

Pamela E Kirkland JD., Biography



Pamela Elizabeth Kirkland, - Class of 1960 - b. March 11, 1942 From the EHS Yearbook, The Maroon: “Pam”; Ambition - “To enter some field of medical work”, Student Council 3, 4; Executive Council 3, 4; G.A.A. Representative 2, 4; Girl’s Club 2, 3, 4; Latin Club Secretary-Treasurer 2.

Pamela Kirkland Jensen, Elgin High School Class of 1960, was sworn in as the first woman judge for the 16th Judicial Circuit in 1987, having been appointed to the position of Associate Judge. At the time, the 16th Judicial Circuit included Kane, Kendall and DeKalb Counties. In 1990 she was appointed by the Illinois Supreme Court to the position of full Circuit Judge, and in 1992 she ran for and was elected to that position. During her tenure she served for a number of years as Presiding Judge of the Law Division, retiring from the bench in 2002.

Before becoming a judge, Jensen was an Assistant State’s Attorney for Kane County and an associate and then partner in the Elgin law firm of Brady, McQueen, Martin, Collins and Jensen. She appeared before both trial and appellate courts.

She was active in both the Kane County Bar Association and the Illinois State Bar Association, serving on various committees. She was also a member of the National Association of Women Judges and remains a member of the Illinois Judges Association. She served as a faculty advisor at the National Judicial College and presented at continuing legal education seminars, schools, and community groups.

In 1963 she married Wayne M. Jensen, Elgin High School Class of 1958. She received her B.A. degree with highest honors from Valparaiso University in 1964 and returned to Elgin, teaching English at Larkin High School for two years before her first child was born. She and Wayne have four children---**all graduates of Elgin High School**---and four grandchildren.

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In 1974 she started law school and graduated *magna cum laude* from Northern Illinois University College of Law in 1979.

Through the years, Jensen also served her community in various capacities including leadership positions in many parent-teacher and other school-related organizations. She was a co-founder of the Elgin Parent Co-operative Nursery School and the Northeast Neighborhood Association and participated in numerous other civic and philanthropic activities in the Elgin area including service as a Board member for the United Way of Elgin.

After retiring, she served for ten years on the Sherman Hospital Board of Directors.

AN UNSCHOLARLY LOOK BACK

Pamela K. Jensen, Circuit Judge (Retired)

In July of 2007 Pat Flaherty's (an Aurora Attorney, writing an article for the centennial celebration of the Kane County Bar Association) request seemed simple enough — would I be willing to write an article about my “experience as the first female judge in the history of the 16th Judicial Circuit?” He was looking for “a candid piece, one that describes the good and the bad, without naming names.”

So, as most retired people might do, I made a note on the letter — FIND CAREER BOX/ NEEDS SORTING. Then I put the letter in what now passes for my tickler file and did not think about it again until months later. Eventually I went through the huge box into which I had thrown everything relating to my legal career. Then I began wishing that I had kept a journal.

So, Pat, I will do the best I can, and I would ask that anyone choosing to read this be mindful that many of the events I am trying to write about happened at least twenty years ago.

In this context, I think it is important to understand what women lawyers in Kane County --- particularly those appearing in court --- experienced generally during the decade leading up to 1987, the year I was appointed. First, very few women practiced regularly in the courts, so every appearance was noteworthy.

There are so many stories. I have chosen a few examples:

- The male attorney who made it known around the courthouse that — as far as he was concerned — any female attorney who happened also to be a mother was practicing “hobby law”;
- The judge announcing in open court that the female attorney appearing before him could “have a date with me any time you want one”;
- Another judge asking the female attorney sitting in his courtroom, “Now whose secretary are you?”;
- The sheriff's deputy --- looking like a deer in headlights --- requesting “a real lawyer” upon being introduced to the female attorney assigned to represent him;

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- The frequent use of “honey” or “dear” when addressing female attorneys in professional settings;
- The male attorney, sitting across the table from a female attorney during a somewhat contentious instructions conference taking his best shot ---“Now I’m going to talk to you like a man.”

These kinds of occurrences were not uncommon. But for the most part -- with a few notable exceptions --- there was no conspicuous hostility. I think it is fair to characterize the atmosphere for female attorneys then as too often lacking the same professional credibility and respect that male attorneys would have expected and received under similar circumstances.

Please allow me a personal indulgence here. As an Assistant State’s Attorney, I once received — at my office — my copy of a pleading from the male attorney representing the opposing party. The envelope was addressed to “Mrs. Wayne Jensen.” I never mentioned it to him, which I hope was a disappointment. (Pat Flaherty said I cannot name names.)

It is safe to say that during the late 1970’s and well into the 1980’s the idea of appointing a woman to the bench in the 16th Circuit was not even remotely on the radar of anyone in a position to move that idea toward reality.

Indeed, the rise of women to judicial office in Illinois was very slow. In 1965, women constituted 1.79% of the state’s judiciary. By 1975 the percentage had actually gone down. By 1985, 4.28% of Illinois judges were women.¹ In 1991 when I started my campaign for Circuit Judge, 10.4% of all Illinois judges were women; but outside Cook County only 3.7% of Circuit Judges were women.² For perspective on where Illinois stood, the national percentage of female judges **in 1980** was 17% and climbing. ³

By 1986 some members of the Kane County bar (many female but also some male) were exerting what pressure they could on the Circuit Judges to appoint a woman. In January of 1987, I was sworn in as the 16th Judicial Circuit’s first female judge. The robe I was given had a discreet band of black lace sewn into its hem — a guarantee that no other judge would be tempted to borrow my robe in the foreseeable future. (Indeed, four long years would pass before the 16th Circuit would see its second female judge.)

