

# WLJ

WOMEN LAWYERS JOURNAL

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## Changes in the business world bode well for women lawyers

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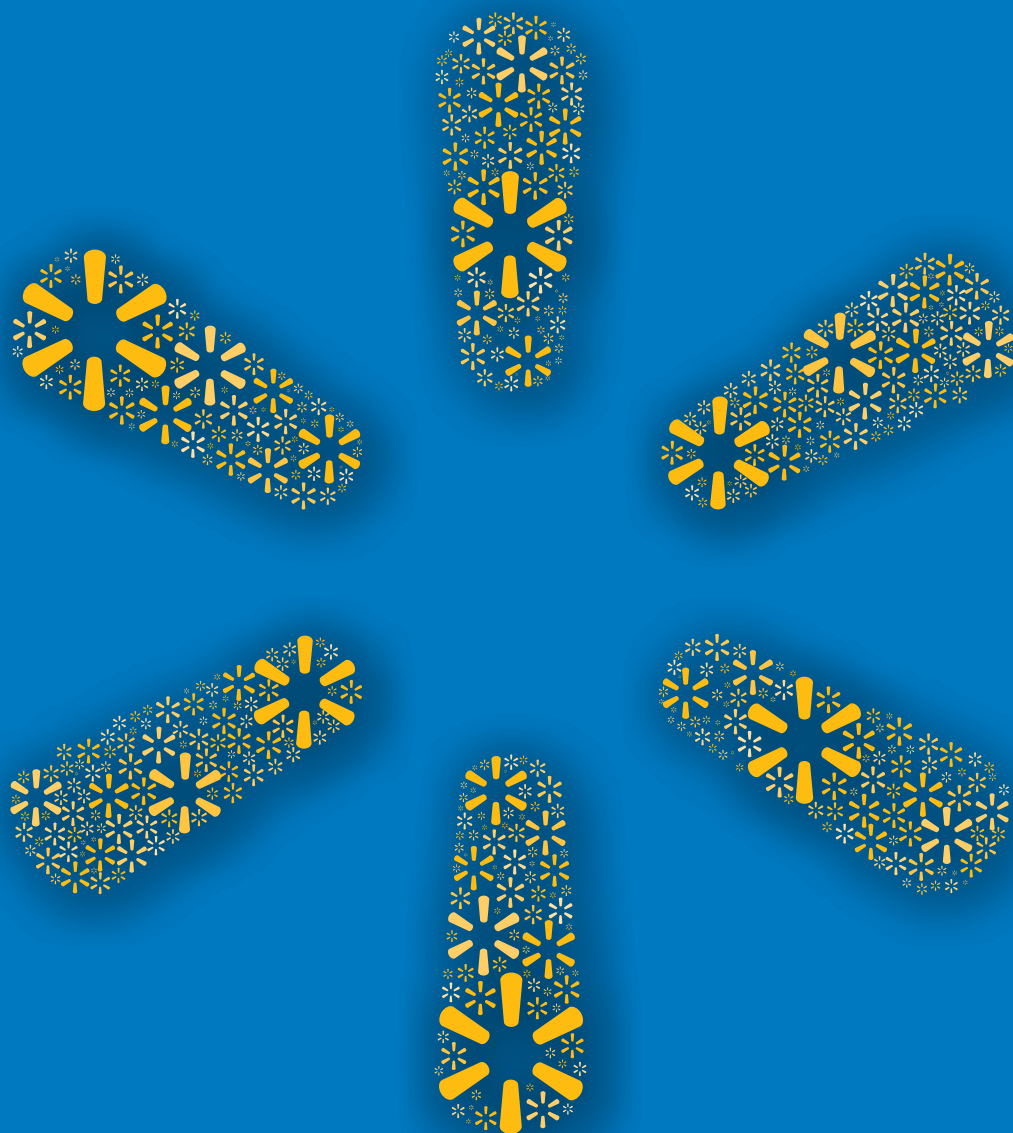
**Flex-time vs.  
reduced hours**

**Developing a 'give to get'  
mentality**

**Book Review: Her Honor  
Rosalie Wahl and the  
Minnesota Women's Movement**



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Julianne Hartzell, a partner with Marshall Gerstein & Borun LLP, was selected as one of Law Bulletin Publishing Co.’s “40 Illinois Attorneys Under Forty to Watch;” and the law firm of Adams and Reese recently launched the first edition of “Women Out in Front” a newsletter highlighting the law firm’s women attorneys’ achievements, awards, recognitions and professional and community involvement.

### Book Review ..... 32

Rosalie Erwin Wahl, the first woman to serve on the Minnesota Supreme Court, was an advocate for both women’s rights and civil rights. In her book, *Her Honor: Rosalie Wahl and the Minnesota Women’s Movement*, author Lori Sturdevant, a columnist with the Minneapolis Star Tribune, weaves Wahl’s biography into the tapestry of the women’s movement in Minnesota. Reviewed by Laura Williams

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Women Lawyers Journal is published for NAWL members as a forum for the exchange of ideas and information. Views expressed in articles are those of the authors and do not necessarily reflect NAWL policies or official positions. Publication of an opinion is not an endorsement by NAWL.

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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Additional subscriptions or subscriptions by nonmembers are available for \$55 in the U.S. and \$75 international. Back issues are available for \$15 each.

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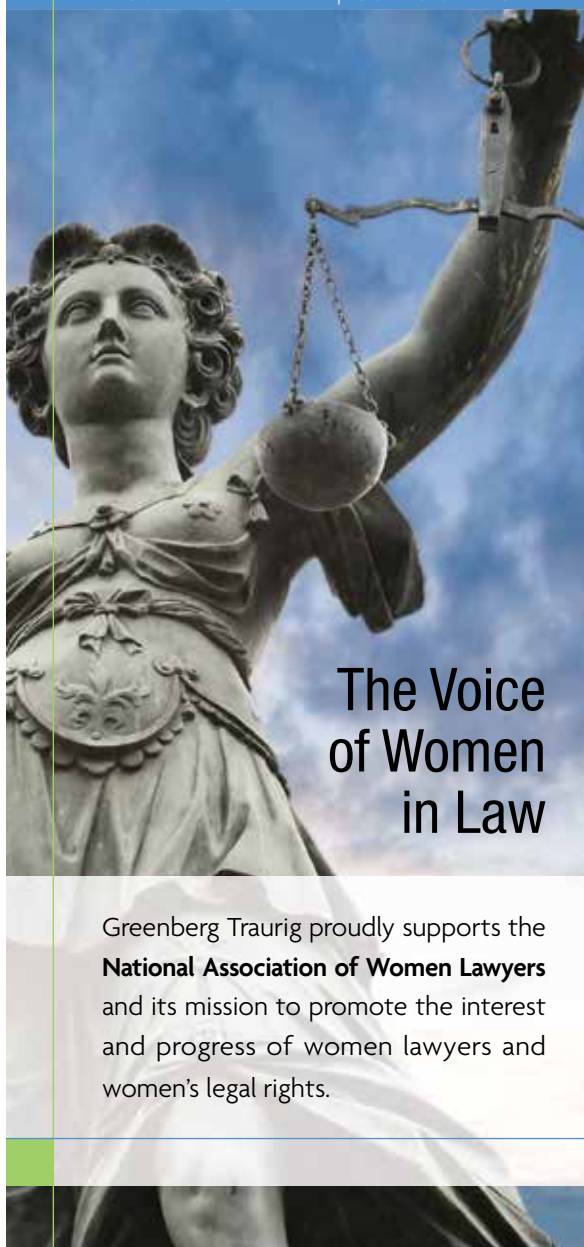
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# Join the Club!



