

WLJ

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Building clout

Learn to demonstrate
your confidence

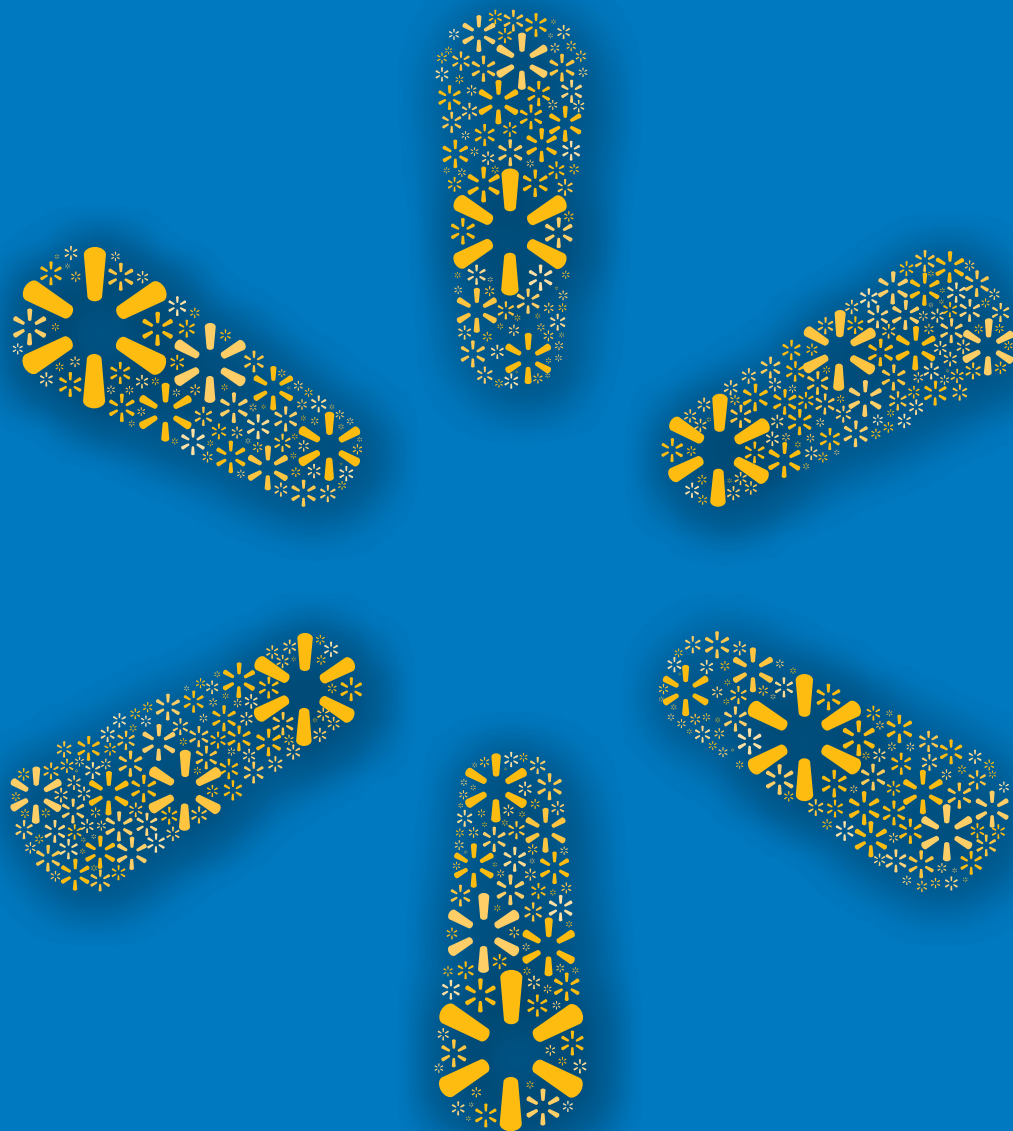
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Building clout while navigating gender bias

It is no surprise that women lawyers can have a much harder time advancing in their careers than men with similar qualifications and work experiences. One reason for this is gender stereotypes and the often-unconscious biases that flow from them. As useful as stereotypes can be in some situations, they often get in the way of accurate evaluations when dealing with individual people and operate as discriminatory scripts for how we relate to others. By Andrea S. Kramer

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Efforts to recognize and leverage the talents of women lawyers across many segments of the legal community have been significant. NAWL has led the charge through many years of research and the NAWL Challenge. With so much energy spent, it is essential that we learn from women who have made it into ground breaking leadership roles. One such woman is Jami Wintz McKeon. Interview by Karen B. Kahn

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If asked to evaluate your career – as of this moment – as successful or not, how would you react? What would determine your conclusion? Had you prevailed in court last week, perhaps you would respond with an emphatic “successful.” But had you lost, would that mean that your career had not been successful? By S. Ellen Ostrow

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Articles about current legal issues of interest to women lawyers are accepted and may be edited based on the judgment of the editor. Editorial decisions are based upon potential interest to readers, timelines, goals and objectives of the association as well as the quality of the writing. WLJ also accepts book reviews related to the practice of law. We reserve the right to edit all submissions.

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Bias doesn't end where intelligence begins

Lucky for women lawyers, Nobel Prizes are not often given to lawyers

By Jennifer M. Guenther

A NOBEL LAUREATE BIOCHEMIST recently said women should not be in the lab because “You fall in love with them. They fall in love with you and when you criticize them, they cry.”

That would be similar to saying women don't belong in the courtroom because “You fall in love with them. They fall in love with you and when you rule against them, they cry.” Well, maybe. But not while still in the courtroom and only if we've been prepping 22 hours a day for two weeks straight

and know making partner depends on the outcome of the case.

Responses of women scientists have been brilliantly funny: The creation of a Twitter

hashtag, #distractinglysexy, is filled with scientists clad in full-coverage bio suits – a few of whom are giving lab equipment a bit of extra affection. I am not sure what the response might be for lawyers – perhaps extra layers of black robes?

Lucky for women lawyers, Nobel Prizes are not often given to lawyers, so we are safe in the knowledge that those who believe women don't belong in the courtroom are unlikely to have an international forum in which to voice that opinion.

There was a time I felt equality was a reality – that movies like “Nine to Five” were quaint reminders of a bygone era. Then I graduated law school. My first job offer came with a salary \$10,000 a year less than a fellow male classmate for the exact same position. What a lesson! All I believed was false. Neither class rank, nor grades, nor publication mattered. The only thing that mattered was gender. I turned the job down.

Next, I interviewed with a large national firm that was opening a small branch office. Three times or more during my half-hour interview, the partner

mentioned he was married. Odd. It was not a family law practice.

