

FROM KATE STONEMAN TO KATE STONEMAN CHAIR,
KATHERYN D. KATZ: FEMINIST WAVES AND THE FIRST
DOMESTIC VIOLENCE COURSE AT A UNITED STATES LAW
SCHOOL

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ABSTRACT

First-wave feminist, suffragette, and 1898 Albany Law School graduate, Katherine “Kate” Stoneman, pioneered the admission of women to the Bar of the State of New York. She led the charge against the statutory preclusion of women, overturning the statute in 1886 and winning legislative victory for non-discrimination in admission to the bar. Exactly one hundred years later, in 1986, second-wave feminist and Albany Law School graduate Katheryn D. Katz pioneered the teaching of violence against women in law schools by teaching the first documented Domestic Violence seminar course in a United States law school. In 2007, Albany Law School named Professor Katz the first Kate Stoneman Chair in Law and Democracy. The impact these two women made continues to be felt far beyond Albany Law School and New York State. This article positions the role of Albany Law School and two of its graduates in the struggle for equality of women under the law and within law schools. It also documents Professor Katz’s historical place as a second-wave feminist and the impact her activism has had on the study of domestic violence law, family law, reproductive rights, juvenile rights, and the advancement of issues concerning women and children nationwide.

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I. INTRODUCTION

Situated in the Capital Region of New York State, Albany Law School has played an interesting and often undocumented role in advancing and exploring cutting edge women's issues. Its earliest female alumnus, Katherine "Kate" Stoneman (Class of 1898), was a suffragette, lawyer, former teacher, and temperance activist.¹ Prior to attending law school in 1886, Kate² had successfully championed the admission of women to the bar of New York State.³ Exactly a century later in 1986, Professor Katheryn D. Katz, a 1970 alumnus and the second woman to join the Albany Law faculty, taught the first domestic violence course offered in an American law school.⁴ These path-breaking women integrated their talents as educators with their goals as lawyer-activists.⁵ They used their experience as

¹ Katheryn D. Katz, *Kate Stoneman: A Pioneer for Equality*, in PIONEERING WOMEN LAWYERS: FROM KATE STONEMAN TO THE PRESENT 1, 2 (Patricia E. Salkin ed., 2008); *Kate Stoneman*, NAT'L WOMEN'S HALL FAME, <http://www.greatwomen.org/women-of-the-hall/search-the-hall/details/2/236-Stoneman> (last visited Mar. 8, 2014).

² Ms. Stoneman has earned the kind of role model distinction among New York State lawyers who fondly refer to her as "Kate," and we do the same in this article. See *Kate Stoneman*, KATE STONEMAN PROJECT, <http://katestonemanproject.org/katestonemen.shtml> (last visited Mar. 8, 2014). This is similar to how affection for Eleanor Roosevelt as a role model and visionary for women is embodied, referring to her by first name only. See *Mission*, ELEANOR'S LEGACY, <http://www.eleanorslegacy.com/about/mission> (last visited Mar. 8, 2014).

³ See, e.g., *In re Application of Stoneman*, 40 Hun 638 (N.Y. App. Div. 3d Dep't 1886).

⁴ The prophetic and generous Professor Nancy Lemon is often cited as having taught the first domestic violence seminar at a United States law school in 1988. Mithra Merryman, *A Survey of Domestic Violence Programs in Legal Education*, 28 NEW ENG. L. REV. 383, 396 (1993); Elizabeth M. Schneider & Cheryl Hanna, Symposium, *The Development of Domestic Violence as a Legal Field: Honoring Clare Dalton*, 20 J.L. & POL'Y 343, 345–46 (2012). Professor Lemon pioneered issues of domestic violence and law and authors one of the premier legal textbooks on domestic violence law. See NANCY K. D. LEMON, DOMESTIC VIOLENCE LAW (3d ed. 2009); Nancy K.D. Lemon, BERKELEY LAW, <http://www.law.berkeley.edu/php-programs/faculty/facultyProfile.php?facID=158> (last visited Mar. 8, 2014). When Professor Lynch wrote an earlier article about the Domestic Violence curriculum at Albany Law School, she noted that Professor Katz taught *one of the very first* such seminars in the country, along with the esteemed Professor Lemon. See Mary A. Lynch, *Designing a Hybrid Domestic Violence Prosecution Clinic: Making Bedfellows of Academics, Activists and Prosecutors to Teach Students According to Clinical Theory and Best Practices*, 74 MISS. L.J. 1177, 1179 n.6 (2005). This was reiterated in an article by Professors Breger and Hughes. Melissa Breger & Theresa Hughes, *Advancing the Future of Family Violence Law Pedagogy: The Founding of a Law School Clinic*, 41 U. MICH. J.L. REFORM 167, 185 (2007). After Professor Katz's memorial in the spring of 2012, as we began to collect information on Kathy's life, Albany Law School student Gracja Nowak searched the Albany Law School library for old course catalogues and confirmed that Professor Katheryn Katz first taught the seminar in 1986. See ALBANY LAW SCH., 1986–1987 BULLETIN 30, 37 (1986) (describing Professor Katz's two-credit Domestic Violence Seminar offered at Albany Law School during the 1986–1987 academic year).

⁵ See generally Judith S. Kaye, *How to Accomplish Success: The Example of Kate*

the laboratory from which they developed legal theories (in Professor Katz's case) and holistic strategies for change (in Kate Stoneman's case). This integration of educational mission with legal activism continues today at Albany Law School in its violence against women, intimate partner abuse, family law, and family violence programming.

This article begins by exploring, in Part II, the lives and times of both Kate Stoneman and Professor Katz and their connection with Albany Law School and New York State law and policy. It also examines Albany Law School's identity during the nineteenth and early twentieth centuries, when it distinguished itself with a liberal admissions policy.⁶ In Part III, the article reflects upon and describes Professor Katz's unique and novel contributions to the Albany Law School curriculum and climate. Her accomplishments include the introduction of the first Domestic Violence Seminar in the nation in 1986, her active support of the development of multiple clinical offerings related to domestic violence law in the early 1990s, and her role in linking the first- and second-wave feminists through the development of the inaugural Kate Stoneman Day Program in 1994. This linking eventually led to the campaign to endow a Kate Stoneman Visiting Professorship in 2000. Then, in 2007, Professor Katz served as the first Stoneman Chair.

This article concludes in Part IV by noting the interrelationship between practice and theory that was a hallmark of both women's lives. Kate Stoneman's nineteenth century professional career arc moved her from "Normal School" teacher to activist-lawyer.⁷ She moved from filing lawsuits in the courtroom to deepening her study of the law in the Albany Law School classroom. Meanwhile, Professor Katz's twentieth century professional life moved in the opposite direction, from stellar student at Albany Law School to activist lawyer in the courtroom and then returning to Albany Law as activist-teacher-scholar. That interrelationship between practice and theory remains integral to the overall curriculum at Albany Law School. As described in the last section of this article, legal and policy issues concerning intimate partner abuse, violence against women, and family violence are taught through core courses, seminar offerings, clinical offerings, and supervision of student

Stoneman, 57 ALB. L. REV. 961, 964–66 (1994) (discussing Kate Stoneman's career as both an educator and lawyer).

⁶ See discussion *infra* Part II.

⁷ Kaye, *supra* note 5, at 963–64.

papers.⁸ Students also become aware of and familiar with the thorny issues presented by the subjects through student organized events and extra-curricular connections with the community.⁹ In addition, Professor Katz brought other issues to the forefront of legal education at Albany Law School, such as family law, juvenile law, children and the law, bioethics and reproductive rights law, and feminist legal theory.

II. 1886–1986: HOW FIRST-WAVE AND SECOND-WAVE ALBANY LAW FEMINISTS ADVANCED OPPORTUNITIES FOR WOMEN

For Albany Law School, the linking of the several historical iterations of the United States women's movement is direct and explicit. Our first woman graduate, Kate Stoneman, was a notable suffragette who successfully overturned legislation precluding the admission of women to the New York State Bar in 1886.¹⁰ Exactly one hundred years later, second-wave feminist and Albany Law Professor Katheryn D. Katz advanced the study of legal issues which had enormous impact on women's lives when she taught her 1986 domestic violence law course, the first documented within a United States law school.¹¹ Both of these women, by all accounts, were humble.¹² Their histories now deserve more attention than they have received heretofore.

A. 1886—Kate Stoneman: Suffragette, Women's Rights Activist, and First Women Admitted to Practice Law in New York State

Kate Stoneman was raised on a family farm in Busti (now

⁸ See discussion *infra* Part III.B.

⁹ The Domestic Violence Clinics at Albany Law School celebrated their twentieth anniversary in 2013. See *Clinic History*, ALB. L. SCH., <http://www.albanylaw.edu/cjc/about/Pages/Clinic-History.aspx> (last visited Mar. 8, 2014).

¹⁰ Katz, *supra* note 1, at 6. Much of this was accomplished before she even came to law school. *Id.* at 7. The preclusion based on gender was *de jure* while there was no explicit preclusion based on race, although apparently there may have been preclusions *de facto*.

¹¹ *Id.* at 1; 1986–1987 BULLETIN, *supra* note 4, at 30, 37. But see Merryman, *supra* note 4, at 396 (“At the University of California-Berkeley . . . Professor Nancy Lemon taught the first law school seminar focused exclusively on domestic violence [in the fall of 1988].”).

