

REPRINTED  
WITH  
PERMISSION

# The New York Times

## SundayBusiness

SUNDAY, MARCH 19, 2006

### Up the Down Staircase

#### Why Do So Few Women Reach the Top of Big Law Firms?

By TIMOTHY L. O'BRIEN

**H**UNDREDS of feet above Manhattan, the reception area of Proskauer Rose's headquarters boasts all of the muscular, streamlined ornamentation that symbolizes authority and power in a big city law firm — modern art, contemporary furniture, white marble floors, high ceilings and stunning views. The background music floating about this particular stage set is composed of the steady, reassuring cadences of talented, ambitious lawyers greeting their clients.

Bettina B. Plevan, a 60-year-old specialist in labor and employment law, has spent more than three decades at Proskauer navigating the professional riptides and intellectual cross-currents of firm life on her way to reeling in one of the legal world's most storied and most lucrative prizes: a partnership. Her corner office has evidence of the hard work that has gotten her here: stacks of legal documents sprout like small chimneys on her desk and floor, amid rows of black binders and brown accordion folders.

Compact, sharp-minded and direct, Ms. Plevan occasionally allows a knowing, engaging grin to wrap itself around her sentences as she shares her reasons for pursuing a partnership.

"I decided I wanted to be a partner shortly after I got here — by nature I have a lot of drive, I'm competitive and I have a lot of energy," she says. "For me, being a partner was a way in which my talents and skills could be recognized. And I wanted that recognition."

Ms. Plevan has that recognition. Besides the handsome salary and bragging rights accompanying the grueling hours and emotional juggling that constitute a partnership, she has earned ample plaudits from peers outside Proskauer. According to a small plaque, one among many stacked along her window, other lawyers around the country have voted her one of the "Best Lawyers in America" in each of the last 13 years.

Following in the footsteps of Elihu Root, Charles Evans Hughes, Whitney North Seymour Jr. and Cyrus R. Vance, Ms. Plevan is



Nicole Bengiveno/The New York Times

*Law schools graduate as many women as men, but few make partner, as Bettina B. Plevan did at Proskauer Rose.*

president of the New York City Bar Association, only the second woman to hold that position since the organization's founding in 1870. She has a job that makes her happy and reflects her sense of herself. She is an accomplished lawyer. She has arrived.

She also is an anomaly.

Although the nation's law schools for years have been graduating classes that are almost evenly split between men and women, and although firms are absorbing new associates in numbers that largely reflect that balance, something unusual happens to most women after they begin to climb into the upper tiers of law firms. They disappear.

According to the National Association for Law Placement, a trade group that provides career counseling to lawyers and law students, only about 17 percent of the partners at major law firms nationwide were women in 2005, a figure that has risen only slightly since 1995, when about 13 percent of partners were women.

Even those who have made it to the top of their profession say that the data shows that women's legal careers involve distinct, often insurmountable hurdles and that those hurdles remain misunderstood or underexamined.

"You have a given population of people who were significantly motivated to go through law school with a certain career goal in mind," says Ms. Plevan, who notes that Proskauer has always provided her with a welcoming professional home. "What de-motivates them to want to continue working in the law?"

**F**OR years, one pat response to that question was that once law school graduation rates substantially equalized between men and women, that pipeline would fuel firm diversity and cause partnerships to equalize as well. Yet the pipeline has been gushing for about two decades and partnership disparity remains.

Although women certainly leave firms to become more actively involved in child-rearing, recent detailed studies indicate that female lawyers often feel pushed into that choice and would prefer to maintain their careers and a family if a structure existed that allowed them to do so. Some analysts and many women who practice law say that having children isn't the primary reason most women leave law firms anyhow; most, they say, depart for other careers or for different ways to practice law.

"Firms want women to stay. Men at the firms want women to stay, and women want to stay. So why aren't they?" asks Karen M. Lockwood, a partner at Howrey in Washington. "Law firms are way beyond discrimination — this is about advancement and retention. Problems with advancement and retention are grounded in biases, not discrimination."

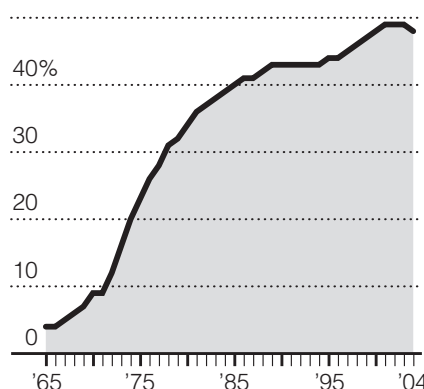
With law firms courting major corporations that demand diversity within the ranks

## Unequal Partners

Nearly half of all law school students are women, but they still represent fewer than 20 percent of law firm partners, on average. In some cities, the percentage is even lower.

