

# WOMENLEGAL

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## CONSTELLATION OF TALENTS

How the recession could be one of the  
best opportunities for women lawyers

Creating an environment  
where women lawyers and  
their clients can relate

Mentoring tomorrow's  
rainmakers

# CONSTELLATION OF TALENTS

The economic downturn has led many firms to cut down on gender and diversity initiatives — which could be just the opportunity many have been waiting for to think creatively about developing the women's agenda. **Karen B. Kahn and Jane DiRenzo Pigott** unveil a 12-point practical strategy to get more for less.

**H**urrah for the economic downturn. Sound crazy? It's not. When the *status quo* is disrupted, it creates opportunities to explore what works and doesn't work in the present, and develop new platforms for success in the future. Today, many law firms are analysing their practices and business models, searching for ways to respond to the changing marketplace and evolving client demands. Also, firms have been forced to cut expenses; resulting in less or no money for various arenas sometimes including diversity and gender initiatives. As specialists in organisational change and gender issues, we are often asked to collaborate with women law firm leaders who are passionately looking for ways to advance women in their firms. Now, these leaders must often devise ways to help women thrive with fewer financial resources. This article offers leaders new ways to focus their attention on increasing return on investment (ROI) and offers a strategy that will drive the agenda forward by getting more from less.

#### **Start your thinking with a context**

The history of an organisation; how it got to be the way it is, establishes a framework for considering the advisability and viability for an initiative that will produce change. Consider the roots of the legal profession: they are firmly planted in 'the ways of men'; those practices, environments, and cultures that would allow this

group, and those they were supporting, to thrive. The homogeneity of this context determined ways people spoke to each other, courted each other for business, were recruited, and rewarded.

In the 1970s, workplace demographics began to change too, for example, now 50 per cent of those entering large law firms are women. This shift is profound; especially with multidisciplinary research indicating that the way men and women process information, relate, and organise their lives and thoughts are typically very different. These realities challenge law firms to expand their ways of working so that they leverage the strengths and proclivities of both genders.

#### **Question the impact of a women-only focus**

Women's initiatives were created by women for women initially as safe havens of collegial support and a place to build community. Later, in many firms, they became a focal point in which to generate efforts to advance women lawyers and generate new business.

Ironically the specialised focus has seemed to be a key factor in stalling large-scale progress for women in several ways:

1. The compartmentalised focus on 'women only' has kept it separate from 'full firm' priorities;
2. The input of many of the most successful (and powerful) individuals (who still happen to be men) in the firm has been non-existent because they have not seen it as 'their issue'; and
3. The women's activities have often been perceived as lacking a direct connection to firm-wide issues. They have therefore been considered to be low-priority efforts, given small budgets, and thought about with mixed levels of credibility. In order to effect change for women, prevalent issues must be interwoven with the strategic objectives of the firm and the dialogue about these issues must include everyone.

#### **Change the conversation**

Thoughts and actions that lead to change for women can occur by shifting discussions throughout the firm from ones that are women-centric to ones that have overarching importance to the whole firm. The conversation can and should be directly tied to the bottom line. Engage firm leaders in discussion about:

- Where talent-related issues are currently addressed in the firm's strategic objectives;
- Which demographic segments generate the most and least revenue;

- How professionals can take advantage of specific opportunities in the marketplace;
- How the firm currently develops talent to optimise everyone's contributions;
- Which constellations of talent deployment expand and maximise the firm's interface with clients and potential clients.

Focus conversations on how all individuals can fulfill firm needs and goals such as business originations, utilisation and profitability, developing relationships inside and outside the firm, client service, and work that supports the internal operations of the firm. Big picture conversations focused on all talent in the firm lead to strategies, plans, and actions in which all parties benefit and everyone is part of the multidimensional solution.

#### **Appreciate firm politics and culture**

Nothing can be done successfully within a firm without understanding its politics and culture. Consequently, decisions should be made so that either they are intentionally consistent with the culture, or intentionally designed to create a sustained change in the culture. Working the politics of the organisation creates leverage and prevents wasting time on ancillary battles.

