



Women Partners: What's Different?

[Cary Griffith]

With more women opting (and getting the opportunity) to head to law school than ever before, we explore the issue of what it takes for female attorneys to make partner. Find out what several female attorneys had to say about their own road to the top.

When Angelyn Gates first began practicing with Gates & Gates, her response from clients was typical. Those who didn't know her firm assumed she practiced with her father. When they found out she didn't work for her father, they assumed it was her brother, an uncle or cousin.

"When they found out it was my sister," Ms. Gates explains, "they paused for about five seconds, and then said 'how interesting?'"

Did the fact that it was two sisters alter their decision to retain her?

Not necessarily, Ms. Gates explains. Ms. Gates, who specializes in criminal defense law, says sometimes the opposite is true: "I've been hired because I'm a woman."

Angelyn Gates—whose sister moved to England, in part precipitating the end of Gates & Gates—now practices with the six-lawyer law office of Criminal Defense Associates. But her early experience in the practice of law is illuminating. Sixteen years ago, Ms. Gates graduated from law school at a time when more and more women were entering the practice, or at least getting their JDs. In the 1980s, female lawyers were still in a decided minority, though it was rapidly changing. At the time, Angelyn Gates was venturing into unexplored territory. And while her clients may have suffered from stereotypes about women in the law, many of them were more interested in her expertise and her legal specialty than her gender.

The preceding doesn't imply women in civil

law practice, particularly with large law firms, haven't had to struggle. Part of their struggle may have been due to gender, though from our anecdotal interviews, overt discrimination against women practicing law is rare. The larger struggle for women lawyers has been much more subtle, or has been the same as it is for men.

While anecdotal interviews didn't uncover any blatant discrimination, there were plenty of subtle differences in the ways men and women rise in their profession—at least to the point of becoming partner in a law firm. The differences were more pronounced twenty to thirty years ago than they are today. And women have done a remarkable job responding to some of the historic traditions that characterized the practice during the years it was mostly men. Many of those responses have been due to the rising numbers of women getting their degrees. And some of it is because of more women in management positions in the business workforce.

But, notes Pat Casey, a partner with the Texas law firm of Haynes & Boone, practicing law "is a difficult career choice for anyone, man or woman." Ms. Casey specializes in commercial litigation and has been practicing law for twenty years. Today she's a full partner, and a member of the Board's Professional Responsibility Committee. She admits practice can be very rewarding and she truly enjoys her work and couldn't think of doing anything else with her career. "But," she says, with regard to practicing law, "it's very high stress, high pressure, and extremely demanding.....it is a very, very

difficult job."

Statistics Reflect Growing Numbers, Unequal Representation in Leadership Roles

Rita Bender, managing partner of the Seattle law office of Skellenberger Bender P.S., graduated from Rutgers Law School in 1968. "There were only five women out of 150 in my graduating class," comments Ms. Bender. And then Ms. Bender witnessed a colossal change in law school demographics. In just "four or five years," she explains, "it changed dramatically." By the mid-70s, the number of women graduates was closer to fifty percent.

Statistics produced by the American Bar Association show a slightly less dramatic change, but a definite rise. In 1980, approximately 35 percent of law school graduates were women. In 2003, that number rose to 49 percent. Since historically more men than women have entered the profession, the number of female attorneys as a whole, as of 2003, comprised only 29.1 percent of the profession.

While the number of female law school graduates is definitely rising and adding to the ranks of women lawyers, their numbers in the work force, particularly in leadership roles, don't yet reflect their JD count. According to the ABA, in 2003 only 14.9 percent of general counsels of the Fortune 500 companies were women. Similarly, women partners in law firms comprised only 16.3 percent of the entire partner population. But those trends are rising.

Last year also found that 48.2 percent of law firm summer associates, and 42.4 percent of associates were women.

Women are slightly better represented in other areas of the law. In legal education, 32.8 percent of the faculty are women, though only 16.1 percent are law school deans. In the Federal Judiciary, there are two women U.S. Supreme Court Justices, and plenty of other federal judges: 16.2 percent of U.S. District Court Judges, and 17.4 percent of U.S. Court of Appeals Judges. In state Supreme Courts, 28 percent of the Justices are women.

Perhaps not surprisingly, the inequality in leadership role numbers is also reflected in lower pay. The ABA found that, on average, the median weekly earnings of women lawyers was \$1,237, while men earned \$1,610.

Leadership Numbers Rising, But Slowly

These numbers are changing. According to the National Association for Law Placement, an organization that has surveyed the legal profession for several years, "The presence of women attorneys and attorneys of color in large law firms has been rising steadily since 1993 - at that time, attorneys of color accounted for 2.55% and women accounted for 12.27% of partners."

To reiterate, as of 2003 the percentage of women partners has grown to 16.3 percent. While the trend in the last ten years has been a rise in the number of women partners, at only four percent, progress has been slow.

Diane C. Yu, Chair of the ABA Commission on Women in the Profession and Chief of Staff and Deputy to the President of New York University, summarizes the changing numbers this way. "Our numbers are growing to the point where women comprise 29.3% of the profession and 49% of law school graduating classes," she notes. "If these rates continue, by 2010, women will constitute 40% of the bar. In addition, women are appearing more fre-

quently in positions of leadership, although in percentages still significantly below what one would expect, given the demographic growth of women lawyers and the experience and expertise they bring to the talent pool."

