



SURVEY OF POLICIES AND PRACTICES AFFECTING WOMEN LAWYERS IN MISSOURI HIGHLIGHTS

- 76% of respondents believe that their firms actively recruit women.
- 62% of respondents statewide believe that the same mentorship opportunities are available to male and female lawyers in their workplaces. Within large St. Louis firms, 94% of partners and 63% of associates believe that mentorship opportunities are equal.
- 49% of respondents believe that women have the same opportunities to develop client relationships as male lawyers of similar experience and seniority. Within large St. Louis firms, 57% of partners and 42% of associates believe that client development opportunities are equal.
- 38% of respondents believe that women and men in similar positions are compensated equally.
- 38% of respondents statewide and 48% of respondents from large St. Louis firms have observed conduct or comments by a male lawyer in their firms that were inappropriate in the context of gender. The rate of reporting of such conduct was 19% statewide and 11% within large St. Louis firms.
- 30% of respondents statewide and 42% of respondents from large St. Louis firms believe that gender is an impediment to advancement in their workplace.
- Of respondents who have changed jobs within the past five years, 27% statewide and 31% in large St. Louis firms cited gender as a factor in their decision.
- On a scale of 1 (worst) to 7 (best), the promotion of part-time attorneys to partner in large St. Louis firms received an average rating of 5.2 by partners in those firms and an average rating of 3.0 by their associates.
- 21% of respondents do not believe that women receive fair consideration for positions of significant responsibility in their workplace.
- Of respondents who saw another attorney designated as lead lawyer on a file on which the respondent believed that she should have been the lead, 83% lost the file to a male attorney.
- 0% of respondents believe that women at their firms were paid more than men in similar positions.
- Motherhood was cited as the primary impediment to women's professional advancement, followed by the "good old boy" network.

RESPONDENTS' COMMENTS & SUGGESTIONS

- *Promote more women to management positions.*
- *More mentorship and training in substantive practice as well as business development*
- *Inclusion of women in marketing and development efforts.*
- *Lower billable hours requirements, or a tiered system of hours/salary.*
- *Equal pay for equal work.*
- *On-site child care.*
- *Publish firm's workforce gender statistics, not only for self-assessment and accountability but also for the information of potential applicants.*
- *Ask women attorneys what they need and want. Conduct exit interviews (preferably by a woman) so that partners realize why women associates are leaving.*
- *More options to work at home, part-time, flextime, and contract assignments. Policies should be written and should be explained during recruitment. Create a positive attitude about use of these policies, and keep lawyers on partner track, even if extended.*
- *Better maternity leave.*
- *Encourage public service and recognize what we do outside the office.*
- *The male leadership of the firm needs to change their attitudes/assumptions/preconceived notions of women (and minorities) in general. The few females in firm leadership need to open their eyes and help the rest of us by challenging the male leadership.*
- *The "old boys" have no idea how much work and responsibility it takes to have a full time legal career and raise children. Most of their wives stayed at home.*
- *Recognize that you can be a good lawyer and have value even if you bill fewer hours.*
- *Provide a forum to discuss these issues in a safe, supportive environment.*
- *Stop putting your feelings of being "uncomfortable" on the female attorneys – that is your issue not ours.*
- *If you have a big meeting and not one of the attorneys in the room is female, that's a problem. People ought to find that embarrassing, but no one seems to bat an eyelash.*
- *Female associates are left to fend for themselves. Women are not as aggressive in self-promotion and in demanding attention from more experienced attorneys. I have observed bright young women associates get lost in the shuffle.*
- *The firm needs to offer part-time working opportunities or they might lose me.*
- *Acknowledge that there is a problem with retention of women, and that the firm is weaker because of it.*
- *It is a bad financial decision not to accommodate women attorneys' schedules after you have invested in recruiting, training, and advancing them.*



SURVEY OF POLICIES AND PRACTICES AFFECTING WOMEN LAWYERS IN MISSOURI¹

In the spring of 2005, the Women Lawyers' Association of Greater St. Louis (WLA) launched a survey to identify policies and practices that help or hinder women lawyers in the workplace.

The survey was non-scientific and simply intended to suggest trends. Respondents were self-selecting and had the option to skip questions. As such, specific statistics merely indicate possible patterns. The most significant information about the realities of the workplace for women is found in respondents' narrative comments.

Overall, the results of the survey suggest that, though some employers have made commendable attempts to implement helpful policies and practices, gender discrimination persists in various forms – though perhaps more subtly than in previous eras – and the demands of family life remain the primary obstacle to professional advancement.

Process

In January 2005, we began a search for appropriate research tools for a survey of workplace issues affecting women lawyers. Through the listserv of the National Conference of Women's Bar Associations (NCWBA), we discovered a model created by the National Association of Women Lawyers (NAWL) titled *Policies, Practices, and Resources for the Retention and Advancement of Women Lawyers in Private Practice Settings: Lawyer Questionnaire* (copyright 2003). With NAWL's permission, we condensed and revised the model questionnaire for our local use. In March, we began distributing paper copies of the questionnaire to women during outreach visits to law firms in St. Louis.² We also posted the survey on the Internet using SurveyMonkey (www.surveymonkey.com), through which respondents were able to access and complete the survey online, and which tabulated the results automatically. The photocopying charges for hard copy distribution and the \$20/month charge for SurveyMonkey were the only costs of the project (excluding countless hours of volunteer time).

We invited women lawyers throughout the state of Missouri to participate in the survey. Lacking funds for a statewide mailing, we sent press releases about the survey to several publications and e-mail announcements to our members and to the officers of other women's and local bar groups in the state. The Bar Association of Metropolitan St. Louis (BAMSL) and the Kansas City Metropolitan Bar Association transmitted information to their women members via electronic newsletter.³

¹ Megan Phillips, WLA President 2004-2005, administered the survey and authored this report. Acknowledgements and thanks to Laura Rosenbury, Katie Wessling, and Kathy Van Voorhees.

² However, one large firm prohibited us from providing the questionnaire to women lawyers during our visit.

