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A Tribute to Judge Helen J. Frye

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Trailblazing in the Modern Legal Era

On Friday, April 5, 2013, the University of Oregon School of Law, in conjunction with Lane County Women Lawyers and the Women's Law Forum, hosted a tribute to the Honorable Helen J. Frye, U.S. District Court Judge for the District of Oregon. The tribute was sponsored by the U.S. District Court for the District of Oregon and the Oregon Chapter of the Federal Bar Association, and attended by 170 guests, including judges, attorneys, law students, and the friends and family of Judge Frye.

The morning began with an esteemed panel of attorneys and judges who shared stories about their own trailblazing legal careers and discussed innovative ways for legal practitioners to improve the delivery of legal services. The panel included keynote speaker Professor Renee Newman Knake, Michigan State University College of Law and Co-Founder of ReInvent Law; the Honorable Marco

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Hernandez; the Honorable Leslie Kobayashi; Nicole Nehama Auerbach; Dr. Yvette Alex-Assensoh; and Melissa Aubin.

A series of remarks from friends and family members of Judge Frye followed the afternoon luncheon, including a welcome and closing from the Honorable Ann Aiken, Chief Judge for the U.S. District Court for the District of Oregon and longtime friend of Judge Frye, as well as personal remarks from Louise (“Molly”) Westling, Art Johnson, Patricia Wlodarczyk, and Judge Frye’s son, Eric Frye. All of the personal tributes led up to the unveiling of a portrait of Judge Frye.

Touched by the daylong tribute and the many contributions Judge Frye made to both the University of Oregon and the legal profession in Oregon—becoming the first woman appointed to an Oregon Circuit Court and the first woman appointed to the federal bench in Oregon, to name just a few of her trailblazing achievements—the editors of the *Oregon Law Review* have selected two of the tribute remarks for publication in this Issue.

The first tribute, read by Patricia Wlodarczyk, Judge Frye’s former law clerk, was written by Judge Frye herself, and read at the 1997 Portrait Hanging Ceremony at the federal courthouse in Portland, Oregon. Following the speech, a grand portrait of Judge Frye, painted by Wayne Chin, was unveiled. The portrait currently hangs in Courtroom 11A, Judge Frye’s former courtroom, at the Mark O. Hatfield United States Courthouse in Portland, Oregon. The second tribute was written and read by Judge Frye’s son, Eric Frye. His speech refers to a different portrait, which was unveiled at the April 2013 trailblazing tribute and now hangs in the conference room of the Career Center at the University of Oregon School of Law in Eugene, Oregon.

A Japanese Snowbell tree was also planted in memory of Judge Frye at the Wayne L. Morse United States Courthouse in Eugene, Oregon.

JUDGE HELEN J. FRYE*

Portrait Hanging Ceremony, November 20, 1997

This is a very beautiful painting of a woman who was born in Klamath Falls, Oregon in 1930. Her mother was a twenty-year-old homemaker who played the piano in a country dance band. Her father was a twenty-four-year-old potato, wheat, and alfalfa farmer. This family lived near Malin, Oregon, a small town about thirty miles southeast of Klamath Falls. Both of the woman's parents were high school graduates. She has a brother who is sixteen months younger than she.

The father of the woman in the portrait died when she was three years old. Four months after his death, her mother was hospitalized with tuberculosis in The Dalles, Oregon. Several months later, the brother of the woman in the portrait was hospitalized with tuberculosis at the Doernbecher Children's Hospital in Portland, Oregon. The woman in the portrait lived with her grandparents. They were wonderfully organized people. Each had a role to play, and each performed it beautifully. Her grandmother read to her every night, and as she neared her sixth birthday, her grandmother started teaching her how to read. By the end of the second grade, she was able to read bits and pieces from her uncle's high school books. When she was in the fourth grade, the first grade teacher became ill. The girl was sent to "teach" the first grade class. She vowed on that day that she would become the best teacher in the State of Oregon.

