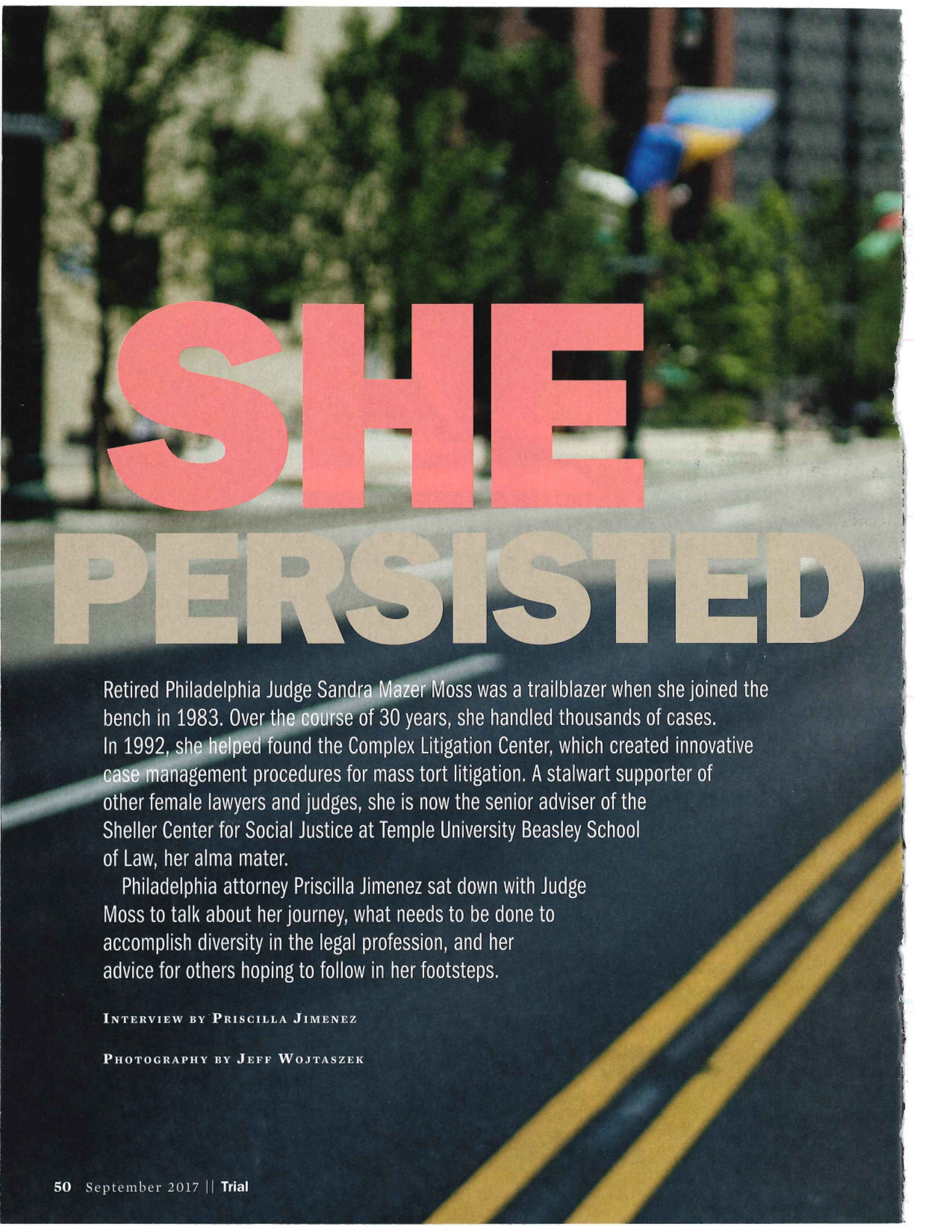




SHE PERSISTED

Retired Philadelphia Judge Sandra Mazer Moss was a trailblazer when she joined the bench in 1983. Over the course of 30 years, she handled thousands of cases. In 1992, she helped found the Complex Litigation Center, which created innovative case management procedures for mass tort litigation. A stalwart supporter of other female lawyers and judges, she is now the senior adviser of the Sheller Center for Social Justice at Temple University Beasley School of Law, her alma mater.

Philadelphia attorney Priscilla Jimenez sat down with Judge Moss to talk about her journey, what needs to be done to accomplish diversity in the legal profession, and her advice for others hoping to follow in her footsteps.

