

**ORAL HISTORY OF
HONORABLE JOYCE HENS GREEN**

Second Interview – September 16, 1999

MS. PORTER: We are resuming the interview with Judge Joyce Hens Green. We started on September 1. It's now September 16, 1999.

JUDGE GREEN: I must say, Jenny, you have picked some day to conduct this interview, because this is the second worst hurricane we have ever encountered in the history of keeping records, Hurricane Floyd, which is battering our area as I speak. And, of course, three years ago we had the blizzard of the century upon us and I'm sure we did something amazing that day also. But at least we are diligent and finally, finally moving on our mission here.

MS. PORTER: That's true. We are trying to overcome our failures today, I guess. When we concluded on September 1st, you had just started at law school in Baltimore and you decided that you weren't going to live alone in your second floor walk-up. How did you find yourself a roommate?

JUDGE GREEN: By posting notices in each of the professional schools of the University of Maryland, all of which were located in Baltimore, and I received a response from a third year student, then Dorris Pencheff, now Dorris Harris, a third year medical student interested in sharing my modest \$54 a month furnished efficiency. And so we shared forces, which included dividing the rent right down the middle. She remains one of my best friends today and we share our children's experiences now as well as travel together often.

MS. PORTER: Was this apartment within walking distance of the law school,

or did you have to have transportation as well?

JUDGE GREEN: It wasn't within walking distance. I was fortunate to have a fellow law student who wanted to come by and pick me up every day to take me to school. I accepted with enthusiasm and Dorris took public transportation.

MS. PORTER: Well, you started law school with the first year subjects, the same way as we do today?

JUDGE GREEN: The same basic subjects that we do today, but all were together in the same room – it was a sizeable auditorium – for each of our classes the first year. There were no electives, so it was an intense, regimented time. I loved the law immediately and realized it was what I had been searching for a long time; I was being fulfilled very rapidly.

MS. PORTER: How many people in your class?

JUDGE GREEN: It's difficult to remember, I struggle to do so. I think there were about 120 in our class, that's my memory at this time, and of the 120 there were three women, including me.

MS. PORTER: Were you divided up into sections? Not the women, I mean the class.

JUDGE GREEN: No, not divided into sections. We were divided alphabetically, so whoever's name would alphabetically adjoin my maiden name, Hens, was someone that I would join forces with in discussing the law.

MS. PORTER: This wasn't 120 people in one class – when you went to contracts were there 120 people in the class?

JUDGE GREEN: Yes.

MS. PORTER: That sounds intimate, doesn't it?

JUDGE GREEN: (laughter)

MS. PORTER: So you took to law school like a duck to water. What other sort of things happened in the first year?

JUDGE GREEN: Well, within two weeks of starting law school I came down with a serious, but unknown, central nervous system ailment at the time. I was suddenly partially paralyzed, after having, most unusually, felt odd and tired for days. I left for home immediately, was hospitalized, and shortly thereafter diagnosed with atypical polio. In those days the only real solution was the iron lung. The Salk vaccine was not yet in use. I was filled with all sorts of medications, including penicillin, and treated to several spinal taps. I was paralyzed from the waist down and fed intravenously. I was not placed in an iron lung, but the possibility loomed. I was 20 years old, my family was terrified, I was equally so. I was most concerned that having been such a short period of time in law school and having heard of the rigors of professional school, that to be out for the three weeks that I was, they might not take me back. But to the contrary, my professors were wonderful and had saved their notes for me and the students had saved their notes for me as well. Everybody helped enormously, and, miracle of miracles, I had absolutely no vestige of that illness after I returned to school. I was one of those very, very fortunate people who survived polio without any lasting problems.

MS. PORTER: And how long were you out?

JUDGE GREEN: I was in G.W. University Hospital for two weeks, told not to go back to school for the third week, and then the doctor would see me; but because of the concern I just mentioned, I stealthily returned to Baltimore and law school immediately after discharge,

later going to my neurologist for my appointment, whereupon I confessed and he banished me from his office, but forgave after a few moments, expressing his amazement at the rapidity of my bounce back to health.

MS. PORTER: You said you were paralyzed from the waist down. Did you have therapy for that or did it come back?

JUDGE GREEN: It came back to normal. They tried all sorts of things. Because my dad was a well respected, beloved doctor, and because I was such an oddity, people came from NIH and elsewhere to examine me, to use whatever experimental matters that they had. They were focused on stopping the process, and bit by bit everything came back and I didn't have to continue any particular physical therapy. I was given a little bit of therapy, but none after I left the hospital.

MS. PORTER: Was this a time when there was an epidemic of polio?

JUDGE GREEN: Yes, there was an epidemic of polio. I wasn't aware of it at the time. The doctors told me of the danger I was in. I just knew something very serious had happened and was confident the doctors would find out whatever it was, but whatever it was it was acutely serious and needed immediate attention.

MS. PORTER: So you went back and finished up the first year. Now I, in my knowledge of you, Joyce, you graduated from G.W. Can you explain this transformation to us?

JUDGE GREEN: Maryland Law School did not have a summer school session at that time. I've always been in a hurry and thought it would be a plus if I could save half a year by going to a school that had a summer school session. We lived in the area of Washington, D.C., so it was appropriate to go to G.W. Also, G.W. had a couple of courses that I was interested in

taking that Maryland, at least at that point, was not providing to a law student who had just had one year. So I applied to G.W. G.W. took me as a special student because they, and I, expected me to return to Maryland. The dean of the G.W. Law School, Dean Oswald Colclough, called me aside early on and suggested that I remain at G.W. Law School, that he was very pleased with my performance, and if I went through the following summer, as eventually I did, I could actually graduate from law school in two years, rather than in the normal three, or two and a half had I just used my acceleration of that 1950 summer. And so, by going through double summer sessions for two summers, I did graduate from law school in less than two years.

