

Reflections From a First-time Conference Attendee: Ten Tips on Putting Progress Into Practice

Lawyers congregating in the nation's capital is hardly an unusual phenomenon. However, 100 women standing together, talking unapologetically about gender, ethnic diversity, and succeeding in the practice of law is noteworthy in a society that inadvertently and institutionally promotes bias. This is exactly what we examined at the second annual Women in the Law Conference entitled "Putting Progress into Practice." Gender and ethnic diversity have been on my mind particularly because of my experience at the Annual Conference in Providence in 2014. There, I took a quick moment to calculate the number of female panelists, and what I discovered made me uneasy: Of the 22 panels with 33 speakers, 14 speakers were women. While 42 percent female panelists appears balanced, it did not feel that way. Digging further, it became clear that some panels had no women speakers, while the Race and the Law panel was *all* women. I wondered whether women were being pigeonholed in certain practice areas not based on their own interests but rather because of the perceptions of others.

Participating in the Women in the Law Conference taught me ways to maximize the mentoring I have been given and develop strategies to use my skills to support women who are newly committing to the profession. As our conversations at this unique conference made clear, not all is bleak—women have made great strides in the profession—but there is certainly ample room for improvement. For those of you who were not able to attend, I hope my Top 10 list, provided below, helps you in your own practice, and for those of you who spent the day in Washington, D.C., with me, thank you for enriching the dialogue by sharing your experiences.

With grand announcements about diversity initiatives¹ and women achieving the desired partnership status at large firms,² it is easy to assume that women have achieved equality in the legal profession. Women have accounted for around half of the law graduates every year since 1991, but at the current rate of promotion to partner, wom-

en will only hold 30 percent of the equity partnerships in 2081³—by then most of the class of 2014 will have retired from the practice of law all together. Gains have been made in the past two decades, but as this projection makes plain, there is still a long way to go. In July 2014, the American Bar Association reported that 47 percent of those enrolled in law school, and ultimately upon whom J.D.s are conferred, are women.⁴ While women start at firms in proportion to enrollment in law school—for instance, 45 percent of all summer associates are female—there is a striking gap in our attainment of reaching the upper echelons of firm management: Only 4 percent of the managing partners for the 200 largest law firms are women.⁵ With that drastic drop in mind, we delve into the meat of the issues discussed at the second annual Women and the Law Conference.

The conference featured 19 speakers who hailed from a broad spectrum of legal fields employed in the judiciary, legal education, private practice, and the government. I commend the conference committee for selecting and inviting such a diverse group of women to speak on these important issues and for presenting a thought-provoking conference. Diversity of experience improves the quality of the discourse and allows the participants to learn first-hand about experiences in different practice settings. Through their narratives, the panelists illustrated the contours that a female lawyer works with[in] as she progresses throughout her career, including being passed over for promotion, not selected for key assignments, mistaken for being the secretary, and not receiving support from senior practitioners.

The keynote speech by Hon. Ann Claire Williams, a U.S. circuit judge for the U.S. Court of Appeals for the Seventh Circuit and the "mother" of the Equal Justice Works program, excellently framed the subsequent panels and breakout session. Judge Williams touched on a wide variety of issues facing women in the legal profession today, including pro bono service, the value of ethnic diversity in our offices, and work-life balance. Her life story and career path are interest-

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ing for many reasons, but I was most impacted by a vignette from her early interactions with the law, which allowed me to internalize why legal studies assistance programs are crucial for those who are the first in their communities to attend law school.

Before arriving at Notre Dame Law School, Judge Williams was a music and third-grade teacher. She had never been exposed to legal terms such as appellant and appellee. When she opened the case book on the eve of class, she was surprised to learn that she would need to play catch-up even before the semester began in order to walk into class on an even playing field. Thankfully, a long-time friend and fellow first-year student helped her navigate the law books, become familiar with the jargon, and adapt to the new lifestyle. The rest is history. Her colorful narrative, dotted with humility and honesty, was a stark reminder that we do not all enter law school with the same tools, and so it is essential to set students up for success by offering law school transition programs that do what her friend did so kindly.

