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### GRACE STEINBERG DAY: BARRIER BREAKER

Terri Deayon

University of Nebraska - Lincoln, [terri.deayon@huskers.unl.edu](mailto:terri.deayon@huskers.unl.edu)

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GRACE STEINBERG DAY: BARRIER BREAKER

by

Terri L. Deayon

A DISSERTATION

Presented to the Faculty of

The Graduate College at the University of Nebraska

In Partial Fulfillment of Requirements

For the Degree of Doctor of Philosophy

Major: Educational Studies

(Educational Leadership and Higher Education)

Under the Supervision of Professor Marilyn L. Grady

Lincoln, Nebraska

June 2020

# GRACE STEINBERG DAY: BARRIER BREAKER

Terri Lynn Deayon, Ph.D.

University of Nebraska-Lincoln, 2020

Advisor: Marilyn L. Grady

The purpose of this historical case study was to explore the challenges, issues, life, and legacy of Grace Steinberg Day. The study was designed to identify the personal attributes, professional characteristics, and leadership qualities that Grace possessed. Grace Steinberg Day enrolled at the University of South Dakota Law School, in the late 1940's (Campbell, 2016). Day was the only female, in the law class of 175 students, as well as the only Jewish student. She graduated, passed the bar, and ultimately launched a solo practice in 1950. During this era, women attorneys were not the norm and Grace endured a great deal of obstacles. She was forced to specialize in family law, representing women who often could not pay, since many clients were not interested in female legal representation. In spite of it all, Grace would go on to attain a multitude of leadership accomplishments and accolades.

Using the qualitative educational research methodology of historical portraiture, this study analyzes both personal and professional events in Grace's life, as well as chronicled notable achievements. Portraiture seeks to blend artistic expression with scientific rigor to form an aesthetic whole. It is a method of qualitative research that blurs the boundaries of aesthetics and empiricism in an effort to capture the complexity, dynamics, and subtlety of human experience and organizational life. Portraitists seek to record and interpret the perspectives and experience of the people they are studying,

documenting their voices and their visions – their authority, knowledge, and wisdom. The drawing of the portrait is placed in social and cultural context and shaped through dialogue between the portraitist and the subject, each one negotiating the discourse and shaping the evolving image (Lightfoot & Davis, 1997).

Data were collected primarily from October 2016 through June 2020. Data collection strategies included consulting individuals who knew Grace personally and/or professionally. These conversations with Grace’s family, peers, and colleagues, provided valuable insight into her personality, values, and leadership profile. In addition, several articles, interviews, and a documentary about Grace were used.

## **Introduction**

Grace's life overflowed with leadership accomplishments and accolades. Beginning in 1950, Grace was a member of JWI (Jewish Women International) and its predecessor organization, B'nai B'rith Women (BBW). JWI is a leading Jewish organization immersed in empowering women and girls of all backgrounds through economic literacy, communication training, healthy relationships, and the proliferation of women's leadership. Their mission is to make certain that all females have the fundamental right to live in a safe home, thrive in healthy relationships, have control over their financial futures, and realize the full potential of their personal strength. Grace gained national distinction as the International President of the organization from 1980-1982. While in this role, she made frequent trips to Washington, D.C., affording her the opportunity to meet dignitaries such as President Gerald Ford, Secretary of State Henry A. Kissinger, and Senator Edward M. Kennedy (Grace Day obituary). From 1960-1962, Grace was special assistant attorney general for the state of Missouri. In 1963, she was admitted to practice before the United States Supreme Court. Grace was named the first female president of the St. Joseph Bar Association in 1972. In 2005, she was recognized by her alma mater, receiving the Marjorie Breeden Award from the Women in the Workplace Lifetime Achievement Award. She was named Missouri Lawyer Weekly's Woman of the Year as part of the 2011 Women's Justice Awards for more than six decades of service to family law, even when representing woman was unpopular, as well as unprofitable. This award recognizes women in the state of Missouri who demonstrate leadership service, integrity, and sacrifice. It lauds women who have been successful in improving the quality of justice and exemplifying the highest ideals of the legal

profession. All of these distinctions provide evidence of her lifelong dedication to the field of law, women, and leadership.

