2018 NAWL Survey on Retention and Promotion of Women in Law Firms

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The mission of the National Association of Women Lawyers is to provide leadership, a collective voice, and essential resources to advance women in the legal profession and advocate for the equality of women under the law. Since 1899, NAWL has been empowering women in the legal profession, cultivating a diverse membership dedicated to equality, mutual support, and collective success.

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Life is hard. If we have a choice about how to behave, let us try to help, not hurt.

A year ago I wrote about resilience. Since then the #MeToo movement has shown us what resilience and empowerment look like. The movement has reminded us that victims and survivors do have a voice, a strong voice, which is finally being heard.

Although long overdue, the #MeToo movement is nothing short of astonishing, considering that the abuses and their cover-ups have taken place since, oh, I don’t know, shortly after Adam and Eve? On the other hand, maybe this movement was inevitable in the age of social media, whose users have changed the power balance with their voices, their numbers, and their vast and immediate reach.

Abuse seems to correlate with power: it is a demonstration of domination. The methods of abuse are many, as we know from the news and perhaps our own experiences. Abusers may themselves have been abused. Victims of abuse may share certain characteristics – among them youth, inexperience, vulnerability, a history of being abused or bullied, an ingrained deference to authority, a lack of strong adult presence or influence in their lives.

We must not delude ourselves into believing that abuse does not happen, that recipients of abusive behavior somehow deserve or ask for it, or that abusers don’t come from our families or our communities; the sad truth is that they do. Anywhere a power imbalance exists or is perceived to exist, the potential for abuse exists as well. The #MeToo movement is showing us just how pervasive, and destructive, abuse is.

It’s worth remembering that people are complex and multi-dimensional; we do not fall into simple categories and cannot be fully characterized as either ‘good’ or ‘bad’. The world that we think we know so well is full of people who are capable of both terrible cruelty and unbelievable kindness.

Individuals and leaders of organizations and institutions must reflect and examine their behaviors. It is far too easy to rationalize disparate treatment and discrimination, and far too difficult to admit to having biases or making a mistake, rather than be courageous and honest about our own inclinations. To eradicate abuse once and for all will not happen without intention and effort.

Although humans are not perfect, we can and do aspire to behave more kindly to one another. Witness the First Lady’s #BeBest campaign, launched to encourage us all to improve our conduct, even as we see truly outrageous behavior all around us.

Is it possible for us to change the nature of how we behave toward our fellow humans, so that the differences among us are no longer used to justify mistreatment? History is not encouraging on this score. The way we treat our own kind and those less fortunate or able is often regrettable, at best. Not everyone, and not in every circumstance. But because our worst impulses guide our behavior in many circumstances, there is much room for improvement. Hurting others does nothing to soothe our own pain.

Why should we try to be better people? Because the quality of our collective experience matters. Life is hard. If we have a choice about how to behave, let us try to help, not hurt. To the extent we can do this, we all benefit. #YouToo.

Elizabeth A. Levy
President’s Message

I am honored to serve as NAWL’s President for this year.

In 1899, the hurdles facing equality for women, much less equality for women lawyers in their chosen profession, must have looked insurmountable. Women could not vote; most women did not have access to education; those who had access had very confined and limited options for work—for most, the only real career option was marriage and motherhood. Beyond these practical limitations, society resisted change to traditional gender roles. Amazing then, that even in the face of these realities, a group of women lawyers refused to accept the status quo and had the vision and determination to effect change.

One hundred and nineteen years later, the cornerstone laid by those women not only persists but has formed the foundation of a bulwark built, brick by brick, by women lawyers who have followed in their footsteps, pushing our profession and society toward gender equality.

Our founders would be amazed by the progress we have made; in equal measure they would be sober about the work still left to be done. What those first women lawyers knew and what we hold true today is the fundamental truth that this is a nation of laws, not a nation limited to the vision of its elected officials or subject to the shifting tides of societal constraints or bound by religious doctrines on acceptable gender roles. From the outset NAWL has focused on laws to achieve its ends—women’s equality and the advancement of women lawyers in our profession. And since its founding, NAWL has continued to employ existing law and fight for the adoption of new law to further its mission. I recommit to this fundamental focus for NAWL, which will guide my presidency this year.

I am proud to follow the many women lawyers who have led this organization for over a century. On behalf of NAWL’s Board and membership, I particularly thank Angela Beranek Brandt, our outgoing NAWL President, for her strength and unyielding dedication to NAWL and its work. While handling a full case load as a litigation partner at Larson King and raising three boys, Angela spent her presidency fortifying NAWL’s operations and focusing our Board on the future. It is a great honor to succeed Angela and execute on that vision.

Please join with me and NAWL on the next brick in our fortification. There is no limit on the heights we can reach if we work together.

Thank you
Sarretta McDonough
On September 26, 2017, King Salman bin Abdulaziz of Saudi Arabia announced in an addendum to Royal Decree No. M/85 on Traffic that he would reverse a longstanding policy that prohibits women in Saudi Arabia from driving or obtain a driver’s license. 1 The M/85 addendum was shocking to many, given that Saudi Arabia’s record on women’s rights is shocking to many, given that Saudi Arabia, which has been internationally recognized as having one of the worst human rights records in the world, 2 had already identified the guardianship and could be a sign that the system is at least on the radar for future MBS reforms.

For the time being, MBS and women’s rights activists are pursuing similar goals. But restrictions on women are not only the result of legal interpretation: they are deeply ingrained in Saudi Arabia’s conservative culture. 3 Conservative Saudi women, who do not necessarily fit the Western presumption of a meek and silent housewife, can be highly educated and occasionally forceful in presenting their opinion. They view themselves not as anti-feminists per se, but as protectors of the rights the Quran grants to women. 4 Lecturer Afrah al-Humaydi says that Islam grants women the right to work, inherit property, and be financially independent — rights that women in the West fought long and hard to obtain. 5 But these rights, when compared to “making an arsonist into the town fire chief.” 6

Saudi women who meet with male non-relatives, violate the required dress code, or take certain actions with non-relatives, violate the required dress code, or take certain actions would reverse a longstanding policy that prohibits women in Saudi Arabia from driving or obtain a driver’s license. 1 The M/85 addendum was shocking to many, given that Saudi Arabia’s record on women’s rights is shocking to many, given that Saudi Arabia, which has been internationally recognized as having one of the worst human rights records in the world, 2 had already identified the guardianship and could be a sign that the system is at least on the radar for future MBS reforms.

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conservatives accede, do not include legal independence, the ability to work alongside men or hold leadership positions, or the liberty to drive. Where Manal al-Sharif sees a burgeoning emancipation, others see “the beginning of a cultural erosion.”

Despite this uncertainty, pro-reform activists are an unbrokenly growing ground. While the guardianship system by and large remains intact, changes in occupation laws, voting rights, and non-traditional hiring are increasing interest in the status of women. A reevaluation of the guardianship system will involve not merely legal and political maneuvers, but also a cultural reinterpretation of Islamic law. Popular support and activism within Saudi Arabia has made the M/85 addendum possible, eased the application of other MBS reforms, and made abolition of the guardianship system seem like less a pipe dream than it did a decade ago. With the newly accelerated changes, Saudi activists are approaching a high-water mark in their reform efforts and may be within a few generations of abolishing or seriously redefining the guardianship system. This article will analyze the political and economic considerations that led to the repeal of the driving ban, how these might apply to Saudi Arabia’s guardianship laws, and the legal and cultural obstacles that Saudi pro-reform activists will have to surmount.

Part I: Saudi Arabia, Then and Now

Guardianship and driving bans are not universal to the Islamic world. Saudi Arabia – lagging behind neighbors like Iraq, Yemen, Qatar, and the United Arab Emirates, all of whom predominantly practice shari’a law – will be the last country on Earth to allow women to drive. This Part reviews the particularities of Saudi Arabia to assess the unique challenges encountered by women’s rights activists that may help to explain the relative lag, and discusses whether and how the guardianship system might feel the reverberations of Royal Decree No. M/85 on Traffic.

Part II: Wahhabism and the Quranic Roots of Guardianship

The Saudi royal family acquired their legitimacy through a close relationship with the leadership of a sect of Sunni Islam known as Wahhabism. Muhammad Ibn ‘Abd al-Wahhab (from whom the sect takes its name) was a Sunni preacher in the eighteenth century, who unsuccessfully attempted to spread his message of literal adherence to the Quran52 (which unsympathetic observers have described as “rigid, intolerant, and puritanical”). He was offered protection and patronage by Muhammad Ibn Saud, an ancestor of the current royal family who ruled an area near modern-day Riyadh. The two families formed a symbiotic relationship, with Ibn Saud providing military support and political force and Abd al-Wahhab monitoring religious matters and supplying the house of Saud with divine legitimacy to rule. As guardians of some of the most holy sites in the Islamic world (the Great Mosque of Mecca and the Mosque of the Prophet), and patrons of distinguished Wahhabi scholars, the house of Saud maintains a special religious legitimacy that makes them difficult for devout Muslim citizens to challenge.53

Saudi Arabia’s unique legal structure only increases this difficulty. In most Arabic legal systems, the teachings of Islam are influential, but the old structures of religious jurisprudence so that judges ruled based on legal codes rather than religious teachings of Islam are influential, and how the guardianship system teaches them to drive. Where Manal al-Sharif described the driving ban as a “family business” but the result is uncertainty about driving and that the listed acts will naturally follow.46 The guardianship system is, like wise, derived from the Quran and therefore has a moving target – where one judge might be persuaded to allow a woman to drive, another might find a new restriction on women the first had not even contemplated.