¹² Professor Katz noted in her writings, “Kate's last interview, published shortly before she died in 1925 at the age of 84, illustrates her modesty when she stated that '[t]ime, place and circumstances combined to help me accomplish my work.’” *Id.* at 9–10 (quoting Geoffrey Williams & Carole Novick, *A Woman Who Wouldn't Take No for an Answer*, ALB. L. SCH. MAG., Spring 1992, at 16, 19). Similarly, all who knew Professor Kathy Katz, including the two authors of this article, can attest to her unaffected and unassuming nature and behavior.

Lakewood), New York.¹³ During the United States' Civil War, she traveled to Albany to attend the "State Normal School,"¹⁴ worked part-time as a copyist for the state reporter of the New York Court of Appeals (the highest court in the state), and eventually returned to her alma mater to teach others.¹⁵ In the late nineteenth century, upstate New York "was a hotbed of reform: religious revivalism, abolition, women's rights, utopian communal experiments, temperance, and prison reform," to name only a few.¹⁶ Kate dove into the thick of it as a suffragette, and as a peace league¹⁷ and temperance activist.¹⁸

According to one source, Kate's political activism began sometime in the 1870s and continued in a more organized way in 1880 "when she and other local suffragists lobbied the legislature to pass a bill allowing women to" be elected to the local school boards.¹⁹ They

¹³ Katz, *supra* note 1, at 2.

¹⁴ *Id.* at 3. For descriptions of the New York State Normal Schools system and its "feminization" after the Civil War, see Kendall Birr, *Back to the Future: An Illustrated History of the University at Albany*, UNIV. ALB., <http://www.albany.edu/uahistory/text.html> (last visited Mar. 8, 2014).

[T]he establishment of a normal school at Albany [occurred] in 1844. Its creation was New York's response to rapidly expanding common school education in the state in the 1840s and increasing dissatisfaction with the quality of teachers. The new Normal School's mission was to both train new and upgrade existing common school teachers.

Throughout its nearly half-century life, the Normal School was a two-year institution and resembled more a 19th century academy than a college. Its curriculum revolved around the subjects taught in the common (or elementary) schools and emphasized the integration of subject matter and teaching methods. By present day standards, it was a small school. The 200 to 400 students in attendance at any one time came to Albany from all parts of the state. Some came with only a common school education, others with teaching experience; some completed the program, more left to begin or continue teaching careers after a term or two. After the Civil War the student body became heavily female, reflecting the feminization of American common school education at the time.

Id.

¹⁵ Katz, *supra* note 1, at 3, 5.

¹⁶ *The Face of Social Transformation: 1848 in Upstate New York*, N.Y. COUNCIL FOR HUMANITIES, http://www.nyhumanities.org/events/event.php?event_id=4480 (last visited Mar. 8, 2014).

¹⁷ Later in life, Kate was "particularly pleased" with the development of the League of Nations as a step towards bringing about world peace. Katz, *supra* note 1, at 8.

¹⁸ *Id.* at 2. At this time, temperance was very much associated with women's issues and anti-domestic violence activism. See Erin M. Masson, *The Woman's Christian Temperance Union, 1874-1898: Combatting Domestic Violence*, 3 WM. & MARY J. WOMEN & L. 163, 163 (1997). "The suffrage movement sought to enlarge the role of women in the political and social sphere; the temperance movement sought to strengthen the role of women in the domestic sphere by protecting the home from the harmful effects of excessive drinking." Katz, *supra* note 1, at 8.

¹⁹ Williams & Novick, *supra* note 12, at 17. Williams has corrected his article later with a note to the authors of this article that says that the lobbying was for election to the school

also formed the Women's Suffrage Society of Albany. She later reflected in an oft-quoted statement: "I think it is called lobbying now, but in those days it was the simplest thing in the world to get inside the brass rail. We had the 'run' of the two houses and were allowed to come and go as we pleased."²⁰

Kate appears to have been, like many of the early suffragettes, a brave woman who endured risk for what she believed in. The executive committee of the State Normal School "was not pleased with her advocacy of suffrage to her students" and directed the president of the school in 1887 "to explain to Miss Stoneman that any expression of her views in regard to women's rights and cognate subjects to the students was contrary to the wishes of the executive committee."²¹ This directive came the year after Kate came to public attention for her advocacy of the right of women to be admitted to the bar.²² Kate and others, such as Susan B. Anthony, were frustrated by women's limitation to seven occupations of "housekeeping, sewing, cooking, tailoring, domestic nursing, teaching in 'dame' schools, and shop work."²³ In fact, Professor Katz noted in her essay, *Kate Stoneman: Pioneer for Equality*, that even in the teaching profession the cultural practices of the day limited women's opportunities.

[Kate] taught subjects that were typically taught by women in that era—geography, drawing and penmanship, rather than subjects requiring more intellectual rigor, as these were considered unsuitable for women. During her tenure at the normal school, Kate served as vice-principal for a time and had the distinction of being the first female president of the alumni/ae association. Kate, however, was never promoted to professor.²⁴

Kate's activism included the desire to "extend the field of women's activity" to other occupations.²⁵ She reportedly developed an interest in the law after being named executrix of her aunt's estate in nearby Troy, New York.²⁶ In 1882, at the age of forty-one, she

boards. E-mail from Geoffrey Williams, to Mary Lynch (July 23, 2013, 16:48 EST) (on file with authors).

²⁰ Kaye, *supra* note 5, at 965 (quoting Williams & Novick, *supra* note 12, at 18).

²¹ Williams & Novick, *supra* note 12, at 18–19.

²² *See id.* at 18.

²³ *Id.* at 17.

²⁴ Katz, *supra* note 1, at 3 (footnote omitted).

²⁵ Williams & Novick, *supra* note 12, at 18 (internal quotation marks omitted).

²⁶ ELIZABETH K. ALLEN & DIANA S. WAITE, ALBANY LAW SCHOOL 1851-2001: A TRADITION

began work as a law clerk in a local attorney's office.²⁷ Four years later, in 1886, she was inspired to take and pass the oral and written bar exams, but was denied admission to the bar because she was female.²⁸ Admission at that time was decided by the courts.²⁹ The three judges who denied Kate's request for admission did so with these dismissive words: "No precedent, No English precedent, No necessity."³⁰ Professor Katz tells the rest of the story eloquently:

Undeterred, Kate and her suffragist supporters began lobbying efforts to change the law. Within a day she had found almost unanimous support in both houses of the legislature for an amendment stating that neither race nor sex could be an impediment to bar admission. That same day Kate visited Governor David B. Hill, and Secretary of State Homer A. Nelson, who signed the bill. Shortly thereafter Kate took the signed bill to the Supreme Court and was duly admitted to practice by the same three judges who had earlier denied her application. Thus Kate became the first female member of the bar in New York and one of the few women admitted to practice law in the United States.³¹

The actual language of the amendment reads,

Whereupon, after qualifying as prescribed in section fifty-nine of this act, such person is entitled to practice accordingly The race or sex of such person shall constitute no cause for refusing such person admission to practice in the courts of record of this State as an attorney and counselor.³²

Professor Katz opined that Kate was "wise" to seek legislative reform rather than judicial appeal since women who had used the judicial route had been unsuccessful in other states and on the federal level.³³ For example, Professor Katz notes the 1872 case of

OF CHANGE 69 (2000); Karen Mathis, *1998*, in PIONEERING WOMEN LAWYERS, *supra* note 1, at 53, 55; *About Kate Stoneman*, ALB. L. SCH., <http://www.albanylaw.edu/katestoneman/Pages/Biography.aspx> (last visited Mar. 8, 2014); *Kate Stoneman*, *supra* note 1.

²⁷ See, e.g., Williams & Novick, *supra* note 12, at 16, 17.

²⁸ Katz, *supra* note 1, at 6.

²⁹ See *id.*

³⁰ *Id.*

³¹ *Id.* (footnotes omitted).

³² Act of May 19, 1886, ch. 425, 1886 N.Y. Laws 668.

³³ Katz, *supra* note 1, at 6.

*Bradwell v. Illinois*³⁴ affirming the Illinois denial of Myra Bradwell's application for admission and the "infamous" concurrence of Justice Bradley: "The paramount destiny and mission of woman are to fulfil [sic] the noble and benign offices of wife and mother. This is the law of the Creator."³⁵ It was probably Kate's experience as an organizer, lobbyist, and activist in reform movements that helped inform her successful strategy. Being active in civic affairs in a major state capitol city likely gave her the kind of insight and networking connections to allow her to effectuate prompt and meaningful legislative change. Immediately after being admitted to the bar, Kate set up an office for law practice.³⁶ "At that time, a student could spend one or two years studying law in a law office, and only spend the last year before exams in residence."³⁷ Practicing lawyers continued their education and enhanced their expertise by enrolling in law school.³⁸ Kate was wise also in her choice of law schools. Albany Law School had distinguished itself with a liberal admission policy since its founding in 1851.³⁹ At the time of her admission in 1897, Albany Law had already admitted students of African descent, Native Americans and recent immigrants.⁴⁰ But not all law schools were as welcoming of women students. In comparing Kate's experience with those of other women lawyer pioneers, Professor Katz noted:

The record shows that when three other women sought admission to Columbia Law School, they were summarily rejected. George Templeton Strong, the Dean at the time, noted in his diary that three "infatuated women" had applied. He went on to declare: "No woman shall degrade herself by practicing law in New York especially if I can save her." In fact, three of the first women to practice law in the United States, Belva Lockwood, Lemma Barkaloo and Lavinia Goodell were native New Yorkers who had to leave the state in order to realize their professional ambitions.⁴¹

³⁴ *Bradwell v. Illinois*, 83 U.S. 130 (1872).