## **Dedication**

*I dedicate this dissertation to the life and legacy of my mother, Mary Evelyn Tillman.*

*In 2011, you went on to be with Jesus, however the values, strength, courage, and tenacity that you instilled in me live on. Throughout my doctorate and dissertation work, I often could feel your presence and hear you cheering me on toward the finish line.*

*“You are smart, Terri! You can do it! You can do and be anything you want!”*

*Thanks for modeling and teaching me the true meaning of unconditional love, self-sacrifice, and unwavering support.*

*Love and miss you, Momma!*

## Acknowledgements

First and foremost, I give all praises and honor to God, my heavenly father, for constantly leading, guiding, and directing. Thank you for creating me, keeping me, loving me unconditionally and most of all, for sending your son, Jesus Christ, to save me. *I will lift up my eyes to the hills, from whence comes my help? My help comes from the Lord, who made heaven and earth.* (Psalm 121: 1-2) I know that I serve a God that can do ANYTHING but fail!

I am eternally thankful for my family for their unwavering support and patience as I pursued this degree. Much has been sacrificed in order for me to achieve my professional goals, but you have remained understanding, encouraging, and prayerful. Your presence and love throughout all of my trials and triumphs is appreciated. I love you more than words can say and am so blessed to have you ALL in my life.

I extend heartfelt gratitude to Dr. Marilyn Grady. I am privileged that God appointed me as your student and advisee. Your passion, leadership, intellect, and words of wisdom have been the fuel to keep me going even when I wanted to quit. Without your check-in's and gentle nudges, I'm not certain I would have stayed the course. Thank you for believing in me and seeing more in me than I ever imagined. You are an icon and like Grace Day, a barrier breaker. I'm blessed to have you in my life and look forward to continued work together in the future. (I know you prefer short-term relationships, but you are not getting rid of me that easily!)

I'm forever indebted to the faculty and staff of UNL for pouring into me not only academically, but personally. The growth that I've experienced under your leadership has far exceeded my expectations. I am much smarter and a better leader in the field of education, due to all of you. Thanks to my committee members, Dr. Barbara LaCost, Dr. Dixie Sanger, and Dr. Kent Mann for your commitment and service.

A big thank you to all of my friends, mentors, and colleagues. Whether you served as an accountability partner, mentor, sounding board, shoulder to cry on, cheerleader, or prayer partner...you were instrumental in me getting to this place. My life has been greatly enriched by your support and belief in me. A special thanks to my partner in crime, Leah Richardson. This journey was better because we did it together!

Finally, I'm grateful for the life and legacy of Grace Day, who inspired this work. Her willingness to walk where women had never stepped before opened doors and paved the way for so many of us. Thank you, Grace, for breaking barriers! To her family, friends, and colleagues, thank you for the amazing interviews, documentaries, and repositories of information. The additional insight into her life and experiences was enlightening and inspiring.



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## **Grace Steinberg Day: Barrier Breaker**

Coming from the small, close-knit, Midwestern community of St. Joseph, Missouri, there was always one local name that stood out among women. Attorney Grace Day was known to have broken down barriers, changed the status quo, and paved the way for many other women. While growing up in the 1970's and 1980's, in a town of approximately 75,000, women attorneys were definitely not the norm.

Grace's name often was associated with contentious divorce cases. She was known as a "lady lawyer," tough on men (McMichael & Haiduk, 2016), representing women in family law, during an era when women walked away from divorce courtrooms without much more than custody of their children. As Grace's reputation and expertise grew, men were known to tremble when they heard their soon to be ex-wives were being represented by Grace.