### WOMEN IN LAW SCHOOLS

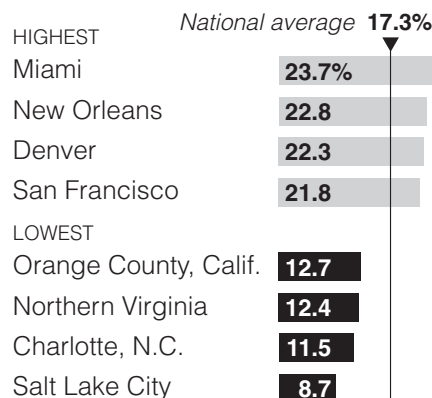
Percentage of juris doctor enrollment



Sources: American Bar Association; NALP

### WOMEN IN LAW FIRMS

Percentage who are partners, 2005



The New York Times

of those advising them, and with women increasingly dominating the top tiers of law school graduates, veteran lawyers say that promoting women's legal careers is not just a matter of goodwill or high-mindedness. It's also a winning business strategy.

"Forget about skin color or gender or whatever, if you want to run a great business, you need great, talented people. And I don't care if I'm hiring Martians if it makes good business sense," says Michael M. Boone, a founding partner of Haynes and Boone in Dallas. "Even the largest firms are at risk if they don't do this."

When Ms. Plevan graduated magna cum laude from Boston University Law School in 1970, only about 9 percent of the students who earned law degrees nationwide were women. That number had been creeping up slowly since 1960, and began to soar just a few years after she graduated. Women began penetrating the profession even though it was still largely enmeshed in discriminatory educational and hiring practices.

Ms. Plevan's husband, Kenneth A. Plevan, was a military lawyer, and after she earned her law degree the couple moved to Seattle, where he had an Air Force posting. She joined a Seattle firm, becoming the first woman it had ever hired. Four years later, the couple moved to New York.

She had attended Boston University in part because it had a large number of female faculty members; Ms. Plevan evaluated job prospects in Manhattan through the same lens. Proskauer appealed to her because the firm had had a female partner in 1974 — a rarity at the time — and because, she said, it was "pretty clear that this was a firm open to women."

Ms. Plevan said that male partners at Proskauer had worked actively as her mentors. "I was given opportunities to be the lead lawyer and demonstrate what I could do professionally very early here," she recalls. "I think the opportunity to prove yourself is part of what puts someone on the partnership track. Of course, you have to seize the opportunity as well."

Proskauer anointed Ms. Plevan as a partner in 1980, shortly before law firms around the country began embarking on a broad consolidation wave that transformed the profession. Large firms became even larger; expanded their global reach and practice areas; focused more tightly on benchmarks such as "billable hours" to assess the performance of individual lawyers; and competed voraciously for coveted spots in news media reports that ranked them by financial yardsticks such as profit per partner. Those forces gained momentum in the 1990's and continue today.

Women entering this environment discovered that men enjoyed some distinct advantages, largely deriving from the simple facts that there were more men in most firms and that they had their hands on the levers of power. Although Ms. Plevan benefited from strong male mentoring, most women who practice law do not, according to analysts and female lawyers. Women lawyers also enjoy less access to the networking and business development opportunities that flourish in largely male playgrounds — think golf courses or football games — or through an invitation for a casual after-work drink with a male boss.

"Women aren't being adequately mentored, but I think male associates aren't par-

ticularly well mentored at all firms either, and there's pretty widespread dissatisfaction with that," said Meredith Moore, director of the office for diversity at the New York City Bar. "Having said that, I do think that superstar male associates are identified more clearly for informal mentoring than superstar female associates."

Some of this give-and-take enters gray areas that may have as much to do with caution as it does with biases. Is a male boss reluctant to invite a younger female lawyer out for a drink because water cooler chatter might spark rumors of an affair or give rise to a sexual harassment suit? Is a female associate hesitant to address a male partner informally in a hallway because it will be derided as flirting?

Still, the sexes have been mingling in the workplace for some time now, and professionals, in all their adaptational glory, have found ways to manage these situations. Anyhow, female lawyers say, why is a woman who hunts down her male boss for a chat seen as overly aggressive or possibly flirtatious, while a male doing the same thing is seen as merely ambitious?