After the keynote, we heard about building a legal practice and transitioned to a breakout session. We were scheduled to discuss how to combat implicit bias, build a portable book of business, network strategically, and mentor each other—all in 30 minutes. Our discussion group, which included a government attorney, seasoned and junior white-collar criminal defenses attorneys, and myself (an immigration attorney in private practice), was led by Maria Vathis, of counsel to Brian Cave. The diversity of experience at the table enriched our conversation, and with more time, we could have worked together to devise concrete strategies to improve our own experiences in the law and of our colleagues. After the breakout session, panelists discussed women practicing in the public sector, litigating before the Supreme Court, breaking through the glass ceiling, and dealing with the ethics of diversity initiatives. Let me share with you the Top 10 lessons that I took home from the conference:

- 1. Be your own advocate.** When panelist Alison Binney, then an associate in a large firm, discovered that she was being compensated at a lower rate than male associates at her level,⁶ she approached the partner she worked with and made a clear request to be compensated on par with her male colleagues—and it worked. In tough situations like this, it is important to pay heed to the adage that you get more flies with honey than with vinegar. Arm yourself with data, walk into the conversation confidently, “ditch the chip on your shoulder,” and you will be more likely to open doors for yourself. Kindness only goes so far, though, and sometimes litigation may become necessary.⁷
- 2. Identify and combat implicit bias.** Attempt to identify the hidden implicit biases that clients and colleagues hold, and work to get around them.⁸ Implicit biases are the associations that we make in order to organize and streamline our world—e.g., if we hear thunder, we assume rain is next—but these associations are not ironclad, and when they are not accurate, they can be quite troublesome.⁹ Work to identify your own implicit biases, in part by identifying your assumptions, and then break them down.
- 3. Be a thought leader, and build a personal brand.** This is much harder than it looks, but in the words of Therese D. Pritchard, chair of Brian Cave, if you love what you do, it is easy to work especially hard. Expertise, thought leadership, and branding require developing a subject-matter expertise, a

voice, and an audience.¹⁰ So, find what you love to do, take it one step further, and put yourself out there. It is nearly impossible to build a solid book of business if you (and/or your firm) are not putting your expertise out in the marketplace.

- 4. Portability.** Make sure your book of business, whether it is large, managed matters or individual brand-based referrals from clients, is portable. Portability gives you control over your work life. No one is indispensable without a portable book of business, and the quality relationships that fill your book of business are built over time through reliability and loyalty.¹¹
- 5. Mentor and sponsor.** Build mentoring relationships both as a mentee and a mentor. Mentors see your potential, push you to achieve your goals, and suggest goals that you may not have previously considered. Nurture those relationships, and if you lose touch, let your mentors know how well you are doing. Mentoring is no small feat, as it requires a desire to listen, a willingness to ask open questions while acting as a sounding board, and the self-awareness to share lessons learned from failures. In addition to mentoring, seek out sponsors. A key distinction between mentors and sponsors is that the former nurture you while the latter speak well about you when you are not present.¹² Sponsors can help you get assignments and clients that you did not have access to previously. Mentoring benefits from a diversity of opinions—and that includes men.
- 6. Find your balance.** Work-life balance does not have to be a zero-sum game. There are other models, and you need to find what works for you. Perhaps it is more practical to have work-life integration, e.g., have “study hall” in the evenings when you and your kids are sitting in the same room with you completing office work and your kids doing their homework. If you desire partnership at a large firm, by all means go for it! But if that is not your cup of tea, consider a practice area that is conducive to a solo practice or a small practice in which you are your own boss. A 2011 study of immigration law field revealed that more than 50 percent of the practitioners were women and more than 70 percent of survey respondents in private practice were in organizations with fewer than six partners/shareholders.¹³ The field of immigration law is dotted by incredible women who push the envelope, take the practice to the next level, and mentor young attorneys. (Disclaimer: I have benefited greatly from said mentoring.)
- 7. Buy back your time.** Allow yourself to expend your own resources (often money) to help you prioritize and delegate/outsource the work that you do not have the time to do, is keeping you from using your time to fulfill your potential, or is creating stress.
- 8. Give freely.** Judge Mary Scriven shared that she climbed through a crack in the glass ceiling. What women need to do now is decimate the glass ceiling by jumping up and down on it from above and below so that it is shattered from both sides. To make this a reality, we must be willing to give freely and contribute to improving the practice of law.
- 9. Participate in legal organizations.** Join organizations that matter to you, and contribute to them earnestly. In the words of Judge Williams, ethnic bar associations and organizations “nourish your soul” because of the shared experiences they can provide. These types of groups are not the end goal, because they should empower you to contribute to other bar associations.

10. Guard your time. When offered a new opportunity, give yourself distance and perspective by responding with a “let me think about it” rather than immediately accepting. Doing so will ensure that you do not over-commit and that you use your time sustainably.