MS. PORTER: This is giving me the impression, Joyce, that you are fairly driven.

JUDGE GREEN: In a hurry, only in a hurry. That kind of driven.

MS. PORTER: When you were in law school, were there courses in particular that interested you?

JUDGE GREEN: I was interested in evidence, in criminal law, in antitrust, and in constitutional law. I enjoyed other subjects almost equally well. There was a rare subject, negotiable instruments, that was not my favorite subject, but interestingly enough, my professor, Professor Orentlicher, was a remarkably wonderful person whose doctor son, many years later, became one of my interns on the federal court.

MS. PORTER: What electives did you take?

JUDGE GREEN: You are putting me to memory task – what electives did I take? I took trusts, taxation, philosophy of the law, literature in the law, creditors rights, conflicts of law, and others.

(TAPE 2 B)

MS. PORTER: This is a continuation of the interview being conducted on behalf of the Oral History Project of the District of Columbia Circuit on September 16, 1999. Joyce, you were saying you finished law school in two years. That's pretty quick.

JUDGE GREEN: It is quick. And as I indicated, at the suggestion of the dean of the law school, I did go through the two double summer sessions. I completed law school in May 1951, with the necessary credits for graduation.

MS. PORTER: That's what, 18 months after starting?

JUDGE GREEN: Well, I started in September of '49, so if I do the calculations, about 20 months. At that point I had asked and received special permission to take the bar early, before graduation, in June 1951, because I had completed the necessary credits for graduation and because my mother was dying then of cancer. I hoped that I would have some good news for her about my profession before she passed away. G.W. has graduation ceremonies three times yearly, around or on important holidays: George Washington's Birthday, Memorial Day, and Veterans Day. I wanted to graduate at the November ceremony, since the bar results would be announced by August or September. But, although I was then awaiting the results of the bar, G.W. said no, not so quickly. I had gone so fast through law school, in 5 1/2 semesters, and G.W.'s regulations required six semesters, so I still had half a semester to go. All I had to do was to pay the tuition, take a course that I hadn't taken before, it made no difference if I attended the class or passed or failed the course, as long as the tuition was paid, so that is what I did. I took a course that my memory tells me was called something like alternative remedies. I passed, but it was forgettable. I just recalled another elective taken – a writing course. Today people are taught to

write in law school and have such special courses, but in my day that was not considered as important, or even an important element of the law school curriculum. It was assumed this was picked up afterwards, appropriate to whatever you were going to do in the profession.

MS. PORTER: It's hard to imagine that you would have had time to do any extracurricular activities, but I feel I should ask because I'm sure that you've got some tucked away there.

JUDGE GREEN: There were two main ones. I was the manager/secretary of the G.W. Law Review, for which I was paid \$75 a month, in those days a very handsome sum of money, and I was responsible to see that the others who were on the law review, as I, performed each of the tasks that they were supposed to do and assured that whatever mailings had to go out were accomplished. So, it was a multifaceted job, wonderful because of my academic standing, not only had I been elected to be on the law review, I was the only one who got paid for my services there. The other matter that I did and spent a great deal of time doing was trying to find positions for people who were going to graduate from law school. We did not have a career development office then, nor any administration office that found positions for law students. This was volunteer work done by law students. So I was appointed to this committee and became the chair of it. It was a delight to contact law firms to ascertain interest in interviewing any of our students, posting those notices on the boards, advising the students of what was available or what could become available, matching one interest to the other.

MS. PORTER: Did this give you an insight into what you were interested in doing with the opportunities?

JUDGE GREEN: It gave me the opportunities. I didn't take advantage of the

opportunities, but there was one tantalizing job that I will always remember. I was not disinterested, but did not apply, although many actively pursued it. That was a job in Alaska for \$5,000 a year. Bread in that state costs one dollar. You have to understand that in those days bread might have cost 15 to 25 cents here in the continental United States. One of the students did take that position.

MS. PORTER: Did G.W. at that time have clinics as part of its curriculum?

JUDGE GREEN: No, what a disappointment. It did not have any clinics. It was something that I thought then it should have had. Today it does have a number of substantial clinics that do really excellent work. I think it's a superb way for a young person to learn what public service is about, to try and start honing the ethics and academics of their education, and at the same time help people who need these services. What we did in my student time was to go to the courts, the local courts of Washington, and the federal court (then a combination local/federal court) and just sit and listen to whatever was going on, and when you had enough, to walk to another courtroom and listen to what was going on in that courtroom. The fact is, fellow students and I didn't know whether the matters illuminated were correctly done or decided, but it was helpful to get this sense of it, the atmosphere. Once again, the experience helped push me in a direction that I eventually became a litigator.

MS. PORTER: You mentioned when you started at Baltimore that there were three women in your class. How many women were there in your G.W. classes?

JUDGE GREEN: At the top, meaning at the highest number of women, there were six in the entire day and night school at G.W., during the very brief time I was there. Remember I was a day student there approximately a year, a little bit over a year, from one

summer to the end of the next summer, so during that racing through law school, those are the numbers that I was advised were present at the school. Several were women I met when I joined a professional sorority, Kappa Beta Phi.

MS. PORTER: Let me tax your memory. Do you remember who the three women were in Maryland?

JUDGE GREEN: The other two were May Green, who, a number of years after she married, became a public defender in Baltimore, and there was Elsbeth Levy, who became Elsbeth Levy Bothe in subsequent years, and she was a practitioner, also a public defender, member of the Maryland Constitutional Reform Committee, and then, subsequently, a renowned judge of Baltimore City, where she served for many years until her recent retirement.

MS. PORTER: And after your first year experience did you remain friends?

