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HONORING EMILY E. SLOAN: A SPECIAL STUDENT

Bari R. Burke*
Margaret Bentwood**

Emily Eva Mullenger Sloan was a “special student” at the University of Montana School of Law from October 1, 1917, through June 2, 1919. She was not the first woman to graduate from the law school; that distinction belongs to Bernice Selfridge Forbes.¹ Indeed, Emily Sloan did not graduate from the law school; she merely attended for as long as she was able.

The University characterized Emily Sloan as a special student because she had not earned a high school diploma; we believe she was special for other reasons, all more complex and complimentary than the lack of a high school diploma. Although she had not finished high school, Mrs. Sloan had raised four children on a barren ranch in South Dakota before she entered law school. She studied law because that was “the only course for which [her husband] would pay.”² Despite Mrs. Sloan’s description of her difficulties adjusting to law study, she did well academically her first year. After her husband ordered her to return to the ranch and withdrew his financial support of her education, Mrs. Sloan worked as the Dean’s secretary and assistant law librarian to enable her to remain in school. Mrs. Sloan was one of six female law students at the law school in 1918 and 1919.³ These features, features common to women in 1919, made Emily Sloan a “special student.”

Mrs. Emily Sloan was special because she was a woman—a woman studying and practicing law at the beginning of the twentieth century, without the sponsorship of a “lawyer father”⁴ or “law-

* Professor, University of Montana School of Law. As part of a sabbatical project in which she is researching the professional and personal lives of women who were admitted to the Montana Bar between 1889 and 1969, Professor Burke is currently researching Emily Sloan’s life.

** Class of 1993, University of Montana School of Law.

1. Bernice Selfridge Forbes received her LL.B. from the University of Montana School of Law in 1915.

2. Sloan, *Completing My Education*, 52 MONT. L. REV. 419, 420 (1991).

3. Mrs. Jane Bailey, Class of 1918; Edna Rankin McKinnon, Class of 1918; Mary Frances Garrigus, Class of 1918; Geraldine M. O’Hara, B.A. (Law) 1918; Helen Fredericks, Class of 1920; and Emily E. Sloan, special student.

4. Mrs. Sloan’s father died long before she began studying law. Mr. Mullenger died while Mrs. Sloan was pregnant with her son, Stanley Sloan.

Women did not enter law schools in significant numbers until the 1970s. Although women law students were not common before the 1960s or 1970s, “[b]y 1920, . . . women had much greater access to the legal profession [than they did in the 1880s.]” See Drachman,

yer husband." Accounting for the women who "had no help and had to [break their] own trail"⁵ is not easy. "Isolated, lonely, full of ambition, and [longing] for a worthwhile place in the world,"⁶ Emily Sloan explains her spunk by saying that she knew of only one way out of her hardships (an education), and she "had the vision of the bright vista ahead."⁷

Born on October 27, 1878, in Oregon, Wisconsin, Emily Sloan spent most of her childhood and married life in South Dakota. Her father was elected probate judge in Belle Fourche,⁸ where the family settled when Emily was about fifteen years old. Emily Sloan married young and, during her seventeen years on an isolated ranch in the northwestern part of South Dakota, she raised four children: Edith Alberta Sullivan, Elsie Winneford Face Amlong, Dean Alfred Sloan, and Stanley Sloan.

Emily Sloan passed the bar examination and was admitted to the Montana Bar in June 1919. She practiced law in Yellowstone County for three years before moving to Red Lodge to run for County Attorney. Indeed, Emily Sloan was the first woman in Montana to be elected and serve as County Attorney; she served Carbon County from 1924 through 1926. Shortly after her term ended, she returned to Billings where she was the probation officer and in charge of all juvenile work for the Thirteenth Judicial District. When she retired from law practice, she moved to Washington where both of her daughters lived.