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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](mailto: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](http://www.nawl.org/sustainingsponsor) and contact Caitlin at [kepplec@nawl.org](mailto:kepplec@nawl.org).

# NAWL Challenge Club



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## About NAWL

Founded in 1899, NAWL is a professional association of attorneys, judges and law students serving the educational, legal and practical interests of the organized bar and women worldwide. Both women and men are welcome to join.

By joining NAWL, you join women throughout the United States and overseas to advocate for women in the legal profession and women's rights. We boast a history of more than 100 years of action on behalf of women lawyers. For more information about membership and the work of NAWL, visit [www.nawl.org](http://www.nawl.org).

### BENEFITS OF MEMBERSHIP

- A voice on national and international issues affecting women through leadership in a national and historical organization
- Networking opportunities with women lawyers across the United States
- Access to specific programming designed to help women thrive in their everyday practice and advance in the legal profession
- A subscription to the quarterly Women Lawyers Journal and the ability to be kept up to date on cutting edge national legislation and legal issues affecting women
- The opportunity to demonstrate your commitment and the commitment of your firm or company to support diversity in the legal profession.

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## How do you define yourself?

*Make sure your elevator speech and your self-talk are positive and reinforcing.*

**By Jennifer M. Guenther**

**Practice positivity.  
Practice acceptance.  
Practice the belief  
that everyone  
has something to  
offer and a new  
perspective that  
might offer a solution  
to an otherwise  
difficult issue.**

WE HAVE ALL HEARD THAT we must have a good “elevator speech”: that two-minute synopsis in which we let a potential employer or prospective client know what we do and why they should hire us.

A strong first impression is critical. It is important that the prospect walk away with a positive perception and a

strong sense of connectivity. We want them to remember who we are and be open to further conversation.

Having spent so much time creating a strong foundation speech upon which to build a relationship, it is equally important to add mortar. And it is important to be on guard for those things that can slowly erode the foundation.

While our elevator speech is what we use to define ourselves to others, our internal language, or “self-talk” is how we define ourselves internally. When with a new group of people, or at a conference, or even with friends, it is natural to assess one’s surroundings and how comfortable we feel

in those surroundings. Sometimes it is positive: “I love this crowd. This is where I belong!” Sometimes it is not: “I feel so much older/younger/fatter/skinnier/smarter/less informed/better dressed/[add adjective here].”

Often without our being aware of it, our self-talk communicates itself through our body language. And those around us pick up on it. If we feel uncomfortable, it often makes others around us uncomfortable as well.

When a woman walks into a room full of men, she will almost immediately know she is the only woman. The same can be said for cultural, religious, race or age differences. The newcomer’s reaction to the realization sets the stage for the interactions that follow. Does she straighten her shoulders and walk boldly on? Or does she look like she just internally said “OH NO!” Is her body

language as she moves forward warm and welcoming or timid and shy?

A colleague of mine, new to our company, told me she left her last job because she was “too frumpy for them and did not fit in.” Frumpy is generally a way to define someone who cares little about his or her appearance. My colleague obviously cared about her appearance. She had a coordinated outfit, well-groomed hair, jewelry on her wrists. She was not frumpy. She did, however, have a bohemian style that was, perhaps, incongruous with the more formal style of her last employer. Yet she chose the word “frumpy” with all the connotations that go with it. Perhaps she chose that word with a sense of pride in her differences from her former colleagues, knowing “frumpy” would create a clear definition. If so, it is an interesting choice for both her self-talk and her elevator speech.

The point is, absolutely embrace the differences that make you uncomfortable. Know that those differences give you a perspective that others will not have. Know that those differences offer a form of power: That which makes you unique, garners the attention of those around you. It’s your “grabber,” but you must capitalize on it.

The trick is to manage both your self-talk and your elevator speech. Be sure the words you choose are positive and reinforcing. That will naturally be reflected in your body language.

Practice positivity. Practice acceptance. Practice the belief that everyone has something to offer and a new perspective that might offer a solution to an otherwise difficult issue. If we expect others to change their internal biases and internal language, it is important that we also change ours. Practice makes perfect. Practice helps us internalize. We practice our closing arguments. We practice our presentations to clients and to our peers. We practice our elevator speech. We must also practice building the foundation of strength, of self-talk that gives us confidence and allows others to believe we are sincere, comfortable in our skin, and in our surroundings – that we can handle any situation and, as a result, are worth trusting.



Jennifer M. Guenther is general counsel/director for FirstCarbon Solutions, a company that works with clients to improve profitability through sustainability consulting and energy and environmental data management solutions. An experienced land use and environmental attorney in controversial environmental, development and litigation matters, she has appeared before local, state and federal agencies, as well as the California Court of Appeals. She can be reached at [jguenther@fcs-intl.com](mailto:jguenther@fcs-intl.com).



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## Best wishes for 2015

*Take time to reflect on the positive aspects of your life and your career*

**By Lisa M. Passante**

IN THIS LAST EDITION of the Women Lawyers Journal for 2014, I want to take some time to reflect on the year and thank those who have made the first months of my presidency such a rewarding time.

To Executive Director Jenny Waters and the NAWL staff – you have just come together as a team, but what an amazing team! Thank you for your energy, commitment and absolutely thoroughness in everything you do. This organization will soar to new heights with your vision and dedication.

To the Board – this has always been a board of passionate and hard-working women lawyers. Thanks to your leadership, our voices are being heard and we will make change.

To our Volunteers – thanks to you, our programming this year has been exceptional, and our committees and affinity groups have more energy than ever. Our members and prospective members have more

opportunities to join us for programming, webinars and other initiatives than ever before.

To our Sponsors – we could not do what we do without your support. Please continue to let us know what you need from NAWL. This is a partnership, and we want to make sure that you are getting the benefits and services you need from us.

As the year comes to an end, I hope that all of you take some time to reflect on all the positive aspects of your life and your career. As we strive to make our profession one that is truly inclusive, it sometimes can seem like unending bad news—statistics that haven't improved, compensation that is still inequitable, micro-inequities that continue to cause too many vaguely bad days. But the truth is, as women lawyers, we are survivors and achievers, and we have the resources and wherewithal to excel at our professional and personal commitments while still working towards a common goal of a better future.

*My best wishes for a happy and successful 2015.*



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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](mailto:lisa.passante@thomsonreuters.com).

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Maja Eaton, Jennifer Hagle and Laurie Kleiman

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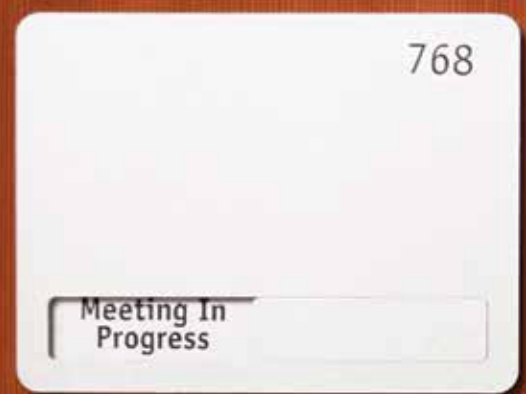
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# Countering diversity fatigue

*The audacity of hope  
backed up by data—  
seeing the paradigm  
shifting*

**By Sheryl L. Axelrod**



**THE CURRENT STATE OF THE PROFESSION FOR WOMEN** is undeniably grim. The National Association of Women Lawyers (NAWL®) and The NAWL Foundation's® Eighth Annual Survey on Retention and Promotion of Women in Law Firms released in February informs us that women are concentrated at the bottom of the law firm hierarchy. Women occupy 64 percent of the lowest positions in the largest 200 law firms as staff attorneys, while the highest positions in those firms, those of the equity partners, are occupied by a mere 17 percent of women.

