

# Navigating *the* Corporate Matrix



## Advancing Women in Corporate Law Departments

Women's Bar Association of the District of Columbia  
Initiative on Advancement and Retention of Women

May 2010

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**The Final Report of the Women's Bar Association of the District of Columbia  
Initiative on Advancement and Retention of Women**

**Navigating the Corporate Matrix:  
Advancing Women in Corporate Law Departments**

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# Letter from the WBA President and the Program Chairs

*"I want to say...that the woman's day is here. The women are not yet at the top. Does the road wind upward all the way? Yes, to the weary end, and we women who are studying law and practicing law are not at the top yet. It is possibly just as well that the road should wind somewhat as we go up."*

— Emma Gillett, 1921<sup>1</sup>

As recently as a decade ago, discussions relating to women's advancement in the legal profession focused almost exclusively on the "pipeline" argument (i.e., there are few qualified women lawyers interested in advancing within the upper echelons of the profession, narrowly defined as large law firms), and if we just wait, eventually enough women will make it through the pipeline. Since then, the pipeline myth has been dispelled, and stakeholders — including individual lawyers, legal employers, researchers, law schools, and bar associations — have launched an active and productive conversation on the advancement of women in the profession. While the discussion may have broadened, the focus by and large has not, with most research to date still focusing on law firms generally and large firms in particular. Conspicuously absent from the conversation is any substantive discussion of the unique issues facing women in corporate law departments. This is despite the fact that the number of women General Counsels, like the number of women law firm partners, has remained relatively stagnant over the past five years.<sup>2</sup>

Recognizing the need to shine a spotlight on women in-house counsel, the Women's Bar Association (WBA) Initiative Task Force convened an Advisory Board of experts and corporate counsel across a wide range of

industries. Together, we fleshed out a number of issues affecting women's potential for advancement in corporate legal departments. Our conversations were eye-opening. We were struck by the stark difference between law firms and corporate legal departments. While the career path in law firms is linear and clearly defined, the path to success in corporate legal departments is unclear at best and requires a number of lateral movements combined with small steps upward. This revelation, coupled with the dearth of research relating to women in-house counsel, led to *Navigating the Corporate Matrix*, the most recent phase of the WBA's nationally acclaimed Initiative on Advancement and Retention of Women.

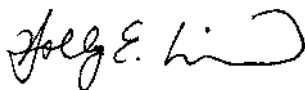
With input from the Advisory Board and information gathered through an informal survey of in-house counsel, we developed an agenda for a day-long Summit that zeroed in on key issues unique to the in-house setting. The Summit brought together interested stakeholders including researchers, educators, law firm lawyers, in-house counsel at all levels, and bar associations in a cooperative, frank, and interactive conversation. Together, we tackled such issues as identifying the path to the top, securing mentoring and professional development opportunities, and achieving work/life balance. We also identified strategies to empower women lawyers to steer their in-house careers towards their own idea of success. Additionally, a number of our in-house speakers shared their companies' best practices for advancing and retaining talented women lawyers. We have pulled together in this Report the key findings, strategies for success, and corporate best practices identified during the Summit.

The overarching goal of the *Navigating the Corporate Matrix* Summit and Report is to empower all stakeholders to critically examine women's advancement in corporate law departments. We encourage law schools to consider how they can better prepare law students for a more business-oriented legal landscape, including in-house practice. Further, we encourage law firm lawyers to give serious thought to how they may help their in-house colleagues along the path to success. Finally, we assist corporate law departments as they consider implementing best practices to advance and retain their women lawyers, and we provide individual in-house women lawyers the tools they need to decipher the path to the top and successfully navigate through their own corporate matrix.

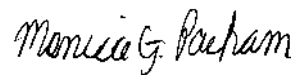
In closing, we would like to extend our sincere thanks to the members of the *Navigating the Corporate Matrix* Advisory Board, WBA Board of Directors, Initiative Task Force, and Working Group. Your ideas and passion made this effort a tremendous success. Finally, thank you to our sponsors, whose generous support and commitment to the advancement of women made the Summit and this Report possible.



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# The Corporate Matrix Advances the Initiative

*“Professional women cannot rise one at a time — they must rise in groups.”*

— Ellen Spencer Mussey, *First Annual Address of the WBA*

Since its inception in 1917, the WBA has been a vehicle for women lawyers to rise up as a group to advance themselves to the highest levels of the legal profession. Indeed, the cornerstone of the WBA’s mission for the past ninety-three years has been to advance and protect the interests of women lawyers and to promote their mutual improvement.<sup>3</sup> Throughout our long and proud history, the WBA has advocated for the admission of women to law schools,<sup>4</sup> employment of women in legal positions within the federal government, the appointment of women to the bench, and the election of women lawyers to public office. The WBA continues to pioneer women’s advancement in the legal profession through its groundbreaking and nationally-recognized Initiative on Advancement and Retention of Women (“Initiative”).

The WBA Initiative was founded on four key principles:

- change requires the commitment of all stakeholders;
- women and their employers are partners in achieving success for each individual lawyer as well as for the organization as a whole;
- there are tools for overcoming any barrier to advancement; and
- the true vehicle for change is a productive, open, and respectful dialogue.

These principles are the guideposts of the WBA Initiative. As demonstrated by the last two phases of the Initiative as well as *Navigating the Corporate Matrix*, the WBA has gone to great lengths to bring together change agents from a cross-section of the legal community. By creating a “safe environment” for open and respectful discussion, we have enabled stakeholders to move from simply identifying the barriers to advancement to developing practical best practices for law firms and corporations, and identifying strategies that empower individual women to take control of their careers.

### **2006: The Stakeholders Converge and Launch a Sustained Dialogue**

In 2006, the WBA launched the first phase of the Initiative — *Creating Pathways to Success: Advancing and Retaining Women in Today's Law Firms*. Once a month for four months, the WBA drew together law firm leaders, researchers, and women lawyers in a cooperative exchange focused on three questions: (1) What do firms and women lawyers perceive to be the stumbling blocks to the retention and advancement of women? (2) What are firms currently doing to keep and promote women? (3) Can all stakeholders, individually and collectively, use the answers to these two questions to discern new ideas and better ways to stem the departure of women from law firms?

A hard look at the challenges identified led to the conclusion that women leave when their capabilities are not valued, or their contributions are not acknowledged or recognized. A discussion of the

current strategies in place at law firms revealed that helping all women, including part-time lawyers, to begin their development into partners and rainmakers from day one was central to accelerating the glacial pace of progress. Our stakeholders developed new ideas and better ways to address the early attrition among women lawyers, leading to the creation of the “WBA Roadmap,” a series of pragmatic solutions for developing and advancing women. The Roadmap, as well as other findings from the series of Phase I meetings, are reported in *Creating Pathways to Success* (2006). (Report available at [www.wbadc.org](http://www.wbadc.org).)

