

## Engendering change 4 ideas for advancing women in the legal profession

ALSO IN THIS ISSUE:

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**Engendering change** ..... 10

There has been a strong consensus for decades that there needs to be a change in the retention and advancement of women in the legal profession. We have worked up quite the frenzy of agreement that workplaces need to do better, and the leaders of these workplaces need to make the advancement of women, especially into leadership roles, a key strategic priority. The problem is that the consensus is on the need for change the *noun*, not change the *verb*. By Arin N. Reeves



**FEATURES**

**Women in Litigation: Mentorships 101** ..... 18

No matter your practice area, level of seniority or employment status, mentorship is key to every attorney's success: A list of tips and advice for mentors and mentees to help you make the most of your mentorships. By Gail L. Gottehrer, Tricia B. Sherno and Sara Vink Mogharabi

**A partner by any other name** ..... 24

To get to the top of any organization, women need to develop and demonstrate business, strategic and financial acumen. Decades of advice to women (including attorneys) have focused on everything but the importance of being seen as a business partner. By Susan L. Colantuono

**Law firms submit clients to 36 seconds of irritation** ..... 28

Every call made to law firms is put on hold, a recent study showed – compared to a national average of 70 percent for businesses across all industries. By Mark Williamson

**DEPARTMENTS**

**About NAWL** ..... 5

**A note from WLJ Executive Editor Kristin L. Bauer** ..... 6

Taking NAWL's Challenge forward: Focus on concrete actions to change the paradigm.

**A letter from NAWL President Leslie Richards-Yellen** ..... 8

Your efforts will help NAWL make a deeper impression in the work toward gender equality.

**NAWL NEWS**

**Experience the 'NAWL Effect'** ..... 32

Practice Area Affinity Groups provide opportunities to develop leadership skills in a supportive environment.

**Book Review** ..... 33

The Perils of "Privilege": Why Injustice Can't Be Solved by Accusing Others of Advantage by Phoebe Maltz Bovy. Reviewed by Kristin MacIntosh

**NAWL RECOGNIZES** ..... 34

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- Institutional Members
- Networking Roster
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## Taking the Challenge forward

*Focus on concrete actions to change the paradigm.*

**By Kristin L. Bauer**

THE YEAR 2020 WILL MARK THE 100TH ANNIVERSARY of women attaining the right to vote. With that significant milestone in mind, NAWL has set an ambitious goal in the “One-Third by 2020 Challenge”: Increase the number of women in positions of power across the profession to 30 percent, and also increase numbers of other under-represented groups, such as women of color and LBTQI attorneys. NAWL has focused its programming on this goal – on steps firms, corporations, other legal institutions and individuals can take to meet the Challenge. This month’s Women Lawyers Journal continues that focus. Two authors in this issue presented at past NAWL General Counsel Institute programs, and their messages bear repeating.

Dr. Arin Reeves has spent years studying professional services firms. In her book, *One Size Never Fits All – Business Development Strategies Tailored for Women (And Most Men)* Reeves presents the results of her research showing the development model of most professional services firms is not suited to women. On the other hand, representation of women on the client side has outpaced that of law firms. The business case for increasing the representation of women in law firms is easy to see and one that most firms likely accept. The challenge is actually making change and accepting that it does not involve changing the women, but rather an adjustment to the model. That adjustment, she argues, is easier to make once we realize the goal is

the same: to develop more business. Then, it becomes easier to accept that there may be more than one way to get there. In her work (and her article in this issue), Reeves focuses on how we can overcome the inertia of the status quo. As noted in her book, “change will happen when firms choose to no longer accept failure” and focus on “creat[ing] solutions instead of find[ing] them.” Her article provides practical ways for firms to create solutions.

Likewise, Susan Colantuono in her article shares the results of her research focused, in large part, on the advancement of in-house counsel. Colantuono shares her insightful findings related to gender-based differences in professional career advice. She finds that women tend to be mentored and developed in ways that focus on collaboration and engaging others, but that skill set alone is not what will get them to the top. What women can seek, and what organizations can provide, is experience and guidance that demonstrates financial, business and strategic acumen – skills that will help them been viewed as a partner in the business. Being a skilled legal adviser is not enough.

We hope you enjoy this month’s issue. We welcome your feedback and ideas for future articles. ■



Kristin L. Bauer is a principal with the Dallas office of the national workplace law firm Jackson Lewis P.C. Bauer represents management exclusively in workplace law and related litigation. In addition to handling an active employment litigation docket, she counsels management on preventive strategies, including termination decisions, investigations, employment agreements, non-compete and non-solicitation agreements, wage and hour laws, policies and handbooks, and other issues affecting the workplace. In addition to her current role as a board member for the National Association of Women Lawyers, Bauer has served as pro bono general counsel to The Family Place – a nonprofit agency serving the victims of domestic violence and their families – since 2005.





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## Analyzing NAWL's 'impact footprint'

*Your efforts will help NAWL make a deeper impression in the work toward gender equality.*

**By Leslie Richards-Yellen**

A FEW MONTHS AGO, one of my daughters, my sister and I traveled to South Africa. Our guides were determined that we see the “big five”: lion, elephant, rhinoceros, water buffalo and leopard – which is the goal of every safari. The “big five” are very respected by locals, and thus appropriately named, as they are the five animals that under the right circumstances, could prevail in an encounter with a human being.

While one guide drove, the other studied the ground for footprints to see whether one of the big five was in the vicinity. From the depth and clarity of the footprints, the guides could discern the type of animal, whether it was in pursuit of another animal, and its strength. That safari has made me evaluate the contour and depth of NAWL's “impact footprint.”

I am incredibly grateful and humbled when I see daily demonstrations of member engagement, which will eventually lead to fulfillment of our mission of gender equality. From my vantage point, our distinct footprint evidences our efforts as the national women's bar association, as well as our membership in the alliance of national affinity bars. I recognize that without member support, NAWL's “impact footprint” would be very shallow.

Additionally, without membership engagement and leadership, hundreds of opportunities for the personal growth of our members, which are generated by NAWL activities, would vanish without leaving a mark.

I guarantee that membership on any of NAWL's committees will foster the wonderful sense that

you are working with like-minded people in a constructive fashion to forge your efforts and energy into a lever to transform the prospects of women in the legal profession. One of the most personally and professionally valuable manifestations of your personal return on your investment in NAWL will be the relationships that will be developed based on shared convictions. Participation on NAWL committees will also add to your project management, strategic thinking and leadership core strengths.

There are a wide range of NAWL committees. The strategic function of these committees range from:

- Advocating (on our own behalf and with other organizations) for the fulfillment of our specialized mission of obtaining gender equality in the legal profession and for all women;
- Advancing thought leadership on issues related to women in the law, including our robust programming and scholarship;
- Aligning the perspectives and power of women lawyers of all races, ethnicities and sexual orientations; and
- Assisting NAWL in building strong infrastructure in terms of membership, sponsorship and member engagement.

