

The background of the entire page is a photograph of a woman with long dark hair, seen from behind, walking away from the viewer down a long, brightly lit hallway. She is wearing a dark blazer and light-colored trousers, and she is carrying a light-colored handbag. The hallway has wooden walls and doors on the right side. At the far end of the hallway, there is a large, bright window or glass door that creates a strong backlight effect, silhouetting the woman and casting a long shadow on the floor. The bottom right corner of the image is overlaid with a large, semi-transparent orange triangle.

# WOMEN LEAVING LAW

# SOLVING A MYSTERY ABOUT WOMEN LEAVING THE LAW

At the end of 2021, the Leopard Solutions team was preparing a year-end round up about hiring and departures in the legal profession. As we sifted through

the data, we noticed something startling about the numbers of women who had left their positions at law firms and other legal employers in the previous year.

First, we examined exits from the top 200 firms by gender-diverse and ethnically diverse lawyers and whether those lawyers had rejoined another top 200 firm. We noticed that a smaller percentage of women were returning to Big Law. We then analyzed our entire 2021 dataset of attorney moves and discovered that we could not say for certain where 2,509 women had landed after they left their jobs. They had not, at least at the time of our inquiry, re-entered one of the more than 4,000 law firms and 8,000 companies that we cover.

This discovery begged the question: Where had those women gone? We began a research project to find out more about what happened to women who left a top 200 firm. We saw that some rejoined Big Law with a bit of a gap while others left Big Law and joined smaller firms or went in-house or into academia.

Leopard Solutions launched a survey of women who departed, particularly those who had exited a top 200 firm, to gather insights about their decision-making. The results and comments by the women we surveyed gave us pause. While some may suggest that the COVID pandemic or family concerns are the key drivers for the exodus of women from legal jobs, the women we surveyed were far more likely to cite job satisfaction and a lack of support and opportunities at their law firms. Digging even deeper, we interviewed women who have had successful careers at top 200 firms, who have been leading women's initiatives, and who have been innovating around gender diversity issues. In June, we conducted a webinar featuring women leaders in the legal profession discussing the issues we had identified, as well as strategies for addressing the problems facing women in the law.

In this report, we will examine the results of our survey and provide ideas and suggestions for solutions that we gathered along the way. This is a critical issue for the profession and a personal one for us as a women-owned enterprise. Our goal is to help reinvigorate the conversation around gender diversity and spur law firms to renew their focus on hiring, retaining, and promoting women.

— Laura Leopard, founder and CEO, Leopard Solutions



# ABOUT THE SURVEY AND THIS REPORT

The Women Leaving the Law survey developed by Leopard Solutions launched online in February 2022. During the course of the next four months, we received 199 responses to the survey, which consisted of 27 questions related to:

- The demographic makeup of the respondents, including age, job position, race, location, number of children, and current place of employment, among other factors
- The factors that prompted women to leave their legal industry jobs
- The issues that would bring women back to the law
- How the women who responded perceived their likelihood of becoming a partner and their overall career trajectories
- The impact of COVID-19 on their decision-making.

We also encouraged women to leave comments about their experiences (a selection of those comments will appear throughout this report). Supplementing the survey, we conducted follow-up discussions with some respondents, and we interviewed several leading lawyers about the challenges women face in the profession and ideas to help address those problems.

Those interviews, and additional research conducted by the Leopard Solutions team, and data from our proprietary legal intelligence database, serve to inform the data, strategies and solutions offered as a part of this report.

## Fast Facts About The Respondents



199 Lawyers responded



36 States + D.C. were represented



8% of responses were from international lawyers

## WOMEN TELL THEIR STORIES

*Selected comments from our survey*

*"I left my law firm because there was no opportunity for advancement, and I received better career opportunities in-house. I am considering leaving the law practice to work in business or to do something new altogether because I'm just tired of solving other peoples' problems and struggling to be paid fairly and equally to men."*

# A LEGAL SHE-CESSION? PERHAPS NOT. DON'T BLAME KIDS OR COVID.

Much has been made of the “Great She-cession” afflicting the overall employment market. Prior to the COVID-19 pandemic, women had been entering the workforce faster than men and even inroading into male-dominated fields such as manufacturing and construction.

From 2015 to 2018, the percentage of women in the U.S. workforce had risen 2.2 percent compared to 0.8 percent for men. And then came the pandemic. As the economy stumbled, women lost jobs at a faster rate and returned to work at a far lower clip than their male counterparts.

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It might be tempting to posit that the same factors at work in the broader job market are to blame for thousands of women who, according to the data we have compiled, have decided they are not returning to their previous legal jobs—particularly at law firms.

If we look at associates in the top 200 firms, a type where there is parity in numbers—we see that of the group that left those firms, 48% were women. The She-cession may have been

true in other industries, but not in legal. Our data just does not bear that out.

Nor did the bulk of the women leave simply to start a family or raise children, a traditional refrain when law firm leaders search for reasons to explain the dearth of women in partnership or management roles.

Instead, the bulk of our survey respondents pointed to their job satisfaction and to factors that were largely under the control of the institutions they left. Consider:

- Just 15 percent of the women who took our survey said that they relocated as a result of the pandemic. While three-quarters said that they were mothers, nearly 70 percent said that staying home with children had little or nothing to do with their decision to leave their jobs.
- 90 percent of respondents to our survey said that current job satisfaction was an important factor in their decision to leave.
- More than 80 percent cited lack of flexibility in the work environment and work-life balance as having some or a great deal of impact on their departure decision.
- More than 70 percent said that the trajectory of their careers drove them to move, a signal that many women feel shut out of advancement opportunities. This is in spite of the fact that more than 60 percent of the women we surveyed said that they had longed to become a partner early in their careers.

These issues are particularly thorny for Big Law. More than 75 percent of the respondents said they left a top 200 law firm. When they left, 59 percent were associates, 22 percent were partners, and 15 percent were counsel. Roughly 89 percent of the lawyers were over the age of 35.

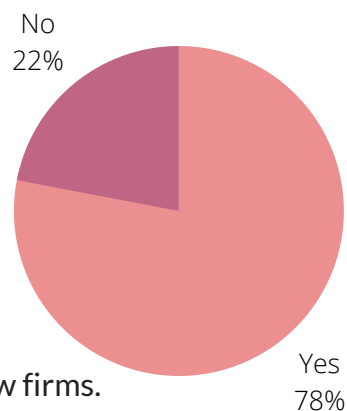
Many of the women who took our survey were clearly at the mid-level and senior associate levels— the classes of lawyers most likely to take on future leadership roles, provide experienced support for partners, and whose time can be billed more profitably than their younger colleagues.

Our industry-wide data shows that women between the ages of 25 and 30 exited top 200 law firms at a very high rate. However, this group of young women traded one top law firm for another, making up more than half of all women who re-entered a firm.

We see women in the following age group— those in their 30s and in the middle of their careers choosing to exit the top 200 altogether.

## Did You Leave a Top 200 Firm?

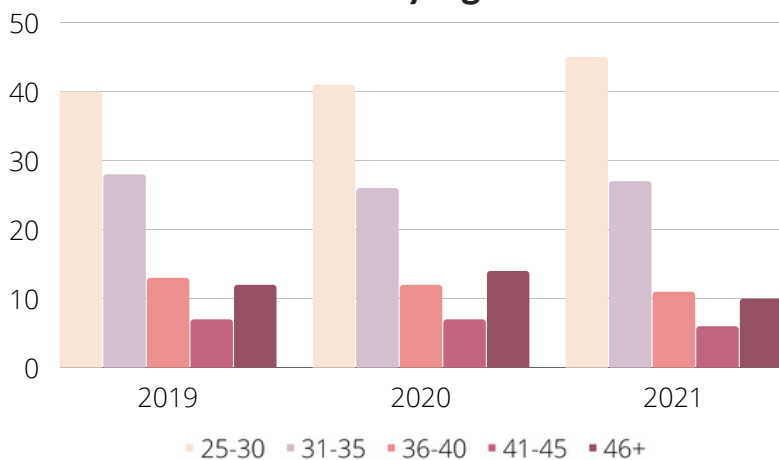
While issues such as work-life balance were important, ninety percent of the women who took our survey said that they felt somewhat or very frustrated with the support they had received from their law firms.



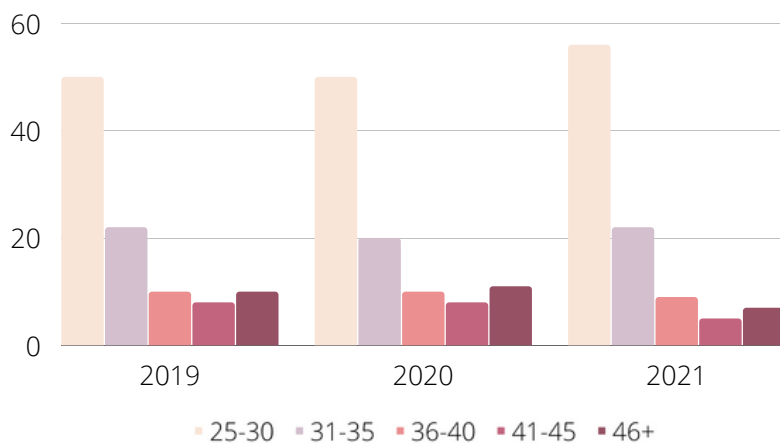
As one survey taker noted: “I was tired of having to fight with others (primarily men) for billing credit, for prime assignments, for marketing opportunities, and all things legal. I did it for over 30 years, and I was successful, but, wow, was it was exhausting.”

Another added: “Having a mentor— someone who cared about my career, well-being, et cetera—would have made a huge difference. I worked at a top 5 law firm, and there were no mentors for any of us. All the women that I started with left practice, except one who made partner and is thriving.”

