

NEW YORK
CITY BAR

Committee on Women in the Profession

**Best Practices for
the Hiring, Training,
Retention, and
Advancement of
Women Attorneys**

February 7, 2006

FOREWORD

In 2004, the Committee on Women in the Profession of the New York City Bar launched a blue ribbon initiative to study issues faced by women in the legal profession and develop the best practices for the hiring, training, retention, and advancement of women attorneys.

This is not the first time that the Committee has studied the issues faced by women in the profession. In 1992, the Committee enlisted Dr. Cynthia Fuchs Epstein, Distinguished Professor of Sociology at City University of New York and a leading scholar on issues faced by women lawyers, to study how women were faring at the City's largest law firms. The results of Dr. Epstein's research, Glass Ceilings and Open Doors: Women's Advancement in the Legal Profession, were published in the Fordham Law Review. 64 Fordham L. Rev. 291 (1995).

The Glass Ceilings report delivered sobering news: although women made up at least 40% of law school graduating classes, women were absent from the partnership ranks.

The study reveals that. . . . [s]tereotyping, traditional attitudes, and behaviors toward women, often focused around women's roles as mothers, discourage women's full participation and commitment, and accommodations to their family obligations often places them off-track. We have found that the integration of women depends on providing them with the support and reward that men expect and on which they depend.

64 Fordham L. Rev. at 305-06.

The Glass Ceilings report prompted much debate in New York City's legal community, particularly on the subject of how to remedy the problems it had identified. Many commentators downplayed the significance of women's absence among firm leadership by attributing it to the relatively recent entry of women into the legal profession, and urged critics to wait and see how women fared over time. Yet, ten years after the report, women remain severely underrepresented in the profession's upper echelons.

Given women attorneys' seeming lack of advancement, the Committee set out to assess why progress had been so slow since publication of the Glass Ceilings report more than ten years ago. In connection with this undertaking, the Committee reviewed extensive surveys, in-depth analyses, articles, statistical data, and initiatives conducted by other organizations and bar associations across the country.¹ Although these materials documented many accomplishments to celebrate, they also demonstrated the stark reality that women are not succeeding at the same rate as men.

While the current percentages of men and women in law firms and corporate legal departments are nearly equivalent at the entry level, a gap develops and expands at each point along the career path. This trend results in partner and general counsel ranks continuing to be predominantly composed of men. For example, women comprise only 17% of partners in law firms across the country.² The problem is especially pronounced among women of color, who face the "double bind" of race and gender; approximately 86% of whom leave their law firm practice by the seventh year,³ and almost all of whom leave by the eighth year.⁴

The Committee also discovered that the legal profession fared especially poorly when compared to other fields, such as the accounting industry, in ensuring that the hiring, training, retention, and advancement of women are monitored consistently and effectively.

¹ See the accompanying Bibliography for a list of the surveys, analyses, articles, data, and initiatives reviewed in connection with the preparation of the Best Practices.

² See National Association of Law Placement Directory of Legal Employers, *Women and Attorneys of Color in Law* (2005). The New York legal market mirrors these statistics. In New York, the percentage of women partners among 82 of the signatory law firms to the New York City Bar's Statement of Diversity Principles was 15.6% in 2004; the percentage of new women partners was 20.4%; and the percentage of women in the pre-partner pool was 33.1%. See Association of the Bar of the City of New York, Office of Diversity, *Diversity Benchmarking Study – A Report to Signatory Law Firms*, at 4-6 (2005) (these statistics do not differentiate between equity and non-equity partners).

³ See American Bar Association Commission for Minorities in the Profession, *Miles to Go: Progress of Minorities in the Legal Profession* (1998).

⁴ See American Bar Association Commission on Opportunities for Women in the Profession, *The Unfinished Agenda: Women and the Legal Profession* (2001).

Plainly, time simply is not enough for systemic and long-lasting change to take place; more decisive action is required.

Fixing the problem is not cost-free and the solutions are not always obvious. Change, particularly change that requires unvarnished self-appraisal and concrete remedial action, is never easy. Employers have had to absorb many costs to ensure that their workplaces are accessible to those long excluded, from racial minorities to the disabled, and the action needed to assure women's success is no exception. Just as an upgrade of a firm's computer system or a switch to a new long-distance carrier may be cumbersome and even costly in the short term but reap significant benefits over the long term, addressing women's inequality is imperative for any employer hoping to stay competitive in today's legal market.

The risks of inaction are real. Attrition costs an employer millions of dollars in terms of lost investments in recruitment and training; some estimates run upward of \$500,000 per departing attorney.⁵ Moreover, at a time when corporate clients increasingly place a premium on diversity among their outside counsel, law firms that lack diversity risk losing business.⁶

Less tangible costs but no less significant are the disruption of client relationships, and lost client development and referral opportunities. The risks of inaction for legal

⁵ There are no official data quantifying the economic loss for United States law firms. Data compiled by accounting firms, consulting firms, and Canadian law firms estimate the economic loss to range from \$250,000 to \$500,000 for the loss of a mid-level associate.

⁶ In 1994, the chief legal officers of 500 corporate law departments signed on to "Diversity in the Workplace – A Statement of Principle," pledging to push for greater diversity among their outside legal counsel. Discouraged by the results, in 2004 nearly 100 general counsels signed on to the "Call to Action – Diversity in the Legal Profession," drafted by Sara Lee Corporation's chief legal officer, Roderick A. Palmore. The Call to Action asked signatories to consider a firm's diversity as a "significant part" in selecting outside counsel, and to "end or limit" representation by firms not demonstrating a commitment to diversity. Nearly 100 general counsels signed on. Last summer, the General Counsel of Wal-Mart – which spends over \$200 million annually in legal expenses, with individual firms earning from \$350,000 to \$13 million – made headlines when he issued a directive to Wal-Mart's top 100 outside legal counsel that among each firm's top five relationship attorneys, there must be at least one person of color and one woman representing the company. Wal-Mart later fired a firm that failed to meet its diversity requirements. See Meredith Hobbs, *Wal-Mart Demands Diversity in Law Firms*, *Fulton County Daily Report*, July 6, 2005; Edgardo Ramos and Lynn Anne Baronas, *How to Increase Diversity at Law Firms in Four Steps*, *National Law Journal*, Jan. 20, 2006.

employers also are magnified in this world of stagnant, and at times, declining number of law school graduates.⁷ As women comprise approximately 50% of law school graduating classes, and the number of law school graduates is stagnating, while at the same time, firms' hiring needs are increasing, an employer that does not hire and retain women will not obtain the number of top quality lawyers it needs. In the current environment, legal employers cannot afford to ignore these competitive disadvantages.