Against this ultraconservative cultural backdrop with inseparable law and religion, nearly 50 women drove through streets of Riyadh without accompaniment on November 6, 2000. The ban on driving was undefined, yet enforced (a customary and uncodified regulation) – and these women were protest ing their inability to drive their children to school during the Gulf War.45 After being arrested and detained they were granted a Royal Commission determination saying they had, technically, not broken any laws in the Quran.56 One week later, Sheikh Abdelaziz Bin Baz (the most senior cleric on the Saudi Council of Senior Scholars) coun tered by issuing a fatwa, saying “women should not be allowed to drive motor vehicles as the Shari’a instructs that things that degrade or harm the dignity of a woman must be prevented.”47 Reading between the lines, the ability to drive leads women to vice.48

The monarchy for the monarchy of Saudi Arabia, with a Wahhabi tradition that mandates literal interpretation, these passages result in women holding a second-class legal status – similar to minors and the mentally unstable.49

These are the specific and particularly excoriating challenges faced by activists in Saudi Arabia: a government interwined with an unusually literal section of Islam, whose restrictions carry heavy religious au

A fatwa is a religious opinion, or legal opinion, issuing for guidance on a question of Islamic law.


43 Beckerle, supra note 7.

44 Beckerle, supra note 7.

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and scope of his work has been dizz ing and divisive – between using his position as Minister of Defense to start Saudi Arabia’s first foreign conflict in decades, 58 planning a $500 billion dollar mega-city run entirely on renewable energy, 59 cozying up to U.S. President Donald Trump, 60 conducting “anti-corruption” purges to consolidate power for the monarch, and 61 striking the blood out of the body of former police chief and several high-ranking Saudi officials in a murder of free press advocate Jamal Khashoggi, 62 he has earned sobriquets from “boy wonder” 63 to “the Machiavellian Prince.” 64

So far, his ambitions have mostly worked in concert with those seeking a more socially progressive Saudi Arabia. Loosening restrictions on women (including the driving ban as well as rules about segregation) has served his official vision of a modern and moderate Islam. It has also incrementally decentered the power of conservative clerics 65 and weakened the base between the Houses of Saud and al-Walihab, 66 serving his unofficial goal of consolidating power for the Saudi monarch. 67 Although his motivations doubtless differ, his interests overlap with women’s rights proponents. 68

But observers harbor growing concern that he may have taken on more than he can handle and that, should the two come to conflict, he would not prioritize human rights 69 .

In the last half year, the Saudi-led forces invaded Yemen to back the Sunni-led government over Shiite rebels (the Houthis) backed by the government of Iran. 70 In two and a half years since the campaign in Yemen has become a morass so rife with human rights abuses and with so little end in sight that journalists have called it “Riyad’s Afghani stan.” 71 Actions like these, “an adi cacious to the point of dangerous,” 72 qualify activists’ hopes for a bright new era of social progressiveness under MBS. 73 His high-stakes foreign policy, coupled with abrupt power grabs and dramatic social reforms, have the potential to generate the very domestic instability he seeks to preempt. 74 A crisis in Saudi Arabia could result in a conservative back lash and destabilize the celebrated changes – after all, it was the com bined orded of the Siege of Mecca at home and the U.S. invasion of Afghanistan nearly that supposedly led Saudi Arabia to embrace ultra-conservative Islam post-1979. 75

Emanating the risks of Saudi for eign policy and their potential for human rights violations is outside the scope of this paper. More relevant (and certainly worth mentioning) are the Saudi feminists who were jailed just weeks before the re peak took effect. For instance, while Saudi Princess Hayfa bint Abdullah Al Saud posed in a vintage car on Vogue cover dedicated to the “trail blazing women” of Saudi Arabia, 76 prominent activist Loujain al-Hathoul was pulled from her car in the UAE, deported to Saudi Arabia, and is believed to be held incommunicado. 77 The backlash against the very human rights activists who support ed the reveal shows a disturbing
lack of support from a supposedly progressive royal family. MBS has been persistent in loosening sharia’s restrictions on women, easing off on dress codes and sex segregation, and attempting to clarify the hazy boundaries of the guardianship system. But the disconnect between superficially feminist royal propaganda and the harsh treatment of actual activists is a message from the Crown Prince that “he, Mohammed bin Salman, is the agent of change who will dictate the pace of reform, not the Saudi women who have been fighting for their rights for decades.”

MBS’ social reforms are not motivated by a white-knight passion for women’s rights, “and observers warn that they are likely to remain a means to MBS, as opposed to an end.” Why, then, should Saudi feminists have a hopeful outlook? Because as long as reform remains symbolic and is not “evident on the ground and in practice,” having MBS in power could be a boon to socially liberal Saudis. Cautionist optimism, at least for overall domestic reform, is in order.

Part II B: Economics in the House of Saud

The Saudi zeitgeist of economic modernization is the most lethal op-ponent of the guardianship system. This new Saudi spirit of transformation is manifested in Vision 2030, MBS’ ambitious master plan for Saudi development over the next couple of decades. Authored by MBS in his capacity as the Chairman of the Council of Economic and Development Affairs, Vision 2030 emphasizes three main themes: “a vibrant society,” “a thriving economy,” and “an ambitious nation.”

The plan, according to testimony before the United States House Committee on Foreign Affairs, “signals a fundamental shift in the traditional relationship between the govern-ment and its citizens,” and is a “revamped approach to civil liberties and human rights.”

The driving ban was repealed under the banner of Vision 2030. Each of the three themes of the Vision include quantitative criteria to make success measurable, and “a thriving economy” includes increasing women’s participation in the workforce from 22% to 30% in the next twelve years. The driving ban was a direct impendiment to this and other pro ductivity. Studies suggest it accounted for a large percentage of missed workdays when women were unable to secure transportation, even where it did not prevent women from finding jobs.

The amendment to M/85 removes a barrier for women in the work force, but additionally removes an economic burden from families who had to hire drivers to transport women to work. Ironically, the need for drivers often leads women to ride in taxis or chauffeured cars alone with male non-relatives, creating the sort of khilwa the driving ban was intended to prevent.

A country with a population of 30 million and a labor force of 18 million people was employing nearly 800,000 chauffeurs (mostly foreign workers) at a staggering annual cost of $3.7 billion. In 2016, this was 0.6% of Saudi Arabia’s GDP. Thus, allowing women to drive is not merely desirable for freedom-seeking activists, but for fiscally prudent politicians seeking to increase workforce participation and national disposable income.

The guardianship system places comparable economic burdens on Saudi men. There is technically no provision in Saudi Arabia’s Labour Code that requires women to obtain permission to work, but no Labor Code or Ministerial Decision forbids employers from requiring guardian permission. Many employees claim they need guardian consent before hiring female employees to be sure their guardian will not prohibit them from attending work, thereby causing sudden, pro-longed, and disruptive absences.

The fear of khilwa that undermines the guardianship system has created strong disincentives for employers to hire women. Even employed women are not allowed to mingle with men outside of their homes. At times, 10,000 riyals ($2,666.66) have been imposed since 2015 on employers who fail to maintain sex segregation in the workplace. Employers are also required to ensure their work environment is “suitable for women, and provide written instructions on the mandatory headscarves and dress codes.”

Employers are not the only ones who suffer consequences—women who work for less than 50,000 riyals ($13,333.33) are not covered by the laws, so any complaint is merely an end, but a means: it would directly advance Vision 2030’s goal of enlarging the Saudi economy from $600 billion to the fifteenth largest in the world.

This cannot be easily ignored by a government with ambitious dreams of economic expansion and global influence, and provide written instructions on the mandatory headscarves and dress codes.

87 Beckerle, supra note 7.

88 Granger Willson, Thriving Economy Rewarding Opportunity (Sept. 27, 2017) (available at https://www.mot.gov.sa/en-us/MediaCen-ter/Press.Release.88 (the leader’s wisdom led to stable society with growing economy); “not simply out of the goodness of their hearts, but because it makes strong business sense.”)

90 Ministry of Labor and Social Development, Decision 4766.

91 Beckerle, supra note 7.

92 Id.

93 The Economic Case for Feminism, supra note 56 (“From the role of women and religion to the speed of decision-making… he will want the country to resemble little of what we see in Saudi Arabia today.”); Lichter, supra note 72 (“[Under MBS] There is a potential for the empowerment of women and a curb on the spread of Wahhabi doctrine.”).

94 Beckerle, supra note 7.

95 Saad bin Abdulaziz Al-Khallab, The Supreme decree that allows Saudi ladies to drive will lead to a stabile [sic] society, Telecom World, INT’L BUS. TIMES (June 1, 2016, at 6:28PM), http://www.ibtimes.com/costly-chauffeurs-saudi-arabia-2376905.

96 Id.


98 See, e.g., Lichter, supra note 72 (“The reforms are not simply aimed to gain international approval”); supra note 78 (“The reforms are not simply aimed to gain international approval”); supra note 72 (“The reforms are not simply aimed to gain international approval”); supra note 78 (“The reforms are not simply aimed to gain international approval”).

