

# “We Don’t Hire a Woman Here”: Claire L’Heureux-Dubé and the Career Prospects for Early Female Law Graduates from Laval University

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*Claire L’Heureux-Dubé, a bold and renowned member of the Supreme Court of Canada from 1987 to 2002, was among the first twenty women to graduate from Laval University’s Faculty of Law. As a detour from the larger project of writing Claire’s biography, the author offers insights into the events in Claire’s life that led her to a successful career in private practice, which at that time was virtually the only route to a judicial appointment. Perhaps the most pivotal of those events was the fact that when she was admitted to the bar, Sam Schwarz Bard, the private practitioner for whom she had been working as a secretary, had the breadth of vision to immediately take her on as a lawyer and to mentor her through the early years of her career. The author compares Claire’s path with the more meandering career paths of most of the other early Laval female law graduates, and unpacks the daunting challenges they faced in establishing and pursuing a career in law. Among those challenges were open gender bias, unwelcoming male colleagues, marriage, self-limiting expectations and a lack of information about career opportunities. By way of contrast, the author looks at the strikingly more direct career trajectories of some of their male classmates.*

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## Introduction

The Honourable Madam Justice Claire L'Heureux-Dubé, one of Laval University's most famous law graduates and one of Canada's most celebrated judges, completed her law degree in 1951 and was admitted to the Quebec bar in 1952.<sup>1</sup> She was appointed to the Supreme Court of Canada in 1987, the second woman elevated to that rank and the first Québécoise. Her fifteen-year term on the Supreme Court would garner international accolades and win wide recognition for a legacy of bold and courageous human rights jurisprudence.<sup>2</sup>

In writing her biography, I am attempting to reconstruct L'Heureux-Dubé J's career and explore the combination of paths that led her to the nation's highest court.<sup>3</sup> As Claire would be the first to say, her first job after she was admitted to the bar was pivotal to all that followed. Reflecting back on this turning point, when Sam Schwarz Bard hired her in 1952 to work at his Quebec City law firm, Claire said: "He hired me

1. Unless otherwise indicated, all the information about Claire's life and career is drawn from my interviews with the Honourable Madam Justice L'Heureux-Dubé in Quebec City, Ottawa, Rimouski and Clearwater, Florida between 2007 and 2012. Details of the interviews are available from the author.

2. See e.g. Elizabeth Sheehy, ed, *Adding Feminism to Law: The Contributions of Justice Claire L'Heureux-Dubé* (Toronto: Irwin Law, 2004); Marie-Claire Belleau & François Lacasse, *Claire L'Heureux-Dubé à la Cour suprême du Canada 1987-2002* (Montreal: Wilson & Lafleur, 2004).

3. Although this is not an authorized biography, my research has been aided enormously by L'Heureux-Dubé J's generous cooperation. Neither the anticipated title nor the publication date for the biography is yet determined.

at a time when women lawyers couldn't get a job. I accepted his offer and it made my life."<sup>4</sup>

As Claire recognized, it was an era of brutal gender discrimination. In 1952, the profession she entered was overwhelmingly male. There were 239 lawyers practicing in Quebec City and 238 of them male. Claire would become the *only woman* from her class to embark upon private law practice in Quebec City that year and the *second woman* ever.<sup>5</sup> Experience in private practice was the key to professional influence and judicial appointment. Without it, Claire would never have made the mark she did on Canadian legal history.

How did she come by that all-important first job offer? What if Sam Bard had not hired her? What other career opportunities were open at the time? Career paths present endless opportunity for scrutiny: some paths are opened, some paths are closed—a multitude of factors combine to set young lawyers' horizons and shape their futures. Yet we spend very little time probing career trajectories, pondering why the footsteps lead one way and not another. Researchers know little about why people move in one direction, or are blocked, pushed or pulled in another. Are career opportunities greater for individuals with grand dreams and lesser for individuals who have more limited hopes? How much depends on access to information about the options? How much is linked to individual ambition and tenacity? Are talent and skills determinative? How much is based on status and connections? How much influence rests in the hands of families, teachers or peer groups? To what extent does the political, economic and social framework set the stage? How much is controlled internally and how much is externally circumscribed?

This article represents a short detour from the larger project of Claire L'Heureux-Dubé's biography. It explores not only what happened to Claire in the early years after her call, but the career paths of the first twenty women to graduate from Laval's Faculty of Law. It is a small but

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4. Author's interview with Claire L'Heureux-Dubé, Clearwater, Florida, 10–14 May 2009.

5. See *Canadian Law List*, 1952 (Toronto: Cartwright & Sons and Canada Law Book, 1952) at 679–83 [in subsequent references, see *Canadian Law List*, various years, (Toronto: Cartwright & Sons and Canada Law Book)]. Claire did not appear in the listing until 1953. Gender data from 1950 to 1951 compiled by the Barreau du Québec show twenty-one women of the province as 1.11% of the practicing bar. See "Barreau du Québec Membership 1942–1999", list [available from author].

significant cohort, and the study places Claire L'Heureux-Dubé amidst her contemporaries at the outset of the entry of women into the profession. It offers context, backdrop and potential insight into the experiences of the early women lawyers in Quebec who faced the daunting task of job hunting in an era of jaw-dropping discrimination. The discussion of these women centres on the obstacles they faced pursuing legal careers—obstacles such as marriage, self-limiting expectations, lack of information about placements and an unwelcoming male legal community. The experience of these women is contrasted with that of their male classmates to demonstrate the very real sex discrimination at the time.

The lives of these twenty women also hold lessons for the current generation of young lawyers, despite the fact that overt gender biases may have diminished somewhat. Many of the issues that confronted early women lawyers remain material to modern-day cohorts, who continue to struggle with similar quandaries. This study may help us begin to comprehend the complexities of the landscapes upon which new lawyers deliberately mould or stumble into their careers. Such research may also improve the prospects for more informed, thoughtful career planning in the future.

It will be useful to begin with a brief sketch of Claire's early life up to and including her path-breaking entry into private practice in 1952. Since more is known about her experiences than these of many other women of her era, this will provide a helpful starting point from which to widen the angle of the lens to include her nineteen contemporaries.

## **I. Claire's Entry into Law: "The Only Girl from Rimouski Who Took Lawyers' Lessons"**

Born in 1927 and raised in Rimouski, Quebec, on the lower Saint Lawrence River, Claire was the eldest child from a middle-class family. Her father was an inspector of customs and immigration, and her mother was a homemaker until multiple sclerosis left her completely physically incapacitated. Neither of her parents had graduated from university. It was some decades before the Quiet Revolution of the 1960s would dramatically transform Quebec society, and Claire was educated, as generations of Quebec girls had been before her, inside Roman Catholic

convents in Rimouski and Quebec City.<sup>6</sup> Her first career choice, to become a nun, was short-lived.<sup>7</sup>

In the summer of 1946, when Claire first announced that she wanted to go into law, she was carving a path that few had trod before. One of her young friends, Thérèse Dionne, recalled that for women who sought careers in that era, there were three options: “[T]o be a teacher, a nurse or a nun. Claire was the only girl from Rimouski who took lawyers’ lessons”.<sup>8</sup> “Women got married and stopped”, explained Michèle Cloutier Mainguy, another childhood friend. “Women weren’t in the professions.”<sup>9</sup>

Claire cites her mother’s influence as the chief motivating force behind her choice of law as a career. Marguerite L’Heureux was a brilliant woman circumscribed by tight finances, marriage and disability from pursuing her own interest in a professional education, and she was insistent that her daughter reach for the opportunities she had been denied. Claire chose to enter law to live out her mother’s dreams and to defy the dictates of her father who thought professional education was wasted on girls.

It was not to be a smooth path. Paul L’Heureux’s disapproval was brought home to the family when he pronounced law financially out of the question and insisted that his daughter learn to support herself. He bought Claire a typewriter and several instruction books, and ordered her to teach herself typing and stenography at home. She had little choice but to comply, yet refused to abandon her goal. Instead she focused on the bright side, realizing that being able to earn her living as a secretary might prove useful in the long run. By the fall of 1948, after two years working as a secretary in Rimouski, she was ready to apply to law, using her mother’s gift of the housekeeping money to defray the \$150 registration fee.

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6. Claire boarded with the cloistered Monastère des Ursulines in Rimouski and the Collège Notre Dame de Bellevue in Quebec City. On the changes wrought by the Quiet Revolution, see Michael D Behiels, *Prelude to Quebec’s Quiet Revolution: Liberalism versus Neo-nationalism 1945–1960* (Montreal: McGill-Queen’s University Press, 1985); Michael Gauvreau, *The Catholic Origins of Quebec’s Quiet Revolution, 1931–1970* (Montreal: McGill-Queen’s University Press, 2005); Jocelyn Létourneau, “Quieter Revolutions”, *The Walrus* 7:8 (October 2010) 50.

7. Claire’s religious convictions diminished around age twenty, in part due to her growing reluctance to accept the dictates of the conservative archbishop of Rimouski, Georges Courchesne.

8. Author’s interview with Thérèse Dionne Lecomte, Rimouski, 24 July 2008 [Lecomte interview].

9. Author’s interview with Michèle Cloutier Mainguy, Quebec City, 2 May 2008.

There was no question but that Laval would be the law school she selected. The University of Montreal attracted francophones primarily from Montreal, and McGill University drew mainly anglophones. Although Laval was the last law school in Quebec to enroll women, it was also the only law school in Quebec City where Claire had relatives with whom she could live.<sup>10</sup> When she registered in 1948, Claire was one of two women in a class of approximately fifty. She took to her legal studies with enthusiasm and exuberance.

Since the Laval law professors, who were primarily practitioners, lectured early in the morning and late in the afternoon, Claire was able to maintain her secretarial income. She obtained a position as a secretary at Sun Trust, whose offices were across the street from the law building. She worked there daily from 10 a.m. to 4 p.m. Despite the fact that she had to work almost full-time for the entire three years to pay for the legal education her father refused to finance, she completed her degree *cum laude* amongst the top three in the class. She and her female classmate, Judith Gamache, became the ninth and tenth women to graduate from Laval in law.<sup>11</sup> Both of them completed the fourth year bar admission course and were called to the bar in the fall of 1952.

The next step was to find a job. Claire had taken to heart the messages bombarding her from all sides that women could not earn a livelihood in law and just assumed that secretarial work would be her bread-and-butter. "I never believed I could succeed in getting a job as a lawyer", she reasoned. "I thought I'd have to earn my living as a secretary."<sup>12</sup> Ironically, her great break, the one that would set her successful career into motion, occurred because of the secretarial detour that had temporarily derailed her legal studies by two years.

In 1951, while Claire was studying for the bar, she had fortuitously landed a position as a secretary to Quebec City lawyer Sam Schwarz Bard. Bard was one of two Jews practising law in Quebec City—in many ways

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10. McGill graduated its first woman in 1914. The University of Montreal and Laval registered their first female students in 1928 and 1942 respectively. See details below.

