



Actions for Advancing Women Into Law Firm Leadership

Report of the National Association of Women Lawyers
National Leadership Summit
July 2008

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for the National Association of Women Lawyers

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Letter from the President

We are very pleased to present this Report of the National Association of Women Lawyers (NAWL) National Leadership Summit, held in November 2007, entitled "From Theory to Action: Advancing Women Leaders in Law Firms."

NAWL is an organization devoted to solutions for advancing women lawyers. In the best tradition of NAWL, the Summit brought together law firm leaders, including managing partners and chairs of women's initiatives, general counsel, bar association presidents, and consultants, to identify actions to advance women lawyers into leadership positions at law firms. The results of the panels, conversations, and workshops are contained in this Report.

Special thanks are due to many people, and in particular to a few individuals. The first is Stephanie A. Scharf, a partner with Schoeman, Updike, Kaufman & Scharf, who is a former President of NAWL and now President of the NAWL Foundation Board. Stephanie has been a tireless campaigner for the cause of advancing women in the law, and she brought her prodigious talents to bear in organizing the Summit conference. It was a great success and we owe tremendous thanks to Stephanie for her hard work and vision.

I also want to thank Linda Chanow, who is the author of this Report. Linda is the Director of Research with the Project for Attorney Retention, University of California, Hastings College of the Law. Linda's cutting edge work on issues for the advancement of women lawyers is well known. NAWL has immense respect for the long-time work of PAR in research and advocacy for women in the law. Linda has worked patiently with us to produce a superbly written, comprehensive, and action-oriented report, and we are most appreciative.

Finally, my thanks to all of the participants who devoted their time, energy, and ideas to the Summit. Their dedication and innovation is evident on each page of this Report. I am confident that the Report will prove a valuable resource for everyone in legal organizations, whether in law firms or not, for years to come.



Holly English

President, National Association of Women Lawyers (2007-2008)
Of Counsel, Post, Polak, Goodsell, MacNeill & Strauchler, P. A.



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Beyond Theory to Action

The NAWL Challenge to Law Firms

In 2006, the National Association of Women Lawyers (NAWL), under then President Lorraine K. Koc, issued its Challenge to the Legal Profession: to double the percentage of women equity partners, women general counsel, and women law professors by the year 2015. At the time, the percentage of senior women in the profession — as equity partners in private firms, general counsel of the Fortune 500 companies, and law professors — stood at roughly 15%, far less than many had expected based on the large number of women graduating from law schools over the past three decades. The Challenge set the goal that by 2015 a third of the leadership levels of major law firms, corporations, and law schools will be women lawyers.

NAWL recognized that simply issuing the Challenge would not be enough. Institutions would need help in understanding the actions necessary to advance women into leadership roles. Law firms, in particular, seemed to be struggling to break through the “15% barrier,” the national average of women equity partners, which as best as could be determined, had been stuck at roughly that same level for over 15 years. It was clear that a majority of U.S. firms were not benchmarking their progress and were wrestling with how to frame concrete actions to substantially increase the retention and promotion of their women lawyers.

As a result, NAWL took the following critical steps to assist law firms in developing women leaders:

- ◆ Implemented its annual National Survey on the Retention and Promotion of Women in Law Firms to provide baseline statistics about the careers of women lawyers in firms, compensation, and, most importantly, the roles that women lawyers play at the very senior levels of firms as equity partners, members of governance committees, managing partners, and other indicators of leadership status.

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- ◆ Expanded its career development programs aimed at assisting individual lawyers in gaining the skills and information needed to advance in their careers. Among the signature programs NAWL has implemented are the seminal “Take Charge of Your Career,” the “General Counsel Institute,” and workshops on networking and negotiation skills.
 - ◆ Sponsored a National Leadership Summit targeting advancement of women in law firms. Building on existing research and commentary about best practices for advancing women lawyers into leadership positions, a diverse group of thought leaders worked together to articulate practical and pragmatic actions that law firms can implement to advance women lawyers to positions as equity partners and firm-wide leaders.

The NAWL National Leadership Summit

The NAWL Summit, “From Theory to Action: Advancing Women Leaders in Law Firms,” was held in Washington, D.C., in November 2007. Summit participants included general counsels, law firm managing partners, bar association presidents, heads of women’s initiatives, experts on professional careers for women, and other eminent members of the legal profession. More than 100 leaders of the U.S. bar attended the Summit, representing considerable expertise and varied perspectives.

In advance of the Summit, NAWL distributed a notebook of key reports, articles, and book chapters containing state-of-the-art thinking about best practices related to the advancement of women in the legal profession.¹ NAWL tasked these national leaders with leveraging this research and writing, along with their personal experiences about what worked — and what had not worked — to arrive at an agreed-upon list of feasible and effective actions for firms to take to advance women in private practice.

The Summit’s ambitious agenda began with a keynote address by United States Senator Amy Klobuchar, a lawyer who had practiced both in private firms and the public sector before being elected to the Senate. Summit participants spent the remainder of the Summit working in small-group discussions led by professional facilitators and exchanging ideas for feasible and measurable goals and actions in four key areas: leadership, retention and promotion, business development, and compensation. These areas were selected because research and experience had shown that actions (or inaction) taken in these areas significantly impacted the advancement of women lawyers in law firms. Those present at the Summit had the opportunity to participate in two of the four topic-area discussions.

It is on the basis of the combined knowledge and recommendations of Summit participants, other leaders in the field, and NAWL’s members and leadership, that NAWL reports the following *recommended actions for advancing women leaders in law firms*.



Actions for Change

Recommended actions are divided into the four topic areas addressed at the Summit: (1) Leadership, (2) Retention and Promotion, (3) Business Development, and (4) Compensation. Each section opens with a discussion of background and context, followed by recommendations of specific actions. The actions are listed in bold bullet points and are grouped by sub-categories.

Leadership

1

Many observers have commented on the difficult road women walk to reach leadership positions in private firms. NAWL's 2007 National Survey on Retention and Promotion of Women in Law Firms shows that in the largest firms in the U.S., men hold 92 percent of managing partner positions,² 85 percent of the seats on firm governing committees,³ and 84 percent of equity partnerships.⁴

We know that the problem is not a lack of women lawyers. Women have been graduating from law schools at levels of 40 percent or higher since 1985 and entering private law firms at about the same rate as men. Yet the number of women reaching partnership has increased only by 3 percent in the past decade.⁵ Given such data, scholars and bar associations have written persuasively about the reasons that women lawyers have not advanced at a rate consistent with the large number of women entering firms.⁶

Building on this rich array of fact-based research, NAWL asked Summit participants — each of whom is a leader in the profession — to identify steps that law firms can take to increase the representation of women in leadership positions. Their recommendations fall into two broad categories: (a) ensuring a broadened selection of firm leaders; and (b) sustaining and nurturing existing women partners.

Ensure a Broadened Selection of Firm Leaders

The predominance of male leaders shapes the daily experiences of each lawyer, including the ability to create informal networks, access to meaningful assignments, and participation in client development.⁷ As Lorraine K. Koc, Senior Vice President and General Counsel, DebShops, Inc., put it, “If you think leader, you think male. That is the default position.” Much of the overt bias commonly associated with women in the workplace — refusals to hire women as lawyers, relegating women to clerical tasks, terminating women when they become pregnant — has faded. The same cannot be said, however, of subtler forms of bias that can accumulate to the point of having an observable effect on women lawyers’ careers.⁸ Most firms and their leaders are unaware of the unspoken biases that exist in their firms that affect the selection of firm leaders.⁹ Summit participants identified the following four steps to broaden the selection of firm leaders to include more women lawyers:

- **Publish the criteria for advancement to equity partner.** As one Summit participant observed, “Transparency in the promotion process is critically important to achieving a diverse leadership. Associates must have clear and specific information regarding expectations so that they can stay on course for leadership positions.”
- **Refine evaluation systems at all levels to reflect criteria for leadership.** Evaluation systems can serve as mile markers for the road to partnership. They not only provide indications of progress, they also provide the frame of reference with which an associate can adjust his or her efforts and priorities. Clear targets allow women associates to develop the skills and qualities that advance their firms’ strategic goals and keep them on the path to partnership.¹⁰
- **Appoint a diverse nominating committee.** Participants noted that merely adding one diverse lawyer or one woman to a firm’s nominating committee will only increase the potential for tokenism. However, having a diverse committee that mirrors the diversity of the lawyer pool will help to mitigate flaws in the process and bring to light hidden barriers that a well-meaning firm may not otherwise see. It may also foster the perception that the committee is inclusive in its process and open to nominating diverse candidates. Furthermore, research has shown that diversity within groups tends to lessen the effects of bias, so the very fact of diversity within the nominating committee may translate to an actual reduction in bias.
- **Make sure firm leaders oversee the process and hold partners accountable.** Again and again, Summit participants agreed that change does not come unless leaders put their leverage behind it. For example, David P. Hackett, Managing Partner (North American region), Baker & McKenzie, LLP, explained



how management at his firm supported efforts to advance women: “We said to each practice group and each office, within a year, we want to see one more woman and one other person of diversity in positions of leadership, in the office management or in the practice group.” To measure progress, participants suggested that management track the percentage of women advancing to partnership and other leadership positions at the organization and practice group levels.

