

THE CHEAT SHEET

INTRODUCTION

Improving hiring, training, retention, and advancement of women attorneys requires multiple strategies by all sectors of the legal profession. Although the experience of practicing women attorneys has been the subject of much research and comment, not as much information is available to guide women law students and newly-admitted attorneys. Women law students graduate in numbers roughly equal to men, but they do not advance at the same rate as their male peers. Accordingly, where a woman chooses to launch her legal career has long term consequences for her success and is a decision best made with full information.

The Cheat Sheet, which follows below, is a must-have tool for every woman law student and attorney as well as a reference guide for law schools, law firms, and other legal employers seeking to assure the success of women law students and lawyers.¹ The Cheat Sheet is organized around six key indicia of an employer's commitment to women's retention and advancement: (a) statistical and background information; (b) partnership and advancement; (c) leadership and accountability; (d) business development and networking; (e) workplace flexibility (including time management and work/life balance); and (f) mentoring.

The questions in The Cheat Sheet provide a guide for law students selecting an employer as well as a tool for practicing lawyers to improve their employers' existing policies and to assist them when contemplating lateral moves. The Cheat Sheet is not intended as a "script" to use when speaking with employers. Rather, the questions in The Cheat Sheet should be used to identify key issues on each topic. Law students and attorneys should use their discretion and recognize that some topics are better raised informally with individual attorneys or personal contacts rather than with the human resources department or a hiring or supervising partner. In addition, although many questions are framed in terms of law firms, they equally are applicable to in-house, government, not-for-profit, and academic jobs.

While many legal employers currently are not tracking all of the issues identified in The Cheat Sheet, such monitoring is essential to women's progress in the profession. Additionally, efforts to advance and retain women result in programs and policies that inure to the benefit of all lawyers. For more information on these issues and suggestions on programs and policies, please consult the "Best Practices for the Hiring, Training, Retention, and Advancement of Women Attorneys," released by the New York City Bar's Committee on Women in the Profession in February 2006 (the "Best Practices Report").

¹ While The Cheat Sheet is focused on gender-related issues, many of the questions in it are applicable to overall diversity concerns in the profession.

I. Questions to Consider as Indicia of Success

(a) Statistical & Background Information

Representation of Women

What are the percentages of women associates in the department, office, and firm?

What is the breakdown of percentages of women associates in the office in 1 - 3 years of practice, 4 - 6 years of practice, and 7 plus years of practice?

What percentage of the firm's non-associate and non-partner attorney positions are held by women, e.g., staff attorney, senior attorney, counsel, of counsel, senior counsel, and special counsel?

Committee Representation

If the firm has a women's committee, what percentage is comprised of men?

If the firm has a diversity committee, what percentage is comprised of non-minority men?

Retention

What are the comparative retention rates of women without children and men in the past 5 years?

What are the comparative retention rates of women with children and men in the past 5 years?

What are the comparative retention rates of women with and without children in the past 5 years?

What are the comparative retention rates of men with and without children in the past 5 years?

What are the comparative retention rates of minority women and non-minority women in the past 5 years?

Programs & Initiatives

What women-specific programs does the firm have in place and for how long have they been in place, e.g., mentoring, affinity groups, women's initiatives, a women's network, events with women clients, and networking and business development training?

What is the participation rate for women associates and partners in the firm's women-specific programs?

What are some examples of the firm's women-specific programs from the past two years?

If the firm's efforts with respect to women have been more recent, what initiatives has the firm taken that may not be reflected in its retention and promotion rates or other statistics?

Is the firm aware of the Best Practices Report? If so, what steps has the firm taken to implement its action items?

Is the firm a signatory to the New York City Bar's Statement of Diversity?

(b) Partnership & Advancement

Women Partners

What are the percentages of women partners in the department, office, and firm?

What departments have the highest percentage of women partners?

What departments have the lowest percentage of women partners?

If the firm has non-equity partners, what percentage of the non-equity partners are women and what percentage of the equity partners are women?

Among the top 10% of the most highly compensated partners in the firm, what percentage of those partners are women?

Promotion to Partner

What are the comparative promotion rates to partner of women without children and men in the past 5 years?

What are the comparative promotion rates to partner of women with children and men in the past 5 years?

What are the comparative promotion rates to partner of women with and without children in the past 5 years?

What are the comparative promotion rates to partner of men with and without children in the past 5 years?

What are the comparative promotion rates to partner of minority and non-minority women in the past 5 years?

Partnership Criteria

Does the firm have any objective evaluation criteria to ensure that women associates are being evaluated fairly and without gender bias? Are the criteria transparent?

What kinds of "check-ins" occur so that an associate knows how she is doing and whether she is developing the necessary expertise and training to be elevated to partnership?

Is partnership compensation tied to efforts or successes by partners with respect to diversity? If so, how?

(c) Leadership & Accountability

What are the firm's committees and what percentage of women participate on each committee?