INTERVIEW BY PRISCILLA JIMENEZ

PHOTOGRAPHY BY JEFF WOJTASZEK



Judge Moss,

you have had an amazing career, and you are an inspiration. How did you get started in the legal field?

I was eight years old, and I was watching a movie with my dad. It was a love story, but there was a female judge who brought everybody together in court, and they kissed and made up. I remember saying to my father that I wanted to be like her. At that moment, I wanted to be a judge.

When I got to college, I discovered that most women went to college to meet a husband. I didn't know anybody who was pre-law, so I majored in journalism. I was going to be a political journalist and Editor of *The New York Times*. Instead, I got married right out of college and put my husband through Columbia Law School. That was in the 1960s when *Miranda* and other big cases were coming down, so I was reading these cases while I was working—I was fascinated by them. When we would go to parties, my husband would say, "Tell them about *Miranda*." I would, and I realized then that I really wanted to go to law school.

But that was the Vietnam era, and my husband was in danger of being drafted so he had to continue with his education. I worked for an advertising agency until I was about eight months pregnant and had my daughter. I got pregnant again, and suddenly I had two children. I kept thinking, I'd like to go to law school.

What made you finally go to law school?

You know the stacks of toy rings that little kids play with? One day, I was collecting my kids' rings, and I couldn't find the purple one. I'm crawling all over looking for it, and all of a sudden I said, "I'm going to lose my mind. I need to do something." I had some friends who didn't have children who were going to take the law school admission test, and I thought, why not? Maybe I can go to law school at night. At first my husband said no, but I convinced him to let me take the test. I didn't do spectacularly, but I did OK.

I applied to Temple because it was closest to us and had a night program. In the interview, they weren't at all interested in me. They asked, "Why do you want to go to law school if you have a husband who is a lawyer?" I discovered later that Temple wanted to raise its mean grade point average. I fit the bill, and they didn't particularly care whether I stayed—they just wanted me in.

How did you balance law school and your home life?

It didn't work very well. Before the end of the first year, my husband left and I was on my own. I had no money other than child support. I was on food stamps and needed a job, so I decided I would quit law school. When I went to drop off a resignation letter, the interim dean, Peter Liacouras, asked to

see me. This man did not know me, but he ripped the letter up, and he said, "If you quit now, you'll always say you could have been a lawyer, but if you stay, someday you'll laugh about this." Now, I never laughed about it, but he did speak at my swearing-in as a judge.

What did you do after law school?

I graduated from Temple in 1975. I knew that I wanted to be a judge, but I also wanted to be a litigator. I believe this truly, and I tell people when I mentor them: If you want to be a judge, you need to be a litigator. You can't be in court and have somebody say "objection" and then go and think about it. You have to rule from your gut and hope for the best. So I decided I would clerk for a judge. I ended up with Judge Eugene Gelfand and stayed with him for three years. He was wonderful and taught me so much, and he was

supportive of women. During that time, a female judge, Judith Jamison, took me under her wing. In 1977, she told me that in 1983 I was going to run for judge because there'd be a lot of vacancies, and she showed me what to do to make that happen.

And did you run in 1983?

I did. Judge Jamison and Judge Gelfand—she had been a committeewoman in Philadelphia, and he had been a state legislator—they introduced me to people and taught me about politics. So I followed their advice. I went to work for the Office of Medical Malpractice, Arbitration Panels for Health Care in the attorney general's office in Philadelphia. I was in charge of a five-county area and became a deputy administrator. Then I became the first female deputy city solicitor in major trials in Philadelphia. I represented Philadelphia General Hospital and handled catastrophic injury cases and civil rights cases from 1980 to 1983.

The Philadelphia Bar Association wanted 10 years of experience as a licensed attorney to be a judge, but I only had eight. However, when I

applied they gave me the opportunity to speak to them and tell them why they should give me credit for the two years. I talked about being a night student, a single parent, and how I had infinite patience. They were wonderful and recommended me to run. I left the city solicitor's office the day before the filing deadline, and for the three months that I campaigned, I lived on my pension. By some miracle, I won a seat on the Court of Common Pleas of Philadelphia County, First Judicial District of Pennsylvania.

Did you find that there was support for female judges?

Not from the politicians, but definitely from the voters. What is interesting about that election is that Debbie Willig and

Arline Lotman, two prominent Philadelphia lawyers, started a committee to elect female judges, which had never been done before. Of the 45 people running, six were women, and they picked four of us to support. They said, "You have the credentials, we're going to help you become judges." We all looked at each other and said, "Yeah, right." They got us speaking engagements and meetings with community groups, and they had fundraisers for us. I couldn't believe what they did for us—I was so grateful.