Sustain and Nurture Existing Women Partners

In addition to clearing the pathway to leadership, participants emphasized that firms can substantially increase the number of women in leadership positions by maximizing the potential of their current women partners. In one recent study, nearly one-third of women non-equity partners left their firms to join a different firm.¹¹ When women partners leave, firms lose in many ways. Not only do firms lose their investment in these lawyers, they also lose important role models to junior women rising through the ranks. Mr. Hackett explained:

Are we wrong in placing dramatically more attention on women who are already successful? My suspicion is that at many major law firms, [women partners] don't feel fully engaged, well-treated and respected. For that already successful group we need to invest more in them [to allow them] to be more demonstrative leaders to ultimately increase our overall numbers over time and to reflect the kind of diversity that we want to have.

Participants identified the following four steps that firms can take to sustain and nurture their women partners:

- **Require formal succession planning.** Participants repeatedly stressed that keeping the leadership pipeline full of women lawyers cannot be left to chance. Past experience shows that informal systems that depend on individual partners' decisions about who will inherit their clients tend to exclude many qualified and talented women lawyers. Firms can ensure that a diverse group of lawyers has access to key opportunities necessary to progress to leadership positions by developing formal succession planning that matches established clients with new lawyers based on objective criteria.

Formal succession planning can also serve to underscore individual partners' roles in developing the careers of junior women lawyers. As one participant observed:

Younger lawyers aren't defining success long-term as being partners, so we have to find a way to get them to buy into the concept of staying and succeeding to clients. We need to recognize those who

have merit and force [them] sometimes to take responsibility. Particularly on the generational level, volunteering to take on additional responsibility may not be part of their makeup. If you have someone who appears to be the appropriate person from a leadership or talent standpoint to step up and take over the client, then you need to encourage them. Don't give them the option. Give them the assignment instead of asking them to do it.

Karen J. Mathis, Partner, McElroy, Deutsch, Mulvaney & Carpenter, LLP, and Former President, American Bar Association, concurred, emphasizing the important role that women leaders play in succession planning:

The pipeline will never be full unless each of us helps keep it full. That means we must have a succession plan.... Each of us must always reach back and find the women who will fill our spot when we vacate it. If you do that, then you will have rewarded all of the women who have gone before you and who reached back to help you.

Participants went on to suggest that firms enlist the help of a consultant to develop a comprehensive leadership program that is aligned with the succession planning.

- **Offer leadership and business development training.** As one Summit participant observed, “We need to teach what needs to be done to move up the ladder and make it clear that it is not just about being a good lawyer.” Another participant added: “We need to encourage people (in the generation targeted for succession) who want to step into leadership roles, to feel comfortable asking people who have existing business for the opportunity to work on it and potentially succeed to it.” Specifically, participants recommended that firms offer group and/or individual coaching to partners to encourage effective career planning, skill improvement, and business development, as well as partner-to-partner mentoring and 360-degree evaluations with coaching to support results. They noted that candid evaluations will provide senior women lawyers with the information necessary to enhance their leadership skills and become better leaders.
- **Ensure equitable compensation.** A real or perceived unfairness in the compensation system can undermine even the most determined firms’ efforts. Therefore, as discussed in detail in Chapter 4, it is imperative that firms adopt measures to ensure that women lawyers’ contributions are fairly valued and rewarded.
- **Collect data through exit interviews.** Summit participants stressed that exit interviews are a valuable tool to understanding how better to support women partners so that they do not seek out opportunities elsewhere.





Actions for Change

Retention and Promotion

2

To advance women lawyers, of course, a firm first has to retain and promote them. Without a well-designed institutional infrastructure for supporting women at private law firms, blindly putting women on the course to leadership will continue to produce feeble results. Firms will keep losing mid- and senior-level women associates and severely limit the number of women in the pipeline for leadership positions. As Stephanie A. Scharf, Partner, Schoeman, Updike, Kaufman & Scharf, commented:

Many firms operate under a *laissez faire* approach to retention and promotion, assuming that the best and brightest will automatically move up the ladder. Unfortunately, junior and senior lawyers, alike, are often naïve as to how law firm culture affects a lawyer's progress. Far too many intelligent and hard-working women lawyers enter with the same fine record as their male counterparts, only to end up several years later with the unsatisfying conclusion, "I'm doing my best but it isn't good enough." And out the law firm door they go.

NAWL asked Summit participants to identify best practices for retaining and promoting women lawyers as they progress along the path to partnership. Michael E. Nannes, Chairman, Dickstein Shapiro LLP, posited the question this way: "Knowing the statistics, what can [firms] do in the first three years that will cause women lawyers to want to stay?" Recommended actions fall into four categories: (a) actions to correct for hidden bias and stereotypes that women encounter at law firms, (b) actions to promote more meaningful mentoring that will actually impact women's career paths, (c) actions to encourage the development of professional networks for women lawyers, and (d) actions to promote workplace flexibility.

Correct for Hidden Bias and Stereotypes

Many of the obstacles facing women lawyers today stem from inaccurate assumptions about women lawyers' abilities, commitment, and desire to succeed. For instance, individual partners continue to point to women's child-bearing and child-rearing responsibilities to explain the lack of women lawyers in leadership positions, despite significant literature to the contrary.¹² Stereotyping continues to have a profound impact on women lawyers' day-to-day work, their ability to develop skills, and their careers.

Thomas A. Mars, General Counsel for Wal-Mart Stores, described the challenge: "How is it that you make people like me, white middle-aged guys, more consciously aware of the importance of inclusiveness and how these micro-inequities — not deliberate behaviors but unconscious behaviors — exclude women from...opportunities?"¹³ Summit participants identified the following five actions:

- **Establish mandatory ongoing "inclusive and respectful workplace" training.** Holly English, Of Counsel, Post, Polak, Goodsell, MacNeill & Strauchler, P.A., 2007-2008 NAWL President, and author, "Gender on Trial" stressed the importance of training:

When you see something unfolding before you, that seems to be breaking out in terms of stereotypical assumptions about what a man is supposed to do or what a woman is supposed to do, what can you do about it?...[T]here are things that we can do. It is important to identify those steps so that...when one of us is in a situation where inaccurate or inappropriate stereotypes are surfacing, we can say, "I have some ideas about what to do here."

Training is important not only to ensure that biases are identified and corrected, but also to prevent the erosion of the supervisor/lawyer relationship. Cynthia Thomas Calvert, Co-Director, Project for Attorney Retention, University of California, Hastings College of the Law, explained:

The biggest factor in all of this is the interpersonal relationship between lawyer and supervisor. The quality of that relationship affects assignments, experience, opportunities, networking, business development, evaluations, and compensation. Training supervisors on how to improve their interpersonal relationships would make a phenomenal difference.

An example of success in this regard comes from the accounting firm Deloitte, which found that its mandatory "Men and Women as Colleagues" training workshops were "the key to creating cultural change in the firm" because of the ability of the workshops to "turn taboo subjects at work into acceptable topics of discussion."¹⁴ By creating a safe environment where leaders can acknowledge



*“Young associates coming out of law school are devastated by bias.
They are not used to it.”*

—Lauren Stiller Rikleen, Partner, Bowditch & Dewey

the difficulties — both real and perceived — in cross-gender situations, without fear of judgment or punishment, law firms can provide a valuable opportunity for partners to develop a deeper understanding of those who differ from them.¹⁵ Training should cover such topics as common hidden bias scenarios, how to act in certain circumstances, improving cross-gender communications, the impact of body language, and how to give feedback.