11. See Gilles Gallichan, *Les Québécoises et le barreau: L'histoire d'une difficile conquête 1914-1941* (Sillery, Quebec: Septentrion, 1999) at 116; Gilles Gallichan *Annuaire Général de L'Université Laval pour L'Année Académique 1943-49* (Quebec: Université Laval, 1943-1948) [*Annuaire Général*].

12. Author's interview with Claire L'Heureux-Dubé, Ottawa, 2 December 2007 [L'Heureux-Dubé interview, 2 December 2007].

as much of an outsider to the capital's homogeneous legal profession as Claire was.<sup>13</sup> Had he been a different sort of employer, Bard might have kept her on in her secretarial capacity after her call, benefitting from her legal knowledge while compensating her at the lower wages of a clerical worker.<sup>14</sup> Instead, he switched her status to that of a full-time lawyer right after her admission to the bar.<sup>15</sup>

It was an extraordinary stroke of luck, but there were some who were still dubious. Philippe Casgrain, one of Claire's male classmates, emphasized that Quebec was "full of prejudice. It was damn tough for her. She was a woman, and then she chose to practice with a Jewish firm."<sup>16</sup> Anti-semitism was "rampant", according to another classmate, William Tetley: "That Claire L'Heureux-Dubé was obliged to indenture herself in a Jewish law office . . . indicates the general attitude at the time in Quebec towards women and Jews."<sup>17</sup> Still another, Roch Bolduc, added that "in

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13. The *Canadian Law List*, 1952, listed only two Jewish lawyers in the city: Sydney Lazarovitz opened his law practice in 1932 and Sam Schwarz Bard opened his in 1938. *Supra* note 5. A search of the *Canadian Law List* from 1900 to 1931 does not reveal any Quebec City lawyers with names that are not English or French. While not always possible to determine ethnicity by last name, the absence of ethnic minority names is suggestive.

14. In 1952, future United States Supreme Court Judge Sandra Day O'Connor, a Stanford University law graduate, was offered a job in a law firm as a stenographer. See Anna R Hayes, *Without Precedent: The Life of Susie Marshall Sharp* (Chapel Hill, NC: University of North Carolina Press, 2008) at 421.

15. Bard's offer to Claire was firmly rooted in the Jewish legal tradition of extending a helping hand to other young lawyers who were experiencing discrimination. Sam Jacobs hired Annie Langstaff, Quebec's first female law graduate, and took the bar to court over its refusal to admit her to the profession. Jewish lawyer E.F. Singer was the only Toronto lawyer to offer an articling position to Ethelbert Lionel Cross, one of Canada's early Black lawyers, who was called to the bar in 1924. See Constance Backhouse, *Colour-Coded: A Legal History of Racism in Canada, 1900-1950* (Toronto: University of Toronto Press, 1999) ch 4-5. In 1953, Toronto Jewish lawyer Samuel Gotfried hired Lincoln Alexander, who later became Ontario's first Black Lieutenant-Governor. Interview of Samuel Gotfried by the Osgoode Society (1990) in Toronto: The Osgoode Society. In 1960, Toronto Jewish lawyer David Lewis hired Black lawyer Julius Isaac, who later became Chief Justice of the Federal Court of Canada. See Philip Girard, *Bora Laskin: Bringing Law to Life* (Toronto: University of Toronto Press, 2005) at 265.

16. Author's interview with Philippe Casgrain, Montreal, 23 August 2008.

17. Author's interview with William Tetley CM, QC, Montreal, 23 April 2010 [Tetley interview]. This was echoed by André Desgagné, another of Claire's classmates, who described both Claire and Sam Bard as "outsiders". Author's interview with André Desgagné, Quebec City, 10 May 2010 [Desgagné interview]. On the long-standing

Quebec in those years”, Claire’s decision was not “*la mode*”.<sup>18</sup> But Calin Morin-Melihercsik, a woman who studied law at Laval a few years after Claire, felt quite differently: “Claire was lucky to go to the [Sam Bard] firm. Jewish people were open-minded. I don’t think French-Canadian lawyers would have given her the same chance.”<sup>19</sup>

Claire was aware of the discrimination against Jews, but was not deterred. “I knew that Jews were not very much accepted at the time, but no one in my family had ever said I shouldn’t work for a Jew”, she added. “Although we didn’t talk about it at home, I think they were just happy I had a job.”<sup>20</sup> Sam Bard was the first Jewish person she had met; she was delighted to have a job with a law firm and she was not about to let anti-Semitism stand in her way.

Sam Bard not only hired Claire, but he mentored her generously and brilliantly. Over the next two decades, she flourished at the firm under his steady, guiding hand. She spent the first fifteen years conducting a non-specialized, general practice: drafting contracts, transferring real estate, incorporating companies and collecting debts. When the 1968 *Divorce*

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history of anti-semitism in Quebec, see Pierre Anctil & Gary Caldwell, *Juifs et réalités juives au Québec* (Quebec: Institut québécois de recherche sur la culture, 1984); Morton Weinfeld, “The Jews of Quebec: Perceived Antisemitism, Segregation, and Emigration” (1980) 22:1 *Jewish Journal of Sociology* 5; Constance Backhouse, “Anti-Semitism and the Law in Quebec City: The Plamondon Case, 1910–1915” in Daniel W Hamilton & Alfred L Brophy, eds, *Transformations in American Legal History: Essays in Honor of Morton J. Horwitz* (Cambridge, Mass: Harvard University Press, 2010) at 303–25; Sylvio Normand, “L’affaire Plamondon: un cas d’antisémitisme à Québec au début du xxième siècle” 48 *Les Cahiers de Droit* (2007) at 477–504; Joshua MacFadyen, “Nip the Noxious Growth in the Bud’: *Ortenberg v. Plamondon* and the Roots of Canadian Anti-Hate Activism” 12 *Canadian Jewish Studies* (2004) at 73–96.

18. Author’s interview with the Honourable Roch Bolduc, OC, QC, Quebec City, 7 August 2009 [Bolduc interview].

19. Author’s interview with Calin Morin-Melihercsik, Quebec City, 11 May 2010 [Morin-Melihercsik interview]. The comments were echoed by a Rimouski childhood friend: “[She] went to a Jew’s office, and he sent her to court to plead. The French-Canadian lawyers didn’t give her a chance. It was that Jew one who did [the] most for her.” Lecomte interview, *supra* note 8.

20. Author’s interview with Claire L’Heureux-Dubé, Ottawa, 5 March 2009. Claire’s sister, Louise, explained that Claire did not speak about Jewish matters or talk about the clients being primarily Jewish. “She never brought that home. It was nothing we talked about, not a point of contention. It was just work. A good place to work.” Author’s interview with Louise L’Heureux-Gilberti, Chicago, 21 April 2009.



*Act* brought Quebec residents their first access to the dissolution of marriage, Claire became the city's pre-eminent family law practitioner.<sup>21</sup> She ruefully boasted that, after the floodgates opened, she "divorced half of Quebec City".<sup>22</sup> Through her tremendously hard work, combined with tenacity and charm, she developed a profile as the most successful and prominent, senior woman lawyer in Quebec City. It positioned her perfectly when the opportunity arose for an appointment to the Québec Superior Court in February 1973. It was the platform from which she would ascend all the way to the Supreme Court of Canada.

Without that first entry into private practice, none of the rest would have been possible. In fact, the only other job application that Claire sent out was a letter of inquiry to the United Nations' International Labour Organization in Geneva. The ILO wrote back to say it did not employ women.<sup>23</sup> And since the job offer from Sam Bard was as much a matter of luck as anything else, one needs to ask, what if he had not been there, had not hired her as a secretary or had not hired her as a lawyer when she was called to the bar? What other job prospects were there? The best way to try to answer that question is to look at what happened to the other women in Claire's cohort of law graduates.

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21. *The Divorce Act*, RSC 1967-68, c 24. *The Civil Code of Lower Canada* had stated: "Marriage can only be dissolved by the natural death of one of the parties; while both live it is indissoluble." c 41, art 185 CCLC (1865). Although Parliament granted ad hoc petitions for divorce decrees on a case-by-case basis after 1867, in Quebec, separation from bed and board had previously been the only civil law remedy for discordant couples. *Ibid*, arts 187-88; *An Act to amend the Civil Code*, SQ 1954-55, c 48, s 1. For more details, see Constance Backhouse, "Pure Patriarchy": Nineteenth-Century Marriage" (1986) 31:1 McGill LJ 264; Constance Backhouse, *Petticoats and Prejudice: Women and Law in Nineteenth-Century Canada* (Toronto: The Osgoode Society, 1991) at 167-99, 204 [Backhouse, *Petticoats and Prejudice*].

22. Author's interview with Claire L'Heureux-Dubé, Ottawa, 10 March 2010 [L'Heureux-Dubé interview, 10 March 2010].

23. Claire learned about the ILO from her labour law professor, Marie Louis Beaulieu. She recalled: "I was disappointed. I don't remember exactly whether I had big hopes, but it was a try. Already then, I was a person of the world. Canada was too small, the province was too small. I wanted to go away somewhere. If they had hired me, I'm sure my life would have been quite different." *Ibid*.

## II. The First Path-Breakers: “Mawkish Maidens” to “Sweeten and Soften the Courts”

When and how did the profession of law first open its doors to women? The decidedly masculinist Canadian profession admitted the first woman, Clara Brett Martin, to the Ontario bar in 1897.<sup>24</sup> Opponents labelled the idea of “mawkish maidens” practising law as “hilarious”, something that was “contrary to all notion of feminine sweetness, modesty, and delicacy”.<sup>25</sup> Naysayers claimed that women were neither physically nor intellectually capable of rigorous practice and that female lawyers risked destroying their own “homes and womanhood”.<sup>26</sup> Catastrophic results were predicted: nurseries attached to courtrooms, shrill demands to change laws perceived as discriminatory, women litigators who would use their gender to unfair advantage with judges and juries, abandoned families in unkempt homes.<sup>27</sup>

It was a full five years before the second woman, Eva Maude Powley, was called to the bar.<sup>28</sup> The third, Mabel Penery French, was a double champion—the first to gain admission in both New Brunswick in 1906

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24. For a discussion of the challenges posed by Clara Brett Martin’s six-year battle for admission, see Backhouse, *Petticoats and Prejudice*, *supra* note 21, ch 10–11; Constance Backhouse, “‘To Open the Way for Others of My Sex’: Clara Brett Martin’s Career as Canada’s First Woman Lawyer” (1985) 1 CJWL 1. Women in the United States were admitted earlier, commencing with Arabella Mansfield’s admission by an Iowa court in 1869. See Virginia G Drachman, *Sisters in Law: Women Lawyers in Modern American History* (Cambridge, Mass: Harvard University Press, 1998).

25. “Woman’s Rights”, *Canadian Illustrated News* (21 November 1874) at 323–24.

26. *Toronto Globe* (5 April 1895), quoting Nicholas Awrey, Liberal MPP, speaking in the Ontario Legislature against a proposed enactment to permit women to practice law.

