

Men Promoting Women—A Win-Win for the Legal Profession

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Men Promoting Women—A Win-Win for the Legal Profession

Table of Contents

I. Presentation.....	113
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Men Promoting Women—A Win-Win for the Legal Profession

I. Presentation



THE NAWL FOUNDATION®

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REPORT OF A NATIONAL SURVEY OF WOMEN'S INITIATIVES: THE STRATEGY, STRUCTURE AND SCOPE OF WOMEN'S INITIATIVES IN LAW FIRMS

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Report of the NAWL Foundation's National Survey of Women's Initiatives

The Structure, Strategy and Scope of Women's Affinity Groups in Law Firms

by

Stephanie Scharf, J.D., Ph.D.^{1,2}

This report describes the results of the first-ever national survey of women's initiatives in law firms. Conducted by the NAWL Foundation, the research and charitable arm of the National Association of Women Lawyers (NAWL), the survey provides benchmark data on the structures, strategies and scope of women's initiatives among the nation's largest law firms. The impetus for this research stems from the desire to identify possible solutions to the problem of gender equity in law firms. Since 2006, NAWL and the Foundation have conducted an Annual National Survey of Retention and Promotion of Women in Law Firms, focusing on the nation's largest 200 law firms ("the AmLaw 200") to benchmark the progress firms are making to advance women into the higher levels of firm practice and governance and to explain the impact of firm policies and practices on the advancement of women.³ Through these studies, among others, it has become widely recognized that women are not advancing in private practice

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² The NAWL Foundation would like to thank Linda Chanow, Executive Director of the Center for Women in Law, University of Texas School of Law; Karen Kahn, Managing Partner of Threshold Advisors, LLC; and Carol Frohlinger, Negotiating Women, Inc. for their generous and helpful contributions to the survey questionnaire, which significantly enhanced the breadth and scope of the research. We greatly appreciate their interest and support. NAWL Foundation Board Member Roberta Liebenberg first suggested the concept of a national survey of women's initiatives and we thank her for her seminal ideas. Foundation Board Members Christine Amalfe and Barbara Flom provided helpful comments and edits to earlier drafts.

³ The NAWL Annual Survey of Retention and Promotion of Women in Law Firm tracks key indicators of advancement such as the percentage of women at different levels of practice including the highest level of equity partner, the percentage of women on a firm's highest governance committee, extent to which women receive credit for rainmaking, women in the role of national managing partner, gender differences in compensation, and so on. At the same time, the NAWL research has looked at firm structure, policies and practices, such as the tiering of law firm partnerships, expansion of job positions at the bottom of the law firm hierarchy, lateral hiring, lawyer terminations – to name a few – to determine how these structural components impact women in private practice.

at the same rate as men – the fact that only about 15% of equity partners are women in the typical large firm illustrates that conclusion as well as any statistic can.⁴

One approach to improving the situation has, in the last decade, become a staple of law firm culture: the formation of a firm-wide “women’s initiative” or “women’s affinity group.” These groups appear to have a straightforward focus: to retain and advance women lawyers at the firm, and some firms have put substantial resources into their women’s initiatives. That said, there is almost no systematic information about the structure and functioning of these groups, or the actual impact of women’s initiatives on advancing women in firms.

To begin to fill the gap, the NAWL Foundation fielded this national survey of women’s initiatives in the nation’s 200 largest firms, as defined by American Lawyer, focusing on descriptions of the financing, governance, structure and scope of activities of women’s initiatives. What follows are the highlights of our survey results.

Attached to this report is a copy of the Survey Questionnaire and the overall question by question statistics. We publish the actual survey questionnaire in an effort to encourage others to perform research on this subject in the future. We would be delighted for others to use all or part of the Foundation’s questionnaire.

THE AREAS WHERE WOMEN IN LAW FIRMS NEED SUPPORT FOR ADVANCEMENT.

Large law firms retain and advance their lawyers based on a number of criteria, which differ from level to level. The criteria for reviewing an associate, for example, vary greatly from the criteria used to advance a lawyer from non-equity to equity partner. The most

⁴ The solution to the matter of gender equity will no doubt be multi-faceted. Indeed, the American Bar Association, under the auspices of President Laurel Bellows, has formed a Presidential Task Force on Gender Equity to promote a range of effective policies and practices for resolving the problem of gender equity.

advanced or successful lawyers in firms – those at the top of the law firm hierarchy – are typically defined along four interrelated factors: (1) position as an equity partner, (2) credited responsibility for business, (3) high level role in law firm management, (4) level of compensation. In studying these markers of success in private big firm practice, the NAWL National Survey on Retention and Promotion of Women in Law Firms shows that women fare less well than men along each of these dimensions. (Each year's report is posted at nawlfoundation.org.)

First, women are far less likely to be equity partners than men. In fact, although women account for 45% of associates, they account for only about 15% of equity partners – a statistic that has stayed roughly the same ever since the NAWL Survey began its measurements. To put it in simpler terms, while nearly 1 in 2 associates is a woman, only 1 in 7 equity partners is a woman.

Second, women are not credited as rainmakers at the same rates as men. Almost half (46%) of all large firms report no women rainmakers among their top 10 business generators. Another one third of firms report only one woman rainmaker in the top 10. And, women partners are less likely than men to receive credit for even a relatively modest book of business, although it is less clear the extent to which firms fail to give credit when it is due under a traditional origination model or whether women are not using approaches to generating business that match what firms require.

Third, women are not typically in positions of firm-wide leadership. About 9% of firms have no women on the highest governing committee – committees that typically have 10 or more members. Only about 25% of firms have even one woman on their highest governing

committee. In the same vein, only 4% of firms place women in the role of firm-wide managing partner.