Thanks to those members whose efforts, in the form of their engagement, have helped NAWL cut a powerful footprint. We welcome the engagement of all members, so that NAWL's impact will continue to lead the way forward to gender equality. ■

**Without membership engagement and leadership, hundreds of opportunities for the personal growth of our members, which are generated by NAWL activities, would vanish without leaving a mark.**

Leslie Richards-Yellen is director of inclusion – Americas at Hogan Lovells. She previously served as Hinshaw & Culbertson's chief diversity and inclusion officer, in addition to her public finance practice, for almost a decade. Richards-Yellen has more than 30 years of experience as in-house counsel and in private practice. She was a member of the National Association of Bond Lawyers' Steering Committee. In 2014, she was appointed to the Illinois Supreme Court Commission on Professionalism and served as the chair of the ISCCP's Diversity Committee. She was on the board of the Chicago Committee on Minorities in Large Law Firms, and serves on the boards of NAWL and the Delta Dental of Illinois Foundation as well as the advisory board of the Institute for Inclusion in the Legal Profession. Currently, she serves as president of NAWL.



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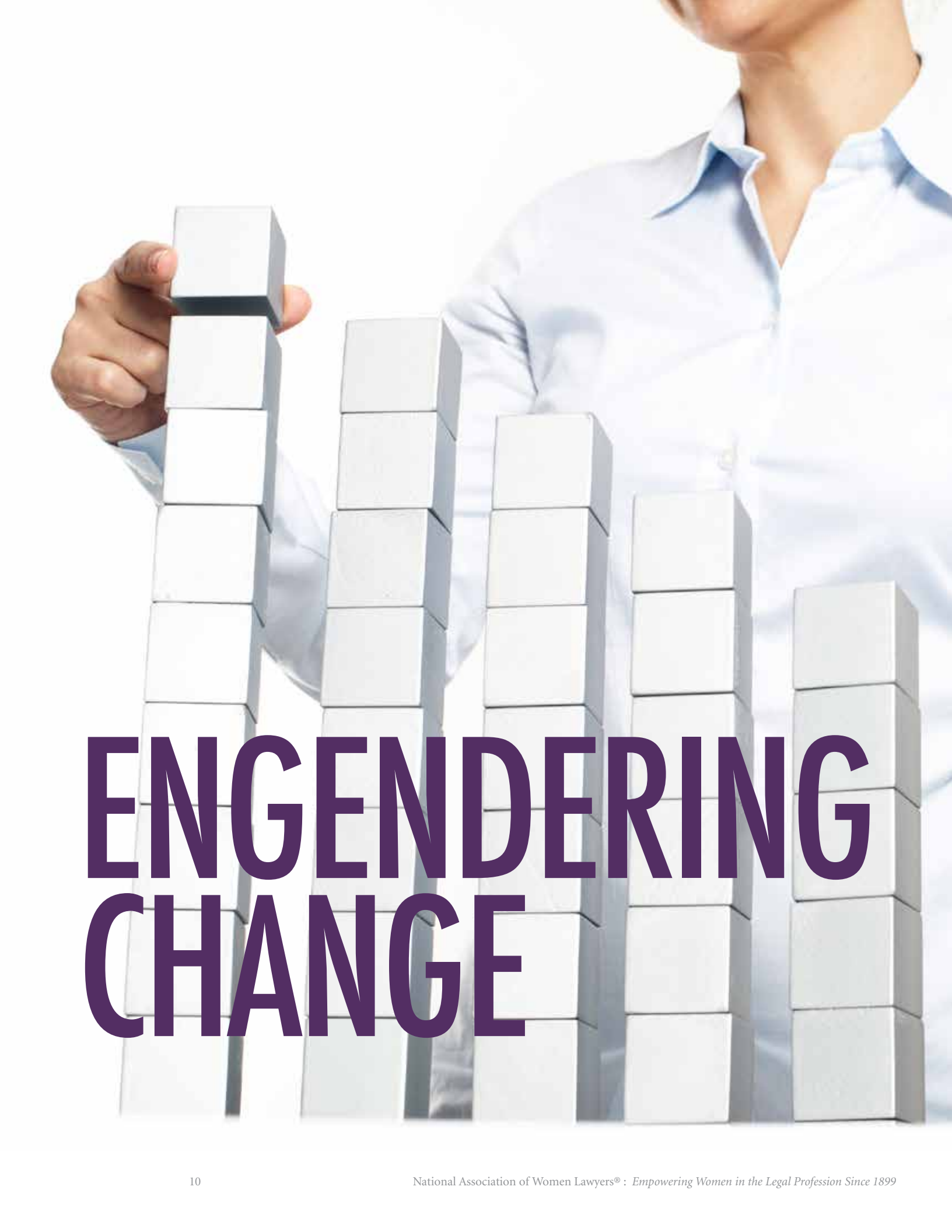
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# ENGENDERING CHANGE



## Four innovative ideas to create real and sustainable change in the advancement of women in the legal profession.

By Arin N. Reeves

In my research and presentations on gender equity and inclusion, I often joke that many of us love the *noun* “change,” but we strongly dislike the *verb* “change.” There has been a strong consensus for decades that there needs to be a change in the retention and advancement of women in the legal profession. We have worked up quite the frenzy of agreement that workplaces need to do better, and the leaders of these workplaces need to make the advancement of women, especially into leadership roles, a key strategic priority. We have a solid and sincere commitment by the majority of legal workplaces that we need to see a change in the numbers of women who are advanced and integrated into leadership positions in these workplaces.

Sounds great, right? It is great, except for the fact that the consensus is on the need for change the noun, not change the verb. The conversation goes something like this:

**LEGAL WORKPLACE LEADER:** We absolutely need to see change in the number of women retained and advanced. We absolutely need to see change in the number of women who are in leadership positions.

**RESPONSE:** That’s fantastic! Can we talk about the performance evaluation system...?

**LEGAL WORKPLACE LEADER:** Well, the performance evaluation system is a tough place to start because it is really based on getting at the things we need to know about people in order for the compensation system to work.

**RESPONSE:** Okay. Can we talk about the compensation system...?

**LEGAL WORKPLACE LEADER:** The compensation system is just what it is. It’s just the business model. We can’t create an alternative way to

Dr. Arin N. Reeves is the president of Nextions, a leading research and consulting firm in leadership and inclusion issues. She received her J.D. from University of Southern California and her doctorate from Northwestern University. She has practiced as an attorney, taught at Northwestern University and worked globally with professional service firms, corporations, educational institutions and government entities in a wide variety of industries. She’s the best-selling author of two books, *The Next IQ: The Next Level of Intelligence for 21st Century Leaders* and *One Size Never Fits All: Business Development Strategies Tailored for Women (And Most Men)*.



# There has been a strong consensus for decades that there needs to be a change in the retention and advancement of women in the legal profession

compensate just to, you know, accommodate women. The leaders all want to see more women in leadership, but attacking the compensation system won't be a good place to start.

**RESPONSE:** Got it. Can we talk about the leaders...?

**LEGAL WORKPLACE LEADER:** Of course. We know we don't have many female leaders, but we just haven't been able to get really qualified women to step up. We have tried, but there just aren't that many women who meet the requirements for leadership.