27. See Backhouse, *Petticoats and Prejudice*, *supra* note 21 at 334.

28. See Cameron Harvey, “Women in Law in Canada” (1970) 4:1 *Man LJ* 9 at 18. Powley first applied to the Ontario law society in 1893, but her admission was delayed due to administrative and financial problems. She practiced briefly in Port Arthur (now Thunder Bay), and then moved to Winnipeg to run a coal company; she died in 1969. See also Cecilia Morgan, “‘An Embarrassingly and Severely Masculine Atmosphere’: Women, Gender and the Legal Profession at Osgoode Hall, 1920s–1960s” (1996) 11:2 *CJWL* 19 at 21.

and British Columbia in 1912.<sup>29</sup> Nova Scotia and the remaining western provinces admitted their first women between 1915 and 1918, Prince Edward Island in 1926 and Newfoundland in 1933.<sup>30</sup> Quebec was the last holdout, refusing to open the door to women until 1941, one year after it became the last province to award women the vote.<sup>31</sup> Across Canada, the 1941 census tallied only 1.6% of the legal profession as female.<sup>32</sup>

Despite the decades of delay in Quebec, a number of women had obtained law degrees before there was any opportunity to be called to the bar. McGill and the University of Montreal collectively awarded law

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29. See Lois K Yorke, "Mabel Penery French (1881–1955): A Life Re-Created" (1993) 42 UNBLJ 3; Christine Mullins, "Mabel Penery French" (1986) 44:5 *The Advocate* 676; *An Act to remove the Disability of Women so far as relates to the Study and Practice of Law*, SNB 1906, c 5; *An Act to remove the Disability of Women so far as relates to the Study and Practice of the Law*, SBC 1912, c 18.

30. See Mary Jane Mossman, *The First Women Lawyers: A Comparative Study of Gender, Law and the Legal Professions* (Oxford: Hart Publishing, 2006) at 76, 87; Mary Kinnear, "That There Woman Lawyer": Women Lawyers in Manitoba 1915–1970" (1992) 5 CJWL 411.

31. See *An Act Respecting the Bar*, SQ 1941, c 56, s 1. The first women were not actually admitted until 1942. See Gallichan, *supra* note 11. The women's provincial suffrage bill had been granted Royal Assent on April 25, 1940. See Thérèse F Casgrain, *A Woman in a Man's World* (Toronto: McClelland & Stewart, 1972) at 94. The profession of notaries did not admit women until 1956, but it took until 1958 before Louise Dumoulin was sworn in as a notary in the Québec Superior Court. "Quebec's First Woman Notary", *Montréal Gazette* (13 June 1958) 10.

32. The 1941 census recorded 129 women lawyers out of a total of 7,920 members of the profession. See Canada Department of Labour, *Occupational Trends in Canada 1931–1961* (Ottawa: 1963) at 40, 45. Statistics Canada reported higher numbers for female law students: 4.4% on Canadian-wide data for the year 1945. See *Survey of Higher Education and Universities: Enrolment and Degrees* cited in DAA Stager & Harry W Arthurs, *Lawyers in Canada* (Toronto: University of Toronto Press, 1990) at 96–97, table 4.3. The Ontario numbers, which were more accurately tracked than those in other provinces, show that 3.7% of those called to the bar in 1945 were female. See Constance Backhouse, "A Revolution in Numbers: Ontario Feminist Lawyers in the Formative Years, 1970s to 1990s" in Constance Backhouse & W Wesley Pue, eds, *The Promise and Perils of Law: Lawyers in Canadian History* (Toronto: Irwin Law, 2009) at 274, citing data prepared by Susan Lewthwaite, Research Coordinator, Corporate Records and Archives, Law Society of Upper Canada. In the US, 3.12% of the entering law students were women in 1948. See American Bar Foundation, *Women Lawyers: Supplementary Data to the 1971 Lawyers Statistical Report* (Chicago: 1973) at 13.

degrees to more than twenty-one women before 1941.<sup>33</sup> Some sought admission in neighbouring provinces and then transferred back to work in Quebec law firms under the radar of the Barreau du Québec. Others took up alternate careers as secretaries, in journalism, in retail and with international women's organizations.<sup>34</sup> When the barriers toppled in Quebec, four women bore the honour as the first to be officially granted admission: Elizabeth Carmichael Monk, Suzanne Raymond-Filion, Marcelle Hémond and Constance Garner Short.<sup>35</sup> When he called them

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33. Quebec's first female law graduate, Annie Macdonald Langstaff, obtained first class honours from McGill in 1914 after working as a secretary for Montreal lawyer Samuel William Jacobs KC. When the Barreau du Québec rejected her application to write the bar exams, Jacobs spearheaded an unsuccessful legal challenge on her behalf. She continued as an assistant to Jacobs since she was never admitted to the bar. In 2006, Montreal Bâtonnier Me Julie Latour presented Langstaff with a posthumous honorary admission to the bar. See McGill Faculty of Law, "Admission D'Annie MacDonald Langstaff au Barreau", *In Focus* (Spring-Summer 2007) at 18; J Michel Doyon, *Les avocats et le Barreau, une histoire* (Quebec: Barreau du Québec, 2009) at 122; Margaret Gillett, *We Walked Very Warily: A History of Women at McGill* (Montreal: Eden Press, 1981) at 303–14; Gallichan, *supra* note 11 at 25–36. For a discussion on seventeen women who graduated from McGill law after Langstaff between 1914 and 1939, see Ian C Pilarczyk, "A Noble Roster": *One Hundred and Fifty Years of Law at McGill* (Montreal: McGill University Faculty of Law, 1999) at 58–65. Female registration at the University of Montreal began in 1928 with Juliette Gauthier. Jean Hétu, *Les Diplômés de la Faculté de Droit de l'Université de Montréal depuis 125 ans: corrections et ajouts* (Montreal: Éditions Thémis, 2003) at 3, 9, 49, 51, 55, 63, 68–69, 72–73.

34. Author's telephone interview with Brauna Hendler about Clara Anita Goodman, Montreal, 23 July 2010; Exposition Shalom Québec, "Sadie Lazarovitz", online: Shalom Québec <<http://www.shalomquebec.org>>; Gillett, *supra* note 33 at 116, 311, 309; Hétu, *supra* note 33. Hélène Dumont, ed, *Femmes et Droit: 50 ans de vie commune—et tout un avenir* (Montreal: Éditions Thémis, 1991) at 33; Mélanie P Brunet, "Le droit n'ajoutera rien au charme d'une jeune fille": Discours d'exclusion tenu par des étudiants en droit de l'Université de Montréal et de l'Université Laval, 1920–1960" in Élise Detellier & Éric Mauras, eds, *Société et exclusion* (Montreal: Université de Montréal, Département d'Histoire, 2004) 137 at 143; Harvey, *supra* note 28 at 19.

35. See Gallichan, *supra* note 11 at 101–02, 115–16. Monk (McGill BCL 1923) was admitted to the Nova Scotia bar in 1934, became a Queen's Counsel in 1955 and practiced in Montreal until 1979. She received an honorary doctorate from McGill in 1975, and the Governor General's Medal in 1980. Suzanne Raymond (later Suzanne Raymond-Filion) graduated from the Université de Montreal in 1939. See Hétu, *supra* note 33 at 63. Marcelle Hémond became Mme. Roger Lacoste. See Harvey, *supra* note 28 at 20. Short (McGill BCL 1936), from a prominent business family, practiced at the elite Montreal firm of Campbell, Meredith, and became the first woman to plead before the Québec Court of Appeal in 1947. See Declan Brendan Hamill, "The Campbell, Meredith Firm of Montreal: a Case-

to the bar in the fall of 1942, Robert Alfred Ernest Greenshields CJ of the Québec Superior Court welcomed the four as “members of the gentler sex”, and expressed hope that their presence would “soften and even sweeten the atmosphere of the courts”.<sup>36</sup>

### III. Laval’s First Twenty

Laval law school did not register its first female students until 1942. Three of them, Jeanne d’Arc Lemay, Thérèse Lemay and Magdeleine Therrien, began their studies in the fall of that year. Jeanne d’Arc Lemay is generally credited as being the first woman to graduate in 1946.<sup>37</sup> However, Magdeleine Therrien-Ferron, as she became known after her marriage, should probably have taken that prize. Therrien-Ferron graduated in 1945, but because her marks were insufficient for an LLL, she received only a bachelor of law and has been generally ignored as a “first”.<sup>38</sup>

Altogether, the first twenty women, listed in the order in which they registered at Laval, were: Jeanne d’Arc Lemay (1942), Thérèse Lemay (1942), Magdeleine Therrien (1942), Lucille Gauthier (1944), Ghislaine Gagné (1945), Pauline Shink (1945), Marguerite Choquette (1947), Ginette Fournier (1947), Claire L’Heureux (1948), Judith Gamache (1948), Jacqueline Beaupré (1949), Édith Lemay (1949), Calin Morin (1949), Lucile Thibault (1949), Annette April (1950), Hélène Cannon (1950), Andrée Morin (1950), Madeleine Rousseau (1950), Gabrielle Vallée (1950)

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Study of the Role of Canadian Business Lawyers, 1895–1913” in Carol Wilton, ed, *Inside the Law: Canadian Law Firms in Historical Perspective* (Toronto: University of Toronto Press, 1996) at 129.

36. Gillett, *supra* note 33 at 311–12.

37. Jeanne d’Arc Lemay was born in 1922 in Saint-Agapit, Quebec. She began her studies in 1933 at the same Quebec City Bellevue convent as Claire and graduated with a BA in 1941. Thérèse did not graduate from law until 1950. Author’s interview with the Honourable Jeanne d’Arc Lemay-Warren, Pointe-au-Pic, Quebec, 8 August 2009 [Lemay-Warren interview].

38. Sylvio Normand designates Jeanne D’Arc Lemay as the first. See Sylvio Normand, *Le droit comme discipline universitaire: une histoire de la Faculté de droit de l’Université Laval* (Quebec: Les Presses de l’Université Laval, 2005) at 248 [Normand, *Le droit comme discipline universitaire*]. Morin-Melihercsik interview, *supra* note 19; Lemay-Warren interview, *supra* note 37.

and Louise Galipeault (1951).<sup>39</sup> Nine came from Quebec City, three from Saint-Agapit (the three Lemays were sisters from the same town), two from Lévis and one each from Sillery, Nicolet, Deschambault, Trois-Pistoles, Dorchester and, of course, Rimouski.<sup>40</sup> The group commenced legal studies between 1942 and 1951, graduated between 1945 and 1954, and received admission to the bar between 1946 and 1956.<sup>41</sup> Some of the women lost their footing right at the outset. Pauline Shink never got beyond first-year law school.<sup>42</sup> Magdeleine Therrien-Ferron and Ghislaine Gagné finished law but were not called to the bar.<sup>43</sup> Then marriage felled many, temporarily or permanently.