This list of lessons does not solve the inequity, but it helps practitioners maximize skills and develop a sustainable legal practice. The statistics on partnerships and women on governing committees leave much to be desired, and women are similarly underrepresented in the judiciary. Only 33 percent of the judiciary at the Supreme Court and federal circuit courts is female.¹⁴ Women only comprise 24 percent of the federal district court bench.¹⁵ Legal education tells a different story. In 2015, 40 percent of the incoming deans this academic year are female,¹⁶ and, overall, 67 percent of deans are female.¹⁷ The federal public sector panel also reported that 53 percent of government attorneys are female. The panelists suggested that legal work in the public sector is attractive to women because it often provides an immediate impact to many people. In addition, public sector attorneys find it rewarding that they work for a principle rather than a principal.

While women have made progress in the practice of the law and are well represented in government attorney positions, they continue to be disproportionately underrepresented in events in the field, such as national conferences. This piece began with a calculation that the FBA’s Annual Meeting in Providence in 2014 had fewer female speakers than male speakers: 42 percent women to be exact. While at the Women in the Law Conference, I glanced at the program for the FBA’s Annual Meeting in Salt Lake City in 2015 and was surprised that women attorneys would fare worse this year than last year. As a proportion, there will be *fewer* female speakers at the 2015 annual meeting than there were last year. Of the 21 panels containing 60 speakers, only 18 are female: That is *only* 30 percent.

So, what can be done to combat the underrepresentation of women? First, acknowledge that the underrepresentation is due to systemic bias. Then, put more women on decision-making committees. One of the speakers commented that to have more female partners in firms, the committee deciding on partnerships must have a wom-

an. It follows logically then that to have more female speakers at conferences, organizers need to include more women (not just one) on the conference planning committee.¹⁸ It is vital, for retention, that young female attorneys see that if they are thought leaders who are building strong networks, they too will be recognized as being at the forefront of the legal field, and they have a place in the faculty of the national conference.

Of course, corporate general counsels and clients of firms can wield the power of the purse to encourage a more balanced representation team of outside counsel.¹⁹ Finally, consider a top-down approach in which the leadership is held accountable to certain goals regarding gender balance in the workplace—in at least one firm, the boss ensures that assignments are doled out fairly and that in assessing promotions, if an employee is working part-time, the employee’s performance is adjusted to a full-time equivalent basis to negate the effects of caretaker responsibilities.²⁰

“Putting Progress into Practice” shed light on the root causes behind the lack of women in the upper levels of private practice, how the culture in legal practice needs to be more inclusive to foster a balanced work force, and the measures that could help in alleviating the problem. Identifying and openly talking about these issues is the first step toward solving them, and I applaud the FBA for creating an inviting forum for this discourse. Attending the Women and the Law Conference was an enriching experience, and I will certainly do my part to help the FBA reflect the diversity of the practice of law and its practitioners.

Endnotes

¹National Ass’n of Women Lawyers, *Report of a National Survey of Women’s Initiatives: The Strategy, Structure and Scope of Women’s Initiatives in Law Firms* (Nov. 15, 2012), available at www.nawl.org/d/do/58 (discussing the gains and shortcomings of women’s initiatives at law firms).

²David Lat, “Female Partners Are on the Rise,” (Apr. 20, 2010) <http://abovethelaw.com/2010/04/female-partners-are-on-the-rise/>.

³Julie Triedman, *A Few Good Women*, THE AMERICAN LAW-

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Representation of Women in the FBA



42%
FBA Annual Meeting 2014



30%
FBA Annual Meeting 2015



36%
FBA vice presidents for the circuits as of fall 2015



33%
FBA section and division chairs as of fall 2015



40%
FBA Board of Directors as of fall 2015



37%
FBA chapter presidents as of fall 2015

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YER (May 28, 2015), available at www.americanlawyer.com/id=1202726917646/A-Few-Good-Women (positing whether quotas or numerical targets is the next step).

⁴American Bar Ass'n, A Current Glance at Women in the Law, July 2014, Commission on Women in the Profession, www.americanbar.org/content/dam/aba/marketing/women/current_glance_statistics_july2014.authcheckdam.pdf

⁵*Id.* At this same time, 17 percent of Fortune 500 board members are women, and “the public is two and a half times more likely to say a woman, rather than a man, would do a better job running a major hospital or a major retail chain.” Pew Research Center, Women and Leadership: Public Says Women are Equally Qualified, But Barriers Persist (Jan. 14, 2015), www.pewsocialtrends.org/2015/01/14/women-and-leadership/ (stating also that 65 percent of women report that women face discrimination in society).

⁶*See, e.g.*, Triedman, *supra* note 3, (discussing inequities in compensation and billing rates).

