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# POWER IN LAW: LESSONS FROM THE 2011 WOMEN'S POWER SUMMIT ON LAW AND LEADERSHIP

*This white paper captures seven strategies for getting, using, and keeping power that emerged from the 2011 Women's Power Summit on Law and Leadership and summarizes the steps that leaders today can take to accelerate the advancement of women in the legal profession.*

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and Lauren Stiller Rikleen

January 2012

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## THE CENTER FOR WOMEN IN LAW\*

*convening leaders. generating ideas. leading change.*

The Center for Women in Law at The University of Texas School of Law is the premier educational institution devoted to the success of the entire spectrum of women in law, from first-year law students to the most experienced and accomplished attorneys. It combines theory with practice, identifying and addressing the persistent issues facing individual women and the profession as a whole.

The Center serves as a national resource to convene leaders, generate ideas, and lead change.

The Center represents the vision and commitment of its founders, a dedicated group of UT School of Law alumnae and friends, who conceived of the Center and are providing initial funding for its endowment. Inquiries are welcomed.

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# CONTENTS

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Introduction	5
Why Talk About Power?	7
Strategies for Getting, Using, and Keeping Power	9
1. Get comfortable with the pursuit of power.	9
2. Be intentional about what you are seeking.	11
3. Face your fears.	13
4. Identify and build strategic relationships.	15
5. Act with power.	18
6. Don't cede the hill.	20
7. Practice.	22
Leveraging Our Individual and Collective Power	23
Moving Forward—Commitments for the Future	25
Conclusion	31
Austin Manifesto on Women in Law	32
Selected Bibliography	34
2011 Power Summit Speakers and Panelists	35



## INTRODUCTION

*Sometimes you can win over opponents by making them part of your team or giving them a stake in the system. You might be surprised at how thoroughly you can redirect their energies. Some years ago a group of women faculty members, staffers, and students at the University of Illinois began pressuring the school because women there were paid less than men in comparable jobs and with similar skills. The administration's response was brilliant: It established a Committee on the Status of Women, gave the committee some stationery, a budget, and a modest amount of office space—legitimacy and a few resources—and told it to study the facts and offer recommendations. This effectively co-opted the opposition, making its members feel they were part of the university, not outsiders. As their estrangement diminished, so did the stridency of their demands; soon they were almost as concerned about the committee's budget for the following year as they were about the status of female employees on campus.*

—Jeffrey Pfeffer, *Power Play*<sup>1</sup>

The above excerpt from Jeffrey Pfeffer's Harvard Business Review article, *Power Play*, provides a disturbing example of what too commonly happens to women who seek increased power and influence: they are co-opted. Whether it is that women are co-opted through women's initiatives or that the initiatives are given too few resources to begin with, power and organizational dynamics have a determining impact on the advancement of women in law.

In Am Law 200 law firms, women comprise barely 15% of law firm equity partners<sup>2</sup> and 5% of managing partners.<sup>3</sup> Nearly 50% of Am Law 200 firms have one or no women on their highest governing committee.<sup>4</sup> In Fortune 500 companies, women comprise just 20% of

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<sup>1</sup> Jeffrey Pfeffer, *Power Play*, HARV. BUS. REV., July/Aug. 2010, at 84, 90.

<sup>2</sup> NATIONAL ASS'N OF WOMEN LAWYERS, NAWL REPORT OF THE SIXTH ANNUAL NATIONAL SURVEY ON RETENTION AND PROMOTION OF WOMEN IN LAW FIRMS 3 (2011).

<sup>3</sup> *Id.* at 4.

<sup>4</sup> *Id.*

general counsel,<sup>5</sup> 16% of board seats,<sup>6</sup> and 14% of executive officers.<sup>7</sup> The statistics for women lawyers of color are even more sobering. Women of color constitute less than 2% of law firm partners<sup>8</sup> and less than 3% of Fortune 500 general counsel.<sup>9</sup> These distressing percentages have remained static for many years, despite the fact that women have constituted nearly 50% of law school graduating classes for more than two decades.

On April 27–29, 2011, the Center for Women in Law at The University of Texas School of Law sought to change these statistics by convening prominent women in the legal profession with the salutary goal of moving a critical mass of women lawyers into positions of power and influence. For three days, law firm managing partners, judges, general counsel, law school deans, and other senior attorneys engaged in an unprecedented examination of power and leadership with academics and business leaders.

These discussions—and the data that served as the foundation for the 2011 Women’s Power Summit on Law and Leadership—infuriated, invigorated, and inspired the attendees to see their own power differently, to build their power, and to commit to using their power to effect change. This white paper captures seven strategies for getting, using, and keeping power that emerged from the 2011 Women’s Power Summit and summarizes the steps that leaders today can take to accelerate the advancement of women in the legal profession.

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<sup>5</sup> *MCCA’s Annual Survey of Fortune 500 Women and Minority General Counsel Survey*, DIVERSITY & THE BAR, Sept./Oct. 2011, at 25, <http://content.yudu.com/A1twvq/DivTheBarSepOct2011/resources/index.htm>.

<sup>6</sup> RACHEL SOARES ET AL., 2011 CATALYST CENSUS: FORTUNE 500 WOMEN BOARD DIRECTORS 1 (2011).

<sup>7</sup> RACHEL SOARES ET AL., 2011 CATALYST CENSUS: FORTUNE 500 WOMEN EXECUTIVE OFFICERS AND TOP EARNERS (2011).

<sup>8</sup> Press Release, National Ass’n of Law Placement, Law Firm Diversity Wobbles: Minority Numbers Bounce Back While Women Associates Extend Two-Year Decline (Nov. 3, 2011), available at [http://www.nalp.org/2011\\_law\\_firm\\_diversity](http://www.nalp.org/2011_law_firm_diversity).

<sup>9</sup> *MCCA’s Annual Survey*, *supra* note 5.



## WHY TALK ABOUT POWER?

Simply put, power is part of leadership. “[B]oth effective leadership and acts that create fundamental social change are rooted in the language of power,” explains Gloria Feldt, Former President and CEO, Planned Parenthood Federation of America, in her latest book, *No Excuses: 9 Ways Women Can Change how We Think about Power*.<sup>10</sup> If women are to make meaningful advances in the legal profession, they must therefore master the language and dynamics of power.

Jeffrey Pfeffer, Thomas D. Dee II Professor of Organizational Behavior, Stanford University Graduate School of Business, has taught and written about power for decades. In his recent book, *Power: Why Some People Have It—and Others Don’t*, Pfeffer argues that hierarchy is inevitable in today’s competitive work environment, so leadership and power are interconnected. Speaking at the 2011 Power Summit, he explained, “Career derailments and setbacks in organizations are infrequently the result of lack of intelligence or hard work.” Rather, they are due to “an inability to master power dynamics.”

Mastery of power dynamics is not innate. Every person can develop and use the skills that produce power. Pfeffer elaborated:

We as human beings learn and master all kinds of things that we did not come out of our mothers’ wombs capable of doing. We learned to walk. We learned to speak foreign languages. We learned to do all kinds of things. None of these things are necessarily natural. . . . [W]e master all kinds of things.

Patricia Sellers, Editor at Large, *Fortune*, agreed. Sellers has written some of *Fortune*’s most talked-about cover stories, including *Oprah’s Next Act* (Oprah Winfrey), *The \$100 Billion Woman* (Melinda Gates), *Remodeling Martha* (Martha Stewart), and *eBay’s Secret* (Meg Whitman). She noted that decades of writing about powerful women taught her that “these women are human, they weren’t born this way.”<sup>11</sup> 2011 Power Summit Speakers and Panelists encouraged attendees to learn about power as a predicate to success for themselves and others within their legal institutions.

