

## **Lawyers, Legends, Legacies and Lessons from Ontario Legal History**

### **Chief Justice of Ontario Advisory Committee on Professionalism 13th Colloquium on the Legal Profession**

**November 1, 2010**

**Historical Vignettes  
10:45 a.m. - 12:00 p.m.**

“One of the most capable and astute barristers practicing in our criminal courts”<sup>1</sup>:  
Vera Parsons (1889-1973)

Mélanie Brunet, Ph.D.  
University of Toronto

“The role of defence counsel is not usually to be associated with a woman.” This is how recent Osgoode Hall Law School graduate E. Patrick Hartt started his 1952 article about Vera Parsons in the student paper, *Obiter Dicta*.<sup>2</sup> Indeed, until relatively recently, women lawyers were discouraged from practicing criminal law or engaging in any kind of litigation, for that matter. Wills and estates were deemed more acceptable for women, if they were to practice at all, because it was thought that they lacked the aggressiveness necessary for litigation.<sup>3</sup> They were encouraged to avoid the courtroom and turn to more routine legal work that could be performed from an office. Criminal law was deemed especially problematic for women lawyers since they would encounter “less-than-respectable citizenry.”<sup>4</sup> A female student at Osgoode in the 1940s recalled: “it was made quite clear to me that [criminal law] was not a lady-like thing to do.”<sup>5</sup> Although there was much pressure from the legal profession to specialize in non-litigation work, commentators claimed it was what women preferred anyway. Instead of interpreting this discourse as gender-based exclusion, a number of women believed that as individuals they lacked the qualities required for this kind of practice: they were too shy and too

nervous to think on their feet. Other women found criminal law “distasteful” and did not want to be associated with criminals, especially murderers.<sup>6</sup> Women who were still interested in criminal law despite its reputation as “dirty work” encountered significant resistance. As late as the early 1970s, an Osgoode female graduate was told by one of her professors “that no matter how good a woman is, she will never get more than a C in criminal law.”<sup>7</sup>

What does this have to do with Vera Parsons? She refused to fit that mould and was one of very few women before the 1960s who challenged the perception that female lawyers were not suited for court work, especially criminal litigation. Not interested “in sitting at a desk all day,” as she put it, she succeeded where few women lawyers were allowed or dared to venture: she became Ontario’s first woman criminal defence lawyer.<sup>8</sup>

Vera Parsons was called to the Ontario bar in 1924 after graduating from Osgoode Hall Law School with the silver medal. By then, she was a well-educated woman in her mid-thirties. Before studying law, Parsons had earned a B.A. in modern languages from the University of Toronto and completed a Master’s degree in comparative literature at Bryn Mawr in Pennsylvania. She had also started doctoral studies in comparative literature at the University of Rome. Fluent in Italian upon returning to Canada, she engaged in “settlement work” with Italian immigrants in Toronto, but soon realized that providing translation services was not sufficient to meet their needs. Legal assistance was sorely lacking. The case of an Italian girl jailed for vagrancy especially caught her attention.<sup>9</sup> Wanting to make a difference and “speak out in defence of young people who were in trouble,” she decided to become a lawyer.<sup>10</sup>

Bringing an impressive academic background, a mind for details, a passion for law, and clients from the Italian community, Parsons articulated with William Horkins, a distinguished criminal lawyer, who delegated the appeal work to her. She remained in Horkins' firm for many years and was eventually made partner. Although she engaged in general practice, throughout her career she was actively involved in defending criminal cases, some high-profile and controversial.<sup>11</sup> As a journalist pointed out, Vera Parsons "mingle[d] with some of the toughest hoodlums in Canada."<sup>12</sup>

In 1944, the same year she was named King's Counsel (only the third woman in Ontario to receive this distinction), Parsons became the first woman lawyer in Canada to defend an accused charged with murder. The case involved Allan Baldwin, an inmate charged with the murder of a guard at the Don Jail during an attempted escape while Parsons had been working on his appeal on conviction for bank robbery. She first tried to find an "experienced" lawyer to take over the case because she felt it was in his best interest. But all male barristers who were approached refused to step in, many considering the case "too hot to handle" in the court of public opinion.<sup>13</sup> She finally took on the case herself to avoid further prejudicing her client's defence. She had no doubt that Baldwin was a criminal, but she was not convinced that he was a murderer. Parsons' defence rested on the lack of intent on the part of her client. She put him on the stand, where he admitted to have tied the guard but denied any intention of killing him. No verdict was reached in the first trial, and in preparation for the retrial, Parsons studied anatomy. Four months later, armed with large colour diagrams of the human throat, she cross-examined the provincial pathologist who relented that the guard could have died of causes other than from blows to the throat presumably inflicted by the

accused. As a result, Baldwin was convicted of the lesser charge of manslaughter, and thus avoided the death penalty.<sup>14</sup>

