see.

JDS: ...for me, I was a good student, and, ah, I would go to college.

CK: Mmmmm. Okay. Um, how did you decide to attend Temple University?

JDS: I didn’t think that I had an option. It was the only school that I could afford.

CK: Mmh, mmhh.

JDS: I played with the possibility of going away for school, but not seriously, because I didn’t have the money.

CK: Sure. What was your major when you were at Temple?

JDS: Economics. I was in the liberal arts school. Economics.

CK: How did you pick economics?

JDS: Oh, I don’t remember that now. Ah, it was something I was interested in, and I didn’t want to go into education. I didn’t want to teach.

CK: Mmmmm, mmhm. Was that something your parents were encouraging you to do?

JDS: My mother certainly was.

CK: Mhmhh.

JDS: That’s what all nice Jewish girls did.

CK: Go in to — to teach?

JDS: To teach. It was a nice stable job. People who had been through the Depression thought of teaching as a, a very attractive ... lifestyle for a young woman.

CK: Mmmmm, mmhmmm.

JDS: I didn’t.

CK: You had other plans?

JDS: Yes, well, that wasn’t my plan. I didn’t have specific plans, but I knew that I didn’t, um, didn’t want to do what I was expected to do.
CK: Okay, I understand. Um, were you involved in some extracurricular activities at Temple?

JDS: Oh, yes, I was a very active, ah, student.

CK: What kinds of things?

JDS: I was on the Temple newspaper, and ultimately ended up as city editor of the Temple newspaper. I covered city government, so I did a lot of that.

CK: Mm.

JDS: Went to the NSA, went as a Temple delegate to the NSA student convention in, it would have been nineteen, hmm, 1952, I think, it would have been. Um, I was involved in, um, all sorts of activities, um, dealing with world affairs and world events. I can’t remember now precisely, but I was an active, ah, an active student.

CK: All that and studying, too.

JDS: Yeah, yeah.

CK: What kind of career options did you think about while you were at Temple?

JDS: I didn’t think about them very much. Um… it all came sort of toward the end of my Temple career. I thought I might want to do something with Latin America in some way. I was interested in Latin America, took a lot of courses on Latin America. Ah, I took Spanish and liked Spanish and I was relatively fluent at that time in it. I took a lot of sociology courses, political science courses in connection with Latin, Latin America. Um… I didn’t think, I didn’t think beyond the next step. I didn’t have a long-term plan.

CK: Well, how did you decide ultimately to go to law school?

JDS: I don’t know. [Laughs.] I really don’t know. It became such an all-encompassing interest of mine and I can’t remember what sparked it, or if any one thing sparked it, or if it was an accumulation of things. But once I decided, that was it. I, ah, went to work at a law firm as a secretary part time, in order to see what it was like. And I wanted to get some money also, but, um, I didn’t know any lawyers, um, I had no role model, I… just… went.

CK: Were you working for this law firm while you were in college, then?

JDS: In my last year. In my last year, when I decided I would apply to law school, I, um, gave up all my activities and put an ad in the newspaper, got a job as a part-time secretary in a small, little law firm. It was really a collection of, um, of lawyers, and, um, I got a job as a secretary, a part-time secretary, to one of them.

CK: Aha. What was the firm?
JDS: Well, it wasn’t a firm, it was a collection of lawyers. I worked for, ah, somebody named Joseph Sharfsin…

CK: Okay.

JDS: …who had been a, um, a City Solicitor of Philadelphia.

CK: I see.

Brady Ajay (BA): Let me stop you here for one second. The mike slipped down. Sorry. Here again… I’m going to put this on this side…Pardon me… I’m trying to think of a way to do this without…

JDS: Why don’t you do it on here?

BA: Um…

JDS: From the top, you [inaudible]

BA: It’s going to rub against the fabric, which is what I’m trying to avoid.

JDS: Oh, this is shiny fabric.

BA: Let’s see. Could I…

JDS: You could put it on my blouse, if you want.

BA: Actually, could I try the chain?

JDS: Oh, sure, the gold chain, sure. If it will stay.

CK: It’s amazing, that little tiny thing is a microphone.

BA: There we go. There we go.

JDS: Okay? Okay.

CK: Do you end up using microphones like that in court?

JDS: Never, never. We have microphones in front of where we sit.

CK: I see.

JDS: And I can be heard.

CK: Okay, well, shall we go back, then? Okay, um…
JDS: I'm going to have to sneeze. Wait. [Pause, then a sneeze.]

CK: God bless you.

JDA: Thank you. [Inaudible.] Okay, thank you. Okay. [Pause for a kleenex.] Alright.

CK: Ready to go?

JDS: Yeah, okay.

CK: Um, why did you pick the University of Pennsylvania Law School?

JDS: Well, it was a good school, and I thought I could get into it, that would be fine.

CK: Mmhmm, mmhmm. And how did, uh, the University of Pennsylvania Law School select students at that time?

JDS: I don't know how they selected students. I know how I got, I know, I know what happened to me. I came for an interview. I don't know if all, everybody had an interview, I have to ask somebody that question, but I came for an interview. I was discouraged. Ah, well, I was not treated well, um....But they let me in, and anyway, and my interview was a, was a rather traumatic experience. I was asked by the interviewer, who was a faculty member, why they should take me. I would just take a place, ah, that could go to a, a man who would make a contribution to the profession. And all I would do would be to get married and have children.

CK: [Laughs.]

JDS: You cannot imagine anybody saying anything like that now, but that was in nineteen, ah, must have been in the spring of 1953.

CK: Wow. Ah, and in spite of all that...

JDS: I cried afterwards, but I, I... Well, in spite of all that I came back and asked for a scholarship.

CK: Good for you. Um, well, do you remember your first day of class, when you did...

JDS: I don't remember the first day of class, I remember the first year.

CK: Aha. Tell me about what it was like your first year.

JDS: Well, there were very few women in my class, and we were told that we were the largest class of women they had ever had. I think that we went in with eight women, in a class that ultimately graduated about 132, ah, in that group, so that, ah, the women, ah, were noticeable.
Um, I don’t know what else you want to know. I don’t have any more distinct recollections unless you spur something on with a question.

CK: Okay. Well, um, what classes would you take in your first year?

JDS: Well, we all took… The first year was all required and there were no electives, as I understand there are now, so we took, um, contracts, which was a full year course, torts, which was a one, first-semester course, agency, which was a first-semester course, constitutional law, which may or may not have been a full year, and probably something else, but I can’t remember it.

CK: Mmhmm, mnhmm. Were…

JDS: Criminal law.

CK: Oh, criminal law, yes, of course.

JDS: Yeah.

CK: Were you involved in some activities during your first year at, at Penn?

JDS: Ah, I didn’t have the opportunity. I was working. Our classes, unlike the classes scheduled today, were all in the morning. I don’t know if they did that for several years before that, but our classes began at 9 and ended with—we had three classes—and ended at 12:30. Um, it was 9 to 9:50 with a half-hour break, and then the next class and half-hour break, and then the next class. And then at 12:30 I jumped on the subway-surface car that, that went down Woodland, what was then Woodland Avenue—it broke through—and went to work at the same firm I had been working at before. Every afternoon, from 1 to 6. And then went home and, um, studied.

CK: That must have been exhausting.

JDS: Well, I guess so. I was young, and ah, when I see what some students do today, they, they managed through a lot of hurdles too, so… My students at Temple when I taught, managed a lot of hurdles, most of them.

CK: [Inaudible]

JDS: Some people had it a little more leisurely than others. I didn’t have it very leisurely.

CK: I take it. How did things change for you, then, in your second and third year?

