



The invisible women

Helise Harrington and **Karen Kahn** assess what firms have done over the past four years to improve the positions of their female lawyers of colour

In 2006 the ABA Commission on Women in the Profession published one of the first studies that focused specifically on the status of women of colour in large law firms. 'Visible Invisibility: A Study of Women of Colour in Law Firms' noted that women of colour had the double disadvantage of being both minority and female. This translated to them generally faring materially worse than either their male minority or white female counterparts in law firms. Specifically women of colour were more often excluded from informal networks than any other group, garnered less institutional support and, more than any other group, faced questions about their ability and credibility.

In order to rectify the dramatic inequities, 'Visible Invisibility' advocated the assessment of firms' diversity initiatives including their professional development efforts to ensure that women of colour were fully integrated and "acknowledged

as a unique group with unique needs". The study also recommended that firms address the success of women of colour as a firm issue not a woman of colour's issue, integrate women of colour into the firm's professional and social fabric and support women of colour's efforts to build internal and external support systems.

Action stations

So, four years later, how did firms respond? To answer that question, at least on a micro level, we contacted representatives from 18 large law firms. We asked whether the firms had circulated the study widely and whether they had developed any strategies to support the retention and success of women of colour. Of the 12 firms that responded, five reported that they had done nothing (despite the mention of a commitment to diversity on their website). Of these, one representative reported that he planned to share the report with the

Professional Development and Mentoring Subcommittee of the Diversity Committee during the upcoming year.

Of the seven who reported that they had taken some action, most stated that they had circulated the report widely within the firm or, in the case of two firms, within the women's development and diversity committees. All stated that because of the report, they had become more mindful to more aggressively include women of colour into firm activities and into diversity initiatives.

Most of the firms emphasised that their primary focus was the conscious involvement of women of colour into existing mentoring activities. Anna Brown, special attorney and diversity counsel at Shearman & Sterling, stated: "We got the word out and encouraged mentoring." She emphasised that her firm's efforts to support women of colour were aimed both at the women themselves,

encouraging them to think strategically about their careers, as well as to majority attorneys supporting them to be more inclusive mentors. She explained: “I think the strategies for women of colour lawyers are basically the same as for all lawyers: find several good mentors and be a good mentee, go after the work you like, work very hard and produce an outstanding work product, and be energised and excited about your work and colleagues.”

Several of the respondent firms developed coaching programs and were diligent in ensuring that women of colour were included. Latham Watkins established a ‘pod coaching’ pilot program to promote relationships among women and to advance their strategies and tactics as rainmakers. The first coaching pod placed four women with an outside coach with whom the women met for nine months. One of the four women was a woman of colour. Results of the pilot were excellent. Three of the four women expanded their books of business and all established stronger relationships with senior partners in the firm. The coach promoted internal relationship building by guiding each woman to think about what connections would foster valuable work assignments, introductions and informal mentoring.

Breakfast meeting

In response to Visible Invisibility’s recommendations, Shook Hardy & Bacon developed a networking program specifically for women of colour. The firm is currently implementing ‘breakfast buzz’, where management identifies women of colour associates and asks key rainmaking and otherwise influential majority partners to take them out to breakfast on a quarterly basis. One woman of colour partner will attend each of these breakfasts to facilitate conversation. The intent of the program is to create an environment where women of colour associates and key majority partners get to know each other on a more personal basis so that they develop collegial interaction, good working relationships and mentoring partnerships.

Two ‘off-the-record’ discussions with firm leaders raised other important issues. One chair of her firm’s diversity committee stated: “We are hamstrung by a traditional interpretation of the law that mandates that we treat everyone equally. This spurs us towards a ‘colourblind’ mentality which, of course, has many positive results. We are now realising that this important perspective also brings with it a significant challenge. In our quest to treat everyone equally, we are treating them the same – or at least trying to. This causes us to ignore many important characteristics that comprise who they are, how they think and the impact that the firm environment has on them. There is no such thing as a ‘generic’ lawyer. But we are developing our lawyers as if there is such a notion. Equal is important and so are differences. How to attend to both concepts is a major challenge.”

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The same but different

The existence of a ‘colourblind’ mentality was underscored in another conversation with a leader of a major law firm who expressed her passionate dedication to do “whatever it takes” to help all women succeed. “I just don’t understand,” she said, “how the struggles of women of colour are different from those of white women. There is a need for all women to be in leadership positions and develop larger books of business. I don’t see the issues among women to be different so I am focused on programming for everyone.”

Another leader expressed frustration with the lack of support from her executive committee to monitor the experiences and progress of the firm’s attorneys of colour. Her intention was to make sure that all affinity group members were adequately progressing toward partnership. She said: “They told me that they don’t want to treat people differently, and yet I see them giving more partner access to white males. They deny this is happening. I feel stuck.”

The above interviews reflect a significant need for dialogue, awareness and courageous action. Different and equal must guide the transition from a basically homogeneous workforce to one that successfully promotes success for all. This perspective will align training with individual needs and enable client and business development teams to benefit from the variety of input sitting at the table.

Are things improving for women of colour at law firms? Perhaps the answer is “yes and no”. Our mini survey does not provide any definitive answers, but it is suggestive. We were disappointed that some firms reported that Visible Invisibility had not made a mark. And we are concerned about an underlying belief that an awareness of differences, talking about differences, and strategically planning with respect to differences is something to be avoided.

On the other hand, we celebrate new efforts and look forward to hearing more about their progress and results. The certainty, though, is that while some progress at some firms is occurring, bold, intentional efforts, based on acknowledging women lawyers of colour as “a unique group with unique needs” remains a necessity. **WOMENLEGAL**

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