Fourth, women are not compensated by firms at the same level as men: men out-earn women at every level beyond associate. The biggest difference in compensation occurs at the equity partner level. In 2012, women equity partners earned 89% of the compensation earned by male equity partners. An overwhelming number of firms – 98% – report that the highest paid partner in the firm is male.

Is change needed in law firms? Yes. Do firms wish to promote highly talented and well trained lawyers into leadership roles? Of course – the future of firms depends on attracting, retaining and promoting talented lawyers.⁵ The critical question that firms face is, what can and should firms do to improve the retention and promotion of women lawyers?

Women’s initiatives have been sponsored by firms, starting about 10 years ago, with the general purpose of providing innovative policies, practices and structures for advancing women in law firms. Yet, what such initiatives actually do, and the impact they have on women in firms, is all too often not clear and at worst, open to criticism bordering on cynicism.⁶

For all of these reasons, we are pleased to present the results from this unusual national study of the mission, strategy and functioning of women’s affinity groups in large firms.

⁵ And, as these results, and countless articles and reports about diversity generally and women in particular have concluded, firms need to do more than simply hire and hope for the best. They need to have focused policies, practices and structures to retain and promote lawyers who are diverse and who do not fit the traditional mold.

⁶ Forbes blogger Victoria Pynchon, for example, (*see* her column, *Five Ways to Insure Your Women’s Initiative Succeeds*) offers the view that women’s initiatives at most large firms have been “dismal failures”: they “lack buy-in, are underfunded, and no one takes them seriously.” Indeed, there have been scant systematic data on what women’s initiatives actually do along with the scope and effects of women’s initiatives on the constituency they were founded to serve: women lawyers.

OVERALL IMPLICATIONS OF THE SURVEY OF WOMEN'S INITIATIVES

The Survey looks in detail at many aspects of how women's initiatives function – what their actual activities are, how they are organized and funded, who participates, and how programs relate to other law firm policies and practices. Before we guide you through the specific findings, we begin with two main “take-aways” from the survey results.

1. Having started active women's initiatives, firms should now be moving to the next phase: more focused approaches to enhance their goals, strategies and functioning. Many initiatives lack a specific mission or do not tie their mission to specific goals for advancement or particular types of programming. Not all programs are subject to annual reviews or criteria for their evaluation. It may be that programs should not be open to lawyers at all levels (which is typically the case) but targeted to the needs of lawyers at different levels of their careers. There is an abundance of “soft” programs – networking stands out as the prototype – and not enough programs targeting the factors that have a direct impact on advancement within firms. In short, we believe that women's initiatives need to become more strategic in how they define their roles, the activities they offer and how they measure their success.

2. Women's initiatives are woefully underfunded. The typical law firm spends far less on their women's initiatives than the salary of a first year associate. There are many ways in which firms can better provide more robust education and services that will help retain women lawyers and move them into the top tiers of firms – but the funding must be provided. This should be an important focus of every large firm – with so many women graduating from law school, firms are behind the curve in retaining and promoting a very large segment of the legal talent pool.

As the bases for these conclusions, we present more detailed findings from the Survey.

THE MISSION OF WOMEN’S INITIATIVES

Virtually all large U.S. firms (97%) sponsor a women’s initiative – whether the group is titled “women’s initiative,” “women’s affinity group,” “women’s forum,” “women’s committee,” “women’s network,” “women’s resource group” or variations on those titles. (For simplicity of reporting, we will refer to these groups as “women’s initiatives.”) Most women’s initiatives began operating in or about 2000. In 2005, almost half of AmLaw 100 firms had established women’s initiatives and by 2007, three-quarters of AmLaw 200 firms had established such groups.

Close to 75% of women’s initiatives have a written mission statement (although that was more likely to be so in AmLaw 100 firms). The substance of firm mission statements, however, varies widely. Some firms have short-and-to-the-point mission statements, such as:

“The mission is to promote advancement of women lawyers at the firm.”
“To develop and promote women attorneys at all levels of the firm as business generators and leaders.”

More typical, however, were long mission statements describing a combination of relatively abstract goals with no clear relationship to advancement and retention. Such statements often speak to ‘fostering change’ or ‘create networking opportunities’, ‘enhancing recruiting, retention, mentoring, networking and professional development’ and other similarly global statements. They are not necessarily easy to translate into specific practice or programs. Here are examples:

- The Women's Initiative provides a forum for communication among women attorneys. The Initiative advocates for a workplace that supports the firm's women attorneys through formal written programs and policies consistently applied to all attorneys. The Initiative promotes the attraction, retention, and career advancement of female attorneys through educational and networking events.
- The Firm's Women's Initiative is dedicated to the recruitment, retention and advancement of women attorneys, and to sustaining a positive and supportive environment for the firm's women attorneys. The main goals of our Women's Initiative program are to enhance professional opportunities both in and outside the firm for women lawyers, and to encourage all of the firm's attorneys to be active leaders. Commitment to Diversity: the firm's commitment to the women lawyers at the firm is a long-standing core value that is a part of our overall dedication to diversity. As a firm, we value the positive energy created by a diverse workforce of lawyers and professionals that is inclusive of racial, gender, age, ethnic, national, sexual orientation and religious differences. We also appreciate, support and encourage the thoughts, ideas and values that underlie these differences. The Firm is committed to being a leader in diversity, and we strive to attract, retain and promote diverse lawyers and staff. An Ever-Evolving Program: While the mission of our Women's Initiative program is established, the methods and details of the program are ever-evolving to help ensure that we stay attuned to how the program should be changed to meet the overall goals.