99 Beckerle, supra note 7.

100 MBS’ ambitious master plan for Saudi development over the next couple of decades. Authored by MBS in his capacity as the Chairman of the Council of Economic and Development Affairs, Vision 2030 emphasizes three main themes: “a vibrant society,” “a thriving economy,” and “an ambitious nation.”

101 Beckerle, supra note 7.

102 Even in accordance with shari’a.

103 Beckerle, supra note 7.
custodianship of Islamic holy sites and patronage of Wahhabi clerics to maintain legitimacy, an abrupt break with religious tradition could be risky. But if MBS becomes King, as a matter of tradition, the Council of Senior Scholars will likely defer to his interpretation of shari'a. To achieve his considerable ambitions, MBS needs social reform — and to accept reform, Saudi Arabia must reexamine its interpretation of Islam.

Part III: The Many Schools of Islam

Saudi Arabia, by virtue of its particular history and modern connection to Wahhabism, practices an especially conservative form of shari'a law. But as with most religious texts, the Quran has been subject to a variety of interpretations over centuries of scholarly work. While most Westerners regard a reconciliability between shari’a and women’s rights, some scholars have postulated the seeming mutual exclusivity of the two is actually a false dichotomy. Wahhabism is but one movement in the Hanbali school of Islamic fiqh (jurisprudence, or human understanding of shari’a), and the Hanbali school is but one of four within the Sunni branch of Islam. A reinterpretation of the current Saudi understanding of the Quran does not necessitate wholesale abandonment of Islamic law.

Some schools of Islamic jurisprudence (Saudi Arabia’s Hanbali school included) have interpreted the basis for guardianship, Quran 2:228 to mean that men hold “a degree” of responsibility or control over their women. But both classic and contemporary scholars have been divided on the meaning of this verse — the Wahhabi inference is but one of many. A second popular reading is that men have “a degree” of advantage over women because “of the actual status of women, which has been low on the whole, at least on the surface,” rather than an inherent superiority. Under this construction, guardianship is not only unrequired but “apparently alien to the spirit as well as the letter of the Quranic verses.” In 2004, Morocco undertook extensive reform of its Moudawana (family code). The results were distinct from previous reforms in the Middle East and North Africa in its comprehensive approach (unlike reforms in Egypt) while maintaining an Islamic framework (unlike reforms in Turkey). Morocco managed to promote new rights for women by using the “heterogeneity” of Qura’nic interpretation, rather than simply distorting itself from Islamic law. Under the new Moudawana, women won the legal right to divorce, child custody, and, most pertinent, self-guardianship. Moroccan girls no longer require a male guardian to sign marriage contracts, and the legal requirement of a wife’s obedience to her husband has been abolished — both spouses are now considered joint heads of the household.

How and why did Morocco make these reforms, when Moroccans were divided amongst themselves as to their merit, and in fact more women marched in opposition of the new Moudawana than in favor of it? Like Saudi Arabia, neither pre- nor post-reform Morocco was a bastion of liberalism. This is evident from incomplete implementation of the Moudawana by the judiciary — as in Saudi Arabia, the variance of judicial interpretation can make enforcement of women’s rights difficult. But the combination of grassroots activists and royal support was enough to pass a radical act that began a national dialogue on cultural norms surrounding gender. With this, Morocco has begun a progressive revaluation of women’s rights, consistent with shari’a law. The same elements are surfacing in Saudi Arabia — growing numbers of activists, an interested head of state, and an increasing national dialogue on the rights of women. Activists are justified in hoping big changes are on the horizon, post-M/85.

Part IV: Conclusion

The status of Saudi women will not be changed overnight, and there are many aspects of the Saudi culture and legal system that lend particular support to the guardianship system. But in recent years longstanding restrictions have relaxed, and women have taken on a greater presence in public life. The fall of the driving ban in particular illustrates that the longstanding prioritization of conservative Islam over economic practicality has begun to tilt the other way. With the ascent of a Crown Prince who expressly values the economic expansion and modernization of his country over extreme traditionalism, liberal Saudis would be justified in hoping for continued domestic reform. It should not be forgotten that these reforms are coming at the expense of the very people who brought them to international attention. Though MBS encourages the narrative that he is Saudi Arabia’s unilateral reformer, it was brave Saudi women (and men) who brought the driving ban to international attention, demanded discussion, and set the stage for MBS to enact his reform to wide applause. These protesters deserve acclaim for the M/85 addendum and will deserve it again when further gains for Saudi women follow. The guardianship system may be a long time in crumbling, but with the collapse of the driving ban, the first blows have already been struck.
The data regarding the stalled career trajectories of many women in the legal profession, especially in the law firm, is indisputable. NAWL itself has collected data for the last 11 years demonstrating a consistent and relatively undisturbed pattern showing the absence of women in the upper echelon of law firm and legal profession leadership and in the 11 years that NAWL has tracked the data, there has been relatively little progress made in the representation of women in these roles. With this year’s survey, NAWL thought it important to take the first steps toward more systematic study of the mechanisms underlying these well-known statistics. Each year, the goal of the NAWL Survey has been to provide objective statistics regarding the position and advancement of women lawyers in law firms in particular, and the NAWL Survey remains the only national survey that collects this industry benchmarking data in such detail.

Survey Methodology in Brief

The 2018 NAWL Survey was sent to the 200 largest U.S. law firms1 in February 2018 and responding law firms had until April 30, 2018 to submit their responses. This year, 97 of 200 law firms completed all or significant portions of the survey,2 a response rate of 48.5 percent.3 An additional 7 firms formally declined to participate, an option given in this year’s survey, and these firms answered questions about their reasons, leading to an overall response rate of 52%.4

As discussed in more detail below, firms completed questions regarding the demographics of attorneys at various levels, particularly women, as well as the structure of the partnership track, credit awarding processes, compensation and hours, and women’s initiatives and other programming designed to support women in law firms.

The responding firms represent the full spectrum of the AmLaw 200 rankings. The quartile showing the lowest response rates were from Quartile 4 (AmLaw rank 151 – 200), with about 38% of those firms responding to the survey, and Quartile 1 (AmLaw rank 1 – 50), with about 42% of those firms responding. By comparison, 60% of those ranked in Quartile 2 (AmLaw 51 – 100) and 54% of Quartile 3 (AmLaw rank 101 – 150) responded. Overall, there were few significant differences between firms of different quartiles, but some nuances are discussed in the results below.

Following Women through the Law Firm

For over a decade, approximately 50% of law students nationwide have been women,5 law firms have recruited women as entry-level associates roughly in proportion to their representation among law school graduates, and yet the statistics repeatedly show that these women are not reflected in the numbers of non-equity or equity partners in those same law firms. This report proceeds by highlighting the representation at three key points in the career trajectory of law firm lawyers: associate, non-equity (income) partner, and equity partner.

The participating firms were asked about the demographics of attorneys at three key points in the career trajectory of law firm lawyers: associate, non-equity (income) partner, and equity partner. Along the way, practices and procedures that could impact the experiences of women and diverse attorneys and their continued success in the law firm are also discussed, including management of the client relationship and succession

1 As reported in the 2017 AmLaw 200 Rankings.
2 As noted in more detail in the compensation sub-section, fewer law firms completed questions about compensation and hours, with many declining to provide the data, often noting that it’s either considered confidential or is not collected in a way that matches the reporting format requested on the survey. As in most survey administrations, very few questions receive 100 percent response rates for various reasons, and firms were encouraged to complete as much of the survey as they were willing while also maintaining the ability to skip other portions.
3 This represents an increase in responses compared to the 2015 Survey (37 percent) and is consistent with response rates from 2017 (90 of 200 firms or 45% response rate). Firms that declined to participate cited reasons such as too many surveys, the length of this particular survey, and the sensitive nature of some of the data requested. NAWL will continue working to address some of these concerns to encourage increasing firm participation.
4 The participation rate goes up to 60% (or 119 of the AmLaw 200 firms) when the participation rates for the last two years are taken together. There is a core group of firms that have participated in both years, but there is a sizable number of firms who participated in either 2017 or 2018.
5 For all law schools, women made up a simple majority (51 percent) of all law students for the first time in 2016, as reported by Law School Transparency (LST), a non-profit organization aimed at making entry to the legal profession more transparent, affordable, and fair. Report available at www.lawschooltransparency.org.

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planning, credit assignment and sharing procedures, and the ways that firms internalize their commitments to gender and racial/ethnic diversity as part of these practices and procedures.

Women as Associates & Non-Partner Track Attorneys

Women are 47% of all law firm associates, 39% of counsel, and 57% of "other" attorneys. Women of color (including Black, Asian, and Hispanic/Latina women) are about 24% of law firm associates and 8% of non-partner track attorneys. This evidences the continued importance of investigating the variables that contribute to the underrepresentation of women at higher levels in the law firm despite the starting points of men and women in the law firm being relatively equal on a number of dimensions.

Associate & Non-Partner Attorney Compensation

For associates, the median man makes about $7,712 more a year than the median woman ($190,614 vs. $182,902, respectively). This pattern persists across the AmLaw 200, and on average, the median woman associate makes 96% of what the median man makes. When mean compensation is considered, the mean male associate makes about $8,959 more a year than the mean female associate ($192,536 vs. $183,577, respectively). Thus, the mean female associate makes 95% of what the mean male associate makes. While this does represent a compensation gap, it suggests that men and women start off with relatively more equivalent compensation, and the gap widens over time.