### Women Who Exited A Top 200 Firm By Age



### Women Who Re-Entered A Top 200 Firm By Age





*"Either we're going to adapt and be the place where people, who are in touch with what they want in their career and with what they want in their life, see a path that feels successful to them, or we're going to get passed by."*

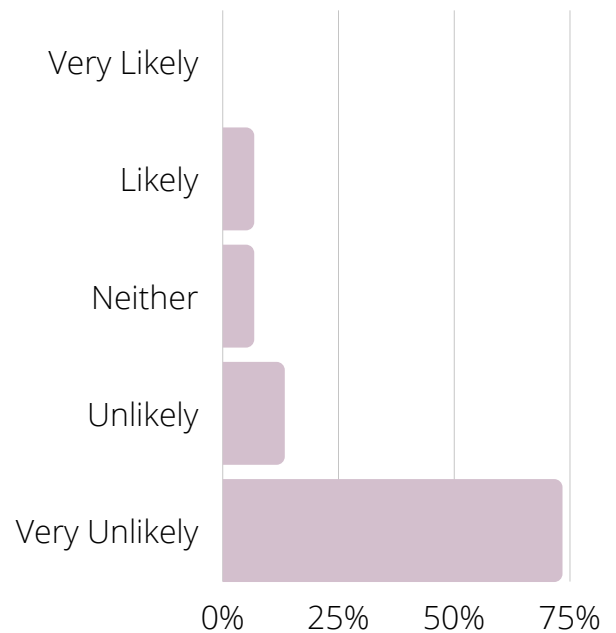
-Christy Tosh Crider

## AN INFLECTION POINT

The experiences of women who took our survey show that much work remains for law firms to create a workplace that will help them retain a gender-diverse workforce. While more than 50 percent of law students are women, and nearly half of new associates at law firms are female, the equity partnership ranks remain overwhelmingly male. If firms truly want gender diversity, they must have the will to do something about it. Hiring alone will not solve the problem. Instead, firms need a more holistic approach that focuses on onboarding, mentorship, and opportunities, and to embrace the changing nature of the workplace in the wake of the pandemic.

As Christy Tosh Crider, chair of the healthcare litigation practice and chair of the women's initiative at Baker Donelson, said during a June 2 webinar exploring the results of this survey: "Right now [law firms] are at an inflection point. Either we're going to adapt and be the place where people who are in touch with what they want in their career and with what they want in their life, see a path that feels successful to them, or we're going to get passed by."

### How Likely Are You to Return to a Law Firm?



# STEPS FOR IMPROVEMENT

As we interviewed Crider and others about these issues, we identified 11 steps that firms might take to help retain and elevate women. The steps, which will be explored in greater detail later in this report, include:

1. Letting women speak and amplify their voices.
2. Ensuring that the firm is giving women opportunities.
3. Providing women with a seat at the decision-making table.
4. Having a zero-tolerance policy for sexism.
5. Uncovering unconscious bias.
6. Offering equal paternity care.
7. Offering flextime schedules and remote work.
8. Acknowledging women's successes.
9. Guaranteeing fairness in promotions.
10. Hiring more women laterals.
11. Providing greater mentorship for women.

Losing so much of the talent pool before it reaches the equity partnership is bad for business and bad for clients. From a financial standpoint, firms sacrifice hundreds of thousands of dollars—if not millions—each year because of employee turnover. And if too many associates leave the nest or view the partnership as something not worth obtaining, the entire law firm business model will be at risk.

## **WOMEN TELL THEIR STORIES**

*Selected comments from our survey*

*I left my law job after 8 years of practice. I realized in June 2021, after all of the hard work, time and effort put into my career, and bringing business to the firm, that I would never be partner. This caused me much grief early on after all the sacrifices I had made and all the time I gave to my employer instead of my family. Afterward, I questioned myself, "why did I even want to be a partner?" Slowly, I realized I didn't. I thought about going to another law firm as my unhappiness grew. Going to another law firm (changing the culture) would not have increased my happiness. I finally got up the courage to quit my job. Instead of living to work, I decided I need a job that allows me to work so I can live the life I want. I took a job as an account executive in legal sales and will now have my nights and weekends back to spend with my family.*



# WHERE HAVE ALL THE WOMEN GONE?

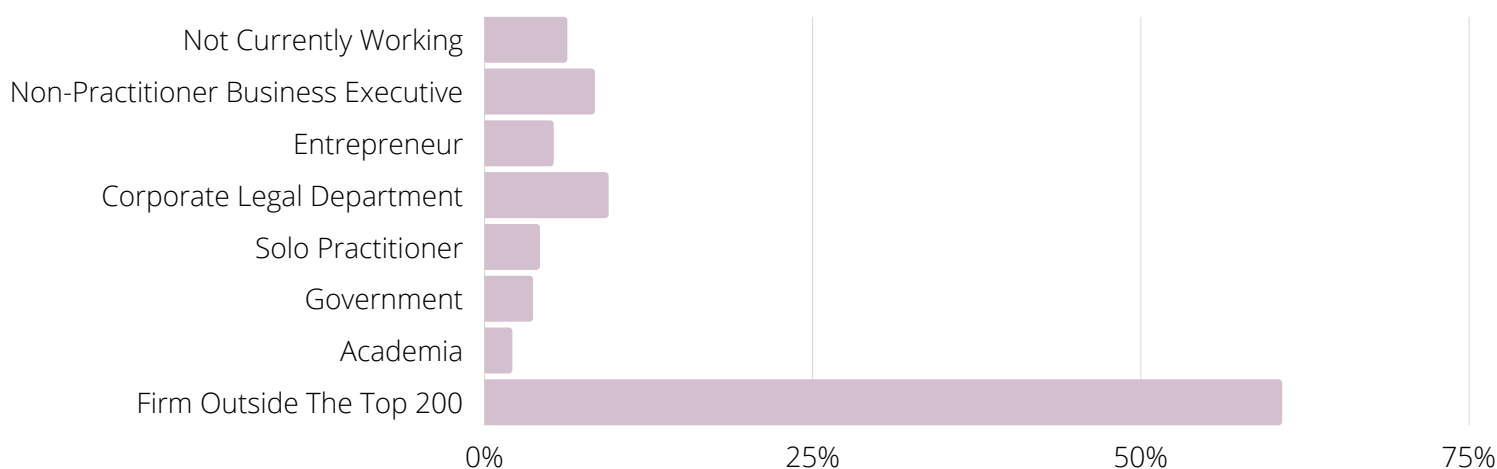
The women who responded to our survey are largely law firm veterans. **More than 90 percent said that they have worked for a law firm during the course of their careers**; 78% of those women had worked within Big Law. The majority of our respondents were in the middle of their careers. More than 60 percent were between the ages of 35 and 55, the prime time to advance to partnership and law firm leadership.

**Where did they go after leaving?** According to our numbers, 61 percent of the respondents returned to law firms after leaving their previous position. But the figure masks the fact that a large number of those lawyers did not return to positions in Big Law. Further, a significant number—more than 20 percent—are either not working or have taken positions outside of traditional legal industry roles.

# 20%

are either not working or have taken positions outside of traditional legal roles.

## What Best Describes Your Current Place of Employment?



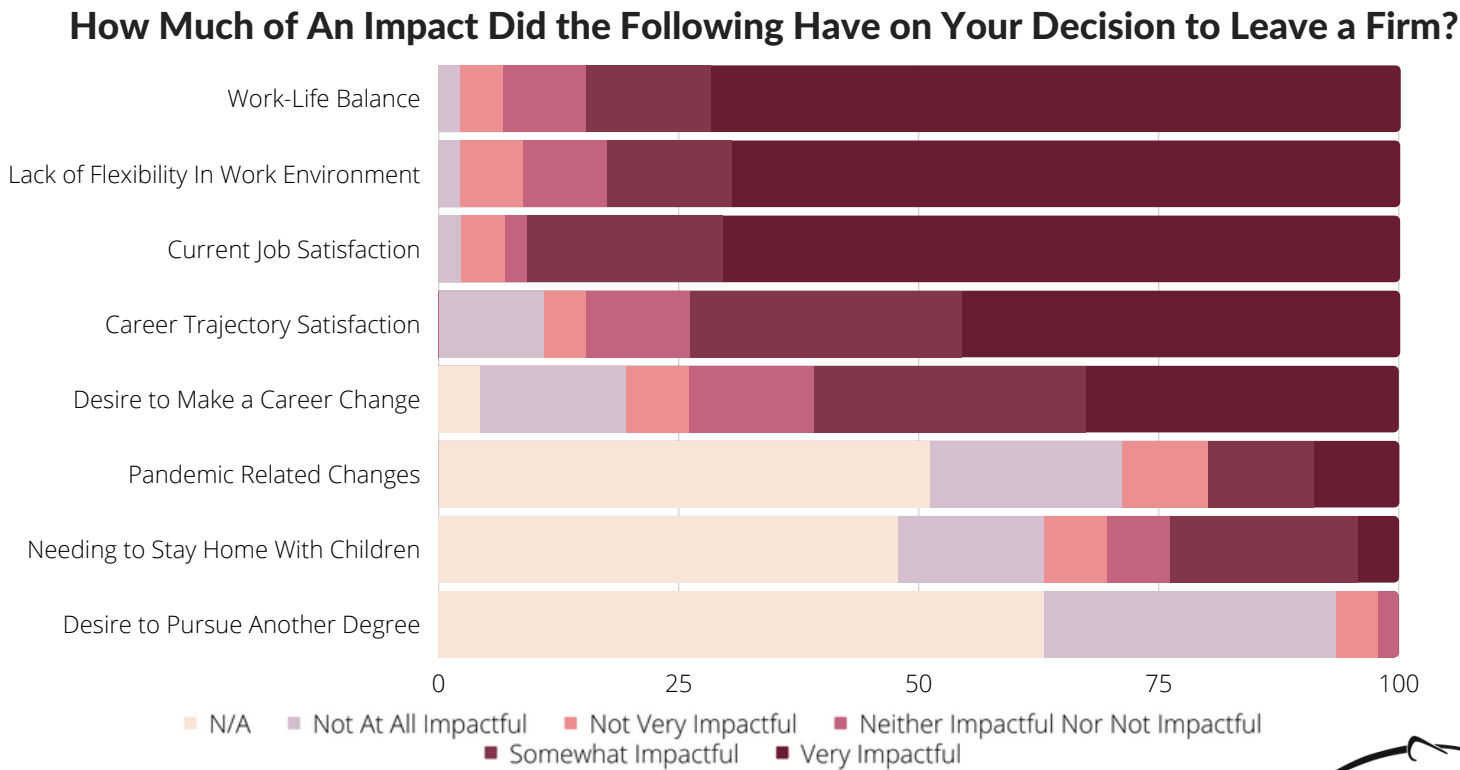
# WHAT IS DRIVING WOMEN TO LEAVE THEIR LAW FIRMS—AND WHY WOULD THEY RETURN?

