

February 2, 2018

Why Are Female Attorneys' Voices Going Unheard in the Courtroom?

Many studies and task forces throughout the years have focused on the participation of female attorneys in the courtroom. A recent New York Times Op-Ed by retired New York Federal District judge, Shira Sheindin, once again highlights the disparity in female attorneys playing a prominent role in the courtroom.

By **Trisha Widowfield**



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"A woman with a voice is, by definition, a strong woman." —Melinda Gates

This is certainly true of female attorneys yet, chances are, their voices may not be heard in litigation. Many studies and task forces throughout the years have focused on the participation of female attorneys in the courtroom. A recent New York Times Op-Ed by retired New York Federal District judge, Shira Sheindin, once again [highlights the disparity in female attorneys playing a prominent role in the courtroom](#). Whether the proceeding involves substantive motion or trial, there are myriad examples of female attorneys queuing up the case or argument only to have a male counterpart bask in the glory of making the presentation in court.

Certainly the skill set and competence of the female attorney are not in question, as the firm and client relied upon her to research and draft the motion and prepare the case for trial. However, advancement in the legal profession and progress as a trial lawyer is dependent on developing competencies in the courtroom. Firms have invested their resources to train and mold their female attorneys to structure strong written arguments and effectively prepare the case for trial only to strangle that growth by preventing the next step of presentation in court. With drastically shrinking opportunities to try cases, it has become even more important for female attorneys to have an opportunity to take an active role in court or they may never gain the necessary experience in this valuable skill set. Oftentimes the female attorney sits as second chair, relegating her as the person to organize and keep track of documents, rather than the one presenting evidence and examining witnesses. Not only does this affect the female attorney's ability to further her career, but it may also serve to promulgate a jury's gender bias that female attorneys aren't as powerful or as competent in presenting the case. The truth is,

female attorneys can communicate just as powerfully and effectively, they just need more opportunity.

One important reason we need to increase female participation in court is because an absence of female role models could create a never-ending lack of female attorneys being heard. It's certainly disappointing and, to most, intimidating to find yourself as the only female attorney arguing in court or presenting at trial. I have been blessed to have the good fortune of working with the same firm throughout my entire career with male partners and mentors who have allowed me to take much responsibility in the courtroom. I am grateful that they see their task of preparing the next generation of litigants through the lenses of gender-neutral glasses and that they have had enough foresight to recognize that women are equally important in preparing cases, representing clients and creating a successful law firm in today's world. Unfortunately, this still appears to be the exception to what should be the rule.

From a client advocate role, it's important to have female attorneys participate in the courtroom presentation. The jury pool for Broward, Palm Beach and Miami-Dade counties is over 50 percent female. The percentage of female lawyers within the space of the courtroom is significantly less. In the recent past, corporations started insisting on having diversity on their legal teams and held their outside firms accountable. Maybe some of these corporations did it because it was the right and noble thing to do. However, most realize that having a legal team reflective of their own organization and of the community leads to better results. When the legal team represents the diverse population of the company and the community by gender, race and culture, there is a

broader range of input and perspective. This often leads to better analysis and results.

There is a psychological concept of similarity-lenieny bias which refers to the tendency of people to prefer others who they believe are similar to themselves. This concept holds that a female juror could favor a female attorney over a male because she identifies with her at the outset. Such a connection can give clients an edge in the trial. And isn't that what litigation is really about, giving each client the best advantage by using everyone's strengths and voices in the courtroom? If the goal is to present the strongest litigation team and advocacy on behalf of our clients, female litigators must share center stage in the courtroom. Since males have used the pretrial workup performed by female attorneys for years, it's time for her voice to be heard.

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