

Women rule!

The justices of Texas' Fourth Court of Appeals

When Alma L. Lòpez was five years old, her maternal grandmother urged her to be *la nunca vista* – something that's never been seen before.

With that guidance, Lòpez set out on a string of uncommon achievements. When she graduated from St. Mary's Law School in the late 1960s, she was one of four women lawyers bringing cases before district

When Justice Rebecca Simmons was appointed to replace Paul Green on the court earlier this year, it was a milestone for America's higher courts. But there was none of the usual fanfare that typically follows a "first" and no media spotlight to herald this certain change so close to the core of American government structure.

And that's perfectly fine with the seven women of Texas' Fourth Court of Appeals.

"Beyond that, I don't think it warrants any attention."

Justice Phylis Speedlin wants the distinction to shine as an example for young girls and women who live in places where it's rare to see women succeed professionally. Speedlin herself grew up in modest surroundings. Her single mother raised five kids on a waitress' salary, nourishing them with government-subsidized food and sending them to a simple school in rural Pennsylvania. She remembers the despair she felt as she grew older and surveyed her surroundings. "I wondered, 'Am I stuck here? Is this all there is?'"

Speedlin couldn't afford college, but found her way out with the Army Nurse Corps during the Vietnam War. Stationed in San Antonio, she seemed destined for a career in medicine. With a Bachelors of Science in Nursing, Speedlin went back to school for a Masters in Administration and began working as a Veterans Affairs hospital administrator for the higher salary she needed to help her husband finish medical school.

The elephant in the room

It was about that time that Speedlin says she became aware of the glass ceiling for professional women. Up until that point, with a hard-working mother as a role model, it seemed to her that such barriers

Now that the Texas Fourth Court of Appeals is the first all-woman appeals court in the United States, the justices themselves talk about their careers, the future of the judiciary and what the "all-woman" milestone means to them.

judges in Bexar County. When she was appointed to the state's Fourth Court of Appeals in 1993, she was the first Hispanic woman on the court.

And now, Chief Justice Lòpez – "C.J. Lo" to folks around the courthouse – is part of something else that has never been seen before. She is the highest-ranking justice on the first all-female appeals court in the United States.

"I see it as a historical distinction more than a practical one," says Simmons. "We are all capable, regardless of gender." That said, Simmons and the other women on the court can all recall a time not that long ago when women judges were rare. And women on the higher court? *La nunca vista*.

"Historically, it's significant because it says that there are enough women in the ranks to fully staff an appellate court," says Justice Catherine Stone.

were mythical. But there were no female hospital administrators in the VA. In the absence of overt roadblocks, it was easy for people to pretend the ceiling wasn't there. But to Speedlin, it was the proverbial elephant in the room that people maneuver around to avoid the unpleasantness of acknowledging its presence. "Nobody would admit it and it wasn't politically correct to talk about it." Speedlin recalls being told that she could "grow up" to be a VA hospital administrator "someday."

Her husband's education behind them, Speedlin wanted a change. She knew she needed two things to be happy in a job: Autonomy

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and helping people. "I remember thinking about becoming a lawyer," she recalls. She immediately discounted the idea in her next thought. "I told myself that I couldn't do that because only men were lawyers." Speedlin was shocked at the barrier she had just created for herself and decided that the only

way to purge herself of the bias was to go to law school.

Speedlin spent her first years as a trial attorney focusing on cases connected to the medical industry and as a corporate medical advisor to hospitals and nursing homes. Her first judgeship came in 2000, when then-governor George W. Bush appointed her to the newly established 408th district court. Gov. Rick Perry appointed her to the Fourth Court of Appeals in 2003.

Through all those years, and with the memory of her own working mother, Speedlin believed that having it all – career and family

– was the goal. "I put all of my energy into it," she says. Raising her two daughters and one son was all part of the juggling act. "As I got older, I realized that you can have it all, but you won't have the quality." Speedlin admits that she missed some of her daughters'

activities when they were younger and she was a busy trial attorney, expected to log long, billable hours. Today, Speedlin has shifted her priorities to spend more time with her high school-aged son. "I'm more in control now – I decide what's important," she says firmly. "If he's got a soccer game at 4 p.m., I'm going to be there. I can finish

the day's work later in the evening."

And in the winding path from Army nurse to hospital administrator to attorney to judge to justice, Speedlin says that each step prepared her for the next. "Everything I've done has prepared me for where I am these days. Nursing prepared me for hospital administration. Being an Army nurse during the Vietnam War, where I cared for injured soldiers, prepared me for some of the more difficult cases I heard as a trial judge. Being a trial attorney helped me be a better judge. It all adds up to where I am today."

Texas Justice 101

The Fourth Court of Appeals has jurisdiction over 32 counties in south Texas and is the first stop in the state appeals process for most people in those 32 counties who contend that a previous trial court decision should be reviewed and possibly overturned. Exceptions are capital murder or death penalty appeals, which are sent to the state's Criminal Court of Appeals.

There is no jury. Courtroom scenes are rare. Most days, the justices are in their chambers, singularly immersed in researching the facts of the cases that reach them. Whereas most trial court judges rely on their listening and speaking skills and must often rule instantaneously, appeals court justices exercise their reading and writing skills as they identify and interpret the law that applies to the matter at

hand. “On the trial court, I had to be able to listen to a person and decide how truthful or credible the testimony was. I was the fact-finder,” says Justice Sandee Bryan Marion. “On the appellate court, the facts are already set and determined when cases reach us.”

