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LEGAL CHALLENGE

**More women are litigators,
but barriers persist**

**Greenberg Traurig
Senior Vice President Mary-Olga Lovett**

Mark Mulligan / Staff photographer





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SPOTLIGHT

Bar hurdles

More women are taking lead roles as litigators, but there is far more ground to be made up

By **Gwendolyn Wu**
STAFF WRITER

Mary-Olga Lovett has litigated innumerable corporate cases, successfully defending companies in patent infringement and fraudulent marketing cases in federal and state courts.

So Lovett, a senior vice president at international law firm Greenberg Traurig and co-shareholder in the company's Texas division, was a natural choice when the general counsel at a tech startup was looking for representation in a contentious upcoming lawsuit. She pitched herself, her strategy and her long list of accomplishments to

Pictures at the South Texas College of Law Houston show students and award-winning teams, including those that included Mary-Olga Lovett, a senior vice president at Greenberg Traurig.

the board of directors, and both attorneys thought it was a slam dunk.

A day later, the general counsel called, subdued.

"The board felt safer with an older, more experienced man than they did with you," Lovett recalled of the phone call a year ago.

While the legal industry has made strides in hiring more women and striking gender parity at law schools, Lovett and other women said more must be done to overcome the industry's retention problem and put more female lawyers into the hot seat.

"You want to be the quarterback," Lovett said. "A player wants the ball. And I see so many talented young women and young lawyers who I still think in 2020 have reason to be concerned they may not see that opportunity as quickly as they should, if at all."

Fewer women at trial

A 2018 study from the American Bar Association found that two-thirds of attorneys in trial are men. The number of women

appearing as lead counsel is even smaller – only 24 percent of lead counsel in civil cases were women.

Overall in the legal profession, 62 percent of attorneys identified as male and 38 percent as female, according to the ABA. That matches up roughly with the distribution Greenberg Traurig's Houston office, where 66 percent of attorneys were male and 33 percent were female. Roughly 23 percent of partners at private firms are women.

"The legal system is the slowest changing system in this country, it's very conservative," said Joe Feagin, a professor of sociology at Texas A&M.

But more firms are paying attention to diversity efforts.

"Part may have come from the #MeToo movement, part may have come from the anniversary of 19th Amendment," said Stephanie Scharf, one of the ABA study's authors and a partner at Scharf Banks Marmor in Chicago. "Whatever the source, there is a heightened focus on our law firms and clients advancing on

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Mary-Olga Lovett, senior vice president at Greenberg Traurig

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women and minority lawyers the way their talents deserve."

Greenberg Traurig nationally has not escaped the scrutiny of the #MeToo and gender parity movements – one of its shareholders was accused of sexual harassment by the former president of the Grammys in January, and in 2013 it settled a \$200 million employee discrimination class action suit alleging gender bias.

Women attorneys said that their initiatives to do better come regardless of those lawsuits.

America's next top litigators

Now, Lovett leads Greenberg Traurig's litigation skills academy, a boot camp started in 2004 dedicated to training attorneys to become ferocious trial advocates.

For young women and people of color in the academy – who make up 45 percent of associates going through the program – part of the process is honing their instincts to identify the difference between a sexist or racist comment and just a jab.

"I see sexism every day," Lovett said. "But I also see, sometimes, they're testing you because you're young. Sometimes they're testing you because you're inexperienced. One of the most important things as we continue to give people opportunities is help them see which of these categories that falls into, right? Because they want to get under your skin somehow. That's their job."

More than 850 lawyers have gone through the program since its inception 16 years ago.

That also means working past



Mark Mulligan / Staff photographer

Mary-Olga Lovett, a partner at Greenberg Traurig, points out the winning teams she was a part of in mock trial competitions as a student at the South Texas College of Law.

judgment about how they look. She's careful about what she wears in front of a jury. On the day a Houston Chronicle photographer took her photos in the South Texas College of Law - Houston's Trecce Courtroom, she slipped on a pair of stiletto heels and a yellow gold pendant.

The accessories and the form-fitting black pencil dress are things she would "never" wear to trial for fear of looking out-of-touch, Lovett said.

And if it's not about what she's wearing, it could be about she treats witnesses on the stand. Jurors have criticized her for harshly cross-examining a person on the stand.

"People think 'Could you have been a little nicer?'" she said. "I think if it came from a male advocate, it might not have been

seen as so."

Finding sponsorship

The half dozen awards Lovett won as an ambitious law school student are still in the office of South Texas College of Law Houston Vice President Gerald Trecce, a living law school legend and whose name is emblazoned across the mock courtroom at the college.

In Trecce's cluttered office, where students' championship plaques and trophies hang from every available inch of wall, visitors can find her name engraved in brass. Always the first name listed on the line of teammates. Always lauded in a photo finish in a mock trial competition. (It's alphabetical. But her mentors at Houston's oldest law school have always seen her on

equal footing with her male peers, she said.)

She frequently found herself competing for state and national accolades on teams equally comprised of men and women. It wasn't until she was done sweeping awards and had moved on to the grunt work of a junior associate at law firm that she found that the litigation teams she went up against in courtrooms were all male.

While she believes attorneys aren't selecting all-white, all-male litigation teams simply for their race and gender, she said it's a detriment to their teams to not consider diversity among their ranks – or worse, bring on a woman or lawyer of color in just for show.

"You're signing your own death warrant as a lawyer if you go into trial, you've had one team work up the trial and then you bring in a woman or a person of color to sit at your table who never does anything," Lovett said.

Greenberg Traurig also has a women's initiative that connects regularly to discuss what the firm can do to better support female attorneys, with liaisons staffed in every office.

"Having that collection of women who have regular calls is beneficial in terms of retention" and hiring, said Lori Cohen, an Atlanta-based Greenberg Traurig attorney who spearheads the firm's global litigation efforts.

A mentor is key to grabbing opportunities that can advance their careers, even if on paper a woman and/or person of color are treated the same way as a white man, said Feagin, the Texas A&M professor.

"You may get all the similar treatment officially," Feagin

said. "But you don't get that critical mentor, the partner who takes you over and helps you see all the unwritten norms."

Putting it to the test

More women gravitate to family and criminal law, said Elizabeth Hadley, a shareholder in Greenberg Traurig's Austin office who leads many of the firm's litigation cases. But when women in management positions show their successes as litigators and that opportunities are open, more people are drawn to the field, she said.

Outside of those initiatives, people who lead trial teams are "focused" on what a team looks like in the courtroom – not placing solely based on race or gender, but still making it reflective on the makeup of the jury and clients.

Many law firms have also adopted "the Mansfield rule," a legal version of the NFL's Rooney rule named after Arabella Mansfield, the first woman admitted to a state bar in the U.S. In 2017, 44 law firms announced they would interview at least one minority candidate for every available management and leadership roles.

The by-product of increasing diversity is cases more accurate reflect the realities facing Americans, lawyers and sociologists said. As the U.S. diversifies, businesses will demand a broader array of talents, possibilities and people who reflect their makeup.

"You want the clients to see that the young women that you are putting on their cases have tremendous ability and that you trust them," Lovett said.

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