And then I found a great job with great opportunity. But less than a year in, the senior partner from whom I received nearly all my work declared he couldn't work with me anymore. Apparently, he liked me *too much*.

I am charming, but enough was enough! I let him know in no uncertain terms that it would never be a problem. I also let him know I liked the work and was good at it. Subsequently, we worked together successfully for the next five years. He was a great lawyer. He became a mentor and a friend. And I learned that setting expectations and being clear is extremely important.

Setting expectations and making them known will benefit your career. If you expect to become partner, telling those who can help you gives them the opportunity to offer guidance and support. It lets decision makers know to test you with partner level work. Setting that expectation sets the tone for others to start thinking of you as partnership material.

It is also important to know what is expected of you and to speak out if those expectations don't meet your own. Having clear goals, both long term and short term, provides a platform for discussion. And speak up when you recognize bias. It will help set the overall tone of the firm.

Here are a few points to consider as you set your expectations:

- There is a difference between rocking the boat and flipping it over. Don't be a pushover but don't assume intentions are always malicious.
- Understand your audience. You won't get your message across if you are not speaking the same language.
- Don't be a troll. Respect and professionalism should be shown to all, not limited to those with whom you agree.
- Know that by voicing an opinion you may open yourself up to criticism. Therefore be well reasoned and thoughtful in your comments.
- Take a page from the women of science and have a sense of humor. Rather than give credit to asinine comments, get a good hashtag and move on. The biochemist Nobel Prize winner issued an apology and stepped down from his honorary position, proving there is power in an elegant and humorous response.

'If you expect to become partner, give those who can help you the opportunity to offer you guidance and support.'



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Take pride in our accomplishments

The year flew by, perhaps because we got so much done!

By Lisa M. Passante

MY PREDECESSORS TOLD ME that my year as president would fly by—and were they ever right! It has been a great year in so many ways, and I'm very proud of what the organization has accomplished.

This is the year we launched the NAWL Challenge Club, where we bring together high potential women associates and non-equity partners with corporate decision makers.

This is the year we launched the NAWL Challenge Club, where we bring together high-potential women associates and non-equity partners with corporate decision makers. We held our inaugural event in conjunction with the Mid-Year Meeting in Chicago and a second event in conjunction with the P2P Conference in San Francisco. It

will be exciting to watch the initiative grow, relationships form and great results produced for the participating club members in the coming years.

It was another year of fabulous programming, starting with the Annual Meeting and Luncheon last year. It was such a thrill to meet Anita Hill, a hero of mine since she first came on to the national stage. In November, we had yet another hugely successful General Counsel Institute, which at this point seems like a reunion of old friends as well as a chance to make new ones. And of course there was the Mid-Year Meeting in Chicago, where we had fabulous speakers such as Connie Duckworth who moved us with the story behind her nonprofit organization Arzu, which aids Afghan women with fair wages for their beautiful weaving, and provides participating women and their children with the gift of an education. We also had our first-ever Boot Camp on Women's Initiatives at West Point in May, where a multitude of representatives from law firms and corporations learned best practices for making their women's initiatives more effective.

And we did some internal work that is not as immediately visible. We focused on renewing our strategic plan, and accomplished some very exciting work around our brand—including our fantastic new logo. Our goal is to get our message out to even more lawyers in all walks of the profession!

My thanks to my exceptional board, and to our extraordinary Executive Director Jenny Waters, Program Director Karen Richardson, Marketing & Development Director Caitlin Kepple, Program Director Karen Richardson, Membership Coordinator Liz Stuewe. You are making enormous contributions to the organization, and we are so glad to have you as part of our NAWL family.

I am very proud to have had the honor to lead this organization over the past year. It is without a doubt a highlight of my career. Thank you all for the privilege.

A handwritten signature of Lisa M. Passante in black ink.



Lisa M. Passante is vice-president and associate general counsel at Thomson Reuters, where she serves as the senior U.S.-based legal adviser to the Intellectual Property & Science business unit. She can be reached at lisa.passante@thomsonreuters.com.

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DEVELOP

IT'S NO SURPRISE THAT WOMEN LAWYERS CAN HAVE A MUCH HARDER TIME ADVANCING IN THEIR CAREERS THAN MEN with similar qualifications and work experiences. I believe that the major reason for this discrepancy is gender stereotypes and the often unconscious biases that flow from them. We all rely on stereotypes to simplify our cognitive processes. These “shortcuts” allow us to quickly evaluate and relate to other people. As useful as stereotypes can be in some situations, they often get in the way of accurate evaluations when dealing with individual people and operate as discriminatory scripts for how we relate to others.

Stereotypes hurt women lawyers in at least three key ways. First, common gender stereotypes are that women have “feminine” characteristics: they are affectionate, sensitive, warm, friendly, kind and concerned about other people. We can summarize these traits by saying that women are “communal,” meaning that women tend to care about the goals and the needs of the entire community. Gender stereotypes also say that men have “masculine” characteristics: they are aggressive, willing to take risks, forceful, confident, independent, tough, achievement-oriented, competent and self-reliant. These traits are called “agentic,” meaning that men take actions; they are assertive and independent. When applied to jobs and careers, these stereotypes have a powerful impact on the make-up of the career landscape. Our tendency is to think the careers for women

and the careers for men ought to match these stereotypical characteristics. Thus, if caregivers should be communal, then caregivers should be women. And if agentic traits are stereotypically associated with leaders, then men should be the leaders. The result is a world divided into career roles that are supposedly appropriate either for women or men.

We'd like to believe that gender stereotypes have changed in recent years but studies show

Women must find ways to deal with and work around gender stereotypes and biases without giving up career aspirations.

By Andrea S. Kramer

gender stereotypes remain almost the same as they were 40 years ago; 75 percent of people still think “male” when they hear career-related words such as “business,” “profession” and “work,” according to the book, *Blindspot, Hidden Biases of Good People*, by Mahzarin R. Banaji and Anthony G. Greenwald. These biases make it hard for women to get the same



Andrea S. Kramer is a partner in the international law firm of McDermott Will & Emery LLP, resident in its Chicago office. This article is based on discussions at the NAWL Mid-Year Meeting in March and her forthcoming book, *Scripts for Success: Communication Techniques to Break Through Gender-Biased Workplaces*. She can be reached at akramer@mwe.com.

PING CLOUT

while navigating
gender bias



career opportunities as men. A woman who steps into an opposite gender role makes many people think that something is amiss, out of place, or inappropriate.

