

Speech of Howell Heflin at Luncheon of the Women's Division of the
Alabama State Bar awarding the Maud McClure Kelly Award
Orange Beach, Alabama

July 19, 2002

The individual we honor is a superb jurist whose accomplishments and contributions have benefited hundreds of thousands of Alabamians through her leadership role in the progressive development of the common law of the state and courageous application of constitutional provisions to prevent discrimination and undue harm to the rights of women, blacks, the needy, disadvantaged, businesses, workers and the injured during the turbulent years of the 1970's, 1980's and 1990's.

Her achievements as an extraordinary legal secretary, an outstanding law student, a skilled lawyer, competent corporate counsel, a scholarly law professor and remarkable jurist are evidence of her climb up the ladder toward the greatness she has achieved.

A firm believer in feminine causes, whose quiet demeanor and intelligent expressive ways seem never to threaten her male counterparts, she became a trail blazer, a role model, a legend and, yes, a heroine to thousands of women who have profited by the doors she has opened, and helped to keep open, in a male-dominated profession.

She is a woman who has lived a fine life as a homemaker, who was a loyal, caring, and encouraging wife to her recently-departed, successful lawyer husband, and devoted mother who has lived to see her daughter follow in her footsteps as a great lawyer.

Janie Ledlow Shores entered this world in Butler County about three miles from Georgiana on a farm in 1932. Janie was working in the strawberry fields at age 5. She moved to Loxley in Baldwin County when her father found employment in Mobile after the beginning of World War II. She worked in the potato fields and sheds to earn money to buy school clothes.

At Robertsdale High School she developed excellent skills as a typist and as a shorthand word-taker. After graduation she went to an employment agency and they arranged an interview with a truly outstanding lawyer in Mobile, Vince Kilborn, Sr. She phoned for an appointment. It was a Saturday and he answered the telephone himself. He said, "come on now." After testing her for most of the afternoon, he gave her a job at the prevailing rate of \$100.00 a week.

Janie has said many times that Vince changed her life. Mr. Kilborn had a fine law practice with many varied clients, including the Catholic Diocese of Mobile and Bishop Toolen, personally. Vince observed that Janie had unique and achieving abilities. He told her that she should further her education, and he then began to urge her to study to become a lawyer. Her standard for work then, and throughout her life, was:

"My experience has convinced me that if you get there first, leave last, and don't make any mistakes, you will ultimately be rewarded."

After four years with Vince Kilborn, Janie decided that she could become a lawyer. After completing the three-year pre-law admission requirement at Judson and the University of Alabama, Janie entered law school at the University of Alabama. In law school she made a superb academic record, became the editor of the Law Review, and the winner of the Phi Alpha Delta Moot Court

Competition Award. Using her shorthand skills, Janie took down the law professors' lectures and made summaries of assigned cases and her notes. A bookstore engaged her to put her summaries in a merchantable form. There, these were the best sellers of law publications. When I was at law school many years beforehand we called similar summaries "Cold Briefs" or "Cooley's." Unfortunately, some of us regrettably relied on them primarily, rather than as aids to case reading.

When Janie worked with Vince Kilborn, the only woman lawyer that she knew in Mobile was a court reporter. When she entered law school, there were only 5 female students. When she graduated in 1959, it was tough for women to succeed in the practice of law. In fact, no women were permitted on juries until 7 years later in 1966.

Upon graduation from law school, Justice Robert T. Simpson asked Janie to be his law clerk. He had had a previous female law clerk and was well pleased with that person's work. When Janie practiced in Selma, it was the custom that the newest member of the Bar was to be the secretary of the local bar association. But the Selma Bar had to change its bylaws to strike the word "male" from the requirements that officers had to be "white male members of the State Bar in good standing."

When Janie became a member of the faculty of Cumberland she was the first female law school teacher in the state and one of the first in the South. Vince Kilborn, upon learning of her faculty selection, remarked "she has made both of us proud."

While at Cumberland, Janie co-authored two books. Cases and Materials on Law Pleadings in Alabama with C. Bankester and J. Harrell (Banner Press, 1966) and Alabama Pattern Jury Instructions - - Civil, working with Judges Ingram Beasley, Bill Sullivan, and the other members of the Committee (Lawyers Cooperative Publishing Company, 1974). I believe she was probably the first woman lawyer in the South to author or co-author a legal book. I am reasonably sure that that would be true in regard to the state of Alabama. Janie wrote numerous Law Review articles. She was an excellent law professor and was honored when the moot court competition began to bear her name. She campaigned throughout the state, particularly with women's groups, to support the new Judicial Article. Shortly after being selected to the faculty, Professor Shores went back to school earning her AB degree from Samford, cum laude.

At the urgings of a large number of lawyers, including myself and many of her former law students, she offered herself as candidate for the Supreme Court of Alabama, 1972. At that time a lawyer by the name of James H. Faulkner ran and many voters thought that he was the Jimmy Faulkner who had ably served as a state senator and twice had been an unsuccessful candidate for governor. Ironically, the well-known Jimmy Faulkner supported Janie for the position and even bought newspaper ads endorsing her. Nevertheless, the Birmingham Jimmy Faulkner was elected and proved to be a good judge. In 1974, Janie again offered herself as a candidate and was overwhelmingly elected. She became the first female on the Alabama Supreme Court and the third in the

nation on a state supreme court. She took the oath of office in January 1975 and she served on the Supreme Court for 24 years.