At the University of Oregon, the woman in the portrait majored in English Literature with a minor in Education. She married William Frye at the end of her junior year. In 1954, after one year as a graduate student, she was hired to teach English and Social Studies at Eugene High School. There was no South Eugene High School, no North Eugene High School, no Sheldon High School, no Churchill High School, as there is now—just Eugene High School. It was a big

* J.D. 1966, University of Oregon School of Law; M.A. Education 1961, University of Oregon; B.A. English 1953, University of Oregon; first female judge appointed to an Oregon Circuit Court, 1971; first female judge appointed to the U.S. District Court for the District of Oregon, 1979.

school! She was ecstatic! Then she became pregnant. She was asked to resign. A teacher whose pregnancy was visible was not allowed in public school classrooms in Eugene in 1954. She turned to the University of Oregon. She was hired as a tutor for the Athletic Department and a grading assistant for the professors who taught English Literature and English Composition.

The two older children of the woman in the portrait were born in 1954 and 1956. In 1958, she was again hired by the Eugene public schools. In 1960, she became pregnant with her third and last child. She had to resign from teaching again. She mourned the end of her teaching career a second time—the teaching career that she had sought for so long. She would apply for admission to law school.

When she presented herself in 1963 for an interview at the University of Oregon School of Law, Dean Orlando John Hollis was not pleased with the woman in the portrait. He had been the dean of the law school when her husband was a law student. At the time she entered law school, her husband was the Lane County District Attorney. Most of the forty men and the other two women in her law school class were twenty-two years old. She was thirty-two years old. She felt like an old woman as she sat, almost begging, before Dean Hollis. Dean Hollis hinted that domestic difficulties might be at the root of her decision to register for law school. She promised him that she would be a serious student of the law. He allowed her to enroll. She was one of three women in that class of forty students.

She graduated from law school in 1966. She was in private practice in Eugene for five years. In 1971, she was appointed by Governor Tom McCall to the Lane County Circuit Court bench—the first woman appointed as a circuit court judge in the State of Oregon. She ran for election twice. She won each election. In 1979, President Jimmy Carter nominated her for the position of federal judge. After thirty years in her much loved Lane County, she moved to Portland. She has been a federal judge for more than seventeen years.

What does the woman think of this portrait? She thinks it is magnificent—that the artist, Wayne Chin, has captured her physical presence and the essence of her soul. She is very grateful to have had this artist. She is grateful to those lawyers whose fees paid for this portrait, and she is grateful to all of you who have come for this portrait hanging ceremony.

This woman—the subject of the portrait—has prepared this short statement in the third person rather than the first person in order to

maximize her efforts not to shed a tear, an unseemly and unacceptable thing for a federal judge!

ERIC MAX FRYE*

Tribute to Judge Frye, April 5, 2013

I don't know about anyone else, but this is my first public hanging. Hi, and good afternoon. On behalf of my family I'd like to thank you all for being here today. I'd especially like to thank the U of O School of Law for the venue and their help in organizing this event. I'd also like to thank Patricia Wlodarczyk, my mother's longtime clerk, for suggesting the idea of placing her portrait here at the law school. And then there's Judge Aiken—Ann Aiken, human dynamo—whom I'd like to acknowledge for pulling this affair together. She really did the heavy lifting in organizing the whole thing. In fact, she did all of the lifting. My only real contribution was to suggest Snickers Bars for everyone—but I'll get back to that in a minute. So, thank you Judge Aiken, for all your hard work, but even more for all the heart and spirit you've shown in arranging this. Thank you.

While thinking about what I was going to say today, I was immediately faced with the choice of how best to refer to my mother—uh—Judge Frye—Helen—well, HER. Being in the same room with such distinguished company—judges, professors, what have you—I was torn between the proprietary and perhaps hokey-sounding, My Mother; the more formal and dignified, Judge Frye; or even the pompous-sounding and over-the-top, Her Honor. Of course, the simple term “Mother” would have me sounding like Norman Bates, which was not an option. So in keeping with her humble, pioneer roots, I will call my mother, my mother, and hope it doesn't diminish her in any way or grate on anyone's nerves.

Since there are so many attorneys present, and aspiring attorneys, I've been advised to announce that the views expressed are mine alone and are not necessarily the views of the law school, the university, or state and federal governments.

* B.F.A. 1985, New York University's Tisch School of the Arts; American screen and television writer, nominated for an Emmy in 2001 for his work on the HBO miniseries, *Band of Brothers*.

