

A photograph of a middle-aged man with a grey beard and mustache, wearing a dark blue suit, light blue shirt, and striped tie. He is smiling and looking towards a woman whose back is to the camera. She has long blonde hair and is wearing a grey blazer. They are both looking at a large white document on a table. The man is holding a red pen. The background is a bright, out-of-focus office setting with a window.

**THE
CRITICAL
ROLE OF
MEN IN
ADVANCING
WOMEN
LAWYERS**

Law firms have a gender problem: There are too few women in partnership and leadership roles. The top ranks of law firms are overwhelmingly male. Women remain seriously underrepresented at every tier of leadership and power, even though they have been entering the profession in near-equal numbers with men for three decades. Throughout this time, most law firms have had gender diversity initiatives, and most bar associations have stressed the importance of gender diversity, yet women today represent only 20% of equity partners. It has been estimated that at the current rate of progress, women will not reach parity with men in leadership until 2085.¹

With a steady supply of new women associates every year, firms have mistakenly assumed that the problem will take care of itself over time. But the problem of gender imbalance is not resolving itself. To the contrary, it may be getting worse. The high attrition rate among young women is well-known, but a recent study found that a disproportionate number of senior women lawyers, those with 20-25 years of experience, are also leaving private law firm practice. They are leaving for many reasons, including the lack of advocates and sponsors and a belief that firms are not genuinely committed to gender diversity.²

When senior women leave, firms lose the benefits of diversity. Those benefits include more innovative thinking, the ability to attract talented employees, higher productivity, and better financial performance.³ The exodus of senior women leaves firms with fewer women to serve as leaders, contribute their perspectives, serve on key committees, participate in critical strategic decision-making, and represent clients who want and expect women partners to represent them.

Losing senior women also leads to a loss of junior women. Young women lawyers want women role models and mentors; they want to see women who are rainmakers, leaders, managing partners, practice group leaders, management committee and compensation committee members, and client relationship managers. They want to see women who generally have successful careers. When young women lawyers see few women in these roles, they believe they stand little chance of reaching the top echelons, regardless of how much time and effort they expend, and they look for other options.

Losing the talent represented by women—half the legal talent pool—is costly and wasteful. Fortunately, it can be prevented if law firm leadership is willing to make the institutional and cultural changes that are necessary. This is a major undertaking, and it must be done at the organizational level. This article cannot discuss all the necessary changes and the methods for achieving them. It will, however, address one fundamental thing that all law firm leaders—who are 80% men—can do on their own: sponsor women. After all, the people who lead, manage, and control the business and culture of the firm are those who must pave the way and show their resolve through personal action.

To prove their commitment to gender diversity and inclusion, all partners should be deliberate, consistent, and purposeful about sponsoring the women in their firms. Women today can usually find mentors, either informally or through mentoring programs, and often those mentors are men. However, male mentors do not mentor women the same way they mentor men. They give women advice and support, but they give men sponsorship, the kind of mentoring that produces career-boosting outcomes. This provides advantages for men but creates obstacles for women. Further, and more alarmingly, the #MeToo movement has made many men unwilling to mentor and sponsor women because they fear they will be accused of acting inappropriately. Both of these obstacles must be confronted and overcome if firms hope to retain women and see them become partners, rainmakers, and leaders.

UNDERSTANDING MENTORING AND SPONSORSHIP

Mentoring has long been recognized as essential to lawyers' professional development, progress, and satisfaction. The power of mentoring derives from its grounding in a personal relationship between mentor and mentee. Mentoring provides the personal attention and individualized support that engages lawyers, makes them feel valued and included, and helps them see the possibility of a successful and satisfying future in the firm. This is why mentoring has long been a proven way to reduce associate attrition and increase associates' performance and success.

Mentoring includes many aspects that take on different degrees of importance at various stages of a lawyer's career. In

1 Judith Warner, "Women's Leadership: What's True, What's False, and Why It Matters," Center for American Progress, March 7, 2014.

2 "Law firms need to make structural changes to keep women from leaving, panel says," American Bar Association, August 4, 2018.

3 Stephen Turban, Dan Wu, and Letian (LT) Zhang, "Research: When Gender Diversity Makes Firms More Productive," Harvard Business Review, February 11, 2019.

LAW FIRMS HAVE A GENDER PROBLEM: THERE ARE TOO FEW WOMEN IN PARTNERSHIP AND LEADERSHIP ROLES.

the early years of practice, lawyers need mentors who will help them learn their craft and become competent, ethical practitioners. As lawyers' careers progress over time, they also need mentors who can advocate for them, offer them career-advancing opportunities, help them build client relationships, and groom them for leadership. We now call these advocacy-based functions "sponsorship." And the need for sponsorship continues as lawyers become junior and mid-level partners who want to become more successful rainmakers, increase their compensation, rise into leadership, or expand their reputation and influence in the larger community.