JDS: Ah, well, I stopped working. I had been given a half scholarship by the University of Pennsylvania, and when I made Law Review, I went back to them and said I can’t accept this unless I don’t have to work, and so, [clears throat] they increased the scholarship to a full scholarship, full-tuition scholarship then, and then I worked almost full time on the Law Review
in my second and third year. Um, and what I made in the summer was enough to keep me, cause I was living at home, so I didn’t have that kind of expense.

CK: Mhm, mmhm. So you did work during, during the summer. Were you...

JDS: Yes, I worked in the summer. Between my first and second year I worked at an adult, um...camp, I guess. It was the, it was Unity House—I don’t think it exists anymore—in the Poconos. It was run by the [clears throat] International Ladies Garment Workers Union, but this was a summer place for its, ah, employees—my mother was one—and also, ah, was used for major union meetings and labor group meetings. The second summer, I worked at the City Solicitor’s office, Law Department, what is now the Law Department, so, it changed that way.

CK: Mhm, mmhm. Now, you said you were on Law Review.

JDS: Mhm.

CK: Ah, what, ah, positions did you hold when you were...

JDS: Well, when you come in for, that means your first year on the Law Review, your second year in law school, you are a member of the editorial staff. And...when, ah, and then I was elected Note Editor for the third year. It was an editorial staff, an officer of staff of eight, one of whom act...our Editor in Chief is currently a faculty member at the University of Pennsylvania, Law School, Curt Reitz. [Curtis Reitz.]

CK: Yes, in fact, he’s been interviewed by someone else for the Oral Legal History Project.

JDS: Oh, good, that’s great.

CK: Yes, um...

JDS: I’d like to hear his. I’d like to hear Curt’s recollections.

CK: Well, you know, there could be the chance of that. We can talk about that afterwards. Um, were you also a member of one of the Law Clubs?

JDS: Everybody was a member of a Law Club. But I didn’t, um, I don’t remember doing much activity. I didn’t have a lot of time. I had classmates who would go down to the clubs and they would play bridge, but I didn’t play bridge and I didn’t have the time. So I really, um, didn’t participate in the social life.

CK: Mhm.

JDS: And even when I was no longer working, ah, I didn’t participate in the social life, but I was very focused on the Law Review. I may have done other things, but I just don’t remember. They don’t, they don’t come back to me at this time.
CK: Mmhmm, mmmhm. Did you see much of the other women law students who were there?

JDS: We saw each other, um, I don’t think we socialized, except with one other woman in my class who was on the Law Review, because we didn’t interact that much except in class. But we were friendly… enough, and there was the, the women’s, the ladies’ room at that time was also a lounge, so a lot of them would center around there. I didn’t.

CK: Were there any minority students while you were there?

JDS: There was one minority student in the Law School that I can remember, and I can’t remember whether he was in my, I don’t think he was in my class. I think Hardy Williams, who later became a state senator in Pennsylvania, ah… was the class behind me, but I’m not positive. I don’t think we had any minority students.

[Hardy Williams was a 2L in 1956, when Judge Sloviter graduated.]

CK: Mmhmm, mmmhm.

JDS: If we did, he—it would have been a he—just melded in and I didn’t think of him as a minority.

CK: Were there any, um, women or minority faculty members?

JDS: No.

CK: At that time, not a one? Thank you. Things have changed.

JDS: Yes, that’s right, there were no women on the faculty…

CK: How…

JDS: …for the three years I was there.

CK: Wow.

JDS: They just had several women in the legal writing program, but they were not full-time faculty.

CK: Mmhmm, mmhmm. How would you say your experience as a woman was different from that of, of your male colleagues while in law school?

JDS: Interesting question. Um, I think the women felt … I wouldn’t say, I didn’t feel isolated, I’m not sure that it was different. I don’t know, I, I can’t say. I can’t answer that. We would be picked on for awhile, but after a little while, they stopped picking on me, the faculty, and I just, gave it, I gave back as good as I got, and, ah, I think that was the end of that.

CK: Mmhmm, mmmhm.
JDS: It might have been different. I don’t, I don’t really know. I haven’t thought about that.

CK: Okay. Well, tell me, do you have a, a fondest memory of your law school years?

JDS: Yes, I have very fond memory. Oh, you mean a fondest, I have very fond memories of my law school, ah, my three years at law school. I was very happy. I had difficulty getting a job the third year, but I, I was treated well, and I was very happy at the law school. And I loved the law. I loved everything I was learning. I really had great enthusiasm for it.

CK: Mmmhm.

JDS: With, certainly in the first year. [I really loved it. (This is difficult to hear.)]

CK: Would, ah, you say that some professor had a, a lot of influence on you?

JDS: Ah, I thought about that question. I think that’s ah, a difficult question to answer. I don’t remember distinctly. I think that Professor Schwartz, Louis Schwartz, whom I had for Antitrust either in the second or third year, had some influence on me. I became an antitrust lawyer, although I don’t think it’s because I liked antitrust that much, although I did like it. I think it’s because the firm I went to did a lot of antitrust work. Um... I think Clark Byse, who was the Contracts teacher and Administrative Law teacher before he went to Harvard—and has been reputed to be the model of the Paper Chase professor, although I don’t know if that’s true—I think he had some influence because of the rigorous thinking that he required of his students. Um, I, I can’t name any others in particular.

CK: Well thank you. I’ve brought along a copy of the yearbook...

JDS: Oh, yeah, I have a copy of that.

CK: ...from 1956, which is the year you graduated...

JDS: That’s right.

CK: Um, tell me if that brings back some other memories for you.

JDS: Well, I’ve seen it, but not specifically. No, I mean, I, ah.... It was a good time, and I liked it, and I, we all look so...old-fashioned, don’t we? [Laughs.] The men as well as the women.

CK: I’ve marked the couple pictures of you, I think.

JDS: Oh, yeah, they’re terrible. I didn’t... You’re not going to make me look at that? Oh, gosh. I was, I was not a fashionable student. Other people were more fashionable. I don’t, I don’t know what this is...

CK: Other page.
JDS: Oh, yeah, well that was the ah.... God. I was always short. I never, I didn’t.... [Laughs.] And so much thinner. Yeah, these were the officers on the first page.... One, two, three, four...

CK: The officers...

JDS: Of the Law Review.

CK: ...of the Law Review.

JDS: Yeah, mostly, mmhmm. Yeah. Um, what is really sad to me is that my three best friends at law school have all died.

CK: I’m sorry.

JDS: That’s alright.

CK: Oh, Brady, um, will you...

JDS: Is this alright? You’re alright?

BA: Yeah, that’s okay.

JDS: Okay, yeah, within a relatively short period of each other.

CK: And who were those people?

JDS: Um, Dick Bond, who was not on the Law Review, but was a classmate, and was a good friend, and with whom I, ah, later went to Salzburg, um, as a University of Pennsylvania Fellow, going to the Salzburg Seminar in American Studies. We went in 1960. Dick died first, and then, within a year, Dick Floum, who was probably my closest friend, died in California. None of these people practiced in Philadelphia. Ah, I heard about Dick Floum’s death from a call from Bob Clampitt, another good friend of mine, of ours--we were a little group--and who said that he was so upset about it that he had to talk to somebody who would also understand. And I hadn’t heard about it, and I, he had died [she clears her throat] after a heart surgery. And then, two weeks after that phone call from Bob Clampitt, who I hadn’t heard from in years, his wife called and told me he had died. And so, ah, it does leave a little hole. [The people mentioned are Richard L. Bond, Richard H. Floum, and Robert H. Clampitt, all of whom graduated in 1956.]

CK: Yeah.

JDS: Because none of the people who are left, um, were really close friends of mine. We were colleagues, but not, not as close.

CK: Mmhmm, mmhmm. Well, I’m sorry.
JDS: Yeah. Not that I had kept in touch with them, except on law school reunions, ah, on an occasional, if I was in California or in New York, but, ah, it still leaves a hole in the memory back there, somewhere.