JUDGE GREEN: Oh, we have remained good friends. I have seen May Green only briefly through the years, but not nearly with the frequency that I have seen Judge Bothe. You will recall that the judge sat directly behind me with the alphabetization in the class: her surname began with "L" in those days and mine with "H," so we would constantly talk to each other.

MS. PORTER: How about G.W.? Did you share classes with any women or were the six spread out through other classes?

JUDGE GREEN: I did. The ones I remember most particularly were Catherine Kelly, who subsequently became a judge at the D.C. Court of Appeals, with a sterling reputation, Jeanne Dobres, who became one of the chiefs of Internal Revenue, Kitty Frank, who went into practice in the State of Maryland, and Frances Nunn, who practiced briefly, among others.

MS. PORTER: There were so few of you, did you have a sense of camaraderie or did you stick together?

JUDGE GREEN: We did stick together to a great extent. We shared class experiences, subsequently other experiences in taking the bar examination, which immediately followed the May graduation ceremony for the other students, and before I graduated. I took my bar examination before I graduated from law school, and subsequently was admitted to the bar one day before I formally graduated from law school.

MS. PORTER: Joyce, with so few women in law school you must all have stood out rather like sore thumbs.

JUDGE GREEN: Well I hope that we weren't sore thumbs, but we certainly stood out.

MS. PORTER: How did the professors deal with that? I know that when I was in law school some professors made a special point of calling on women more frequently or for particular issues. There were so few of you in the class, did you have any experiences like that?

JUDGE GREEN: I did. When women of my generation talk about their times in professional schools and in law schools different from the ones I attended, their recitation is so very similar to mine. There was a professor at Maryland who always called upon one of the women in class to recite page 100 of the criminal law book. Page 100 dealt with a particularly salacious situation involving a rapist, graphic detail about that person's activities and the defense that he raised; I knew before I went to the first class in law school that when page 100 was reached, one of the three of us would be chosen to stand and recite. And if she was able to get through that session without fainting, without blushing or stammering, without embarrassing

herself, that professor would never call upon her again. That's exactly what happened. Guess who was the chosen one my year? I managed to get through it without doing anything horrible and I was thereafter ignored by our learned professor for the rest of the course. In G.W. I had a professor who called upon me every day to stand and recite/analyze daily, he did not call on any male students daily. I had this professor for a variety of courses, including trusts and estates, among others. There was a time I was running for a class officer position (the entire slate lost) and he came up and said he assumed I wouldn't be prepared for the next several weeks because I would be engaged otherwise. When I told him, truthfully, I was prepared for the next several weeks, that was the only time he didn't call upon me daily. Just about three weeks ago, I received a letter from him. He has written to me periodically through the years about my professional career. He had just read a rather lengthy and complicated decision of mine that was profiled in the newspapers and he wrote me this long letter to tell me how he had always been so very proud of me from the earliest date. That is enormously heartwarming to me after all these years, but he certainly did not share those thoughts at the time.

MS. PORTER: Probably figures he trained you well, Joyce. How about your fellow students? I recall a conversation with one of your law clerks and she was recalling her experience in law school and various times her male colleagues gave their view that she was taking a seat that should have been occupied by a male.

JUDGE GREEN: Happily enough, my fellow students were as completely accepting of me as they were of their male counterparts. They reflected no difference or distinction, certainly no discrimination. I had a really great time in law school, in both of the law schools, and that contributed to my love of the law and the desire to learn more and more. I

relished my time in law school. I know that other people have had unfortunate experiences, but I was not among that group.

MS. PORTER: You've talked about your doing the bar exam and graduating quickly from law school. What happened next?

JUDGE GREEN: I hung out my shingle in early December, after being admitted to the bar. For the first couple of months afterwards, though, I was needed at home to help care for my mother, and after her death, to care for her last matters. So I started from home a very small private practice. Private it was, much of the time. My mother died in January. Shortly thereafter, I got an office; did all of my own secretarial work, did all of my messenger work, used an answering service, and didn't have a carpet for the first few months. Initially I shared this office and services with another lawyer. Later I was on my own. I was fortunate enough to be sufficiently successful (although still partially subsidized by my family) to afford a half carpet, and then a full carpet, and then a part-time secretary, and then a full-time secretary. A few years later I joined forces with one of the most esteemed and admired female practitioners in Washington at that time.

MS. PORTER: Who was?

JUDGE GREEN: June Green. She is my colleague now on the federal court; at that time she was the premier female litigator in both Maryland and in the District of Columbia, absolutely respected. She asked me to share office space with her. I did, and we became "sisters," and the very best of friends

MS. PORTER: What was the decision process in which you just decided to hang out your own shingle? This is a tough way to make a living.

JUDGE GREEN: It is a tough way to make a living and, again, you have to relate to the period of time in which this was happening. Had I my druthers, I would have been an assistant United States attorney. I knew that there was remarkable training. You were taught how to be a litigator and it was an area that fascinated me – the criminal law – and of course, the office also did extensive civil law for the government. I thought that this would be a wonderful career of public service and learning at the same time. That was not to be. There were no women invited to become assistant United States attorneys. My second choice was to be a law clerk, but I had no idea how one went about securing such a position. I had read in the newspaper about a former governor of the State of Minnesota, Luther Youngdahl, who had just been appointed to be a federal district judge in Washington. It struck me that he would need a law clerk, so I made an application. Of course, I did not know that he had never granted an interview to a woman, much less hired one. But, wonder of wonders, he granted me an interview and told me that he never had hired, nor would he ever hire, a woman lawyer. He candidly said he just wanted to see this unusual creature. When I became a federal judge, decades later, I inherited his chambers, in which I am today.

MS. PORTER: That seems to be satisfying revenge.

JUDGE GREEN: Oh, it's not revenge, it's fate. I think things generally work out for the best. Perhaps what happened here demonstrates that. A very short time after I hung out my shingle I was asked by a friend of mine, who had secured a summer position, if I would take that position for her since she was about to have a baby. I agreed I would take this three-week summer position, part-time, with a large law firm.

