

WOMENLEGAL

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MASTERCLASS

Launching a successful
women's initiative

OPINION

Why a downturn
is the perfect time
to promote gender
equality programmes.

SPEAKING UP

Shedding light on the measures
being undertaken to stamp out sexual
harassment in the legal profession.

Strategies for success

Karen B. Kahn and **John E. Mitchell**, principals of KM Advisors LLC, offer their advice on how law firms can create an environment where women succeed.

In recent years, women have succeeded in becoming well-represented in all areas of law – including those formerly dominated by men. However, even though half of law school graduates are women, they leave the legal profession in numbers that eclipse male leavers by a large margin¹. This reality creates a profound loss not only for women lawyers but the legal profession as a whole. The institution of law and the organisations that make up the profession, particularly large law firms, lose access to a significant source of highly qualified talent, intellectual capital and networks and do not capitalise on the extensive investments made in training and developing their lawyers. In a rising economy this is simply bad business. In an economic downturn, it is suicidal. To compound matters, clients demand diversity on their legal teams. The outflow of significant numbers of women lawyers, especially more senior ones, makes it difficult to meet this client requirement.

Correspondingly, women also lose when they leave the legal profession. They lose the opportunity to derive the many benefits found in a legal career, not least of which is access to power, opportunity and intellectual stimulation.

Some women do flourish and stay in large law firms. They carve out a path that leads to fulfilling careers, often in tandem with satisfying personal lives. Unfortunately, these individuals seem to be the exception. For such exceptions to become the rule, firms need to develop strategies to attract and retain women lawyers. The solution is deceptively simple: to stay viable, productive and competitive, large law firms must create environments where a woman can thrive in whatever way she defines it. When she thrives, she stays and benefits everyone. Executing this solution, however, is not as simple.

This article presents a blueprint for creating an environment where women succeeding in their firms are the rule, not the exception. This outline addresses four factors that influence whether women thrive in law firms:

1. Organisational structures and practices;
2. Firm culture;
3. Relationships with firm leaders; and,
4. Individual career management.

These factors represent systemic challenges to retaining the best and the brightest talent. This article addresses key barriers inherent in these factors and the authors' solutions for overcoming them.

Organisational structures and practices

Barrier

Current professional development models and practices do not foster success for many women. Women's well-documented desires to pursue lives punctuated by experiences in multiple domains (including intellectual interests, involvement with family and friends and contribution to community) do not fit with the traditional, the 'one-size-fits-all' model of training lawyers. When women are forced to choose between being a high-powered lawyer and attending to personal needs and competing interests, many opt-out and leave large firm life.

Solution

A yearly career-mapping process, where a woman and her firm discuss and correlate work/life choices with activities that foster professional development and achieving the firm's goals produces a 'win-win' solution. Fundamental elements such as the amount of work time, work location, intensity of work load, the quantity of leadership responsibilities and the variety of work assignments set a backdrop against which appropriate work activities are determined. Such a system takes into account various competencies needed to become a successful lawyer as well as the ebb and flow of each woman's professional and personal focus. For example, a woman may choose to highly accelerate the pace of her development early in her career if she is free of external commitments, slow the pace considerably if she chooses to have children, moderately accelerate the pace later in her career if her partner chooses to be a 'stay at home parent' and then slow it down if she faces challenges with an aging parent.

Barrier

Traditionally, many firms delegate work assignments on a 'free market' basis. Partners, mostly male, choose who they want to work with, often another male. As a result, women often do not obtain assignments that adequately advance their legal knowledge, develop relationships with partners and clients, learn critical leadership skills, elevate their income and place them on a strong path to partnership.

Solution

Individuals must receive assignments that foster growth in clearly defined competences particularly in three critical areas – substantive legal expertise, relationship development skills and

the art of leadership. A partner responsible for work assignments, a formal assignment tracking system and periodic career reviews provide a fair and productive assignment delegation process.

Hands-on experience with legal issues at all levels of complexity optimises substantive education. Heidi Levine, DLA Piper's co-chair of women's initiatives, underscores the need for women to receive assignments that demand their rigorous involvement. "Firms have to put women, from an early stage, on significant matters with significant clients," she says. "Women should be running cases, deals or aspects of a deal so they can learn the skills needed to be a successful lawyer and leader, and develop relationships with key clients. We cannot watch from the sidelines." Levine's admonition necessitates working with lead partners to observe, work alongside and obtain continuous feedback.