**RESPONSE:** Can we talk about the requirements for leadership...?

**LEGAL WORKPLACE LEADER:** The requirements for leadership are set, you know, in our business model.

**RESPONSE:** Can we talk about the business model...?

**LEGAL WORKPLACE LEADER:** That's really out of our hands. We are a service provider, and we have

training to help them be more confident and be more comfortable with self-promotion and even work on the work-life balance issues that many of them face that make them opt out of the workplace, which I completely understand, but it's just the reality we are dealing with.

I've heard many variations of this conversation in different organizations while researching gender differences in professional service firms for my book *One Size Never Fits All: Business Development Strategies Tailored for Women (And Most Men)*, and the core of the conversation between the many leaders with whom I spoke is consistent: Of course, we want to see this change (the noun) in women's numbers, but we don't want to change (the verb) how we do things. Given this reality of workplaces wanting *the* change but not wanting *to* change, we've identified some ways through our research and experiments to loosen the resistance to change and increase the probability for some of the systemic change necessary to create real and sustainable advancement of women.

## 1. Pilot programs

In examining the openness to change in various legal workplaces, we found that creating "pilot programs" faced less resistance than introducing the change as temporary, even when there is no actual difference in the change being introduced. In one large law firm, we worked on changing the criteria for evaluation of mid-level and senior associates to be more objective and less vulnerable to implicit biases. Initially the firm resisted, but when it was presented as a "pilot program," much of the resistance eased. The firm ran the pilot program for two years and adopted many of the changes into the permanent process.

Pilot programs are especially effective in introducing change in evaluation and compensation systems where

## We've identified some ways through our research and experiments to loosen the resistance to change and increase the probability for some of the systemic change necessary to create real and sustainable advancement of women.

to provide services in the ways in which our clients demand. There isn't any leeway there for us.

**RESPONSE:** So, what can be changed to accomplish different results in the retention, advancement and leadership participation rates of women in your workplaces?

**LEGAL WORKPLACE LEADER:** I'm glad you asked! We have a women's initiative, and we provide women with the opportunity to get together and talk and do



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# Pilot programs are especially effective in introducing change in evaluation and compensation systems

small changes in the questions asked, the words used, the order of the criteria evaluated and similar factors all have a significant impact on gender differences in evaluations, promotion and compensation.

## 2. Leadership development programs (leadership pipeline programs)

Across legal workplaces from law firms to legal departments to public sector law, women were more likely to be successful in and rise to leadership in organizations that had a leadership development program that was required completion for anyone considered for leadership positions. The selection processes for these leadership development programs had greater flexibility for ensuring gender parity in the programs, and it was easier for sponsors to advocate for their female protégées to get into these programs in comparison to advocating for them to be selected for specific leadership positions.

Once the women were accepted into these programs, their talents and skills allowed them to shine and be

women's ability to be seen as leaders. When this interim step did not exist, women – even ones with the same qualifications as their male counterparts – were less likely to be viewed as qualified or be selected for leadership positions.

## 3. Default opt-out programs to replace default opt-in programs

Several research studies over the past few years have illustrated that women are not likely to opt-in to opportunities unless they feel they are thoroughly and completely qualified for the opportunity while men are likely to opt-in to opportunities if they feel they meet generally about half the requirements. While some researchers have argued that it's a "crisis of confidence," there is actually a strong body of research that suggests that this behavior is related more to levels of risk aversion than it is to confidence.

Let's take a nomination process for election into a leadership position as an example. In a legal organization where leadership positions were decided by a general election involving candidates who had

nominated themselves, the women in the organization had extremely low rates of nominating themselves. In spite of self-advocacy and confidence workshops run by the women's initiative in this organization, the number of women who nominated themselves was dismally low. This organization went through a severe reorganization and in order to create more clarity in the leadership selection process,

the organization shifted from a self-nomination to an automatic nomination if you met certain criteria with individuals having the choice to opt-out if they didn't want to be included on the election slate.

This "automatic inclusion" brought several women into the process who had previously not nominated themselves, but once they had been automatically included, none of them opted out,

Leadership programs neutralized the 'there are no qualified women' refrain, and it also ensured a high level of leadership skills for people who would be selected as future leaders.

seen as a peer in a "class of leaders" from whom the next generation of leaders would be selected. This neutralized the "there are no qualified women" refrain, and it also ensured a high level of leadership skills for people who would be selected as future leaders.

This interim selection step of "high potential" people (men and women) who are given the opportunity to learn and prove themselves as leaders enhanced





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## Women accepted in leadership pipeline programs were more likely to be seen as a peer in a ‘class of leaders’

leading a couple of the women to actually get elected into leadership positions.

An opt-in program triggers a different risk calculation in women than it does in men – rooted in how women and men perceive internal versus external causes of failure. However, when women are opted-in automatically, they are less likely than men to opt-out because the risk calculus of winning at a competition into which one has been entered triggers a different risk calculus than choosing to enter a game.

### **4. Disallow *think, seem, feel, believe, always* and *never* on evaluation instruments and in decision-making conversations**

Evaluation processes have always been fraught with questions about reliability and the effectiveness of the evaluation instruments. We haven’t solved all the problems yet, however, we do know some indicators of bias against underrepresented groups like women, racial/ethnic minorities, people who identify as LGBTQ, and people with disabilities in the legal profession.

In several analyses of evaluations in law firms, legal departments, government agencies and public sector workplaces, we found that disallowing these six words – *think, feel, seem, believe, always* and *never* – reduced biased language significantly because not being able to use these “perception” words allowed them to more consciously shift to “behavior” words.

We took this finding and implemented the concept in leadership discussions. In facilitating leadership dialogues on change, especially in the area of diversity and inclusion, we found that conversations shifted

significantly if leaders could not use *think, feel, seem, believe, always* and *never* in their language. This shifted their thinking to find better explanations for resisting change or helped them realize that it was primarily their perceptions (or their perceptions of other people’s perceptions) that limited their ability to see certain changes as real possibilities.

### **Conclusion**

Most women (and men) can cite the dismal statistics around women’s advancement in the legal profession. While we have made a lot of progress in the past 20

We found that conversations shifted significantly if leaders could not use *think, feel, seem, believe, always* and *never* in their language.



years, we have a long way to travel for women to reach parity with their male counterparts, especially at the leadership levels. The road ahead requires us to start thinking differently about change.

Many initiatives, programs, symposia and conferences focus on trying to convince leaders and organizations to commit to changing the statistics. This is asking for commitment to change (the noun). Most leaders and organizations are already there. They are often deeply committed, but they haven't fully confronted the fact that change (the noun) cannot happen without change (the verb).

In striving for the next level of change in women's equality in the legal profession, we, now, must transition from seeking commitment to change (the noun) to making leaders and organizations comfortable with change (the verb).

This transition is more difficult than staying focused on change (the noun), but the easy stuff is usually easy for a reason. It's not pushing anyone out of his or her comfort zone, and what we know for sure is that women aren't going to get very far in current comfort zones. ■



# NAWL WOMEN IN LITIGATION: MENTORSHIPS



**All female attorneys can work toward positive change in the legal profession by becoming mentors and sponsors to other female attorneys.**

**By Gail L. Gottehrer, Tricia B. Sherno and Sara Vink Mogharabi**

**NO MATTER YOUR PRACTICE AREA**, level of seniority or employment status, mentorships are a key to every attorney's success. Together, we have composed a list of tips and advice for mentors and mentees to help you make the most of your mentorships.

