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Lucky in law

If luck involves being in the right place at the right time with the right people, then I have been lucky indeed.

I have been privileged to be a woman attorney during a time when women changed the face of the law. I vividly remember winning a case very early in my career, only to have opposing counsel sputter at me that he could not believe that I had prevailed because I had not even argued “like a lawyer.” The comment haunted me long after the victory was forgotten. Only later did I come to accept and understand that women often do present cases through different prisms than men. That does not mean that either we or they are right or wrong. It just means that we bring different shadings to the legal spectrum.

Because my practice has been focused on family law, I am especially aware of women making a difference on issues uniquely related to our life experiences. These include insurance coverage for divorced spouses and for children; credit access for women; domestic violence — physical or emotional — and, of course, equality. Many men have worked alongside us on these causes and helped champion our rights, but it was our eyes that first saw the need for change. We have moved forward based on our collective will to overturn any status quo that demeaned or sidelined us, or endangered those we love.

In this same period of time, women have changed the face of the very field in which we labor. Every presumption about the law being a “men’s club,” that the “mommy track” was all there was for us, and that our productive and reproductive lives do not fit a success model are now being rebutted. I have seen all of us struggle with boxy suits and ties and evolve into a style and an assurance all our own.

Other women and I have had to resist the

temptation to get into a nose-to-nose altercation we could not win, whether in hostile depositions or in heated hearings, and instead convert our anger into effective advocacy.

I, along with so many others, have had to work around the traditional partnership steps and instead step in and out of the practice as our lives dictated, thereby changing the trajectory of legal careers for everyone.

We have proven that success as an attorney does not have to be on the predictable and narrow course moving ceaselessly up. Sometimes it can be sideways, or even temporarily out with forays into parenting, charity, or alternate careers. Out of necessity we have shown that except for times when you have to be in a courtroom, you can complete a tremendous amount of meaningful and scholarly work both offsite and at odd hours. If a document or a brief reads well, we have learned and taught that neither the client nor the court cares when or where it was drafted.

Women have also changed the feel of the law. When I first began practicing I was aware of a certain win/win absolutism. Commercial and tort litigators would go mano a mano to the bitter end. In divorce litigation, too, your client either won custody or lost.

Particularly in family law matters, women attorneys resisted the extremes. Some of the preeminent women judges in Cook County began working with lawyers, other judges, and mental health professionals to develop a mediation model for child-related issues. At first there was widespread resistance. Now over 20 years later, most are grateful for the court-related assistance in resolving at least some parenting issues. The success of that program has led to faster and broader acceptance of all manners of alternative dispute resolution.

A better feel within the legal practice can be

attributed to growing civility. When I began concentrating in family law, there was one well-known practitioner who would approach his opponents in the courthouse shouting things like, “Your client is a jerk and I am going to get him (or her).”

Granted there are exceptions, but rudeness and threats are not the first weapons of choice for women attorneys. We know well how to be gladiators, and often are, but I see women also glad to be negotiators.

In the older days, there was a myth (started by the media, I think) that the only successful woman in the room wanted to stay the only successful woman in the room. While there may have been a certain seductiveness in that role, women have resisted it. What I see among many women attorneys is a willingness to “bring up” others in the law, both male and female. That does not mean easy grading or cheerleading, but coaching and communicating without condescension.

Mentoring takes a certain amount of political muscle, though, and that we are still acquiring.

Statistics regarding women at the highest level of practice have not improved at our usual legal barrier-breaking rates. According to the National Association of Law Placement, 47 percent of law school enrollment is now comprised of women, 45 percent of associates are women, but only 18 percent of partners are women.

While I have been one of those women lucky enough to be a partner, I see changing the partnership/leadership shortfall as our current mandate. Having lived, learned, and litigated while women changed the face and the feel of the law, I could not be more grateful for my past or more optimistic about our future. ■

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