The decision-making process for leaving their firms was most often driven by career-oriented rather than personal factors. Most commonly, the women we surveyed said that they were dissatisfied with their career in general but also cited work-life balance and lack of flexibility issues as very impactful to their decision.

Child-rearing ranked low, which runs against most thinking about women and the pandemic.

Given the systemic workplace changes occurring as a result of the pandemic, we expect the flexibility of the work environment will become an even more critical piece of the decision-making process in the years ahead

Rank	Factors Ranked by Their Impact on Decision-Making	% Of Responses*
1	Work-Life Balance	85%
2	Lack of Flexibility	82%
3	Current Job Satisfaction	91%
4	Career Trajectory	74%
5	Desire to Make a Career Change	61%
6	Needing to Stay Home with Children	24%
7	Pandemic Related Changes	20%
*% of respondents who said factors were somewhat or very impactful.		



Our assertion is based on respondents' answers to a question about issues that would motivate women to return to a law firm. Eighty-six percent of respondents said that a more flexible work environment would be somewhat or very impactful in motivating them to rejoin a firm. Similarly, the ability to work from home 100 percent of the time would attract more than two-thirds of respondents.

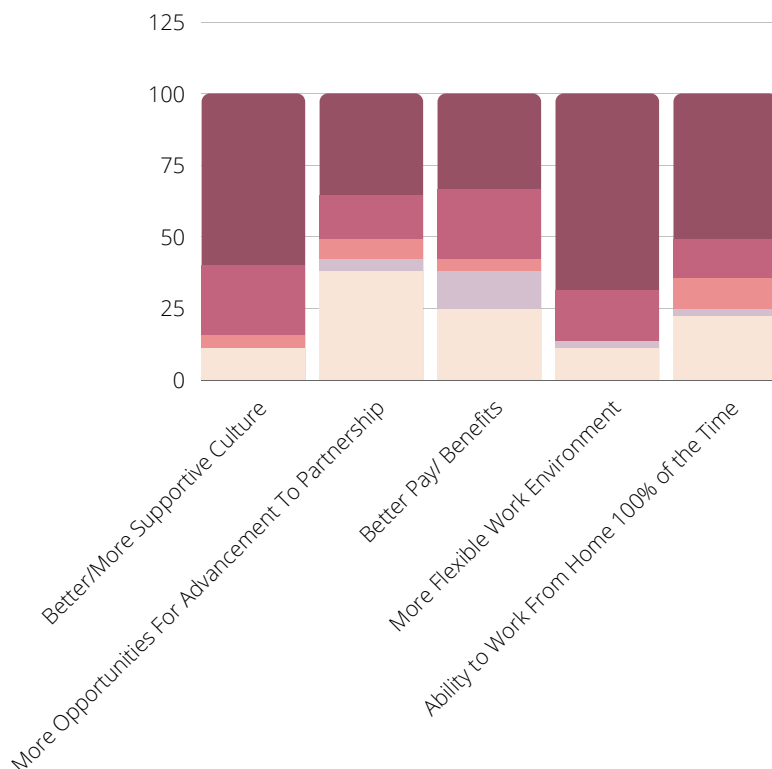
A "better or more supportive" law firm culture is just as important. Some 84 percent of women we surveyed said that change of this sort could draw them back to the law firm fold. The least impactful factor was "more opportunities for advancement to the partnership," which attracted a bare majority (51 percent) of respondents.

We also asked respondents about the things they missed most—and least—at law firms. Perhaps not surprisingly, salaries topped the list of items women missed most. Client relations ranked last, although a number of commenters said that their present positions allow them to interact with a new set of clients, thus helping them scratch that itch.

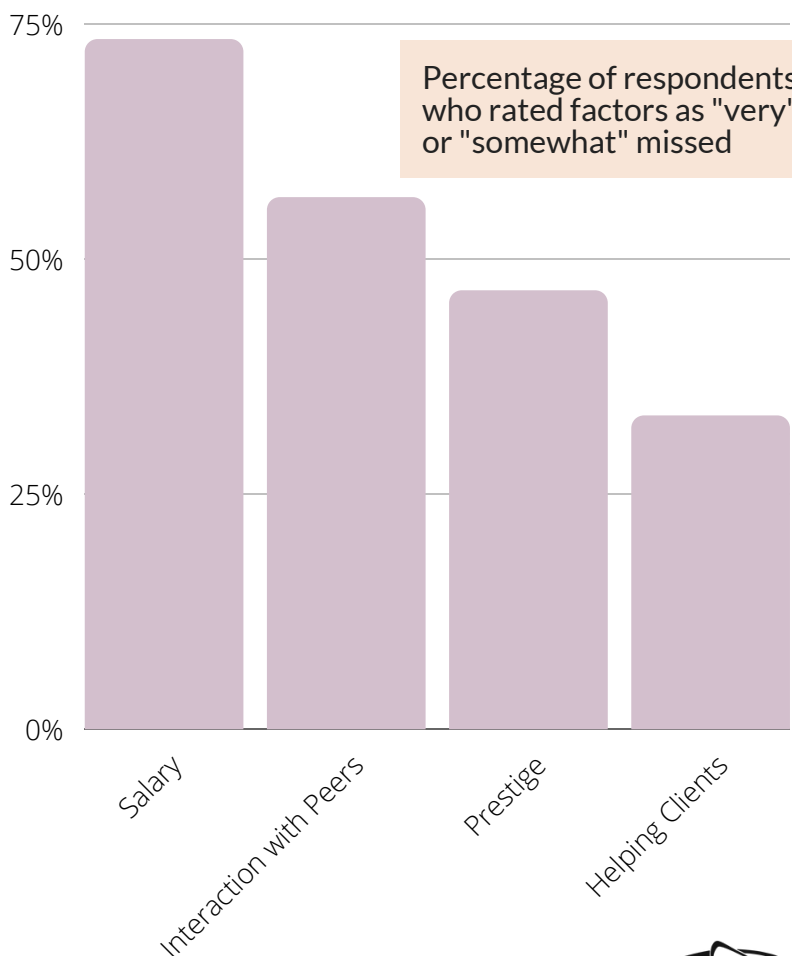
Many of the comments we received from respondents focused on the billable hour and the burdens associated with firms' business models.

"If law firms want to make themselves more appealing (for women *and* men ... because both are fleeing at record rates), they need to discard the archaic frameworks from which they were built," said one respondent, who also asserted, "Most attorneys would happily accept a pay cut if their work was rewarding and less stressful."

## How Impactful Would The Following Factors Be In Motivating You To Return To A Law Firm



## Most-Missed Aspects of Working at a Law Firm



# HAVE CHILDCARE ISSUES AND THE PANDEMIC DRIVEN WOMEN TO LEAVE THEIR JOBS?

Most of the women—three-quarters—who responded to the survey are mothers. And while nearly a quarter of respondents cited childcare issues as a factor in their decision to leave, the issue ranked far behind a desire to advance in their careers.

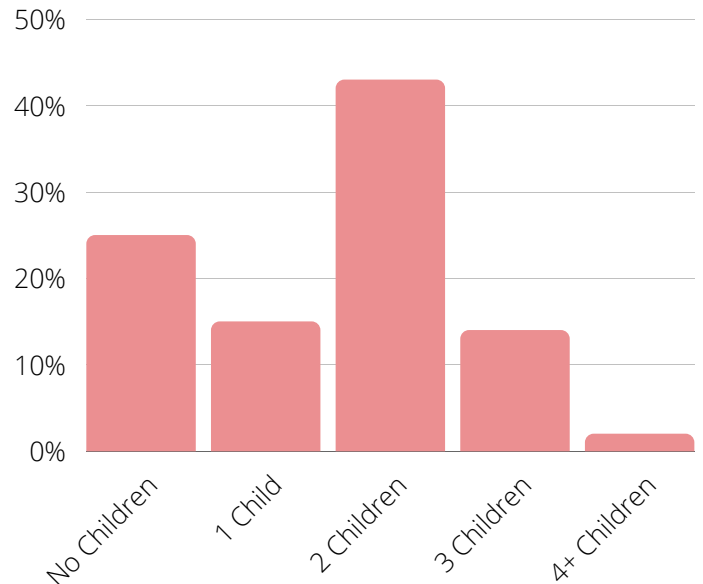
For the women who are struggling with childcare, it can be a very impactful issue due to a lack of support from their employers.

"HAVING TWO  
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"Having two young children makes it extremely difficult to put in the hours the firm requires," said one respondent. Another added, "I have a 6-month-old child. I am currently attempting to reduce my billable hours goal with my supervisor and Human Resources department. After numerous requests to understand what options are available for a reduction in work, I have yet to receive an answer. Meanwhile, my hours are still slipping each month."

As for the pandemic, it may have driven women to seek remote working arrangements and more flexibility, but the pandemic itself

How Many Children Do You Have?