³⁵ *Id.* at 141 (Bradley, J., concurring); Katz, *supra* note 1, at 6–7.

³⁶ Williams & Novick, *supra* note 12, at 19.

³⁷ *Id.*

³⁸ See, e.g., Katz, *supra* note 1, at 8 (describing Kate's motivation for enrolling in law school). Kate also continued to teach while she practiced law. *Id.*

³⁹ ALLEN & WAITE, *supra* note 26, at 69.

⁴⁰ *Id.*; Thomas F. Guernsey, *Foreword*, in PIONEERING WOMEN LAWYERS, *supra* note 1, at xi.

⁴¹ Katz, *supra* note 1, at 7 (footnotes omitted) (quoting KAREN BERGER MORELLO, THE

While Albany Law School was indeed welcoming to many applicants, at least one person on the faculty did not possess as inclusive a record. Professor Katz writes that “[i]n an ironic twist” the very judge who wrote the terse and dismissive opinion denying Kate’s admission to the bar also served as a special lecturer on constitutional law while Kate attended Albany Law.⁴²

The 1897–98 Albany Law School course catalogue reported that Kate was enrolled as a student and that “[s]ex is no longer a bar for admission to the School.”⁴³ When Kate graduated in 1898, her classmates reportedly applauded loudly.⁴⁴ Moreover, Kate was soon followed by other women at her alma mater of Albany Law School:

Frances A. Van Santford of . . . Albany became the second woman to graduate in 1900, and Mabel J. Wood of Herkimer became the third, in 1903. Two women enrolled with the class of 1905, Claire Sinclair of Bath and Harriette Wood of Poughkeepsie. Ethel K. Betts of Troy (class of 1907) and Maxine Driefkoff of Albany (class of 1909) were unusual in that they had attended college, at Smith in Northampton and the University of Berlin, respectively.⁴⁵

Not all commentators were as supportive of Kate’s achievements as were her classmates who applauded her at graduation.⁴⁶ The New York legal journal *Daily Register* suggested that legal documents would be changed in accordance with the change in women’s fashion and the Albany Law Journal “humbly advise[d] her to have just as few women clients as possible. They are troublesome.”⁴⁷ Kate did open a law office for practice, though it is

INVISIBLE BAR: THE WOMAN LAWYER IN AMERICA 1638 TO THE PRESENT 76 (1986).

⁴² Katz, *supra* note 1, at 8; Williams & Novick, *supra* note 12, at 19.

⁴³ Williams & Novick, *supra* note 12, at 19 (internal quotation marks omitted).

⁴⁴ Kaye, *supra* note 5, at 961.

Forty-three young men and one young woman were graduated from the Albany Law School on the 2d inst., receiving their diplomas from the hands of Rev. A.V.V. Raymond, D.D., LL.D., president of Union University, of which the Albany Law School is a part. It was the forty-seventh commencement of the school, one of the oldest and most famous in the United States, and one which numbers among its graduates hundreds of men who have reached high eminence, from President William McKinley down the honorable line.

So began the Albany Law Journal’s report of a historic commencement, which took place on June 2, 1898.

Id. (quoting *The Albany Law School Commencement*, 57 ALB. L.J. 380, 380 (1898)).

⁴⁵ ALLEN & WAITE, *supra* note 26, at 69.

⁴⁶ See *Current Topics*, 33 ALB. L.J. 421, 422 (1886).

⁴⁷ *Id.*; Williams & Novick, *supra* note 12, at 18. This awkward unease in dealing with the role of men and women and changing mores can be found in the same Albany Law Journal which reported proudly on the Stoneman graduation, “Miss Kate Stoneman, of Albany, one of

unknown what if any clients she had or served.⁴⁸ In a 1916 interview with the Knickerbocker Press, it was reported that:

During all these years Miss Stoneman has continued her teaching and her efforts to obtain for women the position that she feels should be theirs. She also maintained an office for several years where she carried on her practice of law in addition to her educational work, but her primary reason for her concentrated efforts to obtain admission to the bar was for the precedence it established and the new sphere of life which she opened to women.⁴⁹

Kate lived to see New York give women the right to vote in 1917⁵⁰ and the ratification of the Nineteenth Amendment to the Constitution in 1920 proclaiming suffrage for all female citizens.⁵¹ Still active in politics at the age of seventy-seven, Kate served “as a poll watcher in the Albany city elections in 1918, the first year that women were allowed to vote.”⁵² In the last interview before her death in 1925, Kate encouraged young women to “take their opportunities as they come. Always there are opportunities to be had.”⁵³

B. 1986—Professor Katheryn D. “Kathy” Katz: Scholar, Teacher, Equal Rights Activist, and First Law Professor to Teach Domestic Violence Law in a United States Law School

*“The Lady in the Harbor and the Lady in Albany—Two Symbols of Freedom”*⁵⁴

the class of ‘98, was the first woman graduate of any department in Union University upon whom the bachelor degree has been conferred.” *The Albany Law School Commencement*, *supra* note 44, at 380. That same journal also reported on “criminal abortion” by stating “[t]his fashionable crime requires to be thoroughly understood” and discusses the question of whether a wife can maintain a suit against her husband for a personal tort committed upon her given the laws of “coverture.” *Criminal Abortion*, 57 ALB. L.J. 382, 382 (1898); *Current Topics*, 57 ALB. L.J. 371, 373–74 (1898).

⁴⁸ *Miss Kate Stoneman, Lawyer, One of Pioneer Suffragists*, KNICKERBOCKER PRESS, Nov. 19, 1916; Williams & Novick, *supra* note 12, at 19.

⁴⁹ *Miss Kate Stoneman, Lawyer, One of Pioneer Suffragists*, *supra* note 48.

⁵⁰ See, e.g., Tessa Melvin, *1917: When Women Won Right to Vote*, N.Y. TIMES, Nov. 1, 1987 at WC 8; *Timeline From a History of the American Suffragist Movement*, SUFFRAGIST.COM, <http://www.suffragist.com/timeline.htm> (last visited Mar. 8, 2014).

⁵¹ U.S. CONST. amend. XIX. “The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.” *Id.* § 1. “Congress shall have power to enforce this article by appropriate legislation.” *Id.* § 2.

⁵² Williams & Novick, *supra* note 12, at 19.

⁵³ *Id.*

⁵⁴ Sol Wachtler, *The Lady in the Harbor and the Lady in Albany—Two Symbols of*

In 1986, one hundred years after Kate Stoneman's admission to the bar, New York State celebrated the centennial anniversary of her path-breaking achievement.⁵⁵ The New York Legislature commemorated the day in 1886 when that body had passed Kate Stoneman's proposed bill to eliminate race and gender preclusions to admission to the bar. On May 19, 1986, the New York State Legislature paused in its proceedings to "salute Kate Stoneman for her intelligence, her courage, her tenacity, her indefatigable will, her boundless spirit, [and] her concern for the rights of human beings."⁵⁶ Three days later, on the hundredth anniversary of Kate Stoneman's admission to the bar, then Governor Mario Cuomo issued a proclamation honoring her and declaring May 22, 1986, "Katherine Stoneman Day."⁵⁷ At an event held at the New York State Capitol honoring the anniversary, then Albany Law School Dean Richard Bartlett pondered whether Kate Stoneman would be surprised to find that women comprised "40 percent of Albany Law School's student body and 20 percent of its faculty" one hundred years later.⁵⁸ He concluded she might not since she was a "visionary."⁵⁹

The 1986 event was not all celebratory, however. Women leaders at the event urged continuation of the fight for equality noting that a recent New York State Task Force Report on Women in the Courts found "pervasive bias against women in the legal system."⁶⁰ This Task Force carried on its studies of gender bias in the courts into 2011 and beyond, finding various levels of gender bias still exist today in the courtrooms.⁶¹ Maryann Saccomando Freedman, who at

Freedom, 15 FORDHAM URB. L.J. 3, 3 (1986) (comparing the Statue of Liberty and Kate Stoneman from Law Day at Court of Appeals Hall, Albany, New York).

⁵⁵ *Id.*

⁵⁶ Assemb. 1208, 209th Leg., Reg. Sess. (N.Y. 1986).

⁵⁷ *About Kate Stoneman*, *supra* note 26; see *Celebrating 100 Years of Women in the Law*, ST. B. NEWS, June 1986, at 12, 12.

⁵⁸ *Celebrating 100 Years of Women in the Law*, *supra* note 57, at 12.

⁵⁹ *Id.*

⁶⁰ *Id.* (referring to UNIFIED COURT SYS. OF THE STATE OF N.Y., REPORT OF THE NEW YORK TASK FORCE ON WOMEN IN THE COURTS (1986), reprinted in 15 FORDHAM URB. L.J. 11 (1986)). "In examining the status and treatment of women litigants, attorneys and court employees, [the report] found that women are denied equal justice, equal treatment and equal opportunity—the result of problems 'rooted in a web of prejudice, circumstance, privilege, custom, misinformation and indifference.'" Wachtler, *supra* note 54, at 4 (quoting UNIFIED COURT SYS. OF THE STATE OF N.Y., *supra*, at 18).

