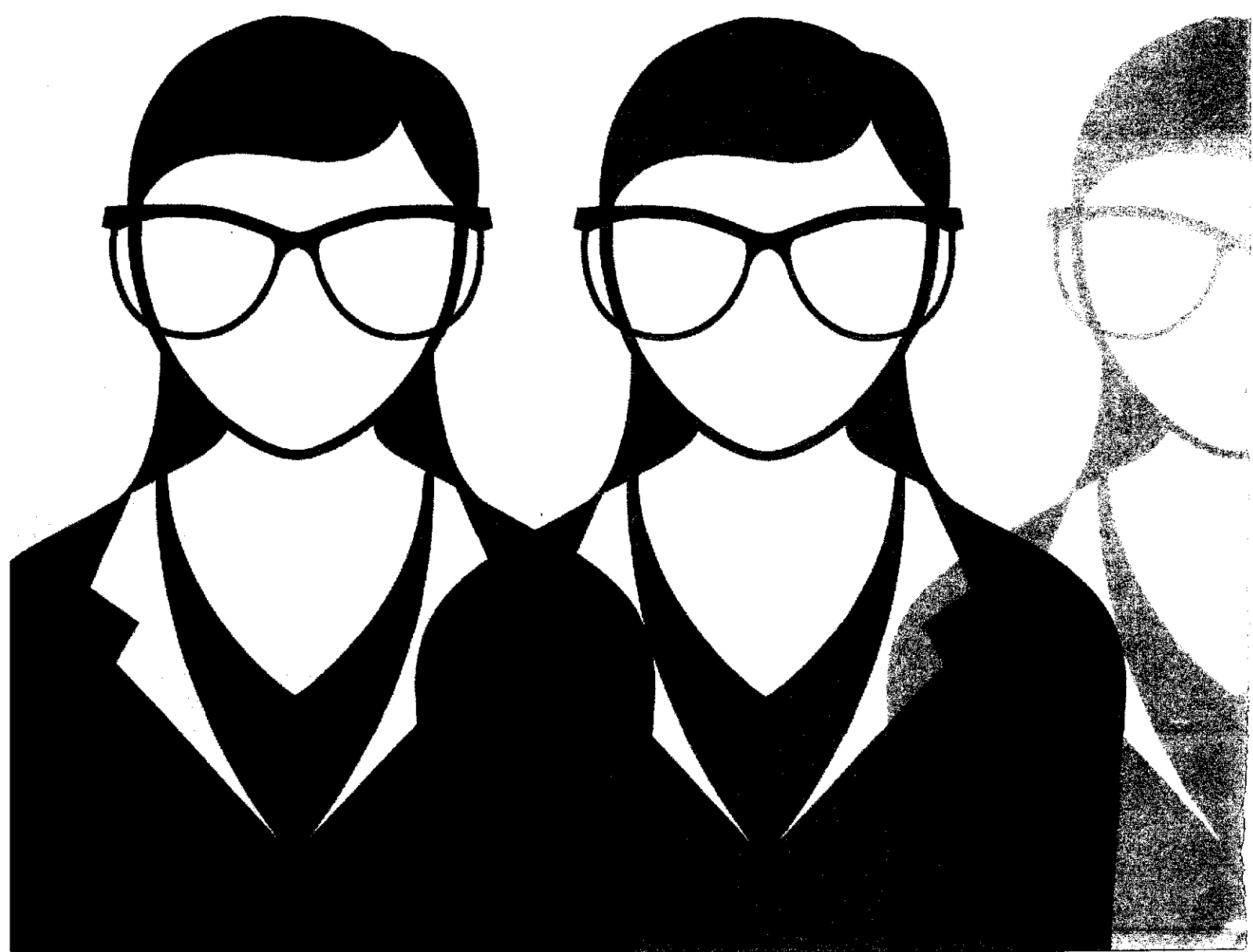


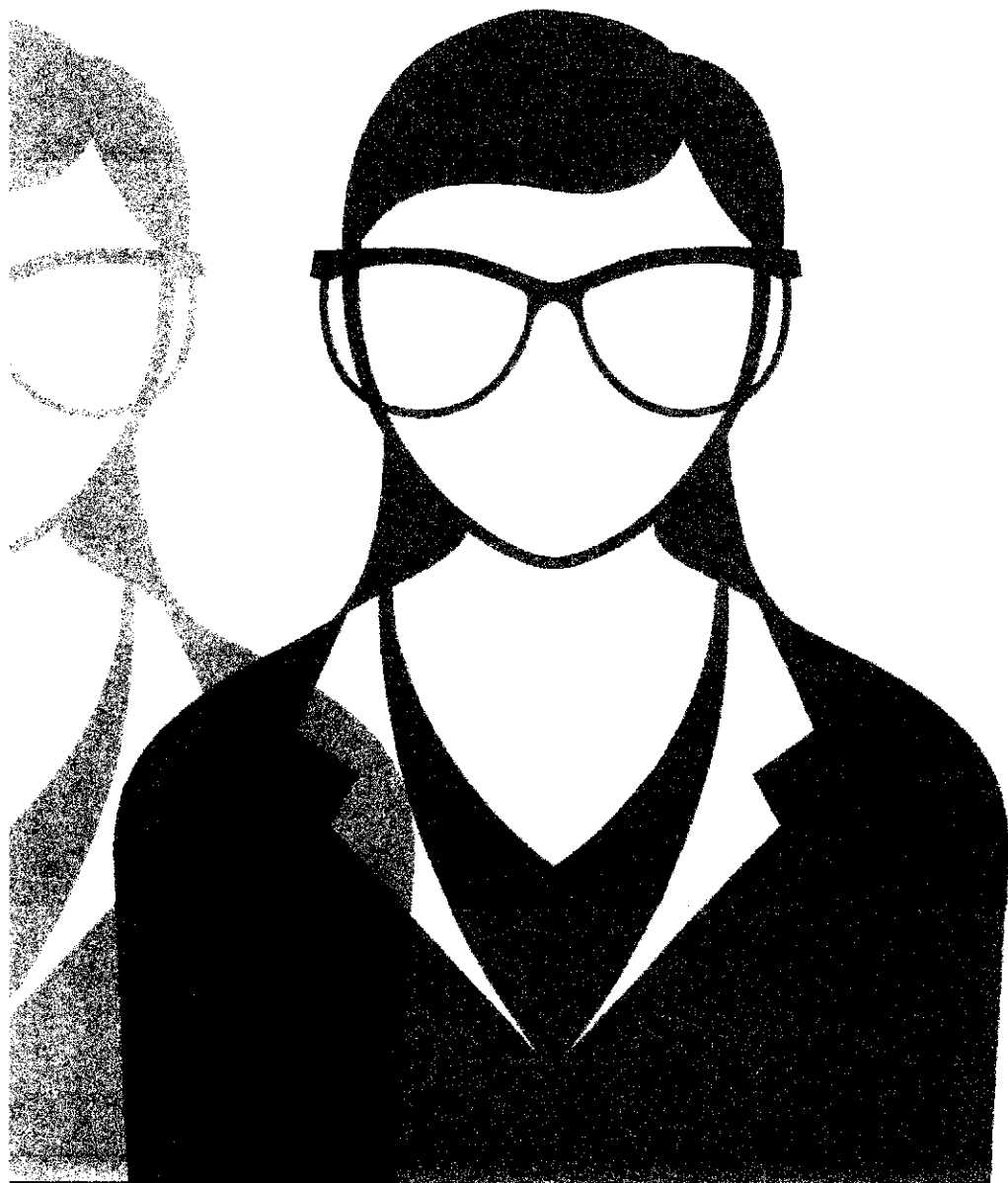
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# Navigation of the

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# Double Bind



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Legal organizations benefit from diversity in their leadership ranks. Younger lawyers can look up the ranks and see group and team heads who look like them.

Decision making and strategic planning benefit from diverse perspectives, and companies with diverse members on their boards perform better. Diverse organizations are more attractive to clients and talent. The ability for every lawyer to feel safe being more authentic at work increases as those at the top of the organization model diverse styles of leadership. Unfortunately, the fight to increase diversity and promote the ideals of inclusion has been ongoing for years, and legal organizations still have much work to do on both fronts.

While some progress has occurred, women are still dramatically underrepresented in leadership roles. For example, women make up only 20 percent of the U.S. Congress and just over 6 percent of Fortune 500 CEOs. Despite having attended law school in nearly equal (and sometimes greater) numbers than men

for years, only 22 percent of Fortune 1000 general counsel, 31 percent of state judges and 34 percent of the federal judiciary are women. Meanwhile, women represent 18 percent of equity partnerships and 22 percent of the highest governance committees among Am Law 200 law firms. In a 2014 survey, 80 percent of Americans said that men and women make equally good business leaders and ranked women equally high or higher than men on seven critical leadership traits. So why such a dearth of women leaders?

## The Double Bind

A contributing factor is that women face what has become known as the “double bind.” Despite years of programs to combat bias, gender stereotypes remain strong influencers in how lawyers think and act. Men are expected to take charge, to be self-confident, assertive and ambitious. These masculine traits are commonly associated with leadership. Women, on the other hand, are expected to take care, to be helpful, confident and sympathetic. These feminine traits are associated with nurturing and getting along, not getting ahead. Women who exhibit stereotypically feminine traits are seen as lacking strong leadership qualities while women who exhibit stereotypically masculine traits are seen as unfeminine, mean and unlikable—hence, the double bind. Ambitious women are often viewed suspiciously even by other women.

In a 2003 study conducted at the NYU Stern School of Business, students were given a case study modeled on the real life of entrepreneur and venture capitalist Heidi Roizen. The materials were the same except that half of the students received information about protagonist Heidi while the other half read about Howard. Students thought Howard was a great guy, loved him and wanted to work with him. Heidi was a different

story; students didn't like her, wouldn't hire her and didn't want to work with her. Heidi was viewed negatively—as out for herself, too political and less likable.