While this is better news than had been reported in 2012, it is only slightly so. Then, women made up 15 percent of equity partners and 70 percent of staff attorneys.

Given that more than four in 10 law school graduates have been women since the mid-1980s, it is predicted that women will not reach parity in the legal profession until the year 2086.

### *The Audacity of Hope*

Change may not take anywhere near that long. Three economic forces suggest that the pace of change may be about to drastically improve.

Women have been founding new businesses at an average rate of 1,200 a day.

**THE PARADIGM SHIFT AFOOT IN LEGAL SPEND.** There is a paradigm shift occurring in the legal profession. Legal work is shifting from larger firms to smaller firms. In fact, according to an article in the Harvard Business Review HBR Blog, "Why Law Firm Pedigree May Be a Thing of the Past" by Dina Wang and Firoz Dattu (Oct. 11, 2013), "there is a growing body of legal work that simply won't be sent to the most pedigreed law firms, most typically because general counsel are laser focused on value, namely quality and efficiency." GCs are finding value elsewhere.

In fact, "GCs are increasingly willing to move high-stakes work away from the most pedigreed law firms (think the [giant] Cravaths and Skaddens of the world)... if the value equation is right," found Wang and Dattu. "Top talent is increasingly dispersed, not residing solely at the most pedigreed of firms," so there is no need for GCs to seek top talent there.

**THE RISE OF WOMEN-OWNED BUSINESSES.** As this shift in legal work from larger to smaller law firms is occurring, women are forming businesses at an



Sheryl L. Axelrod (saxelrod@theaxelrodfirm.com), president of The Axelrod Firm PC (www.theaxelrodfirm.com), a National Association of Minority and Women Owned Law Firms (NAMWOLF) law firm in Philadelphia, provides strategic, results-driven advice and representation to companies concerning their general and product liability, employment, commercial and appellate litigation matters. While only 5 percent of lawyers are recognized by their peers as Super Lawyers, Axelrod was not only recognized as a Super Lawyer but rated one of the Top 50 Women Super Lawyers in Pennsylvania for the past three years and selected a 2013 Top Rated Lawyer in Labor & Employment by American Lawyer Media and Martindale-Hubbell. She is a member of the NAWL Diversity and Amicus Committees, and of the American Bar Association's distinguished Gender Equity Task Force. She is also a Fellow in the Litigation Counsel of America.

## Women-owned businesses are taking our economy by storm

explosive pace. According to the American Express OPEN State of Women-Owned Business report, over the past year, women have been founding new businesses at an average rate of 1,200 new businesses a day. The pace is eclipsing even that held last year, when women founded a still-stunning 740 new businesses a day.

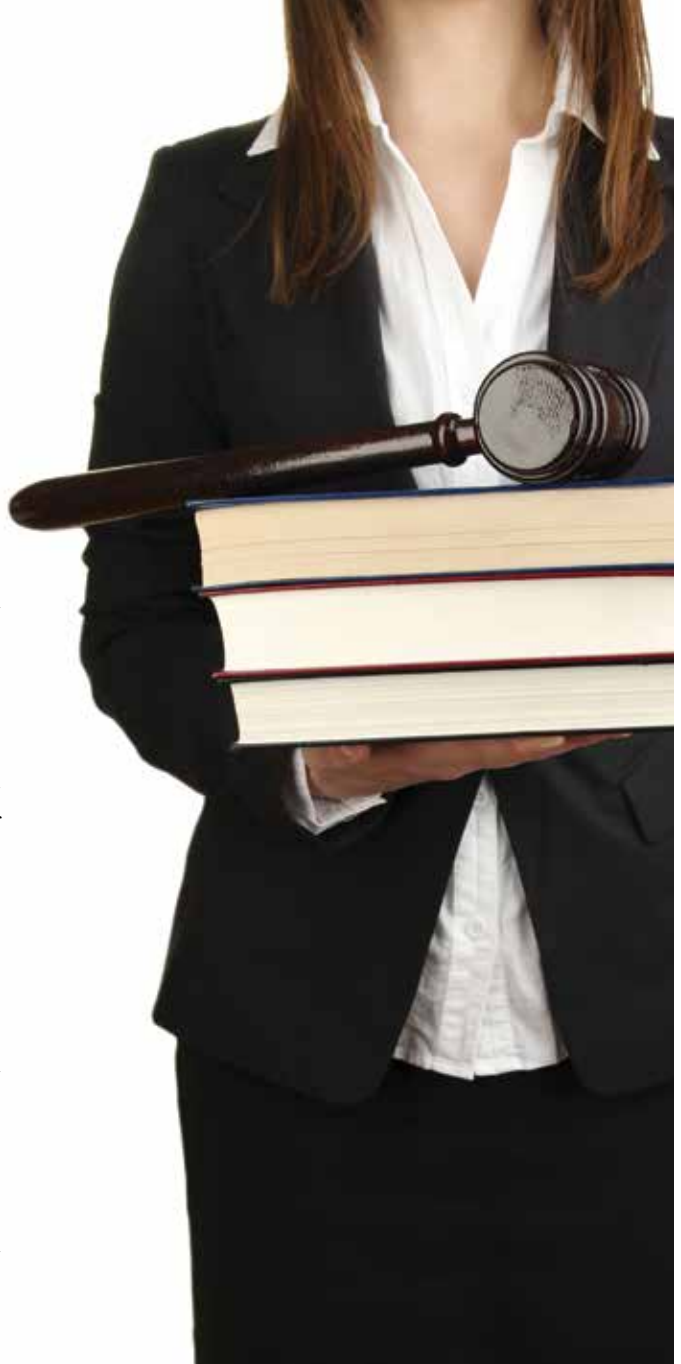
Women-owned businesses are taking our economy by storm. In fact, American Express estimates that there are now 9.1 million women-owned businesses in the United States, and that four out of 10 new businesses are being started by women – nearly half.

Some of the new women-owned businesses are law firms. I cannot say how many, but I suspect the number of women-owned law firms is rising along with the number of women-owned businesses.

**TYING THE PARADIGM SHIFT AFOOT IN LEGAL SPEND TO THE RISE OF WOMEN-OWNED LAW FIRMS.** Women-owned law firms are capturing a portion of the legal work that is shifting away from larger, so called pedigreed firms, to smaller firms. NAMWOLF law firm members, members of the National Association of Minority and Women Owned Law Firms, are likely seeing a nice portion of it.

NAMWOLF members are the premier approximately 130 minority- and women-owned law firms in the country; 66 women-owned law firms have passed NAMWOLF's rigorous screening selection process and are now NAMWOLF members.

