

WLJ

WOMEN LAWYERS JOURNAL

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NO. 1

Examining stereotypes associated with women of color

PLUS
'Nudges' result in
hiring more women

Justice Anne
McKeig's inspiring
journey



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Justice Anne McKeig was appointed to the Minnesota Supreme Court in August of 2016 – making the court majority female. Additionally, Justice McKeig is a descendant of the White Earth Band of Ojibwe. While her history shaped her, it is only a part of who she is today. By Stephanie Chandler.

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To learn more about the Club or Sustaining Sponsorship, contact **Caitlin Kepple**, NAWL's Marketing and Development Director, at kepplec@nawl.org.

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About NAWL

The mission of the National Association of Women Lawyers is to provide leadership, a collective voice, and essential resources to advance women in the legal profession and advocate for the equality of women under the law. Since 1899, NAWL has been empowering women in the legal profession, cultivating a diverse membership dedicated to equality, mutual support, and collective success.

BENEFITS OF MEMBERSHIP

- Access to career development and continuing legal education programs at reduced member rates.
- Opportunities to build a national network via programs that bring women together, opening doors to an array of business development opportunities.
- Leadership development through NAWL committees, affiliations and strategic partnerships.
- Advocacy via NAWL's *Amicus* Committee, which reviews requests for participation as *amicus curiae* in cases of interest to NAWL members.
- Community outreach through Nights of Giving.
- Continued learning with the *Women Lawyers Journal*®.

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Advancing one small step at a time

Maybe that jolt to the system needed to speed progress is actually just a nudge.

By Kristin L. Bauer

If such simple tweaks can result in markedly improved outcomes in hiring, what other small adjustments would allow the profession and legal employers to better retain, advance and develop diverse and female talent?



WHEN IT COMES TO ADVANCING WOMEN in the profession, as individuals and even institutions, we can and must focus on personal, individual touches – mentoring a colleague, formal mentoring programs, attending a professional development conference, recommending someone for a leadership opportunity, forming women’s initiatives. Many of us are fortunate to have benefited from such measures, and they are not only invaluable, they can be game changers.

But there is a growing desire in the profession to do something bigger – to jolt the system – in addition to these measures. The 2016 Women in Law Hackathon brought together more than 54 law firm partners and other stakeholders to think outside the box and develop initiatives to advance women in the profession. In its next phase, 36 law firms will work on implementing the winning Hackathon initiatives. Similarly, ABA resolution 113 will not only increase uniformity in law firm diversity reporting, but also focus on metrics that better demonstrate advancement by women and minorities at every level of the law firm model. And NAWL’s own Meeting the Challenge program brings together stakeholders and leaders

to focus on increasing the number of women in leadership roles and positions of power throughout the profession.

In her insightful article in this issue of Women Lawyers Journal, Dr. Paola Cecchi-Dimeglio of Harvard Law School presents the case for gender-neutral steps – what she refers to as “nudges” – for employers to implement in the hiring process. Through her research, she makes the case that these nudges in the hiring process interrupt bias and result in the greater selection of women. This begs the question, if such simple tweaks can result in markedly improved outcomes in hiring, what other small adjustments would allow the profession and legal employers to better retain, advance and develop diverse and female talent? If Dr. Cecchi-Dimeglio’s research is a preliminary indicator, the solution to this complicated issue may be simple in concept, but in practice require organizational discipline and focus. Perhaps small adjustments can enable organizations to interrupt bias and harness the power of their talent – women, diverse attorneys, men – as we benefit from the rising tide. Maybe that jolt to the system we desire to speed progress is actually just a nudge. Regardless of the solution, the full court press brings encouragement, greater awareness and fresh perspective. ■

Kristin L. Bauer is a principal with the Dallas office of the national workplace law firm Jackson Lewis PC. Bauer represents management exclusively in workplace law and related litigation. In addition to handling an active employment litigation docket, she counsels management on preventive strategies, including termination decisions, investigations, employment agreements, non-compete and non-solicitation agreements, wage and hour laws, policies and handbooks, and other issues affecting the workplace. In addition to her current role as a board member for the National Association of Women Lawyers, Bauer has served as pro bono general counsel to The Family Place — a nonprofit agency serving the victims of domestic violence and their families—since 2005.



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Take the pledge to advance women

We must go out of our way to promote other women without the expectation they will do the same for us.

By Leslie Richards-Yellen

My view is that if I work to improve my efforts to advance women by periodically and honestly evaluating my successes and failures, I can expect the same from other women, my country, employer and the organizations I support.

THIS YEAR IS BRIGHT WITH POSSIBILITY, and as we approach NAWL's 2017 Annual Meeting, I am reminded of a panel on which I participated at a past meeting.

Inspired by a desire to transform the panelists' material from inert bullet points into an action plan, we made a pledge. Each woman who signed the pledge promised over the course of the year to use her best efforts to assist in the career development of another woman. At the next Annual Meeting, each woman would perform a self-audit to gauge whether she had fulfilled her commitment. If each woman did her part, during the span of one year, the careers of many women would be enhanced.

As I think of that pledge each year, the spirit of the pledge compels me

to take stock of my actions to promote other women over the course of the past year. Did I:

- go out of my way to promote another woman's career without the expectation that she would do the same for me?
- assist in advancing the career of one woman who doesn't look like me?
- accept responsibility and try to make amends for actions that fell short of the mark or were harmful?
- make efforts to advance women under the law?

By performing my yearly audit, I attempt to get closer to making myself an instrument of change for women. My view is that if I work to improve my efforts to advance women by periodically and honestly evaluating my successes and failures, I can expect the same from other women, my country, employer and the organizations I support.

After I perform my yearly audit, I recommit myself to find ways to advance women. Every time I recommit, I feel powerful. I am not precisely sure why I feel powerful, but it has something to do with the potential to make a difference by holding myself personally accountable.

Each year that I have been a member of NAWL, I have reflected upon whether NAWL has been a meaningful instrument of change for women. I am so grateful for the countless ways that NAWL's staff, board, sponsors and members have acted in concert or individually to enhance the prospects of our dynamic organization and each other. I am proud that NAWL periodically evaluates how it can become increasingly impactful.

Imagine how personally satisfying it will be next year, when you can reflect on all you did in 2017 to advance the career of one or more women. Imagine how it will feel in 2018 when we have worked together to hold each other, our country, employers and the organizations we support more accountable for advancing gender equality.