Justice Sarah B. Duncan says her mother always described her as being “like a dog with a bone – when I have a problem to work on, I don’t give up until I find a solution.” She credits her tenacity and penchant for problem solving with helping her find the laws that apply to a particular case, which sometimes is like searching for a needle in the haystack. “You have to be comfortable working alone, spending long hours in front of the computer,” she says.

Justices are either elected by voters or appointed by the governor to fill a vacancy on the bench. In fact, the all-women’s reign on the appellate bench could be a short-lived one, since five of the seven justices are slated to be on the ballot in 2005 and 2006.

There are few frills in their corner of the courthouse. The justices typically answer their own phones and manage their own schedules. They don’t task assistants with the research required to make decisions on the cases they review.

And, perhaps most importantly, they don’t make the laws. They

interpret them. “My greatest responsibility is to analyze the facts and follow the law, and to write a clear and concise opinion,” says Justice Karen Angelini. “It’s important. Our opinions become precedent for future cases.”

“The guidepost for me is to rule according to the law, despite the pressure,” Simmons explains. “I always have to keep that in front of me – it’s not what I prefer, it’s not what the political landscape prefers.”

Most people don’t know what the role of an appeals court is

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any more than they can explain the distinction between a Justice of the Peace, and municipal or county court. Because relatively few Texans ever experience a life event that brings them to an appeals court, the justices agree that there’s a hunger for knowledge and an opportunity to educate when they’re outside of the courthouse. They are frequent fliers on the guest speaker circuit and joke that sometimes, even their closest friends don’t quite understand what they do. Bryan Marion

recalls when she was elected to Probate Court – where she reviewed and made judgment on trusts, wills and estates – family and property issues. Her husband proudly shared the news with a friend. “His first question was whether I could fix a speeding ticket,” she laughs. “Ten years later, when I was appointed to the appeals court, he asked the same thing!”

Stone takes comfort in her diverse group of friends, many of whom are not connected to the legal profession. “They have no idea what I do. It’s equalizing, because there are so many people who are so impressed to meet a judge, which is nice too, but I find myself wanting to say, “I’m just like you!”

Gene pool

Stone grew up in what she describes as a matriarchal system. “My mom was a single mom, and my aunts, my grandmother – they were all strong women who worked hard,” she says. In that environment, it never occurred to Stone that any of her achievements – or barriers to them – could be connected to gender.

Growing up, her family was poor and on welfare – a memory that Stone keeps in her daily consciousness. Her family was also energetic and democratic, and there were frequent discussions about the news and world events, which led to an interest in government and

politics, which eventually paved the way to law school, which was initially a practical decision, but Stone quickly found her passion in law.

Stone's first job out of law school was as a briefing attorney for the Fourth Court of Appeals, so when she was appointed as a justice in 1994, she was returning to familiar territory.

Like most working women, Stone must find balance between her personal life and professional responsibilities. "I compartmentalize," she says. "I'm married to a great husband and father and each day, I remind myself that nothing's perfect – it is what it is." Stone has come to understand that, while she cannot control everything, "I am in control of how I respond."

She admits that the cases can be emotionally difficult. "The things that people do to one another...it can be hard. Sometimes you take it home with you. When I get home, it gets better." Stone says that especially on the tougher days, she finds comfort in her family, husband, Tom Stone and three sons, Liam, Nathaniel and Jacob, all of whom she describes as "works in progress."

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Running for office

While the judicial branch of government is philosophically independent by design, the individuals on the bench are elected to their positions, meaning, if someone wants to get or keep a seat on the bench, they must jump into the political fray.

Campaigning is not for the weak-spirited. Candidates, their family and friends throw every last ounce

of energy into running for office, so losing stinks. Bryan Marion first ran for Bexar County Probate Judge in 1990. She won the primary but lost to Polly Jackson. "It was difficult," she says. "I worked so hard, campaigned for so long."

Life has a funny way of working out for the best, however. Just months later, there was another vacancy in the same court, following the sudden death of another judge. Her decision to

run again was based largely on wanting to make use of the 300 signs she still had in her garage. Her opponent in the previous election became her colleague and good friend. In the end, experience helped her through the second election. "I couldn't have won the election in 1992 had I not run in 1990," she says.

Duncan's inspiration started with a typo and a boycott. As an attorney, she was on a case, representing an appeal filed in the Fourth Court. The case didn't get far – it was dismissed because of an error in the cause number she filed with the court. Frustrated and angry, Duncan declared that either she would never again bring a case before the Fourth Court of Appeals or she'd find a way to get on the court. Duncan made good on the deal she made with herself, and was sworn in as a justice in January 1995.

Defending independence

In a world seemingly overrun with special interest groups, lobbyists and activists, the judiciary sometimes finds itself under attack for its decisions. On other days, it's on a smaller scale, but the reality is that when a case comes before the court, there are winners and there are losers. Stone defends the judicial branch of government as the independent arbiter of justice it was intended to be. "This is not a popularity contest. My decisions are not based on my beliefs, they're based on the law.

"We are not guided by the political whims of the day," she

says. “That’s the way it was intended and that’s the constancy that ultimately makes this system work.”

López says that any amount of external pressure doesn’t change a thing. “There’s only one way for me to approach my job,” she says. “I’ve gotten some nasty letters, people have been dissatisfied with what I’ve done, but it doesn’t change anything. Judges can’t do whatever they want to on the bench. We are bound by law and the constitution. Change comes when people exercise their right to vote.”

Having fulfilled her grandmother’s dream of doing things that have never been done before, López has adopted a different saying these days. “*Pe dige* is a very Hispanic, very maternal saying,” she says. “It means ‘I told you so.’ My career has been everything I wanted it to be. This has been my dream since I was five years old. It’s the best job in the world.”