What are the percentages of women on the more powerful firm committees, including the executive or management committee and compensation committee?

What are the departments or practice groups in the firm and what are the numbers of women who chair or co-chair each department or practice group?

Are senior leaders actively involved in diversity/women's efforts? If so, how? Are firm leaders vocal about the business case for retaining and advancing women?

Has the firm or any lawyers at the firm received any nominations, awards, or recognition for diversity efforts?

Is billing credit awarded for diversity activities? If not, is there a separate billing code for diversity activities?

(d) Business Development & Networking

Does the firm have a women's network or affinity group?

Does the firm have networking and business development training targeted to women?

Does the firm host events with the firm's women clients and the firm's women lawyers?

Does the firm designate a budget for women-focused business development activities?

What outside activities are recognized as business development and are they subject to a separate billing code?

(e) Workplace Flexibility

Flexible Work Arrangement Utilization

What percentage of the firm's associates work flexible or reduced hours? Of these associates, what percentage is female?

What percentage of the firm's partners work flexible or reduced hours? Of these partners, what percentage is female?

What percentage of the firm's lawyers work flexible or reduced hours for reasons other than parenting?

How many partners have been elevated to partner after working reduced hours? Of these partners, what percentage were women?

How many reduced-hour associates have been elevated to partnership without requiring their return to full-time status before consideration? Of these partners, what percentage were women?

Parental Status

What are the percentages of associates who are mothers in the department, office, and firm?

What are the percentages of associates who are fathers in the department, office, and firm?

What are the percentages of partners who are mothers in the department, office, and firm?

What are the percentages of partners who are fathers in the department, office, and firm?

Flexibility Policy

Does the firm have a written policy for flexible or reduced hours? If so, does the policy allow lawyers working reduced hours to be elevated to partnership? If so, does the policy require reduced hours lawyers to return to full-time status before being elevated to partnership?

What are the eligibility requirements for working flexible or reduced hours, if any?

Childcare

Does the firm have an emergency back-up child care program?

Does the firm affiliate with an outside company that provides emergency back-up child care at home?

Does the firm have any programs helping parents of newborns transition back to work?

Does the firm run an on-site child care facility for everyday usage?

Does the firm affiliate with an outside company offering child care for everyday usage?

Re-Entry

Does the firm make any formal efforts to keep in touch with and provide training to women lawyers who leave the firm to become full-time mothers, e.g., assign a mentor, provide CLE classes, provide ongoing skills training, host alumni receptions, and hire for contract assignments?

Does the firm host or sponsor any recruiting events or programs targeting women interested in re-entering the profession after time away from practice?

Family/Medical Leave & Benefits

Does the firm provide paid family/medical leave? If so, how much time is provided?

Does the firm provide paid maternity leave in addition to medical leave? If so, how much time is provided and what percentage of mothers utilize this benefit?

Does the firm provide paid paternity or non-birth parent leave? If so, how much time is provided and what percentage of fathers or non-birth parents utilize this benefit?

Does the firm provide paid adoptive leave? If so, how much time is provided and what percentage of parents utilize this benefit?

Does the firm provide same-sex health care benefits?

(f) Mentoring

Does the firm have a mentoring program and if so, how is it structured?

Does the firm monitor its mentoring program and if so, how?

Does the firm have women's mentoring circles where women associates are grouped with senior women and meet regularly?

Does the firm have targeted mentoring for women senior associates to help with their professional development and advancement?

Does the firm have a mentoring program for newly-admitted partners to aid in the transition from associate to partner and help with business development efforts?

Does the firm have a budget for mentoring activities?

II. Additional Steps to Consider After Obtaining an Offer

Ask to talk or meet with a representative of the women's initiative or network.

If there is a women's initiative that runs regular events, ask to attend a meeting or internal event.

Ask to talk or meet with women associates, partners and/or mothers in the practice group or department you plan to join.

Ask to talk or meet with women or men who work flexible or reduced hours.

If you meet with attorneys who took parental leave, ask them about their experience on leave and upon their return.

Speak with friends, law school alumni, and other contacts to find out about the general lifestyle and culture of the firm. For example, does the firm have a face-time culture? How is vacation time and time outside of the office treated?

III. Recommendations for Law Firms for Recruiting

Include a testimonial link on the firm's website representing diverse lawyers who are willing to talk to prospective candidates about issues impacting women.

Run women-focused recruiting events.

Provide a realistic assessment of what it is like to work at the firm, what challenges face the firm regarding diversity, and how the firm is meeting those challenges.

Communicate the firm's commitment to advancing women and diversity in meaningful ways. The managing partner, as well as practice area heads, should be able to articulate why advancing women is important and what the firm is concretely doing to remedy the gender gap. Firm leaders should meet with summer associates to discuss big picture firm issues, advancement strategies, as well as hear what summer associates are grappling with and their suggestions for improvement.