⁶¹ This task force is now called the New York State Judicial Committee on Women in the Courts. See generally Jill Laurie Goodman, *Taking Stock: Twenty-Fifth Anniversary of the*

that time was the president-elect of the New York State Bar Association (“NYSBA”), mused about the lack of progress women had made since 1886 given her introduction as the *first* woman on the Erie County Bar Board of Directors, the *first* woman president of that bar, the *first* woman secretary of the NYSBA, and the *first* woman president of NYSBA.⁶² “One would think that I were [sic] as old as Kate Stoneman herself,” she remarked.⁶³ Also in 1986, then New York State Governor Mario Cuomo’s Commission on Domestic Violence issued a report calling for legislative and other reforms in response to the failure of the law and legal systems to effectuate justice for abused intimate partners seeking relief, separation, and justice.⁶⁴

1. The Hiring of Professor Katheryn Katz

*“When we find someone who is brave, fun, intelligent, and loving, we have to thank the universe.”*⁶⁵

One of the women who served on the aforementioned Governor’s Commission on Domestic Violence and who contributed to the 20 percent female membership of the Albany Law faculty was Professor Katheryn D. Katz, known to all as “Kathy.”⁶⁶ By the time of the Stoneman Centennial in 1986, the second wave of feminism in the United States had come⁶⁷ and—some might say—had gone.⁶⁸

New York State Judicial Committee on Women in the Courts, 36 N.Y.U. REV. L. & SOC. CHANGE 517, 517, 519 (2012) (describing the committee’s work since its inception); Melissa L. Breger, *The (In)visibility of Motherhood in Family Court Proceedings*, 36 N.Y.U. REV. L. & SOC. CHANGE 555 *passim* (2012) (discussing implicit gender bias against women and the impact on family court proceedings).

⁶² *Celebrating 100 Years of Women in the Law*, *supra* note 57, at 12.

⁶³ *Id.*

⁶⁴ See KARLA DIGIROLAMO ET AL., N.Y. STATE GOVERNOR’S COMM’N ON DOMESTIC VIOLENCE: FIRST REPORT TO THE GOVERNOR AND THE LEGISLATURE 13–14 (Karen Burstein ed., 1986). See also *infra* text accompanying notes 97–101 (discussing the establishment of the Governor’s Commission on Domestic Violence and Professor Katheryn Katz’s involvement with the Commission).

⁶⁵ This quote is generally attributable to Maya Angelou. See Melissa Breger, Remarks at the Memorial Service for Professor Katheryn Katz, at 10:45 (June 16, 2012), <http://www.totalwebcasting.com/view/?id=albanylaw> [hereinafter Memorial Service].

⁶⁶ Just as we refer to Ms. Stoneman as “Kate” in this article, we refer to Professor Katz as “Kathy.” See *supra* note 2.

⁶⁷ See Sandra Simpson, *The Elusive Quest for Equality: Women, Work, and the Next Wave of Humanism*, 48 GONZ. L. REV. 279, 289 (2012).

⁶⁸ The actual timeline of second wave feminists is of course not a concrete one. See Bridget J. Crawford, *Toward a Third-Wave Feminist Legal Theory: Young Women, Pornography and the Praxis of Pleasure*, 14 MICH. J. GENDER & L. 99, 108 (2007). Generally, second-wave

That movement had—and continues to have—tremendous impact on the lives of both women and men in the United States. It challenged culturally and legally constructed gender boundaries and argued for the expansion of professional and personal opportunities for both women and men.⁶⁹ How 1970 Albany Law School graduate “Kathy” Katz became first Professor Katz and then the first Kate Stoneman Chair in Law and Democracy is very much the story of a second-wave feminist who acknowledged the debt she owed to those who fought feminist battles before her and who was determined to make the path a little easier for those who followed her.⁷⁰

After receiving her undergraduate degree in political science from the University of California, Berkeley, Kathy spent a decade raising her two children before entering the University of New Mexico Law School.⁷¹ She recalled being aware that “she was doing something unusual” and said, “I felt invisible . . . I was the only woman in my class, and I was completely ignored.”⁷² Like many women at the time, Kathy was criticized for neglecting her “primary role” as mother.⁷³ “Your mother must not love you . . . if she wants to spend her time going to law school,” one mother told Kathy’s then young daughter Elizabeth “Betsy” Katz.⁷⁴ When Kathy and her family moved to Albany, Kathy transferred into Albany Law School where she joined eight “wonderfully supportive” women.⁷⁵ Kathy excelled

feminism is considered early 1960s to 1980s, followed by the feminist sex wars, followed by third-wave feminism. *See, e.g.*, Aya Gruber, *Leniency as a Miscarriage of Race and Gender Justice*, 76 ALB. L. REV. 1571, 1585 & n.72 (2013) (supporting this timeline of feminism). These terms are both overbroad and reductive but paint with broad strokes to remind readers of what were considered hot topics in the media during those years.

⁶⁹ We are of course aware of the unintended consequences that have sometimes restricted opportunities. We are also aware of the many different effects on those women differently situated and those women and men who have been culturally identified as non-majority. Our purpose here is not to argue whether the second-wave feminists were prescient or mistaken in their goals. We are focused instead on the effect of the movement upon the generations that followed.

⁷⁰ See Laurence Sombke, *A Celebration of Spectacular Women in the Legal Profession*, ALB. L. SCH. MAG., Fall 1995, at 15, 16. We acknowledge that Kathy’s life involved other causes and themes as well. She was a progressive who embraced many causes and wrote and taught upon a variety of issues. Katz, *supra* note 1, at 1.

⁷¹ See Katz, *supra* note 1, at 1; Sombke, *supra* note 70, at 16.

⁷² *Tales of Two Professors*, ALB. L. SCH. MAG., Winter 1999–2000, at 18.

⁷³ *See id.*

⁷⁴ *Id.* For a contrast with the reality of Elizabeth “Betsy” Katz’s real experience of childhood and parenting by Kathy, see Betsy’s remarks at her mother’s memorial service held at Albany Law. Remarks of Elizabeth Katz, Memorial Service, *supra* note 65, at 34:55.

⁷⁵ *Tales of Two Professors*, *supra* note 72, at 18; Sombke, *supra* note 70, at 16.

in law school and was selected for the Albany Law Review.⁷⁶ Again, Kathy faced criticism about her pursuit of the law from a neighbor who also happened to serve on the Albany Law faculty. One night when she was working in the bowels of the library on law review matters, the professor commented, “Mrs. Katz, why aren’t you home with your children?”⁷⁷ Despite such discouragement, Kathy earned prizes in constitutional law, family law, and labor law.⁷⁸ She also earned the Ruth Miner Law and Poverty Fellowship.⁷⁹

After graduation in 1970, she served as a Reginald Heber Smith Community Law Fellow with the Legal Aid Society of Alabama, “which reflected her lifelong concern with justice for the less powerful and affluent members of society.”⁸⁰ Kathy had a reputation as being particularly attuned to issues of race discrimination in America,⁸¹ and one can imagine that this experience working with the poor in Alabama in 1970 deeply affected and informed Kathy’s understanding and beliefs. She also campaigned for the Equal Rights Amendment (the “ERA”) to preclude discrimination based on sex.⁸² First proposed in 1923, the ERA was voted out of Congress in 1972 and remains unratified by the necessary number of states.⁸³

Finding legal employment—even for someone as brilliant as Kathy—was not easy. “A lot of jobs were shut to women then,” she noted later.⁸⁴ Although a professor recommended her for a judicial clerkship, the appellate courts at that time “did not have female

⁷⁶ Sombke, *supra* note 70, at 16.

⁷⁷ Personal Communication with Katheryn D. Katz, Professor of Law, Albany Law School, in Albany, N.Y. (1995). Professor Katz was not one to complain but Professor Lynch often asked her about her experience in the 1970s and this was one of the stories shared.

⁷⁸ Academic Transcript, Katheryn Dorothy Katz, Albany Law School (1970) (on file with authors).

⁷⁹ Sombke, *supra* note 70, at 16.

⁸⁰ *A Celebration of Life: Katheryn D. Katz*, ALB. L. SCH. (June 16, 2012), http://www.totalwebcasting.com/tamdata/Documents/albanylaw/20120616-1/Katz_Memorial.pdf.

⁸¹ Remarks of Mary Lynch, Memorial Service, *supra* note 65, at 5:08 (“She was a powerful voice on issues of poverty, race, sexual orientation—on every issue effecting those not in power in the majority.”); Remarks of Marcia Alazraki, Memorial Service, *supra* note 65, at 15:56 (“She devoted her career to addressing the rights of minorities, to constitutional principles that protect those whose voices are not powerful, are often ignored, and whose needs go unaddressed.”).

⁸² Remarks of Mary Lynch, Memorial Service, *supra* note 65, at 3:45.

⁸³ Proposed Amendment to the Constitution of the United States, H.R.J. Res. 208, 92d Cong., 86 Stat. 1523 (1972); Vincent Martin Bonventre, *Issues Facing the Judiciary: Judicial Activism, Judges’ Speech, and Merit Selection: Conventional Wisdom and Nonsense*, 68 ALB. L. REV. 557, 567 (2005).