She loved to share a story about one of the first men to approach her for representation. She asked him why he chose her and his response was, "...so my wife didn't get you first," (McMichael & Haiduk, 2016). Grace ultimately would go on to represent many men, as well. She was just as proud to become a prominent advocate for males in custody cases, during a time when courts customarily chose mothers as the primary caretakers, without any consideration given to whether or not that was what was best for the child. In a 2016 radio interview with Lori Walsh, Grace reminisced about representing a man who was seeking custody of his two, young, female children. She mentions the rarity of the situation and explains that they fought it out, in the court system, with him ultimately gaining custody of the one- and two- year old girls. Her connection with the father and family never waned, as she followed their life for years to

come, proud of how well he did with raising the children. Grace is remembered as a legal trailblazer, who changed history, and opened up a multitude of doors for other women in the field of law.

Women lawyers were atypical, especially in my town of St. Joseph, as well as in the entire state of Missouri, during the 1970's. My parents were divorced when I was very young. As a result of that dissolution, my mother was granted \$40 a week in child support, to raise three girls. My dad eventually remarried. I can vividly recall hearing my mother complain about the meager sum of money the court ordered that was due to her for child support at the time of the divorce. Although my dad paid the weekly amount, more often than not, there was no doubt that it was a struggle for my mother to support all three of us on a clerical salary and \$40 of child support each week.

On many occasions, I heard my mother engaged in conversations with other women, relatives, and friends about the character of Grace in the courtroom. She was known to be tenacious, relentless, smart, credible, and convincing. Undoubtedly, she was a well-respected woman in law.

Based upon reputation alone, my mom frequently stated that she regretted not seeking out legal representation from someone like that when she was going through the process of divorce. As a little girl, I often wondered who they were referring to and what those comments truly meant. As I got older, I would come to realize who they were talking about and the level of respect that corresponded with Grace's name.

During my college years, I worked behind the cosmetics counter at JCPenney, at the local mall. Grace was often seen shopping throughout the store and everyone knew who she was. She loved to shop and was one of the most fashionably dressed women I

had ever laid eyes on. She had business suits in every style and color imaginable. Many of the writings about her make reference to her flawless taste in attire. Her daughter, Allison Day, described Grace as a champion shopper (McMichael & Haiduk, 2016). According to Allison, the amount of clothes and shoes that her mother had was unfathomable. “She took up every closet in the house, except leaving a little room for my dad. Everything was organized...shoes and purses...hundreds and hundreds of shoes...it was crazy! She had a thing for shoes, growing up around that business. Her odd shoe size made shopping challenging and she was sometimes disappointed when she couldn’t find what she was looking for in her size. So, shopping, especially for shoes, almost became a mission for her.” Allison went on to state, “Mom loved to shop and find the bargains, but enjoyed window shopping just as much. She was always up for a shopping trip, which is why she spent so much time at the mall.” During my own employment at JCPenney, it was evident that Grace was a local icon. But, I was fully unaware of her notoriety on much larger platforms.

Grace was born as Grace Steinberg in Onawa, Iowa in 1926. She was the daughter of Polish immigrants who journeyed to America after World War I, seeking better life (McMichael & Haiduk, 2016). They were the only Jewish family in Onawa at that time. Her parents owned the shoe store in Onawa. Grace worked in the store throughout her childhood. This likely contributed to her strong affinity for shoes and fashion.

In the late 40’s, Grace earned a scholarship and enrolled at the University of South Dakota in Vermillion, which was closer to her home than the University of Iowa. USD is the state’s oldest university and continues to be the site of South Dakota’s only

law school (USD History and Traditions, 2020). Grace was grateful for the encouragement of her parents. They were in favor of her getting as much education as possible and pursuing a degree in any field of interest (Walsh & Gutz, 2016). She majored in speech and communication. She especially excelled in the area of debate. After completion of her degree in three years, her strengths in speech and communication led to her decision to join the law field. The choice was highly unusual for a woman during that time. Grace was the only female in a class of 175, during the late 1940's, at the University of South Dakota Law School (Campbell, 2016). "She was different. The only woman, entering what had traditionally been a men's club. Women just weren't allowed. It wasn't that they didn't want *her*, they just didn't want a woman. Women didn't go to law school and women from small towns certainly didn't," stated Allison Day.

