

Breaking Barriers: Promoting and Retaining Women in the Legal Profession

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Men – The key to advancing women

By Ida Abbott, Ida Abbott Consulting LLC

THE MARKET for legal talent is tumultuous. Keeping the best lawyers and grooming them for leadership is challenging in the best of times. When times are volatile and the future uncertain, it is an existential imperative. There are women in your law firm who can fill this critical need – but only if your firm makes the institutional changes necessary to keep them. Making those changes will require men to play a far greater role in advancing women than ever before.

The top ranks of law firms are almost exclusively male. With a steady supply of new women associates every year, firms have mistakenly assumed that the problem of gender imbalance will take care of itself over time. This attitude is reflected in a 2013 article about the status of women in law firms:

“The relatively recent arrival of women to the profession in such high numbers means that it could take some years for the gender imbalance at partnership level to alter... To an extent, the gender imbalance should resolve itself, or at least diminish markedly, over time.”¹

“Relatively recent arrival” of women to law? By 1980, one-third of new lawyers in the US were women,² and the number of women entering law firms continued to increase rapidly in the years that followed. For the last 30 years, women have been entering law practice – and law firms – in

numbers on a par with men. Throughout that time, women have worked hard to reach the top levels in law firms without meaningful progress. Women still comprise only 17 per cent of equity partners (a number which has not changed significantly for 20 years) and only 4 per cent of firm chairs or managing partners.³ Even at the 50 law firms recognized as “best for women”, women represent just 19 per cent of equity partners; multicultural women, who are 12 per cent of associates, are only 2 per cent of equity partners.⁴

With such statistics as these, it is clear that the problem of gender imbalance is not resolving itself. On the contrary, at the current rate of progress, it is estimated that women will not reach parity with men in leadership roles until 2085.⁵ Most women are unwilling to wait that long – and why should they? Women and men enter firms in equal numbers, and women work just as hard and perform as well as men, but at every step of the ladder men advance at a disproportionate rate to their female counterparts and receive higher compensation.⁶ Women remain underrepresented at every tier of leadership and influence. The higher up you look, the smaller percentage of women you find. When women see little chance of reaching the top echelons of law firms, regardless of how much time and effort they expend, they look for other options.

Losing the talent represented by women – half the legal talent pool – is a

costly waste, especially since it can be prevented. Many firms have been making good faith efforts to stem the female exodus. But despite their good intentions, the results have been dismal because they have neglected the fundamental institutional and cultural obstacles that hold women back.

One of the critical failings of past and current approaches to advancing the woman lawyer's cause is the lack of men's engagement. Firms have relied on women to find the solution to gender imbalance, even though the power to solve the problem lies in the hands of men. While some women's initiatives strive to alter firm culture and decision-making processes, most deal primarily with strengthening women's networks and business development skills, essentially "fixing" women so that they can better operate in a male-dominated environment.

It is time to change that environment. Firms must now tackle a definitive challenge: replacing the practices, norms, and biases that prevent women from becoming partners, rainmakers, and leaders with a more open, impartial, and equitable culture. This next stage will require men to take leading roles – and that means altering their thinking and behavior.

The first step is to reframe the issues and adopt a new paradigm. The dearth of women partners and leaders can no longer be seen as a "women's issue". It must be accepted and treated as a threat to the firm's ability to meet the critical challenges of the legal marketplace. And firms can no longer delegate to the firm's women lawyers the responsibility for solving the problem. Correcting the gender imbalance in law firms is the responsibility of law firm leaders – almost all of whom are men.

Gender balance is a strategic business issue, not a women's issue

The economic benefits of gender diverse leadership teams are well established.⁷ A large body of research has shown that more gender diverse senior teams produce tangible business benefits, including better financial performance and organizational health.⁸ Companies with a critical mass of women executives significantly outperform those without women in top management positions.⁹ In fact, an analysis of more than 900 worldwide companies in McKinsey's Organizational Health Index found that firms with three or more women in senior management scored higher on all nine dimensions of organizational effectiveness.¹⁰ The explanations for these research findings emphasize that women executives perform better than men in leadership competencies, are more creative and effective at problem solving, and bring complementary leadership strengths to the leadership team, a greater diversity of perspectives and ideas, and a positive impact on team dynamics.¹¹

In addition to the economic benefits, there is a growing appreciation worldwide for the traits, skills, and competencies that are perceived as more feminine, and a strong consensus that those traits are essential to leading in an increasingly social, interdependent, and transparent world.¹² As the business world changes, law firm leaders will need to forge new kinds of working relationships with colleagues, employees, vendors, competitors, and clients, more and more of whom will be women. Leaders will need to be emotionally intelligent and draw strength from teaching, teambuilding, and empowering others. They will need to incorporate leadership styles such as participatory decision-making, people development, inspiration, and efficient communication. Global leaders have

identified these behaviors, which women tend to demonstrate more than men, as being increasingly important in the future, and currently in short supply.¹³

For too long, law firms have treated the loss of female talent and the lack of female partners and leaders as a “women’s issue”. Framing it as a problem that only involves women produces no sense of urgency and marginalizes its importance. With women absent from leadership and therefore having almost no voice in setting the direction and policies of the firm, calling gender imbalance a women’s issue has kept it on the periphery of firm concerns. Instead of approaching the issue as a strategic business imperative, firms have adopted work-life policies, networking events, and training programs that are well-intentioned and do some good, but which do not address the real underlying problems.

