

1-1-1996

## The Role of Women in the Italian Legal System

Roberta Ceschini

Follow this and additional works at: <https://readingroom.law.gsu.edu/gsulr>

 Part of the [Law Commons](#)

---

### Recommended Citation

Roberta Ceschini, *The Role of Women in the Italian Legal System*, 12 GA. ST. U. L. REV. (1996).

Available at: <https://readingroom.law.gsu.edu/gsulr/vol12/iss2/10>

This Article is brought to you for free and open access by the Publications at Reading Room. It has been accepted for inclusion in Georgia State University Law Review by an authorized editor of Reading Room. For more information, please contact [mbutler@gsu.edu](mailto:mbutler@gsu.edu).

## THE ROLE OF WOMEN IN THE ITALIAN LEGAL SYSTEM

Roberta Ceschini<sup>†</sup>

### INTRODUCTION

Before addressing a difficult topic such as the role of women in the Italian legal system, I believe some preliminary thoughts regarding the role of women in Italian society are necessary to understand the mentality of this country.

Italy is a mixture of modernism and conventionalism; Italians wish to be modern, but always maintain some ancestral conventionalism in the back of their minds. This results in a very peculiar attitude in which people are open to any new fashion, but also are mindful of the traditional way the world turns or, at least, should turn.

The result of this attitude, as far as women are concerned, is that all doors in Italy are open to women as they are to men; you will not find any job, sport, or other activity that is not accessible to a woman. However, once a woman walks through a door that in the past has traditionally been entered by men, she has to face at least twice as many difficulties as a man walking the same path. Such difficulties are mainly, although not entirely, created by men. Women also contribute to skepticism toward women trying to perform "men's roles."

### WOMEN'S ENTRY INTO THE LEGAL SYSTEM

#### *The Percentage of Women in Various Roles Throughout the Legal System*

Only very recently have women started entering the Italian legal system in prestigious roles such as magistrate, lawyer, and

---

<sup>†</sup> Partner, Sinisi Ceschini Mancini & Partners, with offices in Rome, Milan, New York, San Diego, Atlanta, and Athens.

notary.<sup>1</sup> Until a few years ago, it was common to see women within the court system solely in the position of law clerk.

Personally, being a lawyer who has attended court and dealt with other lawyers almost daily for the past seven years, only twice have I met a female lawyer over age forty, and I have never met a female magistrate over age forty-five. The female lawyers I have met are primarily between the ages of twenty-seven and forty, with the majority in the younger sector. The same figures apply to magistrates, with the result that there are few, if any, female magistrates holding positions in the higher courts. I have never heard of a female magistrate who is part of the Supreme Court or the Constitutional Courts. During my career, I have met or heard of at least one hundred notaries, of which only five percent were female. At University, I sat for twenty-six exams—none with a female law professor.

Females working in the legal system are concentrated mainly within the age bracket of thirty to forty. More specifically, an official survey conducted among the various Italian bars<sup>2</sup> verifies the distribution of female lawyers:

Age	< 31	31-35	36-40	41-42	> 42
% Female	42.4	35.1	29.7	20.2	6.8

The percentage of females within the various positions is as follows: lawyers, 15%; magistrates, 30%; notaries, 5%; and law professors, 1%. The survey determined that the percentage of females in the professions of lawyer, magistrate, and notary is increasing and that it is likely, with special regard to notaries and magistrates, that female practitioners will outnumber males within a few years.<sup>3</sup>

---

1. The profession of notary in Italy is extremely different from the Anglo-Saxon concept of notary public. The Italian notary is a professional who must certify some of the most important contracts, such as real estate transactions. The position is extremely prestigious—more so, for example, than a lawyer.

2. L'Avvocato Donna, "La Previdenza Forense" magazine of the Social Security Board of the Italian Lawyers, Apr.-Sept. 1994, No. 2-3.

3. As additional confirmation of the youth of women entering the law profession in Italy, Law No. 379—which provides for a certain indemnity to be paid by the Social Security body for Italian lawyers during a lawyer's pregnancy—was not issued until 1990. Gazz. Off. 293 (Dec. 17, 1990), Law 379 (Dec. 11, 1990).

*The Impact of Female Practitioners in the Legal System*

Because female practitioners in the legal system are such a young minority, they suffer the consequences of this disadvantaged position. Such consequences can be described as a general distrust of female practitioners and a general belief that they are, by definition, less professional, less aggressive, and less competent than male practitioners. The older the other party is, the more likely there will be this distrust, given the fact that the entry of females in the legal system is rather recent.

Such consequences often result in female practitioners being overly aggressive. To defend themselves against the common perception that female lawyers, magistrates, and notaries are less competent and aggressive than males, female practitioners usually are extremely determined and professional because of the unspoken doubt regarding their worth. Males, on the other hand, are automatically assumed to be competent unless they prove to be incompetent. In other words, while Italian female practitioners have the burden of proving their professionalism, males enjoy a good reputation automatically.

Confirming the prejudice toward female practitioners, law firms (especially those established many years ago) often refuse to hire female practitioners purely because of gender. I can confirm this personally, as this happened to me when I was looking for a firm in which to start my practice. A couple of the large firms I visited mentioned explicitly that it was their policy not to hire female practitioners, regardless of how brilliant the curriculum vitae might be.<sup>4</sup>

In summary, I believe female practitioners' entrance into the Italian legal system is difficult because females necessarily start on a lower step than their male colleagues. However, this additional challenge can be viewed as positive because it contributes to female practitioners being more competitive, thereby causing this minority to grow.

---

4. This kind of prejudice appears extremely insignificant when compared to a famous incident many years ago in which the Turin Court of Appeals rejected Mrs. Lidia Poet's application to be included in the Lawyers Bar. *L'Avvocato Donna*, *supra* note 2.

*Women's Areas of Practice*

There are, theoretically, no areas of practice to which a female practitioner is not admitted. Practically, however, the majority of female practitioners tend to concentrate their activities in certain areas that are very suitable to women, such as family law. Indeed, an Italian client is more often than not extremely happy to have a female lawyer assisting him or her in a divorce or adoption proceeding.

Likewise, there are certain areas in which it is very difficult to find a female lawyer. In the sports law practice, for example, clients usually do not feel comfortable having a female lawyer because of a belief that female lawyers do not possess the required expertise.

Even in neutral fields, such as labor law, a client may not feel comfortable with a female lawyer. In one case handled by my firm, for example, a male executive explicitly requested a male lawyer. The executive was terminated by his company, became very depressed, and was incapable of telling his family that he suddenly had lost his job. The client did not feel comfortable communicating his feelings to a female lawyer.

## CONCLUSION

Although there are basically no limits on female practitioners' access to the legal profession, there is still a distinction among lawyers based on their sex. Clients and colleagues are still unable to consider a lawyer as a professional, independent of the lawyer's sex.

One final point perhaps summarizes all the above: In court, it is not unusual for female lawyers to be addressed as "signorina" or "signora" (Ms. or Mrs.), whereas male lawyers always are addressed as "avvocato" (lawyer). Because of the Italian mentality, I believe this will never completely change.