



# Profile: Barbara and Therese Lawless

*Daughters of a law school dean, this sister act brings a passion for trial work to employment law*

BY STEPHEN ELLISON

While many siblings tend to grow apart as they get older, their lives inevitably consumed by family, career and the demands of daily life, Barbara and Therese Lawless have found a way to close a gap that existed naturally in the form of a 14-year age difference.

Barbara is the second oldest of 12 Lawless children. Therese is No. 9. They belonged to the same family, yes, but were raised in much different family dynamics. And yet, today they stand together, closer than ever, as the faces of Lawless & Lawless, one of the top employment law firms in Northern California.

The sisters acknowledge their differing personalities, and both recognize the beauty of melding each of their distinctive traits to form a compassionate and skilled legal team.

"Therese is a natural – I've always said that about her," Barbara said. "She excelled at law, and she's just always had this incredible confidence. She's not afraid to take risks. She's been a great addition to the practice. I'm very lucky to have her."

"Barbara is my mentor," Therese said. "She's amazing. We make such a good team. I'm detail-oriented, and she's more of a big-picture person. So we complement each other well."

Both also felt the influence of their parents. "Dad was a litigator, a judge and a law school dean. He was a firm believer in equality and civil rights," Barbara said.

"Mom was an accepting, nonjudgmental person who taught her children



Barbara Lawless



Therese Lawless

to be independent," Therese said. And though the marriage eventually ended in divorce, the sisters agreed that the values their parents instilled in their children hold strong to this day.

"He was the true believer type," Barbara said of her father, who served as city attorney in Buffalo, N.Y., and went on to become dean of Notre Dame University Law School in South Bend, Ind. "He believed in equality during a time when equality was not the norm," she added. "He would stand up to anyone – family, friends, neighbors – when it came to issues like that."

That consideration for fellow man fell right in line with the Lawlesses' religious beliefs and left an impression on the children, even the younger ones who strayed from the family's devotion to the Catholic church. "We had a Catholic upbringing," Therese explained, "so we were taught to go out into the world and do something to help other people."

## People persons

Initially, for Barbara, that translated into a stint with Volunteers in Service to America (VISTA), a domestic peace corps

that helps impoverished Americans and soon thereafter, involvement with California Rural Legal Assistance (CRLA), a nonprofit legal services program. "With CRLA, I came to realize I could do more as a lawyer than I could as a non-lawyer," she explained.

So she enrolled in law school, completing her first year at Santa Clara University Law School and then transferring to UC Berkeley's Boalt Hall School of Law.

From there, Barbara was intent on starting her own public interest law firm, but it turned out to be a venture that left little time to practice law. "I spent a lot of time fundraising," she said. "And I really preferred litigation."

She began handling environmental cases in Santa Clara County and turned that into a successful general practice. Once established, she started getting calls from women being discriminated against in the workplace. "As time went on, I was doing more and more employment law cases, and at the same time I was handling divorce cases," she recalled. "It didn't take long to figure out that employment law seemed to be best for me. Domestic law – I didn't really enjoy that. With employment law, you're working on a change in the structure of society."

Eventually, Barbara phased out the domestic law portion of the practice, and today she is one of the region's premier employment law specialists.

While Barbara was building her career and growing her firm, Therese had been studying science at Cornell, still trying to find her way. "I was one of those students who had a hard time



choosing a major because I was interested in a lot of different things,” Therese explained. “I took a lot of premed courses, sort of covered the whole spectrum. I studied natural resources, too.”

While attending law school at George Washington University in the nation’s capital, Therese clerked for the 9th Circuit Court of Appeals for a year. After graduating, she received offers from non-profits and boutique law firms but still didn’t know what she was going to do. “One day, I was on the beach in Cape Cod, where I went to middle school and high school, and met this man from a (Boston) law firm who said they had an environmental practice,” she recalled. “So, I did some superfund work there – you know, cleanup of oil stations and gas stations.”

Because she wasn’t equipped for corporate work and was not particularly fond of environmental defense, Therese kept her options open. All it took was a call from her big sister, and she had the excuse she’d been waiting for. “So, I went out (to San Francisco) and started doing employment law with Barbara for a little bit, and I really enjoyed it,” Therese said.

Therese joined Barbara permanently in 1988 and has never looked back. “I knew I could not do a job that wouldn’t give me great satisfaction,” she continued, “and I knew I couldn’t work for someone else. That’s where Barbara has been so supportive.”

### Passion for trial work

Lawless & Lawless specializes in a number of employment law areas, including sexual harassment, discrimination and whistleblower retaliation. Each sister has her preferences both within the legal process and among the specialty cases.

“I love trying cases, going to trial. I find it very rewarding,” Barbara said. “You spend a lifetime learning trial skills.

It’s always a challenge. And you’re only as great as your latest verdict.”

The most important aspect in a trial, Barbara said, is connecting with the jury. “Juries are inherently intelligent,” she said. “As a lawyer, you have to cover every angle – if you miss something, they’ll pick it up.”

Barbara, who accepted the Distinguished Law Firm Award from the Women Trial Lawyers Caucus of the American Association for Justice, also harps on preparation. She takes all her own depositions because she doesn’t want to miss anything. Knowing the players – the witnesses – is key, she said, and you don’t want to miss some of the subtleties of a person’s character that can come across in live testimony. “You can pretty much assess your witness in deposition and figure out what kind of person you’re dealing with,” she said.

For Therese, counseling others – especially those who really need the help – is the most rewarding part of her job. “I get enormous satisfaction from that,” she said. “I definitely like to help women, particularly in sex harassment and discrimination cases.

Also, I love empowering other people,” she added. “And most of the people we represent need that because they’re up against big corporations.”

Therese, who was named Trial Lawyer of the Year by the San Francisco Trial Lawyers Association in 2000, shares her sister’s love for going to trial. “It’s an adrenaline rush that you just can’t get doing anything else,” she said.

Together, the sisters have won numerous verdicts and settlements. They collaborated on a defamation case against AOL in which their client was called a crook and won \$5 million. “When he got fired, there were former co-workers who wouldn’t go into business with him because they believed it,” Barbara said.

Another case they teamed up for was a suit against one of the Catholic organizations. Therese found it interesting – and somewhat amusing – when the nuns showed up at the trial wearing their habits. And she was very impressed with her partner and big sister. “I was a Catholic school dropout in second grade, but Barbara had to go through the whole schooling, all the way to Catholic College,” Therese said. “She was really in her element cross-examining those nuns. I remember at one point, she was pointing her finger at one of the nuns – I had to turn away and cover my face because I was laughing. I could just imagine all those times she was on the other side of the finger-pointing, and now there she was getting a little paycheck.”

Both Lawless women maintain a life balance. Barbara takes three weeks every year to travel – she’s been to every continent, except Antarctica. Therese is heavily involved in her children’s schools and their extracurricular activities.

The sisters have very similar philosophies to pass on to the next generation of lawyers.

“Follow your passion, and do what you believe in,” Therese said. “I often mentor young women, and I tell them it’s the best thing to end up working for yourself.”

Barbara completed her sister’s thought: “Follow your passion and don’t care so much about the money – that will come in time. There will be rough

patches, sure, but if you have passion for the end result, you’ve found your calling.”

*Stephen Ellison is a freelance writer based in San Jose, Calif. Contact him at ssjellison@aol.com.*



Ellison

