

2023

The Challenges of Women in Big Law



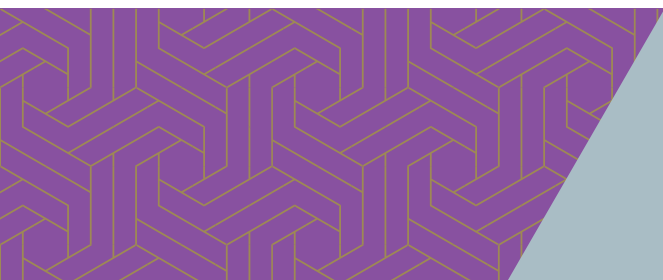
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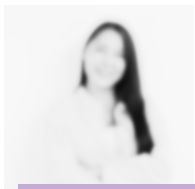
Executive Summary

Leopard Solutions has been reporting on women in law for more than 20 years, curating extensive attorney exit data by gender, diversity, and law firm groups, in particular, the Top 200 law firms. In the 2022 Women Leaving Law report, we highlighted some of the analyses revealing the challenges women in law face and that this trend persists. Women were re-entering the Top 200 law firms at a lower rate than ethnically diverse attorneys. Moreover, we were uncertain about where they went after leaving their firms and whether they continued their legal careers. In this report, we aim to dive deeper by examining women in Big Law to identify any underlying challenges that may not be readily apparent and highlight critical strategies the industry can do to tip the inequality scale to the right side.

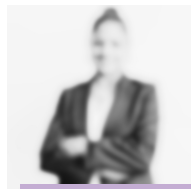
We surveyed women in Big Law in February 2023 to further expose the challenges they are facing. There were many positive comments, but there were also as many negative comments from women on their experiences in Big Law. The Top 200 or Big Law is not a monolith; they all vary from firm to firm, office to office, practice to practice, and partner to partner. Their comments show widespread disparities in how they are treated and the opportunities they see before them.

For those who left Big Law, their responses were thoroughly depressing. Many cited the lack of firm support in providing maternity leave or childcare, and the stress of making the high billable hour targets made it an easy decision for them to leave Big Law. For those still working in big law, their answers were split, showing that policies and firms can vary greatly in their treatment of women.

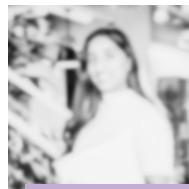
Direct Feedback from Women Currently in Big Law



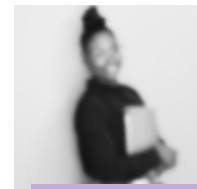
"I'm ambivalent about wanting to work as a lawyer in the long term."



"I'm not certain that the partnership path is for me any longer. I don't yet know what I want to do with my career, but I am considering teaching, in-house, or remaining at a firm in a counsel position."

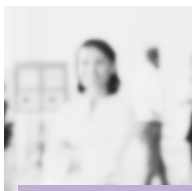
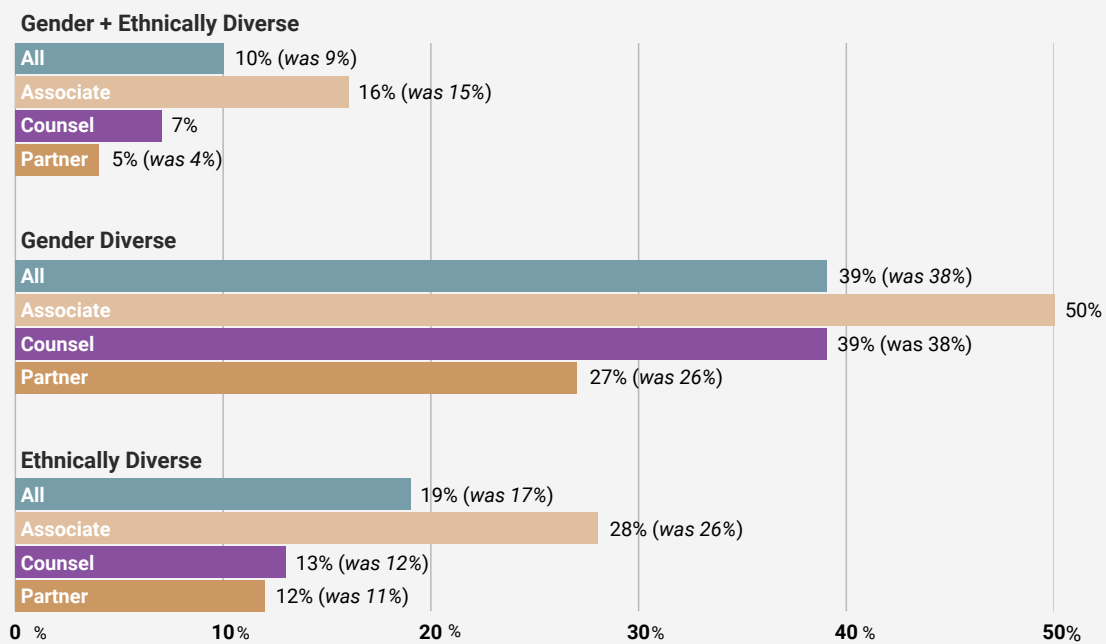


"Realized I did not want to grind like this forever, particularly given that I want to have kids soon."

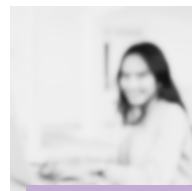


"Not enough support as a working mom; not enough opportunities for women."

The legal profession is a demanding one. Our data, along with two different surveys we have completed, indicates that the legal industry is not creating a conducive environment for women. As we reported in our recent Annual State of the Industry Report, the overall diversity of hires by the Top 200 firms only increased by 1% for all levels – associate, counsel, and partners.



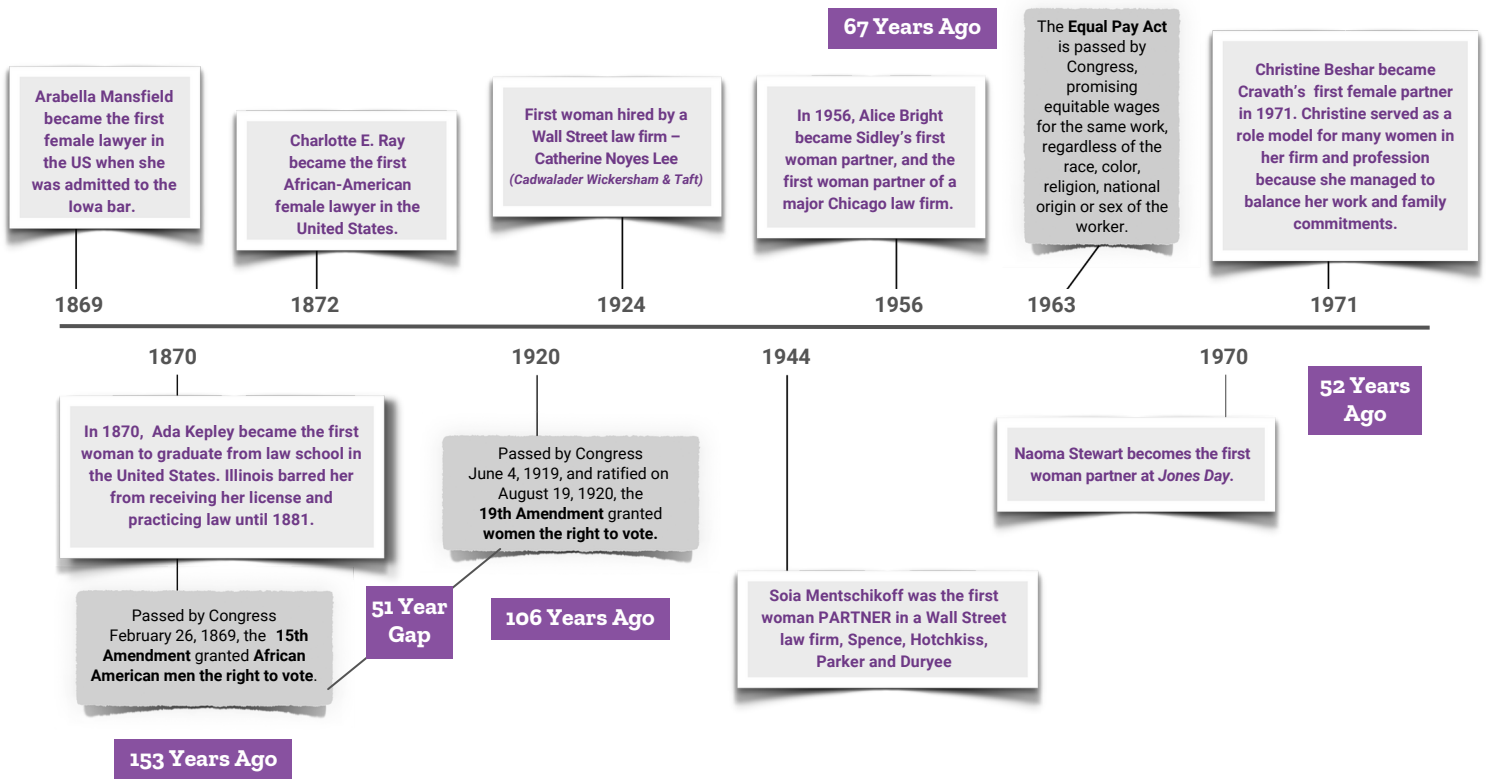
"Since law school, I wasn't sure if I wanted to be a partner, but now that I've worked at my current job for over a year, I am confident I do not want to be a partner."



"The Big Law environment is not conducive to self-care, let alone raising a family. I love the complexity of legal practice at this level, but now that I'm newly married and considering children, I'm planning my exit."

The Journey of Women Taking on the Legal World

Before we can truly understand why we need to take gender diversity more seriously and provide actionable strategies to help law firms elevate their approach to addressing diverse gender needs, we should look at how far women have come through the legal world.