This year, NAWL has recommitted itself to its vital mission of advancing women under the law. Will you join us by taking the pledge or recommitting yourself to gender equality? ■

Leslie Richards-Yellen is director of Inclusion – Americas at Hogan Lovells. She previously served as Hinshaw & Culbertson's chief diversity and inclusion officer, in addition to her public finance practice, for almost a decade. Richards-Yellen has more than 30 years of experience as in-house counsel and in private practice. She was a member of the National Association of Bond Lawyers' Steering Committee. In 2014, she was appointed to the Illinois Supreme Court Commission on Professionalism and served as the chair of the ISCCP's Diversity Committee. She was on the board of the Chicago Committee on Minorities in Large Law Firms, and serves on the boards of NAWL and the Delta Dental of Illinois Foundation as well as the advisory board of the Institute for Inclusion in the Legal Profession. Currently, she serves as president of NAWL.



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- NAPABA, 2014

PROFESSIONAL DEVELOPMENT WITH A DIVERSITY PURPOSE

Evaluating perceptions of women of color in legal institutions and developing strategies for success.

By Chasity A. Boyce, Tiffany Harper, Jennifer A. Jackson and Leslie Richards-Yellen



BEING A CHAMPION FOR WOMEN is hard. Being a champion for women of color is even harder. We are champions for all women because we are steadfast in this belief: If given the proper resources, mentoring, and opportunity, women can succeed anywhere in the legal profession.

Notice we distinguish between being a champion for women and being a champion for women of color. They are not the same. For as much as women lawyers have in common, the struggles and battles that women of color must overcome and fight are unique. And professional development professionals (PDPs) have to be able to meet the needs and challenges of both groups.

It's from this perspective that we created a workshop to teach PDPs strategies to meet the professional development needs of women of color and how to support a group that is often voiceless and powerless in law firms. We presented this workshop at the National Association of Law Placement (NALP) Professional Development Summit in Washington, D.C., on Dec. 1, 2016.

We distinguish between being a champion for women and being a champion for women of color.

WHAT HAPPENED IN THE ROOM

This is an uncomfortable topic and our workshop was specifically designed to force PDPs to confront their own implicit/explicit biases and stereotypes and acknowledge that bias exists in their workplaces. We began the workshop by preparing the attendees

Chasity A. Boyce is a diversity and inclusion projects manager for Skadden, Arps, Slate, Meagher & Flom LLP. She is a co-founder of the Diverse Attorney Pipeline Program (DAPP) and Uncolorblind, a diversity blog and enterprise that addresses a wide range of diversity issues prevalent within the legal and corporate fields. She also speaks at diversity conferences across the country on hiring, promoting and retaining attorneys of color. Prior to joining Skadden, she served as associate general counsel to Governor Bruce Rauner, where she oversaw the clemency process and served as legal counsel on public safety, child welfare and education issues, overseeing 17 agencies, boards and commissions. Boyce is also a commissioner on the Illinois Executive Ethics Commission.

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Leslie Richards-Yellen is director of Inclusion – Americas at Hogan Lovells. She previously served as Hinshaw & Culbertson's chief diversity and inclusion officer, in addition to her public finance practice, for almost a decade. Richards-Yellen has more than 30 years of experience as in-house counsel and in private practice. She was a member of the National Association of Bond Lawyers' Steering Committee. In 2014, she was appointed to the Illinois Supreme Court Commission on Professionalism and served as the chair of the ISCCP's Diversity Committee. She was on the board of the Chicago Committee on Minorities in Large Law Firms, and serves on the boards of NAWL and the Delta Dental of Illinois Foundation as well as the advisory board of the Institute for Inclusion in the Legal Profession. Currently, she serves as president of NAWL.



The WAC builds on positive and negative stereotypes and beliefs that are often associated with women lawyers in law firms and across the legal profession

to understand that if we delivered the material correctly, they would feel uncomfortable. In order to set the stage for the conversation regarding the decline of women of color across all levels at law firms, we also created the Word Association Chart Activity™ (WAC).

The WAC builds on positive and negative stereotypes and beliefs that are often associated with women lawyers in law firms and across the legal profession. We presented a word bank listing 25 words. We even purchased stock photos of women who fit four racial/ethnic backgrounds – white, black, Asian and Latina – and placed them into columns so our participants would have visual cues. When attendees entered the workshop, they

professional development for white women and women of color. We also had created scenarios based on our law firm experiences, with the intent to discuss these with the panel attendees and work through all of the variables often at play that undermine the support that women of color receive in their workplaces.

At the workshop, each of the attendees completed the WAC exercise on their own. They could use each word from the word bank only once. Participants were tasked with placing each word underneath the photo of the woman who was most associated with that word based on conversations and experiences inside their respective firms or legal institutions. For example, the first

Our workshop was specifically designed to force PDPs to confront their own implicit/explicit biases and stereotypes and acknowledge that bias exists in their workplaces.

word in the word bank was “ambitious” and attendees had to grapple with which woman was most often associated with this word. The intention was to uncover the implicit/

could see the WAC on the tables, but did not know what we would soon ask them to do.

Though we had planned that the WAC would be the first topic after 20 minutes of introductory remarks, the WAC easily dominated the conversation and entire workshop.

The next topic would have covered empowering women lawyers and law students of color to survive and thrive in the legal profession. While our planned presentation contained a cursory review of the latest reports and data from Vault and the Minority Corporate Counsel Association, U.S. News and the American Bar Foundation, the meat of it was the discussion about the need for empowerment and how we differentiate

explicit biases and spoken/unspoken assumptions within the organization rather than the attendees’ personal opinions and beliefs. After completing the activity, the attendees tallied their responses and reported them. We then tallied the responses (detailed at right) on an easel for all to see. This allowed everyone to easily digest which words legal institutions typically associate with each group of women and to refer to it throughout our panel discussion.

While some word associations were surprising (even to the authors who pride themselves on being knowledgeable about the barriers to success and stereotypes women carry within legal institutions), we discerned that patterns emerged from the WAC.

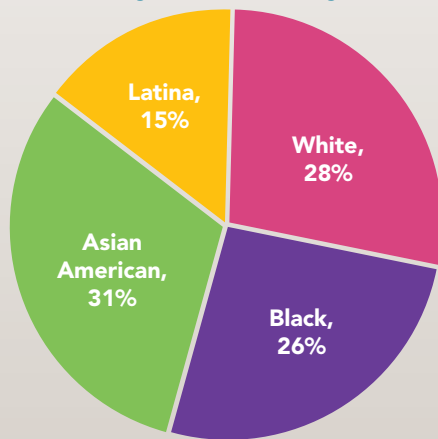
THE DATA

The General Inquirer is a computer-assisted approach for content analyses of textual data. The General Inquirer spreadsheet lists words contained in the Harvard University dictionary, with categories assigned to each word; these categories were used as the basis for the analysis in this article.