Women thrive when they foster connections within the firm, with clients and with people in their personal and professional communities. Observing and participating in gatherings where senior lawyers connect with others are powerful venues for learning. Attending pitch meetings, having lunch with partners and clients and 'shadowing' senior rainmakers hone relationship development skills. This is particularly true in the rainmaking arena where many women feel particularly uncomfortable. Talking about money, integrating personal and professional connections and speaking confidently about their professional expertise is difficult for many women. Opportunities to experiment with new behaviours, supported by a mentor, colleague or coach from outside the firm enable women to develop these critical relationship development skills.

Maureen Dwyer, managing partner at Pillsbury Winthrop Shaw Pittman's Washington, DC office, states that "the key to advancing in any organisation is visibility and leadership." Large law firms present many opportunities to lead such as managing cases, facilitating conversations, chairing committees, coordinating events, heading practice groups and so on. Leadership experiences are available – they simply need to be filled with more women.

Barrier

Male equity partners earn, on average, almost \$90,000 more than female equity partners at large law firms². Women do not thrive in law firms that focus heavily on origination credit and that fail to reward the diverse roles, activities and responsibilities that contribute to a firm's financial success.

Solution

Women thrive in firms that have multidimensional compensation structures that effectively and fairly honour their contributions. The traditional law firm compensation structure rewards business generation and often assigns this reward to a single partner instead of the many individuals needed to bring in the work, complete it and nourish the client relationship. Additionally, current law firm

management is complex and requires the contributions of many lawyers who possess diverse interests and talents. There is little credit given to these activities. It is therefore essential that large law firms update their compensation structures to reflect their strategic objectives, credit all who work on firm (not individually owned) clients, compensate all who work toward the firm's success and reward collaborative activities.

Firm culture

Barrier

Culture can be defined as the shared way in which a particular group of people experience and interpret the world³. Current law firm cultures tend to be designed for competitive men who separate work and home life, value working individually and feel most comfortable among other male colleagues. Financial gain, to take care of the family and for power, is a core motivator. In order for women to thrive, firms must redefine their culture to equally embrace feminine values.

Solution

Women lawyers seek to live and work in inclusive cultures that allow individuals to actualise their goals and dreams. They generally describe such a community as one with open communication conveyed through actions and words and consistently reinforced notions of collaboration, fairness, respect and mutuality. An inclusive community makes most people, especially those who perceive themselves to lack power in their environment, feel like they belong.



Sharon Schneier, partner-in-charge of Davis, Wright & Tremaine's New York office, says her firm has an inclusive environment by focusing on diverse individual backgrounds, lifestyles, interests, goals and various models for practising law. She notes that "people are comfortable here. We have lawyers from diverse backgrounds and practice groups who work well together and appreciate the firm's collegial environment. People are encouraged to pursue what is important to them." Similarly, Patton Boggs' Mary Beth Bosco notes that rivalry amongst lawyers interferes with relationships that support an inclusive environment. Her firm "takes internal competition away, so lawyers can be colleagues and help each other. This goes up the ranks. It is especially important to soften the rigid lines between partners and associates, to validate different models for success and to eliminate the stigma of not being on the partnership track." Women thrive in firms that embrace the notion of inclusion and are committed to engaging the diverse characteristics, strengths and values of everyone in the workplace.

Barrier

The real challenge in creating a culture that values an inclusive environment is the process on which firms rely to effectuate change. Assessing and implementing sustainable long-term change is complex and cumbersome and stops many firms moving beyond their good intentions.

Solution

Change begins with reflection and moves forward to clearly defined and quantified action. Rachel Silverman, a frequent speaker about women lawyers noted that, "firms traditionally looked left and right at what other firms were doing". To truly engage in culture change firms first have to look internally and acknowledge that they want to change. "They then must conduct an audit of their infrastructure and everything that they do – pay scales, recruiting, business development efforts, and so on, create a plan and then execute it," she says. Clearly defined goals and benchmarks are imperative as is a system of rewards and consequences to influence individual behaviour in support of culture change.

This type of change requires confident and courageous leaders who can articulate a vision, have the passion to move it forward, the strength to stand up to opposition and the skills to motivate others. The person who leads a transformative effort tenaciously and believes that change is essential, begins by assessing whether existing practices support the vision of the future and creates and invests in the vehicles needed to make the structural and cultural alterations necessary to achieve the vision.

Relationships with firm leaders

Barrier

Many women lawyers report that they have little or no meaningful contact with firm leaders. This void retards professional

development and keeps women from receiving valuable modelling, encouragement, guidance and support.

Solution

Conversations with current women leaders in large law firms reveal that the majority feel they are thriving and attribute part of their success to their relationships with firm leaders (mostly male) early in their careers. The caring and encouraging nature of these relationships conveyed confidence in the budding leaders and helped them push through difficult moments. These mentors provided a great deal of guidance. They helped the women find ways to simultaneously pursue personal and professional responsibilities, garner substantive knowledge through the 'right' matters, gain relationship development practice by shadowing their mentors and acquire leadership experience through key assignments. The relationship that many current women leaders had with their mentors exemplifies the power of connections with firm leaders both male and female.

