Up the Down Staircase

Why Do So Few Women Reach the Top of Big Law Firms?

BY TIMOTHY L. O'BRIEN

HYDRAULIC IICS of Fifth Avenue Manhattan, the reception area at Proskauer Rose's headquarters boasts all of the muscular, streamlined components that symbolize authority and power in a big city law firm — modern art, contemporary furniture, white marble floors, high ceilings and 60-foot walls. The backdrop music playing about this part of the firm's reception is composed of the usual, restorative melodies of classical, orchestral law, just greasing their engines.

Bettina B. Pleonan, a 47-year-old associate in labor and employment law who has spent more than three decades at Proskauer navigating the problems and rivalries and the emotional cross-currents of first-time in the law, has found so many of the legal world's most admired and most formidable partners, a partnership. Her senior partners have revealed the lessons of her work that has guided her here: stacks of legal documents sprawl on the floor, with a pile of blank hang and brown accordian folders.

Confident, self-assured and direct, Ms. Pleonan comes across as a logical, engaging grip to wrap itself around her coalitions as she shapes her moves for pursuing a partnership.

"It started I wanted to be a partner, but it changed as I got here. I've always wanted to have a lot of clients. I'm ambitious and I have a lot of energy," she says. "I'm not a partner, but may win in which my talents and skills could be recognized. And I wanted that recognition.

At Pleonan, which that recognition. Members the attendance by law and bringing rights accompanies the growing ranks and emotional recruiting that constitute a partnership, the firm's second largest (after private practice), Proskauer is a small, intimate place where among many specialties is that the women lawyers around the country have voted her one of the "Best Lawyers in America," as the firm puts it.

Pleonan is the granddaughter of longtime President Charles H. Borrowman, who retired in 1994, and who is also a partner in the law firm. She is his granddaughter of the New York City Bar Association, and the second woman to hold that position since the organization's founding in 1936. She has a job that makes her happy and fulfills her sense of herself. In an accomplished lawyer she has arrived.

She also is an anomaly. Although women's law schools for years have been graduating classes that are almost evenly split between men and women, and although women are accomplishing new records in numbers that largely reflect the culture, something unspoken happens to most women after they begin to climb into the upper levels of law firms. They disappear.

According to the National Association for Law Placement, a trade group that provides career management to lawyers and law students, only about 17 percent of the partners at major firms nationwide were women in 1997, a figure that has remained fairly static since 1995, with about 13 percent of partners were women.

Legal three lists have made it to the top of their profession's list that the data shows that women's legal careers remain distinct, often challenging, with nuances that make it much more difficult than that simple comparison makes it seem.
The Down Staircase
For Women in Law

Continued From Page 1

"You have a given population of people who were significantly motivated to go through law school with a certain career goal in mind," says
Ms. Plevan, who notes that Pros-
kauer has always provided her with
a welcoming professional home.
"What de-motivates them to want to
continue working in the law?"

For years, one put on a response to
that question was that once law school
graduation rates were
substantially equalized between men
and women, that pipeline would fuel
firm diversity and cause partnerships
to equalize as well. Yet the
pipeline has been sluggish for about
two decades and partnership dispar-
ity remains.

Although women certainly leave
firms to become more actively in-
volved in child-rearing, recent
detailed studies indicate that female
lawyers are often perceived as
being less experienced and
competent. Many studies have
documented that women
leave firms for
...mothers say, depart for other
careers, or for different reasons..." partners want women to stay. Men
at law firms want women
to stay, and want women
to stay. So why aren't
they?" asks Karen M.
Lockwood, a partner at
Howrey in Washington.
"Law firms are the way
diversity is done that is about advancement
and retention. Problems with
advancement and retention are grounded
in biases, not discrimination.

With law firms counting major corporations
that demand diversity
within the ranks of those advising
them, and with women increasingly
dominating the top tiers of law
school graduates, veteran lawyers
say that promoting women's legal
careers is not just a matter of good
will or high-mindedness. It's also
a winning business strategy.

Proskauer promoted Ms. Plevan as
a partner in 1990, shortly before law
firms across the country began em-
...and cope with the performance of
individual lawyers, and compete
voraciously for coveted spots in news
media reports that ranked them by
financial yardsticks such as profi-
per partner. These forces gained mo-
mument in the 1990s and continue
today.

Women entering this environment
discovered that men enjoyed
some distinct advantages,
...power. Although Ms. Plevan benefited
from strong male mentoring,
...women who practice law do not, according
to analysts and female lawyers. Women
lawyers also enjoy less access to the
networking and business development
opportunities that flourish in
...golf courses or football games — or
through an invitation for a casual
after-work drink with a male boss.

Woman aren't being adequately
...said Meredith Moore, di-
nector of the office for diversity at
the New York City Bar. "Having said
that, I don't think that superstar male
associates are identified more clearly
for information mentoring than
superstar female associates.

Some of this give-and-take enters
...gray areas that may have as much
to do with caution as it does with biases.