### **2008: The WBA Continues the Dialogue and Examines the Unique Challenges Facing Women of Color**

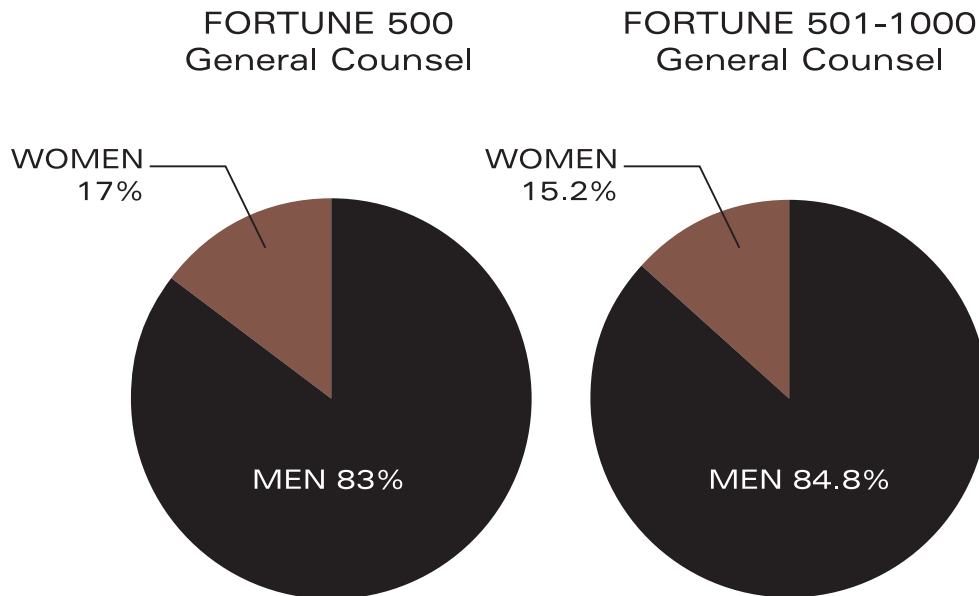
Building on the 2006 Initiative and Report, the WBA moved into the second phase of the Initiative with a focus on the dearth of women of color in law firms. This second phase — *Creating Pathways to Success for All: Advancing and Retaining Women of Color in Today's Law Firms* — brought together more than 100 law firm leaders, experts, lawyers, and law students for a day-long Summit to exchange ideas on issues affecting the recruitment, retention, and promotion of women attorneys of color. While many of the themes from Phase I were echoed in Phase II, stakeholders also identified a number of unique challenges facing women of color and identified specific strategies for stemming attrition, fostering inclusion, and helping law firms and others retain and promote women attorneys of color. The findings of

the Phase II Summit are detailed in the WBA's 2008 Initiative Report, *Creating Pathways to Success for All*. (Report available at [www.wbadc.org](http://www.wbadc.org).)

### 2010: Transitioning the Dialogue to Attorneys in Corporate Law Departments

Women comprise only 17% of General Counsels in Fortune 500 companies and a mere 15.2% of General Counsels in the Fortune 501-1000.<sup>5</sup> These statistics have held steady since 2005.<sup>6</sup> Noticing the lack of movement in the number of women General Counsels and a dearth of research on issues

impacting women in-house counsel, the WBA Task Force convened an Advisory Board of nationally recognized experts and in-house counsel from a range of industries. Based on input from the Advisory Board, the WBA convened a day-long open exchange among in-house counsel and other key stakeholders to discern stumbling blocks and barriers to advancement and to identify strategies for increasing recruitment, retention, and promotion of women in-house counsel. This Report — *Navigating the Corporate Matrix* — outlines the results of that frank and thoughtful exchange.



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# The Unique Challenges Facing In-House Counsel

Despite the increasing number of studies focusing on the retention and advancement of women in the legal profession, particularly women at large law firms,<sup>7</sup> and similar studies regarding the advancement of women in corporate America generally,<sup>8</sup> surprisingly little in-depth research has been done regarding the career advancement of women at the intersection of legal America and corporate America — women in-house counsel. The number of female General Counsel at Fortune 1000 companies is fairly widely reported,<sup>9</sup> but we have found essentially no surveys or research indicating the percentage of women overall in corporate law departments, let alone research noting either how these women are distributed in terms of seniority or their career paths.

In Advisory Board discussions and through a survey of in-house counsel leading up to the Summit, and in panel discussions and facilitated break-out sessions at the Summit itself, participants looked critically — and creatively — at ways of assessing and ensuring the advancement and success of women in corporate law departments. Summit participants examined the unique context in which women in-house counsel operate, where the law department is generally not the business driver but rather a function designed to support economic drivers on the business side. This critical distinction between corporate law departments and law firms underlies many of the unique challenges facing women in corporate law departments:

- **The relative ambiguity of the career track within corporate law departments.** Corporate law departments are essentially flat. Unlike a law firm partnership track, there is no defined career track, and traditional milestones for measuring advancement, such as changes in job title and promotions, are often lacking.

- 
- **The concurrent navigation of two very distinct “ladders.”** Women in corporate law departments must master not only substantive legal areas but also the technical aspects of the underlying business. Indeed, “knowing the business” is a touchstone of success and advancement in-house.
  - **Obtaining necessary mentoring and professional development opportunities internally and externally and on both the legal and business sides of the house.**
  - **Ensuring that flexibility and concepts of work/life balance are built into the corporate matrix.** While corporate law departments may arguably offer more flexibility than a large law

firm, women in-house counsel face the same pressures — long hours and client demands — that impinge upon work/life balance elsewhere in the legal profession.

As this post-Summit Report makes clear, the in-house world is a unique one, where success — in the form of the professional development, growth, and advancement of women — depends not only on the culture within a specific law department but also the culture within the larger corporation. Working together, business-side leaders, corporate law departments and lawyers, law firm lawyers, and organizations such as bar associations can all contribute to ensuring that women in-house counsel, individually and collectively, have a successful and fulfilling journey through the corporate matrix.



# Measuring and Achieving Success

Because corporate law departments are essentially flat organizations lacking a structure analogous to a law firm partnership track, there may be relatively little upward mobility in terms of promotions available within a given corporate law department. Indeed, it is not uncommon for in-house attorneys to have the same title over an extended period of time. This flat structure raises issues, for both corporate law departments and the women in these departments, of how to ensure continued career development, growth, and satisfaction. More to the point, in the absence of traditional markers of progression, how does one define success?

## **Defining Success in an In-House Context**

Nearly all of our in-house speakers stressed that given the flat organizational structure of corporate law departments — and resulting lack of traditional milestones such as title changes — anyone working or considering working in-house must fundamentally redefine success. For all in-house attorneys, this redefinition process may involve managing title-related expectations. In the pre-Summit survey of in-house counsel, nearly 30% of respondents indicated that their ultimate career goal was to become General Counsel. This may not, however, reflect the reality in most law departments and for most in-house lawyers. General Counsel positions are few and far between. (There are, after all, only 500 General Counsel positions within the Fortune 500.) Turnover among General Counsel has historically been relatively low, and promotional opportunities are often serendipitous. Women in-house counsel must identify smaller

milestones to keep them going as they move through the matrix and be ready to grasp the brass ring when the opportunity presents itself.

Summit participants concurred that success in corporate law departments is much more “self-defined,” focusing on developmental factors such as increased responsibility, exposure to new substantive areas, feeling that one’s work is valued, and being viewed as an integral partner with the business side of the corporation. They also agreed that the most successful in-house attorneys, regardless of job title and seniority, share similar traits and characteristics:

- They earn the respect of their business clients by being attuned to business issues and building relationships with business-side leaders.
- They are regarded by the business side as trusted partners who view their role as helping the business get to where it needs to go with the least amount of exposure to the corporation. An in-house career can effectively be derailed if and when business clients refuse to work with an in-house lawyer who is seen as rigid, inflexible, and unwilling to accept a support role.
- They are fast learners who develop creative, practical solutions to problems.
- They make decisions quickly, often with incomplete information and with little time to do exhaustive research.
- They take control of cases and manage outside counsel efficiently and effectively.

- They are regarded by their peers as team players and don’t adopt the “superstar” approach more often valued in law firms.
- They seek out leadership opportunities and chances to differentiate themselves.

In short, despite the flat structure of corporate law departments, there are nonetheless ways that women working within these departments can develop fulfilling careers marked by personal and professional growth and success.

