

How 4 Firms Are Moving The Needle On Gender Diversity

By **Sindhu Sundar**

Law360, New York (July 23, 2017, 8:02 PM EDT) -- Deb Lussier had been an associate for five years at Ropes & Gray LLP's Boston office when she encountered what some corporate lawyers might consider a career-ending prospect.

With two young children, Lussier and her husband were about to move to Connecticut to be closer to family, and she wanted to scale back her practice to 20 hours per week.

She had worked until then as a generalist, handling leveraged buyouts at the firm's private equity practice, and such a role would be hard to sustain on a part-time schedule, since it involved transactions that can consume 80 to 100 weekly hours.

So the firm supported her as she shifted toward its private investment fund practice, where assignments could be managed on the shortened workweek, Lussier said.

The scaled-back schedule was part of a so-called Flex program the firm offers to allow attorneys to tailor their hours to other commitments. It is open to attorneys of all genders, although women make up the overwhelming majority of its participants.

After nine years in the program, Lussier returned to Boston, and in 2014, she made partner in its private investment fund practice group.

"I hope that my story and my experience can offer support for other women attorneys who are thinking about how to balance their careers with other aspects of their lives," Lussier said. "And just because people were moving around didn't mean that Ropes would need to lose them as lawyers."

Ropes & Gray is one of several law firms where women have accounted for at least 40 percent of attorneys over the past three years, according to the Law360 Glass Ceiling Report, which is based on a survey of more than 300 firms. (The average for 2016 was roughly 34 percent female attorneys.)

Several firms that regularly participate in Law360's survey have consistently surpassed the 40 percent benchmark, including the four firms highlighted in this article: Cohen Milstein Sellers & Toll PLLC, which had nearly 47 percent female attorneys in 2016, FordHarrison LLP with nearly 48 percent, Jackson Lewis PC with 43 percent, and Ropes & Gray with 42 percent.

These firms also far exceed their peers on gender diversity at the top levels. Cohen Milstein, for

example, has a partnership that is 46 percent women, almost double the industry average of just over 23 percent.

Such firms often stand out as early adopters of efforts now common to many of their peers: flexible work arrangements, mentorship programs for women, leadership training initiatives. They have woven these policies into their internal culture through formal infrastructure, ensuring they aren't just performative nods toward inclusion.

That means taking action to break the stigma of alternative work arrangements in an hours-driven culture and supporting women in building their client base, attorneys say. It also means promoting talented female attorneys — regardless of whether they have taken maternity leave or made use of flexible work schedules.

"Our approach to a variety of issues is in the interest of attorneys as whole human beings," said Kalpana Kotagal, a Cohen Milstein partner who chairs the firm's hiring and diversity committee, "and I think that worldview benefits women — rather, it creates more of a level playing field."

Cohen Milstein Sellers & Toll

Cohen Milstein has an alternative work schedule policy that dates back to the late 1990s, "long before it was in vogue for law firms to think about that," Kotagal said.

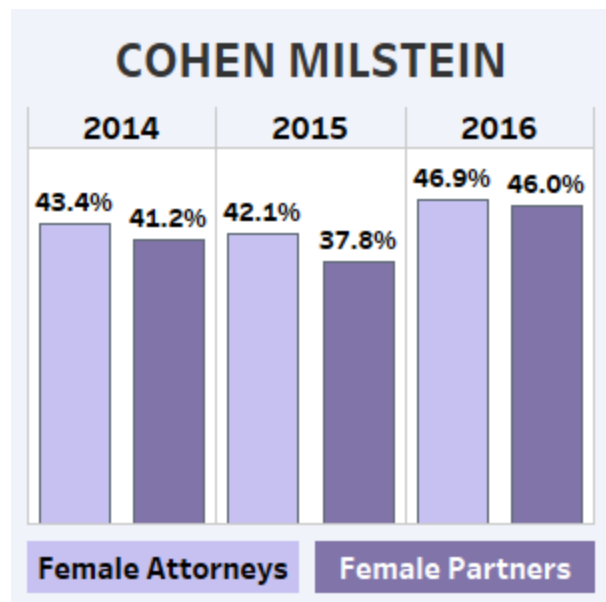
The policy, which was spearheaded by managing attorneys including name partner Joe Sellers, is codified in a manual distributed to new employees. The alternative work schedule can mean setting different hours for different days of the week, dividing work between the office and remote locations, or moving to a four-day workweek.

When Kotagal returned from maternity leave after having her first child in 2011, she devised an alternative work schedule that allowed her to divide child-rearing responsibilities more equitably with her husband.

Twice a week, she would come into the office by 7:30 a.m. and leave before 5 p.m., and twice a week she would arrive closer to 10:30 a.m. — in order to wait for her child's caregiver to arrive — and then leave work later in the evening. Once a week, she worked from home. Those flexible arrangements allowed her to keep a full-time work schedule.

Attorneys can also choose to scale back their hours as needed without fear of being overlooked for promotion, Kotagal said.

"It's well-documented that women in particular hit a certain level of seniority — and it often coincides with when they have kids — and they feel like they're confronted with no choice but to leave," Kotagal said.



