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Luminarias de la Ley

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Luminarias: An Empirical Portrait of the First Generation of Latina Lawyers 1880-1980

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LUMINARIAS: AN EMPIRICAL PORTRAIT OF THE FIRST GENERATION OF LATINA LAWYERS 1880–1980

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PROLOGUE

I was born into a proud and large Mexican American family. I grew up in my grandfather’s home within blocks of maternal great grandparents, aunts, uncles, and many cousins; a truly wonderful upbringing, despite the poverty we experienced. Though a patriarchal family, we were nurtured by a gentle, uneducated great grandmother, *Mama Tina*, who performed the traditional expected daily chores while donning aprons with opaque nylon stockings rolled above her knees. One hardly knew of her dreams, but even *Mama Tina* comprehended the value of an education for women. Preventing me from doing dishes in the kitchen was her way of prioritizing my studies.

Growing up in Southern Colorado during the mid-1950’s, in the culturally and ethnically rich but loosely segregated city of Pueblo, I

knew no Latina or Latino attorneys, nor should I have been expected to, given the *few and far between*¹ who became lawyers during these years. When I graduated high school, there were no Latina lawyers in Pueblo. Only five had graduated from Colorado law schools by 1973; three were admitted to the Colorado bar that year. Like the Latina attorneys studied decades later, I chose the legal profession under the tutelage and mentorship of my family.

My grandfather, a Mexican immigrant, steel worker, and union activist, passed along his American dream to reach for the stars. My mother, who was forced to surrender her career dreams and marry due to pregnancy, dispatched the harsher life lessons. Foremost among them, securing an education to ensure self-sufficiency. The pervasive discrimination of Mexican Americans in my hometown during the 1950s and 1960s triggered an early awareness of racial inequality relayed by my mother who experienced it first-hand as a dark-skinned woman. Thus, from a tender age I knew I would be a lawyer, borne simultaneously from this family influence, and later reinforced in college by the Chicano student movement² and the feminist movement. I lacked, however, any knowledge or understanding about what it meant to become or be an attorney. This unfamiliarity followed me as I graduated with Gold Cord honors from Central High School and four years later from Colorado College (CC). Ignorance, as they say, is and was bliss. It was best to be guided by my grandfather's dreams instead of the reality of the legal profession, then unwelcoming to Latinas.

Though my cousins and I shared the same family ecosystem and early life experiences, I alone attended law school and became a lawyer.

¹ Jill L. Cruz & Melinda S. Molina, *Hispanic National Bar Association National Study on the Status of Latinas in the Legal Profession - Few and Far Between: The Reality of Latina Lawyers*, 37 Pepp. L. Rev. 971 (2010) [hereinafter *Reality of Latina Lawyers*].

² During my college years at CC the Chicano movement and *Brown Berets* reached Pueblo, commonly called the "heart" of Aztlan.² The mythical Aztlan, comprised of the Southwest region of the U.S., was the spiritual and ancestral home of the Chicano nation; conceived from ancient Aztec historical references and the presence of Mexican Americans in the region before the Treaty of Guadalupe Hidalgo in 1848. See *About Us: Historical Foundation*, MOVIMIENTO ESTUDIANTIL CHICANX DE AZTLAN (MEChA) <https://web.archive.org/web/20170513195954/http://www.chicanxdeaztlan.org/p/about-us.html>. As part of the Chicano student movement, MEChA organizations (Movimiento Estudiantil Chicanos de Aztlan) were formed nationwide, including at CC in which I was active. See Jacqueline Hidalgo, *Beyond Aztlan: Latina/o/x Students Let Go of Their Mythic Homeland* Univ. of Notre Dame Keough School of Global Affairs (Apr. 11, 2019), <https://contendingmodernities.nd.edu/global-currents/beyond-aztlan>.

Throughout the years, I often wondered why this was the case, given their intelligence and soulful beauty that radiates uniquely from those salt of the earth. The inequity settled deep into my mind and served as a catalyst throughout my career. Indeed, this search for the first Latina lawyers unwittingly arose from the need to connect to others with whom I shared comparable life and educational experiences. Unconsciously, I began a quest to understand the inexplicable: *Why would only certain Latinas be afforded a legal education and become lawyers while others, equally gifted, be denied this opportunity?*

Perhaps because of my modest upbringing, the stories of the lesser-known Latina attorneys who endured and overcame unglamorous obstacles out of the limelight, resonate most. Puerto Rican Carmen Badillo Martinez (LL.B 1938 University of Puerto Rico Law, “UPR Law”), traveled to school in an ox cart and then by automobile when her father acquired the first one in town after becoming Mayor. When the family later lost their home and property, Badillo headed to Rio Piedras, where she launched a successful legal education and career.³ Anita de Jesus Lewis, J.D. 1947 University of Arizona, the second Latina lawyer in Arizona, practiced law from her dining room until she earned enough money to convert her garage into a law office. At home, her daughters served as assistants.⁴ Anita later became Arizona’s first Latina jurist, a Phoenix municipal judge *pro tem*, and earned sufficient income to send her daughters to college. She did not live long enough, however, to witness her daughter, Harriett Chavez, J.D. 1978 University of Arizona, become a lawyer and follow in her footsteps as a judge.

Equally compelling are those who forged boldly into the profession. I had the privilege of knowing the two deceased Latinas mentioned next, admiring them for their unapologetic tenures in the law. Irma Rangel, J.D. 1969 St. Mary’s University, the first Mexican American woman-lawyer elected to the Texas State Legislature, broke off both of her wedding engagements, unwilling to compromise her legal career.⁵ For that reason alone, she endured allegations of lesbianism. These claims, however, never detracted her from successfully legislating on behalf of poor and Latino

³ DVD: *Las Primeras: An Historical Presentation of the First Latina Attorneys Licensed in the United States* (Dolores S. Atencio & Mary T. Hernández 1994) (on file with Stanford Law Library).

⁴ *Id.*

⁵ Interview with Professor Jose Angel Gutierrez with Irma Rangel (Apr. 10, 1996).

communities. Before passing in 2003, Representative Rangel inspired many, including Maria Luisa “Lulu” Flores (J.D. 1980 University of Texas – Austin). Lulu served as Representative Rangel’s first Chief of Staff and then earned a law degree. She followed in Rangel’s footsteps winning election in November 2022 to the Texas House of Representatives, District 51. Fellow Texan Adelfa Callejo (J.D. 1961 Southern Methodist Law) was forced to delay her education for 24 years due to poverty, but that never stopped her fierce brand of advocacy. As a successful private practitioner, Adelfa shared her wealth by donating thousands to scholarship funds. At age 68, Adelfa served as a member on the Hispanic National Bar Association (HNBA) Board when I was President.

*Adelfa took us to task, pressing hard for immediate change, asserting she was too old to be patient. She did so, at times, with humor and other times through scolding but always with her unforgettable...quips. Adelfa’s opinions were not limited to the practice of law; she freely shared her opinions about life, men and politics with anyone in close proximity to her, or for that matter, across the room. We learned and grew to respect that this was part of Adelfa’s DNA which made her so endearing.*⁶

Nine months before her death in 2014, the Dallas School Board dedicated the Adelfa B. Callejo Elementary School in her honor. Adelfa’s nephew arranged for us to speak privately one last time weeks before her passing, which left an indelible mark.

Whether propelled by a deep childhood psychological need or obsessive curiosity, I devoted a great deal of time trying to identify the earliest Latina lawyers. The steps in one’s life journey may not make sense at the time, but the loose threads ultimately came together in unexpected ways. In my case, the threads consisted of service in roles such as HNBA President from 1991 to 1992, which provided the national network to identify and create the first presentation on 21 Latina attorneys, *Las Primeras*.⁷ From 1993-1996, I served on both the American Bar

⁶ Dolores S. Atencio, *Las Primeras Abogadas Un Legado, Saluting Hispanic Women Lawyers in the 50 States*, HNBA LATINA COMM’N (2014).

⁷ *Las Primeras* was the brainchild of bay area lawyer Mary T. Hernández who asked for a program on the first Latina lawyers for the HNBA’s 1993 San Francisco annual convention. The slide show was converted the next year into a 50-minute VHS documentary *Las Primeras* (1993–1994). See also, Dolores S. Atencio, *Networking for Effective Advocacy and Social Change: A Model Approach by Latina Lawyers*, in *Multilingual Educator: STAND UP! GET UP!*, CAL. ASS’N OF BILINGUAL EDUCATORS, Oct. 2021, at 12, <https://www.gocabe.org/>

Association Commission on Women (ABA Commission on Women) where I learned the nuts and bolts of national qualitative studies. Twelve years later in 2008, Ramona Romero appointed me as Co-Chair of the newly formed HNBA Latina Commission, asking *simply* for a report on the status of Latinas in the profession.⁸ We orchestrated two national studies in 2009 and 2010⁹ with the talented Dr. Jill Cruz and also revived research on *Las Primeras*.¹⁰ While the entire experience provided greater insight into the lives of Latina lawyers, what made a lasting impression were the achievements of the earliest Latina attorneys. It was then that I committed to finding them, only partly aware of the effort and years this would take. Shortly thereafter, serendipity appeared. Over coffee with a colleague, a former University of Denver Law Dean, she suggested I teach an undergraduate honors research class to complete work on the first Latina lawyers. Teaching the class came with a requirement: partnering on the research project with a nonprofit organization which, naturally, was the HNBA Latina Commission. My students and I combed through the published works of national, local, Latino, and women's bar associations. This research produced no material on the first Latina lawyers—there was none—but provided additional information to produce two pieces on the history and accomplishments of Latina attorneys in 2013 and 2014¹¹, published by the HNBA Latina Commission.

By 2015, though I had amassed a significant amount of information, the research remained incomplete as the earliest *Luminarias* remained

wp-content/uploads/2022/08/ME-2022-Online68.pdf [perma.cc/367M-QPFJ].

⁸ Through HNBA 2008 Bylaws, Article XIV, Section 3, Latina Commission, President Romero embedded the former female presidents as life-long Latina Commission members, codifying us as *Madrinas* to guide the younger generation of Latina lawyers. We established the annual *Las Primeras Abogadas Luncheon and Award*, styled after the ABA's Commission on Women annual, prestigious *Margaret Brent Award and Luncheon*. Romero is a distinguished lawyer, having served as General Counsel in both the public and private sectors as General Counsel for the Department of Agriculture and currently at Princeton University.

⁹ Jill L. Cruz, et al., *Hispanic National Bar Association Commission on Latinas in the Legal Profession: La Voz de la Abogada Latina: Challenges and Rewards in Serving the Public Interest*, 14 CUNY L. Rev. 146 (2010).

¹⁰ One of the Latina Commissioners had contacted the U.S. National Archives from which I received a call. The archivist relayed he was looking for information on the first Latina lawyers and learned I might have that information. As I learned from my early appellate experience, research is circular. This confirmed my hunch that no one had compiled the data.

¹¹ Dolores S. Atencio, *Las Primeras Abogadas – Una Historia, Celebrating 100 Years of Achievement* (2013); Atencio, *supra* note 6.

elusive. Predating my effort by over 100 years, attorney Leila Robinson captured the essence of my Quixotic search.

*“I have often been asked how many women there are in the law, and until the returns came in from a somewhat extended system of correspondence [with law deans] which I started a few years ago for the purpose of gathering material for this article, I had to give very vague replies; for though I have preserved every scrap of information which I could gather on the subject for a dozen years past, this gave me only a mass of unreliable data.”*¹² In 1890, Robinson sought to identify the number of women lawyers in the U.S., albeit there were fewer women graduates.

*My first move was to send a circular letter to the Deans of the principal law-schools, asking whether any woman had ever been enrolled as students in these schools, or would be so enrolled on application, and for names and addresses of women graduates. To all these letters, save two, prompt and courteous responses were received, containing the desired information; and as the question where women may study law is pertinent to that of women in the law, I will refer from time to time to the facts contained in these letters.*¹³

While offered partly for sentimental value, Robinson’s decision over a century ago to approach the law schools underscores their critical role *then* and *now* as the sole custodians of records preserving the history of women and Latinas who earned law degrees during the 19th and 20th centuries. As in Leila Robinson’s paradigm, the research pointed to the country’s law schools as the most reliable source of information on women and, therefore, Latina law graduates. A methodology used over 200 years ago proved instructive and led me, independent of the HNBA Latina Commission, but with ongoing support, to create and find a home for the project to conduct the meticulous and laborious research required to complete the Study. The question became: *Where to start?*

The essential step was securing a home for the *Luminarias Project*; ideally, a law school that could provide support but, more importantly, establish the legitimacy other law schools required to access

¹² Leila J. Robinson, *Women Lawyers in the United States*, 2 THE GREEN BAG: A USELESS BUT ENTERTAINING MAGAZINE FOR LAWYERS, 10, 10 (1890). I discovered Robinson’s effort while writing this Article, partly amused and in other part affirmed that my instincts led to the same source.

¹³ *Id.* at 11.

their archives. Logically, I approached my alma mater, the University of Denver (DU) Law, which joined DU's Latinx Center in supporting the research. In 2015, I created *Luminarias de la Ley* | *Luminaries of the Law* (*Luminarias Project*) to identify the first Latina lawyers who earned law degrees and, thereafter, document their collective contributions. The Study Period covers 100 years from 1880–1980.

Luminarias are the country's first Latina solo practitioners, law firm associates and partners, corporate counsel, prosecutors and public defenders, legal aid and civil rights attorneys, law professors, federal, state, and local judges, and the first Presidential Appointments requiring U.S. Senate confirmation (PAS) who are Article III judges, U.S. Ambassadors, U.S. Attorneys, and high-level appointees to U.S. Agencies, commissions, and boards. These are "*las primeras—the firsts*" in their respective fields across all segments of the legal profession. Few *Luminarias*, such as our first Latina Associate Supreme Court Justice Sonia Sotomayor, federal judges, state Supreme Court Justices, U.S. Ambassadors, and U.S. Attorneys are well known within the legal profession and beyond. Most, however, are not nationally renowned. Many *Luminarias* have passed without their contributions being documented or recognized beyond their families and local communities, to the extent they were known. Being collectively unrecorded through the decades does not diminish their successes; to the contrary. The contributions of *Luminarias* irradiate through the ages because they were the first and succeeded during segregation and at the dawn of integration. Only when viewed through the lens of history does this properly contextualize the significance of their accomplishments.

INTRODUCTION

Who were the first Latina law graduates and lawyers in the United States? Until the publication of this Article, there was no empirical data on the first Latina law graduates who earned law degrees and became attorneys in the United States during the late Nineteenth and Twentieth centuries. The history of women entering the legal profession during this period, the obstacles they surmounted to become lawyers, and their progress is well-documented. A record of Latina attorneys during this same period, however, did not exist. This Study was undertaken to document

those unrecorded, *Las Olvidadas*¹⁴ (the forgotten ones), from 143 years ago to 2023 and bring them from obscurity to prominence.¹⁵

This Article presents an original empirical portrait of the first Latina attorneys, less than 1,400, who earned law degrees from 1880–1980, affectionately called “*Luminarias* | Luminaries,” because they *Illuminated the Way*¹⁶ for others to follow. It is based on the findings of a five-year analysis of 167 American Bar Association (ABA) accredited law schools that graduated law students during the Study Period, utilizing a retrospective record review methodology. An overview of the Study findings is provided, including data on the graduation and licensure of *Luminarias* during the Study Period by (1) law schools, states, and regions; and (2) career choices of the *Luminarias* and milestones achieved in comparison to non-Latina attorneys. The Study findings are but one aspect of the *Luminarias Project*.

The Study Period was chosen for three reasons. First, the absence of empirical data on *Luminarias* during these decades¹⁷ and second, the historical importance of *Luminarias*. Third, this timeframe encapsulates the history of the “First Generation of American Women Attorneys” from 1860 to 1920,¹⁸ reflecting the period when women were denied legal

¹⁴ Berta E. Hernández-Truyol, *Las Olvidadas – Gendered in Justice/Gendered Injustice: Latinas, Fronteras and the Law*, 1 J. GENDER, RACE & JUST. 353 (1998).

¹⁵ This Study was an arduous one supported by many to whom I owe my gratitude. First, to the University of Denver (DU): Director of Alumni Engagement Laura Dean, Associate Professor of Law Tom Romero and Deb Ortega, Professor, Graduate School of Social Work/Director of DU’s Latinx Center, who gave *Luminarias* a home; former Law Library Director Diane Burkhardt who obtained critical law school documents; and Law Deans Martin Katz and Bruce Smith who supported *Luminarias*. Heartfelt thanks to *Luminaria* Patricia Diaz Dennis, (J.D. 1973 Loyola Law – Los Angeles), who raised funds to support the research and whose motto, “*if we don’t write our own history, who will?*” kept me motivated; and Mary T. Hernández —my touchstone, founding partner of Garcia Hernández Sawhney, PC whose firm contributed annually to *Luminarias*; and dear friend Yvonne Rico who served as the project’s volunteer assistant. Thanks to Dr. Jill Cruz with whom I have had the “privilege of journeying the past 15 years on behalf of Latina attorneys,” for her epiphany and insights. To the UCLA Chicana/Latinx Law Review Board, I am indebted. Finally, I thank my husband-attorney Alfredo E. Peña, who supported this experiment.

¹⁶ *Illuminating the Way* is a trademark phrase of the *Luminarias Project* and the name of the symposium to be held in 2024.

¹⁷ Most Latina lawyers were licensed *after* 1981 and thus easier to identify and gather information about them from institutional empirical data compiled more recently on gender, race, and ethnicity; the digitization of law school records, rendering that data more accessible; internet research tools; and the proliferation of professional networks (virtual and otherwise) through which lawyers, including Latinas, publicize their careers.

¹⁸ See Jill Norgren, *Ladies of Legend: The First Generation of American Women Attorneys*,

admission to the bar in 1873,¹⁹ through the slow but gradual increase of female lawyers during the first part of the 20th century, to the *Second Feminist Wave*²⁰ and exponential growth through the 1970s. Arabella Mansfield became the first woman attorney licensed in 1869 in Iowa.²¹ By 1880, there were 200 women lawyers, with most obtaining their law licenses through legal challenges.²² None were Latina. Thus, history dictated that the search for the first Latina attorneys should commence in 1880.

Throughout the research process, significant issues emerged necessitating their analysis and inclusion in this Article. Two are interrelated: the stark underrepresentation of *Luminarias* during the Study Period and up to the present time, and the fact that Latina lawyers are understudied. Their interrelatedness had, and has, a substantive impact on the admission, progress, and elevation of Latinas in the profession. One need only review the work of the ABA Commission on Women (discussed *infra*) to appreciate the connectivity and effect of research followed with vociferous advocacy.

The third issue concerns the complexity of self-identification: defining who is “Latina.” Used historically as an excuse to forego tracking Latino law school admissions, this issue had an unexpectant, literal impact on interpreting the data. Defining “who is Latina” is undoubtedly

35 J. OF SUPREME COURT HISTORY 71 (2010); Janie Nichols, *The New Advocate: A History of Early Female Lawyers in the United States from 1860 to 1920*, 5 (2020), <https://baylor-ir.tdl.org/bitstream/handle/2104/10947/Thesis%20Janie%20Nichols.pdf?sequence=1>.

¹⁹ In 1873, gender bias officially became the law of the land when the U.S. Supreme Court upheld the denial of Mary Bradwell’s admission to the Illinois bar because of her sex. *Bradwell v. Illinois*, 83 U.S. 130, 141–142 (1873) (explaining that “the paramount destiny and mission of women are to fulfil the noble and benign offices of wife and mother. This is the law of the Creator. And the rules of the civil society must be adapted to the general constitution of things and cannot be based upon exceptional cases”). From 1869–78, the only law schools that allowed women were the University of Iowa, the University of Michigan and UC Hastings.

²⁰ The *Second Feminist Wave*, 1960’s through the 1970’s, focused on women’s equal opportunity and was preceded by *Women’s Liberation* (or *First Wave Feminism*), 1920’s–1930’s that involved the women’s suffrage movement, voting and property rights. See e.g., *Second Wave Feminism: Collections*, GALE, <https://www.gale.com/primary-sources/womens-studies/collections/second-wave-feminism> [perma.cc/QUP6-9UCJ]; *Feminism: The Second Wave*, NATIONAL WOMEN’S HISTORY MUSEUM, (June 18, 2020) <https://www.womenshistory.org/exhibits/feminism-second-wave> (referring in particular to the digital exhibit).

²¹ Donald E. Young, *Mansfield, Arabella “Belle” Babb*, THE UNIVERSITY OF IOWA: THE BIOGRAPHICAL DICTIONARY OF IOWA, <http://uipress.lib.uiowa.edu/bdi/DetailsPage.aspx?id=249>.

²² Cynthia G. Bowman, *Women in the Legal Profession from the 1920s to the 1970s: What Can We Learn from Their Experience About Law and Social Change?* 61 Me. L. Rev. 2 (2009).

an imperfect, evolutionary and, therefore, challenging process. The complexity of and complications arising from defining *Latina* over a 100-year period involved grappling with history, nomenclature, and present-day controversy over ethnonyms eloquently examined and discussed by Latina/o Critical Theory scholars; sorting through regional and ethnic labels; assessing Latina by birth in a Spanish language country of origin; the intersection of race and ethnicity involving our Afro-Latina sisters; and the question of ethics arising from classifying these early women law graduates and lawyers. Confirming who is Latina through race and ethnicity, separate from verification of bar status, was exacerbated by official U.S. Census Bureau documentation recording most Latinas as white, necessitating research beyond government records to establish Latina ancestry. This process was further complicated by *Luminarias* who self-identified as Latina in the absence of Latino ancestral roots or by those with documented Latino ancestry but who self-identified otherwise. These issues all required resolution to bring forth the data in this Study.

Luminarias were, and Latinas remain, the most underrepresented attorney groups in the legal profession in relation to their total U.S. population.²³ There are slightly over 1.3 million lawyers in the country.²⁴ Latinas comprise 2.5% of the Latino lawyer population of 5.8%;²⁵ both percentages vastly disproportionate to the total Latino U.S. population of nearly 19%.²⁶ Fifty years ago, in 1970, women attorneys were 3% of the total lawyer community, which slowly but steadily increased to 38% in 2022.²⁷ Latinas were not included in that growth. To determine why they comprise such a small fraction of the women lawyer community, and to both accurately trace and explain their trajectory in the legal profession, we must understand their beginning. Ultimately, this Study attempts to supply the connective tissue from past to present, and “shine

²³ *Reality of Latina Lawyers*, *supra* note 1.

²⁴ Exactly 1,327,010 active lawyers. *ABA Profile of the Legal Profession 2022*, ABA (2022) (hereinafter *2022 ABA Profile*).

²⁵ I conferred with Dr. Cruz, who has retained data on Latina lawyers since we first collaborated on the HNBA Studies in 2008–2010. We estimate Latina lawyers comprise about 2.5 percent of the total lawyer population based upon numerous factors, including the initial 13,000 identified in *Reality of Latina Lawyers*, the 5.8 percent of all Latino lawyers reported in the *2022 ABA Profile*, and the increased law school admissions of Latinas over the past few years.

²⁶ Robinson, *supra* note 12 at 26.

²⁷ *Id.* at 25.

an unforgiving light²⁸ on the grossly disproportionate and unacceptable number of Latina attorneys in the country. It is my hope that the *Luminarias Study* will spark deeper scrutiny, awareness, and an awakening that results in affirmative change on behalf of Latina attorneys.

I. THE LUMINARIAS STUDY

A. Methodology

To identify the first Latina lawyers, I adopted a retrospective record review methodology consisting primarily of law school records. My prior research involved extensive outreach to, and review of, materials created by national, state, and local lawyer and bar associations. This research confirmed that these sources did not have comprehensive, if any, research on *Luminarias*. Law schools possessed the essential raw data—the names of all law graduates during the Study Period. From this research, I also learned that law schools and other institutions responsible for compiling data on Latina lawyers failed to record or track their law graduates by gender, combined with race and ethnicity, during the Study Period.²⁹ Nonetheless, this methodology was certain to reveal the long-missing identities of the first Latina law graduates in the country.

The 167 law schools covered in this Study were selected because they were ABA-accredited and awarded law degrees during the Study Period. See Appendix A Law Schools in the Study 1880 – 1980 | *Luminarias* by State and School (hereafter Appendix A). Twenty-seven law schools were excluded because they either were (1) founded after 1980 or established before but did not graduate law students until after 1980; (2) closed with records unobtainable; and/or (3) not accredited by the ABA. See Appendix B Law Schools Excluded from the *Luminarias Study*. *Luminarias*, like all lawyers in the U.S., earned one of two law degrees during the Study Period: *Legum Baccalaureus* LL.B from 1840 to 1970 or Juris Doctorate J.D. from the mid 1960s to 1980.³⁰ Included

²⁸ *Visible Invisibility: Women of Color in Fortune 500 Legal Departments*, ABA COMM'N ON WOMEN IN THE PRO. xiii (2013).

²⁹ One cannot help but to question the extent to which law schools committed a disservice to our community in failing to record gender with race and ethnicity; providing, decades earlier, the proof that equal opportunity programs were critical to developing a diverse legal profession. This is an issue, not the subject of this article, but one that looms large.

³⁰ Harvard Law was the first to award the LL.B in 1820 followed by the University of Virginia in 1840. For over a century, it was the degree favored by law schools. Starting in 1906, the ABA Committee on Legal Education and Admissions to the Bar recommended the J.D.

in this Study are *Luminarias* who received LL.Bs (or Bachelor of Laws) and Juris Doctorate degrees.³¹

There were three distinct phases in the Study. Phase I involved locating and acquiring data from the law schools and identifying potential *Luminarias* from the law school data. In Phase II, Latino ancestry of those identified in Phase I was verified. The bar status and the careers of *Luminarias* was researched in Phase III. *Luminarias* were identified using primary and, by necessity, secondary sources of information. Lists of law school graduates generated by law schools were the most accurate sources of information. When provided, these lists significantly reduced Phase I research by eliminating the labor-intensive and tedious work involved in reviewing and cross-referencing secondary sources. Forty-four law schools, or 26%, provided lists of their law graduates during the Study Period. See Appendix C, Methodology, Ancestry, Bar Status & Careers (hereafter Appendix C), which details the research process and identifies the primary and secondary sources used in Phases I-III.

The majority of law schools in the Study—124 or 74.4%—declined to provide lists of their law graduates. In refusing, law schools cited one or all of the following reasons: (1) they did not record race or ethnicity during the Study Period; (2) they did not have a list of Latina law graduates as it would be too time consuming to compile (notwithstanding being informed I would be identifying the Latinas); (3) release of the information violates the Family Educational Rights and Privacy Act (FERPA);³² and (4) school policy prevented release of the names. FERPA was not implicated in the release of the directory information requested.³³ The

By 1961, only 16 law schools awarded J.D.s, but that number doubled by Spring 1967 after the ABA adopted the J.D. as the official law degree. Harvard, Columbia, Yale, and other eastern schools continued to resist until 1968 when the ABA added the three-year law curriculum to the J.D. requirement. Yale Law awarded the last LL.B in 1971. Thereafter, some law schools retroactively awarded J.D.s to their law alumni. Yale Law School alumni rejected the honorary J.D.s. For a fuller discussion on this topic, see John G. Hervey, *Law School Graduates Should Receive “Professional Doctorates”*; *Time for a Change from LL.B. to J.D. Degree*, 10 *STUDENT L.J.* 5 (1965); and Garrett Power, *In Defense of the J.D.*, 20:1 *J. OF LEGAL EDUC. ASS’N OF AM. L. SCH.* 67, 67–70 (1967).