Associate & Non-Partner Attorney Hours

Despite existing hypotheses to the contrary, many years of NAWL data have shown that there are no significant differences between the hours recorded by men...
and women attorneys at different levels and in different roles. This year’s data show the same pattern. Among all lawyer types, including associates and non-partner track attorneys, there were no significant differences in total or billable hours recorded based on attorney gender. Gaps were up to but not greater than about 50 hours for the year, and there was no consistent pattern with respect to one gender recording more hours across the attorney types or the median and mean number of hours.

Associate Billing Rates
As part of the discussion about observable differences in both compensation and billings for men and women in the law firm, differential billing rates have been suggested as one possible source of a disparity that creates gaps at subsequent steps. For the first time this year, NAWL collected data on median and mean billing rates for men and women. We found that men and women start with similar billing rates at the associate level but diverge by and women. We found that men and women start with similar billing rates at the associate level but diverge by and implementing policies that help support women and families.

Supporting Women on the Path to Partner
There are many practices that law firms can and do engage in that are meant to support women and diverse attorneys throughout their careers. These practices often focus on trainings, diversity and inclusion efforts, and implementing policies that help support women and firms.

Diversity Training & Bias Reduction Efforts:
Firms engage in a variety of firm-wide training programs that often serve similar purposes as similar training and programming provided inside of women’s or diversity initiatives. For example, 76% of firms report offering firm-wide implicit bias training, 36% offer training on micro-aggressions or micro-inequities, 79% offer diversity and inclusion training, 90% offer business development training, 72% offer management training, and 82% offer leadership training. These are most commonly reported to be made available to attorneys of all varieties and sometimes also include law firm staff.

This year we also asked firms about bias reduction efforts. Specifically, we asked firms whether they had implemented bias interrupting procedures or processes meant to reduce the likelihood of biases (such as gender and racial biases) affecting evaluations and outcomes. A moderate majority of firms (65%) reported that they had implemented bias interrupting procedures in at least one of the following areas: recruitment, hiring, performance evaluation, promotion (pre-partnership), elevation to non-equity partner, and elevation to equity partner. Specifically, the earlier in the process, the more likely firms were to report that they engaged in bias interrupting processes and procedures: 89% at recruitment, 86% at hiring, 70% for performance evaluations, 58% at promotion, 44% at elevation to non-equity partner, and 54% at elevation to equity partner.

Firms reported that the types of procedures and processes they used included the following: structured interviews, the use of objective criteria for decisions, intentionally diverse decision-making teams, targeted recruiting to diversify the applicant pools, the use of centralized hiring processes (e.g., HR), training on implicit biases for decision-makers, standardized content for interview questions, and more. A minority of firms provided this detail, so a more systematic collection and analysis of firm processes and procedures would allow for a more nuanced view of what firms are doing and whether they align (and to what degree) with evidence-based best practices for bias reduction in employment settings. Of those firms who reported implementing such bias reducing processes and procedures, firms said they had been doing so for an average of 5 years, with a range from 1 to 20 years. In addition, some firms reported that they began with one stage or process and then added additional measures in subsequent years.

It is important to point out that firms are much more likely to engage in these bias reduction efforts at the earliest stages of an attorney’s relationship with the firm, where the disparities between men and women are non-existent or small, but less likely to engage in similar efforts across the career lifespan where men and women’s trajectories diverge. Thus, firms may have found ways to effectively reduce bias at the recruitment and hiring stages, but the stalled progress of women at subsequent levels combined with the decreased likelihood that firms are engaging in bias reducing processes at these higher level decision points evidences a need for firms to consider expanding their bias reduction efforts to decisions made once a woman is at the firm and advancing through her career.

Women and Family Friendly Policies:
In addition to active women’s initiatives aimed at training and skill development (discussed in more detail below), we also asked firms about policies that are understood to benefit and support families and women in particular, such as flexible and part-time work schedules and help transitioning back into work after a family leave. Most

13 The response rate for billing rates questions was on par with that of the compensation data, with about n = 39.
14 Multiple firms reported using Diversity Lab’s 2016 Women in Law Hackathon idea of incorporating the Mansfield Rule, which says law firms should consider at least 30% women, LGBTQ+, and minority lawyers for significant leadership roles. Information available at http://www.diversitylab.com/pilot-projects/mansfield-rule.
2018 NAWL Survey at a Glance

1. The likelihood that women will become equity partners remains on a sluggish upward trajectory over the last 12 years, with the data reflecting an increase from 15 percent in 2006 to 20 percent in 2018.

2. The representation of women declines significantly with seniority at law firms, with women making up 47 percent of associates, 30 percent of non-equity partners (unchanged from last year) and 20 percent of equity partners.

3. Among equity partners, women work as many hours as men, but their client billings are only 92 percent of those of men. The billing rates for men and women start at essentially equal levels at entry as associates but develop a 5 percent gap by the time attorneys reach non-equity partnership and persist at 5 percent into equity partnership.

4. Entering classes of equity partners were 31 percent women, a slight drop from last year (33 percent), which failed to meet the NAWL One-Third by 2020 Challenge for incoming equity partner classes.

5. Men continue to dominate the top earner spots, with 93 percent of firms reporting their top earner is a man and of the 10 most highly compensated lawyers in firms, either none or, at most, only 1 of those top 10 is a woman.

6. Women make up 25 percent of firm governance roles, 22 percent of firm-wide managing partners, 20 percent of office-level managing partners, and 22 percent of practice group leaders. This is the area of the most progress, but the numbers still lag behind the representation of women in law firms and across the legal profession as a whole.

7. Firms employing bias interruption interventions focus on the early years of lawyer training and such training drops off as lawyers progress into seniority, with firms reporting that the earlier in the process, the more likely they were to engage in bias interrupting processes and procedures: 89 percent at recruitment, 86 percent at hiring, 70 percent for performance evaluations, 58 percent at promotion, 44 percent at elevation to non-equity partner, and 54 percent at elevation to equity partner.

8. The median woman equity partner earns 91 percent of what the median male equity partner makes and 88 percent of what the mean male equity partner makes. However, women equity partners generate 94 percent of the revenue that male equity partners generate.

9. Among new relationship partners – those who inherited clients due to transitions within firms’ top 20 clients – 36% are women; overall women are the relationship partner for 20% of all top 20 clients.

10. People of color, women of color, LGBTQI and persons with disabilities fare worse across all positions. People of color make up about 8 percent of equity partners, and only two percent of equity partners are women of color. Openly LGBTQI attorneys represent only 2 percent of equity partners, and persons with disabilities represent less than 1 percent. These percentages match those measured in 2015 after a dip in the representation of people of color in equity partnership last year.

firms reported offering both flexible (97%) and part-time work schedules (100%), the option to work from home (88%), as well as on-ramping for those attorneys returning from leaves (71%). As reported above, most firms reported allowing partner-track attorneys who work part-time schedules to be promoted to partner, although it was more likely for firms to allow this for non-equity partnership promotion than equity partner promotion. In other words, most firms report allowing for flexible or part-time work schedules that don’t prevent the possibility of future promotion in theory.

Pathways to Partnership

Central to establishing the credentials for elevation to equity partner is building one’s book of business and maintaining client relationships. Discussion in the field has begun to home in on the importance of client relationships and credit processes and procedures for partner promotion decisions. Better understanding how law firms manage both the client relationships and credit processes allows for a more nuanced view of who is getting access to the crucial building blocks of a book of business that merits promotion to equity partner.

Client Relationships & Credit Origination

Another important component of career advancement in the law firm is the credit allocation and succession structures that affect how attorneys build their books of business. Most firms award credit for a variety of roles with respect to clients and matters at the firm: origination credit for relationship partners (86%), matter proliferation credit for partners eliciting new business from existing clients (71%), credit for management of the matter for partners and attorneys actively managing the client’s matters (73%), and production credit for partners and attorneys billing hours on the client/matter (57%). Of the responding firms that have credit allocation structures, 90% of firms reported that they allow credit sharing, and 97% of those firms reported that they encourage credit sharing. They report that they do so by taking credit sharing into account for both bonus allocations (75%) and promotion reviews (80%). About a third of firms indicated that they had credit sharing requirements on at least some projects. Firms also offered that they further encourage credit sharing via the following: considering credit sharing in compensation in general not just for bonuses; developing a culture of credit sharing, starting with endorsement and encouragement by firm management; tracking credit sharing; and allowing attorneys to report matters and clients they worked on. Collecting more information from firms as to how they allocate credit and encourage credit sharing will better represent what firms, on average, are doing to this end and allow for discussion of whether what firms are doing is effective in increasing credit sharing overall as well as whether credit is being allocated to and shared with women and diverse attorneys in the same way as White men attorneys.
Managing Client Relationship Transitions

We asked firms about the succession planning practices and procedures in an effort to uncover more detail about how firms handle the transfers of highly valuable relationships and status in the law firm. A slight majority (59%) of firms reported having formal succession plans that govern all or most successions, but firms were not willing, at the present time, to share those processes with NAWL.\(^\text{15}\) With respect to succession processes and procedures, whether formalized or not, 82% of firms reported that they have extended their diversity efforts to consider succession processes and outcomes. In addition, 74% of firms reported that they had succession processes for transitions in practice group leadership, and 76% reported that they had succession processes for transitions on governance committee(s). Firms overwhelmingly (91%) reported that they allowed for relationships to be passed down to multiple new partners (i.e., shared), although the results below show that more recent transitions haven’t resulted in greater numbers of relationship partners overall. All responding firms report that they have made efforts to encourage the incorporation of women into client relationships. Some firms report fostering the development of women’s relationships with clients through the following activities: hosting events, networking and substantive, for women to interact with clients; fostering ongoing collaboration and relationship-building between women in the law firm and clients, particularly women, through projects, pro bono work, and the development of mentoring relationships that pair women lawyers with clients; placing attorneys in-house at their client to serve as ambassadors for the firm and to learn the client and their business from the inside; and training aimed at business development and client relationships. Again, a minority of firms elected to submit responses to this open-ended request for firm practices that encourage client relationship-building for women. More sharing of firm practices and analysis of what firms are doing would better allow for development of best practices in this area.

