

**WHILE STRIDES
HAVE BEEN MADE ...
THERE ARE STILL
PLENTY OF NUANCES
IN PRACTICE THAT
PRESENT SPECIFIC
CHALLENGES FOR
WOMEN.**

There can be no job more rewarding — or challenging — than managing a litigation practice. As a female practitioner focused on the defense of general liability and premises liability matters for more than 14 years, I willingly acknowledge that many of the challenges faced are shared by my male colleagues and counterparts. While strides have been made to improve gender diversity and the advancement of women in the legal profession, there are still plenty of nuances in

practice that present specific challenges for women. When you add in family and personal obligations and the technological demands on our time in an ever-connected world, the prospect of building and managing a practice as a woman seems downright impossible. The following practice tips are designed to assist women who are either considering a litigation career or who have already embarked on one.

EMBRACE YOUR STRENGTHS
One of the most valuable strategies you may employ in building a litigation practice is to embrace your strengths and apply



Managing a Litigation Practice from a Woman's Perspective

By Laurianne Falcone

them to the various areas of your day-to-day practice. For example, countless times I find myself the only female attorney in a roomful of men at a deposition. The scenario goes something like this: A trivial issue during the deposition turns into a power struggle between two of the lawyers and soon the others get involved in the argument. This goes on for some time and it is tempting to enter the fray and voice an opinion. Unless, however, the argument directly involves my client or has a direct impact on my client's interests, I resist the urge to engage and instead focus on hearing what is going on around me. I have

learned more about the personalities involved and counsel's overall strategies in a case by sitting back and listening to other lawyers argue during a deposition. It informs what counsel feels strongly about, which may not have been on my radar beforehand.

The same situation also offers the opportunity to act as peacemaker, if that is your strength. There are cases where I've let the argument go on, sitting back and quietly listening, then stepping in to suggest a brief break to allow for cooling off. A five- or 10-minute recess often allows cooler heads

to prevail, and I've had attorneys thank me afterward for forcing a break, thus allowing everyone to contemplate what they were fighting over.

TIME MANAGEMENT AND ORGANIZATION

With multiple roles to juggle, I've found that for many women time management and organization are strengths that may be utilized to our advantage. Oftentimes in litigation practice one is faced with the conundrum of representing one of a multitude of parties in a case, making the scheduling of depositions complicated.



ONE OF THE MOST VALUABLE STRATEGIES YOU MAY EMPLOY ... IS TO EMBRACE YOUR STRENGTHS AND APPLY THEM TO YOUR DAY-TO-DAY PRACTICE.

While it is easy to sit back and allow someone else to take the lead in pursuing the depositions of the parties and witnesses, I've found that it's more efficient to take that on myself (unless there is a strategic reason in a particular case not to do so). Once all of the attorneys have entered their appearances, I generate an email distribution list to facilitate scheduling. Clearly communicating and cutting down on paper make law firm life much easier, especially when I'm away from the office. There's nothing worse than coming back to the office after a two-day business trip to confront a stack of mail that could have been dealt with on my iPad while I was traveling.

No matter what your feelings about technology, consider the computerized calendar your friend. There are online calendars that sync all of your calendar items that may be accessed from any device. Personally, I use the Microsoft Outlook calendar for work entries and the iPad calendar for personal entries. My iPad is synced for both, but they are in different colors so that I can tell the difference between a work entry and a personal one. As soon as I receive a new case, I enter in all court and client deadlines as well as personal deadlines I set for myself to complete certain tasks. Every time I send out correspondence or make a phone call, that correspondence or call is flagged for follow-up on my calendar. With the technology available, there is no reason to miss deadlines. I also make it a practice periodically to look ahead on my calendar, which enables me to anticipate deadlines well ahead of time and request extensions from the court and/or my opponent when necessary.

APPEAR CONFIDENT

I often tell young female associates that litigation is a lot like being in Hollywood. As the attorney, sometimes I am the director, sometimes I am the actor and other times I am the editor. As an actor, my job is to convince my opponent, the court, the jurors and sometimes even my own client that our side should win. To be an effective litigator, it's important to portray an air of confidence. There will be times when you doubt your case or a witness's ability or the

power a piece of evidence will have, but you have to work with what you are given. In settlement negotiations, such confidence may go a long way in helping you to acknowledge your case's weaknesses without letting your opponent or the mediator know. If the other side believes that you and your client are willing to go to trial, you may achieve a better result for your client. If, however, your opponent senses that you are afraid of the case or have no confidence in your position, you and, most importantly, your client become vulnerable.