So what was it like for me? It was a mixed bag. The inevitable questions were out there from day one. Had I been appointed **because** I was a woman or had I been appointed **despite** the fact that I was a woman?

No one actually asked me directly, “How do you feel about the fact that you got this job because you are a woman?” I hope I would have answered, “It is far, far better than **not** getting this job because I am a woman.” ⁴

I became adept at dismissing the innuendos and the rumors, and they seemed to go away. But I was not ready for the heightened scrutiny that came with being first. My performance was viewed through the prism of my gender by some attorneys, by many litigants, and particularly by one member of the print media. Frequently the result was not pretty. I think this mind-set became less prevalent as time passed. At least it became less blatant. Perhaps my skin just got thicker.

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A second round of controversy followed my appointment by the Illinois Supreme Court to the position of Circuit Judge in late 1990.

The length of my tenure as Associate Judge before moving to Circuit Judge was comparable to the time others had served before moving up. The appointment was not premature from that standpoint. Nor was it unusual for a male Associate Judge to be appointed even though other male applicants for the job had been on the bench longer.

Nevertheless, I did not expect to get the appointment, and it placed me in a difficult position. To accept it meant resigning from the Associate slot and running for election to keep the Circuit slot. If I lost the election, I would no longer be a judge. It was clear that I would have at least one opponent, and it also seemed clear that a Supreme Court appointment once rejected would not likely be offered again.

The speculation this time centered not only on my gender but also on my “family connections.”

At the time I was appointed, only six of 216 downstate Circuit Judges were women so in the view of many it was time — assuming qualified female candidates were available. I do not remember any serious questions being raised as to whether I was qualified. So I would say that I was in the right place at the right time.

I did come from a legal/judicial family. My father had served as a Circuit Judge and then a Federal District Judge and as President of the Illinois and Kane County Bar Associations. My husband, my uncle, and my two brothers were attorneys (one brother also serving as an Illinois State Representative). During my campaign, one reporter called these relationships “luggage” that I had to carry. I still believe that my family’s collective and individual achievements are attributable to a value system of integrity, service, and hard work; and I also believe that those attributes will often put a person in the right place at the right time.

Frankly, running for judge in a partisan political campaign was — to put it euphemistically — not a good experience for me. I had long believed that the concept of judicial independence is totally inconsistent with partisan political activity. We had even researched a possible independent candidacy, but it was not feasible. (Like my father before me, I strongly believe that some form of “merit selection” of judges in Illinois is long overdue. But I digress.)

On a lighter note, there are many stories. So many I cannot begin to tell them all here. Again, I will try to convey the essence of my trail-blazing experience with some examples.

Once the euphoria of being sworn in as the Circuit’s first woman judge wore off (about twelve hours later) I experienced an early reality check. An attorney told me that he had been told by someone that the Assistant State’s Attorney serving in the courtroom to which I was assigned said upon learning of my appointment, “If they send some *#@%* woman down here, I’ll quit.” Rank hearsay at best, but not a great start.

There was the size factor. I was told on several occasions --- in what I think were ill-conceived attempts to compliment --- that I was “too small” to be a judge. Actually, it may have been true. For many years I sat in chairs significantly too big for me, most notably in Aurora Traffic Court. That chair had been specially ordered for Judge Weiler, a much larger person than I.

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At a Judicial Conference in Chicago, an older (but probably not older than I) judge was heard to remark, “Will ya look at these **little** girls they’re allowin’ to be judges now.”

Of course, I was frequently referred to as “sir” by attorneys and litigants --- both male and female. I was also called other names, many with inherent gender overtones and not suitable for repetition here. I hope one written version, posted by an unhappy defendant in an elevator near Elgin Branch Court, is gone by now.

Occasionally there was confusion about my proper identity. I once presided at a wedding in a private home. As I stood in my black robe waiting for things to get underway, a very nice gentleman told me how glad he was that there would be a soloist and inquired as to what I would be singing.

Campaigning door to door in 1992, I encountered a gentleman who told me outright, “Of course I cannot vote for you because you are a woman.” Only a short time later, I met another gentleman who told me, “ Men have messed things up so bad I’m going to vote for every woman on the ballot.” Neither was joking.

1. Scott, Judge Jeanne E., “Women on the Illinois State Court Bench,” *Illinois Bar Journal*, May 1986. Judge Scott cited the Administrative Office of the Illinois Courts for the statistics set out in her article.

2. My conversation with someone in the Administrative Office of the Illinois Courts in December 1991.

3. *Ibid.* Scott.

4. Comment shamelessly purloined from material presented by Barbara Babcock in 1983 at a seminar entitled *Women in the Judiciary: A Symposium for Women Judges*. She had been asked the question numerous times following her appointment to a high ranking position in the Justice Department and had developed this as her stock response. Brilliant.

During that campaign I was also told more than once that it would be okay if I lost because my husband had a job.

This would not be complete without reference again to the ever-recurring terms of endearment. As a judge, I would nominate the following as my favorite in this category. One evening a police officer came to our home to request a search warrant. He referred to me as “dear” and “sweetheart” several times during the process. As he left, he assured me that he intended to send a “letter of recommendation to *Cosmopolitan* magazine.” I did not ask what he would be recommending me for.

It is more than past time to stop. I want to say in closing that being the first female judge in the 16th Circuit was truly an honor, an experience for which I will be forever grateful. Judging was both challenging and gratifying, and I was privileged to work with many genuinely wonderful people. My hearty congratulations to the Kane County Bar Association on its sesquicentennial.