



Change to gain

Jane Pigott, R3 Group's founder and managing director, answers questions about how law firms can create sustained and female-focused changes. Interview by **Karen B. Kahn** and **John E. Mitchell**.

Large, private law firms provide female lawyers with some of their greatest opportunities to achieve career success. Those same firms also collectively represent a 'gulag' where female lawyers see their career aspirations dashed. Unfortunately, this is not a new phenomenon.

The US-based National Association of Women Lawyers (NAWL) recently published its *Fourth Annual National Survey on Retention and Promotion of Women in Law Firms*. The news from that report is like a broken record – women continue to enter large law firms in numbers roughly equal to men, but they are not making it to the ranks of equity partners in substantial numbers. This parallels the paucity of women reaching significant leadership roles in their firms. Figuring out how to retain women, promote them to leadership positions, facilitate their development of substantial books of business and achieve compensation parity remain elusive goals for the firms and the profession.

One approach to reaching these goals has been to utilise women's initiative programmes to advance women within law firms. Typically, the women leading women's initiatives suggest that their firms hold panel or speaker-oriented programmes to provide information about how to be a successful lawyer. These programmes may also foster relationships among the women. Sometimes client events with the women's initiatives are hosted. Firm management often agrees to a given suggestion and provides a budget without any expectation of a specific return on investment (ROI) from the effort. Unfortunately that approach has a very limited likelihood of producing sustained change within the organisation.

Jane Pigott, founder and managing director of R3 Group, is one of the more thoughtful and passionate advocates for creating opportunities for all types of lawyers to thrive in the practice of law. Her thought leadership in the area of women and the

diversity of lawyers is fuelled by her experiences as a summer associate, an associate, a non-equity partner and an equity partner at three top-100 US law firms. Along that journey she served in numerous leadership positions, including equity partner and a member of the management committee at Winston & Strawn LLP. Here, Pigott shares ideas about how to create sustained change in law firms with respect to female lawyers.

Karen B. Kahn (KBK): What will it take to create a change in law firms to fully utilise the talent of their female lawyers?

Jane Pigott (JP): The only way to ensure that the changes made within a firm are sustainable is to adopt a strategic approach to change. When change is approached tactically, it lasts only as long, and is only as good, as the energy of the person who champions whatever the 'thing' is, and then any gain or energy is lost.

KBK: What do you mean by a strategic approach?

JP: If you look at change strategically, you integrate the goals of any gender initiative into the strategic plan for the firm itself – if the firm has one – and make sure that the goals are consistent with the firm's politics and culture. This way, there is a greater likelihood that people will change their behaviour and thereby allow for the change to be leveraged across the entire firm, that's change that can be sustained. The goals need to be aligned with the firm's business goals and the ownership of the effort needs to include more than just the female lawyers.

John E. Mitchell (JEM): How do we link this issue about female lawyers to the broader firm strategic objectives?

JP: It's not a women's issue and it should never be seen as that. It is always an issue about the sustainability and profitability of a business. Most of what gets done in a law firm that is strategic

and looks at retention and promotion benefits everybody, not just women.

Ideally it should be part of the firm's strategic planning process. That would be perfect but I don't normally get perfect. A strategic planning initiative concerning gender cannot be successful if it is done outside of the context of the firm's strategic plan; especially if they are undertaken at different points in time.

KBK: So, the effort needs to be linked to the firm's strategic plan. Where and how does one start to include a focus on women more prominently in the firm's planning?

JP: The place to start whenever you want to do something strategic is at the very top of the firm, whatever that structure is – whether it's a managing partner, an executive management committee or a smaller group of people who actually control the strategic direction of the firm. First, you educate yourself about what a strategic planning assessment regarding gender would look like so you are in the position to effectively advocate for it.

KBK: Starting at the top sounds essential. However, my clients tell me that getting a sympathetic ear is still quite challenging. What do you see in your work?

JP: One advantage you have when working with lawyers and law firms is that for the most part, you have very smart, very accomplished 'type A' people who are used to winning at everything they do. Consequently, using facts and comparisons to demonstrate to them that they are lagging behind other firms in women's initiatives will frequently engage these leaders in proactive conversation.

KBK: How do you initiate this type of conversation?

JP: It helps if you have a specific reason why the firm should be concerned about the issue and those typically are quantitative reasons. For example, you had four women partners leave in the past six months, you have made redundancies at the firm and the people who were asked to leave were disproportionately women, or you just announced partnership decisions and the people who made partner were disproportionately men. Another type of issue that can drive the need for an assessment is a review of partner compensation that reveals a gender disparity and when you look behind the numbers you find this disparity is driven by a gender disparity in the amount of billings.

That kind of specific fact supports a broader assertion that the firm has an issue it needs to address before it affects the firm's ability to attract and retain women, which in turn will have a negative impact on the firm's ability to retain those clients that measure diversity on a regular basis. Other helpful due diligence measures involves talking to other firms about their use of a strategic assessment and the result not just for the women's affinity group, but for the firm itself with regard to specific actions that were taken to address the specific issue. A

conversation structured along these lines is very likely to get an audience.

JEM: Some male leaders may be sympathetic to the structural challenges women face in the profession, yet, male partners as a whole may not be so. How do you engage them to focus on an issue affecting their female colleagues?