As for who makes the decisions about a succession and when, there was no standardized approach across firms. Most firms reported that some combination of the client (58%), the current relationship partner(s) (72%), firm leadership (58%), and the practice group leader(s) (59%) determine how the succession will be assigned, and many firms acknowledged that exactly how the process plays out is dependent on the specifics of the particular client/matter. Further, succession planning is also largely an individualized and ongoing process, with 63% of firms reporting that the eventual succession is considered throughout the relationship and tenure of the existing relationship partner. Only 27% of firms reported that they started thinking about it either as the existing relationship partner approaches retirement age and/or once they announce retirement. While the idiosyncratic nature of existing succession planning and the eventual transitions affords firms flexibility that may be, research suggests that less standardized, more subjective processes are ripe for the influence of biases that may lead certain groups or individuals to be disfavored in the process, such as women and racial/ethnic minorities.\(^\text{16}\)

For the first time this year, NAWL asked firms about the relationship partners for their top 20 clients.\(^\text{17}\) Specifically, firms were asked about recent transitions in relationship partners for these top clients and the representation of women and diverse attorneys among them. Among responding firms, 65% (63 firms) answered at least some questions about their relationship partners. On average, the total number of relationship partners assigned to the top-20 clients was 39. Of those 39, on average about 8 are women (21%), 2 are racial/ethnic minorities (5%), and none are openly LGBTQI or a person with a disability. Among the responding firms, about 57% reported they had relationship partner transitions for their top 20 clients in the last three years (Jan 1, 2015 – Dec 31, 2017). On average, firms reported that they had about 5 relationship partners change during that time, and the results reflect that the new relationship partners were more likely to be women than the departing relationship partners were (36% vs. 20%, respectively). There was no noticeable change in the representation of diverse attorneys between the departing and new relationship partners, and their representation was overall low, with racial/ethnic minorities, LGBTQI, and persons with disabilities all likely to be absent from both the departing and new relationship partner pools. The vast majority of these decisions were made at the firm rather than as directed primarily by the client.

Women as Non-Equity (Income) Partners\(^\text{18}\)

As discussed in more detail in last year’s report, NAWL documented the transition that many firms have made to a two-tier model of partnership.\(^\text{19}\)

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15 We asked firms reporting formal plans to share their plans, procedures, or practices to gather information to work toward best practices, but only one firm opted to upload any information.


17 Firms were allowed to consider their top-20 clients based on their own, unreported, criteria.

18 Non-equity or Income Partners are those who receive more than half of their compensation on a fixed-income basis and may have voting rights on firm matters.

One effect of a two-tier partnership model is that it creates an additional level before reaching the highest status (and most highly compensated) equity partner role, possibly making it harder to achieve equity partner in general, but particularly for women and other diverse groups who have been historically underrepresented. With the move over the last two decades toward two-tier partnership models in a majority of firms, women in non-equity partner and non-partner track attorney roles have reached or surpassed the 2006 NAWL Challenge goal of 30% representation, but the percentage of women equity partners has not followed suit. This year, 81% of our sample reported that they are two-tier firms.

As in past years, women are 30% of non-equity or income partners. Women of color (including Black, Asian, and Hispanic/Latina women) are 5% of non-equity partners. LGBTQI individuals of all genders are 2% of non-equity partners. Persons with disabilities are less than 1% of non-equity partners.

Non-Equity Partner Compensation
For non-equity partners, the median man makes, on average, about $8,005 more a year than the median woman ($309,279 vs. $301,274, respectively). On average, the median woman non-equity partner makes 97% of what the median man makes. When considering mean compensation, the mean male non-equity partner makes about $13,609 more per year than the mean female non-equity partner ($323,008 vs. $309,399, respectively). Thus, women non-equity partners make 96% of what the mean man makes. Note, these numbers reflect a similar gap to that at the associate level, but it is a smaller gap than exists at the equity partner level where men’s and women’s salaries diverge more.

Non-Equity Partner Billing Rates
As suggested above, the billing rates of men and women diverge by the time they reach non-equity partner despite starting at the same point as associates. For non-equity partners, the median billing rate for men was $385/hour compared to a median for women of $554/hour. This billing rate gap is similar to that seen between male and female equity partners, and represents an average premium of about 5% for male non-equity partners compared to female non-equity partners.

Women as Equity Partners
The number of women equity partners and women in leadership roles in the law firm are of primary interest, given the focus of the One-Third by 2020 Challenge issued by NAWL in 2016. This challenge renewed the call for the legal field to increase its representation of women to one-third of General Counsels of Fortune 1000 companies, of new law firm equity partners, of law firm lateral hires, and of law school deans. The One-Third by 2020 Challenge also calls for an increase of at least one-third for diverse women attorneys, including LGBTQ and women of color, in every segment of the legal profession.

This year’s survey shows a similar percentage of women equity partners compared to last year (20% vs. 19%, respectively). Last year we reported that this represents an increase over the 15% - 16% recorded 10 years prior; but it also highlights the uneven progression that often occurs whereby there may be larger increases over a period of time but incremental changes or plateaus in the short term.

Diversity among Equity Partners
The One-Third by 2020 Challenge explicitly identified goals related to the representation of diverse women attorneys in the legal profession, including women of color, LGBTQI individuals, and people with disabilities. This specific challenge is to increase the numbers (with a baseline at the 2016 numbers) of these diverse women by a third by 2020. In 2018, White women represent 89% of female equity partners and 18% of equity partners overall. In the aggregate, women of color (including Black, Asian, Hispanic/Latina women) represent only about 12% of female equity partners, on average, and about 2% of all equity partners. For all equity partners, people of color (men and women) account for only 8% of equity partners (Black equity partners are 2% of equity partners, Asian equity partners account for 3%, Hispanic/Latinx equity partners account for 2%, and all other racial/ethnic minorities combined account for

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20 We found that women may be slightly more likely to be equity partner in firms with a one-tier partnership model compared to a two-tier model (21% vs. 20%, respectively), consistent with past reports.


22 In raw numbers, in 2017 there was an average of 29 female equity partners reported per firm compared to 33 in 2018. Although it’s also of note that the average number of equity partners reported overall was also higher in 2018 (155 in 2017 vs. 160 in 2018).


24 As a reminder, people of color (including but not limited to Black, Asian, Hispanic/Latinx individuals) make up an average of 24% of associates. And their representation is higher at higher-ranked firms. Quartile 1 and 2 firms (AmLaw 1 – 100) report 20% association of color, whereas the bottom two quartiles report about 20% association of color.
about 1%). This represents a bump up from 6% equity partners of color reported in 2017 and a return to the levels reported in 2015. For those firms reporting numbers, LGBTIQ individuals were 2% of all equity partners and persons with disabilities were less than 1% of all equity partners. These numbers are unchanged since 2017.

Equity Partner Compensation

Ninety-three percent (93%) of responding firms reported that their most highly compensated attorney is a man. Of the 10 most highly compensated lawyers in the firm, on average, 1 of those top 10 is a woman. We also asked firms about their top 10 revenue-generators, and of those 10, firms reported that there was, on average, 1 woman among them. Most firms reported women in the ranks of those attorneys generating the most revenue or those being the most highly compensated.

Taken with the above-reported data on compensation at the associate and non-equity partner levels, across all types and levels of attorneys, men made more per year than women, and this pattern existed without significant variance across the AmLaw 200 for all attorney types and levels.

Among equity partners, the median man makes, on average, about $64,320 more a year than the median woman ($750,215 vs. $685,895, respectively). On average, the median woman equity partner makes 91% percent of what the median man makes. Among equity partners, the man makes about $99,421 more a year than the median woman ($847,266 vs. $747,845, respectively). Thus, the mean woman equity partner makes 88% of what the mean male equity partner makes. These findings support the hypothesis that the compensation distribution skews higher for men than for women as evidenced by a greater pay gap when using the mean vs. median compensation numbers. This offers additional support to the data that shows that men tend to have near exclusive domain over the most highly compensated roles in the firm. In addition, it highlights that only looking at the median numbers may hide the differences in the distribution of compensation, particularly at the high end where women are less likely to be represented. Further, this difference only appears among the most highly compensated attorneys. There is no significant difference between median and mean compensation numbers before reaching equity partner, suggesting that the smaller but persistent gap that begins at the associate level expands much more dramatically at the level of equity partner.

Equity Partner Hours

As discussed previously, for the median female and male equity partners, there was essentially no difference in median billable hours on average (1532 vs. 1542 hours, respectively). No significant difference is recorded if mean hours for women and men are considered instead (1496 vs. 1507, respectively). For total hours there was also no significant difference between the median woman and man in hours recorded (2178 vs. 2134 hours, respectively). Again, the mean total hours also did not differ significantly between women and men (2215 vs. 2232, respectively).