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<sup>10</sup> GLORIA FELDT, *NO EXCUSES: 9 WAYS WOMEN CAN CHANGE HOW WE THINK ABOUT POWER* 19 (2010).

<sup>11</sup> Every year since its launch in 1998, Sellers has been *Fortune*’s editorial point person responsible for its *Most Powerful Women in Business* package, now *Fortune*’s second-largest franchise after the *Fortune* 500. Sellers co-chairs the annual *Fortune* Most Powerful Women Summit and oversees other MPW programs including the *Fortune*-U.S. State Department Global Women Leaders Mentoring Partnership.



## STRATEGIES FOR GETTING, USING, AND KEEPING POWER

Using their own experiences as a framework, 2011 Power Summit Speakers and Panelists explored how women lawyers can attain and exercise power, and use that power for themselves and on behalf of other women. The following seven strategies emerged from their discussions.

### 1. GET COMFORTABLE WITH THE PURSUIT OF POWER.

*There is no such thing as “can’t.” There is such a thing as “won’t,” “don’t want to,” “don’t choose to,” “don’t adopt this as my priority,” but there is no such thing as “can’t.” “Can’t” represents a lack of choice. And when we resign ourselves to a reality that does not include individual choice, we accept barriers others would impose upon us. —Colonel Linda Strite Murnane*

It is not always easy to talk about power and it can be even less comfortable to talk about acquiring power. A critical first step to building power, therefore, is to understand the source of that discomfort. A consensus emerged from the discussions at the 2011 Power Summit that the discomfort many women feel with the concept of power may stem as much from women’s own internal gender bias as it does from external gender bias. The impact of women’s internal gender bias on the way they think about their own power is evidenced by the way women talk about power. Sellers shared the insights she has gained from more than twenty years of exploring the concept of personal power with some of the world’s most powerful people:

Over the years, I have asked hundreds of women and dozens of powerful men, how do you define power? The difference in the answers by gender is stark and fascinating. Men’s answers tend to be about “control”—a common answer is: “getting people to do what they don’t want to do.” Women’s definitions use the word “influence.” It is very much about spreading your influence, impacting in a broad way.

Sellers explained that women use words like “influence” instead of “control,” partly because they really define power differently, but also because there is a narrower range of acceptable language for women to use when describing their power. This range of acceptable language corresponds with pervasive cultural definitions of gender.

In her book, *Necessary Dreams: Ambition in Women's Changing Lives*, Anna Fels argues persuasively that these cultural definitions of gender create tensions for professional women who must reconcile the pursuit of power in their workplaces with long-established definitions of femininity. Fels surveyed the academic research and concluded that feminine traits are commonly described as: “yielding, loyal, cheerful, compassionate, shy, sympathetic, affectionate, sensitive to the needs of others, flatterable, understanding, eager to soothe hurt feelings, soft-spoken, warm, tender, gullible, childlike, does not use harsh language, loves children, [and] gentle.”<sup>12</sup> In contrast, she describes masculine traits as “self-reliant, strong personality, forceful, independent, analytical, defends one’s beliefs, athletic, assertive, has leadership abilities, willing to take risks, makes decisions easily, self-sufficient, dominant, willing to take a stand, aggressive, acts as a leader, individualistic, competitive, [and] ambitious.”<sup>13</sup> Talking (and thinking) about power as “influence” is one example of how women reconcile the pursuit of power with these definitions of gender.

These cultural definitions of gender have a deep impact on the way women relate to and use power. For instance, there is tremendous gender pressure on women to behave in traditionally feminine ways. The treatment of Sheila Bair, former chair of the Federal Deposit Insurance Corporation, and Brooksley Born, former chair of the Commodity Futures Trading Commission, is illustrative. Both female regulators are now widely regarded for their remarkable foresight and relentless efforts to prevent the financial meltdown, but, at the time they tried to bring to light abuses in the financial systems, they were labeled as “difficult” and “not team-players.”

These types of experiences often lead women to feel trapped into walking a fine line between feminine and masculine gender roles when they pursue and exercise power.<sup>14</sup> Navigating this delicate line leads many professional women to change their behavior in response to a perceived threat. Mary Cranston, Senior Partner and Chair Emeritus, Pillsbury Winthrop Shaw Pittman LLP, shared her experience: “I had a lot of unconscious fear in my own head . . . women can’t be in charge, they won’t be asked, they will be discriminated against. This stuff is true, but where it would have stopped me from the get go, was in my own head.” Thus, gender bias generates internal barriers in addition to external hurdles when it interferes with the way women think about their own power and the pursuit of power.

Speaking at the 2011 Power Summit, Feldt posited an alternative explanation for the discomfort many women feel with the concept of power. She argued that women’s discomfort may stem not from gender bias but from a view that power is oppressive. Feldt explained, “We have in our minds an outdated definition of power: power over. ‘Power over’ means someone can make you do something. Women have borne the brunt of that negative aspect

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<sup>12</sup> ANNA FELS, *NECESSARY DREAMS: AMBITION IN WOMEN’S CHANGING LIVES* 48 (2004).

<sup>13</sup> *Id.* at 50.

<sup>14</sup> For a thorough discussion of the tightrope women walk in their careers, see CATALYST, *THE DOUBLE-BIND DILEMMA FOR WOMEN IN LEADERSHIP: DAMNED IF YOU DO, DOOMED IF YOU DON’T* (2007).

of power for most of human history. We have been discriminated against, raped, beaten. Why would we want that?” She urged attendees to recognize that power is not necessarily oppressive but can be “something that allows you to solve problems and create innovations and solutions.” Ellen Ostrow, Ph.D., CMC, Founding Principal, Lawyers Life Coach LLC, agreed. She pointed out that for many women who have experienced the negative aspect of power, thinking of power as power to do something may make the pursuit of power more palatable. As the above examples illustrate, a necessary first step to building power is to understand the source of your discomfort with power so that you can address the discomfort and move beyond it.

## 2. BE INTENTIONAL ABOUT WHAT YOU ARE SEEKING.

*What goals are going to extricate you from the grip of gender stereotypes?*

—Robin Ely

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Robin J. Ely, Ph.D., Warren Alpert Professor of Business Administration and Senior Associate Dean for Culture and Community, Harvard Business School, suggested that purpose, when tied to the pursuit of power, can be a significant force to counteract the internal and external barriers generated by gender bias. According to Ely, clarity of purpose can extricate women from the grips of gender stereotypes because “when we are driven by something we care about, we’re less depleted.” She explained:

[C]hasing after things that are not intrinsically meaningful to us, becoming consumed by worries about gender bias, and walking the fine line between feminine and masculine to get the balance just right, that’s very depleting. Women need energy and focus to lead. With energy and focus, they’re also likely to be more effective in leading change to address gender bias in their organizations.

The personal stories of 2011 Power Summit Panelists affirmed Ely’s contention that clarity of purpose is motivating and sustaining, particularly in the face of significant barriers. For instance, Claudette Christian, Co-Chair of the Board, Hogan Lovells, explained how clarity of purpose guided her early in her career:

[W]hen I was in law school . . . I stepped back and thought about what I really wanted to do, and that list was very short. I liked business, I liked to travel. Then, when I decided what I was passionate about, I knew that passion would have to take me through my profession. I realized that I’m the kind of person that if I’m not waking up in the morning and wanting to go into the office, that it was not going to be a very long journey for me in the profession.

It was that same clarity of purpose that drove her to build her project finance practice:

[W]hen I made partner, I looked around at a lot of service partners, and thought that it was a safe way to build a practice, but not for me. I wanted to maintain as much independence and flexibility in my life as I could. I decided that I was going to take the risk as a young partner and build my own book of business.