Voting Rights

The US saw its first female lawyer in 1869 when Arabella Mansfield was admitted to the Iowa Bar. The Mansfield Rule (named after her) recognizes her contribution to women in law and lays the foundation for a diversity lab. The lab aims to boost firms' diversity in leadership by promoting many diverse initiatives across law firms.

Ada Kepley became the first woman to graduate from a US law school the following year. But she was barred from receiving her license and practicing law for another 11 years until 1881. In 1872, Charlotte E. Ray became the first African American female lawyer in the US. And in the same year, African American men were given the right to vote. Fast forward to 51 years later, in 1920, women were given the right to vote.

In 1924, Catherine Noyse Lee became the first woman hired by a wall street law firm (Cadwalader, Wickersham and Taft). Two decades later, in 1944, Wall Street had its first female partner, Sonia Minskoff, at Spencer, Hotchkiss, Parker and Duryee. In 1956, Alice Bright became Sidley Austin's first woman partner and the very first woman partner of a prominent Chicago law firm.

In 1963, the Equal Pay Act was passed, promising equitable wages for the same work regardless of race, color, religion, national origin, or sex. In 1970, Norma Stewart became Jones Day's very first woman partner. In 1971, Christine Bashar became Cravath's first female partner.

Women have certainly come a long way. Some of the top law firms only installed their first woman partner as recently as in the last 50 years; one would understand the struggle of women attaining partnerships, breaking the glass ceiling even today.

It has been a challenging year for women, as witnessed in the news and recent survey results worldwide. A recent 2022 British survey noted that the public is still afraid to speak out on equal rights for women today, citing the main reason for fear of what might happen to them. Some also say that we have gone too far and are now discriminating against men. After breaching a dress code, a young woman's death in custody sparked protests in Iran, resulting in many more deaths. The progress in the gender pay gap in the United States has stalled. Women now make 82 cents for every dollar earned by men. The United States ranks 38 in the world on gender equality, according to the newly released 2022 SDG gender index, which tracks the empowerment of women and girls across various metrics. Wealthier nations tend to rank higher for gender equality. Still, the US ranks closer to less affluent countries like South Korea and Costa Rica, whereby most of their women in leadership roles typically leave their professions exhausted and torn between their career ambitions and personal lives.



American women typically earned 82 cents for every dollar earned by men.

38th IN THE WORLD

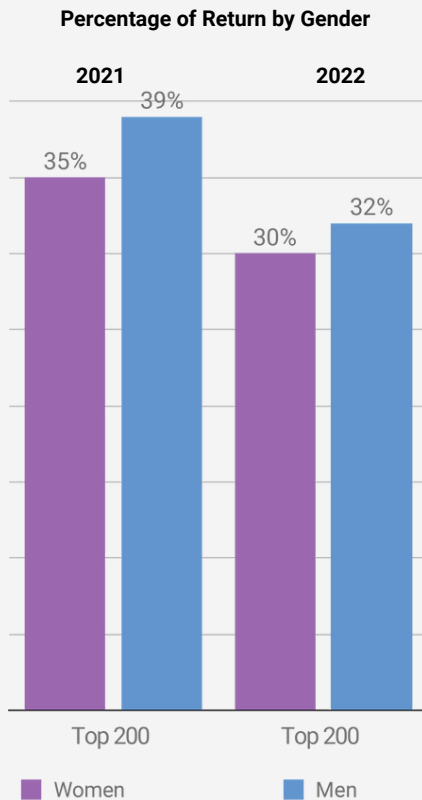
The U.S. ranks 38th in the world on the newly released 2022 SDG Gender Index, which tracks the empowerment of women and girls across various metrics.

Despite fluctuations in progress, women have consistently remained resilient over the decades, carving out a path that may not lead them directly to their goals but has surpassed past limitations placed upon them. Today, women are no longer willing to tolerate companies that fail to support them in their roles as mothers.

Struggles In Big Law are Not Uncommon, but Women's Issues Are Unique

We were asked by a few people who took the Leopard Solutions survey and read our last Women Leaving Law report, why only talk about women? Men are leaving Big Law too but at a lower rate than women. In 2021, there were low return rates into the Top 200, with only 4% dividing the two genders. However, if you look at the actual numbers of women and men who left big law and then returned, the ratio was just 27 women to 73 men in 2021.

Top 200 Exits and Re-entry by Gender

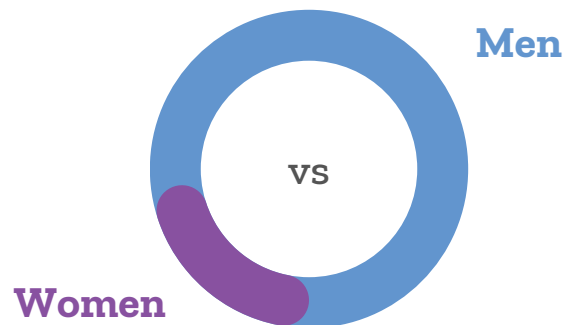


Men are being recruited laterally more often into other Big Law firms. In 2022, we saw an even smaller percentage of difference (2%) between men and women who left a Top 200 firm and then returned to one.

However, the ratio was 23 women to 77 men who returned to Big Law.

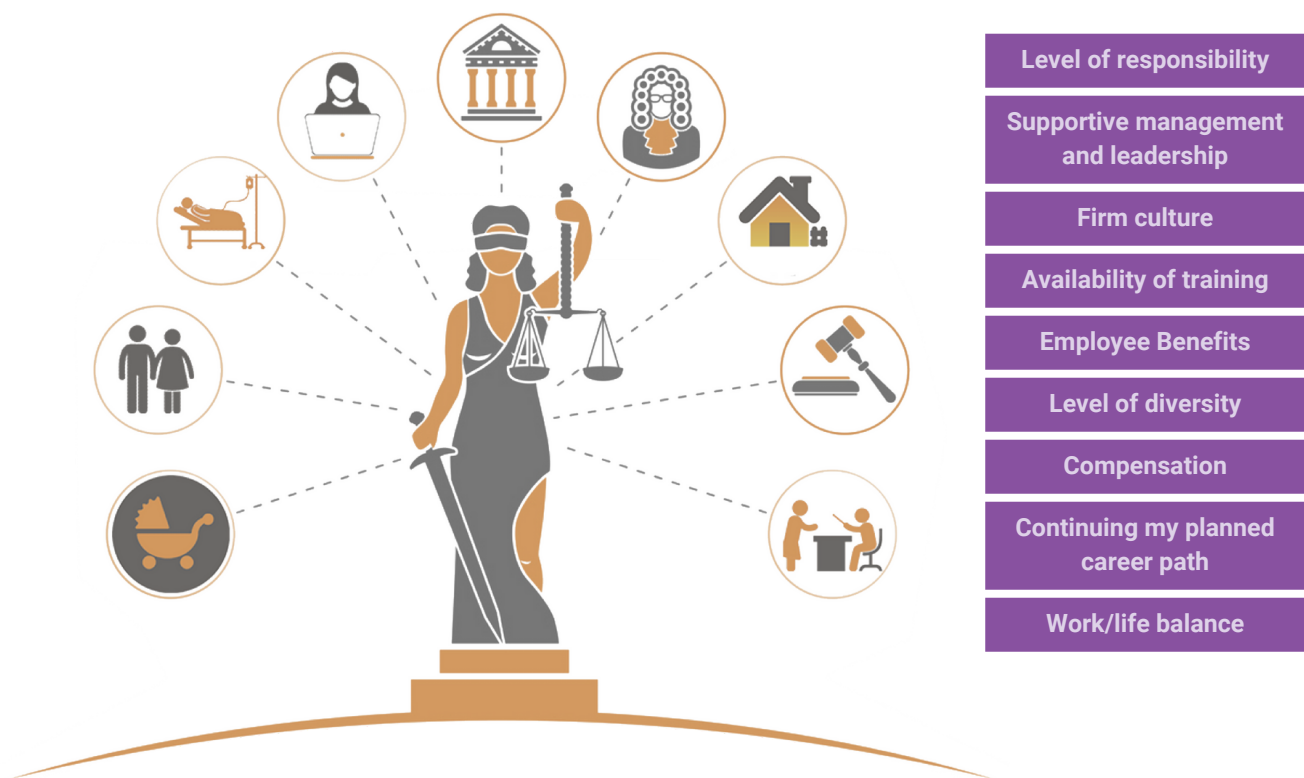
Ratio: 23 Women to 77 Men

The ratio for 2022 was 23 women to 77 men who returned to Big Law after leaving a top firm. It shows a decrease in returns from 2021.



The men who left Big Law cited work-life balance and meeting billable hour demands as the main reasons. The women’s struggles included these reasons and more. They encounter issues, situations, and biases that their male counterparts do not. We are exploring those issues and why they matter.

Actionable Changes Women Wants to See From the Firms



We see in business and politics that women in leadership roles are leaving. Women are no longer willing to tolerate companies that do not support them in their roles as mothers. They say they are exhausted, torn between their career ambitions and personal lives, and they are now bowing out.

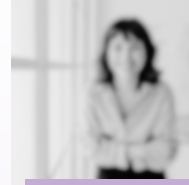
From the survey responses, women who responded more favorably and felt that they could succeed in Big Law point to the firm policies and environmental changes that align with the 11 actionable practices Leopard Solutions recommended in the Women Leaving Law Report.

Why the Need to Focus on Gender Equality in Law

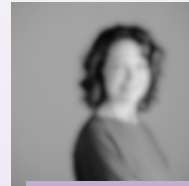
Women in law experience sexism – in law, at work, and in the courtroom. From judges, clerks, and male counterparts, women cited that they often receive subtle or direct remarks that undermine their positions, whether purposely or unknowingly.

At a recent webinar presentation of the Leopard Solutions Women Leaving Law paper to the San Diego Law Library CLE class, a young lawyer asked for advice on what to do when she experiences sexism in the courtroom. The first assumption was that she was talking about her opposing counsel, but she indicated that it was the Judge presiding on the matter.