- **Develop and use tools to measure and track retention.** Actual data helps to dispel misconceptions regarding women lawyers’ capabilities and why women lawyers leave their firms. As one participant put it, “Having accurate facts and figures is necessary to have meaningful conversations regarding the impact of bias on women’s careers.” For instance, law firms should strive to obtain accurate information regarding why their lawyers left and where they went. Another Summit participant explained, “Firms need to measure retention, who’s staying, who’s leaving, as well as who is returning from maternity leave and staying, who is returning from maternity leave and leaving, and who is not returning.” Participants noted that some firms strive to collect accurate information regarding the reasons for lawyers’ departures through exit interviews or post-departure interviews conducted by external organizations.
- **Analyze high-profile, high-revenue representation teams to ensure a diverse group of lawyers are working on those teams.** Advancement at a firm is contingent upon access to high-profile, high-revenue assignments. Such assignments advance associates’ skill development and expose associates to powerful partners. Interesting and complex assignments also fuel associates’ ambition and keep them motivated to progress toward the goal of partnership. Because of the critical role that assignments play in retaining and promoting women lawyers, participants stressed that it is important to track assignments to determine whether women lawyers, in fact, have access to the same opportunities as their male counterparts and, in turn, to determine whether hidden biases may be impeding their access.
- **Correct hidden bias in the evaluation process.** Once law firm leaders become aware of the key patterns of hidden bias that are impeding accurate evaluations of women lawyers’ talents and skills,¹⁶ they can act to control their influence. The American Bar Association Commission on Women in the Profession’s second edition of *Fair Measure: Toward Effective Attorney Evaluations*, to be released in August 2008, details common patterns of bias in the evaluation process that can disadvantage women. To help supervisors realize the subtle inequities, participants suggested that law firms adopt the recommendations in

the second edition of *Fair Measure*, provide “rock solid objective evaluation criteria,” and train supervisors on common bias scenarios.

- **Appoint diverse lawyers to powerful firm committees and as practice group leaders and office heads.** As Ms. English explained, “Women must have a seat at the table so that different viewpoints are represented. It is important to have a critical mass of women in leadership roles — usually seen as 25 percent — to de-gender it.”

Promote Meaningful Mentoring

Mentoring is critical to the success of lawyers. Yet implementing “mentoring” programs without a thoughtful strategy for its operations and goals serves the firm and its lawyers badly. Jane DiRenzo Pigott, former member of the Executive Committee at Winston & Strawn and current Managing Director of R3Group LLC, observed, “While 90 percent of law firms have formal mentoring programs, less than 15 percent of the programs are effective.” Summit participants identified the following six actions to promote meaningful mentoring:

- **Define and discuss different mentoring needs with partners and other lawyers who serve as mentors.** Ms. Pigott explained:

Law firms have to define “mentor” and expressly address the different things involved in the process: mentoring, coaching, and championing. Mentoring is reciprocal, with a focus on professional growth. A coach is nonreciprocal and involves the acquisition of skills. Finally, a champion is the essential person in the room to make the business case for an individual lawyer.

Firms can accomplish this goal by publishing expectations regarding informal and formal mentoring and by including a session on mentoring expectations at partnership retreats. Furthermore, because mentoring about business development and networking is critically important to a lawyer’s success, expectations should expressly reference the need to include women in modeling opportunities where they can observe how the partners handle business development pitches and networking events.

“Women will not strive for leadership until they truly enjoy their jobs, value the time they spend working, and get professional satisfaction from their time away from their families and other pursuits. Mentoring, professional development, being valued, being recognized — unless these basic needs are fulfilled by the organization, women will not desire to lead it.”

—Jennifer K. McDannell, Senior Associate, Howrey LLP



■ **Train male and female lawyers how to communicate effectively with one another.** Ms. Pigott emphasized, “An effective mentoring relationship requires the establishment of trust, but in law firms, that trust is undermined by the fact that 90 percent of white male partners fear that a mentoring relationship with a woman will be misperceived as improper.” Mr. Nannes added that training on cross-gender mentoring can acknowledge and provide a constructive means for partners to address their fears: “It is important to confront issues such as male/female travel scenarios head on.” By doing so, firms will create an environment that fosters meaningful mentoring relationships for all lawyers. To overcome resistance to attending the training, participants suggested making the training mandatory and/or integrating the training into other firm programming. The important thing, one participant noted, is that firms “create a reason for both sides to want to participate in the training.”

■ **Offer focused training for senior associates and junior partners.** Mr. Nannes stressed, “It is important to address the different mentoring needs and abilities at each seniority level, and senior associates and junior partners are uniquely situated as both mentors and mentees.” Rebecca J.K. Gelfond, Counsel, WilmerHale, concurred:

Although I, as a counsel (or, in other firms, senior associate or junior partner), do not necessarily see myself as a role model for others, I act in that capacity to those junior to me, whether I am conscious of it or not. Senior associates approaching partnership can get caught up in striving for their own personal advancement and lose sight of the fact that younger associates may turn to them for advice. Firms should take advantage of senior associates in their firms as role models for more junior associates, encourage this internal networking and mentoring, and offer training to support it.

Moreover, senior associates are increasingly called upon to supervise junior lawyers. Yet, too often, project management training is reserved for partners. Poor supervisors, of either gender, may unwittingly engage in practices such as poor workload management, lack of mentoring, or other behaviors that could sidetrack the career paths of young lawyers. Enhancing the ability of senior- and mid-level associates (men and women) to interact successfully across genders will ensure that promising first- and second-year women lawyers remain engaged in and on track to progress at their firms.

■ **Consider mentoring circles as a formal mentoring system.** In contrast to one-on-one mentoring, mentoring circles involve groups of lawyers. Mentoring circles commonly take one of three forms: one mentor with a group of mentees, multiple mentors with multiple mentees, or a group of peer mentors. Participants noted that mentoring circles can promote cross-gender mentoring by providing a

valuable opportunity for men to learn to mentor women lawyers and to establish a trust level with women lawyers. As one participant put it, “Mentoring circles create enough trust so that a man can make mistakes and survive.”

- **Use rewards to incentivize a broader range of partners — women as well as men — to mentor women lawyers.** When more than 80 percent of equity partners are male, it is unreasonable to expect that only women partners should mentor junior women lawyers, who typically account for close to 50 percent of associates.¹⁷ Moreover, both men and women have much to teach younger women lawyers. Ms. Scharf, who practiced as a partner in two of the nation’s largest firms, reflected that:

What success I have had is in large part due to mentoring by senior male partners, who insisted that their work and mine meet the highest standards for legal work, pushed me to develop business even when I was afraid to, and “pounded the table” for me when it counted. Most of these men had justified reputations as “tough guys” — and I was hardly tough — but they took the time to teach me the skills necessary to succeed. I do not minimize the impact they had on my career.

Firms can increase the number of partners willing to mentor women lawyers by providing monetary or other incentives. Howard L. Mudrick, President, HM Solutions, Inc., stressed: “Partner compensation is one of the greatest management tools available to law firms. Those firms who separate compensation from the management of the firm have totally missed the ball....” In 2006, the Women’s Bar Association of the District of Columbia Initiative on Retention and Advancement of Women highlighted how the horizontal ownership and organizational structure of law firms makes cultural and policy change difficult.¹⁸ This structure necessitates that firm management use the compensation system to encourage every partner, practice group leader, and office head to mentor women lawyers. For instance, at Dickstein Shapiro, associates vote on the two best partner mentors and those partners receive a significant bonus for their efforts. Mr. Nannes explained that by offering financial rewards for partners’ mentoring efforts, a firm can help “make mentoring fashionable,” thereby increasing the number of partners willing to mentor.

- **Provide opportunities for women lawyers to develop informal mentoring relationships with other women.** For example, women lawyer retreats provide an excellent opportunity for junior women lawyers to identify role models and to develop informal mentoring relationships with senior women lawyers. In addition, in the absence of visible and accessible senior women in law firms, women lawyers can find role models and mentors through bar association activities. In the same regard, senior male lawyers can facilitate relationships between junior women and female role models inside and outside their firms.



