

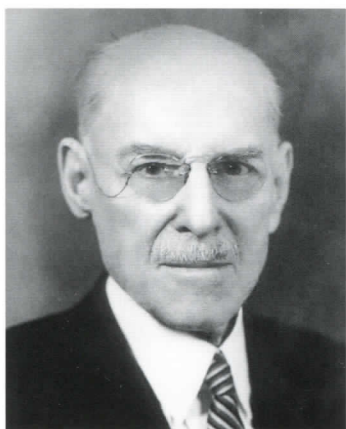
The Colorado Lawyer

THE OFFICIAL PUBLICATION OF THE COLORADO BAR ASSOCIATION

July 1997

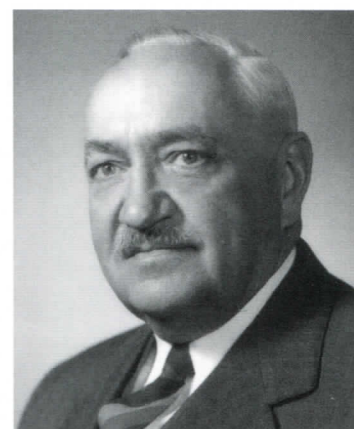
Vol. 26, No. 7

Six of the Greatest



Edward T. Taylor

A Tribute to Outstanding Lawyers in Colorado History



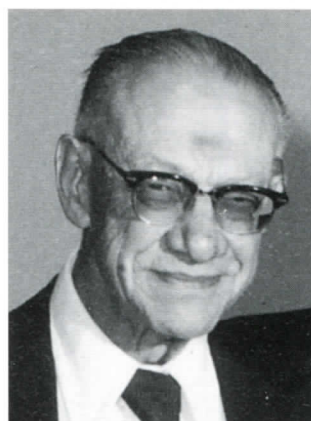
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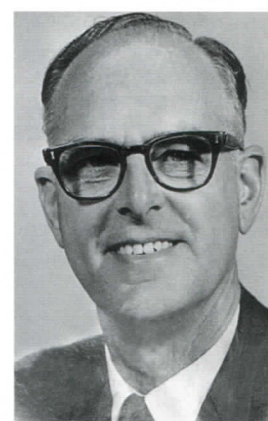
Dale Tooley



Bertha L. MacGregor



Arthur E. March



Garrett Fonda

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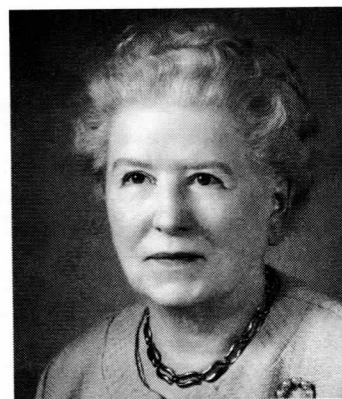
- Rebecca A. Koppes Conway: A Profile of the New CBA President • An Oral History: William K. Ris •
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- The 1997 Statehouse Conference on Small Business • CBA Ethics Committee Abstracts of Letter Opinions •
- Defending Against the Fed.R.Civ.P. 30(b)(6) Sneak Attack • The Current Status of the *Cumis* Doctrine •
- Disaster Prevention and Recovery • Evidentiary Privileges Applied to Internal Attorney Investigations •
- The Role of the Law School in the Delivery of Legal Services to the Poor • An Intellectual Property Checklist •

1997 Convention Program, August 7-9, in Denver: See page 49

BERTHA L. MACGREGOR

by Anne M. Murphy and Kyle W. Rost

Anne Murphy is a 1990 graduate of the University of Colorado School of Law and is currently serving on the Colorado Women's Bar Association ("CWBA") Board of Directors as Historian. She was most recently associated with the law firm of Brownstein Hyatt Farber & Strickland, P.C., where she practiced commercial litigation and employment law for five years. Kyle W. Rost is Bertha MacGregor's grandson. Like his grandmother, Mr. Rost practices patent, trademark, and copyright law in his own firm, Lewis and Rost.