As discussed above, a strategic women's initiative cannot only include women. In conversations about recruiting, retaining, and promoting women lawyers into the partnership and leadership positions at the firm, if the only ones involved are women, most of the key players are missing. (Just look at the statistics in the National Association of Women Lawyers' 'Report of the Fourth Annual National Survey on Retention and Promotion of Women in Law Firms' published in October 2009: 16 per cent of equity partners were women and 15 per cent of the members of firms' highest governing committees were women.) Male leaders must not only be included in the dialogue, they must fundamentally understand the strategic business advantage of women occupying significant roles in the firm and executing the various activities that are implemented by successful lawyers in potentially different, yet effective, ways. A strategic women's affinity group is the body that oversees attention to this domain.

There must also be acknowledgment that even a strategic women's initiative will not seek to have the buy in of *all* women lawyers. That goal is highly unrealistic. There will always be women attorneys who are not interested in prioritising time for activities of a women's affinity group. Therefore, the group should

strive for broad relevance and a high return for those who lead it, those who participate in activities, and for the firm itself.

### Know the facts

Why does your firm need a strategic women's affinity group? While there are many potential responses to that inquiry, one that could be used with most firms is that the firm wants to improve its retention and promotion of women attorneys into partnership and leadership ranks. The ability to generate business is currently a critical variable to success in this latter area. There are absolute and relative ways to understand how your firm is performing on these key metrics.

On an absolute basis, very few firms are doing well with retaining and promoting women. "Women have been graduating from law schools at levels of 40 per cent or higher since 1985 and entering private law firms at about the same rate as men", according to a July 2008 report by the National Association of Women Lawyers, 'Action for Advancing Women Into Law Firm Leadership'. Yet in the 2009 research published by the National Association for Law Placement, only 19.21 per cent of the partners in law firms are women. There is an obvious leak in the pipeline once women get to law firms.

On a relative basis, you should know what your numbers say, especially since most of the numbers are publically available:

- How does the percentage of women associates at your firm compare to firms you consider your peers? Percentage of women partners? Percentage of women 'other' attorneys?
- Is there any difference in your firm's attrition rates for men and women?
- How do your firm's promotion rates to non-equity and equity partnership for women compare with those for men?
- Is there any difference in the use of your firm's reduced schedule and family leave benefits by men and women?
- Are women disproportionately represented in the ranks of your firm's 'other' attorneys?
- How does the percentage of law school interviewees who are women compare to the percentage of law students at the school who are women? Is your offer acceptance rate by women law students different than that of male law students?
- Is there a difference in the amount of business generated by men and women who possess similar legal experience?

Once you know your firm's 'measurements' with regard to gender diversity, the next step is to figure out why your firm's numbers look the way they do. Understanding the 'whys' allows a firm to address any disparities strategically and manage to the desired metrics just like it does, for example, with billable hours.

Moreover, having the key numbers for your firm allows you to measure movement at different points in time so you can spot trends – has the firm got better or worse on any important indicator? It also allows the firm to track diversity metrics requested by clients and potential clients, and inform firm leaders and client managers of the trends before the numbers are reported to the clients. In any organisation, what gets measured is what matters.

### Use an effective leadership model

Firms have many different models for leadership of their women's affinity group activities. There isn't just one governance model that yields success. There is, however, one requirement for leadership of an effort that is strategic in nature – there must be leadership and buy in from the top. What does that mean? Senior powerful women attorneys at the firm must be active, visible, and involved.

Time spent on women's affinity group matters is non-billable. While it is valuable, especially if the efforts of the group are strategic and measured, most firm compensation models do not *really* value this time. A senior powerful woman attorney will not, however, be 'hurt' by expending a material number of hours on the group's efforts in the same ways as an attorney with less standing.

In order to be strategic and to create sustained change in the culture of the firm, the face put on the group needs to be credible to those in power and capable of creating and expending political capital on behalf of the group. Normally these types of attributes reside in women who are rainmakers and leaders in the firm and/or in key client relationships.

Moreover, women's affinity groups that do not involve senior women attorneys have diminished credibility inside and outside the firm. Many existing initiatives do not even have a governance structure, programming or events that are relevant or attractive to more senior women attorneys. This reality is a missed opportunity. A strategic effort cannot be solely led by and relevant to the junior attorneys.