The firm's recruitment processes are also geared toward inclusivity, which affects where it posts job listings and how it reviews resumes. The firm networks with career counselors at law schools and also lists available positions through progressive legal organizations including the American Constitution Society and the bar associations of diverse groups.

"It's very different from recruiting on campus from a couple of major law schools," Kotagal said. "For us, this has been the strategy that has been productive."

FordHarrison

Thirteen years ago, when FordHarrison's executive committee appointed its first diversity and inclusion partner, it conducted an internal survey about female experiences at the firm — the results of which were sobering, said Dawn Siler-Nixon, who has been the diversity and inclusion partner since the role was created.

She did not give specific numbers, but she did say the firm's percentage of female partners was lower than the national average for midsize to large law firms.

Since then, the firm has prioritized training its female attorneys in a concerted way to take on management roles, she said.

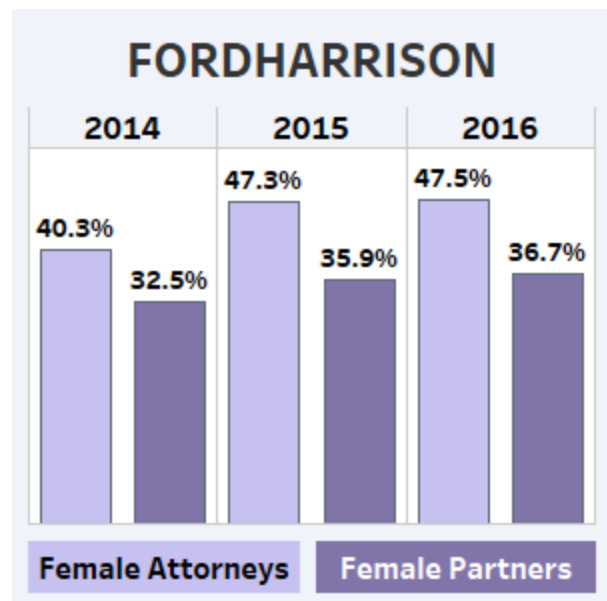
Today, two women sit on the firm's seven-member executive committee. Eight out of 25 office managing partners are women. Out of six regional managing partners, two are women.

Siler-Nixon attributes the firm's overall progress to some concrete diversity initiatives. The foremost among them is an 18-month professional development program the firm set up in the late 2000s, geared primarily toward women, called the Leap program.

The program provides attorneys with resources that include outside consultants, who instruct them on leadership skills and client development. It also pairs female and minority partners with executive committee members and management committee members to help groom them for succession.

One notable alumna is Tracey Jaensch, the managing partner of the firm's Tampa office, which is its second-largest in terms of headcount and client receipts. Jaensch is one of the firm's six regional managing partners, a role in which she oversees seven Florida offices and reports directly to the executive committee.

"I used to think you just have to be a good lawyer and business development will take care of itself, but I've had to adapt to the changing economy," Jaensch said. "That program not only helped me to do it, but the business development acumen I developed after that helped me be a better candidate for firm leadership."



Another crucial step for the firm came about six years ago, when its partners voted to amend its partnership agreement to formally recognize that the firm would have a diversity partner appointed by its managing partner and that the diversity partner would always be part of its executive committee.

"That means they would be in the room making decisions on issues of compensation or promotions being considered," Siler-Nixon said. "It was a huge step, and one I don't think any other firm has taken, to say, 'We not only have a diversity committee, but we are actually taking it a step further and putting it in writing and voting on it as a partnership.'"

Jackson Lewis

When Felice Ekelman, a New York-based principal at Jackson Lewis and member of its board of directors, started at the firm 32 years ago, less than a third of its 60 or so attorneys were women.

Although she said that was a "good number at the time," it also underscored the need for better representation.

The labor and employment firm has addressed the imbalance by changing its culture through informal mentoring programs, policies that encourage flexible work arrangements and part-time tracks that allow for some of its partnership positions to function on scaled-back hours.

"As litigators, we don't practice in the office every day — we're visiting clients, doing investigations, and I'm always running around," she said. "So in terms of working remotely, it's always been an option. Even as a junior attorney, I was writing briefs at home because it was easier to concentrate."

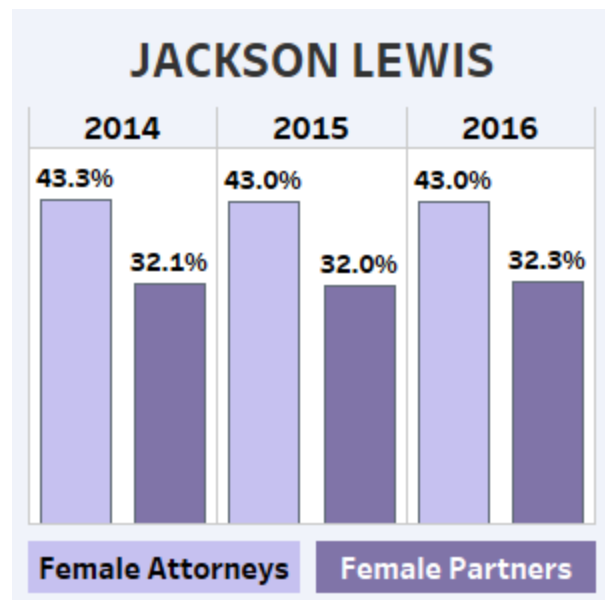
Flexible work arrangements also mean that attorneys can work a four-day-per-week schedule, or a similar 80 percent associate schedule, and still be on track for partnership. The firm recently created an official policy to that effect, which Ekelman said memorialized a long-term practice and affirmed that flexible arrangements would not be an impediment to promotions.