³ The Missouri Bar declined to publish our press release in its weekly e-newsletter, thus our ability to reach women lawyers practicing in rural counties was limited.

Respondents

Five hundred forty-one (541) responses were collected. Based on Missouri Bar estimations that approximately one-third of its roughly 24,000 members - or 8000 lawyers - are women, we achieved a statewide response rate of approximately 6.7%. Three hundred sixty (360) responses originated from the St. Louis metro area. Based on BAMSL estimations that approximately 1800 of its members are women, we achieved a local response rate of approximately 20%.

The demographic composition of the respondents in terms of employment setting was as follows:

<u>Location of Respondents</u>		<u>Size of Employer</u>	
St. Louis	66.9%	51+	51.4%
Kansas City	12.6%	26-50	10.9%
Springfield	7.4%	11-25	11.2%
Columbia/Jefferson City	6.9%	6-10	8%
Other	6.2%	2-5	18.5%

<u>Position</u>		<u>Practice Area</u>	
Associate – partner track	32.6%	Litigation	63%
Associate – not partner track	6.6%	Non-litigation	37%
Government ⁴	8.4%		
Staff / contract attorney	7.5%		
Equity partner	13.3%	<u>Years with Current Employer</u>	
Non-equity partner	6%	0-4	57.1%
Counsel / Of counsel	6.6%	5-8	22.8%
In-house	10.3%	9-12	8.1%
Not practicing ⁵	3.7%	13+	12.1%
Consultant	0.4%		
Other ⁶	4.5%		

<u>Billable Hours Requirement</u>		<u>Past Employers Since Graduation</u>	
1700 or fewer	8.4%	0	35.3%
1701-1849	20%	1	30.9%
1850-2000	25%	2	17.8%
More than 2000	3.2%	3	11%
n/a	43.4%	4+	5%

- 39.1% of respondents changed jobs within the past 5 years; 27% of them cited gender as a factor.

⁴ Includes prosecution, defense, judicial.

⁵ Includes academics and business executives.

⁶ Primarily solo practitioners, who were not the intended target population for this survey given its focus on employer-imposed policies. However, it is noteworthy that the few solo practitioners who responded indicated that gender-related barriers in their prior workplaces were central to their decisions to go solo.

WORKPLACE POLICIES AND PRACTICES

MENTORING

Respondents rated their employers' mentorship efforts (whether formal or informal) as follows:

Below expectations		Average		Above expectations		
14%	11%	7%	35%	14%	9%	10%

Perception of equal opportunity for mentorship for male and female lawyers:

Equal: 62.2%	Don't know: 18.6%	Unequal: 18.8%
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Comments:

Two hundred five (205) respondents provided suggestions for improving their firms' mentoring programs. Recurring themes were: the absence of mentoring, the myth of an open door policy, lack of clear expectations and benchmarks, and generally the need for more formal structure as well as more informal opportunities. Some respondents recommended specific mentoring topics, such as networking and client development and special challenges for women (e.g. work/family). Others suggested monthly/quarterly meetings, mentor training, "credit" for mentoring (e.g. in performance evaluations), and "female support groups." Though a few responses showed signs of existing woman-to-woman mentoring, the majority of comments suggested very little. One respondent admitted, "I don't spend a lot of time with my mentor."

Eighty-eight (88) respondents commented on equal opportunity for mentorship. Most found that women were at a disadvantage due to the male/female ratio and the "boys club" dynamic in their workplaces. The following quotes are representative:

- *Men have informal buddy-buddy ways of creating influence that help them up the ladder.*
- *Men take other men under their wings.*
- *The men have a softball league.*
- *I didn't play football and don't smoke cigars.*
- *Mentoring depends on whether you are willing to go drinking with the guys.*
- *Many female [lawyers] have children and families that limit their social involvement in firm events.*
- *Women are kept out of the loop on informal business discussions and social interactions.*

The consequence: *"Female associates are left to fend for themselves. Women are not as aggressive in self-promotion and in demanding attention from more experienced attorneys. I have observed bright young women associates get lost in the shuffle."*

QUALITY OF LIFE

Respondents were asked whether there were written policies and/or unwritten practices in their workplaces regarding a variety of accommodations for personal obligations outside of work. This series of questions was structured to solicit open-ended narrative information as opposed to multiple choice responses. As such, the responses varied widely and do not lend themselves to codification into exact statistics. Nonetheless, the following trends were apparent.

Flex-time (416 respondents)

Only 63 respondents indicated the existence of a written policy providing for flex-time. Two clarified that flex-time was available for non-equity / non-partner track lawyers only. Another reported that management had considered a policy and rejected it.

However, an unwritten practice of flexible working hours is prevalent and mostly satisfactory. Only 29 respondents claimed a total absence of flex-time practices. In those workplaces where flex-time is permitted, most respondents indicated that they are free to work their own hours as long as they achieve their billable requirement (or complete their work, if in a non-billing workplace). A minority of respondents reported that “face time” is expected, and that women who work flexible hours will not be promoted. The harshest critics wrote:

- *Women can have flexible hours as long as they do not expect to be profit-sharing partners.*
- *[Flex-time is] not acceptable – they will force you out.*

Part-time (397 respondents)

Ninety-nine (99) respondents indicated the existence of a written policy providing for part-time employment. Some specified that arrangements must be negotiated with the employer on a case by case basis. Some employers keep part-time employees on partnership track while others do not.

Unwritten part-time practices seem widespread, with varying degrees of satisfaction. Only sixty-four (64) respondents claimed to have no part-time options in their workplaces. Where part-time work is available, particular arrangements vary, depending on the ability of individual employees to negotiate with their immediate superiors and/or management committee. Criticisms included the following:

- *Some male partners are unhappy with the whole idea.*
- *Very discouraged.*
- *Full time work for part time pay.*
- *As long as you don't expect to be a profit-sharing partner.*
- *They made it so unappealing that few could do it.*
- *Available but filled at this time.*
- *Available for non-essential employees.*
- *The only part-timers are moms with children.*
- *I was treated very poorly as a result.*

One respondent summed it up. “Varies by department. Has worked well for me, but I don't know of any part-timers who have made partner.”