In 1945 and 1946, she appeared in front of the Ontario Court of Appeal and the Supreme Court of Canada on behalf of Donald “Mickey” MacDonald, a man convicted for hijacking a \$35,000 truckload of liquor and kidnapping the driver. According to MacDonald’s relatives, he hired Parsons hoping to benefit from “a little sentimental appeal in the shape of a woman lawyer.” What he got was a very unsentimental defence.<sup>15</sup> Ultimately the appeal of his 15-year sentence was unsuccessful, but Parsons’ efforts made headlines, especially when MacDonald escaped the Kingston Penitentiary shortly thereafter, never to be recaptured.<sup>16</sup> Trials like these and many other lesser known cases made her, according to fellow lawyers, “the most capable woman barrister practising at the Ontario Bar.”<sup>17</sup>

While other lawyers would have been put off by “the messy dirty business of petty crime and vice,” Parsons thrived on the intellectual and strategic challenges of preparing for trials and appeals.<sup>18</sup> Her thoroughness and attention to details, even in minor cases, are what saved her clients from heavier sentences. She treated them with respect and dignity and expected the same from the courts.<sup>19</sup> She also advocated for changes in the administration of justice in Ontario, calling for more probation officers and better training to reduce the number of repeat offenders. She was particularly concerned about the fate of young offenders, pressing for more institutions such as trade schools in order to rehabilitate them.<sup>20</sup> She took it upon herself to have a “man-to-man talk” with her young clients telling them “where they are headed unless they mend their ways.”<sup>21</sup> As one articling student in her firm explained, when “you come in contact

with Miss Parsons' high-principled approach to the law, even in the most sordid cases, (...) it gives you new courage to go out and become a good lawyer too."<sup>22</sup>

As the daughter of a well-to-do Simpson's executive, Parsons had an unlikely occupation, spending much of her adult life defending the interests of people with social, cultural and economic backgrounds very different from hers. Perhaps her own struggles with a disability--she suffered from polio as a teen, which required her to walk with a cane--made her especially sensitive to inequalities and human vulnerability.<sup>23</sup>

Parsons' legal career, which spanned almost 50 years--she is said to have engaged in solicitor's work until shortly before her death in 1973 at the age of 83--also offers a snapshot of the gendered nature of legal professionalism in twentieth-century Ontario. Her success as a criminal lawyer made her exceptional and while her dedication and commitment to justice were not questioned, she frequently had to prove how she could reconcile being a lawyer and a woman. Much of the media coverage about Parsons reassured readers of her professionalism despite being a woman and of her femininity despite being a lawyer. This was true of other women lawyers: reporters commented on their physical appearance, fashion style and hobbies before discussing the work they actually did.<sup>24</sup> Upon meeting with Parsons after Allan Baldwin's first trial, a *Globe and Mail* reporter observed that she did not "fit the average conception of a woman lawyer who usually is pictured as of somewhat severe mein, bespectacled, and with a penchant for tailored business suits." She wore the regulation black gown in court, but adopted more feminine fashion outside court.<sup>25</sup> In general, the press focused on what differentiated female lawyers from male practitioners, especially their physical appearance and "charming manners," to show that women had not substantially

transformed the legal profession but merely contributed to softening its edges.<sup>26</sup> It was also a way to show that women engaging in this masculine line of work had not turned into men either. This attention to dress and demeanor was meant to strike a balance between femininity and professionalism, two concepts that were clearly thought to be mutually incompatible.

While the press contrasted her femininity with the roughness and virility of litigation and criminal law, Parsons spent her career trying to distance herself from “women’s issues” and essentially presented herself as a genderless lawyer. She believed that when she entered a courtroom, “she [was] just another black-robed advocate.”<sup>27</sup> She resisted becoming associated with women’s organizations, such as the Women’s Law Association of Ontario.<sup>28</sup> Yet, as a woman in a male-dominated profession, Parsons was, by default, engaged in negotiating gender, even coming to the conclusion early on that “women should [not] enter law without the thought of using it as an alternative for something else. Law is hard work and calls for long hours and plenty of study. I hardly think the study of law is a particularly good preliminary to marriage.”<sup>29</sup> Indeed, Parsons never married, showing how a woman lawyer’s professionalism could come at a price.

Undoubtedly a distinguished and prominent member of the Ontario legal profession, Vera Parsons is remembered today for her success in an occupation that contrasted sharply with society’s expectations for women, but she should also be remembered for her sense of professionalism and passion for the administration of justice in this province.

<sup>1</sup> E.P. Hartt, "The Bench and the Bar," *Obiter Dicta* (Spring 1952), p. 23.

<sup>2</sup> *Ibid.*, p. 23.

