

# REINVIGORATING THE CELEBRATING SUCCESSFUL BREAKING THE GLASS CEILING

In the legal profession, Supreme Court Justice Sonia Sotomayor demonstrates the exception rather than the rule: though women have been entering law in numbers equal to men in the last two decades, few women lawyers achieve true—rather than token—positions of power. Most notably, at law firms, women are far better represented in the associate and summer associate ranks than at partnership or management levels.

Specifically, women make up 19.21 percent of partners in the nation's major firms, according to the National Association for Legal Career Professionals. (The highest rate, 24.36 percent, is in San Francisco.) In 2009, the percentage of women lawyers in law firms was only slightly higher than the year before, with rates of change sometimes less than in previous years. In most jurisdictions, minority women are the most dramatically underrepresented group at the partnership level. In 2009, the American Bar Association's

Commission on Women in the Profession, which annually measures the progress of women in the profession and in ABA leadership, similarly reported that true gender equality is still down the road.

Back in 2001, The Bar Association of San Francisco's Equality Subcommittee on Women developed a No Glass Ceiling Task Force and an accompanying initiative with specific commitments designed to eradicate the proverbial glass ceiling. More than sixty signatory firms, corporate law departments, and public law departments pledged to meet the goals. That No Glass Ceiling Initiative focused primarily on the hiring of women lawyers or what BASF Diversity Director Yolanda Jackson describes as "getting numbers in the door." That goal has largely been met. BASF's July 2005 survey results showed 63 percent of participating firms had at least 25 percent women as partners; 69 percent reported reaching 25 percent for management positions, ahead of the national average.

# INITIATIVE AND WOMEN

# 2010

Leslie A. Gordon

“We’ve seen progress, but women are still missing in critical, decision-making roles,” Jackson explains. “We need them to be leaders, chairs, managing partners. That’s happening at a much, much slower rate.”

Enter Breaking the Glass Ceiling 2010. Recognizing that there’s no longer a pipeline problem, this revitalization of the original initiative seeks renewed law firm commitments and a resetting of goals.

Specifically, by January 2015, signatory law firms pledge to have:

- 30 percent women attorneys at the partnership level
- 5 percent women of color attorneys at the partnership level
- 30 percent women attorneys on each of the following committees: executive/management, partner compensation, partnership evaluation/promotion

Similarly, signatory corporate legal departments pledge to have:

- 30 percent women attorneys in the legal department
- 5 percent women of color in the legal department
- 30 percent women attorneys managing at least one person

The new initiative “is a more realistic and practical plan than we’ve had. Now it’s just three bullets. There’s no wiggle room, no room for lawyer interpretation,” says Patricia Gillette, a partner at Orrick, Herrington & Sutcliffe who is spearheading the No Glass Ceiling program’s revamping.

“Our goal for Breaking the Glass Ceiling is to put this issue back in the forefront of law firms’ minds. We wanted to reinvigorate the program and get behind why women aren’t succeeding at the higher levels. We organized a

meeting of thought leaders and pulled the curtain back,” adds Gillette, who is also the founder of the Opt-In Project, a nationwide initiative focused on changing the structure of law firms to increase the retention and advancement of women.

The new task force, composed of ten lawyers, is an “incredibly diverse group of people: they’re older, younger, women of color,” Gillette says. The group plans to join forces with bar associations and women’s groups across the country. “We want to speak with one big voice and say, ‘This has got to change.’”

Two conclusions were drawn by the group, and “both involve power,” Gillette explains. Power in law firms is defined by meaningful leadership and books of business, but women lack opportunities for both. First, “they’re not given opportunities for client succession,” she says. Second, “firms get around [gender equality] goals by designating a woman office managing partner. In that job, there’s not a lot of power compared to the positions that decide compensation and who makes partner. Women are given lower-level positions with no impact.”

