

# Career Development for Women Lawyers



EDITED BY ALEX DAVIES

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# Executive summary

Although women comprise nearly half of all law students and incoming associates at law firms, and have done so for many years, they remain greatly outnumbered by men at senior levels. If nothing is done to change this trend, the percentage of women equity partners will remain under 20 percent for decades to come.

Slow progress in gender equality at senior roles raises awkward questions for the industry – and highlights the challenges that women lawyers face when developing their careers.

Indeed, at mid-career, when earnings peak, the top 10 percent of female lawyers earn more than \$300,000 a year, while the top 10 percent of male lawyers earn more than \$500,000. Coupled with this, the number of female equity partners at top US law firms has risen by only five percent in the last 12 years. Although women comprise 47 percent of associate ranks at law firms, female lawyers make up only 31 percent of those entering the equity partnership class.

This book is a primer – for women, by women – to help female lawyers progress their careers in an industry still struggling with gender equality. Written by outstanding women lawyers in their respective fields, each contribution takes a personal and professional view of the legal sector, providing insight and analysis of issues as diverse as flexible working, portfolio careers, unconscious bias and the modern career trajectory.

The book is split into four sections, and begins with the results of original research undertaken by ARK Group in early 2019. Surveying 100 women lawyers from across the globe, we asked women at all stages in their careers to open up about their experiences, from recruitment to retirement, and the challenges – and opportunities – that being female has brought. The results make for interesting, and perhaps surprising, reading.

Chapter two explores one of the main themes of this research – the gender pay gap. Susan Eandi and Monica Kurnatowska, partners at Baker McKenzie, explore the situation as it currently stands in the US and the UK, and why it matters in the context of career development for women in the field of law.

Chapter three then gets personal – exploring what it means for a woman to work in a woman’s world. Joanne Frears and Belinda Lester worked together many years ago and formed an immediate friendship in and out of work. Both were made partners early in their careers – Joanne before children and Belinda after her first child when, having set up her own consultancy rather than go back to working full-time in the city, she was persuaded to join a firm to head up its new employment department. In this chapter they discuss their careers, how they progressed, and why their experiences inform a new way of working and career development for all women lawyers.

Part 2 looks at some of the issues women face in terms of making their mark, and getting themselves noticed.

In chapter four, Debbie Epstein Henry explores how women can frame their career by considering their strengths, interests, the market need, as well as the investment they will need to make to sketch out the career that they desire. Debbie uncovers the constraints to be considered in the process, including the competition, money, title, geography, and work/life needs. She then delves into additional tips that will help women design an effective job search, including networking, gaining confidence, meeting prospective employers’ needs, getting help, learning how to navigate non-linear careers, and much more.

Chapter five then looks at brand-building as a cornerstone of business development. Companies with strong brands – such as Nike, Starbucks, and Apple – can leverage brand to elevate consumer awareness and perception, refine product offerings, draw in customers, and impact revenue. In an environment where the contribution of female lawyers is arguably less valued than that of their male counterparts, building a personal brand – or a firm brand – can divert focus away from gender and onto the actual value a female lawyer can offer. This chapter, by Nika Kabiri, is an introduction to brand-building for female lawyers, and covers what it means to “brand”, why branding is important to one’s practice as well as to improving gender equality in the legal profession, and how a female lawyer can build, message, and maintain her brand.

Continuing with the theme of business development, chapter six looks at how blurring the professional and the personal can lead to greater relationship building. The notion that women are bad at business development flies in the face of the widely accepted view that women are good at relationship building. Recent studies, however, show that while women are well-equipped at building friendships, they find it awkward, uncomfortable, and insincere to try to convert those personal

friendships into business relationships. This chapter, by Karen Johnson-McKewan, partner at Orrick, Herrington & Sutcliffe, discusses some of the sources of that discomfort, and proposes techniques for women looking to become successful law firm partners.

