

Preparing The Next Generation Of Female Trial Lawyers

By **Kalpana Srinivasan**

Let me state the obvious. To succeed in the courtroom, women need to be in the courtroom.

I have been in far too many courtrooms — for trials and major hearings — with no women in standup roles on the other side of the aisle from me. It's not for lack of capable and talented women on those teams of course. I see them throughout the life of the case — handling depositions, discovery and key briefing. But when it is time for court appearances, their roles diminish or worse yet, completely disappear.



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There may be a reflexive tendency for some to offer benign reasons for the absence of women during key parts of trial or argument of major motions. Perhaps clients only want a single lead lawyer or specific people to handle everything, some might suggest. But the reasoning doesn't hold up. We have learned over and over that clients who work closely with lawyers across the team can easily get acclimated and embrace the idea of different lawyers playing standup roles in court.

Many clients now demand to see female and minority lawyers on their teams. Likewise many judges explicitly talk about wanting gender and ethnic diversity in trial counsel teams. Whatever the motivation, the common goal of getting more women in the courtroom requires giving women more opportunity to be in the courtroom.

Providing up-and-coming lawyers — especially female and minority lawyers — trial and courtroom opportunities is also critical to the future of our profession. They will one day serve as lead counsel of matters and need to have experience so they are prepared to take those cases to the mat. Visibility in court also is often a natural segue for developing business as it provides a platform to showcase skills to co-counsel, opposing counsel and others who may be sources of referrals and work.

We recognize all of these principles at my firm, where nearly 50% of associates are women. Here are some of the takeaways I would share with other firms who want to cultivate female trial lawyers.

Positioning Women for Courtroom Success

To be trial-ready, female lawyers need to be fully integrated into every aspect of the case — from preparing, deposing and defending fact witnesses to developing expert theories to handling key arguments on dispositive motions and other issues. Relegating female lawyers to work on a sliver of a case makes it very difficult to position them for success when trial time comes.

Trial assignments require a broad and deep knowledge of the case — witness examinations work best when the questioner knows how to pivot or handle an unexpected response. And knowing the strengths and weaknesses across all dimensions of the case is key.

Making sure lawyers work closely with clients over the life of the litigation also is critical to building trust and rapport and ensuring those lawyers have the support and confidence of the full team long before trial. To build the ranks of women at trial requires starting long

before.

Being In It to Win It

Creating trial opportunities for women should not be an afterthought — it is glaringly obvious when a woman is asked to sit at counsel's table with no sincere plan for her to have a trial role.

What made a significant difference for me, as a young lawyer, was a commitment to having assignments divvied up among all trial team members — including associates. This has the natural and extended benefit of giving exposure and visibility to young female lawyers, so they are not simply attending arguments and trials but shining during them. In my first trial, just over a year into my legal practice, we had dozens of witnesses presented over a four-month trial that we divided nearly evenly across a team of lawyers of different vintages, styles and backgrounds.

Easier said than done, say some firms, which feel pressure to let a single lead lawyer or a few trial veterans handle everything. But jurors and judges like hearing from different people, and fresh faces can help break up trials, especially long ones. Teams cannot predict what style or lawyer will resonate and connect with the fact finder. Having a mix of lawyers get time on their feet serves the interests of the case and creates opportunities for female and other diverse lawyers to hone their skills.

Showcasing Different Trial Styles

Before I started my career, like a lot of young women pondering a future in trial litigation, I was surrounded by media images and portrayals of a distinct persona of a trial lawyer — one that did not always gel with my own personality and style.

But I was very fortunate to get to work with different lawyers from all over the country and at all stages of their careers. They showcased a wide array of approaches to successful advocacy and unique courtroom styles. It was reassuring and motivating.

Instead of trying to replicate any particular style, I had the opportunity to develop my own bespoke approach and pick and choose effective techniques that also felt natural to me. I learned the important lesson that as a young female trial lawyer, and one belonging to a minority group, too, I might not find someone who looked exactly like me in the courtroom. I learned to accept that and focus instead on using different opportunities to try on different strategies.

For the young women seeking to be trial lawyers, and the firms grooming them, I cannot emphasize enough the importance of recognizing this: There is no one-size-fits-all model of trial lawyer or one single path to success in the courtroom.

Conclusion

I asked some of my young female colleagues — associates and junior partners who already seem like trial veterans — about important trial lessons they have learned. They echoed common and important themes: Learn to trust your instincts; don't get hung up on mistakes because even very seasoned trial lawyers make them; be extremely prepared but also learn to roll with the punches; take time to step back and see the big picture, and the heart of the case, even as you are the master of all the details.

These pearls of wisdom come from female lawyers who have experienced the ups and downs of trial firsthand, who have learned by doing and being given opportunities, and who eagerly await the chance to share the lessons they have learned with the next generation. I can't wait either.

Kalpana Srinivasan is co-managing partner at Susman Godfrey LLP.

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