Apart from a mission statement, do women's initiatives identify specific objectives to achieve each year? Some 80% of firms answered that they do identify such objectives, although it is unclear whether the objectives are written or have a direct link to specific goals of retention

and advancement. Our view is that an effective initiative begins with an effective mission, and that it is not a trivial exercise to review the mission of a firm's women's initiative. Such a review would have the great benefit of fostering thinking – or rethinking – about the overall purpose today of the firm's women's initiative and how it best translates into specific strategies and activities.

AREAS OF ACTIVITY BY WOMEN'S INITIATIVES

One part of the survey asked about the nature of the activities and programs sponsored by the women's initiative – with the results set forth below.

1. Networking. We begin with the activities that, as it turns out, are most commonly part of the activities sponsored by women's initiatives: programs that focus on networking both within and outside the firm. Thus:

- Over 95% of firms offer programs devoted to networking *within* the firm.
- Almost 90% of firms sponsor networking events for women in the firm and women clients.

Women's initiatives appear to be satisfied with their networking events. Over half of firms (55%) report that a networking event for women lawyers in the firm has been among the most effective programs to meet the mission of the firm's women's initiative. An even greater number (69%) report that a networking event for women lawyers in the firm and clients has been among the most effective ways to meet the mission of the women's initiative. Networking events are by far the programs that are rated highest for being effective in meeting the mission of women's initiatives.

Interestingly, networking events exclusively for women partners are not as favorably viewed. A little more than half the firms sponsor a firm-wide meeting of women partners but only 29% of firms consider these events to be mission-effective.

However favorably networking events are viewed, the data beg this question: what exactly is the impact of networking on long-term success for women in firms? Networking can serve valuable functions. It creates positive feelings about the firm and the people in it. It fosters a feeling of connectedness to the firm. It introduces women in the firm to their peers and more senior lawyers, in a setting that is social and convivial. It brings together outside counsel with lawyers in the firm in a relaxed, not specifically “I want your business” way. All that said, women’s networking events are at best indirect ways for firms to advance their women lawyers. To the extent that the principal focus of women’s initiatives is networking, they may not have as strong an impact on either retention of women lawyers or their advancement in the firm.

2. Advancement to Equity Partner/Leadership Roles. To what extent do women’s initiatives specifically focus on advancement to equity partnership? A good number of firms spend at least part of the efforts of their women’s initiatives on practices directed towards advancement of women lawyers. Over three quarters of firms – 76% – provide a program for development of “soft” skills, for example, negotiation or navigating successfully within the firm. Over 80% of firms highlight specific achievements of women lawyers in the firm, thus providing both reinforcement for successes and role models for other women. Succession planning that includes a focus on gender is provided by only about 1/3 of firms overall although AmLaw 100 firms are far more likely to report succession planning focused on gender (41%) than Second Hundred firms (22%).

Monitoring of promotion rates for women lawyers compared to men lawyers is done by almost three quarters of firms (73%), although that type of monitoring is more common among AmLaw 100 firms (81%) than Second Hundred firms (62%). We did not determine whether monitoring of promotion rates takes place at all levels or only at lower levels such as promotion from junior to senior associate, or from associate to counsel or non-equity partner. Likewise, we do not know whether that information is published within the firm, or to what use such statistics are put, or whether any changes in promotion policies or promotion rates have taken place as a result of analyzing the statistics.

Monitoring of work assignments for women lawyers compared to men lawyers is conducted by close to 40% of firms, with monitoring more likely among AmLaw 100 than Second Hundred firms (about 50% versus about 25%). Monitoring, however, serves a valuable function because it provides benchmarking data over time about gender differences on an important aspect of success – promotion and work assignments. Given the relatively low rates of promoting women into high levels of firms, the challenge for firms, we suspect, is what to do with that information, and whether it can be used to inform changes in policies and practices.

And, over 60% of firms provide programming for leadership training.

How are these programs viewed by women's initiatives? Somewhat to our surprise, these programs were not among the most commonly cited for advancing the mission of a firm's women's initiative. That may be because women's initiatives do not necessarily have a straightforward focus on advancement into leadership roles or equity partnership, but focus more on retention and networking. No firm advised us that it had a program called, "How to Become an Equity Partner," although anecdotally, a large number of firms would do well to educate their women lawyers about that process, starting with the first year of entry into the firm.

3. Rainmaking. Closely related to equity partnership is the ability to generate business. We know that women are not credited with business development at the same rate as men. What are women's initiatives doing to give women the skills and support needed to enhance business development?

Over 90% of firms report they provide a program focused on business development skills and activities. Almost two thirds of firms – 63% – have sponsored a large group training program to strengthen business development skills. In addition, almost half of firms – 46% – have sponsored individualized or small group coaching (no more than 12 people) conducted by individuals in the firm in order to strengthen business development skills. Almost half of all firms – 49% – provide training in business development skills by an organization outside the firm. And, a third of all firms – 35% – provide an in-firm program on the subject of business development where clients are invited as guests or speakers.

The majority of firms that have large group training programs to strengthen business development skills have one to three meetings per year. A smaller proportion have four to five and a few have twelve meetings. A few have meetings approximately every month on average. One firm reported twenty annual meetings.

While a substantial number of firms provide programs focused on business development, only about half of firms, however – 48% – believe those programs are most effective to meet the mission of their firm's women's initiative. It is not clear to us exactly why this is so, given the strong emphasis in firms on rainmaking as an essential part of senior partnership. One possibility is that there are not enough systematic and/or continuous programming over time, and that one-off or occasional programs in large groups are simply not effective for long term results.