When the Committee started this project, it decided to develop practical solutions to tackle the obstacles faced by women in the legal profession and take action for these solutions to be widely and effectively implemented by the legal profession. Hence, the Best Practices were born.

The City's legal profession already has made a similar commitment to racial and ethnic diversity. In 2003, the New York City Bar issued a Statement of Diversity Principles, which 110 corporations and law firms have committed to uphold as signatories. The Best Practices reflect many of the principles set forth in the Statement, but are tailored specifically to women.

Recognizing the variety of legal employers and that one size does not fit all, the Best Practices intentionally were drafted so that they could be adapted to a myriad of organizations in the public and private sector, accommodating small organizations as well as large institutions. It is the Committee's expectation that each institution will use what works best for it. The Committee views the Best Practices as an "evolutionary model," in that employers may be equipped to implement some of the Best Practices immediately while needing time before they are ready, institutionally, to implement others. To this end, the Committee developed practical suggestions for implementing each Best Practice and hopes that, equipped with these tools, legal employers will employ progressively more aggressive strategies to achieve a diverse workforce. In some instances, it may be more practical to implement a Best Practice on a "pilot" basis, across only one practice group, or in one regional office. In this way, an organization can target an area where it may be able

⁷ Statistics from the American Bar Association show that a total of 39,710 J.D. degrees were awarded in 1994 as compared to 40,018 in 2004.

to utilize a strong “champion,” or can evaluate the effectiveness of an initiative and fine-tune it before rolling it out across the organization.

The Committee further recognizes that there are many management practices geared towards increasing women’s advancement in the workplace and by no means considers these to be an exhaustive list of such practices. Indeed, the Best Practices should be viewed as a “work in progress,” which the Committee intends to review and assess further each year. The Committee also is strongly committed to keeping this project alive by regularly showcasing especially successful implementation of the Best Practices, celebrating innovators, and launching other related programs.

The Committee hopes that the Best Practices will become the “gold standard” by which institutions’ success at hiring, training, retaining, and advancing women attorneys will be measured. Let the changes begin!

METHODOLOGY

The Committee is comprised of members of the New York City Bar. Its members represent a wide variety of experience, including partners, associates, and counsels of New York City-based small, medium, and large law firms, members of not-for-profit organizations, in-house corporate counsels, law school professors, and government offices. In developing the Best Practices, the Committee on Women in the Profession reviewed a variety of quantitative and qualitative data, drew upon its members' own experience, and reached out to many talented men and women.

In particular, the Committee:

1. conducted an extensive review of published studies, research, surveys, and articles in order to provide an adequate foundation for the Best Practices and support the economic case behind the Best Practices (a list of the surveys, analyses, articles, data, and initiatives reviewed by the Committee is set forth fully in the accompanying Bibliography);
2. reviewed women's issues and best practice initiatives of other bar associations across the country, including the San Francisco, Boston, and Minnesota Bar Associations, and other similar initiatives at various corporations. The Committee also discussed certain of these initiatives with their promoters;
3. tested the validity, responsiveness, and appropriateness of the Best Practices through meetings and interviews with a variety of individuals and relevant groups. For example, the Committee:
 - conducted a series of one-on-one meetings with general counsels, associates, counsels, partners, and managing directors of various law firms, accounting firms, and corporations;
 - held brainstorming sessions with general counsels, partners, and managing directors of accounting firms and law firms;

- discussed the Best Practices with other interested committees of the New York City Bar, including the Committees to Enhance Diversity in the Profession and Young Lawyers; and
 - presented the Best Practices and discussed them at a meeting of Flex-Time Lawyers LLC; and
4. drew on its members' own experiences and thoughts with the view of being as practical and as responsive to women lawyers' aspirations and needs as possible.

BEST PRACTICES FOR THE HIRING, TRAINING, RETENTION, AND ADVANCEMENT OF WOMEN ATTORNEYS⁸

1. **Senior Management Commitment:** Demonstrated commitment by General Counsel/CEO or managing partner/department head to promoting and advancing women (“Tone at the Top”).
2. **Organizational Accountability:** Creation of a system that monitors and rewards or penalizes partners/managers for the extent of their implementation of the Best Practices.
3. **Representative Leadership:** Significant presence of women in visible leadership positions within the organization and on litigation or transactional matters.
4. **Proportionate Representation:** Employment and retention of a proportionate number of women across all levels, including at entry, mid, and senior levels and in practice areas and departments as well as providing re-entry opportunities.
5. **Career Advancement:** Transparency regarding the criteria required for and timing of promotion and effective feedback on career advancement.
6. **Workplace Flexibility:** Availability of flexible, reduced hours, and telecommuting arrangements that are not a bar to hiring, development, and partnership or promotion.
7. **Family Care:** Provision of and encouragement to use paid family care leave and resources for family care assistance.
8. **Mentoring Culture:** Fostering a mentoring culture, including developing and implementing an effective and tailored internal mentoring program and encouraging and promoting outside mentoring opportunities.
9. **Developmental Training:** Training in areas that promote advancement, including business development, networking, and leadership.
10. **Diversity Awareness:** Mandatory ongoing education on gender issues, including discrimination, sexual harassment, stereotyping, and the interplay between gender stereotypes and performance perceptions.

⁸ The number and order in which the Best Practices are presented are not indicative of their importance. As indicated in the section entitled “Dynamic of Best Practices,” all the Best Practices are interrelated and no one Best Practice can be successfully implemented without the others.

DYNAMIC OF THE BEST PRACTICES

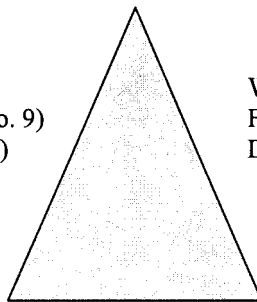
The Committee recognizes that the number and breadth of the Best Practices may daunt even the most ambitious legal employer. That many of the Best Practices address related and complementary issues also may make it difficult for an employer to prioritize their implementation. As an aid for employers, the Committee provides this Dynamic of the Best Practices.

As represented by the widest, bottom edge of the pyramid, Senior Management Commitment (Best Practice No. 1) and Organizational Accountability (Best Practice No. 2) are the foundation upon which all other Best Practices are premised. Without the policies and tools embodied in Best Practices Nos. 1 and 2, efforts to put in place the other recommended Best Practices simply will not succeed. The supporting “arms” of the pyramid reflect the programmatic elements of a gender-equitable workplace, as laid out in Best Practices Nos. 5 through 10. These are the functional “tools” by which lasting, cultural change will occur. Finally, at the top of the pyramid are Representative Leadership (Best Practice No. 3) and Proportionate Representation (Best Practice No. 4), the objective indicia that the letter and the spirit of the other Best Practices have taken root.