Both Grace's peers and professors believed she was "out of place" and had no business pursuing a career that was dominated by males. "They weren't very happy about having a woman intruding on the male profession," said Grace (Campbell, 2016). Grace endured countless taunts, harassment, and snide comments from, not only her male classmates, but also the male professors as well. Many thought she would become discouraged and quit. Others contended that she would "get flunked out." According to Grace, "They tormented me to get me to quit; but, I wasn't going to quit. I decided I wasn't going to let it bother me." (Tomchin, 2015) When taking a domestic relations course, the class was scheduled to discuss the topic of rape. The case would be focused around the definition and legal decisions related to sexual penetration. Although she didn't know it until much later, Grace's peers took bets that she would be too squeamish

to attend. However, Grace greatly disappointed them all by calmly showing up for class (Tomchin, 2015). In Grace's words, "I figured, shoot...I'm here, it's a class and it's an assignment...I'm going," (McMichael & Haiduk, 2016).

In speaking with Heather McMichael, producer of the documentary dedicated to Grace's life and legacy, she told me about the difficulties and challenges that Grace faced while in law school. Heather indicated that Grace had a very small circle of core friends (male classmates) who helped to keep her from "losing her mind" during those years. McMichael's favorite Grace Day story is the one about the "whisker rub." A male classmate of Grace's would allow two- or three- days of hair growth on his face, then often approach her to give her a whisker rub. Grace absolutely hated it. However, enduring taunts such as this, along with becoming fodder for the jokes of her male peers became a way of life for Grace (McMichael & Haiduk, 2016). According to Grace, "They tried to humiliate me by playing simple tricks, such as sitting behind me and tying my hair in knots. It would be irritating, but I didn't let them know. I just tried to be one of the group and flow with the crowd. They expected me to quit. That was their goal, but I had made up my mind (Walsh & Gutz, 2016). With her natural gifts and talents, coupled with her perseverance and determination, she graduated one semester ahead of schedule at the University of South Dakota (Beem, 2016).

Grace met the man who would become her husband, Milton "Boob" Day, while in law school. According to him, "She commanded the room and knew everybody. She sort of stirred up the crowd and that got me interested in her. I thought she was beautiful (McMichael & Haiduk, 2016).

According to Allison, “He (Dad) knew exactly what he was getting into. She was an unusual woman.” She graduated in December of 1949 and passed the bar in 1950. Grace and Milton moved to St. Joseph, Missouri, where they would embark upon their new life together. Their union yielded two children, Allison and Douglas, who later would become attorneys. Grace quickly came to realize that the resistance she encountered in the classroom was no different than the resistance she would contend with in the “real world.” Many law firms were concerned that a woman attorney on staff would discourage clients. “There wasn’t acceptance of women in the school and then there wasn’t acceptance in the practice,” said Grace (Beem, 2016). Grace landed a job; but, she soon discovered that the expectation was for her to do nothing but clerical tasks, for \$50 a month. Of course, a secretarial role was not what Grace had in mind. She and Milton, an educator, were newlyweds, struggling to make ends meet. However, in 1950, one day on her lunch hour, she found an office, in a building in downtown St. Joseph. It was on that day, she signed the lease and began her solo practice. Since she could not get clients, she agreed to take clients who could not pay. This was before the time of public defenders, and such agreements made Grace well-known very quickly. She was the only female attorney in St. Joseph and was on her own as a court-appointed attorney for more than 40 years. She specialized in family law and became a highly regarded voice and advocate for women. Per Grace, “Women were treated so poorly under the law at that time. I felt I could help them. In those days, women had limited rights when it came to court procedures in divorce cases. Since most of them did not work, they were dependent on their husbands for what they had. The house, bank account, and car were generally in the man’s name. Women often would walk out of court with nothing. If property was

held jointly, women had to file a petition to receive their share” (McMichael & Haiduk, 2016).

