Anger is a natural human emotion that both sexes experience. Unfortunately for women, research shows that when they get angry, they are seen as less credible, whereas the opposite effect is seen in men. This phenomenon is seen in abundance for her campaign that she maintained her embassy in Libya, it was considered a coup committee studying the attack on the U.S. Conversely, when Clinton endured a opposite effect is seen in men. Two university researchers, Arizona State University psychologist Jessica Salerno and University of Chicago-Illinois psychologist Liana Peter-Hagene, decided to put that cliché to the test in 2015. To determine whether men and women were perceived similarly when angry, they simulated a murder trial and studied the jury deliberations. In each case, after the jurors made their initial decision, a male or female “juror” served as a holdout who refused to go along with the majority opinion. The study found that the jurors were more likely to doubt their initial decision when the angry holdout was a man, but they became more confident in their decision when the angry holdout was a woman. In their findings, titled One Angry Woman: Anger Expression Increases Influence for Men, but Decreases Influence for Women, During Group Deliberation, they reported that “Expressing anger created a gender gap in influence that did not exist before the holdout started expressing anger or when the holdouts expressed fear or no emotion.”

CULTURAL EXPECTATIONS

“Both men and women get angry, but because of cultural expectations, we don’t like it when women get angry,” says executive coach Talane Miedaner, author of Coach Yourself to Success. “We expect women to be the nurturers, so when they get angry, both men and women feel uncomfortable and call these women bitchy. When a man gets angry, we may not like it but he might be called hot-headed.”

“The double standard is alive and well,” she says, “so women need to take extra steps to manage their communication styles at work. Women are at a natural disadvantage to men due to the simple reason that their voice goes up when they get excited, and the moment a woman raises her voice, men immediately tune her out. It’s not intentional, but it happens subconsciously.”

FIVE SECONDS

Staying calm when your nervous system is ordering you to do otherwise takes practice. Unfortunately, unlike fictional characters on TV, who have rooms full of scriptwriters ensuring they always have the perfect comeback, none of us have Aaron Sorkin feeding us convincing, data-filled one-liners. We’re left to rely on our own fallible brains, which can freeze up when under attack.

One of the most important elements in keeping your cool is, simply, time. Executive coach Amiel Handelsman, author of Practice Greatness, says five seconds is “the difference between carelessness and wisdom,” because that’s how long it takes to pause, breathe deeply and come up with an appropriate response. Simply speaking more slowly and allowing others to finish speaking can be enough to maintain a civil tone in even the most tense conversations.

You can also buy time by paraphrasing what was just said to you in as neutral a tone as possible. This has the added bonus of allowing the other speaker to clarify if he or she misspoke, and it maintains communication at a time when it’s endangered.

Simply asking for clarification—again, calmly and slowly—can defuse a tense situation and reveal what other issues may be at play that aren’t immediately apparent.

THE SOUND OF SILENCE

If a short pause isn’t enough of a break, and a situation is becoming too tense, it may be acceptable to ask for a timeout for both parties to take a breather. It may be a few minutes or a few days, but that may be all that’s needed for everyone to regain their perspective, Handelsman says.

Sometimes you know when you are walking into a potentially combative situation. When that’s the case, spend a few minutes (even a few hours) anticipating questions and preparing responses. You don’t need to memorize a script, but the simple act of thinking through what your
critics might say can calm your nerves and give you a better command of the facts you’ll need to respond. If a conversation has become combative, use silence to your advantage. Particularly if the other party has said something belligerent or distasteful, don’t respond—at least not immediately. Several seconds of silence lets the speaker’s comments land and sink in. Not only does this give you a chance to formulate a response, but if the other person’s remarks crossed a line, it gives them a chance to apologize or, at least, walk it back.

It’s unfortunate that women are held to a different standard on something as involuntary and visceral as anger. After all, it’s usually just a sign that what we’re angry about is important and worth fighting for. Women are as entitled to that emotion as men are. Until such time that a woman politician can get as animated at her rallies as her male opponent—and not be told to “smile” by male TV commentators when she does it—we’ll have to develop alternative tools for coping with this most natural of emotions.

