

THE LADY IN PURPLE:

The Life and Legal Legacy of Gladys Towles Root

RICHARD F. McFARLANE*

Gladys Towles Root was a Los Angeles lawyer famous for flamboyant clothing, large hats and audacious trial tactics. Root used her legal skills to defend accused sex criminals, murderers, kidnappers, and other unsavory characters. She used the doctrine of legal insanity and aggressive cross-examination to get her clients acquittals or reduced sentences and successfully challenged California's miscegenation law as it applied to Filipinos. Root was as well known to the newspaper's society columnist as she was to the newspaper's crime reporters.

THE HISTORICAL PROBLEM

In their essay, "Women, Legal History, and the American West," John R. Wunder and Paula Petrick observe that

little scholarship has been published concerning western women and criminal law, and, except for divorce, little has been accomplished by way of women and civil law. Likewise, western women's roles in the

* Richard F. McFarlane, JD, PhD, is a member of the California Bar and an independent scholar in legal history.



A COURTROOM APPEARANCE BY GLADYS TOWLES ROOT,
LOS ANGELES TIMES, AUGUST 31, 1948, P. 15

Los Angeles Times Photographic Archive, Department of Special Collections,
Charles E. Young Research Library, UCLA.

history of property and probate need more attention. No regional historical study of western law yet exists; similarly no history of women, the law, and the American West has been written.¹

Although there have been some contributions to the literature since Wunder and Petrick wrote in 1994, women in the law remains an under-researched area. The present article is a biography, but one intended to be mindful of the maxim that “a biography to be really worthwhile must relate to something more than the life and activities of an individual.”² Most lawyers’ biographies ignore the contributions of attorneys to jurisprudence. For example, *The Invisible Bar* by Karen Berger Morello³ is a valuable primer on women in the law, but largely ignores the contributions they made other than by just being there. It begins with Margaret Brent, who practiced law in Maryland in 1638, and concludes with the appointment of Sandra Day O’Connor to the U.S. Supreme Court in 1981. Virginia C. Drachman introduces her book, *Sisters in the Law*, stating, “The history of women lawyers is a powerful story of discrimination, integration, and women’s search for equality and autonomy in American society.”⁴ *Sisters in the Law* begins in the 1860s and ends in 1930, the same year Root was admitted to the bar. It is well written, well researched and well documented, but it also ignores the contributions women made to American jurisprudence other than by simply being members of the bar. A notable exception is *America’s First Woman Lawyer: The Biography of Myra Bradwell* by Jane M. Friedman.⁵ This book begins with Bradwell’s quest for membership in the Illinois bar, and goes on to discuss her friendship with Mary Todd Lincoln, her founding and editing the legal newspaper, *Chicago Legal News*, and her contributions to the woman suffrage movement. The book is well written and copiously endnoted to primary sources. Although Bradwell

¹ John R. Wunder and Paula Petrik, “Women, Legal History and the American West,” *Western Legal History* 7 (Summer/Fall 1994): 197.

² Owen C. Coy, “Introduction” in Caroline Walker, Boyle Workman’s *The City That Grew* (Los Angeles: Southland Publishing Co., 1935), vii.

³ Karen Berger Morello, *The Invisible Bar: The Woman Lawyer in America 1638 to the Present* (New York: Random House, 1986).

⁴ Virginia C. Drachman, *Sisters in the Law* (Cambridge: Harvard University Press, 1998), 1.

⁵ Jane M. Friedman, *America’s First Woman Lawyer: The Biography of Myra Bradwell* (Buffalo, N.Y.: Prometheus Books, 1993).