For Christian, clarity of purpose was important to succeeding as a woman of color. She said, “Especially as a black woman, I always wanted to be able to have a portfolio of clients and a book of business that enhanced my passion about what I wanted to do.”

For 2011 Power Summit Panelists, purpose also facilitated the successful pursuit of power by allowing them to set goals and to prioritize. For Cranston, goal setting and prioritization were fundamental tools for meeting the substantial (and often competing) demands in her personal life, her professional life, and her community:

I’d have goals in each area because they were all important. When I had small children and was working as a lawyer, time management became a very critical issue. I discovered that if I was clear about what I was going to do in each of those areas, I could prioritize. . . . By agreeing to do only things professionally, personally, etc., that aligned with my own ideas about where I wanted to go, it had a hugely leveraging effect on how quickly I could get to where I wanted to go.

Stephanie A. Streeter, Former CEO, United States Olympic Committee and Former Chairman and CEO, Banta Corporation, urged women to be “forward-thinking” in their pursuit of power. She reasoned that because it is impossible to do everything, you need to first determine “where do you want to get to and how you are going to get there.” She added, “If you always go out and just play and you don’t have a strategy for winning, you are not going to be very successful.” Cranston shared her experience: “Every day I would focus. I didn’t know exactly how to get where I wanted to go, but I knew instinctively, baby steps would move me in that direction. Every day, as a discipline, I would figure out what my baby steps were going to be that day.”

Sellers cautioned, however, that goals and plans should be flexible enough to allow for unexpected opportunities: “[T]he world is so unpredictable today . . . . Who knows what the hot area is going to be next year? . . . I like to think about career as a jungle gym, you have peripheral vision, you make sure you see the opportunities and you swing to them.” Pfeffer agreed that flexibility is critical to career success because, “[what you want] changes, from what you want at 20 or 40 or 75 or 80.” He said, “it’s fine to change. . . . [A]s your career evolves and your interests evolve, as your family situation evolves, as you get wiser, you change. And the way you work to make the tradeoffs changes.” The personal experiences and analysis provided by 2011 Power Summit Speakers and Panelists demonstrated how intentionality and clarity of purpose can be critical to the successful pursuit of power, so long as you retain a realistic flexibility around opportunities and priorities.

### 3. FACE YOUR FEARS.

*What would you do if you knew that you couldn't fail? —Katrina Dewey*

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It is not possible to build power without taking risks and stepping outside your comfort zone, and this is true for women at all stages in their careers. In his book, Pfeffer argues that risk avoidance is one of the greatest barriers to building power. He summarizes the literature that shows that people routinely self-handicap to avoid taking risks: “[O]ne of the best ways for people to preserve their self-esteem is to either preemptively surrender or do other things that put obstacles in their own way.”<sup>15</sup> For example, “if someone doesn’t actively seek a powerful position, the fact that he or she doesn’t obtain it will not signal some personal shortcoming or failure but instead a conscious choice.”<sup>16</sup> Therefore, “an unwillingness to ‘play the power game’ protects [a person] from the self-esteem consequences of possibly failing in that effort.”<sup>17</sup> This thesis was validated by speakers, panelists, and attendees of the 2011 Power Summit.

Nearly every one of the distinguished women lawyer panelists admitted that they had to learn to face the fear of failure. For instance, The Honorable M. Margaret McKeown, Circuit Judge, United States Court of Appeals for the Ninth Circuit, shared her experience when she was asked if she was interested in being appointed to the Court: “My first thought was, if I say yes, what if I don’t get it?” She explained, “There was part of me that recognized that if I went forward, I might face disappointment. But if I didn’t take the risk, I would never know.” Cranston had a similar experience when she was approached to run for Chair of Pillsbury: “I said yes, but immediately there were another host of fears, about being visible, that if I failed it would be public and I would let down the sisterhood. I felt like I was dressed in my mother’s clothes, that I didn’t belong there.” Cranston cautioned, however, that women’s fears may be rooted in gender bias. She described the “most significant insight” from her career as the realization that it was unconscious gender bias that was making her doubt her own abilities: “[W]e ourselves as women have internalized things such as we are not quite as good at problem solving, etc. . . . When I started to challenge myself, I realized that I really did like leadership jobs [and that] I was sort of innately made to do those kinds of things.”

2011 Power Summit Speakers pointed to other fears that may impede women’s pursuit of power. For instance, Sellers espoused that women put a lot of pressure on themselves to be perfect, generating a fear of making mistakes. She said that when women turn down promotions because they “are not ready” it often has “a lot to do with thinking that we have to be perfect, we have to know everything before we take the next step.” Similarly,

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<sup>15</sup> JEFFREY PFEFFER, *POWER: WHY SOME PEOPLE HAVE IT—AND OTHERS DON’T* 13 (2010).

<sup>16</sup> *Id.* at 14.

<sup>17</sup> *Id.*

Sellers reasoned that women may pass up new opportunities or scale back their ambition in anticipation of perceived conflicts with their personal lives. She cited the popular blog post, *Don't Leave Before You Leave*, by Sheryl Sandberg, COO of Facebook. In the post, Sandberg says:

[O]nce you have a child, it becomes necessary to make real changes, including potentially deemphasizing your career. But slowing down too early is a mistake that too many women make today, often without even realizing it. Because they sincerely want to stay in the workforce, they try to make room for everything and they slow down—or unconsciously pull back—well before their circumstances actually change. By the time they fully return, they are in jobs that no longer challenge or reward them enough to hold their attention.<sup>18</sup>

She concludes, “One of the tragic ironies for working women today is that the very desire to stay in the workforce leads to decisions that eventually cause them to leave.”<sup>19</sup> Michele Coleman Mayes, General Counsel, Allstate Insurance Company, raised another fear: a fear of leaving. When asked to name a significant career decision that contributed to her ability to build power she replied, “I was willing to leave places. I have found too many women who will not leave.” Christian agreed:

Knowing when to move along is important. . . . [W]e want to give it another opportunity, but sometimes you have to say it's time to move on. And the hardest thing is just to make the decision, because after you make the decision you get the energy that takes you into the next opportunity.

Thus, risk taking can take many forms, and oftentimes it is difficult to recognize when fears are holding you back, but building power requires you to identify and face your fears on a regular basis.

How did 2011 Power Summit Panelists work through their fears? Katrina Dewey, CEO, Lawdragon Inc., summed it up: “You just have to eat fear for breakfast every morning, and get over it.” Dewey recommended that women break down seemingly insurmountable goals into manageable pieces:

There's no huge mountain to be climbed, every mountain is climbed one step at a time. When you face that challenge or obstacle, if you think it's too big, break it down to its component parts, because you can almost certainly solve each individual problem and then you're at the top of the mountain.

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<sup>18</sup> Sheryl Sandberg, *Don't Leave Before You Leave*, FORTUNE POSTCARDS, (Oct. 5, 2009 1:23 P.M.), <http://postcards.blogs.fortune.cnn.com/2009/10/05/facebook-coo-sheryl-sandberg-unedited/> (unedited version).

<sup>19</sup> *Id.*



Lisa Madigan, Attorney General, State of Illinois, said, “[Y]ou just work through it.” She explained:

[M]any people are uncomfortable speaking in public. Just do it, over and over, and eventually you’re not nervous. That’s what I do with fear, I work. At the end of the day if I want to win the election, I don’t want to wake up one morning and think, “Oh, if I had just gotten out of bed, that one extra time and shaken one extra hand, or spent four more hours on the phone raising money.” It’s just work. At the end of the day work may not accomplish your goal, but I guarantee you that you will not accomplish your goal unless you work.

