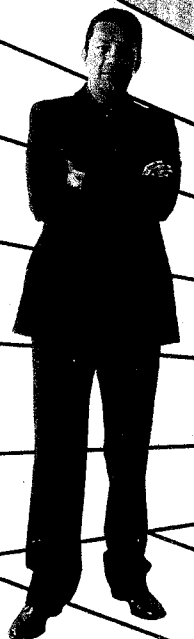


PRESUMED EQUAL

WHAT AMERICA'S TOP
WOMEN LAWYERS REALLY
THINK ABOUT THEIR FIRMS

CHAPTER BY
JANE DIRENZO PIGOTT
"THE RULES OF
THIS GAME"



LINDSAY BLOHM AND ASHLEY RIVEIRA

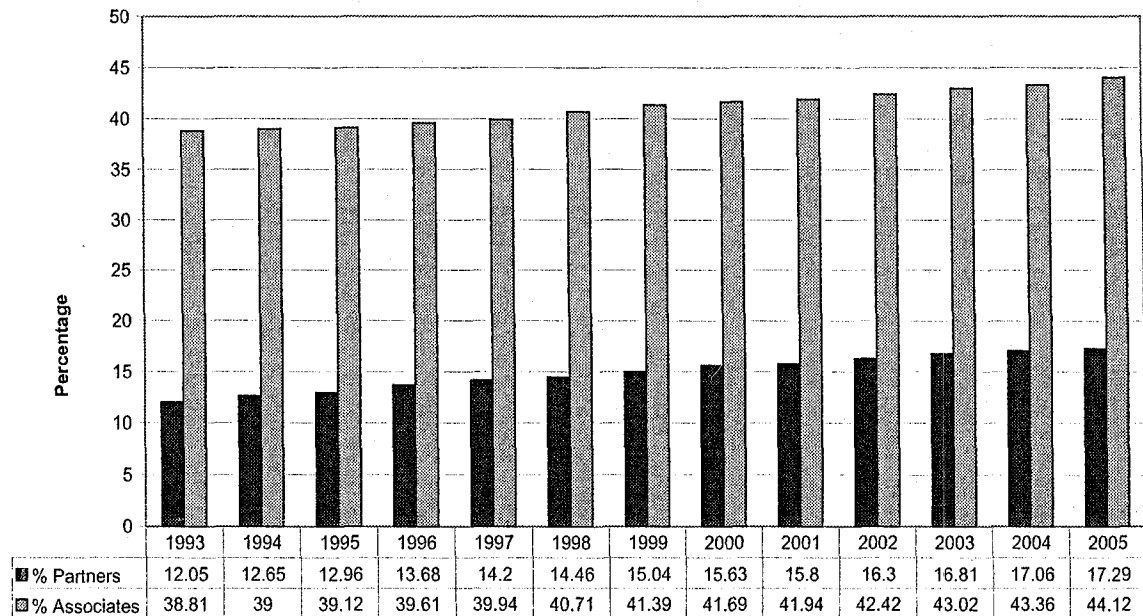
The Rules of This Game

by Jane DiRenzo Pigott*

What is the status of women attorneys at law firms today? This book describes the results of qualitative research on this topic. Here is a quantitative context within which to evaluate the study's findings. According to the National Association for Law Placement ("NALP"), women have constituted at least 40% of the law school graduates since the late 1980s. NALP has published statistics on gender demographics for the law firms that interview at law schools annually since 1993. The following chart shows the percent of women partners and women associates at these law firms from 1993-2005.

Nationwide Law Firm Averages for Women Attorneys

(Source: National Association for Law Placement)



* Ms. Pigott is the Managing Director of R3Group LLC, a consulting group that specializes in leadership and change in connection with diversity and inclusion. Before founding R3 Group, Ms. Pigott spent more than two decades practicing law at law firms and in-house. Most recently, she practiced law at Winston & Strawn where she was among the firm's first women equity partners, its first woman practice group leader and the first woman on its Executive Committee.