Words were classified across several different dimensions. For our analysis, the words used by the participants were classified on the dimensions of weak/strong, active/passive and positive/negative. Some words, such as “trustworthy,” were defined along three dimensions; in contrast, “quiet” was defined only in one. The authors assigned categories to three words – “token,” “goal-oriented” and “team player” – that were not listed in the General Inquirer.

Next, we looked at the words that were attributed to each group of women. The attributed words were sorted based on two dimensions (i.e. strong/negative, weak/passive, etc.) to provide a more nuanced view of the opinions held about women of various racial and ethnic types.

Percent of total association, by race/ethnicity



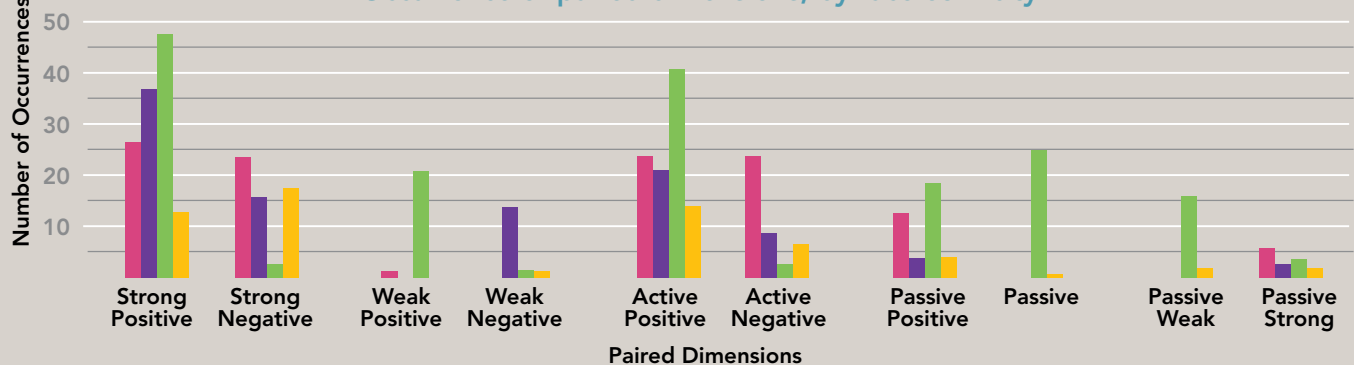
Category

Associated words

Strong Positive	Capable, Confident, Cooperative, Gifted, Trustworthy
Strong Negative	Arrogant, Flamboyant*, Manipulative
Weak Positive	Delicate
Weak Negative	Token*
Active Positive	Cooperative, Goal-Oriented*, Helpful, Team Player*
Active Negative	Arrogant, Manipulative
Passive Positive	Calm, Trustworthy
Passive	Quiet
Passive Weak	Timid
Passive Strong	Trustworthy

* Words marked with an asterisk were not listed in the General Inquirer: the authors categorized these words

Occurrence of paired dimensions, by race ethnicity



PDPs should understand the different associations related to different groups of women

OBSERVATIONS ON THE DATA

Approximately 60 PDPs participated in the WAC. While this group is too small of a sample to draw statistically significant conclusions, the WAC data provides a glimpse into the dominant culture in their respective law firms and other legal institutions.

Not only did the WAC enable audience members to examine how their firm's culture may be related to the career outcomes experienced by different types of women, but it also provided the audience with a tool to get underneath the hood of their organizations' implicit/explicit

generalizations about women of various racial and ethnic backgrounds.

Despite the small sample size, we believe that the data reveals interesting patterns that are helpful in illustrating challenges that exist in hiring, retaining and promoting all women lawyers, but which are especially prevalent for women of color.

The following are the findings:

- White women have almost the same degree of Active Positive and Active Negative word associations.
- White women lead the Strong Negative and Active Negative categories. Latina women come

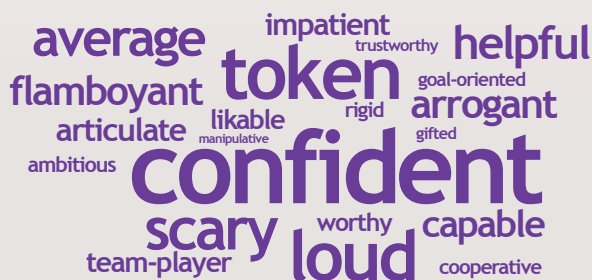
Word clouds from word association chart activity



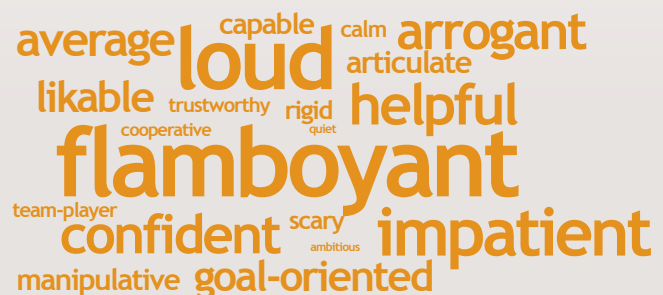
Asian American



White



Black



Latina

in second with regard to Strong Negative word associations.

- Asian women had the most Strong Positive and Active Positive word associations. Black women followed Asian women in Strong Positive word associations. White women received the second highest number of word associations in the Active Positive category.
- Asian women are associated with more Weak and Passive categories than the other groups of women. These categories are: Weak Passive; Passive Positive; and Passive Weak.
- Black women have the most word associations related to Weak Negative words.
- Latina women do not lead in any category and had the fewest total word associations of any group.

STRATEGIES FOR SUCCESS

- PDPs should understand the different associations related to different groups of women.
- Legal employers must be intentional about developing and implementing professional development, retention and promotion strategies for all women, with a special care in crafting strategies for women of color.
- Monitor the effectiveness of your strategies to advance women within each group, as well as women generally. Due to the unique word associations related to each group, one size may not fit all when it comes to the effectiveness of your gender equality strategies.
- Compared to other groups of women, white women are the most successful in terms of

progression to partnership. PDPs should consider how to replicate this success with other groups of women. Potential avenues of examination are: (1) how are white women able to overcome negative word associations; (2) whether the positive word associations of women of color are overlooked; and (3) whether evaluation of white women is done on a more holistic manner, while evaluation of other women is more related to race/ethnicity-based word associations. How can you address this in your firm?