CK: Sure. Of course. Yeah. Well, ah... One last question about law school, and I'm, I'm just wondering how attending law school in the 1950's was different from what today's law students might experience. Can you, can you...

JDS: That's an interesting question, ah, and I have a lot of communications still with law students, because I still teach. Um... I think when I went to law school, there wasn't a great feeling of...public service. I went in the middle of the 1950's, which was the McCarthy period. We focused a lot on the Army-McCarthy hearings, ah, which were taking place during my, probably my second year in law school. I think people were very interested in getting jobs, and you didn't hear very much about either the civil rights movement, which was just beginning at that time. Brown v. Board of Education came down when I was in law school...

CK: Aha.

JDS: ...at the end of the, ah, first year that I was in law school. That was 1954.

CK: Was there a lot of talk about that in [inaudible]?

JDS: No, it came down, um, after we had broken for the semester, for the year, because I think it probably came down in June or early July, and we were out by then. But we had prepared for it in Constitutional Law class. Um. So I think that, in the period that I was teaching law school full time—I taught at Temple Law School—we had a community that was much more diverse, because you were beginning to have a lot more blacks and women. And not, not Hispanics at that time. Um. A large percentage of the students were interested in doing public service, were interested in going out and doing good for some kind of a group, whether it was a criminal law group, or whether it was, um, help to the elderly. I had, I was teaching a course on law and the elderly, and I don't remember any of that in the three years that I was in law school.

CK: Mmmhmm.

JDS: It was just a much more career-directed... environment. Ah, on the other hand, what I learned at Penn was rigorous thinking. Ah, it was just new to me, the Socratic technique as taught at that time, ah, was an eye-opener, and it, it was just wonderful. It was also a social leveler, because people in the class, ah, came from widely disparate backgrounds. We had a couple people from the rural areas, I think we had somebody from Tennessee. I don't think he stayed more than a year. Um, we had Main Line people, who, with whom I had never before interacted, and wouldn't have, in my very limited, um, first-generation, ah, Jewish-American group. So that, um, it did open my eyes to how other people live, and also to the sense that, when it came to the law, we all looked at it and would be judged based on what we could do, rather than where we came from... in most instances. And so that was, a, a very, I think a very important lesson to learn. And the thinking, the, the manner in which the thinking was brought home to us, was, ah, was new, novel, and marvelous to me....
CK: Mmhmm.

JDS: ... and I just, just loved it.

CK: It was very different from [inaudible]

JDS: I couldn’t learn more than... I mean I just wanted to come in and learn. At least in the first year. I think by the second year, you sort of go downhill [she laughs] a little bit, and the courses are, were a little less stimulating. They’re more business-related courses. You know, and I don’t know what they’re doing now, yeah.

CK: That kind of thing still is...

JDS: Well, that’s interesting. Yeah.

CK: Well, um, let’s move on, and, ah, talk about your career after you graduated. What firm did you join after graduating?

JDS: [She sighs.] Well, I joined the firm that hired me. [Laughs.] And that was not an easy job. Ultimately, it turned out to be the firm that I would have picked at the very beginning, and that was.... Then it was called Dilworth Paxson Kalish and Green, and it was, um, one of the smaller of what we then called the large Philadelphia firms. The large firms at that time may have had about forty-five lawyers. Dilworth’s firm had thirty-something lawyers. It was in that general group, but a little fewer number.

CK: Mmhmm, mmmhmm. And, what, ah, was the practice of the firm like at the time you were...

JDS: Well, the firm had, um, departments. They had a tax department, they had a business department, real estate, ah... Not... not so cleanly delineated, but you knew that you were in the tax group, or I was in litigation, and it was in major litigation, which is why I got hired. Um, and, some, there was, two or three people did trusts and estates. It was a general, it was a general practice, and it had some very good people, really, very, very bright people. We worked hard.

CK: Was there somebody who you would say had a lot of influence on you?

JDS: Oh, I think the senior partner in charge of litigation, and, who, at that time, was Harold Kohn, and, um, his, well, the second there, the second in command—I don’t think he’d think of himself as in command—Aaron Fine, in the cases that I was working in. Probably still the most brilliant person I have met. And then William Coleman—now that was a diverse firm, William Coleman is an African-American, who later went on to become Secretary of Transportation under President Ford, and is still now a Washington lawyer, who does a lot [she clears her throat] has done a lot of work before the Supreme Court. Um, he’s a very influential lawyer, he was, he was there, about the same level. He became a partner shortly after I came to the law firm.

CK: I see. Were, were there other women in the firm?
JDS: I was it. [Laughs.]

CK: You were?

JDS: That was it. [Laughs.]

CK: Oh, my. And other than the, the person you just mentioned, were there other minority attorneys?

JDS: Um, no, I guess, for, at that time, Bill was the only one. Later they, they had some more people.

CK: Okay.

JDS: At that time.

CK: Well, we’ve skipped over the, ah, how it was you came to be there.

JDS: The trauma, the trauma. [Laughs.] Well, the trauma. I, without going into the details of that term, ah, women were not generally well received. My story is the same as the stories we have all heard publicly now from Ruth Ginsburg, and, who, and, and, Justice O’Connor, Sandra Day O’Connor. Ah, we all came out, I think O’Connor was a little bit before us, I think Ruth may have been a year behind me, but we all had the same experience, ah, of knocking on the doors of the big firms and being told, we’re sorry, we [she sighs] we really have nothing for you, um, would you like to be our librarian, would you like to be a secretary, would you like to write briefs in the back room? Ah… And the fact that I was Jewish was another obstacle because in Philadelphia firms at that time [she clears her throat] about half of them did not take any Jews. Maybe more than half. Of the large firms. These are firms to which you didn’t have to bring in business. Ah, I guess in the smaller firms you could come in and you could get along, depending on how much business you had. But I didn’t come from an environment or a background in which I would come in with a couple corporations to bring to the firm. So, I was limited…in that respect.

CK: Mhmhm, mhmhm. And more limited because firms refused to hire Jewish people.

JDS: Oh, yeah, oh yeah. About half of them then, and nobody would hire a woman, and so that was, except the Dilworth firm office.

CK: How was it, then, that you came to be hired at Dilworth Paxson?

JDS: Well, I don’t know. I mean, that’s something that you’d have to ask them. I, I sent a letter. At the time I sent it, they didn’t have an opening. Ah, I was hired to work in the City Solicitor’s office, um, which was Abe Freedman, who was teaching at that time at, ah, part-time, to fill in, at the law school. Um, he left that position, and well, the Dilworth office, he left that position in the spring because of a dispute with the mayor over arguing in the Supreme Court of Pennsylvania, over some charter amendments. Ah, the letter I had gotten from the Dilworth
office said we have nothing for you now, but if you’re still available in the spring, let us know. All of a sudden I became available again in the spring, I let them know, and they had me down for an interview.
[Abraham L. Freedman.]

CK: Mhmm, mhmhm.

JDS: And beyond that, I don’t know what was in their mind, but they hired me, and, um, I was very, um, thankful for that.

CK: Sure. Do you remember much about your first trial?