Every law firm seeking to become a NAMWOLF member must have a minimum of three corporate references (preferably from Fortune 50 or Fortune 100 companies) from assignments performed within the last two years, in addition to being certified as woman- or minority-owned. Also, among other membership criteria, the attorneys practicing at the firm must receive, on average,



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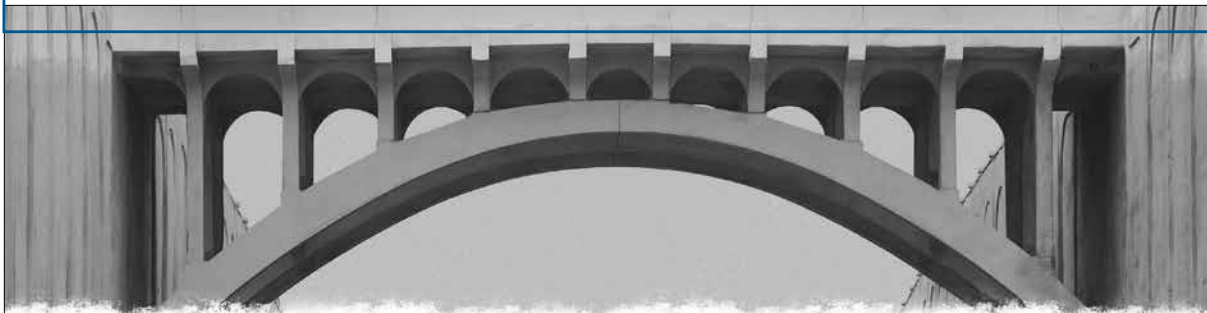
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My fellow NAMWOLF law firm owners generally came from pedigreed firms, as I did prior to launching my firm. Ours are precisely the types of law firms to which GCs are shifting their work. The fact that each NAMWOLF firm had the client base required to satisfy NAMWOLF's membership shows these 66 women-owned law firms successfully attract major clients.

Through NAMWOLF, our firms network and build relationships with in-house counsel from supportive Fortune 500 companies, major governmental entities, and large non-profit associations. Such entities support NAMWOLF because, like the GCs mentioned above, they see the value – the quality and efficiency – we bring relative to the pedigreed firms from which most of us came. Also, many of the in-house attorneys want to take an active role in making the legal profession more diverse and inclusive.

When I opened my law firm, I wanted to build a diverse and inclusive environment welcoming of all talented lawyers. My fellow lawyers at The Axelrod Firm share this vision of expanding equality in the profession. For instance, Axelrod Firm partner Mary Ann Mullaney co-founded the Fearless Women Network with me, a non-profit dedicated to shattering glass ceilings and obliterating unequal pay. We put on the Fearless Women Network's first symposium, "Harnessing the Competitive Advantage of Greater Diversity and Inclusion by Achieving Pay Equity," before an audience of over 90 people. Axelrod Firm attorney Vanessa Snyder helped us do it.

I learned about Vanessa's interest in paving the way to greater diversity, inclusion, and equality in the profession while I was the President of the Temple Law Alumni Association. During my two-year term in the post, I founded the TLAA Women's Initiative and Diversity Committee, the committees' awards,

and the committees' presentations. Vanessa was my first TLAA Women's Initiative co-chair with Duane Morris partner Mairi Luce. She, Mairi and I worked together as TLAA Women's Initiative co-chairs throughout my presidency.

Many NAMWOLF law firm owners I've met want to build diverse and inclusive law firms, too. In fact, the Fearless Women Network may launch a regional chapter in another city as a fellow NAMWOLF member would like to start one.

If companies and the community at large continue to support us, women-owned law firms will become a safe haven to which all lawyers – including highly talented women and minorities — can go to be treated fairly and have a more equal chance of rising to equity partnership.





Studies show that if my fellow women law firm owners and I in fact create more hospitable law firms for everyone, we stand a great chance of growing highly profitable firms.

**THE SPECIAL SAUCE: THE PROFITABILITY OF DIVERSITY.** So we have two different business models in the profession that are in the midst of great change. On the one hand, there are the largest and so-called pedigreed law firms in which women generally represent about 17 percent of the equity partners. Those firms are losing legal work.

On the other hand, we have younger, dynamic women-owned law firms like mine, many of which are smaller and, like me, determined to create more diverse and inclusive law firm environments than the traditional pedigreed firms we left. Our firms are growing in number and attracting a chunk of the business the pedigreed firms are losing.

Interestingly, studies show that if my fellow women law firm owners and I in fact create more hospitable law



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## ‘Pedigreed’ law firms are losing legal work

firms for everyone, we stand a great chance of growing highly profitable firms.

A number of business studies including a 2011 research report in Catalyst Inc. by Nancy M. Carter and Harvey M. Wagner entitled “The Bottom Line: Corporate Performance and Women’s Representation on Boards (2004–2008),” demonstrate that diversity and inclusion are enormously profitable. The studies show that corporations that include three or more women on their boards outperform companies with all-male boards by 60 percent in return on invested capital, 84 percent in return on sales, and 60 percent in return on equity. The numbers suggest that diversity and inclusion are not just profitable; they have a positive synergistic impact on profits.

Douglas E. Brayley and Eric S. Nguyen, authors of “Good Business: A Market-Based Argument for Law Firm Diversity” in *The Journal of the Legal Profession* in 2009, studied the data from the 200 highest-grossing firms (the AmLaw 200) and found that this same dynamic holds true in the legal profession. Highly diverse law firms report, on average, much higher profits per partner and revenue per lawyer than the rest of the AmLaw 200 firms. Even when you control for the factors you would think have the greatest impact on law firm

profitability – the hours billed, the firm’s location, its size – they found that “a firm ranked in the top quarter in the diversity rankings will generate *more than \$100,000 of additional profit per partner* than a peer firm of the same size in the same city, with the same hours and leverage but a diversity ranking in the bottom quarter of firms.” (Emphasis added.)

Diversity improves company performance. As Scott E. Page, author of *The Difference: How the Power of Diversity Creates Better Groups, Firms, Schools, and Societies*, wrote, greater racially, ethnically, and culturally diverse workplace teams generally function more effectively than more homogenous teams. According to Deloitte, *Only Skin Deep? Re-examining the Business Case for Diversity* (Sept. 2011), people with diverse backgrounds, experiences, and perspectives are less likely to fall prey to “groupthink,” whereas homogenous teams are more likely to approach problems from the same angle.

### *Conclusion – a brighter future may be coming*

Large, traditional law firms are losing legal work to smaller firms. Their non-diverse law firm model is far less profitable than more diverse models. That suggests the traditional large law firm model may not stand the test of time. More diverse firms may outperform them and leave them behind.

