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Panel offers strategies for young women lawyers

By Joshua Sebold
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SAN FRANCISCO — Judges and high-powered attorneys at a recent panel advised young women lawyers to stand up for themselves and prepare for the inevitability of harassment early in their careers, warning that some older male attorneys would attempt to intimidate them in the run-up to trial.

“It’s a fact that women are socialized to be likable. Men are socialized to win,” said litigator Mary McNamara of Swanson McNamara & McNamara LLP, at a Wednesday panel of the Women Attorneys Advocacy Project. “We start out with a disadvantage.”

The group was formed two years ago by U.S. Magistrate Judge Elizabeth D. Laporte and several attorneys. Its recent meetings have become a major hit. Panels in December and this week were sold out as young attorneys and the partners they work with band together to create a brain trust of tactics women can employ to counteract male opponents who attempt to throw them off their game through harassing conduct.

U.S. District Judge Yvonne Gonzalez Rogers, who mediated both of the panels, told young attorneys to be on their guard in proceedings that don’t occur in front of the bench, such as depositions and meet-and-confers. She said attorneys should go into the meeting expecting the worst and be prepared to call out harassment or disrespectful conduct.

“You need to remember that if it is not on the record, in a way, it didn’t happen,” she said.

Fred W. Alvarez, a partner with Jones Day, said he always tells young attorneys to mentally prepare for the various ways they could be attacked or thrown off guard during a proceeding.

He said this was similar to Bay Area residents preparing an earthquake kit. They hope the earthquake never happens. But if it does occur they don’t want to be caught off guard.

Alvarez said the moment when someone attacks a young attorney verbally is often a moment of shock and anger. The key is to be ready to be insulted and to be able to respond in a calm manner.

McNamara said attorneys can often use an opponent’s anger or negative energy against them. She related a story about another well-known



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From left: Mary McNamara of Swanson McNamara LLP, Fred W. Alvarez of Jones Day, U.S. District Judge Yvonne Gonzalez Rogers, Noreen Krall of Apple Inc., and Quyen Ta of Kecker, Van Nest & Peters LLP.

criminal litigation star, Cristina C. Arguedas, who was dealing with a particularly difficult assistant district attorney. Arguedas chose to stop speaking to the man directly in the courtroom, responding only to the judge.

The opposing attorney became enraged. When Arguedas was outside the courtroom speaking with a witness, the DA walked into the hallway and told her to move so that he could talk to another witness, McNamara said. Arguedas refused and her opponent snapped; he picked Arguedas up and carried her down the hall, McNamara said. Arguedas demanded she be put down and he clumsily dropped her on the floor, all while the jury was in the hallway watching, McNamara said.

The conduct didn’t occur in front of the judge, but Arguedas won the case, filed a complaint with the State Bar, and the other attorney received a private admonishment, McNamara said.

“She then published the private admonishment in [San Joaquin County] and was forever after greeted as a hero,” McNamara said.

Gonzalez Rogers said she had employed a similar tactic when she was an attorney, refusing to look at her opposing counsel when he made frivolous objections. Eventually he stopped trying, realizing his attempts at mental manipulation were unsuccessful.

McNamara pointed to another example, where a judge in San Mateo County asked an assistant

district attorney to get him coffee. McNamara said the woman calmly responded, “Your honor, would you like me to iron your shirts too?”

The judge was later disciplined for that conduct and other incidents. McNamara said the key is to use the emotions of overzealous opponents against them by remaining calm.

Quyen Ta, a partner at Kecker, Van Nest & Peters LLP, said young attorneys need to know the rules of various jurisdictions because older attorneys will attempt to intimidate them by invoking rules that don’t exist.

She said an attorney recently yelled at her during a deposition, “You’re violating the rules; you don’t even practice here.”

She asked what rule she was violating and one of her colleagues Googled the case he cited. Quyen Ta said the next time he made the claim, they showed him his inaccuracy and he stopped.

Gonzalez Rogers says she calls attorneys out for unprofessional conduct in proceedings more often than she used to and that senior partners at law firms should do the same.

Noreen Krall, vice president and chief legal strategist for Apple Inc., said she has noticed that firms will often bring women and minorities to meetings when they want to get work and “you never see that person again on the case.”

She said the company now tracks how well firms follow through on their promises to involve those attorneys in cases.