

Women Still Number Too Few In Partner Ranks

By Hilary Russ

Law360, New York (December 11, 2009) -- Bobbi Liebenberg once missed a client meeting because she had to take one of her children to the emergency room an absence her previous firm couldn't seem to swallow.

It was the only time I ever missed a court date or meeting, said Liebenberg, chair of the American Bar Association's Commission on Women in the Profession and a senior partner at the Philadelphia complex litigation firm Fine Kaplan & Black RPC.

She later gained access to her evaluations, and she discovered that the family emergency had followed her around.

That comment kept repeating itself in my evaluation as to whether I would be able to handle partnership, given that I had three children, she said.

Even highly regarded lawyers like Liebenberg she's received awards, appointments and industry recognition year after year have had to surmount this kind of obstacle on their lonely path to partnership.

According to a [Law360 survey](#), women make up on average just 19 percent of partners. Experts say there are many reasons why the number isn't higher.

Unintentional stereotyping, lingering bias in performance reviews, a dearth of mentors, diminished access to top-ranking partners, a scarcity of important assignments, and the family burdens on women amid a continued, if waning, reliance on the same old billable-hour benchmarks all play a role.

While some firms in the Law360 study did well —McDonough Holland & Allen PC was at nearly 35 percent, and several others boasted numbers in the high 20s and low 30s —many could only claim about one-quarter or less of their partners were women. Others were well under 20 percent, and a handful were only in the single digits.

The survey asked law firms with 100 or more attorneys, as well as select boutique firms, to submit data about the gender makeup of their partnership ranks.

The average is off from what the National Association of Women Lawyers is hoping will be 30 percent — of equity partners, all chief legal officers and tenured law professors —by the year 2015. The association found in an October survey that nearly half of major U.S. firms said they had no women among their top 10 rainmakers.

It also found that women made up just 16 percent of equity partners, 6 percent of managing partners and about 15 percent of the members of a firm's highest governing committee.

For a long time, people could just attribute it to the pipeline. People could just say, 'Oh, women haven't been in the pipeline long enough, said Deborah Epstein Henry, founder and president of the consulting firm Flex-Time Lawyers LLC.

But for about 20 years, women have constituted 40 to 50 percent of law school graduating classes, Henry said.

Clearly, women are entering the pipeline, but leaking out along the way.

One reason why some women don't make it all the way through is because they leave altogether to care for family. They leave for other reasons, too, both before and after making partner. Some firms might not promote women, buying into stereotypes that women are somehow less dedicated because they also have a personal life.

One concern is that women are not going to be team players the way men will be because they're distracted by family, that firms are wary because women are bound to leave to care for children," said Mary Evelyn McNamara, an associate in the family law group at Brown McCarroll LLP, and president of Texas Women Lawyers, which conducted a survey a few years ago on maternity leave.

Some of those women who were chosen as partners had either delayed having kids or had decided not to become mothers at all, she said.

Experts also believe women and their law firms need more focus on leadership and more examples to follow if they want to reach parity with men.

Women have focused on doing really good work. And I think they have thought in the past that just being a great lawyer is enough," Henry said.

Yet to move up, more is needed. Women and their firms need to look at how pitches are staffed, how credit is attributed and how big clients are passed on to younger attorneys when a partner leaves, she said.

There are a lot of dollar signs, a lot of zeroes attached to that client, and yet when the senior lawyer retires ... the women seem to be the ones who lose out," she said.

But Elise Bloom, a partner at Proskauer Rose LLP who led the firm's annual Women's Law Forum in New York in November, sees opportunities for women to help others and themselves rise up the ranks, and she thinks it's only a matter of time before more women land and stay in top positions more often.

I've seen a dramatic change in the past, in wanting to reach out to people who have new ideas," Bloom said. " That mindset is something that's fairly new. It sort of comes with an understanding of what diversity is. Diversity isn't ... one woman on the committee."

Last year, female partners at Proskauer made getting department chair spots and committee memberships key goals. Since then, Bloom has become the first female co-chair of Proskauer's labor and employment law department. Andrea Rattner now chairs the firm's tax department. Others became committee members, Bloom said.

I think most firms are really working hard on these diversity issues. I don't think this is any intentional type of bias," Liebenberg said. " Given how much time and money is spent in recruiting, hiring and training lawyers, firms want to retain them."

Corporate pressure could be the most persuasive force for change, Liebenberg said.

Walmart has in the past stopped working with otherwise high-performing firms that didn't meet diversity goals. Other corporations are taking similar measures, including giving bonuses to truly diverse firms, and are looking more closely at the number of part-timers as a measure of diversity, experts said.

That's going to make a huge difference. When clients demand this type of diversity, it's going to be very hard for law firms to resist it, Liebenberg said.