Women lawyers succeed by simply being themselves

By Lauren A. Cerri

We live in a day and age where women are encouraged to “Lean In,” to take steps to ensure that they are reaching their full potential in their careers, filling leadership roles, and, in essence, achieving the same or a greater level of success as their male counterparts. Given that, it is important that women keep in mind that they need not simply act more like men in order to obtain these goals.

I, for one, am guilty as charged. Throughout the beginning of my career as a legal secretary, law clerk and young associate, I wore primarily pant suits and mirrored the actions of my male mentors. They were successful, so I figured all I had to do to achieve the same results was to act like them. I was wrong. It took me a while to realize that the best advice I have been given in my career thus far is simply to be myself.

The legal field affords fertile ground for women to leverage their unique strengths, qualities and characteristics to succeed.

1) Getting Hired
In order to diversify, more law firms are seeking to hire women lawyers today. This is especially true for larger law firms. Male or female, it is up to all of us to prove ourselves as competent lawyers once we are in the door. Gender makes absolutely no difference in that regard, but when it comes to getting your foot in that door in the first place, being a woman may put you at an advantage.

2) Networking
In the words of Madeline Albright, “[t]here is a special place in hell reserved for women who don’t help other women.” Women lawyers especially have heeded her words. Women in the law tend to have a mutual admiration for one another and, in furtherance of the goal of supporting each other, have formed many organizations and committees which provide educational programs for women as well as all-female networking and mentoring opportunities.

Some of the various networking and mentoring opportunities available to women include:
- The American Association of Justice Women’s Caucus, which provides mentoring opportunities to new lawyers who may need to reach outside their firm or community for female mentors;
- The American Bar Association Woman Advocate Committee, which offers programs featuring talented, effective women trial lawyers demonstrating trial and advocacy skills and styles, rainmaking for women, and opportunities to network with other women trial lawyers and exchange information, questions, or ideas.
- The Women’s Caucus of CAOC, which organizes networking events and activities in all of the categories CAOC promotes, including political development, legislative lobbying, membership development, education, and community service; and
- Queen’s Bench, based in San Francisco, which works to increase the representation of women on the bench, writes amicus briefs on major issues affecting women and our world today, supports numerous community projects, including biweekly social visits with young women incarcerated in San Francisco’s Juvenile Hall, and sponsors scholarships for promising women law students at Hastings and University of San Francisco law schools.

3) Client Relations
The abilities to form authentic relationships and to be comfortable connecting with people at a personal level are helpful traits in securing new clients and maintaining strong client relations. Being hired to handle a complete stranger’s important, sensitive, life-changing personal matter is the natural outcome only of a real relationship. Strong attorney-client relationships must be built on honesty and trust, the building blocks without which a lawyer cannot truly work in the client’s best interests.

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As women, we have many innate traits that can be successfully leveraged as attorneys simply by being ourselves, rather than imitating the actions of men.

Women’s innate “nurturing” tendency serves to enhance active listening and demonstrated understanding of another’s situation. Why not open up that channel? Active listening allows for truly hearing what is important to another person and understanding that person’s concerns, goals, needs, wants, and expectations. It demonstrates care, understanding, and interest in someone else’s situation and life by way of an empathetic response or asking questions about the areas that are of concern to a potential or existing client.

A valuable piece of advice I recently read is that we have two ears and one mouth and should use them proportionately. This comes into play not only when dealing with new and existing clients but also at deposition and in trial. If we are focused only on the words expressed in an answer, we can miss undertones of emotion which may open the door to other facts not directly embraced by the question we posed. Subtly expressing understanding, i.e., without words, when meeting with a client or questioning a witness at deposition may allow us to elicit more information. The empathetic silence tends to evoke a desire on the individual to explain themselves.

Women tend to be compassionate, sensitive communicators. These are the character traits that are most beneficial for building strong client relationships. I primarily represent child sexual abuse victims whose parents are initially very uncomfortable in discussing the situation, apprehensive about the process, feeling guilty over their child’s devastation, and especially fearful of subjecting their child to more harm through litigation. The most important thing that I tell these clients right away when they come through the door is that I am truly sorry, that I cannot begin to understand their horrible plight, that I know it must be incredibly difficult to talk about these things, and that I can only hope that I am able to help. Jumping head first into the legal issues and prying with questions to advance my goal of determining whether there is a valid legal claim under the law would not open the door to an authentic relationship under these circumstances. Using sensitivity and compassion, on the other hand, leads to the trust necessary to develop that relationship.