It is often said that the development of a strong network can be essential to success within the legal industry – however, in truth, there are three different kinds of networks that need to be cultivated throughout your career. Operational network, comprised of the people you encounter at work, are important to allow you to get work done on a daily basis. Personal networks, on the other hand, can support you when you face challenges and major life changes. However, by far the most important network for career development is the strategic network. Your strategic network can connect you with the kinds of people who can help you to develop your skillsets and expand your influence; they can provide you with a platform to share your experiences and role model behaviors with others, and they can also expose you to new ideas that create new opportunities for you to try new things. Chapter seven, by Christie Guimond, co-founder, *She breaks the law*, explores some of the challenges that women can face when investing in their strategic networks. Christie provides an example of a strategic network that has been specifically designed for female leaders who are seeking to deliver legal services differently – “*She breaks the law*” – in order to demonstrate how you might structure your own approach to networking.

Cultural and institutional barriers still exist for women lawyers as they work to progress in their careers. Despite these challenges, there are many ways women can hone their skills and take steps to advance and control their professional path and their success. Chapter eight by Susan Saltonstall Duncan, *Rainmaking Oasis*, provides insights and practical tips on a range of skills and approaches that will help women accelerate their effectiveness, including building a strong executive presence, effective communication, strategic networking, and finding a mentor and sponsor.

Part 3 is all about making your career work for you.

Flexible working is one way that women in particular can structure their careers to balance work and home life. In chapter nine, Katherine Thomas and Bailey Bosch of Free Range Lawyers consider that the biggest myth surrounding flexible work is that it only benefits the individual. If we want to see more opportunities for truly flexible working arrangements in the legal sector, we need to advance the discourse around flexible work to provide a more balanced and sophisticated conversation that considers the myriad of variables that contribute to a successful

“flexible working policy”. Key to this is moving the discussion along from flexible working being a women’s (and more specifically, a *women with children’s*) issue and to recognize flexible working as a business tool that provides benefits at both the individual and corporate level.

Chapter 10 takes flexible working a step further, looking at how many women lawyers end up going it alone and setting up their own practice. Often the trainee-to-equity partner treadmill sits uncomfortably with modern working practices for many lawyers. There reaches a point in your career where you have an established market reputation and client base, but the constraints of a large firm prevent you from realizing your individual potential. This may be further frustrated where, as a female lawyer, you have taken a career break or been on a period of maternity leave or work part-time. If this strikes a chord, says Rachel Khiara, of Khiara Law, it may be worth considering the option of going it alone. In this chapter, Rachel explores the options available, the pros and cons, and shares her own experience of navigating uncharted waters.

The traditional path to partnership is explored further in chapter 11, in which Rachel Brushfield of EnergiseLegal questions if the one-dimensional nature of partnership in a law firm has become a somewhat moldy carrot. A portfolio career is a flexible, fulfilling career alternative, giving more variety than a traditional legal career, with constant learning, broader networks, and multiple legal and non-legal roles designed to suit the individual’s own work/life blend. Rachel explores the topic of portfolio careers from the firm and women lawyers’ perspectives. She shares data and examples of woman lawyer portfolio careerists and why this career choice provides many business, CPD, fulfillment and motivational benefits in the new work era and increasingly disrupted legal market. Self-employment is predicted to grow, career sabbaticals will become more common, aging populations and longer working lives, combined with millennials seeking a more varied career than previous generations, mean the old ways of working no longer work. It is time for change.

On the subject of change, the final chapter in part three looks at different routes into the industry. Starting a career in law is most often associated with graduates fresh from university, taking on training contracts or placements with firms and eager to take their first steps on the career ladder. But what about people who want to join the legal sector later in life following a career change? In a sector that traditionally targets younger recruits, making the switch from an established career elsewhere presents a unique set of challenges. In chapter 12, Pam Loch, managing partner of Loch Employment Law and managing director of Loch Associates Group, shares insight into the challenges she faced and

the top tips she learned along the way, to showcase how following a non-traditional route into law can be just as rewarding.

Part 4 looks to the future. In the post #metoo world, things are changing, if slowly. Our concluding chapters look at the things that may impede or enable progress.

In chapter 13, Rosalie Chamberlain of Chamberlain Consulting looks at unconscious bias. You would have to be an ostrich with your head in the sand to be unaware that unconscious bias affects the legal industry's slow-movement of the needle on advancing women. A level playing field that provides equitable opportunity for all who deserve to succeed is dependent on one's career development. The subtleties of unconscious bias impact how women are recruited, hired, developed, reviewed, and advanced. We have to be conscious of the biases that define the culture; those that drive the actions and behaviors of the leaders; and those that reside deep in the individuals taking charge of their careers. This chapter explores and uncovers the biases that we take for granted, and includes some less common ones that hinder women's career development.