A second group of gender stereotypes that hurt women lawyers is about mothers. These stereotypes say that mothers should be available to their children 24 hours a day, seven days a week. Someone who holds this view believes mothers cannot possibly be as committed to their careers as are fathers. And if a mother is a devoted lawyer, she must be neglecting her children. A woman

*Stereotypes say
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seven days a week.*



All stereotypes hurt women lawyers – especially women with children and other family responsibilities

Women tend to believe gender stereotypes, too.



who neglects her children is not communal, does not follow gender stereotypes and is not likable.

In today's society, women are much more likely than men to have family responsibilities requiring them to take time off, reduce their work schedules and turn down assignments that would require increased travel responsibilities. This leads us to the third group of stereotypes, which is about successful lawyers. Successful lawyers, the stereotypes go, have a relentless commitment to working long hours in the office or on the road, while single-mindedly pursuing career success. Successful lawyers do not allow for any interruptions to their careers as they aggressively seek advancement. All of these stereotypes hurt women lawyers,

especially women with children and other family responsibilities.

Nowadays we are not likely to hear — out loud anyway — something like, “women are not smart enough to be lawyers.” Instead, we are more likely to hear something like, “mothers of young children are less committed to their jobs” or “women are not as ambitious as men.” Because of these biases, women must often demonstrate higher levels of competence and commitment than men to get to the same career level. To compound the problems women lawyers face, they frequently receive fewer sponsorship opportunities, less challenging assignments, fewer supervisory responsibilities and fewer opportunities for career advancement. And, because women are supposedly communal, they

are often expected to handle more administrative work than men — work that promotes the smooth operation of the business. But administrative work does not get valued or counted at compensation and promotion time. It is hardly surprising that with so many people holding these gender stereotypes and biases, women lawyers tend to receive less compensation than men.

Of course, women as well as men need talent, challenging work experiences and first-rate legal skills to succeed in today's legal environment. But women also need a set of skills that allow them to address gender bias in a way men simply don't need to worry about. Gender-biased legal environments make it hard — but not impossible — for women lawyers to develop their professional clout.

Before turning to ways to develop your clout, I want to make it clear that I am not in any way buying into gender stereotypes by acknowledging they affect the ways in which women are viewed by others. I am not suggesting that gender stereotypes accurately reflect reality. I am not buying into gender stereotypes by suggesting that women should adjust their attitudes and behavior in response to stereotypes. And, I am not telling women to be inauthentic or phony to succeed in gender-biased workplaces. What I am saying, however, is that women need to be aware of the impact stereotypes and biases have on their careers. To reach the top, a woman needs to find ways that work for her to deal with and work around gender stereotypes and biases *without* giving up her career aspirations.

Biases that flow from common gender stereotypes say that a woman who is “too hard” is unfriendly and unlikable, even if she brilliantly performs her job. A woman who is “too assertive” can be seen as agentic, which violates traditional gender stereotypes that women are (or should be) communal, making her disliked and penalized. And an agentic woman is penalized by women as well as men; after all, women tend to believe gender stereotypes, too.

On the other hand, gender biases are that a woman who is “too soft” is likable but not capable

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Women need a set of skills that allow them to address gender bias in a way men simply don't need to worry about

To build confidence and develop agentic behaviors, you should engage in positive self-talk.



of being a successful lawyer. This means that a woman who complies with traditional gender stereotypes is, in all probability, someone people like but she is someone who is seen as unlikely to succeed. The dilemma of being too hard (agentic) or too soft (communal) is often referred to as the “double bind.”

IMPRESSION MANAGEMENT

Impression management is the intentional effort to shape or change the impressions

we give to others about ourselves. We want to assure that people who observe us recognize and relate to us in the ways we want them to. We want the impressions we make to actually match the impressions other people actually have of us. Many factors are involved in determining

when, why and how you might want to engage in impression management: setting, context, audience, status and objectives, time available, past treatment, organizational dynamics, how decisions are made and gender salience. But the first step in successful impression management is that you must be sufficiently self-aware of who you are so you can accurately read yourself as well as the reactions that other people have to you. To do this, you must accurately observe nonverbal communication and listen carefully to what is being said to assess how others are reacting to you.

Given gender biases, you need to recognize the line that gender stereotypes draw between a woman's technical competence and her social competence. The way to do this is to use both communal and agentic behaviors that will allow you to show both technical and social competence. A 2010 study by Olivia A. O'Neill and Charles O'Reilly, noted by Marguerite Rogolioso in 2011 in the *Stanford Graduate School of Business News*, showed that women who demonstrate both communal and agentic traits have significantly improved performance ratings, wider career opportunities and receive more promotions than all other women. They do better – much better – than women who are agentic (three times better) and women who are communal (1.5 times better).

These findings should not be surprising. You can deal with the double bind if you act forcefully to get the job done while knowing when to “dial it down” to demonstrate that you have communal characteristics. Sometimes a smile, a nod or a friendly gesture is all you need to accomplish this.

Because impression management deserves much more attention than I can give it here, you can read more at “Taking Control:

Women who demonstrate both communal and agentic traits have significantly improved performance ratings, wider career opportunities and receive more promotions than all other women.



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Impression management is the intentional effort to shape or change the impressions we give to others about ourselves



Women tend to physically close their bodies into themselves (low power) and to give up personal space to make room for others who arrive late at meetings.

Women, Gender Stereotypes, and Impression Management.” I wrote this article with Al Harris, and you can find it in the Winter 2014 *WBAI Newsletter* or at bit.ly/nawl-1003-3.

BUILD UP YOUR CONFIDENCE AND DEMONSTRATE IT

To succeed, you need to take pride in what you have achieved and believe in your ability. This

requires confidence and a willingness to display agentic characteristics. To build confidence and develop agentic behaviors, you should engage in positive self-talk. To do this, I suggest two techniques: “mind priming” and “power posing.”

Turning first to mind priming, consider doing this before an important meeting, speech, interview or high-stakes situation. Take a few minutes to write a couple of

paragraphs about a time when you were powerful or happy, or write about your goals and aspirations. You don’t need to share your thoughts or what you wrote down with anyone. It is simply the process of focusing on something positive about yourself that gives you a more positive attitude as you enter the high-stakes situation. By mind priming, you not only feel more confident, but the people you interact with are more likely to see you as a leader than they would if you had not felt as confident. In other words, you can actually think your way into more powerful and confident behavior.