## **Best Practices for Law Departments and Managers**

### **Position the Legal Department for Success**

The flatness of corporate law departments and a lack of partnership-like opportunities for advancement together create unique challenges for General Counsels and other leaders in terms of motivating and retaining bright, ambitious attorneys, including women. At the 50,000-foot level, a key factor for ensuring the growth and development of in-house lawyers is the positioning of the legal department within the larger corporation. It is difficult for any in-house lawyer to develop a fulfilling and meaningful practice if the law department is seen as a hindrance to the business. As General Counsel Denise Esposito of Emergent Biosolutions put it:

*“Success is defined as how your department is viewed. ‘Stuck in legal’ was a phrase thrown around in every meeting. Hearing that less and less is success.”*



Department leadership must ensure that business clients respect the legal department, seeing it as a resource to be used proactively. Once law department leaders position the department as an integral part of the business, the stage has been set for in-house attorneys, including women attorneys, to be seen as strategic business partners. This, in turn, generates more visibility and a greater variety of work for all.

### **Ensure Equal Access to High-Profile Matters and Exposure to the Business Side**

Law department leaders play a key role in the growth, professional development, and success of individual women in-house counsel by ensuring equal access to interesting and challenging work. While the specifics of this are discussed in greater detail in Chapter 4 of this Report, each of the participants on our General Counsel panel emphasized that, as in law firms, the key to keeping bright people motivated is to give them good work that is interesting, has variety, and provides increasing levels of client contact and responsibility.

Open communication is important. Periodically checking in with line attorneys to ensure that they have sufficient work and feel that their work is challenging and fulfilling helps to ensure an equitable allocation of the routine and cutting-edge assignments. Regular check-ins also ensure that women in-house counsel have equal exposure to assignments that increase their visibility on the business side.<sup>10</sup> As NPR General Counsel Joyce Slocum noted: “Earlier in my career, I observed that men in the legal department were getting more


*“It’s not easy to be a good manager. It requires you to listen to people, think about what they are good at, manage your team, and then feedback, feedback, feedback.”*

— Anastasia Kelly, DLA Piper

opportunities to interact with the business side and that these interactions were creating more opportunities for advancement.” France Telecom North America General Counsel Danielle Aguto similarly underscored the importance of equitably allocating high-profile work, noting that giving women in-house counsel direct client contact and team-based responsibility with key business players — and following that up with credit for both the work and for building and maintaining the relationship with the business — are essential elements in positioning women for in-house success.

### **Implement a Plan for Advancement**

Only 12.5% of respondents to the WBA survey of women in-house counsel reported that their corporation has a clear career plan for advancement within the legal department. Formal career path programs, where they exist, vary widely across companies and have had mixed results. For some law departments, the development of formal career paths has been successful generally and in advancing women in particular. These formal processes have taken several forms, from plans developed strictly within the law department to mandatory career planning required by the Board of Directors as part of overall corporate succession planning. The plans tend



to be tiered, much like law firm partnership tracks, with tiers based on a combination of seniority and qualitative factors. At least one reported plan was bifurcated, with all attorneys on an initial three-tiered track, followed by an optional management-level track for a much smaller number of attorneys. In other law departments, however, the use of set career paths or tiers has created frustration and confusion for in-house counsel. The “path” is so often dependent on factors — ranging from a changing business environment to the growth of some business lines and shrinking of others to the pace of senior-level turnover — that are outside of the control of any individual attorney. In sum, the development of formalized career paths that take into account corporate structure and culture may be useful in advancing women in law departments and in the corporation more generally.

### **Offer Competitive and Equitable Pay**

Competitive pay is an acknowledged component of getting and retaining top talent. Pay decisions must be fair, equitable and based on uniformly applied criteria tied to the strategic goals and core values of the larger company and the legal department.

### **Best Practices for Individual Women in Finding Success**

Women in-house counsel walk a fine line between managing expectations regarding advancement, on the one hand, and undershooting on the other. While women in-house lawyers should understand that promotions may take time, they must nonetheless position themselves as valuable contributors so that they are on the proverbial radar screen when positions do open up.

DuPont and Host Hotels both utilize more structured career planning approaches. At DuPont, law department managers sit down with each lawyer annually to discuss career planning. The annual process is designed to be flexible and take into account the fact that people’s goals may change from year to year. The Host Hotels Legal Department has a career-planning program as part of overall corporate succession planning. General Counsel Elizabeth Abdoo also works with each attorney to develop an individualized career plan, which includes identifying substantive legal areas to which the attorney needs exposure, discussing the parameters of working with the Board, and focusing on skill development in other areas critical in representing a public company.

## Be Proactive

It is critical that women in-house counsel seek out a breadth of work and ensure that they are getting high-profile cases or deals. Additionally, they should have open, proactive, and robust discussions with their supervisors and other more senior attorneys in the department about how they can continue to grow and add value. A Summit panelist noted that she was “floored” by the number of questions that women at an early internal women’s affinity group were asking about how they could advance — indicating that these women either were not comfortable asking the questions of their direct senior supervisors or had been receiving less-than-satisfactory answers in response to any questions asked.

## Take Control of Your Career

Women in corporate law departments should take greater affirmative career ownership at earlier stages in their careers and engage in continual career planning. Too often, women put themselves at a disadvantage by, as Ms. Kucik put it, “plodding along” rather than having a more defined set of career goals. Instead of “plodding,” women should

articulate “where they want to go.” Such planning will allow women in-house counsel to more easily avoid falling into a rut, where they find themselves either doing the same work that they were doing ten years ago or consistently doing only the most routine work. This trap may be more prevalent in-house than in outside firms because of the ability of in-house counsel to delegate work to outside counsel.

## Be Vigilant

Women in-house counsel should always keep an eye open for new opportunities in new areas. Particularly in an ever-changing business context, new lines of business are rapidly being opened and expanded, and a company’s move into a new area or product may create opportunities for advancement. The ability to spot these gaps and opportunities and take advantage of them is critical to maximizing opportunities along the corporate matrix.

## Be an Active Participant in the Compensation Process

The phrase “you don’t get what you don’t ask for” is particularly fitting in the context of compensation

Looking back at her experience and the experiences of other women in corporate law departments, Ms. Kucik noted:

*“[I]n our careers I think we are less planners. And I can say that for myself. I came in and I was just happy to do a good job as a lawyer. I was groomed to think, ‘Just work hard and do a good job.’ I can’t tell you that I necessarily had any career plans or goals.”*

*"Women are very reluctant to ask for money. And guys, on the other hand, they're asking for the sun, the moon and the stars. And you know what – that's smart. We should all be asking for the sun and the moon and the stars. We deserve good pay."*

*– Maureen O'Connell, News Corporation*

decisions.<sup>11</sup> To counter this, Summit speakers offered the following tips for women in-house counsel on negotiating pay:

- Start the dialogue on compensation before even moving into an organization.
- Do your research. Always know what other people in your position at your level are earning at other companies in your industry. If you become aware of a pay disparity, speak up.
- Don't take no for an answer.
- Ask before the decision is made. The worst time to ask for a raise or a bonus is after you have been told your compensation for the coming year. It is difficult to reverse a compensation decision after it has been made and implemented. Know when these types of decisions are made and schedule a time to meet with your boss well in advance of that time.
- Be prepared to discuss the reasons why you deserve a certain salary or bonus.

*"We have to do better at showcasing ourselves as women. We simply don't. I have watched male counterparts go in and talk about the good jobs they have done, suggest how wonderful they are and why they should be compensated at a certain rate, and guess what? They buy it. And we are a lot more apt to be happy with the rating we get, the dollars we get. We are all ecstatic that it looks like a lot, and we sell ourselves short. So I think we have to do a better job at selling ourselves."*

*— Hyacinth Kucik, Freddie Mac*

# Mastery of the Business Side and Legal Side

The dominant theme at the Summit, and in pre-Summit discussions, was the need to climb two distinct ladders simultaneously — the business ladder and the legal ladder. Those on the business side very quickly divide in-house attorneys into two categories — those who “get it” and those who don’t. Those in the former group become a “go-to” person, with access to more interesting and diverse work assignments and mentoring and networking opportunities — and ultimately increased opportunities for advancement. Those who don’t “get it” may find their in-house careers stalled. Thus, the key to surviving and thriving in an in-house law department necessarily involves mastering and navigating both, often very distinct, sides of the corporate matrix.

