

WOMENLEGAL

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Volume 1 Issue 4
June - August 2009

A woman from the chest down is seated at a white table. She is wearing a black blazer over a dark top and a multi-strand pearl necklace. Her hands are holding a silver knife and fork, positioned over a white plate with a blue rim. The background is a solid blue wall.

WHAT WOMEN WANT

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MASTERCLASS

Men and women use body language differently. Do you know what you are saying?

Strategies for success:

Part two

Karen B. Kahn and **John E. Mitchell** open up the debate, on how firms can create an environment where women succeed, to male managing partners.

The absence of large numbers of women thriving in the legal profession is an issue much bemoaned in industry conferences, the media and within individual law firms. In the December 2008 issue of *Women Legal*, we interviewed female leaders, most of them managing partners, to gain their views on whether women were thriving in large law firms. Most responded that they were thriving, but they did not necessarily feel that women as a group were achieving the full potential of a legal career. These women suggested strategies to create law firm environments where women succeeding were the norm, not the exception. Intrigued by their responses, and believing that solutions lay in the actions of leaders from both genders, we decided to ask male managing partners the same questions. We were curious to see what views men and women shared and where they diverged in their response to this challenge.

We arranged interviews with around 20 male leaders of firms ranging from a specialty firm comprised of 150 lawyers to international firms with thousands of lawyers to a mix of regional and national firms with hundreds of employees. Each of the male leaders 'got' it. No one thought that women were fully engaged and fully utilised in the profession. Each of these firm leaders has had successes and each faces continued challenges in maximising the contributions of, and the opportunities for, their female lawyers. These male leaders all had examples of women from their firms who were

thriving, and yet they all acknowledged that the profession needs to continue to change to fully utilise female lawyers. This article consolidates their input and adds a male voice to leadership in this area.

Are female lawyers thriving?

None of the male managing partners thought that women as a group were thriving in the legal profession. However, they did note that things were getting better for women in the profession. For example, David Gordon, managing partner of Latham & Watkins' New York office, observed that the firm does a lot of lateral hiring and that "more than half the laterals we are considering just so happen to be women – I think that demonstrates that women occupy some marquee positions in the profession". Dave Baca, managing partner at Davis Wright Tremaine, observed that his firm has "a lot of women in very significant positions of authority from being at the top of our pay scale to running our offices to making up about half of the executive committee". In these and many other examples, female lawyers are making noteworthy strides in the profession – and there is still significant room for improvement. The point of agreement among the male managing partners was the shared belief that women were doing better in each of their firms than they had in the past.

Throughout the interview process, we asked what it meant for women to thrive in the legal profession, particularly in large law firms. The definition implied by many

of the male managing partners included achievements such as making equity partner, leading teams for key clients and ascending to significant firm leadership positions. This view is consistent with a commonly-held definition of success for male lawyers. There were, however, male managing partners who advocated for success to encompass a new meaning. For example, Richard Alexander, Arnold & Porter's managing partner, believes that "it is really important for us to think about how we define success – it is too narrow to define it in terms of who makes partner. We need to be more expansive." Alexander and other leaders have opened the door to evolving definitions of success that may foreshadow changes in the practice of law.

Structural challenges inherent in the legal industry

How the significant biological, cultural and social differences between the genders play out in a legal profession originally designed by men for male lawyers, is a critical issue. With women now playing an active and important role in the profession, the traditional framework does not serve the co-gendered workforce. The male managing partners identified key structural elements of the profession that are deeply entrenched and impact women considerably.

For example, there is an ethos in the law that one must be completely dedicated to the profession. Gary Ropski, Brinks Hofer Gilson & Lione president, observed "the generation before me had

the idea that in order to be successful you had to demonstrate that the law was the most important thing to you.” This commitment was demonstrated by having a near singular focus on practicing law. Those who make this commitment are respected and considered to be good partners. Women who take time off to pursue an alternative career, take care of a personal matter, raise a family or otherwise pursue a non-traditional path are seen as less committed to the practice and to their firm. They are ‘tolerated’ and ‘endured’ by traditionalists and ‘accommodated,’ ‘supported’ and ‘helped’ by forward thinking firms that seek to broaden their talent pool. Neither approach is likely to dramatically shift the way the profession utilises half of its available talent. However, change is possible. Ropski noted that “our firm lawyers have developed a positive outlook that you can be a good lawyer, a valuable contributor and yet have other responsibilities outside of the firm.”

The fixation on total commitment to the profession leads to a second structural barrier – the fixed and rigid career path that worked for generations of male lawyers does not work well for women. The linear, unbroken path from law school to associate to partner is sacrosanct in most law firms. Those who deviate from this path are often seen as less capable, less serious and less worthy. Those who feel constrained by the linear expectation often leave their firm or the profession entirely. That tradition is now slowly changing. Many firms, including all of those interviewed for this article, have some level of experience (with varying degrees of success) with lawyers pursuing a non-traditional paths to partnership. One development that may change this traditional hierarchy is the growing realisation that client needs are not necessarily best met through the traditional model that focuses on partnership as the pinnacle of professional achievement. Richard Hays, managing partner at Alston & Bird,

notes that “increasingly client challenges and opportunities require complex interdisciplinary approaches that require new and creative approaches from the lawyers and a reliance on a broader variety of expertise than ever before.”