Another way to build your confidence is by power posing. Before a high stakes situation, take a few minutes to adopt an open body posture. By opening up your body posture (standing or sitting tall with your shoulders back), you can change your mindset and change how other people view you. An open body posture also allows hormonal changes that actually work to help you feel more powerful. For a few minutes before you walk into that important meeting or interview, stand in the classic Wonder Woman pose with your legs apart and your hands on your hips. You do not need to stand or sit in a power pose in the actual meeting itself. Rather, it is the process of power posing before the event that does the trick. When you feel powerful, you can perform at the top of your game. If you would like to see the body postures associated with high power and low power, watch Amy Cuddy’s Ted Talk from June 2012 at bit.ly/nawl-1003-1.

Before that high-stakes situation, combine mind priming and power posing. You will be ready to tackle the most difficult and stressful situations. I suggest you do both of them for maximum effect.

UNDERSTAND GENDER COMMUNICATION TENDENCIES

To navigate gender stereotypes and develop your clout, you need to understand

gender tendency differences in business communications, including differences in language content and speech patterns. By understanding these tendencies, you can identify ways to make your communication skills more effective, while managing the impressions you make to the people with whom you interact.

Nonverbal Differences: Women tend to take up less space, while men tend to take up more space. Women tend to physically close their bodies into themselves (low power) and to give up personal space to make room for others who arrive late at meetings. Men, on the other hand, are more likely to spread out (high power) and take up more space than women. The same is true with gestures. Women tend to gesture towards their bodies (low power), men away from their bodies (high power). While listening, women tend to lean forward (low power), men tend to lean back (high power). These nonverbal tendencies put women in low power postures making them appear meek, small and weak, while men appear larger and more powerful.

To develop your professional clout, don't play into these gender communication tendencies. Bring a pile of papers to all of your meetings – even if you don't refer to them – and spread out. Sit tall and straight with your shoulders back. Claim your fair share of space and don't give it up when other people join the meeting. Gesture away from your body when you speak, and if you are not being heard, stand up for a cup of coffee or glass of water and speak while

Women are often socialized to speak in a communal way, which is vague and imprecise so as to not be aggressive or confrontational.

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Focusing on something positive about yourself gives you a more positive attitude as you enter the high stakes situation

you remain standing. These simple techniques help you show others that you are confident and powerful.

Language Content and Patterns: Women are often socialized to speak in a communal

appear confident and in control — you should clearly explain what you want someone else to do, and you should directly answer the questions you are asked to answer. To help you stay on point, you might want to prepare a

brief outline or bullet points that you can refer to, allowing you to stay focused on communicating more directly.

In considering language patterns, you should avoid language patterns that suggest you are

weak, incompetent, or lack confidence. For example, women are more likely than men to use self-deprecating language patterns, such as, “I may be off base here but ...,” “I don’t know if this is helpful but...,” or “This is just a guess on my part but ...” These phrases are career killers because other women –not just men – tune you out if you speak in such a self-deprecating way. If you use this language pattern, stop using it.

Let’s look at another weak language pattern: the phrase, “I’m sorry.” Studies show that women believe that certain actions justify an apology more often than men do. As a result, women say “I’m sorry” more frequently than men do, and women expect to receive an apology more often than men expect an apology. But there is more to the use of the phrase “I’m sorry” than different gender-based views with respect to the sorts of violations that require apologies. Women are more likely than men to say “I’m sorry” as a language pattern to express sympathy or to make a connection with others. The problem with using “I’m sorry” in this way is that men can think that women who repeatedly apologize must have something to apologize

for (after all, why else would she keep saying she’s sorry?).

If you say “I’m sorry” as a language pattern, try saying something else, like “that’s too bad,” or “that’s terrible news,” or “I’m sure you are disappointed.” Don’t say “I’m sorry” unless you actually have something to apologize for. And, when you make a mistake, acknowledge it and move on. Don’t dwell on it. Don’t stew about it. Don’t beat yourself up. Just say “I’m sorry” once and be done with it. If you’d like to learn more about the rules of gender communication, you can read my articles on this subject in the Fall 2011 *WBAI Newsletter* or at bit.ly/nawl-1003-2.

Your verbal and nonverbal behaviors are all key elements in managing the impressions you give others and in demonstrating and building your clout. Practice speaking in a straightforward and direct way, avoid weak nonverbal behaviors and combine agentic with communal behaviors. It is through the impression you give to others that your power and confidence will come through. That’s where mind priming and power posing come in.

MASTER THE ART OF SELF-EVALUATIONS

Let’s turn now to mastering the art of preparing your self-evaluation. This is another important step in building your clout. Based on my personal review of well over 1,500 self-evaluations, it is usually easy to identify those self-evaluations written by women and those written by men. Women (as a group) play into traditional gender stereotypes by downplaying their accomplishments, acting modestly and remaining silent about their career objectives. Men (as a group) are self-laudatory, proudly setting out their accomplishments, and making sure their career objectives are clearly known. Don’t play into gender stereotypes when you prepare your self-evaluation. Confidently

Women say “I’m sorry” more frequently than men do, and women expect to receive an apology more often than men expect an apology.

way, which is vague and imprecise so as to not be aggressive or confrontational. Men are often socialized to speak directly, which projects confidence and power. Women’s tendency to speak indirectly also extends to the ways in which they give instructions and assignments to other people. Suppose, for example, that you have just given an important research project to a male junior lawyer. He will not understand that when you gave him the project and asked him to “consider” a particular legal point that you were actually “telling” him that you expected him to carefully analyze that legal point. This difference can result in misunderstandings and miscommunications when women and men communicate.

Here is another example: when answering questions, women are more likely than men to answer the question by asking another question or by explaining the rabbit holes she went down before finding the answer. Not so for men; men tend to answer questions directly. As a result, women who follow gendered speech patterns can appear tentative and unsure of themselves, as if they don’t know what is expected of them. To avoid such miscommunications — and to



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explain your achievements and boldly recount them. Approach your self-evaluation with planning, determination and a serious effort. Give it as much attention as you would give to an important client project. To learn more about preparing self-evaluations, you can read my self-evaluation dos and don'ts in the Fall 2011 *WBAI Newsletter*, or at bit.ly/nawl-1003-2.

FOCUS ON ADVANCEMENT

Our feelings, desires and accomplishments are not automatically known to our supervisors and colleagues. Neither are our career objectives. Tell your supervisors about your career objectives, clearly explain your career and compensation expectations (on a regular basis), and seek out

a sponsor and a mentor. You are evaluated all year long, so stay in touch with those people who have a "say" in your career, not just during the annual review period.

CONNECT, CONNECT AND CONNECT SOME MORE

Connections are important for more reasons than I can begin to list here. Many connections we make are fleeting but the impressions we give others are often fixed before the blink of an eye. Keep in mind that you never get a chance to make a first impression again. (Sure, with luck you can change a first impression but you need to work very hard to try and sometimes you just can't change it.) So it makes sense to have a memorable

one-minute introduction about yourself ready to use at any time, explaining what's new in your career and what projects you have been involved with. Keep it updated.