## **Many Lawyers Enter In-House Law Departments Knowing Only the Legal Side of the Corporate Matrix**

Although law schools generally provide business-related law classes such as corporate law or securities law, the majority of law school courses and clinics focus on developing litigation skills. Law schools often do not offer their students even the most basic training in core business disciplines like accounting and finance. While there is critical momentum in legal education challenging the traditional “case method” and calling for “more focused attention to the actual and potential effects of the law school experience on the formation of future legal professionals,” the most prevalent legal education innovations are still clinical or traditional client-service models.<sup>12</sup> Thus, from the outset there is a disconnect between what students, including women, learn in law school and the business-related skill set needed to thrive in-house.

Fortunately, this disconnect may be narrowing. Recognizing the increasing intersection of business and the law, several leading law schools have implemented crossover programs designed to expose students to basic business principles. The University of Virginia School of Law (“UVA”) curriculum now includes a “Law and Business” program, which offers “Business 101” classes in areas such as accounting. As UVA Dean John C. Jeffries noted regarding the impetus behind the program, “[M]any constituencies, including judges, managing partners, law school deans, and clients, discussed the future of legal education. They remarked how legal education trains students to think like lawyers, but not like businessmen, and they strongly endorsed the ... belief that better business instruction was needed in law school.”<sup>13</sup>

Northwestern University School of Law (“Northwestern”) has likewise developed a program that incorporates business principles into the law school curriculum.<sup>14</sup> Northwestern’s unique Accelerated JD (“AJD”) program has a core curriculum that includes courses with a business focus and permits a select number of students to earn their law degrees in five semesters. AJD students can begin taking additional electives in their second semester, with many of these electives also having a business focus.<sup>15</sup> The AJD program was an offshoot of Northwestern’s “Plan 2008: Preparing Great Leaders for the Changing World,” which focused on preparing students to face a new, business-oriented legal landscape: “Once thought to be one of the most secure professions, the practice of law, like

accounting and medicine, has become more of a business and less of the gentlemanly notion of a profession.”<sup>16</sup> Along with this new landscape, “[T]here has also been a change in the power in the profession. Law firms no longer call the shots in the client relationship. Corporate legal departments are headed by savvy, business-focused, and bottom-line-driven general counsels.”<sup>17</sup>

Northwestern found that law students were unprepared to enter this brave new world, often lacking exposure to the most basic business principles:

*“The increased intertwining of law and business has made it incumbent on a lawyer to develop a good working knowledge of the client’s business. He or she must fit into the business culture, must be a team player, and must build relationships and work well with other members of management to advance the business.... The legal profession has been wrestling with these changes for years, but law schools have remained behind.”<sup>18</sup>*

To address this disconnect, AJD students take mandatory courses in areas including negotiations,

business associations, analytical methods, teamwork/leadership/project management, and decision-making.<sup>19</sup> Interestingly, the first AJD class did not attract as many female applicants as Northwestern would have liked. Broadening the applicant pool and ultimate enrollment in the program is a goal going forward.<sup>20</sup>

Ms. Kucik perhaps put it best when she said, “In-house, you have to think a little bit as the business person; you’re not just a lawyer.” Law schools’ ability to and interest in expanding their curricula to include a focus on broad business and financial concepts is critical to providing women with the basic skills needed to succeed in a corporate law department.

## **Mastering and Maneuvering Within the Substantive Business**

Lawyers entering an in-house practice without an understanding of the company’s specific business and a working knowledge of financial concepts face a steep learning curve. Success is not, however, out of reach, and there are a number of strategies women in-house counsel can employ to develop the knowledge needed to successfully learn the business.

### **Assess the Corporate Culture**

A number of factors shape the culture of a corporation, including size, industry, status as a privately held or publicly traded company, corporate structure (i.e., parent or subsidiary), and, if a subsidiary, the parent’s status as a domestic or foreign-owned company. Regardless of the specific factors at play at a particular corporation, women in-

house counsel must accurately assess and strategically react to and within their corporation’s corporate culture in order to navigate the corporate matrix.

Each corporate culture presents its own nuances and potential challenges. For instance, one Summit participant noted particular “difficulties” that she faced as the only in-house attorney for a small, male-dominated construction company. Another participant discussed the “cultural clashes” that occurred as her company evolved from a start-up to a more mature corporation. General Counsels Danielle Aguto of France Telecom North America and Robert Stern of Sodexo, Inc., both of whom work for U.S. subsidiaries of French companies, discussed navigating issues unique to a cross-national corporate culture such as work-hour expectations and language barriers impacting one’s ability to assess existing relationships and develop new ones with colleagues on the business side of the parent company. Another senior in-house lawyer described navigating a corporate workplace she defined as having a “Scotch and cigar” culture.

Another part of assessing the corporate culture is understanding the structure and dynamics of the legal department. Some legal departments are structured around business units, with in-house lawyers effectively serving as a particular business unit’s lawyer. Others are based on a specialist model, with subject-matter specialists working with a number of business units, depending on a unit’s needs. Still others may be a hybrid, with some lawyers assigned to work with individual business

units and others, in areas such as employee benefits, serving as specialists available to all business units. For attorneys contemplating a long-term career, determining the dominant structure within a given law department may play a large role in determining how to navigate and progress within that department.

### **Make a Connection While Remaining True to Yourself**

Summit speakers stressed the importance, in any corporate environment, of remaining true to one's self. Women in-house lawyers do not have to pretend to love Scotch and cigars to get ahead in their companies. On the other hand, completely "opting out" is not a strategy for success. Rather, women in-house lawyers need to strike the delicate balance between "being authentic" and working within "the system." The bottom line: While it may not be necessary to always be at the proverbial table — or cigar bar — with the business leaders, an in-house counsel does have to determine how to develop a relationship with the people at the table so that she can get access to information discussed and otherwise integrate herself into the corporate culture at her company.

### **Understand the Role of an In-House Counsel**

Most in-house law departments are relatively small, making "fit" a critical component of success in-house. "Fit" here is defined as the ability to work in a fluid environment with a diverse cross-section of people. NPR General Counsel Joyce Slocum noted that an in-house lawyer must have "humility" and be willing to pitch in as needed, without regard for formalities like rank or specific practice area. In the context of a small legal department, "everyone has to do a little of everything," and every lawyer must be vested in the success of every other lawyer. For this reason, the "my way or no way" approach often encouraged — and rewarded — in a law firm context will quickly create "fit" issues in-house.

Part of obtaining and maintaining "fit" as an in-house counsel is remaining mindful of one's role vis-à-vis the business. As Ms. Slocum put it, "You are in service to the person driving the business." Maintaining credibility depends on understanding business objectives and suggesting alternative paths to accomplishing those objectives. As Ms. Kucik noted, in-house lawyers must act as partners in the success of the company, delivering information to assist business clients in moving forward with the least

*"As I sort of looked around there, I realized that what was happening to a great degree was that the guys in the department were having more opportunities to interact with folks on the business side.*

*And I saw how the quality of relationships on the business side really affected people's ability to advance within the legal department as well."*

— Joyce Slocum, NPR



amount of exposure. Legal knowledge and experience must be balanced with creativity and practicality in order to make individual lawyers relevant to, and a good “fit” with, their business clients.