³¹ Excluded from the Study are Masters of Study in Law (M.L.S.), Master of Law (LL.M.) and Doctor of Juridical Science (S.J.D.) degrees. Latinas who acquired an M.L.S. or LL.M. were excluded, such as the first female Prime Minister of Peru, Beatriz Merino-Lucero, who, earned an LL.M. from Harvard Law in 1977.

³² 20 U.S.C. § 1232g; 34 C.F.R. § 99 (2023).

³³ See 34 C.F.R. § 99.31 (2023) (Stating that schools may disclose, without consent, “directory” information such as a student’s name, address, telephone number, date and place

law schools published directory information in numerous publications such as student directories, yearbooks, or registries. All schools published graduates by name and year in publicly released commencement programs and alumni directories. When explaining that FERPA was not implicated for the reasons enumerated, law schools defaulted to school policy prohibiting the release or simply refused to provide the lists without further explanation. A handful of law schools refused to provide any information or “declined to participate” in the Study. In those cases, I relied upon the University of Denver’s Law Library Director to procure loans of law schoolbooks and documents. I also conducted site visits to select law schools, and sought the assistance of Latino/a alumni, when necessary, to obtain information.

Reliance upon secondary sources became necessary to compile a comprehensive list of law graduates from those schools refusing to provide information or participate in the Study. This process entailed reviewing hundreds of documents from which potential *Luminarias* could be identified. Alumni directories and law commencement programs were the primary secondary sources relied upon but, unlike lists prepared by law schools, these sources were not as accurate. Therefore, compilation required cross-referencing multiple sources. See, Appendix C explanation of the verification process and Appendix A, listed sources. Once the list of potential *Luminarias* was compiled, their Latino ancestry was verified. During the process of verifying Latina ancestry, gender also was confirmed. This resulted in the identification of 80 males who were subsequently excluded from the list of *Luminarias*. Once Latino ancestry was established, the bar status and career paths of *Luminarias* were researched.

The research identified a total of 2,543 potential *Luminarias* during the Study Period as female law graduates.³⁴ Next, came the seemingly uncomplicated task of verifying the Latina ancestry of potential *Luminarias*.

of birth, honors and awards, and dates of attendance.).

³⁴ The database of potential *Luminarias* is on file with the Author for ongoing and future use.

B. Who is Latina? *The Complex Nature of Self-Identification Inside and Outside the Latino Community*

How does one define Latina? What's in a name? Does birth in a Latin American country automatically make one a Latina? Did the times in which these women lived influence whether they claimed or denied their Latino ancestry? Should this matter? Are they recognized as Latina by the community? Should this be determinative? How does color impact whether a Luminaria claims her Latina ancestry? If Afro-Latinas choose to identify as Black instead of Latina, should they be documented in the Study as Latina?

Identifying the first Latina lawyers transported its own unique set of issues as these questions reveal. All were deliberated during and throughout the research and, as a practical matter, had to be resolved for this Study. This Article does not pretend to resolve these questions writ large but does grapple with the scholarship and theory to define *who is Latina*.

Over the past thirty years, scholars of Latino/a Critical Legal Theory, or *LatCrit*, have focused on the complex issue of identity within the Latino community, among other important issues.³⁵ They recognize Latinos in the U.S. as consisting of “multiple national and racial identities which are often conflated or fused...”³⁶ and have written extensively on the question, “*in the American racial order, where do [Latinos] fit?*”³⁷ The body of *LatCrit* identity scholarship has been instructive, if not directly on point, in capturing the complexities of defining *who is Latina* for purposes of this Article, especially as the Latino community in the U.S. has become larger and richly diverse. The identities of *Luminarias* are embedded in the complex history of Latinos in the U.S., tracked

³⁵ *LatCrit* is a category of contemporary scholarship to develop a critical and interdisciplinary discourse on law and policy centering Latinos/as and fostering the development, accessibility and awareness of coalitional theory and practice for social and legal change. See Francisco Valdes, *Legal Reform and Social Justice: An Introduction to LatCrit Theory, Praxis and Community*, 14 GRIFFITH L. REV. 148, 149 (2005). *LatCrit* theory evolved from a law professor colloquium on Latina/o Communities and Critical Race Theory held in San Juan, Puerto Rico as part of the HNBA 1995 annual convention when Mary Hernández was president (1994-1995).

³⁶ Gloria Sandrino-Glasser, *Los Confundidos: De-Conflating Latinos/As' Race and Ethnicity*, 19 CHICANA/O LATINA/O L. REV. 69, 71 (1998) (exploring the conflation of race and national origin on the three largest Latino subgroups: Mexican Americans, mainland Puerto Ricans, and Cuban Americans).

³⁷ *Id.*

through three centuries by the U.S. Census Bureau and buried in law school records.

*Like ethnic identity more generally, ethnic labels are both dynamic and contextual. How they change and how they are used in a given situation, in turn, must be understood both in terms of internal (within the ethnic group) and external (outside the group, from the dominant society) pressures.*³⁸

A brief overview of this history encapsulates the essence of the complexity. For *centuries* since 1790, Latinos were primarily labeled white.³⁹ Over the Study Period, the U.S. Census Bureau provided Latinos only three choices to record race: white, black or “other.” For the ensuing nearly two centuries, Latinos were offered other racial classification choices only twice: in 1930 under *Mexican*; and in 1970 under *Mexican* and “*Other Spanish*,” but that option was provided to only a sample of respondents.⁴⁰ Forced to choose between black or white, the “. . . *black/white paradigm . . .*,”⁴¹ Latinos lacked the basic tool to self-identify and, thus, accurately record their race and ethnicity. Consequently, “[*it has been difficult to classify Latinos due to the confusing categorization used over the years by the United States Census.*”⁴² The result was an inability to be statistically defined as a holistic community and build the essential predicate upon which legislative action could be taken to address inequities; or, in the case of this Study, for *Luminarias* simply to classify themselves.⁴³

³⁸ Dr. Laura E. Gómez, *The Birth of the “Hispanic” Generation, Attitudes of Mexican-American Political Elites toward the Hispanic Label*, 19 *LATIN AM. PERSPS.* 45, 46 (1992). In this article, Dr. Gómez presents a succinct and eloquent gestalt of ethnic identity and labeling.

³⁹ U.S. CENSUS BUREAU, INDEX OF QUESTIONS: 1930, https://www.census.gov/history/www/through_the_decades/index_of_questions/1930_1.html [perma.cc/KH2W-6FCU] (Dec. 5, 2022).

⁴⁰ U.S. CENSUS BUREAU, INDEX OF QUESTIONS: 1970 https://www.census.gov/history/www/through_the_decades/index_of_questions/1970_population.html [perma.cc/ENZ8-2N62] (Dec. 5, 2022).

⁴¹ Athena D. Mutua, *Shifting Bottoms and Rotating Centers: Reflections on LatCrit III and the Black/White Paradigm*, 53 *UNIV. OF MIAMI L. REV.* 1177, 1179 (1999).

⁴² Sandrino-Glasser, *supra* note 36, at 76.

⁴³ On its homepage, the Census Bureau illustrates the importance of recording race to help governments and communities monitor and enforce antidiscrimination laws, regulations, and policies under the Civil Rights Act of 1964 and the Voting Rights Act; identify those in need of medical services under the Public Health Service Act; and allocate funds to school districts for bilingual services under the Bilingual Education Act, to name a few important purposes. The Census Bureau further expresses the interest of “[r]esearchers, advocacy

Among the many (admittedly less serious) consequences of the federal government's failure to accurately record race and ethnicity, was the practical impact on the Study research. Classifying Latinas as *white* in census records not only caused a few students to report certain *Luminarias* were *not* Latina but required additional research to overcome the authoritative designation (and lingering doubt) to document Latino ancestry; often with non-census data.

The convergence of four events in the 1960s and 1970s resulted in the formation of a six-month study on which ethnonym to adopt by an *ad hoc* Chicano Census Advisory Committee.⁴⁴ On June 16, 1976, the 94th Congress passed a Joint Resolution introduced by Representative Edward Roybal (D-CA) requiring the collection of information for "*Americans of Spanish origin.*"⁴⁵ Almost exactly one year later, the Office of Management and Budget (OMB) defined "*Spanish origin*" as "*Hispanic, a person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race*"⁴⁶ which appeared for the first time in the 1980 census.⁴⁷ The change in the 1980 census saw the emergence of the Latino community under one ethnonym, *Hispanic*, that proved simultaneously rewarding (from a census collection standpoint) and troubling as it sparked years of scholarly examination and debate. Recognizable now as a unit, the *Hispanic*

groups, and policymakers" in the data to assess, *inter alia*, equal opportunity in education, employment, voting, and home ownership, the sciences and engineering and health care," and to which the legal profession is added.

⁴⁴ Gómez, *supra* note 38, at 45–46 (labeling the "political elite," the *ad hoc* committee consisted of "19 political, religious, and educational leaders from Spanish-speaking groups, the majority of them Mexican-American . . ."); see also Grace Flores Hughes, *Latino or Hispanic? How the Federal Government Decided*, Latino Voices, Sept. 19, 2013, http://www.huffpost.com/entry/latino-or-hispanic_n_3956350. The four events were (1) an undercount of Latinos in the 1970 census; (2) a shift in the political climate to conservatism, resulting in the election of Richard Nixon whose administration began applying the term *Hispanic*; (3) the rise of the *Chicano* movement and shift to a *non-white identity*; and (4) the founding of the Congressional Hispanic Caucus in 1976 (*albeit* small, initially only five members) which possessed the finesse and muscle to harness the political currents to codify change.

⁴⁵ Pub. L. No. 94–311 (1976), <https://uscode.house.gov/statutes/pl/94/311.pdf>.

⁴⁶ OFF. OF MGMT. & BUDGET, STATISTICAL POLICY DIRECTIVE NO.15, RACE AND ETHNIC STANDARDS FOR FEDERAL STATISTICS AND ADMINISTRATIVE REPORTING (1977) <https://wonder.cdc.gov/wonder/help/populations/bridged-race/directive15.html>.

⁴⁷ 1980 *Census Short-Form Questionnaire*, U.S. CENSUS BUREAU, https://www.census.gov/content/dam/Census/programs-surveys/decennial/technical-documentation/questionnaires/1980_short_questionnaire.pdf.

community became a *Hispanic product*. That phenomenon fueled by mass media, provoked even greater scrutiny and debate among scholars.⁴⁸

The definition was amended in 1997 to add *Latino*. The 2000 guidelines added *Spanish* to Hispanic/Latino and the 2010 guidelines enabled residents to additionally identify their country or place of origin.⁴⁹

Building upon the scholarship of university professors and sociologists, Gómez summarized the work of Dr. Rodolfo Alvarez who proffered an enthralling thesis about Mexican Americans over two centuries with corresponding ethnonyms— some adopted, some imposed. Presented through generations, he coined the terms Creation Generation (1848–1900), followed by the Migration Generation (1900–1940), Mexican-American Generation (1940–1965) and the Chicano generation (1965–1980),⁵⁰ to which Gómez added a fifth, the Hispanic Generation (1980).⁵¹ Alvarez and Gómez provide an excellent example on the profundity of the identity issue among Mexican Americans, which represents but one subgroup among the many existing within the Latino community, all to whom *Luminarias* belong.

The notion that through the course of history, ethnonyms change to describe racial communities is not unique to the Latino community. Compare, *Mendez v. Westminster School District of Orange County*,⁵² in which Mexican American lawyers successfully advanced legal recognition of Mexican ancestry, with the court holding that school children of Mexican descent could not be segregated and were entitled to equal protection of the laws. On the other hand, in *Hernandez v. Texas*,⁵³ LULAC lawyers argued that as members of the white race, Mexican Americans

⁴⁸ See, e.g., Catherine Alexandra Carter, *Changing View of Identity in the Face of Globalization Among Hispanic Communities in Diaspora* 14 (Dec. 9, 2012) (Thesis, Illinois State University).

⁴⁹ Revisions to the Standards for Classification of Federal Data on Race and Ethnicity, adopted October 30, 1977, <https://www.whitehouse.gov/wp-content/uploads/2017/11/Revisions-to-the-Standards-for-the-Classification-of-Federal-Data-on-Race-and-Ethnicity-October30-1997.pdf> [perma.cc/4B7C-DESX]; and 2000 guidelines.

⁵⁰ Dr. Rodolfo Alvarez, *The psycho-historical and socioeconomic development of the Chicano community in the United States*, SOCIAL SCIENCE QUARTERLY 53, 920–942 (1973).

⁵¹ Gómez, *supra* note 38 at 47. In my opinion, the 21st century compels the addition of a sixth generation, the Latino generation, starting in 2000 to the present, that includes the influx of Latin American immigrants and encompasses the younger generations and vibrant GLBTQ+ community with their own increasing non-binary ethnonyms, Latinx, Latine and Latin@.

⁵² 64 F. Supp. 544 (S.D. Cal. 1946), *aff'd*, 161 F.2d 774 (9th Cir. 1947).

⁵³ 347 U.S. 475 (1954).

were entitled to equal treatment under the law and could not legally be segregated on the basis of their race. Both cases present alternate legal theories conveniently framed on a white or brown paradigm to fight segregation. These alternate theories contrast sharply to restricted legal arguments afforded to the African American community, namely, the “one drop rule.” A person of black ancestry, even possessing one drop blood, is deemed black which limited the legal landscape.⁵⁴ It is important to acknowledge the history of our brethren. Their history underscores the flexibility, *albeit* limited, *Latinos-Luminarias*, had with respect to racial identity.

LatCrit scholars, including Professors Haney Lopez and Gómez, have written about the propensity among some Latinos to identify as “white Latinos” or adopt “whiteness.” In her 2020 book, Gómez, presents a provoking discourse on the use of whiteness, advancing the argument that Latinos conveniently straddled the fence between a white and non-white identity until “*they adopted a ‘minority’ approach in seeking enforcement of civil rights.*”⁵⁵ The vast majority of *Luminarias*, i.e., their families or heads of household, self-identified as white in the census; attributable perhaps not to the reason Gómez suggests, but simply because the U.S. Census offered little choice. One could advance Gómez’s colorable argument that the social and political constructs of the times influenced *Luminarias*, and their families to identify as such. We may never know.

The basic fact, as aptly captured through *LatCrit* identity scholarship, is that Latinos in the U.S. have floated between racial and ethnic identity lines, as have *Luminarias*, complicating the Study process. Of utmost relevance to this Study is the awareness imparted by *LatCrit* scholars of the diversity within the Latino community.

LatCrit scholars are wary of homogenizing varied experiences under a single ‘Latino’ or ‘Hispanic’ rubric...Specifically, we must continue to engage in unpacking differences among those we label ‘Latinos’ in the United States. This involves sensitivity to differences related to such crucial factors as time of immigration/migration, country of origin, and different levels of

⁵⁴ See, e.g., Daniel J. Sharfstein, *Crossing the Color Line: Racial Migration and the One-Drop Rule, 1600–1860*, 91 MINN. L. REV. 1871 (2007).

⁵⁵ Laura E. Gómez, *The Elusive Quest for Whiteness* in INVENTING LATINOS: A NEW STORY OF AMERICAN RACISM 99–132 (2020).

*bilingualism... LatCrit can be a space where we confront racism that has, historically, as well as currently, privileged Latinos who identify (or are identified by others) more as Spanish or European, to the disadvantage of those Latinos with more noticeable Indian or African ancestry.*⁵⁶

In this one paragraph, Gómez unwittingly captured as prologue the challenge in this Study to encapsulate the multi-dimensional experiences of *Luminarias*; to thread the intricate and personal art of self-identification through a contemporary lens. But does the intellectual discourse have real application to resolve the identity issues of *Luminarias*; stated otherwise, is there any correlation between the theoretical and practical? For all the eloquent scholarly dissection of the identity issue, ultimately, the matter remains simple but important in its complexity, to wit: there is no uniform or universally accepted ethnonym used by *Luminarias*.

In over two decades of surveying Latinos about self-identification, the Pew Research Center has found little change.⁵⁷ In 2018, it found the majority (54%) had no preference; 27% preferred Hispanic and 18% preferred Latino. The 2019 survey found 47% “most often describe[d] themselves by their family’s country of origin, while 39% use the terms Latino or Hispanic and 14% most often describe themselves as American.”⁵⁸ Like scholars Alvarez and Gómez, the Pew Center also found that self-identity changes with and over generations. “Among immigrants from Latin America, nearly all identify as Hispanic. But by the fourth generation, only half of people with Hispanic heritage in the U.S. identify as Hispanic.”⁵⁹

⁵⁶ Laura E. Gómez, *Constructing Latina/o Identities*, 19 CHICANO-LATINO L. REV. 187, 190 (1998).

⁵⁷ Ana Gonzalez-Barrera, *Pew Research Center Final Topline*, PEW RSCH. CTR., https://www.pewresearch.org/hispanic/wp-content/uploads/sites/5/2018/10/Pew-Research-Center_Latinos-Concerned-About-Place-in-America-Under-Trump-TOPLINE_2018-10-25.pdf [perma.cc/WQS6-WEVR] (last visited Feb. 2, 2023).

⁵⁸ Ana Gonzalez-Barrera, *The Ways Hispanics Describe Their Identity Vary Across Immigrant Generations*, PEW RSCH. CTR. (Sept. 24, 2020), <https://www.pewresearch.org/fact-tank/2020/09/24/the-ways-hispanics-describe-their-identity-vary-across-immigrant-generations> [perma.cc/5TXZ-BHAL] (last visited Jan. 30, 2023).

⁵⁹ Mark Hugo Lopez et al., *Who is Hispanic?*, PEW RSCH. CTR. (Sept. 15, 2022), <https://www.pewresearch.org/fact-tank/2022/09/15/who-is-hispanic>.

C. *Ethical Considerations in Categorizing Luminarias as Latinas*

A Retrospective Record Review Methodology enables the emotionless identification of race and ethnicity through cold documentation that may more accurately trace ancestry. In contrast, the qualitative studies or surveys in which participants self-identify is an exceedingly personal exercise that permits and captures the emotional attachment to a subgroup that may influence self-identification. It is an imperfect science. Ethical questions in qualitative studies usually pertain to procedural issues such as confidentiality. Not so in this Study. As there were no external sources of data on the race or ethnicities of *Luminarias* compiled by the law schools they attended, a number of ethical questions arose that required thoughtful consideration and resolution of the following:

1. *What ethics are implicated in (re)classifying one as a Luminaria today, especially those who are no longer able to speak for themselves . . . or those who have spoken?*
2. *Should one's preferred self-identity of non-Latina dictate whether to recognize their Latina ancestry when there is documentation of Latina ancestral roots?*
3. *Should those whose Latino ancestry is less than 100% be counted as Latina?*
4. *What, if any, impact on history or records of accomplishments within the Latino community, especially by those "less than 100% Latino," should be considered?*

There were no ethical guidelines upon which I could rely in assigning racial and ethnic classifications and very little by way of instruction on which factors to consider in making these determinations. As a practical matter, the U.S. Census Bureau definition provides little guidance on how to evaluate and resolve conflicting racial and ethnic questions arising from mixed-race and country of origin.

Professor Sandrino-Glasser presented variables that are useful in determining whether one is Latino, though this was not her proffered purpose nor were they used to determine initially whether a potential *Luminaria* is Latina. They are, however, insightful and useful in evaluating decisions made during the Study.

The perceived homogenized Latino population in the United States is in reality a group of distinctive subpopulations that

exist because of a myriad of variables that divide the so-called 'Hispanic population.' The most significant variable is national origin . . . The second variable...other than their histories and cultural forms, is their race . . . The third variable is the method of incorporation in United States society. Except for the recent Mexican immigrants, the Mexican-American and Puerto Rican presence in the United States resulted not from migration of people from Mexico to the United States, but from conquest. By contrast, Cuban-Americans are immigrants which have migrated to the United States due to political upheaval and economic distress on the island of Cuba. The fourth variable is geographic distinctiveness. Each of the three Latino subpopulations has been the dominant Latino group in a particular portion of the United States . . . Each of these 'Latino areas' are different economically, socially and politically – and these differences are important in two ways: (1) understanding the special characteristics of each Latino subpopulation, and (2) dispelling the homogenization process.⁶⁰

The professor's variables do not address the ethical questions arising from categorizing the race or ethnicities of *Luminarias*. They do, however, provide a guard rail that combined with additional factors provided later in this Article may begin to construct a methodology by which to classify Latinas/os.

Consider five examples of the more complicated personal histories of *Luminarias* which provide a glimpse into the practical and ethical quagmire of evaluating Latina ancestry for this Study. These real-life illustrations are offered as a contextual framework to promote understanding and perhaps to answer some of the ethical questions arising from this dynamic exercise. In presenting these examples of mixed-race *Luminarias*, the majority of *Luminarias* were not mixed-race.

1. *Rosalind Goodrich Bates, LL.B 1926 Southwestern Law-Los Angeles, Admitted California 1929*

Rosalind was born to missionary medical doctors educated at Stanford University Medical School (formerly Cooper Medical College). Her father, Dr. Lorenzo Lujan Boido was born in Guaymas, Mexico to Mexican-born Ruperta Lujan and Italian-born Lorenzo Boido. Dr. Rosa

⁶⁰ Sandrino-Glasser, *supra* note 36, at 75-77.

Meador Goodrich, Rosalind's mother, was a native Texan, born into the Goodrich family. As missionaries, the doctors moved to Guatemala and then El Salvador where Rosalind was born in Sonsonate, El Salvador on July 24, 1894. Spanish was her native tongue which she used throughout her life and professional career. Both parents specialized in women's health and practiced medicine in Mexico, Central America, and Arizona where in 1915, they founded Twilight Hospital. In 1918, both doctors were charged with performing an illegal abortion. Dr. Boido fled to Mexico. Dr. Goodrich Boido, Rosalind's mother, faced trial, was convicted, and sentenced to two to three years in prison but served only a few weeks.⁶¹ In 1913, Rosalind married Ernest Sutherland Bates and was known as Goodrich Bates throughout the remainder of her life. After divorcing Ernest in 1916, she joined her mother in California, attended Southwestern Law School and earned her license. Rosalind practiced in Los Angeles, her clientele primarily Spanish-speaking and Mexican/Mexican Americans. She was an activist, heavily involved in the women's movement through, *inter alia*, NAWL and the FIDA, *Federacion Internacional de Abogadas*. Rosalind's death, as her upbringing, was shrouded in mystery.⁶²

Through paternal ancestry, Rosalind was genetically one-quarter Mexican/Latina and by birth in El Salvador, her country of origin/national origin is Latina.⁶³

2. Judge Mercedes Frances Lopez Diez, 1959 J.D. NW Lewis & Clark, Admitted Oregon 1960

Judge Diez was the first Black female judge in Oregon and widely recognized as such in the state and within the Oregon Latino legal community. She was born Mercedes Frances Lopez in New York City to

⁶¹ Gwen Jordan, *Symposium: The 19th Amendment at 100: From the Vote to Gender Equality: "We Must Forget Every Difference and Unite in a Common Cause – Votes for Women": Lessons From the Woman Suffrage Movement (Or, Before the Notorious RBG, There Were the Notorious RGBs)*, 11 CONLAWNOW, 91, 92-94 (2020).

⁶² Rosalind was killed in 1961 in her Los Angeles home; the crime was never solved. See L.A. *Woman Lawyer Murdered in Mystery*, L.A. TIMES, Nov. 15, 1961, at 2.

⁶³ In the literature review of Rosalind, she did not identify as Mexican American or Latina. As Selma Moidel Smith knew Rosalind Goodrich Bates, we discussed issues arising from identifying her as Latina. Selma was unaware of Rosalind's family background, conveying that Rosalind never discussed her family. We conjectured Rosalind's reasons might be due to her parents' legal troubles, the father's abandonment of the family, the era, and the character requirement of law licensure. What became clear was Rosalind's service to the Latino community.

Frank R. Lopez, Cuban born (whose parents also were Cuban born), and Mary “Mazie” (nee Kuzma) Lopez (born in Bohemia, now a part of the Czech Republic). Mr. Lopez was a native Spanish speaker and Afro-Cuban during an era in the U.S. when Afro-Latinidad was not widely acknowledged, to the extent known. Mercedes partly grew up in Harlem and moved to Portland where a brother lived. She married Carl Diez in 1949 and became active in the Urban League and NAACP.⁶⁴ Mercedes eventually enrolled, attended, and graduated law school. In November 1969, she was appointed to the Multnomah County Circuit Court and served until retirement in 1992. Judge Lopez Diez was part Afro-Cuban through her father, making her ancestrally Latina. Throughout her life and professional career, Judge Diez considered herself African American though she is described in various articles and documents as “mixed race.” She once was quoted,

*Black has nothing to do with the color of the skin; it's a question of ethnicity,” Diez once said. “You are your race. A person has roots to whatever he or she comes from in one's ancestry. And I am a black lady.*⁶⁵

According to the Pew Research Center, there were 6 million Afro-Latino adults in the U.S. in 2020, comprising 12% of the adult Latino population. “About one-in-seven Afro-Latinos—or an estimated 800,000 adults—do not identify as Hispanic.”⁶⁶

*Afro-Latino identity is a distinct one, with deep roots in colonial Latin America. As a result, it can often exist alongside a person's Hispanic racial or national origin identities. The life experiences of Afro-Latinos are shaped by race, skin tone and other factors, in ways that differ from other Hispanics. And though most Afro-Latinos identify as Hispanic or Latino, not all do so.*⁶⁷

⁶⁴ Diane Rynerson, *Mercedes Deiz, 1917-2005*, OR. ENCYCLOPEDIA (last visited Jan. 29, 2023), <https://www.oregonencyclopedia.org/articles/deiz-mercedes/#.Y9cWOuzMI-Q>.

⁶⁵ Cliff Collins, *A Life of Firsts, Mercedes Deiz Was a Trailblazer by Choice*, OR. STATE BAR, (Dec. 2005), <https://www.osbar.org/publications/bulletin/05dec/heritage.html>.

⁶⁶ The survey was conducted between November 2019 and June 2020. Ana Gonzalez-Barrera, *About 6 Million U.S. Adults Identify as Afro-Latino*, PEW RSCH. CTR. (May 2, 2022), <https://www.pewresearch.org/fact-tank/2022/05/02/about-6-million-u-s-adults-identify-as-afro-latino>.

⁶⁷ *Id.*

3. *Judge Dorothy Comstock Riley, LL.B 1949, Wayne State University, Admitted Michigan 1950*

Dorothy was born to Josefina Aminta Grima and Charles A. Comstock who met during World War II when her mother, a nurse, was caring for the wounded which included her father. Dorothy's mother was born in Tamaulipas, Mexico to Bartolo C. Grima and Ursula Fuentes De Grima. Dorothy married Wallace D. Riley, who later served as an ABA president. In 1972, Dorothy was appointed to Wayne County Court Circuit bench, becoming the country's first Latina county court judge. She later served on Michigan's Court of Appeals, Michigan Supreme Court, and as Chief Justice. Judge Comstock Riley was Latina, of Mexican ancestry.