Working from Home (406 respondents)

Only thirty (30) respondents indicated the existence of a written policy permitting employees to work from home. Sixty-one (61) respondents said working from home was not practiced at all. The rest were somewhere in between, with a predominant view of home-based work as an exceptional alternative to not working at all on a given day (e.g. only in cases of illness, sick child, or emergency) or a more convenient way to work overtime for the employer. While many respondents articulated an appreciation for home-based work as an infrequent, temporary escape from office interruptions conducive to maximum productivity, very few respondents recognized “home officing” as a viable regular, permanent work situation.

Maternity Leave (411 respondents)

Responses to this question varied widely and do not lend themselves to tidy statistics. In fact, the greater insight drawn from these responses lies in the broad variation among policies and in many respondents’ lack of clarity regarding specific details of the policies to which they are subject.

Written Policies (359 responses)

Two-hundred seventy-seven (277) respondents reported the existence of some written policy relating to maternity leave, though several of them (about 20) expressed uncertainty about the details.⁷ Another thirty-five (35) respondents did not know at all whether a written maternity policy existed in their workplace.

Of the 277 affirmative responses, beyond the simple “yes” answers, the following details were provided:

<u>Paid Leave</u>	# Responses	<u>Length of paid leave (when specified)</u>	# Responses
Unspecified	149	Less than 4 weeks:	5
Use of vacation/sick leave	34	4-6 weeks:	19
Use of disability leave	19	8-9 weeks:	11
		12 weeks:	31
		13 weeks:	2

<u>Unaid Leave</u>	# Responses	<u>Length of unpaid leave (when specified)</u>	# Responses
Unspecified	36	6 weeks:	9
Family Medical Leave Act	25	8-9 weeks:	1
		12 weeks: ⁸	5

Though only a small portion of respondents specified the Family and Medical Leave Act as the governing maternity policy in their workplaces, 270 survey respondents are employed in workplaces with more than 50 employees where the Act likely would apply. Similarly, though only 33 respondents specified a generous paid leave policy of 12-13 weeks, such policies are known to be offered by a handful of large urban firms whose members likely comprise more than 33 of the aforementioned 270 respondents.

⁷ Some respondents stated that they believed a policy existed but were unaware of its terms. Some didn’t know whether leave was paid but assumed that it was. Others mistakenly believed that the Family Medical Leave Act provided for paid leave.

⁸ Respondents reporting 12 weeks unpaid leave but no reference to FMLA.

Unwritten Practices (196 responses)

Seventy-five (75) respondents reported some unwritten practice regarding maternity leave. Beyond simple “yes” answers, the following additional details were provided:

<u>Paid Leave</u>	# Responses	<u>Length of paid leave (when specified)</u>	# Responses
Unspecified	36	4-6 weeks:	2
Use of vacation/sick leave	9	8-9 weeks:	2
Use of disability leave	4	12 weeks:	10

<u>Unpaid Leave</u>	# Responses	<u>Length of unpaid leave (when specified)</u>	# Responses
Unspecified	13	4-6 weeks:	1
		8-9 weeks:	1
		12 weeks:	1
		>12 weeks	1

As qualified above, the variation in responses provides little statistical meaning but valuable evidence of the subjective and inconsistent evolution of the one of the most critical workplace issues facing women lawyers. The following narrative reports are representative:

- *Paid, but men gripe (St. Louis - 51+)*⁹
- *12 weeks paid plus 12 weeks unpaid*
- *Policy says 6 weeks, of which 3 paid. I have been verbally assured, however, that attorneys will receive 3 months paid leave (KC - 26-50)*
- *3 months paid. However, the firm suggests that you keep in contact during that time and that you may "want" to work from home while you are off.*
- *Paid for 6 weeks, and unpaid for up to 9 weeks*
- *Women who take maternity leave or have family commitments are not taken as seriously. I know of associates prevented from full partner due to maternity leave (KC 51+)*
- *6 weeks regular birth; 8 weeks c-section; can use your vacation time.*
- *Six weeks paid on sliding scale based on length of service. Unwritten practice: Under exceptional circumstances permitted me to go to hourly and work from home*
- *6 weeks paid, 6 at 60% through short-term disability, and 6 weeks unpaid (St. Louis 51+)*
- *A woman was recently allowed a 6-month maternity leave and then a part-time 4 hour per day schedule for a month when she returned.*
- *12 weeks paid, with billable hours pro-rated*
- *Part paid, part unpaid*
- *Paid 3 months 4th month 1/2 pay - great benefit (KC 51+)*

⁹ The disparity of resources between large and small firms as well as the variance of norms by geographic region justifies the use of some demographic identifying information in this section. For example, “KC 51+” indicates that the comment originates from a respondent in a Kansas City firm of more than 50 attorneys.

- 8 weeks paid for associates. Unwritten practice: Partners have more flexibility - generally 10-12 weeks paid - but expected to stay in touch with office and handle matters on an as needed basis while on leave. (St. Louis non-equity partner in firm of 26-50)
- 7 weeks paid (4 maternity/3 vacation) and rest unpaid (KC 11-25)
- 6 weeks at 1/3 salary (KC 11-25)
- Unpaid, however, employer has generous sick leave and vacation benefits. New mothers are often gone 6 months with pay using hours of accumulated vacation and sick leave (St. Louis 51+ in-house counsel)
- 3 weeks paid short-term leave, then any vacation accrued, up to 12 weeks (KC 51+)
- Unpaid, but may use disability insurance (60%), but must still bill time as much as possible.
- 8 weeks paid plus 4 weeks unpaid, with any variances negotiable individually. (KC 11-25)
- Unpaid available; accepted and supported (St. Louis 51+)
- Associates get 2 weeks paid as base, plus 1 week paid for every year at the firm. Partners get unlimited leave paid on regular draw with "true-up" at bonus time (St. Louis 11-25)
- 3 days paid; 6 weeks unpaid (St. Louis 26-50)

Paternity Leave (377 respondents)

Written Policies

One hundred twenty (120) respondents reported the existence of a written policy regarding paternity leave. Those who elaborated upon the nature of the leave reported the following details:

Unpaid leave

39 respondents reported application of the Family Medical Leave Act, providing 12 weeks unpaid leave. Another 20 respondents reported the option to take unpaid leave without specifying its nature or duration.