- Women's initiatives must be inclusive and sensitive to the specialized needs of women of different races and ethnic groups.

CONCLUSION

PDPs have the awesome responsibility of supporting the career development of all women in legal organizations. They must pay special attention to the career progression of women of color, due to the challenging word associations such women must overcome. Given this mandate, PDPs should understand their own and their employers' implicit/explicit biases and stereotypes in order to counteract negative word associations and progress more women of color. ■

Women's initiatives must be inclusive and sensitive to the specialized needs of women of different races and ethnic groups.

ENDNOTES

- 1 For more information about the dictionary, or to download a copy, follow this link: http://www.wjh.harvard.edu/~inquirer/spreadsheet_guide.htm



THREE NUDGES THAT TRANSLATE INTO HIRING MORE WOMEN

**Nudges help firms achieve the goal that has eluded them:
Recruiting more female lateral talent.**

By Paola Cecchi-Dimeglio

SOMETIMES, THE EXPECTED AND INEVITABLE can stall; occasionally, they fail to show up altogether. From time to time, the bright flash of lightning does not yield the slightest thunder, no matter how long we wait or count. Several years ago, we embraced one such inevitability: That the uptick in women graduating from law school, given time, would eventually repair the gender gap at all levels of law firms, from new hires to partners. We've waited and counted, but the inevitable outcome continues to elude the profession. The sound, underlying reasoning that more potential applicants in the job market would yield more actual hires across the profession has not worked. Ordinary dynamics of supply and demand, which sees firms closing the gender gap by hiring from an increasing supply of gender-diverse talent, has not yielded the solution, so firms must learn how to catalyze the inevitable. My research shows that small pushes – or “nudges” – work. Nudges can help in designing a consistent hiring process, one that features well-defined decision points, allows firms to achieve the goal that has eluded them: recruiting more female lateral talents.

At the core of every organization is a desire to compete and be the best. In order to effectively serve increasingly diverse clients and consumers and resolve increasingly complex conflicts, staff diversity is essential, not optional. As a matter of goodwill and good business, the legal profession has pursued gender equity in hiring and promoting. It should not be read as an indictment of any organization's commitment or policy, but, generally speaking, organizational hiring procedures are not advantageous for women.

In fact, most current default rules in organizations, by their design, are impeding the process of attracting, recruiting and promoting more women. With respect to hiring, organizations have slipped into the false belief that “if you post it, they will apply ... will be interviewed ... will be hired.” This default process does not increase the number of women hired and promoted. The solution hinges on planned, intentional actions

that nudge more women into leadership and other roles in law firms.

Nudges refer to a targeted system of select actions that are designed to change a specific behavior or response. To design an effective nudge, several questions need to be formulated, answered and analyzed.

These questions might include: What is the observed behavior that needs to be changed? What is the target behavior that we would like the users to exhibit? What are the barriers keeping users from the target behavior? How can the behavior change be measured for effectiveness? Nudges can be designed to help organizations address and alter outcomes with respect to attracting, interviewing, hiring, promoting and retaining women.

Recruitment is clearly at the center of attracting the right people and creating a successful workforce. Yet, even in the face of authentic goodwill or the need to enhance the firm's competitiveness, minute biases in the recruitment process can maintain disparities in the representation of women at the highest levels of a law firm.

How is recruitment subject to bias? Hiring decisions are based on limited information about candidates. Routinely, many interviewers are involved, each harboring and applying different standards in evaluating potential hires. In such a context, communication can be inconsistent or ambiguous. This absence of an agreed-upon set of standards and criteria unintentionally creates an unfair process and represents one of a few reasons why the inevitable has stalled – why the increase in the number of qualified candidates has not closed the gender gap at law firms.

Forging a path along which female attorneys can ascend into top leadership roles is achievable through

Nudges refer to a targeted system of select actions that are designed to change a specific behavior or response.



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Minute biases in the recruitment process can maintain disparities in the representation of women at the highest levels of a law firm

the use of a “nudging” approach that attracts, recruits and retains more women. There are examples of nudging techniques in targeted actions that have been successfully applied to the recruiting process.

Although derived from and supported by extensive interdisciplinary research, nudging is not hypothetical; as the chart below illustrates, firms that have integrated this approach have made real gains in the recruitment of women lawyers at various levels. The nudges described here have been designed in response to empirical evidence that captures the behavioral differences of men and women in the law firms studied. They have also been designed with consideration given to the manner in which law firms assess female and male candidates. For instance, based on the data, it appeared that a bias crept in. Male candidates were more likely to be judged on their potential whereas women were more likely to be judged strictly on their achievements. The primary goal of the three recruitment nudges described here is to level the playing field by de-biasing and

consequently increasing the chance of women being hired, especially lateral hires.