An analysis indicates that there has been an increase in the percentage of both women associates and women partners every year for which NALP has published data. The increase in the percentage of women associates at law firms, up to 44.12% in 2005, is still not at the same levels as the percentage of women graduating from law schools in that year, 51%. In addition, while the pipeline of women graduating from law schools has been at least 40% for almost two decades and the percentage of women associates in law firms has been at least 38% for thirteen years, the percentage of women partners in law firms is just above 17%. The percentage of women partners in law firms has grown barely one percent since 2002, despite a full pipeline of women associates. Female associates walk into law firms to face a partnership that is still almost 83% male.

Why this stagnation? Much has been written about the institutional barriers and glass ceilings that exist for women in the workplace. Some of this research specifically focuses on women in law firms, and many law firms are actively addressing those issues. This Presumed Equal report and the longitudinal statistics demonstrate that the lack of women partners and leaders in law firms is a systemic rather than an individualized problem. Armed with this information, women at law firms can form invaluable alliances to catalyze real change in policies and practices. Women have critical mass in law firms, albeit at the more junior levels, and are now instrumental in identifying specific organizational issues and assisting with the development and implementation of a game plan to address them. Consequently, some law firms are creating sustained institutional change.

In addition to facilitating the necessary institutional changes, women need to understand what the rules of the law firm game are so they can create career game plans that allow them to succeed. Many of you will not like some of these rules. If you are among those who don't, then it is even more important for you to understand the rules. The most efficient and effective way to change the rules is to succeed. Only then will you be in a position to reset the rules of this game.

Rule 1 Exceeding Expectations and Doing High Quality Work Are the Prices of Admission, Not the Keys to Success

From the moment you walk in the door, the official expectations of the law firm will be laid out. They will almost surely include a minimum number of billable hours, a high quality work product and timely production of assignments. Women have a tendency to exceed these expectations and sit in their office and wait for someone to notice and reward them. Unfortunately, that does not happen often. Once you get to a law firm, no one will be watching out for you; you must learn to do that effectively for yourself.

Exceeding expectations means that you survive to bill another hour because it takes more than that to succeed at a law firm. There are a number of unstated expectations with regard to what an associate will do if he or she is going to succeed. It is these expectations that are the additional key indicators that separate the stars from the pack.

The next nine rules either describe some of these unstated expectations, or they point you toward discovering the particular unstated expectations in your law firm. One important thing to note, however, is that the rest of these rules describe activities that must be done *in addition* to the stated expectations. You cannot survive at a law firm if you do not meet the stated expectations.

Rule 2 Create and Maintain Effective Mentoring Relationships

Mentoring does not involve the development of substantive legal skills; that is now called training. Effective mentoring is a reciprocal relationship that involves professional development and personal growth. Creating and maintaining effective mentoring relationships significantly increases an attorney's ability to succeed.

What do you want to accomplish over the next year or two? Identify people in the firm who can help you access the skills, opportunities, information and introductions that you will need to achieve your goals. Creating effective mentoring relationships with these people allows you to leverage your ability to achieve results. Sure you could probably do it yourself, but you can do it more efficiently with a strategic set of mentors.

Effective mentors provide you with numerous opportunities. Consider the following potential outcomes of a healthy mentoring relationship with a partner:

- learn the organization's goals;
- understand the organization's politics;
- get access to high quality, high visibility assignments;
- get access to client relationships and client development and acquisition efforts;
- get access to opportunities to see your mentor in action;
- get access to internal firm activities – firm citizenship (such as firm committees) – that allow you to create positive visibility within the firm;
- receive quality feedback outside the formal evaluation process;
- understand how you are perceived in the organization;
- get access to informal networks;
- get access to opportunities outside your law firm in which your mentor is involved;
- meet the power players;
- get a sounding board and someone's trusted advice; and
- have a champion who is willing to give you the road map to success and help you navigate it.

One of the most effective ways to develop business in a law firm, especially one with institutionalized clients, is to inherit it. The most likely pathway for inherited business is from mentor to mentee.