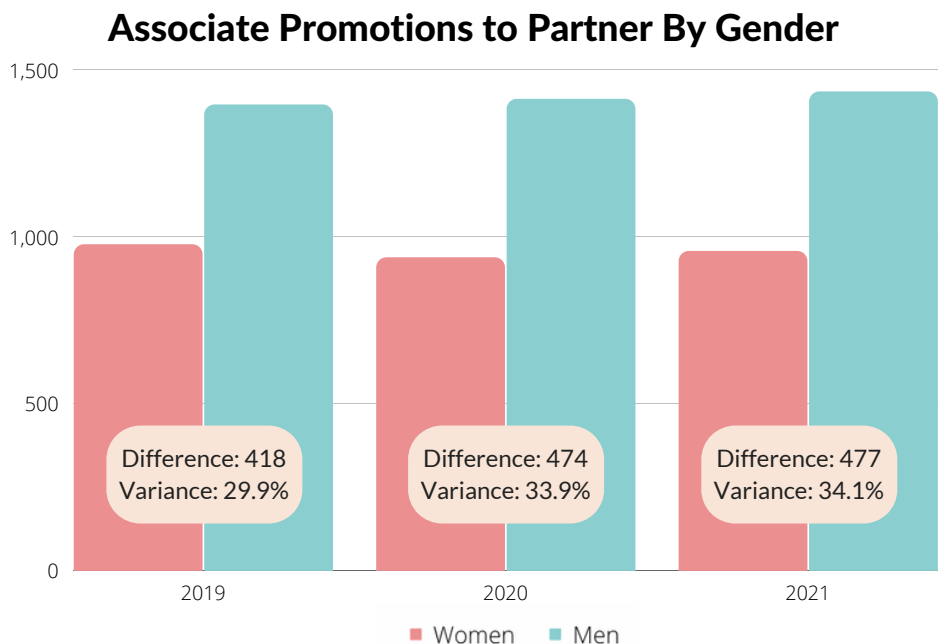
does not appear to be driving women to quit their jobs. On the contrary, just one in five respondents said that the pandemic had some or a great deal of impact on their decision-making about their former positions.

## FAST FACTS

- 76% OF RESPONDENTS SAID "NEEDING TO CARE FOR CHILDREN" WAS NOT A DRIVING FACTOR IN THEIR DECISION TO CHANGE JOBS.
- 80% OF RESPONDENTS SAID THE PANDEMIC HAD LITTLE OR NO IMPACT ON THEIR DECISION TO CHANGE JOBS.
- 15% OF RESPONDENTS SAID THEY RELOCATED DURING THE PANDEMIC.

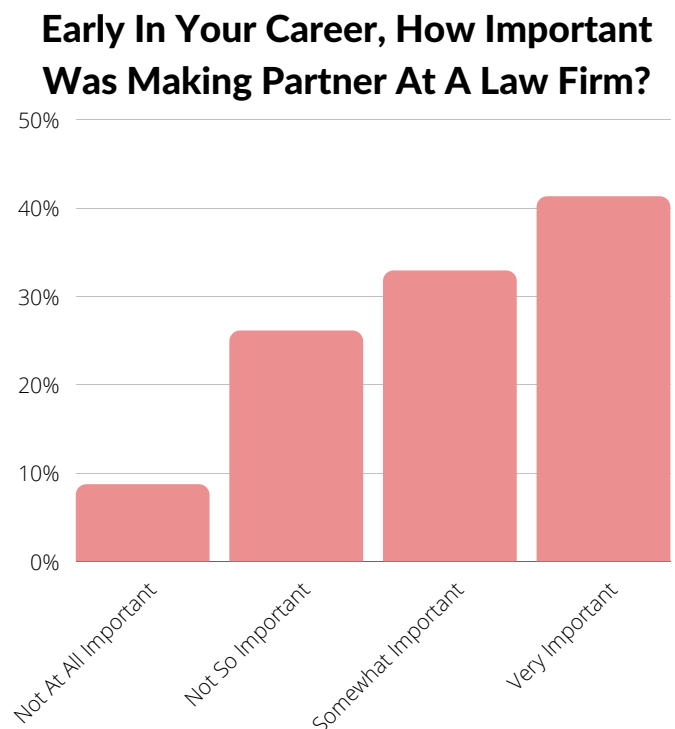
# A DERAILMENT ON THE PARTNERSHIP TRACK

While the pipeline for women entering the legal profession is strong—with more than 50 percent of law school slots and roughly half of new associate jobs going to women—the number of women who make it to the partnership continues to lag men. During the last three years, the gap between women and men has continued to widen. In 2021, the variance between women and men making partner was five points higher than it was in 2019.



The disparity does not exist because women entering the profession are any less interested in making partner—rather, the disenchantment for women occurs as their careers develop. We asked women, “at the beginning of your career, how important to you was making partner at a law firm?” More than two-thirds said that making partner was important to them, with the majority of that group saying that it was “very important.”

Another sign of the uneven playing field for women and the partnership is the lateral partner market. Firms are not promoting as many women—and they are not hiring as many female partners from the outside either. When looking at partner laterals, firms hire women at a much lower rate (57% lower than men in 2021, a trend that is relatively unchanged over the past few years).

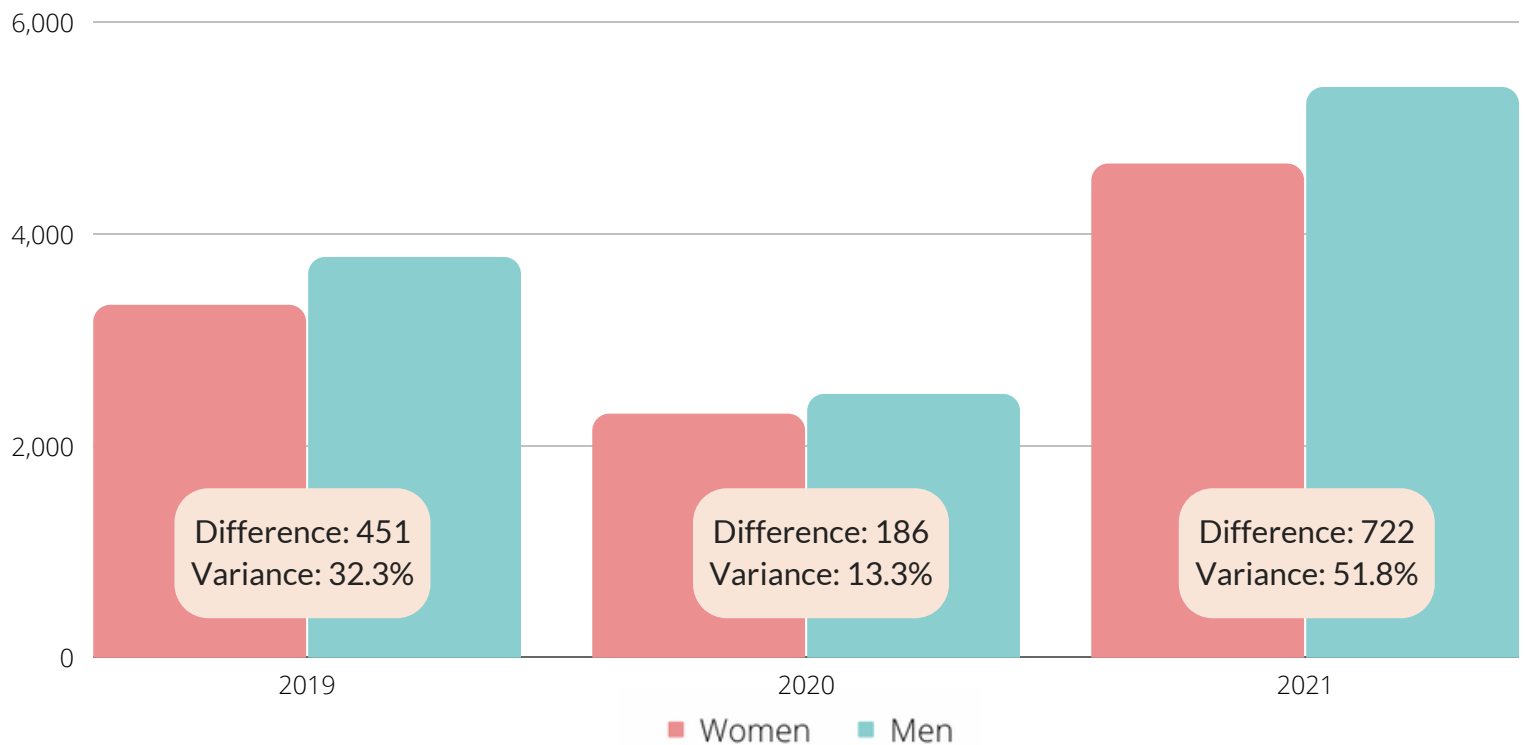


***"Being a shareholder at a smallish firm (20 lawyers; 11 of us were shareholders) was exhausting. Trying to bill enough hours, manage staff and bring in clients was still a 60-to-70 hours-per-week job, even though I had worked for more than 25 years. Plus, I still tried cases. It appeared that the senior partners worked far more than the associates, and there was no prospect of slowing down. It was no longer worth it."***



# HAVE CHILDCARE ISSUES AND THE PANDEMIC DRIVEN WOMEN TO LEAVE THEIR JOBS?

## Associate Laterals By Gender



***Does the hiring gap disappear when the laterals are associates?*** Not really. Although women account for the majority of associates, they lateral at a lower rate than men. This can also create roadblocks on the path to partnership, as lateral associates are promoted at a higher rate than those who start at the entry level.

We have noticed another trend that should give Big Law leaders a pause when it comes to male and female associates. At the entry-level, about 4 percent more men enter the top 200 firms than their women colleagues. Nearly 64 percent of the women who leave a top 200 firm at the associate level do not take another job at a large law firm.

Among men, the numbers are slightly lower but only by 4 percent. That means about 60 percent of men are leaving Big Law, as well.

In other words, the top 200 law firms are spending money on recruiting and training associates and losing a significant portion of their ranks—whether male or female—as those lawyers choose another career path in-house, in academia or government, and outside the law altogether.