This sentiment was echoed by Cranston, who said that about six months into the position as Chair of Pillsbury she realized that the job was “not that tough.” She explained, “I realized that everything I thought that was out there to stop me was really on the inside, and that’s where the rubber hit the road. If I could take a breath, face the fears, not believe them, and keep going, change was possible.”

Ostrow, a psychologist, agreed that exposing yourself to what you fear is the only way to reduce your worries, but added that it is not always necessary to do it all at once. She said, “You may have to teach yourself that the situation you fear is safe. That means approaching it as much as you can but not demanding so much of yourself that you wind up scaring yourself even more. If power scares you, try exercising it in a situation that is only mildly uncomfortable. Once you’re used to that, take a bigger risk.” Acknowledging the risk up front is also a useful strategy to overcoming your fears. In the book, *How Remarkable Women Lead*, authors Joanna Barsh and Susie Cranston recommend: “If you feel like the change you’re contemplating is too big a risk, ask yourself what’s the worst that can happen. Then do the ‘premortem’ and figure out what you can do to manage it.”<sup>20</sup> Importantly, Ostrow urged attendees to consider the risks of not trying. “So often we only think about the risks associated with taking on something new. But there are risks associated with saying ‘no’ to opportunities and sometimes these can be worse.”

#### 4. IDENTIFY AND BUILD STRATEGIC RELATIONSHIPS.

*Everyone says it’s who you know, not what you know and I say, “Thank goodness!” because it’s easier to meet someone new than to learn something new.*

—Jessie Kornberg

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Access to critical information and key people can determine whether you are positioned to reach your goals. Rather than talk about the value of social networking broadly, 2011 Power Summit Speakers and Panelists spoke about identifying useful connections with intentionality and utilizing specific strategies to build relationships that enabled them to reach particular career goals.

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<sup>20</sup> JOANNA BARSH & SUSIE CRANSTON, *HOW REMARKABLE WOMEN LEAD* 194 (2009).

In his book, Pfeffer explains that, “[n]ot everyone is going to be equally useful to you and you should account for that fact in how you spend your networking time.”<sup>21</sup> He told 2011 Power Summit attendees to begin by figuring out “who you need to meet that will be useful to you, who has some knowledge you don’t have, and then go meet them.” Critically, Pfeffer explained that the most useful connections are not usually your closest ties, instead:

Weak ties are important. There are studies that show that the most useful people are not the close ties, your friends and family, but the weak ties. The close ties, the ones you are closely tied to also know the same people and the same information. Weak ties allow you to access non-redundant information.

Cranston elaborated on the importance of identifying useful connections that are tied to your goals, explaining that the most effective network is one that is shallow and broad. She suggested creating a networking map:

I start with where I want to go, and divide the world into four quadrants: people with power to help you with specific goals who care enough about you to help, people who have power but don’t know you yet but who you have access to, people who don’t have power but want to help you, and your world of acquaintances.<sup>22</sup>

Speaking at the 2011 Power Summit, Ida Abbott, Author, *Women on Top: The Woman’s Guide to Leadership and Power in Law Firms*, cautioned participants to look beyond titles when identifying useful connections: “In law firms, the power isn’t always tied to the people with titles; the power is tied to business and who controls the business.” Once you have identified useful connections, the next step is to turn those connections into strategic relationships.

2011 Power Summit Speakers and Panelists addressed specific and critical steps to building strategic relationships. The first and most basic strategy discussed was to ask for help. Pfeffer insisted that “asking works.” He argued that although people find it uncomfortable to ask, it is important to recognize that “asking is flattering” and that, with persistence, it will work. 2011 Power Summit Panelists echoed their agreement.

A second strategy is to identify “incidental random similarities” between you and the person whose help you are seeking. Pfeffer pointed to research showing that the self-enhancement motive means that we tend to like (and want to help) people who are similar to ourselves. Indeed, it is for this reason that networks in legal organizations are comprised primarily of men, often making it very difficult for women to break into them. Accordingly, one way to enhance compliance with requests to assist is to figure out ways to appear similar even while being different. Streeter shared her approach:

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<sup>21</sup> PFEFFER, *supra* note 15, at 116.

<sup>22</sup> For a detailed explanation of how to create and use networking maps, see BARSH & CRANSTON, *supra* note 20, at 153–64.

You don't have to be invited but you can hang around. [I had] one sponsor, who was male, who had said, "All truth gets spoken in the men's room." That's not necessarily where we can go, but you can ask funny questions when they come out or before they go in—seriously—and it works.

She recognized, however, that while this approach works, it may be difficult for some women because it may require women to defy gender stereotypes or to act against ways they have been conditioned to behave.

A third strategy is to find reciprocal advantage between you and the person whose help you are seeking.<sup>23</sup> Describing her own networking style, Cranston explained:

I would be figuring out what this person wanted and what I wanted and is there something in the middle that would give us a win-win. And I actually created a networking map where I had my goal and then I would figure out who in the organization could move me there and then I would figure out what kind of a reciprocal relationship I could build with this person.

Focusing on reciprocity can alleviate the concern expressed by some 2011 Power Summit participants that a strategic approach to networking is disingenuous and manipulative. Consider this networking method, as described by Denise Incandela, President of Saks Direct, who is quoted in the book, *How Remarkable Women Lead*:

The way I approached these relationships was not about what I was going to get out of them but what I could do for this person. How do I get this person vested in this business? The way that I'm going to get them vested is not by pitching myself or talking about what the business needs, but by actually coming up with something that I could do for them.<sup>24</sup>

Ostrow explained that this strategy may be more appealing to some women because it feels more authentic: "Our brains are extremely sensitive to insincerity and manipulation. The paradox of the principle of reciprocity, studied by social psychologists, is that if we network with the sole intention of getting something, we will not succeed." Instead, "focusing on what you can do for the other person in the short term creates a flow of social capital that comes back to us with the benefits we hope to receive." Regardless of the strategy employed, 2011 Power Summit Speakers and Panelists agreed universally that strategic relationships are indispensable to the pursuit of power.

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<sup>23</sup> In his book, Pfeffer posits a similar strategy that he calls "building brokerage relations." PFEFFER, *supra* note 15, at 121 (explaining that connecting people with common goals can give the person doing the connecting leverage and power in those relationships).

<sup>24</sup> BARSH & CRANSTON, *supra* note 20, at 147.

## 5. ACT WITH POWER.

*No one will willingly step aside and cede their power to you; it's not going to happen. You have to step forward and take it yourself. —Gloria Feldt*

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The appearance of power and influence can be as useful as power itself. In his book, Pfeffer explains: “In making decisions about how much power and deference to accord others, people are naturally going to look to the other’s behavior for cues. Because power is likely to cause people to behave in a more confident fashion, observers will associate confident behavior with actually having power.”<sup>25</sup> Therefore, “[c]oming across as confident and knowledgeable helps you build influence.”<sup>26</sup> Christian gave this example of the importance of confidence to building her law practice:

I decided that one day I’d be a project finance lawyer. The more I learned, I decided, why not? I saw my male colleagues and saw that they went around and decided to declare themselves what they wanted to be, so I did the exact same thing. I started getting project finance transactions in a way I wouldn’t have if I had waited for someone to come anoint me or if I had felt limited by the label, and as a result I developed a very satisfying practice, and I do a lot of work all across the world now.

Some panelists noted, however, that assuming confidence and projecting power can be especially challenging for women, who are socialized to be deferential and less assertive.