Women-owned law firms are building relationships with major corporations, governmental entities, and non-profit organizations that in the past, were in the reach only of the large, pedigreed, traditional firms. Those women who, like me, own their firms and are determined to create a new law firm mold, one in which the seats at the partnership table will include a fair and representative number of women and minorities, stand to be highly profitable and in the process, grow, invite other attorneys to join them, welcome a far more diverse group of attorneys to equity partnership, and drastically quicken the pace toward parity in the legal profession. ■



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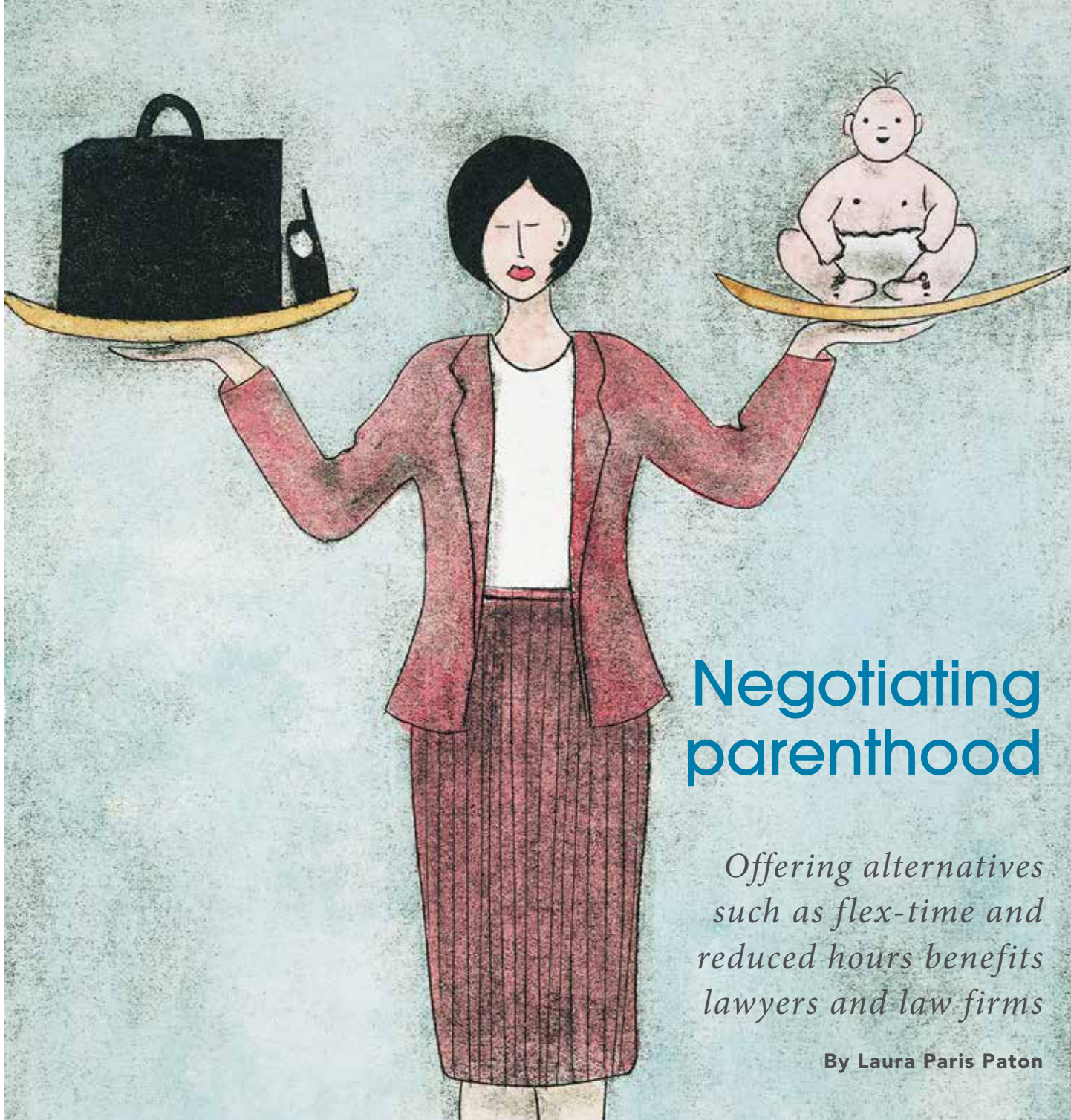
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## Negotiating parenthood

*Offering alternatives such as flex-time and reduced hours benefits lawyers and law firms*

**By Laura Paris Paton**



Work-life balance is a hot-button topic in the legal profession. Women have almost reached gender parity in law school graduating classes<sup>1</sup> but continue in the minority in leadership positions in the profession<sup>2</sup>, and there is much speculation as to whether the demands of firm-life are incompatible with motherhood.<sup>3</sup> Likewise,

a small, but voluble, number of fathers are vocalizing the importance of adjusting work schedules to maintain active, healthy family relationships.<sup>4</sup> Conversely, despite the best of intentions, many firms struggle with resolving the needs of their attorneys with the realities of overhead, salaries and client expectations. Both sides have valid

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positions but, in this author's opinion, it is possible to craft solutions that respond to the demands of both practicing law and modern family life.

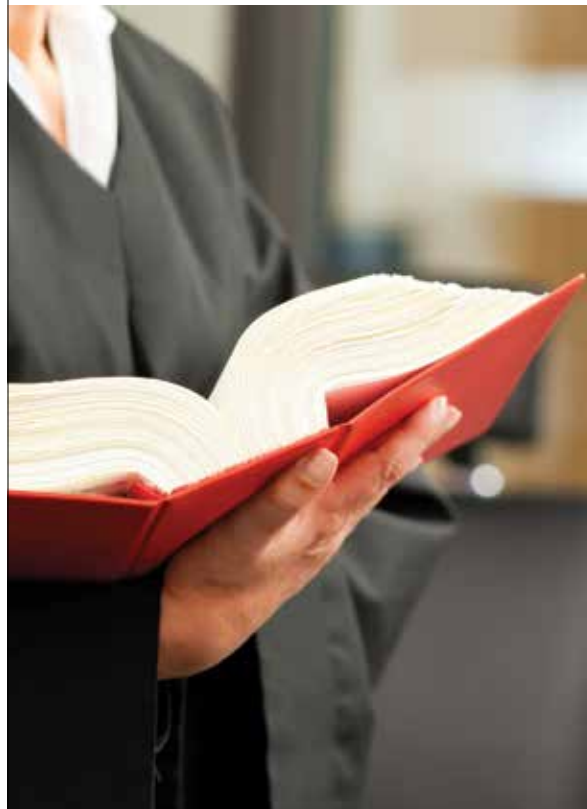
Prior to the 1970s, women made up less than 5 percent of the student body at ABA-approved law schools, and from 1 to 3 percent of the legal profession.<sup>5</sup> Likewise, 85 percent of families had two parents and more likely than not, had a stay-at-home mother.<sup>6</sup> Today, only 14 percent of women are stay-at-home mothers. Thus, 40 years ago the family with an attorney-breadwinner more likely than not had a full-time parent who did not work outside the home. Today, that is simply not the case. A family needs two salaries to make ends meet<sup>7</sup> and more likely than not, neither parent stays home; thus both parents are tasked with juggling full-time jobs, managing the children and running the household.

However, since the 1960s, the billable hour model has not changed as the standard method of employee accountability.<sup>8</sup> Similarly, as in the past, many firms put a high value on "face time" or being visible in the office working as well as demonstrating a willingness to be available and work late nights and weekends.<sup>9</sup> As a result, some postulate that the inability to manage the demands of a family and successfully maintain a legal practice has driven many women to leave the profession entirely.<sup>10</sup> Further, there is concern that this work-life imbalance has a negative effect on the mental health of both men and women.<sup>11</sup>

The common question posed in response to this issue is "Why should law firms care?" The reasons are myriad. Unfortunately, the profession perpetuates the myth that

Many firms put a high value on "face time" or being visible in the office working as well as demonstrating a willingness to be available and work late nights and weekends.