Some of the lawyers who contribute that expertise will be in non-traditional roles. Alston & Bird is working to build systems that enable people to make contributions in ways that would have been less likely

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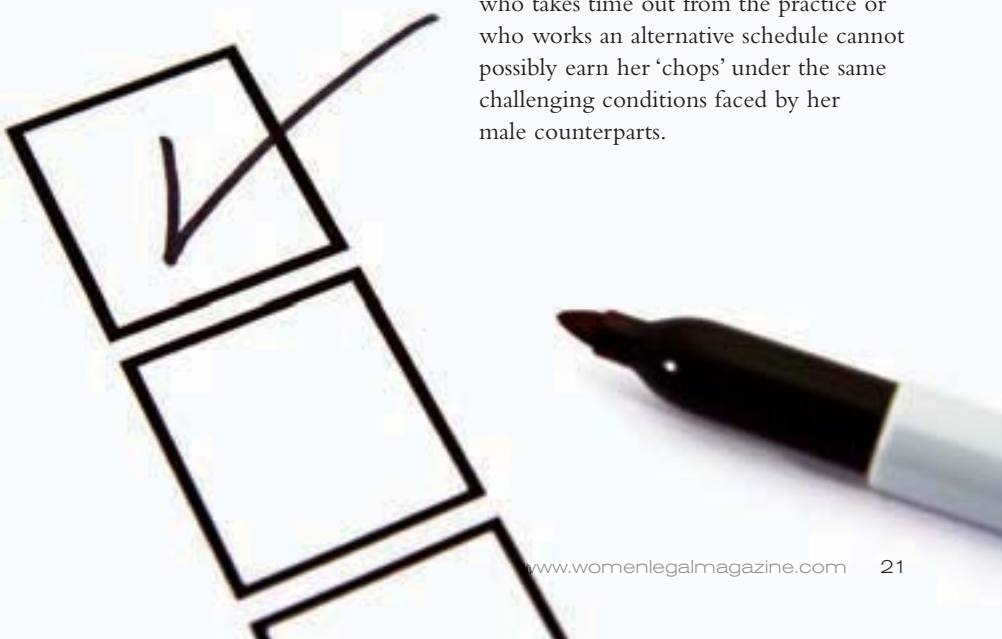
Moving towards firm success and individual fulfillment, requires a foundational understanding of the unique internal resources that men and women each bring to the workplace.

in the past. The title and status of the lawyer collaborating to solve these challenges may become less important in the future. Harvey W. Freishtat, managing partner at McDermott Will & Emery, predicts that “[we] are going to be seeing reduced hours arrangements in the future and firms will increasingly need to adapt work assignments to flexible schedules without any stigma attached.” If he is correct, that will provide many more opportunities for women to contribute to significant client matters regardless of their partnership track or full time, part time, or flex-time status.

The fixed career path creates yet another structural challenge for women. Making partner is the threshold to being considered an ‘expert’. All firms claim that their partners are experts in a particular area of the law.

The failure to achieve expert status limits potential career growth, work opportunities, compensation and more. The current belief is that legal expertise is developed over a certain period of

time that runs continuously and in an unbroken pattern from the time one first starts to practice law. Women who deviate from this path impair their ability to achieve expert status and certainly delay ascending to the rank of partner if they make it at all. Compounding this challenge is the widely held belief that the experience (eight or more years at most firms) must be acquired ‘under fire’. Quite often, a woman who takes ten years to obtain the required eight years of experience is seen as less competent by her peers, because that experience was not earned in a continuous manner like it was for the male partners. A woman who takes time out from the practice or who works an alternative schedule cannot possibly earn her ‘chops’ under the same challenging conditions faced by her male counterparts.



Many of the male managing partners interviewed noted that demanding clients, attempts to limit the number of staff working on a matter and a 24/7 business environment creates very limited opportunities for women to develop the requisite experience and expertise while working something other than full time or punctuating her career with prolonged absences before making partner. This seems to be particularly true for large, complex transactions and litigation matters. However, not everyone viewed this as an intractable problem. More than one managing partner noted that those challenges require “a more proactive approach to assignments – one that requires more forethought.” One managing partner, who requested anonymity, wryly observed that he had seen women lawyers on flexible schedules

The business case for change

The business landscape has changed. Clients want to see diverse lawyers leading client teams, managing important matters and interacting with the client’s diverse personnel. According to Richard Alexander of Arnold & Porter, firms are now faced with “a war for talent and a war for clients”. Firms must attract, hire and retain female lawyers in order to be competitive. The rise in the number of women who work in decision-making roles in corporate legal departments and in line business units has further intensified the need to have women in key roles in the firm and in client teams.