### Make current activities strategically valuable

Strategic conversations occur over a prolonged period of time. 'So,' we are often asked, 'what do we do in the meantime?' Engage in actions that are aligned with current business objectives and possess clearly defined

goals and tools to measure outcomes. We cannot state too strongly our recommendation to focus current activities on the development of specific, tactical skills. The return on investment of activities such as attending conferences, seminars, client development lunches, and events, will be greatest when women understand the opportunities available at such events and feel comfortable that they have the skills to take full advantage of all opportunities.

In order to adequately enhance the capacities of all of the individuals in the firm, including those not in the substantive legal area, various forms of training must be offered. Alternative training methods designed to leverage the strengths and learning style tendencies of the genders will promote the growth of business development skills.

Budgetary limitations are a current reality and the charge to develop talent spread throughout the firm. Therefore, such training efforts should involve collaboration of many firm domains such as the women's affinity group, diversity committee, professional development department, and marketing/business development department.

#### **Don't reinvent the wheel**

The goal is demonstrable return on investment. One of the key ways to leverage this goal is to spend time determining existing best practices. Women's affinity groups have been around in professional service organisations for decades. Invest the time to do some due diligence and use what you learn to determine your priorities and design your implementation plan.

Many law firms have women's affinity groups. It is very important to have an honest conversation with leaders of those groups that are successful as well as with leaders from groups that have struggled. Both have 'lessons learned' that are valuable. Probe into the specifics of why some ideas have work or not worked. The goal is not to develop a list of activities you can just borrow. The goal is instead to build on prior experiences across the profession and integrate those lessons into your firm's culture. In this way you can construct a game plan that allows you to contribute positively to the strategic goals of the firm and demonstrate return on investment for the firm and the women participating in the group.

Don't be afraid to look outside the legal industry and learn from groups at other types of professional service firms. In many ways accounting and consulting firms are ahead of law firms in achieving strategic goals and providing measured results from their women's groups. Their business model is similar, based on billable hours and client relationships, so many ideas easily translate to law firms.

#### **Develop intentional reciprocity**

Women attorneys have developed a reputation for being their own worst enemy. For example, there is research that suggests that many women do not help other women and in some cases intentionally hurt other women. One thing that definitely would accelerate the pace of change with regard to the retention and promotion of women in the legal profession is if women attorneys actively and intentionally helped each other.

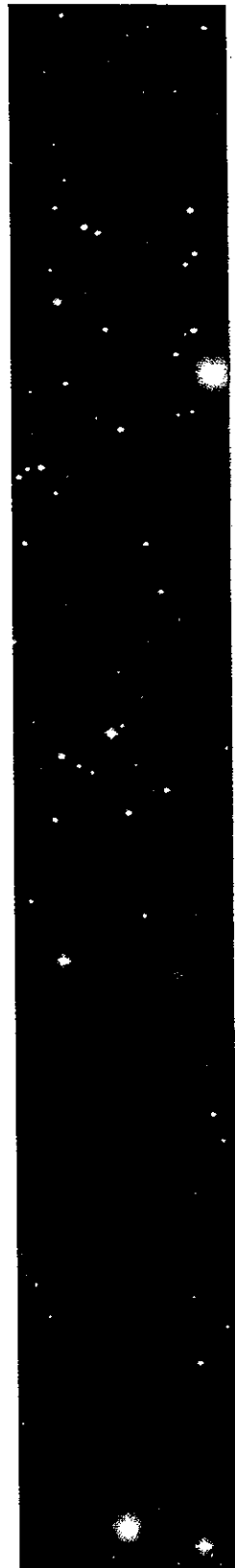
Women's affinity groups provide a natural forum for women attorneys to get to know each other and develop a fundamental understanding of how best to help each other. They are also an environment within which natural mentoring and coaching relationships can be created and prosper. Be bold with other women and invite them to be bold with you. By this we mean authorising yourself to ask each other how you can help and how you can contribute to their definition of success. There are many unstated rules within law firms. More women would stay and succeed if every woman attorney shared the secrets that she has learned the hard way. That act of sharing allows women to build on the success of others instead of each woman having to learn the rules by trial and error.

Affinity groups can also be used as a clearing house for potential opportunities, spotlights, information, and introductions, thereby ensuring that women are positioned to take advantage of what other women learn. The relevance of a women's affinity group is enhanced when every woman and her fellow participants intentionally look for opportunities to advance not just her own career, but also the careers of other women at the firm.