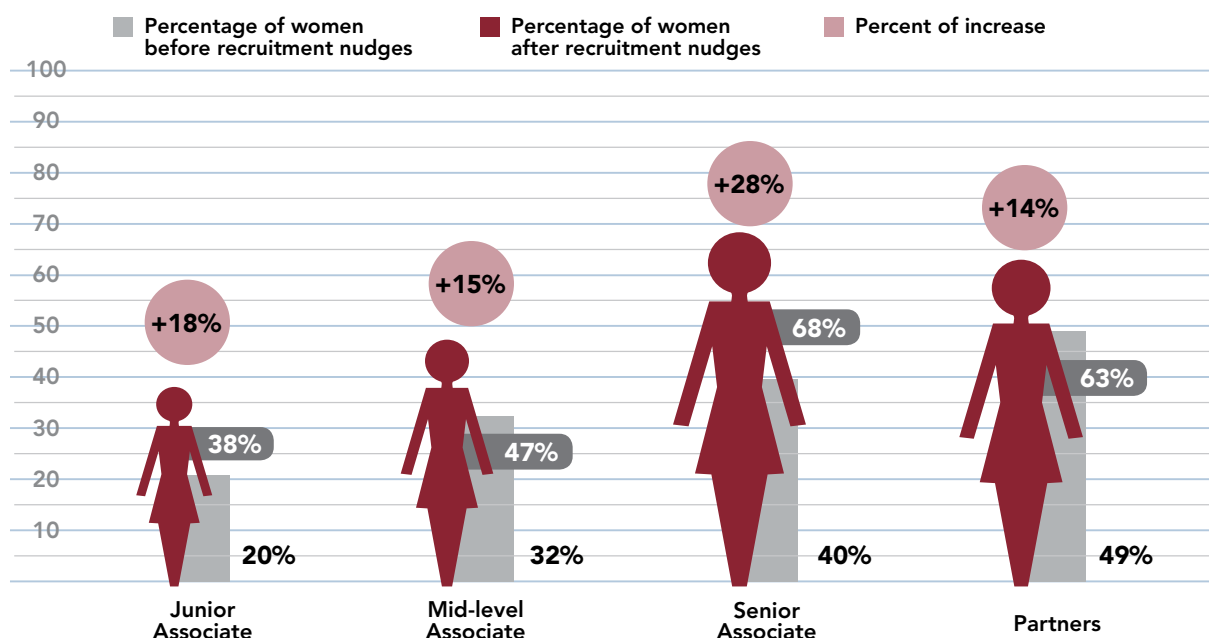
NUDGE 1: SEND AN EMAIL TO INTERVIEWERS

Research indicates the recruitment process can become inadvertently gender-biased when the hiring team lacks unified and consistently applied criteria. This first nudge can be described as an “encouragement nudge,” and it is directed internally. Before meeting a candidate, an email is sent to all staff involved in the hiring process, primarily partners and associates. The email requests their feedback on the specific skills the practice group seeks to acquire via the hire.

The encouragement component consists of two parts: First, there is bold text in the subject area of the email that explicitly asks hiring partners and associates to keep in mind how important it is for the firm to recruit more women and how the firm overall values women. Second, associates and partners participating in the

DOUBLE-DIGIT INCREASES

Female ratios improved markedly after firms used three recruitment nudges



hiring process are asked about the number of women within their group whom they have worked with over the last week and within the last month.

The idea behind targeted information-giving as a nudge is not to induce in-depth thinking, but for the message to act as a heuristic, a ‘rule of thumb.’ Information disclosure as a nudge works by giving people pieces of information that can make them more likely to be aware of one pattern they may otherwise overlook. Its aim is not to affect existing choice incentives or options. Instead, the nudge adds perspective and offers information that allows for more informed choices.

For instance, the information provided and responses required can enable interviewers to independently compare their firm’s stated aspirations with respect to the roles and representation of women to the day-to-day reality of women at the firm. It is important to note that the tools and messages of each nudge are designed to level the playing field for both women and men and do not lean on reversed bias to create balance.

As an example, male and female lawyers were surveyed to identify professional tasks that they stereotyped as man’s work or woman’s work. Care was then given to designing interview scenarios in which these gender stereotypes did not become assessment or decision-making factors. This approach benefits women, but it also supports male candidates who may have strengths in areas not stereotypically male with respect to gender assumptions. In addressing the sensitive issue of bias, nudges avoid mere blame and, instead, provide tools and questions that keep out bias.

The questions sent to interviewers ahead of the interviewing process are designed to remind the interviewers about their own experience at the firm. They compel individuals to reflect on the presence of women at the firm, the number of women at the senior level and the distribution or clustering of women across practices

Information disclosure as a nudge works by giving people pieces of information that can make them more likely to be aware of one pattern they may otherwise overlook.

groups and job functions. Participants can see how the actual numbers might differ from the professed values and intentions of the firm as these relate to having more women across the organization. The email and the two questions serve as a reminder for hiring participants; they set norms for the desired levels of engagement relative to gender equality that the firm

is committed to achieving.

NUDGE 2: DESIGN THE INTERVIEW

In applying this nudge, the first step is to assess the firm’s core competencies and values and to determine where gender gaps exist in leadership and top ranks. A clear list of criteria needs to be established in advance, both at the firm level and at the practice-group level. This list should include specific requirements for lawyers at each year of practice and can then be provided to each interviewer in advance of the interview process. The list needs to cover all competencies sought and a system that can be applied to make sure that all tasks are valued equally, in order to prevent the influence of gender assumptions and stereotypes.

Preparing this list requires some data analytics. Prior to the interview and as part of the research process, different types of tasks can be coded and surveyed to identify patterns of gender ascription. Tasks such as fact investigation and fact development are typically stereotyped as female; male tasks include deposition, discovery and international patent prosecution. In order to prevent these perspectives from driving assessment or decisions, the focus in the design of interview is on valuing skills and tasks on the basis of what sustains and enhances the firm. A final piece is to work with a weighting system for the final scoring of the candidate that avoids bias and ensures that all tasks are valued equally.

Toward the goal of creating uniformity and removing accidental bias from the interview process, each competency is covered at least once in the various rounds

Firms that have integrated this approach have made real gains in the recruitment of women lawyers

of interviews, and key competencies are covered several times. During interviews, some of these competencies are revealed through uniform pre-designed behavioral questions involving hypothetical situations (i.e. asking a candidate how he or she would respond in a certain situation) or by asking candidates to give concrete examples from their previous work for each competency. For instance, options used in the interviews include having candidates recount their most challenging deal, merger, litigation or client relation.

These minor adjustments remove systemic bias and build a process that yields a high degree of job-relevant information about the applicant. They eliminate the need for guessing or relying on gender stereotypes. The situational interview question is based on the premise that people's intentions, decision-making and actions are predictive of their future behavior. As such, they are useful in assessing competencies and fit from a gender-neutral point of view.

Responses are judged against rating scales that grade answers low, moderate or high. This design helps the interviewer assess relevant skill sets, abilities and information. Assessed items include values and ethics, capacity for strategic thinking, degree of engagement and level of management excellence. These factors can be examined more effectively through structured interviews.

In designing interviews that do not become reliant on gender assumptions, one effective format is to distinguish different points on the rating scale for specific behaviors. For instance, collaborative behavior includes a candidate's ability to delegate to other team members, or help others to perform their tasks in an efficient manner, ability to effectively involve others to optimally handle clients needs and interests.

This precision helps to fulfill two goals: First, it gives all attorneys conducting candidate interviews a shared, common understanding of what a given qualification, means – for instance, “strong collaborator.” Second, it provides a common, standardized scale for behaviors that represent weak, moderate and strong performance on related interview questions. An appropriate behavioral anchor for this scale can be created, for instance, by referring to skills, competencies and expertise the firm or practice group especially values, such as a firm's competency profile.

NUDGE 3: RATE THE CANDIDATES

Nudges that shift the way candidates are assessed must present reminders to the interviewers and confirm their commitment to the agreed-upon approaches to assessment. In order to remind interviewers to adhere consistently to the established system for rating candidates, the value of using credentials in interviews and the firm's commitment to hire more women are highlighted at the top of the interview document. Each interviewer dates and signs the document.

