

Advancing and Retaining Women in the Legal Profession

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Executive summary

THIS REPORT examines the best way for law firm management to set up women's initiatives in their own firm and to achieve some level of measurable success with these initiatives. It illustrates this best practice with examples of effective diversity strategies in three English-speaking common law jurisdictions:

- Australia;
- United Kingdom; and
- United States.

Female flight is a major issue in law firms in all the three jurisdictions covered in this report. At entry level the number of women now exceeds the number of men, yet the proportion of female partners in firms across all the three jurisdictions is still running at less than 20 per cent. The difficulty in bridging this gap is becoming a problem for law firm management. It is a problem because of wasted investment in training, the resulting brain drain and because of increasing pressure from clients to demonstrate genuine diversity at all levels.

Why are women leaving the profession before reaching senior level? Why are so many women abandoning the route to partnership which is, after all, the ultimate measure of career success in private practice? The answer, as demonstrated in this report, is complex but pivots around issues of law firm structure and culture, and the nature of the role of the lawyer. The billable hour used as the key measure of individual success and the demands of the

lawyer-client relationship combine to create a working culture which is inherently hostile to those with childcare (or other caring) commitments. Women still shoulder the burden of these commitments.

There are many challenges facing the individual wishing to promote women's initiatives within their law firm for the first time. The prevailing culture may be extremely hostile. In the UK, for example, it is difficult to implement initiatives for specific minorities without being accused of unfair gender bias. Women in senior positions can themselves be vigorous opponents of special treatment for women – using the 'I made it on my own, why can't you?' approach taken by Margaret Thatcher. The highly-competitive nature of most law firms means that family-friendly initiatives such as flexible working are offered on paper, but with all parties understanding the unwritten subtext – that those who choose to take up the offer will seriously compromise their career.

This is a practical report rather than an academic study on the advancement of women in the legal profession. The reader will be able to find within this report:

- A guide to implementing women's initiatives;
- A menu of programmes and initiatives suitable for your law firm;
- Examples of best practice;
- Cautionary tales and success stories – what works and what doesn't; and
- Advice on measurement.

Part 1 of this report provides suggested guidelines, best practice and inspiration. This section offers a brief background on women's initiatives and examines the questions which have led to the answer of implementing these initiatives in law firms, such as:

- Why are women choosing to opt out of law firms before they get to a senior level?
- Why is the loss of female lawyers a problem?
- How do clients see, evaluate and even drive diversity in law firms? and
- How do champions present the business case for investment into a solution to this problem?

The sections looks at some of these answers. It examines, through research carried out with women lawyers in UK City law firms, why and how such initiatives often fail, and gives recommendations to ensure that they do not. Further insight is provided by means of interviews with key stakeholders – both in law firm management and those who have experience at the coal-face, i.e. women lawyers, with special focus on those who have bucked the trend by succeeding to partnership level and on to senior management roles. Also featured in this section is a menu of options available to those wishing to implement women's initiatives in law firms and testimonials from experts on the merits of these options. Finally, and importantly, the section discusses ways to keep up the momentum and to ensure that success can be measured and celebrated.

Part 2 comprises case studies of Australian, UK and US law firms, which have already implemented successful women's initiatives. Each case study tells the story of women's initiatives at the firm in question,

covering the origins and aims, the business case used, the key champions within the firm, challenges faced and measurement of success. Each highlights the policies and programmes that have proved most effective. The case studies featured in this report are:

- Eversheds;
- Freehills;
- Jenner & Block;
- Lovells;
- Mallesons Stephen Jaques;
- Nabarro;
- Orrick; and
- Weil, Gotshal & Manges.

The report finds that there is much positive work being carried out in law firms in all three jurisdictions, with varying levels of engagement and development. Whilst the culture in the legal industry in the US and Australia is receptive to the introduction of such initiatives, the UK profession remains unconvinced of the efficacy of specific programmes for women, although the tide is beginning to turn. It is clear from the testimony of the firms which have achieved successes in their own initiatives that:

- Leadership needs to come from the top;
- Initiatives should be core to the business and tied into business strategy, not just a cosmetic 'add-on';
- The initiatives should genuinely reflect the prevailing culture within the firm and be positioned accordingly;
- Role models and mentors are crucial to legitimise take-up of programmes offered;
- Successes should be celebrated and communicated widely; and
- Initiatives should be monitored, evaluated and measured against expectations or targets.

About the author

CAROLINE WALKER is an independent consultant working with top commercial law firms. She trained and practised as a solicitor in the City of London before leaving practice. Caroline has researched on and edited the *Chambers Guides to the Legal Profession* and the *FT Innovative Lawyers Report* and was editor of the *Chambers Student Guide*. She has for some time had a keen interest in the issues facing women in the legal profession, having previously interviewed female lawyers on issues of work-life balance and flexible working in UK law firms.

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