The need to address gender equality in the legal industry is necessary. We want to create a workplace not just for the women currently in law but a workplace that will attract future women to want to become an essential part of our legal system.



"I would support her, but I also highlighted the difficulties if you want to reach "top" positions and the lack of flexibility to become a mother."

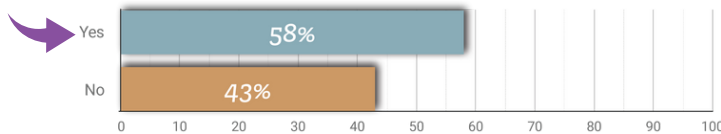


"Unfortunately, I do not yet see an environment where I would want to send my daughter - even though another part of me, of course, wants to encourage my daughter to believe in her ability to create change and use her voice, which is what led me to join the profession. I just want my daughter to feel free and empowered in who she is, and I am not yet seeing that in my surroundings at work."

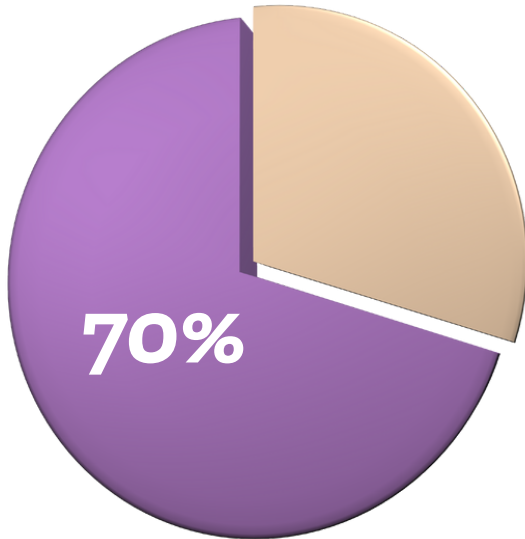


One of our survey questions asked the respondents if they would recommend their daughter to have a legal career; only **58% responded yes**. For those who said no, the reasons cited were that they did not like what they were still experiencing – Sexism. The same experiences their mothers had in the 80s.

If you have a daughter, would you recommend law to her as a career?



While more than half of the respondents would support their daughters, one would expect this number to be higher because it is the careers these respondents themselves are currently in and are still building. Currently, only 17% of the managing and co-managing partners of the Top 200 law firms are women.



driTM Approximately 70% of female attorneys surveyed by the Defense Research Institute also reported having experienced gender bias in the courtrooms.

This is not unique to those who responded to Leopard Solutions' survey. Approximately 70% of female attorneys surveyed by the Defense Research Institute also reported having experienced gender bias in the courtrooms. Sexist remarks, sexist taunts, and unfair treatment by the bench all combine into a toxic stew. The Department of Justice found overwhelming evidence of gender bias in the courts, denying women equal justice, treatment, and opportunity. Hence, the need for firms, especially the big law firms, to focus on gender equality remains. The focus on women and their lack of advancement into partnership in Big Law is still an industry-wide concern. Leopard Solutions has found the deck stacked against them, and the data shows it.



Leopard Solutions 11 Action Items to Improve Gender Equality in Law



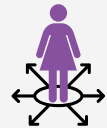
Our 2022 survey identified 11 strategic action items that firms should take to address women’s desire to leave the profession. As we dive into the analysis and understanding of the recent Women in Big Law survey responses, it is essential to note what these strategies are and which specific action items may still need more iterations.

1



Let Women Speak

2



Give Women Opportunities

3



Give Women a Seat At the Table

4



Don't Tolerate Sexism

5



Uncover Unconscious Bias

6



Offer Equal Paternity Care

7



Offer a Flextime Schedule/Remote Work

8



Acknowledge Women's Success

9



Promotion Fairness

10



Hire More Women Laterals

11



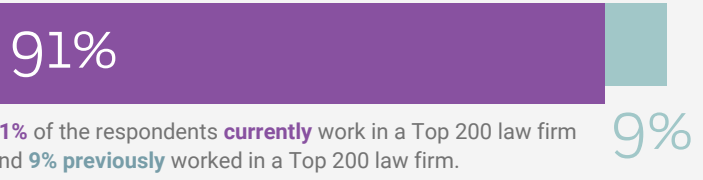
Mentorship

Women in Big Law Survey 2023

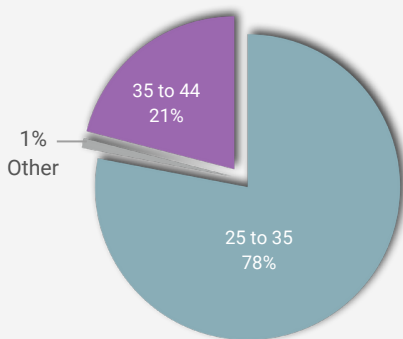


Leopard Solutions conducted the Women in Big Law survey between January 27th and March 3rd, 2023, targeting women in the Top 200 law firms. Here is a breakdown of the women who responded.

Who Took the Survey?

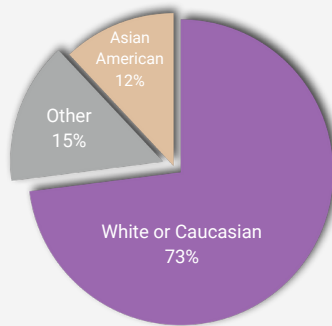


The respondents were mainly from New York, California, Washington D.C., Texas, and International.



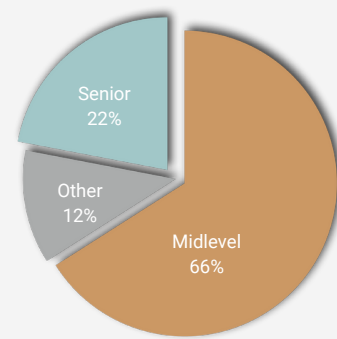
78% Were within the 25 to 35 age group

21% Followed by the 35 to 44 age group



73% Identified as White or Caucasian

12% Were Asian American



66% Midlevel Associates (3 to 5 years)

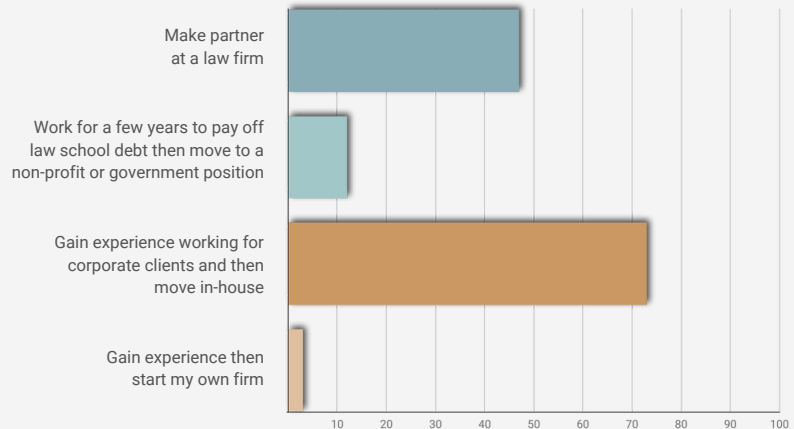
22% Senior Associates (6+ yrs practicing)

The survey was designed to understand the mindset of the women when they first started in law, their goals and aspirations, and how their attitudes have changed since joining the big law firms.

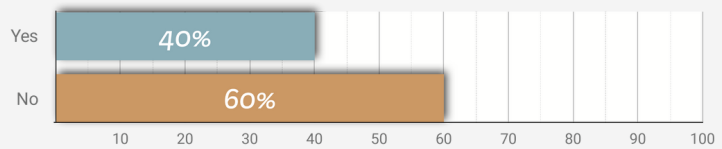
Women in Big Law Survey 2023



Which of the following best describes your career goals upon entering a Top 200 Law Firm?



Did your goals change after joining the Top 200 Firm?



When asked if their goals changed after joining the firm, 40% said yes, citing reasons such as not getting enough support from the firms towards working moms, the unrelenting long hours, work stress, having to work the expected billable hours, and not given enough time off for childbirth.



Women in Big Law Survey 2023



"Unrealistic hours—there is simply no allowance to have any other life. Or else you have to fit everything around your billable demand."

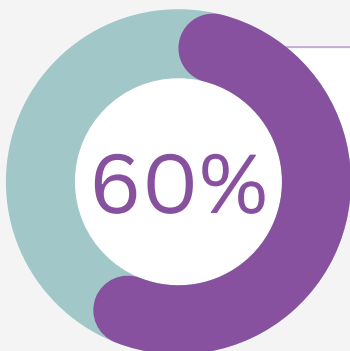
"Not enough support as a working mom; not enough opportunities for women"

"Long hours, stress, lack of work-life balance, I don't enjoy the job as much as I thought I would, feeling unfulfilled."

For the women who responded **"No"** to "my goals did not change," they are in a completely different world. They mentioned that the flexibility they received during the pandemic was something they did not want to lose, so they will stay put if the firms continue to give flexibility. Those who responded positively also saw a path to a more streamlined and defined partnership. They feel their goals are attainable and like the work more than expected. It is the complete opposite reality to the women on the other side who answered that their goals have changed since joining a big law firm.

Reason: Not All Firms Are the Same.

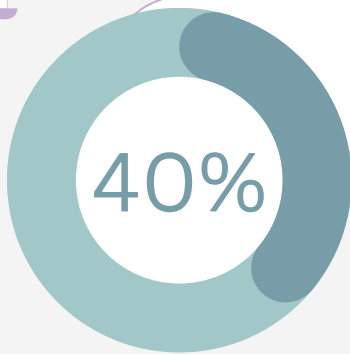
60% who said their goals had stayed the same shared that they got more support from their firms and that their work was more streamlined. It was the opposite reality of the other **40%** of respondents. Those who made partners saw and got the opportunity onto a partnership path. For the **40%** who responded negatively, toxicity and harassment were still problems they repeatedly cited that they saw and experienced in their firms.



of the respondents with a positive view of their firms.