Representative Leadership (Best Practice No. 3) Proportionate Representation (Best Practice No. 4)

Mentoring Culture (Best Practice No. 8)
Developmental Training (Best Practice No. 9)
Career Advancement (Best Practice No. 5)

Workplace Flexibility (Best Practice No. 6)
Family Care (Best Practice No. 7)
Diversity Awareness (Best Practice No. 10)



Senior Management Commitment (“Tone at the Top”) (Best Practice No. 1) Organizational Accountability (Best Practice No. 2)

PRACTICAL SUGGESTIONS FOR BEST PRACTICES

1. Senior Management Commitment: Demonstrated commitment by General Counsel/CEO or managing partner/department head to promoting and advancing women (“Tone at the Top”).

One of the fundamental factors to effective change is committed and active senior leadership. Culture change originates from strong leadership at the top. The senior management team’s role modeling and commitment of resources sets the tone for the organization and shapes the behaviors, attitudes, and values of its employees and constituency.

The “Big Four” accounting firms have been especially successful in advancing and retaining women. For example, when one of the “Big Four” accounting firms launched a formal initiative to retain and advance women, the CEO staunchly championed it. Among other things, he personally approached firm partners who did not participate in mandatory workshops related to the initiative. The tone he set at the top contributed to the firm’s significant gains in increasing the presence of women in senior leadership positions and reducing the gender gap in attrition. Similarly, another “Big Four” accounting firm also benefited from the visible support of its chairman and its willingness to devote firm resources to such effort. It, too, created a department devoted to the issue of retention of women and minorities and had it report directly to the chairman of the firm.

Large law firms present a distinct challenge. Leadership often is diffused horizontally across committees and practice groups. Accordingly, the key strategic partners in a law firm must meaningfully endorse, support, and participate in the firm’s efforts to recruit, retain, and advance women. In other words, not only the managing partner, but also the practice group heads, the geographic region heads (or equivalent), and the leaders of important committees, such as the executive, compensation, and promotion, must be engaged. Engagement can be demonstrated by being a member of a company’s diversity taskforce, playing a leadership role in a diversity or women’s initiative, and sponsoring as well as attending events organized by the initiative.

The “tone at the top” conveys a powerful message regarding the commitment of the organization to the careers of its women attorneys and strongly influences the attitudes and efforts of all its employees. Accordingly, top management commitment to diversity must be tangible. The person who runs a diversity taskforce or initiative should report directly to the CEO, managing partner, or department head. Reports regarding the initiative’s goals/efforts should be routinely included in the agenda of the firm’s annual partnership meeting or the corporation’s senior leadership meetings. Providing resources also is essential. This can take the form not only of providing support staff, but also recognizing that lawyer time devoted to a women’s or diversity initiative should be treated as equally valuable as billable time.

The following suggestions can help effectively communicate the senior leadership’s commitment to women’s advancement.

PRACTICAL SUGGESTIONS:

- The CEO, General Counsel, Chairperson, managing partner, or department head should either chair or be a permanent member of the diversity and/or women’s committee/initiatives.
- The head of the diversity and/or women’s committee/initiatives also should be a permanent member of the management or executive committee or similar decisionmaking body where permitted by the corporate structure.
- General statements on diversity and women issues should be made by the CEO, General Counsel, Chairperson, managing partner, or department head.
- When addressing organizational issues, the CEO, Chairperson, or managing partner should include women’s issues.
- Partners and senior management should schedule a discussion of women’s issues at their partner or senior leadership meetings or retreats.
- The CEO, General Counsel, Chairperson, managing partner, or department head should attend important women related events/functions within the organization.
- The CEO, General Counsel, Chairperson, managing partner, or department head should ensure that the tone at the top is carried throughout the organization.

- Partners and senior management should meet regularly with their counterparts at other organizations to share knowledge and experience on women's issues.
- Training on women's issues and the Best Practices should be provided to newly-promoted managers and newly-elected partners.

2. Organizational Accountability: Creation of a system that monitors and rewards or penalizes partners/managers for the extent of their implementation of the Best Practices.

Organizational accountability consists of two components: (1) measuring the appropriate variables, consistently and over time; and (2) holding the organization's attorneys responsible for the success of the diversity initiative, through the creation of tangible rewards and penalties.

Conventional wisdom dictates that "what gets measured, gets done." Accordingly, determining what to measure is key. A baseline understanding of where the organization is, and clear identification of the metrics for the short, medium, and long term, is a necessary prerequisite to the success of any initiative to enhance the hiring, training, retention, and advancement of women.

Key metrics for law firms may include: 1) representation by gender at the partnership, intermediary (e.g., of counsel), and associate levels; 2) representation by gender at years three, five, and seven; 3) promotion rates by gender; 4) attrition rates by gender on an annual basis; 5) representation by gender of practice group leaders and office heads (if regional offices exist); 6) representation by gender of key committee heads and members (e.g., executive, compensation); 7) representation of women of color; 8) representation of lateral hires; and 9) representation by gender of the relationship partners for key clients and the origination partners for key clients/matters.

For in-house corporate law departments, important metrics may include: 1) representation by gender at Vice President levels and above; 2) promotion rates by gender; 3) attrition rates by gender on an annual basis; 4) representation of women of color; 5) representation by gender of new hires; and 6) representation by gender of practice group heads and regional office heads. With a baseline picture of where the organization is, the organization can strategically target the areas most in need of attention. Consistent measurement over time can help pinpoint whether initiatives taken by the company have demonstrable impact.

Measuring the organization's progress, although essential, is not sufficient by itself. It must be coupled with a system that holds attorneys responsible for the success of the diversity initiative. This can be achieved through several means, including through the performance evaluation process. Some law firms have included efforts to strengthen the firm's diversity as one component of the overall partner evaluation. Most importantly, that evaluation in turn impacts determination of compensation and bonus eligibility. The approach of other industries is instructive. For example, some investment banks have created a diversity bonus pool that rewards practice leaders for performing well on recruiting, retaining, and advancing traditionally underrepresented groups.

Another essential aspect of accountability, and of particular importance for law firms, is the treatment of time spent on the firm's efforts to improve diversity. The success of any diversity initiative rises or falls with how the firm treats the time spent on it. Firms should treat time spent on diversity initiatives as an investment in the firm and develop incentives for diversity activities. These incentives can include financial incentives, establishing a separate billing code for diversity activities, requiring a minimum number of hours spent on diversity activities each year for each attorney (including partners/managers), and making active involvement in diversity activities a criteria for promotion.

The following practical suggestions provide guidance on creating accountability systems "with teeth."

