

Are you Elle?, Are you Vivian? and Does it Matter?

The gentlemen in our trial lawyer field need to merely decide on the type, style and color of their tie for their courtroom appearance. This exhausts their decision-making process on attire during the weekend prior to trial. For us women, we think about the following: skirts vs. pants, open toe shoes vs closed pumps, color vs blue/black basics, hair up or down, lipstick and fingernail colors, hose or not and finally what appropriate jewelry. Have we advanced beyond the Marcia Clark days in which the public personified her as looking like a bitch and berating her for her curly hair? Are we embracing the Elle Woods or Vivian Kensington look? Are we at fault because we find ourselves worrying about these perceptions until we continue them and give them life? These are the questions we need to ask ourselves to advance gender equality for our younger women trial lawyers. I think about this with my daughter who will be entering courtrooms within five years.

When I started practicing law over 20 years ago, my hair was a much duller blonde and I would pull my hair back in a braid, remove any jewelry but a basic wedding band, have no polish on my nails and wear blue or black suits with a white shirt. Basically, I was the Vivian Kensington when my inside personality was much more an Elle Woods. Over the 20 years, Elle overtook Vivian and I ditched many of my perceptions and insecurities until 2016 when I had a trial, which held a local interest and created many fashion opinions within my peers.

In 2016, I was hired for a high-profile murder case in Canton, Ohio to defend a woman. I started to get attire advice right away, although not requested. I was told not to be too aggressive and for goodness sakes, not to wear open toe shoes. I cared about my client so much I would have worn a clown suit, if one of my peers could promise it to be effective. As much as I wanted to believe that we as women have advanced in the courtroom in our attire and equality, the reality was we had not advanced to the degree I thought we had and it was a factor I needed to consider for my client.

I was told that I had to wear skirts and basic closed toe shoes. I gave in to the skirts about half the time and I wore the closed toe shoes. However, I kept my hair down and wore my favorite dark mauve lipstick. I think that the answer might be to know your audience, but if you have a bit of a rebel streak, then find something to call your own to wear that will not hurt your client. That bit of rebellion may give you comfort as it did me to feel yourself in front of the jury.

Juries want honesty and as advocates we have to speak from the heart and with passion and conviction. If we restrain that part of our personality, which leads us to trial work because we are trying to fit a mold, then we will have restrained the basic instinct in our soul, which led us to the courtroom in the first place. In the Elle Woods v. Vivian Kensington debate, neither is right or wrong as you must be who you are and advocate for your client in clothes, which make you feel comfortable. Be you and whether you are dressed like Elle or Vivian, be comfortable in your own skin and your own outfit so when you stand in front of the jury, you haven't taken on a role which is uncomfortable, but genuine. The most important attire is to wear your integrity and character. Juries can spot that all day long.

I have another high-profile case in the heart of Georgia in April of 2018 and I will keep you posted on how attire is perceived there and whether my dark lipstick, untamed blonde hair or pants suit is critiqued.

Laura L. Mills, Esq.