MS. PORTER: What sort of work were you doing with a large law firm?

JUDGE GREEN: Two of us would go over prior records, since this case had been twice to the Supreme Court of the United States. We were reading all of the transcripts, all of the prior pleadings and depositions, in order to make another try. It involved all of the railroads in America versus all of the trucking associations in America. We represented the then second largest trucking corporation, Riss Corporation, and the issue was which group (trucks or railroads) was the appropriate/safest to carry explosives.

MS. PORTER: Do you recall what the law firm was?

JUDGE GREEN: This was the predecessor of the present law firm that bears some of the same names of the partners. In my day it was called Berge, Fox, Arent and Layne. I worked directly with Alvis Layne and his associate, Charles Ephraim.

MS. PORTER: And its current day incarnation is Arent, Fox?

JUDGE GREEN: Exactly.

MS. PORTER: How long were you working on this case?

JUDGE GREEN: Well, the three-week, half-day job became 20 hours a day, literally, every day for four months, at which time I was asked if I would become their first woman associate – an enormous compliment. I said no because I had that law practice. I laugh now because the practice was so small then, and I wonder what would have happened had I become an associate there. But, through the years, a good friendship was retained with some members; I absolutely relish that brief time. Lots of fun things happened, enormous growth occurred, and Earl Kintner, senior partner of the firm, antitrust expert and the former chairman of the Federal Trade Commission, at the time I was invested in the federal district court, was the first in the ceremonial courtroom more than one hour before the ceremony took place, so that he could

exercise his pride in that youngster of long ago now becoming a federal judge.

MS. PORTER: What happened with that case?

JUDGE GREEN: What happened with the Riss case? I don't know. (laughter)
Isn't that terrible. I don't know. (laughter) It took years and years for these cases to fully develop, and at that point I was off doing other things, but probably should have followed through.

MS. PORTER: So after four months you're now back to dusting off your shingle again.

JUDGE GREEN: Right, and doing my domestic relations practice as well as personal injury litigation, civil practice, estate work, probate work, those areas in which I concentrated the most. I took court appointments; the system learned of my availability, and once you were found to take a court appointment you are asked constantly to take like cases. As example, I was appointed to represent a defendant who had stolen 12 cars in a short period of time, including a deceased judge's, and then claimed that he had been brutalized by the police. We developed that case, actually, with the F.B.I. working on it also. We weren't able to prove he had been brutalized. While we believed this man, the actions could not be proved, despite physical signs supporting the allegations of being hit with a large telephone book. The judge's sentence was compassionate and understanding, that this defendant, with low I.Q. and illiteracy, had spent most of his adult years in prison and actually wanted to go back to prison again. He had security there, he only longed to be taught a trade and to read and write. He kept in touch with me through many years, as he floated in and out of prisons.

MS. PORTER: You basically were taking anything that came across your doorstep.

JUDGE GREEN: Exactly. Another example of a "good" court appointment would be a person committed to St. Elizabeth's Hospital (a hospital for mentally ill persons and for criminal defendants who had, by reason of insanity, been placed there). Such a defendant was entitled to a hearing each six months, to ask for freedom. A bit disconcerting that as you argued for his release, the defendant would shout at the judge that he heard sounds coming from the air conditioning vents and the judge should stop the noise. The judge did not release him and the decision was not appealed.

MS. PORTER: One of the issues I suppose is of interest to every lawyer is how you go about finding clients. They just don't walk across your doorstep. Some do, I suppose, but how did you go about developing your client base?

JUDGE GREEN: I think my friends, and my parents' friends, really helped me. Three were of special assistance. A physician friend of the family asked me to represent him and his family in a variety of cases, including purchases of commercial real estate, wills, estates of his relatives. When his patients asked him to recommend a lawyer, he would tell them about his lawyer. The new clients came for a will or an adoption or an estate proceeding or a personal injury suit or contract matter. If satisfied with my professional services, they often recommended me to others, and that's exactly what happened – by word of mouth – the clients and cases came on a regular basis. Then there was a vice president at Riggs Bank, who was also the manager of the local branch of that bank, where I had placed my personal and business accounts. This banker, who merely saw me deposit monies, asked one day if I would be interested in handling actions the bank was unable to develop, such as drawing wills, estate probating and representing bank clients in court. Of course I was interested, and he referred a large number of clients. Lt. Colonel Lily

Gridley, a lawyer, then the highest ranking woman in the Marine Corps and in charge of the Corps' legal assistance office for Marines and their dependants, telephoned one day to advise she had heard of me and wanted to refer Marine clients on a regular basis for those civilian matters her office could not handle. Those three persons were most instrumental in the development of my practice, and the referrals continued for years thereafter. The banker made me his personal attorney. There were a variety of complex problems that he, his wife, and his young daughter had through the years. When this good man died suddenly in an automobile accident, his wife leaned very heavily on me while we completed the estate proceedings, and subsequently. While I did not take her as a client, as a friend I taught her to write a check (imagine a banker's wife who didn't know how to write a check) and pay the bills and helped her to find part-time work. She wanted to be the nanny for our baby, but I thought otherwise. The Lt. Colonel and her husband, a retired Rear Admiral, also became lifelong friends.

MS. PORTER: I don't imagine there were many women in private practice at the time.

JUDGE GREEN: Only a few women were regular litigators in the court, trying cases before judges and/or juries. While others practiced law and argued an issue occasionally, most specialized in real estate or probate. One female lawyer worked for a book publishing firm as a journalist. One married and did not practice law afterwards. Another went to Internal Revenue. Several became government lawyers at Justice, Labor or the FCC.

MS. PORTER: Tell me about the early cases.