RECOVER FROM MISTAKES

Every attorney will make mistakes, but it's how these mistakes are resolved that leaves the lasting impression. Let's set a scene: You are a first-year litigation associate at a large law firm and you just realized that you missed yesterday's deadline to file preliminary objections. Your first instinct may be to



run around screaming for help. Resist this instinct. Your second instinct may be to cry, and if you have to, go ahead, but make sure your door is firmly shut and no one hears! There is no benefit in alerting the entire office that you are so upset about something that you have to shed tears over it.

A better strategy is to take a few deep breaths and a moment to think about the situation. Once you've collected yourself, make a list of possible solutions. My personal go-to is to call my opponent first and see if he or she is amenable to granting a brief extension. (Please note: I will only do this if I know and trust the opposing attorney and have a good working relationship with that person.) As a first-year associate, your best bet is to go to your supervising attorney right away, not by email, not by phone, but in person if humanly possible. He or she will know what to do and will work with you to develop a strategy. I have

found it best to go in with a solution or several solutions to show my supervisor that I have thought about the problem and am committed to fixing it. Let's face it, mistakes happen, but it's what you do afterward that matters. Once you've had time to fix the problem, it's time for reflection. Ask yourself: How do I make sure that I never miss that deadline again?

WORK HARD, PLAY HARD

As professional women we strive to "have it all," as elusive as that goal may be. Litigation practice, while exciting, may be demanding and stressful. To be effective and efficient it's imperative to schedule your personal time just as you do your business commitments. I schedule personal time for appointments, exercise and social activities just as I schedule professional events. You owe it to yourself as well as to your clients and employer to take time for wellness, relaxation and doing things that you enjoy. I look at the calendar a year ahead to block out time for vacations, personal days, weddings, graduations and holidays to ensure that I may honor them just as I do a trial date. This helps you to avoid a last-minute continuance request to the court because you forgot that you would be in Cancun during the trial!

Managing a litigation practice as a woman is challenging, but the rewards are great. Utilizing your personal strengths in the various areas of your practice, embracing technology, being efficient and organized, and making time for your personal and social commitments are all steps to success. ☞

• • • • •

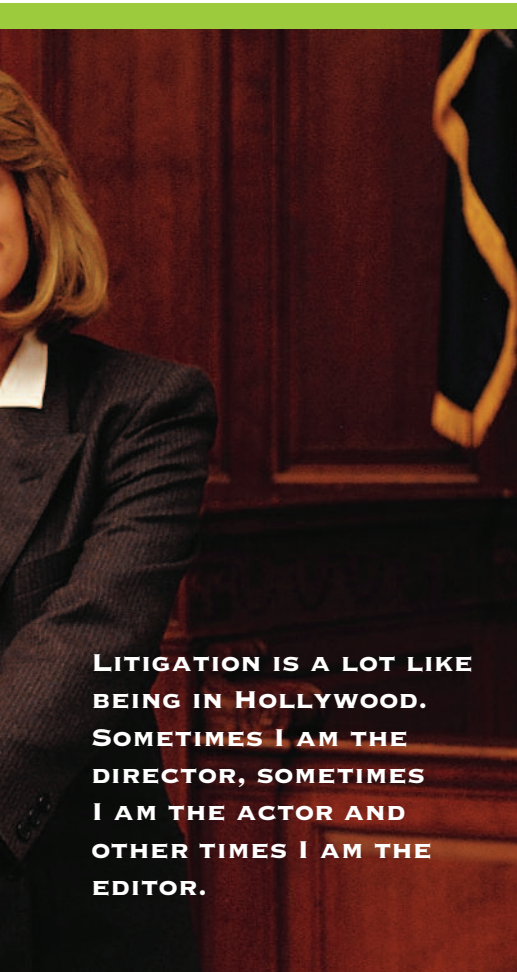


Laurianne Falcone is a shareholder in the Philadelphia office of Marshall Dennehey Warner Coleman & Goggin PC. A member of the firm's casualty department, she manages a broad litigation practice encompassing defense of premises liability and retail liability matters. She may be reached at lafalcone@mdwvcg.com.

If you would like to comment on this article for publication in our next issue, please send an email to editor@pabar.org.



EVERY ATTORNEY WILL MAKE MISTAKES, BUT IT'S HOW THESE MISTAKES ARE RESOLVED THAT LEAVES THE LASTING IMPRESSION.



LITIGATION IS A LOT LIKE BEING IN HOLLYWOOD. SOMETIMES I AM THE DIRECTOR, SOMETIMES I AM THE ACTOR AND OTHER TIMES I AM THE EDITOR.

Completely Updated & Revised!

\$179

Get the latest edition of the "bible" of Workers' Comp practice in PA

PBIpress
BRINGING EXCELLENCE TO LEGAL

pbi.org • 800-932-4637