Lauren Stiller Rikleen, a 52-year-old partner in the Framingham, Mass., office of the Worcester, Mass., firm of Bowditch & Dewey, details the hurdles facing female lawyers in her recently published book "Ending the Gauntlet: Removing Barriers to Women's Success in the Law" (Thomson Legalworks, \$25). In her book she writes that law firms need to reorganize if they want to encourage and retain women as partners, and that roadblocks — whether they be errant mentoring, opaque networking opportunities, low-grade case assignments or arbitrary male control of key management committees — should all be reviewed.

"Law firms like to talk about running the firm like a business and looking at the numbers, but they're running on an institutional model that's about 200 years old," she says. "Most law firms do a horrible job of managing their personnel, in terms of training them and communicating with them."

Ms. Rikleen, as well as many of the women she interviewed for her book, note how lonely life at a law firm can feel for women if they stay on the partnership track and find fewer women around them as they ascend. In her book, she writes about her early career: "I had very little help and no mentors. I saw other women arrive at the firm, struggle, and leave." Although she established a thriving environmental law practice and now finds her firm more welcoming, in the early days, "I never felt like I belonged," she writes.

Others have had similar experiences. Jennifer L. Bluestein says she enjoys her career as head of professional development for Baker & McKenzie, the Chicago monolith that is the country's largest law firm. But Ms. Bluestein, a 35-year-old dean's list graduate of the Northwestern University School of Law, said that at her two previous employ-ers, she felt like an undervalued and unwant-

ed outsider. She describes her experiences at those law firms as lonely, degrading, and akin to journeys through halls of mirrors.

"Women are held to higher standards, and if they don't jump up and down like a man would at a meeting they aren't seen as partnership material," she says. "Women are less likely to get the attention than men. Some of this is left over from the sexual harassment cases from the 90's, but I think that it's more because of the fact that we don't look like men."

To be sure, some big firms have already recognized the benefits of keeping women on the partnership track and have made concerted efforts to address the issue. Ms. Lockwood, the Howrey partner, is also president of the Women's Bar Association of the District of Columbia, and she is spearheading an effort with that group, her firm and the Georgetown University Law Center to find practical solutions. Some of the country's biggest firms are backing her initiative, including Latham & Watkins, Kirkland & Ellis and Covington & Burling.

---

## *Some say life can be lonely for women who are on the partnership track.*

---

**I**N addition to "glass ceiling" issues that work against women in law firms, Ms. Lockwood's initiative — which she says has benefited from the backing of Howrey's managing partner, Robert F. Ruyak — is also exploring the impact of what she describes as the "maternal wall" on female lawyers. She says that this wall is built on the unstated assumption among male partners that women who return to firms after having children will automatically be less willing to work hard or will be less capable than they were prior to that — resulting in less-choice assignments or less-senior postings.

Ms. Lockwood's group is also examining retention practices in the accounting industry, which employs a large number of female professionals and which has made comparatively greater strides in recent years than law firms in closing the partnership gap for women.

Deloitte & Touche, the accounting giant, is among the more innovative firms in that regard. It has promoted and retained women by offering flexible working schedules, leadership development and career planning programs, and transparent and dedicated mentoring — all buttressed by strong internal support and an emphasis on the bottom-line merits of its policies. Deloitte also maintains generous sabbatical policies and out-

reach practices so that women who depart the firm to raise children have an easier time re-entering the work force — and re-joining Deloitte — when they are ready to do so.

"The cost of women leaving and the cost of turnover was so high — and the fact that the majority of accounting graduates were women — were strong drivers of our initiatives," said Wendy C. Schmidt, a Deloitte principal in New York. "I think some women choose to commit to their families or their careers because they see it as an either/or decision, but I don't think it has to be an either/or decision."

Jane DiRenzo Pigott, a former Winston & Strawn lawyer who now runs a Chicago consulting firm, the R3 Group, that advises law firms on diversity issues, says the dynamics surrounding female lawyers in the Midwest mirror trends elsewhere in the country.

"People explain it simply as the fact that women have children, but so many other factors play into it," she says. "Women self-promote in a different way than men, and because women don't get their success acknowledged in the same way as men who more aggressively self-promote, it creates a high level of professional dissatisfaction for women."

"Saying these two words, 'I want,' is not something many women are used to doing," she adds. "They are not saying, 'I want the top bonus,' or 'I want that position.' They have a different style of self-promotion. But women need to learn how to be comfortable saying, 'I want,' and how to say it effectively."