In addition to the revised goals for signatories, the revamped initiative includes a series of 2010 conferences titled “Tools for Economic Success: How to Crack the Glass Ceiling.” One conference, designed for partners and senior associates, will cover how to build a team and topple obstacles in rainmaking. A second conference, for midlevel associates and in-house counsel, will address developing a leadership style and building a sphere of



Photo by Lorraine Lee Nelsen

## Patricia Gillette

influence. And for new associates, a third conference will cover networking, the importance of mentors, and understanding law firm management and economics.

“We’re not bothering firms with new surveys. Instead, we’re letting firms know that the bar association will train women in these skills,” Gillette says. “We don’t want to punish firms for not meeting the goals; we want to help them.”

Cara Lowe, managing partner of Stein & Lubin and Gillette’s coleader in the initiative, adds, “Rather than gather more data, we instead decided to educate leaders and empower women who are

coming up [through the ranks]. We’re trying to demystify what’s behind the curtain: show the value of a mentor, explain how to highlight your achievements.”

Erin McLeod, the working group leader of the new initiative, is troubled that lawyers profoundly “lag behind other professions” with respect to gender equality. “It’s a shame we haven’t been able to conquer this issue given the brain power of women lawyers,” she says. And though McLeod believes that “women have to keep talking about it,” it’s critical not *just* to talk about it, which is why the conferences play a big role in the new program.

One thing that’s not going to change from the original No Glass Ceiling Task Force is solid partnering with the very law firms and legal departments the group is seeking to diversify. “We’re not going to let firms off the hook,”

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Patricia Gillette



Gillette says. “We want to get the ear of law firm managing partners and general counsel. We want to connect with them. We need to get to those guys.”

Though the new program institutes changes, the original No Glass Ceiling Initiative resulted in measurable, concrete progress in advancing women and served as a nationwide model with broad appeal.

For McLeod, gender inequality is a twofold issue: actual gender bias and work-life issues. For years, the work-life issue has received more attention because, she says, “no one wants to talk about gender bias.”

Kelly Dermody, who serves on the executive committee of Lieff Cabraser Heimann & Bernstein and is treasurer of the BASF Board of Directors, says her career has been

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Cara Lowe

BASF’s Jackson, for example, regularly receives calls from bar associations throughout the country seeking advice about developing their own No Glass Ceiling initiatives.

“I got three calls in the last year about how we pulled this off,” she says. “It was original and successful. It brought awareness and highlighted the issues. And I still have law firms signing up to that original pledge. They read about it on our Web site and contact me, asking how they can sign on.”

The key to the success of an initiative like this, Jackson explains, “is getting powerful lawyers to design and launch the initiative. You need well-respected white men to be ambassadors. BASF put together a pretty powerful group—not just women affected by this issue. We got heavy thought leaders to conduct a grassroots effort at major law firms. When lawyers like Jim Brosnahan [of Morrison & Foerster] are at the table saying this is important, people will listen.”

peppered with gender discrimination.

“I was pretty regularly tested by opposing and cocounsel and some judges in ways my male colleagues weren’t,” says Dermody. “Women of my generation came into law practice with the expectation of being treated fairly. But there’s still overt hostility to women in the profession. There was an assumption of weakness or incompetence that I and other women had to constantly challenge. It was nasty, almost derogatory. Young women need to have a few more successes under their belts before they’re treated fairly.”

Cara Lowe



One way Dermody combated bias was through participating in bar and community activities, something strongly encouraged by her firm. “Through these activities, I rub shoulders with defense counsel and they’re now my friends,” she explains. “It’s hard to demonize someone you know.”

To truly advance, the legal profession needs a “critical mass” of women in leadership positions. “Token or sin-

gular exceptions is not a workplace where women will thrive,” says Dermody. “It’s also important to have a sense in the culture that [women being in power] is not special or unique, but rather she’s just the best lawyer for the job. That changes the dynamic.”

