

# TEXAS LAWYER

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## OUT of ORDER

Opinion • Commentary • Humor

### No-Cleavage Memo Miffs Many, But Young Lawyers Do Need Advice

by KATHLEEN J. WU

My inbox blew up after Above the Law, a snarky legal blog, leaked a notorious memo from United Kingdom-based Clifford Chance. The memo, which reportedly only went to the firm's female associates, gave presentation tips for young lawyers.

Unfortunately, some of the tips were of the "don't giggle" variety—too many, apparently, for many critics' taste. The memo set off a firestorm of criticism aimed at the firm and the author of the offending document.

And, I concede, if the memo had been as condescending as its critics claimed, it would have deserved such harsh criticism. But after reading the entirety of the memo, I have two observations:

1. The vast majority of the advice in it was gender-neutral, and
2. The likely reason some of the gender-specific advice was given was that the senior women who wrote it

see young women in desperate need of some commonsense advice.

The memo addressed the use of filler words, such as "Like," "Um" and "You know," and it advised speakers not to "giggle" or show their cleavage. If that had been the entirety of the five-page memo, I can see why people would complain.

But from where I sit, the only crime the authors committed was (allegedly) limiting the distribution of the memo to female associates. As someone who has seen more than my fair share of speakers of both genders, I can tell you that the memo would have been just as beneficial to the firm's young male attorneys.

Young lawyers in general need guidance, whether it's in the form of presentation tips or simple office etiquette. (My office tips to young lawyers definitely would include, "Do not spend more time looking at your phone than at me during a face-to-face meeting," and "Please use

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proper spelling, grammar, capitalization and punctuation when sending a text message to a client.")

Listen, I would love to think the legal profession is past the point of having to give such elementary advice. But it seems that each generation has to learn these skills anew. It would be nice if in 20 years no advice

columnist would need to tell women not to dress scantily in the office, but I fear that we'll still be having these conversations for a long time.

And I guess it's safe to chalk that up to the generation gap. I'm sure I had plenty of peers who dressed inappropriately back in the 1980s (and I'm not just talking about enormous shoulder pads).

### It's 2013

Sadly, there are some other conversations that we simply shouldn't need to have in 2013. Consider the contention that there aren't enough qualified women to serve in certain high-level jobs. When Twitter recently went public, with zero women on its board of directors, The New York Times ran an extensive article on Oct. 4, "Curtain Is Rising on a Tech Premiere With (as Usual) a Mostly Male Cast," discussing the absence of women in high-profile jobs in Silicon Valley. A high-tech recruiter chalked it up to "the paucity of candidates" for those jobs, and Dick Costolo, the CEO of Twitter, later declared (via Twitter, of course) that, "The whole thing has to be about more than checking a box & saying 'we did it!'"

Of course, it's about more than checking a box or, as Mitt Romney declared, having "binders full of women." It's about doing the right thing, both morally and from a business perspective. Having diverse opinions and backgrounds on a board of directors is a hedge against group-think. Numerous

studies, including Catalyst's "The Bottom Line: Corporate Performance and Women's Representation on Boards (2004-2008), have shown a positive correlation between gender diversity on a board and economic performance.

## ON THE LEVEL

If firms like Twitter and others on the vanguard of technology and emerging media don't feel a responsibility for diversity and inclusion, how can we expect stodgier, more traditional professions (like law firms) to stick their necks out and be more inclusive?

And if the media reports that followed the paucity-of-candidates remark are accurate, there are a wealth of qualified women who would be fine additions to the Twitter board of directors.

The lack of diversity and inclusion and the concomitant no-qualified-candidates excuse isn't limited to high-powered boardrooms. The New York Daily News reports that, when Saturday Night Live announced its lineup, which "included no black women for the sixth year in a row," African-American male cast member Kenan Thompson said he no longer would portray black female characters—but he also said, "It's just a tough part of the business," and said, "Like in

auditions, they just never find ones that are ready."

We're supposed to believe that the current overwhelmingly white, male cast (10 of 16 cast members are male, 13 of 16 cast members are white) consists of the absolute best talent available? A talent magnet like SNL can't use its infinite resources to find one funny African-American, Hispanic or Asian woman from this great, hilarious country of ours?

Clearly, we still have a lot of work to do. But the goal—a society that truly values and leverages the talents of all its members—is as worthy today as it's ever been. Diversity and inclusion—whether it's on corporate boards, in law firm partnerships or on TV—is important because ours is an increasingly diverse nation.

Ensuring that women and minorities have a place at the table is simply the right thing to do. It's the responsibility of CEOs, managing partners and entertainment moguls to make sure that happens. If they don't have the power to take a chance, who does?



**Kathleen J. Wu**  
is a partner in  
Andrews Kurth in Dallas.  
Her practice areas  
include real estate,  
finance and business  
transactions.