

Women's Advancement Requires a Few Good Men

Women's advancement into law firm leadership requires a few good men. Women lawyers have the ability and ambition they need to succeed. What they do not have is access to power. In most law firms, men have almost total control over firm clients and leadership positions. There are too few women with enough influence to effectuate the changes necessary to allow women to advance to leadership and power in law firms on an equal footing with men.

Many women do reach the top in law firms, but in very small numbers compared to men. A 2008 studyⁱ of University of Michigan Law School graduates found that women who practiced in a firm for five or more years were 13 percent less likely than men to make partner, even if their qualifications were equal and regardless of whether they had children. According to a September 2010 surveyⁱⁱ by the American Lawyer, not one AmLaw 100 law firm has more than 25% women equity partners, even though women have been about half of all new lawyers for 20 years. Catalyst estimates that at the current rate of progress, women will achieve parity with men in 2086.

My new book, *Women on Top*, stresses the importance of women taking the initiative, asserting their personal power and supporting each other to move into leadership positions. But women cannot do it alone. Large numbers of women have been trying to break into partnership and leadership for more than 30 years, but two critical factors have kept those goals out of reach for most of them.

One factor is that women have almost no influence or power over decisions that impact law firm business strategy, management or culture. One-third of all lawyers are women. Yet according to the 2009 NAWL survey on retention and promotion of women in large law firms, men hold 84% of equity partnerships and 94% of top leadership positions, they constitute 85% of the highest governing committees, and they are 99% of the most highly compensated lawyers. This monolithic power structure maintains a system that suits the lives, work styles and priorities of men but not of women.

The second factor, closely related to the first, is that ambitious women who try to break into law firm leadership are often punished for their efforts. Law firms are extremely harsh work environments for all lawyers, regardless of gender, but it is simply much harder for women than for men to succeed in them. Women have all the burdens that men face plus additional obstacles and challenges that befall only women: disproportionate family obligations, exclusion from business and leadership opportunities, and gender stereotyping that creates negative assumptions about their competence and commitment. Pervasive but hidden gender bias penalizes women when they try to advocate for their interests ("she's grasping"), become mothers ("she's less committed") or challenge unfair treatment ("she's difficult to work with").

If women only had to deal with the stresses of law practice, they would succeed and advance at the same rate as men. They certainly have no less intelligence and they begin with the same drive to succeed. But having to deal with these added pressures and personal insults day after day leads to incessant frustration and early burnout. When capable, ambitious women have more conducive options, why would they stay where they are? Instead, they leave for government or corporate positions, start their own firms, or take time out.

Some intrepid women remain in their firms, determined to make it work – and some succeed. But three recent studies confirm that no matter how hard women try, they come up against barriers that for most women remain insurmountable.

1. Marina Angel, Eun-Young Whang, Rajiv D. Banker and Joseph Lopez, "Statistical Evidence on the Gender Gap in Law Firm Partner Compensation" (September 9, 2010). This study of partner compensation from 2002 to 2007 at AmLaw 200 law firms determined that equity and non-equity women partners "are paid less despite the fact that they are not less productive than men partners in generating RPL [revenue per lawyer] for their firms." In fact, the researchers found that "women partners outperform their men counterparts." Their analysis concludes that, "This gender disparity cannot be explained by lower productivity of women partners. It is more appropriately attributed to discriminatory practices under both disparate treatment and disparate impact analyses."

2. Joan C. Williams and Veta T. Richardson, “New Millennium, Same Glass Ceiling: The Impact of Law Firm Compensation Systems on Women” (July 2010). This study of nearly 700 women law firm partners presents some disturbing findings about the many ways compensation systems adversely impact women partners. It notes several negative factors that have been apparent for a long time, including the scarcity of women on compensation committees and the lack of transparency about how compensation is determined. But it also documents many new and troubling findings, including these:

More than 80% of the women partners in firms that give origination credit reported they were occasionally or frequently denied their fair share of that credit.

When there was a dispute over origination credit, almost one-third of women were subjected to intimidation, threats and bullying.

Minority women were more likely to have disputes over origination credit and were more likely to be bullied.

Firms did not provide women with equal opportunity to participate in client pitches, and when they were invited to participate in a pitch that was successful, women often did not receive a proportionate share of the origination credit or otherwise have their contribution recognized financially.