#### **Collaborate with experts outside the firm**

Strategic planning is complex. The broader the expertise of the strategy team, the more it will be able to address multifaceted issues. Individuals from both inside and outside of the firm are used when the strategic planning is firm-wide because that team creates a comprehensive and capable combination of experts. The strategic planning for the women's affinity group should have access to the same resources. The team of individuals from inside the firm should include both lawyers and staff with requisite expertise. Professionals from the outside can provide knowledge in areas that impact work productivity and growth, adult development, motivation, gender differences, organisational development, and change management.

Outside experts also have the advantage of coming to the process without an agenda or allegiance and



not benefitting from any decisions. They have the independence to offer clear insights that might otherwise be blurred by daily relationships and can facilitate discussions between individuals and groups who might be encumbered by their perspectives. This facilitates the modification of structures and practices that spurs organisations toward making the long-term changes needed to grow productively through new social and economic climates.

#### Measure efforts

Establishing benchmarks for success enables you to track progress, quantify the return on investment of time and other resources, and talk to others, particularly the leaders at your firm about your efforts. Tie the bulk of the metrics to the firm's strategic goals, namely: business generated, talent retention, and the sustaining (and expansion) of key client relationships.

Include other targets that are correlated with success, such as the number of women on the power committees, practice group leaders, the number of women leading (and a part of) the matters for key clients and key partners, and the number of women leading client relationship teams. Focus variables on both long and short term outcomes. For example, in the short term count new valuable relationships that have begun and been sustained although no business has yet to be generated, individuals who have been a part of pitch teams, and individuals who have led (and been a part of) various projects inside and outside of the firm. Data should tell the story. They are the critical elements that enable you to brag, challenge, and create a case for future action.

#### Implement a communications plan

Your firm's women's affinity group should not be a well-kept secret. You need to communicate about the accomplishments and activities of your group with a number of different audiences. First, ensure that the leaders of your firm are not only conversant on what you are spending, but also fundamentally understand what the return on that investment is for you and for the firm. Second, regularly communicate with everyone at the firm about what the group has done.

Use whatever vehicle is employed to educate employees of the firm about key firm victories and events, such as the intranet site, the newsletter, the weekly blast, and so on. Finally, the firm's website should be maintained and updated so that it accurately reflects the work that the group is doing. Both clients and talent use the firm's website to conduct their due

diligence. Make sure that it tells your group's story effectively. In that regard, remember that a picture is worth a thousand words.

#### Take action now

Most of us read articles, perhaps feel momentarily enlightened and then move on to our next task giving no further thought to what we read as the crush of daily existence extinguishes the energy to do something new or different. If this describes you, we want to give you a gentle push to make the time and use the energy to do something different. The intention of this article is to give you knowledge, strategies and activities, pieces of which can be implemented right away. So, before you turn the page, reflect on what you have read and decide on one action that you can take today. There is no right answer to your selection except that it should match the level of attention you realistically can give to it. At the conclusion of the task ask yourself 'what is next?' and 'when will I do it?' This helps to sustain your efforts. Involving others in the task also helps provide some outside accountability for your follow through.

Many people find it valuable to have a 'co-conspirator' to guide and nudge them along. This person can be from inside or outside of your firm. If you would find this helpful, make sure the other person is similarly committed and will make conversations with you a priority. Finally, research teaches that writing down goals increases the likelihood of taking action. We encourage you to record your objectives, ideas, plans, and conversations, perhaps starting with your reactions to this article. Keep taking actions, no matter how small they may seem. Seeing a return on investment should encourage you to continue to ask 'what is next?' Steady momentum provides the stamina to move you and the firm toward a new day where men *and* women are significantly contributing to a profitable and sustainable future. **WOMENLEGAL**

Karen B. Kahn, Ed.D. PCC is a principal of Threshold Advisor, LLC, a talent development "collaborancy"<sup>™</sup> that works with professional services firms throughout North America. She can be reached at [Karen@ThresholdAdvisors.com](mailto:Karen@ThresholdAdvisors.com).

Jane DiRenzo Pigott, JD is managing director of R3 Group LLC and specialises in providing leadership, change and diversity/inclusion consulting to organisations. Her clients include professional service firms, corporations, and universities. She can be reached at [JDPigott@R3Group.net](mailto:JDPigott@R3Group.net)