At a showing of the *Luminarias Exhibit* at Loyola Law – Los Angeles (LA), a Latino law alumnus was viewing the panel of Judge Comstock Riley which described her as mixed-race and the first Latina county court judge on the mainland. The lawyer stated, “*she [Judge Comstock Riley] doesn't count [as Latina] because she's only half.*” Before the *Luminarias Project*, the Honorable Frances Muñoz⁶⁸ (also featured in the *Luminarias Exhibit*) was considered by some as the first Latina county court judge in the country. Frances was appointed to the Orange County Harbor bench in 1978; both parents were born and emigrated to the U.S. from Jalisco, Mexico. The lawyer's viewpoint was validated in an interesting 2020 survey conducted by the Pew Research Center. The survey showed that 32% of Hispanic adults consider an essential part of being Hispanic “is having both parents of Hispanic ancestry”; this is “what it means to be Hispanic.”⁶⁹ While a valid viewpoint, the Study defines Judge Comstock Riley as Latina.

4. *Jeannette O. Fuller Hausler, LL.B 1953 University of Miami, Admitted Florida 1953*

“*Cien por Ciento Cubana!*” (100% Cuban) was quoted in the Miami Herald obituary⁷⁰ to describe Jeanette. Her parents, William Otis

⁶⁸ Recently, we lost *Luminaria* Judge Muñoz who passed away on October 17, 2022 at age 92. See, <https://www.latimes.com/california/story/2022-10-27/frances-munoz-first-latina-trial-judge-in-california-dead-at-92>

⁶⁹ Ana Gonzalez-Barrera, *The Ways Hispanics Describe Their Identity Vary Across Immigrant Generations*, PEW RSCH. CTR. (Sept. 24, 2020), <https://www.pewresearch.org/fact-tank/2020/09/24/the-ways-hispanics-describe-their-identity-vary-across-immigrant-generations>.

⁷⁰ *Jeannette Otis Fuller Hausler: 1929-2018*, MIAMI HERALD (last visited Jan. 29, 2023),

Fuller (English) and Jennie (*nee* MacMillan Jewish, Irish) were born in Maine and Massachusetts, respectively. At the age of three, Jennie's family moved to Cuba where they founded a successful plantation and the island's first lumber mill. Jeannette was born in Cuba in 1929 and at the age of 16 enrolled at the University of Miami, graduating at 18 from Miami Law where she met her future husband. She returned to Cuba and studied civil law at the University of Havana. In 1955, Jeannette married law professor Richard Hausler in Vedado, Havana and resided in Cuba until 1959 when they returned to the U.S. Jeannette was the first Dean of Students at Miami Law from 1974–2009. Dean Hausler passed in November 2018 at the age of 89. Dean Jeannette Otis Fuller Hausler is Latina by birth in Cuba, her country of origin, whose *method of incorporation* was migration.

5. *Rosemary Barkett (Barakat), J.D. 1970 University of Florida, Admitted Florida 1970*

In 1939, Rosemary was born to Syrian immigrant parents, Assad and Mariam Barakat, in Ciudad Victoria, Tamaulipas, Mexico. At the age of six, Rosemary emigrated to Miami with her family when she began speaking English; Spanish was her native tongue. She became a U.S. citizen in 1959 at the age of 18. Rosemary was the first woman appointed to the Florida Supreme Court, served as its first female Chief Justice, and later was appointed as the first Latina to the U.S. Eleventh Circuit Court of Appeals. In 2013, the Judge was appointed to the Iran—United States Claims Tribunal at The Hague where she currently serves. Judge Rosemary Barkett is Latina by birth in Mexico and *Latinidad* by language, culture and custom whose *method of incorporation* was migration.

The ethical implications of classifying the women attorneys in the Study by race and ethnicity is incalculable and weighs on my conscience. Does the acknowledgement of Judge Lopez Diez's Afro-Latino background represent a zeal to reconstruct *Latinidad*⁷¹ that equates to Black erasure or, is it a return to race? Conversely, is it fair to ignore the Judge's Afro-Cuban ancestral roots? Is the categorization of Latina by

<https://www.legacy.com/us/obituaries/herald/name/jeannette-hausler-obituary?id=6736451>. A fellow Miami colleague, Raquel Mata, conveyed Dean Hausler was “100% Latina” and mentioned she required pallbearers to wear guayaberas to her funeral. Clearly, not dispositive but shows the depth of her *Latinidad*.

⁷¹ FELIX M. PADILLA, *LATINO ETHNIC CONSCIOUSNESS: THE CASE OF MEXICAN AMERICANS AND PUERTO RICANS IN CHICAGO* (Notre Dame Press, 1st ed. 1985).

national origin appropriate absent Latina ancestry, as in the case of Dean Hausler's Cuban birth and Judge Barkett's Mexican birth? Should they be recognized as Latinas solely because they embrace *Latinidad*—their native birth countries' languages, customs, and culture? Is this conflation? Consideration of the definition of Latino used by the U.S. Census Bureau (see discussion *infra*) which includes birth in a Spanish-speaking country, method of incorporation and self-identification, compels the inclusion of these Latinas.

As a one-quarter Latina (Mexican), should Rosalind Goodrich Bates, *count*? Though only 1% of the *Luminarias* in the Study were/are one-quarter Latina, the issue is an important one. The one-quarter Latina benchmark, i.e., *Luminarias* whose one parent was half Latino making them one-quarter Latina, provoked internal struggle and external reflections about whether to include them in this Study.⁷² As a practical matter, this benchmark made sense as a quantifiable mathematical boundary which has precedential application in Native American tribes, known as the blood quantum rule⁷³ It is important to distinguish the issue under consideration in this Study from the experiences of Native American tribes who implement and/or reject this practice for valid reasons. Ultimately, however, I could not manufacture a legitimate reason to exclude women in this Study on a 25% blood line curve.

For those who possess 50% but less than 100% Latino ancestry—6% of all *Luminarias*—the same ethical questions exist. Defining and accepting this group of *Luminarias* as Latina was less problematic, including classifying those as Latina who either denied, did not, or do not recognize their Latina ancestral roots. *Why*? Perhaps because their Latina ancestry was “stronger,” but this conclusion may carry subjective and emotional bias. For example, one may be Latina ancestrally from both the maternal and paternal lines but have no connectivity to the

⁷² In a discussion with a colleague on including those who are one-quarter Latina, she offered, “*When do you cross this line? Latinos are the one racially ethnic group that has no universal phenotype. How do you decide? Through certain cultural values or life experiences, because someone perceives you to be Latina, through blood, because you speak Spanish or do not? There is no one criteria. You can look at others and determine their race and ethnicity, unlike Latinas. How do you become a member of the Latina lawyer club, and who gets to decide?*”

⁷³ A determination of who is Native American is determined by blood quantum minimums, i.e., the amount of “Indian blood” one possesses for purposes of tribe enrollment. In the Navajo Tribe (and others), the children of one who is 25% (or one-quarter) Navajo are not considered Indian for purposes of tribal enrollment if they are of mixed race.

Latino community. *Should they be counted?* In contrast, how does one exclude those less than 100% Latina, especially those one-quarter Latina, who self-identify and fully embrace *Latinidad*? *Who gets to decide?* In the absence of self-identification, *who is the final arbiter?* This observation begins to conflate race and ethnicity by interconnecting social and political constructs, which is the chafe and wonder of defining the Latino community today and *Luminarias* for this Study.

One factor was decisive in concluding whether those one-quarter or one-half Latina should be included in the Study, that is, the existence of Latina ancestry. Country of origin, race, and migration also factored into the determination of *who is Latina*, especially in those cases where Latina ancestry was not present. These variables align with the three enunciated by Professor Sandrino-Glasser: (1) national origin; (2) race; and (3) method of incorporation. The professor's fourth variable, geographic distinctiveness, was relevant primarily (but not exclusively) to those born in Cuba who migrated to the U.S., living or lived in Florida and in distinct Cuban communities in the country.

Professor Sandrino-Glasser's variables should not be taken out of context. The variables she identified were used at a macro level to define those common to the three largest Latino subpopulations. The applicability of these variables on a micro level to determine on an individual basis who is Latina, may never have been the professor's intent. Their applicability to the micro, however, cannot be ignored.⁷⁴

Five other variables, not weighted equally, were influential or evaluated in determining who is Latina: (1) ethnicity; (2) self-identification, where it existed/exists; (3) misidentification of *Luminarias* and their families by the U.S. Census Bureau during the entire Study Period; (4) increased awareness of the intersectionality of national origin, race and ethnicity, particularly with respect to Afro-Latinas, an evolutionary process within the Latino community from 1880–1980; (5) controversy, then and now, over self-identification and ethnonyms; (6) the discriminatory and exclusionary history of Latino/as in the U.S. especially during the first half of the Study Period that may have influenced self-identification, e.g., Judge Diez. What role did the failure by mainland Latinos to

⁷⁴ As proof of their applicability, these variables were used from the outset of the Study to determine *who is Latina* without prior knowledge of the professor's article.

embrace (perhaps attributable to either ignorance or outright discrimination) Afro-Latinos in the 20th century influence her self-identity?⁷⁵

As illustrated through the stories of the five *Luminarias*, the applicability of these variables, and weighted significance vary with individual circumstances. Unwittingly, the variables provided the ethical peripheries or guard rails by which I made determinations for this Study. Clearly, decisions made about the race, national origin and ethnicity of *Luminarias* made within these parameters upon thoughtful consideration, may prove inaccurate over time. In the final analysis, this Study includes and presents data on those with Latina ancestry, full or partial. I understand and accept the constructive criticism that may derive from this choice and hope it triggers additional research, especially on the intersection of ethics and racial-ethnic classification with an impact on [re]writing and presenting our history.

D. The Definition of Latina Adopted for the Study and Initial Findings

From the pool of 2,543 potential *Luminarias* identified in Phase II of the Study, a total of 1,347 *Luminarias* were verified as having Latina ancestry. Upon consideration and application of the nine variables discussed in Section C, I adopted the 2000 Census Bureau definition to categorize Latina ancestry as “Spanish/Latino/Hispanic: a person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race which excludes those of Brazilian and/or Portuguese⁷⁶ (unless biracial or multiracial).”

For purposes of this Study, *Luminarias* are defined as those who (1) received law degrees from one of the 167 ABA-accredited law schools in the Study **and** (2) were born in the United States (which includes Puerto Rico) of Latino ancestry through one or both parents; and/or (3) whose ancestors are from Spain; or (4) were born in one of the following 19 Latin American and Caribbean countries:

⁷⁵ One cannot help but wonder how these *Luminarias* would self-identify if presented with the option, provided the “right box to check,” in a equitable society where Latino ancestry was accepted and valued?

⁷⁶ See *Survey: Portuguese Americans reject Hispanic label—Community*, PORTUGUESE AM. J. (Feb. 28, 2013) (reporting the majority of the Portuguese community in the United States reject being labeled Hispanic or Latino), <https://portuguese-american-journal.com/survey-portuguese-americans-reject-hispanic-label-community> and), *Disclaimer: US Census Bureau will not classify Portuguese as Hispanic—Update*, PORTUGUESE AM. J. (Mar. 6, 2013), <https://portuguese-american-journal.com/disclaimer-us-census-bureau-will-not-classify-portuguese-as-hispanic-update>.

Argentina	Cuba
Belize	Dominican Republic
Bolivia	Ecuador
Chile	El Salvador
Columbia	Guatemala
Costa Rica	Honduras
Mexico	Peru
Nicaragua	Uruguay
Panama	Venezuela
Paraguay	

II. INITIAL STUDY FINDINGS

Study Finding No. 1: The Majority of Luminarias are from the Three Largest Subgroups, Mexican American, Puerto Rican and Cuban.

The 1,347 *Luminarias* mirrored the Latino U.S. population with the majority, 93%, from the three largest subgroups: Mexican American, Puerto Rican and Cuban. Smaller numbers of *Luminarias* born or of ancestry from other Spanish speaking countries of origin complete the community:

- Puerto Ricans 42.09%, 573:
 - 476 born in Puerto Rico
 - 97 born on the mainland
- Mexican Americans 41.05%, 550:
 - 26 born in Mexico
 - 524 born in the U.S.
- Cuban American, 9.7%, 132:
 - 89 born in Cuba
 - 43 born in the U.S.
- Spanish ancestry, 3.56% | 48 total
- Central / South American countries, 3.04% | 44 total, including from:
 - Argentina, Dominican Republic | 6 each
 - Costa Rica, Ecuador, Nicaragua | 4 each
 - Chile, Panama, Peru | 3 each
 - Salvador | 2
 - Columbia, Honduras, Uruguay | 1 each

Slightly over 7% or 94 *Luminarias*, were of mixed race or multicultural which includes those of with 1/2 or 1/4 Latino ancestry and Afro Latina.

The majority of those mixed race were part white followed by ancestries as diverse as Chinese, Danish, French Canadian, German, Guatemalan, Irish, Italian, Japanese, Panamanian, Peruvian, Portuguese, Spanish and Swedish.

Study Finding No. 2: There Was One Luminaria Among the First Generation of American Women Lawyers, 1860-1920.

From 1880–1916, the Study found there were no Latina lawyers and only one *Luminaria* among the First Generation of American Women Lawyers, Puerto Rican lawyer Herminia Tormés García. One can process the absence of *Luminarias* during this period through a contextual framework that grasps the low number of women lawyers in the country. “Women were notably absent from American legal education for its first 100 years.”⁷⁷ There were five women attorneys in 1870; 200 in 1880; and 3,385 by 1930.⁷⁸ Women represented about 1% of the total lawyer population until 1920⁷⁹ and then stagnated at 3% until 1960. Their exclusion was due to gender discrimination practiced by law schools and sanctioned by state bars with approval from the U.S. Supreme Court.⁸⁰ An important factor to contextualize—but not to use as an excuse—was the size of the Latino population in the first part of the 20th century. In 1920, the Latino population was 1.3 million or 1.2%, significantly less than the total Latino U.S. population of 132.8 million in 2022.

Study Finding No. 3: Luminarias, the First Generation of Latina Attorneys, Begin Appearing in the 1930s but Few Throughout Most of the 20th Century, 1900 – 1969.

Luminarias, are the *First Generation of Latina Attorneys*, who began appearing, after Tormés García, in the 1930s. As Table 1 shows, *Luminarias* were 0% of the lawyer population for 40 years, from 1880 until 1950 and less than 1% of all women lawyers until the 1970’s. By 1981, *Luminarias* comprised 2.42% of all women attorneys.

⁷⁷ CYNTHIA FUCHS EPSTEIN, *WOMEN IN LAW* 49 (2nd ed., 1983).

⁷⁸ *Id.* at 4. See Virginia G. Drachman, *The New Woman Lawyer and the Challenge of Sexual Equality in Early-Twentieth-Century America*, 28, IND. L. REV. 227, (1995) (citing as authority Ronald Chester, *Unequal Access: Women Lawyers in a Changing America*).

⁷⁹ See EPSTEIN, *supra* note 77, at 4..

⁸⁰ In *Bradwell v. Illinois*, 83 U.S. 130, 141–142 (1873), the U.S. Supreme Court upheld that state’s bar to admit Mary Bradwell on the basis of her sex, writing, “[t]he paramount destiny and mission of women is to fulfil the noble and benign offices of wife and mother. This is the law of the Creator. And the rules of civil society must be adapted to the general constitution of things and cannot be based upon exceptional cases.”

TABLE 1
WOMEN LAWYERS AND LUMINARIAS BY THE NUMBERS | 1880–1980

DECADE	NUMBER OF LAWYERS ⁸¹	NUMBER OF WOMEN LAWYERS ⁸²	% OF ALL LAWYERS	NUMBER OF LUMINARIAS	% OF LUMINARIAS OF WOMEN ATTORNEYS
1880	64,137	200	0.11%	0	0%
1890	89,630	208	0.23%	0	0%
1900	114,460	1,010	0.88%	0	0%
1910	122,519	588	0.41%	0	0%
1920	122,519	1,738	1.41%	1	0%
1930	139,059	3,385	2.43%	5	0.14%
1940	181,220	4,447	2.45%	11	0.24%
1950	221,605	6,348	2.865%	23	0.36%
1960	285,933	7,543	3.37%	59	0.78%
1970	326,842	13,000	6.09%	184	1.04%
1980	574,810	62,000	8.00%	1,113	1.47%
1981	612,593	49,007 62,000	8.00%	75 / 1,188 Total	2.42% 1.91% ⁸³

Of the *Luminarias* who graduated during the 1970s and in 1980, 118 passed the bar after 1980: 75 in 1981, 23 in 1982; and the remaining *Luminarias* were admitted through 1990 with the numbers decreasing to single digits per year. There were/are 159 *Luminarias* who earned law degrees but either chose not to practice law or were not licensed.

⁸¹ ABA National Lawyer Population Survey, *Historical Trend in Total National Lawyer Population 1878–2022*, ABA (2022) [perma.cc/8UJC-8N8W].

⁸² See Tereance C. Halliday, *Six Score Years and Ten: Demographic Transitions in the American Legal Profession, 1850-1980*, 20 *Law & Society Rev.*, 53, 62 (1986) (tracking the number of women lawyers for decades 1880 to 1990); and EPSTEIN, *supra* note 77, 4, Table 1.1 (tracking the number of women lawyers from 1910 to 1980). These numbers fluctuate by source, including for example, numbers from the U.S. Bureau of the Census and among various federal agencies, as well as those reported by the ABA Foundation.

⁸³ *Supra*, note 81, Year 1981 and ABA Profile of the Legal Profession 2022, Demographics Table: Women in the Legal Profession by Decade 1951-2022 reporting women lawyers comprise 8% of total attorney population in 1981 of 612,593. As there is a disparity in ABA and other statistics on the number of women lawyers in 1980 and 1981, both captured in Table 1 with corresponding *Luminaria* numbers and percentages. Hereafter, I cite the probable percentage of Latina/ *Luminaria* lawyers at 2.42%, reflecting *Luminarias* licensed in 1981; and noting the exclusion of Latinas who graduated law school in 1981 and were admitted, plus those who matriculated from Interamerican Law.

Preceding and among the *Luminarias* were the unidentified number of Latinas who were admitted to law schools but did not graduate.

To appreciate the path *Luminarias* charted within the legal profession and fully contextualize their experience, it is important to understand the history of women lawyers in the U.S. As there are many excellent books and articles documenting the history of women lawyers (some cited), this Article will focus briefly on the movement by women lawyers to achieve parity which had an impact on Latinas in the legal profession, *albeit* not as substantial as one would expect.

III. LITERATURE REVIEW

The under-documentation of Latina attorneys persisted from 1880 through the late 1970s, a fact noted by scholars and the ABA Commission on Women as they attempted to document the status and experiences of women in the legal profession.

A. *Women in the Law*

Unlike *Luminarias* and Latina lawyers, the history of white women in the law has been chronicled through the ages with innumerable books,⁸⁴ articles, and studies over the decades, covering every aspect of their professional⁸⁵ and personal life stories.⁸⁶ Stretching from before

⁸⁴ See, e.g., KAREN MORELLO, *THE INVISIBLE BAR: THE WOMAN LAWYER IN AMERICA, 1638 TO THE PRESENT* (1986); MARY JANE MOSSMAN, *THE FIRST WOMEN LAWYERS: A COMPREHENSIVE STUDY OF GENDER, LAW AND THE LEGAL PROFESSIONS* (2006); VIRGINIA G. DRACHMAN, *SISTERS IN LAW: WOMEN LAWYERS IN MODERN AMERICAN HISTORY* (1998); JILL NORGREN, *REBELS AT THE BAR: THE FASCINATING FORGOTTEN STORIES OF AMERICA'S FIRST WOMEN LAWYERS* (2013); JILL NORGREN, *STORIES FROM TRAILBLAZING WOMEN: LIVES IN THE LAW* (2018); and HERMA HILL KAY, *PAVING THE WAY: THE FIRST AMERICAN WOMEN LAW PROFESSORS* (Patricia A. Cain, 1st ed., 2021).

⁸⁵ See, e.g., Stephanie A. Scharf & Roberta D. Liebenberg, *How Unappealing, An Empirical Analysis of the Gender Gap Among Appellate Attorneys*, ABA (2021), https://www.americanbar.org/content/dam/aba/administrative/women/how-unappealing-f_1.pdf [perma.cc/7TY7-J6XX]; Stephanie A. Scharf & Roberta D. Liebenberg, *First Chairs at Trial: More Women Need Seats at the Table, A Research Report on the Participation of Women Lawyers as Lead Counsel and Trial Counsel in Litigation*, ABA (2015) (hereafter *First Chairs Study*), https://www.americanbar.org/content/dam/aba/administrative/women/first_chairs_final.pdf [perma.cc/K3PE-KGP9]; Stephanie A. Scharf & Roberta D. Liebenberg, *Walking Out The Door: The Facts, Figures, and Future of Experienced Women Lawyers in Private Practice (2019)*, https://www.americanbar.org/content/dam/aba/administrative/women/walkoutdoor_online_042320.pdf [perma.cc/7CVX-C2T2].

⁸⁶ E.g., JANE M. FRIEDMAN, *AMERICA'S FIRST WOMAN LAWYER: THE BIOGRAPHY OF MYRA BRADWELL* (1993); J. CLAY SMITH, *REBELS IN LAW: VOICES IN HISTORY OF BLACK WOMEN LAWYERS* (1998); DARWIN PAYNE, *INDOMITABLE SARAH: THE LIFE OF SARAH T. HUGHES* (2004); BARBARA BABCOCK, *WOMAN LAWYER: THE TRIALS OF CLARA FOLTZ* (2011); MARLENE TRESTMAN, *FAIR LABOR LAWYER: THE REMARKABLE LIFE OF NEW DEAL ATTORNEY AND SUPREME COURT*

women were admitted officially to the bar in 1869, the status of white women lawyers has been documented systematically through the ages. Researching back to the 17th century before women were licensed, the ABA Commission on Women identified Margaret Brent as the first woman to appear in court in Maryland in 1648, and thereafter, up to their departure from the law in 2019 with “*Walking Out The Door*.”⁸⁷ The ABA has charted the progress of women lawyers with its annual *ABA Profile*.⁸⁸ The National Association of Women’s Lawyers (NAWL) has charted the progress of women lawyers since the time of their founding as the Women’s Lawyer Club in 1899,⁸⁹ publishing in the earliest years, each women who became licensed.⁹⁰

Sourcing the numbers of the earliest women attorneys proved challenging. A distinction arose between the overall number of women lawyers and those who practiced and, at times, even these numbers differed. For example,

The complete record of the United States for 1932 will show five thousand women licensed to practice law. Of this number, nearly one thousand are west of the Mississippi. Unfortunately, these figures do not mean that there are one thousand practicing women attorneys in the West. Actually, there are only [a] little over two hundred and fifty: fifty-three occupying public positions and two hundred and five being engaged in the private practice of law. We have in the West, as you undoubtedly have in the East, many women who passed the Bar Examination successfully and have either gone into another field or have remained legal stenographers or what ever their previous positions might have been.

ADVOCATE BESSIE MARGOLIN (2016).

⁸⁷ Scharf, *supra* note 85; *see also*, Joyce Sterling and Linda Chanow, *In Their Own Words: Experienced Women Lawyers Explain Why They Are Leaving Their Law Firms and the Profession*, ABA (2021), <https://www.americanbar.org/content/dam/aba/administrative/women/intheirownwords-f-4-19-21-final.pdf>. [perma.cc/3MJ4-STJ5].

⁸⁸ 2022 ABA *Profile*, *supra* note 24.

⁸⁹ There is only one Latina bar association in the country, the Latina Lawyers Bar Association of Los Angeles, established in 2001, <https://llbalaw.org>.

⁹⁰ *See, e.g., Women Lawyers Journal*, NAT’L ASS’N OF WOMEN LAWYERS (est. 1911) (publishing news about women lawyers, including the numbers of women entering and departing from the law), and Destiny Peery, 2021 Report: NAWL Survey on the Promotion and Retention of Women in Law Firms, (publishing annual survey reports on the promotion and retention of women in law firms since 2005).

–Rosalind Goodrich Bates, *History of Western Women Lawyers*, 19 *Women Lawyers Journal* 20, 1931–1932.

The status of women in the profession in the 20th century was dismal given their U.S. population. For 30 years from 1930 to 1970, women constituted roughly 3% of the total lawyer population. In sharp contrast, *Luminarias* have yet to achieve that milestone, comprising 2.5% in 2023. In 1964, there were 877 women enrolled as first year law students, representing 3% of admitted law students from 1964 to 1971. There were few women law professors and deans at ABA accredited law schools. By 1980, the number of women lawyers doubled to 62,000. At 8% of the lawyer population, progress was made but it remained disproportionate to their total U.S. population of over 50% or 112 million.⁹¹ The number of women judges and law firm partners had increased to 15%, but women comprised only 10% of law school deans and general counsels.⁹²

The 1980s and 1990s saw the largest increase of female lawyers.⁹³ As the numbers of women lawyers grew, their proportionate representation within the profession did not, sparking action. During the 1990s, NAWL and the ABA Commission on Women were major forces in promoting opportunities for women in the legal profession and effectuating significant change. Created in August 1987, the mission of the ABA Commission on Women was “to assess the status of women in the legal profession, identify barriers to advancement, and recommend to the ABA actions to address problems identified.”⁹⁴ It adopted an activist agenda to “change the face of the profession” and “secure full and equal participation of women in the ABA, the profession and the justice system.”⁹⁵ Initiating studies and reports, implementing strategic publicity to accompany the dissemination of these reports, coupled with unrelenting advocacy has been the successful, tried-and-true method of

⁹¹ *A Statistical Portrait of Women in the United States 1978*, U.S. CENSUS (1980). <https://www2.census.gov/library/publications/1980/demographics/p23-100.pdf> [perma.cc/M3D6-N6MG].

⁹² Deborah L. Rhode, *The Unfinished Agenda: Women and the Legal Profession*, ABA COMM’N ON WOMEN IN THE PROF. 1, 5 (2001) (hereinafter *Unfinished Agenda*).

⁹³ *Id.*

⁹⁴ *About Us*, ABA, https://www.americanbar.org/groups/diversity/women/about_us [perma.cc/LX49-KJDE] (last visited Jan. 30, 2023).

⁹⁵ *Id.* ABA Commission on Women, <https://www.americanbar.org/groups/diversity/women> [perma.cc/AL3F-2FWM] (last visited Feb. 3, 2023).

the ABA Commission on Women through which it has effectuated significant change. As noted in its 2015 *First Chairs* study:

The stated goal of this “*first-of-its-kind empirical study of the participation of women and men as lead counsel and trial attorneys in civil and criminal litigation*” . . . “*was to understand the parameters of the gender gap in the ranks of lead trial lawyers, so that we in the legal profession will know how and where to seek changes.*”⁹⁶

The first of numerous significant reports by the ABA Commission on Women was tendered in 1988 by its first Chair, Hillary Rodham Clinton, which documented the inequality of women in the law. Reports were issued in 1994, *Options and Obstacles, A Survey of the Studies of the Careers of Women Lawyer* (1994 Careers Survey) and 1996, *Elusive Equality: The Experiences of Women in the Legal Education*.⁹⁷ Sounding the alarm over gender bias, states and courts picked up the baton during the 1990s by commissioning task forces to address gender bias.⁹⁸ Other national bar organizations and entities continued their work to eliminate gender bias, generating greater attention on the issue.⁹⁹ Unquestionably, this nationwide collaboration resulted in the requisite empirical data to document gender bias in the profession and create change.

In 2001, the ABA Commission on Women published the *Unfinished Agenda*, heralded as “the most comprehensive contemporary review of

⁹⁶ *First Chairs Study*, *supra* note 85, at 4.

⁹⁷ Marilyn Tucker & Georgia A. Niedzielko, *Options and Obstacles: A Survey of the Studies of the Career of Women Lawyers*, ABA COMM’N ON WOMEN IN THE PROF. (1994), <https://womenlaw.law.stanford.edu/pdf/Roptionsobstacles.pdf> [perma.cc/P9C3-CNKW]; ABA COMM’N ON WOMEN IN THE PROF., *ELUSIVE EQUALITY: THE EXPERIENCES OF WOMEN IN LEGAL EDUCATION* (1996), <https://catalog.lib.uchicago.edu/vufind/Record/5884823>.