In this nudge, each question the interviewer asks is designed to assess one key competency and several secondary competencies. More than one question is asked during the interview, and shortly after the interview, each interviewer assigns independent ratings for each applicant. This assessment is completed immediately, ensuring that interviewers better remember the applicant's performance. It is done in isolation so that interviewers remain uninfluenced by others' opinions.

At the final decision stage, the applicants' responses across questions are compared. This approach ensures the use of a single rating for each competency across the different interviewers for a given candidate. Appended to this process and further ensuring collective, uniform decision-making, interviewers rate each applicant against specific criteria before making summary judgments about whether or not to hire him or her. As my research shows, by using this approach interviewer ratings fall more in line with their summary judgments than if they were allowed to make summary judgments

Interviewers rate each applicant against specific criteria before making summary judgments about whether or not to hire him or her.

before rating the candidates against the specific criteria.

Finally, evaluators are asked to decide whom to include (rather than whom to exclude) from a list of individuals who will receive job offers. This element of the process helps people to view and evaluate each candidate individually. It

ensures that they evaluate candidates after seeing all the options available and that they simultaneously evaluate multiple candidates. This nudge, in particular, ensures that hirers are less subject to slipping into patterns that introduce systematic biases into their evaluations and choices, especially when considering

Interviewers are provided with means that align questions directly with competencies sought via the hire.

questions directly with competencies sought via the hire. The list does not undermine the conversational nature of the interview; it guides the conversation. In the absence of these agreed-upon criteria, interviews can begin to rely on what is familiar or personal to the interviewer, and bias can slip in. ■

female candidates.

As a result, evaluators, having been provided with the tools discussed above that steer them clear of subjective or biased strategies, can arrive at choices that are based on more objective criteria and are gender neutral. In particular, interviewers are provided with means that align



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Justice Anne McKeig's Inspiring Journey

The first female American Indian justice appointed to a state's Supreme Court results in female majority on Minnesota's highest court.

By Stephanie Chandler

For only the second time in Minnesota's history, the state's highest court has a female majority. Justice Anne McKeig was appointed to the Minnesota Supreme Court by Governor Mark Dayton on August 31, 2016. Justice McKeig joins Justice Natalie Hudson, Justice Margaret Chutich and Chief Justice Lorie Skjerven Gildea to make up the court's female majority.

Although it is surprising that in the year 2017 Justice McKeig is the first female American Indian to be

appointed to any state's highest court, she is more than deserving of the role. Justice McKeig proclaims that she was "born, bred and educated" in Minnesota. She was born in the state's capital, St. Paul, but grew up in Federal Dam, a city in northern Minnesota that boasted a population of 110 during the last census and is known as the home to the Leech Lake Reservation. She grew up on 40 acres of land and spent most of her childhood roaming the outdoors, fishing and riding her bike. She is the only girl in a family of five children.

Justice McKeig's advice to lawyers echoes her life's inspiring journey:

If you have a dream or a vision for yourself, go after it and don't think that it can't be done just because it has not been done



Stephanie Chandler focuses her practice in the areas of Medicare Secondary Payer Act compliance, business litigation, financial services litigation, insurance, re-insurance and appeals. She represents employers, insurers and businesses in a variety of state and federal court litigation. Chandler graduated from William Mitchell College of Law in St. Paul, Minnesota.

before or you will be the first. Don't put roadblocks in your own way, and if someone else puts them in your way, move them out of the way.

Justice McKeig is a descendant of the White Earth Band of Ojibwe. While her history shaped her, it is only a part of who she is today. Her legal experience will bring a unique view to the Minnesota Supreme Court bench on family law issues. She recalled that when she was sworn in, Governor Dayton said he appointed her “because of who she is, not because of what she is.”

EARLY INSPIRATION

Justice McKeig has strong family ties, and is inspired by the generations that preceded her. Her paternal grandmother taught in a one-room school house, and her paternal grandfather worked for a railroad company. Her maternal grandmother is 97 years old and still lives in her own home.

Justice McKeig's mother is a particular source of inspiration for her, and she lit up as she told her mother's story. Justice McKeig's mother defied the odds in a time when many women did not pursue higher education. She was a Fulbright Scholar who graduated from Minnesota's St. Catherine's University, and had high hopes that her daughter would follow in her footsteps. Justice McKeig described her mother as an “amazing woman” who didn't miss a beat when their home burned down and they lost everything except for a coffee pot and a high chair just three days after Christmas when she was a child. Her mother was someone who wanted to help others, a goal she was able to fulfill through her work as the Indian Education Director at the local high school. Justice McKeig recalled countless instances of both her mother and father helping those in need. Her father ran a garage and often performed work without collecting a fee. Their mantra was simple, but profound: “If someone needs your help, you help.”

Her parent's desire to help others inspired Justice McKeig. Her own passion for justice began at a young age. She knew in the 9th grade that she wanted to be a lawyer, and although her high school did not have a debate or mock trial team, she was president of the student council and felt from an early age that she was called to a role of leadership. Although she was afraid to leave the serenity of Federal Dam in northern

Their mantra was simple, but profound: “If someone needs your help, you help.”

Minnesota for the noise and traffic of St. Paul, Justice McKeig enrolled in St. Catherine's University, just as her mother had dreamed she would. After receiving her Bachelor of Arts degree, she enrolled at Hamline University School of Law, also in St. Paul.

LEGAL CAREER

After law school, Justice McKeig began helping children and families from the start, as an attorney in the Hennepin County Attorney's Office Child Protection Division, in Minneapolis. She spent 16 years in that role, and was an Indian Child Welfare Act Specialist. She looks back fondly on her time in that position, describing it as “the best job,” and describing how she was inspired to learn more about her culture during those years from her mentors.

In 2008, Justice McKeig was appointed to Minnesota's District Court, in the Fourth Judicial District in Minneapolis by Governor Tim Pawlenty. She joined her mentor, retired Judge Robert Blaeser, on the bench in that district. Judge Blaeser is Minnesota's longest-serving American Indian judge. Justice McKeig said Judge Blaeser “helped mold her,” and he had a vision to know she would go on to have great

Justice McKeig advises asking others for help and ensuring pride does not get in your way

success. Because there are few American Indian judges, Judge Blaeser shared invaluable wisdom, and told her that because her role was unique, she had both a great honor and responsibility to reach out and help others. As a district court judge, she saw herself as honest and hard-working, and someone in whom individuals in her courtroom could place their trust. She noted how important it was to have underrepresented populations see something in her they could recognize in themselves, to help them understand that the justice system is accessible to all

people. This is a goal she maintains in her role as a Minnesota Supreme Court Justice.