### **PERSONAL REFLECTIONS:**

**GAIL L. GOTTEHRER:** As a partner, I have a platform, and a responsibility, to mentor and sponsor female associates. I have been fortunate to have had the support and encouragement of people who taught me to set my sights high and helped me achieve professional and personal success. These people include teachers, family members, colleagues and friends. The role they have played, and continue to play, in my career makes clear to me how important it is to be a resource for female associates to reach out to for advice, a sounding board for their ideas and the person who pushes them to go beyond their comfort zones and accomplish their goals. It is gratifying for me when one of my mentees publishes an article, gives a presentation, or takes on the challenges that come with being a working mother. Seeing my mentees increase their confidence,

take pride in their educational and professional accomplishments, refer opportunities to each other, and mentor other female associates are among the benefits I receive from being a mentor. I encourage all female attorneys, whether in law firms, in-house positions, academia or government, to be a force for positive change in the legal profession by becoming mentors and sponsors.

**TRICIA B. SHERNO:** As a senior associate, I have been developing relationships with other lawyers in the capacity of a mentee since the outset of my career. I recently realized that I am in a position to mentor more junior female associates with whom I work. It occurred to me that certain of my female colleagues were looking to me for more formal support and guidance

**'It is gratifying for me when one of my mentees publishes an article, gives a presentation, or takes on the challenges that come with being a working mother.'**

**– Gail L. Gottehrer**

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Gail Gottehrer is a partner at Akerman LLP in New York. Her practice focuses on class action defense, management-side labor and employment litigation and other complex commercial matters, including privacy and technology litigation, digital workplace-related actions and cyber security. She is one of the few defense lawyers to have been involved in the trial of a class action to verdict before a jury. Gottehrer teaches a course in Law for Knowledge Innovation at Columbia University and is a fellow at the Center for Legal Innovation at Vermont Law School. She was recently selected as one of the one of the Profiles in Diversity Journal's 2017 Women Worth Watching in STEM, the New York Business Journal's 2016 Women of Influence, the Connecticut Technology Council's 2016 Women of Innovation, and the Profiles in Diversity Journal's 2016 Women Worth Watching. She is the vice president of the board of directors of the Greater Hartford Legal Aid Foundation and a member of the board of directors of The Connecticut Appleseed Center for Law and Justice.

Tricia B. Sherno is an associate at Debevoise & Plimpton LLP in the litigation department. Her practice focuses on employment matters and general commercial litigation and also involves the design, negotiation and implementation of employment policies, employment agreements, consulting agreements, severance and release agreements. She serves as secretary of the committee on labor and employment law for the New York City Bar Association

Sara Vink Mogharabi is an associate at Beveridge & Diamond PC. Her environmental practice centers on matters involving natural resources, project development and product regulation. She is co-chair of the NAWL Women in Energy and Environmental Law Practice Area Affinity Group.

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<sup>1</sup> The advice and opinions included in this article are not necessarily endorsed by, nor a reflection of, the views of the law firms where Gottehrer, Sherno and Mogharabi work.



## Often a mentorship relationship becomes a vehicle for learning about different professional perspectives

beyond our caseloads. These associates didn't pick up the phone and ask me to be their mentor. However, when I took the initiative to extend an invitation for a coffee break or when I picked up the phone to provide constructive feedback, these women enthusiastically and appreciatively took me up on my offers. From there, the foundations of mentoring relationships were laid, and I soon noticed that my mentees began proactively reaching out to me for advice. In looking back, certain of my mentors cultivated our relationship in the exact same informal way. I see great value in this type of organic process of cultivating mentorships.

**SARA VINK MOGHARABI:** As a junior associate, I am the mentee in the majority of my mentorships, but I've also served as a mentor to law school students and other associates at my firm. Over the past five years, I have developed formal and informal mentor relationships within my firm and retained as mentors law school professors and supervisors from previous jobs. I encourage other young lawyers to actively assemble a diverse arsenal of mentors (by seniority level, gender,

important to develop relationships with organizational leaders who will advocate on your behalf. If you face any specific issues, such as juggling the demands of parenthood with your career, having a mentor with experience in that area could provide essential support. Still, don't exclusively focus your mentorship efforts on individuals who are like you. Often a mentorship relationship becomes a vehicle for learning about different professional perspectives, styles or career options. Finally, give back. Be a friend to your mentor and look for ways you can help him or her. Also, take the initiative to mentor others within your institution or the legal community. Even the most junior lawyers can provide critical support to law school students.

### TOP 10 TIPS FOR MENTORS

**1. Be willing to be a mentor.** You can be a mentor to another woman lawyer or law student at any stage of your career. You have more substantive knowledge and insight to offer than you realize, and by sharing it with another woman lawyer or law student, you can make more of a difference than you can imagine. It is incumbent upon women lawyers who reach senior level positions in law firms and other organizations to mentor, and when possible sponsor, women lawyers.

**2. Reach out to your mentee from time to time.** Don't rely solely on your mentee to take the initiative to schedule conversations or to keep you updated. Outreach, particularly at the beginning of a mentor/mentee relationship, will help put your mentee at ease and demonstrate your commitment to the mentorship.

**3. Set clear expectations about your availability.** Maintaining mentorships is challenging because, like all relationships, it requires time, which is always in short supply. It can be helpful for mentors and mentees to schedule specific times to meet and block

**'Within your organization, it is especially important to develop relationships with organizational leaders who will advocate on your behalf.'**

**– Sara Vink Mogharabi**

practice area, employer, etc.) who can support and empower you at your current job and throughout your entire career. Within your organization, it is especially

the time off on their calendars. Conflicts often arise and make it necessary for those mentoring meetings to be rescheduled, but scheduling in advance reduces the risk of losing track of time and having months pass before a meeting takes place.

**4. Be a good listener.** Take the time to truly listen to your mentee. Do not dictate the conversation or cut your mentee off. Learn about your mentee's personal interests outside of the law. Good listening leads to more meaningful conversations.

**5. Respect your mentee's confidentiality.** Think twice before sharing your mentee's confidences with your partners, management or others. After all, trust is a critical component of any strong mentorship relationship.

**6. Seek out opportunities to work with your mentee.** You will be better able to provide actionable feedback and advice if you are directly familiar with your mentee's skills and abilities. Involve your mentee in your engagements, and bring your mentee to court, client meetings and networking events.

**7. Don't miss out on teachable moments.** Look for opportunities to give constructive actionable feedback to your mentee.

**8. Learn from your mentee.** Be open to the concept of "reverse mentorship," which is the concept of a senior-level individual being mentored by someone more junior. Women lawyers at various stages of their careers and from different generations have a variety of perspectives to bring to the table. Look for opportunities to ask your mentee for constructive feedback during the course of your relationship.