The obstacles of getting an education and the fear, to follow, that clients might not come my way—these were now both in the past. It was necessity that drove me, but it has been intense interest in my work that has kept me absorbed.¹

No one could have painted a "bleaker outlook than that which confronted" sixteen-year-old Bertha MacGregor in Chicago in 1909.² At a time when women had very few rights in this country, Bertha, having been abandoned by her husband, was a single mother, with no income and virtually no education. Despite these seemingly insurmountable obstacles, this feisty, colorful, and talented woman persevered, graduated first in her law school class, and eventually became the first woman to practice patent law in the United States.³

Bertha moved from Chicago, Illinois, to Denver, Colorado, in 1943 where she continued to practice patent law from her Cherry Hills home for another thirty-five years. Having graduated from law school over twenty-eight years before, Bertha still held the honor in 1943 of being the first woman in Colorado to practice patent law. Among a host of other accomplishments, when Bertha died in 1978, she was a life member of the American Bar Association, Illinois State Bar Association, Illinois Women's Bar Association, Colorado Bar Association ("CBA"), Arapahoe County Bar Association, and past president of the CBA's Patent, Trademark and Copyright Section.⁴

The Early Years:

Bertha Langguth MacGregor was born in Chicago on May 4, 1892. Her parents, Leopold and Johanna Langguth, came to the United States when they were in their early twenties from Mecklenburg, Germany, with virtually no money. Because Bertha's father was unable to speak English, he was forced to take manual labor

jobs that paid very little. Bertha completed her elementary education in a school near Chicago. Despite their meager financial circumstances, Leopold managed to send Bertha to business training classes where she learned stenography.⁵

To supplement the family's limited income, Bertha got her first job at the age of fourteen at a small manufacturing company in Chicago working as a stenographer and an office girl. It was at this job that Bertha met her first husband—an executive with the firm and a man more than twice her age. According to Bertha, "dazzled by his attentions, she became a bride at the age of 15, and immediately quit her job, since a woman's place was in the home in those days."⁶ Unfortunately, it took only a few months for Bertha to realize that her marriage was a mistake. "After the first few weeks I seldom saw him," she said, sadly. "He never provided for me and when I discovered I was going to have a baby he was gone for good. It was an overwhelming and terrifying feeling."⁷

In 1909, at the age of sixteen, Bertha gave birth to her daughter, Berenice. Several weeks later, with no husband or any other financial support system, she found a job working in a Chicago brokerage office for \$10 per week. From this salary, Bertha supported herself and her baby, and tried to save something for the education she was determined to obtain.⁸ Her new job required her to watch the ticker tape, receive orders for enormous quantities of grain over the wire and rush these orders to the floor at the Chicago Board of Trade.⁹

Despite the rushed pace of her brokerage firm job, Bertha began making up for the high school education she never received. Working full-time and caring for her baby, with the help of her parents, Bertha still managed to work with a tutor, study at night, and take a special exam, which she passed with honors. In this fashion,

Bertha completed the equivalent of four years of high school in little more than one year.¹⁰

The Start of a Great Legal Career

In 1912, at the age of twenty, Bertha obtained sufficient college credit to be admitted into the Chicago Kent College of Law and began the study of law at the college's night school. During three years of law school, while working full-time during the day, she did not miss a single class. Bertha not only obtained the highest grades in her class, but at twenty-two was the youngest member. Her grade average of 99 is one of the highest ever recorded at Chicago Kent College of Law. Out of a class of 200 students, only eight of whom were women, Bertha also received the Moran Prize of \$100 (a lot of money in 1915) for her outstanding scholarship. Bertha completed her LL.B. degree and was admitted to the Illinois bar in October 1915.¹¹

It was about that time that Bertha met her second husband, Dr. MacGregor. The couple married just prior to Bertha's first year of law school, but separated in 1918, after approximately six years of marriage. Bertha continued to use the MacGregor name throughout her legal career.

During her second year at law school, the brokerage firm went into bankruptcy, and she was forced to find another job. An employment agency sent her to the law office of Colonel Taylor E. Brown, a prominent patent lawyer in Chicago. Bertha's grandson, Kyle Rost, recalls with humor the persevering manner in which Bertha went about securing a job with the Brown firm. Apparently, by the time Brown arrived at his office for the interview, Bertha had already made up her mind that she wanted the job. Unfortunately, Brown advised Bertha that the employment agency

should not have sent her because the stenography position had been filled the week before. Bertha persisted by telling Brown that she was attending law school at night and intended to pursue a career in law. The following day, Bertha called Brown to inquire whether he had decided to give her a job.¹² She started working at the office the next day. Her work in Brown's patent office fostered her interest in pursuing patent law as a career after graduation from law school.