It may have been 100 years since the legal profession (albeit begrudgingly) welcomed women into its ranks, but it often seems to have taken the best part of that century for the practice of law to find a way of accommodating them. Lawyers entering the industry today have arguably more options than ever to tread a career trajectory that doesn't end in traditional partnership, but how realistic is it that they will find, and follow, these new paths? Chapter 14 by Clare Harman Clark of Taylor Wessing looks at the path to partner – traditional law firm structures and why these are changing – as well as alternative trajectories such as KM and legaltech, and how there are more opportunities than ever in the brave new world.

According to a recent study by the American Bar Association, as well as myriad other surveys and symposia, despite best efforts by law firms and other employers, women leave the legal profession at a rate disproportionate to their male counterparts. Issues such as workload demands, balanced with caretaking commitments, lack of partnership or leadership opportunities, and the need to develop business are often cited as reasons for women's exit from law firm life and the legal profession as a whole. In chapter 15, Yolanda Cartusciello, partner at PP&C Consulting, captures the essence of several frank dialogues with female lawyers at various points in their careers, discussing the ways in which employers can help women stay in the profession and what structural changes employers would need to make in order to facilitate a more sustainable career path for female lawyers.

In the final chapter, it is argued that the lack of women in leadership positions in the legal industry is not about the women, but rather the systemic issues that plague our firms and organizations, limiting the opportunities for women to succeed. Our industry not only perpetuates archaic structures and processes, but also tolerates implicit biases that negatively impact and ultimately prevent qualified women from entering leadership positions. This will change only when firms and organizations begin to fully examine the way in which we evaluate, compensate, and promote attorneys. In chapter 16, Pat Gillette discusses the ways in which firms can begin fixing the system and stop trying to fix the women.



## About the authors

**Bailey Bosch** is director of people and culture at Free Range Lawyers. Bailey has extensive experience in the use of psychological assessment in both organizational and clinical settings. In addition to her client work, Bailey has developed a parallel career in academia, working in university teaching and research positions for the last 15 years. A firm believer in an evidence-based approach, she is an avid consumer of psychological research and has contributed to several research groups during her career.

Bailey holds a PhD in psychology and a Master of Counselling. She is currently completing her Master of Psychology in Organizational Psychology. She has membership with the Australian Psychological Society (APS) and the Society of Industrial and Organisational Psychology Australia (SIOPA) (Student) and her work is anchored in evidence-based theories and techniques. Bailey runs her own consultancy for those organizations and individuals who wish to achieve work/life/family integration and is a regular media contributor.

**Rachel Brushfield** is The Talent Liberator, a specialist in women lawyers and portfolio careers and helping women to market themselves. She is a published author in career management for lawyers and smarter legal marketing for the Law Society, gender balance and work–life balance for Globe Law and Business and the International Bar Association. Career management articles include “Stuck in the middle”, “Life after managing partner”, “Skylight in the glass ceiling”, “Career diverse workforce” and “Off the ladder”.

Energise is based in the UK and provides individual career strategy coaching, career retreats, workshops and a career e-course. Rachel has over 30 years’ experience, and established Energise in 1997. She was shortlisted in the entrepreneur category of the We Are The City “Rising star” awards in 2017. Her own portfolio career consists of writing, events, coaching, consultancy, and content creation, and she is co-founder of the network PWHub, Inspiring Professional Women for

senior women employed in Oxfordshire and the Thames Valley region in the UK. Rachel has created a collection of career webinars and over 20 career transition case studies for the careers pages of the Law Society website, and was lead facilitator of the empowerment workshop for the Law Society in celebration of International Women's Day in 2018 and 2019. Rachel has supported returner women lawyers via the Law Society Returners course for over a decade and was involved in its redesign for the digital age in 2018. Energise LLClub – Inspiring Portfolio Careers for Women Lawyers is the dedicated website for women lawyers and portfolio careers, supporting them with the 6 Cs: Clarity, Confidence, Courage, Competence, Conviction, and Community. [www.llclub.org/](http://www.llclub.org/)

For more than 20 years, **Yolanda Cartusciello** has served in senior administrative leadership roles in major law firms, including Debevoise & Plimpton and Cleary Gottlieb. She has led marketing teams, designed business development and media strategies, and implemented client development programs. She has been the chief architect of profile enhancement strategies, perception studies, branding exercises, comprehensive client interview programs, and practice and lateral partner rollouts. She has adapted the customer journey mapping technique for use by law firms, and has trained and advised firms on its use. She is a frequent lecturer and author on client journey mapping and the customer experience. Yolanda has also created business development and communications training and coaching programs for lawyers at all levels.