4. Programs Tailored to Culture of the Firm

Beyond these commonly sponsored programs, there is much greater variation in the types of programming firms sponsor, as the examples below show:

- Some firms tie women’s initiative programs to their ongoing practices.
 - One firm with a large practice in a particular consumer industry developed a program for its women lawyers to provide pro bono legal services to indigent customers served by that industry.
 - One firm, part of an international network of firms, sponsors women attorneys’ attendance at functions internationally to enhance opportunities to meet other women, lawyers, and clients from across the globe.
 - Firms may chart and monitor the number of women/minorities working on matters for a specific number of its clients.
- At least one firm sponsors events for women alumni in the context of its women’s initiatives.
- There are firms that focus at least some programs on subgroups of the women’s initiative.
 - Some firms described a “Moms” or “Parents” subgroup of its women’s initiative.
 - One firm described a Leadership Institute for Women of Color with special programming directed to that subgroup.
 - One firm sponsors an annual Working Mother's Weekend which the firm pays for moms and kids to travel to the city of a principal office, with nannies/activities for kids and meetings for the moms, including with the Managing Partner.

- Mentoring programs under the auspices of women’s initiatives have many variations.
 - For example, one firm described various “Mentoring Circles” targeting subgroups of the women’s initiatives, such as matching small groups of junior associates with senior associates; forming circles of young women partners; and forming circles between minority women and partners.
 - One firm has a mentoring program targeting lawyers who are at least in their seventh year of practice and have been affiliated with the firm for at least two years. The intense, year-long program focuses on leadership, marketing, management and professional skills development, professional mentoring and experiential learning.

These tailored programs were typically viewed in comments by firms as valuable and a good mesh with the specific characteristics of a firm.

PARTICIPATION BY WOMEN LAWYERS

We asked about who within the firm participates in various types of activities sponsored by the women’s initiative. Here is a summary of what we found.

In the vast majority of firms, there are few limits on participation by women lawyers in women’s initiative events. Fewer than 10% limit participation to partners, counsel and associates. Virtually all other firms – over 90% – allow all women lawyers, regardless of job title or part-time status, to participate in women’s initiative events (even if all do not participate in all events). A few firms indicated that both women and men, may participate, although we assume that must be to selected events.

One issue these days is the role of “staff attorney” in firms, those who are at the lowest rung of permanent positions, which are not partner-track and are disproportionately occupied by

women.⁷ Consistent (with other surveys conducted by the NAWL Foundation and NAWL, 85% of responding firms employ women staff attorneys. This proportion is notably higher in National firms (virtually all) and Midwest firms (95.0%), and lower in East firms (71%). For the most part, women staff attorneys are invited to the same women’s initiative events as women associates. There are some exceptions – for example, one firm noted that women staff attorneys do not participate in the firm’s monthly business development training.

Of course, eligibility is a different matter from actual participation. Participation in women’s initiative events by women partners is somewhat uneven among firms. About 70% of firms report more than half of their women partners participate in the women’s initiative. A similar level of participation by associates takes place with about 70% of firms responding that more than half of eligible women associates participate in the women’s initiative. The strong implication is that women lawyers at both junior and senior levels welcome the activities offered by women’s initiatives.

LEVEL OF FUNDING AND STRUCTURE OF WOMEN’S INITIATIVES

Having sufficient funds to implement meaningful programs is a critical factor for achieving the stated goals of women’s initiatives. To our great surprise, firms report relatively small amounts of funding for programs that could potentially have great impact on the stability and future of law firm talent.

Among AmLaw100 firms which had a formal budget (over 80% of firms), there was an average of \$119, 000 spent annually on activities for women’s initiatives. Let us put that dollar amount in context: the annual budget is far less than the salary of one first year associate, it is far less than the budget for “tables” at bar events, and it is far less than the cost of a part-time counsel. Among the Second Hundred, the annual budget was much lower: \$48,000 on average.

⁷ See data from the 2010 and 2011 NAWL Survey of Advancement and Retention of Women in Law Firms.

We expect those firms that do not have an annual budget spend even less on the activities of women's initiatives.

Fewer than half of firms – 42% – report that their women's initiative is part of the strategic plan of the firm.⁸ On the other hand, some 85% percent of firms report that the women's initiative is written into their firm's diversity plan. These data suggest that actions of women's initiatives are reviewed at the level of the firm's diversity effort which may or may not be the highest level of the firm.

With respect to oversight, most firms report multiples lines of reporting. Thus, 60% of responding firms' women's initiatives report to the managing partner. A slightly smaller proportion of responding firms – a little over 50% – told us that their women's initiatives report to the firm's highest governing committee. A little more than 1/3 of women's initiatives report to the Chair of the firm. Not surprisingly, over 2/3 of women's initiatives report directly to the firm's Diversity or Inclusion Committee.

While all firms appear to have some lines of oversight, not all evaluate performance of their women's initiatives. Less than 60% of firms report that in one way or another, their women's initiative is evaluated by the firm.⁹ Of those, only about 70% report that firm-wide evaluations take place annually. (A small number of firms have more frequent evaluations, and a few firms report “ongoing” evaluations.) And, of those firms that conduct an evaluation of their women's initiative, about half report that their evaluations are done “informally, not in writing.” Of those that submit a written report, the focus is either of the past year's activities or a combination of activities and evaluation of specific goals.

⁸ This proportion is notably higher in National (59.1%) and South firms (60.0%). This proportion is lower in East (29.0%), West (37.5%), and Midwest firms (30.0%).

⁹ This proportion is notably higher among National firms (72.7%) and notably lower among East firms (47.2%).

