Breaking Barriers: Promoting and Retaining Women in the Legal Profession

EDITED BY LAURA SLATER
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MEN AND women are currently graduating from law schools in almost equal numbers – since 2000, women have accounted for between 46-49 per cent of US law school graduates. Yet, almost from the point of graduation, women begin to leave the profession. According to the US Bureau of Labor Statistics, just 33 per cent of all lawyers in the US are women; they are best-represented at associate level (44.8 per cent of the workforce) with their numbers dwindling increasingly further up the law firms’ ranks. At the top of the profession, women make up only 20 per cent of partners, 17 per cent of equity partners, and only 4 per cent of managing partners.

A 2013 survey of 17,000 female associates helps to explain some of the barriers to women’s progression within the legal profession. The survey found that women lawyers consistently rated job satisfaction, firm culture, and compensation lower than their male counterparts. Most respondents felt that their prospects were not as good as those of male associates, saying that men had better mentorship, better business development opportunities, and were given more important assignments than women. What is more, most women lawyers feel that it is almost impossible to keep on the partner track and have a family. The result is that women are twice as likely to leave their jobs for reasons of work-life balance, resulting in a lack of women at the top.

Drawing on the experience of successful female lawyers and law firm consultants, this report looks at the balance of factors that combine to keep women from reaching the higher echelons of the law, discussing the “unconscious gender bias” that persists, despite the best intentions and stated commitments of firms to redress the balance. It considers how women can turn a system designed for men to their advantage, how they can make sure they get credit for the work they do – and origination credit for the business they generate – and the various ways in which they can help to advance each other’s careers. One article discusses the challenges and opportunities for women working as in-house or outside counsel, and asks how these female lawyers can use the different strengths in their positions and lessons learned through their diverse experiences to help the other to succeed.

The loss of half the graduating legal talent pool is not a “women’s issue”, however, and law firms exacerbate the problem – and limit their own potential – by forcing women to “solve” the problem of gender bias alone. Law firms today face an interesting conundrum: how to reconcile a desire for “gender blindness” – the wish to promote and retain the best talent, male or female – with the undeniable fact that the gender gap is not closing of its own accord. In recognition of the importance of a law firm’s role in developing and promoting female lawyers, this report also looks at the business case for diversity and the role that
men must play in transforming the profession. It considers the steps firms can take to address gender inclusiveness as a talent management issue, making diversity and inclusion key topics for the firm.

The reality is that men and women possess differences in their work styles, which impact considerably on who they work with, how they work, and how they build professional connections. Law firms must take these differences into account if they are ultimately to leverage, reward, and recognize the talents of all their staff. As the articles in this report seek to emphasize, the profession’s demographics will never change until its culture changes; it is not a question of making women fit for the partnership, but making partnership fit for women. Such radical change requires women to further their own cause, but it also means that (for the large part) the men at the top must take steps to help transform the profession, one firm or one legal department at a time.

The business case for diversity is well established – not only do more diverse teams perform better in general, studies by McKinsey show a strong link between a company’s financial performance and the number of women on the executive board, especially in the post-recession years. These days the advantages women bring to the office and the boardroom are accepted fact in the business world – so much so that corporate clients are increasingly likely to demand diversity as a prerequisite for the legal teams they retain, as well as for their own in-house legal departments. This is just one more reason why firms that wish to prosper would do well to consider what they are doing to promote and retain their women lawyers.

At the end of the day, the promotion and retention of women in the legal profession is a challenge that must be solved by men and women together. This report provides practical advice to help women to take ownership of their careers and support each other in gaining the recognition they deserve – and require to progress. Equally, it offers insight into the challenges, opportunities, and benefits for law firms who seek to establish a culture of men and women as allies.

References
2. Ibid.