Some key distinctions between mentors and sponsors are important to understand. Mentors can help lawyers learn and develop in any number of ways, and almost anyone can be a mentor if they have greater knowledge or experience than the mentee and want to help the mentee succeed. But not every mentor can be a sponsor. Sponsorship focuses more narrowly and strategically on advocacy and career advancement. Accordingly, sponsors must have sufficient gravitas and influence to persuade decision-makers on the protégée's behalf. They must be a champion for the protégée and be positioned to make their advocacy produce concrete results.

SPONSORSHIP AND THE IMPACT OF #METOO

Women have a harder time than men in finding sponsors. Because sponsorship requires power, and most people with power are men, most sponsors are men. And most men sponsor other men. They do so for many reasons, including stereotyping, gender bias, "homophily" (the natural attraction and tendency of people to bond with people similar to themselves), women not voicing their aspirations, and concerns about sexual implications of a mixed-gender work relationship. Whatever the reasons may be, men's reluctance seriously disadvantages women. Research shows that without sponsors, women lag behind their male counterparts in promotions, income, and leadership positions, but women who have senior-level sponsors advance at the same rate and to the same level as men.⁴

Unfortunately, an unintended consequence of the #MeToo movement is that men today feel less comfortable with cross-gender workplace interaction, including mentoring and sponsorship. Consequently, it has become even harder for women to find male mentors and sponsors.

4 Sylvia Ann Hewlett, "(Forget a Mentor) Find a Sponsor", Harvard Business Review Press (2013.)

A 2018 survey conducted by the American Bar Association Law Journal and Working Mother Research Institute examined workplace sexual harassment and related issues in the wake of #MeToo. The survey data showed that substantial numbers of men, including those in leadership, now feel nervous about entering into one-on-one professional relationships with women such as mentoring and sponsorship. When asked if such relationships are at risk because of the perception that unacceptable behavior could be occurring, 56% of the men agreed, as did 35% of the women.⁵

These findings echoed other 2018 survey results that showed almost 30% of male managers—more than twice as many as before #MeToo—said they are uncomfortable working alone with a woman; the number of male managers who are uncomfortable mentoring women more than tripled from 5% to 16%; and senior men were 3.5 times more hesitant to have a work dinner, and 5 times more hesitant to travel for work, with a junior level-woman.⁶

OVERCOMING THE OBSTACLES THAT STOP MEN FROM SPONSORING WOMEN

The significant decline in the willingness of men to mentor and sponsor women represents a step backward in efforts to create more diverse and inclusive law firms. The current anxieties that interfere with cross-gender mentoring and sponsorship must be overcome. They cannot be used as an excuse to stop mentoring or sponsoring women. That would be discriminatory and illegal.

There are many things that men can do to be effective mentors and sponsors for women, and to do so without fear of being accused of inappropriate behavior. Here are a few suggestions.

- *Say it and do it.* Partners have an obligation to develop all the talented lawyers in their firm, women as well as men. Let other partners know that you are making women's advancement a personal priority and expect them to do the same. Prove your commitment by doing it and model how to do it well.
- *Act professionally at all times.* Treat your protégée with respect. You are operating in a professional setting; act accordingly. When you are alone with your protégée, refrain from or moderate your alcohol intake.
- *Understand the impact of gender.* Educate yourself about the way gender affects women's careers in general and in your firm. Read, attend programs and meetings, talk with

colleagues and leaders, both women and men. Be open to discussions about gender issues and use them as opportunities to learn.

- *Understand your protégée.* Be sensitive to gender issues but suspend any assumptions about your protégée, including if and how she experiences gender issues. Get to know her and treat her as an individual. Ask about her career aspirations and discuss how you can help her achieve them. Use empathy and consider the advice and opportunities you offer her from her perspective, not just your own. If you aren't sure, ask and learn from her.
- *Find career-enhancing opportunities for your protégée.* Look for them; create them when you can. Identify high visibility assignments that will showcase her strengths as a lawyer and a leader.
- *Promote her to others.* Advocate for her privately and publicly. Introduce her as your protégée to powerful partners, clients, and contacts. Recommend her for leadership positions and key management committees, for leading client relationships, first-chairing a trial, or taking a lead role in a business deal.
- *Set boundaries.* Be clear about what you will do, say, or discuss in work relationships. For example, refuse to tell or listen to stories or jokes about sexual topics or that have sexual overtones. Make your boundaries clear to others, explicitly, or by your actions.
- *Respect your protégée's boundaries.* If you are unsure about them, ask her. Emphasize that you do not want her to feel uncomfortable around you. Urge her to let you know if you ever do anything that makes her uncomfortable so that you can stop doing it.

CONCLUSION

Gender balance is now a business imperative, as clients increasingly insist on diverse teams to represent them and young lawyers demand more inclusive work cultures. Leaders who appreciate the importance of a diverse and inclusive law firm know that the retention and advancement of women must be a top firm priority. But women will stay in a law firm and succeed only if powerful partners believe they can make it, urge them to try, and actively support them. For this to happen, more men will have to step up as mentors and sponsors for more women. 

5 Barbara Frankel and Stephanie Francis Ward, "Little agreement between the sexes on tackling harassment, Working Mother/ABA Journal survey finds," ABA Journal, July 4, 2018.

6 *Ibid.*