**9. Be a sponsor.** Understand the concept of sponsorship, and serve as an advocate for your mentees with colleagues and clients. A sponsor

## Mentors who work in the same law firm or organization as their mentees have an understanding of the structure of the company and its internal politics.

has often been described as the individual who talks favorably about you to others when you are not in the room. Sponsors, who are lawyers at the law firm or organization where the junior lawyer works, can introduce her to clients or potential clients, take her on pitches, put her in a position to be staffed on high-profile cases or transactions that will get her noticed, and advocate for her with the decision makers within the law firm or organization. In-house lawyer sponsors can assist a woman lawyer's professional development and chances for promotion by sending work to her or insisting that the woman lawyer be staffed on the work that the in-house lawyer is sending to the law firm and that she have significant responsibility for the matter, including taking depositions and speaking at court proceedings.

**10. Inspire your mentee to become a mentor.** In addition to maintaining relationships with their mentees, it is important for mentors to focus on creating more mentors. By inspiring their mentees to become mentors to other women lawyers, mentors can maximize the positive impact they make on the careers of women lawyers. It's also personally rewarding for mentors to see their mentees become mentors to other women lawyers.

## TOP 10 TIPS FOR MENTEES

**1. Seek out multiple and diverse mentors.** Internal mentors and external mentors play different, but equally critical, roles in the careers of women lawyers. Mentors who work in the same law firm or organization as their mentees have an understanding of the structure of the company and its internal politics. Internal mentors are often familiar with the work

## Understand the concept of sponsorship, and serve as an advocate for your mentees with colleagues and clients.

habits, writing styles and pet peeves of the lawyers to whom their mentees are assigned and can advise them on how to develop a good working relationship with those lawyers. In contrast, lawyers who work at different law firms, in-house or in government jobs have different perspectives on the practice of law and on substantive legal issues. Based on their work experiences, they can help their mentees see issues and challenges from different angles or serve as neutral sounding boards. They can broaden their mentees' views of the practice of law and make them aware of different career options, such as going in-house, clerking or doing pro bono work. Similarly, individuals who are not lawyers can be valuable mentors for women lawyers.

**2. Identify areas in which you would like guidance.** Set goals for the mentorship. For example, do you want to learn substantive skills from your mentor? Do you prefer to focus your conversations with your mentor on obtaining career advice? In addition, before you meet or talk with you mentor, jot down a list of questions, issues or concerns that you would like to discuss with your mentor.

**3. Be respectful of your mentor's time.** Sometimes rescheduling a meeting is unavoidable. However, you should reschedule meetings as far in advance as possible and make every effort to honor your commitments.

**4. Be patient and set realistic expectations for the relationship.** Strong mentorships do not develop overnight. Often the most solid mentor/mentee relationships take years to develop. Don't give up on the mentorship unless you truly feel that it will not meet your expectations.

**5. Be yourself around your mentor.** You would be doing yourself and your mentor a disservice by holding back around your mentor. In order for your mentor to give you the best support and advice possible, your mentor needs to have a fulsome understanding of your thoughts, concerns and interests.

**6. Carefully listen to and consider your mentor's advice.** You would be wasting your time if you did not carefully and actively listen to your mentor's advice, even if the advice is difficult to hear. Don't reject your mentor's advice without giving it some thought. A good mentor will often tell you things you don't want to hear. Those things may be the most valuable pieces of advice you will ever receive. Keep in mind that it's not easy for your mentor to tell you these things, but she does it anyway, which makes her a true mentor and friend.

**7. Don't be afraid of your mentor's silence.** The beginning stages of your mentorship, like any relationship, can be a bit awkward as you get to know each other and develop a rapport. Consider this: you're meeting with your mentor for coffee and have run out of things to say, and your mentor isn't helping because all she is doing is keeping quiet. This is a good thing! Your mentor's silence is inviting you to probe more deeply into what is on your mind, and consider the areas of greatest concern. In this situation, don't be afraid to pause, reflect and assess what is of immediate concern

**A good mentor will often tell you things you don't want to hear. Those things may be the most valuable pieces of advice you will ever receive.**



or on your mind and share that with your mentor. The possibilities of what may happen are endless.

**8. Evaluate the relationship from time to time.** As careers advance, women lawyers need different kinds of mentorships and, often, different mentors. When she becomes a senior associate, a woman lawyer needs a mentor who can give her guidance about how to increase her chances of making partner. Once she becomes a partner, a woman lawyer needs a mentor who can advise her on the economics of law firm partnership, ways to develop business, and to ensure that her contribution to the firm is reflected in her compensation.

**9. Show appreciation.** A periodic thank you or expression of appreciation will go a long way in reaffirming your relationship with your mentor and is a small token for your mentor's time, feedback and sponsorship.

**10. Don't lose touch.** Yes, we all lead very busy lives, but you never want to be the woman that only calls or emails your mentor when you need something from her. Keep in touch with your mentor, even if it's a simple hello. Your mentor will appreciate knowing that you value her time and your relationship. Also, take an interest in your mentor's life and career. If your mentor mentioned that she was preparing for a trial during your last conversation, consider asking about the outcome. If your mentor was leaving for vacation during your last conversation, consider asking about her trip. Taking an interest in your mentor's professional and/or personal endeavors will only make for a more enriched mentorship. ■

## Talk is not enough... It's time for action

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# A partner by any other name

Insights from the top on how to get there.

By Susan L. Colantuono, CEO Leading Women



To prepare my presentation for the National Association of Women Lawyers General Counsel Institute, I interviewed GCs, CEOs and directors on corporate boards asking the question:

*“What are the most important selection and success criteria for General Counsels?”*

In all but one case the very first words out of their mouths emphasized the importance of being seen as a “partner in the business”; 50 percent answered with comments such as:

- *The biggest differentiator is the person who is a business partner as opposed to a legal advisor.*
- *Know the business, understand the strategy and appropriate language so the executives feel that they’re talking with a peer, not an outsider.*
- *Understand the business, be a problem-solver, not a nay-sayer.*
- *Understand the business, where it needs to go and what it takes to move the business forward.*

- *Be a business-thinking lawyer, approach everything with a business lens.*
- *You can do technical work well and stay employed as a legal specialist, but if you’re not going to take the next step of becoming a business partner, you’ll never advance.*

Do the answers above surprise you? I have to admit, they surprised me.

Men and women who are partners in law firms have since told me the same.

Having discovered “The Missing 33%”™ of the career success equation for women, these answers shouldn’t have surprised me, but I wasn’t sure the pattern would hold true in law.