To access the benefits of a mentor, you must create and maintain an effective mentoring relationship. That requires the establishment of trust, which in turn is based, at least in part, on commonalities. Recall that almost 83% of the available partner mentors are male. Consequently, communicating across genders is a skill that both mentor and mentee must develop or enhance.

A material impediment to cross-gender mentoring is male mentors who fear that the mentoring relationship will be misperceived. This fear not only prevents potential male mentors from establishing healthy mentoring relationships with women mentees, when acted upon, this impediment breaches the trust necessary for a healthy relationship. The answer cannot be that male mentors are unavailable to women associates. Instead, male mentors must determine what logistics will mitigate their fear – for example, meeting in firm conference rooms. In addition, if more male partners were engaged in healthy mentoring relationships with women associates, the presumption would evolve quickly.

Billable hours create another potential impediment to effective mentoring in a law firm context. Most law firms do not value an hour of mentoring in the same way that they value an hour of billable time. Consequently, the mentoring relationship needs to provide value to both participants. If all you are getting from your mentor is a free lunch once a month, both of you are wasting your time.

One final point on mentoring: mentoring is not substantive skill development – that is training. While a substantive assignment may provide a natural forum for the development of a mentoring relationship, your mentor need not be someone within your practice group or involved in the same type of substantive work. In many instances, it is easier to develop the requisite trust with someone who will not be formally evaluating you. You cannot let the impediments to creating a healthy mentoring relationship at your law firm prevent you from having

them. They are an essential component of success. Take the initiative to identify potential mentors and then take the time to pursue healthy mentoring relationships, even if it means that you must assist your mentors in enhancing their mentoring and communication skills.

Rule 3 Construct and Maintain an Effective Network

An effective network does not merely include your circle of friends. Instead, an effective network is a group of people you keep in touch with who provide you access to timely information, opportunities and introductions. A properly constructed network can greatly improve your professional efficiency.

Network construction can be redundant or entrepreneurial. Everyone in your network knows everyone else in a purely redundant network. In a purely entrepreneurial network, no one in your network knows anyone else. Of course, most networks are a hybrid of the two styles. As you evaluate the structure of your network, consider the differences in the efficiency of each type. If your redundant network includes five people, you spend time to keep up with five people and have access to the same information, opportunities and introductions with each of them. If your entrepreneurial network includes five people, you spend time to keep up with five people and have access to five people's information, opportunities and introduction. Thus, with an entrepreneurial network, your investment in the people in your network is equal to that with the redundant network, but the return on your investment is four hundred percent higher.

Another key factor to consider in effective network construction is the inclusion of superconnectors. Social psychologist Stanley Milgram's research demonstrated the concept of six degrees of separation. In his experiment, people in Nebraska were asked to get a package to a person in Massachusetts after being given only his name, occupation and city of residence. The people were forbidden to use directory assistance or phone books (the internet did not exist at the time); using networking only, it took people in Nebraska less than six connections to get a package to the correct person in Massachusetts. The power of effective networking was definitely underscored. What his research also demonstrated is that there were a few people – superconnectors – who turbocharged the process by reducing the number of steps it took to get to the correct person. The earlier that a superconnector got involved in the networking process, the fewer steps the process ultimately took. Ensuring that your network has superconnectors has a similar impact on the effectiveness and efficiency of its use.

Rule 4 Effectively Self Promote

No one is taking the time to find out all of the things that you are doing inside and outside the law firm. People can't read your mind. Telling people is the only way that they will understand the level to which you are exceeding expectations and exactly what you want next. Sounds simple, except for the fact that self promotion makes a large number of women anxious and goes counter to their comfortable range of professional behavior.

Many male attorneys regularly provide updates about their performance and accomplishments. Therefore, a common presumption is that if a male partner is not hearing from an associate, then she must not be doing anything noteworthy. If you can't stomach the transition from providing no updates to dropping by the partner's office on a weekly basis for a face-to-face chat about how great you are, recognize that technology provides a number of alternatives that may be more palatable: e-mail or a call directly to voicemail. Effective updates are upbeat positive self promoting statements. A report about how far over your head you are and how incoherent you are after pulling an all-nighter is *not* an effective update for these purposes.

