

Women Argued Less Than 30% of Cases at the Minn. High Court Last Year. This Susman 2nd Year Who Just Argued There Has Some Ideas

“Firms have to allow clients to get to know the associates and the young lawyers, not just when it comes time to do the arguments, but to be part of trial team calls, to be part of the pitch that brings in the case,” says Susman Godfrey’s Beatrice Franklin.

By Ross Todd
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According to [a recent study](#) from a group of government attorneys in Minnesota, during last year’s term at the state’s supreme court, women handled less than 30% of all oral arguments at the court. The gender gap was even more pronounced among lawyers in private practice: Only 95 oral arguments handled by lawyers in private practice, women handled only 14, or 14.7%.

All of the above makes what **Beatrice Franklin** accomplished last week all the more remarkable. Franklin, who is in her second year as an associate at **Susman Godfrey**, argued before the Minnesota Supreme Court for client Glacier Park Iron Ore Properties in a dispute with U.S. Steel Corp. A full recording of the argument, which focused on issues of arbitrability in a dispute over lease rights in the Iron Range in the northern part of Minnesota, is available [here](#).

The Litigation Daily reached out to Franklin to discuss both how the opportunity came about and to tap her for ideas about what firms should be doing to make sure that the next generation of women and lawyers of color get similar opportunities.

Franklin, who joined Susman after clerking for Justice Ruth Bader Ginsburg on the U.S. Supreme Court, has been working on the case since her first months at the firm. She helped litigate the arbitration issue at the trial court and at the Minnesota Court of Appeals, where she also handled oral argument last April. When it came time for last week’s argument before the state supreme court, she said that she’d been thinking about the underlying issues for two years.

“I’d argued the case below, and I think that the client and the partners on the case saw that I cared a lot about this case and I had spent a lot of time thinking about it, working on it, and they trusted me with the responsibility to argue it before the court,” said Franklin, who also has circuit and district court clerkships on her resume. Franklin said she thinks it’s much easier for a client to take a



Beatrice Franklin,
Susman Godfrey associate.

(Photo: Courtesy Photo)

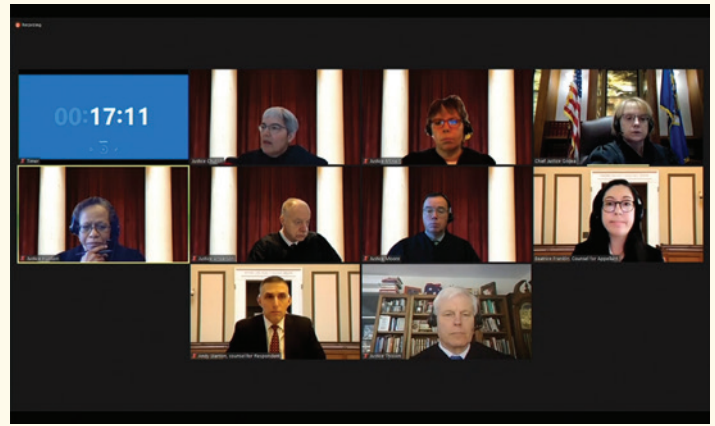
chance on a young lawyer for the “the shinier, fancier” opportunity of oral argument if the client has seen the young lawyer in action on less glamorous tasks like brief-writing, document review and the day-to-day running of a case. But, she added, it’s still on firms to make sure they give their clients opportunities to see their young lawyers at work.

“I think also firms have to allow clients to get to know the associates and the young lawyers, not just when it comes time to do the arguments, but to be part of trial team calls, to be part of the pitch that brings in the case,” Franklin said.

Franklin said that although she wasn’t specifically aware of the Minnesota statistics going into last week’s argument, they didn’t surprise her given what she knows of the national statistics and her own experience at the U.S. Supreme Court. Women lawyers made up just 13% of the lawyers handling arguments at the nation’s high court last year according to [an analysis by Bloomberg](#). During Franklin’s year at the court, which she called “the worst in recent memory” for women attorneys, female attorneys made only 10% of all appearances, and only 10 women in private practice argued during the term.

“One of the best parts of that job is that you get to watch oral argument and you get to see the best lawyers in the country argue before the court,” Franklin said. “I was frankly surprised how hard it was for me on a personal level to sit there day-in and day-out and never see any women argue.”

She says that since she finished clerking, she’s continued to observe the gender gap in appellate



(Photo: Courtesy Photo)

Glacier Park Iron Ore Properties v. United States Steel Corp. argued before the Minnesota Supreme Court.

arguments. She’s argued three appeals this year—the two times in Minnesota courts and one in New York’s Appellate Division, First Department. But with the limited exception of a couple of discovery disputes, she says has never argued against a female opposing counsel. During her appellate arguments, she’s been either the only woman arguing that day or one of two before the panel.

“I think frankly it’s a testament to firms like Susman that at least I’m there,” Franklin said. “At least there’s one woman arguing from private practice, and I hope that more firms look at those numbers and realize that private practice really needs to step up its game when it comes both to gender and racial diversity in oral advocacy.”

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