Grace genuinely enjoyed her work and had compassion for her clients. Her husband and children recall her willingness to accept calls from her clients even after work hours. Her son, Douglas, remembers hearing his mother giving women legal advice, such as take the kids and go, clear out your bank account, etc., all hours of the day and night (McMichael & Haiduk, 2016). Judge Randall Jackson praised her for knowing people, knowing human nature, knowing how to evaluate the case, and being an advocate for her clients. He stated, “Her word is gold and her reputation with colleagues has done as much as any attorney I know, to uphold respect with the local system of justice.” Although many were astonished to see a woman attorney in the courtroom and viewed her as a novelty, Grace maintained that judges and other lawyers were respectful toward her (McMichael & Haiduk, 2016).

Grace claimed that in those early days, it wasn’t just men that she had to grapple with. Women were very prejudiced against other women having careers. “They thought you ought to be home with your children,” Day said. “So, you had a two-fork situation. The men and some women.” Grace was nine months pregnant and still making court appearances (Hall, 2016).

According to Allison, her mother was in court on both days that she gave birth to her two children. “She didn’t stop. It was like she knew...I’m going to handle this court case, then I’m going to the hospital now to give birth.” Grace was extremely dedicated to her responsibility to her clients, only taking a few weeks off after her children were born. However, Allison vehemently attested to her mom skillfully striking the perfect balance



between work and home. “She was there for us. She always found a way.” When she couldn’t be, she found a way to guarantee that her children were in good hands.

Grace often esteemed the support she had enlisted. “I did have excellent help...a woman who worked for me for 35 years, and my husband helped; but I made formula and washed diapers just like any other mom.” (Tomchin, 2015) Allison says that this woman, named Ethel, would become a part of the Day family, continuing to offer her help to all of them and it would remain that way until her death.

Grace worked in her own practice until the 1990’s. She was well into her sixties when she was approached by a then-prominent law firm, Shughart Thomson & Kilroy. Grace joined their practice and continued to work for another 18 years. It was not until 2013, at the age of 87, that Grace retired. Her partners describe her as iconic and a pioneer in their field. After retirement, she spent time traveling to see her children, who each lived on different coasts of the U.S. Grace’s beloved husband, Milton, died in 2014. Grace stayed active, continued to be impeccably dressed, and remained an advocate for woman in law up until she passed away on July 13, 2016.

Grace’s life overflowed with leadership accomplishments and accolades. Beginning in 1950, Grace was a member of JWI (Jewish Women International) and its predecessor organization, B’nai B’rith Women (BBW). JWI is a leading Jewish organization immersed in empowering women and girls of all backgrounds through economic literacy, communication training, healthy relationships, and the proliferation of women’s leadership. Their mission is to make certain that all females have the fundamental right to live in a safe home, thrive in healthy relationships, have control over their financial futures, and realize the full potential of their personal strength. Grace

gained national distinction as the International President of the organization from 1980-1982. It was on the night of this ceremony, in Washington, D.C., that her daughter, Allison, began to fully grasp the magnitude of the work her mother was doing. Allison recalls that moment, in which she completely understood how her mother's travel and time away was well worth it.