⁹⁸ See e.g., *Report of the New York Task Force on Women in the Courts*, 15 FORDHAM URBAN L.J. 11 (1986); Florida Supreme Court, *Report of the Florida Supreme Court Gender Bias Study Commission* (1990); and New Jersey Supreme Court, *New Jersey Supreme Committee on Women in the Courts* (1996). Judicial reports: Final Report and Recommendations of the Eighth Circuit Gender Bias Task Force, 31 CREIGHTON L. REV. 7 (1997); *The Effects of Gender Bias in the Federal Courts: The Final Report of the Ninth Circuit Gender Bias Tax Force*, 67 S. CAL. L. REV. 727 (1994). Racial and ethnic studies also were done, e.g. Michigan Supreme Court, *Final Report of the Michigan Supreme Court Task Force on Racial/Ethnic Issues in the Courts* (1989).

⁹⁹ E.g., Peery, *supra* note 90; NATIONAL ASSOCIATION OF LAW PLACEMENT (NALP), <https://www.nalp.org> (last visited Feb. 3, 2023); and CATALYST, INC., <https://www.catalyst.org> (last visited Feb. 3, 2023) (a nonprofit entity formed in 1964 that conducts research to build inclusive workplaces for women).

the status of women in the American legal profession.”¹⁰⁰ While women attorneys were breaking glass ceilings throughout the profession, as the report title indicates, parity had yet to be achieved. Yet, the dominant view within the bar was that gender inequality was not a serious problem, further compounding the effort to eliminate inherent bias.

Gender inequalities in the legal profession are pervasive; perceptions of inequality are not. A widespread assumption is that barriers have been coming down, women have been moving up, and it is only a matter of time before full equality becomes an accomplished fact . . . As lawyers responding to state gender bias surveys have put it, ‘time will take care of the problem.’ ‘The so-called gender gap is vastly overblown. If people who enter the arena will concentrate on the job and get the chip off their shoulders . . . they should do fine in today’s society.’ ‘Of all the problems we have as lawyers . . . discrimination is low on the list of important ones.’¹⁰¹

The ABA Commission on Women devoted the next 20 years to change the perception and reality of women attorneys. The efficacy of its work—and that of other organizations—was reported in the 2022 ABA Profile.

TABLE 2
PROGRESS OF WOMEN IN THE PROFESSION | 2000–2022

CATEGORY	2000–2001	2022	% INCREASE
Women Lawyer Population	29%	38%	9%
Law Students	48.4%	50%+ for 5 consecutive years 2016–2021	1.6%
Law Professors	20%	44%	22%
Law Deans	10%	43%	33%
Federal Judges	18%	30%	12%
General Counsels, Fortune 500 Companies	10%	38.5%	28.5%
Law Firms – Managing Partners	5%	12%	7%
Law Firms – Partners	15%	22%	7%

¹⁰⁰ *Unfinished Agenda*, supra note 92.

¹⁰¹ *Id.* at 14, footnotes omitted.

Studies by the ABA Commission on Women and others contained little information about the status of women lawyers of color due to limited data. Noting in 2001 that women attorneys of color comprised only 3% of the total lawyer population in *Unfinished Agenda*, it concluded “their small numbers have limited the information available about their experience,” relying upon findings by the ABA Commission on Opportunities for Minorities in the Profession (ABA Commission on Minorities):¹⁰²

*Data is hard to come by because research on race and gender differences rarely considers women of color as a separate category. Surveys that focus on the intersection of race and gender find that the barriers for women are compounded for women of color.*¹⁰³

Interestingly, rather than expending resources to compile empirical data on each of the subgroups of women of color within the field—Latino, African American, Asian Pacific Islander and Native American—the legal profession, including the ABA Commission on Women, embraced all communities under one umbrella: multicultural. To its credit, the ABA Commission on Women recognized the need for research on women attorneys of color as the following work exemplifies.

B. Women Lawyers of Color

*Frequently, when women’s issues are discussed, researched and/or analyzed, they do not always take into account additional and separate issues that may be faced by women of color.*¹⁰⁴

In 1989, the ABA Commission on Women and ABA Commission on Minorities created a joint project, the Minority Women Attorney Network (MWAN), to document the experiences of women of color in the profession.¹⁰⁵ MWAN conducted the first three-year study on the

¹⁰² *Id.* at 5. Renamed the Commission on Racial and Ethnic Diversity in the Profession in 2001.

¹⁰³ *Id.* at 40, n.13 (citations omitted) (quoting Elizabeth Chambliss, *Miles to Go: Progress of Minorities in the Legal Profession*, ABA COMM’N ON OPPORTUNITIES FOR MINORITIES IN THE PROFESSION (2004)).

¹⁰⁴ Destiny Peery et al., *Left Out and Left Behind: The Hurdles, Hassles, and Heartaches of Achieving Long-Term Legal Careers for Women of Color*, ABA COMM’N ON WOMEN IN THE PROF. (2020) [hereinafter *Left Out Study*].

¹⁰⁵ Roundtable discussions of 12–15 multicultural attorneys were held in Atlanta, Washington, D.C., Dallas, San Antonio, Atlantic City, and Seattle; and regional conferences

status of multicultural women attorneys. It published its findings in the 1994 report, *The Burdens of Both, The Privileges of Neither*.¹⁰⁶ As the name suggests, this study found that multicultural women attorneys suffered from the same gender bias experienced by white women lawyers, but exacerbated two-fold by racial and/or ethnic discrimination; a “double negative in the workforce” irrespective of specialty. This finding has not dissipated with the passage of time.

The Women of Color Research Initiative,¹⁰⁷ created by the ABA Commission on Women in 2003 was an “outgrowth” of the work done by MWAN. It produced the foundational studies on the intersectionality of gender, race and ethnicity in the legal profession, such as the 2006 *Visible Invisibility: Women of Color in Law Firms*, with the accompanying *Success Strategies for Law Firms and Women of Color in Law Firms* in 2008, and *Visible Invisibility: Women of Color in Fortune 500 Legal Departments* in 2012.¹⁰⁸ The *Visible Invisibility Study* found that ten years after *Unfinished Agenda*, multicultural women still comprised only 3% of the total attorney population. Accordingly, the ABA Commission on Women undertook additional studies, published books, created toolkits, podcasts and Continuing Legal Education (CLE) programs to assist multicultural women attorneys navigate the profession.¹⁰⁹

These studies and others reached the same conclusions: the “past research establishes a baseline for women of color that has remained largely unchanged over the course of more than 14 years of study.”¹¹⁰ Multicultural women attorneys, including Latinas:

were held in New York City and San Francisco each with 150–200 participants.

¹⁰⁶ See ABA COMM’N ON WOMEN IN THE PROF. & ABA COMM’N ON OPPORTUNITIES FOR MINORITIES IN THE PROFESSION, *THE BURDENS OF BOTH, THE PRIVILEGES OF NEITHER A REPORT ON THE MULTICULTURAL WOMEN ATTORNEYS NETWORK* (1994) [hereinafter *BURDENS OF BOTH STUDY*]. This study was completed under the tenure of the first MWAN Chair and *Luminaria*, U.S. Ambassador Mari Carmen Aponte, the first HNBA female president.

¹⁰⁷ *Women of Color Research Initiative*, ABA COMM’N ON WOMEN IN THE PROF., https://www.americanbar.org/groups/diversity/women/initiatives_awards/women_of_color_research_initiative [perma.cc/RH76-XKAJ].

¹⁰⁸ *Visible Invisibility: Women of Color in Fortune 500 Legal Departments*, *supra* note 28.

¹⁰⁹ ABA COMM’N ON WOMEN IN THE PRO.: *The Paucity of Women of Color in the Legal Profession and Its Impact on the Administration of Justice* (2020), *Left Out Study*, *supra* note 104, at iii; DEAR SISTERS, DEAR DAUGHTERS: WORDS OF WISDOM FROM MULTICULTURAL WOMEN ATTORNEYS WHO’VE BEEN THERE AND DONE THAT (Karen Clanton 2008). See also CATALYST, *Women of Color in U.S. Law Firms*, in *WOMEN OF COLOR IN PROFESSIONAL SERVICES SERIES* (2009), https://www.catalyst.org/wpcontent/uploads/2019/01/Women_of_Color_in_U.S._Law_Firms.pdf [perma.cc/Q4PK-R535].

¹¹⁰ *Left Out Study*, *supra* note 104, at x.

- Continue to be the most underrepresented in the profession, especially in senior and management positions. They comprise 3% of all equity partners and 12% of female equity partners; and the least to receive high quality assignments (52.65%) or promotions, despite being *more likely to seek advancement* than white women, 76% - 68%.¹¹¹
- Suffer most from the gender pay gap. White women earn 77% of white males; Asian women 85%, Black women 61%, Native American women 58% and Latinas 53%.¹¹²
- Experience the most bias at 62.94%, including *Prove it Again* (PIA) bias, having to go above and beyond to earn the same recognition and respect as their peers.¹¹³
- Experience the least favorable work conditions, including, e.g., being mistaken the most for staff other than attorneys, such as janitorial, secretarial, or administrative staff, 57.52%.¹¹⁴
- More likely to be single at 43% than white women at 32%.¹¹⁵
- Data on Latina lawyers is encapsulated in the 2022 ABA *Profile* reporting of the largest racial and ethnic lawyer communities.

TABLE 3
RACIAL | ETHNIC LAWYER POPULATION | 2012–2022

RACIAL ETHNIC	2012	2022	U.S. POPULATION ¹¹⁶	Disparity %
Latino	3.5%	5.8%	19%	13.2%
Black	4.7%	4.5%	12.4%	7.9%
Asian Pacific Islander	2.0%	5.5%	5.9%	+4%
Native American	0.6%	0.5%	1.3%	.8%
Mixed-Race (Multiracial)	Not tracked	2.7%	10.2%	—
White	88.4%	81.0%	60.1%	+20.9%

¹¹¹ *Id.* at ix-x.

¹¹² *Left Out Study*, *supra* note 104, at 24.

¹¹³ See JOAN C. WILLIAMS, MARINA MAULTHAUP, SU LI AND RACHEL KORN, YOU CAN'T CHANGE WHAT YOU CAN'T SEE: INTERRUPTING RACIAL & GENDER BIAS IN THE LEGAL PROFESSION 7 (2018), <https://www.americanbar.org/content/dam/aba/administrative/women/you-cant-change-what-you-cant-see-print.pdf> [hereinafter *Can't Change Study*].

¹¹⁴ *See id.* at 7-8, 18.

¹¹⁵ *Left Out Study*, *supra* note 104, at ix.

¹¹⁶ Nicholas Jones et al., *Improved Race and Ethnicity Measures Reveal U.S. Population Is Much More Multiracial*, U.S. CENSUS BUREAU (Aug. 12, 2021) [perma.cc/7TGC-4H7E].

The 2022 ABA *Profile* does not include specific numbers or percentages on multicultural women or Latina attorneys. Merged into the overall percentages of male counterparts, multicultural women attorneys are visually subsumed—literally from one page to the next—into the sections *Demographics Lawyers by Gender* and *Demographics Lawyers by Race and Ethnicity*.¹¹⁷ As an ABA profile, we do not exist.¹¹⁸ The joint 2018 report of the ABA Commission on Women and the MCCA entitled, “*You Can’t Change What You Can’t See*”¹¹⁹ serves as a prophetic dispatch that more should be done within the ABA to bring Latinas and other women attorneys of color from *Visible Invisibility* to fully recognized members of the profession. This starts with inclusion in future ABA *Profiles* by gender, specific to race and ethnicity.

*Grouping all women of color . . . unnecessarily generalizes the conversation . . .*¹²⁰

In 2020, the ABA Commission on Women concluded that their research over the last 15–20 years has “revealed, despite numerous programs implemented to improve diversity and inclusion in the legal profession, women of color have not reaped the benefits of the progress made.” It concluded:

. . . women of color have long felt as though they are left standing on the outside looking in. This has been exacerbated in recent years in light of increased efforts by the legal profession to enhance recruitment and retention of women and diverse attorneys because the evidence suggests that the primary beneficiaries of these efforts thus far have been white women, with little to no progress being made with respect to attorneys of color, including women of color. Despite the authors of *Visible Invisibility* calling out the need to pay attention to the unique challenges and barriers faced by women of color more than a decade ago, the profession has largely continued to ignore their plight.¹²¹

¹¹⁷ 2022 ABA *Profile*, *supra* note 24, at 25-26.

¹¹⁸ *See id.* at 9 (reporting the specific number of Latina judges – 38).

¹¹⁹ *Can’t Change Study*, *supra* note 113.

¹²⁰ ABA COMM’N ON WOMEN IN THE PRO., THIS TALK ISN’T CHEAP: WOMEN OF COLOR AND WHITE WOMEN ATTORNEYS FIND COMMON GROUP 6 (2020) at 6 (addressing the intersectionality of race/ethnicity and gender).

¹²¹ *Left Out Study*, *supra* note 104, at x, 20.

The study of specific racial and multicultural women fell on the shoulders of minority bar associations and individual scholars of color with vastly less resources¹²² and Latino scholars.

C. *Latina Attorneys*

As Latina/o attorneys and scholars entered the practice and legal academy in the 1970's, some directed scholarly attention to the experience and status of their colleagues, while others researched the status of Latinas in the legal profession. In all, the authors and researchers were hampered in their analyses and limited in their findings by the absence of systemic empirical data.

In 1979, one of the earliest studies that included Latina lawyers was the doctoral dissertation study by Patricia Gandara, who examined 45 Mexican American professionals to learn their success factors, including 17 Latinas: four Chicana attorneys, but all first-generation professionals.¹²³ Though Gandara's study did not include empirical data on *Luminarias*, she was one of the first to make findings mirrored 30 years later by the HNBA Latina Commission.¹²⁴ For example, among her findings of success factors was attribution to Latina mothers as their daughters' first role models, similarly determined by the HNBA Latina Commission. Mothers, primarily undereducated, assumed an equal or larger role over fathers in encouraging their daughters to pursue an education and non-traditional means of economic independence.¹²⁵ The other three success factors were a hard work ethic, greater integration in the majority society school structure, and excelled academically.¹²⁶

Before 1994, there was a void within the legal community of research and empirical data on Latina lawyers in the United States. MWAN's

¹²² See e.g., Nat'l Native Am. Bar Ass'n, *Pursuit of Inclusion: An In-Depth Exploration of the Experiences and Perspectives of Native American Attorneys in the Legal Profession* (2015), https://www.nativeamericanbar.org/wp-content/uploads/2014/01/2015-02-11-final-NNABA_report_pp6.pdf (last visited Jan. 30, 2022); Institute for Inclusion in the Legal Profession, *Diverse Outside Counsel: Who's Getting the Business?* (2022), https://www.theiilp.com/resources/Documents/Diverse%20Outside_Counsel_2022_WEB_FINAL.pdf (last visited Jan. 30, 2023).

¹²³ See Patricia Gandara, Ph.D., *Early Environmental Correlates of High Educational Attainment in Mexican Americans from Low Socioeconomic Backgrounds* (1979) (doctoral dissertation, University of California, Los Angeles)..

¹²⁴ *Reality of Latina Lawyers*, *supra* note 1.

¹²⁵ *Id.* at 1007-08.

¹²⁶ *Id.* at 1119-1123.

Burdens of Both was the first qualitative study¹²⁷ on the experiences of multicultural women attorneys which included a subset of Latinas attorneys. The Latina population was considered statistically too small to warrant exclusive study. The void prompted *Luminaria* Margaret Montoya, J.D. Harvard Law School class of 1978, to express:

*Mine is the first generation of Latinas to be represented in colleges and universities in anything approaching significant numbers. We are now represented in virtually every college and university. But, for the most part, we find ourselves isolated. Rarely has another Latina gone before us. Rarely is there another Latina whom we can watch to try and figure out all the little questions about subtextual meaning, about how dress or speech or makeup are interpreted in this particular environment.*¹²⁸

While the *Luminarias* Study documents the generations of Latinas that came before the 1970s, Montoya's observation was written at a time when *Luminarias* largely were unidentified, unrecorded, and thus, unknown. This recurrent theme of invisibility began to appear in other scholarly work. In describing Latina professionals, including Latina attorneys in 1998, law professor Hernández-Truyol used the phrase *Las Olvidadas*, meaning the forgotten ones, to highlight their invisibility:

*The dearth of information on Latinas, regardless of the fields one researches, ranging from law to psychology and from education to poverty, is evidence that Latinas are olvidadas. The Latina consistently is lost in the statistical reporting maze. She either falls under the general category of Latino, the male-gendered ethnic descriptive, or in the catch-all of "minority" women where the Latina is undifferentiated from the Black, Asian, American Indian, and other women of color.*¹²⁹

Hernández-Truyol's thesis endured.

The dearth of information contributing to the invisibility of Latina lawyers, was a systemic failure by the legal profession and other legal

¹²⁷ *Burdens of Both Study*, *supra* note 106.

¹²⁸ Margaret E. Montoya, *Masacaras, Trenzas, y Grenas: Un/Masking the Self While Un/Braiding Latina Stories and Legal Discourse*, 15 CHICANA/O-LATINA/O L. REV. 1, 7 (1994).

¹²⁹ Berta E. Hernández-Truyol, *supra* note 14, at 355; *see also Reality of Latina Lawyers*, *supra* note 1, at 977 (citing other authorities sharing the view that there is limited research on Latinas).

institutions to devote early resources to study attorneys of color, much unlike their approach to women generally. For instance, in 1947, the ABA began recording First Year and Total J.D. Enrollment by Gender of Accredited ABA law schools, but race and ethnicity were not recorded.¹³⁰ It was not until the mid to late 1960s that national legal institutions such as the ABA and American Association of Law Schools began collecting data on race and ethnicity.¹³¹

*“The ABA and other national organizations did not collect data on Latino, American Indian, and Asian Pacific American students until 1969. In 1965, the AALS Committee on Minority Groups, in the most comprehensive effort up to that point, surveyed ABA-accredited law schools about minority enrollment figures. The AALS Committee found that most law schools could not provide information on either Latin American or Puerto Rican students for two reasons: (1) there was confusion among deans over what these terms meant; and (2) most schools simply had no idea of the past or present enrollment levels of these groups.”*¹³²

In 2005, then UC Davis law professor Cruz Reynoso completed the first quantitative study designed to identify Latino and Latina attorneys in Los Angeles County; the one study that comes closest to mirroring the *Luminarias Study*.¹³³ Understanding the importance of collecting data on race and ethnicity, Professor Reynoso wrote, it “is necessary to assist the legal community and society at large in understanding – and hopefully addressing and remedying – the problem of underrepresentation of

¹³⁰ *Statistics Archives*, AM. BAR ASS'N, https://www.americanbar.org/groups/legal_education/resources/statistics/statistics-archives.

¹³¹ See e.g., Althea K. Nagai, *Racial and Ethnic Preferences in Admission at the University of Nebraska College of Law*, CTR. FOR EQUAL OPPORTUNITY, (Oct. 8, 2008), https://www.ceousa.org/wp-content/uploads/2012/01/NE_LAW.pdf.

¹³² William C. Kidder, *The Struggle for Access from Sweatt to Grutter: A History of African American, Latino, and American Indian Law School Admissions, 1950–2000*, 19 HARV. BLACKLETTER L.J. 1, 7 (2003); See generally 2022 ABA Profile, supra note 24 (stating that in 2022, only 26 states tracked the race and ethnicity of admitted lawyers).

¹³³ Cruz Reynoso, *A Survey of Latino Lawyers in Los Angeles County – Their Professional Lives and Opinions*, 38 U.C. Davis L. Rev.1568 (2005). Justice Reynoso, who passed in May 2021, is universally esteemed by the Latino legal community as a humble legal giant, having served as a private practitioner, legal aid lawyer, California Supreme Court Justice, law professor and founder of the HNBA, whom I had the privilege of knowing.

people of color in the bar.”¹³⁴ In his two-year empirical study, Professor Reynoso encountered the same problem, an absence of research and lack of data collected or retained by institutions responsible for recording the race and ethnicity of lawyers in Los Angeles County.

*“The American Bar Association (ABA) reports that data and the history of minority lawyers are hard to come by. This Article begins to collect this missing data. It paints a contemporary picture of Latino lawyers in Los Angeles County, one of the centers of Latino life in our country. Prior to this study, no compiled list of Latino lawyers in Los Angeles County existed... Systematically collected empirical data on the number of Latino lawyers in Los Angeles County, or their practice areas, was not publicly available prior to this study.”*¹³⁵

The professor expressed his deep disappointment in the “dearth of data” on Latino attorneys generally and specifically on Latina attorneys, referencing Professor Hernández-Truyol’s work and others about the “invisibility of the Latino community.”¹³⁶

Upon verifying the California State Bar neither collected nor retained data on the ethnicity or race of Latino/a attorneys, Professor Reynoso stitched together information from multiple sources adding substantial time and effort to the research process. Professor Reynoso utilized instruments and accessed data from within and outside mainstream legal institutions to acquire lists of members from the local and state Latino bar associations, consulting with the HNBA. He relied upon Latino attorneys to identify other Latino lawyers.¹³⁷ From these lists, Professor Reynoso created a database compiled from Spanish surnames. As in Professor Reynoso’s study, Spanish names were the primary identifier in this Study of who may be a *Luminaria*.¹³⁸ Unlike the professor, I did not rely upon Latino bar associations to confirm ancestry of their members but, instead, turned to official and unofficial documentation. To verify licensure, Professor Reynoso used sources like those used in

¹³⁴ *Id.* at 1572 n.23.

¹³⁵ *Id.* at 1568.

¹³⁶ *Id.* at 1570.

¹³⁷ *Id.* at 1567.

¹³⁸ Selma Moidel Smith, a distinguished woman attorney in California, long-time NAWL member and *Latina by heart*, once tried to identify Latina attorneys by Spanish surnames by scouring telephone directories in certain Southwestern states. As the task was overwhelming, she did not complete.

this Study such as the California State Bar, Martindale-Hubbell, and law firms. Professor Cruz conducted a survey of the Latino/a lawyers identified and reported his findings which, for the most part, were unaggregated on gender except as to age and salary differentials. Among his most significant findings that mirror those found in this Study were:

- Only 0.7% of all Latino lawyers were in the legal academy;
- The majority of Latino attorneys were in private practice but at a lower rate than non-Latinos;
- Higher percentages of Latino attorneys worked in public interest and legal aid organizations, federal government and state or local agencies; and
- There was income disparity between Latino and Latina attorneys with Latinas more often in lower paying positions in both legal aid organizations and government.¹³⁹

Noting the increase in Latino law student admissions through affirmative action programs and the decline in their numbers with the abolishment of such programs, Professor Cruz wrote,

A likely indicator of progress for Latino lawyers in the past forty years has been equal access to education . . . The elimination of affirmative action among public law schools, which has drastically reduced the number of Latino law students, will further curtail entry into the profession by Latinos. The ideal of having a bar whose members can serve Californians of all racial, ethnic, and linguistic groups will be even more difficult to attain. . . . more research on Latinos and their progress is essential to designing well-informed policies for increasing their representation in law schools and in the profession. Latinos are poorly represented as partners and associates in large law firms, as law professors, and as prosecutors and defense attorneys because there are so few Latino lawyers overall. With Latinos making up only 3% of all lawyers, they will remain underrepresented across practice settings until the number of Latinos graduating from law school and becoming licensed attorneys, increases significantly.¹⁴⁰

¹³⁹ Reynoso, *supra* note 133, at 1582–1584, 1590, 1603–1604.

¹⁴⁰ Reynoso, *supra* note 133, at 1620–1621, 1642.

In 2008, Garcia-Lopez and Segura conducted a qualitative study of 15 Chicana attorneys to explore how they navigated the intersection of race, gender, and class to “develop strategies for acceptance and legitimacy” in their professional and personal lives. They referred to this as “accountability systems.”¹⁴¹ The authors acknowledged the research on non-Latina women attorneys in a changing profession but noted the absence of such research to “analyze the agency of Chicana attorneys or incorporate their ways of managing multiple culturally gendered accountability systems.”¹⁴² The authors concluded, “Chicanas are bombarded with contradictory messages regarding their expectations as attorneys.”¹⁴³ Accordingly, they describe Chicana attorneys as “chameleons,” having to adopt a mien or deportment contextually to realize the “dual femininities” demanded of (1) their profession to succeed; and (2) by their personal lives to fit in;¹⁴⁴ risking, according to Professor Hernández-Truyol, becoming “uppity *mujeres*...[who] go against both the mainstream and against their culture in their aspirations to do and receive justice.”¹⁴⁵ Invisibility, misidentification “othering” was defined qualitatively as “undermining Chicanas’ visibility and legitimacy”¹⁴⁶ as practitioners. The descriptor of “chameleon” is ever more relevant to *Luminarias* (expanding from *Chicanas*) who traversed the legal profession at its earliest moments of integration. The concept of misidentification resonated throughout this Study.

The first national studies on the status of Latina attorneys were completed in 2009 and 2010 by the HNBA Latina Commission, the *Reality of Latina Lawyers* and *La Voz de la Abogada Latina: Challenges and Rewards in Serving the Public Interest* (2010).¹⁴⁷ For the first time, we quantified the number of Latina attorneys in the country working full-time: 13,000¹⁴⁸ or 1.3% of the total lawyer population of approxi-

¹⁴¹ Gladys Garcia-Lopez & Denise A. Segura, “*They Are Testing You All the Time*”: *Negotiating Dual Femininities among Chicana Attorneys*, 34 FEMINIST STUDIES 229, 230 (2008).

¹⁴² *Id.* at 234.

¹⁴³ *Id.* at 235.

¹⁴⁴ *Id.*

¹⁴⁵ Hernández-Truyol, *supra* note 14, at 393–394.

¹⁴⁶ Garcia-Lopez & Segura, *supra* note 141, at 239.

¹⁴⁷ *Reality of Latina Lawyers*, *supra* note 1.

¹⁴⁸ *Id.* at 974-75. BUREAU OF LABOR STATISTICS, *Current Population Survey* (Unpublished Table 1: Employed and experienced unemployed persons by detailed occupation, sex, race, and Hispanic or Latino ethnicity, Annual Average 2008).

mately 1.2 million at that time.¹⁴⁹ The numbers were unsurprising, as we knew anecdotally from living this reality for years; but most impressive was the disproportionate high level of success achieved by this “Super Minority”¹⁵⁰ of which I had been aware from prior and ongoing research. Of significance, the 2009 HNBA Latina Commission study finding that half of Latina lawyers serendipitously fell into the legal profession amplified the fact that there were no intentional, institutional programs designed to recruit Latinas into the law or published history or visual presentations of Latina attorney role models. Like Gandara, we learned that the number one reason Latinas—who were not exposed to attorneys growing up—chose to become lawyers was the presence of strong Latina role models consisting primarily of their mothers and other female family members who encouraged them to pursue an education.¹⁵¹

The Recommendations contained in both HNBA Latina Commission studies formulated the blueprint to increase the number of Latina lawyers and emphasized the importance of research and in documenting our history.¹⁵²

. . . the legal profession needs to better understand and address the barriers Latinas face, including the impact of gender, ethnicity and race on success and advancement in the legal profession. Despite the need for this information, Latina lawyers remain grossly understudied. While numerous studies have examined the issues and barriers women encounter in the legal profession – women attorneys of color in general and Black women attorneys specifically – very little research has been conducted on the unique gender, ethnic and racial issues and barriers Latinas lawyers experience. Moreover, there are no data with detailed information about Latina/o subgroups based on country of national origin. With only limited demographic and statistical

¹⁴⁹ *Reality of Latina Lawyers*, *supra* note 1, at 974-75; *ABA National Lawyer Population Survey*, *supra* note 81.