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## *The billable hour model has not changed since the 1960s as the standard method of employee accountability*

successful lawyering demands personalities driven to succeed at all costs.<sup>12</sup> Thus, if certain attorneys cannot hack it, they cannot be good at practicing law. This is patently false. While the profession is stacked with an overwhelming number of Type A personalities,<sup>13</sup> focusing on career success at the expense of all other endeavors is not the hallmark of a successful lawyer.<sup>14</sup> Indeed, a good attorney recognizes her own limits and attempts to be successful in all aspects of her life.<sup>15</sup>

Hiring new attorneys to replace seasoned employees is profoundly expensive.<sup>16</sup> Studies show that the cost of replacing a seasoned attorney with a new hire is upwards of \$200,000<sup>17</sup> or 150 percent of the leaving attorney's salary.<sup>18</sup> When a firm's inability to adapt leads to the loss of a seasoned attorney, it can incur upwards of \$200,000 simply in replacing that individual. Likewise, it has lost out on a known commodity whose judgment has been tried and true.<sup>19</sup> Further, it loses that attorney's relationships with clients and staff that the new hire will have to rebuild over time. These costs are incalculable.

Finally, firms have their reputations to consider. Given the shift toward the modern family, fresh, top-tier talent

first and foremost, law firms are businesses. They have employees, overhead and members or shareholders. Understanding that each attorney's job is contingent on the profitability of her work is tantamount. Quantifying what the firm needs to bring in in order to keep its attorneys profitable is key to analyzing the flex-time options available and clarifying expectations for all parties involved. To the extent possible, securing this information in advance of alternative work schedule negotiation is essential.<sup>22</sup> Likewise, attorneys in different practice groups are going to have a variety of clients with diverse expectations. Recognizing this and addressing it head-on will also provide insight into the options available.

The two primary types of alternative work arrangements are labeled "Flexible" and "Reduced Hour" schedules. Both are broad-brush terms encompassing several different factors that can be tailored to individual firm and attorney needs. Flexible schedules are understood to mean schedules wherein the attorney maintains a full-time schedule but may do so working from home, using telecommunication devices, performing work during non-traditional business hours and generally providing less "face time." Reduced Hour schedules allow the attorney to work fewer hours than a full-time employee. Reduced hour schedules may include a proportionate reduction in hours and compensation or, alternatively, may provide for hourly compensation setting a billable hourly floor. Reports from Working Mother magazine indicate firms most often voted most "family friendly" often offer elements of both Flexible and Reduced Hour schedules.

In selecting an alternative work arrangement that best suits the needs of the attorney, one should consider several factors. Flex-time schedules, while allowing the individual the opportunity to choose when and where the attorney works, often do not include a reduced hour component. Further, legal work often requires a high level of concentration. In selecting a flex-time schedule, one should consider whether the location or timing of work is the stressor and, if so, whether the alternative accommodations under consideration provide sufficient time and a location suitable for completion of work.

## Top-tier talent entering the workforce is markedly aware that some firms are more flexible than others.

entering the workforce is markedly aware that some firms are more flexible than others.<sup>20</sup> Firms unwilling to adapt have much higher female attorney attrition rates and lower numbers of women in leadership roles. This information is widely publicized through women's groups in law schools, state bar organizations, private organizations such as Flex Time Lawyer and the National Association of Women Lawyers, and firms themselves that heavily advertise their family-friendly flex policies. Firms that do not adapt are simply less attractive options to top talent.<sup>21</sup>

While the importance of being open to family-friendly scheduling should be clear, it must be understood that

Having considered these factors, and having the ability to articulate to one's employer a plan for successfully completing work on a flex-time basis will significantly improve negotiations.

Likewise, reduced hour schedules can provide a wonderful break for new parents struggling to spend time with their families as well as meet their firm's requirements. However, these arrangements often come with a pay cut and may affect the amount of work an attorney can complete. In negotiating such a schedule, the attorney needs to be mindful of whether she can afford the reduced salary. Further, if the firm does not already have a policy in place, one should consider how she would like her reduced hour schedule to be compensated. Hourly compensation without a billable hour requirement allows the flexibility of deciding when and how much an attorney wants to work, but may not be feasible in the context of the firm's needs. Further, if the attorney does not have her own clients sending her regular work, she should consider what she will do if and when work in the office is short and she does not have sufficient work to meet her own economic needs. A financial hardship is its own cause for stress.

Conversely, reduced hour schedules tied to proportionally prorated salaries (i.e. an 80 percent billable hour schedule for 80 percent salary) guarantee that even if there is a slow-down in work, the attorney will be paid. However, attorneys seeking this schedule should be mindful as to whether they can afford the pay cut. Further, they should be prepared to consider, and have responses to, issues of like cuts to 401(k) contributions, health insurance contributions and long-term partnership goals. Whether an attorney chooses to pursue a flexible work arrangement or a reduced hour plan, considering the various options and having answers to the above questions is essential to engaging in meaningful negotiations with one's firm.

Negotiating schedule changes can be stressful for both attorneys and their firms. But the importance of



Hourly compensation without a billable hour requirement allows the flexibility of deciding when and how much an attorney wants to work, but may not be feasible in the context of the firm's needs.

recognizing one's own limits and keeping attorneys mentally and physically healthy is tantamount. Appreciating that there are limits to what one has to give to the profession and negotiating the necessary changes to establish those boundaries is a positive step attorneys can take towards pursuing both a satisfying home life and a successful career. ■

## Endnotes

- 1 American Bar Association Commission on Women in the Profession, *A Current Glance at Women in the Law*, Feb. 2013.
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- 3 Lisa Belkin, *Life's Work; Motherhood, and Defining Success*, N.Y. Times, March 31, 2002.
- 4 New York State Bar Association Committee on Women in the Law, *Report and Sample Policy on Alternative Work Arrangements*, June 1995 *available at* <http://womenlaw.stanford.edu/AltWork.htm>. Linda Bray Chanow, *The Business Case for Reduced Hours*, *available at* <http://worklifelaw.org/publications/business-case-for-reduced-hours/>.
- 5 Richard L. Abel, *American Lawyers* (Oxford University Press, 1991) (1989)
- 6 United States, Census Bureau, Washington: GPO, 2010. Before the 1970s less than 20 percent of all women were in the workforce full time.
- 7 "Consequently, over the past 40 years, women's employment outside of the home has been steadily on the rise, especially among women with young children (Casper and Bianchi 2002). Perhaps not surprisingly, men's real wages during the last 40 years have experienced a steady decline (Levy 1995; Oppenheimer, et al 1977) such that women's wages in paid work are an increasing component of family income." Rose M. Kreider & Diana B. Elliott, Fertility and Family Statistics Branch US Census Bureau, Address at the American Sociological Association Annual Meetings: Historical Changes in Stay-at-Home Mothers: 1969-2009 (2010).
- 8 "When the billable hour first became the economic model used by lawyers in the 1960s, lawyers on average billed around 1,300 hours a year." ABA Comm. on Women in the Profession, *Charting Our Progress: The Status of Women in the Profession Today* (2003).
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- 10 *Id.*
- 11 Deborah L. Rhode, *Balanced Lives for Lawyers*, 70 Fordham L. Rev. 6 (2002) *citing* ABA Young Lawyers Division, Career Satisfaction Survey 28 (2000) (Table 20).
- 12 Washington State Bar Association, *What is Work Life Balance?* *Available at* <http://www.wsba.org/Resources-and-Services/Lawyers-Assistance-Program/Self-Care/Work-Life-Balance>.
- 13 Tyger Latham, Psy.D, *The Depressed Lawyer, Why are so many lawyers so unhappy?* Psychol. Today, May 2, 2011.
- 14 Washington State Bar Association, *What is Work Life Balance?* *Available at* <http://www.wsba.org/Resources-and-Services/Lawyers-Assistance-Program/Self-Care/Work-Life-Balance>.
- 15 *Id.*
- 16 The PAR Research Institute, *The Business Case for a Balanced Hours Program for Attorneys* (2007), *available at* [www.pardc.org/LawFirm/PAR\\_BusinessCase\\_8-23-07.pdf](http://www.pardc.org/LawFirm/PAR_BusinessCase_8-23-07.pdf).  
  