⁸⁴ *Tales of Two Professors*, *supra* note 72, at 18 (internal quotation marks omitted).

clerks.”⁸⁵ In 1973, Kathy entered private practice, co-founding the first female law firm in upstate New York with another Albany Law School alumna, Margrethe “Greta” Powers (who in 1963 had been the school’s first female valedictorian and only female student).⁸⁶ In private practice, Kathy confronted many difficulties with the way the law and the legal system treated women. For example, when attempting to assist abused women to secure safety and/or divorce from controlling or dangerous batterers, rather than the law and legal systems being a resource, the laws were actually the barriers, which prevented women from divorcing or achieving safe separations.⁸⁷

When Kathy was in law school, teaching law did not occur to her as a realistic prospect. “I didn’t see one woman professor while I was in law school,” she recalled.⁸⁸ “I never considered teaching as a possibility for myself. There were virtually no women teaching in any law school.”⁸⁹ However, after graduation, she secured a position teaching business law at Rensselaer Polytechnic Institute (“RPI”) and loved it.⁹⁰ In 1975, during the height of the women’s movement, Kathy joined the Albany Law faculty, becoming its second female faculty member.⁹¹ A colleague who taught at Albany Law School at that time remarked, “Kathy was a change agent, a catalyst.”⁹² She was a voice not simply for women but also for those

⁸⁵ *Id.* Professor Katz laughingly reported later how a judge with whom she interviewed explained to her that the court was not set up for having females since they only had one restroom.

⁸⁶ ALLEN & WAITE, *supra* note 26, at 117; *Tales of Two Professors*, *supra* note 72, at 18.

⁸⁷ Kathy shared these stories with her students, with the two authors of this article, and in guest lectures with the author’s students.

⁸⁸ *Tales of Two Professors*, *supra* note 72, at 18 (internal quotation marks omitted).

⁸⁹ *Id.* at 18, 35 (internal quotation marks omitted).

⁹⁰ *Id.* at 35.

⁹¹ See *id.* The first woman to join the Albany Law Faculty was Sandra M. Stevenson in 1974. Professor Stevenson also became the first Director of the Government Law Center at Albany Law School some years later. *Sandra M. Stevenson Biography*, ALB. L. SCH., <http://www.albanylaw.edu/faculty/pages/faculty-listing.aspx?ind=Stevenson,+Sandra+M>. (last visited Mar. 8, 2014).

⁹² Remarks of Daniel Moriarty, Memorial Service, *supra* note 65, at 20:15.

When I arrived here in 1971, there were 8 women in the entering class, the organization for student spouses was called the “Law Wives Club,” and there was one woman on the faculty, the librarian, a nice, matronly woman of decidedly second class professional status. Kathy Katz arrived three years later by which time the librarian had left, Sandy Stevenson had become the first female teaching member of the faculty the year before, and the world of the faculty was beginning to change. Kathy was a change agent, a catalyst: she was from the West, had gone to school in California, at Berkeley no less, and she was a woman interested in social change.

Id. at 19:34.

“othered” in academia and in society.⁹³ She argued for greater diversity in hiring generally and in challenging the longtime privileges provided only to straight white men in the law, society, and in academia.⁹⁴

A year after Kathy joined the faculty she and another faculty member announced that they would not attend the annual Faculty-Board of Trustees dinner because it was being held at a private “gentleman’s club,” which would not accept women members:

Kathy bristled at the indignity and unfairness of our law school treating its faculty in such an unequal way and after one year she refused to attend the traditional pre-graduation dinner when the trustees and the faculty met together in convivial festivity. This meeting was a hallowed tradition, something not lightly to be cast aside by the young in a profession in which precedent and settled rule play such prominent parts. But not only did she not attend, she and John Sands, another new face on the faculty, held their own “separate but equal” event at another venue entirely, shaming us all for failing, in our own back yard, to stand up for what was right. This was her Rosa Parks moment for after this no one could just ignore the issue and simply carry on as we always had done in our customary manner. We never met again in the Fort Orange Club until their membership policy was changed.⁹⁵

Another example of Kathy’s activism involved the United States Military employers interviewing on campus. At that time, their policies on gays and lesbians in the military violated the school’s equal opportunity policy, but many students desired the opportunity to interview with them on campus. It was Professor Katz who made the faculty face the issue squarely. She characterized the discrimination as an equal rights and civil rights problem and argued that it was akin to allowing employers on to campus who refused to interview students of a particular race or gender.

Kathy’s presence on the faculty not only changed life for her faculty colleagues, but also greatly enhanced the student experience by changing the curriculum for the better. As she noted in the Albany Law magazine,

⁹³ See *Tales of Two Professors*, *supra* note 72, at 35.

⁹⁴ See *id.*

⁹⁵ Remarks of Daniel Moriarty, Memorial Service, *supra* note 65, at 21:51.

When I began teaching law, the curriculum clearly reflected the male view of the world. The crime of rape was ignored, and classroom discussions of rape cases often resulted in female students being singled out to recite the sexual details of the cases. Domestic violence was not even a part of the law, sexual abuse of children was never mentioned, and the law surrounding trusts and estates was designed to prevent the widow from squandering her late husband's wealth.⁹⁶

Law school offerings needed to be updated and Professor Katz responded to the current events of the world. She brought her experience from both her practice and her policy work on the Governor's Commission on Domestic Violence into the classroom to better educate and inspire law students. Throughout the late 1960s and 1970s women's advocates in New York State demanded legislative and policy change with respect to the issue of domestic violence.⁹⁷ In 1977, New York State opened its first domestic violence shelter in Brooklyn.⁹⁸ One year later a law was passed that allowed married victims of domestic violence to file criminal charges against a spouse.⁹⁹ In 1983, then Governor Mario Cuomo established by Executive Order the Governor's "Commission on Domestic Violence" and appointed Professor Katheryn Katz to serve on that Commission.¹⁰⁰ Marcia Alazraki, another Commission member, remembers how Professor Katz's opinions "were well respected and often incorporated into legislative [proposals]."¹⁰¹ In 1984, the New York State Court of Appeals finally ruled that marital rape was indeed a crime in *People v. Liberta*¹⁰² on the basis

⁹⁶ *Tales of Two Professors*, *supra* note 72, at 35.

⁹⁷ See generally Virginia H. Murray, *A Comparative Survey of the Historic Civil, Common, and American Indian Tribal Law Responses to Domestic Violence*, 23 OKLA. CITY U. L. REV. 433, 443 (1998) (describing how the modern women's movement in the 1960s brought domestic violence back into the national dialogue).

⁹⁸ *Shelters, CENTER AGAINST DOMESTIC VIOLENCE*, <http://www.cadvny.org/2009/08/12/shelters/> (last visited Mar. 8, 2014).

⁹⁹ Act of July 19, 1977, ch. 449, 1977 N.Y. Laws 632.

¹⁰⁰ "Governor Mario Cuomo reconstituted the Task Force as a Commission by Executive Order No. 18, in June 1983." Karen Burstein, *Naming the Violence: Destroying the Myth*, 58 ALB. L. REV. 961, 961 n.3 (1995) (citing N.Y. COMP. CODES R. & REGS. tit. 9, § 4.18 (1983)). "The Office for the Prevention of Domestic Violence (OPDV) is an executive level state agency, created in 1992. It replaced the former Governor's Commission on Domestic Violence established in 1983." *About OPDV*, OFFICE FOR PREVENTION DOMESTIC VIOLENCE, <http://www.opdv.ny.gov/aboutopdv/index.html> (last visited Mar. 8, 2014). For Kathy's involvement see *Katheryn D. Katz Obituary*, TIMES UNION (Albany, N.Y.), June 1, 2012, at D7.

¹⁰¹ Remarks of Marcia Alazraki, Memorial Service, *supra* note 65, at 17:00.

¹⁰² *People v. Liberta*, 474 N.E.2d 567 (N.Y. 1984).

that the criminal statute as written was unconstitutional as it related to equal protection.¹⁰³ Two years later and one hundred years after Kate Stoneman won her fight to be admitted to the New York Bar, Albany Law School announced the offering of a *Domestic Violence Seminar* in its 1986–1987 Course Bulletin.¹⁰⁴

The seminar was to be taught by Professor Katz for two credits. Prospective students were informed as follows:

This course will give students a chance to explore in depth the legal issues and discrete phenomena subsumed under the encompassing phrase “domestic violence.” Students will develop their critical and analytical skills in the study of topics including the child as witness, spousal violence, child abuse and neglect, elder abuse, incest, and the bases for intervention of the state.¹⁰⁵

Today that language may seem old-fashioned—particularly the reference to “spousal violence.” However, the language had been parsed over and approved by a curriculum committee to ensure it was appropriate as a “rigorous” law course. More importantly, it was a first not only for a New York law school but also the first documented domestic violence law school course nationwide.¹⁰⁶

Professor Katz’s inclusion of this course in the curriculum ensured that future clients of Albany Law School graduates would have access to lawyers knowledgeable about and sensitive to these important legal issues and extra-legal realities. These lawyers-to-be were fortunate to be taught by someone both passionate about issues of gender and knowledgeable about the difficulty of employing the law to deter domestic violence. In particular, Professor Katz knew full well the challenges of honoring victims’ agency while keeping them safe.

Professor Katz’s influence and her integrative educational vision continue to enhance and enliven the curriculum at Albany Law School. Today, the historic seminar is still offered annually, as well as two clinics which prepare students in either the criminal prosecution of abusers or the civil representation of domestic violence victims and survivors.¹⁰⁷ Furthermore, Family Law,

¹⁰³ *Id.* at 575–78.

¹⁰⁴ 1986–1987 BULLETIN, *supra* note 4, at 37.

¹⁰⁵ *Id.*

¹⁰⁶ *See id.*

¹⁰⁷ *See Courses*, ALB. L. SCH., <http://www.albanylaw.edu/academics/Pages/Courses.aspx> (last visited Mar. 8, 2014).