TIPS FOR REDUCING VOCAL FRY

If you have vocal fry, or think you do, and would like to reduce or eliminate it, here are some tips from vocal coaches Ann Utterback (onlinevoicecoaching.com) and Jay Miller (voiceandspeech.com):

- Record your voice, trying not to alter your speech patterns while you’re recording. It may take a while to get some audio that is your natural speech.
- Listen to the recording and notice whether you use vocal fry or any other speech pattern you want to address (an overuse of “like,” for example, or speaking too fast).
- Because many speech problems, including vocal fry, are caused by insufficient breath support, practice breathing deeply and fully before speaking, and releasing breath generously while speaking. That will help engage your vocal folds fully and help get rid of vocal fry.
- Practice doing a slow, controlled exhale while saying “aaah,” as confidently as you can. Time yourself to see how long you can hold it. Work on extending your “aaah” to 20–25 seconds.
- Vocal fry is most prominent at the ends of phrases or sentences, so work on providing power to the ends of sentences.
- Raise the pitch of your voice, very slightly. Your speaking voice operates more efficiently in the middle range than it does at lower registers, so practice starting sentences slightly higher than you’re used to doing. It doesn’t necessarily need to be noticeable to listeners, but it will provide more power to your voice.

GENERATION GAP

Is vocal fry actually a problem? It depends on whom you ask. If you’re annoyed by those who use it, then it’s a problem and you have to decide whether to let it affect your perceptions of those who use it. Just be sure yours is an equal opportunity annoyance that doesn’t solely target women. If you speak with vocal fry, it may be affecting your credibility if those listening to you are—consciously or not—discounting what you say because of how you say it.

Eventually, though, the generations that grew up using vocal fry will take over and, just as the speech conventions used by the Greatest Generation, Baby Boomers and Gen X came to be seen as the default, vocal fry will become accepted as “just the way some people speak” and not necessarily a negative. Until then, vocal fry will still probably be seen as a negative, at least among the older generations that, for now, are in the majority of positions of power.

Do You Have Vocal Fry?

Depending on whom you listen to, there either is or isn’t a crisis among America’s young women, and it’s called vocal fry. First, what is vocal fry? It’s the crackingness you hear when some speakers drop their voice at the end of sentences. Popularized by wealthy reality TV stars (think: “Oh my gawd, you guys!”) and imitated by legions of their fans, vocal fry has broken out of that demographic and can now be heard in the voices of young Americans of both genders, in all walks of life.

Unfortunately for those who have adopted vocal fry—often unconsciously—the speech pattern can create a negative perception, particularly among those who came of age before it took root in popular culture. It evokes a certain world-weariness and lack of engagement, as if the speaker can’t be bothered to muster enough energy to finish a sentence. Even if the listener doesn’t consciously attribute those traits to people who speak with vocal fry, it can certainly diminish the speaker’s authority.

...more than one-third of what others perceive about us comes from the way we speak.

A CREDIBILITY ISSUE

Experts tell us that our words only account for about seven percent of what we communicate, with body language (55 percent) and tone of voice (38 percent) making up the rest. That means more than one-third of what others perceive about us comes from the way we speak. If a particular speech pattern is perceived negatively, it can undercut the speaker’s credibility and, potentially, harm his or her career prospects. We say “his or her,” but it’s probably just “her.” As in so many other areas, women seem to bear the brunt of those negative perceptions far more than their male peers. A 2015 episode of the popular podcast This American Life featured a segment on men hate mail about the show’s female reporter who have vocal fry. The hate mail neglected to mention, however, that TAL’s male host, Ira Glass, has it as well, as Glass himself noted. Ironically, vocal fry may have come about in an effort by young women to speak in a lower register and sound less girly. The drawback of lowering one’s voice below its natural register, however, is lack of breath support and energy, leading to vocal fry at the end of sentences.

5 STEPS TO BE IN Better Shape by Labor Day

There’s still time to get pool-ready before Labor Day. The best news: You can squeeze in some workout time even if you’re stuck at the office all day.

1. Switch out your desk chair with a stability ball. Just think abs of steel without the cheesy video or breaking a sweat. Bonus: It’s a great way to work on your posture. If you aren’t able to get a ball, just do 15 reps of ab squeezes while sitting at your desk.

2. Compete with your coworkers. Get a fitness tracker and challenge your health-oriented coworkers to see who can walk the most steps in a week. You’ll find yourself sending documents to the printer farthest from your office to squeeze in extra steps. You might even catch up with office buddies during a lunchtime power walk.

