



WHAT WOMEN WANT

Carol Frohlinger offers insight into the core topics discussed by gender diversity thought-leaders at Ark Group's WOMENLEGAL 2009 forum.

“What is it that we need to do now to break the remaining parts of the glass ceiling? To address the issues of how to get women into leadership roles? That will be our focus today.” – Patricia K. Gillette

What do you get when you put some of the legal profession's leading gender diversity thought-leaders together to discuss what still needs to be done to retain and advance women in the legal profession? Ark Group's WOMENLEGAL 2009 forum, held in New York on April 16 this year, did just that. The result? Practical advice for challenging times that both law firms and female lawyers can put to work right away.

Chaired by Patricia K. Gillette, a partner at Orrick, Herrington & Sutcliff LLP and the mastermind behind the think tank The Opt-In Project¹, the conference offered four panels (see Box 1) to address the following:

- Gender equality and diversity: propelling the next generation of law firm leaders;
- Leadership and management engagement: key components of a successful women's initiative;
- Empowerment and career growth: women taking ownership of their careers; and,

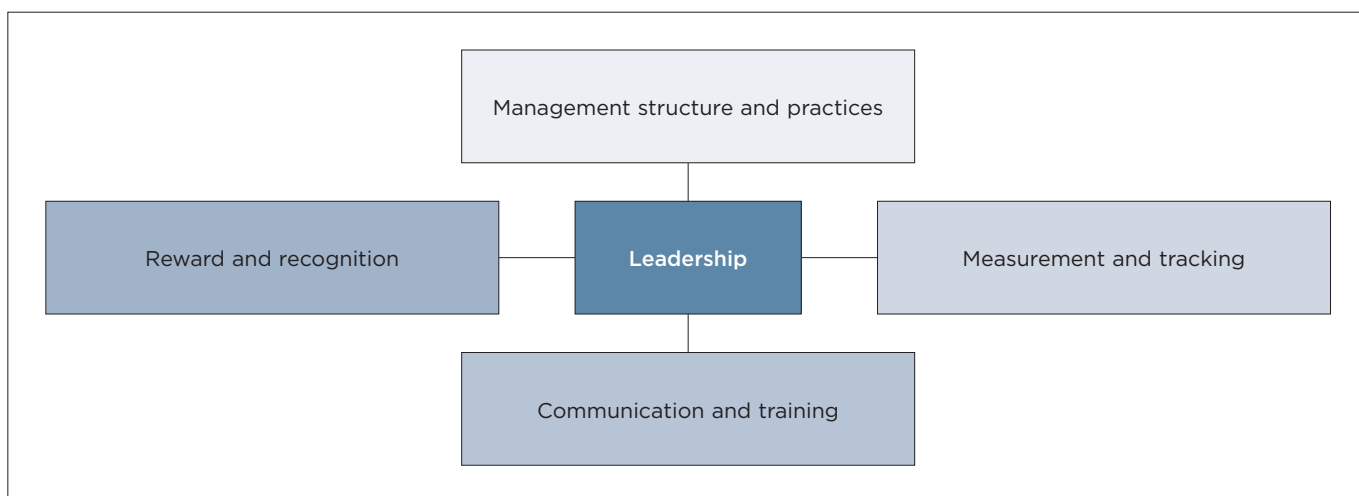


Figure 1: A framework to make organisational change.

- Current and future outlook in impediments to women's success: effecting change and taking action.

When organisational change is the objective, the approach that works is to tackle the challenge from both the 'top down' and the 'bottom up'. That means that both law firm leadership and individual female lawyers have work to do. Here's a summary of the best practices for each topic, offered by the panellists, moderators and participants.

What law firms must do

Not surprisingly, there was overlap from one panel topic to another so I've developed a framework to categorise the advice on making change in an organisation (see *Figure 1*).

Leadership is at the core; other critical change components include management structures and practices, measurement and tracking, communication and training, and reward and recognition.

Leadership

"If you keep asking the same people for the answers to questions about what needs to change, you'll keep getting the same answers. You need to include people from the group affected by the change you are trying to make. When they are in the room, the thinking is different." – Paulette Brown

Without a clear vision from the top regarding why change is needed, it rarely happens.