3. Herminia Ibarra, Nancy M. Carver and Christine Silva, “Why Men Still Get More Promotions Than Women,” Harvard Business Review, September 2010. This study looked at the extent and impact of mentoring on more than 4000 high potential women and men with MBA degrees. The researchers looked not just at mentorship but also at sponsorship. Sponsors (in my book, I refer to them as “champions”) do more than other mentors; they have influence in the organization and they use it to advocate on behalf of their mentees. They identify and help mentees plan new career moves, help them develop strategies to move up into new positions, and publicly endorse them. This study found that women had more mentors but were promoted less often than men because mentors actively sponsored men for promotions far more often than they sponsored women. Both women and men get valuable career advice from mentors, but without sponsorship, mentoring does not provide the same career benefits for women that it does for men.

These studies show that institutional practices and ingrained gender bias prevent most women from reaching the top. No matter how hard women try, no matter how brilliant and capable they are as lawyers, they come up against these barriers – and men do not. I do not mean to suggest there is a male conspiracy to keep women from achieving high levels of success. To the contrary, many men have been active sponsors of individual women and effective supporters of efforts to promote women generally. But these fundamental inequities exist on an institutional basis, and it will take the people with power – who are predominantly men – to bring about the institutional changes that are needed.

Law firms operate in a business environment where women make up half the talent pool yet are under-valued, under-utilized and under-promoted. For three decades, law firms have responded to this problem by sponsoring women’s initiatives and policies designed to help women operate in a male-dominated world. While these initiatives are beneficial in many ways, they don’t tackle the main problem, which is that when the work environment is defined as a man’s world, even highly successful women remain outsiders. Moreover, the world in which lawyers operate today is rapidly transforming, and the patterns and styles that have served men so well are being replaced by more holistic, collaborative and diverse approaches. These are attributes that law firms need and that women have in abundance. In this new world, women lawyers represent a critical resource and a rising force. It is no longer women who must adapt; it is law firms that have to change in order to keep the talent they need. Forward thinking men realize this and will join with women to lead the way.

There are many ways your firm can take concrete steps to create a more equitable and gender balanced workplace. Here are five remedies for the issues raised by the studies cited above.

- **Learn from women.** Many male partners believe that the choices, styles and career paths that worked for them should be equally effective for women. They assume that women lawyers who do not make it to partnership or leadership lack drive or ability. They perceive women’s different perspectives, styles, and family demands as inconveniences or flaws. These partners need to appreciate the abilities, ambitions and challenges of women who aspire to leadership, as well as the added value women bring by their different approaches to practice, people, and business. One effective way to do this is

through reverse mentoring, where women serve as mentors to more senior partners, especially rainmakers and partners in management and leadership roles.

- **Educate the entire firm about gender bias.** Present workshops that heighten awareness of unconscious bias among women and men, and highlight techniques for conquering it. Examine and reform institutional processes that allow gender bias to flourish. These processes include performance evaluations, work assignments, partnership decision-making and compensation determination that reflect or incorporate gender stereotypes.
- **Increase transparency.** Establish fair, objective and transparent systems for allocating client opportunities, selecting leaders, and deciding compensation. In doing so, make it a priority to increase the gender diversity on key decision-making committees and in management positions. You can begin by creating processes to ensure that women are considered whenever lawyers undertake firm-sponsored business development activities; when partners make internal referrals of client work and opportunities to other partners; when the firm selects new leaders and managers; and when retiring partners transition their clients to other partners. Track which lawyers are chosen to go on client pitches, who works on matters that result from those pitches, and who receives credit for the work. Most importantly, hold partners accountable for adhering to these systems. (For a more in-depth discussion of this recommendation, see my new article, “How Political Dynamics Undermine Gender Balance in Law Firm Leadership and What Your Firm Must Do About It”.ⁱⁱⁱ)
- **Bring women into circles of power.** Give women access to influential men. Events and programs where women interact exclusively with other women are valuable and help women build networks that will become sources of business. But most business today is still controlled by men. So introduce women to businessmen and male in-house counsel; require partners to include women in pitches and business development activities; and help women and men become more comfortable doing business together.
- **Promote sponsors/champions for women.** Make it the responsibility of practice group leaders, Management Committee members, or other influential partners to groom women for advancement to partnership and leadership, either informally or by pairing them up in a formal program.

These are just a few of the myriad strategies, programs and ideas that can be implemented by any firm to create a better workplace for women and men. Contact me if you would like to learn more.

ⁱ Mary C. Noonan, Mary E. Corcoran, Paul N. Courant, “Pay Differences Among the Highly Trained: Cohort Differences in the Sex Gap in Lawyers’ Earnings,” *Social Forces*, December 2005

ⁱⁱ Vivia Chen, “Looking Into the Equity Box: Women and Partnership Status Looking Into the Equity Box: Women and Partnership Status,” *The AmLaw Daily*, September 2, 2010

ⁱⁱⁱ Available at <http://www.idaabbott.com/publications/articles>

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