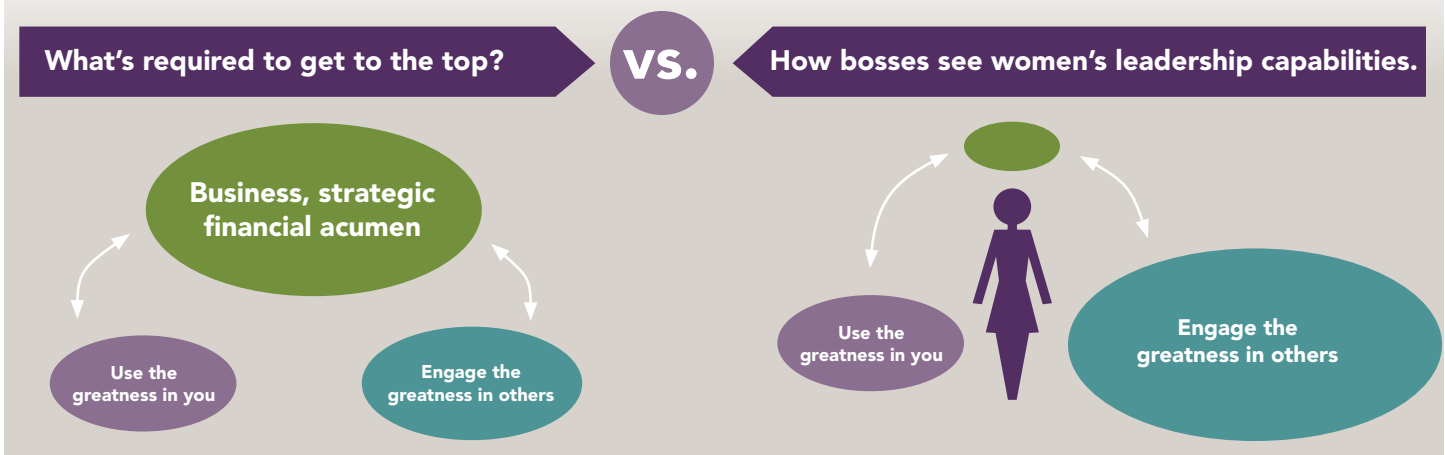
## THE MISSING 33%

In summary, “The Missing 33%” of the career success equation for women is the knowledge and advice that to get to the top of organizations, women need



Susan Colantuono is the CEO of Leading Women, an internationally recognized firm delivering services to close the gender gap at the top. Her TED Talk on closing the leadership gender gap has been viewed more than 3.3 million times, translated into 23 languages and covered by the Washington Post, Fortune, the Guardian and other major media. She founded and ran the Women’s Institute for Leadership at Bryant University from 2002 to 2010. She is the author of *Make the Most of Mentoring* and *No Ceiling, No Walls* and her copyrighted work on “The Missing 33%™” has appeared in numerous publications in addition to Women Lawyers Journal.

## How do we fill the perception gap?



to develop and demonstrate business, strategic and financial acumen. (For a more complete definition, go to [http://www.ted.com/talks/susan\\_colantuono\\_the\\_career\\_advice\\_you\\_probably\\_didn\\_t\\_get.](http://www.ted.com/talks/susan_colantuono_the_career_advice_you_probably_didn_t_get.) )

Unfortunately, 14 years of studies indicate that this is not an area that is seen by managers and executives as a strength for women. Instead, women are noted for our ability to “engage the greatness in others” through strong interpersonal and team skills.

Does this mean that all women are good at engaging others? Obviously not. But it does mean that women benefit from the positive expectation that we will be good at building teams, using shared decision-making, working on diverse teams and other leadership behaviors requiring interpersonal and team skills.

Does the pattern indicate that no women have and/or demonstrate business, strategic and financial acumen? Again, obviously not. But, it does mean that we aren't expected to. As a result, women have to work extra hard to demonstrate that we do understand the overall business of the firm, it's strategy, the story told by the financials and that we make decisions and/or recommendations based on these understandings.

### TAKING THE LEAD

When you hold a senior position in a law firm or within a corporation, you are paid to be a leader of the business. To understand what this means, consider Leading Women's definition of leadership:

*‘Leadership is using the greatness in you to achieve and sustain extraordinary outcomes by engaging the greatness in others.’*

“Leadership is using the greatness in you to achieve and sustain extraordinary outcomes by engaging the greatness in others.”

This three-part definition focuses attention on the importance of using your skills, knowledge and experience (greatness in you) to enable the firm to meet or exceed its strategic goals (achieve and sustain extraordinary outcomes) by working effectively with clients, colleagues and other stakeholders (engaging the greatness in others).

The advice I heard in my interviews arrayed across the three parts in the proportions illustrated in the graphic at right.



## Women have to work extra hard to demonstrate that we do understand the overall business of the firm

This is exactly the same proportion as the earlier image depicting what's required to get to the top in business.<sup>1</sup>

This matters to you because research tells us that decades of advice to women (including attorneys) have focused on everything but the importance of being seen as a business partner.

We used our three-part model of leadership to analyze the Top 10 most substantive Google returns for the search "career advice for women lawyers." We added

a fourth category for career advice in general (such as "take a lateral move to another firm").

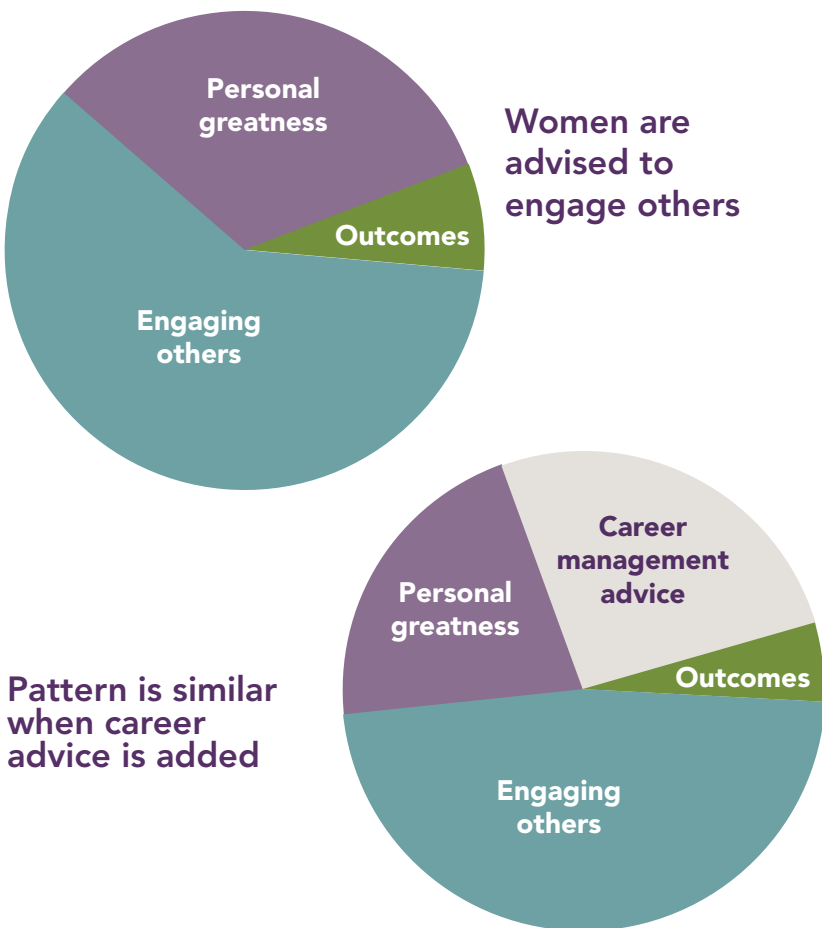
What we discovered is that the advice women attorneys are given is disproportionately weighted with advice relating to "engaging others." Even when including general career management advice, the pattern continues.