Having that short introduction handy whenever you need it can help give you the confidence to connect with others in ways that showcase your successes and talents.

Develop an inside and outside network to create a positive buzz about you. Join and actively participate in women's bar associations and – of course – NAWL. Participate on firm or company committees to help build workplace alliances and friendships. Get involved in trade associations that are relevant to your clients and their industries. These connections are important and well worth your time.

In other words, to build your clout you should connect, connect, and connect some more. Try all of my suggestions. Some will feel good and you'll stick with them. You might try others and reject them if you don't see the benefit. But don't give up on them too soon. If you give my suggestions a try, you will see positive results. I am sure of it. ■

To build your clout you should connect, connect, and connect some more.



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WOMEN MOVING FORWARD

An interview with Jami Wintz McKeon— Chair of Morgan Lewis

By Karen B. Kahn, Ed.D., P.C.C.

Efforts to recognize and leverage the talents of women lawyers across many segments of the legal community have been significant. NAWL has led the charge through many years of research and through the NAWL Challenge. With so much energy spent, it is essential that we learn from women who have made it into groundbreaking leadership roles. One such woman is Jami Wintz McKeon, Chair of Morgan Lewis since October 1, 2014.

McKeon's activities model the importance of "being" a leader as opposed to "talking about" wanting to become one. For example, months before assuming her position as Chair she pursued her vision of the firm expanding its position as a global law firm by exploring a potential merger with Singapore law firm, Stamford Law Corp. Fascinating: The leader of Stamford Law is also a woman. Important lesson: Actions pave the way for your aspirations.

Colleagues describe McKeon as "charismatic," "dedicated as a leader and practicing lawyer," "selfless" and "strategic." She counsels clients in high-stakes crisis litigation and investigations involving business disputes, fraud, class and mass action cases, including controversies arising from mergers and acquisitions,

joint ventures and divestitures. McKeon is unwavering about continuing to practice while leading the firm.

Just back from being a speaker alongside a prestigious group of women at the Lead On Watermark Silicon Valley Conference for Women, she was energized and excited to share her observations.

What is your top take-away from the Conference?

My primary observation from the gathering is that is it somewhat surprising that we're still having a discussion about women and the challenges for their advancement. I – and most others, I think – thought we would be well past that issue by now. When I got out of law school all we wanted was a great legal job. That was our main focus. Our mindset was "You give us a shot and we will be great at it." That might not sound very progressive, but this was before anyone was actually focused on trying to create a diverse workforce, and at a time when no one thought that that the firm should care about how we balanced our lives.

Then, as more women came into the profession, we got focused on helping women. On the surface, I know firms thought that they were helping. But now I wonder about the unintended consequences of this focus. What is happening now, with the desire to be flexible and accommodating, is that



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'Law firms must have better and more open communications with associates – both male and female.'

women often feel (and in fact are) pushed into an alternative professional track. And, some women and men feel it is not politically correct to ask women to take on all opportunities because – rather than asking the women if they would like to take the opportunity and letting them answer for themselves – they assume that they won't want to or be able to take on certain opportunities because of family or other obligations. At the same time, other societal issues interfere with communications. Some men, and even some women, are so sensitive about the way they are communicating and behaving, or so fearful of having their motives misunderstood that they either shut down altogether or fail to raise issues openly. None of this helps women, and it often results in fewer opportunities for what really counts – client work.

Opportunities are what enable advancement. That is what we should focus on, helping women see and get the opportunities and, when necessary, help them weigh the pros and cons of the various choices facing them.

What are some ways to move the hindrances you see out of the way?

Law firms must have better and more open communications with associates – both male and female. This requires candor on both sides of the discussion. Success will occur more often when we can individualize career paths. We must find ways to make this happen. I also think that technology has helped by giving us the ability to work when we are not in the office. We can take calls, respond to e-mails and work on documents from almost anywhere. I think that technological advancement will continue to help.

What other issues do you see impacting the advancement of women?

First, the jury is still out on whether law firms believe that clients care as much as they say they do about their outside counsel having gender-diverse teams. Clients are key drivers of change. If gender diversity, and diversity in general, is important to them, they have the power to be major influencers of what happens inside law firms – not just by looking at the numbers, but by identifying and sending work to diverse lawyers. As I think about issues related to attorney retention, I think a good piece of it is attributable to lawyers feeling valuable and important. Career fulfillment is so important. Knowing that he or she is a key member of a client service team has more retention power for a lawyer than many other seeming rewards.

We must give women challenging and fulfilling work for them to stay engaged in the profession.

Second, we have to be open with ourselves and our colleagues about the internal debate many of them have about whether the sacrifices of this career are worth the rewards. Many of the newer lawyers possess a great deal of internal anxiety about whether they are making the right choices. I feel for them. When I was coming up, there were fewer options and so I wasn't burdened by so many alternatives. If you chose to be in the profession, you just looked forward and did what was needed to succeed. Now, the presence of so many options – full time versus part time, flexible versus standard, law firm versus in-house – actually complicates the issue for our lawyers. Flexible work schedules and reduced workloads are complex to work out and the interests of the firm and the lawyer have to be tested against the needs of the client. No matter what, you must give your all to assure great client service. This is very hard to conceptualize with a time lens. Thinking about when you can't or won't work creates a negative mindset. Clients and other lawyers pick this up. Sometimes you have to work through the night, and then you can balance it out with an easier day. Even that model takes a commitment on everyone's part but it is easier to manage than, for example, choosing a schedule that has some days or hours blacked out. But of course that means that you still have that unpredictability in your schedule.

How do you manage all that is currently on your plate?

With a lot of help from colleagues, clients and family! Currently, I continue to practice. This is essential so that I can maintain a strong connection to our business. To juggle everything, I prioritize strategic thinking over the tactical. This allows me, as a leader, to set the direction for the firm. I then rely on the support of a fantastic team to execute in a comprehensive, hands-on manner. A key priority for me is to develop and maintain personal relationships with clients, firm lawyers and employees. I want to be an engaged leader who connects with each of our constituents, internal and external. When I speak with individuals, they are often surprised that I know so much about them. Yet knowing about them is essential to me.

What do you want to be the legacy of your leadership at the firm?

