



Maximizing Your Potential

NCWBA WEB CONFERENCE SERIES

Presented in cooperation with Foley & Lardner LLP

Examining the Results of the 2007 National Association of Women Lawyers' Survey

On February 19, 2008, the National Conference of Women's Bar Associations (NCWBA), in cooperation with Foley & Lardner LLP, presented the Maximizing Your Potential Web conference, "A Closer Look: The National Association of Women Lawyer's (NAWL) 2007 Survey of Women in Law Firms." The discussion was moderated by E. Lynn Grayson, Partner at Jenner & Block and the panelists were: Nicole Nehama Auerback, Partner at Katten Muchin Rosenman LLP; Barbara Flom, Partner at Jenner & Block and NAWL Survey Committee member; Karen Lockwood, Partner at Howrey LLP; Maureen McGinnity, Partner and Chief Diversity Officer at Foley & Lardner LLP; and Stephanie Scharf, a Partner at Shoeman, Updike, Kaufman & Scharf and Chair of the NAWL Survey Committee.

History of the NAWL Survey

In 2006, NAWL saw the need to create national, statistical benchmarks to measure the progress of women in law firms. The NAWL survey of *American Lawyer* 200 firms went beyond tracking numbers of female associates and sought a detailed examination of the numbers of women at the highest levels of the legal profession: equity partnership, management committees, and firm leadership. Additionally, the survey examined compensation, which can be considered the key metric in measuring a lawyer's status at a firm. By creating an annual survey of these areas, NAWL hopes to compile the statistics needed to objectively evaluate the performance and progress of women lawyers and ultimately effect change in the legal industry.

The old adage is, "What gets measured, gets done."

Maureen McGinnity, Partner and Chief Diversity Officer, Foley

The Survey Results

All panelists expressed disappointment in the survey results, which showed only marginal gains in the progress of women advancing to partnership and firm leadership positions. Among the survey findings of *American Lawyer* 200 firms:

- Women constitute 16 percent of equity partners
- Women represent 15 percent of firm management committees

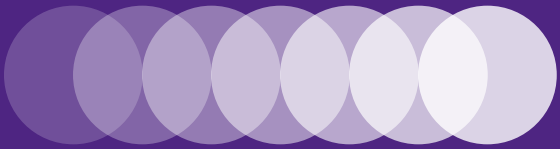
- Women represent 8 percent of managing partners at firms
- In 90 percent of firms, a male partner is the most highly compensated attorney
- Male of counsels earn roughly \$20,000 more than female of counsels
- Male non-equity partners earn roughly \$27,000 more than female non-equity partners
- Male equity partners earn roughly \$90,000 more than female equity partners
- At firms with billing hour requirements at the high end of the reported 1,550 to 2,100 hour range, male equity partners earn roughly \$140,000 more than female equity partners
- One in eight women works part-time or on a flexible schedule early in her career
- One in 50 men works part-time or on a flexible schedule as transition to retirement
- In 93 percent of firms surveyed, some form of a women's initiative or program exists

Analysis of the Results

The survey findings show that the disparities in numbers and compensation of men and women at the highest levels of law firms cannot be attributed to the disproportionate numbers of men and women graduating from law school. Over the past 30 years, law schools have graduated increasingly equal numbers of men and women. Despite an equal number of men and women entering law firms, a disproportionate number of women leave law firms during the associate years. The statistics show that while progress has been made to address inequality, certain conditions remain in law firm life and culture that prevent women from attaining partnership, firm leadership roles, and equal compensation.

We note that both men and women in the firms we're looking at had high hours requirements, so it wasn't that on average women were working less than men. There's something going on here. A lot of other factors feed into compensation to show such disparate results between men and women.

Barbara Flom, Partner, Jenner & Block



The panel noted two positive findings from the survey. Compared to the general corporate world, women in law firms enjoy a greater amount of success and advancement. Additionally, the numbers of women equity partners has surpassed the 15-percent margin, a benchmark often considered as the threshold below which “tokenism” still exists. At the 16-percent level and beyond, firms are now actively promoting women to equity partnership based upon merit and business demands, rather than to uphold the appearance of diversity and inclusiveness.

Part-Time Programs

One possible explanation for the survey disparities can be attributed to part-time and flexible schedule programs. Since law firm culture rewards billable hours above all else, lawyers who choose to work reduced hours are often at a disadvantage. Though many firms have policies that encourage work-life balance and make partnership decisions based upon other factors, the stigma of part-time work remains. Because women tend to work part-time early in their careers, they risk losing out on mentorship and business development opportunities that are critical to career advancement. All panelists agreed that a better solution needs to be found to allow all attorneys — both men and women — to find a better work-life balance that does not carry possible consequences or career limitations.

Women’s Initiatives at Firms

When many of the panelists began their careers, they were among the few women attorneys at their firms, if not the only ones. Today, women attorneys have greater resources and benefit from the existence of women’s programs at almost all major law firms. The survey sought to measure the relationship between the existence of women’s programs and the retention rates of women at law firms. With the wide variety of women’s programs and the different approaches each initiative has taken, it is too early to determine the effectiveness of women’s programs on retention rates. But the panelists felt that the solution would be found through an organized and formal approach to identifying and addressing the challenges women attorneys face. The panelists expressed enthusiasm and optimism that from the variety of women’s programs, best practices and solutions for retaining women attorneys and improving law firm culture would emerge.

Moving Forward

The NAWL survey provides meaningful statistics that measure the progress women have made in the legal profession. Women’s initiatives at firms and bar associations can use these findings to create the necessary dialog within their firms to address the challenges women face in the legal profession. The conversation should include male lawyers as well since the support of men, who still represent the majority of law firm partners and leaders, is critical to the success of any women’s program goal.

We’re all very good about getting programming together and getting really great discussions going, but when we look around the room, we’re really all preaching to the people who have largely been converted.

Nicole Nehama Auerbach, Partner, Katten Muchin Rosenman LLP

The panelists agreed that both firm leadership and committee involvement is needed to improve the retention of female associates and the numbers of women at the equity partnership and firm management levels. When the firm leadership has the numbers needed to measure the success of diversity and women’s programs, along with the involvement of attorneys of both genders, everyone at the firm becomes accountable — and more importantly invested — in the advancement of women in law firms.

Summary

Although today’s law firm is a changed and more inclusive environment than the firms of the past, women attorneys still face institutional challenges that affect their attainment of the highest levels of success and recognition at the country’s largest law firms. In almost every measurable category, from job titles, representation on firm management boards and firm leadership to compensation, female attorneys significantly trail their male counterparts. The only area in which women attorneys surpass male attorneys is part-time and flexible time program participation, which unfortunately can have negative impacts on a female attorney’s career in a law firm culture that values hours worked and billed.

To begin to change the legal profession requires an honest examination of the policies and values law firms uphold. With the NAWL survey as an objective measure of the progress of women in law firms, it is up to female and male attorneys, their firms, and the entire legal community to respond in a meaningful way. Through shared conversations and commitment, progress in the retention and promotion of women in law firms is possible.

The full NAWL survey is available here:

http://www.abanet.org/nawl/docs/FINAL_survey_report_11-14-07.pdf