

## She's Fighting the Subtler Side of Sexism

Maybe women in law firms are just as ambitious as men, says Lorelie Masters. Try asking them.

**L**orelie Masters has her own theory about women's lack of progress in the legal profession. It isn't so much about telecommuting on Fridays or meeting draconian billable goals. The president of the Women's Bar Association of the District of Columbia has a different beef—with the subtle slights, hidden assumptions, and veiled sexism that undercut many women in the corporate legal world. It's what some

have called "the soft bigotry of low expectations."

### Balancing Act Debra Bruno

It's far too easy for law firms today to shrug their shoulders when yet another woman departs, says Masters. They tell themselves: We

tried, but there's nothing we really could have done—she just wanted to spend more time with her family. That exculpates the firm and shifts the blame to the lawyer who's leaving.

Not so fast, Masters interjects. Maybe, just maybe, those women wanted to stay. Maybe—despite assumptions—they're just as ambitious as the men. But maybe they're also sick of being pushed to the side, of not getting invited to the client meetings or offered the second chair in a big lawsuit.

Consider the partner preparing for a trial in 12 months. Does he add the female associate to the team? No, he strikes her from his list because she has a young family and he figures committing the time down the road would be too hard.

That's wrong, says Masters. "Ask first," she advises. "Don't make that determination" for the young woman.

Here's another example of the slights that eventually derail careers. A woman goes into a big meeting, says Masters, and she raises an idea. "The conversation continues. Suddenly, 10 minutes later, a guy raises that same idea," and everyone loves it.

"It's an accumulation of those kinds of incidents," Masters says. "It's the accumulated drip-drip-drip."

### ONLY A FRACTION

Masters' point ties in with a report released just last month by the National Association of Women Lawyers. The group's second annual survey on the status of women in law firms found (big surprise) that "women advance into the upper levels



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**MADAME PREZ:** The leader of D.C.'s Women's Bar Association seeks changes within law firms to keep women in the profession.

of law firms with only a fraction of the success enjoyed by their male classmates." Those fractions are well-known: The NAWL found, for instance, that an average of 16 percent of the firms' equity partners are women. Compare that to national numbers offered up by NALP (formerly the National Association for Legal Professionals) from 2005, when 48 percent of summer associates and 44 percent of first-year associates were women.

Even more interestingly, the NAWL survey (which questioned 200 of the country's largest firms and received responses from 112) found a significant salary gap as women advance through the ranks. Male and female associates, for the most part, make about the same amount. But male of counsel earn about \$20,000 more than female of counsel; male nonequity partners make about \$27,000 more than their female counterparts; and male equity partners bring in almost \$90,000 more than female equity partners.

What gives? It goes back to the theory of assumptions and slights. The NAWL survey wonders "whether women lawyers are given as many choice assignments, introductions to key firm clients and other opportunities to grow their own practices" as the men.

Maybe that's because women aren't expected to succeed like the men do. And so the firm sees the women as the ones heading for flex-time and the "mommy track," not as future leaders to be encouraged.

Masters' own experience sheds some light. The insurance litigator now with the D.C. office of Jenner & Block is trying like mad not to point a finger, but what she told her former firm, Anderson Kill & Olick—that she was "pursuing other opportunities"—was really only part of the story. The truth is less flattering to the firm. "I did feel that at my old firm, the business that came in the door went to the guys" and that opportunities were not distributed evenly, she says.

Dawn Gertz, Anderson Kill's chief marketing officer, says that the firm is "delighted for Lorie" in her success and that, while the firm doesn't usually comment on attorneys who have moved on, "a good deal of time has passed since Lorelie left the firm." (Masters left Anderson Kill in 2000.)

Part of this is the fault of women themselves, acknowledges Masters. Women have bought into the myth of meritocracy. It's an instinct that served them well as students: Sit up front, take great notes, and always do your homework. It translates badly, though, into a law office, where they still assume, "If I'm a good lawyer, that's enough," she says.