Host meaningful summer associate events that address key issues about retention and advancement, e.g., how to be a successful summer, junior, mid-level, senior associate, and how to start building business development networks early.

Analyze the firm's yield rate at its top ten feeder schools and compare that to the representation of women at those schools.

IV. Recommendations for Law Schools

Run training programs for women students with experts, practitioners, and alumni focused on the key skills for success: (a) career advancement; (b) leadership; (c) business development and networking; (d) flexibility (including time management and work/life balance); and (e) mentoring.

Run panel presentations with practitioners focused on what it is like to practice law as a woman in a variety of settings.

Provide a directory of women alumni from the past 5 years who are willing to be contacted by students about women's issues.

Address the re-entry issue by providing a resource and expertise for women alumni returning to the workplace after a period of not practicing. For example, run events and panels and designate a career professional to be responsive to that demographic. Also, look to the model of a few business and law schools to see how the law school can develop training programs to support women as they transition from time at home back to the practice of law.

Convene women graduates to discuss concrete ways they can mentor junior women and ensure the success of other women graduates.

V. List of Resources & Statistics on Women Attorneys & Diversity in the Legal Profession

A Better Balance, www.abetterbalance.org

American Bar Association (national statistics of lawyers and law students),
www.abanet.org/marketresearch/lawyer_demographics_2006.pdf

American Bar Association Commission on Women in the Profession,
www.abanet.org/women/home.html

Boston Bar Association, "Facing the Grail: Confronting the Cost of Work-Family Imbalance" (1999), www.bostonbar.org/prs/workfamilychallenges.htm & Implementation Plan (2005),
www.bostonbar.org/prs/wfcplan.htm

Catalyst, www.catalyst.org

Flex-Time Lawyers LLC, www.flextimelawyers.com

Georgia Association of Women Lawyers, Atlanta Bar Association Women in the Profession Committee, Georgia Commission on Women, "It's About Time: Part-Time Policies and Practices in Atlanta Law Firms" (Feb. 2004), www.gawl.org/gawl/docs/Its%20About%20TimeFinal.pdf

Ida Abbott Consulting (articles on mentoring and professional development),
www.idaabbott.com/articles.html

Lawyers Life Coach, www.LawyersLifeCoach.com

Legal Momentum, www.legalmomentum.org

Minnesota Women Lawyers' Life Balance Taskforce, "Life Balance Resource Guide: Policies, Ideas and Strategies for Parental Leave and Alternative Work Arrangements" (2000),
www.mwlawyers.org/MWLInitiatives/LifeBalance/LifeBalanceInitiative.htm

Minority Corporate Counsel Association, www.mcca.com

Multicultural Women Attorney Network, www.abanet.org/minorities/mwan/burdens.html

National Association of Law Placement (statistics on law firm demographics, alphabetized by law firm name, calculation of percentages of women & minority associates & partners & lawyers working reduced hours, among other demographic information), www.nalpdirectory.com/dledir_search_quick.asp

National Association of Law Placement (statistics on law firm lawyers working part-time nationally and broken down by city), www.nalp.org/press/details.php?id=5

National Association of Law Placement (statistics on women and minority law firm lawyers nationally and broken down by city), www.nalp.org/content/index.php?pid=387

National Association of Law Placement (statistics about women, part-time, minority, disabled, gay, lesbian, bisexual and transgender lawyers), www.nalp.org/content/index.php?pid=143

National Association of Law Placement/Catalyst, "Guide for Women Law Students" (2001), www.nalp.org/content/index.php?pid=325

National Association of Women Judges, www.nawj.org

National Association of Women Lawyers, www.abanet.org/nawl

National Conference of Women's Bar Associations, www.ncwba.org

New York City Bar, Committee on Women in the Profession, "Best Practices for the Hiring, Training, Retention, and Advancement of Women Attorneys" (2006), www.nycbar.org/Diversity/WomenLawyers.htm

New York City Bar, "Annual Diversity Benchmarking Study of Signatory Law Firms and Law Departments" (2005), www.nycbar.org/pdf/report/Public_benchmarking_report.pdf

Project for Attorney Retention, www.pardc.org

Nancy Reichman & Joyce S. Sterling, University of Denver, "Gender Penalties Revisited" (2004), www.cwba.org

The Bar Association of San Francisco, "No Glass Ceiling Initiative," www.sfbar.org/diversity/no_glass_ceiling.aspx

Women in the Legal Profession (collection of reports and policies), womenlaw.stanford.edu/model.policies.html

Women's Bar Association of the District of Columbia, "Creating Pathways to Success" (2006), <http://www.wbadc.org/associations/1556/files/Creating%20Pathways%20Report%20PDF.pdf>

Women's Bar Association of the State of New York, www.wbasny.bluestep.net

Work/Life Law, www.uchastings.edu/?pid=3624

Workplace Flexibility 2010, www.workplaceflexibility2010.org

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