Paid leave

Twenty-one (21) respondents answered this question in the affirmative only to clarify that new fathers were merely allowed to use accrued vacation and sick leave upon the birth of a child. Thirty (30) more respondents reported some other form of paid leave, of which eleven (11) indicated the existence of a clearly defined paid paternity leave policy:

Length of paid leave:

- 1-2 weeks: 4
- 3 weeks: 1
- 6 weeks: 1
- 8 weeks: 1
- 12 weeks: 4 (though not taken in practice)

Unwritten Practices

Fifty-five (55) respondents reported an unwritten practice regarding paternity leave. Thirteen (13) of them indicated that it was discouraged or never taken, and two (2) reported that it was accepted and supported. The following details were provided:

Use of paid vacation/sick time: 9
Other paid time: 7
Unpaid leave: 7
Length of leave (when specified):
 Less than 1 week: 5
 1-2 weeks: 8
 3-4 weeks: 1

Comments:

- *Can take 12 weeks unpaid under FMLA, but the man should be back in the office the day after the baby is born.*
- *12 weeks paid but it would never be tolerated.*
- *They say they give it, but men who take it are ridiculed.*
- *Not if you want a job.*
- *Are you kidding?*
- *12 weeks with adjusted billable hours.*
- *Not pro-rated for billable hours.*
- *Accepted and supported.*
- *Policy is same for women and men, but men would never take more than a month.*
- *The guys generally take a week working from home.*
- *Most men take a few days.*
- *I've yet to hear of a man taking paternity leave.*
- *May negotiate leave on an individual basis; part of flexible work hours.*
- *Flexible as long as minimum billable requirement is met.*

On-site Child Care (375 respondents)

A mere five (5) respondents indicated that child care is available in their place of employment. A few others responded, “*are you kidding?*” and “*you’re dreaming.*” Most notably, so foreign was the very concept of on-site child care that twenty-six (26) respondents interpreted the question to inquire about their ability to bring their children to the office where they could provide the child care themselves while working. Of those 26 respondents, 24 reported that the practice was tolerated in emergency situations, and two indicated that it was unacceptable.

Assistance Finding Off-site Child Care (369 respondents)

Thirty-five (35) respondents indicated that their employers provide assistance finding off-site child care. Of those respondents, twenty-seven (27) indicated that the policy was written or otherwise institutionalized, e.g. through an employee assistance program, a firm’s contract for emergency back-up care from a local provider, or, in one firm, through a Quality of Life Committee. The remaining eight (8) positive responses noted an unwritten practice of colleagues “networking” to help one another find child care.

Breast-feeding / Pumping Accommodations (373 respondents)

Seventy-five (75) respondents indicated that some form of accommodation is provided for nursing mothers, of which thirty (30) specified that a designated private room is available. Another fifty-five (55) respondents answered in the affirmative but clarified that the “accommodation” where they were able to pump consisted merely of their own offices, again revealing the remoteness of the question’s premise. Among the more colorful comments were the following:

- *Laughable*
- *They make women use the community bathrooms. I guess you are supposed to pump in the stalls.*
- *Use of depo room.*
- *I asked and was given a key to a room with a lock, but other staff members use it as a nap room so sometimes you have to wake people up to pump. They don’t tell you about it unless you ask.*
- *It is very difficult. Women have to use their offices and there are no locks on the doors. Women have been interrupted when pumping.*
- *Don’t ask, don’t tell, and no one will call you on it.*

Application of the Above Policies and Practices

When asked whether lawyers take full advantage of the above policies, 16.7% of respondents said that lawyers in their workplaces did not exercise the options available to them, mostly due to fears of stigmatization or detrimental effects on their careers.

<u>Internal Consistency/Variability</u>		<u>Exercise of Available Options</u>	
Consistent across the firm	28%	Don’t know	49.8%
Varies by practice group	26.9%	Yes	33.6%
Highly individualized decisions	26.9%	No	16.7%
Don’t know	17.5%		

CLIENT DEVELOPMENT

20.9% of respondents believed that they do not have the same opportunities to develop client relationships as male lawyers of similar experience and seniority. 28.5% felt that they do not receive good direction and support regarding marketing efforts. 14.1% had seen a male attorney designated as lead lawyer on a file on which the respondent believed that she should have been the lead. Of those 14.1% who lost a file to a male attorney, 31.1% said it was a rare occurrence, 55.7% said it was occasional, and 13.1% said it was frequent.

Opportunity to Develop Client Relationships

Equal	49.2%
Not equal	20.9%
Don't know	13.7%
n/a	16.2%

Good direction/support for Marketing

Yes	40.2%
No	28.5%
n/a	31.2%

Has another lawyer been designated lead lawyer on a file you believed to be yours?

No.	54.4%
n/a	30.2%
Yes. Given to another female.	2.9%
Yes. Given to a male.	14.1%

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Frequency of lead designation given to a male lawyer.

Rare	31.1%
Occasional	55.7%
Frequent	13.1%

RECRUITING

Results here suggest that firms are making strides in some of their efforts to increase the participation of women lawyers in the profession, at least at entry levels. Progress here can be partly attributable to the increase in women graduates from law schools and in more institutionalized hiring practices, particularly in the large urban firms from which a significant portion of the responses originated.

<u>Belief that employer actively recruits women.</u>		<u>Belief that women have opportunity to participate in recruiting.</u>	
Yes	75.9%	Yes	87.4%
No	24.1%	No	12.6%

Belief that men and women have equal chances of being hired.

Yes	88.7%
No	11.3%

COMPENSATION

Similar to recruitment, compensation is another area where firms have made some progress. Here again, results may be attributable to institutionalized lock-step policies at the entry levels of large firms, providing a level playing field for women associates at least at the beginning of their careers. However, given that nearly half of all respondents did not know whether women and men were paid equally, firms could improve the transparency of their allocations, particularly when such determinations are based on merit, where women often suffer a higher level of scrutiny.

