

Women in the Profession

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Is It Still a Man's World? (From a Woman's Perspective)

COMMENTARY

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Special to the Legal

Men, I'm certain, don't spend a lot of time wondering if it's a man's world.

No one can dispute that historically, men have dominated the legal profession. But has that changed? Do men still dominate the legal profession, or have women made significant inroads?

Statistics show that enrollment of women in law schools has significantly increased over the years (now, more than 50 percent female). It follows logically that there is an increasing number of female associates being hired by law firms, and eventually making partner. According to the 2010 Goal III Report Card by the American Bar Association's Commission on Women in the Profession, female lawyers currently account for 31 percent of the profession (compared to 3 percent in 1951). Yet, the proportion of equity partners (the partners with power) at law firms has not kept pace.

There are a number of factors that explain why women are under-represented in the upper levels of law firms. One is the disproportionate number of women who practice part-time (typically because they have school-aged children). According to statistics compiled by NALP, the Association for Legal Career Professionals, in 2009, 5.9 percent of



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lawyers were working part-time, and the majority of them, about 73 percent, were women.

In the past, working part-time was not the best route to success in private firms (even for male attorneys), but technology today allows both genders to work from home, at any hour of the day or night.

While family and child-rearing burdens traditionally fall on women, that landscape appears to be changing. A growing number of male attorneys (particularly the fathers of young children) are opting for more balance between their work and non-work lives. More young lawyers today, men and women, seem to be less interested in billable hours as they shift their focus from quantity to quality of their work and lives. Unfortunately, there are still some senior partners who view this attitude as lack of drive or commitment.

Another factor in the disparity between the sexes is the lingering real and perceived stereotyping and bias some women face in the profession. Many times, women are denied the opportunity to advance, not because they lack the requisite skills or ability, but because of the assumptions some men make about either their commitment to the profession or their ability to juggle home and office responsibilities.

On the other hand, to be fair, some women impede their rise to the top echelons of law firms because of their own perception of cultural expectations, i.e., acceptance of what (they think) society thinks they "should" be: mother and housewife. Generationally, these types of stereotyping barriers have been and are continuing to be broken down. With each passing generation — Baby Boomers to Gen Xers to the Millennials or the Net Generation — female attorneys are seeking more responsibility and involvement in decision-making.

Additionally, there remains a double standard in the legal profession (as in many other professions and industries), even though the double standard lines are blurring. Commonly, men are urged to be, and even expected to be, aggressive and assertive. But a number of female attorneys I spoke with said that when they have been assertive, they were viewed by some men as being too pushy. Two female attorneys confided in me, separately, that they were

told (one recently and one several years ago) they were being paid less than their male counterparts because the men had families or had to pay for college — clearly a double standard.

Alexandra Sacavage, a female attorney who passed the bar in October 2009, related the following experience she had (while still in law school) interviewing with recruiters from law firms, all of whom were men. After a particularly grueling interview in which she was asked a tough series of legal questions, she asked several of her male friends who had interviewed with the same recruiter if they had a similar experience. The answer was: “No, he just talked to us about sports.” (Sacavage, an avid Phillies fan, said she would easily have aced an interview steeped in sports questions.)

Another reason why women are under-represented in the upper echelons of law firms is that women’s networking has not yet caught up with the “old boy’s network.” Conjure up your own image of the men who belong to that network. No matter what picture you paint, the upshot is that women (and other minorities) miss out on many serious business opportunities.

Mentoring is another area in which women still lag behind men. In the past, when there were fewer women in the profession, it was more unusual for a female attorney to be mentored. Male lawyers who mentored typically mentored younger male attorneys, not women, without even realizing that bias. Today, there are a larger number of experienced female lawyers to mentor their younger colleagues.

Philadelphia Court of Common Pleas Judge Marlene F. Lachman said she believes that the mentoring process is instrumental in helping women achieve equality in the profession. Lachman relayed that when she started out as a lawyer, there was no woman at her firm to guide her on the subjects of mobility or equality in her work environment. According to Lachman, the real question becomes, when will we reach a point when it does not matter who mentors whom? She said she hopes for the day when the mentoring process crosses gender lines more often.

Fox Rothschild partner Catherine Barbieri commented that while female lawyers have made some strides in achieving management positions in firms industry-wide, women have not broken into the top ranks of rainmakers. She attributed that, in part, to marketing obstacles at some firms. (She did say that she has been given the same marketing-related coaching at her firm as her male counterparts.) Barbieri said she believes that in many firms, older male partners have passed their clients on to younger male partners, while female partners have not reached the critical mass necessary to ensure a similar referral source for their younger female partners.

Historically, women were not treated as equals at work. That is why various employment laws have been enacted specifically to provide for equality and protect women in the workplace. In 1963, the Equal Pay Act was enacted to ensure employers gave equal wages to men and women doing the same work. However, it is doubtful that most people thought men were making less money comparably than women.

One year later, when Title VII of the Civil Rights Act was passed, it is unlikely that the prohibition against discrimination based on sex conjured up an image of women victimizing men in the workplace. In the 1970s, when sexual harassment (a form of gender discrimination) first became a cause of action du jour, female to male harassment (or same-sex harassment) certainly was not the immediate concern. In 1978, when pregnant women were given protection under the Pregnancy Discrimination Act (which amended Title VII), it was not untypical for firms not to hire women in their child-bearing years because they might request maternity leave shortly after being employed.

Today, there still is the need for protection against discrimination in the workplace, but that too is crossing gender lines. Federal and state family and medical leave laws protect both men and women who require time off for their own medical conditions or to care for family members. Family status and caregiving discrimination cases are on the rise.

But, unlike earlier times, family responsibilities such as caring for children and elderly parents are the responsibilities of both sexes. According to the EEOC, caregiver bias/discrimination suits are a growing legal trend with increasingly favorable settlements and verdicts.

Fran Hoffman, who practiced at three law firms before going out on her own, brought up an interesting point. Although she said she believes, generally, that it still is a man’s world in law firms, in her experience, being a female attorney was never a problem for her male clients. Her male clients expressly recognized her talents and abilities and gave her credit for her results (and they never complained about her bills). Hoffman is hopeful that women can change the way law firms operate, but believes more women need to make a commitment to effectuating positive changes.

Hoffman’s sentiment is echoed in the Goal III Report Card. While The Commission on Women in the Profession is “proud of the opportunities available to women today versus 20 years ago,” it recognizes that women must renew their efforts to “open doors, break down barriers, and continue to fill the pipeline of women in all arenas in the legal profession.”

Is it still a man’s world? The consensus among women I spoke with was that barriers are coming down, but women still have obstacles to overcome before they achieve real gender equality within the legal profession. They would like to see a “world” that is neither man’s nor woman’s, just dedicated professionals striving to uphold the rule of law. •

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