Some of the firm's "significant rainmakers" have been on a less-than-full-time schedule for several years, Ekelman said.

The firm also has a standing diversity and inclusion committee, which includes a group called the women's interest network. The group's efforts tend to be localized within its 56 offices, usually led by shareholders in particular offices who assist women with leads and increasing their business.

The women's interest network has conducted its Women in Employment Law conference for about 20 years. That event is designed to showcase the work of the firm's female attorneys to in-house counsel.

When the conferences began, they attracted in the ballpark of a couple dozen participants. Today they



are in high demand, and its invitation list for its 2016 conference, held in Manhattan, grew to between 150 to 200 attendees, Ekelman said.

"It's a great networking opportunity, but it also permits us to provide opportunities for our female shareholders to speak and be part of the event," she said. "Some of the most successful attorneys at our firm are women, and when women here see that other women are rainmakers, they recognize that this is not a situation where there is just a token superstar."

Ropes & Gray

Ropes & Gray addresses the challenges of hiring and retaining women through three specific programs that complement its diversity committee and women's forum, both of which are more than two decades old. The programs are open to both men and women, although in some cases, women tend to be the majority participants.

One such initiative is the Flex program, which allows attorneys at the BigLaw firm to negotiate flexible work arrangements while going through major life events without necessarily being held back from its leadership ranks.

More than 90 percent of participants in the Flex program are women.

The firm also offers a career-attorney program, which has lower billable-hour targets and offers promotion opportunities while allowing attorneys to choose not to vie for partnership. Lawyers in the career-attorney program can switch to the partnership track if they choose.

"This used to be an up or out profession, and law firms are realizing that that's not sustainable," said Laura Hoey, a partner in the firm's government enforcement practice and co-chair of its women's forum.

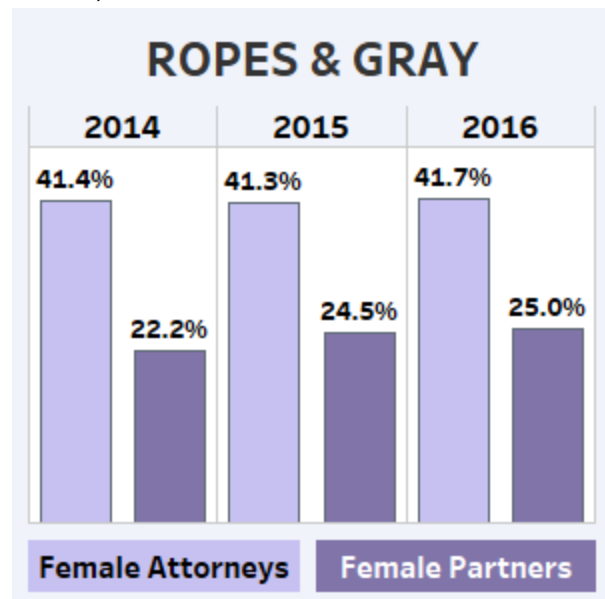
The firm also has a "Re-attorney" program that allows lawyers who've left the firm to rejoin it.

Aside from such initiatives, Ropes & Gray's flat partnership structure — it has only a one-tier equity partnership — allows for more gender parity in its leadership ranks, Hoey said.

Twenty-five percent of its equity partners are women, higher than the average of around 19 percent among law firms surveyed as part of the Glass Ceiling Report.

"When women see successful women in successful careers at the firm, they're inspired by that," she said. "What I counsel is that you have to write your own book, but in doing that, you will inevitably take pages from others."

Ropes & Gray also has mentorship programs that involve female attorneys in all of its practice groups, and the firm pairs its summer associates with coordinating senior attorneys.



Lussier recalls that when she started as a summer associate at the firm in 1998, she had been connected with two senior attorneys who were both women.

"I don't think I quite appreciated at the time how unique that was," she said. "I think at Ropes & Gray, in addition to having the Flex program and other initiatives, there is a mentality of women paying it forward and reaching out and supporting one another."

--Editing by Jeremy Barker and Katherine Rautenberg.

Methodology: Law360 surveyed more than 300 U.S. firms, or vereins with a U.S. component, about their overall and female headcount numbers as of Dec. 31, 2016. Only U.S.-based attorneys were included in the survey, and firms had to have at least 20 U.S.-based attorneys to participate.

Each graphic indicates the percentage of partners, both equity and nonequity, who are women. Ropes & Gray has a one-tier partnership structure that includes only equity partners.