PRACTICAL SUGGESTIONS:

- Develop financial incentives to reward efforts towards implementation of the Best Practices. For example:
 - in determining the compensation of managers and department heads, give considerable weight to the retention rate of women attorneys in their departments;
 - in determining partner compensation, give considerable weight to their involvement in diversity initiatives; and

- introduce a diversity-based bonus.
- Hiring, training, retaining, and advancing women should be necessary criteria for promotion or advancement within the organization.
- Develop procedures to hold accountable those persons supervising junior women attorneys who are criticized in their reviews for not having adequate experience if such supervisors do not take sufficient action to ensure that such junior women attorneys receive the necessary exposure and experience.
- Develop systems to monitor each manager's, partner's, or department head's implementation of the Best Practices.
- Include involvement in diversity activities in any downward, upward, and peer review.
- Develop systems to monitor retention and attrition rates, pay scale, and promotion of women attorneys. The data generated by these systems then should be used to evaluate and correct the policies and procedures, at least annually.
- Establish a separate billing code for diversity activities and require a minimum number of hours spent on diversity activities each year for each attorney (including partners/managers).
- Create internal awards to recognize and celebrate an individual's accomplishments with respect to women's issues and the Best Practices.
- Develop internal surveys to measure the satisfaction of attorneys with the diversity record of the organization.
- Emphasize accountability at the most senior levels in order to reinforce the "tone at the top."

3. Representative Leadership: Significant presence of women in visible leadership positions within the organization, and on litigation or transactional matters.

The purpose of this Best Practice is to have women attorneys be seen as a face of the organization, both internally and externally. The Committee found that women attorneys had a high level of dissatisfaction with their opportunities for career advancement. Some of that dissatisfaction derived from the failure to see a meaningful number of women in top positions within their firm or company. Not only is it rare, still, to have a woman preside as managing partner of a firm or general counsel of a sizable company, women also are underrepresented on key management committees and client pitches. This lack of representation contributes to higher levels of attrition among women, as their commitment to stay with their employer diminishes with their perception that they, too, will likely fail to advance or be permitted to participate in the active management of their organization.⁹

Accordingly, having a significant presence of women in key leadership positions sends a powerful message regarding the organization's commitment to the retention and advancement of women. A firm should examine its key management committees to ensure women are represented. In some cases, the total number of participants on a committee may need to be expanded so that women can be added to certain committees while ensuring that men are not displaced. Firms also should consider drafting women to serve on these committees, rather than waiting for them to volunteer. If an insufficient number of women exist to serve on these committees, the firm should proactively groom women in the pipeline to serve on these committees in the future.

Equally important is the external visibility of women. As many firms do not track this information, they may underestimate the extent to which women are excluded from important matters and client pitches. Firms may not have taken into account the gender impact of staffing decisions for a major litigation or transaction. Overt attention to this issue is necessary for several reasons. First, many in-house corporate law departments now

⁹ See Catalyst, *Women in Law: Making the Case* (2001).

insist that firms field diverse teams and expect to see a senior woman at the table. Second, staffing decisions for cases and transactions often occur informally, to the detriment of women. Organizations must proactively ensure that all attorneys have access to the assignments essential for advancement.

The following practical suggestions provide examples of ways in which an organization can increase the internal and external visibility of its women attorneys.

PRACTICAL SUGGESTIONS:

- Ensure that women attorneys participate in, and contribute to, important meetings, client pitches, court appearances, and business planning as critical members of the team.
- Increase the participation of women in leadership and decisionmaking bodies (including, if necessary, by expanding the size of executive, management, or similar committees).
- Set annual target levels for women leadership and medium-term target milestones related to the promotion of women that are reasonable for the organization. Monitor achievement of the annual target levels and milestones and reevaluate them regularly (at least annually).
- Encourage originating partners who are not primarily handling a client's work to share some of the credit with the partners who primarily handle the work for that client.
- Encourage and support women attorneys in the development of their book of business.
- Develop a grooming system for senior associates, in-house counsels, newly-elected partners, and newly-appointed managers.
- Allocate high profile matters evenly among attorneys.

4. Proportionate Representation: Employment and retention of a proportionate number of women across all levels, including at entry, mid, and senior levels and in practice areas and departments as well as providing re-entry opportunities.

As noted in the foreword, women are well represented in entry-level positions of the profession. For almost twenty years, women have constituted at least 40% of law school graduates and first-year associate classes. At the most senior levels, however, the representation of women falls behind men and the gulf widens considerably. Without intervention, the disparity between women and men in the senior ranks of the profession likely will continue. An active commitment to proportionate representation of women across all levels will help to close the gap that currently exists.

To date, legal organizations have tended to neglect the population of women who leave the profession but wish to return. Recently, there has been much media attention focused on women who purportedly have “opted out” or taken the “off-ramp.” Law firms often perceive the exodus of talented women to be inevitable. Research shows, however, that more than 93% of women who have taken time off from work want to return to work, but only 5% of women looking for on-ramps are interested in rejoining the companies they left.¹⁰ Becoming an “employer of choice” – by offering flexible work arrangements and alternative career paths, for example – could help diminish permanent defections from the profession and loss of talent to competitors.

Women who take time off from work encounter significant difficulty re-entering the workforce. Legal organizations that effectively engage this population could considerably increase the representation of women at mid- and senior-levels. Other industries have tackled this issue creatively. Innovative programs launched by other professional services firms include, for example: 1) creating a new recruiting stream by associates inviting their friends who have left work to attend events sponsored by the organization and hiring them for “short-term” assignments; and 2) unbundling work assignments, reaching out to the organization’s “regretted losses” and engaging them on a

¹⁰ See Sylvia Ann Hewlett and Carolyn Buck Luce, *Off-Ramps and On-Ramps: Keeping Talented Women on the Road to Success*, Harvard Bus. Rev., Mar. 2005.

contract basis to perform discrete pieces of work. These kinds of programs encourage connectedness to the profession and the employer, confer professional status to an individual who might not otherwise have known how to “on ramp” after a hiatus, and cultivate loyalty on the part of the individual who feels that the organization is committed to the arc of her career.

The following practical suggestions can help achieve proportionate representation of women across all levels of the profession.

PRACTICAL SUGGESTIONS:

- Set representation target levels for each practice area and department and for all seniority levels (entry to senior). Monitor achievement of the target levels.
- Monitor work assignments to ensure that women attorneys obtain adequate exposure and valued work assignments.
- Include an equal number of men and women on diversity and/or women committees/initiatives.
- Develop a coordinated recruitment effort seeking experienced attorneys who have taken time off from the work force and want to return to work on a full or part-time basis. These “re-entry” positions should be available across all practice areas and departments and should be marketed specifically as “re-entry” positions.
- Maintain contact with attorneys who have taken time off from the work force with a view towards facilitating their possible re-entry.
- Offer training and networking opportunities for alumni attorneys who have taken time off from the work force.

