



FORWARD TOGETHER

How Women's Bar Associations Contribute to Women's Advancement Efforts in Law Firms

by Galit Kierkut and Valerie Weiss

In the era of 'MeToo,' and with the passage of the Equal Pay Act in New Jersey, progress has been made for women in the workplace, and a national dialogue has been triggered regarding equality and advancement for professional women. However, barriers to advancement of women in the law still exist as evidenced by the hard data. As the American Bar Association (ABA) reports, while women start as over 45 percent of associates, by the time they reach more senior levels there is significant attrition.¹ Currently, fewer than 20 percent of equity partners at law firms are women. This number remains largely unchanged in over a decade, and the number dwindles further at the management level.² The National Association of Women Lawyers (NAWL) has studied this trend and reports that while the number of women in firm governance roles is certainly increasing, women still make up only 25 percent.³

There is even less representation for other diverse groups, with people of color comprising only eight percent of firm governance roles. Studies further demonstrate women are underrepresented on management committees and on compensation committees at law firms and, as a result, the wage gap between male and female law partners continues.⁴

Many younger women lawyers seeing this data are simply opting out of law firm life rather than fighting their way to a partnership goal that seems more and more elusive. Of the lawyers age 30 or older at firms, 45 percent are women.⁵ By age 50, that number drops to 27 percent.⁶ After firms devote substantial resources to hiring and training lawyers,⁷ women leaving the legal practice "impacts law firm finances, client relationships, and the basics of recruiting and retaining the best talent."⁸ Further, clients are demanding a diverse team of lawyers, and thus advancing the interests of women lawyers

advances the interests of both men and women at law firms. So, firms should care about identifying the reasons for these statistics, and should be working to identify ways to retain and promote women lawyers even if only from a purely business perspective.

One of the ways firms can help their women attorneys advance is by encouraging their involvement in women's bar groups. With over 200 women's specialty bar associations nationwide,⁹ and even more women's sections of general bar associations, such as the Women in the Profession Section (WIPS) of the New Jersey State Bar Association, these organizations are uniquely positioned to facilitate positive dialogue about the sometimes discouraging data, identify possible causes for the gender gap, and devise best practices to close the gap.¹⁰ Women's bar groups strive to meet the needs of their constituents by providing networking opportunities, group mentoring, an increase of business referrals to female colleagues, and opportunities for leadership.

At the national level, ABA President Hilarie Bass has launched the 2017-2018 Presidential Initiative, "Achieving Long-Term Careers for Women in Law," with a two-fold approach: 1) funding for innovative research projects to make empirically based recommendations for what law firms, corporations, bar associations, and individual lawyers can do to enhance the prospects for women to reach the highest levels of practice and remain in the profession," and 2) hosting two national summits "with a highly interactive format as participants discuss best policies and practices in law firms, corporate law departments, and other employers."¹¹

One of the barriers to women's success can be a traditional lower level of business generation than male colleagues. This is because women are often viewed as 'service partners;' are not encouraged to create their own books of

business; and may not have mentors from whom they inherit clients.

NAWL has placed an emphasis on its in-house members committing to refer business to outside counsel who are women, or to demand that women be lead attorney on a team. Thus, in house lawyers can and do partner with outside lawyers to try to address one of the causes of the gender gap.

Surveys are also regularly conducted, and firms are encouraged to gather metrics to use in crafting policies. For instance, NAWL's last annual survey on women in the law included an in-depth review of women's initiatives and the impact they have on advancement of women in firms.¹² While women's initiatives are sometimes criticized for not clearly indicating what they actually do and the impact they have on law firms,¹³ the survey results indicate that firms with established women's initiatives had a higher percentage of women equity partners compared to firms with newer initiatives.¹⁴ In addition, NAWL reports "the pay gap between women and men equity partners was smaller in firms with more established to mature initiatives than those with newer initiatives."¹⁵

One suggestion on how to keep closing the gap is for women senior attorneys to leverage their leadership roles to have a positive impact on the careers of other women and lawyers from underrepresented groups.¹⁶ Mentoring younger lawyers takes place through formal mentoring relationships organized by women-based law groups and the creation of organic networking relationships. Women-based bar groups can also help women brainstorm about ideas regarding effective women's initiative programming to bring back to their firms.

