



Creating the conversation

Kathleen Bradley reports on the 2009 National Association of Women Lawyers and KM Advisors' firm-to-firm facilitated discussion on law firm gender diversity programmes.

In November 2008, the US legal professional organisation National Association of Women Lawyers (NAWL) released its third annual survey on retention and promotion of women in law firms. The 2008 survey indicates that the largest US firms continue to struggle with the advancement of women to equity and senior management positions. Although some progress is being made, even in the best of circumstances women are promoted at only half the rate of men; the percentages of women in equity partnership and management have stayed about the same as last year and the pay disparity between male and female lawyers at all levels continues.

By all accounts, however, the top-100 firms recognise the challenge of retaining and promoting women. Of the 137 firms that responded to the NAWL survey, almost all reported that they had a women's initiative of some sort, although the data was unclear as to the number of firms that offered programmes in areas known to have the most direct impact on the ability of women to progress in firms – mentoring and business development.

As part of their ongoing support for the retention and promotion of women lawyers, NAWL and US-based leadership advisory KM Advisors hosted the 'Third Annual Conversation: A Firm to Firm

Facilitated Discussion about Women's Initiatives' in New York in July 2009. Facilitated by KM Advisors' principal Karen Kahn, the event provided a forum for female law firm leaders to exchange information about the successes and challenges of their firms' initiatives. The 35 senior female lawyers who attended the event represented firms and organisations ranging from large, international firms to small two-lawyer firms and included representatives of global corporations and government. On the top of everyone's wish list was the creation of powerful co-gendered organisations that provide opportunities

for female lawyers to have fulfilling and profitable practices.

The conversation focused on three main themes:

- Successes and challenges over the past 12 months;
- Goals for the coming 12 months and resources for achieving them; and,
- The 'ideal' women's initiative.

Successes and challenges

Recognising that women's initiatives at many firms were still in their early stages and that it takes a minimum of three to five years to see results, the women at firms with initiatives that are experiencing a measure of success reported that:

- Their firms had incorporated a commitment to diversity into their culture and strategic plans;

Women's 'Call to Action on Women's Leadership in the Legal Profession', which includes a promise to increase the percentage of women partners, to have women represented on every firm committee, to increase the number of women practice group leaders, and to review compensation processes for gender disparities. Specific action items identified by the firm's gender equity committee have been unanimously adopted by the firm's management committee and include requirements for diversity training; gender balance in firm leadership; the support of family leave and reduced time policies; accountability of partners for promoting diversity; and a review of assignment systems and client projects and teams to provide for gender diversity.

At international firm O'Melveny & Myers, initiatives have grown organically

Based on the survey results, it was clear that one of the greatest needs for women at the firm was in the area of role models and mentoring, an issue that could easily be addressed by the advisory board at a minimal cost through the participation of motivated partners. With the backing and support of the executive body at the firm, the advisory board is now setting out to formalise a mentoring programme for female lawyers with the goal of ensuring that every female lawyer in the partnership pipeline has a mentor to help her advance through the process. The advisory board is also identifying significant leadership openings at the firm and supporting women in their efforts to fill them.

Firms such as Gibbons in the US are also seeing real pay-offs from their initiatives. In 2009, Gibbons' programme received recognition on two fronts. It was the third ever firm to receive the Catalyst



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- They had the participation of enthusiastic female partners and their executive bodies were deeply committed to their initiatives;
- Their initiatives were clearly defined, with actionable goals established and clearly communicated throughout their firms; and,
- They had succeeded in building flexible-work arrangements and return-to-work programmes into the career paths available to their lawyers.

