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Roundtable Discussion on Women in Antitrust

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[Barbara T. Sicalides](#)

Barbara Sicalides, a partner in Troutman Pepper's Antitrust Practice Group, was quoted in the March 21, 2023 *American Bar* article, "[Roundtable Discussion on Women in Antitrust](#)."

Not to follow the lead of everyone who went before me, but it is true that I did not go into the practice of law in order to be an antitrust lawyer, and it was not at all expected. I was a history major, and the history is fascinating.

Literally the first year I was an associate at what was then Pepper Hamilton, now Troutman Pepper, I was essentially commanded to participate in an injunctive proceeding and I was assigned antitrust injury. I remember that vividly, and I remember going into the library, because then we used books, and researching antitrust injury and being completely fascinated. The differences in the opinions of the different courts and the way in which they approached it just really set me on fire.

The truth is that literally after that day I went into every partner's office who had antitrust matters—at that time they were all men—and, even though I already had a full plate of work, I said, "If you have a new case that's an antitrust case, I want to be on it." It was a tough year I have to say, lots of work to try to manage, but I've never regretted it. It was the right choice for me.

I think part of the reason it's so interesting to me—and I have done single plaintiffs' work, so essentially monopolization cases, although they might have had Section 1 claims in them, they were focused on firms that arguably were dominant; and I have done plaintiffs' cases on that side that are super-interesting as well as defendants' cases, so the variety is incredible—I have found that it's the variety of the industries and the businesses that has really kept me engaged and excited.

I love working with businesses. I was very foreign to businesses before I started practicing—I was just a student and I worked a service job before I went to law school—and for me it was really eye-opening to see the creativity of the business teams, to watch them work together to build something, to construct something, to invent or innovate the next version of it, and finally they were going to build the machine, even if it isn't a physical machine, how they were going to put it out into the market, what went into making it—sort of the hopes and plans of the enterprise for the enterprise itself, for their employees, for their leadership team. I found that really interesting and I found it invigorating and energizing.

So even though it wasn't a choice to start and it certainly wasn't any place I expected to land, because I did not take economics and intentionally did not take economics, I've never looked back.

I will say that Bobby Willig just also set me on fire. He was a challenge always and he challenged me all the time.

He wasn't on every matter I had, so I'm not suggesting he was with me my whole career, but he was at the start. It was always exciting and I learned so much from him.

Just that experience of constantly learning, and learning from experts all the time—I mean when you're representing a business you are learning from the CEO, from the COO, from the VP of sales—it's just to get that opportunity every day is very rewarding for me.

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I think it is very important. Frankly, it's important professionally but it's also important for your happiness. It's important to have people who help point the way in some way. You don't have to follow what they tell you to do, but it's always helpful to learn from other people's experiences.

To me really the most important thing in finding a mentor is to find the person or persons that fit for you. It can be a man, it doesn't have to be a woman, though there are obviously some benefits to having a woman as a mentor. I think the fact is the person needs to be a good personality fit.

And for me it needed to be someone who also challenged me, someone who questioned me respectfully. Sometimes maybe it was even a little harsh, but it was good for me, helped me to think things through, and it also helped me to be stronger as a person and as a lawyer.

That is the advice I generally give to most women, or frankly any diverse person, probably anyone who asks me, "How do I find a mentor?" What I say is it was critical for me to have someone from whom I could learn and with whom I could be direct and who was direct with me.

The person who actually was my first mentor was someone who everyone was afraid to work for. The first time he asked me to work on a project for him, everybody told me, "Finish this and get away from him as fast as you can." In the end, I worked with him for twelve years, and he was a great teacher and a strong mentor. I guess I'd say listen to what you hear from other people but don't act on it, use your own judgment, because it really does need to be the right fit.

And then, as far as mentoring younger lawyers, I will say it is sometimes hard, not because of them, but because—the first time I really mentored a woman attorney, it didn't turn out the way I wanted it to. She ended up leaving the firm and said that one of the reasons she decided to leave was she felt, while she liked working with me, watching the pace at which I worked and the demands that I confronted with family and the job, she didn't want to move at that pace. Anyway, the truth is she ended up with a great job in-house doing international antitrust work. So she stayed in antitrust, so that was a victory, and she is a fantastic lawyer.

Over time I've had a little bit more luck. It is really satisfying actually, and frankly so critical. The people who I try to mentor are critical to me getting the job done. I can't possibly do the work without the folks who want to work with me, and I think it is obviously important from both ends. Frankly, I challenged my mentor all the time over the years, so I hope he got something out of the relationship other than just my slave labor. I know I got a lot out of it.

Honestly, Bobbi has been one of my mentors over the years, and it was super fun actually to have a mentor who

was on the other side of the “v.” I learned a lot about being a leader, I learned a lot about being respectful of my opponents, and I learned a lot about how smart they are.

I actually had a couple of mentors over time, and I’ve been lucky, and I recommend that everybody find one. I don’t see how you do it without it, frankly.

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Can I just chime in with one thought? It’s a little different because it’s not so focused on the law firm, but I would say that until men take equal responsibility for the family and the home it is going to be difficult—not impossible, because I think women are pretty amazing—for women to achieve true equality and take the rightful positions that we should have out in the world. So it’s not a law firm issue necessarily, although it’s important for law firms and businesses in general to give men that opportunity too, such as paternity leave and those sorts of things.

So I think it’s not just a legal issue or a law firm issue, although I do agree there is a great deal of inertia and we aren’t thoughtful enough about these things.

One issue we are also seeing—and I haven’t done a study on this; maybe somebody else has—is it seems like trial courts are having fewer and fewer oral arguments, which makes it harder to have more opportunities for younger lawyers. Clients are less excited about giving the younger lawyers the bet-the-company summary judgment argument, and if those are the only ones you are having, it’s hard to pass on those opportunities.

I’m just going to leave it at that because I know other people have important things to add, but I just wanted to put that out there.

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It is interesting because frankly, I think much of what Bobbi said is part of what I say, only I use very different words. It’s super-interesting. Honestly, I tell them to be themselves.

Even though they are going to sit in a room and someone is going to tell them that women shouldn’t apologize as much as they do, my view is I apologize, that’s how I am, and that’s how I was raised, and I am not going to apologize for apologizing. So I just try to be myself and recognize that just because I might do something differently doesn’t mean that I’m not better at it or just as good as my male counterparts.

A small example. When I have teams that are out in the field, I’ll send them a box with licorice and *Tiger Beat* magazine, and *Surfer* magazine. It’s almost like a care package that your mother would have sent you in college. It’s supposed to be funny. Now I try to put healthy things in there and not just junk food. Some people might see that as mothering. I don’t care. It’s part of who I am and I am not going to apologize for it.

So I say be yourself and seek your own justice and your path, and don’t take no for an answer because it isn’t an acceptable answer. If you have a passion or you want to achieve something, you have to be able to stand up for yourself as politely as you can sometimes, and occasionally sometimes maybe not so politely, depending on the circumstance.

The last thing I would say is, I think similar to what Doha was saying, which is I was told on my very first assignment, “Make yourself indispensable to the client.” In different situations your client is different—it could be your partner, it could be a client client, it could be the lawyers who are working with you, it could be a lot of different things—so having the expertise and making yourself a critical part of a team by putting yourself out there and doing it is very important to get opportunity, because we’re all worthy of it.

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