Taking these responses together, it appears that fewer than half of all women's initiatives are evaluated annually by management. Similarly, fewer than half of all women's initiatives submit written evaluations. Moreover, it is not clear that the reporting and evaluation functions focus on specific goals. Some 40% of firms report no specific criteria at all for their evaluation. Of those who report goal-related evaluation criteria, there is often no connection to concrete advancement criteria. Thus, descriptions of evaluation criteria were often along the lines of "accomplishment of goals and activities identified at the start of each year" or "number of events, quality of events, participation level."

Some firms, on the other hand, had more focused criteria, such as "results in hiring, retention and promotion; representation of women in leadership positions" or "quantifying business development leads, clients and/or business added to the firm as a direct result of women's initiative marketing and client development events."

Firms differ in how their women's initiatives are led. A little more than half the firms (55%) have one firm-wide head of the women's initiative, and 75% of those firms identify the firm-wide head of the women's initiative as a lawyer. The placement of a lawyer as leader of the women's initiative is notably higher among National (91%) and East (83%) firms compared to West (62%) and South (57%) firms. For those women's initiatives headed by a lawyer, over 75% of the lawyers are equity partners. In our view, that is the correct level of leadership if a women's initiative is to have "teeth" and status within the firm. In a minority of firms, the other lawyer leaders of women's initiatives are non-equity partners, with a scattering of counsel and associates given that role.

Virtually no lawyer leading a women's initiative receives additional compensation for the time spent on this effort. Only 6% of firms reported that additional compensation was paid.

Along the same lines, fewer than 10% of firms report that heads of women's initiatives are given relief from billable hours in return for the time spent on the women's initiative. At the same time, in most firms (69%), and even more so in AmLaw 100 firms (75%) and national firms (87%), the lawyer who heads the women's initiative is also expected to conduct business development. In essence, the woman in this position is a volunteer, although there are some intangible benefits to heads of women's initiatives (e.g., visibility within the firm and among clients, learning leadership skills among lawyers in the firm, personal gratification associated the work of the women's initiative, etc.).

For those firms who do not have a single firm-wide leader of the women's initiative, the typical paradigm is to have several co-chairs. The majority of firms (75%) also report that there is a firm-wide planning committee for the women's initiative. The size of that committee is surprisingly large. The majority of firms report at least 12 members of the women's initiative committee, with a quarter of firms reporting 20 members or more. Not surprisingly, AmLaw 100 firms report a greater number of committee members than Second Hundred firms. In most firms (almost 95%), the committee has at least one representative from each office, which may account for the relatively large sizes of these committees. Moreover, in a sizeable minority of firms (23%), there is a separate lawyer who chairs the women's initiative for each office. These statistics reflect the common approach that events should be planned and implemented on an office-specific basis even though the firm as a whole may provide ideas and resources for women's initiative events.

About 30% of firms report that the women's initiative has male members¹⁰, although looking more closely at the data, males do not play an active "membership" role. In some instances, men were identified as members because the women's initiative is housed in the

¹⁰ This proportion is notably higher for AmLaw 100 firms (38%) than Second Hundred firms (20%).

diversity or attorney development structure of the firm, which is headed by a man. In some other firms, men are “ex officio” members by virtue of their leadership roles in the firm. In a few instances, the firm reported that men are members because firm leaders who were male had spoken at the event. It is apparent that some firms struggle with sponsoring a forum and events where participation is limited by gender, and therefore do not officially preclude men from joining the women’s initiative. Other firms also recognize that isolating women’s initiative events by gender may also have negative consequences, and try to make connections between the women’s initiative and more general structures in the firm.

A slight majority of women’s initiatives have a paid coordinator who plans and oversees activities (57% of firms). Most of the firms with a paid coordinator provide a job with full-time attention to the women’s initiative. Of those firms with a paid coordinator, the overwhelming majority (87%) report that the paid coordinator is a lawyer although she does not currently practice law. Roughly 70% of responding firms have a paid coordinator who is a lawyer who divides her time between coordinating and a part-time law practice.

When there is one firm-wide leader of the women’s initiative, she is typically appointed by the chair of the firm (about 60% of firms). No firm reported that the head of the women’s initiative is elected. A minority of firms reported that the leader of the women’s initiative volunteered to be in that role. Two other principal methods of selection were reported: either selection by or upon recommendation of the firm’s chief diversity officer or diversity committee, or selection by the firm’s governing committee.

It is not typical for the firm-wide leader of the women’s initiative to be a member of the firm’s highest governing committee. Of those firms reporting one firm-wide head of the women’s initiative, fewer than 25% reported that this person is a member of the firm’s highest

governing committee. This proportion is even lower for AmLaw 100 (18) than Second Hundred firms (31%). Not surprisingly, the firm-wide head of the women's initiative is typically – although not uniformly – a member of the firm's diversity committee. Of those firms with a single firm-wide head of the women's initiative, 67% report that this person is a member of the Diversity Committee.

There does not appear to be a uniform length of time for someone to serve as head of the women's initiative. Of the firms with a firm-wide leader of the women's initiative, the overwhelming majority – 93% – report “no set term” for that position.

OTHER POLICIES FOR RETENTION OF WOMEN LAWYERS

To enhance retention of women lawyers, many firms provide programs designed to address perceived life-style needs of women lawyers, in particular to address the sense that women have family and other impediments to working full-time in time-intensive environments like law firms. Thus, whether under the auspices of their women's initiatives or through other sections of the firm, many firms have implemented programs and practices to retain women through periods of their life where full-time work in a firm is not feasible.

Almost all firms – 95% of large firms – report that they allow flexible work schedules. Part-time work schedules are also provided by the overwhelming majority of firms (97%).