Bioethics Law, Children and the Law, and Gender and the Law courses are regularly taught at Albany Law School.¹⁰⁸ Professor Katz's far-reaching legacy also includes deep and multiple connections to the community, involvement by the Women's Law Caucus, and an annual production of student papers on cutting-edge issues pertaining to women or children's law.

III. 1986–PRESENT: THE LEGACY OF “KATE” AND “KATHY” AND THE PRIORITIZATION OF WOMEN’S RIGHTS AND VIOLENCE AGAINST WOMEN ISSUES AT ALBANY LAW SCHOOL

“Strong women, precious jewels all, their humanness is evident in their accessibility. We are able to enter into the spirit of these women and rejoice in their warmth and courage.”¹⁰⁹

Both Kate Stoneman and Kathy Katz have had a tremendous impact on Albany Law School’s identity. In the past three decades, Albany Law School has rediscovered Kate Stoneman while it has expanded its vision of itself. Professor Kathy Katz was a crucial actor in changing the culture and curriculum, and in building the Kate Stoneman Day Program.

A. The Initiation and Development of a Program to Honor Kate Stoneman and Women in the Law

At Professor Katz’s sixtieth birthday dinner, organized and attended by a cohort of female faculty and staff, two longtime Albany Law staff members proposed developing an extra-curricular program in Women and the Law in honor of our first female alum and unsung heroine, Kate Stoneman. It was at that birthday dinner that Kathy, her colleagues, and friends committed to ensuring that Kate Stoneman’s story would be better studied, announced widely to the world, and celebrated properly. A cadre of staunch supporters, including alumna Mimi Netter and Professor Patricia Youngblood Reyhan, planned and worked to arrange for funding to properly institutionalize the celebration of this pioneering alumna. In 1994, the first Kate Stoneman Day

¹⁰⁸ See *id.* Professor Breger teaches three out of four of these courses regularly.

¹⁰⁹ This quote is generally attributable to Maya Angelou. See Remarks of Melissa Breger, Memorial Service, *supra* note 65, at 10:55.

Celebration was held.¹¹⁰ The Honorable Judith S. Kaye, then Chief Judge of the New York Court of Appeals, gave the inaugural address, which was reprinted in the Albany Law Review.¹¹¹ One year later, when Albany Law alumna Jeanine Pirro served as the keynote speaker, Professor Katz was honored as a Stoneman awardee.¹¹² In her acceptance speech, Professor Katz remarked, “I did not dream when I graduated in 1970 I would be standing where I am now . . . I feel very privileged to have been in the first wave of female law professors.”¹¹³ Later years brought other notable Stoneman honorees and keynote speakers including exceptional federal jurists such as Constance Baker Motley and Patricia Wald, and influential lawyers such as Mary Jo White, Native American rights lawyer Arlinda Locklear, and corporate reformist Nell Minow.¹¹⁴

From 1994 to the present, Kate Stoneman Day is celebrated at Albany Law School by remembering Kate’s remarkable accomplishments and honoring current path-breaking lawyers “who have demonstrated a commitment to actively seeking change and expanding opportunities for women.”¹¹⁵ It is one of the most well attended events on campus and one of the happiest days with community members greeting each other in the hallways and on e-mail with “Happy Stoneman Day!” The student-run Women’s Law Caucus always plays a pivotal role in planning events, in conjunction with Stoneman Day and Women’s History month.¹¹⁶ In 2007, the hard work of the Kate Stoneman Committee members resulted in the establishment of the Kate Stoneman Chair in Law and Democracy; the Chair was rightfully awarded to Professor Kathryn D. Katz, Class of 1970.¹¹⁷

¹¹⁰ *Women*, ALB. L. SCH., <http://www.albanylaw.edu/about/history/Pages/Women.aspx> (last visited Nov. 16, 2013).

¹¹¹ Kaye, *supra* note 5, at 961 n.1.

¹¹² *Kate Stoneman Award Winners*, ALB. L. SCH., <http://www.albanylaw.edu/katestoneman/Pages/awards.aspx> (last visited Mar. 8, 2014).

¹¹³ Sombke, *supra* note 70, at 16 (internal quotation marks omitted).

¹¹⁴ See *Kate Stoneman Award Winners*, *supra* note 112.

¹¹⁵ See *Kate Stoneman Day*, ALB. L. SCH., <http://www.albanylaw.edu/katestoneman/Pages/KateStonemanDay.aspx> (last visited Mar. 8, 2014).

¹¹⁶ See *Acknowledgements*, in *PIONEERING WOMEN LAWYERS*, *supra* note 1, at x.

¹¹⁷ *Id.* at ix. The Kate Stoneman Committee has planned and organized events honoring women and the law for over twenty years. See *id.*; see also, Sombke, *supra* note 70, at 16 (stating that the first Kate Stoneman Day was in 1994). This active and vibrant Committee was co-chaired for almost ten years by Professor Katz ably assisted by then Vice-President for Institutional Advancement Helen Adams-Keane. See *Acknowledgements*, in *PIONEERING*

Over the past twenty years, the Stoneman program has expanded in vision, reach, and in “fan base.” One popular aspect of the program is the Stoneman Visiting Professor. Distinguished faculty from around the globe visit and teach at Albany Law School to enhance and broaden the education of students and to enrich the campus culture.¹¹⁸ In fact, one such Stoneman Visitor, Penelope “Penny” Andrews, now serves as Albany Law School’s first ever female President and Dean. In her inaugural year, Dean Andrews acknowledged the Stoneman legacy by holding a remarkable international women’s rights conference in honor of Professor Kathy Katz. Entitled *Human Rights, Gender and the Law: The State of Equality in Comparative Perspective*, the Conference brought together feminist scholars from around the world and women’s issues activists from the state and local community for a conversation about new ideas, challenges and hopes.¹¹⁹ In addition, Professor Hilary Charlesworth, a pioneer in feminist international law, served as the Visiting Stoneman Professor, while Columbia Law Professor and MacArthur Fellow Professor Patricia Williams delivered a passionate and enthralling keynote speech at Stoneman Day.¹²⁰ So many events were held at Albany Law School in the

WOMEN LAWYERS, *supra* note 1, at ix. When Professor Katz stepped down, Ms. Adams-Keane and author, Professor Mary Lynch, together took up the reins. *See id.*

¹¹⁸ See *The Kate Stoneman Visiting Professor*, ALB. L. SCH., <http://www.albanylaw.edu/katestoneman/Pages/chair.aspx> (last visited Mar. 8, 2014).

¹¹⁹ See *Human Rights, Gender, and the Law: The State of Equality in Comparative Perspective: Conference Schedule*, ALB. L. SCH., <http://www.albanylaw.edu/gender/Pages/schedule.aspx> (last visited Mar. 8, 2014).

¹²⁰ *Columbia Law Professor and MacArthur Fellow Patricia Williams to Deliver 2013 Kate Stoneman Keynote*, ALB. L. SCH., <http://www.albanylaw.edu/about/news/2013/Pages/MacArthur-Fellow-Williams-to-Deliver-2013-Stoneman-Keynote.aspx> (last visited Mar. 8, 2014); *Pioneer in Feminist International Law to Deliver Stoneman Visiting Professor Lecture*, ALB. L. SCH., <http://www.albanylaw.edu/about/news/2013/Pages/Pioneer-in-Feminist-International-Law-to-Deliver-Stoneman-Visiting-Professor-Lecture.aspx> (last visited Mar. 8, 2014). In fact, when Professor Williams spoke at the Symposium, she referenced a female colleague of color teaching in law schools early in her career. She remarked “it was like driving in the Deep South alone at night.” Patricia Williams, Keynote address, *Convergence: A Meditation on Justice and Madwoman* (April 10, 2013),

<http://www.totalwebcasting.com/view/?id=albanylaw#> (citing Linda S. Greene, *Tokens, Role Models, and Pedagogical Politics: Lamentations of an African American Female Law Professor*, 6 BERKELEY WOMEN'S L.J. 81, 83 (2013), available at <http://scholarship.law.berkeley.edu/bglj/vol6/iss1/7> (“My early experiences were an intellectual version of a nighttime ride through the deep South countryside: I had a constant awareness of racist and sexist danger, both real and imagined. I never knew when a student’s seemingly innocuous response to my questions would slide into a challenge to my right to *profess*. I came to fear this almost daily assault on my psyche. Had I not received significant support and encouragement from several other African American professors, I

spring of 2013 that it was informally called “the Stoneman Spring.”¹²¹

B. Curricular Enhancement and Innovation: From Cutting Edge Seminars to Pervasive Presence in the Curriculum and Extra-Curricular Activities

Professor Kathy Katz’s influence on Albany Law School extends beyond her development of the Stoneman program celebrations of women and the law. As noted above, her influence on curricular offerings and other extra-curricular activities is also noteworthy.

1. Reflections on the First Domestic Violence Seminar

When Professor Katz started teaching domestic violence law at Albany Law School in 1986, it is unclear whether she realized just how groundbreaking her teaching was to be. She would certainly have noticed the lack of textbooks on domestic violence law, now readily available. She would have certainly noticed the lack of resources, treatises and networks of law professors centered on the issue. It is doubtful, however, that she, in all her humility, was ever truly cognizant of her invaluable pioneering and path breaking.

