

# Practising Law in a Man's World A Feminist Lawyer

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*L'avocate ne peut échapper au sexisme — lot de toute femme  
qui travaille.*

*Dans la mesure où elle a une vue féministe du monde,  
elle se sentira mal à l'aise en face de l'orientation masculine  
de sa profession et de sa façon de fonctionner.*



Doris Lewis Rare Book Room, University of  
Waterloo Library

*Emily Murphy, police magistrate*

After only one year in the practice of law, I don't feel weathered enough to provide a feminist analysis of the experience. And so, the following is a recounting of the impressions and dilemmas of a few feminist lawyers. Our experiences have differed greatly — depending on chance, on the men in the profession that we meet and on our own reactions. And yet, not one woman lawyer with whom I talked did not have a story or two to tell.

Our reactions vary. Perhaps I can make the following generalization: the more developed a woman lawyer's feminist view of the world, the greater her discomfort with the maleness of the profession and its style of operating.

At the same time, some women lawyers who have not identified with the women's movement in the past are now seeking out feminist support in order to cope. There are also women who seem entirely immune, and at them I marvel.

This is a very lawyerly thing to do, but before relating the stories that hurt, let me say that many men are practising law in a honest and supportive manner. They do not pull punches. They are not the men who are being remembered in this comment.

One of the most common experiences of women in the legal profession is that of being ignored. On the 'Welcome Young Lawyers Night' in one county town, a provincial court judge asked the young lawyers their marital status,

**Anonymous**

as he was seeking husbands for his two daughters. This joke was only somewhat amusing for the young men in the crowd, and even less so for the young women, but an appropriately sarcastic reply might well be remembered on your first provincial court date.

Frequently, the other lawyers in an office — the men — will luncheon regularly together but will not think to ask you along. Of course, as several women have pointed out with dismay, if they do join the men for lunch the chances are no one will notice they haven't expressed an opinion on last night's hockey game.

Women criminal lawyers seem to be actively ignored. For example, the police officer on duty will ask all the men sitting at the counsel desk whether or not their client is in the holding cells, and walk right past the woman defence lawyer. When someone points out that she too has clients, the officer will say loudly, 'Oh no, she's just another secretary.' More than one woman has reported that in criminal court the Crown attorney may publicly ask her client 'Where is your lawyer?' and then ignore the lawyer's reply, that she is representing the accused.

Sometimes the problem is reversed. All attention is drawn to you because of your sex. Opposing counsel may try to diminish your argument to the court by repeating to His Honour '*She says. . . she points out. . . her argument. . .*' as though by virtue of the speaker's gender, there is something inherently wrong with the argument.

We may receive very ambiguous compliments when we do well in a case — ambiguous because the compliment very often includes an expression of surprise that a woman could have been quite so cogent, logical or cool. The compliment is even more disconcerting when it is received from the chairman of a hearing who phones counsel at her home to congratulate her, leaving her with the uneasy sense that she is being bribed.

At times the attention given to

women lawyers is more hostile. One defence lawyer was not permitted by the assistant Crown attorney to explain her request for a remand. After holding her up unnecessarily in court, the Crown proceeded to deny her request in a very rude fashion, attempting to humiliate her before the judge. The final blow came when he realized that she was the sister of another Crown attorney and promptly apologized to her brother, not to her.

Women lawyers do not escape the sexualization that all working women experience. One woman recounts that on her first day as duty counsel, the court officials asked her to explain why the slit in her skirt was in the back and not the front — leaving her to deal with many emotions of frustration and anger, and successfully distracting her from the task at hand. Another recalls how, while she was walking through the halls of the courthouse with her client by her side, a male lawyer called out, 'Hey, Boots Lady! How are you?'

Several women have reported that breast size is still fair comment. Not so long ago, Bar Admission Course students were advised that an attractive articling student was a definite advantage in court, and that she should wear a dress revealing a deep cleavage at jury trials. A few years back a feminist articling student lost her job for wearing a pants suit in winter and for failing to accept her decorative function in the law firm. And recently, a senior partner instructed a now departed junior that she really had no sense of humour in sexual matters. He expected her to react in a charming fashion should an overly exuberant judge decide to fondle her breasts.

Chauvinist lawyers are fairly comparable to chauvinist men in general. Perhaps it hurts a bit more when we see how much power lawyers have in our society and when we know that many women clients have no alternative but to use the services of chauvinist lawyers. At a recent social gathering a group of lawyers were discussing a rape trial and the gossip revolved around a local

policeman who had married a victim-complainant. 'Oh well,' commented one defence lawyer, 'I've bought used cars in the past. It's not so bad.' Matrimonial matters also reveal attitudes that are quite disturbing. 'Of course, you know that your client loves every minute of it. She's asking to be beaten up.' 'Sure, I know that, but she's still my client.'

One of our greatest difficulties, as feminist lawyers, comes from our unwillingness to ridicule our client or to sabotage her credibility before other lawyers. We are not 'hired guns' who are willing and able to argue any case put before us. This principled position violates the rules of the legal game and can often lead to a perception on the part of opposing counsel that the feminist is far more radical than she is (or than she intends to be in this particular case).

It is possible that at times we empathize too much with our clients to do the best possible job on the case. At these times, it is important to discuss the file with another feminist lawyer to assess the situation. We rely on each other to help identify the overlap and the boundaries of needed support for the client, appropriate legal advice, and, if applicable, political tactics.

Feminist support is invaluable at other times too — particularly in our self-evaluation. Are we over-reacting to a hostile profession? Are we too accommodating? How do we defend our approach to the world without damaging our client's case or our own future before the same judge? How do we learn to promote our own businesses without embarrassment? How do we deal with the competitive aspects of the profession? How do we ask for what we are worth from our employers and our clients?

And how do we manage to think, breathe, and act as lawyers without being overcome ourselves by the ego-perks of the profession? How do we maintain our sensitivity and openness? How do we keep some time free and ready for our own selves, mates, children, and friends?◎