How Determined (all applicable)

Lock-step	15%
Seniority	21.4%
Merit	50.5%
Fee-sharing	13.3%
Salaried	54.2%
Other	18.2%

Equal pay for equal work?

Yes	38.1%
Don't know	49.1%
No. Men paid more.	12.8%
No. Women paid more.	0%

CONDUCT

Observations of Inappropriate Conduct

No	61.9%
Yes	38.1%

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Nature of Inappropriate Conduct (all applicable)

Condescending	77.6%
Sexual verbal	54.6%
Sexual physical	11.8%
Impolite	62.5%
Stereotyping	81.6%
Other	6.6%

Frequency of Conduct

Isolated	51.6%
Occasional	42.5%
Frequent	5.9%

Rate of reporting conduct: 18.4%

38.1% of respondents reported having observed conduct or comments by a male lawyer to a female lawyer in the firm that were inappropriate in the context of gender. Of those who had observed such conduct, only 18.4% had reported it, with varied outcomes, such as:

- *Committee investigated and implemented correction plan.*
- *Reported to managing partner and immediately acted upon in accordance with firm policy.*
- *Resolved quickly.*
- *Offending employee was counseled for behavior.*
- *Informal discussions with supervisors resulting in discussion with the person.*
- *I was told not to talk to that lawyer and supposedly he was told not to talk to me.*
- *Reported to HR who said try to handle yourself and come back if you need help.*
- *No result at all.*
- *Nothing happened. I chose not to make a formal presentation to the management committee for fear of retaliation.*

ADVANCEMENT

Belief that women receive fair consideration for positions of responsibility.

Yes	79.1%
No	20.9%

Belief that gender-related impediments to advancement within firm exist.

Yes	29.9%
No	70.1%

Of the 20.9% of respondents who believe that women do not receive fair consideration for positions of responsibility, the following comments are representative:

- *No women on management committee.*
- *No female partners.*
- *Male partners do not take female partners seriously. There is a lack of respect.*
- *Men are given more opportunities because the people that have the opportunities to give are men.*
- *I've been told that I'm not partner track because it is expected that I will move if my husband's job requires it.*
- *The firm website lists 40 practice areas. Of the 44 designated chairs, vice-chairs, or contacts, all are men.*
- *There is always a question that the female lawyer will leave for maternity and never come back.*
- *Firm insists it is because women do not put in the long hours due to family and other obligations.*
- *Few women on firm committees, voting for elected positions dominated by male attorneys who generally don't vote for women.*

Of the 29.9% of respondents who believe that there are gender-related impediments to their advancement within the firm, the following comments are representative:

- *Many women have more responsibilities outside the firm with their families, so it is difficult for them to give the amount of time needed to progress in our profession. I think it is more of an overall problem with the profession.*
- *If I had a stay-at-home wife to cook me dinner and take care of the kids like most of my male partners, I could put in the same hours they do!*
- *Opportunities are given based on relationships, and the old boy network is alive and well.*

SUGGESTIONS FOR FIRMS

Lastly, respondents were asked to suggest improvements for their firms. The following were recurring themes:

- *More options to work at home, part-time, flextime, and contract assignments. Policies should be written and should be explained during recruitment. Create a positive attitude about use of these policies, and keep lawyers on partner track, even if extended.*
- *On-site child care.*
- *Better maternity leave.*
- *Promote more women to management positions.*
- *More mentorship and training in substantive practice as well as business development*
- *Inclusion of women in marketing and development efforts.*
- *Lower billable hours requirements, or a tiered system of hours/salary.*
- *Equal pay for equal work.*

Other noteworthy suggestions and comments included:

- *Publish firm's workforce gender statistics, not only for self-assessment and accountability but also for the information of potential applicants. [paraphrased]*
- *Ask women attorneys what they need and want. Conduct exit interviews (preferably by a woman) so that partners realize why women associates are leaving. [paraphrased]*
- *Encourage public service and recognize what we do outside the office.*
- *The male leadership of the firm needs to change their attitudes/assumptions/preconceived notions of women (and minorities) in general. The few females in firm leadership need to open their eyes and help the rest of us by challenging the male leadership.*
- *The "old boys" have no idea how much work and responsibility it takes to have a full time legal career and raise children. Most of their wives stayed at home.*
- *Recognize that you can be a good lawyer and have value even if you bill fewer hours.*
- *Provide a forum to discuss these issues in a safe, supportive environment.*
- *Acknowledge that there is a problem with retention of women, and that the firm is weaker because of it.*
- *It is a bad financial decision not to accommodate women attorneys' schedules after you have invested in recruiting, training, and advancing them.*
- *The firm needs to offer part-time working opportunities or they might lose me.*
- *Stop putting your feelings of being "uncomfortable" on the female attorneys – that is your issue not ours.*

ST. LOUIS LARGE FIRMS (51+)

Of the 541 respondents to our survey, one hundred ninety-five (195), or 36%, are employed in large firms or companies (i.e. 51+) in the St. Louis metro area. Given the significant proportionality of this sub-group of respondents, the institutional structure of their workplaces, and the heightened local interest in their policies and practices, we provide below a selection of results and responses from this particular segment of the survey population.