JUDGE GREEN: The first case was an elderly African-American woman who was a housekeeper. She visited her son in northeast Washington regularly. In order to reach his

apartment she had to walk up an outside stairway. The stairway had a very rickety railing and one day it broke off and she was hurt. She sustained a fracture, pain and suffering, was hospitalized, lost a modest amount of income. We sued the owner of the building and the maintenance people. This case taught me several lessons. We were successful, eventually, in receiving a small amount of money for her. This was a co-counsel case, before a jury.

MS. PORTER: A co-counsel case?

JUDGE GREEN: Yes, Jeanne Dobres, one of the people in my classes at G.W. Law School, in the early stages of her career, before she went to Internal Revenue Service, where she spent her professional career in a leading position in the Chief Counsel's Office, needed some litigation experience and joined me in this case. I did most of the litigation part, but she prepared pleadings and prompted me to do the necessary things at the appropriate times.

MS. PORTER: Were there other occasions where you joined with colleagues on doing cases or were you mostly doing these solo?

JUDGE GREEN: Mostly solo. Can I go back for just one brief moment to say that this early case in my career also taught me a profound lesson. It was recognized that when a complaint was filed, it included a sum of money prayed for. I had no one to ask, no one to inform, and we didn't have any courses teaching us how to fill out complaints and prepare for this. So I put down \$45,000 – that I thought was fair and reasonable compensation for this individual who had been hurt. In 1952 this was sizeable.

(TAPE 3 A)

MS. PORTER: This interview is being conducted on behalf of the Oral History Project of the District of Columbia Circuit. The interviewee is Judge Joyce Hens Green,

the interviewer is Jennifer Porter, and it is taking place in the judge's chambers on September 16, 1999. This is the continuation of the interview on tape two.

Judge Green, you were talking about some aspect of the case in which you had Jeanne Dobres as your co-counsel and you were talking, I think, about settlement.

JUDGE GREEN: The senior partner of the firm defending the action asked if I would come to his office to discuss settlement. I have never forgotten the lesson learned and have shared it with others. What would the plaintiff accept to settle the case? I had absolutely no experience and was clearly naive because I told him that on her behalf I would take the amount requested in the complaint, \$45,000. He shook his head in exasperation saying, "Young lady, you give me absolutely no choice, we have nowhere to go but to trial." And so we went to trial because I was not sophisticated enough to know that you go back and forth on these matters, and you never ask for the stated ultimate when trying to settle a case.

MS. PORTER: What happened at trial?

JUDGE GREEN: We did win, but we certainly didn't win \$45,000; it was more like \$7,500 or so, but this, too, seemed huge to us at the time. My client was happy.

MS. PORTER: This was one of your first cases?

JUDGE GREEN: This was my first case in federal court, but federal court in those days was a combination of both local and federal. I should explain that quickly. A federal court in the District of Columbia then, long before the 1970s Reform Act, was the court for virtually all matters except local, municipal cases under \$3,000 in value, misdemeanors, and traffic. Almost everything else was in the federal court, the only court in America that handled both local and federal criminal and civil matters; all criminal cases of consequence were in the

federal court. Any personal injury in which the request was for over \$3,000 damages was in the federal court. The federal court handled probate matters and all local taxation cases. In short, virtually everything was in the federal court. That's where the court appointments came from, and that's where I spent 98 percent of my time.

MS. PORTER: Did you practice in other States as well?

JUDGE GREEN: Subsequently. Five years later I was admitted to the bar in the State of Virginia and then practiced in that state, as well as in D.C. Those were my two places of practice.

MS. PORTER: So you never practiced in Maryland?

JUDGE GREEN: No. I did think of something that I neglected to mention during the course of time that I worked with Berge, Fox, Arent & Layne, though many years ago. May I mention it now?

MS. PORTER: Please do.

JUDGE GREEN: I understand that the purpose of the oral histories is to develop an understanding of the judges as human beings and to see how and why we each function today. What was it in our past that made us the people we are now? And so, this again was another lesson along the way. I said earlier that in that firm the days were long, sometimes 20-hour days. It was on one of those occasions, two o'clock in the morning, when I was working –

MS. PORTER: This is when you were doing your four-month stint with the law firm?

JUDGE GREEN: Exactly. I worked with a partner, Alvis Layne, an incredibly wonderful man, gentle and brilliant, and also with his young associate, a recent graduate of the

University of Chicago. All of a sudden, at this wee hour of the morning, the associate had a brilliant idea: completely revamp the theory on which we had been proceeding for weeks. He asked me if I knew how to type. I sensed this as a moment of moments and told him, untruthfully, that I did not know how to type, even though I was happy to make a cup of coffee for all of us right then and there. I recognized that had I acknowledged my secretarial skills, I would be a typist for the remainder of my days with this firm, something I did not want to do. Years later I confessed what I had done; he had suspected it and his partner thought this dialogue was hilarious. The very next day Al and Chuck brought an evening secretary who stayed with us for the duration. We were a wonderful team, working remarkably well together. I look upon that very short stint as momentum in my career.

MS. PORTER: You've raised the issue of being a lawyer in an almost exclusively male environment.

JUDGE GREEN: Exclusively, except for the secretaries. No female lawyers.

MS. PORTER: How was it in court? You hung out your shingle –

JUDGE GREEN: There were five women who practiced actively in the courts, and by actively that meant that they were there with great regularity. When I graduated and commenced my practice, women lawyers constituted but three percent of the profession.

MS. PORTER: Are there particular experiences that you remember with judges or juries or opposing counsel?