Anti-bias training is provided by 70% of all firms (with AmLaw 100 versus Second Hundred differences, 81% versus 56%).¹¹ Participation in anti-bias programs varies. In a little more than half of the firms, all lawyers and staff participate. In about another quarter of the firms, all lawyers participate. As to the rest of the firms, there is a wide variation in participation. Sometimes participation is limited to those who evaluate associates. Sometimes

¹¹ There are notable regional differences; 100% of responding Western firms have anti-bias training while fewer than half of responding Southern firms have anti-bias training.

participation is broad, including all lawyers plus managers of administrative staff. Some firms limit training to partners and other senior lawyers, to selected leadership groups, to newly hired attorneys, or to other subgroups. In some firms, training boils down to “anti-harassment” training or general “inclusiveness” training, without a focus on gender anti-bias training. And, in a number of firms, participation is voluntary not required.

CONSISTENCY ACROSS OFFICES

The large majority of AmLaw 100 firms and most Second Hundred firms operate more than one office. We thus inquired whether the women’s initiative operates within the U.S. on a firm-wide basis. Both with respect to funding and design of programs, most firms operate office-by-office. The findings are that:

- Only about 25% of firms reported that their budget, strategy and activities of the women’s initiative are planned on a firm-wide basis.
- About 2/3 of firms operate in a structure where the budget and strategy for the women’s initiative are planned on a firm-wide basis although specific activities are planned office-by-office.
- The remaining 8% or so of firms report an office-by-office approach, whereby each office manages and plans its own budget, strategy and activities for its women’s initiative.

Just as most firms have some kind of centralized budget process, if not centralized programming, a slight majority of firms offer similar programs in all offices. About 30% of firms report that most events sponsored by the women’s initiative are offered firm-wide in all offices at about the same time with the same content. Another 30% report that most events sponsored by the women’s initiative are offered firm-wide although the timing and/or content of such events vary from office to office. About 40% of firms report that most events offered by

the women's initiative are planned for each office separately and are not offered firm-wide. Thus, even when the large majority of firms have some centralized funding or even event planning; events are planned with sensitivity to local office needs.

A little more than half of firms responded that there is one office where the women's initiative is more active. Firms with an East Coast main office were much more likely to give that response (70%) than firms in other locations. Typically, there was more than one reason given about why one office was more active than others¹²:

- The office was the largest (71% of firms). This is especially the case among East, West and Midwest firms that still had a dominant founding office (as opposed to "national" firms where there no longer was a clear dominant office).
- The office housed top management of the firm (about 50% of firms, although this proportion is notably lower in National firms (18.2%) and notably higher in East firms (70.8%)).
- The office had the most women lawyers, a reason reported by some 60% of firms (although this proportion is notably higher in Eastern firms (79.2%)).
- The office had a particularly interested group of women lawyers, a reason reported by about half of firms.

CONCLUSION

The NAWL Foundation designed this survey to obtain benchmark data about women's initiatives in large law firms. Firms have repeatedly advised us that they are committed to the goal of increasing gender equity and they wish to implement concrete steps to assist their women lawyers in advancing their careers. We hope that the data presented here will assist those efforts

¹² Firms could give more than one reason.

by sparking constructive dialogue across the profession on these important topics. We express deep appreciation to all of the firms that participated in the Survey and their willingness to entrust us with confidential and sensitive data to facilitate the analyses presented above.

Appendix on Survey Methodology

The Survey was fielded in 2011 and directed to the 200 largest firms in the U.S. as reported by *The American Lawyer*. Although we recognize that most attorneys in private practice work in smaller organizations, we have chosen to focus on the largest firms because they are an easily defined sample, include firms from all parts of the U.S., and are viewed as benchmarks and bellwethers for the larger profession.

In advance of fielding the Survey, we contacted all 200 firms to determine first, if the firm had a women's initiative and then, who headed it. The questionnaire was then sent to the person identified as heading the initiative. Over half of the 200 firms responded to the Survey. Except where noted in the report, responding firms did not appear to be different than non-responding firms in terms of revenue per lawyer and profits per partner. Responding firms were somewhat larger than non-responding firms in terms of gross revenue and net operating income. Except where noted, there did not appear to be strong geographic differences. Not all firms answered every question, with the questions about funding generating lower responses.

As is the case with all of the Foundation's research, we do not publish any individual law firm data. We believe that performing aggregate analyses of the law firm population, rather than highlighting individual firm data, is more consistent with the goals of tracking how women are doing overall and setting benchmarks. We also believe that the confidentiality we promise

encourages firms to be forthcoming with sensitive information that immeasurably enriches the data available for our analysis.

The analysis was performed by Russell Bittmann and we thank him for his participation.

QUESTIONNAIRE

1. Name of your firm _____
2. How many offices does your firm have in the U.S.? Number: _____
3. Does your firm have a women's initiative, women's committee, women's affinity group or some other effort sponsored by the firm which is focused on advancing and/or retaining women lawyers at your firm?

_____ Yes _____ No? If NO, please go to Question 41.

FOR THE REMAINDER OF THE QUESTIONNAIRE, we use the term "Women's Initiative" to mean a women's initiative, women's committee, women's affinity group or some other effort sponsored by the firm which is focused on advancing and/or retaining women lawyers.

4. What is the formal name of the firm's Women's Initiative?

5. In what year did the firm start a Women's Initiative? _____
6. Over the course of the past year, did the Women's Initiative provide any of the following for women lawyers in the firm? Please **CHECK ALL THAT APPLY**:

_____ Program focused on business development skills and activities
_____ Networking event for women within the firm
_____ Networking event for women in the firm and women clients
_____ Mentoring program
_____ Program for development of legal skills
_____ Firm-wide meeting of women partners
_____ Leadership training
_____ Program for development of "soft" skills, for example, negotiation or navigating successfully within the firm.
_____ Highlighting specific achievements of women lawyers in the firm.