Encourage Development of Professional Networks

The ability to build a professional network is essential to the success of every lawyer. Professional networks not only provide access to mentors and role models, but also serve as the foundation for business development. But, like mentoring opportunities, women lawyers are often excluded from valuable networking opportunities. Summit participants identified the following four actions to encourage the development of professional networks.

- **Mandate that all partners attend an external diversity or gender-related conference annually.** Participants emphasized the need to make law firm leaders conscious of the impact of micro-inequities¹⁹ on women lawyers' ability to develop effective networks. Mr. Mars discussed his own experience:

If it wasn't for Susan Klooz, Vice President and Division General Counsel for our Employment Law Division, I would not be here. If it weren't for Susan, frankly, I would not have made it to any diversity events. Susan had encouraged me to attend some diversity events but much like many of my colleagues I thought I was too busy. Susan took matters into her own hands. My assistant, Sharon, comes in one morning and says, "Where do you want to stay in Chicago?" I said, "What do you mean, Chicago?" And, she said, "Your trip to Chicago with Susan." I said, "I am not going to Chicago with Susan." She said, "Yes, you are, I know you are, because your name is in this brochure as speaking at the Minority Counsel program for the ABA." That was my first external networking activity. Then I wanted to go to another one, and another one. Here we are five years later ...[with] 160 lawyers, 44 percent are women and 34 percent are lawyers of color.

- **Establish a budget and give billable credit for time spent on networking activities.** Activities such as serving on boards and engaging in bar activities provide valuable opportunities to develop meaningful and lasting professional relationships. As one participant noted, by providing "across-the-board support for networking activities" similar to the support provided for pro bono work, women lawyers will have the time and incentive to engage in these activities.

*"Networking is not about one's innate personality;
it is a skill that should be taught and nurtured."*

*—Susan R. Sneider,
Director of Marketing and Business Development, Freeborn & Peters LLP*

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- **Partner with in-house counsel to create programs to “loan” firm associates to in-house departments.** Lawyers who participate in a loan program will return to their firms with an understanding of the inner workings of an in-house department and with deeply forged relationships with the organization’s lawyers.
 - **Train women lawyers at every stage on how to network effectively.** Mr. Mars stressed the need for training on effective networking:

How do you do this networking without it backfiring or becoming counterproductive? We have all seen examples of people who are trying very hard but they don’t know how to do it very well and as a result they come across as a ladder climber or an opportunist or in some way that is really contrary to these goals.

Joan C. Williams, Co-Director of the Project for Attorney Retention, University of California, Hastings College of the Law, and one of the authors of the second edition of *Fair Measure*, explains how networking can be tricky for women lawyers:

Women who speak in a self-confident way, highlight past accomplishments, and attribute successes to skill rather than luck, may find themselves criticized and viewed less positively than women who adopt a more modest approach to self-promotion by including disclaimers (“I’m no expert”) and hedges (“Don’t you think?”).²⁰

Training lawyers about successful networking techniques that reduce the potential of women lawyers being perceived as “shameless self-promoters” will help women to overcome this obstacle to their advancement.

Promote Workplace Flexibility

Technological advancements and the 24/7 global workplace have multiplied demands on lawyers’ time, leaving them more challenged than ever to meet their professional and personal responsibilities. A recent article points out that to bill 2,200 annually, a lawyer would have to work “from 8:00 a.m. to 8:00 p.m. every weekday and seven hours on Saturday twice a month, with three weeks of total time off a year.”²¹ In addition, advances in technology have changed the way lawyers work. One study reports that employees spend 2 hours a day responding to unproductive and unnecessary emails.²² Lauren Stiller Rikleen, Partner, Bowditch & Dewey, stated, “The kind of pressure today...we are talking about a lifestyle where technology never allows you to leave work.”

At the same time, the workforce has changed dramatically. Importantly, the family structure has changed for lawyers rising through the ranks. Most male partners in law firms earn 80 to 100 percent of the family income.²³ In contrast, only 17



percent of all U.S. households today (including those of younger lawyers) have a husband in the workforce and a wife who is not.²⁴ It is for these reasons that the accounting and consulting firms have already concluded that “providing a flexible work environment that helps...people navigate their personal and professional responsibilities is part of a sound business practice, [not] a benefit.”²⁵

Because a lawyer’s ability to successfully balance his or her professional and personal responsibilities is critical to long-term success at a law firm, NAWL asked Summit participants to identify steps that firms can take to promote greater workplace flexibility. Participants identified the following five actions:

■ **Offer customized flexible work schedules and career plans to all lawyers.**

Accounting and consulting firms have moved beyond offering part-time programs to more comprehensive flexible work schedule policies that allow a greater variety of work options. These alternatives enable their professionals to “do their best work, on a schedule and in a location that best meets their needs and the needs of the business.”²⁶ While customized career plans may not yet be practical at many law firms today, there are steps that firms can take to make reduced-hours schedules more accessible. Ms. Calvert stressed: “To reduce the stigma associated with reduced-hours schedules, firms should move away from the language of part-time and make reduced-hours schedules available to all lawyers — men as well as women — regardless of the reason.” Firms will also benefit from monitoring whether current firm policies and practices undermine the business case, by suggesting, for example, that only full-time lawyers get respect or are promotable. By ensuring that lawyers taking advantage of the programs receive proportional pay, benefits, bonuses, and advancement for reduced-hours work, law firms will create an environment where more women will remain on path to partnership — albeit, perhaps, on a slightly slower pace than other lawyers.

■ **Employ a “balanced hours” or reduced-hours schedule coordinator.** Ms.

Calvert explained, “Having a powerful person who is respected by both the partnership and the associates to act as an ombudsperson can make the difference in the success of the program.” For example, at Dickstein Shapiro LLP, one of the coordinator’s duties is to address schedule creep with the supervising lawyer directly to make sure the supervisor is upholding the firm’s commitment to the lawyer. The coordinator also helps with the planning process to anticipate any potential obstacles²⁷ and to help lawyers propose schedules that meet both the personal needs of the lawyer as well as the business needs of his or her firm. Finally, the coordinator is a cheerleader for the success of the program and strives to maintain its momentum.

■ **Provide tools for lawyers and their supervisors.** Specifically, participants suggested that firms offer an internal hotline for work-life balance questions or concerns, training for supervisors on how to manage workflow so as to not

unnecessarily disrupt the personal lives of other lawyers, and training for lawyers on how to successfully — and seamlessly — work a reduced-hours schedule.

- **Publish expectations regarding non-billable time.** Participants noted that, in light of changing expectations regarding non-billable work, lawyers need express guidance to help determine priorities “as to what is valuable and what is not.”
- **Track — at the organizational, practice group, and seniority levels — usage rates for reduced-hours schedules and the impact of reduced-hours schedules on retention and promotion of lawyers.** As one participant explained, “By measuring the success of lawyers on reduced-hours schedules, a firm can accurately assess the economic impact of the program.”

“Most of the associates that come over to our organization are not advocates for their former firms because of how they were treated at their former firms.”

*— Marla S. Persky,
Vice President, General Counsel and Corporate Secretary,
Boehringer Ingelheim Corporation (USA)*



Actions for Change

Business Development

3

A lawyer's ability to generate business is the single most determinative factor in whether a lawyer will become an equity partner. As Andrea S. Kramer, Partner, McDermott, Will & Emery, LLP, stressed, "The fact is, everybody has to be a business developer." Mr. Nannes agreed: "If we want women to advance, we have to pave the way for them to bring business into their organizations." Yet, many women lawyers report being blindsided by the existence of this benchmark,²⁸ failing to understand that advancement in a firm is not simply about "doing good work." As one Summit participant noted, "Life is not a meritocracy and neither is life in most law firms. After a few years, generating business matters more than pure legal skills. That is especially the case in the larger firms, which increasingly have lost their sense of partnership and operate more like a corporation."

Other women lawyers are aware of the benchmark but report little or no institutional support for generating business. Ms. Kramer explained, "While many view women as not capable (of bringing in business), in reality, women have not been given the same opportunities as men from the beginnings of their careers."

