

# UC Berkeley

## The 150 Women Project - Holding Series

### Title

BABETTE BARTON

### Permalink

<https://escholarship.org/uc/item/11w969tz>

### Author

Swift, Eleanor

### Publication Date

2023-10-30

BABETTE BARTON  
By Professor Eleanor Swift,  
Emerita



Babette Barton was the third woman Professor at the School of Law. She graduated from UC Berkeley in 1951 summa cum laude in the Department of Business Administration, where she majored in Accounting. Her father had urged her to select this area of study so that she would be assured of a job as a bookkeeper or accountant rather than a secretary or teacher, the only jobs typically open to women at the time.

She received her JD degree from Boalt Hall (as it was then known) in 1954. She was first in her class in all three years of law school and was inaugurated into the law school's honor society, Order of the Coif.

Barton was an outstanding student from the start yet always engaged in multiple activities. During law school she was hired as a Research Assistant by both Professor Adrian Kragen and Dean Frank Newman. She also served as the Teaching Assistant to Professor Maurice Moonitz in his Legal Accounting class at the law school, based on her success in passing all four parts of the CPA exam on her first try after finishing her undergraduate degree. Barton also worked as an intern for the League of California Cities, providing legal advice to numerous cities in California, along with her fellow classmate Frank Mankiewitz, later President Kennedy's Press Secretary.

Pending Barton's graduation, members of the law faculty sought to secure her and the other top graduates a job with numerous San Francisco law firms. Uniformly the firms were eager to hire this outstanding person until they heard that she was a woman, and then not a single firm made her an offer. Instead, she secured a one-year appointment as a law clerk to Chief Justice Phil S. Gibson of the California Supreme Court, a great civil libertarian who that year chose to hire eleven women and one blind man

as his law clerks. The League of California Cities also offered Barton a position after an all-night meeting at which they agonizingly finally decided to hire their first woman attorney. Barton declined as she had just accepted Chief Justice Gibson's offer the day before.

At the end of the clerkship in late 1955, with legal jobs still not open to women, Barton and her husband created a family of three boys within 25 months. While raising the babies she worked on law cases at home with her husband. She took one of the cases into the California courts, arguing it and winning it in the California Supreme Court before her former boss Chief Justice Gibson. She also worked as a co-author with Professor Kragen. When Kragen was appointed Vice Chancellor of the Berkeley Campus in 1959, he needed a replacement to teach his classes. He suggested Barton. The Law School contacted Chief Justice Gibson for his opinion. He strongly urged the School to hire her and she began teaching as a Lecturer in the Spring Term of 1961. In 1966 she agreed to convert to a full-time tenure track appointment at the School as her children were older and therefore less time consuming. Barton was promoted to full Professor of Law in 1973. It was entirely fitting that she was appointed the Adrian A. Kragen Professor of Law when a Chair was named for him. At that time, Professor Herma Hill Kay was the only other woman on the law school faculty.

Even though she had never practiced tax law, Barton excelled and became prominent in that field based on her teaching, her two very popular casebooks, and her publications and appearances in tax institutes and programs across the country. Her range of teaching focused on two large and fast-changing fields – Federal Tax Law and Consumer Protection. She was an author and co-author of several books and casebooks on Tax Law, including *Taxation of Business Enterprises*, *Taxation of Income*, *Drafting Agreements for the Sale of Businesses* and *Selected Aspects of Business Tax Planning*. Barton was also an important co-founder of the California State Bar Taxation Section and served as Chair of that Section. She also served on the governing Board of the Tax Section of the American Bar Association.

During active teaching years, Barton engaged in other notable pursuits. She generously rendered critical assistance to the UC Davis Law School at that school's inception, making the tiring drive back and forth two days each week to teach Tax Law to fill out the Law School's skeletal faculty on top of her teaching load at Berkeley. After her sons were grown, Barton also taught as a visitor at other law schools including the University of Pennsylvania. On campus, she joined a group of distinguished Berkeley women faculty, organized by Professor Marian Diamond, to meet for lunch at the Women's Faculty Club. Their purpose was to give each other mutual social and academic support. These women - Susan Ervin-Tripp, Laura Nader, Elizabeth Scott, Herma Kay, Josephine Miles and Barton - were trailblazers for the women faculty who began to be hired in greater numbers.

Outside the Campus, Barton engaged in numerous volunteer community activities, including service for the Berkeley Family Service Agency. In the mid-1960s she also joined the prestigious then decades old Berkeley Tennis Club and became the second woman President in the Club's history.

Barton retired in 1999, although she continued to teach until 2004 at the Law School's request. She was celebrated at a lavish retirement party and honored with the Boalt Hall Association Alumni Achievement Award, the highest award given by that group annually to one outstanding Alum. And at an honorary luncheon of the State Bar of California Tax Section she also received the prestigious Joanne Garvey Award for "Lifetime Achievement and Outstanding Contributions in the Field of Tax Law."

Photo from the UC Berkeley School of Law website