Bertha later recalled how many people tried to discourage her from pursuing a career in patent law. In 1915, there were very few women practicing law, let alone patent law. Many people, including Bertha's colleagues and new clients, were skeptical regarding a woman's ability to deal with technological and mechanical aspects of patent law. In characteristic fashion, Bertha immediately enrolled in mechanical, chemical, and electrical engineering classes at Northwestern University to overcome her inexperience in these fields.¹³ "At every opportunity, she visited the factories and foundries of clients and, at close range, studied the workings of complicated machinery."¹⁴

After graduation from law school, she continued to work as a patent, trademark, and copyright lawyer in the Brown law firm. As a result of her knowledge and ability in patent law, along with her ability to obtain and maintain a client base, she was made a partner in the Brown firm after just five years. When Brown died in 1927, Bertha successfully continued the practice of Brown and MacGregor for more than sixteen years. At the time, she was the only woman in the country maintaining her own office and practicing all aspects of patent work, which included the preparation of patent applications and litigating patent, trademark, and copyright infringement cases.¹⁵

Other Accomplishments— A Series of Firsts

In 1927, not only was Bertha the only woman in the country practicing patent law, but her brilliant career also marked a series of career firsts that were recorded in newspapers throughout the Midwest. Headlines in leading papers included this one from the *Commercial Tribune* in Cincinnati, Ohio:

"Modern Portia Appears in Court!" Somber surroundings of the United States Circuit Court of Appeals lost seven-eighths of their accustomed austerity yesterday when Bertha L. MacGregor

of Chicago made her appearance there as the first woman lawyer ever to take seat at the counsel's table to give advice and assistance in the conduct of important and intricate points of patent law. . . .¹⁶

The *Evening Telegram* in Superior Wisconsin also reported:

"Woman Lawyer First in a Local Court, Here in a Patent Argument!" The first woman lawyer to appear in any court in Superior made her debut before Judge C.Z. Luze in Federal Court here this morning. She is Bertha L. MacGregor of Chicago, who is said to be the only woman lawyer in the United States handling patent cases.¹⁷

Bertha's prominent legal career and single motherhood did not stop her from making her mark in the community at large as well. Bertha was the first woman ever to be elected to be the village trustee of Brookfield, Illinois, a Chicago suburb.¹⁸ Moreover, after serving on the Board of Directors for several terms, in 1932 Bertha was elected president of the Illinois Women's Bar Association.¹⁹ Ironically, despite her own legal success, in the 1930s Illinois was one of twenty-nine states that still had not granted women the right to sit on a jury, believing that women did not have the requisite business training or the emotional make-up needed in desirable jurors.

Bertha's personal and professional success only serve to exemplify the great strides she made on behalf of all women. She used her intellect and position as president of the women's bar to make speeches regarding the inequitable and irrational nature of state laws that forbade women to serve on juries.²⁰

During the 1930s, Bertha also served as president of Chicago's Zonta Club—an organization made up of professional and business women. During her tenure as Zonta president, Bertha continued to rally for the repeal of more than 1,000 laws in effect in the United States that discriminated against women—including minimum wage restrictions, night work restrictions, and the married persons' clause of the Economy Act passed by Congress in 1932.²¹ Her professional and personal accomplishments were eventually dramatized in the 1939 CBS national radio program entitled "It Can Be Done."²²

Arrival and Career In Colorado

In 1943, at the age of fifty-one, Bertha came to Denver with her third husband,

William Rossener, whose family was from Colorado. Even in 1943, after practicing law for nearly twenty-eight years, she was still the first woman in Colorado to practice patent law. Once in Colorado, Bertha and William oversaw the construction of their new home in Cherry Hills overlooking the continental divide and Pike's Peak. Bertha designed the home to include an office so that she could continue her patent law practice from her home.²³

For the next thirty-five years, Bertha continued to practice patent law from her Cherry Hills home. Almost all of Bertha's Chicago-based clients, including Hamilton Beach Company, continued to use her services even after she moved to Denver. In the 1940s, Bertha also began doing a significant amount of work for the Coors Brewery and Coors Container Company. As Bertha explained during a 1974 interview with the *The Denver Post* (still the only woman in Colorado practicing patent law), she obtained over twenty-one patents for Coors, covering a complete line of can-making machinery.²⁴