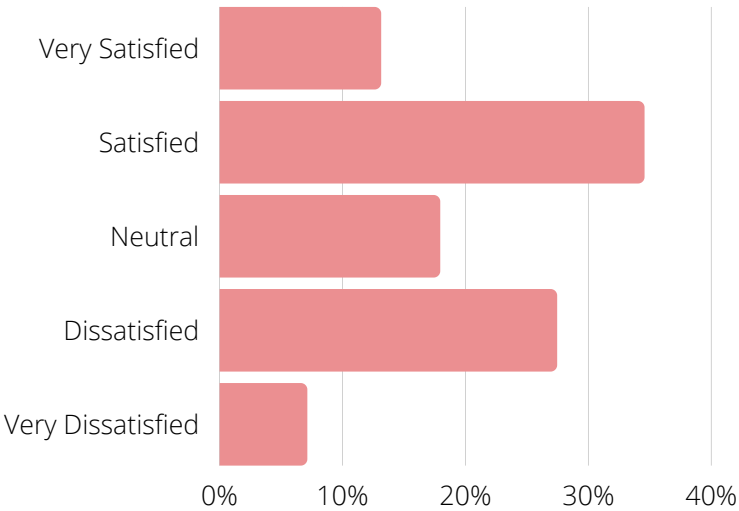
# JOB SATISFACTION AND FRUSTRATION FACTORS AT FIRMS

Respondents who transitioned to a new law firm were relatively happy with their current jobs, with nearly half reporting that they were satisfied or very satisfied.

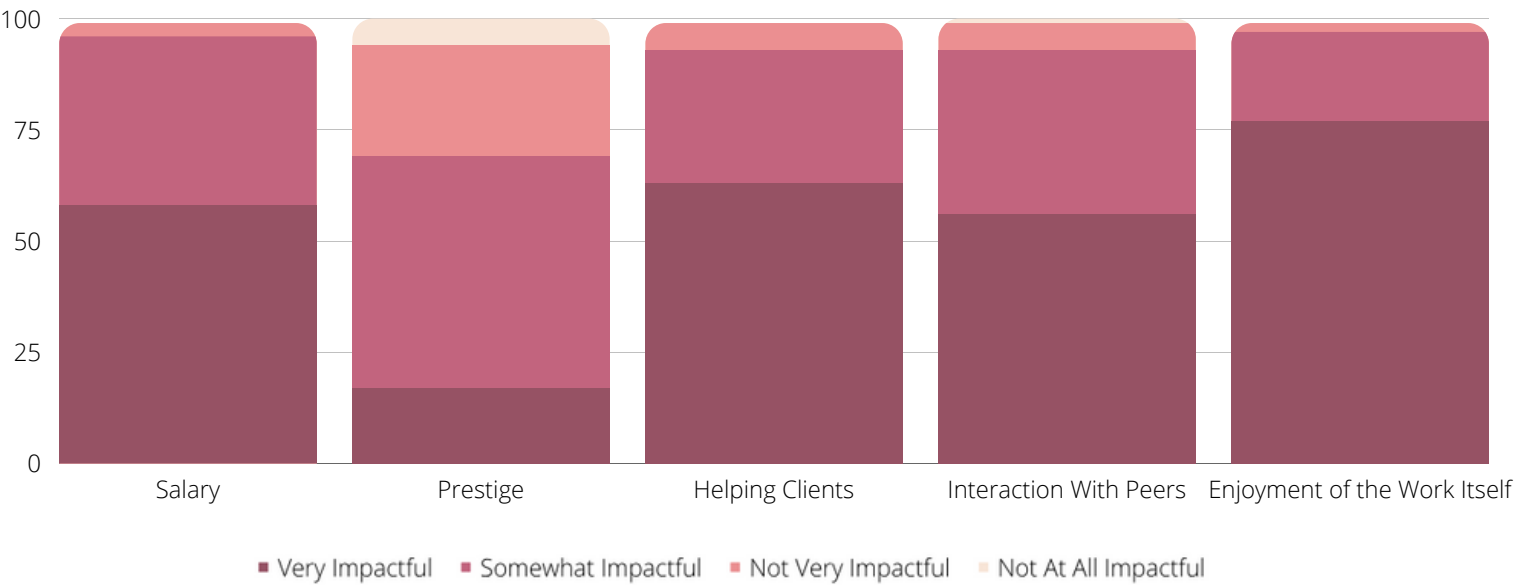
We also asked women to rate the factors that had the greatest impact on their job satisfaction. Compensation, helping clients, interaction with peers, and enjoyment of the work itself were universally important to respondents, with more than 90 percent saying that those issues were “very” or “somewhat” important components of job satisfaction. Less critical was the firm’s prestige—though a not inconsequential 69 percent said that it was an important issue to them.

One respondent stated that satisfaction involves “feeling that my full potential is being used” and that the firm is invested in “transparency in decision-making; the promotion of creativity; [and that] pro bono work is being encouraged as well as initiatives to give back to the community.”

Rate Your Current Job Satisfaction



How Much do the Following Factors Contribute to Your Job Satisfaction?



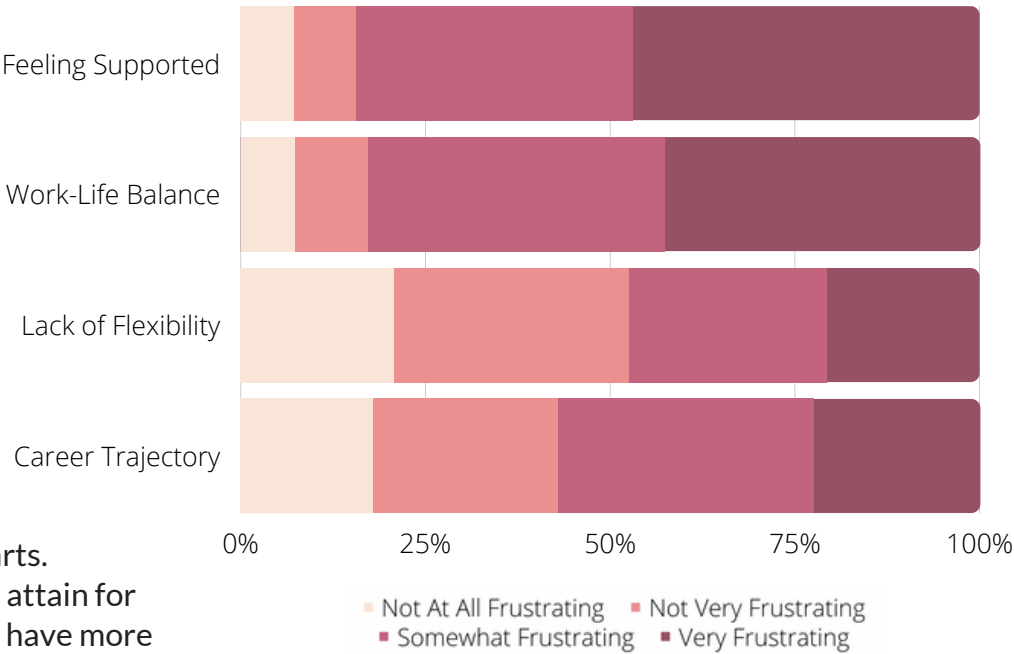
On the other side of the coin, we asked women about the issues that led to frustration with their jobs, particularly at law firms.

The most frustrating work aspect for our respondents was a perception that their law firms did not support them, followed closely by the lack of work-life balance. As one woman told us, “female attorneys have to work harder to achieve the same goals and show twice the commitment of their male counterparts. Work-life balance is more difficult to attain for female attorneys because they often have more obligations both inside and outside of work without the same amount of support.”

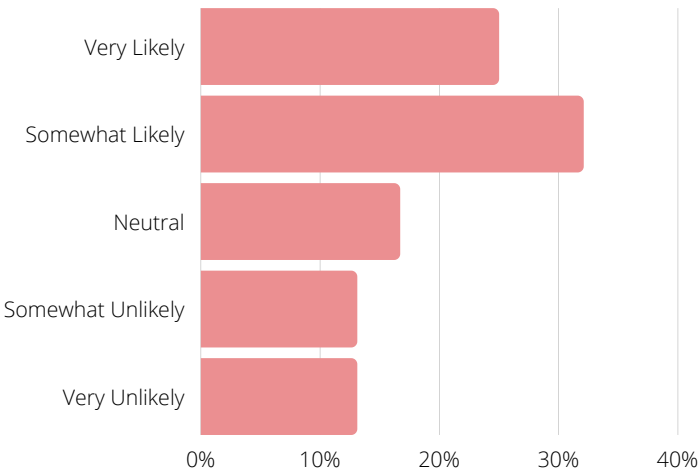
How likely are these frustrations to drive women who have remained in a law firm practice to exit? The risk for law firms is substantial. A solid majority, 57 percent, said that they were “somewhat” or “very” likely to leave law firm practice during the next five years. A full quarter of respondents said that the prospect was very likely compared to 13 percent who said that such a move was “very unlikely.”

If they do leave their law firm roles, **66 percent said that moving in-house would be the most enticing next career move.** However, more than half (52 percent) also said that a departure from the law into a non-practicing business executive would be somewhat or very enticing as well. The least enticing option, said by two-thirds of respondents, would be becoming a solo practitioner.

What Are Your Biggest Frustrations Working At A Law Firm?



How Likely Are You To Leave Law Firm Practice In the Next Five Years?



# DEFINING THE PROBLEM: WOMEN FACE ONGOING GENDER BIAS AND LACK ACCESS TO BUILDING BLOCKS TO ENSURE SUCCESS

In their must-read 2019 report for the American Bar Association, "Walking Out the Door: The Facts, Figures, and Future of Experienced Women in Private Practice," authors Roberta A. Liebenberg and Stephanie A. Scharf laid out a distinct set of issues that women face as they attempt to build a career at law firms.

"It is clear that women lawyers on average do not advance along the same trajectory as men," they wrote. "While there is a perception that the gender gap occurs mostly in the early years before partnership decisions."

They noted that law firms have not grappled with the "two key impediments faced by their women lawyers." The first is the unequal access to the experiences that are the building blocks for success. The second is the continuing prevalence of negative general stereotypes and implicit biases.

Far more than men, and simply on account of their gender, women experience demeaning comments, lack access to business development opportunities, have been overlooked for advancement, lack access to sponsors, and suffer other behaviors in firms that diminish their chances of reaching the same level of success as their male colleagues," Liebenberg and Scharf wrote.