Is a male boss reluctant to invite a
younger female lawyer out for a
drink because water cooler chatter
might spark rumors of an affair or
give rise to a sexual harassment
suit? Is a female associate hesitant
to address a male partner informally
in a hallway because it will be derided
as flirting?

Still, the sexes have been mingling
in the workplace for some time now,
and professionals, in all their adap-
tional glory, have found ways to
manage these situations. Anyhow,
...female lawyers say, why is a woman
who hunts down her male boss for a

Some say life
...can be lonely
for women who
are on the
partnership track.
Karen Lockwood, a Washington lawyer, says firms need to look at the advancement and retention of women.

Lauren Stiller Rikleen says many women don't like being part of "a billable-hour production unit."
Unequal Partners

Nearly half of all law school students are women, but they still represent fewer than 20 percent of law firm partners, on average. In some cities, the percentage is even lower.

**WOMEN IN LAW SCHOOLS**
Percentage of first-year class.

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Source: American Bar Association, RAP.

**WOMEN IN LAW FIRMS**
Percentage who are partners.

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The New York Times

that seen as overly aggressive or possibly flirtatious, while a male doing the same thing is seen as merely ambitious.

Lauren Stiller Rikleen, a 62-year-old partner in the Framingham, Mass., office of the Worcester, Mass., firm of Bowditch & Dowey, details the hurdles facing female lawyers in her recently published book "Ending the Gauntlet: Removing Barriers to Women's Success in the Law." (Thomson Legaworks, $25.) In her book she writes that law firms need to reorganize if they want to encourage and retain women as partners, and that roadblocks — whether they be erratic mentoring, opaque networking opportunities, lower-grade case assignments or arbitrary male control of key management committees — should all be reviewed.

"Law firms like to talk about running the firm like a business and looking at the numbers, but they're running on an institutional model that's about 200 years old," she says. "Most law firms do a horrible job of managing their personnel, in terms of training them and communicating with them."

Mr. Rikleen, as well as many of the women she interviewed for her book, note how lonely life at a law firm can feel for women if they stay on the partnership track and find fewer women around them as they ascend. In her book, she writes about her early career: "I had very little help and no mentors. I saw other women arrive at the firm, struggle, and leave."

Although she established a thriving environmental law practice and now finds her firm more welcoming, in the early days, "I never felt like I belonged," she writes.

Others have had similar experiences. Jennifer L. Bluestein says she enjoys her career as head of professional development for Baker & McKenzie, the Chicago firm that is the country's largest law firm. But Ms. Bluestein, a 55-year-old former law student, says that at her two previous employers, she felt like an undervalued and unwanted outsider. She describes her experiences at both firms as lonely, degrading, and akin to journeys through halls of mirrors.

"Women are held to higher standards, and if they don't jump up and down like a man would at a meeting like this partnership matter," she says. "Women are less likely to get the attention than men. Some of this is left over from the sexual harassment cases from the 80's; but I think it's more because of the fact that we don't look like men."

To be sure, some law firms have already recognized the benefits of keeping women on the partnership track and have made concerted efforts to address the issue. Ms. Lockwood, the Howrey partner, is also president of the Women's Bar Association of the District of Columbia, and she is spearheading an effort with that group, her firm and the Georgetown University Law Center to find practical solutions. Some of the country's biggest firms are backing her initiative, including Latham & Watkins, Kirkland & Ellis and Covington & Burling.

In addition to "glass ceiling" issues that women face in the law firm, Ms. Lockwood's initiative — which she has been involved in the past — is also exploring the impact of what she describes as the "maternal wall" on female lawyers. She says that this wall is built on the unstated assumption among many partners that women who return to firms after having children will automatically be less willing to work hard or will be less capable than lawyers who were prior to that — resulting in less choice assignments or lower-status postings.

Ms. Lockwood's group is also examining retention practices in the accounting industry, which employs a large number of female professionals and which has made comparatively greater strides in recent years than law firms in closing the partnership gap for women.

Deloitte & Touche, the accounting giant, is among the more innovative firms in that regard. It has made increased use of its partnerships' mentoring programs, and has increased its focus on the quality of its mentoring programs — all buttressed by strong internal support and an emphasis on the bottom-line merits of its policies. Deloitte also maintains generous sabbatical policies and outreach practices so that women who leave the firm to raise children have an easier time re-entering the work force — and rejoining Deloitte when they're ready to do so.

The cost of women leaving and the cost of turnover was so high — and the fact that the majority of accounting graduates were women — were strong drivers of our initiatives," said Wendy C. Schmidt, a Deloitte principal in New York. "I think some women choose to commit to their families or career because they see it as an either/or decision, but I don't think it has to be an either/or decision."

Jane Drzenik Pigott, a former Winston & Strawn lawyer who now runs a Chicago consulting firm, the R3 Group, that advises law firms on diversity issues, says the dynamics surrounding female lawyers in the Midwest mirror trends elsewhere in the country.