Firm leaders, be they managing partners, practice group leaders, rainmakers or leaders of significant matters, must form productive connections with less experienced lawyers. Compensation structures can be designed to reinforce the value of this activity and hold individuals accountable for making and sustaining these connections.

Barrier

Many leaders, while excellent lawyers, do not have the skill or experience necessary to be effective mentors. This leaves some younger lawyers receiving insufficient guidance and some leaders, most often women, receiving large numbers of requests for mentoring relationships they cannot or will not fill.

Solution

A firm that wants its women to thrive provides training and coaching to develop its senior lawyers in this domain. Mentors, whether they are assigned formally or obtained through informal contact, must possess a range of strategies and skills for bonding and guiding mentees. They must also learn how to leverage their own personality and style to foster strong relationships.

Barrier

Most firms do not have many women equity partners and there are few in leadership positions. This gives less experienced women limited access to relationships with women leaders who provide role modelling and connection with someone similar to themselves.

Solution

Firms with significant numbers of women in leadership positions send an important message that 'this is a firm where women can thrive'. With this communication in mind, more women will aspire to leadership roles.

Succession planning is an excellent tool for increasing the number of women in leadership roles. This mechanism assures that there are women in the leadership pipeline and that these women receive the education and experiences needed to effectively fill leadership roles. Identifying women who display leadership talent and giving them experiences to shadow current leaders, obtain opportunities to lead small endeavours, receive leadership coaching and have access to training grows the numbers of women ready to step into leadership positions.

Individual career management

Barrier

Many women come to the legal profession believing that the formula for success consists of only two elements – working hard and delivering high-quality legal services. One woman associate remarked, “if I keep my head down and focus, I will succeed.” This view is naïve and dramatically limits possibilities for success.

The ability to succeed in a large, complex organisation requires career management behaviours that are rarely taught to women as they develop personally and professionally.

Solution

In order for women to thrive, they must learn the strategies and skills needed for organisational achievement. For example, they must learn that promotions and plumb job assignments often come from fostering important relationships and self-promotion. They must also adopt a professional identity that goes beyond being a legal expert to include being savvy in the business of law.

Many leaders have spoken and written about strategies in which women must be proficient in order to thrive. These include:

- Promoting their skills and accomplishments;
- Assertively seeking leadership responsibilities;
- Discussing business and money;
- Stating what they are worth;
- Creating and communicating the business case for adopting a practice model that facilitates both their work and personal life obligations and desires;
- Being ambitious and actively pursuing lofty goals;
- Challenging ideas that are different from a group;
- Seeking out leaders for support, alliances and opportunities;
- Understanding the firm’s complex political climate and strategically navigating the terrain towards their goals;
- Monitoring their career progression;
- Learning to work with colleagues who are not always friends;
- Confronting individuals who are insulting, inappropriate and bullying;
- Fighting the internal message that says ‘I am not good enough’;
- Believing that they do not have to act like a man but must act like a powerful woman; and,

- Knowing what they want, pursuing what they want and challenging those who get in their way.

Law schools, law firms and clients all have a role to play in providing this important education. Law schools must start the legal education process with an acknowledgement that the profession is also a business. Law firms can educate their lawyers on the business of law as well as substantive issues. Clients have sought, and continue this effort, to push firms to create environments where more types of people succeed. Finally, women must take significant responsibility for taking action, challenging their limiting points of view, seeking out teachers and guides and changing themselves in ways that will enable them to obtain their goals.

Going forward

In the not too distant past, law firms operated in a world where women comprised a very small part of the professional ranks. Today, however, the environment designed to produce success for a predominantly male law firm is antiquated. All facets of firm life must now support both men and women in order to leverage their strengths and optimise the firm’s bottom line.

Firms that doubt the need for transformation and maintain their traditional way of practising will not survive. Many large law firms are in the midst of a major transition in their approach to recruiting, developing and retaining talent. Some are contemplating change, others are experimenting and a few have altered their perspectives, policies and practices. The end point is evident: the successful firm of the future will creatively and fully access the talent of its women and men. Both genders will be active leaders, rainmakers and mentors and all will pursue their profession in different and productive ways. The law firm environment where women thrive is one that vigorously embraces the various strengths of all of its lawyers, is committed to developing the unique talents of all professionals and courageously supports each woman and man to succeed on their own terms. [WOMENLEGAL](#)

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