Throughout her life, Emily Sloan had a "literary 'bee in [her] bonnet'."⁹ During her years on the ranch in South Dakota raising her four children, she wrote a book of poetry called *Ballads of the Plains*.¹⁰ While she was studying and working her way through law school, she wrote and dedicated a booklet of poetry to the Dean and her classmates.¹¹ *That Class in Code Pleading*¹² was only one

"My 'Partner' in Law and Life": *Marriage in the Lives of Women Lawyers in Late 19th and Early 20th-Century America*, 14 L. & SOC. INQUIRY 221 (1989); Drachman, *Women Lawyers and the Quest for Professional Identity in Late Nineteenth-Century America*, 88 MICH. L. REV. 2414 (1990). For a history of women lawyers generally, see K. MORELLO, *THE INVISIBLE BAR: THE WOMAN LAWYER IN AMERICA* (1986). Chapters 2, 3, and 4 are devoted to a history of women law students.

5. Sloan, *supra* note 2, at 421.

6. *Id.* at 419.

7. *Id.* at 427.

8. Before her father was elected probate judge, he was a traveling insurance salesman. He was neither a well-established nor an affluent attorney.

9. Sloan, *supra* note 2, at 420.

10. E. SLOAN, *BALLADS OF THE PLAINS* (1908).

11. That booklet is on display in the Law Library, University of Montana School of Law.

of the poems included in the booklet. In June 1919 the English Department awarded her academic recognition and voted to give Mrs. Sloan one credit for "meritorious work in Versification." After she retired from law practice, she wrote a novel, *Prairie Schoolma'am*.¹³

Emily Sloan tells her own story in *Completing My Education*.¹⁴ But she tells the story of contemporary women as well. She writes about themes as timely today as they were in her day: women who marry but dream of obtaining an education; women who raise children and abandon or postpone dreams of rewarding careers; women who experience law study as vexing and stultifying rather than stimulating and empowering; and women who sacrifice all that they hold dear to provide a better life for those they love and themselves.

Emily Sloan's story is a story of our region, of women in the West: "The 'women's west' was less individualistic than that masculine myth would suggest—when isolation appears in women's life stories, it figures not as a virtue but as a hardship."¹⁵ To Emily Sloan, whether raising four children or working her way through law school, isolation was a hardship, not a pleasure or a welcome state of affairs. Instead she longed for female companionship on the ranch, and it was the opportunity to "mingle with people who were in the profession or who were students"¹⁶ that brought her to Missoula to law school.

Emily Sloan's story also shows us the interplay of constraint and choice in women's lives:¹⁷

He told me that that [law study] was the only course for which he would pay and I finally gave in with the remark, "All right, half a loaf is better than none, and I will take what you give me." Then he asked what I meant by that, and I said that since I couldn't have that which I most desired, I would take what I could get and later transform it into that which I most needed.¹⁸

Emily Sloan had a literary bee in her bonnet and wanted to pursue her literary talents. Her husband offered her a law course and Emily took what she could get. She practiced law and wrote stories and poems throughout her life. She did both remarkably well, and

13. E. SLOAN, *PRAIRIE SCHOOLMA'AM* (1956).

14. Sloan, *supra* note 2.

15. Osterud & Jones, "If I must say so myself": *Oral Histories of Rural Women*, 17 *ORAL HISTORY REV.* 1, 17 (1989).

16. Sloan, *supra* note 2, at 421.

17. Osterud & Jones, *supra* note 15, at 3.

18. Sloan, *supra* note 2, at 420.

by the time she retired it was difficult to tell which she was forced to do and which she chose to do.

Of course, themes of isolation and choice are human, not just women's, themes; such themes speak to all of us. The frustrations inherent in studying law are nearly universal; the increased vexation of studying law by correspondence, connected to others only by postal service, not by classroom interaction or social occasion, is neither wholly female or male. Similarly, the desire to find a worthwhile place in the world compatible with talents and tastes rather than constrained by economic, ethnic, gender, or marital circumstances is human, not only female. By prose and by poetry, Emily Sloan touches those themes.

Fortunately, Emily Sloan left us this essay, and her daughter, Elsie Amlong, preserved it. Were it not for her writing, we might have lost Emily Sloan. Were it not for Elsie Sloan Face Amlong, we might never have found Emily Sloan. Fortunately for us, mother and daughter held tightly to their vision of the bright vista ahead.