JDS: Well, it didn’t go like that. That’s not accurate. [She smiles.] The question assumes, if you know from law school, it’s sort of like a preg, negative pregnant. It assumes that there was a first trial. I worked on major litigation, and nobody was going to let me handle the major litigation. I was the third lawyer on a three-lawyer team that tried the Electrical Cases, and that we tried, ah, to the conclusion. And I can tell you, that that began, I’ll never forget, March 16, 19—the trial, the trial itself began March 16, 1994 [Judge Sloviter later corrects this as 1964], and the jury verdict came in June 2, 1994 [also 1964]. So we were in the Federal Courthouse every day for that 2 ½ months. I remember. [Laughs.] I can even remember the witnesses, I can re... It’s just one of the things that made a tremendous impression on me. I had worked on the Electrical Cases for three years before the trial actually began. I remember that I was in the, ah, in the courtroom, I had been sent to the courtroom to listen to the pleas in the criminal case. The, it began with a criminal case, and then a number of [she clears her throat] a number, well I think it ended up, something like 2500 or more civil cases were filed afterwards. It was the first, what you would call major litigation today, and there was no multi-district litigation statute. That evolved from the procedures that had been developed by the judges who were handling all these civil antitrust suits arising out of the criminal convictions in the Electrical Equipment Cases. And for your benefit, if you are too young to remember it, there were indictments in twenty lines of the electrical equipment industries, so that there would be an indictment in turbine generators—and that was because, and three manufacturers made turbine generators, that was Westinghouse, General Electric, and Allis Chalmers. Or they could, they indicted five—six or seven manufacturers in the power switching equipment... It’s a different electrical equipment. GE was common to all of them. Westinghouse was common to all but one of the lines. And then some defendants were common to some, but not to, not to others, and so it had, it was a lot of juggling, and uh, we represented a lot of states, cities, Philadelphia Electric, there were a lot of them. Um, India, which bought turbine generators, um, and I can’t remember now, how many... We probably had about, we might have had about fourteen hundred um, clients, but I may be wrong on that, and I did a lot of the communication with the clients, and getting the information, and keeping it all straight. And we did it with three. On the other side there were loads of lawyers representing each of the defendants. And we, the case that was tried, ultimately, went, which went first in the country, um, was a case down here tried by Harold Kohn in the power, in the... I guess it was the circuit breaker field, I just can’t remember. I didn’t think I would ever forget.

CK: I’m sorry, I may have misunderstood. What year was it?
JDS: This was 1964, 1964.

CK: ’64. Okay. Thank you.

JDS: The indictment began because it was discovered—it’s a very interesting piece of legal history—it was discovered that bids for, ah, very major turbine equipment—we’re talking millions of dollars—for TVA, the Tennessee Valley Administration, were the same to the penny even though they were supposed to be bid separately. And Senator then Ted, ah, Estes Kefauver had hearings and an investigation on that, and as a result of that, um, a grand jury indicted in the Eastern District of Pennsylvania, and that’s sort of how we got involved in it. [Tennessee Valley Authority]

CK: I see, I see. [Pause.] It’s obviously a very...

JDS: It’s very interesting.

CK: ...memorable case.

JDS: Well, yes it was. I would go home at night, I lived at Hopkinson House in town at that time, and I would, I would get the daily transcript and go home at night and I would index it, ah, before I would go to bed, and send it in, and the next morning the secretaries would type it and they’d get it to us in the courtroom.

CK: Wow.

JDS: Yeah. It was interesting. It was a very exciting period, and, ah, it was a good period. I did a lot of traveling around the country, because there were so many cases that they [she clears her throat] um, had, um, depositions in different, before different judges in different places. There were so many defendants that all the different depositions were taken before a judge wherever the deposition was taken, so that you could get hearings immediately on the evidence, and then they would be used in each of the cases by whole groups of lawyers.

CK: Mmhm, mmhmm. And you were the one who traveled round to ...

JDS: Well, I wasn’t, it wasn’t only me, it was, um, somebody, a group from New York, from the big firms in New York, somebody from Chicago, ah, sometimes Aaron would come. It would be the second and third-tier people that did that, not the trial, not the main people. [She refers to Aaron Fine.]

CK: Well, now, um, I’d like to move a little further forward in the future, to when you became a partner. What year would that have been?

JDS: That would have been the year after the Electrical Cases. The Electrical Cases were... The reason I say that the Electrical Cases were in ’64 is ‘cause I know that I was living in Hopkinson House and I think I moved in ’63. Ah, it would have been at the end of ’64, I think.
CK: Okay. And what were the requirements that you had to meet?

JDS: I don’t know, I don’t know. I don’t think they were that, ah, standard. I don’t know. Some, the group decided that you would be partner. I became a partner with my friend, who was from a different part of the law firm, ah, William Henrick, who is still there. [Laughs.] [William J. Henrich, Jr.]

CK: That’s a long career. Um, and um...

JDS: Well, he left for awhile to become president of Triangle Publications, and then he went back when [she clears her throat] Mr. Annenberg sold Triangle to Rudoch Mur..., to um, to Murdoch. [Rupert Murdoch.]

CK: I see. Um, were you still the only woman in the firm at that point?

JDS: [Sighs, and pauses.] That’s a... In between, we had had one or two women. Ah, a friend, somebody who became a good friend of mine and still is, Caroline, and she was Caroline Leyden, now Caroline Simon, came and worked in the tax department. I don’t remember how long Caroline worked, but she didn’t stay. Um, we got another woman in the litigation department after that, not, not quite then. I think probably I was, but I’m not positive.

CK: And how was your experience as a woman attorney different from what your male colleagues experienced?

JDS: Different where?

CK: Well, ah...

JDS: I mean, within the firm, I don’t think it was very different, within the firm.

CK: How about outside of the firm?

JDS: I don’t know that my experience was different. I would, the perception was probably different, ah, but I never attributed that to being a woman, just to being whoever I am.

CK: Mhm, mmhmm. Was...

JDS: I mean, I know there were clubs where I couldn’t eat at when I became partner, that I couldn’t eat at. Or there was the Stouffer’s restaurants at that time, ah, had a men’s room in the back, which would serve men who were working much more quickly, and I wasn’t allowed to go in there. Unless, every once in awhile, I would, we would put on a little fuss, and they would let us in. I remember that. So, so that it was a disincentive to invite me along with the group to have lunch, from time to time. I just remembered that. [Laughs.] Things come back.

CK: [Inaudible.] Did you, you challenged that on occasion?
JDS: Well, yeah, not, I wasn’t, ah, I’m…. I don’t think I did a lot of challenging, not in those years. That came afterwards.

CK: Ahah. Okay, well, ah...

JDS: I thought, when I was a woman lawyer, that if I did well, if I became a partner, ah, everybody else afterwards would have it easier. And I didn’t do it articulating that I was going to blaze a trail, ‘cause I think that was not, very far from my thought, just that I didn’t have to fight for things because I thought just doing them would send a message.

CK: Mmhmm.

JDS: Maybe that wasn’t right, but, ah, I don’t think there were many people to, ah, gather with to make a statement...

CK: Or to make plans.

JDS: …at that time. Yeah, you don’t…. You, it’s very hard to blaze alone, if you want to be effective.

CK: Mmhmm, mmhmm. And at that point, you were still pretty much the only one in your, in your category?

JDS: Certainly in my firm, and there weren’t many people, many women in the other firms either. They began to trickle in, to trickle in.

CK: Okay. Well, let’s move a little forward in the future again.

JDS: Fine.

CK: And talk about some changes in your career. Um, in the, in 1972 you joined the Faculty of Law at Temple.

JDS: Mmhmm.

CK: And what influenced your decision to start teaching at Temple?

JDS: Well, I had practiced by then for 16 years. My firm had divided in 1969, soon after I was married. Ah, the little litigation, litigation group with which I was affiliated had separated off. For awhile we stayed in the same office. I, um, went with the work and the people with whom I worked. Um, it never occurred to me not to, though I had been asked to stay back, ah…but I didn’t. And, um, my husband was an academic. He was a research scientist at the University of Pennsylvania Medical School, and he made academic life sound much more attractive, not because you wouldn’t work as hard--because we did work as hard--just because it had a different set of goals. Ah, in 1972, which was the period in which the revolution in the law schools, and universities generally, I think, must have peaked with the demand for more minorities, more
women, ah... an end to an old system of doing things. There was a change at Temple Law School in the leadership, and the new dean was a classmate of mine at the University of Pennsylvania Law School. He's Peter Liacouras, he's now the president at Temple University, and he called and asked me if I'd like to teach. By then, I thought I would like to teach, notwithstanding my con—my resolve not to teach when I came out of, ah, college. So, ah, and he had asked me to teach the two courses I thought I could teach, Antitrust and Civil Procedure, so I said yes, and joined him.