THE CHALLENGE

When she talked about the NAWL Challenge to increase the number of diverse lawyers, including in the public sector and the judiciary, Justice McKeig said that this is an important goal, because change cannot be made unless there is representation on all sides.

“You can’t accomplish change if you’re only on one side of the table,” but, she said, increasing diversity will take time as others are educated. She also said that those who are first willing to make the change need to have a strong sense of self and a tough exterior, as it can be difficult to gain respect when attempting to implement such change.



White Earth Tribal Council members wrap Justice McKeig in a Pendleton Blanket at her Minnesota Supreme Court swearing-in-ceremony.



The White Earth Honor Guard at Justice McKeig’s Minnesota Supreme Court swearing-in-ceremony.



Justice McKeig and Hennepin County Attorney Mike Freeman at the 2016 Hennepin County Attorney’s Community Leadership Awards.

It is key to reach out to others who are similar to you or who have been in similar situations, because they will understand and provide important advice.

When asked about the challenges she has faced in her legal career that are unique to her gender, she said her aggressive litigation tactics as an attorney were often viewed with a negative connotation, but when the same tactics were used by male attorneys, they did not receive the same reaction. In order to overcome these biases, she said women need to empower other women. She also praised strong male leaders who acknowledge and recognize the strength and unique perspective women bring to high-level positions. She recognized Governor Dayton for his choice to appoint her, knowing that it would result in a female majority on the state's highest court, but she believes he recognizes the benefits of doing so. Her other advice was to ask others for help, and to ensure that pride

does not get in your way. She said it is key to reach out to others who are similar to you or who have been in similar situations, because they will understand and provide important advice. Just recently, Justice McKeig had the opportunity to take her own advice when she met Justice Sonia Sotomayor and was able to speak with her about their shared experience of being the new justice on a high court.

Undoubtedly, Justice McKeig's unique voice and vision will be an asset to the Minnesota Supreme Court. ■

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Nights of Giving spotlight organizations that advance women

NAWL charitable giving events offer opportunity to give back to the community.

NAWL members believe in giving back to the community and for that reason, we sponsor Nights of Giving (NOGs), throughout the year in various cities. We believe NOGs enrich both the lives of our members and the not-for-profit organizations we highlight.

We recognize organizations that align with NAWL's core values and mission of advancing women in the legal profession and advocating for the equality of women under the law. For example, organizations that:

- Provide legal support or seek to expand or protect legal rights to gender-based violence victims
- Provide support to encourage equal treatment of women in education
- Build pipelines of women leaders and/or lawyers

NOG events vary widely. Some are interactive, such as spot mentoring young law students, while others are educational in nature, featuring panel discussions

on gender-based violence. Some are more focused on raising funds and others are free-form networking events. What they all have in common is that they are fabulous and fun events focusing on good causes that align with NAWL's mission.

For the not-for-profits, these events bring enhanced exposure. NOGs provide our members with the opportunity to connect with each other and the organizations on a deeper level. Members who are interested in building their leadership and management skills can do so by being actively involved with the NOG committee. Law firms that sponsor these evenings have the opportunity to select and support an appropriate cause, use the event for marketing and provide their attorneys with valuable networking. If you are interested in sponsoring an event or joining the committee, contact NAWL at nawl@nawl.org. We look forward to seeing you at a NOG event in the near future! ■

—Sheila M. Murphy, NAWL board member at large

NAWL Challenge Club: Celebrating the wins

As we wrap up the second year of the NAWL Challenge Club and move into the third, we are taking time to celebrate all that has been accomplished to date. Challenge Club members understand – there is nothing challenging about participation, but the rewards can be great.

The Challenge Club was developed to match high-potential law firm women with inside counsel interested in sending work to women. The short-term goal is to accelerate relationship development, with a long-term goal of increasing the number of female equity partners in law firms. In the first two years of the Challenge Club, NAWL has assisted with creating many new connections, and, yes, we have also seen several Challenge Club members achieve equity partnership in their firms.

In addition to the benefits to law firm lawyers, in-house lawyers have much to gain by participating in the Challenge Club. Each event provides an opportunity for men and women in-house lawyers to network with other in-house counsel and to meet outstanding female law firm lawyers.

In the coming year, watch for more news on the achievements of this club, opportunities to connect in between in-person events and mentoring opportunities. If you are not already a Challenge Club member, check the NAWL website for details. ■

—NAWL president-elect Angela Beranek Brandt

Earning It: Hard Won Lessons from Trailblazing Women at the Top of the Business World

By Joann S. Lublin

Statistics on women in the workforce – wage comparisons, advancement, etc. – in manufacturing, finance, journalism, etc., mirror those of women in the legal world. In some fields, such as engineering and technology, the picture is far worse. Just 11 percent of practicing engineers are female.

Joann Lublin is management news editor for the Wall Street Journal. She has written the “Your Executive Career,” advice column for WSJ.com since 2010. But that is just one small slice of the background Lublin draws upon for her book *Earning It: Hard Won Lessons from Trailblazing Women at the Top of the Business World*.

Lublin cracked the Wall Street Journal’s glass ceiling in 1969 as the first female intern, became the Journal’s first female journalist in 1971 and shared the Journal’s 2003 Pulitzer Prize for stories exposing corporate scandals. Throughout *Earning It*, she shares her own stories – and those of the 52 corporate female leaders she interviewed for the book.

While the book points out the roadblocks women face and calls for change, the women interviewed come across as more constructive than combative. Well-known women such as Mary Barra, CEO of General Motors tell how they got around complicated situations to meet their end goals. Barra recalled as a young engineer, in 1983, what it was like to walk the male-dominated factory floor. Workers repeatedly greeted her with wolf whistles until one day, instead of hurrying by, she stopped and asked one of them why he was doing it. “I’m trying to get your attention,” he said. So she suggested he just say “Hi,” and she would say, “Hi,” instead of ignoring him. He agreed and, not only did a mutual respect grow between she and that coworker, catcalls from others diminished as well.