"People explain it simply as the fact that women have children, but so many other factors play into it," she says. "Women self-promote in a different way than men, and because women don't get their success acknowledged in the same way as men who more aggressively self-promote, it creates a high level of professional dissatisfaction for women."

"Saying these two words, 'I want,' is not something many women are used to doing," she adds. "They are not saying, 'I want the top bonus,' or 'I want that position.' They have a different style of self-promotion. But women need to learn how to be comfortable saying, 'I want,' and how to say it effectively."

For her part, Ms. Pleban says she has never been shy about saying, "I want," and that this has served her well in her career. She also said that she and her husband, who is a partner at Skadden, Arps, Slate, Meagher & Flom in New York, are both "very happy" and "very proud" of both of their careers.

The Plebans engineered this by taking back on their social calendar, sharing household chores and making sure that at least one parent was..."
home for dinner most nights. "We felt our presence and predictability were important," she says. "I organized my personal life so I was able to move toward my goals."

The Plevans' incomes allowed them to hire household help, and they had relatives nearby to help them look after their sons — advantages that other couples often don't enjoy when trying to synchronize their personal and professional lives. Moreover, firm life itself, and the assumptions of men running the firms, appear to push against some women's best efforts to find balance.

According to "Women in Law," a 2001 study by Catalyst, a New York research firm that tracks women's experiences in a wide range of workplaces, most male lawyers don't see a lack of mentoring and networking opportunities — or commitments to family and personal responsibilities — as significant barriers to women's advancement. Those biases, says Catalyst, are more pronounced in the legal world than in other industries and professions. Ms. Plevan agrees.

"As long as firms are male-dominated, it's much less likely that firms will make changes to accept the challenges of work-life balance," she says. "It's not that men aren't receptive to these issues; it's that they're not aware."

One of the main issues in this debate — and one that analyists says is increasingly cropping up as an issue for male lawyers as well — is the billable hours regime. Billing by the hour requires lawyers to work on a stopwatch so their productivity can be tracked minute by minute — and so clients can be charged accordingly. Over the last two decades, as law firms have devoted themselves more keenly to the bottom line, depression and dissatisfaction rates among both female and male lawyers has grown, analysts say; many lawyers of both genders have found their schedules and the nature of their work to be dispiriting.

"I see a lot of people who are distressed about where the profession has gone," Ms. Ricklefs says. "They don't like being part of a billable-hour production unit. They want more meaning out of their lives than that."

Mr. Boone, the Dallas lawyer, says that his 425-member firm has 38 female partners, about 25 percent of the firm's overall partnership base. He intends for that percentage to increase, adding that one thing that attracts a diverse group of lawyers to his firm is its compensation practices. Lawyers at Haynes and Boone are rewarded for teamwork, not individual accomplishments, staying off the dog-eat-dog competition for clients and assignments that pervades many firms. Compensation is also based on a number of other factors including leadership and business development activities, among which billable hours are just one component.

Research conducted by the Project for Attorney Retention, a program sponsored by the University of California's Hastings College of the Law, has also identified an inflexible, billable-hours regime as an obstacle to job satisfaction for both sexes, a trend that is more pronounced among the most recent crop of law school graduates. Some veteran lawyers witness this dissatisfaction firsthand and say that it tends more powerfully at women than men because of social expectations about household roles and child-rearing.

"We are very accommodating with leaves and flexible schedules, and even with that we still lose women," says Edith R. Mathai, who founded a Los Angeles law firm, Rubie & Mathai, with her husband in 1987. "I think the pressures on women from spouses, family, peers, schools and others is huge."

"I think the real solution is a reassessment of the role that women play in the family," adds Ms. Mathai, who is president of the Los Angeles County Bar Association. "One thing we need is a sense of shared responsibilities for the household and, most importantly, shared responsibilities for taking care of the kids."

Ms. Mathai said that conditions for women had improved a good deal over the last 30 years, but added: "We have a long way to go. It's my dream that more women will stick it out in the law until they get to the fun part, and it just breaks my heart to see them giving up the dream."

Research conducted by the New York City Bar Association and other groups indicate that women who temporarily give up their professional careers to pursue child-rearing or other personal goals have a difficult, if not impossible, time finding easily available on-ramps when they choose to re-enter the legal world.

"I don't think we're thinking very clearly about how to help people do that," Ms. Plevan says. "Firms need to keep in touch with those people, and those people need to keep in touch with firms so they don't become marginalized."

She also remains firmly aware of the challenges that partnerships entail.

"I have found my legal work and public service enormously satisfying, and I would never want to be without that, but I won't kid you — at times it's very, very tiring and very, very demanding," Ms. Plevan said. "I truly believe that lawyers make a huge difference in society, and I think it's a loss when women decide to leave firms."

"I think diversity is a beneficial thing in an organization," she adds. "Without it, you have a loss of different points of view."

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