Depending not only on the type of case at hand but also on the individual client or situation with which we are faced, there are instances where female attorneys are able to better communicate with and more effectively advise their clients. For example, I recently assisted in representing a young mother who tragically lost her son in a trucking accident. The first day of jury selection, our client appeared in court heavily made up and dressed in such a way that did not make her appear as the grieving young mother that she was. Uncomfortable broaching the subject, the male lead attorney on the case asked me to speak to her. In this situation, being a woman worked to my advantage as I was able to explain to our client how and why I advised that she change her appearance before being seen by the jurors in such a way that did not offend her and achieved our desired result.

With the essentially vanishing jury trial and the increase in resolution of cases by way of pretrial settlement, mediation and arbitration, it is critical that lawyers develop skills and experience in all forms of alternative dispute resolution. Women have a natural tendency to be less aggressive and adverse to fighting, attacking, and taking an uncompromising approach that may be less likely to result in resolution and, instead, lead to an impasse. The fact that most women prefer cooperative strategies to a competitive approach can be advantageous in negotiations in order to maximize both relationships and outcome. Women, in general, are collaborative and often have an end goal not always of winning but rather of obtaining the result that is in the best interests of the client. After all, a successful mediation is one where both parties leave unhappy as neither got everything each hoped to achieve. Leveraging that cooperative spirit towards resolution may make your client much happier, and isn’t that the definition of “success”? Stating the obvious here, not all men or all women share certain character traits known to be associated with one gender or the other, and many of the strengths and weaknesses discussed herein may cross gender lines. Being collaborative is an approach that not all female lawyers take and a strategy that many female lawyers find puts them at a disadvantage. I disagree. In my own experience with female adversaries and in speaking to male colleagues about their experiences, it is evident that many women lawyers take the exact opposite approach. They are as aggressive as possible not only in negotiations but throughout litigation. They fight harder, yell louder and, at times, are non-compliant and downright difficult. In my experience, this strategy not only does not
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work but results in the opposite result in that it only leads to more motions, negative relationships and unnecessary stress. My philosophy has always been that you catch more flies with honey and, perhaps to a fault, to be courteous and cooperative in all aspects of litigation. Always remember that the trial judge on the biggest case of your life may have once been opposing counsel from the second biggest case of your life. So, it is best to be courteous, polite, cordial and respectful at all times.

In Trial

We all know there is a natural bias against plaintiffs’ lawyers, plaintiffs and lawsuits, especially with the promotion of “tort reform.” As such, the first thing any plaintiffs’ attorney must do is establish credibility with the jury and attempt to defeat these biases. For men and women alike, this includes not appearing and sounding like a stereotypical lawyer. Men are advised not to pull up to the courthouse door in their brand new Mercedes in their most expensive navy blue suit wearing their power red tie. Right off the bat, women do not have to defeat that stereotype in the same manner which men must as they do not look and sound like an average lawyer, which to most jurors is a man.

Let’s think of a person who most of us loved, who is a nice, kind, nurturing person to whom we want to listen, whose recommendations we want to take, and whose instructions we will follow. Imagine your second grade teacher: fair, reasonable, kind, nurturing, patient, conservatively dressed, and speaking in a calm and pleasant tone. That person is, more likely than not, a woman. Who is more credible than her? I am not suggesting that women lawyers should adopt a “school marm” approach; I’m merely suggesting that characteristics of women as traditional caregivers and nurturers with aversion to conflict who are commonly polite and generally appear warm, trustworthy and composed put them at an immediate advantage with jurors.

The best trial attorneys project integrity. They appear to be genuine, are courteous, and are liked by all, most importantly by jurors. If a male lawyer is taking an aggressive approach and beating up on or bullying a female attorney at trial, jurors will likely react negatively and hold it against the male lawyer even more so than if his opponent was another man. In that case, it works to the woman lawyer’s advantage not to fight fire with fire but to remain composed while continuing to appeal to a sense of compassion.

A trial is a search for the truth. The jury is more likely to listen to us and accept our truth if they like us and believe us. The most accomplished women trial lawyers take advantage of being women, come across as themselves, stay composed even when faced with aggression from opposing counsel, and always remain pleasant and courteous. This is the approach that can work most in a woman’s favor.

The bottom line is that, as women, we have many innate traits that can be successfully leveraged as attorneys simply by being ourselves, rather than imitating the actions of men.

1 Facebook COO Sheryl Sandberg’s popular book.