For many women, this socialization often creates the dilemma of having to choose between being liked and being respected. A 2007 Catalyst study, *The Double-Bind Dilemma for Women in Leadership: Damned if You Do, Doomed if You Don’t*, found that “[w]omen who are seen as competent leaders are often not liked as much as those judged to be less competent but who act in [stereotypically] gender-appropriate ways.”<sup>27</sup> Thus, women seeking to assert power and influence in their workplaces risk the enmity of those with whom they work for acting contrary to the perceived feminine norm.

While acknowledging these perils, Pfeffer cautions, “If you aren’t confident about what you deserve and what you want, you will be reluctant to ask or to push, and therefore you will be less successful in obtaining money or influence compared to those who are bolder than you.”<sup>28</sup> Speaking at the 2011 Power Summit, he encouraged those who seek power to “get over the

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<sup>25</sup> PFEFFER, *supra* note 15, at 50.

<sup>26</sup> *Id.*

<sup>27</sup> CATALYST, *supra* note 14, at 19.

<sup>28</sup> PFEFFER, *supra* note 15, at 51.

negative feelings of being rejected” and to stop “worrying too much about whether or not others like you.” He contended that “anybody who sells understands this. If you are going to fold the first time someone turns you down for business you are going to be folding all the time. Get over it. Don’t take things personally.”

For women, not taking things personally can be particularly challenging. As discussed above, the criticisms women face when they step outside traditional feminine norms are intensely personal and often masquerade as professional shortcomings. “Difficult,” “not a team player,” and “bitch,” are all comments directed at the specific woman and say that somehow *she* is failing, that there is something wrong with *her*. Not only are these criticisms personal but, as discussed earlier, these types of labels may affirm women’s own internal gender bias. This is particularly true for women who feel pressure to be “the good girl.”

The panelists discussed the tension between appearing competent and appearing nice. Paula Monopoli, Professor of Law, Marbury Research Professor and Founding Director, Women, Leadership & Equality Program, University of Maryland Francis King Carey School of Law, cited the fact that women in academia are often asked to do the committee work “because they say yes.” Therefore, she says that it is “critical to teach our students the ability and the power and the confidence to say ‘no’ when someone comes to them because they will get derailed. Particularly among our untenured colleagues, if you get caught up in committee work you may not write sufficiently to get tenure.”

Most panelists agreed that the decision to be nice or to be competent is a false choice. “You shouldn’t have to choose, and without gender bias you wouldn’t have to,” said Joan C. Williams, Distinguished Professor of Law, 1066 Foundation Chair and Director of the Center for WorkLife Law, University of California, Hastings College of the Law. However, if circumstances require a choice between competent and nice, she advised attendees to “choose competent.” She stressed, “There is a difference between doormat nice and gender neutral considerate. Women are expected to do ‘nice work’—which can include playing the ‘dutiful daughter’ or some similar feminine role. That kind of ‘nice work’ is different from being a decent person.” She recommended that women who face the double bind between being nice and being competent should “stand your ground, with softeners.” She relayed the following strategy from her interviews with successful women: “Be relentlessly pleasant but ask for what you want.”<sup>29</sup>

Women who recognize that the criticism they face may be fueled by gender bias—rather than being a true reflection of the circumstances or of their abilities—will be able to implement strategies that account for gender bias and thereby allow them to effectively act with power.

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<sup>29</sup> For additional strategies, see Jeffrey Pfeffer, *A Note on Women and Power*, STAN. CASES (2010), at 17–18.

## 6. DON'T CEDE THE HILL.

*A lot about winning is keeping your eyes on the prize. —Jeffrey Pfeffer*

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When faced with opposition and setbacks, Pfeffer urged attendees to begin with the end in mind and envision, “What would victory look like?” By focusing on what you are really trying to achieve, you can avoid getting diverted “by fighting all of the people who get in [your] way or irritate [you].” This includes the personal attacks that may result from gender bias. In an interview with *Frontline*, Brooksley Born explained how she withstood the extraordinary “fierce fire” directed at her: “I felt it was my public duty [as head of the regulatory agency with responsibility for these markets]. I felt that I was doing my job.” When asked if that was hard to do she responded: “No. When I took the job, I knew that it was my responsibility in that position to look out for the interests of all of us, not just for the interests of some of the regulated parties like the over-the-counter derivatives dealers. And I felt as long as I was in that position that’s what I should do.”<sup>30</sup>

For Pfeffer, persistence and resilience are the “most important” qualities for getting and keeping power. He said that when facing obstacles, “don’t give up or surrender or cede the field to others.” Stephanie Streeter’s experience as CEO of Banta Corporation during a hostile takeover is illustrative. Recalling her experience, she said that there was “a ton of gender bias” ranging from an assumed familiarity in the initial bear hug—“instead of referring to me as ‘Ms. Streeter’ or ‘Mrs. Streeter’ it was ‘Dear Stephanie’”—to taking the position in the letter that she would “cave immediately” or if he really put on the pressure she would “go crying to the Board.”

When this letter was released over *PR Newswire*, Streeter didn’t cave. Instead, she depersonalized the situation and thought strategically. She set the overarching goal as “not letting X get control of the company” and then “marshaled resource after resource to make sure that happened.” Her overall approach was also strategic: “I wanted to never lose my calm, I wanted to never lose my temper and we were going to just approach this as ‘take the hill.’ . . . I portrayed that and talked in sort of militaristic tones [to everybody in the company].” While the company was ultimately sold, it was sold to a white knight. The white knight “treated the employees especially well, treated the community well, and [the company experienced] the largest increase in shareholder value ever.” Streeter concluded, “Having those strategies, sticking to your guns, and marshaling resources really worked.”

How you frame the setback makes a difference in your ability to persist in spite of the perceived failure. Pfeffer provided the following analogy:

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<sup>30</sup> *Frontline*: Interview with Brooksley Born (PBS television broadcast Aug. 28, 2009), <http://www.pbs.org/wgbh/pages/frontline/warning/interviews/born.html>.

The first time you learned to play the piano or a musical instrument, you didn't play great. The first time you spoke French or Spanish or Greek or whatever language, you didn't do it very well. The way you become masterful at something is that you persist, you do not give up. You don't die in the face of failure.

Streeter agreed, “[Y]ou can't worry about the mistakes that you made. It is always about going forward. If I worried about all the turnovers I had as a point guard, I would have been a basket case.” Dewey shared her experience when she lost the financial backing for her new company:

Fourteen of us left our jobs, and the guy who said I'll give you \$1 million to do this changed his mind. Well, that was a bad day. What are you going to do? Tuck your tail between your legs? Failure is not an option. It's not about you or me. It's about us. I've come too far in this life to stop now. You just keep going and you have those moments of fear where you think you're a fraud, how can you stand yourself for another day, but I have my friends and they think something of me and they're pretty smart. So buck up, get back on it.

These stories illustrate that setbacks and failures go hand-in-hand with the pursuit of power and that by focusing on your goal, marshaling your resources, and persisting, you can succeed in the face of these challenges.<sup>31</sup>



#### JEFFREY PFEFFER'S TIPS FOR OVERCOMING OBSTACLES:

*Begin with the end in mind—what do you want?*

*Ask yourself, “What would victory look like?”*

*Play to your strengths—continue doing what you do well.*

*Depersonalize (and take the emotion out of) situations—  
think strategically.*

*Don't show embarrassment about your situation.*

*Keep getting your “story” and message out.*

<sup>31</sup> For additional discussion on handling setbacks and obstacles, see PFEFFER, *supra* note 15, at 164–82 and BARSH & CRANSTON, *supra* note 20, at 66–121.

