

# **The Honorable Norma Levy Shapiro**

## **Memorial Resolution Pennsylvania Bar Association Women in the Profession Commission Harrisburg, PA**

**November 18, 2016**

### *Introduction and Resume*

Greetings to the Pennsylvania Bar Association House of Delegates, to members of the Judiciary, and to friends, coworkers, mentees and colleagues of the late Honorable Norma L. Shapiro.

In life, she was larger than life. In death, she is larger than any memorial effort. There is the list of firsts, the leadership in everything she undertook, the fierceness and discipline with which she chose family AND work AND mentoring AND good works AND friends. Many significant things must be lost to brevity, but the light of her intellect, her own courage and her encouragement of so many others remains.

She was the first woman to clerk for a Supreme Court justice – Horace Stern in 1951; the first woman to be made partner in a Philadelphia law firm – Dechert Price & Rhoads in 1973; the first woman member and then first woman Chair of the Philadelphia Bar Association Board of Governors – 1977; and the first woman to become a judge in the Third Circuit of the federal court system, encompassing Pennsylvania, Delaware, New Jersey and the U.S. Virgin Islands – she was appointed by President Carter in 1978. At that time, there were only seven other women federal judges in the United States. She served for 38 years as a federal district judge for the Eastern District of Pennsylvania, 14 as the only woman on that bench. As a Senior Judge, she sat with both the 9<sup>th</sup> and 11<sup>th</sup> Circuits, once writing 145 opinions for the 11<sup>th</sup> Circuit in 19 weeks.

She Chaired the National Conference of Federal Trial Judges, was a founding member of the National Association of Women Judges, served on its Board and Co-Chaired two of its Annual Conferences held in Philadelphia, and served on the American Bar Association Board of Governors and as a member of its House of Delegates and chaired the Justice Center Coordinating Council as well as the Judicial Division. She served in the Pennsylvania Bar Association House of Delegates, helped found the Women in the Profession Commission, which met in her office, and led several PBA committees and task forces, most notably the Diversity Task Force, and the Leadership Development and Recruitment Committee for which she traveled the state well into her 80s to inspire future

leaders. She co-founded the Women's Law Project, which pursued fair housing and credit rights for women, and was a member of the first Governor's Commission for Women.

She was also President of the Lower Merion School Board, Chair of the Board of the Violette deMazia Foundation supporting educational activities related to the Barnes art collection, President of the Board of the Jewish Publication Society, Trustee of the Albert Einstein Medical Center and a member of the Board of Overseers of the University of Pennsylvania Law School, where she also taught.

Among her many awards, Judge Shapiro was a Distinguished Daughter of Pennsylvania; a recipient of three prestigious awards from the ABA - the John Marshall Award and the Meador-Rosenberg Award for service relating to the judiciary, and the Margaret Brent Women Lawyers of Achievement Award named for the first woman lawyer in this country; two awards from the National Association of Women Judges; and the Federal Bar Association Bill of Rights Award. She received the PBA's Anne X. Alpern Award. Judge Shapiro was the first recipient of the Philadelphia Bar Association Sandra Day O'Connor Award, given by Justice O'Connor herself, and also received its William J. Brennan Jr. Distinguished Jurist Award. Predictably, she received awards from her high school, college and law school, and religious and community organizations.

How did she do these things? Well, we have the luxury of stepping into her life in her own words, courtesy of the American Bar Association's Oral History Project focusing on Women Trailblazers. Also, she is probably the only attorney to have an entire volume of a law review devoted to her – the University of Pennsylvania Law Review, Volume 152, No. 1, November 2003, which commemorated her 25<sup>th</sup> year on the bench. So let's peek at her own comments and ones of those closest to her. And please note that she graduated from law school the year before Sandra Day O'Connor. Judge Shapiro was not breaking glass ceilings – she was chiseling through stone as the first and only woman, headed down a path that didn't yet exist.

### *In her Own Words*

Judge Shapiro was born Norma Sondra Levy in Philadelphia. Her father, Bert, was a Russian émigré and traveling furniture salesman. He had a civil engineering degree from the University of Pennsylvania but could not get a job in his field because he was Jewish. Her mother, Jane, was an English teacher who grew up on a dairy farm.

Judge Shapiro recalled:

“I was a very independent child. I was also fresh. My parents, when we went to Atlantic City, would walk the Boardwalk. And when I was two or so, I separated from them, and a very nice person came up to me and said, ‘Do you need help little girl?’ and I am reported to have said, ‘If I did, don't you think I'd have asked you?’”