JUDGE GREEN: Many, but let me recount only one. My colleagues treated me really very favorably, although, understandably, were a bit tentative about my lack of experience. I thought I had an advantage as a woman. If I had a good argument, people would listen if only

because I was an oddity (and, to juries, certainly I was that), but listening was the important thing. That's three quarters of the battle; the rest of the battle is to get acceptance of your argument. An experience that I recall (and I don't know whether it would have happened to two male lawyers, but I doubt it) was a situation where my male opponent was much more experienced than I. We were lawyers in a personal injury case. The judge put us in a room in chambers, took a key, locked the door, and said, "You are going to settle this case." I recall turning to counsel and asking, "Is this customary?" He said, "Absolutely no." We did settle the case after hours of detention. What we settled for or the details of the case, I do not recall. I certainly recall that judge. He is no longer on the bench.

MS. PORTER: Do you use this yourself as a settlement tactic?

JUDGE GREEN: I do not. Again, the tale I just related was another good lesson. Be gracious to people, do not press too hard, be logical and fair. If they don't want to settle, fine; if they do, then help them to do so. You are there to make it possible. A judge can aid a situation and encourage reality recognition, can place people in an attitude disposed to resolve, but never, ever, to lock people in a room, saying, "No bread, no water, don't come out until this case is settled."

MS. PORTER: While you were hanging out your shingle and learning to practice law, were you also involved in other community and professional activities?

JUDGE GREEN: Yes. Without giving specific dates, I can note that I was a trustee of the American Cancer Society, the D.C. division, for about eight years. Also, I was very active in the Bar Association of the District of Columbia, which was then the general bar association. It was powerful. It was only, I believe, in the latter 1940s that the bar

association accepted women as members. The Federal Bar Association existed for government attorneys and the Women's Bar Association, for women attorneys. The D.C. Bar Association was a voluntary association; you paid dues and you participated to whatever extent you wanted. After appointment as a member of the Public Information Committee, and designated six months later as vice chair, the following year I was selected as chair, and served as such for eight more. While not the first woman who chaired a bar association committee, I was one of the first (very few women were active members). The committee was responsible for the weekly radio program, "District Roundtable." Any subject or participant could be used since the program was public time in the public interest, without commercials or sponsors.

MS. PORTER: This was for eight years that this radio program went on?

JUDGE GREEN: Well, the program went on for longer, it's still on today, I believe, but I was the chair for eight years and responsible to see that each of the 52 weeks a year we produced a radio program for one half hour. The committee was sizeable. Interestingly, my husband to be (although I certainly didn't know we would marry some day) was a member of my committee. I would assign a week to the members. Ironically, something always happened. We tape recorded on Fridays and often on Thursday I would hear from the committee member that he was tied up in trial and could not put on a program. I would rush in and either do it live or quickly tape it, or even create a subject and/or participants in a hurry.

MS. PORTER: What sort of programs, what sort of topics, did you cover?

JUDGE GREEN: Well, since we had carte blanche as to any kind of subject we would want to do, it was anything that interested the individual who was going to act as moderator, one of the committee, and what topic we thought would interest the public, and then

put it together in a balanced fashion for expression of diverse viewpoints. As example, I was very much interested in seeing that the District of Columbia had a public defender. We did not at that time. Recognizing the skills of the assistants in the United States Attorney's Office, I thought it only fair that the defense be equally skilled. After considerable research, I learned that only three large cities had public defenders at that time: New York, Los Angeles and Chicago, and after receiving information, I moderated two programs with proponents and opponents of the public defender system. Another occasion: When the baseball team ("Senators") left the District of Columbia, there was a grand program with two panelists. One was Morrie Seigel, a famous sportswriter on the local paper---disheveled, unshaven, rumped, an absolute caricature out of Damon Runyon, and his mate on that program, was Shirley Povich, the legendary sportswriter who died in the 1990s, who arrived in spats to the taping of the program at eight o'clock in the morning. Incredible! They had different ideas, and it was one of our most celebrated programs. We produced programs on civil defense, that is, methods to defend the citizens in the event of invasion and war. There were programs about war powers, not yet legislatively proposed, search and seizure, civil contracts, landlord/tenant matters, anything that was of moment. The FTC was very interested in making sure that there was a fair presentation of advertising concerning children's toys and articles like cribs and strollers. We now have the Consumer Protection Agency, but the FTC took that responsibility in its day, and this was worthy of a program.

MS. PORTER: Who were some of the other co-workers? Who helped you with some of these programs?

JUDGE GREEN: We had perhaps 50 or 60 people who constituted the committee. Certainly enough members that if each wanted to take a program one week, we would

have been able to cover all members in a year. Our lawyer members came from private practice, academia, or government: Sam Green, and there was Bob Dimont, Bill Cairn, Ed Gaskins, Neil Kabatchnick, Gilbert Hahn, Jr. (who subsequently chaired the City Council in the District of Columbia), Gilbert Giordano, Dorothea Baker (who was a very fine woman attorney), Frank Crowley, Ed Skeens, Edwin Neil, Agnes Neil (who later married Edward Bennett Williams), Ray Posten, Jr., Jimmy Vacarro, Charlotte Murphy (who was very active in ABA matters), Marty McNamara, Jake Levine, Harry Wood (who eventually became a Court of Claims judge), among a few; there were many more.

MS. PORTER: Were you involved in any other activities for the bar association or was this enough?

JUDGE GREEN: Chaired the Lawyer Referral Committee for several years – this was a matching committee. If a potential client called the bar association to request the name of a lawyer, and if, after inquiry, it was discerned that the lawyer should have proficiency in a particular area of law (e.g., probate or criminal), the committee would draw several names from the roster of attorneys skilled in those fields to match them with the applicant. The applicant paid a minimal sum of money for this introduction; it was up to the lawyer and the client to see if they could work out a financial arrangement for the agreed services. Were there any questions, subsequently, about that financial arrangement, the committee would resolve the problem. Essentially, the committee referred lawyers for a reasonable sum. That was the goal: to provide the client, whether rich or poor, the professional services of a reliable and skilled lawyer for reasonable compensation.

