



Letters to the Editor

More on the differences between men and women in resolving cases

After reading February's article by Mr. Gwilliam on the effect of women trial lawyers and the decrease of jury trials, I felt compelled to write to you. While I am not a California attorney, I am an African American female trial lawyer who has been practicing since the 1980's. So my view is from the same historical vantage point but quite different in its conclusion.

Mr. Gwilliam's premise that significantly fewer jury trials are due to the influx of women trial lawyers is flawed. There's a song with the lyrics "*Blame it on me; Say it's my fault*". That's what I first thought about when I read the article. As an African American female trial lawyer and former prosecutor practicing since the 1980's, I beg to differ to his unscientific assessment about women as a cause of fewer jury trials. I wondered if Mr. Gwilliam spoke to any white-male trial lawyers in Maryland, Virginia or Washington, D.C., where I practice. If he had, he would have reached a different conclusion. While women are increasing in the profession and law school, few are entering into the world of trial practice. Yes, I see more women in the courtroom today

than I did in the 1980's. But I still see the face of the trial lawyer as the man, white or of color.

In the Washington, D.C., Maryland and Virginia area, tort reform has played a major role in the decreasing jury trials. Juries have been freely dishing out peanuts for damage verdicts in large and small cases. Trial lawyers have not adequately fought the fight against tort reform. Now, that failure to fight the good fight against tort reform propaganda has resulted in a back lash against verdicts commonly seen in the 1980's and 1990's. So before anyone places blame on women, perhaps one should consider that the male trial lawyers of the 1990's did not fight or win the battle against tort reform.

With the changing tide, our first allegiance is always to our clients, not our ego's or another notch in our belt. Juries believe in the tort reform hype. Verdicts are lower. Mandatory mediation is a useful tool. That's the truth, no hype.

— Debbie Hines, Esq.
Washington, D.C.

To the editor:

I read Gary Gwilliam's opinion piece in *Plaintiff* for why a greater number of women in the profession has contributed to less jury trials. Fewer jury trials and the reasons therefore have been studied and researched extensively for the last 20 years. For us, the main reasons are obvious: in most jurisdictions it is much harder to WIN jury trials for Plaintiffs because the insurance industry and corporate America has spent \$30 billion to try to contaminate the jury pool with tales of McDonald's coffee, frivolous lawsuits and runaway juries. Tort reform. So settlements are the only refuge. I doubt there is ANY research to support your theory, Gary. At least you could have put it in the context of jury contamination by corporate America.

— Michael E. Withey, Esq.
Seattle