<sup>3</sup> Christopher Moore, *The Law Society of Upper Canada and Ontario's Lawyers, 1797-1997* (Toronto: University of Toronto Press, 1997), pp. 202-203.

<sup>4</sup> Law Society of Upper Canada Archives (LSUCA), Reference Files – Women Lawyers, File "Women Lawyers – 1940s & 1950s," George Bryant, "Life's Other Side: Women Lawyers Learn Ropes of Court Work Meet 'Rougher Element'," unidentified source (circa 1956), photocopied from *Women's Law Association of Ontario Scrapbook*, vol. 6, n.p.

<sup>5</sup> Archives of Ontario (AO), Osgoode Society Collection (OSC), C81, Interview with Helen Carefoot [transcript], 14 February 1992, p. 25.

<sup>6</sup> AO, OSC, C81, Interview with Mary Lamont [transcript], 16 May 1991, p. 31; Interview with Margaret Smith [transcript], 20 March 1991, p. 48; Interview with Jean Reilly [transcript], 4 October 1991, p. 31; Interview with Betty Jane Teagle [transcript], 15 October 1991, pp. 60, 63 and 64; Interview with Lillian Sandler Gordon [transcript], 22 April 1991, p. 15; and Dalhousie University Archives, Faculty of Law, MS-1-13, (G-57), *Dean Read, H.E. - Box of Miscellaneous Clippings - Law School, 1952-1961*, Naomi Lang, "Women Lawyers Differ on Changes," (unknown source, no date).

<sup>7</sup> LSUCA, Reference Files - Biographical Files, File "OMATSU, Maryka," Constance Drohanes, "Law of Desire," *Canadian Image* (Winter 1993), p. 82.

<sup>8</sup> Christopher Moore, "P is for Parsons," *The Ontario Legal Alphabet* (2002), retrieved from: <http://www.christophermore.ca/legalalphabet.htm#Parsons>, 28 October 2010; Eric Haworth, "The Bright Promise of the Professions," *[The Woman's] Globe and Mail* (9 May 1963), p. 15.

<sup>9</sup> "Vera Parsons, 83, criminal lawyer," *Toronto Star* (20 February 1973), p. 71.

<sup>10</sup> Moore, "P is for Parsons"; Mary Jane Mossman, "'Contextualizing' Bertha Wilson: Wilson as a Woman in Law in Mid-20th Century Canada," in Jamie Cameron (ed.), *Reflections on the Legacy of Justice Bertha Wilson* (Markham, ON: LexisNexis, 2008), p. 8; Cecilia Morgan, "'An Embarrassingly and Severely Masculine Atmosphere': Women, Gender and the Legal Profession at Osgoode Hall, 1920s-1960s," *Canadian Journal of Law and Society* 11.2 (Fall 1996), p. 28, note 22; and Max Rosenfeld, "The Lady and the Crooks," *Maclean's Magazine* 69.5 (3 March 1963), p. 48.

<sup>11</sup> Mossman, p. 8.

<sup>12</sup> Rosenfeld, p. 17.

<sup>13</sup> *Ibid.*, p. 17.

<sup>14</sup> *Ibid.*, p. 47 and "Vera Parsons," p. 71.

<sup>15</sup> Rosenfeld, p. 48.

<sup>16</sup> "Vera Parsons," p. 71; Moore, "P is for Parsons"; and Mossman, p. 8.

<sup>17</sup> Hartt, p. 24.

<sup>18</sup> Mossman, p. 9.

<sup>19</sup> Rosenfeld, p. 48.

<sup>20</sup> Hartt, p. 23.

<sup>21</sup> Priscilla Platt, "Woman Defense Counsel Says Law Is 'Hard Work'," *Globe and Mail* (20 October 1944), p. 13.

<sup>22</sup> Rosenfeld, p. 48.

<sup>23</sup> Morgan, p. 28, note 22; Moore, "P is for Parsons"; and Mossman, p. 8, note 37.

<sup>24</sup> LSUCA, Reference Files - Women Lawyers, File "Women Lawyers - 1940s & 1950s," "Bench Praises Fair Portia Taking her First Jury Case," unidentified source photocopied from *Women's Law Association of Ontario Scrapbook*, vol. 2, p. 2; and Platt, p. 13.

<sup>25</sup> Platt, p. 13.

<sup>26</sup> Constance Backhouse, *Petticoats and Prejudice: Women and Law in Nineteenth-Century Canada* (Toronto: Women's Press, 1991), p. 336.

<sup>27</sup> Platt, p. 13.

<sup>28</sup> Morgan, p. 28, note 22.

<sup>29</sup> Platt, p. 13 and Moore, *The Law Society of Upper Canada and Ontario's Lawyers*, p. 202.