There are 1,362 opinions that bear her name. She also authored many per curium opinions that do not bear her name. She was a workhorse and helped some slower or lazy members of the court catch up with their assigned cases towards the end of a term in order that the court could declare that it was current. In fact, she wrote opinions that bear their names.

Janie was unafraid to tackle the heated and controversial questions facing the court. At all times, she was a staunch defender of the constitutions of Alabama and the United States Constitution. Often, Justice Shores demonstrated her concern for the preservation and protection of a defendant's constitutional right to due process of law. She has an innate ability to tell right from wrong. As a member of the Court, she continued what she had done during her law professor days by publishing writings in law reviews, bar journals and other legal periodicals. Her article entitled "The Alabama Experience Over the Past Five Years" was published in 1977 in the New York State Bar Journal. Her speech at the National Conference on the Causes of Popular Dissatisfaction With the Administration of Justice, (known as the Pound Conference) in St. Paul, Minnesota, in 1976 was published in U. S. Law Week.

She was one of a few state jurists that was selected for a summer and correspondent learning course. Upon completion she was awarded a LLM degree by the University of Virginia.

While I served on the Court with Janie, it came through loud and clear that she had the brightest mind of anyone on that court, and I might say there were some truly highly intelligent members of the Court.

During the time she served on the Court, Janie never lost sight of the fact that she should eliminate barriers to equal opportunity for women. One of her opinions struck down an Alabama statute that denied a wife the full use of her lands without the assent and concurrence of her husband.

During the Clinton Administration, I had the honor of submitting her name to the President for a vacancy on the United States Supreme Court and the pleasure of talking to him personally about her fine qualifications. He was greatly impressed and listed her name in a short list of possible nominees. However, he nominated Ruth Bader Ginsburg. Later President Clinton nominated Janie and she was confirmed by the U. S. Senate to be a member of the Board of Directors of the State Justice Institute, a federal agency that makes grants for innovative ideas, programs, and projects designed to improve the administration of justice in the states.

As a homemaker, Janie loved to cook, sew, and enjoyed gardening. She was a caring and encouraging wife to her late, successful-lawyer husband who was seriously ill the last years of his life. Janie was a devoted mother who has lived to see her daughter Laura Scott Shores graduate with honors from Smith College and the University of Chicago Law School and who is continuing her mother's footsteps in pursuit of law as a partner in the large law firm of Howrey and Simon in Washington, DC after clerking for Judge Robert Vance. Recently,

Laura was a part of the legal defense team that appeared before the U. S. Supreme Court in the Webster Hubbell case. However, it is hard for me to imagine Janie ever pushing a baby carriage.

We are not here to canonize Janie Shores, for she was no saint. She had her faults as we all do, for she was human. Sometimes her language was quite salty - - so salty that it could make a seaman first class blush.

When she first went to Birmingham, she sought jobs with all the major law firms and legal departments, but was turned down until she finally got a position within the legal department of Liberty National. While she was hunting a job, she heard there was a vacancy in the legal staff of a major corporation in Fairfield. She went out and talked to the head lawyer who told her that he “didn’t think it would be appropriate for a woman lawyer to work there because the language that she would hear would not be very lady-like.” On her way back to Birmingham, Janie remarked to a companion who had gone with her with words like this “That chauvinist son-of-a-bitch should have worked in the potato fields of Baldwin County, then he would really have a vocabulary of profane language.”

While she exhibited collegiality with the members of the Court, sometimes, in private, she would castigate one of her brother jurists after a heated conference better than an alligator chewing on a frog, but it was only a temporary verbal explosion.

I think it would be appropriate to let you know what some women lawyers in the state have expressed about Justice Shores.

Helen Kathryn Downs wrote:

“The primary reason that Justice Shores has always been a role model for me is her remarkable strength. I have heard it said that she has never been intimidated by anything, and I find that to be an apt description. She has not only hurdled straight over any obstacles in her path, she has done it in such a way as to carve out avenues for women to follow behind her... She has single-handedly created opportunities for more women to engage in the private practice of law, advance in the academic hierarchy at area law schools, and serve at the highest levels of the judiciary.”

Celia Collins stated “...Justice Shores blazed a trail where no woman in the state had traveled before her.”

Caryl Privett expressed these words: “As the first woman to be elected to the Alabama Supreme Court, Justice Shores served as a role model for women lawyers. To have a woman serving on our highest court assisted young women lawyers in gaining acceptance in the courtrooms of our state.”

She has been recognized with “The American Heroine Award” by *Ladies Home Journal* in 1984, as one of the top ten women of 1990 by the *Birmingham Business Journal*, as one of the top graduates at the University of Alabama in 1993 and has received honorary doctoral degrees from the University of Alabama, Judson College, and Jones School of Law.

In 1998, Janie was honored by the Board of Commissioners of the Alabama State Bar when she announced her retirement.

If historians give the impact of the judiciary its proper due, then Justice Janie Shores will undoubtedly be counted among the greats of American women. It is generally thought that historians rank Helen Adams Keller and Julia Strudwick Tutwiler as being the most outstanding women of Alabama. While

Helen Keller was best known primarily for her triumphs over adversity, she was also a great proponent for improving government for the benefit of individuals. She was labeled by conservative reactionaries of her day as "a socialist." Tutwiler's reform contributions to education and prison conditions caused advocates of the then status quo to refer to her as "a flaming liberal from Vassar." Justice Shores has her detractors, but all shakers and movers for the good of society do. In my judgment, the name of Janie Ledlow Shores should be inscribed along with Helen Adams Keller and Julia Strudwick Tutwiler at the top of the list of Alabama's great women.