JP: Involving male partners in a conversation about the realities of the issue at the firm is an important first step. All partners own the business; not just the male partners. The game is not a zero sum game – when the pie gets bigger, everyone benefits.

KBK: Obviously it is important to involve men in the conversation. How do you manage this conversation so that it is productive?

JP: The idea that more successful women result in the firm being more successful is not a difficult conversation to have in most firms. The challenge is that most partnerships have not discussed this topic specifically in connection with retention and promotion, or if they have, those conversations have not involved male partners broadly.

JEM: You mention using an assessment to drive this strategic conversation throughout a firm. That sounds like an opportunity for the firm to spend a lot of money on a consulting project. What makes an assessment effective?

JP: Firms should focus on the expected ROI, not just the expected cost. An effective assessment is one that gathers validated, quantitative and qualitative information and creates a customised plan for the firm, particular offices, specific practice groups or all of the above.

The assessment would result in a plan that articulates goals and describes potential actions to achieve these goals. Once action items are agreed upon, specific metrics and timeframes become part of the plan. Responsibility can then be assigned to people who have both the power to implement the action items and to get the necessary resources. That is what an effective assessment produces and that is why an effective assessment creates a return to the firm that far exceeds its costs.

JEM: I understand the need for a customised approach. Could you elaborate on what exactly a firm needs to look for if it hires someone to conduct such an assessment? What works and what doesn't?

JP: If all an assessment does is identify the issues at a firm – whether they're perceived or real – then it is a failed assessment because the firm doesn't have any direction on how to address any of those issues. You also have people focusing on why the issues discovered are 'wrong' because they include perceptions as well as realities and not focusing on what to do to resolve the issues. An assessment should result in specific objectives and

actions that are intended to achieve the strategic purposes of the organisation. It should be an action plan that is specifically tailored to the firm and its short term and long-term goals.

Most large firms engage in strategic planning in some fashion. They create strategic objectives and delineate a strategy and tactics to get there. Often, consultants are employed to conduct or facilitate this high level and important business process. Examples of directions that come from this activity include expanding a specific industry practice group or seeking an office in a new geographic area. What I am suggesting is that successful professional services businesses must also examine their use of 'human capital' and develop strategic objectives and a strategic plan that optimises their use of and investment in their people. This approach makes sense as people are the firm's greatest assets and create the firm's 'product'. In other words, I am advocating that firms add a human capital analysis and plan to their overall strategic planning process.

JEM: So, the firm has to know what it is seeking to learn if it is going to put the assessment to good use. Is that what you are suggesting?

JP: The firm should know why it is doing an assessment and what the goals are for the effort. It is impossible to ensure ROI if you don't know the answers to those questions. For example, one firm may do an assessment because it is not retaining female associates long enough for them to be eligible for consideration for partnership. Another firm may decide to do an assessment because it lost a material percentage of its female partners over the past year. The assessments for these two firms would have different goals and outcomes.

KBK: What role does the quantitative and qualitative research play in helping a firm decide how to benefit from an assessment?

JP: The quantitative information tells you 'what', the only way you find out 'why' the numbers look the way they do is to talk to people. The quantitative research also forms a baseline for measuring against as specific actions are implemented. The qualitative research normally involves a process of focus groups and interviews and it is actually quite empowering for the people at the firm – the associates get a chance to express their views and take some ownership on potential solutions for issues, and it's an opportunity to educate partners and engage them in the conversation about diversity.

While the qualitative research is intended to gather a view of what things could be improved at the firm. It also collects best practices within the firm; those things that are relevant and working. It's important that a firm understand what it is already doing well at so it can continue to succeed in that area. In addition to delineating the actions that the firm should continue doing, the action items should also draw on relevant

best practices in the legal industry and in the professional services industry. The firm is then in a position to analyse the recommended specific action items and decide how to prioritise, how to implement and how to measure.

JEM: The stakes are high. Firms that figure out how to retain women, promote them to leadership roles and produce significant numbers of women rainmakers will have a competitive advantage in the two domains in which law firms fiercely compete – for talent and for clients.

KBK: One of the keys to solving these challenges is to figure out how to create change within the firms. As Jane points out, the changes must be significant and they must be sustainable. Moving the conversation from a focus on women by women to a firm-wide strategic exploration that questions the contributions of all of its professionals moves the fulcrum significantly. A game plan that starts with an assessment to investigate specific challenges facing the firm is essential to identifying what changes need to be made and what actions must be taken to make the firm more successful.

JEM: Given the important implications to solving these challenges and the multitude of women's initiatives in firms around the globe that are focused on effecting positive change for women in the law, it is surprising that the NAWL survey continues to report similar data year after year.

JP: Actually, it is not so surprising. Many women's initiatives are led by women who are incredibly well intentioned, are passionate about creating change and who work tirelessly to make that change occur. The sad truth is that most of these efforts are not designed to succeed because they are not strategically linked to the firm's ultimate objectives.

KBK: So what is the answer? How can we help these women leaders create the sustainable change they seek?

JP: It is time to align the efforts of women's initiatives with the most important strategic objectives of their firms. It is time for women to shift their approach from getting what is 'right' to getting what makes business sense for them and their firms. This approach will require a significant shift in how women's initiatives pursue their goals. Thought and intention are the new order of the day; action should only occur within the context of the big picture, strategic direction. If this is done, the action will provide a demonstrable return on investment. [WOMENLEGAL](#)

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