¹⁵⁰ Dolores S. Atencio, *The “Super Minority”: The Status of Latina Lawyers in the Legal Profession*, *ILLP REVIEW*, 1, 219 (2014). Berta E. Hernández-Truyol, *supra* note 14, at 386, 393–394 (labeling them “professional super-achievers,” who, though successful were still subject to the “multi-layered ‘other’ issues that . . . plague the general Latina population.” . . . [t]hese uppity mujeres (women) go against both the mainstream and against their culture in their aspirations to do and receive justice”).

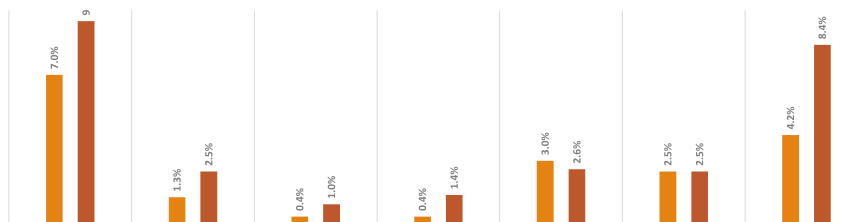
¹⁵¹ See Garcia-Lopez & Segura, *supra* note 141, at 229–58.

¹⁵² *Reality of Latina Lawyers*, *supra* note 1, at 1031-35. Cruz et al., *supra* note 9, at 209-14.

*data and information on Latina lawyers available, a critical informational void exists. Additional information – both quantitative and qualitative – is sorely needed to better understand the factors affecting the underrepresentation of Latina lawyers across the legal profession. Armed with this information, the profession can begin to address those factors directly.*¹⁵³

Recognizing the importance of research as underscored by Professor Reynoso, Dr. Cruz, in partnership with the HNBA Latina Commission, continues to monitor and document Latina attorney progress. As illustrated in Table 4, Latina attorneys are still *few and far between* in leadership roles and appear to be among the most underrepresented attorney groups across the legal profession given their U.S. population. The Study finds the current status of Latina attorneys correlates directly to the experiences of the First Generation of Latina Lawyers.

TABLE 4¹⁵⁴



LATINA ATTORNEY PROGRESS (2009 to 2023)

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¹⁵³ *Reality of Latina Lawyers*, *supra* note 1, at 976-77.

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IV. STUDY FINDINGS ON LAW SCHOOLS, STATE LICENSURE AND CAREER CHOICES OF LUMINARIAS

A. Law School Graduation Rates

Study Finding No. 4: Luminarias Essentially Were Excluded from Legal Education for Nearly 100 Years, From 1880-1969.

[B]efore law schools adopted affirmative action programs in the late 1960s, law schools and the legal profession were overwhelmingly de facto segregated ...In the 1960s, the scarcity of American Indian and Latino attorneys and law students was startling.¹⁵⁵

The Study reveals the following significant findings:

From 1880–1904, no *Luminaria* earned a law degree.

- Over a 64-year period starting in 1905, when the first Latina matriculated with a law degree, through 1969 only 233 *Luminarias* earned law degrees.
- Through 1970, 260 *Luminarias* matriculated from law schools.
- Of the 233, the overwhelming majority, 154 *Luminarias*, received their degrees from the UPR Law, however, 171 of the 233 were Puerto Rican.
- Only 79 graduated from mainland law schools from 1905-1969.
- Of these 79, 34 were of Mexican ancestry; 17 Puerto Rican, 10 Spanish, 10 Central/ South American and 8 Cuban.

In his study, Professor Reynoso reported, “[n]o survey respondents who started practicing in the 1950s or 1960s—’30 to ’39 and ’40 or more’ years in practice—considered themselves to be beneficiaries of affirmative action in law school admissions.”¹⁵⁶ The Study confirms Professor Reynoso’s finding with respect to *Luminarias*, as special admission programs simply did not exist when they entered universities and earned their law degrees from 1900 to 1969.

Generally, the experience of *Luminarias* tracks the growth curvature of white women but at a grossly disproportionate rate and decades later. The pre-affirmative action era reveals *Luminarias* graduated from a law school primarily as the sole Latina *in a state* starting 1905 through 1965, replicating the experience of women lawyers in the latter part of

¹⁵⁵ Kidder, *supra* note 133, at 2, 8.

¹⁵⁶ Reynoso, *supra* note 133, at 1617.

the 19th century. *See*, Appendix A. For example, through 1953, the following law schools matriculated 1 (one) Latina and was the only school to do so in the country/or on the island in that year:

1905	Washington College
1917	University of Puerto Rico
1922	Loyola – NOLA
1929	New York University
1930	University of Wyoming
1932	Stetson University
1941	New England Portia School of Law
1946	George Washington
1950	University of Puerto Rico
1953	University of Miami

Two law schools matriculated a single Latina in the years 1926, 1935, 1940, 1947, 1948, and 1954. The number of law schools graduating Latinas grew thereafter but slightly. The following schools graduated one Latina in multiple years:

University of Arizona	1940, 1947
University of Chicago	1935, 1959
Fordham University	1964, 1968
Loyola-NOLA	1922, 1948, 1964, 1966
University of Miami	1953, 1957, 1969
University of Missouri – Kansas City	1958, 1960, 1962, 1964
New York University	1929, 1951, and 1968
Tulane University	1951, 1958

UPR Law was the exception, matriculating Latinas in the double digits starting with 11 in 1960 and, thereafter, 19 in 1961, 10 in 1965, 17 in 1966, 18 in 1968 and 19 in 1969, adding to its total of 154 *Luminaria* graduates from 1917 to 1969. During the Study Period, no mainland law schools came close to matching UPR Law's record.

From 1900- 1970, the number of *Luminarias* who graduated from law schools by regions in the U.S. was: 21 in the Northeastern region; 13 in the Southeastern region; and 11 in the Midwestern (11) region. Law schools in the Southwest region matriculated 26, the highest number of *Luminarias*, but this number is woefully inadequate given that most Latinos lived in the Southwest during the Study Period.¹⁵⁷ Over 70 years,

¹⁵⁷ U.S. Bureau of the Census, 1960. *See also* Terrence Haverluk, *The Changing Geography*

Arizona law schools matriculated two *Luminarias*: 1 in 1940 and 1 in 1947 as did Colorado: 1 in 1966 and 1 in 1970. California law schools did not matriculate any Latinas in the years 1963, 1965-1966, and 1968-1970. From the vast state of California, 11 *Luminarias* graduated over 70 years from the following law schools:

- Southwestern 1 in 1926;
- Stanford 1 in 1946;
- University of Southern California 1 in 1949 and 1 in 1962;
- University of San Francisco 1 in 1955 and 1 in 1964;
- Loyola – Los Angeles, 2 in 1960 and 1 in 1961;
- Berkeley 1 in 1962; and
- University of San Diego 1 in 1967.

New Mexico matriculated no Latinas during the same period; the first *Luminaria* did not earn her law degree until 1972. Nevada did not have a law school until 1998, graduating its first class in 2001.¹⁵⁸ Texas matriculated 12 *Luminarias* from four of its law schools, the University of Texas at Austin, Southern Methodist University, Houston Law Center and St. Mary's University. See, Appendix A.

It is important to emphasize the shockingly low number of Mexican American women who earned law degrees during the years 1900–1969, 34; plus the additional four (4) in 1970 for a total of 38 over 70 years. Mexican Americans were the largest ethnic community in the country during the pre-affirmative action era, residing primarily in the southwest (in those states just highlighted): 1.3 million in 1930, nearly 3.7 million (of the total 4.5 Latinos) in 1960 and the majority of the 9.1 million Hispanics in 1970.¹⁵⁹ Mexican American women, however, comprised only 14.61% of the 260 *Luminarias* matriculating law schools during the 70 years of the Study Period, 1900-1970.

Study Finding No. 5: 1,347 Luminarias Earned Law Degrees During the Study Period, the Majority in One Decade, 1970 – 1980, Attributable to Equal Opportunity Programs.

1,347 *Luminarias* earned law degrees during the Study Period. The vast majority of the *Luminarias*—1,113, earned J.D.s during one decade, 1970-1980: 912 *Luminarias* from 1970-1979; and, 201 in 1980.

of *U.S. Hispanics, 1850–1990*, 96 J. OF GEOGRAPHY 134, 140 fig.4 (1997).

¹⁵⁸ See, <https://www.unlv.edu/news/article/how-nevada-finally-got-law-school>.

¹⁵⁹ U.S. Bureau of the Census, 1960.

See Appendix A. As the Latino community grew, so too did the intolerance of their exclusion by law schools rise such that it became worthy of national concern and action. In 1967, the CLEO program (Council on Legal Education Opportunity) was established to “develop large-scale summer programs for promising nonwhite students with low academic credentials” in tandem with colleges, graduate programs and law schools who launched equal opportunity programs to admit more students of color.¹⁶⁰ The number of law students of color, including Latinos, increased exponentially, from “about one hundred students in 1968 to almost four hundred in 1969. Many schools launched their own outreach and summer programs. The effect on enrollments was impressive.¹⁶¹

UCLA Law School implemented “one of the earliest and most expansive affirmative action programs in the country.” In fall 1967, 15 students—11 African American and 4 Mexican American—started their first year.¹⁶² The first Latina admitted under that program in fall 1969, Loretta Sifuentes, was one of three who co-founded the UCLA Chicano Law Review in 1971; however, she graduated before the first edition was published.¹⁶³ Loretta followed the path of Genoveva Rodriguez Jiménez (1944–1945) and Llana Fiol Matta (1969–1970) who were, respectively, the first and second Latina editors of a law student journal at UPR Law.¹⁶⁴ The Study found *Luminaria* Sifuentes was among the 50 (fifty) Latinas admitted by UCLA’s special admissions program who matriculated through 1980.

¹⁶⁰ One such program was started in 1967 by former DU Law Dean Robert Yegge who purposefully recruited Latino and other students of color from the Southwest. At the start of the program, there were 14 Latino lawyers in Colorado. Today, there are over 700 Latino law graduates, thanks to Dean Yegge and the deans who followed. Under the stewardship of DU Law Dean Smith, students of color at DU Law comprised almost 30 percent (29.6 percent) of the first-year class in 2022, ABA Standard 509 Information Report, Univ. of Denver 2022, https://www.law.du.edu/sites/default/files/2022-12/DU%20Sturm%20College%20of%20Law_ABA%20Std%20509InfoReport-45-12-13-2022%2013-13-27.pdf.

¹⁶¹ Richard M. Sander, *A Systemic Analysis of Affirmative Action in American Law Schools*, 57 STAN. L. REV. 367, 378 (2004). The Court made clear that affirmative action programs are only constitutional if they consider race as one factor in an individualized evaluation, and only if to achieve the goal of “class diversity.”

¹⁶² Miguel Espinoza, *The Integration of the UCLA School of Law, 1966–1978: Architects of Affirmative Action*, 73 (2017).

¹⁶³ *Id.* at 152, 190.

¹⁶⁴ CARMELO DELGADO CINTRON ET AL., *CIEÑ ANOS DE LA ESCUELA DE DERECHO DE LA UNIVERSIDAD DE PUERTO RICO, 1913–2013* (2013) (hereafter *Cien Anos*) at 159, 212. Special acknowledgement to UPR Law School Dean Vivian I. Neptune Rivera who sent a copy of *Cien Anos* and provided the documents to identify the UPR *Luminarias* for this Study.

Table 5 reports the Study's findings on matriculation by state. Slightly over one-third (32%) or 16 of the 50 states did not matriculate any Latinas during the 100-year Study Period. Twenty-one (21) states graduated 20 or less and nine states graduated between 21–50 *Luminarias*. Four of the 50 states plus Puerto Rico and Washington, D.C. graduated the highest number of Latinas during the Study Period.

TABLE 5
LUMINARIA LAW GRADUATES BY STATE | 1880 – 1980

16 STATES¹⁶⁵ NO GRADUATES	21 STATES LESS THAN 20 GRADUATES	9 STATES 20–50 GRADUATES	2 TERRITORY/ DISTRICT 4 STATES 51–500 GRADUATES
Alabama Alaska Arkansas Delaware Hawai'i Kentucky Maine Mississippi Montana New Hampshire Nevada North Dakota Rhode Island South Carolina South Dakota Vermont	Connecticut 13 Indiana 14 Ohio 11 Missouri 9 Wisconsin 8 Minnesota 6 Georgia 5 Maryland 5 Virginia 5 Washington 5 Kansas 4 Utah 3 Iowa 2 Nebraska 2 North Carolina 2 Wyoming 2 Idaho 1 Oklahoma 1 Oregon 1 Tennessee 1 West Virginia 1	Massachusetts 42 Colorado 30 New Jersey 29 Illinois 27 Pennsylvania 23 Louisiana 23 Arizona 20 New Mexico 18 Michigan 18	Puerto Rico 448 California 246 Texas 116 New York 72 Florida 72 Washington D.C. 62

Notwithstanding the national movement to integrate the country's law schools, nearly 65% or 108 of the 167 law schools (as distinguished from states) in the Study did not graduate any Latinas— or less than five—during the Study Period, including schools in states

¹⁶⁵ The University of Hawai'i at Mānoa opened in 1973 with the first class graduating in 1976. There were no Latina law graduates from 1976–1980.

with larger Latino populations. *See*, Appendix A for a complete listing. Notable among them:

Pacific McGeorge School of Law – 0	Whittier Law School – 2
Pepperdine University School of Law – 0	LaVerne College of Law – 4
Florida A&M College of Law – 0	Nova SE University Law Center – 1
	Stetson University College of Law – 2
Loyola University – Chicago – 0	University of Chicago Law – 1
	Chicago John Marshall Law – 1
	Southern Illinois University School of Law – 1
Indiana University School of Law – 0	Valparaiso University Law School – 1
Benjamin N. Cardozo School of Law – 0	Albany Law School – 1
	University of Buffalo SUNY–1
	Cornell – 3
	Pace Law School – 1
	Syracuse University School of Law – 1
Duquesne University School of Law – 0	Penn State Dickinson Law – 2
University of Pittsburgh Law School – 0	Villanova School of Law – 2
	South Texas College of Law – 2
	Texas Tech University School of Law – 2

B. State Licensure

Study Finding No. 6: 1,188 Luminarias Were Admitted to the Bar with the Earliest Admittees, 1917-1969, Licensed in 11 of the 50 States, the District of Columbia and Puerto Rico.

Of the 1,347 *Luminarias* who earned law degrees during the Study Period, 1,188 or 85% or were admitted to the bar. From 1917–1969, *Luminarias* were admitted to the bar in 11 states, the District of Columbia and Puerto Rico:

1917	Puerto Rico	1955	Texas
1922	Louisiana	1960	Oregon

1929	California	1961	New York
1930	Wyoming	1966	Colorado
1932	Florida	1966	District of Columbia
1940	Arizona	1968	Illinois
1950	Michigan		

Over half or 30 of the states did not admit *Luminarias* until the 1970s. By the end of 1980, *Luminarias* were licensed in 41 of the 50 states, the District of Columbia and Puerto Rico. Nine (9) states did not license Latina lawyers until after the Study Period: Alabama (1993), Arkansas (1989), North Dakota (1996), South Dakota (1994), Maine (1985), South Carolina (1988), Oklahoma (1994). The remaining two states did not admit the first Latina attorney until the 21st century, Mississippi in 2000 and New Hampshire in 2010.¹⁶⁶ See Appendix D, State Licensure of *Luminarias*, 1880-1980, Total by State | First Women | First Latina Attorneys (hereafter Appendix D).

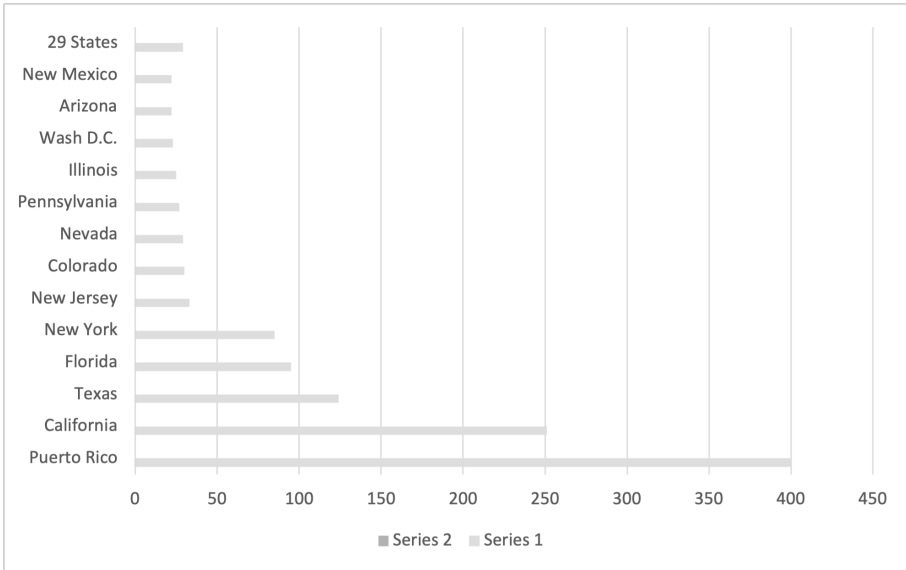
Study Finding No. 7: La Primera Oleada, The First Wave of Latina Attorneys, 81% of All Luminarias, Were Licensed During the Decade 1970 – 1980.

Affirmative action programs during the 1970's through the 1980's produced *la primera oleada*, the first significant wave of *Luminarias*. Puerto Rico, the District of Columbia and 11 states admitted 94% of Latina lawyers, a total of 1,230.¹⁶⁷ Twenty-nine (29) states licensed 71 *Luminarias* (5.7%). See, Appendix D.

¹⁶⁶ Atencio, *supra* note 6; other related research.

¹⁶⁷ The number 1,230 exceeds the total number of 1,188 *Luminarias* admitted to the bar because some *Luminarias* were licensed in more than one state.

TABLE 6
STATE LICENSURE OF LUMINARIAS 1880 – 1980



In the 50 states and District of Columbia, an average of 79.4 years separates the first women licensed in a state and the first *Luminaria*. See, Appendix D. There is a 100-year *plus* difference in eight (8) states: Maine, 113 years; Missouri, 108 years; Iowa, 107 years; 105 years in Ohio, Utah, and Wisconsin; 102 years in Indiana and 101 years in Oklahoma. At the other end of the spectrum is Puerto Rico. There is no difference between the first woman licensed in 1917 and the first *Luminaria* law graduate as they are one and the same, Herminia Tormés Garcia.¹⁶⁸ The states with the least years of disparity in admission are Wyoming, 16 years; Hawai’i, 23 years; Louisiana, 25 years; and Florida, 34 years.

The regions, with the least to greatest disparity in years of licensure, were the (1) Southwestern, 64; (2) Northwestern, 71 – the smallest region with five states, Oregon, Washington, Idaho, Montana and Wyoming; (3) Southern, 70.33 (4) Northeastern, 81.25 and (5) the Midwest 96.41.

¹⁶⁸ *Cien Anos*, *supra* note 164, at 159. Graciela Olivarez Award, NLDSCHOLARSHIP (2018).

TABLE 7
REGIONAL AND STATE DIFFERENCES IN YEARS OF LICENSURE

SOUTHWEST 64 Years	SOUTHERN 70.33 Years	NORTHEASTERN 81.25 Years	MIDWEST 96.41 Years
Arizona 48	Alabama 85	Connecticut 93	Illinois 96
California 51	Arkansas 71	Delaware 53	Indiana 101
Colorado 75	Florida 34	Maine 113	Iowa 107
New Mexico 80	Georgia 62	Maryland 75	Kansas 95
Nevada 85	Kentucky 83	Massachusetts 96	Michigan 79
Texas 45	Louisiana 25	New Hampshire 93	Minnesota 99
	Mississippi 84	New Jersey 79	Missouri 108
	North Carolina 67	New York 75	Nebraska 94
	South Carolina 70	Pennsylvania 88	North Dakota 71
	Tennessee 81	Rhode Island 54	South Dakota 97
	Virginia 98	Vermont 72	Ohio 105
	West Virginia 84	Washington D.C. 79	Wisconsin 105

The first *Luminaria* in Wyoming, Martha Lee Ramirez (Mexican American), was licensed in 1930 after Grace Raymond Hebard who, in 1914, became the state’s first female lawyer. Martha is featured in the *Luminarias Exhibit*, which includes Hebard’s observation:¹⁶⁹

A 1924 graduate of Cheyenne High School, Martha attended the University of Wyoming, where she concurrently earned, her Bachelor of Arts and law degree. On June 10, 1930, Martha became only the second woman “*in the history of the University of Wyoming to receive a diploma from the law school . . .*” *The Billings Gazette, Tuesday, June 10, 1930*. Licensed two months later in August 1930, Martha became the first woman lawyer entered on the Wyoming “Roll of Attorneys,” that dates back to 1868 . . . She was the first woman to appear and argue a case before the Laramie County District Court. At the time, there were only two other female lawyers in Wyoming . . . neither was practicing law. At a date unknown, Martha married John D. Gowen and had a son. Gowen practiced in Los Angeles from 1933–1935 and returned to Wyoming to teach at the law school. After her marriage, Martha stopped practicing law.

¹⁶⁹ At the urging of Assistant Professor Kate Crow, DU Curator of Special Collections & Archives, I created the *Luminarias Exhibit* which consists of 60 panels featuring select *Luminarias* and conveys part of the history of Latinas in the law through the decades. *Luminarias de la Ley | Luminarias of the Law™*, UNIV. DENV. (updated June 2023), <https://portfolio.du.edu/Dolores.Atencio/page/54486>.

We have in Wyoming no active woman attorney-at-law. We did have one, Martha Lee Ramirez, who married Mr. Gowan, and their marriage interfered with the ambition of my former student, Martha Ramirez, inasmuch as she desired to have a son to become a future member of the State Supreme Court! Since that time she has made the first vital movement by giving birth to a very beautiful boy. – Grace Raymond Hebard, 318 So. Tenth Street, Laramie Wyoming, 21 Women Lawyers' Journal, 29, 1934–1935.

C. *Luminaria Career Paths and Milestones: Chosen or Imposed?*

Once licensed, where did the *Luminarias* practice and were their career selections chosen or imposed? To what extent were their career decisions based on social circumstances dictated by the period into which they were born, as in Martha Ramirez's case? Were *Luminarias* funneled into certain practice areas and excluded from others?

We may never know the answers to these questions with the passing of *Luminarias* in the first half of the 20th century (1900–1960). Of the 1,347 *Luminarias* who earned law degrees during the Study Period, roughly one-quarter are deceased. Of those licensed during the 1970's, slightly over one-third (393) are no longer actively practicing law as they are retired, inactive, not eligible to practice law (NEPL)¹⁷⁰ or have passed. These two factors underscore not only the importance of the *Luminarias Study* but the imperative of recording their history.

The Study reveals the law practices of *Luminarias*, like most lawyers, were diverse—from the traditional solo practices in criminal, family, immigration and labor law, to non-stereotypical areas such as banking, transit, and international commerce. *Luminarias* expanded their reach beyond the law, becoming musicians, authors, television and radio hosts, foundation executives and corporate board members.

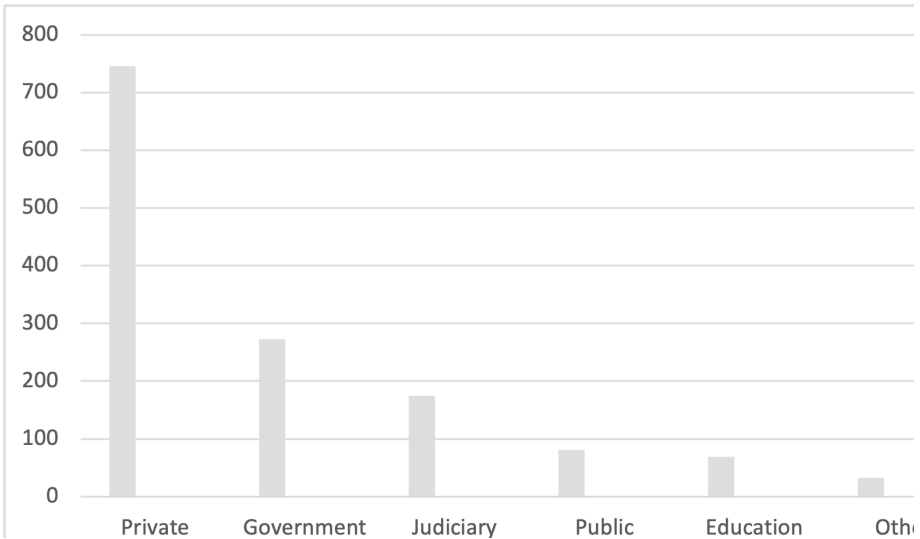
Study Finding No 8: The Majority of Luminarias Were in Private Practice, followed by Government Service, the Judiciary, Public Interest, and Education and the Legal Academy.

1,188 *Luminarias* entered the legal profession with the majority concentrated in five areas: (1) private practice and industry, 751 or 65%: 693 or 60.36% in private practice and 58 or 5% as corporate or in house

¹⁷⁰ Those NEPL overwhelming are ineligible for failing to pay licensure dues.

counsel; (2) government, 290 or 25.26%; (3) the judiciary 175 or 15.25%; (4) legal aid and public interest, 81 or 7%; and (5) education and the legal academy, 69 or 6%. *Luminarias* also worked outside the profession, 32 or 2.74% — including some who were not licensed, entered business as owners/manager, became authors, musicians, producers, realtors and one became an actress.¹⁷¹ Upon retirement, some adopted new careers such as *Luminaria* Irma Herrera J.D. 1978 Notre Dame, who became a playwright, solo performer and social justice *Activista*.¹⁷²

TABLE 8
LEGAL POSITIONS HELD BY LUMINARIAS



1. *Private Practice and Industry* | 751 *Luminarias* or 65%

At one point in their legal careers, most *Luminarias* were in private practice—693, primarily in solo or small firms with a small number in large law firms. Some entered private practice at the beginning of their careers, intermittently between jobs and appointments, or at the end of

¹⁷¹ The total number of positions reported, 1,381, exceeds the 1,188 *Luminarias* licensed as some practiced in more than one segment of the law, holding multiple positions. The career choices presented in this Article reflect the substantial majority of jobs held by the *Luminarias* but is not exhaustive due, partly, to unobtainable information on some of the earliest *Luminarias*.

¹⁷² . <https://www.irmaherrera.com>.

their careers as e.g., Of Counsel. Others were private practitioners for lengthy durations of their careers, ranging from 30–50 years consecutively.¹⁷³ *Luminarias* specialized in diverse areas of the law, ranging from labor and employment to international and international defense work before The Hague Tribunal. Fewer than 18 became partners at large law firms, including Akin Gump Strauss Hauer & Feld, LLP, Hunter Andrews Kurth, Jones Day, Latham & Watkins, Lowenstein Sandler, Munger Tolles & Olson, Paul Hastings, Sonnenschein Nath & Rosenthal LLP, and Squire Patton Boggs.