It is time to move the need for gender balance to the forefront of the firm’s strategic objectives. The need for more women leaders is a serious business issue for everyone in the firm, including men. Women’s leadership potential presents huge opportunities to the law firms that take advantage of them – and a detriment to those that do not. But male leaders must help their firms to understand why gender balance is critical to their future success and how everyone will benefit from the success of the firm’s women.

Firms that do not retain and capitalize on female talent will limit their ability to compete, perform, and thrive in the marketplace. They will lose the proven economic benefits of having more women leaders, and will not be able meet clients’ demands for women on teams and in leadership roles. In contrast, a firm that can bring more women into partnership and leadership will enjoy a significant competitive advantage. In an increasingly competitive market for talent,

retaining the best people – women and men – and placing them in executive roles where they have the greatest impact can make the difference between a firm that thrives and one that fails.

So let us reframe the problem as a business and leadership issue that is critical for the firm’s future success. Let us emphasize the strategic and competitive opportunities women offer the firm as partners and leaders, and set the firm’s sights on helping its women lawyers achieve their highest potential.

Men must take responsibility for achieving gender balance

Most law firms that want to retain women establish women’s initiatives. Typically these initiatives are run entirely by women and the programs and events they sponsor are just for women. These activities are worthwhile but they keep women segregated from the men who control the firm and their male clients – the very people who hold the power, connections, and support that women need to get ahead. Instead, it is their male counterparts who are building relationships with powerful men and joining their networks. While women are planning women’s events, going to business development classes and learning to network with other women, men are being invited to business pitches, client meetings, and golf games with clients and influential businessmen.

More importantly, it is patently unfair to expect women to bear the responsibility for what is essentially a failure of male leadership. Women cannot change the norms, attitudes, and processes that govern law firm advancement, leadership, and rewards. There are too few powerful women partners in law firms to drive significant institutional changes without the

support of men at the top, where it can make a difference. So long as men hold overwhelming control of firm leadership, clients, and money, they control the keys to greater gender balance. It will take committed men, working together with women, to create the conditions in which gender balance can be attained.

Transform firm culture

Firms say they make gender diversity a priority, but women remain skeptical because they see few women at the top and few men taking action to change the situation. On the contrary, women see limited client and professional growth opportunities, few role models, and no clear path to partnership. They perceive that law firms are looking for clones of the men who populate the partnership. When the established system so strongly favors men and disadvantages women, even the most confident, determined, and ambitious women doubt whether they can become partners, much less succeed at highest levels.¹⁴ Accordingly, they are more likely to leave than their male counterparts.¹⁵

Promoting gender balance means leading a major change initiative. It will take more than pronouncements, policies, and programs, as it requires dismantling ingrained institutional and cultural biases and persuading successful people to accept new thinking, attitudes, and behaviors. You will need to convince women that the firm can offer them the successful and fulfilling careers they want, and show men that the changes necessary for women to stay and succeed will be to their benefit as well. What is more, you need to get everyone, men and women, engaged in making it happen.

1. Eliminate gender bias

One of the first areas to tackle is gender

bias. Gender bias today is subtle, unspoken, and unconscious, but it remains firmly embedded in “cultural assumptions and organizational structures, practices, and patterns of interaction that inadvertently benefit men while putting women at a disadvantage”.¹⁶ It is not deliberately intended to harm women, but when leaders make judgments and decisions based on inaccurate and biased assumptions, they give men unfair advantages, even though they may not realize it. A multitude of research studies proves how these biases unwittingly create barriers that undermine women’s confidence and ambition; prevent women from getting profitable work, business, and promotions; and keep women undervalued, under-compensated, and under-utilized as leaders.¹⁷

Educating men and women about unconscious gender bias and how it impacts judgments, assessments, and decision-making is an important start. Be sure to provide specific guidance and techniques to help individuals within the firm, men and women, to recognize and overcome their own and others’ biased thoughts. Instead of ignoring the different ways men and women work, behave, and communicate, teach them how to appreciate, use, and manage those differences. Help them see how those differences can improve and add value to team performance and client relations, creating “win-win-win” situations for lawyers, the firm, and their clients.