CK: Was that considered to be teaching full time?

JDS: Oh, yes, I taught full time. Yes, I didn’t keep any connection with the law firm.

CK: At that point?

JDS: No, no, when I left I... I thought students are entitled to full-time faculty.

CK: Mmhmm.

JDS: And it was a whole new wave coming in. And he had brought in minorities to teach, and there was another woman there. So that it was a very, um, agreeable environment, and I loved the students. God! I loved the students.

CK: Mmhmm.

JDS: They were, um, part of this new wave, of, ah, of students, all, some older women, a lot of women, very interested in... doing good for the world.

CK: Very different from the, the folks that...

JDS: That I went to school with. Mmhmm.

CK: Shall we take a break for a little bit, Brady?

JDS: Just, is that alright?

BA: Sure.

JDS: Just get up and walk around, so I don’t fall asleep? [Tape is turned off.]

CK: Okay. We were talking about... okay, fine. [Noise in background.] We were talking about your time, ah, teaching at Temple University.

JDS: Mmhmm. That was also a very happy time.

CK: I gather. It sounds wonderful.
JDS: Yeah, although, ah, even in a faculty as agreeable as we were, many of us, ah, with each other, you get a certain amount of, um, internal politics. I guess you do any place, whether it’s a court, or a law firm, partners. It’s inevitable.

CK: I think so. Yeah, yeah. What would you say you learned from teaching?

JDS: [With feeling.] Everything. Ah, how to relate to students. I became a feminist during my teaching experience.

CK: Tell me about that.

JDS: Yeah. Ah, I had mentioned before that I didn’t feel that I was a feminist. Ah, I thought that I didn’t have to, um, I didn’t have to [she clears her throat] march or do anything like that, ah, because I thought that change would come inevitably, just by virtue of the fact that there were people doing these things, and others would see that women can do them. I, um, was very close to my students, and I found that my female students were having the same problems getting jobs that I had had before, were being asked inappropriate questions, um, their abilities were not fully appreciated, or denigrated, and I just wasn’t going to take that. [Laughs.] That was, I could see why there was a need for a movement that would insist that women were treated equally, ah, as men, ah, depending only on their ability. And so, we put into being some steps at the law school, such as requiring that any firm that was given the option to interview on campus, and had the assistance, of, ah, of the campus, ah, would follow equal hiring practices. And, um, it takes awhile for these things to, to get through, but, but we did it, and it was successful.

CK: Good.

JDS: I taught for seven years. I taught full time for seven years, yeah, I continue to teach a course, and this semester, too.

CK: You’re still teaching?

JDS: Ah, I’m, what I did since I left Temple, at their request, was to do the classroom component of a clinical program that they have for third-year students who come down to the federal court and work one day a week in chambers of judges. Usually, it used to be a little more, but now it’s about twenty-five to thirty judges, so that once a week, once every other week, I give them a session. What I now have developed it into is a session on judicial administration, federal judicial administration. [What are the problems (these words are unclear)], how is the federal judiciary set up as an administrative matter, what are the issues that are arising, how are they being dealt with, such as a tremendous amount of influx of cases, and what has the judiciary done about dealing with it, like the Civil Justice Reform Act, ah, and other issues, such as the bankruptcy courts, the magistrate courts— I did a session on the appeals courts last week—so that the students can see it from another perspective.

CK: Mmhmm, mhm.
JDS: And then I’m also doing a co-teaching seminar with Judge Pollock, who used to be the dean at the University of Pennsylvania Law School, as well as Yale Law School, and we’re teaching, ah, a seminar to Temple students who come down here on the current term of the Supreme Court. [Judge Louis H. Pollack]

CK: Oh.

JDS: And we have them, we took them to the Supreme Court this Tuesday, and they had a, they heard the arguments. We had discussed those cases, and they, um, got a private interview with Justice Souter, who is a friend of Judge Pollack’s and mine. So that was very nice.

CK: Fascinating for your students.

JDS: Yeah, I think they liked it, although it’s very time-consuming and I’m not going to tell anybody, they won’t see this by then, but I’m not sure I can do this again. That course is just terribly time-consuming. We have the students writing papers every week, and we have to read them, and that’s a little too much for a busy job.

CK: I, I would think so.

JDS: Yeah.

CK: Well, um, what would you say has been your most important contribution as a law professor?

JDS: Oh, I don’t know. That’s not for me to say. I’m sorry, I can’t comment on that. [Laughs.] Ask a student.

CK: We’ll, we’ll find out about that some time, some other time.

JDS: Yeah, that’s right. Not from me. Yeah.

CK: Okay, well, ah, can we move forward a bit again?

JDS: Sure.

CK: Let’s talk about your becoming a judge on the Third Circuit Court of Appeals....

JDS: Okay. Yeah.

CK: and that was in 1979.

JDS: Mmmmm. I was a Carter judge.

CK: I was going to ask: Ah, why do you think President Carter appointed you?
JDS: Ah, well, he didn’t owe me, so that couldn’t have been that. Ah, I think I was one of the names that came out of his nominating commission. He did have ah, independent—and they were very independent commissions, ah, for court of appeals, ah, nom... appointments, and, um, there had not been a woman on the circuit, and when my name was given to that commission, ah, and I went through that process, ah... We knew that he would be interested in appointing minorities and women, although in some places he appointed a male, other places, a woman. So I can’t tell you why he nominated, why he appointed me.

CK: Okay. Why did you want to become a judge?

JDS: Ah... [Pause.] I really wanted to become a court of appeals judge. I had less interest in becoming a district judge. I thought it was an opportunity to, ah, put into effect, ah, what I had been teaching. I don’t, I don’t know that I articulated it any differently than that. I thought it would be fascinating. It has been. It’s now twenty years, almost. It will be twenty years this, ah, summer.

CK: That’s wonderful.

JDS: Yeah....

CK: Were there so...

JDS: Got grey in the process. [Laughs.]

CK: It happens whether or not you’re a federal judge.

JDS: Hopefully you don’t see it all. [Laughs.] That’s true. Yeah.

CK: Were there some specific things that you had in mind that you wanted to accomplish?

JDS: No, no, no, I didn’t come on with an agenda. No, I just wanted to be a good judge.

CK: Mhm.

JDS: Yeah. Okay. I was one of the, ah, ten appointments, ah, of women to the Court of Appeals that Carter made. Afterwards it was eleven, but at the time that we went to Washington, I have a picture with the Chief Justice, then Burger, [she clears her throat] with the ten women Court of Appeals judges that Carter appointed, ah, within the space of about three years. And then, ah, he appointed Ruth Ginsburg to the D.C. Circuit afterwards, so she came along. Ultimately it was eleven.

CK: Mhm. Did you see much of your, your colleagues who were appointed at that time?

JDS: No, no, because they were in different areas. We did meet in Washington when we went to what’s called the baby judge school, in which we’re oriented into some of the issues that will
come before us. And I have seen them from time to time. Some I think I never saw since. Some I have seen at seminars, or, or something, since then.

CK: But at that time you were pretty unique in being ten women judges.

JDS: Yeah, I think so, I think that’s right. There was a great party given for us. [Laughs.] Actually, a marvelous party at the, um, who’s the ambassador whose wife was a society person in Georgetown, uh... [She sighs.] I forget, we’ll have... full of art, in the house. It was given, I think, by the, by the Women’s Caucus, although we made sure.... We were all down there for training, and they decided to use the occasion. It was really very nice.

CK: I bet it was.

JDS: [Very softly] What was the name?

CK: Am I right that, um, you were not only the first woman judge to serve on the Third Circuit Court of Appeals but also the only Democratic appointee on the court?