I want to create a firm that serves the broadest needs of businesses by offering a wide array of services and a brand

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'This is a great profession for women – it is about relationships, collaboration, intellectual challenges and creativity.'

that stands for excellence wherever and whenever you need it: Exceptional client experiences all of the time. We have already strengthened our platform and our broad abilities to service clients. And I am proud that while we have expanded our offerings we have continued to maintain strong client relationships. Our work is all about relationships. When it comes to our clients, those relationships include the legal service we provide but goes beyond that to partnering with our clients in their industries and communities, and in important programs like those related to diversity and philanthropy. I hope my legacy will be that I live the values that I stand for, and that our firm continues to set the highest standard for excellence and client service.

How do you weave the concept of diversity throughout your leadership style?

When I talk about diversity I mean complete diversity with a focus on inclusion. All different points of view, perspectives, backgrounds, etc., must be a part of the way we practice as a team of lawyers. Some people think of diversity as treating a particular group specially. I want everyone to be included.

What do you think firms can do better to foster inclusion?

We need to continually learn about how diversity impacts our abilities to work together. We must all accept that we have unconscious biases. When we accept this as a reality and are aware of how these biases impact our relationships, we will improve our individual connections and the firm as a whole. If people don't realize the subtle cues they put out to others such as in our language and even the way we describe each other to others change will be impossible. As lawyers, we are supposed to be objective so when we focus on differences we are often criticized. This is backwards. We must acknowledge

differences and leverage the value that a variety of points of view bring to the table.

How do you think your gender impacted your election as Chair of the firm?

I don't think it affected the election itself; we had no particular agenda to elect a woman and no one thinks I was elected because I am a woman. Opportunities at our firm are based on merit, and I have worked hard in service to the firm for many years. We have a number of other women leaders and I think it is fair to say their gender was not a factor in their selections, but I do think that having diversity of any kind in a leadership team is a benefit for the reasons stated before.

How will the fact that you are a woman impact women at the firm?

The fact that the partnership of Morgan Lewis elected a woman makes very clear that women at this firm can succeed in the practice of law. My election meant more to women outside the firm than I expected it would. I know that solely because of my title I am considered a role model, but most important I want to be a more active mentor and sponsor for women.

How will the fact that you are a woman impact men at the firm?

The fact that our firm elected a woman is a statement that Morgan Lewis thinks outside of the box and that we are brave and bold. This is important for a firm to stay fresh and relevant. This is a message that we are not just doing things the way that it has always been done. This bodes well for men and women.

We need more women in the roles of practice group leaders. These are essential leaders that oversee the practices and determine much of the direction of the firm. I plan to call on our experienced women leaders to take on these positions.

What message is important for you to convey as we end this interview?

This is a great profession for women – it is about relationships, collaboration, intellectual challenges and creativity. In my view, this career has far more components that can create a flexible career than almost any other job. I think women should flock to this profession, stick it out and help shape the future. This is one of the things I want to make happen while I am in this leadership position. ■

'My election meant more to women outside the firm than I expected it would.'



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WHAT IS A SUCCESSFUL LEGAL CAREER?

Defining success in the legal profession is a tricky matter - and has become even more so given post-recession changes in the industry.

By Ellen Ostrow, Ph.D., CMC, PCC

If asked to evaluate your career – as of this moment – as successful or not, how would you react? What would determine your conclusion? Had you prevailed in court last week, perhaps you would respond with an emphatic “successful.” But had you lost, would that mean that your career had not been successful?

If you’ve achieved equity partner status in your law firm you may well feel that you’ve been successful. The quantity of your compensation may influence your judgment. But what if you

consider your comp compared to the men at your firm and note the disparity? Does that make you feel any less successful?

Carol,* a senior corporate partner at a global firm, recently confided to me that she finally feels successful now that she is among the highest compensated partners at her firm, alongside many of the men who’d previously surpassed her.

Defining success in the legal profession is a tricky matter, and has become even more so given post-recession changes in the industry. Within law firms, the traditional definition of

Firms increasingly
have focused on
business generation
and are loathe
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generating potential.

success was advancement to equity partnership and compensation. In the years since the economic downturn, big law firms have changed their organizational structures.

The number of years to promotion has increased significantly. Even producing great work over the course of more years no longer guarantees promotion. Firms increasingly have focused on business generation and are loathe to promote an associate without being convinced of significant revenue-generating potential.

At the same time, attorneys who are already equity partners are scrambling to hold onto their business in a dramatically tighter and more competitive market. This leaves them with less time and incentive to develop junior lawyers. Competition for the ever-churning lateral market requires keeping profits per partner high, creating a disincentive for firms to promote associates to equity partnership.

The creation of multiple partnership tracks has also made promotion to equity more illusory. As a result, few associates now view doing great work as a likely path to success at the first firm that hires them out of law school. Promotion to equity has become the most elusive of the traditional objective success measures of a legal career.

Scientists who study the concept of career success^{1,2} point to its complexity. Status, promotions and pay – the traditional hallmarks of success – are “objective” measures. These use objectively verifiable criteria to evaluate success. However, organizational status, financial attainment, promotions and prestige do not necessarily make people feel successful. I have coached countless attorneys who have achieved these benchmarks only to find themselves feeling empty and unfulfilled. Furthermore, we know that even “objective” measures are contaminated by factors like gender and race. Disparities

in access to opportunities leading to objective success as well as in evaluations, promotions and compensation continue to be prevalent in the profession.

Therefore, “subjective” measures of career success – those defined by an individual’s reactions to her unfolding career experiences – are crucial considerations. People conceptualize and evaluate their career success in terms of many factors related to their personal beliefs, values and aspirations.

These include competence, excellence, contribution, challenge, security, work/life balance, feeling valued, sense of meaning and purpose, service, fulfillment, autonomy, legacy and relationships with colleagues and/or clients, to name a few.

The evaluation of your career as successful may also have a temporal component. An associate grinding away long hours may not view her current accomplishments as successful but may consider her career in a broader time frame, anticipating future success as a result of her present-day efforts.

Maureen,* a new non-equity partner at her global firm, stated that, “When I became an associate I wanted success and success was partnership. Otherwise, why make the sacrifice?” Conversely, a recently de-equitized partner may or may not view her career as successful. To the extent to which she considers her reduced status to be a reflection of firm economics and looks back upon a career filled with achievements of which she is proud, she is likely to consider her career a success.

However, I have spoken with senior women in practice areas that have undergone significant changes and who blame themselves for their failure to “reinvent” themselves. In these cases, despite much prior objective evidence of success, these attorneys do not evaluate their careers as successful.