Demographics

Position (192 Respondents)

	#	%
Associate – partner track	92	47.9%
In-house	27	14.1%
Equity partner	18	9.4%
Non-equity partner	18	9.4%
Counsel / Of counsel	11	5.7%
Associate – not partner track	6	3.1%
Staff / contract attorney	5	2.6%
Consultant	2	1%
Not practicing	2	1%
Other	11	5.7%

Practice Area (190 Respondents)

	#	%
Litigation	87	45.8%
Non-litigation	103	54.2%

Years with Current Employer (193 Respondents)

	#	%
0-4	111	57.5%
5-8	46	23.8%
9-12	1	6.7%
13+	23	11.9%

Past Employers Since Graduation

	#	%
0	84	43.4%
1	60	30.9%
2	24	12.4%
3	19	9.8%
4+	7	3.6%

Billable Hours Requirement (193 Respondents)

	#	%
1700 or fewer	12	6.2%
1701-1849	51	25.9%
1850-2000	87	45.1%
More than 2000	3	1.6%
n/a	41	21.2%

Attrition

Of the 35.8% of respondents who changed jobs within the past 5 years; 31.4% of them cited gender as a factor. Their explanations included the following:

- *I was very unhappy with the treatment I received re maternity leave.*
- *Little opportunity/rewards for women.*
- *Sexual harassment on the job; fear for safety.*
- *Firm had only one non-equity female partner (who had no power) and men with less tenure at the firm made partner over women with more seniority and experience.*
- *I didn't feel that I was part of the mentoring system in place within my practice group...The male partners in my group didn't take steps to get to know me and rarely even invited me to lunch.*
- *I was hired at the same time as a male associate. He was used to present my research to clients. The firm enrolled him in a leadership program but did not offer to do the same for me.*
- *Women were not assigned substantive work.*
- *Lack of women being promoted to partner.*
- *My boss did not seem to believe that women could make the same decisions or provide the same legal analysis as men.*
- *There were different expectations for men and women. Once I had a child, my prospects for making partner changed.*

- *Firm had one female partner and was very male-dominated. Partners would almost always include male associates in social activities but did not include female associates.*
- *Unwillingness to compromise on billable hour requirement and extremely restrictive maternity leave policy.*
- *I worked for a male associate who openly treated males as “buddies” and expressed his opinion that women had to overcome female traits to be successful litigators. Women were given formal reprimands where men were give “gentlemen talks.”*
- *Partners expressed their opinion that the firm had very few female partners, not on account of gender bias, but because “litigation was tough work.”*
- *Women were not supportive of the advancement of other women in the firm.*
- *My boss treated female attorneys differently (i.e. assign crappy cases and lower pay) and was always concerned that we would get pregnant.*
- *No women in leadership, no full partners in litigation who were female, and good assignments were not generally given to women. I don’t think this was done intentionally, but I didn’t see much of a future there.*
- *I hit the glass ceiling.*

Mentoring

Respondents from large workplaces in St. Louis rated their employers’ mentorship efforts as follows (178 respondents):

<u>Below expectations</u>			<u>Average</u>	<u>Above expectations</u>		
13%	4%	1%	39%	18%	7%	6%

Perception of equal opportunity for mentorship for male and female lawyers:

Equal: 59.9%	Don’t know: 18.6%	Unequal: 21.5%
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However, respondents’ opinions of their employers’ mentorship efforts varied with their positions (averages on a scale of 1 to 7):

Associates, partner track (92)	3.97	Equity Partners (17)	4.71
Associates, non-partner track (4)	3.25	Non-equity Partners (18)	4.50
In-house (17)	3.12	Counsel/Of Counsel (11)	4.64
Staff/contract lawyers (4)	2.25		

Similarly, respondents' perceptions regarding equal opportunity for mentorship between men and women varied with their positions:

	<u>Equal</u>	<u>Don't Know</u>	<u>Unequal</u>
Equity Partners (16)	93.8%	6.2%	0%
Associates, partner track (92)	63%	15.2%	21.7%
Non-equity partners (18)	55.6%	11.2%	33.3%
In-house (17)	35.3%	29.4%	35.3%
Counsel/Of Counsel (11)	36.4%	45.5%	18.2%
Associates, non-partner track (4)	75%	1%	0%
Staff/contract lawyers (3)	33.3%	0%	66.7%

Among those who believed that women did not have access to the same mentorship opportunities as men, their explanations included the following:

- *There are more men in positions of power who can influence your career. Men have many informal buddy-buddy ways of creating influence that help them up the ladder.*
- *Male partners and senior associates gets together with the [junior] associates and talk about sports and other male topics, which in turn gives the male attorneys more of a connection. This makes it easier for the male [junior] associates to find someone neutral [to whom] they can ask questions without being judged and also makes the [senior] male attorneys reviewing their work more forgiving.*
- *More male role models to serve as mentors.*
- *No women partners in the litigation department.*
- *Male associates invited more often to client meetings/social events.*
- *There are vastly more male attorneys at my firm, and as a result, natural mentorships develop among male attorneys. Female associates are often left to fend for themselves. Women tend not to be as aggressive in self-promotion and in demanding attention from more experienced attorneys. I have observed bright, young women associates get lost in the shuffle. They don't get the better assignments, as a result start to lag in their hours -- next thing you know, they get tagged with a reputation for being a "non-self starter" or for having a work ethic that is not up to par, thereby creating a vicious circle. These are women who had great grades in law school and have the same predictors of success in their resumes as the male associates -- there is no reason they should be not be succeeding at the level their male counterparts are.*
- *Men are more likely to "take other men under their wings." I believe most men fear that a relationship, whether business or mentoring, with a woman is or can be perceived as inappropriate.*

Quality of Life

Specific details regarding various workplace policies and practices affecting lawyers' quality of life are set forth in the statewide report. Respondents from the St. Louis metro area expressed the following perceptions of those policies and practices (average ratings on a scale of 1 to 7):

	<u>Flex-time</u>	<u>Maternity Leave</u>	<u>Child Care Assistance</u>	<u>Working from Home</u>	<u>Promotion of Part-timers</u>
Statewide (419)	4.89	5.62	2.63	4.71	3.08
St. Louis Overall (155)	4.72	6.09	2.84	4.94	3.47
<u>Position Breakdown</u>					
Associates, partner track (78)	4.26	6.04	2.68	4.77	3.01
Equity Partners (15)	5.21	6.60	2.18	5.33	5.21
Non-equity partners (14)	5.25	6.62	2.83	5.79	4.70
In-house (20)	4.40	5.38	3.06	3.65	2.21
Counsel/Of Counsel (9)	6.75	6.75	4.17	6.88	4.14
Associates, non-partner track (4)	5.0	5.0	2.0	5.33	4.0
Staff/contract lawyers (2)	5.0	4.0	3.0	4.50	5.50

When asked to identify ways in which large St. Louis employers could improve the respondents' quality of life, the following suggestions were offered:

- *Recognize the different types of demands that are on women attorneys outside the office and not see those as things that make women less effective lawyers.*
- *Allow part time attorneys and/or job sharing.*
- *Stop emphasizing hours / lower billable hours requirements.*
- *Offer several tracks of billed hour goals, with corresponding salaries, so that associates could choose to work less and make less or work more and make more.*
- *Allow regular and consistent telecommuting.*
- *Educate male attorneys regarding the need and importance of allowing flexible schedules and teaching them to adapt to them.*
- *There ought to be written policies on maternity and paternity leave (should be some pay, not just FMLA). There should also be more of a focus on child care assistance. And part-time lawyers should be eligible for promotion.*
- *Child care assistance.*
- *The firm should promote women if they are good attorneys, even if they only work 40 hour "part time" weeks, instead of the 60-70 hour weeks that are considered "full time" in the legal profession.*
- *Firm culture supporting the policies that are written. Women in positions of power.*
- *Truly drop the stigma of working less hours or part time.*
- *If you have a big meeting and not one of the attorneys in the room is female, that's a problem. People ought to find that embarrassing, but no one seems to bat an eyelash. It would also be nice if the hiring folks made more of a conscientious effort to hire an approximate 50-50 balance of male/female associates. It astounds me that the firm hires more male associates, despite the fact that women now exceed men in the graduating classes of most law schools.*

Client Development

Respondents from large St. Louis employers reported less opportunity for client development than the statewide average. Equity partners seemed to have a greater awareness of the issue, reporting less uncertainty but also greater contrast.

	<u>Equal</u>	<u>Not Equal</u>	<u>Don't know</u>	<u>n/a</u>
Statewide (430)	49.3%	20.3%	13.7%	16.3%
St. Louis Overall (160)	43.1%	25.6%	21.9%	9.4%

Position Breakdown

Associates, partner track (79)	41.8%	29.1%	27.8%	1.3%
Equity Partners (14)	57.1%	35.7%	7.1%	0
Non-equity Partners (16)	43.8%	31.2%	25%	0

Conduct

Respondents from large employers in St. Louis reported a higher rate of inappropriate conduct and a lower rate of reporting, compared to the statewide averages.

<u>Observations of Inappropriate Conduct</u>		<u>Rate of Reporting:</u>	
Statewide	38%	Statewide	18.5%
St. Louis	47.7%	St. Louis	10.7%

Advancement

Respondents from large employers in St. Louis were more pessimistic than the statewide average in assessing their opportunities for advancement and the existence of gender-related impediments.

<u>Belief that women receive fair consideration for positions of responsibility.</u>		<u>Belief that gender-related impediments to advancement within firm exist.</u>	
Statewide	79.1%	Statewide	29.9%
St. Louis	75.4%	St. Louis	42.1%

When asked how firms could improve their policies and practices, the suggestions offered by women lawyers from large employers in the St. Louis area were consistent with those offered by respondents in other settings and regions.

CONCLUSION

The results of this survey confirm what women lawyers have experienced for years and continue to decry today: the “boys club” and the “maternal wall” persist as the two primary and impermeable barriers to women’s full equality, participation, and promotion within the legal profession. Though some employers are forming committees and undertaking efforts to create policies intended to offer opportunities and support to women lawyers, a disconnect between paper and practice exists, and a true paradigm shift remains to be seen.

Our survey did reveal some cause for hope. Women from large urban firms were pleased with their employers’ policies providing for 12 weeks of paid maternity leave. In addition, most respondents felt that employers are actively recruiting women and that both sexes have an equal chance of being hired. Only 12% of our survey respondents believed that male lawyers were being better compensated for the same work women lawyers do.

But the gap widens as they progress in their careers. Clearly women lawyers are not reaching the upper echelons of the practice of law in the same proportions in which they are entering it. The ABA reports that 16% of all partners nationwide are now women – a mere 10% increase from 25 years ago.¹⁰ Moreover, women are more pessimistic today about the promise of balance between work and family. In 1983, 81% of women felt that it was realistic to combine successfully the roles of lawyer and parent, while only 64.5% shared that belief in 2000.¹¹

That pessimism may be partly attributable to an increasingly crushing workload for all attorneys. In 1962, the ABA Lawyer’s Handbook stated that an attorney with a normal schedule would bill 1300 hours a year.¹² By 2001, the ABA found a normal attorney schedule to be about 2000 billing hours per year.¹³ What it means to be a lawyer and practice law has not drastically changed since 1962. What has changed is the technology and pace of the world. To excel in your field means to always be one step ahead of the next lawyer, which often translates into 24/7 accessibility and billable hours beyond that daunting 2000-hour target.

As articulated by several respondents, family and household responsibilities place women lawyers at a significant competitive disadvantage vis-à-vis their male colleagues when it comes to meeting those ever-increasing billable hours requirements. For women, there are literally not enough minutes in the day to bill the same number of hours (or develop as much new business) as their male peers and also accomplish the tasks of their second shift as “domestic engineers” - tasks which their male counterparts often have the luxury of leaving to their wives.

Every year, law schools produce greater numbers of graduates of both genders, thus the supply of lawyers willing to prioritize work over other facets of their lives - not only family but also mental and physical well-being - is always enough to force the rest of the profession to do the same or risk getting left behind. Because the presence of women lawyers in the profession is forcing us to look at the structure and culture of the workplace, it is easy to label the problems that women identify as “women’s issues.” Certainly, women bear children, and sexual harassment is experienced mainly by women. But both women and men desire a more humane balance between their careers and their personal lives. According to the ABA, 70% of female and male lawyers report conflict in resolving the practice of law

¹⁰ Empowerment and Leadership: Tried and True Methods for Women Lawyers; American Bar Association.

¹¹ Paths Need Paving, by Terry Carter, ABA Journal, September 2000, p. 35.

¹² Balanced Lives: Changing the Culture of Legal Practice; ABA ©2001, p. 14.

