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The Evolving Legal Universe: One Woman's Journey

HIGHLIGHTING THE CAREER OF TENACIOUS AND RESILIENT JAMS NEUTRAL PATRICIA H. THOMPSON, ESQ.

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In her more than 46 years of trial, arbitration and appellate practice, Patricia H. Thompson, Esq., has seen it all, having carved out a highly successful career as a woman in what was traditionally a male-dominated profession. Her desire to become an attorney arose somewhat by chance.

“As a senior in college in 1972, I met a woman lawyer who changed my life simply by inviting a group of college girls to lunch at her home,” explained Patricia. “Watching and listening to her during that lunch, I realized she was what I could be and wanted to be—an attorney—even though I had no other legal role models. This propelled me to enter law school, and eventually a profession that I love to this day.”

Breaking Gender Barriers

At the time Patricia started law school in 1973, women were not prominent in the legal community. Two future U.S. Supreme Court justices struggled to gain employment. Ruth Bader Ginsberg was teaching, as she could not find a job at a law firm at pay comparable to what male lawyers were making. And Sandra Day O'Connor was not able to get any job as an attorney out of law school, so she instead entered politics and, in the early '70s, was elected as a state trial judge.

After graduating, Patricia landed a job with a firm, becoming its first female attorney. She eventually became its first female partner, head of recruitment, a member of the compensation committee and a member of the board of directors. While her colleagues, partners and clients were largely supportive, she did encounter some bias. One partner told her he was concerned she was too nice to be a litigator



in the rough-and-tumble legal world of Miami. Once, an opposing counsel, upon seeing her enter the courtroom, whispered to his client, just loud enough for her to hear, “Good. It’s a woman.” Another time, in a hearing, a judge called her, the “b-word”, when her argument was more forceful than he liked.

While Patricia has experienced some gender bias throughout her career, she has felt well respected by the vast majority of her peers. And she believes women are continuing to make strides in the legal profession. “Two of the best ways that change is occurring is the election and appointment of female judges, from trial courts to the highest levels,” stated Patricia. “And within the corporate world, the promotion of women to the C-suite and thus in hiring positions, as well as general counsel, are also contributing to greater equity. It doesn’t hurt that women attorneys are gaining increased credibility as prominent guest

commentators on TV news shows, explaining what is going on in the legal world. Women are earning the respect they deserve in the law.”

Serving as a Neutral: The Next Step in Her Journey

Following retirement after a 40-plus-year career as an attorney, Patricia felt she had more to give, so she decided to work as a neutral in alternative dispute resolution (ADR). Working as both an arbitrator and a mediator for JAMS, she is able to use the lessons learned throughout her career. She proactively manages arbitrations to be a more efficient, fair and cost-effective method of dispute resolution than litigation. As a mediator, she guides the exchange of necessary information in advance of the parties’ joint sessions, assists in structuring the negotiation sessions, and uses experience and preparation to help the parties assess risk, value claims and make informed decisions as to the best avenues of resolution.

“I feel that being an arbitrator, which is mostly what I do, as well as a mediator, are callings for which I have been training for decades,” professed Patricia. “It is my goal in each case to offer a better alternative than litigation to parties looking to resolve their disputes in a process that is fair and reaches a just result.”

The Need for Greater Gender Inclusivity

Patricia believes the best practices employed by arbitrators and mediators can serve leaders looking to improve the culture of inclusivity in any type of organization.

“Fairness and due process are crucial to the integrity of and public confidence in arbitration proceedings, which means arbitrators must be vigilant to detect and avoid allowing their own implicit bias to influence how they rule, negotiate or otherwise treat others in a case,” cited Patricia. “Neutrals need to be sure that they and everyone else in the proceeding treat every witness, party, attorney and fellow arbitrator with equal courtesy and respect, as persons uniquely created to be unlike one another, but who all have significant worth and value. Neutrals must ensure their hearings or mediations are safe spaces for people often very different from one another—and who have different needs and motivations—to have the confidence that they are being provided a forum to solve sometimes overwhelming problems and talk

about sometimes very difficult issues. I believe these abiding principles can be applied in any work setting to foster greater inclusivity.”

The Resilient Woman Lawyer’s Guide

Patricia was asked by the American Bar Association Litigation Section’s Women Advocate Committee to contribute to its latest book, *Her Story: The Resilient Woman Lawyer’s Guide to Conquering Obstacles, Book 2*. It’s a collection of essays reinforcing that women attorneys are not alone, that there is a sisterhood in the legal profession that supports and teaches one another and suggests how obstacles can be addressed and overcome.

Patricia contributed a chapter on the value of effective goal setting. “I felt sharing how my career was shaped by unexpected opportunities, as well as planning my own opportunities and learning from mistakes and setbacks, might be helpful to other women,” stated Patricia. “I was reminded of the Book of Proverbs, 16:9, which suggests cooperation between human and divine agency in setting goals: ‘In their hearts humans plan their course, but the Lord establishes their steps.’”

Patricia is quick to point out that gender bias still exists in the legal profession despite the many advances that have been made. “No matter how accomplished you are, you will always have to face gender bias, sometimes where you least expect it,” concluded Patricia. “But human nature is flawed and always will be. So, it is important to learn how to navigate behavior that is unfair or biased. You can’t control others, but you can learn how to control yourself. And doing so is the last key to success.”

Patricia H. Thompson, Esq., FCI Arb, Coll Arb, is a JAMS arbitrator and mediator concentrating on construction and surety claims, employment discrimination, wage and noncompete disputes, fidelity and business insurance coverage analysis, and other complex commercial disputes. She brings nearly five decades of trial, arbitration and appellate experience to her ADR practice.