Law firm leaders must be committed to the change ahead of them. They should ask themselves, 'do we really want women as leaders?' Then, they must go one step further and ask themselves, 'why?'

The answer must be more than a moral imperative. That was never enough to truly drive change but it is even less effective these days. The reality is that clients are demanding diversity and

it is in the interest of the firm to give clients what they want. The business case is clear.

At least two factors are at work here:

1. Women go in-house and make decisions to hire outside counsel; and,
2. Many clients are using 'diversity scorecards' to assess firms. They now want to know not just how many women are working on their matters or how many people of colour are involved with their work, but the number of hours these lawyers are working on their matters.

Leaders must create a culture of inclusiveness. That means asking women and people of colour what they think needs to change and listening to the answers they give. It means paying attention to things big and small that send signals to women about their worth to the firm. When those at the top of law firms are serious about moving the agenda for women lawyers ahead, they transform themselves from managers to leaders.

Management structure and practices

"Out of crisis comes opportunity. We can learn from history or be doomed to repeat the mistakes of the past." – Cathy Fleming

While it is irrefutable that culture varies from firm to firm, it is also clear that the management structure and practices of the firm shape its culture. In many instances these have evolved over time with little attention paid to their impact on women. Individual firms should examine how their management is structured, paying particular attention to the number of women currently in leadership roles and the manner by which promotion decisions are made. The ways in which assignments are handed out should also be reviewed. Who is assigned to do the document production and who takes the deposition? Who goes to the pitch meeting

and who stays behind to write the memo? This assessment may identify the chilling effects of unconscious decisions.

Establishing a clear process to provide women with opportunities for high visibility assignments – the kinds and types of work that will provide them with the experience they need to move up – can also be hugely beneficial. Moreover, ‘little things’ make a big difference to how women perceive their importance to the firm. Are meetings held during regular working hours or are they scheduled at breakfast time or in the evening when women may have other responsibilities? If it is the latter, firms should make the necessary adjustments. Designing new, customised career paths that keep in mind that not everyone wants to be a partner should also be considered.

Adopting ‘competency models’ is a good way to determine when lawyers are ready to take on more responsibility. Using this approach instead of the traditional lock-step, ‘lemmings to the sea’ methodology mitigates subjectivity and promises that those promoted have the necessary knowledge, skills and aptitudes to do the job.

Measurement and tracking

“You have to hold people accountable for the results you want... Sometimes, people think they are doing it correctly even when they are not.” – Kim Koopersmith

Metrics enable firms to track their progress along the change journey. Firms should not only set goals with regard to the retention and promotion of women but must go one step further to identify the activities that will contribute to achieving those goals. For example, a goal of retaining 60 per cent of female associates with five years post-qualified experience, might be supplemented with a commitment to provide periodic career touch-point conversations as well as mentoring and business development skill training. Although not widely used yet, one of the more innovative ideas suggested is to set specific ‘stepping stone’ goals for women to ensure they have opportunities to do the kinds of things that will position them for promotion to partner, assuming that is their aspiration. These include opportunities to do trial work and to participate in business development activities.

Once the goals have been established, it is critical to hold people accountable for meeting them. For example, managing partners should require practice managers to report results they have achieved on a regular basis. Practice managers, in turn, should demand that partners do the same. Firms who take the final step to link compensation to the goals they have established will get the results they want quickly.

Communication and training

“When I talk with managing partners about what’s going on in the firm and then talk with the women in the firm, it often seems as though they are talking about two completely different firms.” – Lauren Stiller Rikleen

When change is on the agenda, ongoing communication is essential. Firms should broadly communicate the rationale for change; when people don’t know why change is necessary and how it will happen, they’ll make up their own reasons. Inevitably, confusion and misunderstandings result.

Likewise, firms should think carefully about how best to position the message so that it is easy for people to hear. Some have found it helpful to position some of these changes as motivated by ‘generational issues’ rather than ‘women’s issues’, because not only is it true that younger lawyers of both genders share many concerns, they have found that people are less threatened by framing it in this way.

Training is another factor that firms committed to change should invest in. Helping men and women to understand the gender-related issues that crop up in communication and how to navigate them effectively moves the change agenda forward.