"Women can be fabulous in building books of business. This is not asking law firms to change out of the goodness of their hearts — instead, it makes good business sense for law firms to maximize the business development potential of their women lawyers."

*—Harry Keshet, Ph. D.,
Keshet Consulting, Inc.*

A recent study of top women business developers by Harry Keshet, Ph. D., Keshet Consulting, Inc., reinforces this point. The study found that gender bias in assignments along with exclusion or limitations on women lawyers' participation in pitch groups and team selling opportunities greatly limit women lawyers' ability to acquire the skills required for high origination.²⁹ The study also found that 75 percent of women had inadequate business development resources,³⁰ 53 percent lacked business development training,³¹ and nearly 50 percent had difficulty finding mentors.³²

NAWL asked Summit participants to recommend effective actions for firms to adopt to increase business generation by women lawyers. Recommended actions fall into two broad categories: (a) eliminating the barriers that impede women lawyers from maximizing their business development potential; and (b) fostering and facilitating business development by women lawyers.

Remove Institutional Barriers to Business Development

With 50 percent of entering associates now women, the ability of women lawyers to grow business is critical to the economic survival of law firms. Speaking at the Summit, Mr. Keshet stressed, "Women can be fabulous in building books of business. This is not asking law firms to change out of the goodness of their hearts — instead, it makes good business sense for law firms to maximize the business development potential of their women lawyers." Participants recommended the following six actions to remove barriers to business development:

- **Facilitate fair credit attribution.** Marla S. Persky, Vice President, General Counsel and Corporate Secretary for Boehringer Ingelheim Corporation (USA), observed, "All women at a firm generate business because they would not be partners otherwise. The question is how to get the credit for business development." Fair credit attribution begins with revising firm attribution and credit systems to accurately reflect all lawyers' contributions to generating business. One participant explained, "Women, including women of color, spend a disproportionately high number of hours on proposals for new business but they are not getting compensated for those efforts.... If partners are going to bring women and lawyers of color to the pitches, then those lawyers should get credit when the firm gets the business based on that pitch." Women also make significant contributions to keeping, and getting new business from, institutional clients that are often not captured by existing attribution and credit systems.

It is not enough, however, to refine credit criteria to accurately reflect all lawyers' contributions to generating business. As one participant stated, "Men fight for credit. Firms need to educate women about how the firm allocates credit, and then teach them how to 'negotiate' for credit." Training is important in light of



hidden bias and societal expectations discussed in the previous section that make self-promotion particularly challenging for women lawyers.

- **Address legacy systems.** As one participant put it, “Firms get 80 percent of their new business from 20 percent of existing clients. If we are going to talk about trying to advance women and lawyers of color in the most effective way, it is through expanding existing client relationships and working on existing clients.” However, if credit is only given to those who long ago brought in the client, women and lawyers of color cannot advance.
- **Measure access to key opportunities.** The most successful women business generators “build their marketing skills over time...and...[s]imilar to the development of legal expertise, business development expertise is honed over years of practice.”³³ Thus, in order for women to become good business developers, they must have equal access to business development opportunities at all stages of their careers. One participant observed, “Unless women are part of the client team and given those opportunities, the rest of it isn’t going to matter.”

To ensure that women are being provided equal access to opportunities, such access must be measured. Having accurate data regarding the inclusion of women in key opportunities provides a valuable way of making partners more consciously aware of how certain seemingly innocent behaviors may exclude women from business development opportunities. Ms. Kramer explained, “Eighty percent of our colleagues want to do the right thing. If they knew that they were excluding women, they would bend over backwards to make it right.” Specifically, participants recommended three key measurements:

The number of women on pitch teams. Participating in pitch groups is one of the best ways to learn business development skills because it allows lawyers to observe first-hand the interaction between experienced business developers and potential clients.³⁴ Measuring women’s participation will not only encourage their inclusion, it will also allow firms to more accurately assess whether credit is being fairly attributed to all members of the pitch teams.

The number of women on high-profile, high-revenue representation teams. Marianne D. Short, Managing Partner at Dorsey & Whitney LLP, stressed, “Varied experiences and opportunities lead to a successful law practice, particularly opportunities with clients.” As discussed previously, assignment to key firm matters increases a lawyer’s visibility with top clients and provides an opportunity to develop substantive skill sets. Participants suggested that firms create a “family tree” of relationship partners for their top ten clients by evaluating the allocation of work and credit for those accounts by gender and ethnicity.

The number of women lawyers on important firm presentations.

Participants noted the importance of having women represented on panels making presentations within firms and to invited clients.

Brochures, synopses, and other information about firms should highlight both men and women.

- **Hold partners accountable.** A firm's compensation system is a valuable way to secure the buy-in of every partner, practice group, and office head and to ensure that they are providing women access to business development opportunities. One participant noted, "A lot of firms lose sight of the impact of their compensation systems on the behaviors of their partners." Thus, expanding compensation criteria to reflect and incentivize efforts to expand women lawyers' business development is key to achieving lasting results.

One managing partner described how his firm incentivizes partners to share business opportunities:

We give awards to those who have done the best job of managing clients and creating opportunities. We established criteria for the roles of women and minorities in those undertakings. [We said,] if you don't have them then you will not be deemed as having evidence of the team excellence we want to have.

Another method noted by participants is to include efforts to promote business generation by women and diverse lawyers in the annual partnership reviews and department "scorecard."

- **Measure progress.** Participants agreed that firms should obtain existing baseline information on the percentage of revenues/profits generated by, and credited to, women lawyers. By establishing a baseline, firms will be able to track successes at the organizational, departmental, and individual levels. They should then set the following aspirational and achievable business development goals: (1) increase the percentage of business generated by women by 5 percent in 2 years and 10 percent in 4 years, and (2) double the number of women generating meaningful business in 3 years.
- **Establish a powerful and diverse oversight committee.** Differences and disputes often arise in the allocation of business development credit. Women are often not in a position or simply do not know how to negotiate a resolution of these disputes in their favor. Creation of an oversight committee consisting of diverse and powerful partners to provide guidance and to address these situations is critical. Participants noted that committee members could also help facilitate the previous actions by reviewing credit and attribution, tracking opportunities, measuring results, and holding partners accountable.



Facilitate Business Development Efforts

Sustained, consistent efforts to help women lawyers develop business further a firm's core business purpose and lead to firms' long-term success. Summit participants identified the following three actions for firms to take:

- **Provide a budget and give credit for time spent on marketing activities.** By providing a budget and a matter number for business development planning, traveling to pitches, attending networking events, undertaking marketing activities, and serving in leadership positions in the community and in civic organizations, firms will ensure that women lawyers have the time and resources necessary to be successful. Participants also recommended budgets for group marketing and networking initiatives tailored to the needs and interests of women clients and women lawyers.
- **Offer business development training and coaching.** Susan R. Sneider, Director of Marketing and Business Development, Freeborn & Peters LLP and author of the ABA publication, "A Lawyer's Guide to Networking," stressed:

Law firms routinely fill their key leadership positions from their equity ranks. It's no secret that business origination is often the single most important factor in a lawyer's move from income or non-equity to ownership or equity partnership status. The conclusion is inescapable: We need to train, mentor, and develop women to become business originators if we seek a significant rise in the number of women law firm leaders.

Participants discussed different types of business development training. For instance, firms can provide individual coaching to a select group of women at early points in their careers, through external providers and/or internal volunteers. One participant suggested that firms "assign two male partners to each young female partner to teach women how to generate business and then measure the success of the 'pod.'" Moreover, firms can offer specialized training programs that, among other things, teach women "the vocabulary about [business] generation activities," "how to 'ask' for business and professional development opportunities," how to create individualized business plans, and how to accurately reflect experience and skills in marketing materials.

"Business development is key to the advancement of women attorneys into senior positions of leadership, governance, and equity in law firms today."

*—Lisa B. Horowitz, Senior Manager of Professional Development,
McDermott Will & Emery, LLP*

“In this day and age, any pitch team that is exclusively male should raise eyebrows within the firm — because eyebrows will certainly be raised when the team arrives at the client’s office.”

