

White Collar's Boys' Club Fading Into The History Books

By **Natalie Rodriguez**

Law360, New York (April 27, 2016, 1:21 PM ET) -- While the white collar arena has traditionally been considered a male-dominated practice, the latest generation of white collar practitioners is upending expectations — but some trailblazers say there's still more work to be done.

Though numbers are scarce, anecdotal evidence points to a shift in the male to female ratios of what has long been considered an old boys' club. Women are taking lead trial attorney roles, more female lawyers are attending white collar conferences and networking opportunities, and more women are filling out the rosters at white collar practices.

Cozen O'Connor's recently expanded Washington, D.C., team, for example, is four-fifths female and includes several women known for being heavy hitters in the courtroom.

"The times are changing and it is less of an issue than it certainly was 20 years ago," said Barbara "Biz" Van Gelder, an industry veteran who joined the Cozen team in February and who has seen the ranks of female white collar attorneys swell in Washington, D.C. "I think we are the vanguard of the wave of the future ... [but] I, for one, don't take it for granted that this is the way it always has been."

While there has been significant movement toward breaking the glass ceiling in the white collar world, still more needs to be done, several experts say. But being able to see women in leadership and lead trial attorney roles is key to helping younger women attorneys find their voice and feel comfortable in the practice.

When Van Gelder first applied for a prosecutor position in Washington, D.C., in 1983, she was asked why she thought women could prosecute crimes and was often mistaken for a court reporter when she headed to trials and hearings.

But over the years, the perception has changed. She noted the women's white collar network that she and a handful of other trailblazers started years ago has grown from 10 female attorneys to more than 300, a growth that has been mirrored in other organizations, conferences and the leadership of white collar criminal teams.

"I'm absolutely seeing an uptick in female attendance at these conferences. [And] there have been several high-profile cases where we are seeing lead female trial attorneys," said Nina Marino, a Kaplan Marino PC name partner and white collar criminal defense attorney.

She pointed to Allen & Overy LLP's Pamela Chepiga, who led the trial defense team for former Goldman Sachs Group Inc. trader Fabrice Tourre two years ago in a civil suit against the U.S. Securities and Exchange Commission over his alleged role in a mortgage-backed securities fraud scheme that fell apart during the financial crisis.

There have also been several prominent women moving between government and private practice recently, including Leslie Caldwell going back to the government after practicing at Morgan Lewis & Bockius LLP, and Melinda Haag returning to her former firm Orrick Herrington & Sutcliffe LLP and Jenny Durkan joining Quinn Emanuel Urquhart & Sullivan LLP after serving as U.S. attorneys, according to Natasha Innocenti, a recruiting partner at Major Lindsey & Africa LLC.

"Each of these women have expert experience in fraud, privacy and cybersecurity, and have now taken on significant leadership roles in their organizations. They will hire more women, mentor more women and attract more women laterals," Innocenti noted. "There is no doubt they will have a major impact on advancing women in the white collar practice overall."

Marino pointed to a circle of white collar lawyers who are regularly seen in the courtroom, including Gibson Dunn's Debra Wong Yang, Sidley Austin LLP's Kimberly Dunne and Crowell & Moring LLP's Janet Levine.

"I see these women really running the show on white collar investigations and other kinds of criminal matters," Marino said. "But those women are more my age colleagues. I think what's most interesting about today's practice is the influx of younger women interested in the practice, and that's the ground change that we're seeing."

A lot of that has to do with changing attitudes in mentorship, experts say. Where Van Gelder found few mentors when she first started, the latest generation of white collar attorneys has been finding many more resources in both male and female veterans.

"I can tell you I was drawn to Cozen initially to work with serious trial lawyers — people who were well-reputed as lawyers who were actually going to get into that courtroom and who, most importantly, give associates that experience early on, as opposed to [having them] buried under documents or writing memos endlessly," said Megan Scheib, a Philadelphia-based criminal defense attorney who joined Cozen in 2008. Scheib second-chaired a corruption trial during her second year and has had many other opportunities in her eight years with the firm.

Two of her top mentors include Barry Boss and William J. Winning, co-chairs of Cozen's criminal defense internal investigations practice group. But she noted she is happy to see more female veterans joining the practice ranks, which has swelled from her being one of two female attorneys when she joined to now six — not including New York-based Niki Warin, who just left to become a judge.

"Barry and Bill are great mentors, but I think there is something different with working with female lawyers as well," Scheib said.

While it may look like it on the surface, affirmative action is not at play in Cozen's rare female-heavy white collar ranks, according to Van Gelder.

"Not only are we women ... but we're successful women," she said, noting the competitive lateral hiring process that was heavy on metrics. "Your book of business, your origination and your working attorney

hours — all of those are subject to proof.”

Rather, Cozen and other firms that have a strong female attorney presence are likely finding that having more gender diversity can be a beneficial edge in the courtroom, according to experts.

"I think what firms are realizing is that juries want to see women," Marino said. "You have to account for the fact that the jury pool is, at minimum, half women or more and women trial attorneys will have a certain ability to connect and relate to and read women jurors in a way male attorneys may not be able to. In that perspective, you're increasing the odds of getting a successful result."

While just as sharp and tough as their male counterparts, female white collar attorneys can also sometimes bring a different point of view and certain empathy skills that can help with client relationships and with arguments, experts say.

There's still a way to go before lead female trial attorneys are a regular sight for many juries. For example, across the board with jury trials, 80 percent of lead trial counsel are still men, according to Marino.

But the growing female ranks should help create a snowball effect with younger attorneys finding inspiration and valuable mentors in the women who have come before, experts say.

"So many of the people who are ahead of them that they are watching are men and we do have different traits," Scheib said. "I would find myself mimicking these techniques — even how I would present myself and my voice — and it didn't work for me. It's not who I am."

Veterans of the practice hope that having more women in leadership and lead trial attorney roles will help entice even more women into the white collar world.

"It's something I think that more women are afraid of than they should be," Van Gelder said. "But once you're there I would say the water is fine."

And once attorneys start to prove the quality of their work, white collar is the kind of practice where gender and other markers that might divide groups of people tend to fall away, according to Van Gelder.

"I think there is something about expressly white collar criminal defense. It is trench warfare ... [and] one of the things I found in our practice is when you're in the trenches, it doesn't matter what the gender, race and the ethnicity of that person is. If you come out of that trial with your dignity intact and hopefully a win, then you're a family," Van Gelder said. "There is a closeness, I think, to people who have gone through these trials."

--Editing by Katherine Rautenberg and Catherine Sum.

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