Fifty-eight (58) served as our first corporate and in-house counsel in a diverse array of companies such as Aetna, Apple, AT&T, Bank of the West, Citi Group, ConocoPhillips, Exxon, Gulf Oil, IBM, McDonald's, Merrill Lynch, Pacific Bell, Oracle and T-Mobile. A few *Luminarias* spent their entire legal career at the same corporation, earning their way up to General Counsel. Others were the first in-house counsel to universities, health organizations (public and private), the U.S. Navy and U.S. Postal Service. Interestingly, a handful were the first to serve in transit port authorities, e.g., Port Authority of Massachusetts, New York and New Jersey, Houston and Seattle; as a Vice Chair of Amtrak and Commissioner on the Panama Canal Commission.

2. Government | 290 *Luminarias* or 25.26%

In addition to the traditional practice of law, *Luminarias* soared to the top of their fields in elevated positions such as U.S. Ambassadors, U.S. Attorney and served on federal commissions such as the Federal Communications Commission (FCC) and National Labor Relations Board (NLRB).

Though never licensed, Graciela Olivarez, J.D. 1970 Notre Dame, was one of the first *Luminaria* to receive a federal appointment. Selected by President Jimmy Carter as Director of the Community Services Administration (1977–1980), she established a legacy of federal service for others to follow. Vilma Martinez (J.D. 1967 Columbia) was U.S. Ambassador to Argentina (2009–2013); Mari Carmen Aponte (J.D. 1976 Temple) was U.S. Ambassador to the Republic of El Salvador (2012–2016) and confirmed in September 2022 as U.S. Ambassador to Panama; and Patricia Diaz Dennis was on the NLRB (1983–1986), an

¹⁷³ These *Luminarias* practiced in Arizona, California, Colorado, Connecticut, Florida, Illinois, Michigan, Texas and Wisconsin as examples.

FCC Commissioner (1986–1989) and Assistant Secretary of State for Human Rights and Humanitarian Affairs (1992–1993). Two *Luminarias* became U.S. Attorneys: Lourdes Baird (J.D. 1976 UCLA) was the first appointed in 1990, (C.D. CA -1992) and Rosa Emilia Rodriguez (J.D. 1977 Interamerican University of Puerto Rico Law, hereafter Interamerican Law) was the second (D.P.R. 2007–2019). Several Latina attorneys, though not *Luminarias*, have served as U.S. Attorneys.

In 1946, Nilita Vientos Gaston (J.D. 1945 UPR Law) became the first *Luminaria* to work for the Department of Justice as Auxiliary Prosecutor General and served for 30 years. *Luminarias* followed suit, serving in diverse capacities at numerous federal agencies, such as the Community Services Agency, Federal Aviation Association, Federal Energy Regulation Commission, Environmental Protection Agency, Equal Employment Opportunity Commission, Department of Housing and Urban Development, Immigration and Naturalization Services, Department of Justice, Department of Labor, NLRB, and the U.S. Navy. *Luminarias* have served as federal agency counsel, Assistant U.S. Attorneys, federal Public Defenders, federal administrators, on board and commissions and as White House Appointees. *Luminaria* Maria Echaveste (J.D. 1980 Berkeley), for example, was Assistant to President Clinton and Deputy White House Chief of Staff (1998–2001) and was Administrator of the Wage and Hour Division, Department of Labor (1993–1997).

At the state level and in local government, *Luminarias* broke through the “*multilayered glass ceiling*”¹⁷⁴ to achieve success in their legal careers. Edna Cisneros and her sister Diana Cisneros Klefish were the first two Latinas elected District Attorney; both featured in the *Luminarias Exhibit*:

Edna is the first woman and Latina from Willacy County, located in the Rio Grande Valley to graduate from the University of Texas Law School. She graduated in 1955 and two years later at the age of 26, became the first female District Attorney in Willacy County and the first Latina elected District Attorney in the country. When asked in 1961 why she wanted to become the district attorney, she responded simply, “*Because I am a*

¹⁷⁴ Cruz & Molina, *supra* note 1, at 1014 (“Latinas . . . confront greater challenges than their peers based on the ‘triple jeopardy’ they face as women and as ethnic and racial minorities.”).

lawyer.” Standing 5 feet 4 inches tall and weighing a mere hundred pounds, “*La Fiscal*” as she was then known, earned a reputation for being a tough, unrelenting prosecutor. Edna garnered convictions in over felony cases and 250 misdemeanor cases.

Her sister and fellow lawyer, in Diana Cisneros Klefisch, found out first-hand how tough Edna was when *La Fiscal* refused to plea bargain with her. Diana was representing two men for armed robbery, the *Bell Loan* case. In the May 18, 1958 edition of the *Daytona Beach Sunday News*, DA Cisneros stated, “*This is just another case as far as I’m concerned. I will be trying just as hard.*” Sister Diana’s response was equally emphatic, “*The law is the law and the fact that my sister is the District Attorney makes no difference at all.*” The newspaper relayed no additional facts about the case as it reported both sisters were reluctant to talk. Diana noted, “*We try to avoid as much publicity as possible.*” At the time of the *Bell Loan* case, Diana was the mother of two daughters, who were then 11 years and five months old. She succeeded Edna as Willacy County District Attorney, a position she held until her death in 1991.”

Fifteen (15) *Luminarias* followed the *Cisneros* sisters with successful an historic elections, from city council to city treasurer, state representatives and senators and the first *Luminaria* U.S. Congresswoman, Sylvia Garcia (J.D. 1978 Southern Texas Thurgood Marshall) elected to Texas 29th District. Patricia Madrid (J.D. 1973 University of New Mexico) was the first *Luminaria* in the nation elected State Attorney General in 1998 (reelected 2002), years after becoming that state’s first female (and Latina) district court judge.¹⁷⁵ Zulima Farber (J.D.1974 Rutgers) was the second *Luminaria*—and first Afro-Latina—appointed Attorney General in New Jersey in 2006.¹⁷⁶ Before and after Patricia, *Luminarias* served in a minimum of 148 state attorney positions, including: Agency General Counsels and Deputy General Counsels, Deputy and Assistant Attorney

¹⁷⁵ A CELEBRATION OF NEW MEXICO’S FIRST WOMEN LAWYERS, New Mexico Women’s Bar Ass’n (2002); *Latinas in the United States: A Historical Encyclopedia* 415 (Vicki Ruíz & Virginia S. Korrol vol. 1, 2006).

¹⁷⁶ The History Makers, The Digital Repository for the Black Experience, *The Honorable Zulima Farber* (Oct. 23, 2018), <https://www.thehistorymakers.org/biography/honorable-zulima-farber>.

Generals, State Agency Attorneys, Assistant District Attorneys, County and Assistant City Attorneys, Public Defenders, University, College/ Education Counsel and government administrators.

3. *Judiciary* | 175 or 15.25%: La Nunca Vista

Retired Judge Alma L. Lopez, the first Latina Judge and Chief Judge on the Texas Fourth Court of Appeals (1993–2008), was told by her grandmother at age five to be *La Nunca Vista* (the never seen) which she succeeded doing throughout her legal career.¹⁷⁷ *Luminarias* shattered the juridical glass ceiling as *la nunca vista* becoming visible as the first Latina jurists on the mainland and the Island, holding 163 judicial positions. Starting in 1926 and serving through 1980 and beyond, *Luminarias* were appointed to all levels of the judiciary, from municipal courts to the highest court in the country.

In 1972, *Luminaria* Carmen Cerezo (J.D. 1966 UPR) became the first Latina federal trial court judge in Puerto Rico, followed in 1983 by Lenore Carrero Nesbitt (J.D. 1957 Miami). By 1991, there were 22 federal district court judges; two were *Luminarias*, Cerezo and Carrero Nesbitt. Thirteen of the 22 were from California and Texas. Latinos then comprised 2% of all judges though they were 10% of the U.S. population. On May 18, 1992, the HNBA staged a national press conference and released its first survey on the number of Latino judges, stressing the lack of Latinos on the bench. Sitting in the queue were six Latinos—three of whom were *Luminarias*.

... awaiting confirmation hearings before the .. Senate Judiciary Committee are six (6) highly qualified Hispanics who have been nominated by President Bush for federal judgeships around the nation, and are endorsed by the HNBA. [HNBA leadership] urged Senator Biden and the Senate Judiciary Committee to expedite confirmation hearings for these individuals immediately. 'The next 60 days are critical for these candidates. We are deeply concerned that as the presidential election draws nearer with each passing day, the more likely it is that the Senate Judiciary Committee and Congress will be inclined to postpone

¹⁷⁷ SA WOMAN, *Women Rule! Texas Boasts the Nation's First All-Female Appeals Court*, SAN ANTONIO WOMAN (Sept. 30, 2005), <https://sawoman.com/2005/09/women-rule-texas-boasts-the-nations-first-all-female-appeals-court>. Judge Lopez was appointed in 1993 by Governor Ann Richards, twice reelected. In 2002, Judge Lopez was elected Chief Judge.

*action on any confirmation indefinitely. It is time for bipartisan politics to be set aside in favor of achieving ethnic diversity on the federal bench.*¹⁷⁸

Three months later, Lourdes Baird (C.D. CA), Irma Gonzalez (J.D. 1973 Arizona) and Sonia Sotomayor (J.D. 1979 Yale) were confirmed as U.S. District Court Judges by the U.S. Senate. Through a quirk of fate, all three *Luminarias* became the first federal Latina judges in their respective districts on the same day, August 11, 1992. One year later in 1994, Rosemary Barkett was elevated from the Florida Supreme Court to the Eleventh Circuit, becoming the first Latina federal appellate judge in the country. Many more were to follow. The Study reveals *Luminarias* served or are serving in the following courts and jurisdictions:

TABLE 9
163 LUMINARIAS IN THE JUDICIARY

1	The Hague Claims Tribunal	Iran – United States Claims Tribunal	0.6%
1	United States Supreme Court	Associate Justice	0.6%
3	U.S. Circuit Courts of Appeals	Second, Ninth, Eleventh Circuits	1.84%
15	Federal District Court Judges	California, Colorado, Florida, New Mexico, New York, Texas, Puerto Rico	9.2%
7	Federal Administrative Law Judges (ALJ), Immigration Law Judges		4.2%
30	State Appellate Judges 14 Supreme Court Justices 16 Court of Appeals Judges	Colorado, Connecticut, Illinois, Maryland, Michigan, New Mexico, New York, Texas, District of Columbia, Puerto Rico	18.4%
82	State Trial Judges 50 District/Superior Court Judges 22 County Court Judges 10 State ALJs	Arizona, California, Colorado, Connecticut, Florida, Massachusetts, New Jersey, New Mexico, New York, Oregon, Texas, Utah, Vermont, Washington, Puerto Rico	50.3%

¹⁷⁸ HNBA May 18, 1992, Press Release, *see article* by Deborah Pines, *Group Urges Appointment of More Hispanic Judges*, N.Y. L.J. (May 18, 1992).

22	Municipal Judges 16 Municipal Court Judges 6 Municipal Magistrates	Aurora, Austin, Costa County, Dallas, Ft. Worth, Hennepin, Houston, New Orleans, Palm Beach, San Antonio, Tucson	13.4%
2	Justices of the Peace	Texas	1.2%

Most jurisdictions in which *Luminarias* were appointed or elected during the Study Period were in cities, states, or regions with larger Latino populations. While unsurprising, this reality does not detract from their success. Other positions held by *Luminarias* in the judiciary includes federal and state court administrators, staff counsel and hearing officers.

While *Luminarias illuminated the way* for Latinas in the judiciary, Latinas (and Latinos) continue to be significantly underrepresented on the federal bench. Of the 1,088 U.S. District Court Judges, 78 or 7.16% are Latino/a. Only 19 Latinas/os or 6.5% of the 292 appellate judges sit on U.S. Circuit Courts of Appeal. One Latina of nine is a U.S. Supreme Court Justice.¹⁷⁹ At all levels of the federal bench, Latinos—especially Latinas—are disproportionately represented given their total U.S. population of 18.9%. To change this trajectory, it is important to accurately report the numbers with the proper metrics.

The 2022 ABA *Profile* contained the following:

. . . But compared to the pool of U.S. lawyers, from which all judges are drawn, lawyers of color are not underrepresented. For example, 7.7% of federal judges were Hispanic, but only 5.8% of all lawyers are Hispanic. Similarly, 11.0% of federal judges were Black, compared with 4.5% of all lawyers. And 3.8% of all federal judges were Asian American, compared with 5.5% of all U.S. lawyers.¹⁸⁰

The ABA analysis is improper—it is not appropriate to conclude that lawyers of color are proportionately represented in any segment of the legal profession when predicated upon exclusionary practices that caused the underrepresentation in the first instance. The proper and respectful analysis is one that accounts for historical exclusionary practices and presents the numbers based upon a group's total U.S.

¹⁷⁹ See special edition, HNBA J. OF L. AND POL'Y, Vol. 2, Issue 1 (Summer 2010) on its 40-year quest for the first Latina Supreme Court Justice, the nomination and confirmation of Associate Justice Sotomayor.

¹⁸⁰ 2022 ABA *Profile*, *supra* note 24.

population, as the ABA has consistently done in presenting data on women in the law.

4. *Luminarias with a “Backbone of Steel” in the Public Interest 81 | 7%,*

At the close of her senior year of high school, Alpha Hernandez received a rare and undeserved grade of B in a typing class. She and the teacher both knew she was a candidate for valedictorian, but this was Del Rio High School in 1965. It had not been consolidated with San Felipe High School, so Alpha was one of the very few “Mexicanas” in her class who had achieved high enough to break the norm. It was no secret that the typing teacher favored another student (who just happened to be white) for the honor. Alpha appealed to the teacher for fair treatment, to receive the grade she deserved, but to no avail. Although they both knew what she had rightfully earned and what was at stake, the teacher did not budge. Even as a high-school girl, she did not take unfairness lying down. She went to the school administration and showed her work with no mistakes. She could not be denied, and she went on to become the first ever non-white, and certainly the first ever Mexican American woman, valedictorian of Del Rio High School. Her academic prowess and tenacity in pursuit of justice proved to be prophetic. She would go on to become a defender of the poor and disenfranchised [as a legal aid attorney in California and Texas].¹⁸¹

Alpha (J.D. 1976 UCLA) exemplifies the spirit of the 81 *Luminarias*¹⁸² who battled injustice in the 1970’s as legal aid attorneys, *Reggie Fellows*,¹⁸³ and public interest lawyers. They practiced in cities

¹⁸¹ *Obituary for Alpha Hernandez*, TRINITY MORTUARY, <https://www.trinitymortuary.com/obituaries/Alpha-Hernandez-44920/#!/Obituary> [perma.cc/WD8J-A6B4]. On March 28, 2014, Alpha passed at the age of 67 in Del Rio. She was a founding member of the Mexican America Student Association at UT-Texas and worked at CRLA and TRLA.

¹⁸² While 81 *Luminarias* were identified in the Study, this number may be an undercount of all *Luminarias* who worked in legal aid organizations.

¹⁸³ Reginald Heber Smith Lawyer Fellowship Program (1967–1985) funded lawyers in poverty law and was a part of the Legal Services Corporation. An estimated, 2,000 lawyers were *Reggie Fellows* by the year the program ended. See *Reginald Heber Smith Community Lawyer Fellowship Program*, GEORGETOWN LAW LIBRARY SPECIAL COLLECTIONS, https://aspace.ll.georgetown.edu/public/agents/corporate_entities/36 [perma.cc/MMA2-VZ6P].

across the country and on the island—Albuquerque, Brooklyn, Chicago, Denver, Los Angeles and San Juan, Puerto Rico—and within organizations such as California and Texas Rural Legal Aid, Equal Rights Advocates, education rights organizations and the Mexican American Legal Defense and Education Fund (MALDEF).

Under the tenure of *Luminaria* Vilma Martinez, the first MALDEF Latina President and Chief Executive Officer, the Chicana Rights Project (1973–1983) was created to address the legal rights of impoverished Mexican American women. Three *Luminarias* led the project which gained success in employment, health, and immigration: Patricia Vasquez, 1974–1979 (J.D. 1972 Washington College), Carmen Estrada, 1979–1980 (J.D. 1977 UC Hastings) and Virginia Martinez, 1980–1983 (J.D. 1975 DePaul University). In addition to litigation and advocacy, the Chicana Rights Project collected data in employment and education to prove how legal rights were gendered and ignored by the Chicano movement.¹⁸⁴ Journalist Grace Lichtenstein wrote of Vilma Martinez in 1979,

*Vilma Martinez at first gives the impression of a mild-mannered, smiling schoolmarm, but she is an operator – in the best sense of the word – who brings to her work considerable charm and poise supported by a backbone of steel . . . whether she’s gliding through a cocktail party of New York liberals or talking to poor folks in a community center in San Bernardino, California . . . Watching Martinez operate is like watching a virtuoso pianist go from a jazz jam session to a chamber ensemble to an orchestra-backed solo.*¹⁸⁵

Lichtenstein’s description of Ambassador Martinez is prescient of the 2008 chameleon description of Latina attorneys by Garcia-Lopez and Segara. Both capture the dignified steely grace of *Luminarias*, exhibited during their transformative professional journeys on the road to success.

5. Education, *The Legal Academy* 69 | 6%

Luminarias during the Study period did not fare as well in legal education as they did in the judiciary. The Study findings suggest the

¹⁸⁴ For an interesting discourse on the project see Lori A. Flores, *A Community of Limits and the Limits of Community: MALDEF’s Chicana Rights Project, Empowering the ‘Typical Chicana,’ and the Question of Civil Rights, 1974–1983*, 27 J. AM. ETHNIC HIST., No. 3, 81, 82, (2008).

¹⁸⁵ *Id.* at 87.

legal academy was the most exclusionary segment of the profession. A lack of interest in teaching does not account for the near invisibility of Latinas in the legal academy. The Study revealed a minimum of 69 *Luminarias* who dedicated their careers to education, including: 10 elementary and secondary school teachers; 10 university professors; 7 college administrators—2 who were college presidents; 1 law librarian, 5 assistant law deans, 3 law school administrators; a minimum of 6 adjunct law professors; 2 clinical law professors and the majority, 25, law professors.¹⁸⁶ Of the 25 *Luminarias* who taught law school, only a dozen became full tenured law professors at 17 ABA accredited law schools,¹⁸⁷ constituting 1% of all *Luminarias*. These *Luminarias* started teaching law during the Study Period but did not acquire tenure until *after* 1980. Only 12 achieved tenure as law faculty.

That so few became full tenured faculty is admittedly, attributable partly to a smaller pool of *Luminarias*. In contrasting the number of *Luminaria* tenured faculty—12, with the 163 *Luminarias* who became jurists, a small pool does not fully explain their exclusion.

By implementation of law in 1967, the increase in women law faculty rose sharply after President Johnson signed Executive Order 11,375 prohibiting sex discrimination in contracting and employment. In 1967, women comprised 4% of all law faculty but only 39 were tenure track faculty. By 1979, 516 women were tenure track faculty, comprising 11% of all such faculty.¹⁸⁸ Once again, *Luminarias* were not a significant part of that growth.

The first woman law professor in the country was Barbara Nachtrieb Armstrong who started teaching law in 1919 at Berkeley Law School.¹⁸⁹ *Amazing Grace Olivarez*¹⁹⁰ (the first woman and Latina law

¹⁸⁶ Undoubtedly there are more *Luminarias* who were adjunct and associate professors who left before achieving tenure; these jobs especially the adjunct professorships are not always documented. Assistant Dean of Students Jeannette Hausler had the longest tenure, from 1974–2009, at the University of Miami.

¹⁸⁷ Dolores S. Atencio *Luminarias Project*, research prepared for the See 2022 INAUGURAL GRACIELA OLIVAREZ LATINAS IN THE LEGAL ACADEMY (“GO LILA”) WORKSHOP, *see*, <https://conferences.law.stanford.edu/go-lila-workshop/graciela-olivares>. All 12 *Luminaria* tenured faculty taught at more than one law school during their teaching careers which explains the discrepancy in the numbers.

¹⁸⁸ Donna Fossum, *Women Law Professors*, 5 AM. BAR FOUND. RSCH J. 4, 903, 906, 914 (1980).

¹⁸⁹ *Barbara Nachtrieb Armstrong*, BERKELEY L., <https://www.law.berkeley.edu/article/barbara-nachtrieb-armstrong>, [perma.cc/69HM-5SRJ].

¹⁹⁰ GO LILA *supra* note 187.

graduate of Notre Dame Law), also was the country's first Latina law professor. Professor Olivarez did not begin teaching at the University of New Mexico Law until 1972, 53 years after Armstrong. The second Latina law professor, Olga Elena Resumil (J.D. 1973 UPR Law), started teaching the following year in 1973 at UPR Law and acquired tenure in 1983. Women in the legal academy reached a milestone in 1959 when 14 became tenured law professors.¹⁹¹ Latinas did not reach that milestone until 1992.¹⁹² Latino/as law professors comprise 3.1% or a total of 301 of the nearly 11,000 law professors in the country: 138 are Latinas of the estimated 774 women of color law professors.¹⁹³ Once again, Latinos are disproportionately represented in law schools, a cause fought long by the HNBA.

One cannot discuss *Luminaria* law professors or Latino law faculty without mention of Michael Olivas, former distinguished law professor at the University of Houston Law Center (1981–2019) who passed in April 2022. Professor Olivas, the long-tenured chair of the HNBA's Law Professor Section, is properly credited for increasing the number of Latino/a law professors through his unique brand of advocacy that included the annual HNBA *Dirty Dozen List*. Professor Olivas was as much an advocate for Latinas, as he was Latinos, if not more so.

“Tears are flowing as I write these words. Just a few moments ago I learned that the leader of every Latina and Latino law professor in the country is gone. This morning our trailblazer, our champion, and inspiration passed ... When he started in the academy, there were only 22 Latina and Latino law professors. He decided to change the profession and with the partnership of the National Hispanic Bar Association, he created the “Dirty Dozen” list that for over a decade, “outed” the scores of schools that failed to have any Latina and Latino diversity on their tenure track faculty. Many in the academy, including leaders at many top law schools attacked him. While it would later cost him when applying for leadership posts, these largely baseless attacks and facile excuses only motivated our

¹⁹¹ HERMA HILL KAY, *PAVING THE WAY: THE FIRST AMERICAN WOMEN LAW PROFESSORS* 1 (Patricia A. Cain, 1st ed. 2021).

¹⁹² *Supra* note 205.

¹⁹³ Meera E. Deo, *Trajectory of a Law Professor*, 20 MICHIGAN L.J. OF RACE AND LAW 441, 445 (2015).

champion. A decade later, there were over 200 of us and our numbers are creeping towards 300 now. With several of us now obliged to pick up his flag.¹⁹⁴

UPR Law, the leader in matriculating *Luminarias* during the Study Period, experienced a gap in hiring Latina law professors. By 2013, there were two Latina law professors, Ivette Ramos Buonomo and Professor Resumil; four associate professors and two assistant law professors. The eight Latina professors constituted 27% of the 29 faculty members in sharp contrast to the student ratio of 57% female to 43% male.¹⁹⁵ This history of the law school, a predominantly Latino-led institution, permits the colorable argument that gender discrimination, rather than race, is the primary cause of so few *Luminaria*-tenured faculty. It is fair to conclude that in the legal academy, *Luminarias* hit the multilayered glass ceiling at a significantly disproportionate level than in other fields of the legal profession. The problem is historic and endemic.¹⁹⁶ The proof is in the numbers and nowhere is this more evident than with law school deans.

The first woman law dean was Ellen Spencer Mussey at Washington College of Law (1898–1913), a non-ABA accredited law school. In 1951, Miriam Theresa Rooney became dean of Seton Hall, an ABA-accredited school. Fifty-six years later in 2007, the first Latina became Dean followed two years later in 2009 by the second. Today, while women comprise 42% of all law deans—80 of the 200 deans nationwide—only seven Latinas have been appointed dean in 108 years of legal education.¹⁹⁷ As of the 2022–2023 academic year, five Latinas were serving as law school deans, comprising 2.5% of all deans. Of the 1,347 *Luminarias*

¹⁹⁴ See Ediberto Román, *O Captain! My captain!*, THE FAC. LOUNGE, (Apr. 22, 2022), <https://www.thefacultyounge.org/2022/04/o-captain-my-captain.html>, [perma.cc/77SK-3CEL]; see also *In Memoriam: Michael Olivas*, THE AM. L. INST. (Apr. 25, 2022), <https://www.ali.org/news/articles/memoriam-michael-olivas>, [perma.cc/34BX-EZPX].

¹⁹⁵ CIEN ANOS, *supra* note 164, at 162.

¹⁹⁶ See Luz E. Herrera, *Challenging a Tradition of Exclusion: The History of an Unheard Story at Harvard Law School*, 5 Harv. Latino L. Rev. 51 (2002); see also Emmy M. Cho, *In Decades Long-Push to Diversity Harvard Law Faculty and Course Offerings, Students Seek to Amplify Previously Unheard Voices*, HARV. CRIMSON (April 23, 2002), <https://www.thecrimson.com/article/2021/4/23/long-struggle-for-hls-representation>, [perma.cc/5J7X-WLQ3]. The problem of insufficient Latina/o professors extends beyond law schools, see e.g., Anne-Marie Nuñez and Elizabeth Murakami-Ramalho, *The Demographic Dividend*, THE AM. ASS'N OF UNIV. PROFESSORS, <https://www.aaup.org/article/demographic-dividend#.Y7n6by-B1N0> [perma.cc/4UVH-ZJZE]

¹⁹⁷ 108 years from 1908 when the first female became dean to 2023; 99 years from 1908 to 2007 when the first Latina became dean.

who received law degrees during the Study Period, none became dean of a law school.¹⁹⁸ Thus, *Luminarias* fared poorly in the legal academy. In practical terms, the community of Latina lawyers have few role models to guide, recruit and teach them how to become law professors and, importantly, how to navigate the political minefield of legal academia.

Whether or not by design, a significant obstacle preventing *Luminarias* and Latina attorneys from becoming law professors and deans may be the absence of public transparency and accountability. A relevant contrast is the judiciary. Most judicial appointments are made by elected public officials that includes U.S. Presidents, U.S. Senators (key to the nominations and confirmation process), state elected officials and, mayors in home-rule cities such as Denver. While one could debate the efficacy of constituent accountability, elected public officials are accountable to the public every four years at the ballot box. Elected officials must establish and guarantee transparent public processes for judicial nominations, selections, and retention. For those elected to the bench, it is the public that determines who should become judges through voting. Stated otherwise, there is significant public, third-party accountability baked into the judicial selection and retention processes, absent in the law school hiring and tenure-track decision processes. This is not a novel idea.

The ABA Commission on Women flagged public accountability as the distinct variable safeguarding diverse hiring in the public sector vs. the hiring practices of private law firms, applicable to the legal academy:

*Government employers also have a reputation for being more progressive on diversity-related issues than most law firms. Agencies that are politically and financially accountable to the broader public generally are under some pressure to be representative of the community they serve.*¹⁹⁹

Inapposite is the selection processes implemented by law schools, both public and private. Law professor hiring decisions rests solely within the prowess of 200 deans in the country with either persuasive or

¹⁹⁸ Ending in 1980, the Study Period missed by one year UC Irvine School of Law Professor Rachel Moran (J.D. 1981 Yale) who in 2010 became the first Latina Dean of a top tier 1 law school (-2015) at UCLA School of Law. *Rachel F. Moran, Uc/ACCORD, ALL CAMPUS CONSORTIUM ON RESEARCH FOR DIVERSITY* (2013), <https://ucaccord.gseis.ucla.edu/about/executive-board-1/rachel-f-moran>.