### *A. Marriage as the True Calling*

Magdeleine Therrien-Ferron followed her physician husband to Gaspésie, never obtained an LLL and never practiced.<sup>44</sup> Lucille Gauthier married a lawyer and moved to western Canada.<sup>45</sup> Calin Morin-Melihercsik's marriage to a geologist took her to far-flung

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39. See Gallichan, *supra* note 11 at 116; *Annuaire Général 1943–51*, *supra* note 11.

40. See *ibid*; Gallichan, *supra* note 11 at 116.

41. Hélène Cannon's dates of graduation and call to the bar are unknown; she left Laval upon marriage and moved to Sherbrooke, graduating and obtaining admission to the bar years after the rest of the group. See Gallichan, *supra* note 11 at 116; *Annuaire Général 1943–51*, *supra* note 11.

42. See Gallichan, *supra* note 11 at 116.

43. Magdeleine Therrien received only a bachelor of law in 1945; she did not get called to the bar and did not practice. Ghislaine Gagné graduated in 1948, but did not get called to the bar. See *ibid* at 116; *Annuaire Général 1946–49*, *supra* note 11; Morin-Melihercsik interview, *supra* note 19; Lemay-Warren interview, *supra* note 37.

44. Magdeleine Therrien married a doctor, Jacques Ferron, whose medical practice took them to the Gaspésie and later Montreal. Morin-Melihercsik interview, *supra* note 19; Lemay-Warren interview, *supra* note 37.

45. Lucille Gauthier, admitted to the bar in 1947, was listed by the Barreau du Québec in Deschambault, Quebec for one year. Barreau du Québec, *Tableau de L'Ordre des avocats de la Province de Québec*, 1952–53 (Montreal: Barreau du Québec, 1952) [in subsequent references, see *Tableau de L'Ordre des avocats de la Province de Québec*, various years (Montreal: Barreau du Québec)] [*Tableau*]. Calin Morin-Melihercsik advised that she may have practiced in western Canada. Morin-Melihercsik interview, *supra* note 19.

international destinations and put an end to any thought of practice.<sup>46</sup> Hélène Cannon married classmate Paul Gervais, dropped out of law school in second year and moved with her husband to Sherbrooke. Years later, she finished her legal training and headed up the legal aid office there.<sup>47</sup> Madeleine Rousseau married a lawyer and never practiced.<sup>48</sup> Thérèse Lemay-Lavoie had her law studies temporarily disrupted when she married a physician whose graduate work took them to Scotland and France. Called to the bar in 1950, she moved with her husband to Saint-Georges-de-Beauce, but did not begin to practice for five more years.<sup>49</sup> Jeanne d'Arc Lemay worked briefly in a governmental administrative position, but was forced to leave when she married in 1953. She did not resume practice for sixteen years.<sup>50</sup>

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46. Calin Morin-Melihercsik qualified for the bar in 1953, but married a Hungarian geologist upon her graduation. Her husband's career took her and her two children away from Canada and she never did practice law. Later, she took up a successful career in real estate. See *ibid.*

47. Hélène Cannon studied law from 1950 to 1952, but quit when she married. The couple moved to Sherbrooke, where her husband became a judge. On Hélène Cannon's subsequent completion of her law degree and work as the head of legal aid in Sherbrooke. L'Heureux-Dubé interview, 10 March 2010, *supra* note 22; Morin-Melihercsik interview, *supra* note 19; author's interview with Annette April, Montreal, 4 June 2010 [April interview].

48. Madeleine Rousseau qualified for the bar in 1954, but married and did not practice law, according to April. See *ibid.*

49. Thérèse Lemay, Jeanne D'Arc's older sister, began law at Laval in 1942, the first year women were admitted and the same year as Jeanne D'Arc. After her years in Europe, she returned to Laval under her married name, Thérèse Lemay-Lavoie, in 1948 and graduated in 1950. Her surgeon husband practiced medicine and she set up a law practice as a solo practitioner in Saint-Georges-de-Beauce in 1955. The couple had no children. See *Canadian Law List*, 1955, *supra* note 5; *Annuaire Général 1943-45*, 1949-51 *supra* note 11; Gallichan, *supra* note 11 at 116; Lemay-Warren interview, *supra* note 37.

50. Jeanne d'Arc Lemay was appointed directrice du service des Écoles de protection de la jeunesse au ministère du Bien-être social in 1948, a position which government rules forced her to leave when she married in 1953. The *Canadian Law List*, 1955-1966 showed her as Jeanne D'Arc Lemay-Warren, not in general active practice, at 4490 Sherbrooke Street West, Montreal from 1955 to 1964, 266 St. James Street West in 1965, and 338 Kensington in 1966. *Supra* note 5. In the late 1960s, Lemay-Warren took up private law practice in Montreal, at first briefly without pay for semi-retired lawyer B. Panet-Raymond, and then with a larger firm. The *Canadian Law List*, 1969 showed Lemay-Warren with a firm of twenty-one lawyers, Blain, Piché, Bergeron, Godbout & Emery, at 1405 Peel Street, Montreal. *Supra* note 5. She served as commissioner in the Castonguay-Nepveu Inquiry on health care in the 1960s, before being named judge of the Cour du bien-être social (Juvenile

Marriage and pregnancy were major hurdles for this cohort of women lawyers. Although the number of married women who worked outside the home in Quebec had more than doubled since 1941, by the mid-century it was still under eighteen percent.<sup>51</sup>

Claire's experience was anomalous. She had numerous suitors and several proposals of marriage but did not marry until age thirty-one, after her private law practice was well established. Most importantly, she also married a partner who did not try to curtail her career: Arthur Dubé, a faculty member in Laval University's department of mines and metallurgy. Even after the birth of her two children, she managed to combine practice with a family life, something that was most unusual for professional women at the time.<sup>52</sup> Had she married earlier, partnered with a less egalitarian-minded husband or had more children, she too might well have foundered at the start.

The effects of marriage, pregnancy and family responsibilities are difficult to evaluate in terms of career trajectory. They all had significant potential to derail the professional employment of wives and mothers. Husbands and fathers appear not to have been similarly afflicted—a feature that went virtually unremarked but reflected pervasive gender-based role allocations within marriages at the time. Yet marriage and children were often actively pursued by the women themselves and were later extolled as the fount of life fulfilment.

In assessing career trajectories, can we describe these as “choices”? As “informed” choices? Were the decisions to drop out of the paid labour market made with full knowledge of the economic and social consequences? Can we describe the decisions as internally driven or externally mandated or both? There certainly was no shortage of pressure on women to take the matrimonial rather than the professional path. Male sociologists of the era opposed careers for married women with or without children,

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Court) in 1970 and judge of the Superior Court in 1976. Lemay-Warren interview, *supra* note 37.

51. In 1941, eight percent of working women were married; in 1951 the rate was more than seventeen percent. See Clio Collective, *Quebec Women: A History* (Toronto: Women's Press, 1987) at 294.

52. For a study of Manitoba women lawyers who graduated in law before 1970, see Kinnear, *supra* note 30 (“[I]t was usual for the woman to retire from professional work on marriage, and it was a commonplace that women put their families first when family responsibilities conflicted with work demands” at 418).



claiming that the male breadwinner was one of the last hallmarks of masculinity in Quebec.<sup>53</sup> Writing in the Laval student newspaper, law student Gérard Lacourcière opposed the admission of women precisely because their true destiny was marriage and maternity. They were “*les gardiennes vigilantes du foyer, les éducatrices soigneuses des enfants et partant les conservatrices . . . de l’intégrité de notre foi*”.<sup>54</sup> Those who bemoaned that admitting women to law would provoke the wreckage of the nation must have been delighted that so many of the early graduates moved directly from law school into the home. If these women were not deterred by others, they deterred themselves.

*B. Self-Limiting Expectations: “Nobody Thought They Had the Right to Ask”*

The thirteen of the original twenty not felled at the outset by marriage were hampered by self-limiting expectations. Reflecting back, many described their psyches as clouded by pessimism and their hopes for jobs in a law firm so slim that they did not bother to try. Jeanne D’Arc Lemay, called to the bar in the first year of this cohort, explained: “There was no other woman out there. So I was scared. Maybe I didn’t have the courage [to apply]”.<sup>55</sup> Judith Gamache, Claire’s classmate, admitted that she was “too shy” to seek a job with a firm.<sup>56</sup>

Calin Morin-Melihercsik recalled that only one of her professors inquired as to what she was planning to do after graduation. She told him she had no job. Although his law firm hired male graduates, he “certainly didn’t propose a position for me”, she noted, and he offered her no other suggestions.<sup>57</sup> “None of the professors were interested in what we did after. They had such closed minds. It was so new to have women in the law school. I should have told him—‘Well, do you want to hire me?’ But

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53. Sociologist Gérard Fortin wrote in 1967: “*Faire vivre sa famille est à peu près le seul signe sensible de la masculinité du Québécois*”, as quoted in Johanne Daigle, “Le siècle dans la tourmente du féminisme” (2000) 3:2 *Globe: Revue internationale d’études québécoises* at 77–78.

54. Gérard Lacourcière, “La femme doit-elle être admise au Barreau” 2:14 *Le Bérêt* (8 February 1929) 6.

55. Lemay-Warren interview, *supra* note 37.

56. Author’s interview with Judith Gamache-Côté, Quebec City, 1 May 2008 [Gamache-Côté interview].

57. Morin-Melihercsik interview, *supra* note 19.

we lacked self-confidence. Nobody thought they had the right to go and ask.”<sup>58</sup>

It was ironic that circumscribed expectations should have plagued this cohort of women so significantly. After all, they were quite extraordinary women for their time. They had aspired to become lawyers, against all odds. They had the imagination to dream of forging paths that few had charted before. They had rejected the rigid sex stereotypes barring women from law, indicative of both insight into the irrationality of gender discrimination and exceptional ambition. They had the temerity and courage to register in law and to stay the course of legal studies, despite the scepticism and outright hostility that greeted their efforts. That so many faltered just as they stood at the threshold to the profession seems both surprising and truly unfortunate.

The fears that limited their job searches were undeniably well founded. It was indeed an uphill battle, exacerbated by an absence of role models, which must have further diminished expectations. Yet this is not the entire answer. Failing even to apply for high profile private practice positions was surely a huge barrier to career success. If young lawyers did not put themselves forward, circulate their letters of application or knock on doors, dim prospects became even dimmer. We need to inquire to what extent horizons were circumscribed by accurate assessments of external realities and to what extent job hunters subjectively miscalculated, aiming too low, too narrowly or not at all.