Professor Katz inevitably encountered much of the resistance and obstacles that any pioneer faces when breaking into a field that is new and controversial. To talk about issues of gender inequality and violence within the family is to raise issues that many people are not comfortable addressing, and some are not even ready to acknowledge exist. Yet, domestic violence has been and still is a worldwide epidemic.¹²² Even though its genesis in the oppression of

would not be teaching today.”)). Professor Melissa Breger also made remarks at this Symposium. See Melissa L. Breger, *Transforming Our Cultural Norms and Deconstructing Sexual Violence Against Women*, in HUMAN RIGHTS, GENDER & THE LAW: THE STATE OF EQUALITY IN COMPARATIVE PERSPECTIVE 108 (2013), <http://www.albanylaw.edu/gender/Documents/Kate%20Stoneman%20Conference%20Papers.pdf>.

¹²¹ Events were not limited to exploring women in traditional legal practice; Stoneman member and Albany Law Professor Christine Sgarlata Chung led a panel of Women in Business. *Women in Business: Business Council President, J.P. Morgan Vice Chair, Mitsubishi Foundation Executive Director*, ALB. L. SCH., <http://www.albanylaw.edu/about/news/2013/Pages/Women-in-Business.aspx> (last visited Mar. 8, 2014).

¹²² See WORLD HEALTH ORG., WORLD REPORT ON VIOLENCE AND HEALTH: SUMMARY 15 (2002), http://www.who.int/violence_injury_prevention/violence/world_report/en/summary_en.pdf (“In 48 population-based surveys from around the world, 10-69% of women reported being

women has been demonstrated and documented,¹²³ this critical topic for too long remained sorely missing from classroom discussion, law school curriculum, and in dialogue among faculty.

Professor Katz bravely addressed this sensitive topic, and in fact, attempted to bridge that gap between the traditional core courses and those courses that raised critical feminist theories or cutting-edge issues. She did so not only by teaching the first domestic violence seminar in the country,¹²⁴ but also by weaving cutting edge issues into all of her coursework. This in turn not only reaches a wider audience of young legal minds, but also situates the topic throughout all areas of law. Today at Albany Law School, we continue to strive to meet her groundbreaking goals in our curriculum and teaching.

As Professor Katz knew, domestic violence law is replete with rich narratives and “teachable moments.” The subject matter provides multiple opportunities for students to confront stereotypes about what it means to be a survivor of intimate partner violence, what it means to be a victim, and what it means to be violated by your significant other. Professor Katz utilized this topic to talk about tough issues—issues that other faculty shied away from—such as sexism, oppression, bias, paternalism, racism, misogyny, homophobia, and intersectionality.¹²⁵ Law schools in the 1980s remained male-dominated institutions;¹²⁶ some might argue they still are today.¹²⁷ Professor Katz forged ahead, however, into

physically assaulted by an intimate male partner at some point in their lives.” (citing L. HEISE, ET AL., ENDING VIOLENCE AGAINST WOMEN 4 (1999)).

¹²³ See WORLD HEALTH ORG., *supra* note 122, at 16 (“Women are particularly vulnerable to abuse by their partners in societies where there are marked inequalities between men and women, rigid gender roles, cultural norms that support a man’s right to sex regardless of a woman’s feelings, and weak sanctions against such behaviour.”).

¹²⁴ See Katz, *supra* note 1, at 1; Lynch, *supra* note 4, at 1179 n.6.

¹²⁵ Kimberlè Crenshaw coined the phrase “intersectionality” in her seminal law review article, and used the concept of “intersectionality” to emphasize the various ways in which race and gender interact and intersect. Kimberlè Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 STAN. L. REV. 1241, 1244–45 (1991). She notes that the concept of intersectionality “can and should be expanded by factoring in issues such as class, sexual orientation, age, and color.” *Id.*; see also Kimberlè Crenshaw, *Race, Gender and Violence Against Women: Convergences, Divergences and Other Black Feminist Conundrums*, in FAMILY MATTERS: READINGS ON FAMILY LIVES AND THE LAW 230, 230–32 (Martha Minow ed., 1993) (discussing intersectionality).

¹²⁶ See Mark R. Brown, *Gender Discrimination in the Supreme Court’s Clerkship Selection Process*, 75 OR. L. REV. 359, 366 (1996).

¹²⁷ Ann Bartow, *Still Not Behaving Like Gentlemen*, 49 U. KAN. L. REV. 809, 815 (2001) (“[A] study, conducted at Brooklyn Law School, found that female students achieved as well as men, but women voluntarily participated less in classroom discussions and had higher rates of anxiety and depression than their male peers.”). Bartow also goes on to discuss the

uncharted, and at times, unwelcome territory. She was not dissuaded to raise these controversial, yet critical topics with her colleagues and her students, and to integrate new ideas about structural inequality, intersectionality, and difference within her teaching.¹²⁸

Though she was herself a pioneer, Professor Katz was keenly aware that she was not in the business of creating a classroom of pioneers. While any teacher is thrilled to see a few of her students every year blossom into trendsetters and leaders in the profession, most teachers recognize that the vast majority of their students will be part of the everyday fabric of general lawyering. In other words, we law professors hope to inspire as we teach, but we need also to actively prepare students for the day-to-day practical reality of the legal world. Professor Katz knew not only how to ignite a fire in her students, but also how to prepare them to practice law with real clients. To that end, Professor Katz felt it was critical that students remain sensitive to the complicated dynamics of domestic violence their prospective clients might face. Certainly, most lawyers will interact with survivors of family violence—some never even knowing so at the outset. To aspire to teach *every* new lawyer to be prepared, so that each one is competent to represent or interact with survivors of family violence, is the more sophisticated challenge for a law professor.¹²⁹ To that end, Professor Katz brought in advocates for guest lectures, co-taught with state policy makers, and worked with state agencies and attorneys for children to bring a real world perspective into the classroom.¹³⁰

disparities in LSAT scores and law school grades between males and females, thus suggesting a standardized-testing and teaching methodology bias against females. *See id.* at 832–36; Sarah Berger et al., “*Hey! There’s Ladies Here!!*”, 73 N.Y.U. L. REV. 1022, 1036–38 (1998).

¹²⁸ *See supra* note 125 and accompanying text; *see also* Verna L. Williams, *The First (Black) Lady*, 86 DENV. U. L. REV. 833, 839 (2009) (footnote omitted) (“Intersectionality tells us that racism and sexism are interlocking forms of oppression that work together to reinforce a white patriarchal social order.”).

¹²⁹ *See* Breger & Hughes, *supra* note 4, at 171 (“Finally, lawyers in all fields need to be skilled in counseling clients who are dealing with a family crisis and must assess how this trauma may affect corresponding legal issues. Knowledge of the effects of trauma is crucial in the family violence context, where both children and adult survivors often manifest similar psychological barriers to legal representation, such as memory loss, guilt, shame, humiliation, self-blame, post-traumatic stress disorder, overcompensation, re-traumatization, and disassociation. Such obstacles may complicate legal representation and can be challenging to even the most enlightened lawyer.” (footnote omitted)).

¹³⁰ In writing this article and in preparing for Professor Katz’s memorial, the authors had the pleasure of speaking to and receiving e-mails from some of her cohorts from those early years as well as to some of Professor Katz’s very first students.

Professor Katz always remembered fondly the long, winding lines of inquisitive law students standing outside her office door. Whether the students were in her classes, or just wanted to be in her classes in the future, Kathy reminisced that the students craved talking about and learning about issues that for so long were not addressed in law school classrooms. Yet, despite many law students' pre-law school enthusiasm and interest in these topics, others entered her classes with scant knowledge of issues of privilege or of the lives of those living in homes with violence. Even today, those of us who teach in the fields of gender and domestic violence law find that many of our students "buy into" societal myths, biases and assumptions regarding domestic violence. We follow in Professor Katz's footsteps, by turning these assumptions into teaching moments, by finding ways to have students stand in the stead of a survivor of family violence, and by dispelling myths while teaching analytical thinking skills.¹³¹

2. Cross-Pollination Across Other Law School Courses, Including Domestic Violence Clinical Program

A few years after launching the first Domestic Violence Seminar, Professor Katz was instrumental in establishing clinical courses focused on survivors of domestic violence and clients seeking safety from abusive partners. In the 1990s, Professor Katz served on a committee to evaluate the community need for an Order of Protection Clinic.¹³² As a result of that work, the law school applied for and was awarded a United States Department of Education

¹³¹ One concrete example of such a teaching moment is to engage the students in an exercise on the very first day of class. There are many great exercises that have been developed by educators and that work to dispel societal myths. But often the best exercises simply challenge the age-old question of "Why didn't she just leave?" Common classroom exercises include asking students to reflect for a minute about an employment or home or school situation in which the student did not feel they could "leave" or "quit" and then jot down why he or she could not leave and how that made him or her feel. Typical narratives include: a student not able to leave a party because the driver was drinking or not available, not being able to leave their parents' home because they did not want to hurt or disobey the parents they loved, or not being able to leave a job because they needed the money and had to raise a family. Then, the conversation is opened to the whole class to segue into thinking about these same reasons as to why a survivor of intimate partner violence, particularly a parent, might not feel free to leave a partner. While this seems elementary, the exercise forces the students to feel that tension for a moment and then be able to relate that to a potential client. In this way, it is quite effective. For more excellent teaching tips surrounding this topic, see NANCY K.D. LEMON, LEMON'S TEACHER'S MANUAL TO DOMESTIC VIOLENCE LAW (4th ed. 2013).

