

12% Of Attys Appearing In PTAB Cases Are Women: Report

By **Steven Trader**

Law360, New York (September 7, 2017, 4:03 PM EDT) -- A new study of gender diversity at law firms compiled by Docket Alarm that's based on a count of how often female attorneys actually appear in courtroom litigation shows that only 12 percent of attorneys who appear before the Patent Trial and Appeal Board are women, according to research published Wednesday.

The data, which the legal analytics and research company published in a blog post on Wednesday, also show that 55 of the top 100 law firms ranked by the quantity of their PTAB cases had fewer than 10 percent women attorneys appearing for them in those cases since the board's inception in 2012, with appearance meaning the attorney's name was announced publicly as a representative of a client or was listed in any brief.

Eight of those 100 most prolific PTAB firms have never had a female attorney make an appearance for them in one of those cases, Docket Alarm reported.

"I thought the numbers were going to be low, but they were lower even than what I expected," Docket Alarm founder and CEO Michael Sander, himself a former patent attorney, told Law360 on Thursday. "It's a little depressing, I thought we were a little better than we are."

Of the top 100 law firms measured by the quantity of PTAB cases, 55 have fewer than 10 percent female attorney appearances on those cases, and eight have never had a single woman appear on any of their PTAB cases. On average, attorney appearances on PTAB cases are only 12 percent female.



Docket Alarm in the past has used legal analytics to assess how judges decide cases and to calculate how often parties or law firms win cases. Sanders said his company took this approach to compiling gender diversity statistics — tracking actual appearances in cases — believing it was a more substantive measure than the traditional firm headcount of male and female attorneys in the ranks.

While there are plenty of great lawyers who stay behind the scenes and do background work, which is an important aspect of lawyering, another equally important aspect of it is actually being visible and present and actually representing your client publicly, Sanders said.

“I would argue this a more substantive measure of the real type of work that lawyers are getting,” Sanders said. “If all the women at a firm are just stuck doing background work while all the men get to lead and do all the publicly facing work, even if that firm had more women than men, I’d still say there was something awry there.”

The Docket Alarm report did take the time to highlight a few firms that have a high percentage of female attorneys appearing in PTAB cases, notably Osha Liang LLP, which had women appear in 72 percent of its cases; Goodwin Procter LLP with a 48 percent female attorney ratio in its PTAB cases; and Crowell & Moring LLP, which had female lawyers appear in 47.3 percent of its PTAB case work.

Docket Alarm also ran gender diversity calculations in a similar way for U.S. Supreme Court cases, and found that the male-female gap was less severe “but by no means diverse,” as only two private law firms have half of their attorney appearances in front of the high court staffed by female attorneys, and only seven have more than 25 percent of their appearances made by women.

Seventy-five percent of the Supreme Court cases handled by Dykema Gossett PLLC and 57 percent of the high court cases handled by Quinn Emanuel Urquhart & Sullivan LLP include women, Docket Alarm said, noting that both of those firms’ Supreme Court practices are led by women.

--Editing by Jack Karp.

Bucking The Trend These firms have the highest percentage of women working on cases at the PTAB.