And how was the application process shaped by gender? There is a lot of literature on the effects of gender on self-esteem, on how our culture encourages women to be modest, self-abstaining and nurturing of others rather than to advance their own interests.<sup>59</sup> Do stereotypically female personalities result from external influences, internal choices or both? Externalities actively restrict internal decisions, yet it would be unfair to remove all of the responsibility from the applicants themselves. Their

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58. *Ibid.*

59. See Mary Pipher, *Reviving Ophelia: Saving the Selves of Adolescent Girls* (New York: Riverhead Books, 1994); Mary Crawford, *Transformations: Women, Gender and Psychology* (New York: McGraw Hill, 2011); Mary E Crawford & Rhoda Kesler Unger, *Women and Gender: A Feminist Psychology* (New York: McGraw Hill, 1992); Jeffery W Burnett, Wayne P Anderson & P Paul Heppner “Gender Roles and Self-Esteem: A Consideration of Environmental Factors” (1995) 73:3 *Journal of Counseling and Development* 323.

pessimism, their fears and their shyness may substantially have curtailed their prospects in an already difficult job market.

### *C. Job Searching Without Career Placement Offices*

For the women who were not overwhelmed by doubt, the next challenge was to amass information about the law firms that might be hiring. Few job hunters have at their fingertips complete information about the panorama of possibilities within the workforce and all the points of entry. However, knowledge about openings can significantly enhance the success of a job search. Where and how did law students accumulate information about prospective positions?

Those with family members and friends who were practicing lawyers or judges had a distinct advantage, for they could draw upon the expert guidance and support of important mentors. Even this head start could be problematic, however, since the advice could be based on partial or erroneous notions. Mentor lawyers and judges often handed down ideas that had evolved from their own specific standpoints, tailored to the narrow milieu in which they worked, or rooted in perspectives of earlier eras. Peers were also conduits of information, less likely to be out of date, but more likely to be speaking from half-baked ideas, rumours and guesses.

The Laval twenty appear to have had mixed experiences in amassing job search information. Several had the benefit of familial legal dynasties, but most were the first in their families to graduate in law. And they were frequently isolated from their peers. Quasi-anomalies in law school, the women were accepted to some extent by their fellow law students, but were not viewed as equals when it came to searching for permanent legal positions or passing along tips.

Accurate information about career opportunities was most likely to come from the law faculties themselves. There were no career placement offices in law schools in this era, but students and law firms relied upon informal networks of communications. Assertive students would approach their professors to inquire about career possibilities and law firms would use professors to screen the student body for talent. This was particularly effective when the law professors were also full-time practitioners, as was the case at Laval. The faculty members must have

known which firms were hiring, which students looked promising and how to link the two. The sex discrimination that had delayed women's entrance into law school had a lingering effect on that score, with an all-male faculty simply uninterested in identifying "star" female students or recommending them for hire.

Location was another variable in the job search. Students who studied civil law in French were not in a position to look for positions outside of Quebec. For Laval graduates, Quebec City was the obvious venue for entry. It was not only the capital, which provided expanded legal opportunities, but it was second only to Montreal in terms of the size and scope of practice. The mid-century Quebec City bar was a homogeneous, conservative and closely knit group of 239 lawyers, representing close to fifteen percent of the provincial total.<sup>60</sup> The bountiful post-war years would be economically kind to this group and the city's profession would

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60. Research into the twentieth-century history of the Quebec bar is still in its early stages. The numerical data are drawn from the *Canadian Law List*, 1952, which listed 239 lawyers. *Supra* note 5. Using census data from 1951, David A.A. Stager and Harry W. Arthurs listed 2,669 lawyers in the province of Quebec in 1951. See Stager & Arthurs, *supra* note 32 at 145, table 6.2. Slightly different numbers come from registers kept by the Barreau du Québec. The *Tableau de L'Ordre des avocats de la Province de Québec*, 1952–53 showed 278 lawyers in Quebec City, and 1,899 in the province, for a ratio of 14.6%. *Supra* note 45. A province-wide survey of the Quebec bar in 1966–1967, asking questions regarding place of practice at the outset of the career and in 1966, showed Quebec lawyers as 15% at the outset and 11% at the time of survey. See Bélanger et al, *Les Avocats du Québec: Études socio-économique* (Montreal: Cadres Professionnels, 1968). See also Normand, *Le droit comme discipline universitaire*, *supra* note 38; Sylvio Normand & Alain Hudon, "Le contrôle des hypothèques secrètes au XIXe siècle: ou la difficile conciliation de deux cultures juridiques et de deux communautés ethniques" (1990) *Recueil de droit immobilier* at 169–201; Sylvio Normand, "La transformation de la profession d'avocat au Québec, 1840–1900" in Claire Dolan, ed, *Entre Justice et justiciables: les auxiliaires de la justice du Moyen Âge au XXe siècle* (Quebec: Les Presses de l'Université Laval, 2005) 425; Michel Morin, "Des juristes sédentaires? L'influence du droit anglais et du droit français sur l'interprétation du Code civil du Bas-Canada" (2000) 60 *Revue du Barreau* 247; Pierre-Georges Roy, *Les avocats de la région de Québec* (Lévis: Le Quotidien, 1936); Jean-Philippe Garneau, "Droit, pluralisme culturel et genèse du barreau québécois: analyse prosopographique de deux générations d'avocats (fin XVIIIe-début XIXe siècles)" in Bernaudeau et al, *Les praticiens du droit du Moyen Âge à l'époque contemporaine* (Rennes: Presses Universitaires de Rennes, 2008) 209; Jean-Philippe Garneau, "Une culture de l'amalgame au prétoire: les avocats de Québec et l'élaboration d'un langage juridique commun au tournant des XVIIIe et XIXe siècles" (March 2007) 88:1 *Canadian Historical Review* 113; Doyon, *supra* note 33.

nearly double in size between 1952 and 1972.<sup>61</sup> Thus, with the exception of a few women whose marriages took them away, most of the Laval twenty started out in Quebec City.

Type of practice was not a significant issue in the job searches at this time; since before the late 1960s, most Quebec City law firms operated only general practices. Their practices were also purely local rather than provincial, national or international. With rare exceptions, specialization was a phenomenon that would come later.<sup>62</sup> Size of firm was another non-issue, since almost all of the firms were small. The largest office, Prime Minister Louis St. Laurent's former firm, boasted nine lawyers in 1952.<sup>63</sup> There was 1 six-lawyer firm, 6 four-lawyer firms, 16 three-lawyer firms and 25 two-lawyer firms. Seventeen lawyers practiced with the provincial Attorney General's department. The remaining 85 lawyers laboured in solo practice.<sup>64</sup>

For the first twenty Laval women, most of them complete strangers to the world of legal practice, insufficient knowledge about the structure of the profession constituted a substantial barrier. But the responses dished out to the first women who actually applied to law firms in the capital suggests that even with greater information about job openings and a more comprehensive job search, their efforts might have come up short.

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61. The Quebec City bar nearly doubled, from 239 lawyers in 1952, to 326 in 1962, to 445 in 1972. See *Canadian Law List*, 1952, 1962, 1972, *supra* note 5.

62. By the late 1960s, growing areas of specialization included labour, municipal and family law. Author's interview with the Honourable Louis LeBel, Ottawa, 8 July 2010 [LeBel interview]; Yves Ouellette, "La profession d'avocat: perspective d'avenir" in J Bouchard, *Le Barreau du Québec a 125 ans—son passé, son avenir* (Barreau du Québec, 1974). "When I began my career in the early nineteen-fifties, the practice of law was basically local. If you were acting for or otherwise advising a particular party in a given matter, usually the other party or parties would be located in the same city." See Claire L'Heureux-Dubé, "The Legal Profession in Transition" (1992–93) 13:1 Northern Illinois University Law Review 94.

63. The firm of St. Laurent, Taschereau, Letourneau, Johnston, Noel & Pratte at 65 St. Anne Street was composed of the Right Honourable Louis S. St. Laurent KC, LLD, PC, André Taschereau KC, LLD, Roger Letourneau KC, Renault St. Laurent KC, Jean Paul St. Laurent, C. Douglas Johnston KC, Camil Noel KC, Yves Pratte, and Louis Pratte. See *Canadian Law List*, 1952, *supra* note 5.

64. See *ibid.*

*D. The Door Slammed Shut: What of Women Who Tried?*

Some of the more intrepid of the Laval twenty went knocking on the doors of the private law firms. Andrée Morin, called to the bar in 1954, was deeply discouraged when every single one of her applications for jobs in private practice was turned down. She left law for social work instead.<sup>65</sup> Annette April, from the same law class, was also rebuffed at every turn. She explained: "Some told me, 'We don't hire a woman here.' Others said, 'Oh, you will get married and leave your job.' Another one wanted me to answer the phone, like a secretary. I said, 'Monsieur, I studied the same thing as you, I did the same time.'"<sup>66</sup>

Occasionally, lawyers blamed it on their clients, apologizing that none of them would ever accept a woman. Most shocking of all, some of the male lawyers seem to have taken to heart the spectre of "immorality" that those who opposed women's equality often tried to attach to women who worked outside the home.<sup>67</sup> April recalled one lawyer who met her request for employment with an astonishing response: "I could buy you a fur coat."<sup>68</sup>

In the mid-twentieth century, getting started in law was a difficult proposition for anyone, male or female, who did not have elite family backgrounds or legal connections. Quebec City was deeply stratified socially and economically, with those born into bourgeoisie families privileged over those from less elite tiers and from smaller urban or rural areas.<sup>69</sup> Male law graduates with the coveted legal connections used

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65. Morin-Melihercsik interview, *supra* note 19. The records of the Barreau du Québec show her listed in Montmagny, Quebec, under the name Andrée Morin-Plante, from 1963 to 1965. See *Tableau*, 1963–64, 1964–65, 1965–66, *supra* note 45.

66. April interview, *supra* note 47.

67. See Mona-Josée Gagnon, *Les Femmes Vues Par le Québec des Hommes: 30 ans d'histoire des idéologies 1940–1970* (Montreal: Éditions du jour, 1974): "La première raison soulevée était certainement la moralité que le travail des femmes mettait en péril . . . Le travail de nuit est spécialement condamnable: ce qui est immoral le jour double en immoralité la nuit." *Ibid* at 43.