At US-headquartered firm McDermott Will & Emery, the commitment to diversity is part of its core strategy with a stated goal of creating and sustaining an inclusive work environment where diversity of thought and expression from every employee is valued. The firm is a lead signatory of the Chicago Bar Association's Alliance for

through the dedication of enthusiastic female partners. Starting with women's affinity groups in individual offices, the firm began a dialogue focused on identifying and addressing issues of particular concern to women lawyers. As the initiative grew, a women's advisory board was constituted to unify the individual groups and gather information on the most pressing issues facing female lawyers throughout the firm's national and global offices. The advisory board sponsored a survey that was delivered to all women in the firm, asking four simple questions:

- What is it about the practice of law that is hard on women?
- What is it about the practice of law that is gender neutral?
- What is the firm doing right?
- How can the firm do better?

award, which honours exceptional initiatives from companies and firms that support and advance women in business and was also named a 'Best Law Firm for Women' for the third year in a row by *Working Mother* magazine, which regularly tracks firms' workforce profile; family-friendly benefits and policies; flexibility; leadership; compensation; and advancement and retention of women. The 12-year-old initiative is now firmly embedded in the firm's business-development strategy, and has become critical to its branding in the marketplace. Gibbons now has one of the highest retention rates for female lawyers in the country and uses its award-winning programme to attract top-tier female lawyers to the firm. Participants in the programme attribute its success to the dedication of the firm's leaders; the steady increase of active participants,

and the attention its pays to measuring return on investment through the tracking of retention and promotion rates; percentages of women taking advantage of its family leave and flexi-time policies; and the business generated by its female lawyers through participation in the initiative's programmes.

Although benefits are clear from firms with mature and well-developed initiatives, it does not take a long track record to see success. Like Gibbons, US firm Alston & Bird – which has only recently formalised a firm-wide women's initiative – also received recognition as a 'Best Law Firm for Women' from *Working Mother* magazine. Its newly-formed women's initiative steering committee now provides leadership, structure and accountability to its women's initiative efforts by providing direction to its regional offices, which then implement as appropriate at the local level.



It is now up to the leadership of firms to understand what many global firms have concluded: organisations that allow the best talent to enter, develop, move up and contribute, simply do better.

Finally, Skadden, Arps, Slate, Meagher & Flom (Skadden) reported that its two new programmes, 'Flexible Return from Maternity (FRM)' and 'Sidebar', designed to provide assistance to its lawyers with work-life challenges, have been very well received. The FRM programme provides flexibility to women returning from maternity leave by enabling them to design their own return schedule – either reduced hours or a combination of office and home days – during a defined period of time. Through the Sidebar programme, lawyers in good standing may decide to leave the firm for personal reasons for up to three years, with the expectation that they will return to the firm at the end of that period. During their absence, the firm encourages Sidebar participants to remain

connected to the firm by attending firm-sponsored events and continuing legal education programmes.

Yet, against the successes of firms like McDermott, O'Melveny, Gibbons, Alston & Bird, and Skadden, there were also challenges. One of the primary challenges identified was the lack of interest in developing female lawyers in the current economic environment. With pressure on billable hours and books of business, lawyers throughout the profession have had a 'nose to the grindstone' attitude, and are not as motivated or incentivised to pay attention to diversity. There was also a sense at some firms that layoffs fell more heavily on women and lawyers from minority groups than they did on white men; while at others, where the commitment to diversity was firmly embedded in firm culture or strategy, efforts were made to ensure that diversity

was maintained through the cut-backs. Other women spoke of the difficulty of making the case for gender diversity, prioritising their efforts between associates and partners, implementing actionable strategies, motivating women to get involved in the effort, and overcoming perceptions that a gender-based initiative was divisive rather than unifying.

Goals for the coming year

There was no question as to what the primary objective should be for law firm women's initiatives in the coming year – to turn more female lawyers into rainmakers. In today's economy, having a solid book of business is critical for all firm lawyers. For women, their business-generation capabilities translate into

economic and political power that they need to succeed. It provides them with an *entrée* into leadership positions at their firms, strength and growth in their client teams, role modeling for junior female lawyers, and the flexibility that they crave in their professional and personal lives.

Although the goal is clear, the 'how' remains elusive for many women. Part of the problem lies in finding the right motivation. Many women, especially younger lawyers, simply do not want to 'sell' as part of their practice and they are weary of attending business-development programmes filled with the success stories of mostly older male rainmakers. Firms that have identified this as a challenge are working on crafting a message for their junior lawyers on the need to embrace business-development competencies in order to achieve greater flexibility in their careers.