3. Visit the water cooler often. Drinking water is great for your overall health, and refilling your water bottle at a break room allows you to visit with colleagues you don’t see when chained to your desk. Plus, you’ll add to your step count with all those trips to the bathroom.

4. Bring your own healthy snacks. Offices are notorious for celebration cakes and processed vending machine treats. Keeping a stash of nuts, fruit, low-fat yogurt, veggies and hummus in the office fridge and at your desk can help keep you out of the office M&M stash.

5. Tone with desk pushups. You may need to close your office door for this one, but the benefits are worth it. You’ll work your core, shoulders and arms. Simply put your hands on your desk, walk back into a 45° angle lean and get to work.

KEEPING YOUR COOL

Continued from page 1
BE COOL WITH THESE MODERN TWISTS ON PICNIC CLASSICS

1. Del Campo Blanket $135 | the-citizenry.com
2. Traditional Picnic Basket $74 | peterborobasket.com
3. Pops Bellini & Strawberry Popsicles (set of 3) $30.93 | ocado.com
4. Picnic Cutlery Set $18 | shopterrain.com
5. Double Insulated Wine Tote $79 | markandgraham.com
6. NEW BALANCE 574 Picnic Red White Blue $68 | shoeteria.com
7. Melamine Bowls (set of 4) $64 | ricebyrice.com
8. Wakawaka Solar Flashlight & Charger $79 | us.waka-waka.com
9. Denim Sandwich Wraps (set of 3) $32 | food52.com
10. Beach Sounds (Blazing Yellow) $49 | sunnylife.com
11. Enamel Mug & Dinner Plate in Splatter $8–$10 | roveandswig.com
12. Mineral UV Shield SPF30 $225 | omorovicza.com
13. Champagne Brut and Rose Bears $3–$45 | sugarfina.com
14. Bocce (8 set) Season 1516 $35 | sunnylife.com
15. Premium Chocolate Bars $8–$10 | mastbrothers.com and compartes.com
16. BBQ Corn Holders $16 | schmidtbrothers.com
17. Briefcase BBQ $475 | food52.com

woman-owned business
Great for moisturizing, cooking, cleaning and so much more. Pack some punch into your routine with this super-ingredient. Here are our top four organic and virgin coconut oil picks:

**Nutiva**
$13 for 14 oz.  
store.nutiva.com

**Thrive Market**
$8 (with membership) for 15 oz.  
thrivemarket.com

**Dr. Bronner’s**
$12 for 14 oz.  
drbronner.com

**Artisana**
$14 for 16 oz.  
amazon.com

There’s a new task to add to your morning dental routine: coconut oil pulling. Admittedly, it’s a weird and non-descriptive name, since it’s really more “swishing” than “pulling,” but we’re just the messenger here.

Coconut oil pulling originated centuries ago in India. Loyal oil pullers claim that it prevents cavities, helps whiten teeth and fights bad breath. To give it a try yourself, swish a tablespoon of coconut oil around in your mouth for several minutes (purists recommend 20 minutes, but feel free to start out with just 2 to 3). The theory is that plaque, bacteria and other impurities are pulled off the teeth and gums and captured in the oil solution.

There is some science behind this practice: Lauric acid in coconut oil is known for inhibiting *Strep mutans*, the bacteria that are the primary cause of tooth decay. Additionally, because high levels of plaque and oral bacteria are associated with heart disease, diabetes and other ailments, oil pulling could benefit more than just your mouth.

**OTHER DOCUMENTED BENEFITS:**
- Reduces inflammation
- Soothes throat dryness
- Heals cracked lips
- Boosts immune system
- Keeps skin clear
- Strengthens gums and jaw
- Provides morning meditation time
- Increases energy
- Denatures the body
- Aids in hormonal changes
- Reduces headaches

Before you get too excited, it’s worth noting that the American Dental Association has yet to verify any benefits of oil pulling. Dentists caution oil pulling is supplemental only, and shouldn’t replace brushing and flossing.

- Don’t swallow any of the oil.
- The ADA warns that oil pulling could cause lipid pneumonia if the oil gets into the lungs.
- When you’re done, spit the solution in the trash and not the sink. Otherwise, the oil can clog your pipes, and plumbers are at least as expensive as cavities.
- After you pull, thoroughly rinse your mouth or brush regularly with toothpaste and water before you eat or drink anything else.