In fact, Masters says that she spent the first dozen or so years of law firm life thinking just that—if she did the best job possible, success would come to her. "And then in 1994, I realized that no one is going to know who Lorie Masters is unless I take charge." And that meant, among other things, recognizing that the firm wasn't necessarily going to give her career the same support it gave the men's careers. Clients, as well, bear some blame: They weren't demanding any kind of diversity in their law firms in the same way they do today.

### **MIND THE MENTORS**

Since becoming president of the D.C. Women's Bar Association in May 2006, Masters has stepped up to the bully pulpit for other women, too. She offers a number of concrete proposals for firms to consider.

Masters thinks that firms need to provide real mentoring of associates, not just a program that almost randomly assigns one partner to one associate and then requires little follow-through. For instance, mentors need to bring their associates into client pitch meetings and depositions, so that they can see successful lawyers in action.

Another suggestion she makes is to encourage senior male partners to mentor female associates. Granted, the idea could be interpreted as another form of old-fashioned paternalism, but Masters compares it to the way that fathers provide role models to their daughters. She believes that those older partners can teach young associates important lessons about how to thrive in the profession. "People who get the best mentoring are those who work with people who are the most successful in the firm," she says. "But there are only so many of those people."

Associates with active, successful mentors get access to the kind of informal network that also introduces them to clients. But even then there has to be a way to socialize with clients

beyond golf and football. "Maybe let's get away from the Redskins tickets—that's just one example," says Masters.

And when women do leave anyway, law firms need to figure out a way to conduct exit interviews to get some honest assessments of what happened. Maybe, Masters suggests, outside consultants can conduct anonymous interviews to find out what went wrong without those details coming back to haunt the departing lawyer. Jenner & Block does do exit interviews using outside consultants, she says.

Finally, she says, it's necessary to talk about these things in larger settings. That's where the bar association comes in: "We can be the voice for people who don't want to burn those bridges."

### **SO MANY INITIATIVES**

Obviously, law firms are giving some lip service to women's issues. The NAWL survey reports that a whopping 95 percent of the large firms say they have set up "women's initiatives" to help women develop their careers. Those initiatives include social networking, professional development, and formal mentoring programs.

But the real question is whether these "initiatives" add up to anything, or if they have about the same success as efforts to increase the number of African-American attorneys, which seem to have had little effect on overall retention. Most of these initiatives have been around for only a few years, so the argument could be made that this kind of cultural change takes time. But women have been patient for many years already. Masters says, "My fear is that if we don't address this, it's not really going to change."

A few large firms seem to be bucking the trend, incrementally. McGuireWoods, for instance, has 19.3 percent women equity partners—and that will probably increase with the new partnership elections, says Kimberly Cacheris, the Charlotte, N.C.-based chair of McGuireWoods' Women's Leadership Forum.

But, tellingly, even the firm that was in some ways a pioneer in the women's department seems a little sluggish in the numbers arena. Houston-based Vinson & Elkins, which brags that in 2000 it was the first law firm in the country to create a comprehensive women's initiative and hire an outside consultant to make a formal assessment of firm policies, has just 17 percent women equity partners—basically the national average. It's also exactly the same percentage the firm reported in a June 2003 profile in *The American Lawyer*.

Even to Vinson & Elkins, it's a modest result after seven years. If those numbers were the result of a seven-year effort, one might ask: What would the numbers have been if Vinson & Elkins had not had a women's initiative?

Karen Hirschman, chairman of the initiative, acknowledges that the firm is making greater progress hiring and keeping women in its associate levels. As for its partnership ranks, "we're not at all satisfied with those statistics," Hirschman admits. "We are dedicated to improving it."

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*Balancing Act* is a monthly column that explores the lives of women in the law. Debra Bruno can be contacted at [dbruno@alm.com](mailto:dbruno@alm.com).