Patrick Dunican Jr., managing partner at Gibbons, sees three reasons why firms must adapt new strategies to the war for talent and clients. First, “50 per cent of the available lawyers are women coming

especially since the vast majority of large law firm leaders are male. Using their powers of persuasion, and so on, to get their partners to change behaviours and policies is a priority. A number of the managing partners noted that, it was not that these are bad people who are trying to intentionally deprive someone of opportunities. It is more an unconscious bias. Some of them saw their job as being about raising awareness of this unconscious bias.

A second leadership challenge is getting more women into firm-wide leadership positions. Bass Berry & Sims’ managing partner Keith Simmons noted that law firms “lose so many more women [than men] so the pool for leaders is more shallow. Fewer women in leadership positions means fewer women at the table when policy decisions are being



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successfully manage multiple deals, multiple children and firm administrative commitments and wondered what else they had to do to prove that they could successfully manage complexity!

Most of the firms mentioned in this article have had women on a non-traditional career path make partner. The challenge is not whether some women are willing to accept a longer and/or different path to partnership in order to include other needs in their careers. The real obstacle is the level of respect and esteem with which female lawyers are held when they choose an alternative approach.

out of law school, so if you want the best available talent, you need women. Second, the decision-makers are changing; it is not just the old boys club anymore. So you have many women advancing in the corporate arena, and they may feel more comfortable with a female lawyer. Third, having diverse opinions provides better solutions to client problems.” The business case for change is simple. Firms that refuse to adapt to a changing environment are doomed to fail.

The role of firm leaders

Almost every male managing partner interviewed had very strong views about what needs to be done to create an environment where everyone can thrive. They started with a clear focus on leadership. Several pointed out the importance of the leadership role male managing partners play as firm leaders

made.” The implications of this failing concerned Simmons. He observes that “try as we might, guys are guys and we look at the world differently. When you don’t have women at the table I think we unwittingly make policies that might be different if women were at the table.”

This is a challenge that does not yield to subtle efforts. It is far too easy to make ‘gender blind’ leadership appointments and later realise there are no women in leadership roles. Both DLA Piper joint CEO Lee Miller and Ropski reported that they make a very conscious effort to appoint women to leadership roles. Miller noted that, “DLA has focused on trying to improve the numbers of women in leadership positions. We have put more flexibility into the system. We tried to consciously get more people in leadership roles and in client pitches.”



Engaging senior male lawyers as mentors

Second to the importance of organisational leadership was individual leadership. Many of the male managing partners mentioned the importance (and challenges) of securing strong mentors for both men and women. Many firms' women's initiatives encourage senior women to mentor women junior to them. This often puts pressure on experienced women to mentor more individuals than time allows, and it does not go far enough. Simmons noted that your mentor didn't have to be another woman. "Given the fact that white males are the most influential people in most firms, those white males need to be mentors to, and champions of, women." His concern is that a lot of men and women have not considered that fact.

John Daniels Jr., a partner at Quarles & Brady, believes that mentoring is the

legal profession". He sees two factors in particular leading to this future:

1. The increasing numbers of women in leadership positions as powerful role models for younger women; and,
2. The fact that firms are becoming more understanding of family needs and the desire for women to go off the traditional track and come back to the practice.

Daniels Jr. suggests another factor that could also create a brighter future. He observed that "in the past many women who could be fine leaders decided it was not worth pushing to be in those roles". Today, he sees talented female lawyers recognise the importance of becoming leaders to the organisation and as a result they are seeking out those leadership opportunities.

of an acceptable detour". It is time to acknowledge gender differences, to place them side-by-side and let it be acceptable to recognise and name differences between men and women.

Change is never easy. Transitioning a profession once oriented to the needs, goals and thinking style of one gender to a professional model that incorporates two genders is complex. Moving towards firm success and individual fulfillment, requires a foundational understanding of the unique internal resources that men and women each bring to the workplace, the courage to move beyond the fear that you will say or do something wrong, resisting tradition that teaches that fair treatment is treating everyone EXACTLY the same and the determination to conceptualise differences from an additive framework. We invite you to join the conversation. [WOMENLEGAL](#)



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"key to developing others" and he sees that skill as increasingly critical in the profession. He spends a significant amount of his time mentoring men and women at his firm and he was candid about his agenda when he is mentoring others. He seeks to transfer skills, knowledge and his perspective on leadership. His leadership point of view includes his belief that we all have biases, many of which we are not aware, and often we "do not do a good job of making sure those biases don't negatively influence our talent". He is determined to raise awareness of those biases and help creating decision-making that is free from bias.

What does the future hold?

Stanley Twardy Jr., managing partner at Day Pitney's Greenwich and Stamford offices, believes that we are about to enter "a golden age of women in the

So where do we go from here? The consensus of the male managing partners interviewed for this article is that women are doing better in the legal profession, especially in their law firms. While they acknowledged successes, they also acknowledged that firms have a ways to go before one could accurately say that women generally were thriving in the law.

Perhaps the biggest challenge and opportunity is to move the dialogue from trying to figure out how to create the most flexible programme, expand opportunities and design alternate career paths for women to creating a new business model that effectively recognises and leverages gender differences. Wiggins noted that "the profession has to get over the notion that everyone has to progress in their career in the same way and take the same path to partnership. Many in the legal industry don't accept the idea

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