### **Find a Subject-Matter Mentor**

Women in-house attorneys cannot — and should not — be afraid to ask people on the business side for assistance in learning the business. Several Summit participants spoke directly of their experiences in being tutored on the business aspects of their respective companies. NPR’s Joyce Slocum stressed the importance of finding a business person — regardless of their position or title — who can be a subject-matter mentor and teach one the technical ins and outs of a particular business or business line. When Charisse Lillie, Vice President of Community Investment at Comcast and Executive Vice President of the Comcast Foundation, began working with Comcast, she did ride-alongs with technicians, sat in the call center to learn how it operated, read books about the cable industry, spoke with people, and read every article she could about the business of Comcast. Deena Williamson of Williams Lea similarly made it a point to get to know people in areas

including human resources, IT, engineering, sales, and operations so that she personally “kn[e]w where to find the answers” for any type of question that flowed across her desk. Regardless of the specific approach used, there is no substitute for developing a deep understanding of the underlying business, and the assistance of a subject-matter mentor can be invaluable in this regard.

### **Employ Effective Verbal and Written Communication Styles**

Effective written and verbal communications with executives on the business side are critical to conveying advice and thus critical to an in-house attorney’s success. Business people often refer to communications from attorneys as being “in legalese,” and few things will marginalize an in-house lawyer faster than not making the transition from speaking “legalese” to using the type of short, concise, business-oriented communications expected in-house. Moreover, in order to communicate effectively, an in-house lawyer must “learn the lingo” of the business and use it in written and verbal communications. A number of Summit participants noted that those on the business side simply do not

*“If you’re reporting on a major development or a legal issue, tell them how this applies to their business, right? Connect the dots for them. They shouldn’t have to do that for themselves.*

*If you’re not giving them value added, then you’re not doing your job.*

*So how does this impact their business? And what are your next steps?*

*What are you going to do next? When are you going to report back into them? But keep it short.”*

*— Maureen O’Connell, News Corporation*

want to read long, extensive memoranda. They instead value succinct and direct communications that distill the legal issues and their application to the business and provide a bottom-line legal recommendation.

One useful tool for learning the language of the business is executive coaching. The focus of the coaching can be tailored to an individual lawyer's and/or law department's particular needs and concerns. Several Summit speakers noted that they and other colleagues had worked with executive coaches on messaging. One law department leader had worked with an executive coach on "delivering the no," commenting that most executives do not want to be told that they cannot do something that they have determined is critical to the company's success. This message can be even more difficult to deliver when the messenger is a woman — a male attorney delivering a "no" is viewed as authoritative and able to see the big picture, whereas a woman delivering the "no" may be seen as "not getting it."<sup>21</sup> Another speaker worked with an executive coach to learn strategies for delivering the "no" by structuring the discussion in such a way that the business person, after hearing and talking through the pros and cons of the suggested course of action, gets to "no" on his or her own. Ultimately, the ability to effectively communicate — including being able to deliver the "hard message" — through on-the-job learning, experience, coaching, or some combination of techniques allows women in-house counsel to develop closer working relationships with the business-side leaders who, in turn, ultimately play a critical role in their career advancement.

## The Legal Side of the Corporate Matrix Still Matters

While mastery of the business side is critical to successfully navigating the corporate matrix, women in-house lawyers are still lawyers, and the legal side of the matrix remains in place. While a majority of respondents to the WBA survey of in-house counsel reported that they generally had access to meaningful professional development opportunities, they nonetheless identified a number of obstacles they faced in taking full advantage of such opportunities including travel restrictions, lack of funding, lean staffing that precludes taking time to pursue training opportunities, and a lack of recognition for the skill sets and knowledge gained through such training.

Summit speakers identified a number of approaches to maximizing in-house access to professional development opportunities:

**Approaches for In-House Counsel:** Take advantage of up-to-the-minute alerts and substantive newsletters prepared and distributed by outside counsel. Stay informed about cost and time-effective teleconferences and webinars. Protect your career by keeping certain projects rather than delegating them to outside counsel. For example, rather than referring all litigation matters to outside counsel, Ms. Kucik commented that as a staff attorney she kept her litigation skills sharp by taking a lead role in cases.

### **Approaches for Corporate Law**

**Departments:** Develop internal training programs. The growth of tools such as webinars makes it possible to provide cost-effective training internally, and internal networks and databases are excellent tools for sharing substantive information and work product corporation-wide.

**Approaches for Law Firms:** Recognize that training represents a prime opportunity to give back to, rather than seek something from, in-house legal departments, and offer clients training sessions led by firm lawyers. Pass along information relating to upcoming training opportunities that clients may find interesting or helpful.

## **Navigating Corporate Culture to Access Skill-Building Tools**

More than 40% of WBA survey respondents reported that advancement and promotion in-house were not based solely on merit, and half of those felt that factors such as “politics” or “who you know” were as important, if not more, than merit. Self-promotion and networking are the two skill-building tools most critical to successfully assessing and navigating through workplace politics and addressing the “who you know” component of one’s career. Through self-promotion, women can cultivate important business relationships and position themselves to take advantage of new positions or projects when they become available. Networking, both internally and externally, is essential to identifying opportunities for

professional advancement, gaining the support and trust of executives on the legal and the business sides, and developing leverage from knowledge and skills not strictly limited to one’s substantive role within a company.

*“Women succeed and exceed expectations on a regular basis.*

*What more women do not do as well is demand acknowledgment of that success.”*

*– Jane Pigott<sup>22</sup>*

### **Self-Promotion is Critical**

Women’s reluctance to self-promote is perhaps understandable. In our culture, women are socialized to believe that self-promotion is unbecoming, aggressive, and will have negative career consequences.<sup>23</sup> Women who self-promote often face a “double-bind” — a common pattern of gender bias triggered when a woman exhibits certain traditionally male behaviors, such as self-promotion, that are acceptable and even encouraged in a man but viewed as unacceptable and discouraged in a woman. This often leads to a “damned if you do and damned if you don’t” scenario.<sup>24</sup> For women to break out of this double-bind and truly thrive in corporate law departments, law department leaders must acknowledge and address the impediments posed by stereotypes and the double-bind in areas like self-promotion. Individual women attorneys must engage, despite any initial discomfort, in self-promotion and other behaviors necessary to move into leadership roles within their respective companies.

Ellen Ostrow, Founding Principal of Lawyers Life Coach, developed a set of strategies for self-promotion that, while designed for firm lawyers, apply with equal force in a corporate law department context.<sup>25</sup>

- **Keep a log of your successes** — Unless you recognize your successes, no one else will. No “win” is too small to record.
- **List your strengths** — Make a list of your strengths, of what makes you unique, and why someone should want your services.
- **Redefine self-promotion** — Redefine self-promotion, self-advocacy, and self-marketing as taking control of your career, developing a clear sense of your strengths, and making others aware of your genuine commitment to your work.
- **Share your strengths and convictions** — If you think of self-promotion as simply sharing your strengths and convictions, then every interpersonal interaction is an opportunity for self-advocacy.
- **Reject gender stereotypes** — Refuse to accept gender stereotypes that suggest that “tooting your own horn” is acceptable behavior for men but not women.
- **Take calculated risks** — Recognize that self-advocacy is risk-taking behavior and that everyone feels anxious when they take risks. Also remind yourself that not promoting yourself is risky.
- **Cultivate alliances** — Ask yourself with whom it is important for you to have a relationship in your company, particularly in your practice area. Cultivate contacts and alliances within your organization and develop a good relationship with a powerful advocate. Show people you are thinking about things when they can’t see you.
- **Strategically select organizations and committees for participation** — Use your limited time to serve your goals. Participate in those professional organizations that will enhance your visibility, and take a leadership role. Within your own organization, increase your visibility by volunteering for leadership roles and being outspoken on matters that spotlight your expertise.
- **Get your successes in print** — Most business organizations have internal publications. If you receive an award, have worked on a big case, or successfully negotiated a transaction, publicize it.
- **Practice leadership skills** — Consider taking on leadership roles within your local women’s bar association. This is a wonderful opportunity to develop leadership skills, increase your confidence, and find role models and support.
- **Speak up about yourself effectively** — When you talk to colleagues and superiors, mention what you are doing. Tell others how you’re

*“Informal conversation is probably the oldest mechanism by which opinions on products and brands are developed, expressed, and spread.”*

– Johan Arnd

working toward your current goals. State your activities, accomplishments, and knowledge definitively, and do not undermine your assertions with comments that minimize your contributions. Practice saying, “I am;” “I did;” “I know;” etc., with no “but” following the declaration. Don’t qualify your statements with, “I think...” Simply state what you have done, can do, and know.