## 7. PRACTICE.

*Until you practice it, until you really know that it is important and practice it, you can't do it. —Stephanie Streeter*

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If you are going to transform yourself, you have to go out and practice. While reading about how to build and exercise power may be informative, it is not a substitute for actually getting out there and taking the steps necessary to build power. Pfeffer explained: “You can read the book about golf but your golf playing is not going to get any better. You can watch the golf video and it’s not going to get much better. You will learn what to do but you have to have practice doing it.”

Coaching was a strategy employed by numerous panelists at the 2011 Power Summit. For example, Kim J. Askew, Partner, K&L Gates, spoke of the importance of having a coach to her success:

I think about all the training I’ve done for myself that my law firm had no idea that I was doing, but I knew it was something I needed to do. [I]f you really want to get serious, get whatever, your own trainer, there’s a way to learn it.

Coaching can be a way to move beyond your comfort zone and hold you accountable. Arleas Upton Kea, Director, Division of Administration, FDIC, took it upon herself to get coaching even though she was in an environment where coaches were viewed as remedial. “By the time people saw I was doing it, I was able to give the coaching program some credibility. I learned about my strengths and weaknesses, and that helped me.” Another way to practice power skills is to participate in volunteer experiences outside your place of employment that provide opportunities to lead. Whether by hiring a coach, volunteering, or some other means, 2011 Power Summit Speakers and Panelists urged participants to invest in themselves and master the skills necessary to build their power and advance into positions of leadership.



## LEVERAGING OUR INDIVIDUAL AND COLLECTIVE POWER

Increasing your individual power is necessary but not sufficient. In her rousing opening remarks at the 2011 Power Summit, Summit chair Roberta Liebenberg, a Philadelphia attorney and former Chair of the American Bar Association Commission on Women in the Profession, called on the women leaders in the room to leverage their power, individually and collectively, to accelerate women’s advancement into the highest ranks of the profession:

[T]he glass ceiling still looms over us. Over the last 10 years the percentages of women general counsel and partners, both equity and nonequity, have remained virtually unchanged. . . . In the twenty-first century, this is simply unacceptable. Now is the time for each of us to assert our power and transform the profession for ourselves and for future generations of women lawyers.

She insisted, “History has long proven the tremendous power of a determined sisterhood, and we can and must wield our power to effectuate a paradigm shift in the profession, which is long overdue.”

Two years earlier, a similar call to action by Diane Yu at the 2009 Power Summit produced the Austin Manifesto, a blueprint for achieving parity in the legal profession. The Austin Manifesto, drafted by a small team of 2009 Power Summit planners with input from participants, was presented to and adopted by acclamation by all of the participants who came to the 2009 Power Summit. The goal was simple: to inspire action. Yu explained,

[U]nlike other similar initiatives that emphasized broad goals and aspirations alone, the Austin Manifesto’s uniqueness was that it contemplated both individual and collective responsibility—enumerating commitments to personal action on the part of the participants at the Summit, as well as of all the individuals and groups they would contact and to which they would advocate adoption after the Summit. The Austin Manifesto articulated specific goals, the means to achieve them, and accountability.

The Austin Manifesto has been cited in various reports, including the White House Project Report: *Benchmarking Women’s Leadership*. It has been incorporated into Vision 2020.<sup>32</sup>

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<sup>32</sup> Vision 2020 is a national initiative convening allies and women leaders from across the country with the purpose to advance gender equality by the year 2020. For more information about Vision 2020, visit [www.drexel.edu/vision2020/](http://www.drexel.edu/vision2020/).

The Austin Manifesto sets forth a statement of Principles which serve as a foundation for the Pledges that follow. The final Principle captures the ultimate goal: “to achieve gender parity in positions of leadership, influence, and responsibility in the legal profession.” By signing the Austin Manifesto, participants committed to personally taking specific, concrete steps to tackle the stubborn obstacles facing women in the profession today, including:

- » Working actively to eliminate gender bias;
- » Adopting and implementing measurable goals and benchmarks to monitor progress;
- » Being a public voice for change;
- » Identifying, recruiting, and engaging leaders to be part of the solution;
- » Urging the President to nominate and the Senate to confirm women to vacancies on the federal bench, including the U.S. Supreme Court;
- » Encouraging organizations to adopt best practices;
- » Encouraging the collection of specific, relevant data that will illuminate the most accurate, detailed picture of women in the legal profession so that our actions are evidence-based, data-driven, and outcome-focused;
- » Supporting and advancing the careers of women;
- » Supporting and advancing the careers of women of color;
- » Working for the restructure of compensation systems to reward the full range of contributions by attorneys; and
- » Encouraging law schools to include in their curricula courses that develop leadership and business skills and offer guidance on a wide range of career paths.

Of critical importance, the Austin Manifesto signatories pledged to reconvene the 2009 Power Summit participants to measure achievement in the implementation of the Austin Manifesto’s Principles and Pledges. This pledge was fulfilled at the 2011 Power Summit when a dynamic panel of distinguished women leaders illustrated how they are exercising their power on behalf of women to fulfill the Austin Manifesto and Liebenberg revealed the results of a survey that captured steps taken by signatories to the Austin Manifesto since the 2009 Power Summit. But our efforts cannot stop there. The Principles and Pledges of the Austin Manifesto require an ongoing commitment to support gender equality.

## MOVING FORWARD— COMMITMENTS FOR THE FUTURE

*There is no question in my mind that the women in this room have the power in their hands to change the world. . . . [K]now and feel that power you have, I feel it coming at me up here, don't get lost in your daily work so much that you don't realize how much power you have and that if you work together you can change everything. —Gloria Feldt*

To effect real change, each and every one of us must be willing to take up the call of the Austin Manifesto. What can you do? Below find steps—some large and some small—that leaders can take to exercise their power on behalf of women to fulfill the Austin Manifesto along with examples that are inspired by the 2011 Power Summit Panelists, small working group discussions, and survey respondents.

### WHAT YOU CAN DO TODAY:

- » Select a woman to be part of an (important) client team.
- » Share origination credit with a woman.
- » Hire a woman as outside counsel or select a woman to be in charge of a client relationship.
- » Promote the achievements of a woman to a leader inside and/or outside your organization.
- » Refer a business and/or job opportunity to a woman.
- » Recommend a woman to be a speaker at a conference or event.
- » Mention a junior woman by name from the podium.
- » Take a junior woman to a professional meeting or networking event.
- » Engage in peer-to-peer mentoring.

- » Be a thoughtful role model (*i.e.*, don't use words that demean other women, be honest about the challenges you have faced, etc.).
- » Distribute research results and articles on gender issues to leaders within your organization.
- » Publicize the Austin Manifesto within your state's women lawyers association and your state's bar association.

#### WHAT YOU CAN DO IN THE NEXT THREE MONTHS:

- » *Write a letter to the editor.* Female voices are vastly underrepresented in the opinion pages, in large part because contributions from women are far outnumbered by contributions from men. Be part of the dialogue. One signatory wrote a letter to the editor with respect to congressional passage of the Paycheck Fairness Act. Compile examples of women helping women and use social media to get the stories out to overshadow the more corrosive media portrayals of women.
- » *Nominate/recommend/support a woman for a leadership position.* One signatory nominated and supported female candidates for State Bar and State Supreme Court races. Carla Christofferson, Managing Partner, Los Angeles Office, O'Melveny & Myers LLP, suggested providing an incentive. When she recently had to decline a request to serve on a non-profit board, she responded, "I can't, but I can pledge the firm money for your tables if you put X, who is an up-and-comer, on your board."
- » *Send a letter encouraging the appointment and/or confirmation of a woman.* Signatories sent letters in support of the most recent additions to the Supreme Court at the time of their nominations and wrote letters to governors in support of female appellate court candidates.
- » *Encourage a peer to sponsor a high potential woman.* Christian tells successful partners at her 2000+ lawyer firm, "I want you to not only incorporate [this woman] into your practice but talk about [her] when you're at lunch or golf, mention this person."
- » *Use the judicial appointment process to give a woman lawyer recognition and visibility.* Women and minorities are significantly underrepresented on court appointment lists.<sup>33</sup> Judicial committee appointments—both fee generating and non-fee generating—give lawyers recognition and visibility in the legal community and certain other judicial appointments are coveted because of their ability to propel lawyers to success. To ensure that more women have access to these important positions, one judge takes

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<sup>33</sup> See Roberta D. Liebenberg, *The Importance of Diversity in a Court's Exercise of Its Appointment Powers*, COUNTERBALANCE, Fall 2011, at 36.






it upon herself to identify women to fill vacancies on committees and to find roles for up-and-coming women. Another judge takes diversity into account in making appointments of lead counsel for plaintiffs in class actions. The ABA Commission on Women in the Profession recently established a committee to promote diversity through the judicial appointment process.