If you’ve ever received a bonus about which you were very pleased only to have your feelings change to disappointment when discovering how paltry your bonus was in comparison to those of others at your own or other firms, you know



Ellen Ostrow, Ph.D., is a certified leadership and career coach and the founding principal of Lawyers Life Coach LLC. Her coaching and consulting practice focuses on enabling women to advance to leadership while finding meaning and fulfillment in their careers and their lives.

It's difficult to define success according to internal referents in a work environment that places value on objective factors like promotion, prestige and money

that our judgments of our success may be influenced by the achievements of others.

Research on career success documents that we evaluate our career outcomes relative to personal standards as well as the attainments and expectations of others.¹ Viewing one's career as on-, behind- or ahead-of-schedule relative to peers is an example of an other-referent measure of success that can leave an attorney feeling prospering or defeated. Promotions and

bonuses provide a powerful incentive for attorneys to compare themselves to others with dramatic consequences for their experience of success.

Recently I coached a young woman attorney who apparently had been on track for partnership at her firm. She received glowing reviews during her eight years at the same firm and had worked on significant matters.

The previous year the firm had brought in a complementary practice from another firm and the former and new practice heads assumed co-leadership roles. Unfortunately, the former leader – also her mentor - was not one to spend political capital advocating for his juniors while the new co-leader did this with relish. As a result, an associate who came in with the group from the other firm was promoted to partner while my client was only elevated to counsel.

Despite being promised compensation to offset the difference in status, she received only a small bump in pay. She had been billing roughly 3,000 hours/year and until this point had viewed the sacrifice as worthwhile. The decision left her devastated. She had no portable business; up until this point playing a prominent role on a senior partner's matters was more than sufficient for promotion.

The decision reflected the power of senior partners, not anything inherent in the quality of her work. Yet she felt entirely devalued and humiliated by having given so much only to receive so little recognition. Despite not having felt particularly fulfilled by her work, she had felt proud and successful – until now. From that point on, she shifted her goals from advancing at the firm to saving as much of her paycheck as possible, leaving the office in time to see friends, and waiting until she had saved enough to leave practice altogether. The day she could retire from law and feel free to travel would be the day she would experience success.

It's difficult to define success according to internal referents in a work environment that places value on objective factors like promotion, prestige and money. We are wired to compare ourselves to others and have a tendency to internalize the expectations of our work environments.

Big law provides multiple inducements to value objective and other-referent criteria of success. People with a high need for achievement may choose to work in such organizations with incentive systems that reward and recognize a few leading

The creation of multiple partnership tracks has made promotion to equity more illusory



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Promotions and bonuses provide a powerful incentive for attorneys to compare themselves to others

stars. It's easy to become trapped trying to live up to and emulate these stars. It can become easy to believe that failing to invest heavily in things you believe will improve your chances of success means foregoing all you've invested and feeling like a failure.

In my experience, it is often getting outside this organizational frame of reference that enables people to consider alternative ways of measuring their own career success. For example, Elizabeth* contacted me when she was told that the prestigious, white-shoe firm in which she had worked for her entire legal career had decided to postpone her consideration for partnership because they were not yet convinced of her revenue-generating potential.

At best, she was able to negotiate for counsel status. Elizabeth loved the intellectual challenge of her work. She disliked the incessant client demands, especially those of her international practice. As the mother of two young children and married to another professional, she also felt continually taxed by multiple demands. She had found a way to juggle these, but constantly faced the criticism of senior male partners who disapproved of the ways she got her work done. They preferred the more paced approach afforded them by their stay-at-home wives.

When Elizabeth and I explored what made her feel successful, it was neither the approval of senior partners, the size of her bonus, nor the approbation of clients for being on calls at all hours. Success for Elizabeth was solving complex problems, particularly those that had significant policy implications. It became clear that a position in the federal government offered a far better shot at success and satisfaction than did her firm. Nevertheless, it was not until she actually made the transition that she stopped feeling like a failure.

The culture of the profession as a whole puts great emphasis on competition, winning, individual achievement, status and prestige. Research by Florida State University College of Law Professor Lawrence Krieger and colleagues^{3,4} has documented the dire effects of legal education upon the values

The most satisfied and well-adjusted lawyers were those doing work they found personally meaningful and providing needed help to others.

and wellbeing of law students and ultimately upon the practicing attorneys they become.

According to this research, after beginning law school, students shift from values related to helping and community to external rewards such as money and recognition. The data indicate a general loss of sense of personal purpose. These changes are accompanied by increases in depression, anxiety and negative mood – changes that persist beyond the law school years.

Krieger's research also indicates that success in law school measured

by grades exacerbates the longer-term negative effects of law school. More "successful" students become more attracted to extrinsically oriented jobs and away from the service motivations with which they began law school. These findings have been replicated at multiple law schools and similar results have been found by other legal scholars.⁵

Most recently, Krieger⁶ found similar relationships among a very large and diverse sample of practicing attorneys. The investigators found no or a negative relationship between grades, affluence, prestige and attorney wellbeing. The most satisfied and well-adjusted lawyers were those doing work they found personally meaningful and providing needed help to others.

Despite their smaller compensation, lawyers working in public service settings were more motivated by internal and personal values than those in higher-paying private practices and demonstrated higher well-being scores. The authors concluded "the shared understanding of 'success' needs to be amended so that talented students and lawyers more regularly avoid self-defeating behaviors in the pursuit of success."⁶

Certainly there are attorneys at the largest law firms whose careers not only look successful through the prism of objective criteria but who would also judge themselves as successful according to subjective measures. But defining your legal career as successful has become increasingly challenging. Economically driven changes in the industry have resulted in fewer opportunities to achieve traditional benchmarks of

success. Each corporation has only one General Counsel. The number of Margaret Brent annual awardees is finite.

Values have also changed over generations. Few law graduates now go to large law firms aspiring to equity partnership. Careers in the law, as elsewhere, have become less linear and more “boundary-less,” i.e., not limited to a single organization or a single career direction. Concerns about work/life balance are no longer limited to women. Studies show that both male and female millennials have no intention of trading off the quality of their lives for a paycheck.

How, then, should you define career success for yourself? My suggestion is that you ground your definition in your values. By “values,” I mean the personal strengths or qualities you most want to express in your daily patterns of action. Values are chosen concepts linked with patterns of action that provide a sense of meaning. They can coordinate our behavior over long time frames.

Values can never be fulfilled, satisfied or completed; rather, they serve to give us a purpose or direction. *Values* should not be confused with *goals*, which are discrete objectives that can be evaluated and completed in order to move you in the direction of your stated values.⁷

There are a few simple ways to focus on your values. First of all, imagine yourself as an 80-year-old

woman. What will you need to look back on in order to feel proud of the work you’ve done and the life you’ve lived? When young attorneys seek you out to learn from your wisdom and perspective, what do you hope to tell them made your sacrifices worthwhile? What kind of a lawyer were you?

