

When A Friend Is A Legal Adversary: Thoughts On Professional And Personal Relationships

I confess, I use any excuse to share wine with friends. But well-laid plans, such as dinnertime tapas and wine and good conversation often get overridden by professional obligations and late nights at the office. Instead of a comfortable meal, I found myself sharing my lukewarm cup of herbal tea and stories one chilly Wednesday afternoon on a bench with Jessica Zarrella, a prosecutor in the Montgomery County State's Attorney's Juvenile Division.

I asked to meet up after a recent hearing in which Jessica and I faced each other in court, in which we vigorously and quite exhaustively presented our arguments to the judge. But the case was not the reason I wanted to talk with Jessica. For me, being a newly-sworn attorney presents a fresh challenge. I wear a profession now. I'm doing what I love and for many reasons, my profession defines me as a person. And ADR notwithstanding, my profession is an adversarial profession. Yet as a woman, raised with certain expectations of how to behave, my engaging in legal conflict in court with other women does present some internal anxiety for me. An earlier article in the New York Times about women bullying other women in order to get ahead leaves me wondering how I can maintain friendships while competing against the same persons (<http://www.nytimes.com/2009/05/10/business/10women.html>). How on earth do I juggle emerging relationships with other female attorneys while maintaining my professional standard of effective advocacy for my clients?

Do you think women are harder on each other as attorneys? Jessica surprised me with this question. Like me, she came from a law school with over 50% female students and many more female law professors than ever before. She, like me, works with female attorneys every day, so much so that calling attorneys "female" and categorizing us as women attorneys feels foreign.

My first response was cautious: Perhaps we have such high expectations of our own work that we project disappointment on other women when they don't meet our expectations. Perhaps we don't have those same expectations of men we work with. But frequently when women are teamed together to work against a hostile group, women do unite to help each other, I pondered.

Three years ago Jessica started in the Montgomery County SAO joining a team of nearly all young female attorneys. I remembered the shock I heard from many older practitioners here in Montgomery County who rarely, if ever, worked with young female attorneys and suddenly found themselves playing against an entire new team whose generational rules were unfamiliar to them (and of course, the inexperience and the change was maddening to those attorneys who practiced for many years in a formerly familiar system). You can only imagine the multitude of comments and complaints that emerged: Unprofessional dress, not negotiating, little "honeys" who don't know what they are doing. Faced with a hostile defense bar, Jessica felt their team of women banded together to give each other the support they needed.

Jessica concluded her friendships with opposing female counsel were based on similar circumstances. The adversarial nature did not affect her friendships with opposing female counsel, because the courtroom experience with other women felt more based in law and less on local tradition, less "honey, let me tell you what is supposed to happen" and more based on mutual respect, listening, and effective arguments (And a shared love of good wine and shoes? I asked).

Let's be honest, Jessica said, once the older attorneys realized the new team of women was not going to go away, the insulting language expressed in the courtroom was minimized, and their language and attitude changed in a more professional, if not positive direction. I enjoy and have fun working with many of them now, said Jessica as she sipped on my tea.

The early feminists were right. Large numbers of women in any profession, in sports, and freely participating in the world make for effective change. When enough women are present, the culture changes – women working in the workplace is considered a normal part of American culture. And the more opportunities we women create to bring our experience and expectations into our professions help to make that cultural change.

In reflection, my anxiety was not about having to be in an adversarial position against other women in the courtroom. It really stemmed from my concern of being bullied, isolated or hurt by women when participating in the adversarial process. Jessica's story - how creating a culture of respect and passion for the legal process itself, and having an institution support women – relieved my anxiety about the adversarial process and its effect on my relationships with other women professionals.

Next time I see Jessica in the courtroom, I'll try to resist calling her "honey".



When she isn't texting updates to her facebook status, Melissa Kenney Ngaruri, Esq. works as an associate at Patrick Hoover Law Offices in Rockville, MD. She can be reached at mngaruri@hooverlaw.com, www.hoover-law.com. Facebook /Twitter handle: melshome.