Given the rise of women with law degrees, and the rising number of women in the profession, why aren't they better represented in leadership roles?

Some of the Reasons for Different Rates in Leadership Growth

Women have made considerable strides in the legal profession over the past 20 years," reiterates Ms. Yu. "But," she adds, "women still face a number of persistent barriers to success in the law that contribute to the notion that there is both a glass ceiling and a 'sticky floor.'"

Some of the barriers Ms. Yu references include:

- Gender stereotypes
- Conflicts between work and family
- Lack of mentors and positive role models
- Inadequate access to informal and formal social and business networks
- Performance appraisal bias
- Sexual harassment

Among the lawyers interviewed for this article, conflicts between work and family was a constant and recurring theme, but was sometimes handled in non-traditional ways, and was not necessarily restricted to women.

Louise Rankin is currently a partner with Jones Day in San Francisco, a firm she began practicing with in 1996. Prior to '96 Ms. Rankin worked with a different firm where she also became partner, but not without struggling with her family and with the firm. When Ms. Rankin had a child and took just two months maternity leave, the firm she worked for at the time considered that "having a child on the job meant that I wasn't ready to be partner as early as my peers." It took her an extra year,

a circumstance she admits that "did sting a little bit."

Ms. Rankin has solved the child and family issue in a similar way to many men, only in reverse. The Rankins now have two children, but, she explains, "I could not have done this except that between my husband and me we decided my career was going to be the one we focused on. He's a law professor, but he's worked at slightly reduced hours for the last 15 years." Mr. Rankin "keeps most of the home fires burning while I concentrate on a career and a livelihood for all of us. That is unusual," Louise Rankin reminds us. "When I counsel young women who are coming out of law school, or are in the first few years, very often they're married with lawyers and they ask 'how am I going to have kids?'"

It's not an easy question to answer. Jan Conlin, a partner with Robins, Kaplan, Miller & Ciresi answers it in the same way as the Rankins. He husband is a retired attorney, while she tends to the career. But that doesn't mean she doesn't struggle with the issue. "I have cases all over the country and a family at home," she explains. "I'd prefer not to travel so much, and right now I'm trying to get to the point where I'm getting other people to go." But sometimes that's impossible.

Some law offices are trying to be progressive about the issue. When Penny Tibke Platnick, a former partner with the Minneapolis-based law office of Gray, Plant, Mooty had her daughter Carson, she returned to her practice at 80 percent time. "A lot of the partners were allowed to work less than full time," Ms. Tibke Platnick notes. The firm worked out compensation along comparably equitable lines. "If you were working 80 percent time, you would receive 80 percent of what your draw would have been had you been full time."

With regard to mentoring, and social and business networks for women, Pat Casey has noticed a change.

"When I started practicing," Ms. Casey says,



"and I was one of the few women," one of the best ways to network was golf. "Our clients liked it, but I wasn't a fan." Ms. Casey refers to a time when almost all the firm's clients were men. But now, she notes, "there are a lot more women clients who don't want to golf or do things of that nature. I think today the women are more interested in networking on their own terms. And I think there's a recognition that we should be networking with women as a group."

In fact, to address the traditional male perspective about ways to network between the firm's attorneys, and with clients, the law office has established a Haynes & Boone Women's Network, an informal group that meets bi-monthly to address a variety of issues particular to women.

"More and more you're seeing opportunities for women to network," comments Deborah Hatter, another woman partner with Haynes & Boone. Ms. Hatter describes the firm's Women's Network as a place where women can network, mentor or be mentored, work together on business development issues, and perform similar activities.

Not all of the reasons for the low numbers of women in law firm leadership ranks are attributable to some of the factors mentioned here. Several of the women with whom we spoke referenced the array of career options available to all law school graduates, regardless of gender. Rather than step onto the law firm partnership treadmill many graduates choose to use their degrees in non-traditional ways.

Debora Healy, Managing Shareholder of the Irvine, California office of Buchalter, Nemer, Fields & Younger, notes a variety of reasons new graduates (including women) decide becoming a partner is not for them. "A lot of women choose to go in-house. Many start up their own businesses. Some have chosen, after several years in the profession..." to leave and do something else entirely. In the 20

years Ms. Healy has been working at Buchalter "we have made an abundant number of women partners." But, she adds, "they may have come and gone for a variety of reasons." Some "for the same reason that men leave. They go to other firms, or different businesses for other opportunities."

Alternative career paths have also had a positive affect on the profession, particularly for women. Today the number of women in corporate management is also rising. "The more we have women business leaders and general counsels," explains Deborah Hatter, "the more we'll have women out there being rainmakers."

Sexual harassment is far from dead, and with so many men in leadership roles law offices struggle with performance appraisal bias and gender stereotypes. And while the course for women partners is far from clear and easy, the difficulties pioneering women have faced are different from those of their younger peers.

"I remain hopeful about the future of women in the legal profession," Ms. Yu concludes. She believes it will take more than 20 years before there's parity between men and women partners. And she sites many reasons for the existing lack of that parity. But, she says, "the firms that break out of those prevailing patterns that largely discourage or disadvantage women and choose to institutionalize systems that give all their lawyers an equal chance to succeed and advance... have outstanding opportunities to benefit in terms of retention of talented women attorneys, which is the current frontier in the profession."