"Our firm has a fairly straightforward and relatively short path to partnership, and most people are elected to partnership if they are here for a certain period of time."

Women in Big Law Survey 2023



of the respondents had a less bright outlook for their firms.

"I previously thought I would want to stay in Big Law longer, potentially make partner and spend my career in Big Law, but the lifestyle is not sustainable, and I absolutely hate it."

Law firms are a horrible environment for Black women.

To be honest, I'm not sure. But the money is nice.

Childbirth

I learned I do not want to be a partner - Originally I wanted to. I don't like the lifestyle or the hours.

The inappropriate comments made about women at*****.

I'm not certain that the partnership path is for me any longer. I don't yet know what I want to do with my career, but I am considering teaching, in-house, or remaining at a firm in a counsel position.

Realized I did not want to grind like this forever, particularly given that I want to have kids soon.

I saw how slow the promotion was and thought I didn't want to spend my whole life waiting

Law firms are full of toxicity, harassment and mental abuse.

Billable hours

Since law school, I wasn't sure if I wanted to be a partner, but now that I've worked at my current job for over a year, I am confident I do not want to be a partner.

Partnership not feasible; became more interested in in-house roles as well.

Hours are not friendly to life outside work.

The big law environment is not conducive to self care, let alone raising a family. I love the complexity of legal practice at this level, but now that I'm newly married and considering children, I'm planning my exit.

Women in Big Law Survey 2023



The extreme responses prompted the need to look deeper into the responses on what these women are really looking for. The survey asked them what the most important factors for them in Big Law were.

Remote work was ranked number one as the most important factor, followed by work-life balance and mentorship. These three factors rendered the most significant frustration among the women in Big Law.

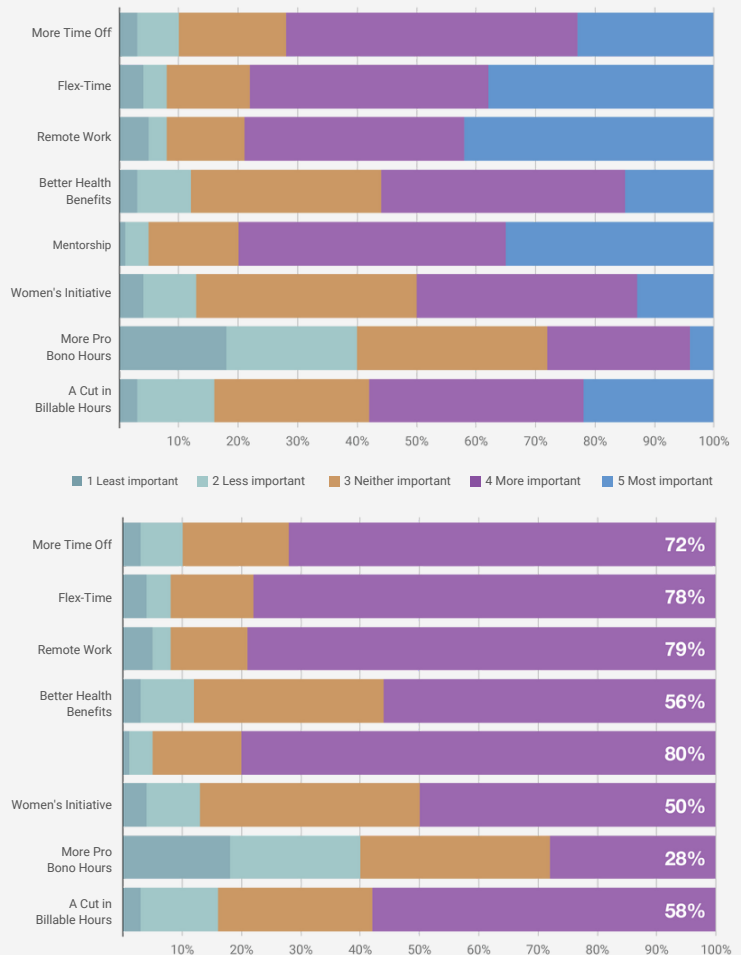
But when we combine those who responded “More Important” and “Most important,” the data shows what women are most frustrated about—lack of mentorship, indicating the need for firms to provide a career path for women in their firms. I.e., guidance and career advice before remote work and flex time, indicating the need for firms to provide a career path for women in their firms.

While many top firms have mentorship programs in place, the structure of the programs may need refreshing to ensure they still meet the needs of the attorneys that will help them on a career development path while aligning the needs with the firm’s overall growth strategy. At Herrick Feinstein LLP, the women's initiative network is continually expanding, adding many components of mentorship programs. Women attorneys are placed with partners that have flourished and built books of business. The partner-mentor would have these women mentees participate in client development pitches and learn to develop their own books of business.

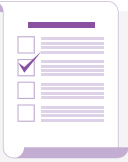
The improved programs have paid dividends as female leadership is developed from all corners of the firm. Morgan Dufault, Director of Talent Acquisition and Professional Development at Herrick, Feinstein LLP, shared the successes of how they have improved retention and developed talent across the firm. There are industry-specific panels that focus on, for example, financial services or technology that allow both the lawyers and the business owners at all stages of their business to share knowledge and form bonds that would lead to business development.

For each of the following, please rate the level of importance to you.

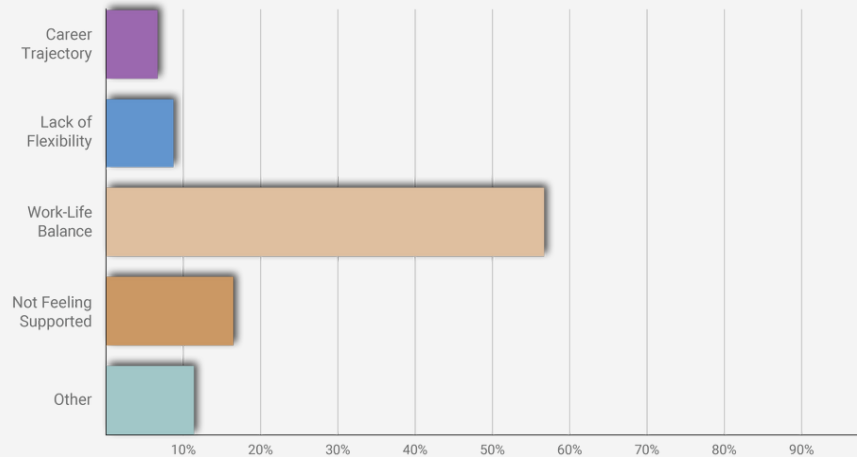
1 being the least important and 5 being the most important



Women in Big Law Survey 2023

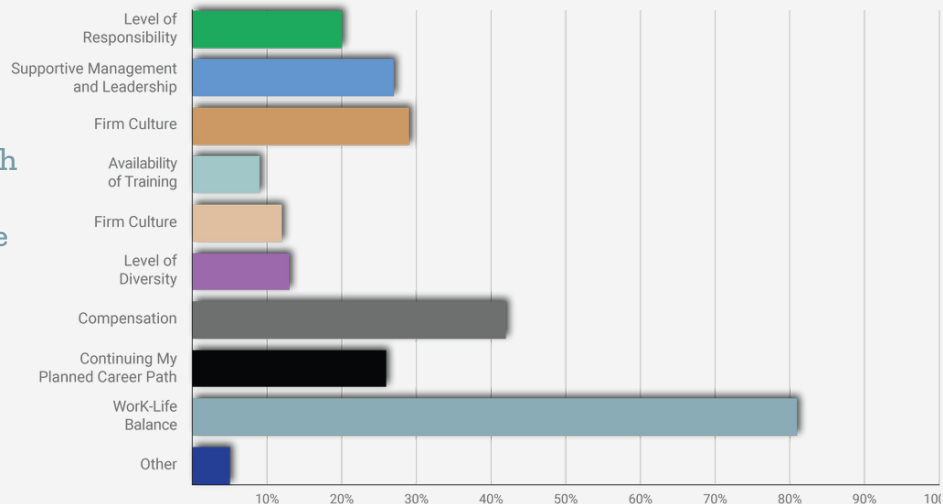


What was your biggest frustration in working at the top 200 law firm?



They were generally satisfied with their jobs in the Big Law. When asked if they were to leave the firm, what would be the prime reasons they would do so?

For the new job opportunity, which of the following reasons will be the most compelling for you to want to move?



Again, Work-life balance came in as the top reason. Any firm addressing its needs would want to focus on creating a work-life balanced company environment. But there are more underlying challenges firms should tackle too. The following two reasons: compensation and the desire to continue their planned career paths, were ranked high after work-life balance. Women in Big Law need to see a clear career future or partnership path at their current firms. When probed further, while work-life balance is still the most significant frustration point, it became apparent that compensation and clear career planning also need to be addressed.

Women in Big Law Survey 2023



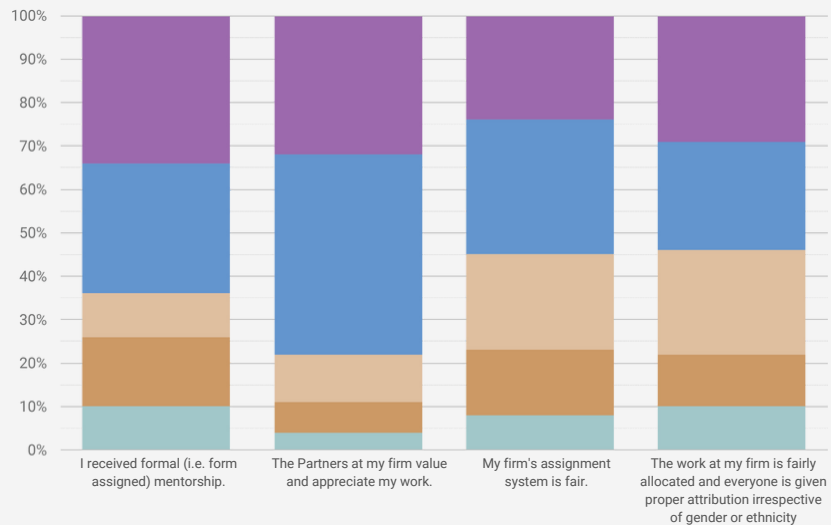
When asked about the work at their firms, 33% totally agreed with the statement that they received formal firm-assigned mentorship. 31% responded 'somewhat agree' with the following option, which could indicate that while they assigned a mentor, it was not as helpful. The non-affirmative response suggests that the firm can do more work.

