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IN MEMORY OF

Shirley Mount Hufstedler

U.S. Secretary of Education

The Stanford Law Review *dedicates this issue to one of the most distinguished graduates of Stanford Law School, Shirley Mount Hufstedler: U.S. Secretary of Education, federal judge, attorney, and advocate. Her pioneering life shines as an inspiring example of the power of persistence, brilliance, and adventurousness.*

Secretary Hufstedler passed away on March 30, 2016. The following tributes are written by people who came to know her in various aspects of her career: President Jimmy Carter, who appointed her Secretary of Education; Justice Ruth Bader Ginsburg, a fellow trailblazer; Judge Dorothy W. Nelson, who followed her on the Ninth Circuit; Justice Dennis M. Perluss, a former clerk and colleague of hers at Morrison & Foerster; Janet Cooper Alexander, who also clerked for her; and Robert Percival, another former clerk and colleague of hers at the Department of Education.

Shirley Mount graduated at the top of her class from Stanford Law School in 1949.[1] She had been one of only five women in her entering class and was one of only two to graduate.[2] She was also one of the cofounders of the *Stanford Law Review*.[3] The only woman on that first volume,[4] she served on the Editorial Board as the *Law Review*'s Article & Book Review Editor.[5]

Upon graduation, Shirley Mount married fellow Stanford Law student and *Law Review* cofounder Seth Hufstedler and moved to Los Angeles to begin her legal career.[6] She was unable to find work at any of the big law firms, so she

1. Mary L. Clark, *One Man's Token Is Another Woman's Breakthrough?: The Appointment of the First Women Federal Judges*, 49 VILL. L. REV. 487, 521 (2004); Justice Ruth Bader Ginsburg & Laura W. Brill, Women in the Federal Judiciary: Three Way Pavers and the Exhilarating Change President Carter Wrought, Address to the Annual Conference of the National Association of Women Judges (Oct. 7, 1995), *in* 64 FORDHAM L. REV. 281, 286 (1995).
2. Clark, *supra* note 1, at 521-22.
3. *Id.* at 522; *Shirley M. Hufstedler: In Memoriam*, MOFOREVER, Winter 2017, at 17, 18 [hereinafter *In Memoriam*].
4. Clark, *supra* note 1, at 522.
5. *Editorial Board*, 1 STAN. L. REV. iii, iii (1948).
6. Clark, *supra* note 1, at 522; *see also Editorial Board*, *supra* note 5, at iii.

began working for various solo practitioners and developed a reputation for her work in complex civil litigation.[7] It was during this time that her only son, Steven, was born.[8] In 1960, she was appointed Special Legal Consultant to the Attorney General of California in the complex Colorado River litigation that was then before the Supreme Court.[9]

Shirley Mount Hufstedler began her judicial career in 1961, when she was named to the Los Angeles Superior Court, the only woman among the court's 120 judges.[10] She was responsible for the creation of the "written tentative opinion"—now quite common—and a variety of other administrative improvements.[11] Five years later, she was appointed Associate Justice of the California Court of Appeal.[12]

In 1968, President Lyndon B. Johnson appointed Shirley Mount Hufstedler to the United States Court of Appeals for the Ninth Circuit.[13] She was only the second woman to serve on a federal circuit court and, for eleven years, was the lone female federal appellate judge.[14]

President Jimmy Carter appointed Shirley Hufstedler the first-ever U.S. Secretary of Education in 1979. She was given ninety days to get the department to a functioning level, a task she achieved in just sixty days and with only half the allotted budget.[15] She served in that capacity until President Carter left office in 1981.[16]

Shirley Mount Hufstedler continued teaching and practicing law after leaving Washington. She served as the "Phleger Professor at Stanford Law School; a Fellow at St. Catherine's College, Oxford; and a visiting lecturer at numerous universities and colleges."[17] At the same time, she was a partner at

7. *Hufstedler, Shirley Mount*, *in* JUDITH A. LEAVITT, AMERICAN WOMEN MANAGERS AND ADMINISTRATORS: A SELECTIVE BIOGRAPHICAL DICTIONARY OF TWENTIETH-CENTURY LEADERS IN BUSINESS, EDUCATION, AND GOVERNMENT 121, 121 (1985); *see also* Clark, *supra* note 1, at 523.

8. Clark, *supra* note 1, at 523.

9. Ginsburg & Brill, *supra* note 1, at 286.

10. *Id.*; *see also In Memoriam*, *supra* note 3, at 18.

11. *In Memoriam*, *supra* note 3, at 18.

12. Ginsburg & Brill, *supra* note 1, at 286.

13. *Id.*

14. LEAVITT, *supra* note 7, at 122.

15. *Profile of a Winner: Shirley M. Hufstedler—A Life of Achievement*, EXPERIENCE, Fall 2000, at 32, 33 [hereinafter *Profile of a Winner*].

16. Ginsburg & Brill, *supra* note 1, at 287.

17. *Profile of a Winner*, *supra* note 15, at 33.

Hufstedler & Kaus and became senior counsel when that firm merged with Morrison & Foerster in 1995.[18]

Shirley Mount Hufstedler also remained steadfast in her commitment to public service. For nine years, she negotiated nuclear arms agreements with the Soviet Union as a delegate from the Lawyers Alliance for Nuclear Arms Control.[19] As part of a State Department and ABA delegation, she helped negotiate the exchange of scholars and judges between the United States and the Soviet Union, Poland, Czechoslovakia, and Hungary in the 1970s.[20] And from 1996 to 1997, she chaired of the United States Commission on Immigration Reform.[21]

Throughout the course of her career, Secretary Hufstedler received countless honors and awards. She served on the boards of many professional, academic, and charitable organizations.[22] She was the first woman to receive the ABA Medal and later received the prestigious Margaret Brent Women Lawyers of Achievement Award.[23] And she boasted no fewer than nineteen honorary degrees.[24]

18. Press Release, Morrison & Foerster LLP, Shirley M. Hufstedler to Receive Lifetime Achievement Award (Sept. 4, 2007), https://www.mofo.com/resources/press-releases/shirley-m-hufstedler-to-receive-lifetime-achievement-award.pdf.

19. *Ninth Circuit Recalls Shirley M. Hufstedler*, U.S. CTS. FOR NINTH CIR. (Mar. 31, 2016), http://www.ca9.uscourts.gov/ce9/view.php?pk_id=0000000783.

20. *Profile of a Winner*, *supra* note 15, at 32.

21. *Shirley Mount Hufstedler: Appellate Judge and Secretary of Education (1925-)*, *in* 1 GREAT AMERICAN JUDGES: AN ENCYCLOPEDIA 558, 558 (John R. Vile ed., 2003).

22. *Ninth Circuit Recalls Shirley M. Hufstedler*, *supra* note 19.

23. *Profile of a Winner*, *supra* note 15, at 32.

24. *Ninth Circuit Recalls Shirley M. Hufstedler*, *supra* note 19.

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69 STAN. L. REV. 603 (2017)