5. Career Advancement: Transparency regarding the criteria required for and timing of promotion and effective feedback on career advancement.

One of the top factors cited by women who intend to stay with their legal employer is the availability of advancement opportunities. This factor is important for lawyers within both law firms and in-house corporate legal departments. Indeed, frustration with the lack of career advancement options is even more pronounced among women in in-house corporate law departments than women in law firms.¹¹ It is also one of the areas of greatest disparity in satisfaction levels by gender within in-house corporate law departments; in other words, male in-house attorneys are much more likely to be satisfied with their opportunities for advancement than their female counterparts.

In addition, studies show that the dissatisfaction with advancement and career opportunities is often what leads women to leave, seemingly to give-in to the outside pressure of family.¹² An improvement in the transparency of the criteria for and the timing of promotion is especially critical for the retention of women for two reasons: 1) the “run” for partnership often coincides with prime child-bearing years; and 2) because junior women see few women partners, they are especially eager for information about “what it takes” to be promoted. Accordingly, to delay and reduce turnover of talent, all legal organizations must take proactive steps to provide clear criteria for the timing and availability of promotion.

Monitoring work assignments to ensure women attorneys obtain adequate exposure and valued work assignments is an essential tool to effective career advancement for women. Work assignments often occur informally, e.g., a partner asks an associate he socializes with to work on a new matter. But, the informal networks that lead to an attorney being staffed on a certain case or transaction often work to exclude women, usually not due to any animus, but because women often do not have access to these

¹¹ See Catalyst, *Women in Law: Making the Case* (2001).

¹² See Sylvia Ann Hewlett and Carolyn Buck Luce, *Off-Ramps and On-Ramps: Keeping Talented Women on the Road to Success*, Harvard Bus. Rev., Mar. 2005 at 43.

informal networks. For example, whether due to women having more after-work commitments, or “like gravitating to like,” male attorneys are more likely to have shared meals with partners and serve on firm governance committees than their female counterparts. This pattern is established at the beginning, and is evident as early as two to three years out of law school.

Regular, written feedback – delivered consistently, objectively and at least once annually – is the hallmark of an effective evaluation process. Many firm lawyers report having received minimal feedback prior to the year of their consideration for partner; lawyers in other organizations report erratic review processes. Demystifying the process for promotion and making the process clear and transparent is beneficial for both the legal organization and its employees. An effective review process makes the criteria required for advancement clear, informs the individual of the areas in which those criteria have been met, and identifies areas of development. Management of the review process is critical, whether performed by the human resources department of the organization or a management committee of the firm, to ensure that every attorney receives a timely review, to guarantee consistency between reviews, to evaluate reviews for objectivity, and to avoid latent stereotyping.

The effectiveness of a regular, objective review process is amplified if coupled with other measures to ensure that those at the top of the organization are invested in helping women advance. This kind of “sponsoring culture,” where someone in a senior role has a stake in seeing high-potential women succeed, can be especially effective in accelerating the growth of women in the senior ranks. It also can provide opportunities for organizations to think more innovatively regarding career advancement.

For example, one of the “Big Four” accounting firms recently inaugurated a program called “career watchers.” Through this program, the firm taps senior partners to “watch” the careers of certain high-potential women associates. By a process of reverse engineering, *i.e.*, working backwards from the high-potential woman’s years away from partnership consideration, the sponsoring partner watches to see what assignments and exposure to key clients the woman obtains and intervenes if such assignments are not

forthcoming. Through this program, the firm can keep tabs on the other criteria that are necessary for career advancement, such as visibility and exposure, which might not be necessarily captured in the formal review process. Such programs help reduce the likelihood that a top performer comes up for promotion, only to hear for the first time that she lacks certain key client contact or other necessary factors for promotion.

The following practical suggestions can help devise a transparent review process and ensure women's career advancement.

PRACTICAL SUGGESTIONS:

- Make the promotion process clear and transparent. Develop and formulate written criteria for partnership or promotion. Such criteria should define the requirements for promotion and should be as consistent as practicable across practice areas and departments. The criteria also should be widely disseminated within the organization.
- Develop individual career plans in consultation with each attorney, based on each attorney's goals, profile, and experience and on the organization's needs and strategic objectives. Establish annual milestones for each attorney.
- Conduct regular assessments of each attorney's career plans (*i.e.*, progress towards milestones, assignment among practice groups or within each practice group, and exposure to clients, industry, or type of transactions). Assessments should be conducted with the participation of the department head.
- Monitor work assignments to ensure that women attorneys get adequate exposure and valued work assignments.
- Develop a review process that assesses each attorney against each of the criteria for partnership or promotion rather than against peer colleagues. Each review should indicate the areas where the attorney needs improvement based on each criteria for partnership or promotion. The review also should indicate where the attorney is on the career track and with respect to each milestone.
- Dedicate staff to ensure reviews are given to each attorney according to review policy, especially in smaller departments. Reviews should be administered on a regular basis (*i.e.*, at least once a year and more frequently for junior and lateral attorneys). Reviews should be given by at least two partners to the extent possible, one of whom should be the same person year after year for consistency and continuity. Reviews should include input from the largest possible number of individuals.

- Give equal weight to leadership activities in the community, such as religious organizations and school involvement, as is given to other activities, such as corporate board membership.
- Develop a system of career coaches for women attorneys whose function is to ensure the advancement and success of the person whom they coach. Monitor the effectiveness of the career coaching process.
- Eliminate face time culture, i.e., a culture that expects and rewards attorneys who work in the office after regular business hours as opposed to rewarding actual accomplishments.
- Maintain regular and frequent dialogue with each attorney on career plan and attainment of goals, objectives, and milestones. The key is to be proactive.

6. Workplace Flexibility: Availability of flexible, reduced hours, and telecommuting arrangements that are not a bar to hiring, development, and partnership or promotion.

In the decade since publication of the Glass Ceilings report, part-time and flex-time work schedules have become increasingly commonplace. Indeed, a virtual cottage industry of consultants, trainers, and other resources has emerged to help employers implement more flexible schedules in an effort to help employees achieve “work-life balance.” Although the Committee views this trend as positive, the Committee’s research also found that it is having two unintended, and untenable, consequences.