Firms that are focusing on senior associates and junior partners are seeking to implement programming designed to ameliorate the frustration that women at these levels may be feeling with regard to the lack of meaningful mentoring; being relegated to service roles; being excluded from important request for proposal (RFP) teams; and generally, not having recognition of the unique challenges of practicing in what remains a male-dominated profession.

Goals for firms with relatively young initiatives included building and communicating the business case for their initiatives, conducting diversity training for all lawyers to increase awareness of differences, implementing formal mentoring programmes for women, and hiring business-development coaches to help women find their own unique way of marketing their practices.

Firms with more mature initiatives that already included some of these programmes discussed were targeting important committee slots to provide women with a voice in leadership, holding their practice group leaders accountable for diversity, and regularly

ensuring that important RFP teams are put together with diversity in mind.

A few firms also discussed the impact that their firm culture could have on the recruitment of lateral female partners. They sought to educate their firms on the importance of creating an environment in which women feel supported in the expansion of their business as an important factor in a lateral move for female partners.

The 'ideal' women's initiative

There was, again, broad agreement on how an 'ideal' women's initiative would work. The primary factors included: top-down leadership support; a credible champion to lead the initiative; a strategy to communicate the importance of diversity throughout the firm; an approach that is tailored to the specific needs of women lawyers at different

- Genuine leadership support is essential to push the initiative forward and to address challenges in implementation;
- Communicate the mission and the strategy of the initiative throughout the firm;
- Identify potential challenges up front and take them into account when implementing your strategy. For example, if a particular practice group leader is not supporting the mission, ensure that this is addressed directly by senior executives at the firm;
- Conduct an assessment of the actual needs of women at the firm and design your programme to address them. Don't assume that you know what those needs are before you start;
- Take into account the needs of different populations. For example, junior associates might respond best to support that comes in the form of relationship-

Based on the discussions that took place during the event, it was clear that there is no 'one size fits all' type of women's initiative, but successful initiatives do share the common attributes used by organisations such as Catalyst for the purpose of evaluating award-winning initiatives like the one won by Gibbons. They include a business rationale explicitly connected to the firm's business strategy, senior leadership support with demonstrable commitment to the initiative, formal monitoring mechanisms that support the initiative, measure its impact and hold individuals accountable for results, and mechanisms for informing employees of the initiative and its business rationale.

For firms that have followed this roadmap, measurable progress is being made. For those that are in the early days of their initiatives, the path has been paved. It is now up to the leadership of firms



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levels in their careers and in different offices; accountability for results; metrics for measuring progress; and partner and administrative support to make programming happen.

Interestingly, although time and money were identified as desirable for achievement of the ideal, many of the women agreed that commitment of senior management and female lawyers to a clearly-stated objective, a prioritisation of goals, and the identification of actionable strategies for achieving them were far more important to the success of their initiatives.

It was also discussed how meaningful change could be realised after individuals have succeeded in making the case that the gap in the advancement of women within their firms needs to be addressed. The firms that were successfully implementing their initiatives offered this advice:

- building within the firm and the local community, senior associates are likely to need mentoring through the partnership-evaluation process, junior partners are likely to benefit most from business-development coaching and senior partners are likely to benefit most from leadership coaching to improve their effectiveness;
- Once a strategy is defined, task someone with education, vision and standing to implement;
- Tailor business-development activities to the needs and culture of the local community in which the lawyers operate;
- Enlist the help of the marketing department to ensure that diversity is taken into account when responding to RFPs; and,
- Design community-service events as win-win events by including families in the efforts.

to understand what many global firms have concluded: organisations that allow the best talent to enter, develop, move up, and contribute simply do better. And for firms that continue to struggle with the retention and promotion of female lawyers (which is most of the top-200 US firms), building more inclusive workplaces by committing to robust initiatives dedicated to expanding opportunities for women's success is imperative. [WOMENLEGAL](#)

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