While Stein & Lubin’s Lowe adds that the biases of her generation have been subtler than those for earlier generations of women lawyers, “bias still exists. It impacts an attorney’s career development from day one: how you present yourself, how you develop relationships with supervisors and clients.”

Unconscious bias often is “laced with good intentions,” according to Gillette. “These men think, ‘She has a baby so I won’t ask her to go to Chicago for a client pitch.’”

Yet there’s more blatant discrimination too by what Gillette calls “an inner circle of men.” Men, she insists, are not better at leading, but they are better at retaining the power to decide who gets new opportunities.

As a result, deep institutional changes need to happen, Gillette insists. Specifically, law firms must institute a formal process for identifying leadership candidates (“Having a big book of business doesn’t necessarily mean you’re a good manager,” she says) and publicized percentage goals for diversity. Firms should also create official job descriptions for leadership positions, insist on succession planning for long-term client relationships, and reward partners who form diverse teams.

At the same time, “we can’t let women off the hook,” Gillette says. Specifically, Gillette blames women lawyers for not asking for business or leadership positions or promoting themselves when they succeed. Women need to have career plans and to express their interest in leadership positions early on. They should also advise superiors about their achievements, ask to be included



Photo by Jim Block

Kelly Dermody

in client pitches, and seek leadership roles in outside organizations like bar associations.

Achieving career goals requires early strategizing, says Sonia Banerji, an executive director at Morgan Stanley focused on employment law. Even brand new women lawyers should be “smart about decision making. Choose your opportunities, make wise choices. Always be planning your career.”

When presented with the Morgan Stanley offer, for example, Banerji weighed it against other opportunities. Morgan Stanley “looked like it offered the greatest chances for me to succeed,” says Banerji, who handles class actions and supervises another attorney. “I chose an employer with a tremendously high profile. I thought about what kind of litigation would be interesting and challenging.”

Banerji advises young women to “really put in the time” with respect to networking and career strategizing. “You’ll get the best return on your investment.” Recently selected for a leadership program in the ABA’s labor and employment section, Banerji has made a deliberate effort to effectively network, including with peers on the plaintiff’s side of the bar. In fact, a former opponent recommended her to Morgan Stanley. “Every touch point with a person is an opportunity to have a relationship.”

For her part, Lieff Cabraser’s Dermody extols the value of a mentor—male or female. She attributes her own success to being “adopted by a powerful partner” in her firm. It was a “wonderful pairing early in my career.” Specifically, he introduced her to the bar community and opened doors regarding speaking at conferences and writing papers. “That,” she says, “helped me develop a reputation.”

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## PROFILES OF SUCCESS: Teri Jackson

**T**eri Jackson is the first African American female judge appointed to the San Francisco Superior Court. Appointed in 2002, she currently presides over criminal trials and preliminary hearings. Before becoming a judge, Jackson worked as a big-firm partner specializing in complex litigation and as an assistant district attorney in San Francisco. Jackson teaches trial advocacy at UC Hastings College of the Law.

### TO WHAT DO YOU ATTRIBUTE YOUR SUCCESS IN THE PROFESSION?

Support from a strong family and friends and dedication and love for the legal profession. Since I was five, I wanted to be an attorney. I saw the movie *To Kill A Mockingbird* and I wanted to dedicate my life to fighting for justice and never allowing the legal profession to be misused.

### DID YOU HAVE A FEMALE MENTOR?

Fortunately, I had many female mentors. My mother is by far my strongest mentor and advocate. Whenever I wanted to achieve a dream, mom would never allow me to shy away from any obstacle. There is not a day that passes that I do not share with her my professional life. When I was a trial attorney, I would rehearse my opening and closing arguments with her. If I am invited to give a public presentation, I will discuss it with her. I had a college counselor who was a wonderful mentor, Josie King. I entered college at sixteen and she helped me navigate through the UC system. There were other mentors: Judge Sandra Brown Armstrong, former Judge LeDoris Cordell, Executive Director of the State Bar Judy Johnson, and Judge Brenda Harbin-Forte.