⁷*See, e.g.*, David McAfee, *Greenberg Traurig Settles Atty's \$200M Gender Bias Action* (May 24, 2013), www.law360.com/articles/445037/greenberg-traurig-settles-atty-s-200m-gender-bias-action (settlement); Debra Cassens Weiss, *Law Firm Partner May Not Sue for Sex Discrimination, 3rd Circuit Rules* (July 20, 2010 12:22 p.m. CDT), www.abajournal.com/news/article/law_firm_partner_may_not_sue_for_sex_discrimination_3rd_circuit_rules (affirming dismissal of complaint).

⁸G.M. Filisko, *Yes, Virginia, There Is Still Gender Bias in the Profession*, *STUDENT LAWYER, AMERICAN BAR ASS'N* Vol. 41 No. 8 (Apr. 2013), available at www.americanbar.org/publications/student_lawyer/2012-13/april/gender_bias.html.

⁹Mahzarin R. Banaji, et al., *How (Un)ethical Are You?* (Dec. 2003), available at <https://hbr.org/2003/12/how-unethical-are-you>.

¹⁰*See, e.g.*, Lauren Hockenson, *How to Become a Thought Leader*, *MASHABLE* (July 9, 2013), <http://mashable.com/2013/07/09/thought-leader/>.

¹¹*See, e.g.*, Victoria Pynchon, *The Four Magic Words for Women Lawyers: Portable Book of Business*, *FORBES* (Apr. 6, 2011), available at www.forbes.com/sites/shenegotiates/2011/04/06/the-four-magic-words-for-women-lawyers-portable-book-of-business/.

¹²G.M. Filisko, *Yes, Virginia, There Is Still Gender Bias in the Profession*, *STUDENT LAWYER, AMERICAN BAR ASS'N* Vol. 41 No. 8 (Apr. 2013), available at [\[lawyer/2012-13/april/gender_bias.html\]\(http://www.americanbar.org/publications/student_lawyer/2012-13/april/gender_bias.html\).](http://www.americanbar.org/publications/student_</p></div><div data-bbox=)

¹³American Immigration Lawyers Ass'n, *AILA Marketplace Study: A National Reference on the Economics of Immigration Law Practice* (Dec. 2011) (on file with author). Note that this study does not include any responses from government attorneys engaged in the practice of immigration law, such as those employed by the Department of Homeland Security and the Department of Justice.

¹⁴American Bar Ass'n, A Current Glance at Women in the Law, July 2014, Commission on Women in the Profession, www.americanbar.org/content/dam/aba/marketing/women/current_glance_statistics_july2014.authcheckdam.pdf

¹⁵*Id.*

¹⁶Karen Sloan, *Female Deans Taking Charge*, *THE NATIONAL LAW JOURNAL* (Jun. 22, 2015), available at www.nationallawjournal.com/id=1202730008416/?slreturn=20150612122125.

¹⁷American Bar Ass'n, A Current Glance at Women in the Law, *supra* note 4.

¹⁸*Simple Steps Can Lead to Gender Balance Among Speakers at Scientific Conferences*, *HUB* (Aug. 6, 2015), <http://hub.jhu.edu/2015/08/06/gender-equity-scientific-conferences#> (stating that “when at least one woman was in the group that invited panelists to appear, there were 72 percent more female speakers in those sessions and there was a 70 percent reduction in the likelihood of an all-male panel”). Note, though, that one woman on a committee may not be enough, as it is easy to drown out a minority voice. Lauren Stiller Rikleen, *Solving the Gender Gap Problem*, *HARVARD BUSINESS REVIEW* (Aug. 20, 2013), <https://hbr.org/2013/08/solving-the-law-firm-gender-ga>.

¹⁹*See* Karen Donovan, *Pushed by Clients, Law Firms Step Up Diversity Efforts*, *N.Y. TIMES* (July 21, 2006), www.nytimes.com/2006/07/21/business/21legal.html?pagewanted=all&r=0 (stating that some companies are “threatening to fire firms that do not show enough progress” in retaining and promoting minority and women lawyers); *see also* American Bar Ass'n, *Power of the Purse: How General Counsel Can Impact Pay Equity for Women Lawyers* (2012-2013), www.americanbar.org/content/dam/aba/administrative/women/power_of_purse.authcheckdam.pdf.

²⁰*See e.g.*, Avivah Wittenberg-Cox, *How One Law Firm Maintains Gender Balance*, *HARVARD BUSINESS REVIEW* (May 27, 2014), <https://hbr.org/2014/05/how-one-law-firm-maintains-gender-balance/>.

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