¹³² See DIGIROLAMO ET AL., *supra* note 64; Katz, *supra* note 1, at 1.

grant, conducted a community needs survey, and proposed two clinical offerings to accompany the historic Domestic Violence Seminar.¹³³ The Post-Conviction Remedies/Clemency Clinic offered Albany Law students the opportunity to represent women imprisoned for killing their abusers and succeeded in obtaining the first gubernatorial clemency in New York State granted to a battered woman convicted of killing her abuser.¹³⁴ In the second clinical offering, the Family Violence Litigation Clinic, students represented clients in Family Court matters and other proceedings, which supported client safety.¹³⁵ Meanwhile, Professor Katz continued to teach the Domestic Violence Seminar to round out the program. Today the law school hosts a Family Violence Litigation Clinic,¹³⁶ (“FVLC”) which has recently expanded to include an “Immigration Project,”¹³⁷ while the clemency clinic has been replaced by a Domestic Violence Prosecution Hybrid which places students in specialized domestic violence courts in the Capital Region.¹³⁸ The Domestic Violence Seminar explained above is a pre- or co-requisite to both of the domestic violence clinics.

Clearly, the themes and lessons of domestic violence jurisprudence need not be confined to those classes that specifically focus upon these topics. There is tremendous potential for cross-pollination into most other law school courses.¹³⁹

¹³³ See Kathy Schofield Zdeb, *Domestic Violence*, ALB. LAW SCH. MAG., Fall 1994, at 15, 16.

¹³⁴ Jane Gross, *A New Life Opens, After Prison and Battering*, N.Y. TIMES, Feb. 18, 1997, at B1. Professor Katz was, of course, present at client Charlene Brundidge’s Victory Celebration at Albany Law School.

¹³⁵ See ALBANY LAW SCH., 1995–1996 BULLETIN 28 (1995).

¹³⁶ Which at times was called Family Law Project and other nomenclature, but reverted to its original name in 2007.

¹³⁷ Authors Professors Breger and Lynch have taught and/or co-taught the Domestic Violence Seminar at Albany Law School since 1996. Professor Lynch directs the DVPH to date. Professor Breger directed the FVLC for eight years. The authors have been joined on the faculty by Professor Sarah Rogerson who co-taught the seminar one semester, currently heads FVLC and added on a component named the Immigration Project.

¹³⁸ See Lynch, *supra* note at 4, at 1180 n.7, 1181–84.

¹³⁹ Breger & Hughes, *supra* note 4, at 178–79. Here at Albany Law School we continue to do so today. In fact, the authors recently conducted an informal survey of their Albany Law colleagues and found the results encouraging. (Survey results on file with authors); *see also* Elizabeth M. Schneider & Cheryl Hanna, *The Development of Domestic Violence as a Legal Field: Honoring Clare Dalton*, Schneider & Hanna, 20 J.L. & POL’Y 343, 348–49 (2012) (discussing how issues of domestic violence could be integrated into first-year and upper level law school courses and clinics); DEBORAH GOELMAN & ROBERTA VALENTE, AM. BAR ASS’N COMM’N ON DOMESTIC VIOLENCE, WHEN WILL THEY EVER LEARN? EDUCATING TO END DOMESTIC VIOLENCE: A LAW SCHOOL REPORT *passim*, available at http://lobby.la.psu.edu/064_Legal_Services/Agency_Activities/DoJ/DOJ_Educating_dom_violence.pdf (discussing the importance of integrating issues of domestic violence into law school

As Professors Breger and Hughes have stated:

Family violence law classes, whether clinical or not, invariably address cutting-edge legal issues in a burgeoning area of law. The permutations of legal issues involved in family violence matters are endless. Recent trends, such as the changing definition of family and parenthood, the developing area of children's rights law, the devastating increase of women and children victimized by human trafficking, genital mutilation, and war, the expanding issue of immigration, and the growing field of bioethics law only add to this wide spectrum of topics. Family violence law opens the door to novel constitutional issues and fascinating factual and legal scenarios. The issues often call for complex analysis, which heightens the level of dialogue and debate in the law school classroom.

Furthermore, family violence issues intersect with virtually all law school courses and legal practice areas. First-year courses abound with opportunities to incorporate family violence law into syllabi; due process rights within constitutional law, assault and battery within tort law, discovery and pleadings within civil procedure, and issues of capacity and validity of contract terms within the law of contracts. Upper level courses also may seamlessly integrate the topic of family violence law. In tax law, issues of family violence may arise when there is an innocent spouse relief claim. In employment law, workers' compensation, safety of the workplace, and absenteeism may involve family violence. In trusts and estates, the topic of family violence can be taught when addressing undue influence and capacity to create a will. In insurance law, issues of family violence can arise when dealing with assumption of risk or pre-existing medical conditions. In immigration law, abundant issues intersect with family violence law, such as human rights violations, cultural norms, special immigrant juvenile status, and qualifications for political asylum.

. . . The proliferation of family violence coupled with its infusion into virtually every field of law underscores why law schools must educate graduates to recognize issues involving

curricula and issuing recommendations for incorporating such issues into core curricula, upper level course, clinical programs, and co-curricular programs).

violence wherever they surface.¹⁴⁰

Although Professor Katz seamlessly integrated issues of domestic violence into the plethora of courses she taught during her tenure at Albany Law School, the classes that touched her heart the most were Family Law, Children and the Law, Domestic Violence Seminar, Gender and the Law, and the Bioethics/Assisted Reproductive Rights Seminar, many of which she created and/or taught. Through these classes, she was able to teach about topics that had a profound impact upon women and children.

Kathy also broadened the reach of the topics outside of the classroom, through her work on various boards and advisory committees in New York.¹⁴¹ Moreover, Kathy's dedication to bringing domestic violence issues to the forefront at Albany Law School permeated aspects of student life at the institution. The seeds that Kathy planted still bloom here, as domestic violence law remains pertinent and prominent in extracurricular activities, moot court competitions, and law journal writing.¹⁴² Illustratively, Kathy Katz was the faculty advisor or co-faculty advisor for the Gabrielli National Family Law Moot Court Competition for many years.¹⁴³ The Women's Law Caucus annually honors survivors of domestic violence with the entire law school community.¹⁴⁴

It is irrefutable that law schools today are very different in culture than what they were when Kate Stoneman and Kathy Katz

¹⁴⁰ Breger & Hughes, *supra* note 4, at 177–79 (footnotes omitted).

¹⁴¹ *In Memoriam: Katheryn D. Katz*, <http://www.nycourts.gov/ad3/oac/In-Memoriam.pdf> (last visited Mar. 8, 2014) ("Kathy served on numerous committees and commissions, including the New York State Governor's Commission on Domestic Violence, the Civil Rights Committee of the New York State Bar, the New York State Bar's Special Committee on Biotechnology and the Law, the board of directors of the Legal Aid Society of Northeastern New York, the Committee on Research on Human Subjects at the Albany Medical Center and, for over 30 years, as a member of the Office of Attorneys for Children Advisory Committee.").

¹⁴² See, e.g., Jonathan Lippman, *Ensuring Victim Safety and Abuser Accountability: Reforms and Revisions in New York Courts' Response to Domestic Violence*, 76 ALB. L. REV. 1417 *passim* (2013); Domenick L. Gabrielli *National Family Law Moot Court Competition*, ALB. L. SCH., <http://www.albanylaw.edu/mootcourt/intra-school/Pages/Gabrielli-Family-Law-Competition.aspx> (last visited Mar. 8, 2014); *Women's Law Caucus*, ALB. L. SCH., <http://www.albanylaw.edu/students/orgs/Pages/Women%27s-Law-Caucus.aspx> (last visited Mar. 8, 2014).

¹⁴³ The Family Law Competition is celebrating its 26th anniversary this year. *Domenick L. Gabrielli National Family Law Moot Court Competition*, *supra* note 142.

¹⁴⁴ During Domestic Violence Month (October), the Women's Law Caucus holds fundraisers, public awareness campaigns, and an evening candlelight vigil outdoors while deeply hued purple floodlights shine on the exterior of the main building of the Law School. *See Women's Law Caucus*, *supra* note 142.

graced their doorsteps. We at Albany Law School owe much gratitude to pioneers like Kathy and Kate who travelled the roads before us, and created today's more inclusive laws, law schools, legal curriculum, and legal communities.

IV. CONCLUSION: THE INTERSECTION OF TWO FEMINIST PIONEERS AND THEIR IMPACT UPON ALBANY LAW SCHOOL

It was with incredible sadness that Albany Law School and Kathy's colleagues mourned her loss in 2012.¹⁴⁵ Examining her life and her links to a tradition of feminist activism at Albany Law School provides renewed hope and energy for those of us who miss this inspirational mentor and kind colleague. Professor Katz continues to have a powerful impact upon the students and community of Albany Law School through the curriculum she enhanced, the professors she mentored and influenced, and the extracurricular activities she fostered. A pioneer in the field of domestic violence law, gender studies, and legal education, Professor Katz earned her title as the modern and genuine embodiment of the spirit of Kate Stoneman. As Professor Katz concluded in the very last sentence of her book chapter honoring Kate Stoneman, we conclude and say to both women now: "Rest in peace, brave pioneer[s], dear sister[s]."¹⁴⁶

¹⁴⁵ *Albany Law School Mourns Passing of Professor Katz '70*, ALB. L. SCH. (May 16, 2012), <http://www.albanylaw.edu/about/news/2012/Pages/Albany%20Law%20School%20Mourns%20Passing%20of%20Professor%20Katz%2070.aspx>.

¹⁴⁶ Katz, *supra* note 1, at 10.