### WHAT IS YOUR OPINION ABOUT THE STATE OF GENDER EQUALITY IN THE LEGAL PROFESSION?

It has certainly improved since I started in the legal profession in 1980. There are more women partners, judicial officers, and law professors. But the numbers are still much smaller than our male counterparts. Our profession should reflect our community.

### WHAT IS THE ONE PIECE OF ADVICE YOU'D GIVE TO NEW WOMEN LAWYERS WHO

### ARE EAGER TO ACHIEVE SOME MEASURE OF INFLUENCE IN THEIR ORGANIZATION?

I recommend that a new woman lawyer network or contact a woman judge, attorney, or law professor. Ask to meet for lunch or go to their office or chambers. New attorneys should join as many legal organizations that assist in the development of young attorneys.

### WHAT COULD WOMEN LAWYERS DO TO HELP ADVANCE OTHER WOMEN IN THE PROFESSION? WHAT DO YOU DO TO HELP OTHER WOMEN LAWYERS?

I welcome the opportunity to talk to new women lawyers in my courtroom. I am active with local law schools. I am a participant in the ABA Summer Extern Program and the San Francisco State Extern Program.

### ARE YOU ABLE TO ACHIEVE A BALANCE BETWEEN YOUR WORK AND PERSONAL LIFE?

It is not easy; it took me some time. I have a strong core of friends who are not necessarily in the legal profession, and my family. They help me to get outside of the demands of the profession and remind me to stop and smell the roses.





**N**ot only does Kathryn Fritz serve as managing partner of Fenwick & West, the second largest law firm in Silicon Valley, she continues to represent blue-chip companies like Sun Microsystems, Inc., and Symantec Corporation in business and IP litigation matters. Fritz, the mother of twins, maintains a part-time work schedule. Known for her collaborative leadership style, Fritz speaks at conferences around the country on topics like eliminating hidden gender bias in the legal workplace.

### TO WHAT DO YOU ATTRIBUTE YOUR SUCCESS IN THE PROFESSION?

An institution and colleagues that have provided opportunities, encouraged and supported me, listened to me, and given me honest feedback.

### DID YOU HAVE FEMALE MENTORS?

Yes. They demonstrated to me that you need to have passion for what you do and you need to create your own path and not just expect someone else to create it for you. I have seen them maintain rich professional lives, contribute to the community at large, and be very committed to their families.

### WHAT IS YOUR OPINION ABOUT THE STATE OF GENDER EQUALITY IN THE LEGAL PROFESSION?

The profession has made great strides, but the lawyer's bias toward the status quo makes legal institutions slow to change. As a result, other professions have responded more quickly to women in their workforces with more radical institutional changes. The legal profession is getting there, just not as quickly.

### WHAT, IF ANY, ARE THE COMMON CHARACTERISTICS OF THE MOST SUCCESSFUL WOMEN LAWYERS YOU KNOW?

They have passion for what they do, have seized opportunities, and have been willing to make choices that run contrary to the traditional expectations.

### WHAT IS THE ONE PIECE OF ADVICE YOU'D GIVE TO NEW WOMEN LAWYERS WHO ARE EAGER TO ACHIEVE SOME MEASURE OF INFLUENCE IN THEIR ORGANIZATION?

Speak up and ask to be involved.

### WHAT HAS TO CHANGE FOR THE LEGAL PROFESSION TO TRULY BE GENDER NEUTRAL?

I don't see neutrality as the goal. For the profession to be a profession where everyone can flourish, we need to embrace our differences and abandon the biases that we associate with them, and then recognize the gifts that every individual has to offer, some of which are a direct result of a "difference."

### WHAT CAN WOMEN LAWYERS DO TO HELP ADVANCE OTHER WOMEN IN THE PROFESSION? WHAT DO YOU DO TO HELP OTHER WOMEN LAWYERS?

Give them opportunities, support them when they try things, listen to them, give them honest feedback.