In addition, the firms that are serious about promoting women to leadership positions should support them with skill-building training in areas such as business development, negotiation and networking.

“

When organisational change is the objective, the approach that works is to tackle the challenge from both the ‘top down’ and the ‘bottom up’. The means that both law firm leadership and individual female lawyers have work to do.

Reward and recognition

“When women feel that they belong and fit in with all aspects of the firm culture and systems we will have solved the retention problem. We must create a culture of ‘we’.” – Karen B. Kahn

Rewards, both tangible and intangible, keep people engaged in the change journey. Because business development is so important, firms need to identify and remove institutional barriers to getting credit for the work lawyers bring in.

Not only should billable hours be counted but firms should also recognise the value of relational skills (such as mentoring, coaching and other ‘soft’ skills) that contribute to the firm’s success. Often contributed by women, this ‘invisible work’² can be ignored or taken for granted.

Rewarding the right behaviours encourages people to repeat them. For example, sending a communication to recognise those who have stepped up by giving a speech or writing an article lets people know that visibility is important. By the same token, linking participation in mentoring programmes to compensation

WOMENLEGAL 2009 panellists and moderators

Gender equality and diversity: propelling the next generation of law firm leaders

Moderator:

Lauren Stiller Rikleen, executive director, Bowditch Institute for Women's Success and senior partner, Bowditch & Dewey, LLP.

Panellists:

- Kim Koopersmith, managing partner, Akin Gump Strauss Hauer & Feld LLP;
- Cathy Fleming, partner, Nixon Peabody LLP;
- Paulette Brown, partner and chief diversity officer, Edwards Angell Palmer & Dodge LLP.

Leadership and management engagement: key components of a successful women's initiative

Moderator:

Jan Anne Dubin, North American business development director, Baker & McKenzie LLP.

Panellists:

- Susan S. Brewer, CEO, Steptoe & Johnson LLP;
- Diana P. Scott, co-chair, national labour and employment practice, Greenberg Traurig LLP;
- Kathleen Flynn Peterson, partner, Robins Kaplan Miller & Ciresi LLP.

Empowerment and career growth: women taking ownership of their careers

Moderator:

Peggy Cohen, vice president and managing director, Northeast and Canada markets, RR Donnelley Global Capital Markets and co-chair of the Women in Law Empowerment Forum (WILEF).

Panellists:

- Sandra Edelman, partner, Dorsey & Whitney LLP;
- Donna D. Melby, partner, Paul Hastings Janofsky & Walker LLP;
- Marianne M. Trost, The Women Lawyers Coach, LLC.

Current and future outlook on impediments to women's success: effecting change and taking action

Moderator:

Karen B. Kahn, principal, KM Advisors, LLC.

Panellists:

- Karen M. Lockwood, retired partner at Howrey LLP and principal of The Lockwood Group;
- Andrea S. Kramer, partner and gender diversity committee chair, McDermott Will & Emery LLP;
- Maxine Hicks, Atlanta managing shareholder and national real estate practice chair, Epstein Becker & Green, P.C.

Box 1: WOMENLEGAL 2009 panellists and moderators

or awarding billable hour credits to associates who attend women's initiative events will foster greater engagement.

What women lawyers need to do

Senior leaders

"The women who are principal shareholders at my firm meet once a year to assess our progress with regard to retaining and advancing women at the firm." – Diana P. Scott

Panellists agreed that women in leadership roles have a responsibility to help both their firms, and younger women, to be more successful. Senior leaders were encouraged to make changes inside the firm tactfully. By implementing change without telling the individuals affected that they've been approaching issues the wrong way, it is more likely that they will buy in to doing things differently. The experts also made the point that women should carefully consider what they want from their careers, making an informed decision regarding whether they wish to take on a

management role in the firm. For those who do decide to follow the path to management, maintaining a practice means maintaining power and influence; those who are billing have a stronger voice.

Investing time in mentoring and inspiring young lawyers was encouraged. In challenging times such as these they will benefit from the advice and encouragement of those more seasoned. Times may be difficult but the legal profession has been at the forefront of much societal change. To that end, encourage young lawyers to do *pro bono* work.