**Rosalie Chamberlain** is the director of Rosalie Chamberlain Consulting and Coaching. She is a skilled leadership consultant and executive coach, having worked extensively with clients in the legal industry, as well as a broad range of corporate, government, and private industries, both national and international. She served as the diversity and inclusion manager for a national AmLaw 100 firm prior to starting her own consulting and coaching business. Rosalie has more than 19 years of experience working with individuals and groups on leadership development and talent management. She is a member of the Committee for Diversity and Inclusion of the National Association of Legal Administrators (ALA) and is featured as one of several selected Top Lawyer Coaches, powered by Diversity Lab. She is also the author of *Conscious Leadership in the Workplace: A Guidebook to Making a Difference One Person at a Time*. The book addresses building a credible, inclusive, and authentic leadership style.

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**Susan Eandi** is the head of Baker McKenzie's Global Employment and Labor Law practice group for North America, and chair of the California Labor and Employment practice group. She speaks regularly for organizations including ACC, Bloomberg, and M&A Counsel. Susan has been published extensively in various external legal publications in addition to handbooks/magazines published by the firm.

**Debbie Epstein Henry** is an expert, consultant, bestselling author and public speaker on women, law, careers, and workplaces. Debbie is the founder of DEH Consulting, Speaking, Writing, and she consults, trains, and speaks in private and public venues for companies, firms, and non-profits. For 20 years, hundreds of news outlets have featured her work, including *The New York Times*, NBC Nightly News, *The Wall Street Journal*, National Public Radio, and *The National Law Journal*. Debbie runs the DEH Speaker Series, offering programming with thought leaders in NYC and by webcast, drawing more than 1,000 participants per quarter. In 2007, she conceived of the Best Law Firms for Women initiative, a national survey she developed and ran for a decade with Working Mother to annually select the top 50 law firms for women and report on industry trends. By 2008, Debbie's public speaking, press exposure and advocacy enabled her to build a national network of over 10,000 lawyers. From there, in 2011, she co-founded Bliss Lawyers, a company that employs high caliber attorneys to work on temporary engagements for in-house legal department and law firm clients.

Debbie is the author of *Law & Reorder*, the #1 bestselling ABA flagship book for 2011 and the co-author of another ABA bestselling flagship

book in 2015, *Finding Bliss*. Her international work includes multiple engagements in The Hague as well as in Paris at the French Senate and in London and Vienna and elsewhere abroad. Debbie volunteers her time with a number of non-profits including the Forum of Executive Women where she is a member of the board and co-chair of the annual leadership symposium. She also chairs Brooklyn Law School Women's Leadership Circle, which runs a national women's law student and alumnae initiative. Debbie has received numerous awards, including being named among the *Philadelphia Business Journal's* "Women of Distinction". In 2017, she received the Anne X. Alpern Award, presented annually to a female lawyer who demonstrates excellence in the legal profession and who makes a significant professional impact on women in the law. Debbie received her BA from Yale and her JD cum laude from Brooklyn Law School. A native New Yorker, she lives in the Philadelphia suburbs with her husband; they have three sons.

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**Pat Gillette** is one of the US's leading experts and most sought-after speakers on gender diversity and equality. Rated as a top employment litigator and trial lawyer by Chambers and other organizations for 40 years, and as a leader and rainmaker in her firms, Pat's legal career has focused on solving the most critical business issues of Fortune 500 clients.

Pat's presentations and writings focus on helping attorneys succeed in the high powered, fast paced business environment of today. She is able to inspire attorneys to think positively and practically about how they can realize their personal and business goals.