While we are putatively gathered here today to pay tribute to Judge Frye, I'd like to take this opportunity to recalibrate exactly what this day is really about—at least this portion of it. For all her accomplishments, my mother never felt completely comfortable in the public eye. She was not only shy and self-effacing, but she eschewed the spotlight and anything that drew the attention of others—like hanging her portrait in the law school. So I'm certain that somewhere, right now, she is very embarrassed.

It is with that in mind that I feel somewhat ill at ease not only endorsing, but participating in a “tribute” to my mother. She did not want a funeral, nor a memorial service, nor a celebration of life or even an Irish wake, and felt strongly enough about it that she stated as much in her will. And it is for this reason that I would prefer to label this gathering today not as a tribute to my mother, but as a tribute to her deep and abiding love for the University of Oregon.

Most of you here know that she graduated from the law school, one of only three women in the class of 1966. Some of you may know she received a Masters of Education in 1961 and an undergraduate degree in English in 1953. Probably fewer of you know that she first came to the university in the fall of 1949, was voted treasurer of the freshman class, president of her sophomore class, was student body vice president her junior year, and was nominated to the Phi Beta Kappa Society as a senior. The only grade she ever received that was not an A was the C she got in physical education when she had to take a swimming class at Gerlinger Hall.

And now I'll tell you a secret, one you won't read in her official government bio or her Wikipedia page: she was also a homecoming princess. Twice.

Oh, and during her junior year she married the former sophomore class vice-president—his name was Bill Frye. And yes, he graduated from this very law school in 1956.

Over the span of seventeen years, my mother received three degrees and numerous honors. She cherished her time here and loved the university and what it provided her in the way of personal growth and professional advancement. What she accomplished after her association with the university is both well known and inspiring: “The first woman to,” “She opened the door,” “Trailblazer.” She was all of that, of course, and if she didn't exactly fit the role because of her discomfort from being in the public eye, she fit it well enough that she had few detractors and her fair share of admirers.

So we're here today to hang my mother—upon the wall of the law school. The portrait, the one here, is actually a smaller version of a more complete and carefully rendered work that now hangs in the federal courthouse in Portland. This is really just a working draft of the bigger, better painting—the mother of all portraits—of my mother.

This bigger, better portrait is seen by important people; accomplished people; well respected in their careers as judges, lawyers, politicians, and prominent members of society. It is regarded respectfully, from a respectful distance. And because of the height at which it's hung, the viewer is required to lift their eyes and gaze upward, utilizing a little visual trick that adds to the importance of the person portrayed and their station in life.

I can't stand here and tell you with any certainty what my mother ultimately felt about her station in life. I can tell you that she spoke to me about the sadness she felt when she was in charge of a mental hearing as a state court judge. I can tell you how she described the tedium she felt when she presided over a patent case involving truck parts, and how she looked forward to three o'clock when her bailiff brought her a Snickers Bar, a habit that continued until the end of her career. I can recount the time she told me about sentencing an old man to five years in federal prison for growing two dozen marijuana plants in his back yard—and how she felt when he started to cry in her courtroom. And I can tell you that when I looked at her in disbelief she said apologetically, "I had to. It's the law."

All of which makes me think that maybe the bigger, better, mother of all portraits hanging in Portland is really the image of the professional that my mother became—the distinguished Judge Frye who put on her robe and did her job, the one that important, successful people would look up to with admiration because she too was important and successful—even if part of her legacy will forever be associated with a Spotted Owl.

While I can't stand here and tell you with any certainty what my mother felt about her station in life, I can, with absolute conviction, tell you what she felt about the University of Oregon. And that's why, at the end of the day, I think this rough draft is more symbolic of who my mother really was than the bigger, better, fancier one that now hangs in the 503.

Because it's smaller and imperfect, unrefined and not yet polished, a work in progress as it were, and because it will hang at eye level, this image of my mother makes it—makes HER—much more

accessible. Accessible not necessarily to those who are already important and accomplished people in their fields, but to students, to young people striving to make their own place in the world—just as she once did. And while I'm certain somewhere, right now, she's probably still embarrassed at all of this attention, I'm equally sure that my mother is very proud knowing that her portrait will henceforth hang in the law school of her beloved University of Oregon.

Please enjoy the Snickers Bars.