—Summit Participant

- **Incentivize sponsors and champions.** Having senior partners serve as sponsors and champions of younger women partners is critical to their success as business developers and leaders. Paulette Brown, Partner and Chief Diversity Officer, Edwards, Angell, Palmer & Dodge LLP, emphasized the importance of having powerful internal partners bring women into business opportunities: “Business and power go hand in hand. The business comes first. You must have someone to promote you, to share opportunities with you. Otherwise obtaining real power is just not going to happen.”



Actions for Change

Compensation

4

According to the 2007 NAWL National Survey on Retention and Promotion of Women in Law Firms, male equity partners on average earn nearly \$90,000 more than female equity partners at the nation's top law firms.³⁵ Meaningful pay disparity favoring men exists, as well, among non-equity and of-counsel lawyers.³⁶

A real or perceived unfairness in compensation affects the retention of women partners at both the junior and senior levels. Mr. Hackett explained, "Unless and until women partners feel fully embraced, fully respected, fully compensated, what is the message that they are conveying downward?" The result is that junior women lawyers conclude that their own prospects for the future are limited. With the knowledge that they will not realize the ultimate prize, or that it is a lesser prize, the willingness of women lawyers to endure the trials of the road to partnership quickly deteriorates.

Recognizing the multiple and far-reaching impact of compensation systems within law firms, NAWL asked Summit participants to arrive at a list of effective actions for firms to adopt to improve the fairness and equity of women's compensation in law firms — not simply for the sake of individual women lawyers but in recognition of the fact that compensation is a powerful means for the firm to attract and retain experienced women lawyers. Summit participants identified the following actions, which fall into two broad categories: (a) refining the compensation process, and (b) encouraging effective self-promotion.

"We are smart people. Law firms can figure out how to make the compensation system fairer."

*—Cathy A. Fleming, Partner,
Nixon Peabody LLP*

Refine the Compensation Process

A firm's compensation system is the core of its culture and "provides the key to understanding the behaviors and interpersonal relationships that are likely to exist among that firm's lawyers."³⁷ Lawyers modify their behavior based on qualities rewarded by the compensation system. As one participant explained, "You get what you reward.... If you reward bringing in business, then guess what? You will all start bringing in business." Therefore, firms must move beyond "strict formulations based on only rain and hours" to reward all partner behaviors that contribute to a firm's long-term financial success and to not reward those that do not. As one managing partner explained:

Firms use compensation decisions to reward individual lawyer conduct. Rainmaking skills are paramount to the legal business model, so lawyers with those talents are richly rewarded. In addition, the law firm engine can't run without workers, so lawyers with high productivity are rewarded as well. Those contributions typically are measured by objective data which can hide bad behavior. Firm Compensation Committees need to get behind those numbers and broaden their view of contributing conduct through targeted and publicized awards.

Participants identified the following three actions to achieve this goal:

- **Align compensation criteria with firms' core values, business objectives, and strategic goals.** Participants recommended that firms' expand compensation criteria to reflect and reward those partner behaviors and qualities that promote the following:

Institutionalizing clients. Industry trends suggest that a strategic imperative for law firms today is to, as one participant put it, "move from 'me' to 'we', to institutionalize the client, and promote teamwork over individual silos." Participants explained that the current system of rewarding individual contributions has created a "blackmail approach" that has left management of firms facing an "implicit threat that rainmakers will take their business to another firm." To increase client loyalty, firms should reward behaviors that further the creation of "firm clients" and broaden the teams of lawyers responsible for managing client relationships. Mr. Hackett described how candid assessment guided his firm's efforts:

All firms are in a transition where historically one person might have managed a client. We have 200 major clients we represent globally. We looked at each one of them and said...we need to broaden what the client management team is, who is deemed to



be responsible for them and accountable, and who is credited for their success, and we want to see increased numbers of women and minorities in those categories.

This requires that firms expand the concept of credit to include the contributions to retaining clients of all lawyers on the team. For instance, one law firm partner explained that her firm pays bonuses to successful teams based “not on only who is on the team and on the RFP, but also ‘the level of penetration.’ That is, what work has flown and the nature of relationships built by women and lawyers of color on those teams.”

Advancement and retention of women and diverse lawyers. The business case for retaining and advancing women and diverse lawyers has never been clearer. As Mr. Mudrick put it, “It doesn’t matter if the powers that be don’t really believe in diversity because the business case already exists. More and more clients are demanding a diverse team and courts are inquiring into the make-up of teams before approving a class action.” Cathy A. Fleming, Partner, Nixon Peabody LLP, illustrated this point: “Bank of America requires firms to specify not only the number of lawyers of color, but also who is working on our teams and who is being compensated.” Ms. Short observed, “A firm shouldn’t just give a diversity award. In addition to an award, a firm should give some amount of money to an individual or team that promotes women, lawyers of color, or other diversity objectives.”

Succession planning. As discussed previously, succession planning encourages partners to reach out to mentor and develop a diverse group of junior lawyers. This is important because, as Ms. Short explained, “This next generation of lawyers seeks professional and personal development.” Ellen Ostrow, Ph.D., Founding Principal, Lawyers Life Coach LLC, added that rewarding succession planning “incentivizes historical rainmakers to begin to share credit.”

Firm citizenship and leadership. As one participant observed, “Women and women of color spend a disproportionately high number of hours on firm citizenship and RFPs but they are not getting compensated for those efforts.” Because these efforts are directly aligned with the firm’s business goals, participants agreed that firms should reward the lawyers who bear the burden for these activities.

Increasing business development by women lawyers. Lisa B. Horowitz, Senior Manager of Professional Development, McDermott Will & Emery, LLP, stressed, “Increasing business development by women lawyers must be viewed as the business imperative it is. Expanding and aligning compensation criteria to reflect this objective is critical to achieving this result.”

“Partner compensation is one of the greatest management tools available to law firms. Those firms who separate compensation from the management of the firm have totally missed the ball.”

*—Howard L. Mudrick,
President, HM Solutions, Inc.*

- **Design, develop, and implement metrics and measurements to quantify the qualitative compensation factors and behaviors.** Once a firm has aligned the compensation criteria with the firm’s core values, business objectives, and strategic goals, the firm must establish procedures for quantifying and measuring the qualities and behaviors that promote these values, objectives, and goals. For instance, Ms. Short explained how her firm includes efforts to promote diversity in the compensation criteria:

As part of Dorsey’s annual partner compensation process, each partner completes a self-evaluation form that asks for specific details about what he/she did last year to promote gender and diversity goals within the firm. This information is considered in all compensation decisions.

- **Appoint a diverse compensation committee.** As discussed previously, appointing a diverse compensation committee that mirrors the diversity of a firm’s lawyer pool in gender, ethnicity, race, and seniority will help to mitigate flaws in the process and bring to light any hidden barriers to fair and equitable compensation. As a further safeguard, participants recommended that the committee measure — before compensation is announced each year — the percentage of women and diverse lawyers at the top and bottom compensation levels. Ms. Fleming stated, “Take a look at your compensation numbers and see who gets paid what. Don’t just focus on the few superstars.” If women and lawyers of color are disproportionately at the bottom of the list year after year, hidden biases may be affecting the compensation process.

Encourage Effective Self-Promotion

A fair and equitable compensation system also requires that women have the tools to advocate for the compensation that they deserve. Participants identified the following two actions to achieve this goal:

- **Publish (and otherwise articulate) compensation criteria.** When firms make compensation criteria transparent, individuals know what they need to do and why in order to reach specific compensation levels. One participant described how she would have welcomed more information regarding compensation when she was promoted to partner at a large national law firm:



We are told lots of things but no one sits down with you to tell you the factors for why certain levels were paid what they were paid. What is the magic number to get into the points? Unless you ask (and you find the right person to ask), nobody gives you any training even after you made partner to understand what those [factors] are, so you are left reading the tea leaves.

In order to increase the flow of information, participants suggested that firms implement new partner mentoring programs and refine evaluation systems at both associate and partnership levels to measure skills consistent with compensation criteria. Because of the importance of transparency to creating a fair and equitable compensation system, several participants noted that firms may want to discuss whether moving to an open compensation system, where partners know each other's compensation, is consistent with their firms' strategic goals.