**unusual uses for coconut oil**

- Remove labels and sticky residues from plastic, glass, wood and other hard surfaces
- Remove gum from hair
- Fix squeaky hinges
- Remove crayon from walls
- Make stainless steel appliances gleam
- Condition and sanitize wooden cutting boards
- Prevent stains in Tupperware
- Clean makeup brushes
- Use it as an antibacterial for scrapes and cuts
- Use it as a vapor rub to clear sinuses
- Soothe itchy bug bites
- Remove dead bugs or sap from the car hood
- Use it as shaving cream
We are pleased to announce the following women were recognized as 2016 Texas Rising Stars:

Leslie Robnett (Austin), Micala Bernardo (Dallas), Isabel Crosby (Dallas), Christine Williford (Dallas), Stephanie Beavals (Houston), Kathryn Boatsman (Houston), Courtney Ervin (Houston), Courtney Clauer (Houston), Sarah Kittleman (Houston), Cindy Lin (Houston), Jennie Miller (Houston), Angela Richards (Houston), Kelly Sandill (Houston) and Michelle Scheffler (Houston).

Kathleen Wu (Dallas) was recently selected to participate in the 2016 Bias Interrupters Working Group, a group comprised of national thought leaders on topics relating to diversity and inclusion sponsored by the American Bar Association Commission on Women, Center for WorkLife Law and the Minority Corporate Counsel Association. Kathleen was also named a “Best Lawyer in Dallas” by D Magazine.

Vera Rechsteiner (Washington, DC) and Doris Rodriguez (Houston) have been ranked among the Top 100 Female Lawyers in Latin America by Latinvex. Vera was also recognized in the 2016 Chambers Global Directory in the areas of Banking & Finance (Latin America); Projects (Latin America); Projects (Foreign Expert in Latin America) (USA); and Banking & Finance (Foreign Expert in Latin America) (USA).

Cindy Lin (Houston) has been selected to participate as a member of the 2016 class of Fellows, a landmark program created by the Leadership Council on Legal Diversity (LCLD) to identify, train and advance the next generation of leaders in the legal profession.

Robin Russell (Houston) was named a “Women Who Mean Business” Finalist by the Houston Business Journal.

The 2016 Chambers & Partners USA directory has recognized the following Andrews Kurth women: Kay Lynn Brumbaugh (Dallas), Lydia Gromatzky (Austin), Shemin V. Proctor (Washington, DC), Robin Russell (Houston) and Lisa Shelton (Austin).

Melanie Willems (London) was recently featured in the Q&A Series for International Arbitration published by Law360.

Kathryn Boatsman (Houston) has been named the Houston Young Lawyers Association (HYLA) Woodrow W. Seals Outstanding Young Lawyer of Houston for 2016. The Outstanding Young Lawyer award recognizes one young lawyer each year who has demonstrated professional proficiency, service to the profession and service to the community. Boatsman is the first Andrews Kurth attorney to receive this award.

Michelle Scheffler (Houston) spoke on the “How to Market Yourself” panel as part of the 12th Annual Texas Diversity and Leadership Conference. The conference seeks to provide the opportunity to explore tools and resources necessary to build diverse workforces and remain competitive on the global stage. Michelle also serves on the board of directors for the Texas Diversity Council.

Nancy Rootic (Houston) chaired the Women in Private Equity luncheon at the Capital Connection Conference given by The Association for Corporate Growth.

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GUARDING THE COMPANY WALLET: 
Trends in Insurance Law

GENERAL LIABILITY INSURANCE

MARCH THE BASICS

Understand Your Coverage. Know the terms of your insurance policies. What losses are covered and excluded? What are your obligations in the event of a claim? Keep your policies handy for easy reference in the event of a potential or actual claim.

Secure Your Policy. The insured, not the insurer, must prove coverage—including both the existence and terms of the insurance policy. If a policy is lost, all hope is not, as most courts allow an insured to prove up a policy through secondary sources. These sources may include evidence available from the insurer or evidence of standard form policies, along with evidence that your insurance policy followed the standard form.