"Biases persist even in workplaces that have achieved gender balance. In a recent article for the Harvard Business Review, researchers Amy Diehl, Amber L. Stephenson, and Leanne M. Dzubinski stated that "simply adding

*"Women vote with their feet by leaving the practice of law"*

-Liebenberg and Scharf

women into the workplace" did not change the organizational "structures and systems that benefit men more than women."

The legal industry is particularly problematic in this regard, the researchers said. They wrote: "Law was the most challenging environment in our study. Women reported the highest levels of exclusion and workplace harassment in comparison to the other three industries. There is a long history of bias against women in law. The field's competitive nature and emphasis on billable hours can make it difficult for individuals with caretaking responsibilities (disproportionately women) to keep up, thus perpetuating inequities."

The data we gathered backs up the researchers' findings. Many of the women we surveyed said the workplace culture at law firms was the most significant barrier to their success and a key reason they decided to leave their positions. As our survey data shows, many women who would seem to be in the prime of their careers and on the verge of a partnership are choosing to exit their firms, or as Liebenberg and Scharf put it, "women vote with their feet by leaving the practice of law."

## WOMEN TELL THEIR STORIES

*Selected comments from our survey*

*My first job out of law school, I was aggressively sexually harassed, called "little girl", and had constant comments about my appearance.*

*"In Big Law, work allocation, client responsibility, and management opportunities are not equal for women and never will be until the males in management recognize and acknowledge inequality."*

*Reasons I am considering leaving a big law firm include being the only woman on my practice group team, not feeling supported or sponsored by the (male) partner on my team, and burnout from gender bias in everything from daily microaggressions (being interrupted and talked over by male colleagues in meetings, having my ideas taken by male colleagues without credit attributed to me) to paying a social cost (e.g., becoming unlikeable, being called "aggressive") for advocating for my own promotion and compensation increase.*

*Fundamentally, large law firms were built to serve white male lawyers and their white male clients. The business model is one that requires lawyers to prioritize work above everything else in a way that has simply become untenable and unappealing for many. Efforts to promote and support women (and other underrepresented groups) will always fall short as long as the billable hour and 24/7 availability are measures of success.*



# STEPS LAW FIRMS CAN TAKE TO IMPROVE CAREER TRAJECTORIES AND JOB SATISFACTION FOR WOMEN



As we examined our survey results and read the comments that respondents shared, it became clear to us that law firms need a stronger framework to address gender inequity more forcefully and to help women thrive.

To that end, we researched scholarly and industry sources, analyzed the comments from our respondents, and interviewed women who have succeeded in Big Law and in the legal industry.

Ultimately, we found 11 actionable steps that we believe can make a difference for law firms and the women who work in them. We discuss those steps in greater depth in the pages that follow.

# 1

## PUTTING SOLUTIONS INTO PRACTICE

### LET WOMEN SPEAK

For many women at law firms, meetings can be an especially morale-sapping experience. Men talk over them, repeat what they just said, or claim women's ideas as their own. These are daily microaggressions that must be addressed by the people in charge. If they see men interrupting and undermining a female colleague, they must address that behavior immediately and put a stop to it. Failing to do so helps undermine confidence and leads to women being less vocal.

## THE AMPLIFICATION STRATEGY

We spoke with Lynda A. Bennett, chair of the Insurance Recovery practice at Lowenstein Sandler and founder of the firm's Women's Initiative Network. Bennett also sits on the firm's Executive Board and Compensation Committee and is recognized as a committed advocate for advancing the role of women in the legal profession.

She relayed a strategy she brought to Lowenstein that women in the Obama administration had developed. The women noticed that men talked over women in meetings and took credit for ideas. A woman would mention an idea, it would be ignored, and a few minutes later, a man would make the same point and be praised to the heavens.

"The women in the Obama administration got together to say, if they noticed somebody speaking over a woman, they would interrupt," Bennett said.

They implemented "the amplification strategy." The person interrupting would say that the woman (let's call her "Laura") had not finished her point, and it would be great if the man ("Phil") would let her do that.

If Laura mentioned an idea that Phil brought up five minutes later to great praise, the other women around the table would say, "it's really so wonderful that Phil picked up on the point that Laura made."

Bennett said: "When you're the woman who's being marginalized in that way, you're feeling self-conscious, you feel like 'is this just me? Why does this guy just keep talking over me?' So having women who are also in those rooms or on those Zoom calls jumping in and supporting that woman at the moment is really important."

*"Having women who are also in those rooms or on those Zoom calls jumping in and supporting that woman at the moment is really important."*

-Lynda Bennett



## PUTTING SOLUTIONS INTO PRACTICE

# 2 GIVE WOMEN OPPORTUNITIES

If you asked most law firm leaders, they would likely say that they are giving women opportunities to succeed. But law firms usually measure success in billable hours, and women are not receiving the same chances to interact with clients and pitch business. To combat this, firms need to make a concentrated effort to ensure that women are involved in every step of the process and that they have access to key partners, adequate resources, and are on an equal footing with their male colleagues.

## ADVOCATES EVERYWHERE

Christy Tosh Crider, chair of Baker Donelson's health care litigation group and its women's initiative, stated that the firm has appointed a women's initiative leader in each of the firm's 22 offices. "The leaders are charged with planning office-level events to get women in the office together and to give women greater exposure to clients," Crider said. "The leaders also meet with the office's managing shareholder every other month and help identify opportunities for women to take roles in presentations to clients. They ask questions like, 'how can I help you on these three key client targets for this office and incorporate women into those pitch teams?'" Crider said.

## ASSIGNMENT DATABASE

Elaine M. Hughes, co-chair of the investment management group at Lowenstein Sandler, said to ensure everyone coming up through the ranks has the same opportunities, the firm has created a centralized assignment database. "It's tailored for particular practice groups, and we get input from all of our associates" about assignments and current and anticipated hours, she said. "It also tracks the nature of the opportunities and assignments that they've worked on." The database allows associates to express preferences for types of work and measures interactions with partners. On the partner side, it helps to break the tendency of going to the same people time and again instead, Hughes said, of asking, "Is this the right person for this [task]?"

*Firms need to make a concentrated effort to ensure that women are involved in every step of the process and that they have access to key partners, adequate resources, and are on an equal footing with their male colleagues.*

## 3 PUTTING SOLUTIONS INTO PRACTICE

# GIVE WOMEN A SEAT AT THE TABLE

Women need to be visible in key firm leadership positions. First, it sets a good example: When women associates see women in charge of practices, on the hiring committee, or as a managing partner, it demonstrates that a path to partnership and firm leadership is possible. Second, women leaders can provide a unique perspective on how decisions will affect a firm's female lawyers. How can an all-male leadership team make proper decisions for female employees without hearing what they need or what they want? The simple answer is: It can't. An all-male team may think that it is making decisions in the best interest of women, but those decisions can blow up in their faces without input from women.

## GETTING VOICES IN THE ROOM

Elaine Hughes of Lowenstein said that her firm's corporate governance committee has focused on the composition of each of the firm's key committees and "making sure that the committees are more representative of who we are as a firm and who we should be as a firm." Hughes stresses the importance of having women in the room to ensure that all perspectives are being considered. "If you don't have those folks in the room, then you don't hear their voices, their concerns, and more importantly, their perspectives. You may be trying to do the right thing and approaching it the wrong way," she said. "I've seen that play out over the course of my career, where men who are actually trying to do the right thing to help women take on a certain degree of paternalism, and they're actually making decisions on behalf of the women because they think it's in that woman's interest without ever consulting the woman or offering her the choice of making that decision." In the end, she said, the firm leaders had "all the best intentions, but totally wrong result."

*"After 32 years in law, things are getting better. Our firm of over 150 lawyers is led by women in most leadership roles".*

*-Anonymous Survey Respondent*

# 4

## PUTTING SOLUTIONS INTO PRACTICE

### DON'T TOLERATE SEXISM

It sounds easy: "Don't tolerate sexism!" But it requires a conscious effort on the part of legal organizations and leaders to ensure that their workplaces are not increasing the likelihood that women will suffer harmful sexist acts. Ask: Does the firm have a culture of silence? Are men as well as women constrained from speaking out about work-related concerns? According to a recent study by Catalyst, organizational climates in which silence is the norm "suppress men's instincts to speak up." Men, the study said, will be 50 percent less likely to interrupt sexist behavior and 40 percent less likely to have confidence in "their ability to address directly people who engage in sexist behaviors at work."

Managers, the study concluded, should challenge their own attitudes, take ownership of learning about sexism and how to fight it, and should evaluate their organization to determine if they encourage employees to stay silent.

## WOMEN TELL THEIR STORIES

"The top law firms are **rife with discrimination** and a **culture of fear** and retaliation."

"Gender biases have become more **subtle and insidious**."

"Having a one-time seminar on implicit bias and then not addressing implicit bias in our firm for years shows that **management has no interest in changing the culture, just checking a box**."

"**Antiquated, male-dominated culture**. The idea is that you have to sacrifice your personal life at any moment, and if you don't, you're not going to succeed. Mentorship is a joke."

*"If you don't want sexism to be a toxic substance in your firm culture, you can end it. It is a choice, but you must be deliberate and persistent. Sexism should not be tolerated, both obvious and subtle, it can kill your 'culture.'"*

-Laura Leopard

# 50%

Of men will be 50 percent less likely to interrupt sexist behavior



# UNCOVER UNCONSCIOUS BIAS

Gender equity will never be a reality if leaders fail to recognize unconscious biases that keep women from being promoted and hired at the same rate as men. Training and a consistent strategy are critical for firms hoping to deal with the issue.

# WHAT IS UNCONSCIOUS BIAS?

Unconscious biases are social stereotypes about certain groups of people that individuals form outside of their own conscious awareness.

Everyone holds unconscious beliefs about various social and identity groups, and these biases stem from one's tendency to organize social worlds by categorizing. Unconscious bias is far more prevalent than conscious prejudice and often incompatible with one's conscious values. Certain scenarios can activate unconscious attitudes and beliefs. For example, biases may be more prevalent when multi-tasking or working under time pressure.