After I won the election, people I met campaigning would say to me that they didn't remember my name but knew they voted for me because they voted for the four women. I thought that was pretty spectacular. The four women came in the top six of vote-getters, and in 1983 that was a big deal.

Tell me about the Center for Complex Litigation and how you became involved in mass torts.

In 1987, I was transferred from the Criminal Division to the Civil Division after two years, nine months, and three days (but who was counting?). I was the first woman and the lowest in seniority when I received the amazing news that I was appointed as the asbestos calendar judge. I then discovered this honor was no honor at all. The other judges wouldn't accept the position because the court had a 7,800 case inventory going back to 1975. Plaintiffs were dying of old age before their cases came up for trial.

They say that fear is a great motivator, and I became the most motivated judge in the First Judicial District. I enlisted the help of my husband, Bill Deane, a Drexel University business professor, who gathered the asbestos lawyers together, and we wrote a business plan for what was to become the Complex Litigation Center. Asbestos litigation grew into pharmaceutical, environmental, products liability, and class action litigation. The innovative process that the bench and the bar developed together is taught in law schools around the country today—the "Philadelphia model of managing mass torts."

Since you first became a judge, have you seen a climate change for women in the profession?

We've come a long way, but we haven't come nearly far enough, frankly. But are things really



better? In the judicial field, they certainly are, and I'm thrilled that our court, the First Judicial District of Pennsylvania, has its first female administrative judge. Can the same be said for law firms? Not nearly enough.

You're the senior adviser at Temple Law's Sheller Center for Social Justice, which is working on a study about women in the law as part of its Women in Legal Leadership project. What has the study shown?

Women enter law firms and are associates and second chairs, but as you go up the ladder within a firm, less and less women are in leadership positions. And even less are in complex litigation and class actions—you have 2 or 3 percent of women in leadership positions and first chairs. The sad part is, it's really less than that, because if you take out the few women who continually first chair trials then the number goes down. You've got a handful of women who have reached that pinnacle, but the firms don't add other women to it.

So part of this project is hitting the road to talk about how we get more women into positions of authority. It's not just about bringing women into the legal profession; it's about enabling them to secure positions of authority and paying them equally.

How can women support each other to encourage diversity?

After I was first elected as a judge, some of the other women on the bench weren't thrilled about me joining their ranks. They felt that if another woman came along, then they would get demoted. But I discovered then, and it is more true today, that we were and are more powerful together. If we felt pushed around, we made a big to-do about it, and people listened more because there were more of us.

What women need to understand now—what men have always seemed to understand—is that you announce your power. If you get to be head of a department, you want other women around you. You want to help promote those other women. You will become more powerful, and those other women will become more powerful. That's the way it should be today.

Is there anything that judges can do to help increase diversity in the bar and in leadership roles?

When I sat on the bench, I saw plenty of qualified female lawyers come in front of me. But they would be the ones writing the motions and passing notes to the person arguing



them. In fact, in one situation, two women were madly writing notes on either side of the table, and I finally said to the men, "I think maybe you want to sit down and let them finish your argument because they seem to know what they're talking about."

So if I heard about a woman who did a good job on something, I'd make sure to let her firm know. Judges need to be at the forefront, and they are. And firms need to understand that they need to give women a shot. We need someone to say, "I want her to be on that committee, on that case, taking that deposition. I want her to have a chance." If you give her a shot, I bet you 10:1 that you're going to be thrilled with what you get.

What's your advice to women who are seeking a career on the bench?

First, plan early on. Don't decide you want to run in a year. You've got to tailor your career. I suggest that even if you want to be an appellate judge, you really need to be a trial lawyer. You need experience doing depositions and trying cases. And I know it's hard because so many cases settle, but there are ways to learn negotiating skills and how to talk on your feet. You need to do that if you're going to be a judge in a jurisdiction where you run for office. You need to start being political early. You need to get your supporters first, and then you decide when you're going to run or when you're going to put your name in for an appointment.

Most important, do not take no for an answer. If you don't get it, step gracefully back and say, "Thank you, and I hope you'll consider me next time." Keep going, and keep your eyes on the goal.

Seek women mentors as well as men. I'm always here to mentor women. I'm pushing for more women in leadership positions within the bar, as well as running for office or the bench. I've made enough mistakes in my life that I can probably help others avoid them. ■

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