

May 2018

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Recommended Citation

Lee Baxter, *A True Pioneer of the Legal Profession and the San Francisco Bench*, 48 Golden Gate U. L. Rev. 111 (2018).
<https://digitalcommons.law.ggu.edu/ggulrev/vol48/iss2/2>

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ARTICLE

A TRUE PIONEER OF THE LEGAL PROFESSION AND THE SAN FRANCISCO BENCH

THE HONORABLE LEE BAXTER^{*1}

“Where I come from, women didn’t become lawyers.” Judge Baxter stressed this point several times in the conversation with her. It was not too long ago that the legal profession was hostile to women. Judge Baxter recalled that as late as 1921, women lawyers were prohibited from joining and participating in the San Francisco Bar Association. Since then, with the courage of women like Judge Baxter, more women than men are going to law school and many women hold prestigious positions within private practice, the court, and in government.

While San Francisco has become a progressive area on the cutting edge of accepting diverse populations into the legal profession, this did not come without courageous people. Judge Baxter entered into the legal field when only the efforts of twelve to fourteen percent of women were judges on the San Francisco bench. She remembers being one of a handful of women to graduate from Golden Gate University Law School; roughly ten percent of her class was female, and even fewer were mothers.

Judge Baxter has a wealth of knowledge about the legal field and more specifically, the San Francisco legal community. Her knowledge of the law is only matched by her humility and grace. Judge Baxter views the women who came before, like Judy McKelvey, who was the first female dean of Golden Gate University Law School and one of the first

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¹ Interview by George Emmons, Executive Articles Editor, *Golden Gate University Law Review*, in San Francisco, Cal. (Nov. 7, 2017).

female deans in California, as the “real pioneers” in that they were the ones who made a huge impact on the legal profession. While these women were pioneers, Judge Baxter herself has blazed her own trail and taken the torch from the early female legal pioneers and guided future lawyers, especially female lawyers. Her courage and tenacity to get a law degree, become a lawyer, and then a judge is an inspirational story to all. Anything is possible, and with hard work, persistence, and conviction—you can be anything you set your mind to.

Born and raised in Lexington, Kentucky, Judge Baxter grew up in a small family with one sister. She came from a family of educators. Judge Baxter attended the University of Kentucky and is still an avid Wildcats fan. She spent the early part of her career as a high school English teacher. Eventually, her husband’s work brought her out west to California.

Her husband had a medical degree and spent his career in the scientific research field. Her husband’s decision to take a position at University of California, San Francisco Medical School is what led Judge Baxter and her family to move to San Francisco. After moving to San Francisco, she decided to attend law school. At the time, Judge Baxter had two daughters, ages two and three years old, whom took up a great deal of her time. She nonetheless decided to attend law school full-time, and the rest is history.

During her time in law school, the Vietnam War sparked student protests and riots and grabbed the attention of people across the nation and the world. In addition, the composition of law school classes was much different than it is today. Judge Baxter estimated that around ten percent of her day class was female. But despite these small numbers, Judge Baxter found her class to be very helpful and congenial. She remembers fondly her study sessions with many of her classmates. In fact, she grew very close to her classmates who had kids as well. She remembers going to each other’s houses so that she could study along with her classmates and watch the kids at the same time.

As a student, Judge Baxter was also a member of the Queen’s Bench in San Francisco. The Queen’s Bench is a Bay Area organization that brings female attorneys and judges together and advocates for female representation in the legal community. The Queen’s Bench is still a very active and influential organization to this day. In fact, to this day, Judge Baxter still maintains friendships with the people she met in Queen’s Bench.

Upon graduation from law school, Judge Baxter found it difficult to find a job. She found that having a family and a Golden Gate University law degree did not impress the large firms in the area. She remembers

how the eyes of potential employers would glaze over when she mentioned that she had kids to take care of. However, this did not stop Judge Baxter from working in the legal field. She found work with a few solo practitioners that helped her learn general civil litigation and bankruptcy law. Judge Baxter was thankful for and greatly humbled by what they did for her. She was able to lease a desk and take on any cases the attorneys needed help with, appearing in court and performing other legal tasks. She was tenacious, persistent, and took on whatever legal work came her way.

Judge Baxter considered herself a solo practitioner; someone who was hanging a shingle. She found that her affiliation with Queen's Bench opened many doors for her. Since she had been a member of Queen's Bench since law school, she found that she had cultivated many relationships with attorneys in the organization. Judge Baxter would later take on leadership roles within Queen's Bench and eventually become the President of the organization.

Networking and cultivating relationships through Queen's Bench led to opportunities for Judge Baxter. She vividly remembers getting an interview with an attorney for a legal position as a result of the relationships she established in Queen's Bench. This interview led to an associate position working with a San Francisco attorney. Judge Baxter worked with this attorney for six years and handled civil litigation, medical malpractice, personal injury, and a variety of court appearances. She enjoyed her experience and was very grateful for the opportunity she received.