### BECOME A 'PARTNER IN THE BUSINESS'

With advice like this, it's not surprising that women in the law (as with women in many professions) don't understand that, at some point, they have to make an identity shift. They must give up their identity as a polished professional attorney and take on the identity of a businesswoman. Making this transition can be hard. First, because you have invested so much into becoming an attorney and know what it takes to perform as a master in your area of law, and second, because you likely haven't been told that you have to make the transition. But make the transition, you must! My interviews demonstrated why with comments such as:

- If you think of yourself as a lawyer, you're never going to make GC. Being a great lawyer is only a starting point.
- Women tend to cling to the identity of a lawyer rather than embrace the identity of a businesswoman.
- You need to understand business objectives and speak the language. If you can't, you're an outsider. If you can, you're the person on the inside trying to help them on the right path. You're part of the journey, not an obstacle.
- Think strategically; it's usually not a lawyer thing.

What can you do to facilitate this identity transition?



<sup>1</sup> If you're wondering what other advice they gave: 25 percent addressed engaging others, for example:

- "Map out the ecosystem, you have to understand where you are in it and read it accurately."
- "Have excellent communication skills."

Another 25 percent discussed personal greatness, for example:

- "Project a confident presence."

Depending on your level in the firm, here is advice shared by attorneys at the top:

- Volunteer on projects e.g. risk management.
- Volunteer for/take assignments outside the legal department and/or your area of specialty.
- Go on client visits.
- Ask to sit in on budget meetings.
- Attend executive off-sites, board meetings.
- Help prepare materials for board meetings, sit on audit or governance committees, present to the board.
- Swap legal assignments to gain exposure to other parts of the business.
- Get on cross-functional committees.
- Observe the way the partners work with clients, each other, the board and their teams. Look for businessmen/women behaviors and language.

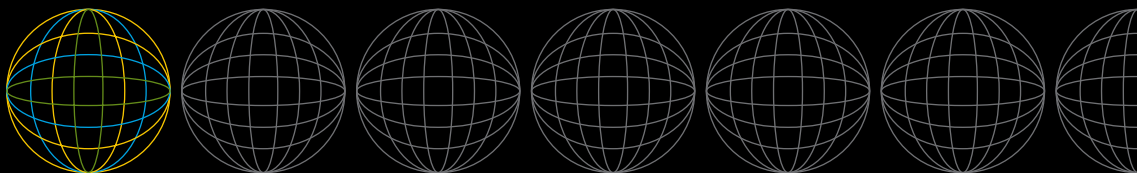
## *Help prepare materials for board meetings, sit on audit or governance committees, present to the board.*

- Never say, “I don’t know that area of the law.”
- Get on a substantial, well-run nonprofit board.

So, put aside conventional advice offered to women and take to heart the advice of attorneys at the top. To become a partner in the firm, you have to become a partner in the business.

Have you successfully made the transition from the identity of an attorney to business leader? Tell us how. Are you finding it difficult? Tell us why.

Contact Susan L. Colantuono at [susan.colantuono@leadingwomen.biz](mailto:susan.colantuono@leadingwomen.biz). ■



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# Law firms submit clients to 36 seconds of irritation

**A recent study shows every call made to law firms was put on hold.**

**By Mark Williamson**

**L**aw firms risk losing business by making clients wait on hold for more than half a minute, new research shows.

Every call made to law firms as part of the large-scale study conducted by audio branding specialist PHMG,

was put on hold, compared to a national average of 70 percent for businesses across all industries.

During the study, calls to law firms during business hours were usually answered within three rings, but each of the calls made were put on hold at some point. For example, a call was answered, but then put on hold while being transferred. Those callers were forced to wait for 36.07 seconds on average, which also compares unfavorably to the national average for all businesses of 29.83 seconds.

To make matters worse, they are left listening to inappropriate audio, which could increase the risk of caller hang-ups. The research discovered 46 percent of legal firms leave customers waiting in silence, while 41 percent use generic music and 13 percent subject callers to beeps.

*A previous study of 2,234 U.S. consumers found 59 percent will not do business with a company again if their first call isn't handled to satisfaction.*



Mark Williamson is CEO at PHMG, a global audio branding agency. With more than 12 years' experience of working in the industry, Williamson manages the global brand strategy of the company and advises businesses on how best to implement on-hold marketing and design an audio brand.

The research results do not reflect particularly well on the legal sector, as few firms appear to be employing a best-practice approach. Hearing is one of our most powerful emotional senses, so the sounds clients hear when they call a firm will create a long-lasting impression. Using generic audio, instead of sounds congruent to the firm's existing visual branding, may convey a different image and different values than those the firm wishes to convey.

It's worrying that clients are being left on hold for over 36 seconds as this can be a major irritation. What makes matters worse is that they are left in silence or may be listening to poor-quality music, which increases the risk of hang-ups.

A previous study of 2,234 U.S. consumers found 59 percent will not do business with a company again if their first call isn't handled to satisfaction. Therefore, it is important firms do everything they can to improve the experience.

The same consumer study also revealed 65 percent of customers feel more valued if they hear customized voice and music messages while on hold. By ensuring all audio is professional and brand congruent, firms can drastically improve client experience and begin shaping behavior by tapping into the psychological power of sound.

Every element of a voice and music track will stir different emotions so legal firms should ensure they communicate the appropriate brand image. What voice you use depends on how your firm wants to be recognized. Also, rather than using a piece of commercial music which can come with baggage, law firms should look to use a unique track. The physical attributes – such as pitch, volume and tempo – are all used to communicate with the customer emotionally and have different connotations.

This study also found only 9 percent of law firms use an after-hours messaging service to greet callers outside of normal business hours. The benefit of an after-hours message is clear. Callers can hear messaging that informs them of opening times, basic product and service information or answers to common queries. ■



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To learn more, please contact Sandra Jeskie at [jeskie@duanemorris.com](mailto:jeskie@duanemorris.com).

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# MID-YEAR MEETING & AWARDS LUNCHEON



Photo above left: NAWL Members Tamela Merriweather and Lisa Gilford catch up during a break at NAWL's 2017 Mid-Year Meeting & Awards Luncheon. Above: Eleanor P. Williams, assistant vice president and counsel, MassMutual, discusses alternative billing models during the "Using Alternative Billing Models to Support Women in Law Firms" workshop at NAWL's 2017 Mid-Year Meeting & Awards Luncheon. Left: NAWL Mid-Year Meeting Committee Member Deirdre Roney (far left) poses with "Community and Police Conflicts" panelists Colleen K. Connell, Dartsia A. Pitts, Takeia Johnson, Lori E. Lightfoot and NAWL President Leslie Richards-Yellen.

Photos: Marty Morris/MPM Photography LLC





Top left: Judith L. Lichtman, senior advisor, National Partnership for Women & Families, speaks during the “Women in Politics and Government” Opening Plenary at NAWI’s 2017 Mid-Year Meeting & Awards Luncheon. Top right: 2017 Leadership Awardee Madeleine M. McDonough (left) with NAWL Past President and 2017 Public Service Awardee Stephanie A. Scharf. Center left: Representatives of Caterpillar Inc’s legal department accept the 2017 Challenge Award at NAWI’s Mid-Year Meeting & Awards Luncheon. Left: 2017 NAWL Leadership Awardee Terrence M. Murphy delivers his acceptance speech. Above: 2017 NAWL Public Service Awardee Hon. Mazie K. Hirono with lifelong friend and NAWL Board Member Sandra Yamate (right).

