

Setting a worthy tone for female lawyers

As trial lawyers, we recognize the power of words and messaging to influence the subconscious mind. We recognize that the words we use to frame a case or issue have the power to transform how the jury processes information. We spend copious amounts of time and money developing the messaging of our client's story because we know the subconscious minds of our panel will be influenced.

The same concept applies to the language and messaging we use with regard to our female colleagues in the legal profession. The way we talk about women in the law guides our subconscious minds and the minds of those around us toward conclusions about female lawyers and their abilities. With little effort, we can tweak some of the words we often hear and messages that are often communicated about female lawyers that subconsciously devalue them, and we can affirmatively replace those words and messages with a more intentioned tone.

I do not claim to speak for all female lawyers, rather, this column is based on my own reflections. In preparing to write this column, I posted an inquiry on social media and asked a large group of professional women for examples of subtle sexism they have experienced. I quickly had over 400 responses. Here, I categorized my own experiences along with the feedback I received into five areas of improvement where I think we can set a better tone for women in the law. I also received several descriptions of experiences of *overt* sexism, which is a topic for another column.

It is important for me to point out that this commentary is not aimed at political correctness, but rather, at finding an affirmative way to talk about female lawyers that doesn't subtly devalue their participation in our profession.

1. She is not a "girl"

I often hear adult women in the law referred to as girls. "Have you met the new girl?" "What's the name of the girl lawyer in so and so's firm?" "They sent their girl lawyer to the CMC." "You're one of the only girl lawyers who really knows how to take a deposition."

When the word girl is used to refer to an adult female, I don't personally believe the speaker intends to be sexist or offensive. Instead, I think the speaker is being casual with their language, but they are accidentally and subtly devaluing the lawyer, probably without even realizing it. The use of the word "girl" to describe a woman over 18, and one with a professional degree and license, infantilizes that lawyer in our subconscious mind. When we hear "girl", our subconscious mind thinks "less experienced", "less capable", "less accomplished", and "incompetent". The tone we should use instead is one that elevates the female lawyer to the status she has achieved- that of an *adult* professional.

It would be bizarre to refer to a male lawyer as a boy lawyer. To do so would be demeaning and emasculating, I would imagine. It would not be a compliment, that's for sure. The same regard and deference for the adulthood of men should be afforded to women lawyers as well.

This point goes for female clients, witnesses, and jury panelists as well. Adult women should not be referred to as girls in the courtroom.

2. Shake her hand

Imagine that all the men in the room shake hands and the woman is offered some other gesture like an awkward wave, half-hug, or nod. This is the experience of many women in professional settings. Of course, how we greet each other turns on several different variables of the social setting, and sometimes religious customs. But I would generally condone extending a handshake to our female colleagues just as you would your male colleagues. To leave a woman out of this very benign, professional gesture signals she really does not fit in. It sends a message that she is out of place and not on the same level with the guys. It may even send a message that she is being sexualized because touching her would be somehow inappropriate. By making an effort to shake hands with women, we signal that we are comfortable with women in business and the practice of law, and we welcome her to the table.

3. Assume she is the lawyer (or judge)

There is nothing wrong with being a court reporter, legal assistant, or a lawyer's spouse (this last one is debatable). But to be assumed to be one of those things in a professional setting is a common experience for many female lawyers. Personally, I have been shown where the outlets are in a conference room upon arriving early to a deposition (because I was assumed to be the court reporter). I have been asked in my office hallway by opposing counsel whether I am a partner's assistant. I was once assumed to be the "person setting up the call" on a conference call with several sets of counsel. I also attended a networking event with lawyers outside of my practice area, and was asked three times if I was married to the man I happened to be standing next to at the time.

None of these assumptions were meant to be offensive to me, but they show me that because I am female, people's subconscious minds assume I am not the powerful attorney that I really am. It shows me their minds do not default to thinking I am the lawyer. Because of these experiences, I make it a point to consciously assume *she is the lawyer* (or judge, because this happens to them too) until I am proven otherwise.

Here, I want to give a quick shout out to my female physician colleagues who provided me with feedback about their common experience of not being addressed as "doctor" when their male colleagues are *always* addressed as doctor. We should likewise assume *she is a doctor*, not a nurse or nurse practitioner. And we should use her professional title, because she is worthy of the subconscious benefits that go along with it.

4. Take your own notes

Note-taking sometimes becomes the female's task in an office setting, along with making copies, ordering lunch, making coffee, and placing events on the calendar. When it is within the woman's job description to do these administrative tasks, that is one thing. But if a female lawyer is a peer to male lawyers and she tends to become the default administrator in certain settings, that does not set a commendable tone for her. By defaulting administrative tasks to women, we are potentially sending a message that women are present to record, not contribute, to meetings and to assist those who are actually practicing law. It also sends a message that her time is less valuable to the firm, which means she herself is less valuable.

5. Don't tell her to smile

One of the most common responses to my inquiry about subtle sexist experiences at work related to women being told to smile. Society is obsessed with women's faces and what we do with them. Do we wear makeup; is it too much, or not enough? Do we have a resting-bitch-face when we are listening intently? If we don't smile enough, are we unapproachable? We simply do not scrutinize men's facial expressions in this way and we should avoid putting women through this inspection.

If this sounds odd to you, ask the women in your life if they have ever been told to smile. Chances are it not only has happened at work, but she can probably tell you about a time a stranger instructed her to smile on the street or in the checkout line.

Urging a woman to smile communicates that women should look pleasant and inviting even when she is just trying to get work done. The request equates to asking a woman to change her appearance to please the person interacting with her. This also sends a message that a woman's physical appearance is paramount to anything else she has to offer. Next time, just accept her facial expression for what it is.

In conclusion, there are countless other ways we can improve the tone for women in our profession, and every conversation we have about it is progress in the right direction. One of the easiest things we can do for our profession is to use intentional language and messaging that values instead of devalues women.