Additionally, a sizable percentage (78%) responded that partners at their firm totally or somewhat valued their work. But when asked if the firm assignment was fair, only 18% said that they totally agreed that it was appropriate. The most significant percentage 'somewhat agreed,' so it was not a wholehearted YES from that group. Only 26% totally agreed that the work at their firm was fairly allocated.

On a scale of 1 - 5, please rank the following statements.

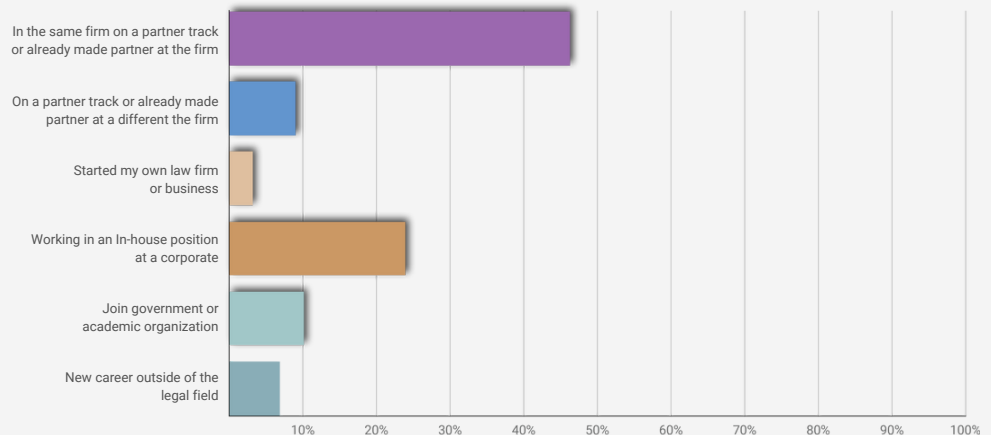
1 being totally disagree and 5 being totally agree

- Totally Agree
- Somewhat Agree
- Neither Agree or Disagree
- Somewhat Disagree
- Totally Disagree



The responses to this survey question aligned with the 60% who responded positively about their experiences at Big Law. When further asked where they would see themselves in five years, 48% answered that they saw themselves in the same firm on a partner track or had already made a partner at the firm. These women saw a future and/or a path to partnership, which is the fundamental reason one would want to join a Big Law in the first place.

Where do you see yourself in five years?

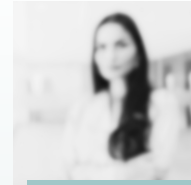


Legal Industry Gender Equality in Need of a Boost

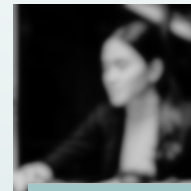
Overall, the women in the Big Law survey did not show that Big Law neglects gender equality. The legal industry has taken on DE&I (Diversity, Equality, and Inclusion) and pays more attention to gender equality, but firms need a boost of a more concerted effort to seriously drive gender equality for growth while retaining the best talents. Firms that have started implementing DE&I programs are getting the retention and growth results they seek, as we saw the 60% who responded positively in the survey. Nonetheless, the programs need improvement to address the negative feedback we are still getting from others on the survey.

3 Key Areas that Women Attorneys are Asking for Change

Women and girls represent half of the world’s population and also half of its potential. We know that empowering women spurs productivity and economic growth. Creating a workplace not just for the women currently in law but an environment that will attract future women to want to become a part of our legal system is essential.



“No one has discussed my career development with me.”

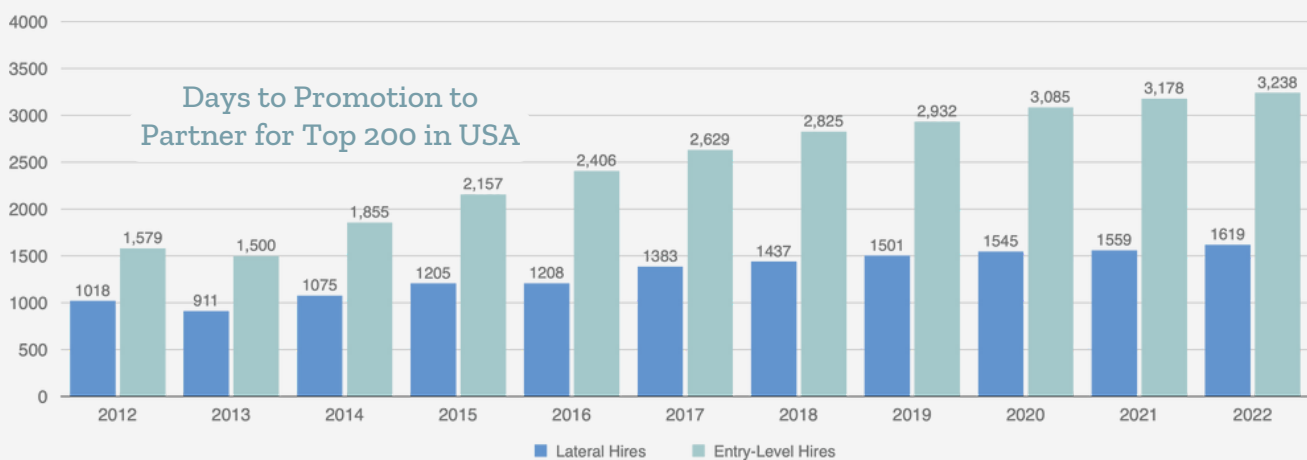


“There is no clear path or mentorship, especially for a working mother.”

1

A Clear Partnership Path

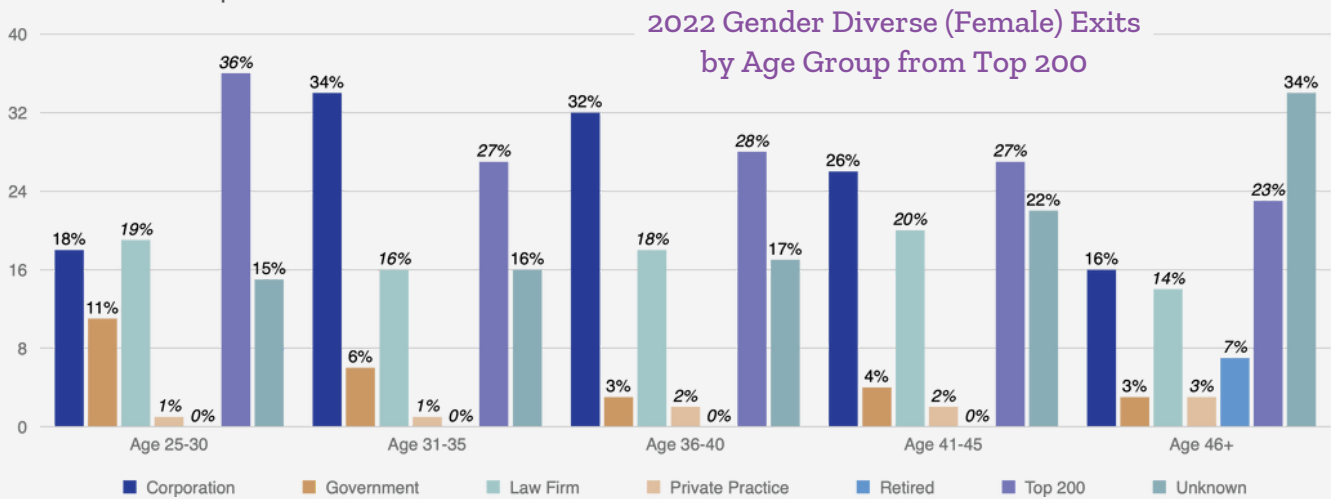
Time to partnership has taken its toll on many ambitious young attorneys. The need for a clear path toward partnership makes these attorneys reassess what they want for their careers.



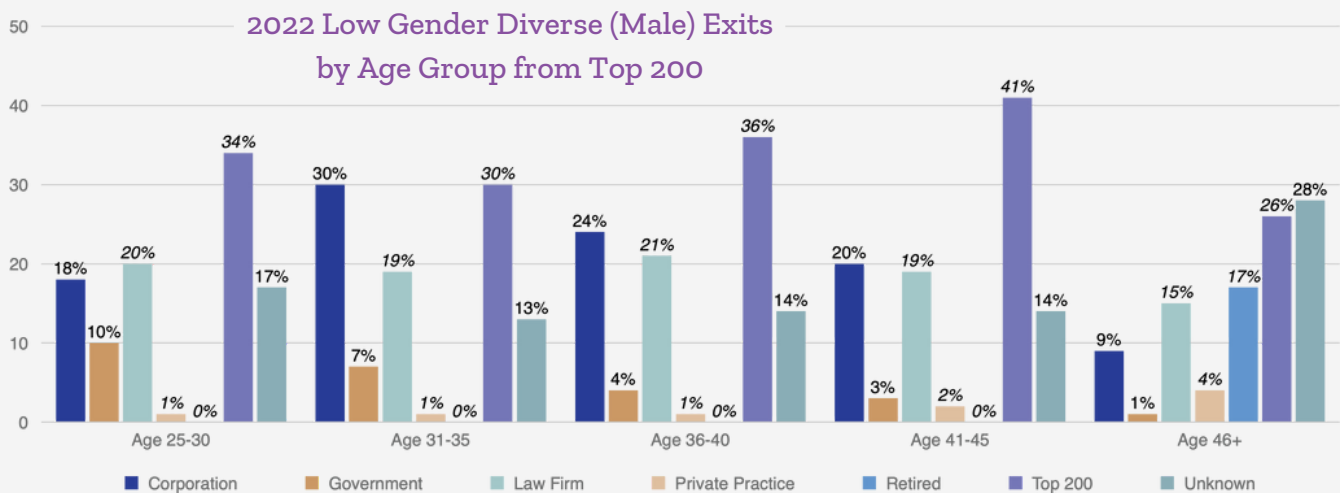
In 2012 it took 40% more in the number of days to make partners as entry-level associates versus lateral hires. Today it takes 99% more days to make partner as an entry-level hire than a lateral. Today, laterals make partners after an average of 1622 days. Entry-level hires face 3229 days before they would be promoted to partner. The road for laterals has increased by 68% over time.