While in this role, Grace made frequent trips to Washington, D.C., affording her the opportunity to meet dignitaries such as President Gerald Ford, Secretary of State Henry A. Kissinger, and Senator Edward M. Kennedy (Grace Day obituary). From 1960-1962, Grace was special assistant attorney general for the state of Missouri. In 1963, she was admitted to practice before the United States Supreme Court. Grace was named the first female president of the St. Joseph Bar Association in 1972. In 2005, she was recognized by her alma mater, receiving the Marjorie Breeden Award from the Women in Law at the University of South Dakota, as well as the Alumni Achievement Award. In 2010, she received the YWCA's Women in the Workplace Lifetime Achievement Award. She was named *Missouri Lawyer Weekly's* Woman of the Year as part of the 2011 Women's Justice Awards for over six decades of service to family law, even when representing women was unpopular, as well as unprofitable. This award recognizes women in the state of Missouri who demonstrate leadership, service, integrity, and sacrifice. It lauds women who have been successful in improving the quality of justice and exemplifying the highest ideals of the legal profession (Grace Day obituary). All of these distinctions provide evidence of her lifelong dedication to the field of law, women, and leadership.

Grace left a leadership legacy that will forever transcend generations. Rick Seward, a Buchanan County Court Marshall, recalled that Grace knew law and quoted it even to judges in situations, so they didn't have to go get the book out of chambers to check it (McMichael & Haiduk, 2016).

Some of the greatest insight into the life and legacy of Grace came from Erin Webber. She is an attorney in Denver, Colorado and had the privilege of being Grace's protégée. Erin vividly recalls her first encounter with Grace. It was 1996 and Erin was fresh out of law school. Although Grace was 70 years old, working for the acclaimed firm of Shughart Thompson & Kilroy, and still going strong, everyone knew that retirement would eventually become a reality for her. Having been a solo practitioner for so long and possessing such a massive domestic docket, the firm knew that one day Grace's practice would have to be turned over to someone else. If was for this purpose, that Webber was hired. Having never met Grace, Erin distinctly remembers walking into the office as this woman of small stature, wearing a bright green suit, cheerfully greeted her with a huge hug, saying "There you are!" It was as if they had known each other forever. Erin contends, "If young lawyers had the same mentor that I had, things would be better in the legal community." For one year, Erin followed Grace everywhere, watching and learning some of the most valuable professional lessons of her life. Grace took her around, introducing her to judges and lawyers all around the region. In time, Grace began to give Erin small things to handle, coaching and mentoring her along the way. "If you were ok with Grace, people automatically accepted you," said Erin. Grace and her husband took Erin in, "adopting" her as though she was their own child. "She

acted like having me around was a joy, but I was the one benefitting from the relationship. She was amazing!” said Erin.

Erin was amazed at Grace’s ability to defy age and continue to flourish in the firm environment. She was peppy, energetic, always positive, and all about the team around her. Grace didn’t slow down, as colleagues had predicted; she continued to thrive. Erin reminisced about a team building activity for the firm in which the attorneys participated in paint balling. Although well into her 70’s, Grace was right in the middle of the game. At one point, she got nailed in the leg, leaving a large bruise, but that, of course, could not stop Grace. Erin would work with Grace for four years, before moving to Denver where she currently practices.

Weber says that Grace fought only the battles that she needed to fight, but she rarely needed to fight. According to Weber, Grace possessed an untouchable reputation. Per Erin, opposing council would often just give in. Grace would say this is what needed to be and most would simply say ok. She had this way of respectfully telling the judges what should happen. Often saying, “Judge...this is the way it should go.” Erin credited learning a lot about courtroom demeanor from Grace. She exhibited a consistent mutual respect between herself and the judges (McMichael & Haiduk, 2016).

At the University of South Dakota Law School, where Grace attended as the only woman, the 2017 class of 175 had 40% female enrollment. Her mentee, Erin, stated that when she graduated, her law class was 50% women. Erin is well aware of the lasting effects of Grace’s life. “We didn’t have to fight the battle. Grace did it for us.”

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Documentary: *Amazing Grace-The Story of Grace Day* 2016 Produced by Heather McMichael

Consulted: Erin Webber (Protégée of Grace Day, Attorney)

Consulted: Allison R. Day (Daughter of Grace Day, Attorney)

Consulted: Heather McMichael (Producer of documentary)