



# Judge Martha Craig Daughtrey Honored By ABA: Distinguished Jurist Wins Brent Award

By Selma Mordel Smith

**W**hen Martha “Cissy” Daughtrey became the first woman chair of the ABA Judicial Division, she was continuing her career of “firsts”—a career that began at

Vanderbilt Law School: “I went there when very, very few other women attended. They accepted a quota of three women each year—and I ended up being the only woman in my first year section.”

Today, this woman of “firsts” is a judge of the U.S. Court of Appeals for the Sixth Circuit, and was honored as a winner of the 2003 Margaret Brent Women Lawyers of Achievement Award by the ABA. She joins former honorees, including U.S. Supreme Court Justices Sandra Day O’Connor and Ruth Bader Ginsburg.

A career of “firsts” does not grow easily, even for one who graduates as a member of the Order of the Coif. “I had gone to law school thinking I would like to practice in a law firm. I did well in school, but found it very difficult to get a position when I graduated. The Nashville firms were so small at the time that no one was willing to take on a woman. I was told that clients wouldn’t want to work with a woman lawyer, and no firm was large enough to put a woman back in the library just to do research. (I think the largest firm, which now has about 200 lawyers, had perhaps 10 in 1968 when I graduated.) And, as it turned out, I never did get to practice law in a firm, one of the disappointments of my career.”

She was fortunate instead to be hired by the then-United States Attorney, Gil Merritt, “now my colleague on the

Court,” and became the first woman lawyer in the Nashville U.S. Attorney’s Office. “Thus, I got into the criminal law business strictly by accident. It wasn’t considered an area of practice for women at the time—we were all steered into domestic relations or estates and trusts.”

But this was not Daughtrey’s only fortuitous encounter with chance. Her choice of law as a career had the same origin when she was studying history at Vanderbilt. She and her classmates were told to draw topics for term papers from a shoebox. Hers was “the origin of the doctrine of separate but equal.” This led her to working in the law library, then to enjoying the process of legal research, and soon to falling in love with the law.

From the U.S. Attorney’s Office, she went to the state District Attorney’s Office, becoming the first woman ever to prosecute anywhere in Tennessee, both in federal court and state court. And yet, with the modesty that typifies any conversation with her, she says, “This string of firsts was attributable mostly to the fact that Tennessee was so behind other places in terms of women’s progress in the professions. As compared to, say, Atlanta, where there were some 200 women lawyers in the early ’70s, Nashville had a handful, and none who were litigators until I came along.”

Her next “first” came at the call of Vanderbilt Law School. In 1972, she was hired as an assistant professor, becoming the first tenure-track woman professor in the law school. Again with modesty, she says, “I was hired under the gun of the U.S. Department of Labor at a time when Vanderbilt University had almost no women faculty members except in the School of Nursing.” She taught Criminal

Photo by Brandon Lunday/  
Courtesy Tennessee Bar  
Journal.

*Smith is the immediate past chair of the Experience Editorial Board and a past president of the Women Lawyers Association of Los Angeles. She recently received the Lifetime of Service Award from the National Association of Women Lawyers.*

Procedure and Women in the Law, and published articles on the status of women in the profession.

Three years later, she was appointed to the Tennessee Court of Criminal Appeals—becoming the first woman to sit on a Tennessee state court of record—while continuing at Vanderbilt as an adjunct professor. She served the court for 15 years, until attaining a further “first.” In 1990, she became the first woman to be nominated and appointed, as well as reconfirmed by election, to serve as an associate justice of the Tennessee Supreme Court, where she remained for almost four years.

In 1993, President Bill Clinton appointed Daughtrey to her current position on the U.S. Court of Appeals for the Sixth Circuit. Her work is both strenuous and exacting. She travels between courts in Nashville and Cincinnati every five or six weeks and manages a caseload that has included, for example, a series of Ohio death penalty cases that required urgent attention at the end of 2003.

For the benefit of practitioners, Daughtrey describes the importance of oral argument in her court. “Our best use of oral argument is to engage in a dialogue with the lawyers, testing out preliminary conclusions that we have drawn from reading the briefs and looking over the record. And it’s the lawyer’s last chance to figure out where we’re coming from on the case and, if necessary, to redirect us to the result the lawyer is hoping for.”

