

Must Be Present to Win

**JUDGE BARBARA M.G. LYNN
BULLDOZED THE WAY FOR WOMEN IN LAW.**

By Alice Laussade



I have many golf trophies that I picked up at the Dallas Bench Bar Conference when the real winners were not present,” Judge Barbara Lynn tells me, with plenty more pride than shame. She spent her career fighting for what’s hers. And when you do that for a half-century, maybe you get in the habit of taking all that and then some when opportunity presents itself. “I took the position ‘Must be present to win,’” she says with a smirk. “So I have all these golf trophies.” She’s terrible at golf, but her bookshelves tell a different story. Lynn is admittedly overcompetitive. “Any game. Cards, board games. Any game of any kind,” she says. “I want to win. And there have been many examples of me trying to engineer victory.” If you’re trying to win a charity golf tournament, why learn to be a good golfer when all you really need to do is drink a bunch of gin martinis at the winner’s podium long enough to accept trophies on behalf of everyone else?

Finding loopholes in the system was necessary for Lynn as she fought to enter a male-dominated field, and it’s a required skill for any good lawyer. You can tell she takes joy from the creativity the job requires. It’s become such a part of her personality that she can’t turn it off.

If you drink every time you see the word “first” when you read the Wikipedia entry on Judge Barbara M.G. Lynn, you’ll be in a bad way within the first paragraph. She Kool-Aid Mans through every brick wall built in front of her.

Her instinct is to take charge. Even during our conversation, there were a couple of times when I was ready to just hand her the interview and let her take over. “Aren’t you going to ask me what I’m doing now?” she says when I think the interview is over. Sure, it is technically “asked” in question form, but it is clearly not a question. Like your mom asking you if you’re about to take out the trash, and you know all the way down to your feet that the only answer is “Yes, ma’am. I’m on it.” It’s amazing how confident you think you are until a super-friendly lion with really fashion-forward statement glasses is facing you.

Whether the assertiveness is innate, learned, or a little bit of both, it has been absolutely necessary and beneficial for her career. Lynn graduated with highest distinction, in 1973, from the University of Virginia’s first fully co-ed class, earning her degree in just three years. After undergrad, Lynn attended law school at SMU, where she graduated—you guessed it—first in her class.

Even with that distinction and as a member of the Order of the Coif, Lynn ran into some challenges as she looked for a job. “Many of the larger firms in town and smaller firms, too, were not really interested in hiring women,” Lynn says. “So that was surprising and disappointing to me.” During interviews, Lynn and her female peers were asked questions such as “How are you going to be a trial lawyer and have dinner on the table for your husband when he gets home from work?” “How are you going to have children and still be a trial lawyer?”

“We were all working our tails off in law school, and many of the women in my class already had children,” Lynn says. “There were a number of people in my class who came back to law school, having had another career. So the idea that we, as a collective group, could not organize ourselves well to do all the jobs we undertook was sort of silly. But it didn’t have silly ramifications; it had profound ramifications.”

But instead of backing down, Lynn turned the misogyny into motivation and became really good at being first. At Carlington Coleman in Dallas, Lynn was the firm’s first female associate and later its first female partner. And, in 1999, she was nominated by President Bill Clinton to a seat on the U.S. District Court for the Northern District of Texas. During her time on the bench, she became the first woman to hold the title of chief judge and ultimately served for 25 years.

When asked what triggered the decision to retire, Lynn says simply, “Twenty-five years felt like enough. There is a limited number of these jobs, and a lot of qualified people. I thought it was time to open the seat for someone else.”

One thing she misses about the job is the flattery. “Oh, come on, it’s fantastic,” she says. “Sincerity is overrated. They laugh at your jokes. They stand up when you walk in the room. You couldn’t be smarter, you couldn’t be looking sharper, you couldn’t be thinner.”

While a major achievement of Lynn’s career has been breaking down barriers for women, she continues to see room for improvement. “There’s still a quite substantial attrition of women out of private practice in particular,” she says. “It isn’t necessarily bad that women leave private practice and go into the judiciary, academia, or in-house, but part of the motivation for that, I fear, is a greater dissatisfaction among women about the structure of private practice that makes it more likely that they will turn to something else.”

“There’s a substantial exit point, not only as you would think at the time women are having children, but at age 50, when women should be the leaders of law firms across America. There are women in leadership positions, but not as many as the demographics should predict. And so I think there’s still something that is pushing women out—voluntarily, not involuntarily.”

So what’s going on? Why aren’t female lawyers sticking around? Lynn points me to a study that the American Bar Association Commission on Women in the Profession published in 2019 that highlights the reality of the current environment and points

to gender bias as the likely culprit.

“Women report being four to eight times more likely to be overlooked for advancement, denied a salary increase or bonus, treated as a token representative for diversity, lacking access to business development opportunities, perceived as less committed to her career, and lacking access to sponsors. Each one of these factors is, in and of itself, critical for advancement.” The study concludes, “Our data show that gender bias takes place in many different ways. The cumulative result is what we term ‘death by a thousand cuts.’”

On the flip side, you can see how a woman might hit her 50s and decide that she doesn’t have to wake up with night sweats *and* deal with clients who have unreasonable expectations. Sometimes, you Kool-Aid Man through the wall, and it takes a little time to realize that you don’t like the look of the room you were so desperate to get into in the first place. Walking away on your own terms can be a form of trailblazing.

But Lynn isn’t walking away anytime soon. Giving up her federal judge seat to “open up the spot” was nice, but after just six weeks, she says, she “funked retirement.” “I tried out just being fancy-free, and that’s just not me.” Instead, Lynn has taken a position as a partner at the Dallas-based litigation firm Lynn Pinker Hurst & Schwegmann, where she primarily works on large mediations and doing mock-trial work for lawyers who want to see how a former federal judge would respond to their arguments. No pressure, y’all.

When it comes to advice for the next generation of young lawyers, Lynn says that if she could put one sentence on a sign outside her courtroom, it would be “Answer the judge’s questions,” she says. “Judges want their questions answered, and lawyers should recognize that nothing matters except for what the judge wants to know. So it is a fool’s errand to be wedded to your script.”

“I think I would add to the bottom of the sign ‘and then have fun.’ Because I liked nothing better than a great oral argument where I was suggesting one thing, and the lawyers wanted to convince me of another and gave it great advocacy. There was nothing better than that, and I would have been delighted to have changed my mind based on good advocacy.”

And, hey, a little flattery and a gin martini wouldn’t hurt, either. **D**

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COURTESY OF BARBARA LYNN