¹⁹⁹ Rhode, *supra* note 92 at 26.

reaffirming input from faculty/committees. Even within a public institution, such as the California Board of Regents which are gubernatorial appointments²⁰⁰, the hiring process at the law school micro level often escapes notice.²⁰¹

V. IMPLICATIONS

1. *Affirmative action programs accounted for the increased admissions of Luminarias in law schools and their numbers significantly increased during the last decade of the Study Period. The elimination of race-conscious admissions policies will have a devastating impact on Latina admissions.*

The Study revealed the impact of affirmative action programs on the community of *Luminarias*. In the pre-affirmative action era from 1880-1969, a mere 233 *Luminarias* earned law degrees over 90 years. During the affirmative action era, there was a nine-fold increase in the number of *Luminarias* who graduated and became attorneys. For the benefit of younger generations of Latinas, now is not the time to end race-conscious admission policies. The forewarning given by Professor Reynoso in 2005 continues to be applicable if ever more relevant.

*With Latinos making up only 3% of all lawyers [substituted with the current 5.8%], they will remain underrepresented across practice settings until the number of Latinos graduating from law school, and becoming licensed attorneys, increases significantly. Projections are that, at the current rate, it will take 125 years from the year 2003 for Latino lawyers in California to reach parity with the Latino population in this state. Only a pro-active plan can change this forecast.*²⁰²

Post *Bakke*,²⁰³ Latina attorneys comprise 2.5 of the total lawyer population in 2023, an increase of merely .08% from the 2.42% level

²⁰⁰ Eighteen of the 26 members are appointed by the Governor for 12-year terms, UNIV. OF CALIF., *About the regents*, <https://regents.universityofcalifornia.edu/about>, [perma.cc/DDM2-6WQ7].

²⁰¹ At the writing of this Article, there are no Latina tenured law professors at UCLA Law. Professor Laura Gomez left for New Mexico in fall 2022. There have been no Latina tenure track faculty at my alma mater DU Law for 26 years, since 1997 when the last Latina tenure-track professor left.

²⁰² Reynoso, *supra*, note 133 at 1642.

²⁰³ In *Regents of the Univ. of Cal. v. Bakke*, 438 U.S. 265 (1977), the Supreme Court held the admissions program of UC Davis medical school was unconstitutional because it used race

in 1981. In comparison, the percentage of women lawyers steadily grew from 8.48% in 1980 to 38% in 2022. Latinas did not benefit at the same level or at the same rate as white women lawyers. Studies by the ABA Commission on Women corroborate that multicultural women attorneys have not progressed at the same rate. *How is it that Latinas and our sisters of color were left behind?* The implication is clear. Gender is not the primary obstacle. The Study data strongly suggests that race and ethnic discrimination combined, the multi-faceted glass ceiling, are factors precluding Latinas from succeeding in the legal profession. This is a harsh reality, perhaps, to worsen in 2023 and beyond.

Two U.S. Supreme Court cases, *Students for Fair Admissions v. President and Fellows of Harvard College*²⁰⁴ and *Students for Fair Admissions v. University of North Carolina*, sought to end race-conscious admissions policies on the basis that the consideration of race in a holistic evaluation constitutes race discrimination. Setting aside the values at stake, i.e., academic freedom, equal protection, promoting integration and the compelling government interest of diversity, the case boils down to the numbers. Simply put, how can one successfully argue race discrimination when the race purportedly adversely impacted—white men and women—constitute the overwhelming majority, 61.6% of all law students and 81% of all lawyers²⁰⁵ at a time when they comprise 59.3% of the total U.S. population?²⁰⁶ The fact that it took 143 years, from 1880-2023, for *Luminarias* and Latina lawyers to achieve the 2.5% mark *with* the benefit of affirmative action programs should, in an equitable society, constitute ample reason to validate the importance of maintaining race-conscious admissions policies. This becomes glaringly clearer when the percentage of Latina lawyers is contextualized within their U.S. population of nearly 20 percent. Such percentages speak directly and responsively to Justice Alito’s questioning during oral argument in *Students for Fair Admissions v. President and Fellows of Harvard College*.²⁰⁷ Applying Justice Alito’s

as a definite and exclusive basis for admissions, concluding it violated the Equal Protection Clause and Title VI of the Civil Rights Act of 1964. The U.S. Supreme Court in *Grutter v. Bollinger*, 539 U.S. 306 (2003), ruled affirmative action programs were constitutional if they considered race as one factor in an individualized evaluation to achieve “class diversity.”

²⁰⁴ Transcript of Oral Argument, *Students for Fair Admissions, Inc. v. Univ. of N.C.*, 143 S.Ct. 46 (2022).

²⁰⁵ 2022 ABA *Profile*, supra note 24.

²⁰⁶ *Quick Facts U.S.*, U.S. Census Bureau, <https://www.census.gov/quickfacts/fact/table/US/PST045221>

²⁰⁷ Transcript of Oral Argument at 80-82, *Students for Fair Admissions, Inc. v. Univ. of N.C.*,

example and rationale, one could propose that the country already has reached and surpassed Justice Barrett's "*end point*" for white admissions at 59.3 percent, meaning simply that the parties in these two cases should not prevail on a theory of race discrimination. But such absurd posturing does little towards honoring the diverse fabric of our society. The important task of diversifying the legal profession may soon be left to law schools, bar associations, and lawyers throughout the country.

2. *National Bar Associations, including the ABA, HNBA and Women's Bar Associations, must proactively collaborate to formulate and support programs to address the potential elimination of race-conscious admissions programs and preserve diversity in the legal profession.*

The role of bar associations in advancing the progress of its most underrepresented members is crucial to achieving diversity and equal opportunity. This article devotes considerable discussion to the strategies and work of the ABA Commission on Women and NAWL to illustrate the importance and effectiveness of bar associations in leading and guiding the legal profession to change. Their examples provide a road map worthy of emulation for the benefit of Latinas and other women lawyers of color and those youth in our communities aspiring to become attorneys. The HNBA Latina Commission embarked on its mission in 2008 to identify, document and address the needs of Latina lawyers and law students but it requires a national sense of urgency and assistance to achieve meaningful diversity and inclusion.

If no affirmative action is taken by law schools and state bars to address the inadequate number of Latina attorneys, law professors and deans, no meaningful change will occur. Latinas will not reach parity under the status quo and their qualitative experiences as lawyers and law professors in the profession will not significantly improve. The observation made in 1988 by the ABA's first Women's Commission chair resonates as much today as it did then (like Professor Reynoso's):

143 S.Ct. 46 (2022) (No. 21–707) during which Justices Alito and Barrett suggest now may be the time to end race-conscious admissions policies:

JUSTICE ALITO: Well, I mean, this is really pretty simple. Suppose you assembled a student body in which the various racial groups coincide almost exactly to the percentage of those racial groups in the general population. Would you say, okay, now we've done it, we've achieved diversity? . . .

JUSTICE BARRETT: " . . . when is the end point?"

*“time alone is unlikely to alter significantly the underrepresentation of [Latinas] in law firm partnerships, judicial appointments, and tenured faculty positions.”*²⁰⁸ It is up to the collective to achieve the equality so long ago sought and forged by *Luminarias*. And, as the women leaders of color did over two decades ago in 1992, I call upon the HNBA Latina Commission and the LLBA-LA to meet with the women of the ABA and NAWL to proactively develop a plan of action that will best utilize their respective resources to improve the work-life experiences of Latina attorneys.

CONCLUSION

Latinas continue to be underrepresented and undercounted in the legal profession as they were 143 years ago. Notwithstanding, the Study reveals the choices made by *Luminarias* that proved instructive, in the literal sense of the word. Their imagination, tenacity, perseverance, intelligence, and political acuity composed the formula upon which their success was built. That formula—altered and improved with each mistake, cases lost and won, new jobs and appointments—shattered the multi-tiered glass ceiling, enabling *Luminarias* to become the first Latina practitioner in a city and state; the first civil rights advocate, corporate counsel, law partner and law professor, judge, and ultimately, the first U.S. Supreme Court Justice. *Luminarias* ensured that in becoming the first, they were not the last as the Study revealed. It was the connectivity and commitment to, initially, family that extended to the slow but growing community of Latina lawyers which illuminated the way for others to follow. Indeed, *Luminarias* followed to the greatest extent first and foremost in the private sector, especially as solo practitioners. Imagine the chutzpah, or *ganás*, it took to set up shop as the sole Latina attorney in the state of Arizona in 1940, Estella Cota Robles (1940 J.D. University of Arizona).

Luminarias followed women lawyers into government practice in impressive numbers, given their limited pool, and honed their skills across a broad band of complex federal service, proving their capacity and stamina to handle the work. Perhaps it was government service coupled with rampant sex discrimination that motivated *Luminarias* to seek judicial appointments. Whatever the motivation, the number of *Luminarias*

²⁰⁸ Rhode, *supra* note 92, at 13.

who became judges is impressive as is the diversity of the courts to which they were appointed. Lest there be any doubt, this legacy of success created the instructive connectivity to successive generations. The reverse result occurred in the legal academy. The exclusion of *Luminarias* from tenure-track faculty positions and deanships has left a current void in law schools that is deserving of national public attention and immediate redress. It is unfortunate this reality coincides with the increase of Latina law student admissions, from 4.2% in 2008 to 8.4% in 2023.

The impact of *Luminarias* extends well beyond the legal profession. In large part, the Latino community was the beneficiary of their commitment and service; work I endeavor to shine a light on in future writings.

Through this Study, it was my intention to document the empirical profile of *Luminarias* and share snapshots of their interesting and inspiring experiences; to expose their journey to the younger generation of Latina attorneys and illuminate their legacy to the legal profession.

The sentimental stories referenced in this Article embody the humble experiences of those Latinas who surrendered their career dreams for the ultimate benefit of those bolder to pursue their legal ones. In my case, it was the lives of three generations of Mexican and Mexican American women and the passing of 80 years.²⁰⁹ Collectively, they laid the path for me, brick by brick. They are but a few of the women who provided the inspiration for this Study.

Likely, I will never find a satisfactory answer to the inequality that persists in education—perpetuated, most notably, by the recent U.S. Supreme Court rulings—but the discovery that other Latinas pursued the same dreams under similar conditions provided the affirmation that I was not alone—in the journey and the good fight to diversify the profession.

²⁰⁹ This is a tribute to my great grandmother Celestina Montelongo, my grandmother Dolores (Montelongo) Solorzano after whom I was named, and my mother Guadalupe Solorzano (-Atencio) Garcia, who gave up all of her dreams for me. Lastly, I honor my daughter Simone who was 7 years old when I started the quest to find the first Latina attorneys in the country. In the ensuing years, she married, became a teacher, and gave birth to Lilia and Jorge Julian—all to whom I entrust my dreams.

APPENDIX A
LAW SCHOOLS IN THE STUDY 1880 – 1980 | LUMINARIAS BY STATE AND SCHOOL

STATE	ACCREDITED LAW SCHOOLS	YEAR FOUNDED ¹	1 ST FEMALE LAW GRAD	1 ST LATINA LAW GRAD	NO. LATINA GRADS	SOURCE MATERIALS
ALABAMA					0	
1.	University of Alabama Law School	1872	1907	None	0	AD
2.	Faulkner Thomas Goode Jones School of Law	1928	1934	None	0	List
3.	Cumberland School of Law at Samford University	1841	1905	None	0	List Females
ALASKA	No ABA Accredited Law Schools				0	
ARIZONA					20	
4.	Arizona State University Sandra Day O'Connor School of Law	1965	1970	1973	9	CPs, Art
5.	University of Arizona James E. Rogers College of Law	1915	1921	1940	11	List, CPs
ARKANSAS					0	
6.	University of Arkansas School of Law	1924	1937	1989	0	CPs
7.	William H. Bowen School of Law Fayetteville	1975	1978	None	0	CPs
CALIFORNIA					246	
8.	University of California Berkeley School of Law (Dpt of Law)	1894	1906	1962	42	SV: ADs, List
9.	University of California Davis School of Law	1967	1969	1975	8	List
10.	Golden Gate University School of Law	1901	1928	1972	13	SV: ADs, CPs
11.	University of California Hastings College of Law	1878	1882	1974	31	SV: ADs, Photos, Arts, Partial List
12.	University of LaVerne College of Law	1970	1972	1978	4	Partial List
13.	University of California – Los Angeles School of Law	1949	1952	1971	50	SV
14.	Loyola Law School – Los Angeles	1920	1924?	1960	17	Ads

¹ A law school's first graduating class may be from 1-3 years after the law school was founded.

STATE	ACCREDITED LAW SCHOOLS	YEAR FOUNDED ¹	1 ST FEMALE LAW GRAD	1 ST LATINA LAW GRAD	NO. LATINA GRADS	SOURCE MATERIALS
15.	Pacific McGeorge School of Law	1924	1930	None	0	SV: CPs
16.	Pepperdine University School of Law	1964	1968	None	0	ADs, CPs
17.	Santa Clara University School of Law	1911	1963	1975	8	List Females
18.	University of San Diego School of Law	1954	1959	1972	10	List
19.	University of San Francisco School of Law	1912	1922	1955	15	List
20.	University of Southern California Gould School of Law	1896	1913	1949	14	SV: Ads
21.	Stanford University Law School	1893	1908	1946	14	SV: AD, CPs
22.	Southwestern Law School – Los Angeles	1911	1915	1929	7	SV: List, BLS, DIR
23.	California Western School of Law	1924	1940	1975	11	List
24.	Whittier Law School	1966	1969	1978	2	AD

STATE	ACCREDITED LAW SCHOOLS	YEAR FOUNDED	1 ST FEMALE LAW GRAD	1 ST LATINA LAW GRAD	NO. LATINA GRADS	SOURCE MATERIALS
COLORADO					30	
25.	University of Colorado Law	1892	1894	1966	15	List
26.	University of Denver School of Law	1892	1891	1970	16	List
CONNECTICUT					13	
27.	University of Connecticut School of Law	1921	1924	1986	5	CPs
28.	Yale Law School	1842	1886	1963	8	SV/BLS, CPs,AD
DAKOTAS					0	
29.	University of North Dakota School of Law	1899	1905	1996	0	CPs
30.	University of South Dakota School of Law	1901	1886	1994	0	CPs
DELAWARE					0	
31.	Widener University School of Law	1971	1975	None	0	AD, Photos

STATE	ACCREDITED LAW SCHOOLS	YEAR FOUNDED	1 ST FEMALE LAW GRAD	1 ST LATINA LAW GRAD	NO. LATINA GRADS	SOURCE MATERIALS
FLORIDA					72	
32.	Florida A&M College of Law	1949	1958	None	0	BK, YBs
33.	Florida State University College of Law	1966	1969	1978	7	Ads
34.	University of Florida Levin College of Law	1909	1933	1948	27	CPs
35.	University of Miami School of Law	1926	1930	1953	35	AD, CPs, YBs
36.	Nova SE University Shepard Broad Law Center	1974	1974?	1979	1	List
37.	Stetson University College of Law	1900	1908	1932	2	ADs
GEORGIA					5	
38.	Emory University School of Law	1916	1920	1966	4	ADs, CPs
39.	University of Georgia School of Law	1859	1925	1980	0	ADs, BLS
40.	Mercer University Walter F. George School of Law	1873	1919	1962	1	List
HAWAII					0	
41.	University of Hawai'i at Manoa Law	1973	1973	2001	0	AlumLists
IDAHO					1	
42.	University of Idaho (1892) / College of Law (1909)	1909	1923	1976	1	ADs
ILLINOIS					27	
43.	Chicago-Kent IIT College of Law	1888	1891	1976	2	SV: CPs, ADs, TR
44.	University of Chicago Law School	1902	1904	1959	2	SV: CPs, YBs
45.	DePaul University College of Law	1897	1916	1954	17	SV: ADs, CPs
46.	University of Illinois College of Law	1897	1903	1977	1	ADs, CPs
47.	John Marshall Law School	1899	1903	1980	1	SV: ADs, CPs
48.	Loyola University – Chicago	1908	1926	None	0	SV: ADs, YBs
49.	Northwestern University School of Law	1859	1870	1976	3	CPs
50.	Southern Illinois University School of Law	1972	1972	1978	1	AD, Photos

STATE	ACCREDITED LAW SCHOOLS	YEAR FOUNDED	1 ST FEMALE LAW GRAD	1 ST LATINA LAW GRAD	NO. LATINA GRADS	SOURCE MATERIALS
INDIANA					14	
51.	Indiana University Robert H. McKinney School of Law	1894	1875	1977	0	Rolls, ADs
52.	Mauer School of Law at Indiana University Bloomington	1842	1892	1977	7	List, CPs
53.	University of Notre Dame Law School	1869	1970	1970	6	CPs
54.	Valparaiso University Law School	1879	1925	1978	1	List, CPs, YBs
IOWA					2	
55.	Drake University Law School	1865	1876	1975	1	ADs
56.	University of Iowa College of Law	1865	1873	1972	1	ADs
KANSAS					4	
57.	University of Kansas School of Law	1878	1891	1972	4	ADs, CPs, Cats
58.	Washburn University School of Law	1903	1912	1980	0	List, YBs
KENTUCKY					0	
59.	University of Kentucky College of Law	1908	1924	1975	0	CPs
60.	University of Northern Kentucky	1893	1921	1988	0	AD
LOUISIANA					23	
61.	Louisiana State University Paul M. Herbert Law Center	1906	1926	1976	3	List
62.	Loyola University – New Orleans	1914	1921	1923	10	BLS
63.	Southern University Law Center	1947	1956	None	0	List
64.	Tulane University Law School	1847	1898	1942	10	SV: ADs, BLS
MAINE					0	
65.	University of Maine School of Law	1962	1968	None	0	ADs
MARYLAND					5	
66.	University of Baltimore School of Law John and Frances Angelos Law Center	1925	1929	1979	2	CPs, YBs, BK

STATE	ACCREDITED LAW SCHOOLS	YEAR FOUNDED	1 ST FEMALE LAW GRAD	1 ST LATINA LAW GRAD	NO. LATINA GRADS	SOURCE MATERIALS
67.	University of Maryland Francis King Carey School of Law	1816	1920	1923	3	List Females
MASSACHUSETTS					42	
68.	Boston College Law School	1929	1944	1966	6	ADs, BLS
69.	Boston University School of Law	1869	1881	1978	5	BLS, R, CPs
70.	Harvard Law School	1817	1953	1966	18	List
71.	New England School of Law	1908	1920	1962	1	SV: CPs, YBs, BK
72.	Northeastern University School of Law	1898	1924	1975	6	SV: CPs
73.	Suffolk University Law School	1906	1937	1971	6	SV: ADs, CPs
74.	Western New England University School of Law	1932	1932	None	0	CPs

STATE	ACCREDITED LAW SCHOOLS	YEAR FOUNDED	1 ST FEMALE LAW GRAD	1 ST LATINA LAW GRAD	NO. LATINA GRADS BY	SOURCE MATERIALS
MICHIGAN					18	
75.	Detroit /Michigan State University College of Law (merged 1995)	1891	1893	1978	0	ADs, BK, ART
76.	University of Detroit Mercy School of Law	1912	1893	None	2	Book?
77.	University of Michigan Law School	1859	1871	1961	9	AlumList
78.	Wayne State University Law School (formerly Detroit City)	1927	1928	1949	7	ADs, CPs
79.	Western Michigan Thomas M. Cooley Law School	1972	1976	None	0	CPs
MINNESOTA					6	
80.	Mitchell / Hamline University School of Law (merged)	1900	1904	1977	1	CPs
81.	University of Minnesota Law School	1888	1893	1981	5	CPs
82.	William Mitchell College of Law (merged)	1900	1904	1977	0	List Females

STATE	ACCREDITED LAW SCHOOLS	YEAR FOUNDED	1 ST FEMALE LAW GRAD	1 ST LATINA LAW GRAD	NO. LATINA GRADS BY	SOURCE MATERIALS
MISSISSIPPI					0	
83.	Mississippi College (formerly Jackson) School of Law (merged 1975)	1930	1942	None	0	List, AD
84.	University of Mississippi School of Law	1854	1922	2000	0	YBs, ART
MISSOURI					9	
85.	St. Louis University School of Law	1843	1911	None	0	ADs, CPs
86.	University of Missouri School of Law	1872	1896	None	0	AD, CPs
87.	University of Missouri-Kansas City School of Law	1895	1897	1958	7	List
88.	Washington University School of Law in St. Louis	1867	1871	1978	2	CPs, YBs, CAT
MONTANA					0	
89.	University of Montana Alexander Blewitt III School of Law	1911	1915	None	0	CPs, BK
NEBRASKA					2	
90.	Creighton University School of Law	1904	1934	0	0	ADs
91.	University of Nebraska College of Law	1891	1896	1976	2	ADs, YBs, ART
NEW HAMPSHIRE					0	
92.	University of New Hampshire Law Franklin Pierce Law Center	1973	1976	None	0	CPs
NEW JERSEY					29	
93.	Rutgers Law School – Camden & Newark (merged 2015)	1908 & 1926	1910	1974	20	List, YBs
94.	Seton Hall University Law School	1951	1960	1976	9	AD, Photos
NEVADA	No ABA Accredited Law Schools				0	
NEW MEXICO					18	
95.	University of New Mexico School of Law	1947		1972	18	

STATE	ACCREDITED LAW SCHOOLS	YEAR FOUNDED	1 ST FEMALE LAW GRAD	1 ST LATINA LAW GRAD	NO. LATINA GRADS	SOURCE MATERIALS
NEW YORK					72	
96.	Albany Law School	1851	1898	1978	1	ADs
97.	Brooklyn Law School	1901	1906	1961	6	SV
98.	Benjamin N. Cardozo School of Law	1976	1979	None	0	CPs
99.	University of Buffalo New York (SUNY)	1887	1899	1976	1	List, AD
100.	Columbia University Law School	1754	1929	1967	14	SV: CPs, BLT
101.	Cornell Law School	1887	1898	1977	3	CPs
102.	Fordham University School of Law	1905	1921	1979	4	CPs, B
103.	Hofstra University Maurice A. Deane School of Law	1970	1973	1975	7	CPs
104.	New York College of Law	1891	1937	1972	4	SV: List, AD
105.	New York University School of Law	1835	1892	1929	22	SV: CPs
106.	Pace Law School	1976	1979	None	1	AD
107.	St. John's University School of Law	1925	1928	1964	8	SV: CPs
108.	Syracuse University College of Law	1895	1903	1975	1	AD
NORTH CAROLINA					2	
109.	Campbell University Norman Adrian Wiggins School of Law	1976	1979	None	0	CPs
110.	Duke University School of Law	1868	1935	1976	1	ADs
111.	North Carolina Central University School of Law	1939	1948	1948	0	CPs
112.	University of North Carolina Chapel Hill School of Law	1845	1915	1978	1	CPs
113.	Wake Forest University Law School	1894	1935	None	0	AD, Art
SOUTH CAROLINA					0	
114.	University of South Carolina School of Law	1867	1918	None	0	SV: ADs, CPs
OHIO					11	
115.	University of Akron School of Law	1921	1925	1978	1	List

STATE	ACCREDITED LAW SCHOOLS	YEAR FOUNDED	1 ST FEMALE LAW GRAD	1 ST LATINA LAW GRAD	NO. LATINA GRADS	SOURCE MATERIALS
116.	Capital University Law School	1903	1926	1974	1	ADs, CPs
117.	Case Western Reserve University School of Law	1892	1921	None	0	AD
118.	University of Cincinnati College of Law	1833	1891	1975	1	List
119.	Cleveland State University Cleveland-Marshall College of Law	1897	1908	1977	2	AD
120.	University of Dayton School of Law	1922	1926	None	0	List Females
121.	Ohio Northern University Pettitt College of Law	1885	1896	1958	1	AD
122.	Ohio State University Michael E. Moritz College of Law	1891	1879?	1978	2	AD
123.	University of Toledo College of Law	1906	1940	1977	3	ADs

STATE	ACCREDITED LAW SCHOOLS	YEAR FOUNDED	1 ST FEMALE LAW GRAD	1 ST LATINA LAW GRAD	NO. LATINA GRADS	SOURCE MATERIALS
OKLAHOMA					1	
124.	Oklahoma City University	1907	1934	None	0	CPs, ADs, Rs
125.	University of Oklahoma College of Law	1909	1915	1978	1	
126.	University of Tulsa College of Law	1923	1927	None	0	AD
OREGON					1	
127.	Northwestern School of Law	1884	1909	1959	0	List, ADs, BLS
128.	University of Oregon School of Law	1876	1918	1977	1	List
129.	Willamette University College of Law	1883	1898	1979	0	List Females
PENNSYLVANIA					23	
130.	Duquesne University School of Law	1911	1923	None	0	AD
131.	Penn State Dickinson Law	1834	1899	1980	2	List, ADs
132.	University of Pennsylvania Law School	1850	1883	1947	11	ADs

STATE	ACCREDITED LAW SCHOOLS	YEAR FOUNDED	1 ST FEMALE LAW GRAD	1 ST LATINA LAW GRAD	NO. LATINA GRADS	SOURCE MATERIALS
133.	University of Pittsburgh Law School	1895	1916	None	0	BK
134.	Temple University Beasley School of Law	1895	1920	1976	8	List Females
135.	University of Villanova School of Law	1953	1956	1980	2	CPs, Photos
RHODE ISLAND	No ABA Accredited Law Schools				0	
TENNESSEE					1	
136.	University of Memphis Cecil C. Humphreys School of Law	1962	1965	1978	1	Link ???
137.	University of Tennessee College of Law	1890	1914	None	0	ADs
138.	Vanderbilt University Law School	1874	1919	None	0	ADs
TEXAS					116	
139.	Baylor University Sheila & Walter Humphrey Law Center	1849	1937	1976	2	List, CPs
140.	University of Houston Law Center	1947	1952	1966	22	SV: List, AD
141.	South Texas College of Law	1923	1927	1979	2	List, CPs, YBs
142.	Southern Methodist College of Law	1925	1928	1955	11	AD, CPs
143.	St. Mary's University School of Law	1927	1936	1969	13	CPs, BK
144.	Texas Southern Thurgood Marshall School of Law	1934	1951	1976	12	Online sources
145.	Texas Tech University School of Law	1967	1970	1979	3	Partial List
146.	University of Texas – Austin	1883	1918	1955	51	CPs
UTAH					3	
147.	Brigham Young University Law	1971	1976	1980	1	List Females
148.	University of Utah SJ Quinney College of Law	1913	1924	1976	2	CPs
VERMONT					0	
149.	Vermont Law School	1972	1976	None	0	YBs

STATE	ACCREDITED LAW SCHOOLS	YEAR FOUNDED	1 ST FEMALE LAW GRAD	1 ST LATINA LAW GRAD	NO. LATINA GRADS	SOURCE MATERIALS
VIRGINIA					5	
150.	University of Richmond Law School	1870	1933	1980	1	YBs, CAT
151.	University of Virginia School of Law	1819	1923	1977	3	ADs, CPs
152.	Washington and Lee University Law School	1850	1975	None	0	CPs
153.	William and Mary (formerly Marshall-Wythe) School of Law	1779	1937	1978	1	ADs, CPs
WEST VIRGINIA					1	
154.	West Virginia University College of Law	1878	1895	1979	1	List Females
WASHINGTON					5	
155.	Gonzaga University School of Law	1912	1923	1978	1	ADs
156.	Seattle University School of Law	1972	1975	1980	2	List
157.	University of Washington School of Law	1899	1901	1973	2	ADs
WASHINGTON DC					62	
158.	American University Washington College of Law	1896	1899	1905	7	AD
159.	Catholic University of America Columbus School of Law	1898	1938	1951	8	List
160.	University of District of Columbia David A. Clarke School of Law (Antioch)	1972	1975	1975	11	List
161.	Georgetown University Law Center (merged National 1954)	1870	1873	1973	22	AD, BLS
162.	George Washington University Law School	1865	1953	1974	13	ADs
163.	Howard University School of Law	1869	1872	1969	1	List
WISCONSIN					8	
164.	Marquette University Law School	1908	1909	1979	1	BLS, YBs
165.	University of Wisconsin Law School	1868	1885	1967	7	AD, CPs, partial List
WYOMING					2	
166.	University of Wyoming College of Law	1920	1928	1930	2	AD, List