This billing rate gap is similar to that seen between male and female equity partners, and represents an average premium of about 5% for male non-equity partners compared to female non-equity partners.

Equity Partner Client Billings & Billing Rates

For equity partner median client billings, the median male equity partner bills more than the median woman ($1,348,306 vs. $1,262,683, respectively). On average, the median woman equity partner bills 94% of what the median man bills. The mean client billings show a similar pattern. It has been suggested before that disparities in compensation, at least among equity partners, may align with differences in client billings between men and women. In other words, men bill more and thus they are compensated more. On the other hand, this raises questions as to how client billings are generated and how credit is assigned for client billings. For this reason, in this year’s survey, we attempted to dig deeper into this question of what explains these disparities by collecting data on billing rates.

In other words, one reason for higher billings could be a difference in the rates that underlie the billings. However, when compared to the pay gap at the equity partner level (91% at the median and 88% at the mean), a discrepancy remains that cannot be explained by billing generation.

As discussed above, we found that men and women start

25 There was a noticeable difference especially in the percentages of Asian equity partners at AmLaw 200 firms (Quartile 1). These firms reported higher percentages of Asian equity partners (1% compared to about 2% in the other quartiles). For all other racial-ethnic groups, there was no noticeable difference across the AmLaw 200.


27 As a reminder, for LGBTIQ individuals and persons with disabilities, a large hurdle to getting an accurate picture of their representation in the law firm is in the collection of data on these identities. About 10% of firms explicitly indicated that they do not collect demographics data on LGBTIQ individuals, and about 36% indicated they do not collect data on persons with disabilities.

28 The response rate for these questions compared to the more detailed compensation questions was slightly higher, ranging from n = 75 to n = 56, depending on the question. This represents about 25% of the AmLaw 200 and 55% of the responding firms.

29 Equity partners at Quartile 1 firms bill more hours than those in the other quartiles, with Quartile 1 equity partners averaging a median of about 1625 billable hours and the equity partners in the other quartiles averaging a median 1512 billable hours. Across the quartiles, there appears to be no significant difference in hours billed between men and women equity partners. For total hours, Quartile 1 equity partners again record more hours compared to those from the other quartiles (average 2215 total hours vs. 2080 total hours). For total hours, there appear to be some small differences between men and women equity partners at the higher ranked firms, with women-equity partners recording greater median total hours than men (at Quartile 1, woman recorded a median of 2442 total hours to men’s median of 2342 total hours). This effect reverses when mean hours are considered such that men record a greater mean total hours compared to women (at Quartile 1, 2678 vs. 2462, respectively).

30 NAWL defined client billings as the dollar amount credited by the firm to a given equity partner as their billings. Variations on what NAWL was trying to identify with the definition of “client billings” include originate credit, fee credit, book of business, credited revenue, and similar terms.
with similar billing rates as associates but diverge by the time they reach non-equity partner. While billing rates go up overall for equity partners compared to non-equity partners, a gap between men and women remains. The overall median billing rate for equity partners was $683/hour, and the overall mean billing rate for equity partners was $676/hour. By gender, the median billing rate for male equity partners was $686/hour compared to a median of $655/hour for women equity partners. This, again, represents an average premium of about 5% for male equity partners compared to female equity partners.

When hours and billing rates are taken together, the fact that women work the same hours as men but bill at 95% the rate of men at the same level could explain, in part, why women equity partners record 94% of the client billings of male equity partners. For homegrown partners, about 41 percent were women (2 of 5), and for recent laterals who were promoted to partner, 50 percent were women (1 of 2), on average. These numbers match those reported in 2017, providing another year of data suggesting that some firms in recent years may be promoting more gender equity in newer classes of equity partners, in line with the One-Third by 2020 Challenge.

In addition, most firms reported allowing partner-track attorneys who work part-time schedules to be promoted to partner, although it was more likely for firms to allow this for promotion to non-equity partnership (95%) compared to equity partnership (89%). All responding firms with non-partner track attorneys reported allowing non-partner track attorneys, such as counsel attorneys, to transition to the partner track. In theory, this access could also serve to increase the diversity of the partner track.

Women in Leadership Roles in the Law Firm

Women on Firm Governance Committees

Much like the continued underrepresentation of women in the equity partner ranks, women have been consistently underrepresented among the leadership positions in the law firm, such as on the governance committee(s) that oversee the operations of the firm and often set compensation. While the particular name and function of the highest-level governance committee varies across firms, the responding firms reported an average membership for those governance committees of 12 people, and, on average, 3 of those 12 (25%) are women. These numbers are exactly the same as those reported in 2017.\(^{31}\) In the last 10 years, the participation of women on these committees has increased substantially, with the 2017 and 2018 numbers nearly double those from 2007.\(^{32}\)

\(^{31}\) This year’s data did show that Quartile 1 firms (AmLaw 1 – 50) reported greater representation of women on governance committees compared to both their numbers last year and firms in the other quartiles this year. Quartile 1 firms reported 37% of their governance committee members were women compared to the 20 – 25% women reported by firms in the other three quartiles.

increase in representation for women has not resulted in similar levels of representation for other diverse groups. The average governance committee of 12 people has only one person of color and no LGBTQI person or person with a disability on average.

For 47% of responding firms, the highest governance committee sets compensation for equity partners. The other 53% of firms reported having dedicated compensation committees, and the average compensation committee looks similar to the high-level governance committees.\(^{33}\) The average membership of the compensation committee is 11 people, and the average number of women is 3 of those 11 (27%). The numbers for women are the best of any underrepresented group. At best 1 of 11 members, on average, is likely to be a person of color, and none are likely to be openly LGBTQI or a person with a disability. These numbers, again, mirror those from 2017.

**Women as Managing Partners & Practice Group Leaders**

In addition to serving on governance committees, managing partner roles at the firm, office, and practice group levels provide additional leadership opportunities. The average firm has two firm-wide managing partners, and most firms have no women, people of color, LGBTQI individuals, or persons with disabilities among those firm-wide managing partners. Only 22% of firms report having a woman among their firm-wide managing partners. In addition, only 9.5% of firms have a person of color, 6% of firms have an LGBTQI individual, and 1.5% of firms have a person with a disability serving in this role.

Most firms (90%) also report having office-level managing partners. On average, firms have 12 of these office-level managing partners, and, on average, 2.5 are women (20%), one is a person of color (8%), and none are LGBTQI or a person with a disability. Finally, 98% of firms report having practice group partners/leaders. Most firms (86%) report allowing for co-leadership of practice groups. Firms have an average of 25 practice group partners/leaders, and of those, 6 are women (24%), two are people of color (8%), and none are LGBTQI or a person with a disability.

Across the governance positions in the law firm, in terms of committees and managing positions, the results are consistent, with women representing about a quarter of all of these positions.

**Time to Rethink the Women’s Initiative?**

As in 2017, all but one responding firm reported having a women’s initiative (99%), and this number represents a women’s initiative in place for an average of 13 years, with a range from two years to a few decades.\(^{34}\) Overall, women’s initiatives, once implemented, report similar longstanding practices over time, but it is unclear what impact, if any, these efforts have had on women’s representation in more senior and higher status positions in the law firm.

**Women’s Initiative Mission & Objectives:**

Most (91%) firms report that they have mission statements specifically for their women’s initiatives. Ninety-percent (90%) report that their women’s initiative is part of the overall strategic plan of the firm. In addition to women’s initiatives being incorporated into the strategic vision of the law firm, essentially all firms also report that they have specific objectives for their initiatives (93% percent). Finally, 96% percent of firms report that their women’s initiative is part of the firm’s diversity plan.

**Women’s Initiative Budget & Resources:**

In terms of resources, 60% of firms report that they have specific budgets for their women’s initiatives. Other firms indicated that their women’s initiative budgets fall under the umbrella of their broader diversity budgets or did not report any specific budget numbers for their women’s initiative.\(^{35}\) For the firms that have dedicated women’s initiative budgets, the average budget is $176,971, and the range of budgets is $15,000 to $1.5 million. Firms in higher-ranked quartiles reported larger budgets than those in lower-ranked quartiles. Firms in Quartile 1 (AmLaw 1 – 50) reported an average budget of $335,834 compared to $217,712 for firms in Quartile 2 (AmLaw 51 – 100), $79,598 for firms in Quartile 3 (AmLaw 101 – 150), and $100,129 for firms in Quartile 4 (AmLaw 151 – 200).

**Women’s Initiative Organizational Infrastructure & Support:**

Firms take different approaches to the structural integration of their women’s initiatives, but 74% report having a hybrid structure that involves both firm-level budget and strategy, as well as specific activities (and sometimes budget and strategy) determined at a more local level. Specifically, nearly all firms (95%) report that women’s initiative leaders are in place at the firm level, in the form of a firm-level Chair, firm-level Co-Chairs, and/or a firm-level planning committees. Some firms report multi-layered levels of leadership from the firm-level down to the office level, but it was clear that nearly all firms view the head of the initiatives as existing at the firm-level.