Given Bertha's keen intellect and natural curiosity as a patent lawyer, she enjoyed learning the scientific background behind many of her clients' inventions. In her 1974 *Denver Post* interview, she fondly recalled obtaining a patent for a company that salvaged sunken ships. During the course of representing this company, she spent countless hours being educated by the client on the "subject of water pressures and what happens when you're 400 feet down in the ocean, or when you're only fifty feet down."²⁵

Bertha estimated that she had obtained between 5,000 and 6,000 patents during her career. These were obtained for clients both in the United States and around the world, whose inventions ranged from food mixers and vacuum cleaners to cloud-seeding apparatus and machines for sorting fish eggs. With respect to her prominent patent law practice, Bertha simply stated: "If my first marriage had proven to be what I expected, I would not be a career woman today."²⁶

Bertha's third husband, Bill Rossener, died in 1951. Bertha continued to practice law in her combined home and office in Cherry Hills until she was eighty-five years old. Given Bertha's persistence and love of the law, her grandson reports that it was impossible for anyone to convince his grandmother to slow down. Until her death, she continued to practice on a full-time basis, spending between eight and twelve hours per day at her desk. On De-

ember 28, 1977, Bertha suffered kidney failure and was unable to get out of bed. She was transported to the hospital and died thirty days later on January 28, 1978.

Bertha MacGregor might well have served as the inspiration for Edgar A. Guest's poem, "It Couldn't Be Done"—in the face of enormous adversity and discrimination, she climbed to the peak of her profession by doing the very things that people said couldn't be done.²⁷

NOTES

1. Bertha L. MacGregor, quoted in an article by Margaret Hess, entitled "Women in the Field of Invention" in *The Inventor* (1937).

2. *Chicago Herald and Examiner* (Nov. 18, 1935).

3. *Chicago Evening Post* (October 8, 1925).

4. MacGregor, "Women Can Make Their Own Status," *Women Lawyers Journal*, Vol. 55 (Winter 1969).

5. *Supra*, note 2.

6. *Id.*

7. *Id.*

8. *Id.*

9. *Chicago Evening Post* (July 22, 1915).

10. *Supra*, note 2.

11. *Supra*, note 1.

12. Cress, "Mrs. MacGregor: Patent Attorney," *The Denver Post* (Feb. 3, 1974).

13. *Supra*, note 1.

14. Bertha L. MacGregor, in her own words, for undated publication for the Illinois State Bar Association.

15. *Supra*, note 1.

16. *Commercial Tribune* (Jan. 11, 1921), Cincinnati, Ohio.

17. *Evening Telegram* (Nov. 22, 1927), Superior, Wisconsin.

18. *Riverside News* (July 16, 1931), Chicago, Illinois.

19. *Chicago Tribune* (June 17, 1932).

20. As reported June 5, 1930, in local newspaper called the *Magnet*.

21. As reported in an article entitled "Inspirational Address Heard at Zonta Convention," *Times Herald* (Oct. 28, 1934), Dallas, Texas.

22. On March 8, 1939, Bertha MacGregor was the guest of honor on Edgar A. Guest's CBS radio program, "It Can Be Done." The program aired on WBBM in Chicago.

23. *Supra*, note 12.

24. *Id.*

25. *Id.*

26. *Id.*

27. As noted by Hess, *supra*, note 1.

Standing Chapter 13 Trustee to Present CLE Program on Chapter 13 Nuts and Bolts

The Standing Chapter 13 Trustee will present a free, one-hour CLE program, entitled "Nuts and Bolts Operations at Chapter 13," on July 10 at 4:30 P.M. in Room 125 of the U.S. Custom House in Denver. The paralegals in the Chapter 13 division will discuss the distribution of plan payments, claims summaries, modified plans, motions to dismiss, stipulations, applications to incur new debt, and other issues. They also will be receptive to constructive feedback on their operations!

One CLE credit has been approved. For more information, call Sally J. Zeman in Denver at (303) 830-1971.

Attention, CBA Litigation Section And Criminal Law Section Members

The 1997 CBA Convention Will be
Held in Denver on August 7-10.
Plan to Attend!

The Litigation/Criminal Law Sections'
Program Will Be Held Saturday,
August 9, 9 A.M.-Noon,

And Will Feature



Rikki J. Klieman
Attorney, "Court TV" Anchor,
And Trial Advocacy Instructor

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