"For example, in its 2007 article, 'The Business Case for a Balanced Hours Program for Attorneys,' demonstrates that a balanced work environment allows firms to attract and retain the best and brightest attorneys and to avoid the staggering costs of attorney attrition. The report cites studies that show that U.S. law firms are spending roughly \$1 billion each year on training and professional development. Despite this substantial investment, the studies show that nearly 80 percent of all associates have left their large law firm by the fifth year of practice. By conservative estimates, it costs \$200,000—and can cost as much as \$500,000—to replace a second-year associate. Accounting firms, such as Ernst & Young and Deloitte & Touche, have embraced the idea that the high cost of attrition is a key factor in valuating profitability and compensation."
- 17 *Id.*
- 18 *Id.*
- 19 *Id.*
- 20 *Id.*
- 21 *Id.*
- 22 Carol Frohlinger, et al., ABA Presidential Task Force on Gender Equity and the Comm. on Women in the Profession, *What You Need to Know About Negotiating Compensation* (2013), *available at* [http://www.americanbar.org/content/dam/aba/administrative/young\\_lawyers/negotiations\\_guide\\_task\\_force.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/young_lawyers/negotiations_guide_task_force.authcheckdam.pdf).

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# Use your connections with others to realize your career goals

**The new rule for building a healthy practice is that networking is NOT an event but a lifestyle.**

**By Kimberly Alford Rice**



**WITH NEARLY TWO DECADES WORKING IN LAW FIRMS**, I've had a front-row view of the discrimination, recrimination and other challenges women lawyers face in law firms.

The Eighth Annual NAWL National Survey on Retention and Promotion of Women in Law Firms reveals not much has changed in its findings of compensation, leadership roles, rainmaking and equity partnership at the nation's largest 200 firms. The data this year revealed the same trend as in previous years: the greatest percentage



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of women (64 percent) occupy the lowest positions in firms (staff attorneys) and the highest positions in firms (equity partners) are occupied by the lowest percentage of women (17 percent).

And there's more. Women must prove themselves to a far greater extent than men: A 2011 Kinsey Report noted that men are promoted on potential while women are promoted based upon past accomplishments.

Despite these facts, women lawyers can clear a path to power and advancement in their legal careers. As a "glass half-full" individual, I know from experience that *attitude is everything*.

Assess your mindset toward building a prosperous practice to check your attitude before taking the first action. Do you believe in what you are doing? Are you resentful that you are placed in "selling situations"? Do you begrudgingly attend networking events? When at these events, do you use the time productively? Female lawyers frequently behave from a position of fear, not confidence. If I had a nickel for every time I've heard, "I'm not good at X," I could buy an island in the Pacific. The question is not whether you are "good" or "bad" at any particular behavior or action, but whether you are willing to work at it.

Henry Ford said it best: "If you think you can do a thing or think you can't do a thing, you're right." It's all in the attitude.

## ► Leverage your strengths

As a gender, women are hardwired to cultivate and nurture relationships. We are born for relationships. Leverage this strength to turn everyday contacts into powerful business and client connections.

In our everyday lives, we constantly encounter people who are in a position or have a connection that can help us. The only way we will know is to engage them. Ask open-ended questions, offer to help, to connect, to listen. It's really that simple. It is what we do every day for our partners, our children, our parents, and we

should be using this natural ability to propel our legal careers as well.

From a traditional business development perspective, consider the state of your network – how do you get in touch and how do you stay in touch? Is your contact database organized, categorized and current? Do you have systems to implement and support your continual connecting efforts? If your answer is anything short of "absolutely" then you should consider seeking out resources to help you get your database in order.

In contrast to the old cliché that lawyers must "eat what they kill," I challenge you to adapt a "give to get" mentality. As you attack the crucial elements of building a prosperous practice, do so by discovering an attitude of abundance by sharing your skills and expertise. Be willing to "lift as you climb." Women often regard each other as rivals instead of colleagues on similar journeys. Those women lawyers who take the time to help junior associates succeed will find much more pleasure in mundane work such as contract review or deposition preparation.

## ► Make your network work for you

As much as you cannot develop a prosperous practice without cultivating solid relationships, it is imperative that you define your network and craft an actionable plan to get and stay connected with former classmates, co-workers (past and present), non-client referral sources, clients (past and present), qualified prospects and professional contacts.

Attend events with the intention of joining and becoming involved in targeted networking opportunities. Dependent upon your area of practice and the profile of your "perfect client," you want to get and stay in front of those individuals who are in a position to retain you. To truly gain a firm understanding of your target may require some research and professional guidance but it is vital that you raise your visibility and profile in front of the aforementioned qualified target prospects.

## ► New rules

The new rule for building a healthy practice is to accept that networking is NOT an event but a lifestyle. Clients

## To make your business development plan work, you must make a commitment to turning interactions into transactions

may be right in front of you but if you are not looking (and more importantly, not paying attention) an opportunity for a new client will be lost, narrowing your opportunity for a successful practice.

As my clients will attest, I continuously teach the imperative of developing a “marketing mindset” – to pay attention to your environment – even at your daughter’s soccer game or son’s piano recital. Always have your radar on high alert for prospective opportunities. Look for client inquiry or retention opportunities, but also look for strategic alliance and partnership opportunities. Actively listen for business and legal problems in every day conversations. This is a skill that requires discipline to perfect, however opportunities abound IF we are actively looking for them.

*Attend events with the intention of joining and becoming involved in targeted networking opportunities.*



### ► Design a business development plan that works for you

While women lawyers must work a bit smarter and harder than their male counterparts, the basics of business development apply to all. If you fail to plan, you are, in effect, planning to fail.

Craft your business development blueprint by capturing your specific action steps in a written plan. There is no magic to this document or even what it actually looks like, but make no mistake, you will see a measurable difference in developing a strong practice by creating and effectively implementing a written business development plan.

This exercise requires some thoughtful consideration. You must have a clear picture of your career goals. There are a number of ways to accomplish it, but the quickest path is to:

1. Define your target audience (outline a visual picture of whom you want to attract).
2. Find out where these targets go during and after work.
3. Outline steps to get on your targets’ radars and achieve top-of-mind awareness.

Consider the points above the broad points of your business development plan, then fill in with as much detail as you require. Remember that clarity is key. The late Steve Jobs said, “The world is very noisy so we must be very clear about what we want people to know about us.” To make your business development plan work, you must make a commitment to turning interactions into transactions. You can help assure this by:

1. Having a written plan.
2. Accessing your resources (all and often).
3. Concisely communicating your needs. Do not be reticent in voicing what you need professionally.
4. Executing your devised plan to help accomplish your career dreams and goals.
5. Follow up, follow up, follow up with every person you encounter who may have a business need that you or someone in your network can help fulfill.

Too many times in my legal marketing career have I heard lawyers complain, “I tried public speaking and it really does not work for me”; or

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## Allow others to help you, to connect you with others who may be useful in achieving your professional goals

“Networking is not my cup of tea. I have better things to do than attend an event at which I know so few people.”

