RAISING THE BAR
A Lawyer's Memoir

by Ruth Rymer

EXCERPT

I started my practice one year after the Family Law Act became law. My friend Joan had invited me to open shop in her office in San Carlos. Her offer appeared attractive on the surface, but one drawback concerned me. The only restroom had to be entered from Joan's office, which meant it became unavailable whenever she was at work. On Joan's busy days, my clients and I had to sprint to the local gas station more than a block away if we needed to use a restroom.

With reservations, I accepted her offer. Joan and I began to disagree on several issues, and it became clear the close friendship we'd formed during law school had waned.

After Joan and I agreed I should move out, I called Leo, the former assistant dean from Golden Gate University School of Law. He had gone into private practice after leaving Golden Gate, so I called and told him I was looking for a space to rent. He had extra room in his office, so I joined him in Foster City, where he lived and where I already had an apartment. Leo and I were both independent contractors at the time. Later, we asked another attorney in Foster City to join us, and the three of us formed a corporation to practice law as a group entity.

My first case came to me through a lawyer's referral. After enactment of the Family Law Act, the term *defendant* changed to *respondent*. Bill, the respondent in the case, had become involved in a custody battle for his son. His wife claimed Bill was not the father of the little boy, who had been born during their marriage. Blood tests for paternity at that time relied on the ABO system, a method I had worked with in Australia.

Rarely was a man excluded from paternity. After Bill and the wife's paramour took the test, the results revealed a surprise. The "other man" was excluded from paternity. Bill and I met the outcome with great joy. Bill's case became my first win, and he taught me that women do not have a monopoly on misery.

My next client, Lois, arrived at my office the day before her trial was scheduled to begin. A trial is a significant event under any circumstances and an especially big deal in the judicial system. Yet Lois's attorney had apparently made no effort to prepare. Lois showed up at his office without an appointment and heard him say to his secretary, "What does that bitch want?"

I appeared with Lois the next day in court. The judge granted my motion to "substitute in," the procedure for replacing the original attorney. After a few weeks, her husband's attorney and I were able to reach a fair agreement. We couldn't have done so without the well-grounded knowledge of the assets and liabilities we had developed.

Margery, another client, had owned her house before she married. It therefore remained her separate property, but her husband, Hank, demanded what he called "his share." He asked to speak directly to the judge before the case started. His request was rare, but the judge granted it.

Hank, his attorney, Margery, and I squeezed into the judge's chambers, his private quarters. The judge growled something that we considered a go-ahead sign.

Hank said, "Margery and I loved each other; therefore, I think I should have half the house."

The judge frowned. "She had the house before the marriage, and you want half of it now?"

Hank's statement did not help his case, and the judge's comment offered a hint about how he would rule. We proceeded with the trial, and the judge ruled that the house would remain Margery's separate property. He did, however, require her to repay Hank one-half of the taxes paid with community funds. It was the correct ruling.

After I had been in practice a few years, several things became obvious to me. Childbearing and, therefore, alimony and divorce had been revolutionized. Before the Industrial Revolution in America around 1820, women had been so dominated by repeated pregnancies and the raising of their children that they never stopped to think about the proper roles for women or men. That concept began to slip by the 1880s, when the diaphragm was developed in Europe. It would be years before it became available in California.

Access to birth control continued to be limited in the United States until Margaret Sanger began her crusade to give women a degree of freedom from interminable pregnancies. Her efforts resulted in some success, but it was not until use of "the pill" was legalized in 1965 that women could reliably control the reproductive aspects of their lives. *Roe v. Wade*, providing for abortion at will, represented a triumph. Joan, my law-school friend, was the principal author of an *amicus curiae* brief to *Roe v. Wade* at the Supreme Court.

Divorce and alimony, which were closely related, saw many changes as well. Turmoil arose during the sixties, with race relations, military service, divorce, and alimony raising controversy. No one seemed to have any idea what to do about the area of family law. Governor Pat Brown appointed a Commission on the Family, chaired by Professor Herma Hill Kay from Boalt Hall Law School. The Commission proposed one seemingly brilliant idea: get rid of "fault." It became the driving concept behind the Family Law Act.

Men did not seem to understand the bargain that women and men make when they marry. At one time, women married under the premise that they would receive lifetime security. By the 1960s, societal support for that concept was declining. It had taken a long time for women, as well as men, to absorb that reality, but the time had come to make long-awaited changes in the laws regarding the dissolution of marriage. The California Family Law Act of 1970 would soon transform the process of divorce in important ways.