JDS: No, Judge, no, ah, Judge ah, Higginbotham, ah, was a Democrat, and he was before me. [Judge A. Leon Higginbotham, Jr.]

CK: Okay.

JDS: He, he was not, a, an, came on two years before I did, he had been a district judge.

CK: I see.

JDS: And Judge Seitz, ah, was a Democrat, and he was our chief judge, and he had been appointed.... He... I don’t know how long ago he had been appointed, but he served for about fifty, fifty-two years. Ah, I mean, until he died, which was last year. [Judge Collins J. Seitz]

CK: Mmhmm, mmhmm.

JDS: Yeah, in October.

CK: Mmhmm. What was it like to be the only woman on the court at that time?

JDS: I didn’t think the fact that I was a woman was relevant in my relationship to my colleagues. Ah, I, I can’t say that it was any different than if I had been a new male judge. I don’t think my colleagues think of me in terms of gender.

CK: Mmhmm, mmhmm.

JDS: I mean, if they do, that’s their problem. I don’t, I don’t know about it. I didn’t feel it.

CK: Mmhmm, mmhmm.

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JDS: But it did give me an opportunity to make statements about equality. Like, ah, we were, um, I think shortly after I came on, we were invited by the Lawyers’ Club to... They, they traditionally give a reception for four courts a year, at which the Lawyers’ members come and shake your hands, and then eat something. And, they give it for the Supreme Court, the federal courts, the Superior Court, and maybe the trial court. Ah, and it was going to be at the Union League, and I very publicly said, “Thank you very much, but the Union League doesn’t accept women as members, and I couldn’t really celebrate this in a facility that doesn’t think I’m good enough to be a member.” And the Philadelphia Bulletin picked it up on the first page, most of my colleagues did not go to the affair, ah, and it took a number of years, but ultimately they, they moved... I think the next year, they moved the reception to another facility for the federal courts, not for any of the other courts. [Laughs.]

CK: Oh, gee. [Laughs.]

JDS: And ah, ultimately, the Union League began to accept women. I’m ah, I don’t know whether they have it there now, maybe at a hotel. I really don’t know.

CK: Aha, aha. That must have been a good feeling when you...

JDS: Well, it was a sad feeling to have to do it, um, but it was a good feeling that I had the opportunity to do it and be heard. And of course there were a lot of nasty letters, something like: “Can’t she stop already, and get off her soap box,” and all of that.

CK: I see. Well, going back to...

JDS: And some good letters. [She laughs.]

CK: [Inaudible.]

JDS: Of young women, yeah, of young women who said: “Thank you for saying that, because my firm has meetings, and I’m always, I always feel uncomfortable going to places where they don’t take women, so, or don’t take [make] women welcome.” They don’t welcome women, let’s put it that way.

CK: Mmhmm, mmhmm.

JDS: The Union League now, I had lunch there recently with a friend, and maybe half their people were women at lunch.

CK: That’s good to hear. [Tape is paused.] Um, going back to, um, the court, do you think that you address issues a little differently from your colleagues?

JDS: You mean substantive issues?

CK: Yeah.
JDS: No.

CK: Not particularly?

JDS: I haven’t found that women think differently. I might have been more sensitive to the discrimination issues, the Title 7 issues, but I’m not sure about that.

CK: Mmhmm, mmhmm.

JDS: I, I really don’t, ah... I’ve seen no evidence that would attribute my decisions or the decisions of other women judges to gender, as distinguished from social class, ah, political affiliation, ah, general outlook.

CK: Sure. Okay. Um, what do you think is the importance of having a, a diverse federal judiciary?

JDS: Oh, ah, first of all, because you’re going to get opinions by people who have seen a different slice of life, and while I can’t attribute any one opinion to anything in my life, I’m sure it all acts, goes into the same experience, and it melds inside of you and somehow comes out. Yes, I think it’s very important. I think it’s important for the perception ah, of what you’re doing, if there are blacks and Hispanics and women and white males all melding together in a court.

CK: Mmhmm.

JDS: So I think it’s very important, for the per., for the perceptions of the public.

CK: Well, let’s talk now about one of your earliest cases.

JDS: Oh, my, we’re going to get...Alright, we have to be careful, because I don’t tend to talk about cases, but go ahead. We can try. We can see.

CK: Okay, well, I’ll be delicate! [Laughs.]

JDS: Well we’ll see. I mean, I... Don’t push me into talking about anything I don’t think I can. Yeah.

CK: That’s fine.

JDS: Okay.

CK: Well, ah, the case I’m thinking of is, ah, Riley v. City of Chester [612 F. 2d 708 (3d Cir. 1979)].

JDS: Oh, yes, Riley. [Laughs.]
CK: ...And you found a federal common law privilege for journalists not to disclose their sources.

JDS: There’s a funny story behind that, and I can tell you because he’s dead now.

CK: Okay.

JDS: That was a, that was a reversal of an opinion by Judge Luongo, ah, and he stopped me outside the common dining room, judges’ dining room in this building, right after that opinion came out, and looked at me, and he said, “You know, John Gibbons”—who was a very liberal, was known as a judge from Newark, one of my colleagues—“John Gibbons used to be the top of my list, but you’re quickly getting there instead!” [Laughs.] [Judges Alfred L. Luongo and John J. Gibbons]

CK: Was it a hard opinion for you to write?

JDS: No. No, none of them are hard.

CK: Okay.

JDS: I mean, they’re not hard. I mean, I don’t know what you mean by hard.

CK: Well, you were a young judge at that point, a fairly new judge, and having to reverse a colleague...

JDS: Yeah. Well, you do two things, you either reverse or you affirm. I think you get used to doing them very quickly.

CK: I suppose you must. What effect do you think that that opinion had on, on journalists?

JDS: I don’t know. You’d have to ask journalists.

CK: Okay.

JDS: I don’t know. I didn’t know that it had any effect.

CK: Okay.

JDS: I’m not sure.

CK: That’s alright. More recently, you’ve written about whether there should be a right to televise trial proceedings. And I’m just curious if...

[The article is Dolores K. Sloviter, If Courts are Open, Must Cameras Follow?, 26 Hofstra L. Rev. 873 (1998).]

JDS: You mean, that was an article, that wasn’t a decision.
CK: No, that was an article, right.

JDS: Yeah. That’s right, in the Hofstra, it came out of a speech I gave at Hofstra Law School.

CK: Mmhmm, mmhmm.

JDS: Yes.

CK: I’m just wondering, have you ever had a camera in your courtroom?

JDS: For a case?

CK: Mmhmm, mmhmm.

JDS: No, no. They’re not permitted in the federal courts now, ah, and they haven’t been permitted in criminal trials for awhile.

CK: Mmhmm, mmhmm.

JDS: Ah, they are optional in the courts of appeals, but we’ve decided not to do it, and I don’t know if anybody does. Maybe one or two, that’s all.

CK: Aha. Is, ah, is there a specific reason for having them not, ah....

JDS: Yeah, um.... I think that if you have a camera in the courtroom, it has to have an influence, because people will know it’s there. It may not ultimately change the decision of the case, but I think that when you’re deciding a case, no extraneous influences should be had if you can avoid it.

CK: Mmhmm, mmhmm. What should be the role of the media in court in general?

JDS: I really don’t understand the question.

CK: I’m, I’m sorry.

JDS: No, I’m sorry, I don’t understand the question.

CK: Is there a role for any kind of media representatives of any sort in, in the courts?

JDS: Well, the print media is welcome in. And, um, sure there’s a role, because they serve as the conduit to the public by writing articles, by reporting. We don’t do that.

CK: Mmhmm, mmhmm. What would you say are the media’s greatest strengths in dealing with legal issues, if there are...
JDS: I’m not sure I could say there were strengths. Um, to the extent that the writer understands the issues, it becomes that much more clear to the many people who will be reading it.

