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Commentary: Where the Women Are

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White & Case's Karen Asner

While the number of women in law schools now roughly equals the number of men, the same, unfortunately, does not hold true when it comes to women partners in law firms. The National Association for Law Placement reports that about 17 percent of partners at major law firms are women, up from 13 percent 10 years ago. While that's progress, the numbers are not increasing as quickly as most of us would like.

Most law firms these days recognize the importance of recruiting and retaining top talent -- regardless of gender -- particularly in an increasingly competitive job market. Thus, the problem isn't that law firms aren't willing or eager to make their women lawyers partners -- it's that so many of the women leave before such promotions can even take place. Studies show that the number of first-year associates at major law firms is generally split evenly between women and men. But beginning in the fourth or fifth year, women depart law firms in greater numbers than men, leaving fewer of them in the partnership pool.

THE MOMMY TRACK

Part of the problem stems from the fact that just about the time when an associate begins taking on increasing responsibility is also generally a woman's prime childbearing years.

As a commercial litigator who also acts as our firm's global administrative partner and is the mother of three, I know firsthand the challenges of trying to balance professional and personal obligations. And while most women lawyers would like to keep working once they become mothers, the expectations

placed on them at most major law firms sometimes can be overwhelming, so it's not surprising that some female lawyers make the decision to cut back on their hours if they can or leave a firm all together.

Female associates may be reluctant to voice concerns about juggling various commitments for fear they will be seen as not committed to the firm or their clients and automatically be "mommy-tracked." Rather than ask for a temporary leave of absence or a more flexible schedule, a female associate simply will overextend herself to the point of burnout, inevitably leaving the firm that much sooner. Firms therefore need to take a hard look at their flextime policies (assuming they even have one) to ensure that the policies are well designed, well understood and well implemented.

DISSATISFACTION

Beyond that, however, key issues remain. A 2001 study of top law school graduates by think tank Catalyst revealed that while women clearly struggle with work-family obligations, the biggest reason women lawyers leave a firm is because they are dissatisfied with work itself or feel stalled in their careers.

Why do women feel dissatisfied? The Harvard Center for Work-Life Policy study found that only 20 percent of highly qualified female lawyers cited "a powerful position" as a very important career goal. Yet the percentage of women who said that "helping others" or "improving society" was one of the most important factors in picking a career was double that of men. Thus, if women feel the client work they are tackling is not advancing a "greater good," they may indeed be less satisfied with their jobs, prompting them to depart sooner.

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Women also may be more apt to downplay their abilities and accomplishments than their male counterparts. A study done by Harvard Law School revealed that 33 percent of male students considered themselves in the top 20 percent of their class in legal reasoning, but only 15 percent of the women did. Note that this is not how the law students were actually ranked but rather how women perceived themselves. Other studies have shown that women are more likely to share credit for a completed project than men, so supervising partners may erroneously perceive that a male associate is actually contributing more to a project's success, rewarding him with more responsibility.

The issues surrounding retention of top female associates are admittedly complex, but it seems apparent that these factors help shape how women associates interact in the law firm environment. If they are less likely to view themselves as top performers or take full credit for their work, they are less likely to be singled out for exciting, cutting-edge assignments. And it's the cutting-edge, high-profile work that gets the attention of firm management and leads to partnership promotions.

WHAT FIRMS CAN DO

These issues are at the heart of why some firms have embraced women's networks as well as other retention and development tools geared specifically for women.

White & Case has a strong model that includes business development, alumni relations, peer support, networking and career development. Our program consists of a national steering committee with a mandate from top management to address the main underlying issues or barriers to women's success as well as a women's network that facilitates individual offices bringing together female associates, partners, alums and clients in a supportive environment to network, to talk about issues of common concerns and to offer speakers and seminars on topics that assist in the development and advancement of women associates.

Last fall, we held a national retreat for all of our senior female associates. The two-day event held in New York brought together female associates from all our U.S. offices, allowing our women lawyers to strengthen current relationships and forge new ones. In addition to roundtable discussions, workshop panels and networking opportunities, there was a reception and dinner attended by our entire worldwide management board to reinforce the importance of this initiative to our organization and to provide our women associates the opportunity to interact with the firm's top leaders.

Just as there's rarely one simple solution for a complex legal problem, there's no easy answer on how to increase the number of women partners. What we do know, though, is that simply hiring an entering class that is half women isn't getting us where we need to be. We need to continue to find solutions that meaningfully increase the number of women who stay in the running for partnership. Fifty percent of the talent pool -- and, by definition, the future of law firms -- depends on it.

Karen Asner is a commercial litigator and an administrative partner at White & Case LLP in New York, where she oversees all administrative aspects of the firm's 36 offices and helps shape firm culture, policies and strategic business objectives.

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