MS. PORTER: Do you remember major issues of the day that the bar

association confronted?

JUDGE GREEN: Probably the major issue of the day was whether it would open its ranks to minorities. There were no minority members at that time, other than women. The bar association had never endorsed or sponsored any minority person for membership.

MS. PORTER: It was specifically written in its bylaws?

JUDGE GREEN: For the Bar Association of the District of Columbia, it required a change in the bylaws, and Charlie Ryan (who eventually became president of the American Bar Association) spearheaded the effort to change. I was among the many who joined the process.

MS. PORTER: What's the time frame?

JUDGE GREEN: I'm not sure. It was in the early '60s probably. The very early '60s or the latter '50s.

MS. PORTER: Can you talk somewhat about how the change came about in the bylaws?

JUDGE GREEN: There was a great deal of advocacy. I can remember the day that the reform bylaws had been shaped; it was a proposal that was put squarely before the association to stand up and vote. You had to be there at the meeting – it wasn't a written ballot kind of thing – you had to stand up and show how you felt. And I remember a group of people, myself included, standing up to signify that we were in favor of admitting black persons into the association as full participating members. You not only had to stand up, you had to walk, for whatever reason, around the room. I don't recall why that was done, but I know it was done in a room that we used for the monthly meeting at the Mayflower Hotel. The vote was affirmative, but it had taken years to get to that point. It was discussed, it was shelved, it was tabled, it was

brought up again, subsequently, in another year, another generation of people, and finally passed.

MS. PORTER: You mentioned that you were active in the Women's Bar Association as well. How did that come about and in what sort of things were you and the Women's Bar involved?

JUDGE GREEN: I thought it important that I identify with those women who had either been practitioners or members of the profession for some time, as well as the new ones, and so as soon as I had an opportunity to do so, I joined the Women's Bar Association of the District of Columbia. In those days the Women's Bar numbered perhaps 300 and it was not nearly as active an organization as was the D.C. Bar Association, which is why I joined the other one also – so I could belong to both. The Women's Bar was asked by Congress to testify in certain matters believed to be of importance to women and to the public, such as juvenile justice and domestic relations, criminal law and taxation. There was a D.C. city government in those days that operated with three commissioners appointed by the President. The Women's Bar president would appear not just before the United States Congress, but also before the boards and the advisory groups of the District of Columbia Government, to promote the interests of women and children, and also the interests of men, depending on the subject. That association became more and more engaged in community affairs. I am particularly proud of a matter that began during the time that I was the combination vice president and acting president of the association, and completed at the time that I was president of the Women's Bar. To assist the problem of crime, particularly because one of our senior members had been mugged on the streets of Washington, we were alerted, as an organization, to do something to prevent recurrence of such action as best we could. We notified the police department that there was a very active unit of police dogs in

Scotland Yard, London, England, and suggested we could assist our police to begin a police dog unit or canine corps. We were told that if we could raise money for this purpose, the police would seriously consider doing it. So we did, they did, and we have been given credit for being instrumental in seeing that the first police dog unit/canine corps of the Metropolitan Police Department was established. Indeed, the Women's Bar communicated with the individuals forming this small unit in the District of Columbia and then with the one individual who was sent to Scotland Yard to learn how to train dogs and to go for graduate training in St. Louis, I think it was. He would come back and report to us. So this began with a very small unit, but was absolutely inspired by and founded by and subsidized by, initially, the Women's Bar Association of the District of Columbia.

MS. PORTER: Where did the Women's Bar get the money?

JUDGE GREEN: We raised the money. We went to the members of the Bar Association of the District of Columbia because those were the men with the money, and we also raised money among our members. We asked them in turn to see if money could be raised from commercial establishments, because a canine corps would help them, too. We raised the money, sizeable thousands of dollars. It is part of our proud history and an absolute immersion in community affairs, which I always felt was part of the activity that we do, even though we were a professional organization and our prime object was to promote professional skills and obligations and goals and interests of our members.

MS. PORTER: Just to place things into perspective, when you came into the Women's Bar, were you active on a committee, were you a committee chair?

JUDGE GREEN: I chaired more committees than I can remember, just like I did

in the D.C. Bar, you know nomination committees, committees to create ideas, committees to arrange for meetings, committees to have a small conference or a seminar, to which we'd invite other people, committees for speeches, you name it, it seems somehow I found myself involved in it. I don't know how I did all this. I had an enormous amount of energy. I still do, but not quite as enormous as I did when I was in my twenties, and it was just that the more that I got in my cup, the more I enjoyed doing. While all this was going on, I was also the dean, which meant I was the chair, the leader of the alumni entity, Eta Alumnae of Kappa Beta Pi Legal Sorority International, the professional sorority I had belonged to in law school.

MS. PORTER: And you never cease to amaze me. Before we go and talk about a sorority –

JUDGE GREEN: That's all I want to say about the sorority.

MS. PORTER: As a former Women's Bar president myself, I'm interested in bits and pieces of Women's Bar history. When were you the president?

JUDGE GREEN: I was voted president for two successive terms: 1960 to 1961, 1961 to 1962.

MS. PORTER: Now, are there particular people that you worked with there that you remember? Still have as friends?

JUDGE GREEN: To some extent, the same people I knew from law school. Catherine Kelly, who was very active in the bar association; June Green, this is where I met her, through the Women's Bar; Jeanne Dobres; Kay Staley--all of us were very active. I'm going to later lament on not being able to think of all the names. Mary Garner, an outstanding lawyer at the Department of Agriculture; Clarice Felder Hens, my sister-in-law who worked as counsel with

the Judge Advocate General's Office (Navy); Edwina Avery, also in government service, as most of our women were. The government was, and is, a natural for women. Women were accepted, although in that era they did not get promoted to leadership positions as promptly as men. But, there was a steady income coming in and substantial responsibilities; and it was special public service.