### ARE YOU ABLE TO ACHIEVE A BALANCE BETWEEN YOUR WORK AND PERSONAL LIFE?

Yes, but I see *balance* not as a static noun but as a verb requiring constant movement and flexibility. I am fortunate and thankful that I have a work community and family that are flexible alongside me.



## PROFILES OF SUCCESS: Angela Bradstreet

**A**t twenty-four, Angela Bradstreet left her home country of England for the United States, where she graduated from UC Berkeley School of Law. She was elected managing partner of Carroll, Burdick & McDonough in 1998, and in 2007 was appointed California Labor Commissioner. A recipient of the prestigious Margaret Brent Women Lawyers of Achievement Award, the ABA's highest honor for women attorneys awarded for legal excellence and for paving the way for other women lawyers, Bradstreet has served as president of Queen's Bench and California Women Lawyers. As president of BASF in 2001, Bradstreet created the original No Glass Ceiling Task Force.

### DID YOU HAVE A FEMALE MENTOR?

I was fortunate to study for an LLM program under Professor Herma Hill Kay, who took a great interest in my career. While I did not have a "women-tor" at my previous law firm, since people looked to me to lead the way for other women to follow, I have been fortunate to have other womentors at different stages in my career. For example, Justice Joan Dempsey Klein counseled me during my presidency of California Women Lawyers. I would not have been president of The Bar Association of San Francisco without Dru Ramey having opened the door. Justice Joyce Kennard and Justice Barbara Jones have provided wonderful counsel to me at various stages of my career.

### WHAT IS YOUR OPINION ABOUT THE STATE OF GENDER EQUALITY IN THE LEGAL PROFESSION?

BASF's No Glass Ceiling Initiative has played an important role in increasing awareness that the glass ceiling is a business issue, not a "women's issue." Scientific studies, such as those by Catalyst, demonstrate that the advancement of women into positions of power can have a direct correlation to profitability. Still, however, there remains a wide gender gap in positions of power.

### WHAT, IF ANY, ARE THE COMMON CHARACTERISTICS OF THE MOST SUCCESSFUL WOMEN LAWYERS YOU KNOW?

Drive, determination, superb people skills, a willingness to set their own egos aside to work

for the benefit of the firm or institution, strength of character, and being effective listeners, while at the same time not being afraid to make decisions.

### WHAT IS THE ONE PIECE OF ADVICE YOU'D GIVE TO NEW WOMEN LAWYERS WHO ARE EAGER TO ACHIEVE SOME MEASURE OF INFLUENCE IN THEIR ORGANIZATION?

Gain others' trust in you, which is accomplished by hard work, follow-through, doing an outstanding job, integrity, and superior communication skills.

### WHAT HAS TO CHANGE FOR THE LEGAL PROFESSION TO BE TRULY GENDER NEUTRAL?

Continue advancement of women into positions of true power. Additionally, recognition that flexibility needed for child care and other family obligations should be without stigma or gender-based assumptions.

### WHAT COULD WOMEN LAWYERS DO TO HELP ADVANCE OTHER WOMEN IN THE PROFESSION? WHAT DO YOU DO TO HELP OTHER WOMEN LAWYERS?

I regularly speak with women attorneys I have mentored. I am a sounding board for the wonderful new woman managing partner who succeeded me at my former law firm. I continue to talk to women about confronting our own internal glass ceilings. We have enough external ones to worry about without being restricted by our own!

### ARE YOU ABLE TO ACHIEVE A BALANCE BETWEEN YOUR WORK AND PERSONAL LIFE?

Achieving a balance between my work and my personal life is challenging, but very important. I have tried to set reasonable boundaries to retain a quality of life. I know from recent experience that no one says, "Gosh, I really wish I had worked another day" upon her death.