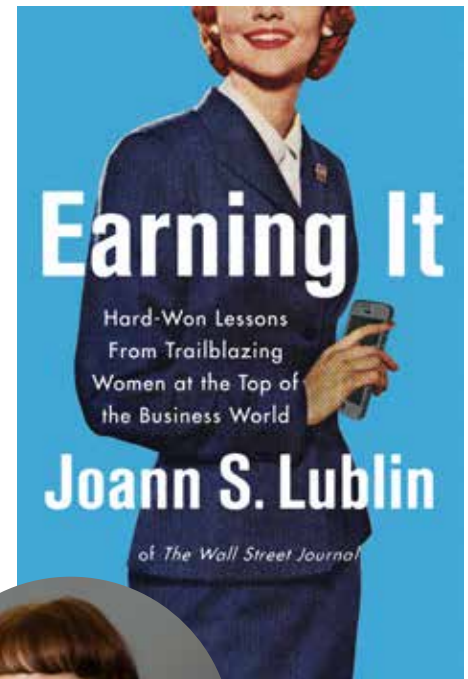
“I have this fundamental belief that everybody is pretty rational,” Barra said in the book. “If you can understand what is motivating them or change what is motivating them, you can accomplish things.”

The women frankly discuss sexual harassment, equal pay, resentful peers and bad bosses among many other topics. Carol Bartz, the former CEO of Autodesk and Yahoo recalled working for a man who would not let her speak during meetings he conducted. Years later, Bartz believes the time she spent working for that bad boss made her a better one. She told herself she would remember how it felt. “That’s when you really advance in your own personal style,” Bartz said.

And that is the lesson of this book – putting to work what we learn from one problem to solve the next. And there is also much to learn on leadership and advancement from the trailblazing women who shared their stories in *Earning It*.

Earning It: Hard Won Lessons from Trailblazing Women at the Top of the Business World is filled with the personal accounts of women who have made it to the top of their selective fields – often via winding routes fraught with potholes. Rather than painting a bleak picture, it focuses on how far women have come and gives arguably well-vetted advice on how to keep moving further down the road. Chapters discuss topics such as “Getting Ahead Sooner” and “Managing Moms Are Not Acrobats” and end with bullet point Leadership Lessons on the chapter topic. ■

—Reviewed by Laura Williams, WLJ editor



While the book points out the roadblocks women face and calls for change, the women interviewed come across as more constructive than combative.

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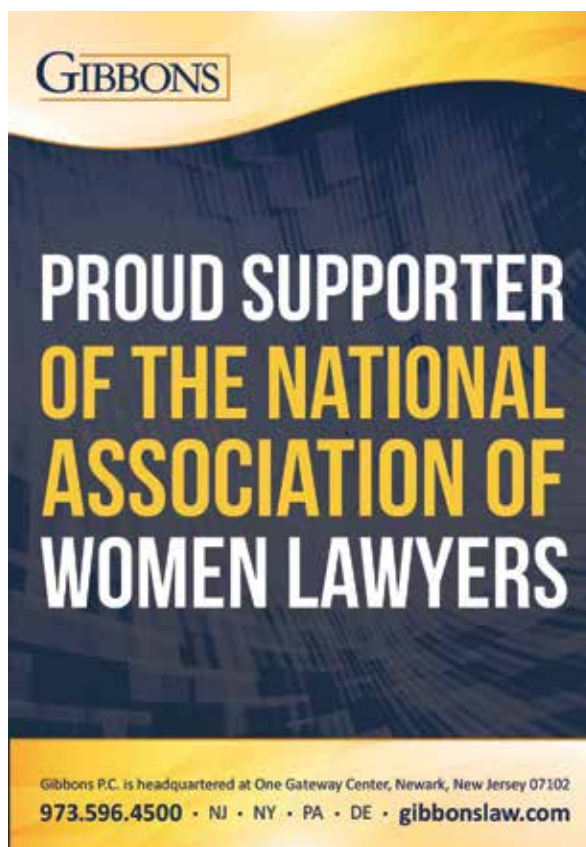
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Left, NAWL Board Member Jennifer A. Champlin, director of human resources for Walmart U.S. and NAWL Executive Director Jennifer A. Waters take a time out during the 2016 Annual Meeting & Awards Luncheon.

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Above from left, LTC Mary E. Cardmina, staff judge advocate U.S. Army, and 2016 Virginia S. Mueller Outstanding Member Award recipient; Darin L. Bielby, managing director, Navigant and CPT Rachele Adkins, U.S. Army were attendees at the 2016 Annual Meeting & Awards Luncheon. Photo at right, NAWL Treasurer Kristin D. Sostowski, director, Gibbons P.C. makes a point during the meeting.

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ACC Accounting
ADO Adoption
ADR Alt. Dispute Resolution
ADV Advertising
ANT Antitrust
APP Appeals
ARB Arbitration
AVI Aviation
BDR Broker Dealer
BIO Biotechnology
BKR Bankruptcy
BNK Banking
BSL Commercial/ Bus. Lit.
CAS Class Action Suits
CCL Compliance Counseling
CIV Civil Rights
CLT Consultant
CMP Compliance
CNS Construction
COM Complex Civil Litigation
CON Consumer
COR Corporate

CPL Corporate Compliance
CRM Criminal
CUS Customs
DEF Defense
DIV Diversity & Inclusion
DOM Domestic Violence
EDR Electronic Discovery
 Readiness Response
EDI E-Discovery
EDU Education
EEO Employment & Labor
ELD Elder Law
ELE Election Law
ENG Energy
ENT Entertainment
EPA Environmental
ERISA ERISA
EST Estate Planning
ETH Ethics & Prof. Resp.
EXC Executive Compensation
FAM Family
FIN Finance
FRN Franchising

GAM Gaming
GEN Gender & Sex
GOV Government Contracts
GRD Guardianship
HCA Health Care
HOT Hotel & Resort
ILP Intellectual Property
IMM Immigration
INS Insurance
INT International
INV Investment Services
IST Information Tech/Systems
JUV Juvenile Law
LIT Litigation
LND Land Use
LOB Lobby/Government Affairs
MAR Maritime Law
MEA Media
MED Medical Malpractice
M&A Mergers & Acquisitions
MUN Municipal
NET Internet
NPF Nonprofit

OSH Occupational Safety & Health
PIL Personal Injury
PRB Probate & Administration
PRL Product Liability
RES Real Estate
RSM Risk Management
SEC Securities
SHI Sexual Harassment
SPT Sports Law
SSN Social Security
STC Security Clearances
TAX Tax
TEL Telecommunications
TOL Tort Litigation
TOX Toxic Tort
TRD Trade
TRN Transportation
T&E Wills, Trusts & Estates
WCC White Collar Crime
WOM Women's Rights
WOR Worker's Compensation



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