MS. PORTER: Do you recall what some of the major issues were that you worked with?

JUDGE GREEN: We were primarily interested in legislation, which I've already discussed. A minority of us, unlike the bar association, felt very strongly that we should have minority members. The Women's Bar did not. Unlike the bar association, our bylaws were absolutely silent; there was no reason why we couldn't have a minority member, but, in reality, the minority members were not applying because it was believed, and probably correct, that a minority person could not get the requisite two sponsors (members of the association) to sign her application. So it wasn't a matter of rejecting applications, the few minority women did not apply.

(TAPE 3 B)

MS. PORTER: This is a continuation of the interview being conducted on behalf of the Oral History Project of the District of Columbia Circuit, on September 16, 1999.

JUDGE GREEN: This, of course, is a time in the early 1960s, just before the 1964 Civil Rights Act; there were very few African-Americans practicing law in the District of Columbia and, of those few, there were still fewer women minority members practicing law. The most prominent was Dovey Roundtree; she and I were good friends. I discussed this matter with her and she said simply that she had never been able to get the sponsorship, so had not formally

applied. I advised I would sponsor her, I would find another to sponsor her, and I did so. I told my board of directors we now had a new member. The board, comprised of the leaders of the association, and, in particular, the person who then chaired President Kennedy's Commission on Women, vehemently protested this decision. I found this absolutely shocking, but she certainly wasn't alone in her opposition. This application, I insisted, would remain. The board of directors then voted to present this application to the entire membership for its vote. A unique situation.

MS. PORTER: When you say unique, what do you mean? Because there was a split on the board and you had the casting vote or required some action because it was unique in some other way.

JUDGE GREEN: It was unique because it was a minority applicant. That is why the board insisted it go to the membership at large. As far as my memory goes, we had never presented an application to the entire membership for up or down vote. The meeting was scheduled for the next day. At 9:00 p.m. that evening I received a phone call at home from a *Washington Post* reporter who had heard of this acrimonious board of directors meeting. She knew we were going to vote on taking in the first minority member of the association the next day. She was going to write about it; this was newsworthy. While I had never before asked any member of the press to stay their hand from writing, I told this reporter that I would put it to her this way: If she did write, I knew enough about our membership to recognize that this applicant would lose the necessary votes at the forthcoming meeting. If she did not write anything, we had a chance that we would succeed in getting Dovey Roundtree to be a member of our Women's Bar Association, breaking the barrier for persons of color. This remarkable reporter did not write anything until after the vote, which was successful, and Dovey Roundtree became a full member

of the Women's Bar Association. Despite the loss of many of our members, who left in protest, that began an inclusive membership of the Women's Bar Association. The next day the reporter wrote something about this moment in history.

MS. PORTER: During this time when the Women's Bar was opening up its membership to minorities, the rest of the community was in the beginning of turmoil, and Washington, D.C. I guess was, what, a segregated city? What was it like practicing when you were segregated? How did you meet minority lawyers? How did it happen? What was it like?

JUDGE GREEN: We did meet minority lawyers, but minority lawyers were generally uncomfortable, so they said, and understandably, to be active in associations like the D.C. bar associations, which had to be dragged screaming into opening its membership to all. The African-Americans had their own bar association, the Washington Bar Association, and that is where members who practiced actively in the courts largely chose to be active. Among outstanding African-Americans were: Bill Bryant, prosecutor, defense counsel, now judge; Joseph Waddy, local, and later, federal judge; William S. Thompson, absolutely charming, puckish, sometimes stretching the bounds a bit. We knew him as Turk or Bill Thompson. Turk subsequently became a judge of the Superior Court, a wonderful man, fascinating litigator, with a lot of courage, which he demonstrated with his cases and the skill he applied to those cases. He had a substantial law firm that dealt not only with criminal law but also with defense of personal injury cases. There was another person, Margaret Haywood, a practicing attorney at the time we met, who later became one of the most skilled and beloved judges of the Superior Court. Now in senior status, she returns to the court several times yearly, even though she lives in California. A wonderful human being. And, indeed, when she and I were in practice she would ask me to file

litigation for her in the State of Virginia, because she knew I practiced there and she felt that because of the segregation that Virginia so stridently avowed through its United States Senator, the senior Harry Byrd, she thought it was unwise for her as a minority to file that litigation herself. So I did for her in Manassas, Virginia, I remember. When I went there it had segregated restrooms for whites only, it had segregated drinking fountains for whites only. This was the courthouse to which I asked to be admitted, in order that I could file her papers, and the Commonwealth Attorney agreed to perform that service. Again, emblematic of the time that we were in, the Commonwealth Attorney reluctantly got into his suit jacket, he kept chewing on his cigar and whatever else he was chewing on, and when we walked into the courtroom, one of my strong memories is when he binged whatever he had in his mouth into the spittoon that was sitting in the courtroom and moved my admission before the judge of that court. I had to have that performance accomplished so I could file pleadings there. There was also Wesley Williams, eventually president of the school board in the District of Columbia, who was a fine litigator, and ever so impish, also African-American. In D.C., leaders of the school system were appointed and supervised by the U.S. Court of Appeals. Judge Skelley Wright, in particular, performed that function. He had come to that court during the civil rights days from Louisiana, having to leave when crosses were burned on his lawn. I say this to demonstrate that we lived then in an atmosphere so different from today's. Then so settled in attitude and so emotional, so biased. We're not there yet, progress has been made, but there is a way to go to equality. So this was the city of Washington as I knew it, as I practiced law here, and as I learned through clients of mine and others how really segregated this city was, and how the races were so divided in their abilities to move in the world of the '50s, '60s, and '70s.