- **Observe the experts** — Notice individuals in your organization who are particularly effective at self-promotion. Observe what they do and say, and how they say it. Tailor their examples to your own style and make a commitment to practice. Begin with people with whom you’re relatively more comfortable and work your way up to more challenging situations.
- **Notice opportunities** — Stay open to opportunities. Enjoy meeting people. If you have solutions to their problems, tell them — they’ll be grateful. They may also provide you with information, referrals and leads. Stop black-and-white thinking about relationships. Your work is an expression of your identity.

### Develop Internal and External Networks

Successfully navigating the corporate matrix requires a strong professional presence inside and outside the company. As Ms. Lillie stated, in-house attorneys must engage in “external networking” in part because internal credibility is often built from an external profile. Doing your job and doing it well allows you to keep your job, but internal and external networking play important roles in getting ahead.

Viewing networking as manipulative and exploitive leads many women to shun networking altogether.<sup>26</sup> A form of networking that may be less daunting, particularly for women, is the concept of building social capital through reciprocity.<sup>27</sup> Building social capital is about performing an act of generosity — such as forwarding an article to someone you recently met who expressed an interest in the topic — without expecting an immediate return on your investment.<sup>28</sup> Any return comes later — it is much easier to ask for a favor once you have already done one, thereby taking the edge off of networking.

However networking is approached, whether through a social capital strategy or otherwise, building relationships undeniably takes time. Taking a strategic approach to networking allows for maximization of any available time. In crafting an approach that works within their corporate culture and community and with which they are personally comfortable, women in-house counsel should keep the following parameters in mind:

*“In case you’re thinking that you don’t have time to invest in building social capital, try to remember that you recreate your network every day, everywhere you go. Connecting with others is a part of life. Take advantage of all of the opportunities your daily activities present – and you, too, can become rich.”<sup>29</sup>*

— Ellen Ostrow

- Focus on developing broad and diverse networks, both internally and externally.
- Do not limit either internal or external networks to those sharing one's own interests. While such individuals are obviously an important component of a network, they should not be the entire network.
- Women's networks should not consist solely of other women.
- Internal networks should include powerful men within an in-house lawyer's chain of command, colleagues at all levels of the legal department, and key business leaders.
- External networks should include not only lawyers (women and men) from a variety of sectors but also community leaders and other non-lawyers. Women in-house lawyers should ensure that lawyers in outside firms are part of this external network. Outside lawyers can sing their praises to the General Counsel or, if they are aware of the in-house lawyer's interest in broadening her horizons, they can alert her to advancement opportunities with other companies.

## Fostering Meaningful Formal and Informal Mentoring Relationships

Survey data indicate that most women in corporate law departments are not benefiting from mentoring.

DuPont's legal department uses a hybrid mentoring model that utilizes both formal and informal mechanisms. While DuPont does not have a formal mentoring program for women attorneys per se, it does have a formalized women's network that operates both inside the legal department and between members of the legal department and women at DuPont's outside law firms. Within the legal department, there are informal lunches of women lawyers, and there is active group mentoring, with senior women informally mentoring younger women lawyers about thriving within the legal department and building connections with business clients. There is also an emphasis put on peer mentoring and subject-matter mentoring, with lawyers having different mentors for different purposes. Critically, the senior women in DuPont's legal department take a leading role in women's networking and mentoring in the department. As DuPont's Lori Kettering Knauer noted, "It's nice to see that the senior women are the ones who are really pushing forward."

Sixty percent of survey respondents indicated that they did not have any mentors — either formal or informal — in the legal department, and 64% indicated they did not have any mentors on the business side. Without mentors, making needed connections with decision-makers on the legal and business sides becomes increasingly difficult.

Successful mentoring may take a variety of forms ranging from formal mentoring programs to “circle mentoring” with a group of senior in-house women attorneys mentoring a group of more junior attorneys, to informal one-one-one mentoring. Some Summit participants indicated that their law departments had formal mentoring programs for women lawyers; several indicated that their departments had formal mentoring programs for attorneys of color but not for women attorneys; and still others indicated that their formal mentoring programs “had no legs” and were unsustainable over time. In some law departments, mentoring is largely limited to lawyer-to-lawyer mentoring, while in others there is equal emphasis on business person-to-lawyer mentoring. One General Counsel noted that her mentors aren’t necessarily all power brokers in the organization — she is working with an operations director to get a

complete grasp on the way his area operates. There is simply no “one size fits all” approach to mentoring. The keys for women attorneys, again after assessing their particular corporate culture, are (1) to identify the type of mentoring that works best within their particular workplace, and then (2) to actively seek out that type of mentoring relationship.

Regardless of the mentoring approach used, all successful approaches share some common characteristics:

- **Building an expansive network of mentors.** A mentee may need different mentors for different needs: one who can share contacts, one who can open doors, one who can give advice and support. No single mentor is likely to have all the answers. Also, mentees should seek out mentors within the legal department, business side, and outside the company.
- **Being alert to mentoring opportunities.** When someone takes an interest, respond favorably. Junior in-house lawyers should not make the mistake of missing or rejecting overtures of help or feedback.

*“[I]f you really want to be successful on your job, you have to be proactive about developing relationships, ... ideally with senior people who have a window into what matters most to the business.”*

— Micki Chen, Verizon

■ **Creating reasonable expectations.** Mentors and mentees should have clear, realistic, aligned expectations and communicate these expectations to each other.

■ **Remembering that mentoring goes both ways.** Junior attorneys have to build the foundation for a relationship by setting and meeting expectations for the mentoring relationship.

Sodexo's in-house attorneys participate in "Spirit of Mentoring," a mentoring program open to all employees. Through Spirit of Mentoring, attorneys have the opportunity to be paired with mentors from the business side. Such relationships assist the attorneys in developing skills – reading financial statements, understanding the business dynamics, and improving project management skills – that help them connect with their business clients in a more meaningful way.

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# Building Flexibility into the Corporate Matrix

In July 2009, former General Electric CEO Jack Welch spoke at the Society for Human Resource Management's annual conference and raised quite a stir when he told the audience, "There is no such thing as work/life balance."<sup>30</sup> "There are work/life choices, and you make them, and they have consequences," Mr. Welch continued. "We'd love to have more women moving up faster, but they've got to make the tough choices and know the consequences of each."<sup>31</sup>

Though controversial, Mr. Welch's comments raised frank questions regarding the potential for women to climb to the top professionally while juggling competing personal demands. *So, is there greater flexibility in-house when it comes to managing work/life balance?* Summit participants believed that there may be *slightly* greater flexibility in-house — but were clear that the notion of going in-house because it is easier or less demanding is indeed a myth. Women lawyers face many of the same pressures and demands, regardless of where they work. The common thread tying together all women lawyers is that they are service providers, with schedules largely driven by client needs. Today's global workplace often creates an expectation that business and legal teams will be available 24/7 — an expectation that makes balancing professional and personal responsibilities extremely difficult. However, these business realities do not mean that work/life balance is completely out of reach.