- » *Find a creative way to open the door to an important network for a woman.* One woman urged others to “create a category to fit a woman.” She insisted, “If you’re on a committee, and there are no spots on the committee, then create an advisory committee, a special advisor or whatever. There has to be a lot of creativity in this, and the main thing is to keep thinking about it.”
- » *Coach a woman on how to build her book of business and support her efforts to do so.* For instance, Christian takes women associates along with her on business development trips. Observing pitches in person is critical, she says, because it is so important for young lawyers “to understand what it’s like to pitch a client, how [to] walk into a room with a degree of self-assuredness and confidence that a client is going to say, ‘I choose you.’” She says this strategy is effective because “a lot of young women look at that and begin to get ideas about how they can create their own personalities and their own brand.”
- » *Recruit a woman to become a preferred provider.* To ensure that women and diverse attorneys are getting a piece of the \$2 billion committed in outside contracts at the FDIC, Kea built a pipeline of women and diverse attorneys seeking contracts with the FDIC. She travelled across the country with her staff and her counterparts in the Legal Division to give seminars on how to register to get a Legal Service Agreement with the FDIC. The seminars educated women and diverse lawyers on the nature of the work available from the FDIC and provided valuable tips for getting their applications approved and their firms listed in the FDIC’s database.
- » *Ask women outside counsel if they are getting credit (compensation) for your matters.* When Catherine Lamboley was General Counsel of Shell Oil Company, she inquired whether the women on outside counsel teams were receiving credit for their Shell work. She explained, “I assumed that the women we were giving work to were getting credit in their compensation for Shell matters only to later learn that too often they were not.” She continued, “You have to ask. If you don’t ask, you will never know if your efforts are in fact making a difference in the careers of women outside counsel.”
- » *Coach a woman on how to write an effective compensation memo.* While at first she found sharing her compensation memo to be “very uncomfortable,” Christofferson forced herself to do it. She said, “It took me swallowing the ‘Oh my god they’re gonna see that I’m this self-promoting.’” As a result, a number of the women who used Christofferson’s memo as a template got increases this year, which she found “really gratifying.”

- » *Encourage a woman to seek a leadership position within her organization and support her efforts to do so.* Susan Blount, Senior Vice President and General Counsel, Prudential Financial, Inc., stressed the importance of planting the seed of possibility: “A lot of people don’t see the sense of their own possibility. . . . If you see something in someone they don’t see, they will stand up differently the next day.” Then, ensure that she has opportunities to be visible such as presenting at Board/Department/Firm meetings.
- » *Encourage a woman to seek a judicial position and support her efforts to do so.* In the past, the Honorable Fernande R.V. Duffly, Associate Justice, Massachusetts Supreme Judicial Court, has worked with members of the Asian American Lawyers Association of Massachusetts Society to strengthen their applications with the Judicial Nominating Commission (JNC) of Massachusetts: “We encouraged lawyers who met the qualifications for judicial vacancies to apply, and if they did apply, we were available, if they asked, to meet with them to discuss the process and to conduct mock interviews, so that they were able to bring out their best qualities at the JNC interview.” She said that, along with others, she had acted as a judicial mentor for applicants referred by the Women’s Bar Association.

#### **WHAT YOU CAN DO THIS YEAR:**

- » *Be clear that you expect women to play an important part of every one of your outside counsel teams.* When Kea interviews firms for FDIC work, she not only impresses upon them the importance of having diverse teams assigned to FDIC matters but also ensures that women and diverse lawyers play significant roles on those matters. For example, if a team of firm representatives meeting with her does not include any women or minority attorneys, she tells them “before we can go further you need to come back and you need to bring [the women and diverse attorneys].” She then keeps in touch with the woman or minority attorney on that matter. She says, “I ask them how they’re treated, how they’re compensated, whether they are getting a fair share of the pie. And many of them tell me no, and then I have to call them all back in and have the same conversation all over again.”
- » *Be involved in discussions about the credit that is distributed within the firms of your outside counsel.* Play a role in decisions regarding the “inheritance” of your accounts by other lawyers. Encourage relationship partners to share billing credit.
- » *Monitor distribution of work to outside counsel and hold direct reports accountable.* Each month, Kea and other senior executives review the average amount of work given to women- and minority-owned firms. She explained, “The staff knows I’m looking to see that number change, and if it hasn’t gone up, I’m looking to see why and who’s responsible.”

-  *Analyze relationships with outside law firms.* Under Mayes' direction, the Allstate legal department recently rolled out a "scorecard" for its premier law firms. The rankings are based on answers to very specific questions such as: who gets credit for work; who is the relationship partner; who serves in key leadership roles; and who gets promoted. Allstate will track each firm's responses in key metric categories and is working collaboratively with firms on next steps as this is the inaugural year for the scorecard.
-  *Work to elect more women to your organization's leadership committees and/or boards of directors.* Three or more women on a governing board can have a substantial impact on boardroom dynamics, increasing the likelihood that women's perspectives and ideas are valued.<sup>34</sup> One signatory organized the women equity partners in her firm to successfully elect two women to the firm's governing committee. Another developed her own list of diverse lawyers who are board-ready so she can provide qualified names when asked for recommendations.
-  *Do a statistical review of compensation decisions within your organization.* Christofferson finds that using statistics and simple math helps when advocating for fair pay. She also recommends using the highest compensated women partners as examples of inconsistencies instead of going to the lower share partners: "It gets heard. It causes them to think differently. It's not me complaining about myself, but pointing out that the superstar that they think is being treated fairly, might not be—or, at least, may perceive that she is not." Kea also routinely analyzes salaries at the FDIC and has seen to it that any disparities are rectified. In doing so, she did not focus on gender but instead on salary equity, always arguing for "like pay for like jobs." Some attendees suggested advocating for rigorous EEOC-style analyses within compliance departments.
-  *Refine your organization's evaluation process in accordance with the recommendations in Fair Measure: Toward Effective Attorney Evaluations, a publication of the American Bar Association's Commission on Women in the Profession (2ed. ABA 2008).* This includes implementing training on gender bias in attorney evaluations and reviewing evaluations by department, group, and office to isolate gender bias. Christine Williams, Ph.D., Department Chair and Professor, Department of Sociology, The University of Texas at Austin, explained that "bias against women can thrive behind the scenes when promotion criteria are vague or unknown. Most large companies are aware that they must institute and monitor formal evaluation procedures if they are serious about promoting equal opportunities for women."
-  *Develop and implement internal systems that advance women.* Develop and implement steps to hold practice group leaders, department heads, and other leaders accountable for their efforts to eliminate gender bias. Implement formal succession planning and create greater transparency in the compensation process. One signatory created internal

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<sup>34</sup> VICKI W. KRAMER ET AL., CRITICAL MASS ON CORPORATE BOARDS: WHY THREE OR MORE WOMEN ENHANCE GOVERNANCE iv (2006).

systems to train outstanding women attorneys on expanding client relationships and developing business. Another co-chaired her firm's flexible work schedule program and oversaw the approval of more than twenty applications.

