

Leaning In While Changing the Culture: Women Making Inroads to Law Firm Leadership

By Jaime Drozd Allen

Sheryl Sandberg, a Facebook executive, has started a national discussion and introduced a new vernacular, making working women everywhere ask the question, "Am I Leaning In?"¹

For as much as Sandberg sheds light on this issue, her methods and solutions are debated. Most notably, Anne-Marie Slaughter, who penned the article in *The Atlantic*, "Why Women Still Can't Have it All,"² and Sabrina Parsons, who explained in *The Business Insider* "Why Leaning In Isn't the Answer,"³ provide different insight into the dearth of female leadership and the challenges women in the workplace face going forward. Yet, the common thread of Sandberg, Slaughter and Parsons is that women in corporate America disproportionately never reach higher leadership positions and that something must change in order to see women share in the leadership of our nation's business community.

Law firms are microcosms that historically have tended to reflect the problems identified in these articles. Study after study shows that, despite over a decade of reaching parity in law school graduation rates, women lag woefully behind men when it comes to retention, promotion and pay in law firms. In some sense, the glass ceiling at law firms has been dented, but not shattered. There is a gap in our profession that needs to be addressed.

The numbers demonstrate the problem: 47 percent of law school graduates are women. Almost an equal number are summer associates at law firms (46 percent) and enter as associates (46 percent).⁴ Yet, by the time of partnership, only 19 percent of partners at law firms are women and only 15 percent of equity partners are women.⁵ Of the top 200 law firms, women are managing partners only 4 percent of the time.⁶

Trained, female talent out of law school that is invested in by law firms early on is being wasted. From a bottom line perspective, law firms are, and should be, motivated to change this trend. It makes no sense financially to attract and hire women out of law school and invest in their development, only to lose them in droves by the time they would become profitable partners. Law firms also will increasingly need female attorneys to service and attract the growing female leadership of their clients.

Interestingly, the female leadership gap for lawyers seems to start in law school with women holding 42 percent of leadership positions on law reviews at the top 50 law schools, but only 29 percent of the editor-in-chief roles.⁷ This figure points toward an early opt-out of leadership roles for women and supports Sandberg's ideas - maybe women attorneys are "leaning out" as early as law school.

In many ways, the traditional law firm model of success itself is antithetical to work-life balance sought by so many women. Where success is defined by the billable hour, face time is still

more important than in most other professions, and creative workplace accommodations are difficult to obtain, it is little wonder that women just don't make it or choose to "lean out" before reaching the upper echelons of firm leadership. All of these practical considerations aside, law firms and the profession as a whole are steeped in a long history that has not necessarily fully embraced the contributions women bring, not only as successful client generators and attorneys, but as effective managers and leaders.

Part of what is appealing about *Lean In* when applied to law firms and legal practice is that it provides motivation and strategies for empowering women to gain leadership positions *within* the current system. Sandberg hits a nerve for women who despite their successes tend to have more self-doubt, feel the need to prove themselves more and allow themselves to be spoken over more than their male counterparts.

She confesses to many of the same concerns herself and says that she has learned "how to take a deep breath and keep my hand up ... I have learned to sit at the table."⁸ Her advice, for women to be present - to take a seat at the table - is well translated into law firms where women can strategically take on leadership positions and make themselves crucial to the firm structure.

The responsibility of women to make changes themselves, to advocate for other women in their workplace and to step outside of their natural comfort zones to achieve are crucial for women to rise in leadership positions today. Women should be responsible for thinking about how they will help the law firm, not just how the law firm will help them.

The answer lies only partially in the legal talent of the attorney. It is crucial that women contribute meaningfully in all ways that law firms expect all attorneys to contribute - being profitable, developing business and helping with firm administration. Women cannot simply sit back and complain - they must work to change their own lot. Sandberg's advice in this regard is applicable. Women must "lean in" to their firms by contributing to the bottom line and firm management.

Without women beginning to occupy leadership positions, real change seems unlikely. Slaughter explains that "only when women wield power in sufficient numbers will we create a society that genuinely works for all women. That will be a society that works for everyone."⁹

This is true for law firms that will benefit by women, who have lived through the difficult choices, being in leadership positions. It is not that there are not men who are sympathetic and who want women to succeed, because there are many. It is just that women in leadership will understand in better detail the struggles that other women have been through and the potential value the unique female perspective brings to a business.

Women in leadership would be much less likely to suggest cutting maternity leaves, penalizing women returning from leaves or otherwise making returning to work anything other than comfortable. They know that maternity leaves are an investment by the firm in women's development and work-life balance, and in retaining them so they can ultimately return and contribute more to firm leadership, client service and production, because they will be happier and engaged employees.

Women would not undermine these forward-thinking policies because chances are that they would have been there, too. They would remember the wholly unnatural feeling of dropping their 3-month-old baby at daycare; the deficit they returned to by not having worked during their

leave and the struggle to regain their workloads; and they would know that the moms returning were actually *more* capable, not less, than before they were moms.

