

Female Powerbrokers Q&A: Fross Zelnick's Barbara Solomon



Law360, New York (June 03, 2014, 10:59 AM ET) -- Barbara A. Solomon is a partner in Fross Zelnick Lehrman & Zissu PC's litigation practice in New York. She is a senior member of Fross Zelnick's litigation practice and represents a variety of corporations, and household brand names, in trademark, trade dress, copyright, false advertising, unfair competition, rights of privacy, rights of publicity, parody and Internet-related matters. Her work includes counseling, transactions, and litigating in the federal district courts and appellate courts as well as in the U.S. Patent and Trademark Office. She is a frequent lecturer on IP-related issues and is a World Intellectual Property Organization panelist for domain name cases

Q: How did you break into what many consider to be an old boys' network?

A: I was very fortunate as an associate at a large firm to have been put on an all-male team that treated me no differently from any other member and that looked at my work, not my gender. As a result, I never considered that I had to "break into" a boys' network.

When I moved to an IP firm, I was mentored by the senior litigation partner who simply would not tolerate any inequitable treatment. It was this partner who put me on the account of one of our firm's major clients and who in adding me to the team emphasized to the client not my gender (which perhaps could have been a positive as it is a fragrance and beauty company) but my ability. And 25 years later I am still working with that client.

I also found once I moved to my current IP firm that there actually is a women's network with many of the decision-makers at the clients and many of my opposing counsel women. In fact, I just completed a case pitting two formidable Fortune 500 companies against each other where both trial teams were led by women.

Q: What are the challenges of being a woman at a senior level within a law firm?

A: Other than a constant battle with the thermostat, at my firm there are no challenges that I have seen or encountered that are based on gender. My hope is that my experience is not merely reflective of my firm but of the profession in general.

Q: Describe a time you encountered sexism in your career and tell us how you handled it.

A: There have always been odd little things here and there — a judge refusing to allow me to wear pants in the courtroom, a foreign client perceiving it as an insult that a woman was deposing him, a judge in a case concerning suntan products asking if I was planning on wearing a bathing suit to show off the product's benefits — but they have been few and far between.

Early in my career as an IP attorney, I was taking a deposition outside of New York. I was alone in the conference room when opposing counsel entered. Without either introducing himself or asking me who I was he instead addressed me as “hon” and asked that I get him a cup of coffee. Figuring that perhaps this could be turned to my advantage later, I asked how he took it and served him his coffee. When the deposition began, he first seemed surprised by my continued presence and then confused when I started asking questions. The wind seemed to go out of his sails at that point and we were able to get the testimony needed to prevail. By confounding his expectation rather than rising to the bait, I turned the situation to my benefit.

Q: What advice would you give to an aspiring female attorney?

A: First, remember you are a female. You don't have to hide that to succeed. Second, be both the smartest one in the room and the most prepared. Third, be confident. This is not a profession for wallflowers. You don't have to yell, but you have to learn to stand your ground. And finally, always wear fabulous shoes. I cannot explain why, but having great shoes just gives you a tremendous feeling of empowerment.

Q: What advice would you give to a law firm looking to increase the number of women in its partner ranks?

A: I look at my firm, which has an exceptional number of female partners, all of whom have come up through the home-grown associate ranks. Law firms looking to increase the number of women at the partner level need to invest in the women already there. They need to work with women who take maternity leave to come up with a plan that allows the associate to plot her future course at the firm. If a firm thought highly enough about someone's talent to hire them, the firm owes it to that person to develop them.

Q: Outside your firm, name an attorney you admire and tell us why.

A: There are many women attorneys I admire for different reasons. I have had the pleasure of working closely with Susan Frohling, chief trademark counsel at Kraft. She has this wonderful ability to galvanize the legal teams and business teams. She always makes outside counsel feel appreciated. She has figured out how to balance a demanding work life with raising her children. And she does this all not merely successfully but also with grace.

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