

TEXAS LAWYER

FEBRUARY 3, 2014

An ALM Publication

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OUT of ORDER

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Progress Stalled for Women in Law

by KATHLEEN J. WU

American culture gives me whiplash. One minute I'm marveling at how far women have come in our society: The Fed chair is a woman! The CEO of GM is a woman! Amy Poehler and Tina Fey hosted the Golden Globes Awards again! But the next minute I'm ready to crawl back in bed because the world still seems to be mired in dated stereotypes and backsliding on women's progress.

ON THE LEVEL

First, let's focus first on the positives, such as those I already mentioned, as well as these other gems:

- According to Dec. 7, 2013, article in *The New York Times*, "Wall Street Mothers, Stay-Home Fathers," a growing number of female Wall Street executives report having stay-at-home husbands. It's a trend that, if it can grow outside the rarified world of Wall Street, has the potential to profoundly transform the trajectory of ambitious women everywhere.

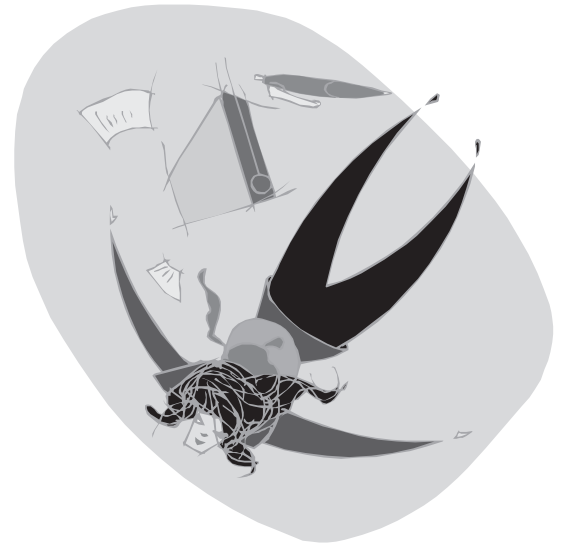
- After a lengthy campaign by female ski jumpers and their supporters, the International Olympic Committee finally

has added women's ski jumping to the Sochi Winter Olympics, a mere 90 years after men were allowed to compete in the sport.

- Last December, *The New York Times* noted that, for the first time, women captured all of the 74,000 net job gains, according to the Bureau of Labor Statistics. Granted, most of those job gains were in low-wage sectors, but quite a few were in higher-paying professional and business services.

- According to a Dec. 11, 2013, press release from NALP, women and minority partners made small gains in 2013, making up 20.22 percent and 7.10 percent, respectively, of the nation's law firm partners. That's up a smidgen—but just a smidgen—from 19.91 and 6.71 percent in 2012.

These are all good things, and I was thrilled to read them. But I don't celebrate for long. In the same breath that NALP reports women are making up an almost imperceptibly higher number of law firm partners, they report that the number of women associates actually fell for the fourth straight year. In 2009, women made



up 45.66 percent of associates. In 2013, that number was 44.79 percent.

This most definitely is not a good thing. The only thing that drove women to make up a whopping one-fifth of the nation's law firm partners was the fact that we made up almost one-half of the associate ranks. We need lots of padding to account for the incredibly high attrition rate among women in private practice. So, a falling number of women associates today almost inevitably will translate into even fewer women partners five to 10 years from now.

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We must act, today, to keep as many of that 44.79 percent in the fold as possible, lest we see that whopping (just barely) 20 percent of women partners start creeping ever lower.

Prevent the Crash

How do we do that? First, we need to double down our efforts to ensure that women receive genuine coaching, mentoring and sponsorship in the art of business development. Without clients, no lawyer has the kind of leverage she needs to craft a career to her liking. Plus, if a lawyer truly has a healthy client base and a promising career, if the time comes that she and her spouse decide one of them should stay home with their children, “Mom” might not always be the default answer.

I also like the approach that several law firms are taking; they’ve begun a fellowship program to help women lawyers

transition back into the profession after taking time off. Women in all professions find themselves struggling to get back into the workforce after they’ve spent a few years away, and that’s a shame.

Most of the women I know who took time off to stay home with their kids have no intention of staying there permanently. It’s to the profession’s advantage to help these lawyers dust off their skills and reenter the workforce at a level suited to their training. If we ever want to see change at the top of the legal profession, we need those women back.

In addition to helping women stay in and/or reenter the profession, we should do all we can to counter outdated gender stereotypes. A recent development in the governor’s race reminded me that women are still very much penalized when they engage in behavior that is expected, tolerated and even encouraged in men.


Wendy Davis, who’s running for the Democratic nomination for governor, got a divorce many years ago. She and her ex-husband agreed that he should have primary custody of their children. Her legal and political careers were just taking off, and they both decided that he was in a better position to be a parent.

Critics have translated that mutual

decision into the jab that she dumped their kids on him. Mind you, I’ve never read an accusation that a man dumped his kids on his ex-wife when a court awarded her primary custody, and men routinely put career before family, but nobody thinks to question their morals or capabilities as parents.

Yet Davis’ decision to do what the vast majority of men do after divorce has become fodder for those who cling to the notion that a woman’s place is in the home (and certainly not in the governor’s mansion).

That kind of double standard works against women in many ways. It keeps us from speaking up for fear of being labeled aggressive. It keeps us from dreaming big for fear of being labeled overly ambitious. And it keeps us from seeking out the leadership roles we crave for fear of being called bossy (or another B-word).

If the legal profession (and the rest of the world) is going to benefit from women’s talents—and it truly needs those talents—lawyers need to figure out how to keep women in the profession in the first place, bring them back when they leave and ensure that they aren’t held to a pernicious double standard. 



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