So, "leaning in" is a key component to the overall picture of women gaining leadership in law firms. Yet, it is not enough to just "lean in." In order for women to succeed in law firm culture, they need to take the personal responsibility for their actions and careers advocated for by Sandberg *and* the system needs to change.

Sandberg says that "when a woman starts thinking about having children, she doesn't raise her hand anymore... She starts leaning back."¹⁰ Do women actually "lean back" because they want to or because American corporate culture, law firms, opposing counsel or the judicial system implicitly tell them they have just made a choice to not put their career first and instead raise a family? Requiring women to make this choice is unpalatable. It is not a zero-sum game.

Like most women, I have struggled at times to figure out how to be successful at work and be a present parent for my kids. And at times I wonder if it is possible. But ultimately, I know that if successful female attorneys continually "lean back," the culture will never change.

Instead, by resolving to lead, figuring out how to be successful in the system while working for change, and mentoring and sheltering others who follow behind me, the health of my firm, and the health of any law firm, will be best served. Law firms will thrive with the diverse and valuable approaches that women bring to the law, to the firm's clients and to the firm's participation in the community. Women have their own skill sets in relating to clients and potential clients, solving problems and providing top-quality legal services that all contribute to a firm's bottom line.

How do women attorneys who want children carve their careers where role models are few? Slaughter highlights the lack of female role models for younger women in law firms by using the example of a lawyer who said that she looked for role models, but couldn't find any since all the top professional women she saw hired around-the-clock nannies to raise their children.¹¹

The choice for younger women attorneys contemplating their future at a law firm cannot be that they can *either* be a successful attorney without children *or* to hire someone else to raise their children while they work at becoming a successful attorney. According to Slaughter, for many women, there is no choice.¹² She describes the "maternal imperative felt so deeply that the 'choice' is reflexive" and explains that it is clear which set of choices society values more: "workers who put their careers first are typically rewarded; workers who choose their families are overlooked, disbelieved, or accused of unprofessionalism."¹³

These same arguments are used in law firms. Female attorneys with children may be perceived by some as caring less about their jobs because they theoretically will no longer put in "x" more billable hours that they are now spending with their children. They rationalize that those women are making a choice to be *less* successful, to be less of a lawyer.

This is where Slaughter and Parsons' counterpoints to *Lean In* make sense. "Leaning in" is necessary, but eventually changing the system also is imperative. The generations to come, of men and women, are showing that they will not accept the old-style work hard/play hard mentality and will demand a better work-life balance. This is true whether for the purpose of raising families, having time for hobbies or just enjoying time outside the office.

To attract and retain this top talent it will make business sense for law firms to change. The law firm's billable hour system actually provides for quite a bit of flexibility, if the culture would allow

it. New fee structures are emerging in the profession. Women can work out of the office at home or elsewhere and bill hours outside of traditional work hours.

In many ways, the flexibility of the billable hour provides a solution in itself. Preschool or school activities can lead to networking and client generation with other parents - the very same concept as marketing over a game of golf in the traditional model. I appreciate that my firm has embraced maternity leave and part-time work policies; that it gives its attorneys the flexibility to "lean back in" after taking a leave; and that it recognizes production inside or outside of the firm's walls.

The greater problem with women in leadership positions, in the law and elsewhere, is more than a mere "ambition gap." As Slaughter notes, the "present system ... is based on a society that no longer exists - one in which farming was a major occupation and stay-at-home moms were the norm. Yet the system hasn't changed."¹⁴

Slaughter explains that the "mundane" day-to-day issues that drive women out of their careers - conflicts between school and work schedules, face time in the office, work-related travel - will not be solved by sheer will or increased ambition.¹⁵ These are the types of issues that require systemic change in law firm culture.

Change to accept that a woman billing an hour in her home office is equal to the person billing at his desk in the firm's high-rise office; the willingness to invest in technology to curb travel where appropriate, thus helping women stay home at night, but also increasing efficiency by saving on travel time; and the understanding that a woman's (or man's) choice to take an hour off in the afternoon for a school function (only to bill it later that night), is no less important than the myriad other reasons someone may be away from the office.

Thus, at the end of the day, law firms will change by women attorneys heeding Sandberg's advice to "lean in" to become leaders in their firms while also using Slaughter and Parsons' ideas to change the system from within.

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1 Sheryl Sandberg, *Lean In*, New York; Alfred A. Knopf, 2013. See also Averil Budge Rothrock, "Going to the Top of the Jungle Gym: The Premise and Promise of Women 'Leaning In,'" Bar Bulletin, June 2013.

2 Anne-Marie Slaughter, "Why Women Still Can't Have it All," *The Atlantic*, Jul/Aug 2012.

3 Sabrina Parsons, "Female Tech CEO Says 'Leaning In' Isn't the Answer," Business Insider, Dec. 2013.

4 ABA Commission on Women, "A Current Glance at Women in the Law" (2013) <http://www.americanbar.org/groups/women/resources/statistics.html>.

5 Id.

6 Id.

7 Id.

8 *Lean In*, *supra*, note 1.

9 Id.

10 Id.

11 Slaughter, *supra*, note 2.

12 Id.

13 Id.

14 Id.

15 Id.

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