**Christie Guimond** is the co-founder of She breaks the law (SBTL), and has worked at the forefront of disruption in the legal industry for over a decade. Her experience includes developing a legal project

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**Karen Johnson-McKewan**, a partner at Orrick, Herrington & Sutcliffe in San Francisco, specializes in litigation that crosses the boundaries between traditional legal practices. For more than 30 years, she has first-chaired state and federal trials, and arbitrated more than a dozen disputes. She has managed intellectual property and commercial matters for companies such as Oracle, Netflix, and Levi Strauss & Co. She has been named multiple times one of the 100 “Most Influential Women in Bay Area Business” by the *SF Business Times*, one of the “Top Women Litigators” by the *Daily Journal*, a “Power Lawyer” by *The Hollywood Reporter*, and a recipient of the National Association of Women Judges’ Florence K. Murray Award and Mattie Belle Davis Award for her service to that organization. Karen also maintains a robust pro bono practice, having won two trials over the past two years for Planned Parenthood of Indiana and Kentucky, and the Animal Legal Defense Fund.

**Nika Kabiri** is an expert on consumer research and insights, especially in the legal space. For four years, Nika has led a wide range of strategic studies to better understand legal consumers – who they are, what they need, and how lawyers might be helping or failing them. Nika is currently VP and managing director at Lux Insights, a market and consumer insights firm specializing in social and consumer behavior.

**Rachel Khiara** is recognized as a leading lawyer advising law firms and new entrants into the legal services sector on all aspects of governance, management, regulation, structural and financial reform. Khiara Law provides assistance on ground-breaking deals in the legal services sector and is one of the most experienced advisors available to ABS applicants. The firm's excellence in Partnership and LLP law is recognized in both *Legal 500 UK Directory* and *Chambers & Partners Directory*.

**Monica Kurnatowska** is a partner in Baker McKenzie's London office and a member of the Global Employment and Compensation Steering Committee. She is a thought leader in the area of gender pay gap reporting and has spearheaded Baker McKenzie's gender pay gap initiative. Monica is also a coach and sponsor to a number of lawyers in the team and across the firm, and has particularly supported advancement of women in the team and on their path to partnership.

**Belinda Lester** founded her own virtual law firm, Lionshead Law, in 2013 as she instinctively felt that the traditional law firm with fixed office hours, a daily commute, hourly charging, and billing targets was not only outdated and inefficient but also client- and female-unfriendly. She felt that there was a better way of doing things and set out to prove herself right, using social media extensively from the outset to develop both her own personal brand and the brand of the firm. Since qualifying as a solicitor in 1999, Belinda has worked exclusively in the area of employment law and is a member of the Employment Lawyers' Association. Belinda is frequently commended by her clients for being clear, concise, practical, and solution-focused, whilst at the same time being empathetic and supportive. Lionshead Law started life as a niche employment law practice but has since expanded to include immigration, commercial, and technology law, both within London and the south east as well as in the north of the UK. As there are no offices, Lionshead Law is able to attract quality lawyers and service clients throughout the UK.

When **Pam Loch** first founded Loch Associates Group in 2007, she saw it as an opportunity to support businesses with quality employment law advice and HR support running alongside each other. As the business developed she realized that there were wider opportunities to provide organizations with solutions to help them manage and look after their people. The Loch Associates Group has since grown into a group of four companies, providing not only employment law and HR services, but health and safety, wellbeing, and mediation services too. Along the way,

Pam has grown the business from a single office in Tunbridge Wells, to three offices across the south east of England, adding Brighton and London offices supporting businesses throughout the UK.

**Katherine Thomas** is the CEO of Free Range Lawyers – a business that helps law companies resource their work more effectively and profitably by temporarily accessing the skills of lawyers based across the globe. Having chosen the legal business rather than legal practice path, Katherine has held a number of roles over the last 20 years at major UK firms covering marketing, sales, learning and development, and knowledge management. More recently, through her own consulting business run from Australia, she has advised law firms from Canada and the UK to New Zealand and a lot in between on strategy and sales.

Katherine established and grew the flexible resourcing service Vario for Pinsent Masons, taking it from an idea to a thriving business in under three years. She remains one of few people with a deep, global insight into flexible resourcing in the law and used this experience to establish Free Range Lawyers.

Katherine is a teaching fellow on the Master of Legal Business course provided by the College of Law, Australia. She is a lecturer for the College of Law in Western Australia, a member of the Law Consultancy Network, a panel member for the College of Law Centre for Legal Innovation in Western Australia, a regular contributor to publications such as *LegalBusinessWorld* and *Remaking Law Firms* and speaks at events worldwide.