My response is always the same: Building a prosperous practice is not a “one-hit wonder.” No one action will win the day. In addition to being clear about what you are endeavoring to achieve, you also must be committed to the process.

### ► Anatomy of a successful business development plan

Essentially, there are two parallel tracks to a successful business development plan and attracting quality clients – relationship and reputation-enhancing marketing tactics. These tactics may include public speaking and targeted networking, but also will involve:

1. Building a robust online presence (website, social media development).
2. Devising an aggressive public relations effort to raise your profile and visibility.
3. Getting involved in professional/community/government associations and the like.

### *Craft your business development blueprint by capturing your specific action steps in a written plan.*

Once you have taken the requisite steps to:

1. clarify your career dreams and goals,
2. address your limiting internal barriers,
3. define your network,
4. develop a written business development plan and
5. embrace and leverage your natural relationship-builder

... it is time to become the conductor of your business-development orchestra.

Actively allow others to help you connect with those who may be useful in achieving your professional goals. Relax and enjoy the actual process of getting and staying connected, of learning more about your clients' industries, of being of service to others.

Tap into your unique ability to connect with others. Let your hard-earned legal skills serve as the rocket boosters to your fulfilling and rewarding legal career. There is but one secret to business development success: Consistent, persistent massive amounts of action over a prolonged period of time. That's it, in a nutshell.



### ► Conclusion

As women, we've always had to fight harder, be more resilient and press more than our male counterparts. While the professional landscape is slowly becoming more maneuverable, let us forge on to meet our professional goals. ■

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## INDUSTRY NEWS

## Firm launches newsletter to promote its women lawyers

**THE LAW FIRM OF ADAMS AND REESE** recently launched the first edition of the Adams and Reese “Women Out in Front” newsletter, highlighting the law firm’s female attorneys’ achievements, awards, recognitions, and professional and community involvement. Adams and Reese plans to publish the newsletter twice per year. A product of the firm’s Women’s Initiative Team, it will showcase female attorneys who make a difference in the communities in which Adams and Reese has a presence.

The newsletter was produced by Adams and Reese Diversity Chair Jaimmé Collins, Partner and newsletter editor Lara White, and also Partners and committee chairs Michelle Craig and Victoria White Baudier.

Adams and Reese has been recognized for its efforts promoting diversity in the workplace and providing opportunities for women in the workplace: It received the Louisiana State Bar Association Human Rights Award for efforts made by promoting diversity in the legal profession, was ranked among the Top 200 Law Firms for Women Equity Partners by American Lawyer Media in 2013 and was a recipient of the Corporate Counsel Women of Color® Diversity Award of Excellence in 2011. In 2009, Adams and Reese was ranked by Law360 among the top 100 law firms for percentage of women partners.



## Hartzell named to 40 under 40

**JULIANNE HARTZELL**, a partner with Marshall Gerstein & Borun LLP, was selected as one of Law Bulletin Publishing Co.’s “40 Illinois Attorneys Under Forty to Watch.” Hartzell was selected from more than 1,100 nominees, based on the Law Bulletin’s annual survey of attorneys to identify this year’s most talented young lawyers in

Illinois. Hartzell was praised by her peers as a “respected, highly skilled and formidable IP litigator” with a commitment to pro bono work and to advancing the professional development of women in law.

Hartzell focuses on lawsuits involving patents, trademarks, copyrights and trade secrets. She has represented clients in such wide-ranging fields as consumer products, medical devices, manufacturing, pharmaceuticals and Internet technology.

Hartzell also has increased the firm’s pro bono participation. She serves as a founding partner of the firm’s diversity committee, identifies and recruits new talent as chair of the firm’s recruiting committee and mentors associates.

She has also been selected for inclusion in the 2011-2014 Illinois Rising Stars lists, featuring outstanding young attorneys in the state and invited to be a Fellow of the Litigation Counsel of America. She also holds a Martindale-Hubbell AV Preeminent Peer Review Rating and was selected as a 2013 “Top Rated Lawyer in Intellectual Property” by American Lawyer Media and Martindale-Hubbell.


Hartzell received a J.D. from the University of Michigan Law School and a Bachelor of Science degree in Mechanical and Biomedical Engineering from Duke University.

Marshall Gerstein & Borun LLP concentrates on intellectual property law. Nearly half of the firm’s professionals have been in-house as general counsel, patent counsel, technology transfer managers, scientists, engineers or consultants.



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## Book tells of women's movement through one judge's life story

*Her Honor:  
Rosalie Wahl and the Minnesota  
Women's Movement*

**Reviewed by Laura Williams, WLJ editor**



*Her Honor: Rosalie Wahl and the Minnesota Women's Movement*, by Lori Sturdevant, March 2014, Minnesota Historical Society Press, \$18.95.

Rosalie Erwin Wahl, the first woman to serve on the Minnesota Supreme Court, was an advocate for both women's rights and civil rights. In her book, *Her Honor: Rosalie Wahl and the Minnesota Women's Movement*, author Lori Sturdevant, a columnist with the Minneapolis Star Tribune, weaves Wahl's biography into the tapestry of the women's movement in Minnesota.

She begins with Wahl's childhood on the family farm in Kansas during the Depression. Though she lost her mother (and brother and grandfather as well) at an early age, she had the benefit of strong female role models in her grandmother and aunt who taught her how to milk cows, raise chickens – and think for herself.

Despite much emotional and financial tribulation, Wahl excelled in all she attempted. She graduated from the University of Kansas in June 1946, married Ross Wahl that August and subsequently moved to Minnesota. Interestingly, she didn't enroll in law school until 1962 when she was 38 years old and the mother of four. She was one of two women in her class, earning her law degree from William Mitchell Law School in St. Paul in 1967. She had taken just one week off from her studies to give birth to her fifth child.

As a lawyer, she grew from defense attorney to Minnesota Supreme Court Judge, where she served from 1977 until retiring in 1994 during which time she survived three, sometimes contentious, re-election

campaigns. Also among her accomplishments, she served as teacher in a one-room schoolhouse, founded an on-campus interracial housing co-op, served as a public defender, created judicial task forces on racial discrimination and gender discrimination and served as chair of the ABA's law school accreditation committee. Wahl died in 2013 at the age of 88.

As promised by the title, Sturdevant chronicles the life of Wahl, but she also charts the progress of the women's rights movement in Minnesota, parking Wahl's story at times to herald other women.

Among them is Sue Metzger Dickey Hough, elected to the state legislature in 1922, great granddaughter of John Quincy Adams and graduate of the University of Chicago Law School. A Republican, she served only one term. Some believe it was because she was a strong advocate for handgun control.

The Minnesota League of Women Voters is discussed, as are Arvonne Fraser and Emily Anne Staples, founders of the Minnesota Women's Political Caucus, Joan Grove, the first Minnesota woman elected to state office, Nancy Brataas and many others.

Sturdevant's book chronicles the women's movement from a practical, middle America perspective. It's a good read for anyone looking for a more complete picture of the women's movement from its early history.

***'The enemy is fear – fear that by being all of what we are, by realizing our full potential, we will somehow jeopardize what little security we have attained for ourselves and our children.'***

**–Rosalie Wahl upon her appointment to the Minnesota Supreme Court**

Send your suggestions for books to review to the editor at [williamslaura2000@hotmail.com](mailto:williamslaura2000@hotmail.com).

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Karen Morris, left, and Deneen Donnley, both of USAA, reflected on the topics of the day at NAWL's 2014 Annual Meeting Awards Luncheon in July.

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**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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