CK: Mmhmm, mmhmm. And I suppose weaknesses, ah...

JDS: Could I, can we break for just a minute? I just...

[The tape is stopped for a short time.]

BA: Can you move your, um, necklace into the middle? Sometimes I’m getting some rustling from the other [Inaudible].

JDS: Okay. Is that alright?

BA: That’s perfect, that’s perfect.

CK: Okay. Well, I’d like to talk now about a 1983 case you decided, if we can, ah: Craig v. Y&Y Snacks, in which you held an employer liable for sexual harassment [721 F. 2d 77 (3d Cir. 1983)].

JDS: Mmhmm. Did I actually hold them liable, or say that the employer could be held liable? I’d have to go back to the case and see the exact holding.

CK: Okay. Well, I’m wondering, um, what message you would hope to convey to an employer like that, with....

JDS: Well, that was an early period in this whole, um, sexual harassment, um, area of the law. Um, I think all I held, I’d really have to reread, all we held, I’d have to reread it, was that um, this is another form of sexual discrimination, nothing more. I don’t, when you said: “Did you mean to convey something.” —Is that, was that your question?—I don’t mean to convey anything. I just mean in decisions to decide the case. What the opinion conveys is up to the people who read it.

CK: Okay.

JDS: Or the press who reports it.

CK: Mmhmm, mmhmm.

JDS: I don’t, as I said before, 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.

CK: Okay. Well, thank you. Has sexual harassment litigation changed during the years?

JDS: We don’t get that much of it, so I don’t know. We’ve had some cases, but I’ve had, I can’t follow that particular field through, because I haven’t seen a lot of it. There’s been, the Supreme
Court has had some cases that have been very influential. Their cases are influential, and, ah, they now have affirmed, or confirmed, that this is a, a form of Title, of sex discrimination.


JDS: Well, that’s recent. I wouldn’t say before, there were some well-known ones before.

CK: Okay, well I...

JDS: I mean, the one probably more influential was the opinion, um, holding that there’s a right to copyright the operating programs of computers, that was, um, Franklin v. Apple, um, and, ah, Bob Gorman, for example, they tell me that that comes very early in the copyright cases. [She is referring to Apple Computer Inc. v. Franklin Computer Corp., 714 F.2d 1240 (3d Cir. 1983), cert. dismissed, 464 U.S. 1033 (1984), and to Robert Gorman, a member of the faculty who teaches Copyright Law and other courses at the University of Pennslyvania Law School.]

CK: I see.

JDS: So, that probably had a more lasting effect.

CK: You think so?

JDS: Yeah, I do.

CK: That’s interesting.

JDS: And because the, ah, ACLU v. Reno I didn’t write as a Court of Appeals judge. I wrote as a three-judge, a member of a three-judge district court that I had, because I was then chief judge, I had, um... um, appointed.

CK: Okay. I will tell you that when I went to, ah, do research on, on some of your cases, I would say nine times out of ten, or nineteen out of twenty, the, the case that came up in my research was ACLU v. Reno.

JDS: Yeah. Yeah, well, it got a lot of press.

CK: It sure did.

JDS: Yeah.

CK: I’m curious as to what, ah, you might find to be the most interesting aspect of that case.

JDS: Oh, I, I can’t answer, I don’t understand the question, I can’t answer the question as you, as you frame it, um....
CK: Well, I know that you certainly learned an awful lot about the Internet, or at least...

JDS: We learned a little bit about it. I still can't get on it very easily, but...[Laughs.]...I can try. I have to for my, um, upgrade in computer training, which I'll do later this month.

CK: Aha, aha.

JDS: To San Antonio.

CK: So you do use the Internet on occasion?

JDS: Yeah, oh yeah, I use the computer. I, I do E-mail. I, I communicate with my daughter almost exclusively by E-mail.

CK: Aha, aha.

JDS: So it's very, it leaves us both our privacy.

CK: Um, well, I'm, I'm wondering if you think that there should be specialized courts to deal with...

JDS: Oh, I'm, I'm very much opposed to specialized courts.

CK: Why is that?

JDS: Ah, I think that federal judges are...respected and can do their job better because they deal with a great many subjects. And the approach in other subjects, ah, can be used in a wide variety of cases. Ah, I'm a, I think we have to be generalists, and I'm against anything that would make us, ah, specialists. Also, for the development of the law, if you have all of the circuits dealing with an issue, then, ah, it percolates, as the Supreme Court says, and then it goes up to the Supreme Court. If you only have the Federal Circuit dealing with patent law--I had had a patent case before the exclusive jurisdiction went to the Federal Circuit—ah, you get a wider input based on different kind of knowledge. Things that I learned in reading a statute or dealing with something in a completely foreign field were useful in the patent case that I had, which was a very major case dealing with the patentability of a particular kind of chemical. [The case was Standard Oil Co. (Indiana) v. Montedison, S.P.A., 664 F.2d 356 (3d Cir. (Del.), 1981).]

CK: Which case was that?

JDS: [She sighs.] I don't remember the name of the case.

CK: That's alright. We'll find out. Well, now, I'd like to move a little...

JDS: That was a case that had been in the Patent Office and in the lower courts for more than twenty years, and we finally resolved it.
CK: Oh, tell me about it.
CK: Oh, tell me about it.

JDS: I, I can’t remember the name of it. I....

CK: Okay. But you got this one particular case...

JDS: It took a long time, it took a long time to decide, but we did, ‘cause it had a big record.

CK: Aha, aha.

JDS: I just can’t remember.

CK: Okay. Well we will find out.

JDS: Yeah.

CK: Ah, if we could move, ah, on to when you became the Chief Judge of the court...


CK: And at that time you said you hoped to better educate the public about the federal court system.

JDS: You know, I have my cousin, I have a very close cousin to me who said to me, “How are you going to do that?” when she came to hear that. Ah, and I’m not sure that we, we did that, but we tried. I, I don’t know.

CK: Aha.

JDS: What do you think?

CK: Well....

JDS: How can people do that? You’re a law student.

CK: That’s a good question. I’m, I’m curious as to why you thought that was really, really important.

JDS: I think it’s important because I think that, ah, judges and the judiciary and the court system depends upon the acceptance of the public. And the belief by the public that, ah, we act fairly, justly--and justly. And the more they know, the better we’ll be. And I have no problems about bringing them inside, and, and knowing what’s happening.

CK: In 1994, you established the Task Force on Equal Treatment in the Courts.

JDS: Yeah...yeah.
CK: ...and that was to study gender, race, and ethnic bias.

JDS: That’s right.

CK: And I think it released its final report in 1997. Why did you think it important... [The final report was published as Report of the Third Circuit Task Force on Equal Treatment in the Courts, 42 VILL. L. REV. 1355 (1997).]

JDS: Maybe '98. I’m not sure. Yeah.

CK: Okay. Why did you think it important to, to undertake that study?

JDS: Well, there had been...some prior studies into, ah, race discrim...into sex discrimination. And there was a statute, Congress passed a statute encouraging circuit councils to do this, and I thought it was important that we do this. [Note: The statute was the Violence Against Women Act of 1993, which was endorsed at the March 1993 meeting of the Judicial Conference of the United States.] So that, to squelch any possible rumors. Well, first of all, I wanted to find out if we were doing everything that we could. I wanted to know how the clerk’s office was getting its personnel. Ah, was it advertising widely. I think it’s a very disparate group, but I wanted to be sure that all efforts toward diversifying the, um, race and gender of the people who work in the court house—it’s a federal court house—um, were, all efforts were made.

CK: Mmmmm. Was there something about the, the study that you found particularly noteworthy, either the study or the process?

JDS: Well, I thought particularly worthy, particularly noteworthy was the fact that you had very few complaints about judges, and about how they did their, how they went about doing their work.

CK: Mmmmm.