68. April interview, *supra* note 47.

69. André Desgagné from the Saguenay-Lac-Saint-Jean, a classmate of Claire's, emphasized the difficulty of setting up in practice in Quebec City with two other men who had no legal, political or business connections. Desgagné interview, *supra* note 17. The Honourable Roger Chouinard from Chicoutimi described Quebec City at the time: "It's a closed milieu—a town of the family compact. They called it the 'Grande Allée,'

familial capital to secure entry. Their female counterparts noted cynically that others often courted and married women whose fathers were lawyers and judges, in hopes of obtaining that first job offer.<sup>70</sup> One lawyer, who qualified for the bar a year after Claire, explained: "It was a very closed society—like the mafia—very closed."<sup>71</sup>

Yet everyone recognized that things were tougher still for women. Claire's classmate William Tetley explained: "It was pretty hard being a girl. The law was made in those days by men for men . . . . Women stayed home and had babies."<sup>72</sup> Marc Lalonde, who began practicing in Montreal in the early 1960s before he left for a distinguished career in federal politics, recalled that his attempt to convince his law firm to hire its first female lawyer was a formidable challenge. "The reaction was—oh, she'll just get married—we'll lose her, what's the point?"<sup>73</sup>

Raymond Lessard, who was admitted to the bar in Quebec in 1962, recognized that, even a decade later, women "were received as foreigners" who had "invaded a male profession". He added: "I realized very late in my life that many men are misogynists."<sup>74</sup> Justice Louis LeBel, who was admitted to the bar ten years after Claire and practiced in Quebec City until he too embarked on a judicial career that took him to the Supreme Court, recalled that the firms were "very reluctant" to hire women: "Men lawyers were uncomfortable with the idea of women lawyers. The senior partners had been raised and had lived and practiced law at a time when women were not even allowed to join the Quebec bar. So they had this understanding that the place of women was essentially at home."<sup>75</sup> For most women of this era, access to practice was illusory. "The bar gave us the 'right' to practice, but the profession did not accept us. There was no

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referring to the name of the street, and the people who lived in that class. It's a fable to a certain extent. But there was a certain protection between a certain number of families." Author's interview with the Honourable Roger Chouinard, Quebec City, 11 May 2010. Roch Bolduc, a classmate of Claire's, explained that students who came from small towns often returned, their only option to open practices as notaries in the hinterland. Bolduc interview, *supra* note 18.

70. April interview, *supra* note 47; Morin-Melihercsik interview, *supra* note 19.

71. *Ibid.*

72. Tetley interview, *supra* note 17.

73. Author's interview with the Honourable Marc Lalonde, PC, OC, QC, Île Perrot, Quebec, 16 August 2012.

74. Author's interview with Raymond Lessard, Île d'Orléans, Quebec, 11 May 2010.

75. LeBel interview, *supra* note 62.

place for us, even in the basement”, Claire recalled.<sup>76</sup> As another of the early women summed it up: “There were no jobs for us.”<sup>77</sup>

Understandably, when the door slammed shut repeatedly, applicants must have been deeply disturbed, especially when the rejections were so overtly sex-based. Yet there is little evidence that rejection radicalized any of the twenty—that the discrimination prompted them to place their experiences within developing feminist ideologies or to foment activist challenge. Perhaps they were too few, their entry into the profession too fresh, and the social environment simply too unsupportive. The Quiet Revolution would not begin to usher in a new surge of feminism in Quebec until the 1960s and 1970s, too late to influence the situation for the first Laval graduates.<sup>78</sup> And none of the Laval twenty would take a leading role in that feminist movement in subsequent years.

Instead, lacking both a legal framework to challenge sexism and a wider feminist community within which to strategize for change, these early women seem to have taken the slammed doors as final. Their career trajectories stalled for good. Some opted out of law permanently, often for social work, which was one of the parallel careers that beckoned to women lawyers. Claire herself had been counselled to switch to social work throughout her early years in law.<sup>79</sup> Others persevered and kept applying

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76. L’Heureux-Dubé interview, 10 March 2010, *supra* note 22.

77. Author’s interview with Nicole L’Heureux, Clearwater, Florida, 11–12 May 2009. Nicole L’Heureux, Claire’s younger sister, graduated in 1957 and was called to the bar in 1958. *Ibid.*

78. In the 1960s, Simone de Beauvoir’s classic treatise, *Le deuxième sexe*, first began to circulate in Quebec, and Betty Friedan’s 1963 book, *The Feminine Mystique*, which critiqued traditional sex roles and demanded an expansion of horizons for wives and mothers, was translated into French, attracted television coverage and became a bestseller in Quebec. A spiralling number of women’s organizations banded together to form the Fédération des femmes du Québec in 1966. The *Royal Commission on the Status of Women’s* influential final report, released in 1970, demanded changes to the law, the economy, the family, education, the tax system, childcare, immigration, citizenship, the criminal justice system, women’s prisons and the role of women in public life. By the 1970s, Quebec feminists were demonstrating against sexual violence, woman battering, capitalism and colonialism. They demanded feminization of the French language and the arts, lesbian rights, unionization and free daycare. Micheline Dumont, *Le féminisme québécois raconté à Camille* (Montreal: Les Éditions du remue-ménage, 2008); Collective, *supra* note 51; Gagnon, *supra* note 67.

79. Laval law professor Marie-Louis Beaulieu attempted to dissuade Claire from studying law. She recalled him as saying: “This is a man’s world, don’t go there, you’ll never succeed, there’s no future in it for you, go into social work.” L’Heureux-Dubé interview,



for legal posts, but modified their searches to apply to organizations other than law firms.

*E. Multiple Diversions: Government, Court Administration and Corporations*

Five of the first twenty women were diverted into government employment.<sup>80</sup> Jeanne D'Arc Lemay, who worked for several years with the Quebec ministry of social welfare, was one of the first. Political connections were usually required to secure even those jobs and it was no accident that Lemay's father had been involved with the Union Nationale. She was appointed directrice du service des Écoles de protection de la jeunesse au Ministère de Bien-être social in 1948 and worked there until 1953 when she was forced by government rules to leave her position upon marriage.<sup>81</sup>

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2 December 2007, *supra* note 12. When she attempted to register anyway, the Secretary of the University, Monseigneur Alphonse-Marie Parent, also tried to persuade her to study social work. *Ibid.*

80. On the established pattern of government employment for female lawyers, see Kinnear, *supra* note 30 at 418. The first female lawyer to practice with the federal government was Henriette Bourque, who entered the Ministry of Justice in 1939. She studied at the University of Ottawa, and completed a law degree at the University of Montreal. Since the Barreau du Québec did not yet admit women, Bourque obtained admission to the British Columbia bar, and commenced work with the Canadian Bar Association until she obtained her position with the government. She was admitted to the Quebec bar after 1941, when women were permitted entry. Although her work was similar to that of her male colleagues, she was held to the post of *commis juridique* (law clerk) throughout her ten-year career with the government. See Mélanie Brunet, *Sortir de l'ombre: la tradition civiliste au ministère de la Justice du Canada, 1868–2000* (Ottawa: Department of Justice, 2000) at 32. Kim Campbell describes Bourque as the first female law graduate from the University of Montreal. See Kim Campbell, "Allocution" in Dumont, *supra* note 33 at 84. Laura Legge, the first woman elected benchner and treasurer of the Law Society of Upper Canada, tried to explain the reluctance of the early Ontario women to seek jobs in private law firms: "I think they were insecure about whether they could find clients in private practice, so sought the security of government jobs, or corporate counsel positions. Also, there was a sense that there was greater potential for flexibility around having children if one wasn't in private practice." Author's interview with Laura Legge, Toronto, 27 May 2010.

81. Jeanne D'Arc Lemay was admitted to the bar in 1946, studied criminology in England and found many barriers to employment. Lemay-Warren, as she was known after her marriage, worked as a homemaker from 1953 until eight years after the birth of her daughter. Lemay-Warren interview, *supra* note 37.

Judith Gamache had no Union Nationale connections, but decided to seek the personal intervention of Premier Maurice Duplessis nonetheless. In the small, interconnected environment of Quebec City, the Premier knew many of the law students, often stopping to chat with them when they crossed paths walking to work. Judith approached Premier Duplessis, who took pride in his personal control over the majority of governmental positions, and asked him point blank if he could help her get a job. To her great surprise, Duplessis appointed her clerk of the Juvenile Court. Two years later, Gamache's marriage took her to the Îles de la Madeleine and she was able to continue her career there, serving as justice of the peace, clerk and prothonotary.<sup>82</sup>

Édith Lemay, the youngest of the three Lemay sisters, worked briefly for the Quebec Department of Cultural Affairs.<sup>83</sup> Lucile Thibault was employed by the Quebec Ministry of Justice at the Quebec courthouse.<sup>84</sup>

Forced to abandon her search for a position at a law firm, Annette April faced further impediments in her effort to secure government work. Her dream of obtaining a job in the Foreign Service was foiled when she was winnowed out of the four hundred candidates competing

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82. Judith Gamache obtained her first job with the Juvenile Court through the direct intercession of Premier Maurice Duplessis. When he offered her the position, she felt it necessary to tell him that her father was a Liberal, but the Premier appointed her anyway, retorting that "from the mixing of colours comes harmony". In 1954, she married Charles Côté, an engineer who built roads, and the couple moved to the Îles de la Madeleine, where she birthed one daughter, Esther. There she became the prothonotary and justice of the peace from 1956 to 1962 and acted as a notary public to survey the islands. She returned to Quebec City and re-entered practice from 1966 to 1971 as the Director of legal aid (then administered by the Barreau du Québec). She was appointed to the social assistance review board from 1972 to 1976 and traveled the province presiding over appeal hearings. After her retirement, she served as a volunteer commissioner for the Ombudsman and provided pro bono services for the Maison de justice. Gamache-Côté interview, *supra* note 56.

83. Édith Lemay from Quebec, sister to both Jeanne D'Arc and Thérèse Lemay, completed the three-year course at Laval over a number of years, from 1949 to 1954. She was called to the bar in 1956. The *Canadian Law List* listed her only for three years. In 1965, she was listed c/o T. Eaton Co. Ltd., 677 St. Catherine St. W., Montreal. From 1969 to 1970, she was listed with the Department of Cultural Affairs, Parliament Buildings, Quebec City. See *Canadian Law List*, 1956–1973, *supra* note 5.

84. Lucile Thibault qualified for the bar in 1954. Claire's recollection was that she never practiced law, but served as a government employee with the Quebec Ministry of Justice, working at the court house. The Barreau du Québec never listed her on its rolls. See *Tableau*, *supra* note 45.

for the distinction. Her father then used his Liberal Party connections to try to secure her a federal position at External Affairs. The Liberal senator who met with her leered—"looking at me up and down *tout le temps*"—and offered to take her to Ottawa for the weekend. She refused. Only after her father gave his word to the Duplessis organizers that he would suspend his activities on behalf of the Liberal Party did she finally obtain a spot at the Quebec Department of Revenue. It turned out to be a dead-end job.<sup>85</sup>

Positions as in-house counsel also offered avenues for the early women lawyers. Édith Lemay worked briefly for the T. Eaton Co. Limited in Montreal before her civil service job.<sup>86</sup> Jacqueline Beaupré used her father's connections with the insurance industry to land a job with the Industrial Life Insurance Company, where she practiced until 1961. In later years, she practiced in Montreal.<sup>87</sup>

After quitting her government job, and unable to make a go of it in private practice in Montreal, Annette April applied to become in-house counsel with Bell Canada.<sup>88</sup> She recalled being badgered with interview questions that had nothing to do with her curriculum vitae: "[M]y family

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85. Annette April worked with the Québec Bureau des Successions, Département du Revenu, from 1954 to 1959. "They gave me a job on the condition that my father doesn't work again for the Liberals. It was terrible. He loved working for the party, but he stopped." April was assigned to review files that had already been vetted by a male lawyer, in work that consumed a maximum of one hour a day. April interview, *supra* note 47.