For her part, Ms. Plevan says she has never been shy about saying, "I want," and that this has served her well in her career. She also said that she and her husband, who is a partner at Skadden, Arps, Slate, Meagher & Flom in New York, carefully and jointly managed their family life together as they raised two sons, one of whom required extra attention because of a learning disability.

The Plevans engineered this by cutting back on their social calendar, sharing household chores and making sure that at least one parent was home for dinner most nights. "We felt our presence and predictability were important," she says. "I organized my personal life so I was able to move toward my goals."

The Plevans' incomes allowed them to hire household help, and they had relatives nearby to help them look after their sons — advantages that other couples often don't enjoy when trying to synchronize their personal and professional lives. Moreover, firm life itself, and the assumptions of men running the firms, appear to push against some women's best efforts to find balance.

According to "Women in Law," a 2001 study by Catalyst, a New York research firm that tracks women's experiences in a wide range of workplaces, most male lawyers don't see a lack of mentoring and networking opportunities — or commitments to family and personal responsibilities — as signifi-



cant barriers to women's advancement. Those biases, says Catalyst, are more pronounced in the legal world than in other industries and professions. Ms. Plevan agrees.

"As long as firms are male-dominated, it's much less likely that firms will make changes to accept the challenges of work-life balance," she says. "It's not that men aren't receptive to these issues, it's that they're not aware."

**O**NE of the main bugaboos in this debate — and one that analysts say is increasingly cropping up as an issue for male lawyers as well — is the billable hours regime. Billing by the hour requires lawyers to work on a stopwatch so their productivity can be tracked minute by minute — and so clients can be charged accordingly. Over the last two decades, as law firms have devoted themselves more keenly to the bottom line, depression and dissatisfaction rates among both female and male lawyers has grown, analysts say; many lawyers of both genders have found their schedules and the nature of their work to be dispiriting.

"I see a lot of people who are distressed about where the profession has gone," Ms. Rikleem says. "They don't like being part of a billable-hour production unit. They want more meaning out of their lives than that."

Mr. Boone, the Dallas lawyer, says that his 425-member firm has 38 female partners, about 25 percent of the firm's overall partnership base. He intends for that percentage to increase, adding that one thing that at-

tracts a diverse group of lawyers to his firm is its compensation practices. Lawyers at Haynes and Boone are rewarded for teamwork, not individual accomplishments, staving off the dog-eat-dog competition for clients and assignments that pervades many firms. Compensation is also based on a number of other factors, including leadership and business development activities, among which billable hours are just one component.

Research conducted by the Project for Attorney Retention, a program sponsored by the University of California's Hastings College of the Law, has also identified an inflexible, billable-hours regime as an obstacle to job satisfaction for both sexes, a trend that is more pronounced among the most recent crop of law school graduates. Some veteran lawyers witness this dissatisfaction firsthand and say that it tugs more powerfully at women than men because of social expectations about household roles and child-rearing.

"We are very accommodating with leaves and flexible schedules, and even with that we still lose women," says Edith R. Matthai, who founded a Los Angeles law firm, Robie & Matthai, with her husband in 1987. "I think the pressures on women from spouses, family, peers, schools and others is huge."

"I think the real solution is a reassessment of the role that women play in the family," adds Ms. Matthai, who is president of the Los Angeles County Bar Association. "One thing we need is a sense of shared responsibilities for the household and, most importantly,

shared responsibilities for taking care of the kids."

Ms. Matthai said that conditions for women had improved a good deal over the last 30 years, but added: "We have a long way to go. It's my dream that more women will stick it out in the law until they get to the fun part, and it just breaks my heart to see them giving up the dream."

Research conducted by the New York City Bar Association and other groups indicate that women who temporarily give up their professional dreams to pursue child-rearing or other personal goals have a difficult, if not impossible, time finding easily available on-ramps when they choose to re-enter the legal world.

"I don't think we're thinking very clearly about how to help people do that," Ms. Plevan says. "Firms need to keep in touch with those people, and those people need to keep in touch with firms so they don't become marginalized."

She also remains firmly aware of the challenges that partnerships entail.

"I have found my legal work and public service enormously satisfying, and I would never want to be without that, but I won't kid you — at times it's very, very tiring and very, very demanding," Ms. Plevan said. "I truly believe that lawyers make a huge difference in society, and I think it's a loss when women decide to leave firms."

"I think diversity is a beneficial thing in an organization," she adds. "Without it, you have a loss of different points of view."