Many of the women surveyed did not see a clear path to partnership; an issue that women often cited in their decision to leave the industry.

When we compare attorneys leaving the Top 200 firms, more women by percentage departed compared to men in 2022. Comparing women of all age groups in 2022 who moved back into a Top 200 firm, the youngest groups had the largest return percentages at 36 and 37%. That number dropped to 28% in the 36-40 age group and 27% in the 41-45 age group. The 31-35 age group has the most sizable number moving into corporations at 34%, with 18% of women in the 25-30 age group and 32% in the 36-40 group that moved to the corporate world.



Looking at women in all age groups, we see that the largest number moving back into a Top 200 firm is from the youngest groupings with 37% and 36% .



Here we see the opposite; the largest group of non-diverse men exits and re-enters the Top 200 is the 41-45 age group, with 41% returning.

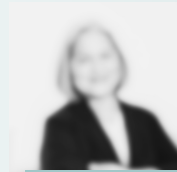
Women are recruited early in their careers, while men are sought after at more senior levels. That places men closer to partnership, making that road far more difficult for women.

The respondents who answered positively to the survey expressed that their paths to partnerships were clear and transparent. They saw opportunities rise as they witnessed other women elevated to partnership. They were supported with mentorship, positive feedback, and generous maternity leave.

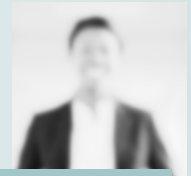
A critical difference between the polarizing responses was whether the firm had a solid mentorship program or not. A robust mentorship program can make a difference for women, especially for any associate coming into Big Law to build a career.

Promotion by Gender in Top 200 US Firms – Promotion in Fairness

Men are evaluated based on potential, whereas women are evaluated based on performance, leading to a skewed management structure. Companies should align how they assess for promotions to ensure a level playing field for both genders. Although the number of women in partnership positions increased in 2022, the gap between men and women remains wide on the partner level.



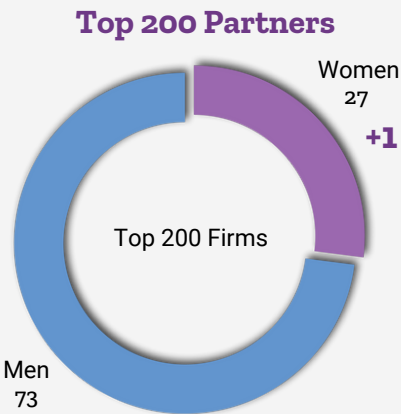
*"I see other people become a partner.
I can become a partner to my job."*



*"My firm has done an incredible
job cultivating women. I see other
people supported."*

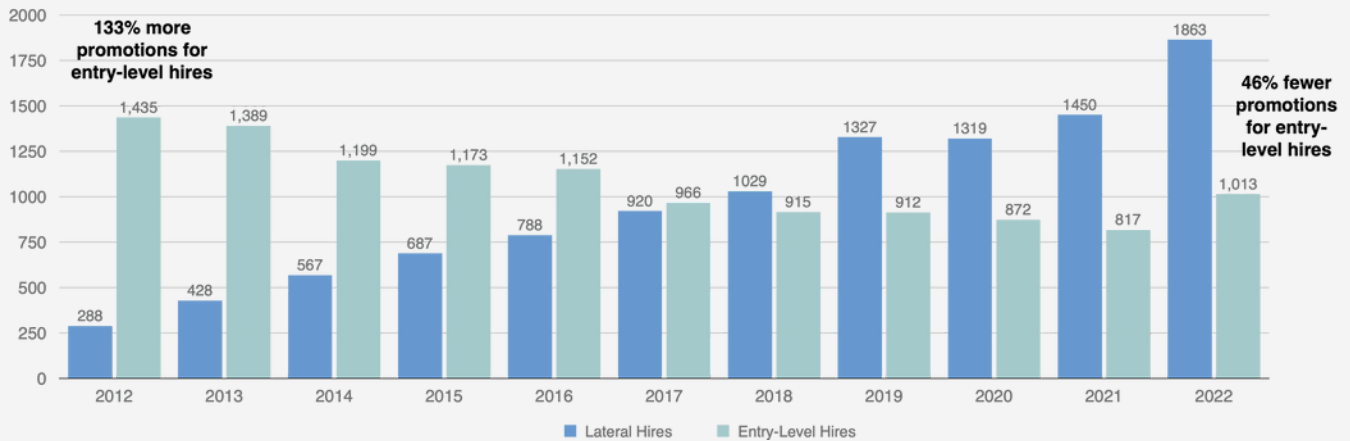


A previous survey highlights variations in responses between women in Big Law and the general population. Promotions to partner still lag for women, even though they have made more progress than other underrepresented groups. There are several roadblocks for women that do not exist for their male counterparts. Lack of opportunity, unconscious bias, and a lack of acknowledgment of successes are just a few. Women are also dropping out mid-career in more significant numbers than men. While firms hire more women than men from law school (women also outnumber them on campus), women have indicated that support is lacking for them once they reach the mid-career level.



A McKinsey & Co. study found that when considering promotions for all industries, the unequal standards of promoting men and women lead to the highly skewed management structure that we see in most workplaces — whereby entry-level ranks are split 50/50 between men and women, but men dominate the management ranks.

Promotions to Partners by Lateral and Entry-Level

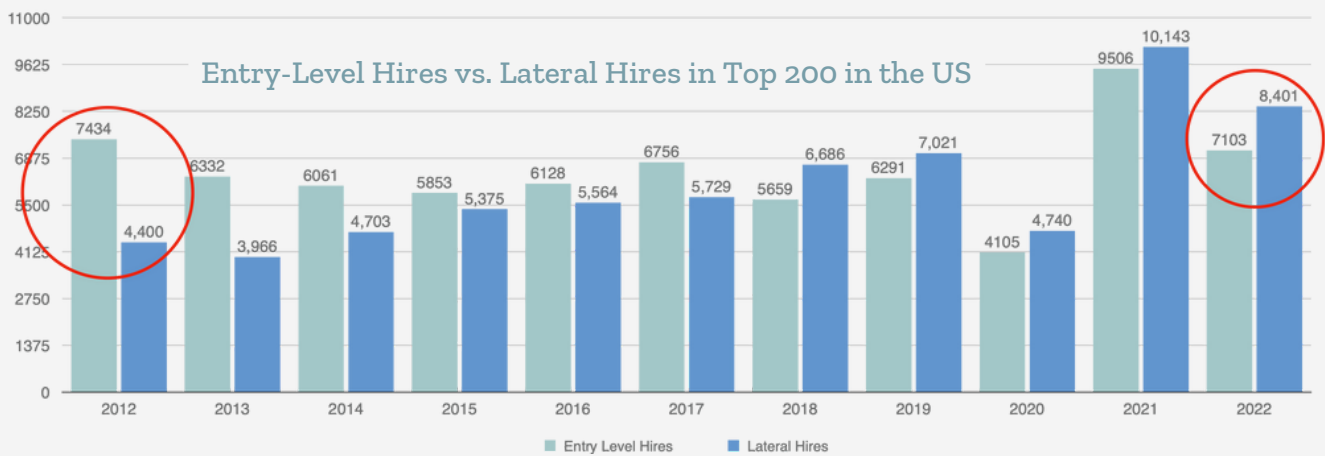


The number one thing firms can do to advance gender equality is to change how they evaluate women for promotions to ensure that they are on a level playing field. As previously noted, Big Law hires more women as entry-level attorneys and hires more men as laterals. We saw that men at more senior levels are being recruited and thus are closer to the partnership track. Here we see that in 2012 Big Law promoted more entry-level hires than laterals by a good margin, but today the lateral hires are promoted at a higher rate. This stacks the deck against the women in making partnership much more difficult for them. Women's promotion to the partnership only increased by 1% in 2022. The gap remains wide. There is parity on the lateral associate level; the adjustment needs to start there, i.e., place more women on a partnership path.

2

Changing Hiring Strategies – Entry-level vs. Lateral

Presumably, lateral recruitment brings in already successful attorneys with transferable business to the firm or with considerable experience in the practices the firm needs. They are better positioned to become high-fee earners and, thus, earn partnerships. When using the same rules to measure the potential for entry-level hires, they would need more time to become experienced, successful fee earners and to build a book of business. Since 2022, firms have decided to hire more laterals over entry-level talent. As we saw the hiring trend in 2012, the top 200 firms hired more entry-level than lateral associates. The pattern has dramatically shifted, with laterals now surpassing entry-level hires by a large margin in 2022.