86. In 1965, she was listed c/o T. Eaton Co. Ltd., 677 St. Catherine St. W., Montreal. See *Canadian Law List*, 1965, *supra* note 5.

87. Jacqueline Beaupré qualified for the bar in 1953. She practiced with the Industrial Life Insurance from 1956 to 1961, when she moved to 221 St. James Street West, Montreal. She appears to have operated a sole practice from there until 1964, when she joined forces with two male lawyers to open the firm of Turgeon & Beaupré at 10 St. James Street West, Montreal, moving to 200 St. James Street West in 1965. In 1966, she began practice with Badeaux and Beaupré at 159 Craig Street West. See *Canadian Law List*, 1956–73, *supra* note 5; *Tableau*, *supra* note 45.

88. In 1960, she moved to Montreal where she practiced with the law firm of Tormey, Guérin & Godbout. Two years later, she opened her own law office in Montreal, where she practiced for several years, until she was forced out of the office she was renting. She found lawyers nearby who would agree to rent her space in their building if she would renovate to finish a wall and construct a door. When she went to seek a bank loan for the \$10,000 required, she was told that women did not qualify. The fact that she had "*Maître*" before her name made no difference. The credit crunch forced her out of private practice. April interview, *supra* note 47; Annette April, "Curriculum Vitae of Annette April"

life, my private life, my religion, the way I dressed . . . because you work with men . . . , if I was involved with any political parties, if I was living with a man, if I wanted to get married”.<sup>89</sup> The interviewers held up her file for two years, but eventually Bell came through with a job offer in 1966. She worked at Bell for twenty-two years.<sup>90</sup>

Career paths inside government, court administration and corporations were never perceived as mainstream. These were positions with significantly lower stature than the more coveted law firm jobs. Consequently, there may have been less competition for these spots and those who did the hiring may have been more willing to take chances on the first women lawyers. In keeping with the non-mainstream status of their positions, few of the women who took these diverted paths managed to achieve significant professional acclaim. The one exception was Jeanne d’Arc Lemay, who would eventually be named a judge of the Cour du bien-être social (Juvenile Court) in 1970 and elevated to the Superior Court in 1976.<sup>91</sup>

#### *F. Six Who Entered Through Private Practice: A Handful to Carry the Flag*

The widely recognized path to career success was through private practice. Of the twenty women, only Claire and five others embarked upon private practice from the outset.<sup>92</sup> Ginette Fournier was the first to carry the flag. She was the first woman to enter practice in Quebec City, opening a solo practice sometime in late 1951 or early 1952. Claire recalled her as “quiet, modest and not aggressive”, as someone who was very nice, but may not have had what it took to succeed in practice.<sup>93</sup>

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[available from author] [“April CV”]; *Canadian Law List*, 1961–66, *supra* note 5; *Tableau*, 1960–61, *supra* note 45.

89. April interview, *supra* note 47.

90. She quit Bell twenty-two years later at the age of fifty-eight because of her unhappiness with the work environment and pay discrimination. She then joined the law firm of Robert Dostie and associates until her retirement. See *ibid*; “April CV”, *supra* note 88; *Canadian Law List*, 1961–73, *supra* note 5; *Tableau*, 1960–61, *supra* note 45.

91. See footnote text, *supra* note 50.

92. Three more of the twenty went into private practice years later: Jeanne D’Arc Lemay-Warren, Jacqueline Beaupré, and Annette April. Lucille Gauthier may have practiced in western Canada as well.

93. Author’s interview with Claire L’Heureux-Dubé, Ottawa, 30 June 2010.

Calin Morin-Melihercsik recalled her as “very short”, “very intelligent and very funny”.<sup>94</sup>

Ginette hung out her shingle on Langelier Boulevard for four years, in the same building where her brother, François Fournier, practiced. Interestingly, that proved to be no ticket to entry, since her brother’s law firm, Lavergne, Leahy & Fournier, must have been unwilling to hire his sister. Little is known about the nature of her practice and whether she was able to attract clients in sufficient numbers to cover her costs. In 1956, her fifth year, Ginette moved her office to 126 St. Pierre Street, but by the next year, she seems to have become discouraged and packed it in for social work. An unsung hero whose name has been lost from history, the first woman to practice in Quebec City, who took the courageous step of opening her own law firm, never crossed paths with Claire. Ginette’s footprint in the profession was so gentle and tentative that Claire was unaware she had even practiced law in the city.<sup>95</sup>

Marguerite (Margot) Choquette was third, following Ginette and Claire into practice in 1953. The Choquette family name was legendary in legal circles. Her grandfather, Philippe-Auguste Choquette, held a doctorate in law from Laval, served as a Liberal Member of Parliament and Senator, and sat as a judge on the Cour des sessions de la paix and the Québec Superior Court. Fernand Choquette, her father, was a distinguished Laval law professor who also sat on the Québec Superior Court and would soon be elevated to the Québec Court of Appeal. Four of Marguerite’s brothers became lawyers. After her admission to the bar, Marguerite travelled to London, where she attended the London School of Economics and then to Paris, where she obtained a doctorate in law. She was the only one in the group to land a position with one of the

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94. Morin-Melihercsik interview, *supra* note 19.

95. Ginette Fournier was admitted to the bar in January 1951. She appeared for the first time in the *Canadian Law List*, 1952. *Supra* note 5. The lists show her practising in her own firm downtown at 136 Boulevard Langelier, Quebec from 1952 to 1955. See *Tableau*, 1952–53, 1953–54, 1955–56, *supra* note 45. She moved to 126 St. Pierre Street in 1956. The next year, she disappeared from the *Canadian Law List*, 1957. *Supra* note 5. Her contemporaries recall that she went back to study social work at Laval and worked in that field thereafter. The *Tableau de L’Ordre des avocats de la Province de Québec*, 1970–71 noted that she was with the Service de réadaptation sociale, inc. See *Tableau*, 1970–71, *supra* note 45. See also Morin-Melihercsik interview, *supra* note 19; *Annuaire Général 1948–51*, *supra* note 11; Gallichan, *supra* note 11 at 116.

larger, well-established law firms, the five-person Bouffard, LaRoche, Duchesne & Amyot. She practiced until her appointment as the first woman on the Juvenile Court in 1965.<sup>96</sup>

Thérèse Lemay-Lavoie, the second Lemay sister to graduate, was the first to practice outside of the capital. After the temporary disruption of her legal studies due to marriage, she moved with her physician husband to Saint-Georges-de-Beauce in 1955 where she became the first woman to set up a solo practice in that region. In her early years, she did general practice, including litigation. In later years, she focused primarily on family law. She also became the first woman appointed on a part-time basis to the municipal court in 1961 and is often described as the first woman judge of Quebec.<sup>97</sup>

Gabrielle Vallée entered private practice in 1956. Although she might have been expected to sign onto a government position since her father, Ivan-E. Vallée, had served as Quebec's deputy minister of public works, she instead joined a Quebec City law firm that had been opened by three of her male classmates a year earlier. The firm added her as an equal partner at once: Depeyre, Michaud, Beaudry & Vallée. Her fellow Laval graduates remembered Gaby Vallée as one who stood apart from the other women: very much at home in the "boys' club". Bright, gregarious

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96. Marguerite (Margot) Choquette was born into the bourgeoisie of Quebec City in 1924. The Choquette name was synonymous with law. Of eight siblings in her family, five studied law. Marguerite decided at the age of eleven to become a lawyer, a decision she credited as influenced by the many lawyers in her family, and one that was strongly supported by her family, and particularly by her father. She completed her legal studies at Laval from 1947 to 1950 and was called to the bar in 1950. She received the Viscount Bennett scholarship to attend the London School of Economics (1950 to 1951) and then obtained a doctorate in law at the Université de Paris (1952). The Barreau du Québec listed her on its rolls from 1953, and since she appears to have been active with the Jeune Barreau de Québec in 1953, this would seem to indicate the start of her practice. See *Tableau*, 1953–54, *supra* note 45. In 1961, she was named a member of the Quebec liquor board, and in 1965, she was appointed Juvenile Court judge. See *Annuaire Général 1948–51*, *supra* note 11; Gallichan, *supra* note 11 at 116; France Demers, "Juge de père en fille", *La Patrie* (13–19 May 1965) 24; *Canadian Law List*, 1952–1962, *supra* note 5; Barreau de Québec, "Les Femmes et le Barreau: Marguerite Choquette" (2003), online: Barreau de Québec <<http://www.barreau.qc.ca>>.

97. Lemay-Lavoie was listed as practising in St. Georges Est, Quebec from 1955 until 1991 in the *Canadian Law List*. *Supra* note 5. Lemay-Warren interview, *supra* note 37; Harvey, *supra* note 28 at 22.

and ambitious, she made a great success of her law practice and ended her career as the Associate Chief Justice of the Québec Superior Court.<sup>98</sup>

Louise Galipeault, admitted to the bar in 1955, also entered practice in 1956. Her way was smoothed by familial connections, for she was a member of another legal dynasty in Quebec City. Her grandfather, Justice Antonin Galipeault, had distinguished himself as a former law partner of Prime Minister Louis St. Laurent. He had served as the Bâtonnier of the provincial bar and Speaker of the legislative assembly. Appointed to the bench in 1930, he became the Chief Justice of Quebec in 1950. Louise's father and uncle had both practiced in partnership with her grandfather. When Louise graduated from Laval, she took a year in Paris, worked at a French social service agency for delinquent children and sat in on psychology lectures at the Sorbonne. Upon her return, she joined the law office of her father, Langis Galipeault. Her younger cousin, Jean Galipeault, came on board later. In 1979, she joined Margot Choquette as a judge on the Juvenile Court.<sup>99</sup>

The six who went out into private practice had quite different experiences there. Dynastic connections paved the way for two of them, who landed in prestigious law firms and parlayed their good fortune into careers that later secured them judicial appointments. The last name of

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98. The firm opened in 1955 at 72 Côte de la Montagne with three partners, Romeo Depeyre, Gaston Michaud and Henry Beaudry, all of whom had been admitted to the bar in 1954. Although Vallée was also admitted to the bar that year, she did not join until 1956. The firm was reconfigured to become Michaud, Beaudry & Vallée when Romeo Depeyre left for the Workmen's Compensation Commission in 1963. By 1973, the firm was renamed Beaudry, Vallée & Mercure. Vallée was the first woman lawyer elected Bâtonnière in Quebec in 1973. She was appointed to the Québec Superior Court in 1973, and became its associate chief justice in 1976, the first woman associate chief justice of a federal superior court. She died in 1984. See Ignace Des Lauriers, *La cour supérieure du Québec et ses juges* (Quebec, Editeur officiel du Québec, 1980) at 62; *Hommage à nos pionnières* (Quebec, 1999) [available from author]; *Canadian Law List*, 1956–1973, *supra* note 5.