The first is that such policies are utilized almost exclusively by women. As a result, gender stereotypes – that women lawyers are less ambitious, less dedicated to clients and colleagues, and less interested in professional development – are reinforced. Compounding the problem is a lack of institutional commitment to part- and flex-time work arrangements – as evidenced by, for example, colleagues’ disregarding an attorney’s alternative schedule or an employer’s failing to compensate an attorney who exceeds the attorney’s reduced-hours schedule. Such lack of commitment places the part- or flex-time attorney in the position of having to constantly remind others of their part- or flex-time “arrangement.”

The second trend the Committee observed was that precisely due to the negative connotations described above, part- and flex-time policies are grossly underutilized, by women and men.¹³ Ironically, many women opt to leave work altogether rather than risk being branded with the pejorative “mommy track” label associated with part- and flex-time schedules or attempt to juggle an alternative schedule routinely undermined by lack of employer support.

Both of these trends impede women’s advancement and hasten their departure from the legal profession. Consequently, the Committee recommends that legal employers not only institute part- and flex-time policies for both men and women, but create a culture

¹³ See Catalyst, *Women in Law: Making the Case* (2001).

that supports them. So long as these policies are underutilized by men, flexible work arrangements will remain a women's problem.

The Committee acknowledges that part- and flex-time policies require some compromises by employers and co-workers and may require compensation and other financial adjustments. However, there are a number of strategies for making them work, and work well for everyone. On larger matters, for instance, a cooperative, "team approach" to dividing and accomplishing tasks may be appropriate; effectively aligning talent to work needs can maximize efficiency and minimize the disruption of an alternate schedule. Achieving "buy-in" from co-workers also is maximized when flexible schedules are presented as a means to achieving satisfaction over the arc of a long career, during which an attorney may have children, need to care for aging parents, face his or her own disability or that of a partner, or have other compelling needs that conflict with work. Indeed, the Committee notes that there is a voluminous, and growing, body of literature that part- and flex-time arrangements for a variety of reasons, not only those related to family-care needs, hold vast potential for increasing employees' job satisfaction and decreasing costs associated with employee turnover and decreased productivity.

While the legal profession might not be ready to embrace alternative scheduling to such a broad extent, what it should acknowledge is that it is not just women attorneys, and not just attorneys with children, who can benefit from part- or flex-time schedules. By making alternative schedules available in defined circumstances, and "democratizing" their availability and utilization among men and women alike, employers lessen the stigma associated with such schedules and assure the long-term success of all their employees.

The following practical suggestions can help create a flexible workplace.

PRACTICAL SUGGESTIONS:

- Offer flexibility at all levels (including partnership) and not at junior levels only. Each request for a flexible work arrangement should be reviewed fairly in regards to the legal employer's needs and the attorney's requirements. Flexibility should not be reserved for "star" attorneys.
- Offer flexibility as a matter of written policy, not on a case-by-case basis.

- Define flexible work arrangements as broadly as possible to encompass, for example:
 - telecommuting;
 - part-time work;
 - job sharing;
 - 80% or less work schedule;
 - optional extended vacation policies that permit an attorney to take additional vacation (i.e., extended family vacation in the summer or during other school holidays) for a proportionately reduced pay, yet preserves the attorney’s “full-time” status and career track; and
 - compressed work week.
- Monitor work assignments to ensure that attorneys on flexible work arrangements get adequate exposure and valued work assignments.
- Explore and discuss with clients flexible work arrangements that will be satisfactory to the client and continue to satisfy the client’s needs and expectations. The success of flexible work arrangements depends on a cooperative effort between the organization and its clients.
- Create an environment of transparency around work arrangements.
- Promote attorneys on flexible work arrangements and permit attorneys to maintain their flexible work arrangements after promotion.
- Eliminate the face time culture, i.e., a culture that expects and rewards attorneys who work in the office after regular business hours as opposed to rewarding actual accomplishments.
- Establish systems to monitor flexible work arrangements and ensure that the organization adheres to the arrangements. Take corrective action if the terms of a flexible work arrangement are not adhered to by the organization. For example:
 - develop procedures to sensitize and hold accountable persons supervising attorneys on flexible work arrangements if the terms of these flexible work arrangements are not generally adhered to by the organization (for example, an attorney who is supposed to work 80% of the full-time hours but who regularly works 90% of the full-time hours); and

- pay additional compensation if the attorney works more hours than provided for by the flexible work arrangement (for example, an attorney who is supposed to work 80% of the full-time hours but who regularly works 90% of the full-time hours should be paid at the 90% level).

Recognize, however, that any such corrective action should not be used to avoid addressing the fact that the arrangement may not be working in the way it is being implemented.

- Provide attorneys with the technology necessary to work from home, such as access to the organization's network and a Blackberry.

7. Family Care: Provision of and encouragement to use paid family care leave and resources for family care assistance.

This Best Practice goes hand-in-hand with Best Practice No. 6: Workplace Flexibility. Although the Committee endorses the long-term goal of encouraging both male and female attorneys to participate in managing family obligations, the current reality is that the bulk of family care – care of children and care of aging parents – falls on women. Consequently, the lack of affordable family care leave and other assistance has a disparate impact upon women. To the extent that the physical consequences of pregnancy may compete with work, such as breastfeeding, women alone obviously bear such consequences. Especially significant is that women's childbearing years usually coincide with the time frame in which they are under consideration for partnership or other promotional opportunities; a woman who takes time off to have and care for children ultimately may need years to recover the ground lost on her career path.

The negative consequences of such a juggling act on women's professional lives are predictable and well-documented. Women may return to work sooner than they otherwise would after giving birth because they cannot afford to take unpaid leave, either financially or in terms of the feared career detriment. Alternatively, women with sufficient financial means may decide to stay home with a new child or sick parent because attempting to balance caregiving obligations with work is infeasible. Indeed, the New York Times recently published a study documenting the departure of women professionals from the workforce to assume such parent-care responsibilities.¹⁴ Further, as discussed in relation to Best Practice No. 6, when women are forced to shortchange work – whether through repeated absences or through leaving the workforce altogether – gender stereotypes are reinforced, which harms all women's opportunities for advancement.

While it may seem counterintuitive to some, only by actively supporting employees' obligations outside the office will employers minimize the intrusions caused by those obligations; ignoring employees' competing identities as mothers, daughters, and

¹⁴ See Jane Gross, *Forget the Career. My Parents Need Me at Home*, N.Y. Times, Nov. 24, 2005 at A1.

caregivers does not erase them, and may ultimately make family care needs more burdensome to the employee as she tries to “fit in” work around home life and vice versa. Just as women's attrition translates into significant monetary costs, the loyalty earned by an employer that affirmatively supports employees' family-care needs reaps equally tangible gains.

The following practical suggestions can help legal employers make their workplaces “family-friendly zones.”