Former Canadian Prime Minister Kim Campbell described her experience with the double bind: “I don't have a traditionally female way of speaking—I'm quite assertive. If I didn't speak the way I do, I wouldn't have been seen as a leader. But my way of speaking may have grated on people who were not used to hearing it from a woman. It was the right way for a leader to speak, but it wasn't the right way for a woman to speak. It goes against type.”

## What Can or Should We Do?

Research demonstrating the double bind has existed for decades. Without processes in place that incentivize behavior that addresses the double bind and allows women lawyers to be authentic leaders, it will likely persist. It's time for legal organizations to take on the issue directly and put in place the solutions necessary to neutralize the impact of the double bind on the pathway to, and pipeline for, leadership roles.

**Potential solutions for women.** First, when there is a tension between what an organization culturally defines as leadership characteristics and what feels authentic to a potential woman leader, she should perform a self-assessment. She may ask herself whether the cultural demands surrounding what leaders look like offer her an opportunity to learn and grow by exercising flexibility around her personal style. Women should never confuse, however, what pushes them outside their comfort zone with what forces them to pretend to be someone who they are not in order to get ahead. Forcing women to act contrary to their authentic selves creates a situation where too much energy is necessary to assimilate—and attrition, often coupled with anger, becomes likely.

Second, many women leaders end up leading by doing the essential administrative work on legal matters and within teams and practice groups, such as setting agendas and calling and coordinating meetings. These may be recognized as leadership roles by the organization but often are discounted in the minds of people who only think of those with stand-up roles,

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client credit or titles as the true leaders. Similarly, women may get tapped when the organization needs a “face” at an event. Women who say yes to any of these kinds of roles must ensure that, in a culturally appropriate way within the organizational politics, they ask for leadership roles with power on client teams, within the department or within the organization more broadly. Women also need to ask to be included when an organization sponsors lawyers for leadership or spotlight opportunities outside of the organization.

A third tactic is for the woman to acknowledge the expectation that she conduct herself consistent with feminine traits. For example, when leading meetings, finding male and female supporters in the room can help strengthen any leader’s position at the table, making it a “team” effort as opposed to an individual endeavor. Women may also want to consider framing arguments and tying position statements to their role as an advocate (“this approach highlights our client’s strengths”) instead of their personal opinions (“this approach is best”). Such an approach makes the tone of women’s leadership more consistent with gender stereotypes that expect women to take care of others.

**Potential solutions for men.** First, there is not only one way to lead. Men should ask themselves whether they are judging a person’s leadership potential based upon an assessment of how much the person leads just as they do, bringing similarity bias into play. Research has demonstrated the value of different perspectives and approaches in improving both the quality of the outcome and the team dynamic.

Second, men need to take a hard look at their own teams, the people who have the leadership roles reporting to them and those in whom they invest as mentors and sponsors. Do they all look

like them? Early stretch assignments, early leadership opportunities and sponsorship create a pathway to success and a reputation within the organization that creates a presumption of leadership capability.

The impact of the double bind on the low levels of women in leadership roles and in the pipeline for leadership roles must be a priority for both men and women. Women alone cannot adequately address its negative impact.

**Potential solutions for legal organizations.** First, the organization should practice the Mansfield Rule. This rule was one of the winning ideas of the 2016 Women in Law Hackathon sponsored by Diversity Lab in collaboration with Bloomberg Law and Stanford Law School. Many law firms are signatories, but any organization can integrate the rule into its processes without a formal commitment to its reporting requirements. The Mansfield Rule obligates a legal organization to consider a diverse pool of people for every leadership and governance role. The commitment of signatory law firms is that each pool of candidates considered for open and new leadership roles will be at least 30 percent diverse by either gender or race/ethnicity.

Second, legal organizations should identify and invest in their pipelines for leadership roles. Too many legal organizations create gaps in their pipelines of diverse leaders through attrition at early stages where the cause for the attrition is not identified and corrected and where the lateral hiring efforts are not strategic in filling the gaps. An organization that intentionally focuses on the retention and development of its pipeline for leadership roles rarely faces the issue of having no viable diverse candidate for consideration when a leadership opportunity arises. Professional development resources and access to sponsors should

be specifically targeted to strengthen and retain the pipeline.

## A Strategic Commitment Is Needed

Without a strategic commitment to address the low numbers of women leaders, the issue will persist. Acknowledging that an issue exists is always the first step in finding solutions to a problem. Increasing the number of women in leadership roles will require that everyone in a legal organization focus on solving this business issue, not simply the women. The recommendations noted above will produce a return on investment. Change and the resulting benefits will only come if there is a strategic discussion among, and commitment by, those leaders at the very top of the organization about what is currently being done, what needs to be done differently and how to take action. ☺



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