Finally, at the end of each day ask yourself, “What did I do today that I feel was worthwhile?” If you have the daily experience that you did something in the service of your values, you will have the opportunity to feel successful regardless of how much you were paid or how much prestige you garnered for your actions. And, if at the end of your career you can name things you feel proud to have done and feel that you stood for what mattered to you, then you are likely to consider your career as an attorney to have been a success. ■

Imagine yourself as an 80-year-old woman. What will you need to look back on in order to feel proud of the work you’ve done and the life you’ve lived?

Endnotes

*Client names and identifying characteristics have been changed to protect client confidentiality.

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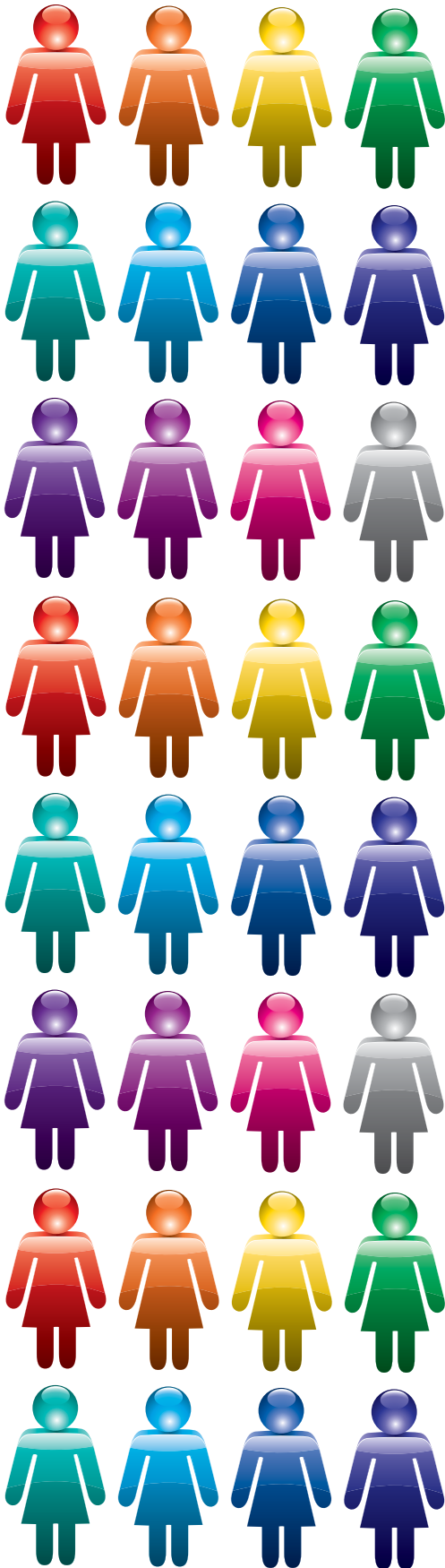
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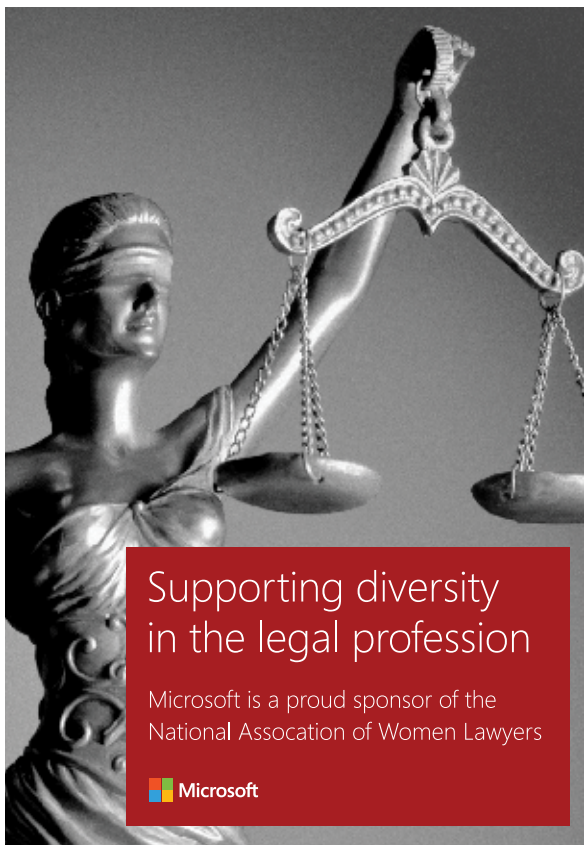
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ACC Accounting
ADO Adoption
ADR Alt. Dispute Resolution
ADV Advertising
ANT Antitrust
APP Appeals
ARB Arbitration
AVI Aviation
BDR Broker Dealer
BIO Biotechnology
BKR Bankruptcy
BNK Banking
BSL Commercial/ Bus. Lit.
CAS Class Action Suits
CCL Compliance 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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From left, Nate Saint Victor, executive director in the Legal and Compliance Division of Morgan Stanley; and Jennifer Zimmerman, executive director, Morgan Stanley; spoke at the West Point Women's Initiative Leadership Boot Camp in May.

Photo: Marty Morris/MPM Photography LLC



Join the Club!



Join the **NAWL Challenge Club** – work together to make lasting change in the legal profession.

In 2006, the National Association of Women Lawyers issued the NAWL Challenge to increase to at least 30 percent the number of women equity partners, women chief legal officers and women tenured law professors. While the profession has made strides in two of the areas, the number of women equity partners remains relatively stagnant. The NAWL Challenge Club is for those law firms and corporate legal departments committed to increasing the number of women equity partners in law firms.

Corporate legal departments that join the Club will have access to a network of top female talent from firms that are dedicated to advancing and retaining women attorneys. Law firms that join the Club will have the opportunity to select women on the equity partner track to participate in networking events and pitch sessions with corporate Club members.

Corporations are encouraged to join the Club by contacting Caitlin Kepple at kepplec@nawl.org. Law firm members must be Sustaining Sponsors of NAWL to receive membership in the Club. The number of memberships is dependent on Sustaining Sponsorship level. For information on becoming a 2015 NAWL Sustaining Sponsor, visit www.nawl.org/sustainingsponsor and contact Caitlin at kepplec@nawl.org.

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From left, Deborah Froling, partner, Arent Fox and past president of NAWL; Jenny Waters, NAWL executive director; and DeAnna Allen, partner, Cooley LLP; at the West Point Women's Initiative Leadership Bootcamp in May.

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