She was an early reader and started school early. Her parents accomplished this by not producing her birth certificate. By seventh grade, she was reading books about the Constitution and Bill of Rights, writing papers on the first women federal judge - Florence Ellinwood Allen in Ohio - and deciding she'd like to be the first woman on the U.S. Supreme Court. She told Justice O'Connor this when receiving her namesake award in 1993, joking that it was still an honor to get the first award named for the first woman on the Supreme Court directly from the first woman on the Supreme Court.

At age 15, Judge Shapiro met her future husband, Bernie Shapiro, through her cousin. This is the same cousin who told her "girls don't become lawyers," to which Judge Shapiro responded: "I'll show *you*." She dated Bernie for four days – then he was drafted into World War II. He asked her to marry him in six years. During those years, while he served in the Pacific as a medic on a troop ship, they had a "relationship by correspondence." Which may explain why she didn't remember much about high school, stating: "I probably graduated first in my class, but since I left early to go to college, I'm not sure. I may have been voted most likely to succeed." She did recall flunking ballroom dance class.

She went to the University of Michigan at age 16. She described her college experience as "profoundly wonderful," and made lifelong friends there. During the summer, she took accounting and business classes at Penn's Wharton School. She graduated in 1948. By that time, Bernie was back in Philadelphia in medical school, and she returned to attend the University of Pennsylvania Law School. They married after her first year of law school, and they graduated from law and medical school on the same day. She was third in her class – there were five women in her class of about 200.

Judge Shapiro on law school:

"It wasn't very pleasant for any of us. The men [students] were really actively hostile... But some of the professors were very egalitarian and wonderful and...great legal scholars...I went through law school by pretending that bias and prejudice did not exist...I was kind of argumentative. I was not unassertive."

She made law review, but she didn't like it – this was, of course, long before an entire volume paid tribute to her! So instead she became an assistant to the legal writing instructors, got paid \$1000, and in her third year became an instructor, probably the first woman to do so.

After law school, Judge Shapiro clerked for Justice Horace Stern, getting the interview on the recommendation of one of her legal writing students. But even as she was making history as the first woman clerking for the Pennsylvania Supreme Court, she flunked the bar exam. She had not taken an exam preparation course, on the advice of her professors. Justice Stern went to the Board of Bar Examiners, read her essays, and told her they were too long. She took the exam again, with the benefit of his advice, and got the highest score in the state.

Judge Shapiro then completed the clerkship and she and Bernie left to travel Europe and live in Norway for a year, which included a nuclear medicine research fellowship for him, and studying the juvenile court system as well as skiing and cooking for her.

After their return, Judge Shapiro was hired at Dechert, Price & Rhoads. Both she and her colleagues recognized her ability and value to the firm. Her candor in the interview probably helped. She told them: “[n]ow I know you say you hire a woman and she just leaves. I want you to know that when I get pregnant I’m leaving, and if that bothers you, don’t hire me, but while I’m here, I’ll make it worth your while.” She worked there for 2 ½ years, doing business and securities litigation, including successfully appealing an injunction against the Pennsylvania Railroad that was costing it about \$1 million a day. She viewed this as her “big break” in gaining respect at the firm – she got this assignment because she was the only person there during a Friday lunch hour.

Then she took nine years off with her three sons. Finley Shapiro is now an electrical engineer; Neil Shapiro an associate director at the National Institutes of Health; and Aaron Shapiro a plastic surgeon. She later had seven grandchildren. When her youngest son went to school, she went back to work at Dechert – part-time. She not only became a partner there, but did so while working part-time – a feat even today. In her words: “To me, it was very important to women, in general, that a woman who worked part-time could become a partner.” Of course, as one of her then-partners remarked that “her part-time is overtime to anybody else.”

And, looking closely at the nine years “off,” one discovers that she did office management projects for Dechert, had a small private practice of estate and family law matters, became active in the Philadelphia Bar Association, and joined the Lower Merion School Board. Her humble comment on her multitude and lifetime of leadership roles was “[y]ou get active, you become president, or something.”

Judge Shapiro was a partner at Dechert for five years before being appointed to the bench in September 1978. She was held in high esteem there, and one of her partners, Robert M. Landis, made these remarks at her investiture ceremony: “We see before us a person of breadth of understanding; of sensitivity and compassion; pragmatic in the way one should be in public affairs; rigorously disciplined in scholarship and with an innate sense of judgment and human wisdom. Surely Norma Shapiro will be a many-splendored Judge.” Ever the pragmatist, the new Judge Shapiro commented to the Philadelphia Bar Association Chancellor: “You start out with everyone loves Norma Shapiro, but a year and a few decisions later, half of you will not! So all you can go is downhill.”

