

President's Corner



By Elizabeth M. McGeever, Esquire

I have Josh Martin to thank for this column. We ran into each other a few weeks ago in the Amtrak “lounge” at Penn Station in New York City. Josh was heading home after attending a seminar on the retention and advancement of women attorneys in law firms. For that, I offer him a second thank you. It is gratifying to know that this important issue has the attention of leaders in Delaware law firms.

The issue certainly needs attention. Although law schools across the country have been graduating classes that are almost evenly divided between men and women for twenty years, and although entry level associate positions are nearly evenly split between men and women, the gender parity dwindles as women try to climb the partnership ladder. According to the National Association for Law Placement, in 2005, only 17% of the partners at major law firms nationwide were women. The percentages are comparable in terms of women who are law school deans (16%) and general counsel of Fortune 500 companies (15%). Equally disturbing are the studies suggesting that women are less satisfied with their legal careers than men. On average, women will leave law firms three years earlier than men. Of the women who jump off the partnership track, 46% leave the law altogether as compared to less than a third of men who leave the partnership track.

These statistics and trends are troubling from a social perspective. They are also troubling from a business perspective. Law firms that cannot recruit, retain, and advance women are at a competitive disadvantage for several reasons. First, as noted, half of all new law graduates are women, some of whom are the best and

brightest potential hires. Second, the inability to retain experienced women attorneys imposes significant costs on law firms. The estimated cost of replacing a trained attorney is as much as 200% of the attorney’s annual salary. Third, the dearth of women in a law firm’s leadership may adversely affect the firm’s business opportunities. Many of the Fortune 500 companies are demanding diversity, both in terms of gender and race, when hiring outside counsel. DuPont, for example, is actively committed to diversity in its outside counsel hiring decisions. Wal-Mart made headlines a few years ago when its General Counsel issued a directive to the company’s top 100 outside legal counsel that each firm’s five relationship attorneys had to include at least one woman and one person of color. It ended its relationship with a firm that failed to heed the directive.

In light of the good business case that can be made for retaining women attorneys, what should firms be doing? A 2006 report by the Women’s Bar Association of the District of Columbia entitled “Creating Pathways to Success”¹ offers several suggestions. The first is to start training women attorneys to be rainmakers. For many, rainmaking is not an intuitive skill. It can be developed, however, by exposing women associates to key business generation and networking opportunities and to meaningful mentoring relationships. This should be done at the outset of their careers. Learning how to develop business is just as important as learning how to write briefs, to draft contracts, and to negotiate transactions.

Second, firms should develop and

reinforce a consistent message that retaining women is a business imperative. The message should begin at the top of the law firm leadership, but it should not end there. Practice group heads and the chairs of important committees, such as executive, compensation, and promotion, should be engaged and demonstrate their commitment in tangible ways. Serving on diversity committees, mentoring female associates, and assuring that female associates get high quality assignments are concrete ways that demonstrate a serious commitment.

Third, firms should sensitize their partners to implicit biases and stereotypes that negatively affect women and make it harder for them to be perceived as competent. There are studies showing that men tend to be judged on their potential while women are judged on their accomplishments; women’s successes tend to be attributed to luck while men’s successes are attributed to their skills; women’s mistakes tend to be remembered long after the mistakes of men are forgotten; self-promotion is viewed as acceptable in a man while unseemly in a woman; and women who have children are often seen as less committed to their careers than their male counterparts. These gender biases, while not as overt as in the past, still do exist and can unfairly influence evaluations and decision making.

Fourth, firms should view work time flexibility as a business response to change, and not as an accommodation to women. One way to do this is to make flex time and alternative work schedules available across the board to all attorneys, male and female. It is also important not

1. The Report is available at www.wbadc.org/associations/1556/Creating%20Pathways%20Report%20PDF.pdf.

to penalize attorneys who take advantage of them. Work time flexibility should also include recognition of the need to develop work-life balance. Again, this is not just a women's issue. Firms are demanding more billable hours from all of their attorneys, leaving less time for professional and other non-billable activities. It is no wonder that retention issues abound.

In sum, law firms need to be aware of the important business reasons for recruiting, retaining and advancing women attorneys. Time alone has not and it will not solve this problem. The suggestions discussed above—mentoring, teaching business generation, providing quality assignments, working to eliminate gender bias, and promoting flexible work schedules—go a long way in the right direction. ☞

primarily concentrated densely-populated urban centers; in 2008, we're suburban and exurban, gladly trading city life for 50-mile commutes.

While it's easy to yearn for the Good Old Days, I'm not so sure I would willingly go back in time to live there. We've had a lot of positive changes since then, and we are overall a healthier and more prosperous nation. But prosperity has its perils, and we do ourselves a disservice if we are not aware of them. Our society's richness could, someday, be an embarrassment; some might say we are already there, although I don't think we are. Our challenge, both as individuals and as a society, is not to allow ourselves to be controlled by our possessions. In a nation of \$399 iPhones and high-def televisions, that's a tough task, but it's one that we're up to.

After all, if my copy of Coke's Littleton was good enough for the 18th-century lawyer who used to own it, it's good enough for me. ☞

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