JDS: So I thought that was pretty good.

CK: That’s good.

JDS: Yep.

CK: And what do you think that the lasting benefits of the Task Force are going to be?

JDS: Well, I think that’s going to depend on the judges afterwards, the Chief Judge afterwards. I don’t, I can’t tell you what the benefit is going to be.

CK: Okay. Okay. I’d like to ask you a few questions about women’s issues. I’m wondering, over the years you’ve had a lot of women as law clerks, and they’ve gone on to some real prominent roles in the profession after that, I think. Do you think that you’ve been a, a mentor or a role model for some of them?
JDS: I don’t know. You’d have to ask them. I can’t call myself a role model.

CK: Ah, you don’t think of yourself as, as a role model?

JDS: No, I really don’t. I, I mean I know people have said that. Ah, I was the only female on the Court of Appeals for a long time. Fortunately, now there’s four of us, ah, and we’re all very friendly. I, ah....I don’t know. I, I can’t, I just, I’m not the person that can talk about any effect I had on others.

CK: Okay. Well, do you have any words of advice for a young woman attorney starting out in the practice of law?

JDS: [Sighs.] Not that I can think of right now.

CK: No?

JDS: No, ah, just do the same as everybody else. You know, I don’t think I’d necessarily give a woman any different advice than I’d give a young man.

CK: Aha.

JDS: And I don’t give advice! [Laughs.] No, I don’t think so.

CK: [Laughs.]

JDS: I don’t think so. I mean, I can, I can talk about some things, but I, I just don’t think of myself in those terms. It comes from a humble background.

CK: Okay. Well, tell me, what, what do you think it’s going to take for law as a profession to accommodate the needs of women?

JDS: Ah, I think law as a profession is going to have to accommodate to part-time work. I think that’s one of the most important things to do. You cannot expect that, since women bear the child-bearing function, leave aside the child-rearing function, which could be divided, but I think natural maternal instincts mean that, ah, there’s going to be a period in a young woman’s life, if she’s married, or if she has children, married or not, ah, when she wants to spend some of the time on her maternal responsibilities. And it’s not fair to say you have to be out of the profession for ten years full time, ah, when it would be easy enough in many instances to accommodate the woman with part-time work. Yeah. Part-time work.

CK: And you think that’s possible for, for women?

JDS: Sure, I think that [inaudible].

CK: You, you have a slot in your office, right?
JDS: When I was Chief Judge I had it, when I was Chief Judge, for the seven years I was Chief Judge, I had an extra law clerk. But I had an extra position, and I made it a point to share that position, ah, with a part-time law clerk and a part-time secretary. And, ah, they both had children, and, um, it worked out very well. For the seven years I got different young women every two or three years who would come by and say, "If that job’s going to be available, I would [not mind.... And they’d move on. (this is difficult to understand)]"

CK: Mmhmm, mmhmm. Well, now, it’s been just over a year since you ended your seven-year term as Chief Judge.

JDS: Ah, yes, wonderful! [Laughs.] It’s been wonderful.

CK: I take it your life has changed a little bit since then.

JDS: Yeah, I have less responsibility for administrative matters, and I have more cases, and that’s fine, both ways. [She laughs.]

CK: Aha. And you are, you did not take senior status?

JDS: That’s right, that’s right.

CK: I remember.

JDS: Yeah. I don’t want to take senior status. I can’t imagine taking senior status.

CK: Why is that?

JDS: Well, I’m healthy, and if you do something, you want to do it full time, and all-encompassing. [Coughs.]

CK: Mmhmm, mmhmm. So for yourself, part time isn’t, isn’t so much of an option?

JDS: That’s right, that’s right.

CK: Okay. Um....

JDS: Maybe I’ll feel differently if I ever have grandchildren, but I don’t know. I doubt it.

CK: [Laughs.] Okay.

JDS: Also, in a Court of Appeals, unlike a District Court, there is a marked difference between your input in the court law if you take senior status as distinguished from active status. You don’t sit on en bancs in senior status, so that you can’t work on helping, ah, keep the law of the circuit current, except to the extent you do your particular panel opinions, among other, among other reasons.
CK: Mmhmm, mmhmm. So to really have an input, you need to be active?

JDS: Be active. Yeah.

CK: I’m curious as to how you think having women as attorneys and judges has affected our legal system?

JDS: Well, like we said before about role models, I don’t think of myself as a role model, but I think that, ah, young women, ah, coming...of, of age, ah, such as my daughter, for example, who has in growing up seen women, ah, doing all sorts of things, I think it’s just opened her eyes as to what you can do. When my daughter was a little girl she had a little friend, a boy whose mother was also um, a lawyer. And Vikki and Jonathan, I, somebody heard, overheard this, and Vikki and Jonathan were talking and Jonathan said to Vikki, “What do you want to do when you grow up?” And she said, “I want to be a doctor.” And he said, “You can’t be a doctor. Men are doctors. Women are lawyers.” [Laughs.]

CK: [Laughs.] Oh, that’s wonderful.

JDS: She doesn’t want to be a doctor anymore either, but... [Laughs.] And she never wanted to be a lawyer.

CK: Could I ask what she does?

JDS: Well, she’s working as a, um, what does she call it in the article? She works in a hospital, in Boston, in an administrative supervisory position as a care, I think she’s a primary care coordinator, [whatever that is. (This last phrase is difficult to understand.])

CK: Mmhmm, mmhmm. I guess I have one last question for you, and I’m curious. I realize this is not going to happen soon, but what would you like to do when you retire?

JDS: I don’t want to retire.

CK: Ever?

JDS: No.

CK: I just heard, ah, something on the radio today while I was getting ready to come down here. They were talking to people a hundred years old, and a number of them were still very actively working every day.

JDS: Good! I’m glad to hear that! [She laughs.]

CK: Is that what you see your future as, then?

JDS: Ah, I guess so. When, the first date I ever had with my husband, he asked me a question. He said, um, “If money was not an object, what would you want to do? Professionally, what
would you want to do?” And I said, “The same thing I’m doing now.” And I asked him what he’d want to do, and he said the same thing. He, he was a professor at a medical school, the University of Pennsylvania Medical School, and a researcher, a scientific researcher. And he said, “The same thing, maybe a little less frantically, but the same thing also.” I feel that way now too.

CK: Mmhmm.

JDS: As long as I’m healthy and well, and as long as I can, ah, mentally do the job, I want to do the job.

CK: That’s wonderful.

JDS: Well, yeah. I mean, I think it’s a, I think it’s a wonderful job. I feel very fortunate to have it. Ah, it never, it’s never the same. You always have new issues. Um, I work with bright, stimulating people, and I hear bright, stimulating lawyers—most of the time—[laughs] and it’s fine. I’m, I do work very hard [laughs] and it would be nice to work a little less hard. But I think that partly that’s, that’s self-induced, and whatever I did, I would do that.

CK: Mmhmm. Well, thank you.

JDS: I think that it’s wonderful that the University of Pennsylvania is doing these oral histories. What is the purpose of them?

CK: Oh, I think we’ve realized that, you know, there hasn’t really been a lot of, ah, contact, you know, with alumni and keeping alive the memory of what things were. I, I think there’s a whole generation at the Law School now that has no idea of how things were. And so, we’re trying to, trying to talk to people who would be interested in talking to us, and, you know, preserve a little of that.

JDS: That’s great. I think that’s wonderful.

CK: It’s been a lot of fun. Well, I, I don’t want to take any more of your time, but thank you so much. You’ve been very generous.

JDS: I appreciate your coming. Thank you for your questions. They’ve been very good.

CK: Well thank you.

JDS: Thank you. I’m sorry I couldn’t answer all of them.

CK: Well, that’s alright, you know. I made sure I had enough so that we got a few of them answered anyway.

JDS: That’s fine.... [Sound fades.]