## The Business Case for Flexibility

Corporate law departments are very familiar with the business case for flexibility in the law firm context, as they have been demanding greater diversity and flexibility from their outside counsel for more than a decade.<sup>32</sup> The business case for flexibility in corporate law departments is not unlike the business case for

flexibility in law firms. When attorneys don't have flexibility they leave, taking with them knowledge of the company's business and the relationships they have created with their business clients. One of the greatest challenges of an in-house practice is the ability to learn the business and develop trusting relationships with the business team. Whenever an in-house counsel leaves, the legal department loses the benefit of her knowledge and relationships. Regardless of how quickly she is replaced with another highly skilled attorney, the new hire will have to start at square one learning the business and developing a relationship with internal clients. Such a loss carries with it significant costs to the law department, and corporation generally. An internal study by Deloitte & Touche of its professionals found that for each person who left the firm, it lost approximately 150% of their annual salary.<sup>33</sup>

### Costs of Attrition

- Lost institutional knowledge about the company's business
- Lost relationships with internal clients
- Lost productivity while the position remains unfilled
- Recruitment and administrative expenses associated with hiring a new attorney
- Time and costs associated with training new counsel
- Negative impact on moral<sup>34</sup>

## Availability of Flexible Options is a First Step; Making them Usable is the Finish Line

Fifty-seven percent of WBA survey respondents indicated that their corporation offered some type of flexible work program. Notably, however, only 23% of survey respondents had taken advantage of the flexible work program at their current employer, and 60% indicated that adopting a flexible work schedule would have a negative or strongly negative impact on their career. According to Summit participants, corporate culture contributes most significantly to whether women in-house counsel are successful at balancing work and life. As discussed at the Summit, in a culture where it is assumed that a woman is less committed after she takes maternity leave or adopts a flexible work arrangement, work/life balance and advancement opportunities are difficult, if not impossible, to achieve.

*The reality, especially in this economy, is that no matter how generous an employer's flexibility policies, employees will not take advantage of them if they do so at their own peril.<sup>35</sup>*

The flexibility stigma — the marginalization attorneys encounter or perceive that they will encounter if they work flexibly — is often the reason why flexible work programs fail.

*“Because the common perception is that most employees who seek to work flexibly do so for family caregiving reasons, working flexibly can trigger in supervisors and employers (whether consciously or not) stereotypes like those encountered by working mothers – i.e., that an employee who works flexibly is less reliable, competent, committed to the job, ambitious, or suitable for promotion.”<sup>36</sup>*

— Joan C. Williams and Stephanie Bornstein

The structure of a flexible work program will vary based on corporate and law department culture, client and attorney needs, type of business, and the size of the legal department. Indeed, the programs identified by our respondents took a number of forms, including telecommuting, alternative work schedules, reduced hours schedules, job shares, and compressed work weeks. Some corporations had instituted formal company-wide flexibility programs, whereas others offered flexibility on an informal, *ad hoc* basis.

Regardless of the types of flexibility options available, the key to a successful flexible work program is eliminating flexibility stigma. Best practices for creating a non-stigmatized flexible hours program include the following:<sup>37</sup>

**Implement a written policy.** A formal written policy sends a powerful message that the law department is committed to providing its attorneys at all levels with flexible work options that allow them to meet their outside responsibilities while continuing to advance in their careers. A written policy will also ensure even-handed application of the policy to all attorneys.

**Tone at the top is critical.** “We need to re-adjust the thinking from the very top of the company, to effect change,” said Ms. Esposito. Companies that are recognized for having successful flexible work programs have individuals with a commitment to flexibility at the top. It is essential that law department leaders and managers are aware of and buy into the business case for flexibility. They can reinforce the message by regularly and consistently communicating their support for flexible work programs in both their words and actions. Modeling balance in their own work lives and incorporating the values of a flexible workplace into their business decisions institutionalizes the flexible work program and minimizes bias against the attorneys who adopt such programs.

**Broad availability.** Because flexibility is a business response rather than an accommodation for a select few, flexible work programs should be available to all attorneys — women and men — regardless of their reason for requesting a flexible schedule, provided that the proposed schedules are consistent with business needs. Limiting flexible work programs to women with children can create animosity among

colleagues, foster bias against attorneys who use the program, and lead to liability for employment-discrimination claims.

**Proportionality.** Employees participating in reduced-hour programs should receive pay, bonuses, and benefits that are proportional to the number of hours they are scheduled to work. Moreover, they should be eligible for the full complement of benefits available to full-time attorneys. Less-than-proportional benefits penalize lawyers who utilize the program and reinforces stigma.

**Advancement opportunities.** As demonstrated by the responses to the WBA survey, the availability of flexible work programs does not guarantee that women attorneys will use them. It is well documented that, regardless of the availability of flexible work programs, attorneys who feel stalled in their careers leave. This can be avoided by ensuring that attorneys on a flexible work program continue to receive high-profile and challenging work and remain eligible for promotional opportunities.

**Visible role models.** Senior women who have been promoted while on a flexible schedule send a powerfully positive message about the company's commitment to work/life balance and the advancement of women.

## In Conclusion

Through *Navigating the Corporate Matrix*, the WBA and other stakeholders have begun to shine a new spotlight on the careers of women in corporate law departments — women who work at the critical intersection of the law and business but about whom, surprisingly, relatively little was known in terms of career track or progression. Charged with closing this knowledge gap, we learned that women in-house counsel are generally satisfied with their careers but are nonetheless impacted by issues facing women in all sectors of the legal profession, such as lack of access to information regarding how to best position their careers, lack of mentoring, and the lack of non-stigmatized flexible work

Sodexo, Inc.'s legal department offers its attorneys an array of flexible work options including flextime, telecommuting on a regular and as-needed basis, alternative work schedules and job-share arrangements. Sodexo's legal department, under the leadership of General Counsel Robert Stern, pioneered the overall corporation's Work Hours Policy and has a record of promoting attorneys working alternative schedules. Due in part to its innovative work/life program, Sodexo was recently ranked number one on the 2010 Diversity Inc. Top 50 Companies for Diversity list.<sup>38</sup>

arrangements. We also learned that women in corporate law departments face a number of unique challenges, such as working within flat organizational structures with limited upward mobility and navigating both the legal and business sides of the company. Through discussion and input, we identified and developed best practices and suggested approaches for assessing and addressing each of these key issues.

This is a great start, but it is just that — a start. The WBA and other stakeholders — including individual lawyers, law firms, corporate law departments, researchers, law schools, and bar associations — must take this information and insights and develop individual action items each can take to keep the momentum going. Through such collective action, we together can ensure the further advancement of women through the corporate matrix.



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## Appendix A: WBA Informal Web-Based Survey (selected results)

The WBA conducted its survey of in-house counsel at the recommendation of the Phase III Advisory Board and in response to the dearth of useful data or metrics regarding women (non-General Counsel) in corporate law departments, including the demographics, career paths, and career expectations of these attorneys.

