

# A Broader View of Sex

BY JUSTINE GUDENAS

Once upon a time, when women civil litigators were rarely to be found, there lived an eager young lawyer who wished to become one. Large firms wanted to hire her, but only to do research and brief preparation and document review, tasks that would never bring her into any courtroom. So she sought work with a small practice instead, and soon found it at a personal injury firm that seemed too busy to discriminate. Alas, that very week the firm had run out of space in its main office. But her new boss came up with the idea to have her share a suite with a former partner of his – in the same building, several elevator stops below.

When told of the plan, this former partner turned to spit out his window, forgetting it was closed, or maybe not caring. A yellow gob smacked the pane; dribbled down. “What? You think you’re bringing a broad in here?”

Far as he was concerned, a broad’s function in life – besides providing certain services we won’t mention, this being a professional bar association journal – was to criticize, nag and cramp a man’s style.

But the boss insisted. And the former partner, a 78-year-old trial lawyer in the Nate Richter–Jake Kossman mold, had learned one thing if he’d learned anything: shut your mouth when someone offered to pay your rent, especially when there were other favors you owed that someone.

“Well, she won’t want to stick around here long,” he grumbled to himself.

Her first day on the job, the young lawyer had just opened the first of 36 case files thrown on her desk when the former partner yelled for her to “get on over here” – he had something to tell her.

She put the folder down, walked 10 feet over frayed grey carpet and entered his office and approached, extending her hand for a normal business introduction.

Ignoring it, he blew a wall of smoke, enough to kill a herd of canaries, into her face. “Let’s get a couple things straight.”

She stood and stared at the stump of a cigar that protruded from his mouth.

He grinned. “Yeah. Broads hate these things. And you know what? I don’t give a flying f...”

The office was across the street from City Hall. In both buildings at the time, when heat rose in their pipes, the cast iron radiators would start to rattle before they’d clank. The clanking would erupt into belching and groaning and the screeching of sinners begging to be released from their skins. This noise drowned out the former partner’s last word.

However, just as quickly, the radiators gave up and quit their sighing.

At that moment on that day the young lawyer spied a humidior atop a metal file cabinet behind the former partner. She sauntered over, reached into it and picked out a Monte Cristo – a big, fat one – bit off the tip, spit it neat into the trashcan. She could feel his eyes about to pop out. She leaned in close.

“Give me a light,” she said.

“I thought I’d seen everything,” he muttered. But he managed to keep the match steady.

She settled into a leather armchair beside his desk and silently puffed on her cigar.

His phone rang. He didn’t answer.

When it stopped, she let him listen to the bristle of her pantyhose as one leg slowly crossed over the other.

A huge ash plopped onto the former partner’s shirtfront.

The way she saw it, men had the power and would continue to hoard it for the foreseeable future, so you use what you’ve got. No hard feelings.

Her nails picked fluff out of a hole in the seat. She held up the snips, then tossed them away. “You have a problem with broads?” she asked.

He looked her in the eye for the first time, although not for very long. They sat smoking until only two charred stubs remained between their fingers.

“Nah,” he then grunted.

If this were a Russian fairy tale, it would end by saying “all this happened long ago and, besides, none of it is true.” But this is an American story, in which everyone’s

supposed to live happily ever after, and it happened at a time when it seemed that men and women – well, professionally, we were creating the rules as we went along. It was spookier than science fiction. Science fiction at least tries to be based on logical predictions from known scientific principles.

And these days? How do men lawyers feel about women lawyers these days?

Not so well and very well.

One local judge remarked at a seminar that the increase in case mediation – and generally in conflict resolution by conciliatory means – has corresponded with the rise in the number of women lawyers. He griped that our time-honored trial system is dying because of women. They don’t want to fight. They want to work things out.

This change, however, also happens to coincide with





recognition by everyone of the economic waste of an adversary system. Thus, mediation is now included in contractual dispute resolution clauses as a matter of course. Perhaps women have influenced this development. Women have been less likely to view themselves as crushers and conquerors, less likely to use the vocabulary of sports and war, less likely to brag “we’ve got ‘em by the balls.” When’s the last time you heard a woman snarl “we got her by the ovaries”?

She’s more likely to see herself as just doing her job. And part of the job is to check out costs first.

Men will still assume that women are more naïve. But also, that they are more honest and sincere than they. Hence, it’s not uncommon to hear lapsed Roman Catholics say, “I’d come back to the church if all the priests leave and the nuns run it.” They might be right. It’s worth noting another advance coincident with the number of women in the legal profession – that of continuing education requirements for the study of ethics. And is the decrease in direct bribery of local judges possibly related to the increase of women in the judiciary? (Remember that when the former partner had been a young lawyer himself, more than once he had been required to slip the assigned Municipal Court or Common Pleas judge an envelope before a trial began.)

Nonetheless, the difference between men’s and women’s salaries and partnerships at top law firms remains drastic. Many reasons have been given – women’s style of leadership, the time they devote to work, their networking opportunities, their inability to discuss sports. But could this disparity be driven by something far simpler? A furtive primary fear related to why men barred women in the first place: their concern with what some have called “the feminization of law”; that when women enter – no less dominate – a profession, salaries and prestige drop for everyone and it becomes devalued. In short, with them around, the men don’t look so good. And men still have the power.

So, no, some are not happy.

But on the other hand, it’s men who have appointed women as Supreme Court justices and attorneys general. And, most recently, lifted the ban on women in combat. Men and women can now fight alongside one another. Happily ever after?

What do you think? Send in your stories, comments, articles and personal experiences to [tplmag@philabar.org](mailto:tplmag@philabar.org). Tell us. ■

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