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33 The size of Governance and Compensation Committees do differ across the AmLaw 200 given the differences in firm size. Quartile 1 and 2 firms (AmLaw 101) average 14 members on the Governance Committee compared to about 10 members on average for Quartile 3 and 4 firms. The AmLaw 200 averages about 12 members on dedicated Compensation Committee compared to an average of 9 members for firms in the AmLaw 201 – 200.

34 Last year we reported a suggestive finding that firms that reported more mature women’s initiatives had greater percentages of women equity partners. This year, by capturing how many years the initiatives had been in place, we could examine the relationship between years of existence and the numbers of women equity partners. We found no statistical relationship between the tenure of a firm’s women’s initiative and the percentage of women equity partners.

35 If firms indicated that their reported budgets were not calculated specifically for the women’s initiative, their reported numbers were not included in the calculations. We asked firms to report only budgets designated specifically for women’s initiatives.
The median woman equity partner makes 91% percent of what the median man makes. Among equity partners, the mean man makes about $99,421 more a year than the mean woman ($847,266 vs. $747,845, respectively). Thus, the mean woman equity partner makes 88% of what the mean male equity partners makes.

In addition to firms providing firm-level support and resources, many firms report that there is also active monitoring of the career trajectories of women in the firm. For example, most firms report monitoring promotion rates (83%) and succession plans (61%) by gender, taking into account the performance of women compared to men in these processes. Almost half of firms report monitoring work assignments by gender (46%).

Women’s Initiative Programming:
All firms report that their women’s initiatives sponsor programming at least quarterly and 55% of firms hold programs monthly or weekly. A vast majority of firms report that their women’s initiatives offer programming around business development (98%) and development of “soft skills” such as negotiation and navigating the law firm (87%), but only about a third offer programming around developing legal and research skills. Further, most firms’ women’s initiatives offer women management and leadership training (65% and 76%, respectively). Besides programming around business development, the most common activity for women’s initiatives is networking, including opportunities for women to network with clients (95%) and for women within the firm to network with each other (99%). Women’s initiatives are more likely to have mentorship programs than sponsorship programs (85% vs. 50%, respectively). Finally, most firms report that their women’s initiatives highlight the achievements of women in the firm (87%), advocate for women- and family-friendly policies (79%), and advocate for individual women in the firm (70%).

Women’s Initiative Participation:
There is widespread participation in the women’s initiative programming across the different levels and positions in the firm. All firms report relatively high rates of participation from women in general, across attorney type. For example, 83% of firms report that at least half of their female equity partners participate in women’s initiative events and programs and 91% of firms report that at least half of their women associates participate. In most firms, access to women’s initiatives is not limited to partner-track attorneys, and firms report that 75% of women counsel and 54% of other full-time attorneys participate in the programming.

Women’s Initiative Impacts & Outcomes:
Nearly all firms (91%) report that they attempt to measure the outcomes of their women’s initiatives, and they look at factors like the business development of women in the firm, women’s relationship development with clients, others in the firm, mentors, etc., as well as the representation of women in leadership positions. On the other hand, despite the now universal adoption of women’s initiatives, reports of near universal adoption of mission statements and objectives, and high rates of participation and diverse programming for women attorneys across their career spans, there is little evidence that these initiatives have led to substantial increases in the representation of women at the highest levels of the law firm. As suggested in NAWL’s 2012 report on the efficacy of women’s initiatives in particular, it is likely that firms still struggle to be strategic with their programming such that they do not tie it effectively to the goals and objectives they identify, they do not direct it specifically at different audiences (e.g., attorney type) with unique needs, or the programming is not deep or targeted enough to produce changes in the law firm where women’s advancement is most affected.66 Overall, what firms report doing within their women’s initiatives has changed little since at least the comprehensive study of women’s initiatives published by NAWL in 2012, and the progress of women in the law firm, especially at the higher levels, has remained similarly stalled. As called for in 2012, firms may need to rethink their women’s initiatives and broaden diversity initiatives to more effectively utilize them in service of supporting and advancing women and diverse attorneys.

Promising Trends for Women’s Advancement in Law Firms
While the percentage of women equity partners (and diverse equity partners) has not changed dramatically in a decade, there are some promising results that may suggest focused attempts to increase representation that will translate into greater representation of women going forward. These results also show that firms seem to be taking NAWL’s 2020 Challenge seriously. Among recently promoted equity partners - those promoted in the last two years - about one-third (31%) are women compared to 20% overall. In 2017, 33% of new equity partners were women compared to 19% overall. Among new relationship partners - those that inherited clients due to transitions within the top 20 clients - 36% are women compared to 20% of the current relationship partners for all top 20 clients. Over the last decade, women have seen significant increases in their representation in firm leadership roles, including service on governance committees and compensation committees, and as managing partners and 36 2012 NAWL Report of a National Survey of Women’s Initiatives, available at http://www.nawl.org/content/82.
practice group leaders. This year, firms in the AmLaw 50 reported that 37% of their governance committee seats were filled by women, an increase from their own numbers from last year, as well as a greater percentage than that reported by the rest of the AmLaw 200 this year or last.

Continued Challenges for Women in Law Firms

On the whole, the numerical results of the 2018 survey are almost an exact replication of those from 2017. This may not come as a surprise, as NAWL has observed that the progress women have made in law firms over the last decade has been slow and incremental at best, and law firms continue to face challenges with respect to supporting and promoting women. Despite universal adoption of women’s initiatives, a ramping up of broader diversity initiatives, and increased awareness of the challenges women face in their advancement through the law firm, there has been little progress made in recent years that is reflected in noticeable increases in representation of women and diverse attorneys, particularly at the more senior and higher status levels of the law firm. As law firms confront this reality, it has become clear that there is more that needs to be done to interrogate the processes and decision points for women’s advancement to better identify where and why women’s progress stalls during their careers. And what’s needed most to do this is a willingness of firms to share their practices and data to provide as full a picture as possible of what is happening as attorneys progress through the law firm over the course of their careers. NAWL hopes this year’s report will serve as a call to action for firms - a call to share both practices and data that can help the profession, as a whole, better understand the problem of stalled advancement and the potential solutions to that problem by more completely capturing what firms are doing that is and is not producing changes in status quo for women in the law firm.

As discussed above, there are multiple areas where data would help flesh out our collective understanding of what mechanisms are holding women back despite increased awareness of the problem and expanding diversity efforts. The areas that call for more research include the practices, policies, and procedures of law firms with respect to employment decisions, such as hiring, evaluation, and promotion; bias reduction in employment decisions; credit allocations and credit sharing; parental leave management; succession planning and implementation; encouragement of relationship building with clients, particularly for women and diverse attorneys; client billings and billing rates; and monitoring of promotion, succession, and work assignments for diversity, including gender and race.

Many firms are hungry for best practices, and it is the collection of baseline data on practices, policies, and procedures currently in place that allow for a comparison to the evidence on best practices from the organizational research literature, but also allow for benchmarking the existing practices of law firms and identifying innovative practices and procedures that may not be well-known externally. NAWL hopes that law firms will take this call for more information seriously and consider ways that they can contribute to the general knowledge about the practices, policies, and procedures that can increase the rate of advancement of women and other underrepresented attorneys in law firms across the profession.

Firms employing bias interruption interventions focus on the early years of lawyer training and such training drops off as lawyers progress into seniority, with firms reporting that the earlier in the process, the more likely they were to engage in bias interrupting processes and procedures: 89 percent at recruitment, 86 percent at hiring, 70 percent for performance evaluations, 58 percent at promotion, 44 percent at elevation to non-equity partner, and 54 percent at elevation to equity partner.

Destiny Peery, Associate Professor of Law at Northwestern University Pritzker School of Law, holds a JD and PhD in social psychology from Northwestern University. She writes, teaches, and speaks on issues of stereotyping, prejudice, discrimination, and diversity, equity and inclusion in law, including gender bias and implicit biases.

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Pam shared that she too had a similar upbringing. As meant I was different from my friends and schoolmates, As I, myself, had grown up in a predominantly white, Jewish neighborhood.

in the 1940s, settling in the northern Chicago suburb of Pamela Ki Mai Chen’s parents immigrated as students and perhaps religion did not impact having a normal, suburban childhood.

Pam was an excellent student, learned to play both the piano and violin, and was a skilled athlete, both in school as well as pick-up games with her brother. She followed one of her brothers to the University of Michigan (GO BLUE!) where she majored in philosophy, with an emphasis on ethics. While she enjoyed being a Wolverine, adjusting to her new freedom was a bit of a challenge. really stepping outside the lines (unless it was opening day, of course). As is common with many new college students, she spent a fair amount of time learning how to be on her own and figuring out what she “wanted to do.” Although her parents urged her to become a doctor, an aspiration common to many Asian immigrant parents for their children, such a career choice was not in Pam’s future.

During her senior year in college, Pam watched Gideon’s Trumpet, a film covering the incredible true story of Clarence Gideon’s fight to be appointed counsel at the expense of the state. In the landmark U.S. Supreme Court case Gideon vs. Wainwright, the Court ruled that under the U.S. Constitution, state courts are required to appoint lawyers for those individuals accused of committing a crime who cannot pay for legal representation. Together with the legal battles that engulfed her hometown, Skokie, while she was in high school, it became clear to her to ultimately pursue a career in law, public defense and civil rights. In 1978, the Nazis threatened to march on Skokie which was home to “the largest number of Holocaust survivors outside of Israel” at that time.7 The stories of her parents’ immigration to America were also another factor in her decision.