PRACTICAL SUGGESTIONS:

- Make childcare centers available on premises for daily childcare if financial resources and/or space permits, not just for emergency care. Otherwise make arrangements with a nearby childcare center to facilitate enrollment of children in daycare close to work.
- Make arrangements with a nearby childcare center for back-up daycare and emergency childcare assistance, including on weekends and in the evenings.
- Provide paid maternity leave and paid paternity leave for all births and adoptions that is distinct from the disability coverage provided to women for pregnancy-related conditions. Such leaves should be of equal duration.
- Develop a short-term paid leave policy for elder care.
- For those employers not covered by the federal Family and Medical Leave Act (FMLA), provide an unpaid leave of absence policy that mirrors the FMLA.
- Establish a lactation facility on premises.
- Provide dependent care flexible spending accounts.
- Allow attorneys the flexibility to work from home when emergency daycare problems arise. The time spent working from home under these circumstances should not be counted as a vacation day or a sick day.

8. Mentoring Culture: Fostering a mentoring culture, including developing and implementing an effective and tailored internal mentoring program and encouraging and promoting outside mentoring opportunities.

The Committee found that mentoring programs, like part- and flex-time policies, are extremely common today among legal employers. However, just as having a policy for alternative schedules does not assure that employees will take advantage of it, merely having a mentoring program does not automatically confer the benefits of a “mentoring culture.” Assigning a mentor to a junior attorney frequently results in, at best, a few lunches between two people who may or may not have anything in common; a mentoring culture needs to be mutually rewarding for mentor and mentee over the course of both individuals' careers, while also benefiting the workplace as a whole.

Mentoring is an integral component of training, retaining, and advancing women attorneys. Women who enjoy meaningful mentorship feel less isolated and more supported; when a woman's mentor is another, more senior woman, she is even better able to envision her own long-term success in the workplace. Mentors also help their mentees navigate the pitfalls described elsewhere in these Best Practices, from dealing with incidents of harassment or other bias to negotiating a reduced-hours schedule and making it work.

Women also enjoy innumerable “gender-neutral” benefits of mentoring. Mentors introduce women to the informal networks that are essential for developing her reputation among peers and potential clients. Mentors assist in setting mentees' short- and long-term career goals, devising strategies for achieving them, and advocating for mentees among the employer's leadership. Mentors themselves also benefit from the mentoring relationship. In addition to general feelings of goodwill that come from assisting another, mentors invest in their workplace's brain trust, assuring that those with whom they work are maximizing their potential. To the extent that the mentor may not have much experience working with women or minorities mentoring relationships bridge such differences and assist in breaking down stereotypes.

The Committee recommends that employers implement programs that build multiple mentoring relationships, in both formal and informal settings. For instance, attorneys benefit from mentorships both within and outside their practice area. Similarly, while the traditional senior mentor-junior mentee relationship is valuable in many respects, mentoring relationships among peers have other benefits. Such relationships often expand beyond the two-person mentor-mentee construct to create “mentoring circles” that may allow cross-specialty information sharing and support. And although women-only mentoring outlets are essential, it is equally essential for employers to understand that such programs comprise only part of the recommended panoply of mentoring opportunities.

The following practical suggestions can help implement a successful mentoring program and ensure a mentoring culture.

PRACTICAL SUGGESTIONS:

- Develop mentoring geared towards empowering women to take charge of their careers.
- Develop mentoring tailored to each group of individuals: junior, mid-level, and senior attorneys and junior partners/managers; recognizing that each group has different mentoring needs and that the need for mentoring at each level is crucial. For example, training programs for junior attorneys should include sessions on issues faced by women in the legal profession so as to sensitize junior attorneys to these issues early in their careers.
- Develop a pairing system for junior women partners/managers in which they are paired with a more senior partner/manager for coaching, practice development support, client exposure, and mentoring.
- Develop a group mentoring program (i.e., organize seminars or brown bag lunches on specific issues usually dealt with through mentoring).
- Provide ongoing training on how to be an effective mentor.
- Formalize the establishment of mentor-mentee relationships within the organization (partner/manager-associate, senior associate/manager-junior associate/manager) and outside the organization (for example, with alumni).

- Encourage multiple mentors for one mentee. Encourage diversity among mentors (for example, have a mentor within the same practice group and a mentor from a separate practice group) and encourage both formal and informal mentorships.
- Develop incentives for mentors to conduct mentoring. Establish a separate billing code for mentoring. Require a minimum number of hours spent on mentoring each year for each attorney (including partners/managers). For partners and managers, tie mentoring activities to compensation. Build commitment to mentoring and effective mentoring into the criteria for promotion. Establish a spending allowance on mentoring activities (for example, lunch fare) and regularly monitor use of this allowance by mentors (for example, where spent and how often spent).
- Monitor mentoring programs. For example, dedicate staff to: (i) conduct meetings on a regular basis (twice a year) with each mentor and each mentee separately; (ii) keep track of hours billed to mentoring; (iii) keep track of and monitor the quality of mentoring activities; (iv) set up themes for mentoring (for example, setting up a list of topics that the mentors and mentees are encouraged to discuss/approach during their meetings); (v) set up mentor coaching help for those who need it; and (vi) set up policies to encourage mentors and mentees to seek help when the program or their relationship is not working.
- Hire outside consultants to develop effective mentoring programs and assist with the monitoring of the mentoring programs.

9. Developmental Training: Training in areas that promote advancement, including business development, networking, and leadership.

As made clear in Best Practice Nos. 3, 4, and 5, women's advancement is hindered by the absence of women leaders and role models, high rates of attrition, and lack of guidance as to what criteria are used to measure performance. Part of a comprehensive strategy needed to address these issues is assuring that women attorneys have access to the developmental training needed to assume a wide range of leadership roles.

Attorneys receive much of their training by doing. Yet gender bias, either explicit or unspoken, may result in women taking on a narrower group of tasks than their male colleagues. For instance, stereotypes about women may lead to their being assigned more frequently to brief-writing, while male attorneys are given more opportunities to take and defend depositions or to appear in court. Similarly, a client's preferences or "comfort level" may result in a male attorney being given responsibility for client interaction, while a woman attorney is relegated to the background. Ironically, the resulting gaps in a woman's skill set frequently are used against her when she is assessed for partnership or other promotion. Women who take advantage of reduced and flexible schedules also report being overlooked for certain tasks and networking opportunities. The Committee further notes that when women are appointed to leadership roles, it frequently will be in a "soft" area such as diversity management or coordination of a summer program for law or business school students.

Employers must actively monitor the development of women attorneys, periodically assessing their skill set development and making adjustments to work assignments as required. Employers should adopt a "zero tolerance" policy of client or customer preferences – whether unspoken or express – to work with a man instead of a woman. In conjunction with the comprehensive mentoring programs proposed under Best Practice No. 8, women should have opportunities to improve their client development skills through both formal and informal networks.