Get yourself in a position where you ask for what you want. You need to create a personal comfort with sentences that begin with the two words: "I want." Then you need to integrate these sentences regularly into your professional life. Knowing what you want comes from understanding your career game plan or from creating

a roadmap with your mentor. When you ask for something, you need to be prepared for a negative response to the request. Getting a "no" cannot mean you check it off your list. Instead of taking "no" as an answer, ask "why not?" Cure the "why nots" that you are given. Then, go back and ask again. Get used to not checking it off your list until you have gotten what you wanted. In the transactional economy of a law firm, the presumption is made that if you did not ask, you must not want it. Understand that assumption and take the risk to ask for what you want. Then, take advantage of the opportunity you just created for yourself.

Human beings get satisfaction through the combination of accomplishments and acknowledgement of those accomplishments. Women succeed and exceed expectations on a regular basis. What most women do not do well is demand acknowledgement of that success. Without receiving appropriate acknowledgment, women's satisfaction level is lower than those who are getting acknowledged. In time, this lower satisfaction level leads to women making a very rational choice to leave law firms and go to places where they get a higher satisfaction level. Consequently, it is imperative that women become more effective at self promotion if law firms are going to improve the rates at which they retain their women attorneys.

Rule 5 Create Positive Visibility

Creating positive visibility for yourself within the law firm can be accomplished in a number of ways. A common tool is firm citizenship activities. For example, serve on a firm committee, write client advisories, become a mentor for a summer associate or volunteer to interview law students when they are invited back. Firm citizenship activities are a great mechanism for increasing the number of people you meet at the firm. Keep in mind, you create positive visibility through these types of activities only if you are prepared, participate meaningfully, follow up and deliver a timely high quality product.

Every law firm has a partner "grapevine." Understanding how to use that grapevine to your advantage allows you to leverage the number of partners who have a positive impression of you. How do you get positive news out on the partner grapevine? Two effective ways are through the partners you work with and your partner mentors. Keep both informed of what you are doing. Address any issues directly and resolve them. Seek feedback and implement the constructive suggestions. Ask your mentor about how you are perceived at the firm. Utilize your mentor in obtaining feedback on substantive assignments outside the formal evaluation process.

Pro bono matters provide another effective vehicle for creating positive visibility. Pro bono matters often provide a higher level of responsibility and an opportunity to develop new substantive skills. They also provide an opportunity for more partners to get to know you and your skill set. In addition to positive visibility internally, pro bono victories or high profile pro bono matters may allow an opportunity for some press coverage or inclusion in external firm marketing materials.

There are also many potential opportunities for creating positive visibility via external means. Speeches and published articles allow you to establish professional credibility on a substantive topic. Both outside professional organizations and not-for-profit boards allow you to meet and get to know other professionals and to access leadership and client creation opportunities earlier than you may be able to do so within the law firm.

Creating positive visibility is essential. Choose something that provides you real personal satisfaction. In that way, the parts of your law firm life that may be frustrating are balanced against parts that provide sincere satisfaction.

Rule 6 Games are Fun

Working in a law firm should not be purely miserable. Between blogs and website chat rooms, the level of misery of law firm associates receives solitary attention. Where do you find the fun? There are numerous potential spots. Make sure you take the time to get to know the others in your class at the firm, not just the associates in your practice group, team or office. Not only are you likely to find some people who could become friends, you are highly likely to be in a position to add effectively to the network you are creating. These additions serve you well whether you are staffing a client matter in the future or keeping in touch as people move up and potentially on to other venues in government, academia, the judiciary, in-house or other firms.

If you work on matters that require travel, another way to add fun is to combine client business travel with:

- taking your client out to dinner;
- catching up with friends or people in your network in those cities;
- meeting people in your firm's offices in other cities;
- seeing the sights;
- trying an "in" restaurant; or
- fitting in a run or a workout.