99. Louise entered practice in 1956 at the firm of Galipeault, Veilleux and Galipeault with Langis Galipeault, François Veilleux, and Marc de Goumois. By 1958, de Goumois was no longer with the firm; by 1962, Veilleux had left. She practiced with her father alone until 1969, when her cousin, Jean Galipeault, joined them. Her uncle, Jean-Paul Galipeault, was admitted to the bar the same year as her father, 1929. Author's interview with the Honourable Louise Galipeault-Moisan, Le Portage, Quebec, 30 July 2010; BM Greene, ed, *Who's Who in Canada, 1951–52* (Toronto: International Press, 1952) at 105–06; *Tableau*, 1957–58, *supra* note 45; *Canadian Law List*, 1956–70, *supra* note 5; Dale C Thomson, *Louis St. Laurent: Canadian* (Toronto: Macmillan, 1967) at 17.

Choquette or Galipeault was like a diamond-studded totem, bestowing privilege and influence. It was a pattern seen in other parts of the country as well, where grandfathers, fathers, uncles and brothers often hired early women lawyers into the family firms.<sup>100</sup> But as we have seen, not everyone with lawyers in the family benefitted. Ginette Fournier struggled on her own, despite her brother's law firm just down the hall. And not all women had legal dynasties upon which to build.

Thérèse Lemay-Lavoie, who had no lawyers in her family, overcame that deficiency through geographic selection. She never tried to set up her own practice in Quebec City, as Ginette Fournier had done, but practiced instead in a region remote from the capital. Although she had married, she had no children, and it seems that she may have benefitted from being able to set up a practice alongside her surgeon husband's medical office. That it took five years after her call before she opened her office suggests that it may have taken that long to amass enough savings from Dr. Lavoie's medical practice to capitalize Thérèse's start-up.

Gabrielle Vallée seems to have been in a category of her own. A woman who was more at home in male company than in female, she was the only one of the Laval twenty who found herself welcomed into a law firm set up by her male peers. Her anomalous beginning was to inaugurate a career that remained unique throughout. In 1973, she would become the first woman elected *Bâtonnière* in Quebec and in 1976, the first woman to be appointed Associate Chief Justice of a federal superior court.<sup>101</sup>

Before reaching the conclusion that the success of some of the Laval twenty somehow diminished the very real sex discrimination that enveloped the cohort, it is helpful to compare their achievements against some of the men who studied alongside them at Laval.

## IV. The Control Group: Claire's Male Classmates at Laval

It is beyond the scope of this study to review the careers of the much larger group of men who were classmates of the Laval twenty, but a

100. The usefulness of family connections was also experienced by Manitoba women lawyers. See Kinneer, *supra* note 30 at 427–29.

101. Des Lauriers, *supra* note 98 at 62; *Hommage à nos pionnières*, *supra* note 98; *Canadian Law List*, 1956–1973, *supra* note 5.



preliminary comparison with the forty-nine men from Claire's class of 1951 indicates that their horizons were significantly broader.<sup>102</sup>

By way of illustration, Julien Chouinard was appointed to the Supreme Court of Canada eight years before Claire.<sup>103</sup> Five others were appointed Superior Court judges: Paul Gervais, Ovide Laflamme, Jean Bienvenue, Georges Savoie and André Trottier. Three more were appointed provincial court judges: Gilles Carle, André Lévesque and Robert Auclair-Hallé. The fact that nine out of the forty-nine elevated to the bench indicates just how promising were the career trajectories of male Laval graduates in that era.

Others achieved remarkable distinctions off the bench. Martial Asselin practiced law in Charlevoix, then served as mayor of La Malbaie, Conservative MP, Canadian parliamentary representative to NATO and Senator, before being named Lieutenant Governor of Quebec in 1990.<sup>104</sup> Philippe Casgrain became a highly successful Montreal commercial lawyer, Bâtonnier of the bar and founder of the Quebec arm of the national firm of Fraser Milner Casgrain.<sup>105</sup> Roch Bolduc forged a brilliant

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102. On the number of male classmates, see Université Laval Faculté de Droit, Promotion (1950–51) [available from author].

103. The Honourable Julien Chouinard, OC, CD, was appointed to the Québec Court of Appeal in 1974. He was appointed to the Supreme Court of Canada in 1979 at age fifty. See James G Snell & Frederick Vaughan, *The Supreme Court of Canada: History of the Institution* (Toronto: Osgoode Society, 1985) at 235, 417; Donn Downey, "Julien Chouinard Supreme Court Judge Was Top Civil Servant for Quebec Premier" *The Globe and Mail* (9 February 1987) A14.

104. See "Martial Asselin" in *Canadian Who's Who* (Toronto: University of Toronto Press, 2005) 51; author's interview with the Right Honourable Martial Asselin, PC, OC, QC, Quebec City, 7 August 2008.

105. Philippe Casgrain was one of the first francophones to obtain a position at, and then become a partner with, an English firm in Montreal: Magee, O'Donnell and Byers. He became one of the founding partners of the bilingual firm Byers Casgrain, which merged to become Fraser Milner Casgrain in 2000. He was elected Bâtonnier in Montreal from 1980 to 1981, became a member of the American College of Trial Lawyers and received the Merit of the Bar in 2001 to 2002. See Kathryn Leger, "Saying goodbye to Philippe Casgrain" *Montreal Gazette* (5 March 2010) B2; Alan Hustak, "Quebec lawyer Philippe Casgrain had a natural charm" *Globe and Mail* (21 March 2010); author's interview with Robert Auclair-Hallé, Quebec City, 7 August 2009 [Auclair-Hallé interview]; Canadian Bar Association, "Past CBA Presidents", online: CBA <<http://www.cba.org/CBA/Info/main/pastpres.aspx>>.

career in the Quebec public service and was named Senator in 1988.<sup>106</sup> Gabriel Lapointe became a renowned Montreal criminal lawyer and Bâtonnier of the bar.<sup>107</sup>

Gérard Bertrand and Jacques Dupuis-Couillard achieved success within the diplomatic corps.<sup>108</sup> Pierre Marseille became a high-profile corporate and commercial lawyer in Quebec City with Louis St. Laurent's law firm.<sup>109</sup> William Tetley became a Liberal Quebec cabinet minister and a distinguished McGill law professor specializing in maritime law.<sup>110</sup> André Desgagné obtained a doctorate in law in Paris, returned to spearhead academic reform at the Laval law faculty and became the president of the Université du Québec à Chicoutimi.<sup>111</sup>

Further research would be required to offer a full comparison with all of the male contemporaries of the first twenty women, but this small snapshot indicates how illustrious and powerful a peer group the Laval graduates became. It also underscores the remarkable privileges that attached to the male gender in law.

## Conclusion: Reflecting on Career Trajectories

In summary, what can we learn from Claire L'Heureux-Dubé's early career years? She entered law determined to pursue a professional education, strongly influenced by her mother's ambitions and deeply resistant to her father's gender bias. She abandoned her early desire to

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106. The Honourable Roch Bolduc, OC, QC served as a member of the Public Service Commission, Deputy Minister, and Associate Secretary to the Counsel of the Treasury. He was appointed to the Senate in 1988, and served until 2003. Bolduc interview, *supra* note 18.

107. Lise I Beaudoin, "Me Gabriel Lapointe s'éteint à l'âge de 70 ans" (1999) 31:16 *Barreau de Québec: Le Journal*.

108. Bolduc interview, *supra* note 18.

109. Pierre Marseille, from Quebec City, practiced corporate and commercial law in Quebec City with the firm of St. Laurent, Gagné and Pratte, which was reconfigured to become the Létourneau firm. Bolduc interview, *supra* note 18; Auclair-Hallé interview, *supra* note 105.

110. William Tetley, CM, QC, practiced law in Montreal with Martineau, Walker, Allison, Beaulieu, Tetley and Phelan, was elected a Liberal member of the National Assembly of Quebec in 1968, and served as a cabinet minister until 1976, when he became a professor at McGill's faculty of law. Tetley interview, *supra* note 17.

111. See Normand, *Le droit comme discipline universitaire*, *supra* note 38 at 143, 167-70; Desgagné interview, *supra* note 17.

become a nun. She rejected the profession of social work when it was urged upon her as a career more appropriate to her gender. She had extraordinary talent and skills, as indicated by her ability to graduate near the top of the class while working full-time through law school. She married late and refused to let family responsibilities derail her career. Her tenacity and ambition were characteristics that would stand her in good stead for the rest of her career.

Yet individual attributes were not entirely determinative. Claire's career had to unfold across the political, economic and social landscape of her time. Politically, although it was an era of expanding rights for women, there was no legal framework prohibiting discrimination in employment or education. Economically, the legal profession was strong and expanding. Socially, attitudes toward women remained narrow and rigid. The first women law graduates faced a skeptical, hostile profession, reluctant to hire them and confident in expressing overtly biased opinions.

Claire possessed very little information about the structure of the profession she was entering, or the job opportunities within it. None of her professors were prepared to assist with this. Even had she known more, all of the information would have pointed to male career paths, with opportunities for women as yet unknowable.

Her initial career expectations were also deeply circumscribed. Like many of her contemporaries, she did not believe that she would be able to practice law. When the International Labour Organization peremptorily rejected the one job application she sent out, she was uncertain what to do. She thought she would have to earn her living through secretarial work and lacked the self-confidence to apply to any of the law firms. Indeed, she applied to no law firms at all. If she had not been working for Sam Schwarz Bard already and if he had not transferred her status to that of a lawyer, her self-limiting expectations might have halted her career right there.

Claire may have been one of the favoured six who landed in private practice, but it was Sam Bard's initiative to offer the job that took her there. She was the only one of the six, indeed the only one of the cohort of twenty, to be offered a position in private practice in a law firm without familial links. She had no capital funding to open on her own, as Ginette Fournier did, and reflecting back, she added: "I would never

have done that. I didn't have enough confidence in myself."<sup>112</sup> She had no connections and no graduate studies to pave the way into established family firms, as Margot Choquette and Louise Galipeault had. She had no professional husband to take her away to a smaller town and support her while she hung out her shingle, as Thérèse Lemay-Lavoie did. And the prospect of hitching her star to a group of male classmates, as Gaby Vallée did, never occurred to her. "I was not in the gang", she explained, laughing about this many years later.<sup>113</sup>

It was her first job in the legal profession that set her remarkable career in motion. Although many lawyers are able to recover from an initial false misstep and switch career paths from positions that turn out to be unsatisfactory, that first foray into the profession can be determinative. Claire would characterize the job offer from Sam Bard, at the outset of her career, as "like gold".<sup>114</sup> In retrospect, she saw Sam Bard as her greatest mentor, one of the individuals to whom she most owed her professional success. In the ceremony that marked her retirement from the Supreme Court of Canada, she would reflect on that debt, announcing to the assembled guests: "I owe my career to Sam".

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112. Author's interview with Claire L'Heureux-Dubé, Quebec City, 27–28 April 2009.

113. *Ibid.*

114. Author's interview with Claire L'Heureux-Dubé, Ottawa, 1 November 2007.