- **Train women lawyers to be effective self-promoters.** Ms. Pigott stressed the importance of teaching women to become effective self-promoters: "Women succeed and exceed expectations on a regular basis. What most women do not do well is demand acknowledgement of that success."³⁸ As an example, she cited her many years on Winston & Strawn's Compensation Committee, where she was inundated with "good guy memos" from the male lawyers but did not receive a single comparable memo from the firm's female lawyers. Another participant described the problem this way: "Women are reluctant to negotiate for their compensation and credit, which leaves them at the whim of whomever is giving out credit."

This reluctance is not unfounded. As discussed previously, research shows that women may be faulted for self-promotion that is readily accepted in men. Thus, women lawyers will benefit from guidance on how to overcome their own reservations and also how to best represent themselves within societal expectations. Specifically, participants suggested that senior lawyers meet with junior women lawyers to discuss how to better represent themselves and that in partner self-evaluations, firms ask partners to describe any business generation contributions that they made this year that were not recognized by their firms. Firms can also educate lawyers on how to negotiate for legacy credit and the business side of practicing law.

"Increasing business development by women lawyers must be viewed as the business imperative it is. Expanding and aligning compensation criteria to reflect this objective is critical to achieving this result."

*—Lisa B. Horowitz, Senior Manager of Professional Development,
McDermott Will & Emery, LLP*

Next Steps

Now it is up to you. As this report shows, there are a rich and wide variety of actions that law firms can take to ensure that women stay in law firm practice, advance into positions of leadership, and participate in the same kind of satisfying careers that men have long enjoyed.

It is time for firms to move beyond theory to action, to set goals, to take steps to achieve those goals, and to measure progress. A true conviction that women can achieve the same level of success as their male colleagues, and the will to implement change, will make all the difference.

Set forth below is a checklist summarizing the recommended actions contained in this report ready for your implementation.

Checklist 5

Leadership

1. Ensure a Broadened Selection of Firm Leaders

- Publish the criteria for advancement to equity partner.
- Refine evaluation systems at all levels to reflect criteria for leadership.
- Appoint a diverse nominating committee.
- Make sure firm leaders oversee the process and hold partners accountable.

2. Sustain and Nurture Existing Women Partners

- Require formal succession planning.
- Offer leadership and business development training.
- Ensure equitable compensation.
- Collect data through exit interviews.

Retention and Promotion

1. Correct for Hidden Bias and Stereotypes

- Establish mandatory ongoing “inclusive and respectful workplace” training.
- Develop and use tools to measure and track retention.
- Analyze high-profile, high-revenue representation teams to ensure a diverse group of lawyers are working on those teams.
- Correct hidden bias in the evaluation process.
- Appoint diverse lawyers to powerful firm committees and as practice group leaders and office heads.

2. Promote Meaningful Mentoring

- Define and discuss different mentoring needs with partners and other lawyers who serve as mentors.
- Train male and female lawyers how to communicate effectively with one another.
- Offer focused training for senior associates and junior partners.
- Consider mentoring circles as a formal mentoring system.
- Use rewards to incentivize a broader range of partners — women as well as men — to mentor women lawyers.
- Provide opportunities for women lawyers to develop informal mentoring relationships with other women.

3. Encourage Development of Professional Networks

- Mandate that all partners attend an external diversity or gender-related conference annually.
- Establish a budget and give billable credit for time spent on networking activities.
- Partner with in-house counsel to create programs to “loan” firm associates to in-house departments.
- Train women lawyers at every stage on how to network effectively.

4. Promote Workplace Flexibility

- Offer customized flexible work schedules and career plans to all lawyers.
- Employ a “balanced hours” or reduced-hours schedule coordinator.
- Provide tools for lawyers and their supervisors.
- Publish expectations regarding non-billable time.
- Track — at the organizational, practice group, and seniority levels — usage rates for reduced-hours schedules and the impact of reduced-hours schedules on retention and promotion of lawyers.



Business Development

1. Remove Institutional Barriers to Business Development

- Facilitate fair credit attribution.
- Address legacy systems.
- Measure access to key opportunities, including (1) the number of women on pitch teams, (2) the number of women on high-profile, high-revenue representation teams, and (3) the number of women lawyers on important firm presentations.
- Hold partners accountable.
- Measure progress.
- Establish a powerful and diverse oversight committee.

2. Facilitate Business Development Efforts

- Provide a budget and give credit for time spent on marketing activities.
- Offer business development training and coaching.
- Incentivize sponsors and champions.

Compensation

1. Refine the Compensation Process

- Align compensation criteria to reflect and reward those partner behaviors that promote (1) institutionalizing clients, (2) advancement and retention of women and diverse lawyers, (3) succession planning, (4) firm citizenship and leadership, and (5) increasing business development by women lawyers.
- Design, develop, and implement metrics and measurements to quantify the qualitative compensation factors and behaviors.
- Appoint a diverse compensation committee.

2. Encourage Effective Self-Promotion

- Publish (and otherwise articulate) compensation criteria.
- Train women lawyers to be effective self-promoters.

Acknowledgements

NAWL gratefully acknowledges the contributions that were made in producing this Report. In particular, we thank Linda Chanow who did a magnificent job in synthesizing the extensive information produced through the Summit. Additionally, Holly English, Lisa Horowitz and Stephanie Scharf, all Board members of NAWL, and the Co-Directors of the Project for Attorney Retention, Cynthia Calvert and Joan Williams, provided assistance in reviewing and editing the Report. We thank them for their efforts. Finally, NAWL wishes to thank the following lawyers who volunteered their time to record the Summit discussions: Cecily Baskir, Georgetown University Law Center; Suzanne Fay Garwood, Venable LLP; Rebecca J.K. Gelfond, WilmerHale; Andrea Rees Hack, United States Patent & Trademark Office; Jennifer K. McDannell, Howrey LLP; and Manar Sweillam Morales, Project for Attorney Retention.

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Acknowledgements

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National Association of Women Judges
National Bar Association
National Conference of Women's Bar Associations
Project for Attorney Retention
Women's Bar Association of Illinois
Women's Bar Association of the District of Columbia

Acknowledgements

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Endnotes

1 See, e.g., Holly English, *Gender on Trial: Sexual Stereotypes and Work/Life Balance in the Legal Workplace* (2003); Lauren Stiller Rikleen, *Ending the Gauntlet: Removing Barriers to Women's Success in the Law* (2006); N.Y. City Bar Comm. on Women in the Profession, *Best Practices for the Hiring, Training, Retention, and Advancement of Women Attorneys* (2006); NALP, *Diversity Best Practices Guide* (2006); Women's Bar Ass'n of D.C., *Creating Pathways to Success* (2006); Mona Harrington & Helen Hsi, *Women Lawyers and Obstacles to Leadership* (2007); Harry Keshet, *Women Attorneys' Business Development Study* (2007), available at http://www.counseltocounsel.com/keshetreport_4.pdf; Jill Schachner Chanan, *Early Exits*, A.B.A. J., Aug. 2006, at 33; Alice H. Eagley & Linda L. Carli, *Women and the Labyrinth of Leadership*, *Harv. Bus. Rev.*, Sept. 2007, at 63; Vicki W. Kramer, *Mentoring Programs: Why Law Firms May Benefit from Implementing Them*, *Law Firm P'ship & Benefits Report*, July 2000; Denise Lyons & Connie McArthur, Kaplan DeVries, Inc., *Gender's Unspoken Role in Leadership Evaluations*, *Human Res. Planning*, Sept. 2007, available at http://entrepreneur.com/tradejournals/article/169413774_1.html; Douglas M. McCracken, *Winning the Talent War for Women: Sometimes It Takes a Revolution*, *Harv. Bus. Rev.*, Nov.-Dec. 2000, at 159; Veta Richardson, *MCCA Uncovers Most Successful Diversity Practices of In-House Counsel*, ACC Docket, Nov.-Dec. 2006, at 45; Joan C. Williams, *A Diversity Program Without a Work/Life Component Just Won't Work*, *Diversity & the Bar*, July-Aug. 2007, available at <http://www.mcca.com/index.cfm?fuseaction=page.viewpage&pageid=1495>; Chicago Bar Ass'n, Call to Action, http://www.chicagobar.org/AM/NavigationMenu/Services/Diversity_Programs/CalltoAction/default.htm (last visited June 19, 2008).

