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Personal Data Questionnaire [6]

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. form	Attorney General Questionnaire; RE: Personal Data. (10 pages)	n.d.	P2, P6/b(6)
002. form	Financial Statement (2 pages)	nd	P6/b(6)
003. form	RE: 1993 Tax Return (23 pages)	12/31/1993	P6/b(6)
004. form	RE: 1994 Tax Return (22 pages)	12/31/1994	P6/b(6)
005. form	RE: 1995 Tax Return (23 pages)	12/31/1995	P6/b(6)

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Clinton Presidential Records
Counsel's Office
Doug Band
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FOLDER TITLE:

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2009-1007-F

db1196

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EXHIBIT B

Citation
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Highlight

WOMEN LITIGATORS DISCUSS BATTLING BIAS IN COURTROOM

By Edward A. Adams

ON WEDNESDAY, during a trial before Manhattan federal District Court Judge Sonia **Sotomayor**, one witness referred to another witness - a woman in her 30s - as "little girl."

Judge **Sotomayor**, who describes herself as someone who likes to take charge of the courtroom, considered telling the witness to use a more appropriate description, but she decided it was a matter for the lawyers to handle.

During cross-examination, counsel used that description, said by a witness brought on by opposing counsel, to benefit his client. "If I went with my instincts, I would have deprived [the client] of that opportunity," the judge told the audience at a two-day program on "The Woman Advocate" which began yesterday at the Grand Hyatt.

The conference, sponsored by the American Bar Association Section on Litigation and Prentice Hall Law & Business, highlighted the difficult decisions that female litigators and judges make each day in courtrooms around the city.

The audience of approximately 600 women and a handful of men were told that while women have made great strides in the legal profession in recent decades, women constitute only 16 percent of the profession. In the courtroom - where stereotypically male characteristics of dominance and aggression remain prized - being an effective representative of the client without being viewed as too aggressive is a difficult balance, said panelists.

Janet S. Kole, a partner in Philadelphia's Cohen, Shapiro, Polisher, Shiekman & Cohen, said that during a pretrial conference, a judge in a Philadelphia County Court greeted her by kissing her hand and saying "So how are you, little lady?"

"It was clear to me it was a put-down in front of my opposing counsel," said Ms. Kole. Instead of commenting to the judge at that moment, she put her strongest witness on first to "show I'm not a wimp."

Correcting lawyers or judges on their use of characterizations like "little lady" or "Miss" - a subtle but common form of gender bias - varies depending on the circumstances, said panelists.

Certainly, if the case itself involves gender issues or the references harm your client, the lawyer needs to speak out. If the problem persists, particularly if the offender is a judge, the lawyer needs to build a record for appeal. But panelists conceded that few decisions have been reversed because of a judge's gender bias.

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If the bias is directed against the lawyer, consideration must be given to whether speaking out will harm the client, said several panelists.

Correcting a judge or opposing counsel in a "soft" way, with humor or flattery, is one approach, said panelists. "Even though I know a lot of the fauning is because of my position, you can't avoid liking your ego being stroked," said Judge **Sotomayor**.

The timing of a complaint also is important. Female attorneys should remember that after a decision has been reached in a case, there is nothing wrong in saying something to a judge who made biased comments, said Judge **Sotomayor**.

Other members of the panel were Janet Benshoof, president of the Center for Reproductive Law and Policy; Lawrence J. Fox, partner at Philadelphia's Drinker Biddle & Reath; Susan M. Karten, partner at Castro & Karten and Elizabeth M. Schneider, professor at Brooklyn Law School.

Survey Results

The sexes agree that a lawyer's gender makes a difference in the courtroom, but differ dramatically on what that difference is, according to a survey of 700 members of the ABA litigation section discussed yesterday.

Sixty percent of respondents said they believe male and female attorneys behave differently before a jury, while 57 percent said the sexes behave differently before a judge.

Almost half of female lawyers (47 percent) said women are less aggressive than their male counterparts in a jury trial, while only 22 percent of male lawyers agreed with that statement.

On the other hand, 16 percent of the males said women attorneys are harsher than males in a jury trial, while only 3 percent of women agreed.

And 19 percent of men said women use their femininity with the jury, while only 3 percent of women agreed. About 22 percent of women attorneys said male lawyers "buddy up" to a male judge, while only 1 percent of male lawyers pled guilty-as-charged.

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