Suddenly, her intended path became very clear. Knowing what her parents had gone through moving from one country to another, watching helplessly as her neighborhood community nearly came face-to-face with the racial hate they thought they had left behind in their home country, and hearing stories from the woman who cared for her as child about the mistreatment of, and discrimination against, African-Americans in this country - she realized she wanted to fight against these injustices and generally help people, specifically those who are underprivileged. Pam entered Georgetown Law with dreams of practicing as a public defender.

Now living in the area where laws are made, Pam enjoyed attending Georgetown Law and living in Washington D.C., where exposure to government and public interest furthered her desire to work in civil rights. Georgetown boasts a prolific offering of multiple student clinics, creating both civil and criminal trial opportunities for students. Through the Street Law Clinic, she taught general legal subjects to high school students, such as contracts, civil procedure, and criminal law. And in the Juvenile Justice Clinic, she defended minors who were accused of criminal conduct. Pam reflected that, ironically, after going to law school to become a public defender, she ultimately ended up practicing as, of all things, a prosecutor, years after graduating. “There are so many jobs out there, that there’s no need to become wedded to one plan as you’re finishing up law school,” she emphasized. “Be open, be agile.”

Upon becoming a lawyer, she was ready to work. Pam jumped into private practice with the firm of Arnold & Porter for a few years, where she cut her legal teeth. Ultimately, she left to pursue her true passion, joining the criminal defense boutique firm of Ashbil, Junkin, Myers & Buffone. That experience proved to be formative. While at Ashbil, Pam realized that although her passion lay with helping people, being a public defender was not the “right fit” for her. As a public defender, one must accept that many of your cases will not be successful. Further, most of these clients often view their defense attorney as being able to do more than what he or she truly can. You “have to be tough and confident that you have done all you can do for your client, even though you are likely to lose many of your cases,” she shared. Recognizing that her talent for public advocacy was better suited elsewhere, Pam looked to the Department of Justice and, in her own words, “ended up in Special Litigation, which turned out to be quite ‘fortuitous’.”

In 1991, Pam joined the Special Litigation Section of the Civil Rights Division at the United States Department of Justice as a trial attorney. At the time, the Unit was dedicated to the enforcement of one statute: the Civil Rights of Institutionalized Persons Act (CRIPA) of 1980. Life had come full circle – for nearly a decade, she would protect the rights of people in state or local correctional facilities, nursing homes, mental health facilities, and institutions for people with intellectual and developmental disabilities.8 In 1994, President Clinton would sign the Freedom of Access to Clinic Entrances Act (FACE or the Access Act) to allow safe access to reproductive healthcare clinics, Special Litigation became the unit assigned to its civil enforcement. Pam would travel all across the nation to assist various U.S. Attorney offices with implementing laws and regulations to make this Act come to life. Being a DOJ attorney, she found herself landing in the courtroom more and more, and loving it.

Despite the satisfaction she was enjoying in her professional life, it was during this time that Pam met her current same-sex partner, who lived in New York City.

From Skokie to the Bench: An Afternoon with Eastern District of New York Judge Pamela Chen

By Ann LaFeir

Who, you might ask, was likely to be found at Wrigley field on opening day, rather than in school? Judge Pamela K. Chen, that’s who! Opening day would usually find her attending the first Cubs game of the year, with her current same-sex partner, who lived in New York City.

Pamela Ki Mai Chen’s parents migrated as students in the 1940s, settling in the northern Chicago suburb of Skokie. There, she was raised with her two older brothers in a predominantly white, Jewish neighborhood. As I, myself, had grown up in a predominantly white neighborhood and did not realize that being Hispanic meant I was different from my friends and schoolmates, Pam shared that she too had a similar upbringing. As children, neither of us focused much on the differences between ourselves and our neighbors, diversity of race and perhaps religion did not impact having a normal, suburban childhood.

Pam was an excellent student, learned to play both the piano and violin, and was a skilled athlete, both in school as well as pick-up games with her brother. She followed one of her brothers to the University of Michigan (GO BLUE!) where she majored in philosophy, with an emphasis on ethics. While she enjoyed being a Wolverine, adjusting to her new freedom was a bit of a challenge. Not only was she an outstanding student, athlete, and musician, but she had been a good kid all around, never

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1 https://clintonlibrary.library.ucr.edu/admin/gideon/
3 https://en.wikipedia.org/wiki/Civil_Rights_of_Institutionalized_Persons_Act

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Notes:

1 https://shsmo.org/historicmissourians/name/g/gideon/
3 https://en.wikipedia.org/wiki/Civil_Rights_of_Institutionalized_Persons_Act

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She decided to leave D.C. to join her partner and in 1998, obtained a position as an Assistant U.S. Attorney (AUSA) in Brooklyn, NY. At this point, she had been practicing law for 12 years, and felt she was “old for being an AUSA but I still got the job.” As she mentioned several times during our interview, her life has been full of “firsts” and “firsts.” Being an Assistant U.S. Attorney proved to be more rewarding than she would have anticipated. As an AUSA, she investigated and prosecuted cases involving gangs, terrorism, hate crimes, human trafficking, police misconduct, and more. She also realized that combining her love of being in the courtroom with her passion for helping people made for an incredibly powerful experience. At long last, she was fulfilling her lifelong dream—helping people. But doors were not always open for Pam Chen.

In 2012, she was referred by Senator Charles “Chuck” Schumer, who has long championed diversity on the federal bench, to the White House to be nominated for the bench, and “the stars aligned,” resulting in President Obama announcing her nomination for a district court judgeship in the Eastern District of New York. For reasons beyond her control, her confirmation process would take longer than usual. However, on March 19, 2013, Pam would become Judge Pamela K. Chen, making history as the “first openly gay Asian-American” to serve on the federal bench.1 When asked about the confirmation process, Judge Chen confirmed what most, if not all, people believe: “Your life is turned upside down, both professionally and personally.” For a woman who had kept her personal life private, but not closeted, announcements about her orientation via news headlines certainly were not her choice. However, she recognizes that “being gay is not the same as being Asian; some people might react—why is such a headline necessary? Many in the gay community and its mission to provide a powerful symbol of the equality and opportunity that exists in this country for members of the LGBTQ community and vindicates the principle that the gay community should be fully represented in all spheres of public service. “I don’t think everyone appreciates how unprecedented (President) Obama’s diversification of the bench was.” Judge Chen notes that during his presidential tenure, President Obama nominated over 300 judges

considered to be the most diverse group in U.S. history in terms of gender, race, nationality, and sexual orientation.2 Speaking to her ethnicity, “President Obama nominated at least 21 Asian-Pacific federal judges.” President Obama’s nominations also included 11 openly gay federal judges, an unprecedented number given that the first openly gay judge was appointed in 2009 by President Clinton. In her words, President Obama “recognized the gavel gap and wanted to close it.” To date, Pam has handled hundreds of cases, and is going strong. I thoroughly enjoyed my conversation with Judge Chen. She’s vivacious and full of energy, and speaks quickly as I do, if not faster. When asked, in her opinion, how Diversity and Inclusion (D&I) has changed during her career, she gladly shared her thoughts: “In my experience, working in the government provides much more D&I than in private practice. There are more women in leadership roles in the government and gender or minority gaps are practically non-existent. Also, I’m starting to see more first-generation graduates working in law.”

In her view: “Private practice is becoming more supportive of a work-life balance. I know of a male attorney who is a very successful partner in private practice but has set the expectation that he will leave at a normal working hour to co-parent at home. Law firms are taking D&I seriously now and are creating D&I officers within the firm to make such practices a priority. Further, clients are starting to demand D&I practices in their outside counsel—this is so straightforward yet revolutionary because it’s the clients who pay the bills.”

Last, but not least, Pam is witnessing progressive changes in the courtroom. “Courts...are encouraging younger lawyers to be at the table and make the arguments to the court.” She, like other judges in her district and elsewhere, is seeking to further this development by guaranteeing oral argument under her Individual Rules to any party that indicates that the attorney who will be making the argument has five years or less of post-law school experience. Being on the bench, she also avails herself of the opportunity to speak to many different groups about the experiences and challenges of being an attorney from a diverse background. Recently, she was honored to deliver the keynote speech at Georgetown University’s Lavender Graduation, a special ceremony for LGBTQ and Aliy undergraduate and graduate students.3

Judge Chen has faced plenty of challenges since her

days of hoping to catch a fly ball on Wrigley Field. From the threat of a Nazi march to her brother telling her that she should “cut her hair” (she has always kept her hair long) and “not wear black” (her judicial robes are black) to fit in as a lawyer. Pam has worked hard to overcome any sense of not belonging in certain environments, and to be happy and love who she is. She is doing what she loves—helping others. “I feel very fortunate to be living the life that I am. I officiated two weddings of victims from my previous human trafficking trial cases. These are people who have survived such extreme trauma and still have the courage and optimism to find happiness and build new lives for themselves and their families. You’re lucky in life if you can work in something that you actually enjoy—it’s so much more fulfilling.” Judge Chen often stated “the stars would align” when new doors opened throughout her career. However, if you ask me, the stars aligned to place her exactly where she is today.

5 https://www.nbcnews.com/storyline/president-obama-the-legacy/obama-s-legacy-judicial-appointments-numbers-670930
6 https://blogs.georgetown.edu/lgbtq/2018/12/19/lavender-graduation-2018/
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