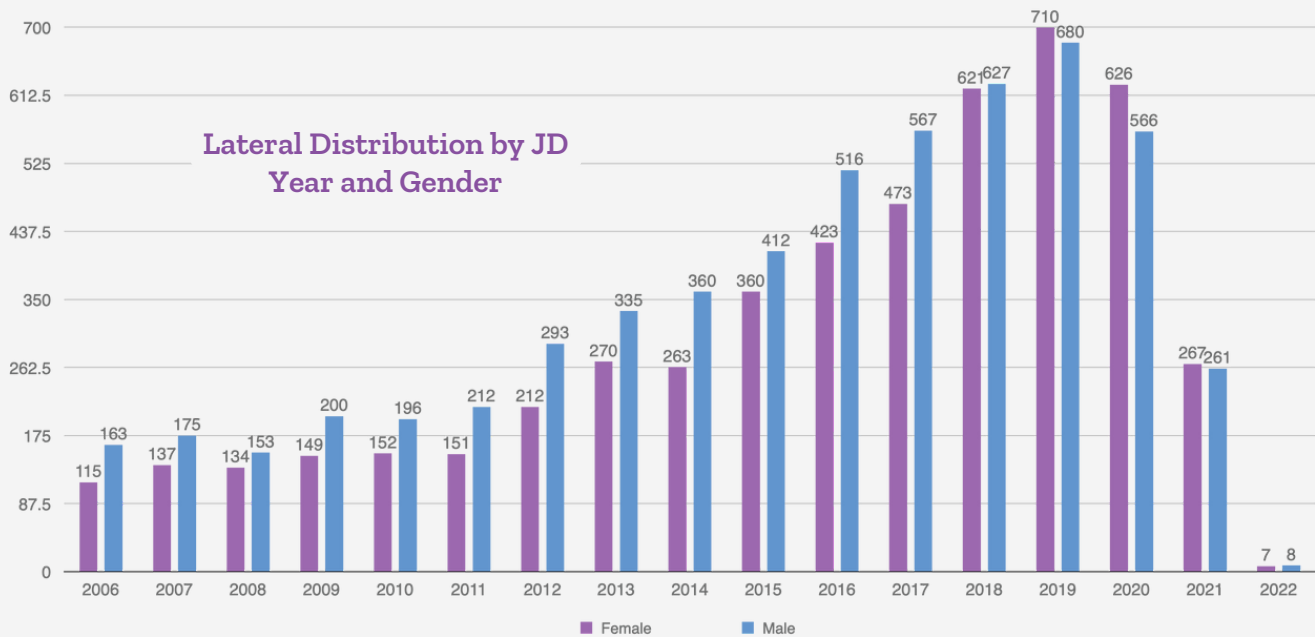
In 2012 these firms hired a good deal more entry level hires than laterals. Over time that pattern began to change and in 2022, you see laterals outpacing entry level hires by a good margin. Only 55 firms in this group hire more entry level associates than lateral associates. The hiring pattern has flipped from what it was in 2012. Lateral hires topped entry level hires in 2018 and it has remained the same since.



3

Hire More Senior Women Laterals

Looking at laterals by JD year, we see more female than male laterals on the youngest end of the spectrum, but after the JD year of 2018, male laterals overtake the women and stay in the lead throughout. Hiring mostly young women laterals will only place women further away from partnership than their male peers. Instead, hiring more senior female laterals will help close the gender gap more quickly by placing them in positions better poised to be elevated to partnership.



Women make a strong showing in the age groups from 2018 on up but men out pace them in the rest of the year groups.

At a high-level view of the hiring pattern over time for gender diverse associates, lateral and entry-level, you can see that there are many more laterals on the younger side of the spectrum. Looking more closely into the hiring numbers, women made a strong showing in the age groups through 2018, but men outpace women in every group from this point forward.

In the Women Leaving Law report, Leopard Solutions' key action items highlighted hiring more women laterals. With the latest 2022 data, we emphasize hiring more SENIOR female laterals, as this is the only way to help close the gender diversity gap at the partner level. The deck appears stacked against women who wish to move into leadership positions. While they hire more women at the entry-level, they promote far fewer entry-level hires than laterals. Also, the time has significantly increased for any entry-level employment to reach partnership. With the need for mid-career lateral hires, women face a far more difficult road to success. Firms should seek out women laterals at more senior levels, and women should also be aware that not all firms are created equal, and while some firms do not support women, others do. Choices are out there.

Continual Focus on the **11 Strategic Actions** to Elevate Gender Equality

The challenges women face in the legal profession require specific strategies to overcome. If implemented correctly, the 11 action items identified in the 2022 Women Leaving Law Report will help firms retain and elevate women. The latest follow-up survey on women in Big Law further reiterated how important these strategies are that firms must not ignore. While some firms have made strides in doing so, much work remains for the firms to take note of.



Let Women Speak and Amplify Their Voices

Many women have had men 'talk over them' or repeat what they just said to claim an idea of their own. Firm leaders must take responsibility and end such behavior to build women's confidence and encourage participation. This means addressing micro-aggressions such as men interrupting, rewording, or claiming women's views as their own.

What we see in practice is that it requires a consistent strategy to correct this behavior. Create an environment that breeds candor and allows one to speak out to communicate boundaries and offer support when women are silenced. Our first white paper outlines two strategies for this, and they both require teamwork and vocal support. What might work for one firm may not for another.

As the top law firms develop DE&I programs, they should not assume one size fits all, according to Pooja Krumenacker, Founder and CEO of Balanced Legal Solutions. Most firms have launched diversity programs, but they need to listen to what women want. They are not asking the right questions to determine what is needed to create the space for women to be heard.

“ Women being reduced to a single story is something I see time and time again...one dimensional approaches based on gender or race will not generate the success the firms seek. ”

*Pooja Krumenacker
Founder and CEO of Balanced Legal Solutions*

Let Women Speak

Give Women Opportunities

Give Women a Seat At the Table

Don't Tolerate Sexism

Uncover Unconscious Bias

Offer Equal Paternity Care

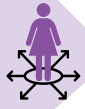
Offer a Flextime Schedule/Remote Work

Acknowledge Women's Success

Promotion Fairness

Hire More Women Laterals

Mentorship



Ensure that the Firm is Giving Women Opportunities

Baker Donelson has been running a Women to Equity program for six years. They have learned that the program needs to be tailored to individual attorneys to ensure that each of the women they placed on mentorship programs or other career development paths are based on their personal goals as well as aligned with the firm's needs. Firms can then use centralized assignment databases to measure partners' access and ensure equal opportunities for all associates. They can see successes through this hands-on approach.

“ A program designed to advance women should allow flexibility for the individual to share her goals and, based on her individual aspirations, be matched with the proper mentor. Men are key to a well-designed Women’s Initiative as many of my key mentors have been men. ”

*Christy Tosh Crider, Chair of Healthcare Litigation
Chair of Women's Initiative at Baker, Donelson.*



Provide Women a Seat at the *Decision-making Table*

Women need to be in visible leadership positions. When women associates see women in charge of practices, on the hiring committee, or as managing partners, it shows them what is possible.

When we asked the women in the Top 200 law firms that are not currently a partner if they saw a path toward partnership, 68% responded positively. Among these positive responses, the comments included:

“ My law firm has done an incredible job cultivating women in the workplace. Women are in many leadership roles and shape the workplace very positively. ”

Laura Leopard, CEO and Founder of Leopard Solutions, expanded on this, ***“Science tells us that women have qualities that make great transformational leaders. They seek to develop others, listen more effectively, and can think successfully ‘out of the box.’ Any company would do well to increase their percentage of women leaders, and law firms are no exception.”***

How can an all-male leadership make proper decisions for female employees without knowing or relating to what they need or want? The answer is that they cannot, and they risk alienating the very group they would like to help. Women must provide input on healthcare, insurance, and other benefits the firm offers in order to ensure the firm is providing what they actually need. But just as important, having women in leadership can share their concerns and perspectives, which can be crucial at times.





Ensure a **Zero-tolerance Policy for Sexism**

The only way to not have sexism in the office is to end it. It is a choice; the firm must be deliberate and persistent. Sexism should not be tolerated, both obvious and subtle, as it can kill a firm's culture. The same should be said about racism and the unconscious biases that accompany it. A firm that no longer tolerates this behavior, by enforcing its own rules and punishing those who cross it, will change the culture for the better. If there is behavior at work that causes people to leave because they do not feel supported or safe, you are working against your primary goal as a business because attrition can kill your bottom line. Attrition steals millions from firms' profit margins every year, so as a business matter, creating a safe workspace for all should matter. A firm must be willing to make some tough decisions to ensure that they have created a positive workspace.