She was right! And it wasn’t her legal abilities – she was praised for untwisting complex concepts of maritime law, and other areas new to her, and for resolving the “dog” cases it was traditional to transfer to new judges. Judge Shapiro held a conference in every “dog” case, and warned the litigants that “the judge who transferred this either didn’t like the

case or didn't like you, and I will see which it is." Later, she succeeded in changing this unfair practice to random assignment.

Then came *Harris v. City of Philadelphia*, a high profile and contentious prison overcrowding case that lasted over 18 years and resulted in eight appeals. Consent decrees requiring the building of new prisons and a cap on prison population were being violated, and enforcement and oversight fell to Judge Shapiro. She had initially refused to take the case, which began in state court, but was reversed. Her decisions were courageous and faithful to the Constitution but resulted in her being unfairly labeled as a judicial activist, and criticized by everyone from then-District Attorney Lynne Abraham to then-President of the National Rifle Association, the late actor Charlton Heston, to 2016 Presidential candidate Donald Trump! The Philadelphia Daily News christened her "Public Enemy No. 1" for letting inmates out of prison. Courage, creativity – including the first electronic bracelet house arrest program in the country - and the ability to weather painful criticism were all required from her.

In another less controversial but equally intense case, Judge Shapiro oversaw a class action against the Chester Housing Authority, which was taken over by the federal government. She appointed a receiver and effectively supervised a 10-year program that resulted in a turnaround for previously dilapidated and unsafe low-income housing.

Judge Shapiro, in her nearly 40 years on the bench, wrote close to 1500 opinions, which a fellow, highly-respected federal judge, The Honorable Edward R. Becker, described as "consistently first rate...beautifully structured, well documented, tightly reasoned and thoughtfully conceived." She took her duties seriously, day after demanding day, but she also had some fun. She became, in her words, "The Birthday Judge," arriving with a cake and a song parody, perhaps not as first rate as those opinions, for each judge's birthday.

Her lifetime loyalty and availability to her law clerks, and to other women lawyers seeking guidance, was a Judge Shapiro core value. She was a mentor to Judges Anita Brody, Carolyn Temin, Mary McLaughlin, Cynthia Rufe, Allison Burroughs of Massachusetts, and scores of law clerks. Judge Shapiro has simply and eloquently stated why she did this: "there was no legacy [at Dechert] unless I made it easier for other women...your own achievement is made more important if you can help other people...achieving women have an obligation to do that."

Justice Sandra Day O'Connor echoes these thoughts in her law review dedication to Judge Shapiro:

"There is a sad but commonplace misconception in our society that time and energy contributed to others is time and energy lost. Rare is the individual with the perspective to recognize that we may give without losing, and that it is often in giving that we gain. Judge Norma Shapiro is such an individual....One of her favorite quotations is from the

ancient Roman official Gaius, who poignantly noted that “[o]ne that helps the wandering traveler does, as it were, light another’s lamp by their own, and it gives no less light because it helped another... We cannot help but recognize the countless lamps to which she has lent her light.”

*Conclusion*

THEREFORE, BE IT RESOLVED that, in the passing of Judge Norma Levy Shapiro, the Bar, the Court, and the community have lost a trailblazer, a mentor, a public servant, a professional colleague and a valued citizen. We tender our sympathy and condolences to her family and her many friends and colleagues.

BE IT FURTHER RESOLVED that we reaffirm for ourselves that the life example she gave us, of determination, discipline, courage, candor, generosity of spirit, service to others and joy, is one which we would do well to emulate.

AND RESOLVED FURTHER that copies of this Memorial Resolution be placed in the records of the Pennsylvania Bar Association.

Respectfully submitted, this 18<sup>th</sup> day of November, 2016, by these members of the Bench and Bar comprising the Resolution Committee:

Roberta D. Liebenberg  
Jessie L. Smith  
The Honorable M. Faith Angell  
The Honorable Anita B. Brody  
Jennifer Coatsworth  
JoAnne A. Epps  
Deborah Epstein Henry  
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Gretchen A. Mundorff  
The Honorable Marjorie O. Rendell  
The Honorable Cynthia M. Rufe  
The Honorable Petrese B. Tucker  
The Honorable Carol S. Moore Wells  
Kathleen D. Wilkinson.