If your firm's Women's Initiative offers a program or activity not covered by the items in Question 6, please describe: _____

7. Whether provided under the auspices of the Women's Initiative or some other function in the firm, does the firm provide any of the following? Please **CHECK ALL THAT APPLY**:

- Flexible work schedules
- Part-time work schedules
- Succession planning that includes a focus on gender
- Monitoring of promotion rates for women lawyers compared to men lawyers
- Monitoring of work assignments for women lawyers compared to men lawyers
- Anti-bias training

If you checked anti-bias training, who participates in the training?

- All lawyers and staff
- All lawyers
- Partners, only
- Other (describe) _____

PLEASE ANSWER QUESTIONS 8 THROUGH 10 ONLY IF YOUR FIRM HAS MORE THAN ONE OFFICE WITHIN THE UNITED STATES. (IF YOUR FIRM HAS ONLY ONE U.S. OFFICE, PLEASE GO TO QUESTION 11.)

8. Does the Women's Initiative operate within the U.S. on a firm-wide basis? Please respond by checking the answer that is most correct.

- The budget, strategy and activities of the Women's Initiative are planned on a firm-wide basis.
- The budget and strategy for the Women's Initiative are planned on a firm-wide basis although specific activities are planned office-by-office.
- Each office manages and plans its own budget, strategy and activities for its Women's Initiative.

9. In your U.S. offices, are the same events usually offered in all offices? **Please CHECK THE ANSWER THAT IS MOST CORRECT:**

Most events sponsored by the Women's Initiative are offered firm-wide in all offices at about the same time with the same content.

Most events sponsored by the Women's Initiative are offered firm-wide although the timing and/or content of such events vary from office to office.

Most events offered by the Women's Initiative are planned for each office separately and are not offered firm-wide.

IF THE ANSWERS TO QUESTIONS 8 AND 9 do not describe how the Women's Initiative is administered in your firm, please tell us how it works:

10. Is there one office where the Women's Initiative is more active? Yes No
If Yes, is that because the more active office is (check all that apply):

the largest

located in the same office as top management of the firm

the office with the most women lawyers

the office with a particularly interested group of women lawyers

ALL FIRMS TO ANSWER THE FOLLOWING QUESTIONS

11. Does the Women's Initiative have a written mission?

Yes No

IF YES, what is the mission?

12. Does the Women's Initiative identify specific objectives each year? Yes No

13. Is the Women's Initiative written into the strategic plan of the firm? Yes No

14. Is the Women's Initiative written into the firm's diversity plan? Yes No

15. Does the Women's Initiative report directly on its activities to **(CHECK ALL THAT APPLY)**:

the Managing Partner of the firm?

the firm's highest governing committee?

the Chair of the firm?

the firm's Diversity or Inclusion Committee?

16. Is the Women's Initiative evaluated by the firm? Yes No

If **YES**, please answer Questions A, B and C:

A. How often is the evaluation? _____

B. What criteria are used to evaluate the Women's Initiative (or are there no specific criteria)?

C. How is the evaluation done? (check most correct answer)

Informally, not in writing.

Written report of the year's activities.

Written report of the year's activities with an evaluation of the success in terms of specific goals.

17. Who within the firm participates in activities sponsored by the Women's Initiative (even if they do not always participate in the same event)?

Partners only

Partners and counsel

Partners, counsel and associates (but not staff attorneys)

All women lawyers in the firm

18. Does the firm employ women staff attorneys? Yes No

IF YES, are women staff attorneys invited to the same Women's Initiative events as women associates? Yes No

19. Are part-time women lawyers invited to events sponsored by the Women's Initiative?

Yes No

20. About what percentage of the women partners who are eligible to participate in the Women's Initiative generally do so?

___ Almost all

___ More than half

___ About half

___ Fewer than half

___ Fewer than a quarter

21. About what percentage of the women associates who are eligible to participate in the Women's Initiative generally do so?

___ Almost all

___ More than half

___ About half

___ Fewer than half

___ Fewer than a quarter

22. What is the structure of the firm's Women's Initiative?

Please CHECK ALL THAT APPLY:

___ There is one firm-wide head of the Women's Initiative.

___ The firm-wide head of the Women's Initiative is a lawyer.

If you checked this answer, what is her position in the firm:

Equity partner _____

Non-equity partner _____

Counsel _____

Associate _____

___ The lawyer who heads the Women's Initiative receives additional compensation for the time she spends on this effort.

___ The lawyer who heads the Women's Initiative receives billable hours "credit" for the time she spends on this effort.

___ The lawyer who heads the Women's Initiative is also expected to conduct business development.

___ There are several co-chairs of the firm's Women's Initiative, not a single person who heads it firm-wide.

___ There is a firm-wide planning committee for the Women's Initiative.

If you checked this answer, please answer questions A, B and C:

- A. How many persons serve on the Women's Initiative committee? _____
- B. The committee has one representative from each office. ___ Yes ___ No
- C. The committee has representatives from each office according to size of office ___ Yes ___ No

_____ There is a separate lawyer who chairs the Women's Initiative for each office.

_____ The Women's Initiative is structured as a separate department in the firm.

_____ The Women's Initiative has male member(s).

If you checked this answer, please describe the number and role of men:

23. Does the Women's Initiative have a paid coordinator who plans and oversees activities? _____ Yes _____ No

IF you answered Yes, please answer questions A, B and C:

- A. The paid coordinator's job provides for full time attention to the Women's Initiative.
_____ Yes, about full time ___ No, closer to half time or less
- B. The paid coordinator is a lawyer although she does not currently practice law. ___ Yes ___ No
- C. The paid coordinator is a lawyer who divides her time between coordinating and a part-time law practice. ___ Yes ___ No

FOR FIRMS THAT HAVE A DESIGNATED FIRM-WIDE HEAD OF THE WOMEN'S INITIATIVE, PLEASE ANSWER QUESTIONS 24-27. (OTHER FIRMS PLEASE GO TO QUESTION 28.)