She is also generous with advice: “Welcome questions. Even offer to answer questions put to your opponent. And don’t conclude from a lack of questions that your presentation is so brilliant that the judges can’t bring themselves to interrupt you—it’s probably more that your appeal is hopeless and the judges are simply listening to you politely for whatever is your time at the podium.”

Despite her full-time occupation with the business of the court, Daughtrey looks forward to taking senior status in a few years so that she and her husband, Larry, can have time for travel and favorite activities like hiking and reading. She acknowledges with gratitude the role he has played in her career. “We met as undergraduates at Vanderbilt and married just as I was beginning law school, so he knew

from the start that I probably wasn’t going to turn out to be what was then considered a conventional wife. He has always been tremendously supportive of my career.” She says of her husband, “He was the ‘dean’ of the Tennessee Capitol Hill press corps here in Nashville and is acknowledged to be a superb writer.” He has been a political reporter for *The Tennessean* for 35 years, and he now writes a regular Sunday political column.

She is especially proud of the accomplishments of their daughter, Carran (“Carrie”), who is an assistant United States attorney in Nashville. In addition, Carrie, who found herself still single at 35, recently chose to adopt an 11-month-old girl from an orphanage in China. Daughtrey’s interest in China began in 1997 with her first visit for an exchange between the National Association of Women Judges and the Chinese Women Judges’ Association. Later, “Carrie had a chance meeting with someone who had just adopted from China and developed a real interest in the possibility of an adoption. We went to Hunan in April 2001 to get her daughter and bring her home to America. Because of a recently passed law, she automatically became an American citizen when the plane from Hong Kong touched down in Los Angeles on our way home to Nashville.”

Daughtrey and her husband are enjoying the pleasures (and duties) of grandparenting for Mattie (named “Martha” for Judge Daughtrey). “Mattie is still big for her age, smart as a whip, and an altogether delightful child—very verbal and very self-confident.”

(And for those who wonder, Judge Daughtrey’s own name “Cissy” was bestowed by her younger brother’s attempt at “sister.”)

The many accomplishments of Daughtrey’s career have also led to positions of service to the profession. She has

**“I was told that clients wouldn’t want to work with a woman lawyer, and no firm was large enough to put a woman back in the library just to do research.”**



Carran, Larry, Judge Daughtrey, and “Mattie.”

**In 1993,  
President Bill  
Clinton appointed  
Daughtrey to her  
current position  
on the U.S. Court  
of Appeals for  
the Sixth Circuit.**

served as president of the National Association of Women Judges, the Women Judges' Fund for Justice, and the Lawyers' Association for Women—Marion Griffin Chapter (Nashville).

Of particular importance to Daughtrey has been her connection to the ABA. "The ABA has been a wonderful influence on my career. I joined when I graduated from law school but didn't become active until I was on the bench—I was asked to serve as secretary of the Appellate Judges Conference of the Judicial Division in 1977 and worked my way up to the chair of the Division in 1990, making many friends from courts all around the country," and urging other women judges to join her in the division. Over the years, she has served in the House of Delegates representing Tennessee and has been a member of the ABA Standing Committee for the Continuing Education of the Bar, as well as holding numerous positions in other sections. For six years she also served as a member of the Board of Editors of the *ABA Journal*.

Among her many honors and awards, she has received the President's Award from the National Association of Women Lawyers, was Honoree of the Year for the National Association of Women Judges, and was Woman of the Year for the Nashville Business and Professional Women. Now, the ABA Commission on Women in the Profession has chosen to honor Judge Daughtrey for her many achievements and her ongoing and successful efforts to open doors for women in the profession.

The year 2003 provided two special celebrations for Daughtrey: the Brent Award and the 10th anniversary of her appointment to the U.S. Circuit Court. She has been honored not only by the organized profession, but also by those who have worked with her most closely. Tim Wurz, her clerk over the course of 20 years, organized a surprise party for December 6 by inviting her one-year clerks (three per year for the past 10 years). They came to join together in a warm expression of respect and affection for this remarkable woman. ■