2 Nat'l Ass'n of Women Lawyers, *National Survey on Retention and Promotion of Women in Law Firms 7* (2007).

3 *Id.* at 3.

4 *Id.* at 7.

5 See Women's Bar Ass'n of D.C., *supra* note 1, at 6.

6 For example, see the publications cited *supra* note 1.

7 Women's Bar Ass'n of D.C., *supra* note 1, at 4.

8 Summit participants provided numerous examples of workplace practices and personal interactions in which they perceived the effects of the subtler forms of bias, and some expressly articulated the biases at issue. The antidote is awareness of such bias and its underlying assumptions, so that they can be examined and minimized. One way to test your biases is to take the Implicit Association Test, available at <https://implicit.harvard.edu/implicit/>.

9 Unexamined and often hidden bias negatively impacts the evaluation of women's skills and talents. For instance, Douglas M. McCracken, former CEO, Deloitte & Touche, explains how "subtle variations in language" with regards to candidates' qualifications can result in female and male candidates' careers "go[ing] in very different directions":

Case studies were useful for bringing out and examining subtle differences in expectations.... A typical scenario would have partners evaluating two promising young professionals, a woman and a man with identical skills. Of the woman, a partner would say, "She's really good, she gives 100%. But I just don't see her interacting with a CFO. She's not as polished as some. Her presentation skills could be stronger." The conversation about the man would vary slightly, but significantly: "He's good. He and I are going to take a CFO golfing next week. I know he can grow into it; he has tremendous potential."...A woman was found a bit wanting, and we (male partners) couldn't see how she would get to the next level.

McCracken, *supra* note 1, at 164. Moreover, "a woman's qualifications for promotion and plum leadership responsibilities come to be measured according to the path of the few women who successfully climbed to that role." Women's Bar Ass'n of D.C., *supra* note 1, at 4. But, for men, "the sheer number of senior men opens up the standards by which men are judged, creating greater variance and more tolerance of individual differences for successful men than for women." *Id.*

10 For guidance as to specific evaluation topics, see A.B.A. Comm. on Women in the Profession, *Fair Measure: Toward Effective Attorney Evaluations* (2d. ed., forthcoming Aug. 2008).

11 See Harrington & Hsi, *supra* note 1, at 9.

12 Douglas M. McCracken, former CEO, Deloitte & Touche, explains how these mistaken beliefs undermined the retention of women professionals at Deloitte:

To be frank, many of the firm's senior partners, including myself, didn't actually see the exodus of women as a problem, or at least, it wasn't our problem. We assumed that women were leaving to have children and stay home. If there was a problem at all, it was society's or the women's, not Deloitte's. In fact, most senior partners firmly believed we were doing everything possible to retain women. We prided ourselves on our open, collegial, performance-based work environment.

How wrong we were, and how far we've come.

McCracken, *supra* note 1, at 160.

13 Micro-inequities are the non-verbal expressions of hidden biases. They are subconscious signals that deliver a message that differs from the message given by a communicator's words, such as telling someone that you are listening while you pull out your cell phone or look at your watch. For a detailed discussion of micro-inequities, see Eric. L. Hinton, *Microinequities: When Small Sights Lead to Huge Problems in the Workplace*, Diversity Inc., May 22, 2003, available at <http://www.magazine.org/content/files/Microinequities.pdf>.

14 McCracken, *supra* note 1, at 162.

15 For a detailed discussion on the benefits of increasing cross-gender communications, see Robin J. Ely et al., *Rethinking Political Correctness*, *Harv. Bus. Rev.*, Sept. 2006, at 79.

16 Ms. Calvert detailed two types of hidden bias that commonly affect women's ability to reach law firm leadership and operate to form the widely-discussed glass ceiling. First, women often find it harder to prove that they are competent. Studies have shown that:

- While men are judged on their potential ("I'm sure Jack will be a good rainmaker"), women often are judged strictly on what they have already accomplished ("Jane isn't ready yet for partnership because she doesn't have a book of business");
- Poor performance by men is attributed to external factors ("Jack had a lot on his plate while he was trying to get that brief done") while poor performance by women is attributed to personal or internal factors ("Jane couldn't finish the brief because she has problems managing her time");
- Women's mistakes often are remembered long after men's are forgotten; and
- Objective rules often are applied leniently to men but rigidly to women.

Second, women who are indisputably competent may find that colleagues see them as having personality problems. For instance:

- Women seeking leadership positions may find that they are expected to conform to a few traditionally feminine roles (e.g., the "mother" who is endlessly nurturing or the princess who aligns with a powerful man), while women who behave in assertive and directive ways associated with leadership are seen as "difficult"; and
- Women may be faulted for self-promotion ("Jane certainly thinks highly of herself, doesn't she?") that is readily accepted in men ("Jack, you should send out a client alert talking about your victory in the Smith case").

17 See Nat'l Ass'n of Women Lawyers, *supra* note 2, at 2.

18 Women's Bar Ass'n of D.C., *supra* note 1, at 5.

19 See *supra* note 13.

20 For a discussion of the effect of bias on women's networking, see A.B.A. Comm. on Women in the Profession, *supra* note 10.

21 Williams, *supra* note 1 (quoting Natasha Sarkisian, *Who Says Being a Lawyer Has to Suck?*, San Francisco, Jan. 2007, available at http://www.benchmark.com/news/sv/2007/01_01_2007.php).

22 See Clarissa Rodriguez, *E-Mail Communication: Profit or Loss?*, Boston Herald, June 1, 2006, available at http://www.napo-newengland.com/pdf/NewsClips/profit_or_loss.htm.

23 See Harrington & Hsi, *supra* note 1, at 17.

24 Cathleen Benko & Anne Weisberg, *Mass Career Customization* 32 (2007).

25 Wendy C. Schmidt, Principal, Deloitte Fin. Advisory Serv. LLP, Address at the Women's Bar Association of Washington, D.C. Initiative on Advancement and Retention of Women (Mar. 7, 2006).

26 *Id.*

27 In particular, a coordinator can mitigate the impact of maternal wall bias which stymies women's progress because they are or may become mothers. Ms. Calvert explained how studies show that women who announce that they are pregnant, return from maternity leave, or adopt a reduced-hours schedule find their supervisors and colleagues questioning their competence and commitment. For example:

- Absence or failure to meet deadlines is attributed to a woman's family responsibilities or reduced-hours schedules, regardless of the facts;
- Mothers are removed from assignments that require overtime, relocation or travel because of assumptions that "a good mother" would (or should) not want this type of work, thus often denying them the experience they need to advance;
- Seemingly neutral workplace rules are enforced without exception with respect to mothers, but not others — even more so than in the male/female context (e.g., a supervisor may have a rule that no one can miss a team status meeting for personal reasons and thus mothers will be denied time to go to an event at their children's school, but men will be allowed to play golf); and
- Partners are unwilling to mentor women because "women are just going to leave to stay home with their children."

28 In her book, *Ending the Gauntlet*, Lauren Stiller Rikleen recounts the experience of two women lawyers. An in-house counsel discusses the situation at her former firm:

Senior associates, who had spent years servicing equity partners in their practice groups, were without work once elected as income partner, because the equity partners were unwilling to subject themselves to the sharing of billing credits.... [L]awyers...felt cast adrift by partners to whom they gave years of dedication and service, and who had never encouraged them to make any effort to generate their own business.

Rikleen, *supra* note 1, at 96. A second woman lawyer describes the surprise that she felt when she learned that after providing years of excellent service to valued clients, she had lost her source of billable hours when she became partner:

It was a slap in the face to realize that as soon as you made partner, that the partners you had worked extremely closely with for the last seven years dropped you like a hot potato. And what is interesting is that people say, "Well, you're a partner now, you are supposed to go get your cases, your own clients, that's what part of being a partner is." No one ever mentored us or clued us in to that.

Id. at 97.

29 See Keshet, *supra* note 1, at 37.

30 *Id.* at 25.

31 *Id.* at 32.

32 *Id.* at 25.

33 *Id.* at 12.

34 See *id.* at 13-14.

35 Nat'l Ass'n of Women Lawyers, *supra* note 2, at 3.

36 Male non-equity partners and male of counsel earn roughly \$27,000 and \$20,000 more, respectively, than females at those levels. *Id.*

37 Rikleen, *supra* note 1, at 91.