[illegible]

**How would an organization fight unconscious bias? Institutional strategies include:**

- Developing concrete, objective indicators & outcomes for hiring, evaluation, and promotion to reduce standard stereotypes
- Developing standardized criteria to assess the impact of individual contributions in performance evaluations
- Developing and utilizing structured interviews and developing objective evaluation criteria for hiring.
- Provide unconscious bias training workshops for all constituents.

# TRAINING LEADERS ACROSS THE LAW FRIM

Christy Tosh Crider from Baker Donelson said that a critically important aspect of addressing unconscious bias is to ensure that people in positions of leadership—including practice group leaders, department heads, and office managing shareholders—receive training on how to best advance women in their practice groups and offices. “My experience is that 100 percent of the time, these leaders are hungry for this information,” Crider said. “They want to be successful in this area. They don’t want to lose part of their talent pool; they want to bring them all along. All they need are the tools in their toolkit to be able to do it.”

6 PUTTING SOLUTIONS INTO PRACTICE

## OFFER EQUAL PATERNITY CARE

While law firms and other legal organizations should not intervene directly in an employee's life, they would be wise to recognize inequality where it exists and offer ways to minimize that burden. This includes helping women stay connected, developing their skills while they're on maternity leave, and facilitating their return to work. It also means offering equal paternity care to their male employees. This is not only a matter of fairness, but it helps female employees by normalizing leave for anyone who needs to take time off to care for a new child.

## WOMEN TELL THEIR STORIES

"A generous parental leave policy is meaningless if you return to no work and are penalized as a result. Hard to tell whether it results from resentment by managing partners for taking leave or poor support structures, but I've seen it happen firsthand to men and women."

"The pandemic has been hard on so many people in different ways, and female attorneys working at firms who have young children have also felt this in a considerable way. There are so many factors to consider: support from a partner, friends, family, etc.; the area of law; the flexibility from the law firm; the needs/schooling of the children; and even other side interests and/or gigs. As female attorneys, we are very hard on ourselves, and I hope that during these unprecedented and uncertain times, we are able to treat ourselves with grace and also that the law firms are recognizing this and also acting as allies."

*This is not only a matter of fairness, but it helps female employees by normalizing leave for anyone who needs to take time off to care for a new child.*

7 PUTTING SOLUTIONS INTO PRACTICE

## OFFER FLEX-TIME SCHEDULES AND REMOTE WORK

Women especially benefit from these flex-time and remote work policies, and firms that continue to allow remote work are likely to see major benefits in retention and productivity from their attorneys. Flex-time schedules help improve work-life balance as well, giving men and women the time to cope with childcare issues and long-term health issues. Such perks should not be limited to women. Men should be encouraged to take flex-time, and partners should take advantage of such policies to set a positive example for associates. In the end, firms win by retaining employees they might otherwise have lost.

### A PARTNER'S FLEX-TIME EXPERIENCE

We spoke with Molly T. Senger, a partner in the Washington, D.C. office of Gibson, Dunn & Crutcher, who practices in the firm's Litigation Department and is a member of the Labor & Employment Practice Group. In 2016, Senger took advantage of Gibson, Dunn's flex-time program following the birth of her son. "After I had my son, I just thought, 'there's no way I can...be present for all of the things I want to be present for with him and continue to do this job at the level that I want to do it,'" Senger said. She had contemplated leaving her job, but after speaking with lawyers who had taken advantage of the program, she decided to give it a try. Senger adapted quickly. "I found that you still give 110 percent to everything; you just take on slightly less than you otherwise would." The flex-time arrangement hardly slowed Senger's career ascent, as evidenced by when she made partner. By embracing flex-time, Senger was able to continue her practice, and the firm retained a valuable associate and future partner.

*"I feel that the potential for burnout is high in the legal profession, especially pandemic/post-pandemic, perhaps more so for women. I think flexibility with work schedules is key, but many firms are now going back to full-time in the office, which I believe can lead to even higher attrition amongst attorneys in general, especially women."*

-Anonymous Survey Respondent



8 PUTTING SOLUTIONS INTO PRACTICE

## ACKNOWLEDGE WOMEN'S SUCCESSES

Too often, women work behind the scenes at law firms, rarely taking credit and failing to be recognized for their contributions. Firm leaders must actively work to create a culture that helps recognize women for their good work. It is not just an issue of maintaining morale but one of accountability as well. Clients are seeking to understand who is actually doing the work and are pushing firms to properly attribute credit.

### CLIENTS ARE DRIVING ACCOUNTABILITY

Lynda Bennett from Lowenstein Sandler underlined the fact that clients are looking for greater accountability from their law firms where credit for work is concerned. "Several of our clients are moving very quickly in that direction," she said.

The power structure of a firm is often focused on which lawyers have the biggest books of business or who originated a client relationship. But that approach may not adequately reflect the actual work being done for the client. "This is forcing firms to look carefully at not only who had the initial connection, but why the work is at the firm today and who is doing the work," she said.

Bennett added: "I've really seen a difference in approach from the client perspective, with them saying 'we need to know who's getting credit and who's getting compensated.' Even though 'Joe' may have been the relationship partner 10 years ago, I'm now working with Linda, and I'm sending the firm this work because of Linda. So I need to make sure that that credit is being properly attributed. Otherwise, I'm going to find another firm to send the work to."

*"I've really seen a difference in approach from the client perspective, with them saying 'we need to know who's getting credit and who's getting compensated.'"*

-Lynda Bennett

Clients are following through on the threat, she said. "I know several women [in-house] who are responsible for assigning millions of dollars in legal work, and two of them have already pulled work from firms that they had used for more than a decade."

This kind of pressure will likely be critical in moving the needle for women and the credit they receive for the work. "Clients are going to play a very significant role," Bennett said.

## 9 PUTTING SOLUTIONS INTO PRACTICE

# ENSURE FAIRNESS IN PROMOTIONS

In their report one decade ago, McKinsey & Co. identified several obstacles to promotion that impede the path of women. The report, at least where the legal industry is concerned, cited trends that are still prevalent today.

It cited:

- Structural obstacles. Women lack access to informal networks to make connections, lack role models in senior roles, and do not have sponsors that can provide opportunities, unlike their male colleagues.
- Lifestyle issues. Women expressed concern about work-life balance, though counter to conventional wisdom, having children did not prompt women to abandon career ambitions.
- Embedded institutional mindsets. “The most insidious barriers for women,” the report said, “are embedded mindsets that halt the progress of women.” Managers resist women in certain positions, and several diversity officers and experts told McKinsey that “despite their best efforts, women are often evaluated for promotions primarily on performance, while men are often promoted on potential.”
- Embedded individual mindsets. Women’s own conditioning may stand in their way as well, McKinsey said. On average, women were less satisfied than men with their chosen professions and jobs. And as women aged, “their desire to move to the next level dissipates faster than men’s.”

These unequal standards have led to an extremely skewed management structure that we see in most workplaces, where entry-level ranks are split 50-50 men and women, but management ranks are dominated by men.

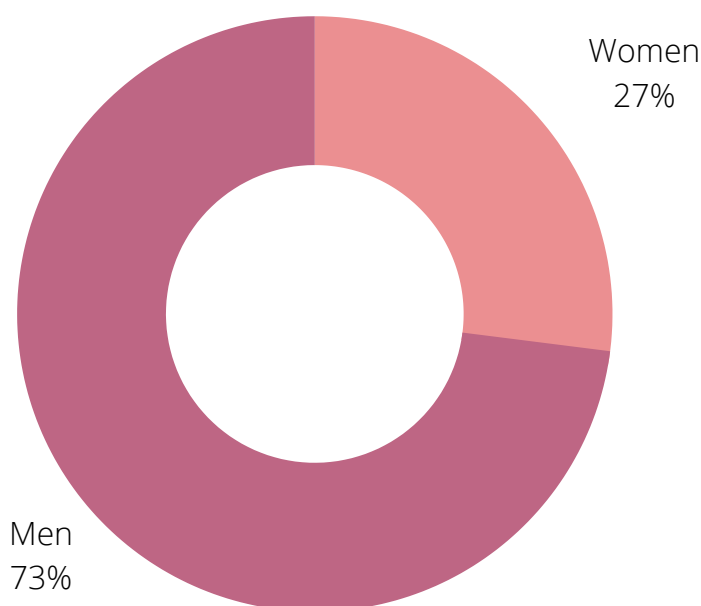
To ensure companies advance gender equality, McKinsey noted that organizations must reevaluate how they consider women for promotions to ensure that they are on a level playing field. Some firms are tackling this issue with initiatives designed to bring more women to the partnership, which is an effort that every law firm should emulate. Because change will not occur organically, firms need a strategy and the will to execute their plans.



## A WOMEN-TO-EQUITY PROGRAM

Christy Tosh Crider from Baker Donelson said that her firm noted a large portion of the talent pool was departing before they reached equity partner status. “That’s bad for clients and bad for firms,” she said. “We’ve always been above national average [in terms of retention], but we didn’t feel like the national average was good enough.” Four years ago, the firm created a “Women to Equity” program. “We take 12 women who have made income shareholder and are motivated to get across the line to equity,” Crider said. “We support them with services and meet every other month and talk about topics critical to earning equity ownership and discuss how to put them into practice in their own practices.” During off months, when they are not meeting, the women have an accountability partner who is assigned to help the women succeed. This strategy, Crider said, “is how we are increasing our female equity shareholders.”