STEP BY STEP: CLAIM YOUR COVERAGE

Notice: If you believe you may have a covered claim, provide notice to your insurer, clearly following the terms of the policy. Although the express terms of your policy govern, there are a few general rules to keep in mind. First, after providing notice, keep your insurer apprised of the status of the claim—results of any investigation, demands, pleadings and other court filings. Second, if you want your insurer to pay, be it an invoice or a settlement demand, forward the bill or demand to your insurer. Failure to provide timely notice of a claim could result in losing some or all of your coverage.

Duty to Defend. Does the insurer have a duty to defend you in the lawsuit? The terms of the insurance policy and the allegations in the pleading govern. Most courts broadly construe the duty to defend, meaning that if there is any possibility that the allegations made in the lawsuit could give rise to a covered claim, then the insurer has a duty to defend. Selecting Counsel. Assuming your policy grants your insurer the right to select defense counsel, you may nevertheless have a right to select your own counsel if your insurer agrees to defend, but does not enter a reservation of rights. If the reservation of rights creates a conflict of interest, generally you can select your own counsel. A conflict typically arises if the facts to be decided in the lawsuit are the same facts upon which coverage depends. Regardless of who selects defense counsel, the defense lawyer owes loyalty to you as the client, and legal privilege applies between counsel and the insured unless otherwise waived.

Duty to Cooperate. Most policies require the insured to cooperate with its insurer in providing a defense. This duty extends beyond the duty to provide notice and forward pleadings, and may require the insured to provide factual information; participate in discovery, including depositions; and testify at trial. As with notice, failure to cooperate could result in losing some or all of your coverage.

Privilege. Consider privilege before providing privileged information to your insurer. Most states do not recognize an insurer/insured privilege. Although some courts have recognized a privilege on a case-by-case basis, sending privileged materials to your insurer may waive legal privilege and open up that information to existing or future plaintiffs.

FILL YOUR GAPS: ADD CYBER INSURANCE TO YOUR PORTFOLIO

Scope of Coverage. Review your general liability coverage and understand any gaps to be covered by the cyber policy.

Application Disclosures. Consult with IT, legal and risk management professionals and ensure that your insurance application accurately discloses current security measures. Any inaccurate or incomplete disclosures may limit coverage or result in a later denial of claims.

Definitions. When negotiating policy language, define terms broadly. Avoid using specific statutory language from any particular state; doing so may limit coverage in other states. Pitfalls. Vague policy conditions may lead to disputes over coverage. For example, a policy condition requiring the insured to take “reasonable” data security measures may invite conflict over the meaning of “reasonable.” Verify that coverage is not limited based on the geographic origin of the attack. Similarly, clarify whether the policy covers state-sponsored and terrorist attacks.

Retraction. Negotiate a policy that includes retraction coverage for undisclosed data breaches or other events that occurred before the policy was purchased. Unknown breaches that occurred years in the past may still give rise to liability.

PROTECT YOUR ASSETS

Protecting company assets includes understanding the scope of your insurance coverage and meeting each of the technical requirements...including prompt notice.

Cyber Liability Insurance

Understanding Your Position If the Insurer Denies Coverage

Burdens of Proof: In a coverage lawsuit, the initial burden to prove coverage under the terms of the policy falls on the insured. If coverage is established, the burden then shifts to the insurer to show that an exclusion to coverage applies. If there are any exceptions to the exclusion, the insured bears the burden to prove that exception to the exclusion applies. In short, proof of coverage falls to the insured; proof of exclusions to coverage fall to the insurer.

Rules of Construction: The general rules of contract construction apply. Some courts construe ambiguous policy language against the insurer. Bad Faith. Many jurisdictions impose a common-law and/or statutory duty of good faith and fair dealing on the insurer. States vary on whether the applicable statutes allow the insured to sue the insurer for any breach of this duty.

Women’s Initiative Team

MEMBERS

Nancy Kestel
Tammy Renosig
Kay Lynn Brumbaugh
Elizabeth Campbell
Meggan Goettch

Rob Jewell
Marc Katz
Meredith Mooser
Carlie Parker
Shennin V. Proctor

Robin Russell
Kelly Sandill
Lisa Shelton
Kathy Strahan
Kathleen Wu

Ashley Nelly

About the Firm

Since 1902, Andrews Kurth has built its practice on the belief that “straight talk is good business.” Real answers, clear vision and mutual respect define the firm’s relationships with clients, colleagues, communities and employees. With 30 offices worldwide, Andrews Kurth represents a wide array of clients in multiple industries.

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