Consciously planning the time so that it incorporates more than work does not require a material commitment of time, but it does positively impact your satisfaction level.

Take advantage of the opportunities that law firms offer to do things other than billable work for clients. There will be some activity that involves something that is personally interesting to you and, consequently, will provide some satisfaction. Here are some ideas:

- go to a summer associate social event held at a place you've never been;
- participate in a firm committee that you're interested in;
- go see the person give the speech you helped write/research;
- ask someone to bring you to the meeting of the professional organization he/she chairs;
- organize an event for your firm's women's affinity group on a topic of interest to you;
- find a not-for-profit that makes a difference on a cause you are passionate about and find out how you and your firm can contribute; or
- find out what resources the firm's marketing department has that you could utilize.

One final item for your consideration – being a mentor is a first rate way to increase your satisfaction: reach out to younger lawyers at the firm and share with them the knowledge you have gained about the firm's culture and politics. These are only suggestions; the goal is to put yourself in a better position to take advantage of the resources offered by your firm, while at the same time getting more satisfaction at work.

Rule 7 It's Not Personal

Working in a law firm requires a tremendous commitment of time and energy. A law firm is a business. What happens while you are working at the law firm is not personal. Yet women are much more likely than men to take things that happen at work personally. In doing so, women spend energy replaying events and fretting over things in the past. That is energy that could be spent more productively.

Women make work personal in another common way: they decide they do not want to work with someone because they do not like him/her. Deciding you will not work for a powerful partner in your practice group merely because he/she screams in the hallway is not only unproductive, the only one it hurts is you.

Another important area under this rule: tears. It is plain ignorant to say no one should ever cry at work. Clearly, if you had a choice in the matter, no one would choose to cry over a business matter in front of someone with whom they work. So what do you do if/when you cry at work? The most important thing you can do is to ensure that it does not impact your credibility. First, you have a conversation with the person you cried in front of setting out your expectation that he/she will neither put this news out on the partner "grapevine" nor use this incident to justify a statement in your evaluation that you are "sensitive" or "emotional." Second, ensure that you finish the conversation that elicited the tears, either at that time or later. Finally, openly address any discomfort the tears caused to the other person. The intended goal is to confirm their availability to you for feedback and their future willingness to discuss tough subject matter without worrying about your reaction.

Rule 8 Your Professional Presentation Matters

Consider the following: people begin forming a judgment about you within one one-thousandth of a second of meeting you and have formed their first impression within seven seconds. What those statistics indicate is that a first impression is likely to be based upon your professional presentation, not your verbal communication skills.

Let's name two confusing factors on this topic. Television has not done women lawyers any favors. For the most part, the actresses who play the women attorneys on these shows dress in a manner that may fit the current television norms for young women, but has no relationship to acceptable law firm attire. Another factor that has not helped women lawyers is "business casual." For men, that term translates uniformly into slacks and a golf shirt. Its translation is not as clear for women.

On a positive note, women have more potential to dress to fit the "role" she chooses for herself that day. When business attire is appropriate, a man chooses among his gray, black or navy suits with his most significant appearance altering choice being what tie to don. A woman has the blessing and the curse of a much broader array of attire. Less likelihood of boredom brings more likelihood of being on the wrong side of an unstated line.

Here is one useful rule of thumb when assessing your professional presentation: Ask yourself "who am I today – the jurors' "daughter," the trusted "teacher" with credibility to instruct the other side in the negotiation, a senior-level experienced attorney who is the expert on this topic, the "bad cop," or someone who needs to get a big well-done assignment out the door?" Then look in the mirror and ask yourself whether people would know who you are *before* you opened your mouth. If the answer is yes, walk out the door with confidence. If the answer is no, change your clothes. This rule is not intended to mandate how you dress. Instead, it is only intended to encourage you to consider the positive impact of creating a professional self-presentation that is consistent with the goals you seek to achieve at the firm.

Rule 9 Become an Effective Change Agent

As this *Presumed Equal* survey demonstrates, there are still issues that need to be addressed in law firms that impact the retention and promotion of women. The necessary changes will not occur if women vote with their feet and leave law firms. Instead, women attorneys need to assist law firms to identify specific issues, draft action plans to address these issues and assist with the implementation of the action plans.