The following practical suggestions can help develop successful training for women attorneys:

PRACTICAL SUGGESTIONS:

- Develop a client/work assignment allocation that enables each attorney at all stages of her career to be at the right level of experience and training. Particular focus should be given to the quality of the work assigned to attorneys on flexible work arrangements.
- Establish a review process of client and work assignments at each of the practice group, department head, and individual attorney levels. The review should focus on the substance of the assignments and the balance between the substantive and the support portions of the assignments.
- Develop specific training tailored to women attorneys and focused on client development skills, leadership skills, and networking skills. In particular, focus on giving women attorneys leadership experience.
- Develop a grooming system for senior associates, in-house counsels, newly-elected partners, and newly-appointed managers.
- Sponsor and develop women networks outside of the organization. Encourage and facilitate the participation of women attorneys in networks outside of the organization, including entities devoted to women's advancement. For example, reimburse membership fees for bar or trade organizations, including fees for membership in committees concerning women's professional development, and allow participation in such networks to be itemized in accounting of attorney time.
- Organize events to encourage attorneys to network outside the organization with clients and alumni.
- Develop avenues for socializing within the organization between partners/managers, attorneys, and clients.
- Promote the development of role models within the organization. Identify, educate, and train attorneys to act as role models. Make role models accountable for their failure to perform as such.
- Provide training on accounting, tax, statistics, and other business topics and mandate that attorneys attend such training in the first few years of their career.

- Providing training on women's issues and the Best Practices to newly-promoted managers and newly-elected partners.
- Hire outside consultants to advise on appropriate and necessary training.

10. Diversity Awareness: Mandatory ongoing education on gender issues, including discrimination, sexual harassment, stereotyping, and the interplay between gender stereotypes and performance perceptions.

The Committee recognizes that many legal employers appear to be genuinely committed to achieving and maintaining gender equity as well as racial diversity. There are several barriers, however, to making that goal a reality.

Although overt sexism has diminished at today's law firms, corporate legal departments, and other business settings, gender bias remains a potent force. Bias often takes more subtle forms: for example, an assertive woman is criticized for being "pushy" or "too aggressive," while a more reserved woman is dismissed as "too nice" to assume leadership roles; similarly, a woman with small children may be deemed "unreliable" or "lacking fire in the belly." Much gender bias merely has gone "underground" – unspoken but still playing a role in personnel evaluations and decisionmaking. Where employers rely heavily on subjective performance criteria, such as "commitment to excellence" or "drive," instead of objective, measurable criteria, the potential for such stereotypes to infect decisionmaking is vastly increased. In this regard, it is crucial to acknowledge that gender bias may be wholly unconscious; that is, although some law firm and corporate leaders unquestionably continue to hold outdated views of women's abilities and roles, many more may not be aware that their perceptions of an employee's abilities and job performance are colored by the employee's gender. Indeed, as the Committee came to understand, one of the most pernicious barriers to wiping out gender bias is the widespread belief among many male attorneys that such bias no longer exists.

Sexual harassment also remains a serious problem. A 2001 American Bar Association survey found that a staggering two-thirds of women attorneys had either experienced or witnessed sexual harassment at some point in their careers.¹⁵ Legal employers and their employees alike, despite being lawyers, remain woefully uninformed about what does and does not constitute unlawful harassment. Such misinformation has the

¹⁵ See American Bar Association Commission on Women in the Profession, *Balanced Lives: Changing the Culture of Legal Practice* (2001).

ancillary “backlash” effect of causing resentment among male attorneys that they “can’t say anything nice to a woman” or “can’t have any fun anymore.” Moreover, the ubiquity of the Internet has resulted in inappropriate and demeaning material being readily accessible and easily disseminated. And while most employers have policies in place that profess “zero tolerance” for sexual harassment, such policies often prove ineffective in practice. A mishandled harassment complaint not only has legal implications for the employer; it further isolates and demoralizes the woman who has spoken out and speaks volumes to women and men alike about the employer’s attitude toward women.

Finally, employers must recognize that discrimination against women often intersects with other kinds of discrimination, such as race discrimination, age bias, and pregnancy discrimination. Similarly, adverse actions taken against women on the basis of their family obligations, or because they experience domestic abuse, can constitute unlawful discrimination. Consequently, it is essential that legal employers pursue numerous avenues to prevent and identify gender bias and to take swift and decisive remedial action if and when it occurs.

The following practical suggestions can help ensure diversity awareness and prevent discrimination.

PRACTICAL SUGGESTIONS:

- Review written performance evaluations to ensure that criticism of attorneys is not gender stereotyped. Avoid oral performance evaluations that gender stereotype (*i.e.*, criticizing women attorneys for being aggressive while praising male attorneys for similar behavior).
- Develop regular and continuing anti-discrimination and anti-harassment training for all employees; conduct separate training that is appropriate to seniority level.
- Develop regular and continuing training on responding to discrimination and harassment complaints, including how to conduct investigations, maintain confidentiality, and convey investigation results.
- Disseminate anti-discrimination policies that outline a complaint procedure and explains the investigation process, including what and when the complainant will learn about the outcome of the investigation.

- Hire outside consultants to provide guidance on drafting and implementing effective anti-discrimination and anti-harassment trainings and policies.
- Avoid any internal and external appearance of “all male” activities. For example, no meetings (client or otherwise) should be held at “all male” clubs.

CONCLUSION

When the Committee launched this project, it intended to create best practices to assist legal employers in addressing the issues that were uncovered by the Glass Ceilings report and the vast body of subsequent data that indicates that the legal profession is depriving itself of half its talent pool. Rather than publish another study, the Committee endeavored to provide concrete best practices and a list of practical suggestions that would encourage immediate remediation to the existing obstacles to the retention and advancement of women in the profession.

The Committee recognizes that implementation of the Best Practices will require an investment of time and resources, and with certain Best Practices, a financial investment that will have an immediate impact on the bottom line. The Committee strongly believes, however, that the investment will pay off in terms of maintaining talent and competitive position, increasing diversity, and ultimately improving morale and career satisfaction.

The Committee further recognizes that certain Best Practices may create a greater reaction than others in terms of what management believes is practicable. By identifying goals and measuring priorities, the Committee is confident that all legal employers are equipped to map out an implementation strategy that will work best for their particular organization.

The Committee was fortunate to have had the insightful input of many talented and respected members of the bar and other professional services industries in drafting the Best Practices. Based on such input and the comments received during the drafting process, it is clear that implementation of these Best Practices is long overdue and necessary to sustain the overall quality and diversity of the profession.

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