

Comments of Justice Virginia Linder
Senate Concurrent Resolution 205
February 3, 2012

I am honored to be here today to speak on behalf of Chief Justice Paul De Muniz, as well as my branch of government, and the judges and staff who serve on it. We are delighted that this resolution honoring Betty Roberts is before the committee, and I am here to express our full support for it.

Every woman who is a judge, a lawyer, or who just holds a job in Oregon owes Betty Roberts a debt of gratitude for the path that she blazed for equal opportunity and equal rights in our state. Like the pioneers who founded Oregon, she demonstrated the vision, independence, risk-taking, and just plain guts that it takes to make a difference. There are many who can speak to the difference she made.

My comments today are, in part, personal. I want to speak from personal experience about the influence Betty Roberts had on the bench and bar of this state.

Betty Roberts entered law school in the early 1960's -- she was one of the very few women willing to brave an entry into what was then truly a male profession. And brave it she did. Shortly after getting her law degree in 1962, she jumped into politics and civic and public life.

While Betty Roberts was doing that, I and my generation of women lawyers were completing high school or just entering college. It was an era of civil rights progress, and progress for women's rights in particular. We were a generation inspired. We wanted to make a difference. We knew a career in law was a way to do that.

But we were also, as women, a generation without role models. Many of us had never met a woman lawyer. We had never even read about one. I don't recall a single reference to a woman lawyer in any history book I read in school. There weren't even women cast to play lawyers on TV.

By the time I entered college, in 1971, I realized it was possible though -- possible for a woman to get a law degree. Even possible, maybe, for a woman to make a living as a lawyer. Like so many other young women, I set my sights on law school.

It wasn't until 1974, while still in college, that I met an actual woman lawyer for the first time. She was running for Governor of Oregon. That woman lawyer was Betty Roberts. I heard her speak. I thanked her afterwards. I shook her hand. That was all.

But I knew I would never forget her. What I didn't know then was how Betty Roberts would continue to weave in and out of my life and the lives of so many other women lawyers throughout our professional careers.

Along with growing numbers of other women, I found my way into law school in the 1970s. Betty Roberts, by then, found her way to the bench. In 1977, Governor Straub appointed her to the Oregon Court of Appeals, where she would serve until 1982. She was, of course, the first woman ever to serve on that court.

That was the same year I began law school at Willamette University. By 1978, as a second year law student clerking for the Oregon Department of Justice, I began writing appellate court briefs and attending oral arguments in both Oregon appellate courts. The two courts consisted then, as they do now, of 17 judges. All of them men, except one: Betty Roberts.

It is hard for me to express in words how important it was, for me and for the few other women appearing before those courts, that she was there. Not only were we women in a male-dominated profession, we were young women, new to our roles. More often than not, I faced judges who were all men. But to be able to walk into that courtroom, and to sometimes have Betty Roberts there -- *Judge Betty Roberts* -- made all the difference. Judge Roberts: with her steady gaze, her cool resolve, her quiet confidence. Her very presence gave me and other women lawyers appearing before the appellate courts a sense of place, a sense of personal legitimacy, that we simply could not have had without her.

Perhaps that will help explain, then, why, in 1982, when *Judge Betty Roberts* was appointed by Governor Atiyeh to the Oregon Supreme Court, the women lawyers -- and women in Oregon generally -- were ecstatic. Sandra Day O'Connor had been appointed to the United States Supreme Court only months before. To have Judge Betty Roberts become Justice Betty Roberts was overwhelming. For us -- women lawyers so accustomed to rarely seeing a woman's face among the judges we appeared before -- her appointment led to a spirit of optimism and a sense of what was possible that we had never felt before.

Justice Betty Roberts served on the Oregon Supreme Court until 1986. By that time, her influence on the judicial branch and Oregon's bar was tangible. She inspired and energized my generation of women lawyers by her example alone. But Betty Roberts was never one to rest on symbolism. She became the "go to" person for women

lawyers who needed advice and counsel on their careers. And for women who aspired to become judges on our trial and appellate benches, she was much more than that.

Yes, she gave advice. Yes, she gave counsel. Her help was hands-on and personal, too, both publicly and behind the scenes.

Retired Judge Kim Frankel, also a trial judge in Multnomah County, would tell you how Betty Roberts helped Kim design her first voters' pamphlet, coached her on getting supporters, and gave her unflinching moral support that helped her survive what Kim refers to as the "horrors" of campaigning as a woman in 1978. Judge Marilyn Litzenger, a trial judge in Multnomah County, if she were here, would tell you how Betty Roberts walked door to door with her to talk with voters in Marilyn's successful 2002 campaign.

Right up until Betty Roberts passed last June, every woman who followed her on to the Oregon appellate bench benefited from her practical and personal assistance. That has been true for each and every one of us -- from now federal appellate court Judge Susan Graber to the last woman appointed during Betty's life, Judge Lynn Nakamoto,

Judge Ellen Rosenblum, now retired from the Court of Appeals, has described Betty Roberts as "the mother of Oregon women lawyers and our mentor-in-chief." When former Chief Judge of the Court of Appeals Mary Deits -- the first woman to hold that position -- went on the bench, Betty Roberts was the first person to call Mary to offer candid, blunt, humorous, and very useful advice.

Judge Darleen Ortega -- the first Latina judge on the Court of Appeals -- would tell you that Betty Roberts' example of courage and grace under pressure literally kept Darleen from giving up early in her career. And Betty Roberts' guidance and encouragement cheered and fortified Darleen in the years after she became a judge.

Judge Lynn Nakamoto -- the first Asian American judge to serve on either of our appellate courts -- would tell you how Betty Roberts, when she learned that Lynn was going to apply for the appointment, met with Lynn privately in Betty's home, offered Lynn advice and encouragement, and then publicly supported her and worked the phone lines into the Governor's office on Lynn's behalf.

All of us -- the women judges on the appellate court bench and scores of women judges on the trial bench as well -- have our own Betty Roberts story. We are her legacy, her lasting legacy -- we and every woman judge that will come after us.

Betty Roberts truly was a pioneer. But more than a pioneer, she was a change agent. Her mark on Oregon is indelible.

The Oregon Supreme Court and Court of Appeals will host its own tribute to Justice and Judge Betty Roberts on February 16. You will all receive invitations, if you have not already. We hope you will attend. There is more to tell of Betty Roberts' influence than I can possibly cover today, but it is an honor to have been able to share with you this one piece of her story.

Thank you so much, both personally and on behalf of Oregon's judicial branch, for giving me the chance to speak in support of the resolution before you.