Other leaders

Overall things to keep in mind:

"Great law firms are made up of great lawyers. But keep in mind that clients don't hire law firms, they hire lawyers." – Donna D. Melby

Lawyers must first build their credibility by doing excellent work. Then, they must make their mark by doing the billable hour requirements. Finally, panellists made the point that it is not the

firm's job to make an individual into a successful lawyer, rather, it's up to the individual lawyer to proactively manage her own career.

Eliminate self-defeating behaviours

"Don't let anyone tell you that you can't do what you want to do. You can." – Sandra Edelman

Panellists mentioned several verbal *faux-pas* they believe women often make. Being reluctant to claim credit for their work was perhaps the most commonly cited mistake. It was noted many women tend to attribute success to others, making statements such as, 'I was lucky' or 'I had a great team' when congratulated. Another common mistake mentioned was introducing an idea preceded with an apology, for example, 'this might not be right but...'

Furthermore, the experts advised dressing the part of a professional and being aware of the importance of body language.

Position yourself for success

"If you ask and don't get the answer you want, remember that it could just be a matter of timing. Ask again." – Marianne M. Frost

Speakers counselled associates to make a personal investment in their careers. Specifically, they advised:

1. Setting goals with regard to personal development;
2. Developing a marketing plan; and,
3. Establishing timelines for achievement and sticking to them.

They agreed that female lawyers have to ask for the kind of work they want, offer ideas and take advantages of opportunities. Additionally, panellists recommended seeking feedback on specific work, for example asking, 'what could I have done to make my work better?'

On a tactical level, the experts mentioned that women should keep an approval folder that includes thank you notes from clients and colleagues. Furthermore they shared the view that women should serve on firm committees but warned that they should be thoughtful about which committees they volunteer for. For example, if a woman serves as 'work-life coordinator', she may not benefit much because it may be seen as a 'woman's role'.

More strategically, the panellists strongly suggested that women demonstrate value and articulate success. They added that it is critical to seek feedback on career progress, asking questions like, 'what else do I need to do if I want to be a partner?' and 'what other experience do I need?'

Understand that business development is the currency of the law firm

"Billable hours determine your current income but how you use non-billable hours determines your future income." – Maxine Hicks

Rain-making was emphasised as 'career critical'; the speakers

noted that women should enter the business-development process believing in their own abilities to be successful. They pointed out that writing a business plan, networking internally as well as externally and being creative about ways to generate new business are necessary activities. Most importantly, women must ask for business. They should not assume that clients know that they want their business.

Take your self-evaluation seriously

"From my three years on the compensation committee, I read several thousand self-evaluations. But it didn't take me long to notice a pattern. After reading a handful of self-evaluations, I saw that too many women were reticent to claim credit for their accomplishments. Most men weren't." – Andrea Kramer

Self-evaluations should tell a lawyer's story in the best possible light, advised the experts. Women should quantify the value of the work they have done and not be shy about taking credit for their accomplishments

Furthermore, it is important to start working on self-evaluations way in advance of the deadline and to ask a trusted advisor to review it before submission.

Taking the initiative

"When we, as women, take the initiative to do the things we've talked about today, we help individuals and we help our firms to move forward. If we do this, we are exercising leadership." – Karen Lockwood

WOMENLEGAL 2009 was a day full of energy and ideas. When asked at the beginning of the day what they wanted from the conference, participants said that candour and inspiration were important to them, in addition to answers about specific questions they had. They walked away with both, as well as clarity about the need for firms, the senior women leaders in firms and female lawyers to work together to affect the change we want to see in the profession we love. [WOMENLEGAL](#)

References

1. Read about The Opt-In Project at www.optinproject.org/
2. See Fletcher, J. *Disappearing Acts: Gender, Power, and Relational Practice at Work*, 2001

Carol Frohlinger, a qualified lawyer, is co-founder of the leadership and negotiation training company Negotiating Women, Inc and co-author of *Her Place at the Table: A Woman's Guide to Negotiating Five Key Challenges to Leadership Success* (JosseyBass/John Wiley, 2004). She can be contacted at carol@negotiatingwomen.com.

For more information about Negotiating Women, Inc., visit www.negotiatingwomen.com, or call 001 866-616-0804.