US Partners in the Top 200 In 2021



# 10

## PUTTING SOLUTIONS INTO PRACTICE

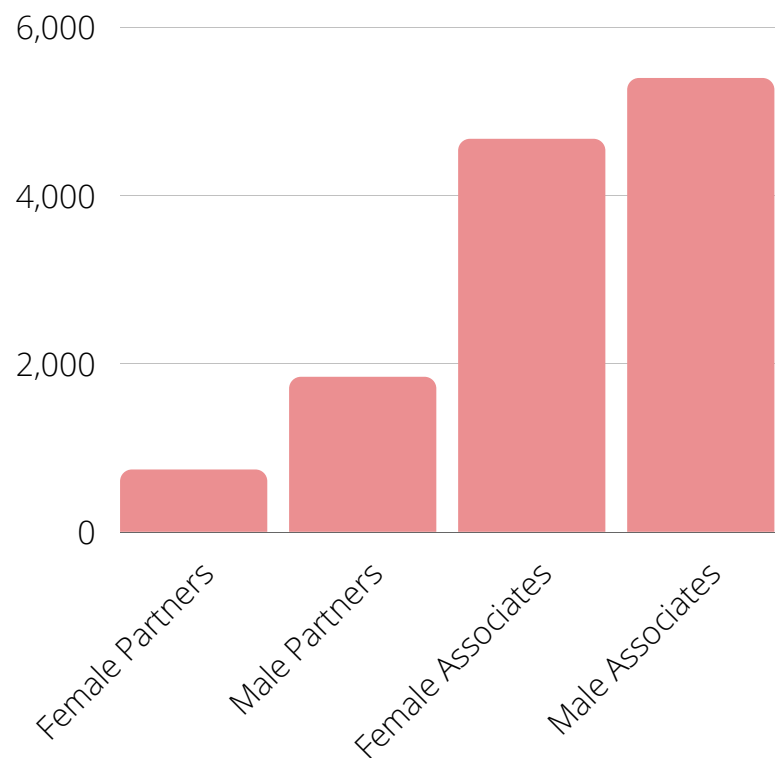
### HIRE MORE WOMEN LATERALS

Hiring more women laterals will also help level the playing field for women. At many firms, more partners are hired laterally than were promoted from the ranks. Yet an abysmal 28.6 percent of the lateral partners hired at U.S. law firms were women. Among associates, the numbers are better, with relative parity in lateral hiring among men and women. To improve their partner numbers, firms will need to search for qualified candidates outside of their existing hiring networks. A strong women's initiative at the firm can also help recruit and attract women.

## ARMING THE LATERAL RECRUITING OFFICER

Christy Tosh Crider, partner and leader of the women's initiative at Baker Donelson, said her firm just hired its first lateral recruiting officer whose only job is to recruit lateral attorney candidates. Crider is working to align the firm's strong women's initiative with efforts to bring more women to the firm. "I met with him last month and said I want to talk with you about how I can support you in lateral hiring by having at your fingertips all of the things that we do to advance women," Crider said. The strategy is designed to give the firm a leg up when hiring women by showing that it is working in creative ways to advance the cause of women. "We want to be ready when another firm is not giving (women) what they need, and they are ready to move somewhere else," Crider said. "We will be the people who are able to say, 'we have what you need, come here and work with us.'"

**Breakdown of Top 200 Lateral Hires By  
Gender For 2021**



# 11

## PUTTING SOLUTIONS INTO PRACTICE FOCUS ON MENTORING

A solid mentorship program can make a significant difference in your associates' chances for success. Mentors can help create benchmarks, celebrate wins, and provide consistency and structure. They are a sounding board, a cheering squad, and a rock at the firm for the mentee. The mentor might find that he or she becomes a better leader through the process as well. As Molly Senger from Gibson Dunn puts it, "you get to know people you otherwise would never get to know." A mentoring program can give associates confidence to ask questions and to seek help without fear of ridicule. That said, not all mentorships are created equal. Assigning a mentor to check a box is not going to produce results. Rather, a carefully planned structure is needed for a mentoring program to be a success.

## MENTORING INSIGHTS FROM WOMEN LEADERS

### Molly Senger from Gibson, Dunn: Fostering contact with partners across your firm

"I got to know one of our appellate partners in the mentorship program. I do a little bit of appellate work, but it's not my focus by any means. Now, though, I have a great resource. He's a genius and has argued before the Supreme Court. Here I am calling and asking him a really stupid question, and he doesn't mind! It's nice to get to know people and other practice areas that you wouldn't otherwise get to know. Our mentor program is good for that. And it can just be nice to have an outside perspective. It can be nice to just have another sounding board. And so our mentor circle program is good for that, too."

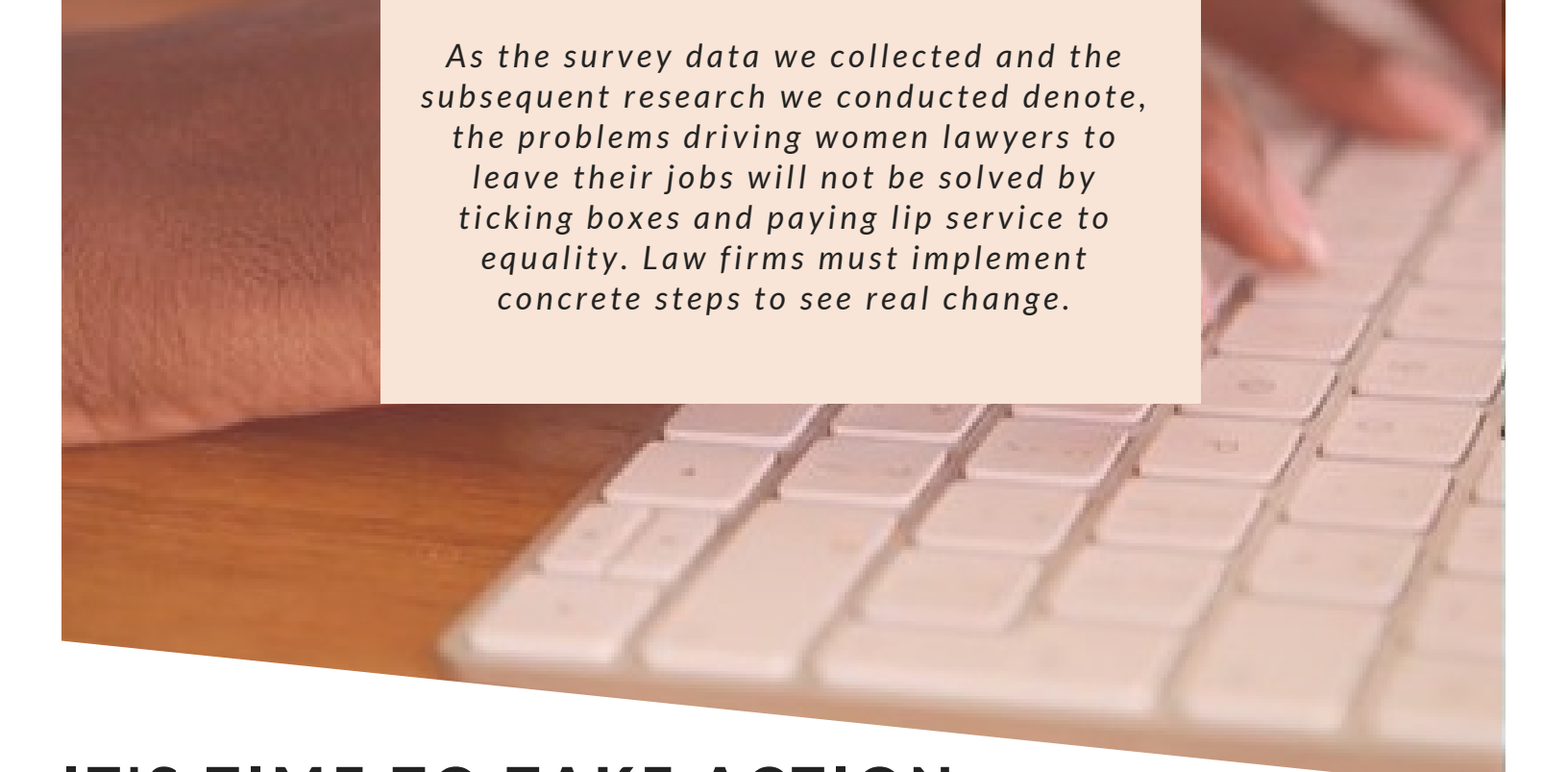
### Christy Tosh Crider from Baker Donelson: Mentoring throughout your career

Apart from the firm-assigned mentor that an associate gets when they start, we have a separate women's initiative mentoring program. From the day you start until the day you retire, you can participate in the program both as a mentor and as a mentee. So I've been practicing for 25 years, and I still have a mentor with whom I meet regularly. Our goal is not just to get you across the line to partnership, it is to see you reach the very top. We currently have 160 women attorneys participating in that mentoring program, so 80 pairs. And we don't just assign them as pairs and leave them alone, we send them monthly material to spur their discussions with one another. That way, they have a starting place each month."

*"The early years can be tough. Find a mentor and cheerleader. Now that I am a senior lawyer, I do feel less stress and am much happier doing what I do. It's hard, as a type-A personality, to spend the first few years not knowing what you don't know and being under constant stress early on. But stick to it, and it can be very rewarding and enjoyable."*

*"I wish I had a female mentor who helped me understand that work/life balance is a struggle for everyone and that every single workplace has jerks and that I didn't have to work every second of every day to advance."*

-Anonymous Survey Respondents



*As the survey data we collected and the subsequent research we conducted denote, the problems driving women lawyers to leave their jobs will not be solved by ticking boxes and paying lip service to equality. Law firms must implement concrete steps to see real change.*

## IT'S TIME TO TAKE ACTION

The Women Leaving Law survey provides a snapshot of the complex cultural and business landscape that women lawyers and their employers face in the ongoing effort to achieve gender equity in the legal profession. On a macro level, the changing nature of the workplace, driven by the effects of the COVID-19 pandemic, provides an unprecedented opportunity for legal employers to make changes that will improve the retention of female lawyers. As the survey data we collected and the subsequent research we conducted denote, the problems driving women lawyers to leave their jobs will not be solved by ticking boxes and paying lip service to equality. Law firms must implement concrete steps to see real change. As this report demonstrates, some firms are taking bold steps to engage women, and those efforts are worth studying and emulating. The commonalities of those firms include executing strong strategies, having dynamic women leaders, showing a deep commitment from firm management, and targeting women with an innovative mix of mentoring, training, and business development opportunities. The women who responded to our survey have provided the legal field with a clear message: Law firms must make fundamental changes to stem the tide of departures by women or risk falling even farther behind when it comes to gender equity. **The time for those firms to act is now.**