

Editorial Opinion

Thirty Years in Litigation: Time for a Book?

By Elizabeth England



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In thinking about a topic for this quarter's magazine, I determined that it might be best to discuss what it is like being a woman who started in litigation some 30-years ago. I started thinking about this subject ever since our office had a holiday party at Thanksgiving and there was a young woman (who was the girlfriend of our new associate) who suggested I write a book on the subject! I was somehow surprised by this idea, and not altogether behind the concept. How would you describe the issues that women faced 30 years ago? Since I do not have a book "in me" now, this article will have to suffice.

Thirty years ago seems like another age and time. It is almost as though I am in a capsule moving

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back in time. The changes in attitude towards women are astounding. Not that the problems have completely gone away, for they have not. But the situation is better and it is a constant subject in the forefront of what is now openly discussed. Open discussion is a departure from

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thirty years ago.

As a beginning litigator, I was told constantly that I should go into non-litigation areas of law. These areas were considered by some as a good place for women who were smart, and "compassionate and caring." While I enjoyed drafting documents, and counseling clients, in addition to these activities, I wanted to be in court.

As I embarked on my first depositions, it was routine to be screamed at and called derogatory names by some lawyers who, nevertheless, appeared to demonstrate a quite different level of respect for their male counterparts. On one occasion, I even had one lawyer throw a pencil at me. He missed due mainly to excellent reflexes from years of tennis and other sports.

Many years later, the same lawyer sold a home to a client of mine. In preparing the disclosures and selling the home, he failed to disclose substantial, past water intrusion. I remember wondering whether a similar character flaw that prevented him from respecting me as an attorney because I was a woman may have carried over in other parts of his life. We settled that dispute with my clients receiving all legal fees and costs of repair.

In my early years as a lawyer, I was fortunate to have excellent mentors. These mentors placed great confidence in me. Yes, the mentors were all male and, even today, are still my friends. Their roles as a mentor stemmed from their desire to assist a young lawyer

to become a highly competent and valued member of the Bar. To them,

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I was not a young woman lawyer who needed to be treated different-

ly, but rather, simply a young lawyer with promise. These mentors worked with me and believed in me and, consequently, I believed I could do better. Their mentorship created a desire that made me try harder.

I was the first woman to try the massive asbestos coverage cases in San Francisco some thirty years ago. I tried part of Phase One of the six-month trial. The trial was held in a converted school auditorium given the number of parties and attorneys. When I rose to question the first witness, the Judge at the podium on stage could not hear me. It was quickly determined that the acoustics had never been designed or tested for a higher voice. Over the lunch hour, the engineers worked with me to make needed changes. I then proceeded with direct examination, luckily only missing lunch.

Looking back on the tribulations I have faced, it is no small irony that I receive today a great number of cases each year as referrals from many excellent firms and attorneys who respect what I do and who see me as a good lawyer irrespective of gender.

So, what does this all mean? I am proud to be the Chair of the Litigation Section. The banner I carry is large and heavy. My hope for all lawyers, litigators or not, is that you remain committed to the practice of law and your clients, that you maintain the high ethical standards expected of us from the public, and that you treat all members of the Bar with equal respect and courtesy. For those of us who have had to live with intermittent and sometimes pronounced discrimination, times are better, but not yet perfect. ☞