- In terms of background, 97.8% of survey respondents were women. More than three-quarters (76.7%) worked at their company's corporate headquarters or central office, primarily (63.5%) for publicly traded companies. Respondents were spread across a number of industries, including consumer products, manufacturing, and technology, with no single dominant industry or industry sector. The two largest groups of respondents worked in large corporate law departments with over 100 attorneys (27.5%) and small departments of 1-5 attorneys (30%). Roughly 72% of respondents worked in a corporate law department led by a male General Counsel.
- Survey respondents confirmed the importance of the business side of the corporate matrix to in-house counsel. When asked with whom they substantively interacted on a regular basis, nearly equal numbers reported regular interactions with internal business unit clients (89.8%) and other in-house attorneys (88.6%), with a significant number also regularly interacting with business executives/upper management (77.3%). By contrast, only 36% of respondents regularly interacted with their General Counsel.
- Like women elsewhere in the profession, women in corporate law departments want to progress in their careers. When asked about their future career goals, more than half of all survey respondents wanted to advance to a reporting level closer to the GC level, and 29.5% indicated that their future professional goal was to obtain General Counsel status.
- Nearly 88% of respondents indicated that their company did not have a clear career development path for advancement within the legal department. This was not necessarily seen as a "deal breaker." Respondents were nearly evenly split as to whether, despite the lack of a clear career plan, they had a clear understanding of overall career options available to them within their corporations, with 47.5% agreeing or strongly agreeing that they did, and 46.1% feeling or strongly feeling that they did not.

- 
- Of those in-house attorneys feeling that they faced barriers or challenges inhibiting their advancement within their legal department, 81% identified lack of upward or lateral mobility as the key barrier, outstripping other factors such as lack of mentors (35.9%), lack of role models (27.1%), and parental and family responsibilities (25%).
  - Maintaining work/life balance was an issue for women in-house, just as it is for women across the legal profession; 72.5% of respondents were married, and 54% had primary or shared caretaking responsibilities for children under the age of 18. Slightly more than half (57.5%) indicated that their company had a flexible work program in place. Having a program in place, however, did not necessarily translate into the availability of non-stigmatized workplace flexibility, with 60% of in-house attorneys indicating that they had never participated in a flexible work schedule program during their in-house career, and an equal percentage — whether or not they had personally adopted or contemplated adopting a flexible work schedule — responding that adopting a flexible schedule within their company would have a negative to strongly negative career impact.
  - Overall, women in corporate law departments, despite identifying areas for improvement, were relatively satisfied with their careers. In contrast to earlier Phases of the Initiative, where a significant number of law firm-based respondents indicated that they had considered leaving the profession altogether, relatively few in-house attorneys expressed any desire to leave the practice of law. As one survey respondent noted,  
“I have been practicing for many years and have watched as amazing gains have been made by women. It may be easy for recent grads to complain, but when you have the long historical perspective that comes with time in the profession, you appreciate the gains.”



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## Appendix C: Summit Speakers and Facilitators

**Elizabeth Abdo**, Executive Vice President, General Counsel & Secretary, Host Hotels & Resorts

**Danielle Aguto**, Vice President & General Counsel, France Telecom North America

**Christina Ayiotis**, Deputy General Counsel, CSC

**Amy Bess**, Shareholder, Vedder Price, PC

**Linda Bray Chanow**, Executive Director, Center for Women in Law, University of Texas School of Law

**Micki Chen**, Vice President & Deputy General Counsel, Verizon

**Tricia Daniels**, Partner, Forensic and Dispute Services, Deloitte Financial Advisory Services LLP

**Dorian Denburg**, General Attorney, AT&T

**Denise Esposito**, General Counsel & Senior Executive, Emergent BioSolutions, Inc.

**Jocelyn Fisher-Perkins**, Associate General Counsel, AFL-CIO Housing Investment Trust

**Tina Hsu, Shareholder**, Shulman, Rogers, Gandal, Pordy & Ecker, PA

**Anastasia Kelly**, Of Counsel, DLA Piper

**Lori Kettering Knauer**, Corporate Counsel, E.I. du Pont de Nemours & Company

**Hyacinth Grey Kucik**, Vice President & Deputy General Counsel, Freddie Mac

**Charisse Lillie**, Executive Vice President of Comcast Foundation, and  
Vice President of Community Investment, Comcast Corporation

**Karen M. Lockwood**, Founder and CEO, The Lockwood Group, LLC

**Lorelie S. Masters**, Partner, Jenner & Block LLP

**Maureen O'Connell**, Senior Vice President of Regulatory & Government Affairs, News Corporation

**Ama Romaine**, Senior Counsel, Hilton Worldwide, Inc.

**Joyce Slocum**, Senior Vice President & General Counsel, NPR

**Robert A. Stern**, Senior Vice President & General Counsel, Sodexo, Inc.

**Deena Williamson**, General Counsel & Senior Vice President, Williams Lea, Inc.

## Appendix D: Endnotes

1. Emma M. Gillett, Report of the Special Committee to the Section of Legal Education and Admissions to the Bar of the American Bar Association, Address to the Section of Legal Education, Third Session, 4 Am. L. Sch. Rev. 671, 686 (1915-1922).
2. The Minority Corporate Counsel Association does an annual assessment of the number of women General Counsel in Fortune 1000 companies. Between 2005 and 2009, the percentage of female GCs in Fortune 500 companies ranged from a low of 15% to a high of slightly over 18%, for a total swing of less than 3.5%. In Fortune 501-1000 companies, the total swing for the same period was 2%. See Rachel Ray, *MCCA 2009 Survey of Fortune 500 Women General Counsel*, Diversity & the Bar, July/Aug. 2009 at 14-23, <http://www.mcca.com/index.cfm?fuseaction=page.viewPage&pageID=1931>; Rachel Ray, *MCCA 2008 Survey of Fortune 500 Women General Counsel*, Diversity & the Bar, July/Aug. 2008 at 28-40, <http://www.mcca.com/index.cfm?fuseaction=page.viewPage&pageID=1766>; Rachel Ray, *MCCA 2007 Survey of Fortune 500 Women General Counsel*, Diversity & the Bar, July/Aug. 2007 at 22-39, <http://www.mcca.com/index.cfm?fuseaction=page.viewPage&pageID=1479>; Rachel Ray, *MCCA 2006 Survey of Fortune 500 Women General Counsel*, Diversity & the Bar, July/Aug. 2006 at 26-40, <http://www.mcca.com/index.cfm?fuseaction=page.viewPage&pageID=1207>; Rachel Ray, *MCCA Annual Survey of Fortune 500 Women General Counsel*, Diversity & the Bar, Sept./Oct. 2005 at 23-32, <http://www.mcca.com/index.cfm?fuseaction=page.viewPage&pageID=1294>. As of the MCCA's 2009 survey, women comprised 17% of Fortune 500 General Counsel, and 15.20% of Fortune 501-1000 general counsel. See Rachel Ray, *MCCA 2009 Survey of Fortune 500 Women General Counsel*, *supra*.
3. Jamie R. Abrams & Daniela Kraiem, *Banding Together: Reflections of the Role of the Women's Bar Association of the District of Columbia and the Washington College of Law in Promoting Women's Rights*, 4 Mod. Am. 42 (Fall 2008).
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5. See Rachel Ray, *MCCA 2009 Survey of Fortune 500 Women General Counsel*, Diversity & the Bar, July/Aug. 2009, *supra* at n.2.
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14. Telephone Interview by Sonia W. Murphy and Monica G. Parham with David Diamond (Director, Ctr. For Career Strategy and Advancement, Northwestern Univ. School of Law) and James A. Lupo (Clinical Asst. Prof. of Law and Asst. Dean for Academic Affairs, Northwestern Univ. School of Law) (Dec. 23, 2009); see <http://www.law.northwestern.edu/academics/ajd/>.

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16. <http://www.law.northwestern.edu/difference/strategic.html>

17. *Id*

18. *Id*

19. Telephone Interview by Sonia Murphy and Monica Parham with David Diamond and James A. Lupo, *supra* at n. 14.

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21. See *Fair Measure: Toward Effective Attorney Evaluations*, *supra* n.11 at 15-23.

22. *Actions for Advancing Women into Law Firm Leadership*, *supra* n. 7 at 27.

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