A number of law firms have affinity groups for women attorneys. These affinity groups are an excellent vehicle for creating sustained change by utilizing the power of the critical mass that women now have within law firms. Some potential activities that women's affinity groups can undertake in law firms:

- create social bonds and informal mentoring opportunities for women attorneys;
- reduce the isolation of the women who are the only one in their practice group, team, office, or floor;
- create a safe forum where women can put out a "call" for information to the management of the firm, for example, what are the criteria for matriculation to equity partnership or how does working a reduced schedule impact progress to partnership;
- harness the connections and intellectual power of the group to research, benchmark, analyze and propose action plans to firm management on issues of interest to the group;
- conduct targeted professional development opportunities for the women attorneys;
- provide a forum for the constructive discussion of concerns;
- provide a forum for disseminating information and spotlighting individual women attorneys;
- sponsor marketing and business development events for clients and potential clients; and
- facilitate and ensure that the firm supports the participation by and leadership of the firm's women lawyers in outside professional organizations and not-for-profit groups.

If you are not satisfied with the efforts or results of the women's affinity group at your firm, take the lead to make the necessary changes within the organization. An effective affinity group can significantly reduce isolation, improve access to business and professional development opportunities and create a powerful lobbying group on women's issues within the firm.

You do not need to own equity in a law firm to be an effective agent for change. Law firms typically are not very hierarchal, and consequently, there is plenty of room for someone with a good idea to implement that idea quickly. The pace of change in law firms can be accelerated if the number of change agents is increased and the effort to effect change spreads across a group of people.

Rule 10 Utilize Reciprocity

Madeleine Albright tells us that "there is a special place in hell for women who do not help other women." Law firms are a transactional economy: I ask you to do something for me and you then have the right to ask me to do something for you. Women have not taken full advantage of the power and leverage created by actively helping each other.

In a professional context, unsolicited generosity is a powerful tool. Look for ways to assist others. They do not have to be material or take a significant amount of time or resources. For example, introduce two people who you think should know each other or send an article of interest to someone who may not otherwise see it. Make sure you understand how you can assist the people in your network professionally and vice versa.

Another productive use of reciprocity is to respond to the phone call from the woman law student and give her a half hour of your time. Make time to be a mentor inside and outside your organization. If you are not in a position to take advantage of an opportunity you hear about, pass it on to someone who can. Do not be offended or feel imposed upon when someone asks you for something. Conversely, do not feel constrained to let someone know what you want.

One final point on reciprocity: understand the importance and value of giving a third party endorsement. A third party endorsement is when one person says something positive about another. Here is an example: A client

and a female partner are talking. A female associate's name comes up in the conversation. The female partner says, "she is the brightest associate we've hired in years." Those nine words are a third party endorsement. It took the female partner less than five seconds in time and cost her nothing. The value to the female associate in terms of creating a positive perception by the client, underscoring a presumption regarding her competence, and enhancing the client's willingness to rely on that associate: priceless.

If women attorneys share information, provide key introductions, facilitate conversations where we can get to know each other and actively pull each other up behind as we climb the ladder, then the pace of change at the leadership levels of law firms will accelerate. Women attorneys in law firms have critical mass. The next step is to understand and utilize the power that results from leveraging the critical mass with professional reciprocity.

Conclusion

We've been graduating from law schools at the tops of our classes for a long time. It's time for law firms to look and act differently. Women belong in top leadership positions in law firms, and we need to believe in our abilities and utilize our power to succeed. Understanding the things you can do to enhance the likelihood of your own success is an essential piece of making this happen more expeditiously. "The Rules of This Game" are offered to help you navigate common shoals encountered so that you can avoid these obstacles. Your career game plan should incorporate or at least acknowledge the current rules of that game. Only when there is a critical mass of women at the top of law firms will the rules to this game change and the chart measuring the percentage of women partners in law firms show material progress.