¹³ Balanced Lives, p.11.

with a balanced and enjoyable life.¹⁴ Only 20% of lawyers were very satisfied with the balance between work and home in their life.¹⁵ We commend the Bar Association of Metropolitan St. Louis for creating a task force to examine the level of satisfaction (or dissatisfaction) of area lawyers. We look forward to their findings and solutions to benefit both women and men.

Though work/life balance will continue to be a challenge for law firms seeking to reduce attrition and retain talent of both sexes, women will continue to be disproportionately impacted by the absence of meaningful work/life solutions due to the ongoing reality of the second shift.

But work/life balance was not the only theme of the survey, nor arguably the most dominant. Respondents also described the persistence of plain old sexism. They expressed a lack of equal treatment, recognition, and respect. Though the discrimination they experience today is sometimes – but not always – more subtle than in previous decades, traditional assumptions and stereotypes about women’s roles as caregivers still operate to undermine the perception of women as professionals and leaders. A typical example is the qualified woman who is not considered for a position or assignment because the selection committee assumes that she would decline due to family responsibilities. Similarly, respondents who were able to negotiate a part-time arrangement were often presumed to be less committed to their jobs, marginalized, given less desirable work, and derailed from the partnership track. Law firm management, in setting the tone, must think of women as full participants, regardless of their family status.

Though some progress has been made, we as a professional community must continue to work together to make women equal participants. In order to stop the costly attrition of their most valuable business assets – i.e. highly skilled professionals whom their clients know and trust - firms must provide a genuinely supportive culture and real advancement opportunities for women lawyers and a better work/life balance for *all* lawyers.

¹⁴ Balanced Lives, p.15.

¹⁵ Balanced Lives, p.11.

RECOMMENDATIONS

The American Bar Association offers a wealth of resources to assist firms and women lawyers in developing effective strategies, policies, and practices. Among its best practice recommendations relevant to this study are the following:

Firm Culture

- There must be a person in top management who prioritizes promoting women and maintaining a firm culture of hospitality to women
- Women in the top echelons of firms must commit to using their power to make changes needed to help the women who are below them on the ladder; when women who have “made it” adopt traditional male attitudes toward other women, progress is impeded
- Ensure that lawyers of both genders within the firm have access to policies which promote work/life balance, such as: part-time or flex time; telecommuting; child-care within the firm; and extended parental leave. Further, ensure that using these policies does not become a factor in partnership decisions
- Have a diversity statement regarding women and minorities within the firm, and develop a strategic plan *with time frames* for reaching goals regarding these groups
- Have a diversity committee, and consider hiring a Diversity Director to focus on implementation of the strategic plan
- Identify reasons why lawyers are leaving the firm and adopt policies to relieve the unhappiness; do a baseline assessment on the current perceptions and experiences of firm life for women and minorities
- Audit the firm to ensure that once measures are in place, they are working effectively
- Review the representation of the firm’s top 20 clients regularly, to ensure that a proportionate number of women/minority attorneys are working on those clients’ matters

Internal Women’s Groups

The ABA has found that providing internal women’s groups will: help young female associates attain partnership; provide a sense of community; offer a forum to discuss leadership issues; create networking opportunities; offer a “safe” way to bring issues to management; and attracts clients who wish to see that the firm does, in fact, value women and minorities. While men traditionally golf or go out for drinks and cigars, thereby forming relationships with other men in the firm and reaping the benefits, successful women’s groups use these best practices:

- Firm-sponsored informal breakfast, lunches or dinners, either among the women of the firm in general or those who work within a specific department
- Yearly retreats
- Women-only marketing events with clients centering around family outings, spa outings, women-focused seminars, etc.
- Providing access to employees of women-oriented organizations they may wish to participate in outside the firm

Work Assignments

- Have a formal assignment system to distribute cases fairly, and hold those who assign cases accountable for the impact on those whose work load they are managing
- Assign partners to mentor associates
- Female partners must commit to ensuring that female associates are being treated fairly in work assignments

- Place a career development component within the evaluation system to ensure *all* associates get the work assignments they need to be considered for promotion
- Survey associates regularly to see if they feel they are getting the type of work they need to grow professionally, and watch for disparities in the perception of women and minority associates

Mentoring

- Create a formal mentoring program with clear expectations, measurable goals and accountability; consider the competence of those mentoring and financially reward good mentors at their performance evaluation
- Periodically reassess the mentoring program, and provide training to attorneys who will be mentors in how to be such effectively
- Allow associates to change mentors without repercussion

Work/Life Balance

- Establish flex-time policies, and ensure they are used fairly throughout different offices or practice groups within the firm
- Ensure that use of flex policies do not prevent attaining partnership, and that attorneys using parental leave policies more than once are not penalized
- Post the policies regarding flex-time, parental leave, telecommuting, and such, on the firm's website, and distribute them throughout the firm; publicize within the firm success stories of attorneys who use the policies, especially those who made partner after using them
- Strongly encourage men to use parental leave policies
- Provide private lactation areas within the firm
- Hold periodic firm events to promote "getting to know each other", and make sure they are not scheduled on religious, cultural or school holidays
- Consider providing on-site exercise facilities and child care facilities

The foregoing recommendations are excerpted from *Walking the Talk: Creating a Law Firm Culture Where Women Succeed*, by Jane DiRenzo Pigott & Sharon Jones, and *Empowerment and Leadership: Tried and True Methods for Women Lawyers*, produced by the ABA

WLA encourages law firms and women lawyers to obtain these and other ABA resources, available through the ABA by calling (800) 285-2221 or online at www.ababooks.org.

- *Walking the Talk: Creating a Law Firm Culture Where Women Succeed* (2004)
- *Empowerment and Leadership: True and Tried Methods for Women Lawyers* (2004)
- *Balanced Lives: Changing the Culture of Legal Practice* (2002)
- *Fair Measure: Toward Effective Attorney Evaluations* (1997) and *Fair Measure – An Update* (2005)
- *Legal Progeny: A Guide to Providing Child Care Benefits for Legal Employers, Lawyers, and Bar Associations* (2003)

Additional resources can be obtained from the National Association of Law Placement (www.nalp.org) and the Project for Attorney Retention (www.pardc.org).