24. How is the firm-wide head of the Women's Initiative appointed? **Please check the correct answer.**

_____ She is appointed by the Chair or the Managing Partner of the firm.

_____ She is elected by women partners in the firm.

_____ She is elected by women lawyers in the firm.

____ She is someone who volunteers to head the Women's Initiative.

____ Other (please describe): _____

25. Is the firm-wide head of the Women's Initiative a member of the firm's highest governing committee? ____ Yes ____ No

26. Is the firm-wide head of the Women's Initiative a member of the firm's diversity committee? ____ Yes ____ No

27. How long does one person serve as head of the Women's Initiative?

____ For one year

____ For two years

____ There is no set term

____ Other (please describe): _____

ALL FIRMS TO ANSWER THE FOLLOWING QUESTIONS

28. In the past year, has the Women's Initiative provided any of the following business development activities? **PLEASE check each activity that was provided in the past year:**

____ A large group training program to strengthen business development skills.

If Yes, how many times in the past year was this type of program presented? ____

____ Individualized or small group coaching (no more than 12 people) conducted by individuals in the firm to strengthen business development skills.

If Yes, how many times in the past year was this type of program presented? ____

____ Training in business development skills conducted by an organization outside the firm.

If Yes, how many times in the past year was this type of program presented? ____

____ Networking event for clients or potential clients of the firm.

If Yes, how many times in the past year was this type of program presented? ____

____ In-firm program on the subject of business development where clients were invited as guests or speakers.

If Yes, how many times in the past year was this type of program presented? ____

____ Networking events for women lawyers within the firm.

If Yes, how many times in the past year was this type of program presented? ____

Has the Women's Initiative sponsored other types of business development activities not listed above? **If yes**, please describe the type of activity:

29. Does the firm provide a mentorship program that includes women lawyers, whether under the auspices of the Women's Initiative or through another function of the firm?

___ No, the firm does not provide a mentorship program. (IF NO, GO TO QUESTION 35)

___ Yes, the firm provides a mentorship program for women lawyers under the auspices of the Women's Initiative.

___ Yes, the firm provides a mentorship program for women lawyers as part of a more general mentorship program administered by the firm.

IF YOU ANSWERED YES TO QUESTION 29, PLEASE ANSWER QUESTIONS 30-34.

(If you answered No to Question 29, please go to Question 35.)

30. Which lawyers are eligible to be mentored? **(Please check all that apply)**

___ all associates

___ women associates

___ minority associates

___ all counsel

___ women counsel

___ minority counsel

___ all non-equity partners

___ women non-equity partners

___ minority non-equity partners

___ Other (please describe): _____

31. What proportion of the mentees in the program are women? _____%

32. Who are the mentors in the program? **(Please check all that apply)**

___ male partners

___ female partners

___ male counsel

___ female counsel

___ male associates

___ female associates

_____ The mentors in the program are about an equal number of male and female lawyers.

33. Is there a formal evaluation of the mentoring program each year by mentors?
_____ Yes _____ No
34. Is there a formal evaluation of the mentoring program each year by mentees?
_____ Yes _____ No

ALL FIRMS PLEASE ANSWER THE FOLLOWING QUESTIONS

35. In the past year, which of the following have been most effective to meet the mission of the Women’s Initiative? (**You may check up to 4 items**):

- _____ Networking event for women lawyers in the firm
- _____ Networking event for both women lawyers in the firm AND clients
- _____ Program focused on business development skills
- _____ Mentoring program
- _____ Program for development of legal skills
- _____ Firm-wide meeting of women partners
- _____ Leadership training
- _____ Program for development of “soft” skills, for example, negotiation or navigating successfully within the firm.
- _____ Highlighting specific achievements of women lawyers in the firm
- _____ Flexible work schedules
- _____ Part-time work schedules
- _____ Anti-bias training
- _____ Succession planning
- _____ Monitoring promotion rates for women lawyers compared to men lawyers
- _____ Monitoring work assignments for women lawyers compared to men lawyers
- _____ OTHER (Please describe): _____

36. What do you think is the most effective aspect of your firm’s Women’s Initiative?

37. What has been the most disappointing aspect of your firm's Women's Initiative?

38. If you were to change one aspect of your firm's Women's Initiative what would that be?

39. Does the Women's Initiative have a formal budget? ____ Yes ____ No

IF YES, what is the dollar amount of the annual budget? \$ _____

40. Is the firm's marketing department involved in events conducted by the Women's Initiative?
____ Yes ____ No

IF YES, what does the marketing department do? **Please check all that apply:**

____ Issues invitations

____ Designs event materials

____ Organizes events

____ Other (please explain) _____

IF YOU WISH TO ELABORATE ON ANY ANSWER IN THE SURVEY AND THERE WAS NOT ROOM TO DO SO ABOVE, or you wish to comment on any aspect of the survey, please do so here:

41. Please PRINT the name of a contact person in case we have a follow up question:

Name _____ Telephone: _____

Email: _____

THANK YOU FOR RESPONDING. WE WILL BE SURE TO SEND YOU A COPY OF THE SURVEY REPORT, EXPECTED TO BE PUBLISHED IN FALL 2011.