

6 Factors Every Law Firm's Gender Diversity Initiative Needs

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"[T]here is a significant gap between what is formally in place and what is regarded as well implemented." - McKinsey & Co., Women Matter 2012 - Making the Breakthrough (2012).

It is not a secret that law firms are generally thought of as having one of the lowest commitments to diversity among industry groups. That perception is interestingly juxtaposed against the fact that many have gender diversity initiatives. So why is there so little progress? The answer to that question involves significant cultural complexity, coupled with issues inherent in the practice of law itself. However, bridging the disconnect in large part lies in ensuring that certain elements of a gender diversity and inclusion initiative are firmly in place.



Robyn Forman Pollack

Whether a law firm is looking to launch a women's initiative or is reevaluating an existing one, in order to truly drive change, it is imperative that six specific factors are present. Those six factors are: (1) commitment of law firm leadership; (2) assessment and benchmarking; (3) engagement and support of men; (4) implementation of substantive programming; (5) acceptance of women's unique skills and talents; and (6) change in culture and mindset.

The first factor that is absolutely necessary to creating a viable, meaningful gender diversity initiative is the visible and entrenched commitment of the managing partner and firm leadership. It is necessary that those at the top are truly committed to the initiative, both philosophically and financially. One of the findings of the Women in the Workplace/Lean In joint study last year revealed that 75 percent of the companies surveyed reported that gender diversity was a top priority for their CEO. However, that message was not reaching employees as less than half said that they believed it to be a top priority.

The same holds true for law firms — in order to begin to see change, attorneys must believe that a commitment to change exists. There must be clear communication sustained over time. Some of the ways that firm management can demonstrate commitment include: (1) sitting on any committee(s) formed to address gender diversity issues; (2) publicly sponsoring and recognizing high-performing and capable women; (3) participating in (not just attending) events; and (4) integrating the initiative into the strategic goals and direction of the firm, which also serves the dual purpose of deriving value from the program.

In order to see a return on investment and measure change, the second element must be in place: a comprehensive assessment, understanding and benchmarking of (1) women's representation at each level in the firm; (2) attorneys' opinions on gender initiatives; and (3) firm culture and business goals. By assessing these general categories through detailed, specific questions, surveys and focus groups, the firm can determine areas of strength and weakness. It also allows the firm to set metrics and goals against which it can benchmark and track progress.

For example, through assessment, a firm may find that senior female associates are not progressing to the partner level due to business development issues. The firm can then utilize its gender diversity initiative to put targeted training programs into place to help ensure success and progression to partnership. Once properly implemented, the firm can then track and measure progress in this area.

One of the essential factors to the success of women that is often overlooked is the engagement, support and awareness of men. While many men may generally understand that gender diversity improves firm performance, and therefore profits per partner, they still may not be aware of the specific issues facing women who strive to reach the top. Men still hold the vast majority of leadership and equity partner positions in law firms (82 percent based on the American Bar Association's Commission on Women in the Profession May 2016 report). Thus, they are in positions of power and influence, and consequently, a women's initiative will have difficulty succeeding without the backing of men. Men must be involved in leading and supporting gender diversity efforts, particularly serving as mentors and sponsors for women. Men should also be asked to participate in diversity programming, both as attendees and speakers.

In addition, firms can learn from their corporate clients and begin to build gender goals and incentives into compensation and bonus packages to encourage engagement and demonstrate commitment. While connecting gender diversity goals to compensation packages is an innovative concept in the law firm world, companies like Sodexo and Kraft have built such incentives into diversity-related metrics for their executives. Microsoft has created the Law Firm Diversity Program which goes even further by incentivizing law firms to increase diversity in their own management. The program involves 15 participating law firms which have the opportunity to earn an annual bonus of up to 2 percent of the respective legal fees billed to Microsoft. This incentive bonus is based on each firm's performance in increasing diversity generally within their firm, as well as diversity of the team providing legal services to Microsoft.

The fourth factor is essential: practical, substantive and relevant leadership development programs. Women need programming that they can actually implement and put into practice in order to develop into leaders. It is especially important to provide this kind of programming early in an associate's career to both build skills and create a pipeline of talent for the firm. Women need tangible action plans, accountability and takeaways that they can use — an arsenal of tools. While "soft" programs like yoga or wine tasting events have their place in fostering networking and mentoring relationships, they do little to actually move the ball forward in terms of workplace equality and progress. Such programs may, in fact, thwart progress by creating the illusion that those events are enough for women. In order to have the most effective programming possible and ensure success, there must be integration of assessment results and strategic goals, plus precise, specifically designed and pragmatic programming to meet the needs of women at each stage of their career.

Programming can also help women utilize their unique skills and talents, and when coupled with the fifth factor, accepting, embracing and capitalizing on women's leadership and communication styles, women can catapult to the top of law firms. Studies have shown that women's leadership styles are often incompatible with what is viewed as typical leadership traits. For example, women tend to encourage more participation from others in decision making than men which is often perceived as being indecisive. Further, the words that are used to describe female leaders can be very gender charged and have negative connotations. So while a man may be described as decisive, ambitious, tough and aggressive, a woman may be described as emotional, sensitive, warm and collaborative.

What law firms need to recognize, however, is that a woman's more collaborative leadership style may actually yield better discussion and results than a more singularly decisive style. Rather than viewing these different styles as negative, firms need to derive value from, and capitalize on, the varied skill sets and characteristics that women bring, as gender diversity in leadership roles has been proven time and

time again to help drive success and innovation. This is where gender inclusion comes into play, in addition to gender diversity.

Finally, the underlying culture and mindsets that block the progress of women need to change in order for any firm to have a successful women's initiative. This is a complex issue and particularly difficult for law firms because of an inherent aversion to risk and change, and because of the underlying law firm model of the billable hour. Female attorneys today want meaningful work and they want a culture free of harassment and unconscious gender bias. While in studies, both genders are equally ready to make sacrifices in their personal lives, the sacrifices are perceived to be harder for women, as many see having a demanding career and having children as being incompatible.

Moreover, high-profile opportunities are often usurped from women, typically those with children, as assumptions are made about travel, taking on late-night assignments or attending evening business development events. In addition, work-life integration policies, particularly flexible working arrangements, which primarily impact women, are seen as an obstacle to career advancement as women who utilize those policies are often perceived as less committed. To change culture, work-life integration issues need to be equalized for both men and women. For example, more men in the corporate world are taking advantage of flexible working situations, although they also face some of the same stigmas that women have traditionally faced when they reduce or flex their schedules. Some law firms have recognized this issue and have implemented gender neutral parental leave and flex-time arrangements. While change is slow, the more law firms that support gender neutral work-life integration policies, the less these programs are viewed as a woman's issue, removing one of the cultural barriers that block women's progress.

Women need to feel supported and confident in their ability to succeed in the environment in which they work. The culture of law firms needs to be one not just of diversity in numbers, but of inclusion, progressiveness and innovation of thought. Implementation of a sustainable, meaningful and substantive gender diversity and inclusion initiative that incorporates and embraces these six crucial elements can be the catalyst that creates true change for law firms.

—By Robyn Forman Pollack, Trellis Consulting LLC

Robyn Forman Pollack is an attorney and founder and principal of Trellis Consulting in Philadelphia. She is a gender diversity and inclusion consultant and speaker who creates value, provides support and empowers organizations and professional women in the journey toward workplace equality by providing customized gender diversity services.

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For general reference see: McKinsey & Co., Women Matter 2013 – Gender Diversity in top management: Moving corporate culture, moving boundaries (2013); McKinsey & Co., Women Matter 2012 - Making the Breakthrough (2012).

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