

What Do Women Lawyers Really Want?

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Why We Wrote This Article

The President of Sensei Enterprises, co-author Sharon Nelson, is a woman. She is involved with multiple groups and associations of women lawyers. For two years, she has been hearing that women suffered more than men during the pandemic and that they have “lost ground” professionally. So . . . along with her co-authors, who are accustomed to a woman leader, we set out together to learn and report on what has happened to women lawyers in the last couple of years and what they now want for their professional lives.

Life Pre-Pandemic was No Bed of Roses

Everyone has heard of the glass ceilings in many law firms. Some women broke through those ceilings, but the pandemic seemed to slow that trend. Work-life balance suffered. One female attorney reported that she felt guilty about sneaking into the firm elevator to leave at 7 p.m., spending a couple of hours with her children before bedtime and then working until midnight. She was chronically stressed and exhausted – and felt horrendously guilty about not spending more time with her children.

Routinely, women attorneys complained about the “good old boy mentality” which seemed to hinder advancement, the lack of work-life balance and the failure (often) to mentor women.

And then came COVID-19.

The Impact of the Pandemic

As we all know, women lawyers were now spending more time with their children – but there were stressors involved in that too. It was harder to have quiet time while children needed monitoring to make sure they were truly involved in their virtual learning. They needed to be fed, they needed help with homework and there were spats between siblings that had to be sorted out.

Some dads were more helpful than others. In some cases, there was no father in the home. And for many, caregiving for elderly parents or other relatives was a major burden. To do their legal jobs effectively, they were working day and night.

Notoriously, surveys showed that women increased their consumption of alcohol during the pandemic – and also suffered from anxiety, depression, burnout and other mental health problems.

A study by Lean In, a non-profit that focuses on women’s career advancement, partnered with McKinsey & Company and in September 2021 released a study called *Women in the Workplace*

2020 (not just lawyers). It concluded that COVID had disrupted workplace advancement for women and was potentially “unwinding years of painstaking progress toward gender diversity.”

Two reports to read, supported by the ABA Commission on Women in the Profession, *Walking Out the Door* (about women in law firms) and *Left Out and Behind* (about women of color) both detail how there is a lack of gender parity in law firms, particularly for black women – and that absence of parity seems to remain in place.

The Return to Work

This too was a struggle for women lawyers – some children were still learning virtually and it wasn’t always easy or financially feasible to have someone caring for the children at home. Both parents and children, used to being with one another all day every day, had to adjust to a new reality. Even when the children went back to school, many parents felt it was safer to take their children to school and pick them up rather than have them ride on a school bus.

And yet, in many law firms, back to work meant work as it was defined pre-pandemic – all day, every day. Though it was never going to be possible to revert to 2019, many law firms seemed to expect exactly that.

To be fair, many law firms tried to adjust to new times and allow hybrid working or flexible hours at work. The transitions and solutions were novel and not without pain, both on the part of the law firms and the women lawyers.

We believe that there was a general consensus that having a hybrid solution at least allowed for more training, mentoring and some measure of the pre-pandemic law firm culture.

Proximity Bias

We hadn’t seen the term “proximity bias” until recently. The truth is that men went back to work faster and more completely than women, who often had extra responsibilities at home.

Without being in the office and having the opportunity to interact with other lawyers, advancement became more difficult. While the law firm may have been allowing women attorneys to work less in the office to care for children or elderly parents, was there an unconscious bias created that negatively impacted the ability of women lawyers to rise within the law firm?

Data from Survey Research Associates has shown 52% of the legal workforce are women, but only 35% of partners are women, and that percentage dropped to 34% in 2021. The conclusion reached by many was that those who went back to the office on a more regular basis, often men, were more likely to be promoted within the firm, creating a “proximity bias.” It does seem natural that there is a greater connection or affinity between those who interact with each other regularly in the office than those who don’t.

It is a curious result of the pandemic that hybrid working, which allowed a better work-life balance for many women lawyers, may have given rise to “old-fashioned gender roles” in some cases. Many women are struggling with the fact that their preferred hybrid working to help with home responsibilities seemed to curtail their likelihood for career advancement.

Have law firms buckled down to address proximity bias? By in large, no.

The End Game: What Women Lawyers Want

The ABA has reported that more than a third of women lawyers are considering going part-time. 53% are thinking the same thing if they have children five years old or younger. The percentage is 41% for those with children between the ages of six to 13.

The most disconcerting stat was that 37% are thinking about quitting.

This potential exodus has law firms worried.

What do women lawyers want from their law firms? Here are some of the things most often mentioned in our research:

- To feel that law firms are invested in women lawyers and that they have an advancement path within the law firm even if they need flex time or part-time work. Too many have seen “dead-end mommy tracks.”
- Appropriate compensation
- Original approaches to teamwork that do not silo them
- More generous sharing of available work
- A lessened expectation of bringing in new work
- A lower billable hour requirement
- More personal days off
- Allowing women to take a “time out” and then return to practice
- Performance evaluations that are realistic for the specific situations that women lawyers face
- An effective program for mentoring younger women lawyers
- More professional growth opportunities
- More resources and policies to support women lawyers with children, including backup childcare, tutoring support and parental support
- Wellness and mental health programs
- Enhanced technical and administrative support for remote work

Final words

The list above is long and might seem daunting to those involved in law firm management. And not all women agree on what they want. Many women are concerned that reducing hours will be viewed as a lack of commitment – and therefore hinder their advancement within the firm.

Notably, studies have shown that male managing and senior partners rate their efforts in promoting and retaining women attorneys very highly. Their view was not shared by women attorneys.

Former ABA President Hilarie Bass sums it up nicely. She said, “For the most part, law firms underestimate the impediments women face to be successful in law practice . . . and they overestimate the initiatives they’ve created to try to assist. They think they are doing a lot of things that should make life better for women lawyers, but in fact they underestimate the ongoing challenges.”

Co-author Nelson concludes with a simple “Amen.”

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