In the last year, both NAWL and the ABA featured Sharon Rowen's documentary, *Balancing the Scales*, a discussion of why women leave the practice of law.¹⁷ From her research, Rowen

found there are three reasons women leave the practice of law: 1) work/life balance, 2) unconscious bias, and 3) the pay gap.¹⁸ Recognizing and admitting unconscious bias is difficult and uncomfortable, Rowen acknowledges, but without such recognition the attrition of women lawyers will continue to remain disproportionately high.¹⁹ She posited that the real work with respect to unconscious bias regarding women in the law is in redefining the leadership stereotype, because "if women are allowed to bring their perspectives, their authentic selves to a leadership role, they can lead. The challenge is our cultural idea of what a leader should look and act like."²⁰ By providing women with opportunities to lead, women's bar groups can help women project themselves as leaders to their firms, and help them start to overcome the barriers that exist to advancement.

While the ABA and NAWL create opportunities for a national dialogue, state and local women's bar groups facilitate those opportunities as well.²¹ New Jersey is home to two prominent women lawyers organizations: WIPS and the New Jersey Women Lawyers Association (NJWLA). Both organizations host events and panel discussions aimed at raising awareness regarding diversity and promoting women's leadership and mentorship.

One of the areas in which both WIPS and NJWLA have recently held programs is the area of rainmaking. These programs acknowledge that the power of the purse strings carries significant weight at law firms, and the more businesswomen can bring in, the more ability they will have to advance in pay and in management roles.²² The women attending these events gained practical experience by participating in mock pitches to clients after hearing from Patricia Gillette, a national expert on gender diversity and equality in the workplace.²³ Gillette's research has

demonstrated that women are no less able to be talented rainmakers than men, and she emphasizes that change will continue to occur with the participation of all stakeholders.²⁴

Another issue that women's bar groups address is credit for originations. For example, NAWL brings together inside and outside counsel for discussions about origination credit allocation to decrease the mystery surrounding these issues. As noted by the ABA Presidential Task Force on Gender Equity and Commission on Women in the Profession, "law firms' subjective decisions regarding whom to reward for the origination of business, and how much, often leave women lawyers short-changed."²⁵ The ABA task force further notes that due to the complexity of allocating credit for client origination, as

well as different models of distribution of bonuses and compensation, there exists a gender pay gap—a huge contributor to the attrition of senior women lawyers.²⁶

More specifically, the ABA report observes:

[w]hen women suffer pay inequities, they...vote with their feet and leave. Firms lose well-trained, talented women lawyers, and clients lose outside counsel with critical knowledge, experience, and familiarity with the client's business. This severe talent drain also impacts the bottom line as firms lose their investment in these women lawyers and lose the potential revenue that women would generate if they remained with the firm. If today's firms are to survive and thrive, they must retain, promote, and fairly reward talented women lawyers—before they leave.²⁷

The conventions and summits held by women's bar groups at both the national and state levels spark conversations between women at different firms, as well as with in-house counsel, about all aspects of the profession and advancement. Often these interactions lead to mentoring opportunities and cross-referral relationships. As women lawyers leverage those relationships to build their books of business, they will be able to lay the groundwork to ascend to the leadership of firms, while closing the gender pay gap. The development of women rainmakers and leaders should also help law firms provide diverse, talented teams to clients and reduce attrition of talented female lawyers, a win-win for all involved. ♪

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Endnotes

1. See ABA Comm'n on Women in the Profession, A Current Glance at Women in the Law 2 (2017), http://www.americanbar.org/content/dam/aba/marketing/women/current_glance_statistics_january2017.authcheckdam.pdf.
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“The mission of the National Association of Women Lawyers is to provide leadership, a collective voice, and essential resources to advance women in the legal profession and advocate for the equality of women under the law.”); *NYWBA Overview*, New York Women’s Bar Association, <https://www.nywba.org/nywba-overview> (“The New York Women’s Bar Association is a non-profit organization devoted to improving the status of women in society, educating women lawyers and assisting them in professional development and advancement, and promoting the fair and equal administration of justice.”); *Our Mission*, New Jersey Women Lawyers Association, <http://www.njwla.org/about-njwla/our-mission>, (Its “mission is to advance and retain women in the legal profession through education and activism, to promote qualified women to the highest levels of law firm, government, academic, community and corporate positions and to endorse qualified female attorneys for appointments to the state and federal judiciary.”).

11. *Id.*

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25. Laura Stiller Rikleen, ABA Presidential Task Force on Gender Equity & Comm’n on Women in

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26. *Id.* at 14-17.

27. *Id.* at iii.