❧ *Make women of color a part of your everyday consciousness.* Ilene Lang, President and CEO, Catalyst, explained why this step is critical, "There may be a glass ceiling for white women but it is a concrete ceiling for women of color." Broaden your experiences by attending affinity group events held by people from backgrounds different than your own and encourage others to do the same. Ensure that women of color attorneys are well represented in conversations and when planning content for conferences.

❧ *Enlist men to be part of the solution.* Mayes said, "I have a strong belief that guides most things I do, that everyone has to be at the table. It's not about fixing women." As a result of this belief, when Mayes is talking about mentoring with her staff, they "talk about talent" and go through the process of identifying mentors based on the needs of the particular individual irrespective of gender. She remarked, "Sometimes the mentors identified are women, sometimes they are men. Rest assured the men are an integral part of the give-and-take and don't think, 'Let me know how it's going.'"

❧ *Challenge inaccurate or incomplete data/reporting.* Justice Duffly petitioned NALP, formerly the National Association for Law Placement, to differentiate between equity and nonequity partners in its law firm profiles. This information is necessary, she explained, to more clearly and effectively reveal the progress of women and minorities and for law students to get an accurate picture of law firms during the recruiting process.<sup>35</sup>

❧ *Support efforts to develop a "women in the legal academy" annual Report Card.* Provide information to help analyze all measures, including deans, law review editors, authors published in law reviews, and women professors.

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*I don't think there is a woman in this room who has not been benefited from the help and support of other women. There have been a number of articles and op-ed pieces that have appeared in the last couple of years about women not helping other women, and it has always struck me that that is a very insidious form of backlash. It's very easy for men to say, "You know what happens when you get more than one woman in the room—they start fighting, they don't help each other." Women are each other's greatest allies in this day in age.*

—Linda L. Addison, Partner-in-Charge, New York, Fulbright & Jaworski L.L.P.

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<sup>35</sup> Leigh Jones, *Legal Heavyweights Lean on NALP to Track Nonequity Partners*, NALP L.J., Apr. 8, 2010, <http://www.law.com/jsp/nlj/PubArticleNLJ.jsp?id=1202447690872>. When NALP suspended the collection of nonequity numbers, Justice Duffly organized a letter signed by a group of seventy-five judges, prominent attorneys, and legal scholars, to encourage NALP to rethink this decision. NALP reinstated the collection of nonequity numbers in 2011.



## CONCLUSION

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The fact remains that the legal profession has a long way to go before it provides for its members the equality and fairness that it so zealously pursues for its clients. The empirical evidence clearly demonstrates that gender bias still exists, and that its unconscious form may be as much—if not more—of a hindrance to success than when it was expressed more overtly.

This is the time to transform the legal profession. Now, more than ever, as our organizations adopt new strategies to deal with a rapidly changing profession, women need to have a voice at the table. The Center for Women in Law encourages you to be a part of the process, to build your power, and to commit to using your power to effect change.

## AUSTIN MANIFESTO ON WOMEN IN LAW

Adopted by acclamation at the Women's Power Summit on Law and Leadership, convened by the Center for Women in Law at The University of Texas School of Law, on May 1, 2009.

### **I. Summit Resolution**

To eliminate the barriers that have thwarted the advancement of women in the legal profession for the past several decades, and thereby enhance the legal profession and its ability to serve an increasingly diverse and globally connected society, the participants at the Women's Power Summit on Law and Leadership—women leaders who work in all sectors of the legal profession—articulate the following principles and commit to the following pledges:

### **II. Principles**

- A. The depth and breadth of the talent pool of women lawyers establishes a clear need for the legal profession to recruit, retain, develop and advance an exceptionally rich source of talent.
- B. Women increasingly have been attaining roles of influence throughout society; legal employers must achieve gender diversity in their leadership ranks if they are to cultivate a set of leaders with legitimacy in the eyes of their clients and members of the profession.
- C. Diversity adds value to legal employers in countless ways—from strengthening the effectiveness of client representation to inserting diverse perspectives and critical viewpoints into dialogues and decision-making. A critical mass of women lawyers is a significant element in providing a work environment that is hospitable and nurturing to women lawyers.
- D. It is imperative that, with a sense of urgency, we eliminate the barriers to equality and equity that confront women, especially women of color.
- E. Legal employers should offer a wide range of work arrangements to best take advantage of some of its most talented and committed lawyers, both male and female.
- F. Legal employers should provide transparency in articulating expectations, rules, and policies.
- G. Legal employers should ensure that those in management positions are held accountable for enforcing applicable policies promoting diversity, inclusion, and gender-neutral performance evaluations.
- H. Legal employers should ensure gender parity in compensation and advancement opportunities.
- I. The prevailing law firm business model should be examined and changed because it impairs the advancement of women, increases attrition and is under increasing scrutiny by clients. The current economic downturn creates urgency and opportunities for such restructuring.
- J. Our ultimate goal is to achieve gender parity in positions of leadership, influence, and responsibility in the legal profession.

### III. Pledges

- A. We pledge to achieve parity for the generations of women lawyers who follow us by advancing these Principles and by working actively to eliminate gender bias and other barriers that impede the advancement of women in the legal profession.
- B. We pledge to adopt and implement measurable goals and benchmarks to monitor progress and to ensure that we achieve the implementation of the Principles set forth in the Manifesto.
- C. We pledge to be a public voice for change in the legal profession by speaking and writing about these issues; by supporting, conducting and publicizing research that demonstrates the myriad harms to both women and the workplace resulting from barriers confronting women lawyers; by insisting that the institutions of which we are a part support the Principles in this Manifesto; and by advocating creative approaches to organizational change that will accomplish these goals.
- D. We pledge to continue to identify, recruit, and engage leaders—in law firms, corporations, the judiciary, academia, and other sectors—who hold positions of influence and power within the legal profession, and to encourage them to be active and constructive participants in the advancement of these Principles and in the advancement of women in the legal profession.
- E. We pledge to identify goals and timetables that are specific, measurable, achievable, relevant, and trackable. We commit to achieve no less than 30% women equity partners, tenured law professors and general counsel by 2015; to achieve no less than 10% equity partners who are women of color by 2020; elect a woman of color as President of ABA and Chair of ACC by 2015; and urge the President to nominate and the Senate to confirm women to vacancies on the federal bench, including the U.S. Supreme Court.
- F. We pledge to take specific ideas, actions, and best practices from the Summit to our organizations, firms, corporations, courts, and universities, and encourage them to change or adapt their policies to reflect best practices.
- G. We pledge to encourage the collection of specific, relevant data that will illuminate the most accurate, detailed picture of women in the legal profession so that our actions are evidence-based, data-driven, and outcome-focused.
- H. We pledge to support and advance the careers of other women by taking concrete action, including, among other things, mentoring, providing access to formal and informal professional networks, and referring business and job opportunities to women.
- I. We pledge to support the hiring, retention, and advancement of women of color to positions of leadership.
- J. We pledge to work for the restructure of compensation systems to reward the full range of contributions by attorneys, including training, mentoring, enhancing diversity, and maintaining and expanding client relationships.
- K. We pledge to encourage law schools to include in their curricula courses that develop leadership and business skills and offer guidance on a wide range of career paths.
- L. We pledge to reconvene the Summit participants to measure achievement of the goals and pledges stated in this Manifesto.

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