

Dear Pat,

I practice in a small town where the lawyers and judges are very friendly. Unfortunately, there is one person in a position of authority who is too friendly. He often tries to hug female lawyers, which makes me uncomfortable. If I politely step back, he steps forward and initiates the hug. He constantly remarks on women's hair, scent of our skin or overall appearance. He's so overly cordial, it gives me and any onlookers the wrong impression. I feel that this behavior tends to make attorneys who witness it, particularly women, feel uncomfortable when they're around him, and he doesn't behave this way towards male attorneys. Since he is hardly young, it seems he should know better than to engage in such female-directed conduct, yet most of us are unwilling to risk calling him out on his unprofessional behavior since he is in a position of authority. I would appreciate any advice or suggestions you can give.

Sincerely,
Very Uncomfortable

Dear Very Uncomfortable,

There is no one solution that will fit the needs of all women who find themselves in the situation that you describe. Some women are more comfortable being direct and drawing clear boundaries with people. There is nothing wrong with approaching this problem in a straightforward, direct manner, which would entail speaking to the person in authority and telling him that it makes you uncomfortable to be hugged and complimented on your outward appearance in a professional setting where you are trying to do your job. If the person of authority is a judge, there is also the option of reporting him to the Judicial Standards Commission.

A less direct approach is to try to avoid the person altogether. Depending on the situation, this can be a little difficult logistically, but if the person is a judge, one could attempt to recuse him on all cases that come before him. This can be hard, particularly in smaller towns or federal court where there are fewer judges, and you have to take the client's best interests into account.

Another less extreme way to avoid him is to walk away when you see him coming in your direction. Avoid eye contact with him. Refrain from asking him personal questions or commenting on the weather. Offer your hand for a hand shake when he goes in for a hug. This will send him the message that your relationship with him is nothing more than a professional one. While most people like to be friendly with the people they work with, it sounds like this might be an instance where you need to send a message by literally creating a strictly professional relationship.

Gender bias is still all too common in New Mexico. It is time for New Mexicans to realize that it is inappropriate to treat women or men unprofessionally on the basis of gender. In the end, such behavior reflects poorly on the person who is behaving that way, as it is no longer acceptable in this day in age. Society has made, and will continue to make, advances to ensure women get treated equally in the workplace. Even if this person actually holds archaic beliefs about women, that person will not benefit from refusing to adapt to changes in society that demand women get treated equally in professional settings and otherwise.

Last fall, the Committee on Women and the Legal Profession mailed 187 *Gender Equality* handbooks to judges around the state as a reminder of what is expected from them. Chief Justice Charles W. Daniels authored the cover letter, which stated, among other things:

We have come a long way in the past four decades in diminishing gender bias in our legal processes, to the benefit of our profession and our society as a whole, largely as a result of the courageous and dedicated efforts of conscientious lawyers, judges, and men and women from other walks of life. But we must recognize that we still have even more to do to confront all remaining vestiges of this unfair and unprincipled discrimination.

The Committee on Women appreciates hearing stories about gender bias that attorneys still face in our profession. We will continue to take steps to try to improve the situation in New Mexico.

Sincerely,
Pat

Ask Pat, provided by the Committee on Women and the Legal Profession, will answer questions about gender bias in the legal profession. Letters are loosely based on real events. Send comments or letters to Ask Pat, State Bar of New Mexico, PO Box 92860, Albuquerque, NM 87199-2860.