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## Interruption Study Is About More Than SCOTUS

BY KATHLEEN J. WU

Back in April, a team of researchers at Northwestern Pritzker School of Law released a study showing that female justices on the U.S. Supreme Court were interrupted significantly more than their male counterparts.

The interruptions weren't just by their colleagues on the court. Unbelievably, many of the interruptions were from lawyers before the court — a finding so shocking that I didn't even think it was possible. Unfortunately, that study—which was published on the SCOTUSblog, *Washington Post* and *Harvard Business Review*, among other websites—didn't spark the kind of discussion I expected it would. Women were horrified but unsurprised. Men were, well, I don't think they paid it much mind.

But the study deserved greater discussion and some action on the part of businesses and institutions who are affected by the interruption phenomenon.

### Disproportionate Interruptions

For those who haven't seen the study, here were some of the more stark findings:

In 1990, when Justice Sandra Day O'Connor was the only woman

on the nine-member court, 35.7 percent of interruptions were directed at her. In 2002, when O'Connor was joined by Justice Ruth Bader Ginsburg, 45.3 percent (almost half) were directed at the two female justices. In 2015, when there were three female justices (i.e. one-third of the court), two-thirds of all interruptions (65.9 percent) were directed at them.

On average, women constituted 22 percent of the court during the years that were studied. However, 52 percent of interruptions were directed at them. Unsurprisingly, it was men doing most of the interrupting, with 85 percent of interruptions perpetrated by the court's male members, with Justices Kennedy, Alito and Roberts leading the interrupting pack.

Perhaps most shocking was the finding that even lawyers arguing before the court were disrespectful of the female justices: male advocates accounted for 10 percent of interruptions during the study period, whereas female advocates accounted for *none* of them. Female lawyers before the court apparently abide by the long-observed rule that once a justice starts speaking,



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the advocate immediately stops speaking.

### Not Just About Rudeness

What is so alarming about this study's finding isn't just that the most respectable women on the planet, our female Supreme Court justices, are being treated disrespectfully. It's that it illustrates the systemic dismissal of the legitimacy of half the population, both on the High Court and in practically every other part of

society. If the women who have reached the pinnacle of success in the legal profession aren't allowed to speak, what hope do the rest of us have?

It's worth noting that this isn't just about rudeness. There is a legal consequence to the female justices not having their say.

I should dispense immediately with the main criticism I read of this study: that women justices were interrupted so much because they talked so much, i.e. the male justices couldn't get a word in edgewise so they had no choice but to interrupt their female colleagues. The notoriously silent Justice Clarence Thomas notwithstanding, the data do not bear out that assertion, according to the researchers. Their study showed that the male justices actually talked more than the women on the court.

### What Is a Woman Lawyer to Do?

The female justices on the court have apparently dealt with the interruption situation by dispensing with niceties. The longer she has served on the court, the study found, the less likely the female justice is to preface her questions with phrases such as "May I ask..." or "Excuse me..." because that only gives her male colleagues the opportunity to jump in before she can get to her question. Dispensing with niceties is an option for a Supreme Court Justice. But what of those of us without lifetime appointments

on the highest court in the land? Here are some possible tactics for dealing with repeat interruption offenders:

*"Just one moment"*: By saying "Just one moment" after being interrupted, it flags the interruption for what it is and, hopefully, jars the interrupter into silence.

*Enlist a compatriot beforehand*: If the speaker is going into a situation where interruptions are anticipated, team up with a colleague to agree to short-circuit the interruptions with "Hold up a second, Mike, I believe Sarah hadn't finished making her point."

*Set expectations up front*: When making a presentation in front of known interrupters, preface remarks with a comment such as, "I know there will be several questions as we go through this, but because I'd like to be respectful of everyone's time, please save questions and comments for the end." It may not prevent all interruptions, but it at least establishes the ground rules.

*Continue talking*: This is a high-risk tactic because it opens the possibility of the conversation sounding like a cable news pundit fest, with multiple speakers talking over each other and nobody understanding a word. That's why it's best done for only a few seconds. If the interrupter doesn't stop talking, it may be best to cede that particular battle for the sake of others.

*Confront the interrupter privately*: If a colleague is an incessant interrupter,

have a private discussion and ask them to be more courteous.

*Speak authoritatively*: Speakers shouldn't apologize or negate their comments by prefacing them with "I'm sorry for asking..." or "This may be a dumb question..." Speaking confidently can help ward off interrupters.

Of course, these recommendations assume the interrupter and the interruptee are at roughly the same level within the organization. If the interrupter is a superior, it may be impossible for the one being interrupted to do anything about incessant interruptions, although it may be advisable to ask the interrupter's superior to intercede if it's a recurring problem. Of course, if the interrupter is below the interruptee on the org chart—as is the case with advocates interrupting Supreme Court justices—the gloves should come off.

Interruptions, unfortunately, are merely a symptom of a bigger problem: Women aren't taken as seriously as men, regardless of their qualifications or experience—this despite reams of data proving that women are objectively just as capable as men.

Until that underlying problem is resolved, conversational niceties will have to be put on the back burner.

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