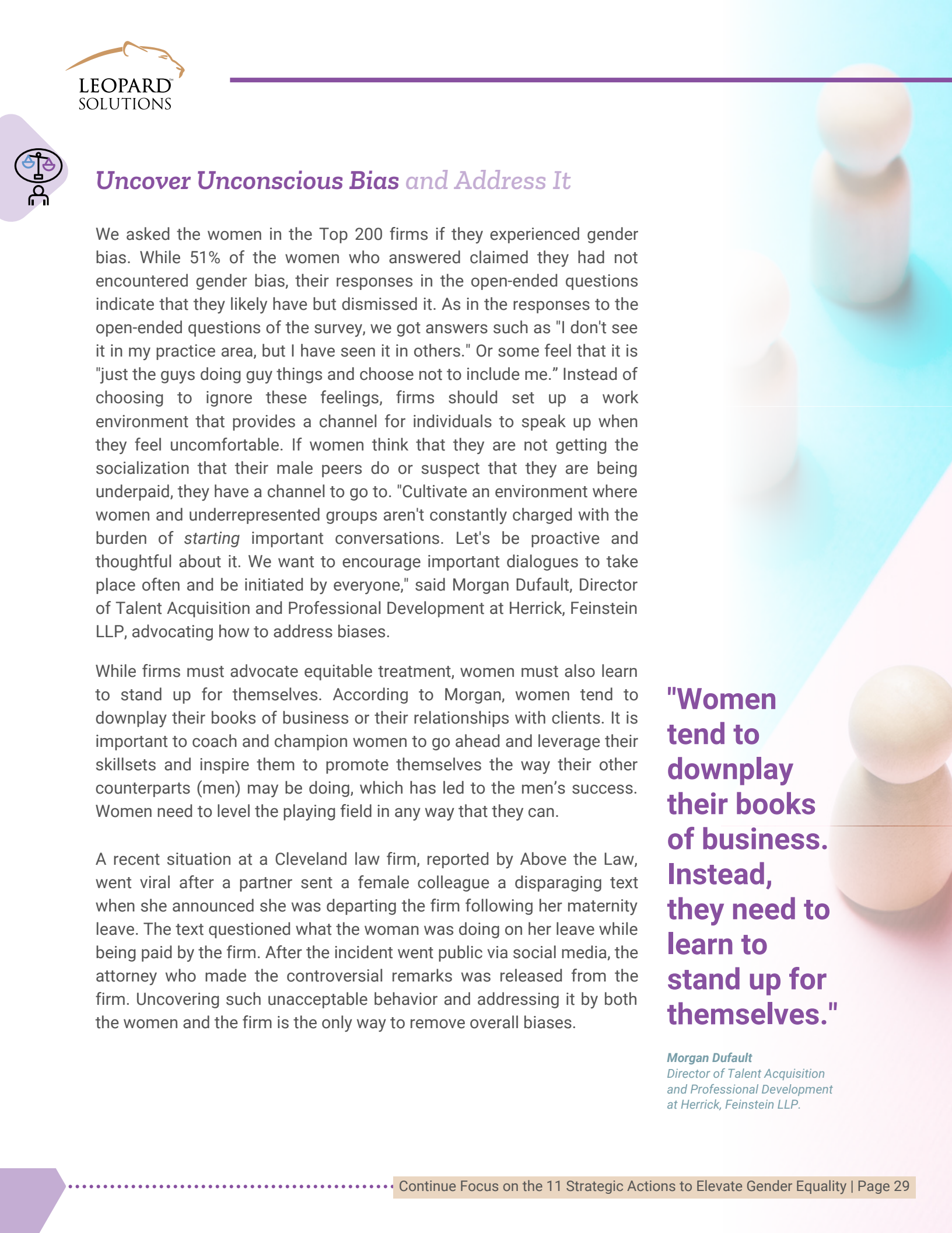


Uncover Unconscious Bias and Address It

We asked the women in the Top 200 firms if they experienced gender bias. While 51% of the women who answered claimed they had not encountered gender bias, their responses in the open-ended questions indicate that they likely have but dismissed it. As in the responses to the open-ended questions of the survey, we got answers such as "I don't see it in my practice area, but I have seen it in others." Or some feel that it is "just the guys doing guy things and choose not to include me." Instead of choosing to ignore these feelings, firms should set up a work environment that provides a channel for individuals to speak up when they feel uncomfortable. If women think that they are not getting the socialization that their male peers do or suspect that they are being underpaid, they have a channel to go to. "Cultivate an environment where women and underrepresented groups aren't constantly charged with the burden of *starting* important conversations. Let's be proactive and thoughtful about it. We want to encourage important dialogues to take place often and be initiated by everyone," said Morgan Dufault, Director of Talent Acquisition and Professional Development at Herrick, Feinstein LLP, advocating how to address biases.

While firms must advocate equitable treatment, women must also learn to stand up for themselves. According to Morgan, women tend to downplay their books of business or their relationships with clients. It is important to coach and champion women to go ahead and leverage their skillsets and inspire them to promote themselves the way their other counterparts (men) may be doing, which has led to the men's success. Women need to level the playing field in any way that they can.

A recent situation at a Cleveland law firm, reported by Above the Law, went viral after a partner sent a female colleague a disparaging text when she announced she was departing the firm following her maternity leave. The text questioned what the woman was doing on her leave while being paid by the firm. After the incident went public via social media, the attorney who made the controversial remarks was released from the firm. Uncovering such unacceptable behavior and addressing it by both the women and the firm is the only way to remove overall biases.



"Women tend to downplay their books of business. Instead, they need to learn to stand up for themselves."

Morgan Dufault
Director of Talent Acquisition
and Professional Development
at Herrick, Feinstein LLP.



Offer Equal Paternity Care

Most firms have childcare and parental leave benefits, but more improvements are needed as there is still much-concerning feedback from the respondents.

Offering equal paternity care is an easy decision. It normalizes the leave policy for both men and women who need to take off to care for a new child; there could be less of a stigma towards women for needing to take time off. While companies should not intervene directly in an employee's life, they should recognize inequality and offer ways to minimize the burden – whether that is helping women stay connected and developing their skills while they are on parental leave or facilitating their return to work.

“ The pressure is immense, even though my firm supports female attorneys. I'm pregnant with my first child, and I am terrified of taking maternity leave. ”

Creating a more inclusive parental leave program could help to ensure women do not feel that taking maternal leave will place the at a disadvantage.

“ Our gender-neutral parental leave made it the same for any attorney to take time off for childcare. By putting male parental leave in place and celebrating men who take parental leave, we are hoping that it promotes women taking maternal leave as a norm, which ultimately ensures that the whole firm is moving forward. It is not just about promoting women; it is about promoting the entire law firm. ”

Morgan Dufault, Director of Talent Acquisition and Professional Development at Herrick, Feinstein LLP.





Offer Flextime Schedules and Remote Work

Remote work was only possible in most law firms after the pandemic. Women had asked for it for years, but firms were only willing to allow remote work when forced. Women significantly benefit from it, and firms that continue to allow remote work will see a significant benefit with happier and still very productive attorneys.

Flextime could help women balance work and life more easily, allowing both men and women to take the time they need during a crisis or long term. Child care at work, time off for a sick relative- those perks should be shared across the board, and men should be encouraged to take it as needed. It will allow women to continue to work and deliver good work while balancing their needs at home. Encourage partners to take flex time when they need to. It will signal to associates that it is OK to take it. Flex time could allow you to keep valuable employees you otherwise might lose.



Acknowledge Women's Successes

We must help women get recognized for the excellent work they do. Working behind the scenes, rarely taking credit for work products, and never being recognized for their contribution are common traits women have. Firms should seek opportunities to uncover the women across their practices who do that and give them the spotlight.

"I enjoy teaching women how to promote other women. One exercise we do in the Women to Equity program is to ask each woman to share the three most exciting parts of her accountability partner's business plan rather than her own. Celebrating each other's work is far more satisfying than celebrating our own."

Christy Tosh Crider Chair of
Healthcare Litigation and Women's
Initiative Baker, Donelson.



Looking Ahead



The challenges women face in the legal profession require specific strategies to overcome. In the Women Leaving Law survey of 2022, the 11 strategic action items Leopard Solutions identified could help firms retain and elevate women. In the follow-up survey, we identified additional methods and expanded on what firms can do to further adapt and address gender issues.

One crucial strategy is to allow women to speak and amplify their voices. This means addressing micro-aggressions from men and senior leadership across the firm. Firm leaders must take responsibility and end such behavior to build women's confidence and encourage participation.

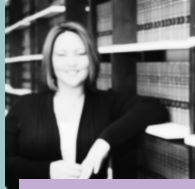
It is imperative to have women in visible leadership positions and decision-making roles. Another essential strategy is ensuring women receive the same opportunities as their male colleagues. This helps women associates see what is possible and enables women to share their concerns and perspectives, leading to better decisions for all employees.

Firms must have a zero-tolerance policy for sexism, racism, and unconscious biases that can poison the workplace culture. Punishing those who cross the line and enforcing rules can positively impact and reduce attrition, leading to better profits. Uncovering unconscious bias is another crucial step that firms can take. Training leaders on how to advance women and beat unconscious bias can help maintain a critical talent pool.

Firms should also offer equal paternity care to minimize the burden on working mothers and normalize leave-taking. Offering flextime schedules and remote work can also help working mothers balance their home and work responsibilities.

The responses showed concern about their future, both personally and professionally. The stress of childbirth and childcare was a concern, along with the pressures of meeting their billable hour requirements. Several said they felt they had to leave to start a family, and the lack of support disillusioned many who could not see moving up the ladder at their firms. Some women reported facing sexism at work and daily micro-aggressions that directly impacted their performance and perceived performance. These combined pressures make success in Big Law far more difficult for many women.

We close out this report with two comments
we received from the survey.



"I wish senior partners and people in leadership would actively talk to young female associates like me and ask what we need. I need access to childcare (I'm currently on an 18-month waiting list for four different daycares) and ramp-down/up periods around maternity leave. There's just so much anxiety around having children as an associate and avoiding the mommy track, and I think firms could do a better job of engaging with us to find a way forward."



"Large law firms vary enormously between practice groups and offices, and I would advise any attorney to look carefully at who they would be working with and what their job description will be before making decisions."

The need for firms to continue to do what they can to push for gender equality remains. We celebrate the firms that 60% of the women have responded favorably on. They have created a workplace where these women feel confident that they are at the right place to develop their careers, and we encourage them to continue to expand on their DE&I initiatives. At the same time, we urge the other 40% of the top firms whose women attorneys responded less favorably to look at what positive impact those firms are reaping from their gender equality initiatives and to start doing so if they have not.

Resources

[Big Law Offers Big Employee Benefits These Days-and That's a Big Deal](#)

January 23, 2023, FirstHand

[Why Toxic Culture Is To Blame For Women Leaving Law Firms](#)

January 18, 2023, Above the Law

[The State of the Legal Industry Report](#)

March 2023, Leopard Solutions

[Britons Increasingly Scared to Speak Out on Women's Rights, Data Shows](#)

March 7, 2023, IPSOS

[The Enduring Grip of the Gender Pay Gap](#)

March 1, 2023, Pew Research Center

[Gender pay gap in the U.S. hasn't changed much in two decades](#)

March 1, 2023, Pew Research Center

[Mansfield Rule Overview](#)

October, 2022

[Women Leaving Law Report](#)

October 2022, Leopard Solutions

[Sexism in the Courtroom: A Serious Problem Lawyers Need to Discuss](#)

RocketMatter.com

[Judge With History of Sexist Comments Called Out, Again, by 5th Circuit](#)

July 27, 2022, Law.com

[Overwhelming Evidence: Reports on Gender Bias in the Courts, 1990](#)

1990, U.S. Department of Justice

[Bar Association Considers Striking 'Honeys' from the Courtroom](#)

April 4, 2016, New York Times



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