Photos: Marty Morris/MPM Photography LLC



Left, Kelly Ann Bird, Gibbons P.C., and Maureen Brundage enjoy a break during NAWL's Annual Meeting & Awards Luncheon.

Photo: Marty Morris/MPM Photography LLC

## Experience the 'NAWL Effect'

*Practice Area Affinity Groups provide opportunities to develop leadership skills in a supportive environment.*

If you've attended even one NAWL event, you've experienced what I call the "NAWL Effect" – a surge of positivity and confidence that invigorates your practice, your ambitions and your hopes for our profession and the world.

If you haven't but are now curious and would like to, consider participating in one or more of NAWL's Practice Area Affinity Groups.

An Affinity Group is a forum – sometimes virtual, sometimes in-person – where you can meet, talk with, learn from and/or teach other lawyers in your practice area(s) in regular discussions and presentations by

experts and others in that practice area. Affinity Groups hold monthly or bi-monthly teleconferences among their members and plan in-person and online events that are open to members and nonmembers alike. Affinity Group events take place both in conjunction with and independently of other NAWL events.

NAWL currently has 13 established Practice Area Affinity Groups:

- Women in Compliance
- Women in Corporate Transactions
- Women in Environmental & Energy Law
- Women in Employment Law
- Women in Fashion Law
- Women in Financial Service
- Women in Immigration
- Women in Insurance
- Women in Intellectual Property & Technology
- Women in Litigation
- Women in Military Service
- Women In Real Estate Law
- Women in Start-Ups

Three additional Practice Area Affinity Groups are forming now:

- Women in Health and Life Sciences
- Women in Public Service
- Women Leading Diversity Initiatives

Most Affinity Groups begin with two or three women who wish to network with others in the same area of practice.

Affinity Groups also provide important opportunities for participants to develop and hone leadership, project management, team-working and team-building skills in a safe, supportive and engaging environment relevant to their professional work.

I encourage you to experience for yourself the NAWL Effect: visit NAWL's Practice Area Affinity Group page at [www.nawl.org/affinitygroups](http://www.nawl.org/affinitygroups) and participate in a planned event or call for any Affinity Group that may interest you. There is a Practice Area Affinity Group for every practitioner. ■

—Elizabeth Levy, NAWL board member at large

### Keep us informed

Let our readers know what is going on in your firm. Send your news about people, awards, programs, etc., to Kelsey Vuillemot at [kvuillemot@nawl.org](mailto:kvuillemot@nawl.org) or Laura Williams at [williamslaura2000@hotmail.com](mailto:williamslaura2000@hotmail.com).

# When privilege isn't a leg up

By Phoebe Maltz Bovy

From buzzword to social movement, the definition of 'privilege' is different than it used to be.

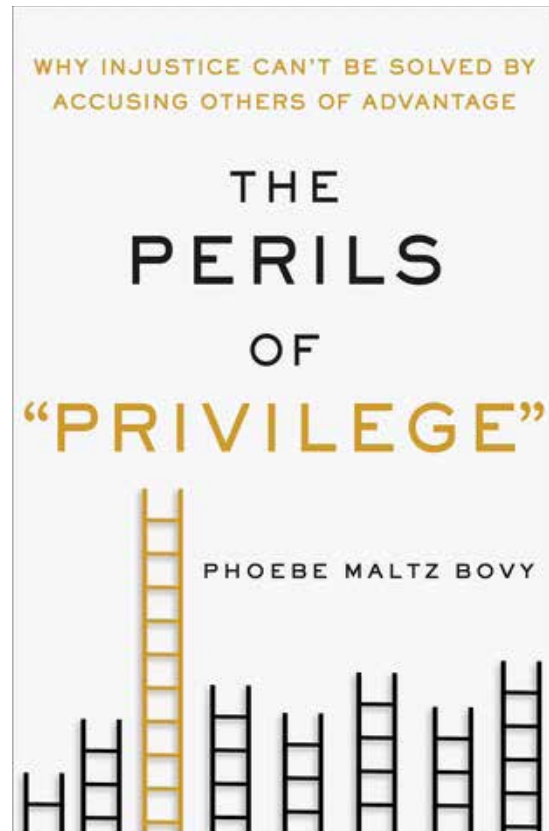
Spend any time at all on social media these days, and no matter your background, it's likely at some point someone will tell you "YPIS." This acronym, text shorthand for 'your privilege is showing' is used in any context where the writer's background, upbringing, education, work experience, you name it – has shaped her worldview in such a way as to make her insensitive to other views.

In Phoebe Maltz Bovy's *The Perils of 'Privilege': Why Injustice Can't Be Solved By Accusing Others of Advantage*, she addresses this phenomenon from the point of view of both academic observer and participant in the culture wars. A writer whose work has appeared in *The Atlantic* and *New York Magazine*, Maltz Bovy straddles the divide to explain how the definition has expanded from Webster's "a right or benefit given to some but not others" to encompass this online tactic used to shut down an argument, simply by calling into question the background of the person asserting an opinion.

While an awareness of cultural difference surely broadens discussions about tough topics such as racial inequity and social injustice, privilege in this context essentially shuts out all opinions except those held by the social group in question, leaving those perceived as 'more privileged' in the uneasy position of being judged as not affected *enough* by the issue in question to merit respect of their opinions.

A recent example of this was in the 2016 U.S. presidential race when the not-so-secret Facebook group Pantsuit Nation inspired activism among women. In some corners of the group, however, certain segments of the group called out others, saying that they didn't have the same validity to their arguments because they hadn't suffered enough.

"The problem with YPIS isn't – as is too easily imagined – that getting called out by feminists of color or trans activists causes thin-skinned privileged feminists to feel sad," Maltz Bovy writes about this endlessly devolving approach. "Rather, it's that YPIS takes on a life of its own, getting aimed in all directions, and winds up damaging every feminists' cause."



One of the more striking arguments in Maltz Bovy's critique is that when "privilege" becomes the only lens through which something can be discussed, attention is taken away from the issue and turned instead to the personal histories and microaggressions suffered by the participants in the discussion.

In a book that felt somewhat like going down the rabbit hole of internet trolling and terminology, Maltz Bovy's clear-headed suggestion in the conclusion of the book brings the reader full circle, and back to solid ground:

"The *default* should be human decency. Not some sort of hyperawareness where everyone is magically in on what might offend everyone else. Just don't be overtly racist, sexist or otherwise discriminatory. It's that simple."

Of course, nothing is simple. But her suggestion seems like a good place to start. ■

*YPIS takes on a life of its own, getting aimed in all directions, and winds up damaging every feminists' cause.*

—Reviewed by Kristin MacIntosh, WLJ copy editor

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(Background) NAWL Board Member DeAnna Allen talks with Caterpillar Challenge Club Representative Suzette Long meanwhile (foreground) NAWL Board Member and Challenge Club Representative Kristin Sostowski, right., networks with a fellow Challenge Club Member (left).

Photo: Marty Morris/MPM Photography LLC

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Longtime NAWL Member Nancy Lottinville networks with other members during the NAWL Wine, Women and Chocolate Welcome Reception preceding NAWL's 2017 Mid-Year Meeting & Awards Luncheon.

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**ADR** Alt. Dispute Resolution  
**ADV** Advertising  
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