Judge Baxter had a lot on her plate. Not only was she a practicing attorney in a small firm, she was President of Queen's Bench and was active in the various local bar associations, such as the San Francisco Lawyers Club. Judge Baxter firmly believes that her association with local bar associations, especially her relationships that she cultivated through Queen's Bench, eventually led to her position as a judge.

Before becoming a judge, the Superior Court Judges appointed Judge Baxter to be a Commissioner of the San Francisco Superior Court. While commissioners did not have status as judges, they held a quasi-judicial role in certain matters that were handled by commissioners rather than judges. For instance, commissioners handled discovery hearings, certain probate matters, and juvenile and family law hearings, including dependency hearings. For the five years she was a commissioner, Judge Baxter handled many family law, juvenile dependency, and delinquency matters.

The process to become a judge was a rigorous process that Judge Baxter found grueling. She was not accustomed to politics and getting an

appointment from elected and appointed government officials was foreign to her. First, a candidate needed to apply for the position with the Governor's office. Then, a candidate needed to be interviewed and evaluated by the state and local bar associations, which reported their evaluation to the Governor's office. Then, a candidate needed to be invited to interview with the Governors Judicial Appointment Secretary, which was the key to getting an appointment to the bench.

Judge Baxter remembers interviewing with the Appointment Secretary well. A question that vividly stands out to her: which woman in history would she like to meet. Judge Baxter recalls responding that she would like to meet Margaret Thatcher.

Judge Baxter would have to wait nearly two years to finally hear back about being a judge of the San Francisco Municipal Court. But the wait was well worth it and the story of how Judge Baxter learned that she was picked to be a judge could not have been written better. Judge Baxter remembers being on the Juvenile Court and handling delinquency hearings as a Commissioner. She received a note from her bailiff mid-hearing stating that she had received a call from her husband. Judge Baxter did not look at the slip and decided that she could call her husband back later. She came to find out that this call was from Marvin Baxter, the Judicial Appointment Secretary to the Governor, who was calling to tell Judge Baxter that she had been appointed to the San Francisco Bench.

Judge Baxter served on the San Francisco bench for seventeen years. She spent several years on the criminal bench and handled many felony trials. She was Presiding Judge of the Family Law Court for three years and spent much of her time handling juvenile law cases. Judge Baxter also handled many civil jury trials while on the San Francisco Bench and enjoyed this work immensely. She found that the jury system is a great system and that in her experience, a jury almost always did the right thing. She did find that many prospective jurors did not want to serve and often did not want to be in court. Judge Baxter remembers telling jurors that even though they did not want to be there, they were doing a great service and they would learn so much if they, in fact, served. One of the only ways to understand the law as a lay person is to be on a jury and Judge Baxter often reminded jurors of this.

Judge Baxter has valuable advice for law students and future attorneys. First, she recommends that lawyers protect their credibility and must never compromise it. She found that as a judge, if she did not trust a lawyer, it could not help but color the attorney in her eyes. She appreciated the credible and trustworthy attorneys that told it straight, with the facts of the case and the law. Second, Judge Baxter believes that an attor-

ney should always be gracious, not only to the Judge and opposing counsel, but to clerks and other support staff. It goes without saying that every attorney should be well prepared with his or her case before appearing in court. Judge Baxter believes that it serves attorneys well in the long run to be gracious and that life is much more pleasant when they are gracious. Most importantly for current law students, Judge Baxter advocates studying really hard for the bar exam the first time and just getting it done. She remarked that it is a rigorous test that should be taken seriously the first time.

Of equal importance to studying the law and being an effective practitioner, Judge Baxter believes law students and lawyers should get involved in their communities and meet people in both the legal and other professions. Getting to know the practitioners in your area of law or professionals in other fields and industries is extremely important. For example, if someone is interested in a career in litigation, there are many organizations that gather attorneys who specialize in this field, including the San Francisco Lawyers Club, San Francisco Bar Association, and San Francisco Trial Lawyers Association.

As much as we want to control our path, Judge Baxter has found that it is not always possible to plan our careers. Often, it is all about being in the right place at the right time. Looking back on her career, Judge Baxter found that by being aggressive and having a “go for it” attitude, new opportunities presented themselves.

Finally, Judge Baxter reminds those in the legal profession to not lose their sense of humor and have fun too. Many of her best friends and closest relationships came from her participation in legal organizations and the events held by these organizations provided a great social outlet for her.

Judge Baxter’s story is truly an amazing one. Her experiences and advice provide new and seasoned lawyers with a great blueprint for success. As a trailblazer, Judge Baxter has charted a path to being a successful lawyer and judge, and the entire legal community has so much to thank Judge Baxter for. Despite becoming a lawyer at a time when many women did not attend law school, Judge Baxter became one of the few female judges on the San Francisco Bench and has become successful and influential in the legal community. Her story is inspiring and one that we can all learn from.