2. Promote sponsor-protégée relationships between men and women

Men and women work together all the time, but on a personal level members of each sex tend to be more comfortable spending time with their own, especially in close business relationships such as “sponsor” and “protégée”. Because men

hold far more power and influence, sponsor relationships between men provide far more career advantages than those between women. Moreover, these same-sex sponsorship patterns reinforce unconscious gender biases that block women's progress (e.g. assuming that those who are like us are better at what they do). This becomes especially vital as lawyers become more experienced: when ambitious, high-performing lawyers need sponsors to champion them for partnership, client opportunities, higher compensation, leadership, and entry into networks of influential business and community contacts.

One important step is to ensure that male leaders sponsor women, not just other men. Considerable research has shown that the reason more men than women get promoted is not because of any inherent differences between the sexes in ability, talent, or drive, but because far more men than women enjoy the sponsorship of powerful leaders who help to propel their careers upward. This research also shows that when women do have senior-level sponsors, they get promoted at the same rate as men.¹⁸

Men sponsor other men rather than women for various reasons, including unconscious gender bias, uncertainties about women's career ambitions, worry that something they say or do may lead to misunderstandings or claims of impropriety, and concerns that an opposite-sex relationship may cause complications or office gossip. These issues need to be discussed and addressed. Raise men's awareness of the factors that may cause them to overlook or avoid women protégées in favor of men; give men a safe place to discuss any concerns they have about opposite-sex sponsor relationships; and provide tools and encouragement for men to sponsor more women.¹⁹

3. Hold leaders accountable for advancing gender balance

Any change initiative must be carefully planned and scrutinized to ensure that it is well executed and making the desired progress. Accountability is crucial in order to maintain momentum and achieve short- and long-term objectives. Front line leaders throughout the firm, including office managing partners, department chairs, practice group leaders, and client team leaders, should create plans to advance gender balance and be held accountable for results. Ask them to create leadership development programs and goals, and produce succession plans for leadership roles and client relationships that include gender balance as a consideration. They should report to the firm regularly on their progress and results.

It is not necessary to start from scratch. There are countless materials from law and business sources that describe the strategies, practices, and solutions that have succeeded in retaining women and achieving greater gender balance at senior levels.²⁰ Learn about best practices at other firms and companies and use them as guides and benchmarks.

At the outset and along the way, it is important to collect information that establishes a baseline and enables you to measure progress in various ways. If you can demonstrate that greater gender balance improves your firm's financial performance, client relationships, and overall firm well-being, the case for advancing women will sell itself. When you have specific data about your firm, you can create your own business case for gender balance, which will resonate more clearly with your partners than general research data.

Monitoring your efforts will also allow you to determine where intervention is

needed. You can look for disparities between men and women in such areas as exposure to important work experience and client contact; representation in leadership, management, governance, or important committees; business development opportunities; compensation, rainmaking, and credit for business origination; election to equity partnership; and hiring and integration of lateral associates and partners. If you find that such disparities exist, you can investigate why and find ways to correct the situation by examining the existing governance and reward structures, leadership and compensation decision-making processes, and personal behaviors and practices of partners in the firm. You can put systems in place to ensure that work assignments and client opportunities are fairly distributed, evaluations are free from bias, and decisions about partnership promotion, leadership selection, business development participation, client transition, and compensation are made openly using unbiased criteria.

Conclusion

The importance of retaining the best legal talent – regardless of sex – is undeniable. If half of that talent pool is composed of women, you are likely to lose them unless your firm is willing to make cultural, institutional, and behavioral changes that allow women to achieve their career ambitions. Those changes will benefit everyone in the firm, men as well as women. Most importantly, men, not just women, must actively take the lead to make those changes happen.

About the author

Ida Abbott has been helping employers develop, manage, and retain legal talent since 1995. She also serves as a mentor and coach to high achieving individuals

seeking professional success. Ida has long been recognized as a leader in the fields of mentoring and sponsorship, leadership development, and professional development, and is a fellow of the College of Law Practice Management.

For many years, Ida has been at the forefront of efforts to promote women in the legal profession. She is co-founder of the Hastings Leadership Academy for Women at the University of California Hastings College of the Law, where she is also a faculty fellow. She serves on the advisory boards of the New York Women's Bar Association Foundation and the Women's Bar Association of the District of Columbia Initiative on Retention and Advancement of Women, and was Bay Area co-chair of the Women in Law Empowerment Forum.

The other aspects of Ida's practice involve lawyers' professional development, particularly mentoring, sponsorship and leadership. Ida serves on the Executive Committee of the National Legal Mentoring Consortium, as advisor and research panelist for the Institute of Mentoring, as special advisor to the International Bar Association's Law Firm Mentoring Program, and as a member of the Council of Management Experts based in New Delhi, India. She is a founder and former board member of the Professional Development Consortium, served as vice-chair of the Academic and Professional Development Committee of the International Bar Association. She also operates roundtables for women law firm leaders and for professional development leaders in global law firms. Before starting her consulting firm, Ida practiced law for 20 years.

Ida has been featured and quoted in numerous publications and is a popular speaker at national and international professional conferences. She received her

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