STATE	ACCREDITED LAW SCHOOLS	YEAR FOUNDED	1 ST FEMALE LAW GRAD	1 ST LATINA LAW GRAD	NO. LATINA GRADS	SOURCE MATERIALS
PUERTO RICO					448	
167.	University of Puerto Rico School of Law	1913	1917	1917	448	List, CPs

AD / ADs – Alumni Directory or Directories

AlumLists – On law school websites

ART / Arts – Article or Articles

BLS - Bulletins

BK – Book on History of Law/School

Cat - Catalogues

CPs – Commencement Programs

List – List of Law Graduates

List Females – List of Female Graduates

Ps – Class Photos

Rs – Registries

Rolls – Rolls of Law School Graduates

SV – Site Visit

TR – The Transcript

YBs - Yearbooks

APPENDIX B
LIST OF LAW SCHOOLS NOT INCLUDED IN THE STUDY,
1880-1980

NO.	LAW SCHOOL	STATE	REASON FOR OMISSION	NOTES
1.	Arkansas School of Law (private night school)	Arkansas	Founded 1890 - 1995 closed	Closed/non-ABA accredited; records not accessible
2.	Chapman University School of Law	California	Founded 1995, Outside Study	Outside Study Period
3.	Irvine University Law School	California	Founded 2009	Outside Study Period
4.	Quinnipiac University School of Law	Connecticut	Founded 1999	Outside Study Period
5.	Florida Coastal School of Law	Florida	Founded 1996	Outside Study Period
6.	Barry University Dwayne O. Andreas School of Law	Florida	Founded 1999	Outside Study Period
7.	Florida International University College of Law	Florida	Founded 2000	Outside Study Period
8.	St. Thomas University School of Law	Florida	Founded 1984	Outside Study Period
9.	Atlanta John Marshall Law School	Georgia	Founded 193	Non-ABA accredited
10.	Woodrow Wilson College of Law	Georgia	Founded	Closed, cannot access records
11.	University of Massachusetts Law School (formerly SE Mass & RI Law)	Massachusetts	Founded 1981	Outside Study Period
12.	University of St. Thomas School of Law	Minnesota	Founded 1999	Outside Study Period
13.	University of Nevada-Las Vegas, William S. Boyd School of Law	Nevada	Founded 1998	Outside Study Period
14.	City University of New York (CUNY)	New York	Founded 1983	Outside Study Period
15.	University of Touro Law Center	New York	Founded 1980	1983-1st grad class Outside Study Period
16.	Charlotte School of Law	North Carolina	Founded 2011	Outside Study Period
17.	Elon University School of Law	North Carolina	Founded 2006	Outside Study Period
18.	Charleston School of Law	South Carolina	Founded 2003	Outside Study Period
19.	Drexel University Thomas R. Kline School of Law	Pennsylvania	Founded 2006	Outside Study Period
20.	Inter American University of Puerto Rico School of Law	Puerto Rico	Founded 1961	Non-ABA accredited for most of the Study Period
21.	Roger Williams University School of Law	Rhode Island	Founded 1993	Outside Study Period
22.	Belmont University College of Law	Tennessee	Founded 2011	Outside Study Period

NO.	LAW SCHOOL	STATE	REASON FOR OMISSION	NOTES
23.	Texas A&M University School of Law (formerly Dallas-Ft. Worth & Wesleyan Law)	Texas	Founded 1989	Outside Study Period
24.	Appalachian School of Law	Virginia	Founded 1994	Outside Study Period
25.	George Mason University Antonin Scalia School of Law	Virginia	Founded 7/1/1979	Non-ABA accredited
26.	Liberty University School of Law	Virginia	Founded 2004	Outside Study Period
27.	Regent University	Virginia	Founded 1988	Outside Study Period
28.	International School of Law (merged with George Mason Law, 1979)	Washington, D.C.	Founded 1972	Non-ABA accredited

APPENDIX C

THE LUMINARIAS STUDY

METHODOLOGY, ANCESTRY, BAR STATUS & CAREERS

A. PHASE I, 2016 -2020, DATA COLLECTION: IDENTIFYING AND OBTAINING SOURCES OF INFORMATION FROM LAW SCHOOLS TO IDENTIFY FEMALE LAW GRADUATES AND COMPILE LIST OF POTENTIAL LUMINARIAS

In 2015 during the first year of the *Luminarias Study*, the methodology and instrument to track the 167 law schools in the Study and research progress was devised. For each law school, contact points were identified, starting with the law deans (who, at times, changed during the five-year research period), pertinent staff such as Associate Deans of Law Libraries, archivists, Alumni Directors, law professors and alumni at the law schools and universities whom I determined may be helpful either in collecting the data or influential in convincing the law schools to release the information. The universities necessarily were involved as they issued the earliest four-year law degrees and retained records of these graduates.

Considerable time was spent researching the law schools' first female law graduates by name and year as that was the starting point for the *Luminarias* research. Many of the law schools identified their first African American law graduates, male and female, but not their first Latino, Asian/Pacific Islander or Native American law graduates. This was helpful as they often were identified as the first minority law graduates, providing another valuable earmark.

In February 2016, law school deans initially were contacted in the naïve belief they would be responsive and because they had authority to release the information. The initial letters (1) requested lists of all or female law graduates from the year the first female earned a law degree through 1980; (2) clearly stated the law schools were not expected to compile a list of Latina law graduates as this was work to be undertaken by me from the lists supplied; and (3) cautioned there may be few to no Latina law graduates, stressing this data was vital to the Study. On average, three subsequent contacts were made over six months from initial requests to receipt of information or access to documents.¹ So few

¹ A few law schools never responded. Three law schools took over one year to provide

deans responded,² I defaulted to library and archivist staff, at the law and undergraduate schools. Often, I bounced between both to identify the documents available and ascertain which entity maintained the relevant materials.³

PRIMARY AND SECONDARY SOURCES

Primary Sources. Law school lists were the primary and most accurate sources of information from which female law graduates and *Luminarias* could be identified. See listing of sources below. Of the 167 law schools in the Study, 44 (forty-four) or 26% (twenty six percent) provided lists of their law graduates during the Study Period. Most of the law schools in the Study – 124 law schools (74.4%) – refused to provide lists of law graduates. A handful refused to provide any information or “declined to participate” in the Study. **For very this reason, the data compiled in this Study may not be 100% complete or accurate.** Only a list of all female law graduates from each of the 167 law schools would ensure this result.

In refusing release of the lists of law graduates, law schools cited one or all of the following reasons: (1) did not record race or ethnicity during the Study Period; (2) did not have a list of Latina law graduates and too time consuming to compile; (3) release of the information would violate the Family Educational Rights and Privacy Act (FERPA)⁴; and (4) law school policy prevented release of law school graduates. FERPA was not implicated in the release of this public directory information.⁵ All of

information; one of these schools mistakenly sent an email trail in which the Alumni Director expressed suspicion about my motives and use of the information as a basis for advising the Dean not to provide the data.

² Dean Robert C. Post of Yale Law School (2009-2017) was the exception. Upon receiving my letter, Dean Post promptly phoned and approved access to Yale’s Law Library where I was assisted by Michael Widener.

³ When law schools refused to provide data, made it difficult to access documents or declined to participate in the Study, DU Law Librarian Director Burkhardt obtained the materials through her counterparts, as in the case, e.g. of the University of Alabama, University of Illinois, and Widener Law School, though I was invited to travel to the school and peruse the class photos on the walls. A Latina alumna ultimately obtained the information by accessing an alumni directory and some photos.

⁴ 20 U.S.C. § 1232g; 34 CFR Part 99.

⁵ 34 CFR § 99.31, Schools may disclose, without consent, “directory” information such as a student’s name, address, telephone number, date and place of birth, honors and awards, and dates of attendance.

the law schools in the Study published directory information in numerous, diverse publications such as student directories, yearbooks and/or registries. All law schools published the names of law graduates by years in publicly released commencement programs and alumni directories. Upon explaining why FERPA was not implicated, some of the law schools cited school policy as prohibiting the release of law school graduates or simply refused to provide the lists without additional reason.

Site Visits. Due to limited funding, only 26 (twenty-six) site visits to law schools were completed from 2016-2018. Most of the law schools visited were in cities or states with larger Latino populations, including Phoenix, Arizona; Los Angeles, Sacramento, San Francisco and Oakland, California; Boulder, Colorado; New Haven, Connecticut; Chicago, Illinois; New Orleans, Louisiana; Boston, Massachusetts; Albuquerque, New Mexico; New York City; South Carolina and Houston, Texas. When additional information was needed, for example, in the cases where certain years of law graduates were missing, to additional documents were sent by the law schools or universities or links provided.

Secondary Sources. Secondary sources were essential to identifying female law graduates. These sources included university registries, yearbooks, class photos, student directories, commencement programs, alumni directories, and books on the histories of the schools. Newspaper articles identifying law school graduates and university and law school online alumni websites including magazines, reunion and donor pages also were secondary sources. An extra step was required to identify female law graduates from secondary sources which proved time-consuming, cumbersome and tedious. A preliminary list of potential *Luminarias* could be created.

University and law school commencement programs and alumni directories proved to be the most reliable secondary sources. Half of the law schools or 89 (eighty-nine) provided data digitally, through scanned documents or books on loan, almost all alumni directories. Cross referencing of commencement programs with alumni directories or other sources, e.g., yearbooks or class photos, proved useful as not all law graduates or alumni were listed in one or the other for various reasons, including omission of deceased alumni when directories were updated; alumni who did not attend commencement; and/or failure to capture all alumni or graduates (discerned through cross-referencing). Other minor

issues were the (1) identification of graduates in the wrong year; (2) misspelled names and (3) gender misidentification. Examples:

1. Names misspelled by one letter, an “a” or “o” significantly impacted gender or ethnicity: Sevilla was Seville; Mora was Mara; Malo was Maio;
2. Gender misidentification occurred with first names: Emilia was Emilio; Vivian was Viviano, Dominga was Domingo and Gustava was Gustavo, etc.
3. Names commonly given to females today, previously were male names or still may be male names. For example: Alba was *Lorenzo* Alba; Allison, Ariel, multiple instances of males named Carmen and Guadalupe; Gail, Leslie, Merle, Rosario and Socorro.

During the verification process, gender was confirmed resulting in the identification of 80 males who were excluded from the list of potential *Luminarias*.

FACTORS USED TO IDENTIFY FEMALE LAW GRADUATES AS POTENTIAL *LUMINARIAS*

In this Study, like Professor Cruz Reynoso’s 2005 Study, Spanish names were the primary identifier in determining who may be of Latino heritage:

1. Spanish surnames. This process was exercised most liberally, capturing surnames ultimately verified as other ethnicities such as Filipino, Italian, Portuguese, French or other European ancestry.⁶ Examples of those with Spanish surnames who were not Latina:
 - Maria Madre, African American, 1897 Howard University
 - Sister Rose de Lima was born Margaret Gibbons, 1909 Brooklyn
 - Clarissa L’opez Acosta was born Clarissa Pritchard, 1914 Albany
 - Evelyn Q. Gonzales was born Evelyn Quinlan, 1929 Fordham

⁶ Marion Borros, 1922 Fordham, of Danish-Swedish descent, is one example of mistaken Spanish surname and Hispanic identity. The Florida Women’s Bar Association, whose research involved 86 attorneys, identified Marion as Latina in their list of the first Florida women attorneys, *see* <https://www-media.floridabar.org/uploads/2017/04/150womenbook-all.pdf>. Upon comparing notes and research, we agreed Marion was not Latina. They were most gracious.

- Adah H. Aragon was born Adah Horta Roberts, 1961 UCLA Law
 - Margaret A.O. Correo was born Margaret Aline O'Meara, 1966 Loyola Law
 - Carole H. Aragon was born Carole Helfert, 1975 Southwestern Law
2. Spanish first names, with non-Spanish surnames. Spanish first names with non-Spanish surnames were included in the list of potential *Luminarias*; some who were Latina, such as the following:
- Maria O. Stephenson, 1975 Houston Law
 - Isabel Curdumi, who was Isabel Louisa Rodriguez, 1975 Tulane Law
 - Lourdes Gillespie Baird, 1976 UCLA Law
 - Rosita Maria Creamer, 1977 Connecticut University Law
 - Marielsa Bernard, 1980 Catholic University Law.

There were other instances where those with Spanish first or middle names were not Latina: Consuelo Virginia Kruff, 1919 Kansas; Consuelo Lorita Hanna, 1921 Iowa; Alma Maria Myers, 1921 UC Hastings.

3. No Spanish names but identified as Latina through prior searches or known as Latina in the Latino attorney community.

Identifying this group of attorneys required having some familiarity with the Latino legal community, for example, Jeannette Hausler (LL.B. 1950 University of Miami), Gayle Nin Rosenkrantz (1964 University of San Francisco) and Rosemary Barkett (JD 1970 University of Miami) are well known within their respective Latino legal communities. Others, such as Rosalind Goodrich Bates (JD 1929 Southwestern Law) and Dorothy Comstock Riley (1949 Wayne State University) were less well known.

B. PHASE II, 2019-2021: VERIFYING LATINA ANCESTRY

Ancestry searches were completed on the potential *Luminarias* identified in Phase I of the research. U.S. Census Bureau documents, state records and other institutional archived materials were used to verify ethnicity and race. These records provided invaluable information, including basic demographic data, ancestry, residences, and major life events from birth to death. They served as cross-references on multiple

fronts and throughout the searches, ensuring the person researched was the same individual in the documents reviewed. It was not, however, as easy as this paragraph suggests, including for the reason cited earlier, that most *Luminarias* were identified as white.

One of the more common issues was numerous individuals with the same name (middle initials constituted the difference where one existed) with different birth years, cities and states, requiring calculations of age that was not always determinative as some *Luminarias* attended law school earlier or later in life. In a few instances, these searches did not produce the desired research result, requiring searches of other types of information.

The U.S. Federal Census data from the late 1800's to the 1950's (very recently published) was most relevant to the Study.⁷ The decennial census directly relevant to *Luminarias* would be 1880 at the earliest and 1950, the latest. The assumption used was that *Luminarias* attended university/law school in their 20's and usually proved accurate. Accordingly, *Luminarias* who graduated in the first part of the 20th century were born in the late 19th century, 1880 forward and so on. *Luminarias* who graduated in 1980, the last year of the Study, were born in most cases between 1953-1957 at the latest. Searches began with the decennial census closest to the *Luminarias* birth year, employing these same assumptions, and included the city where law school was attended or city of practice (taken from most recent address listed in bar licensure documents). Typically, the use of other filters such as parents' or spouses' names or events such as marriages, divorces or deaths yielded no more information and almost always produced the same/number of records of interest.⁸

In decennial documents closest to their birthdates, the potential *Luminarias* were very young children, 0-9 years of age.⁹ These decennial records contain more information about the women's families rather than the *Luminarias* as young girls but were highly useful as they

⁷ The 1950 decennial census was released April 1, 2022, <https://www.archives.gov/research/census/1950>. Decennial census records on population and housing are confidential for 72 years to protect one's privacy, *see* https://www.census.gov/history/www/genealogy/decennial_census_records/census_records_2.html.

⁸ Records of interest includes a diverse set of documents including birth, marriage, death, public addresses, obituaries and other records listed in this section.

⁹ There were fewer instances where a potential *Luminaria* was listed on a decennial census at older ages. Typically, these were women born in the late 19th - early 20th centuries who tended to live at home longer

verified the surnames of the head of household, usually fathers and, therefore, the maiden names of the potential *Luminaria*. Other information listed was siblings, ages, languages spoken, and occupations again, typically of the fathers; mothers, only if employed but usually listed as “housemaker.” The surnames of the mothers were not listed, requiring additional searches of the decennial census closest to their birth years to track surnames and the maternal lineage.¹⁰ This same process was used to track paternal ancestry.

In most cases, these searches led to other census records that contained the mothers’ maiden names. Consequently, the decennial census enabled searches of the paternal and maternal grandparents. If found, these older archives listed the grandparents’ birth countries of origin and native languages. In the cases where a Latina was classified as white, these older archives affirmatively supplied accurate data on race and ethnicity.

Documents relating to major life events such as births, marriages and divorces were useful as they provided birthplaces, including countries or places of origin as, for example, Cuba, the Dominican Republic, Mexico, Philippines, Mexico, etc. and/or birth cities that, at times, tracked the home cities listed in commencement programs. School yearbooks and photos listed years of attendance at a particular school, enabling estimates of age in relation to graduation year from university and/or law school. Marriage and divorce records listed valuable maiden names, spouses/last names, and parents’ names. U.S. phone and address listing provided cities lived that hinted to states of bar admission and at times, cross-referenced addresses contained on bar licensure documents.

Luminarias who were Cuban born and emigrated to the U.S. in the 1950s and 1960s were the best documented group of Latinas. U.S. immigration documents were valuable in providing country of origin, race and ethnicity, U.S. addresses and dates of naturalization.

The U.S. Obituary Indexes and Collection were tremendously useful as they often contained the names of parents or grandparents, race, spouses, university and law schools attended and other, significant professional milestones.

¹⁰ Not in each instance, but when parents or grandparents are searched, other relevant census records of interest will appear and a search often provides valuable ancestry information; at other times, it’s akin to following *Alice* down the rabbit hole.

C. PHASE III, 2021-2022: CONFIRMING BAR STATUS AND TRACKING CAREER PATHS

Throughout the verification process, there were inherent points of cross-referencing which served to validate the research completed during Phase I, starting with bar licensure searches. Searches of state bar admission was the first search undertaken to establish whether the 1,348 *Luminarias* were licensed. A licensure search served the purposes of (1) confirming whether the bar had been taken and passed; (2) ascertaining licensure status; and (3) obtaining reasonably dependable current information, such as employer, contact information and law school. Where applicable, some state licensing bodies report if a person is deceased. The State Bars of California and Texas, for example, lists the law school attended, serving as a cross-reference check that the names obtained from the law schools were accurate.

Applying the premise that most attorneys take the bar in the state where they attended law school, the state where *Luminarias* graduated law school was the initial licensure search undertaken. The names used at graduation were the names first searched. In 90% of the cases, this theory proved reliable. A potential *Luminaria* may not be found in an initial state bar search for two reasons: one, marriage or divorce resulting in a change of the last name and two, the *Luminaria* either did not take or pass that state bar. Discontinued use of the Spanish surname was a hint that the potential *Luminaria* may not be Latina, but this was not always conclusive. There were 199 *Luminarias* who were either not admitted or lost. Approximately 1/4 of these *Luminarias* were found, providing valuable employment information; however, with almost all, I could not confirm whether they took a bar exam and did not pass or never sat for a state bar.

Where the initial bar licensure search did not result in finding a potential *Luminaria*, persistence, coupled with creative google searches, eventually resulted in finding some under a different name, typically due to (re)marriage. Real estate or yellow pages websites were the most useful in locating these women attorneys as aliases routinely are listed. Once found, a licensure search was completed and confirmed in the state of the real estate / yellow pages listing. These searches were difficult and time consuming but interesting as the search itself was comparable to traversing a maze, making the find very rewarding. Examples:

- Carmen Otero became Sharon Weatherall who reclaimed Carmen Otero
- Lola Cole Hale was born Lola Miranda
- Caridad P. Matthews was Caridad Piniero
- Irene J. Punecky was born Irene J. Barrios
- Evangeline Vavrick was born Evangeline Molero
- Bertha Kreizinger was born Bertha Carlos
- Jeanne Mora Browning is Jeanne Mary Rose Browning
- Ruth Flores is Ruth Dorann Wood
- Margaret Ugarte is Margaret McGowen
- Jacqueline Lucero is Jacqueline Music Lucero
- Kate G. Gonzales is Kate Guinn Gonzales

Any mistakes or errors made in the identification of the *Luminarias* as Latina are completely mine alone. As previously indicated, there may well be other *Luminarias* not included in this Study and it sincerely my hope that I am made aware of their existence and experiences.

PROCESS AND SOURCES USED TO VERIFY CAREER PATHS

Internet searches yielded the most information about a *Luminaria's* career path, especially for those who graduated in the 1970s and 1980. The initial search process was uncomplicated for those licensed 1970-1980; simply entering names generated relevant links or information.

The internet sites providing the most information were: LinkedIn; law firm and lawyer related sites that uniformly listed law school (used to cross-reference with law school lists), states of licensure, bar and community involvement (identifying links to Latino organization/communities); and university/law school websites, often containing Curriculum Vitae (CVs) linked to faculty pages, as well as job changes/employers, honors, retirements and deaths in alumni news/notes. Government/related sites contained payroll information, minutes of legislative or agency meetings and work-related documents and correspondence from which appointments, job titles and years of service could be obtained. Congressional records documented the highest-level federal service such as PAS; similarly state and local documents served the same purpose. Ballotpedia was useful to identify judges and years of judicial service. A small percentage of *Luminarias* sent resumes.

Newspaper articles were very useful, including obituaries. Beyond providing information about spouses (married vs. maiden names), parents (surnames and maiden names) and ancestry, obituaries contained

schools attended and career highlights. Newspaper articles covered most life activities.

The more interesting searches were of greater difficulty and involved those who earned law degrees from 1910-1960. Typically, these were *Luminarias* who either did not take or pass a bar test, resulting in no licensure information. Simply, there was less to no internet information about these earliest law graduates and, therefore, I was unable to complete thorough list of their positions. For those whom I found, interestingly, I was able to identify some positions held through the decennial census which provided occupations for those *Luminarias*.

For those licensed *Luminarias* who were initially difficult to find, creativity and more expansive searches were required, including by entering to a name, law schools, cities, state, spouses, siblings, or children. An unexpected source of information was real estate links and others such as Yellow Pages or World Encyclopedia Prabook. Real estate links were especially helpful as they provided cities of residence, alias/names previously used, and names of others living in the same household. More than once, a *Luminaria* was found by entering a spouse, sibling or child's name. Former residences, cities and states were used for additional searches in, e.g., Ancestry.com that usually produced relevant entries of interest. These searches were time consuming, taking hours to days to complete. Persistence was the key to finding and tracking career paths.

It is important to note that at least 2/3rds of the *Luminarias* held more than one or multiple positions during their careers. This Study substantially reported those jobs or appointments, but it was not possible to list each job held by every *Luminaria*.

SOURCES USED TO CONFIRM GENDER, RACE AND ETHNICITY

1. U.S. Federal Census Data, Decennial Census documents, 1880-1950
2. U.S. Public Record Index listing parents' names
3. U.S. Birth / Christening Index, Birth Ledgers and birth certificates
4. School publications (used for cross-validation) including yearbooks that provided years of attendance at a particular

- school, enabling estimates of age in relation to graduation year from university and/or law school.
5. U.S. World War II Draft Cards provided names of closest relatives.
 6. U.S. Marriage Indexes, State and County Marriage Records, State Department of Health Records provided valuable maiden names, spouses/last names and parents' names.
 7. U.S. Divorce Index and Records, similarly, provided valuable married names.
 8. U.S. Phone and Address Directories: listed cities lived that, in some instances, tracked states of bar admission and at times, cross-referenced addresses contained on bar licensure documents, verifying the person from law schools lists/documents was the same person researched.
 9. U.S. Naturalization Index, Immigration-related Documents
 - a. Petitions for Naturalization
 - b. Naturalization Certificate
 - c. U.S. Arriving Passenger and Crew Lists, Manifests
 10. U.S. Social Security Applications and Claims Indexes
 11. U.S. Obituary Index, Obituary Collection, U.S. Cemetery and Funeral Home Collection:
 - a. Funeral Home on-line sites
 - b. Newspaper obituaries and death certificates
 - c. Find a Grave Index, highly useful as indexes identify parents, paternal and maternal grandparents
 - d. Legacy.com
 12. Wikitree and Wikipedia
 13. Personal heritage sites used by *Luminarias* to document their ancestry
 14. Radaris.com
 15. Spokeo.com

APPENDIX D
STATE LICENSURE OF LUMINARIAS, 1880–1980
TOTAL BY STATE | FIRST WOMEN | FIRST LATINA ATTORNEYS

State – Number of Luminarias Licensed	Year 1 st Female Licensed	Year 1 st Latina Licensed	Year Differential
Alabama – 0	1908	19931	85 years
Alaska – 4	1908	1977	69 years
Arizona – 22	1892	1940	48 years
Arkansas – 0	1918	1989	71 years
California – 251	1878	1929	51 years
Colorado – 30	1891	1970	79 years
Connecticut – 8	1882	1975	93 years
North Dakota – 0	1925	1996	71 years
South Dakota – 0	1897	1994	97 years
Delaware – 0	1923	1973	50 years
Florida – 95	1898	1932	34 years
Georgia – 5	1916	1978	62 years
Hawai'i – 4	1953	1976	23 years
Idaho – 2	1895	1976	81 years
Illinois – 25	1873	1969	96 years
Indiana – 6	1875	1977	102 years
Iowa – 6	1869	1976	107 years
Kansas – 3	1881	1976	95 years
Kentucky – 1	1895	1978	83 years
Louisiana – 15	1897	1922	25 years
Maine – 0	1872	1985	113 years
Maryland – 9	1902	1977	75 years
Massachusetts – 12	1882	1978	96 years
Michigan – 17	1871	1950	79 years
Minnesota – 6	1878	1977	99 years
Mississippi – 0	1916	2000	84 years
Missouri – 5	1870	1978	108 years
Montana – 2	1888	1979	91 years
Nebraska – 1	1882	1976	94 years

¹ Licensure in years beyond the Study Period of 1980 was identified in prior research, e.g., Dolores S. Atencio, *Las Primeras Abogadas Un Legado, Saluting Hispanic Women Lawyers in the 50 States* (2014).

State – Number of Luminarias Licensed	Year 1 st Female Licensed	Year 1 st Latina Licensed	Year Differential
Nevada – 1	1893	1978	85 years
New Hampshire – 0	1917	2010	93 years
New Jersey – 33	1895	1974	79 years
New Mexico – 22	1892	1972	80 years
New York – 85	1886	1961	75 years
North Carolina – 1	1913	1980	67 years
South Carolina – 0	1918	1988	70 years
Ohio – 8	1873	1978	105 years
Oklahoma – 0	1893	1994	101 years
Oregon – 3	1886	1960	74 years
Pennsylvania – 27	1885	1976	91 years
Rhode Island – 1	1925	1979	54 years
Tennessee – 1	1897	1978	81 years
Texas – 124	1910	1955	45 years
Utah – 2	1872	1977	105 years
Vermont – 2	1902	1974	72 years
Virginia – 3	1879	1977	98 years
West Virginia – 2	1895	1979	84 years
Washington – 8	1885	1978	93 years
Wisconsin – 7	1874	1979	105 years
Wyoming – 2	1914	1930	16 years
Washington D.C. - 36	1872	1951	79 years
Puerto Rico – 333	1917	1917	0 years
Total: 1,230			