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## Stuck in the Middle

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In the 1970s, during the rise of what was then known as the women's movement, one popular T-shirt proclaimed: "I haven't come a long way, and I'm not a baby." It was a clever riposte to a high-profile cigarette ad campaign of the era that linked smoking and feminism.

That T-shirt slogan is one that female lawyers at large firms today might want to adopt as their own. Years after the last of those shirts wore out in the laundry, the mean proportion of women at large firms has remained close to about one-third. And while the ranks of female partners have grown steadily, women still account, on average, for fewer than one in five big-firm partners. The greatest numbers of female lawyers remain concentrated at the associate level.

At the same time, it's worth pointing out the wide variation among firms when it comes to female head count. Despite the laggards, some firms--such as Cleary Gottlieb Steen & Hamilton; Paul, Weiss, Rifkind, Wharton & Garrison; and Ropes & Gray--are nearing the 50 percent mark in their overall percentage of women lawyers. Even better, at a few other large firms--including Littler Mendelson, Ice Miller, Arent Fox, and Epstein Becker & Green--women make up at least a quarter of the partnership.

These are among the findings of The American Lawyer's first Women in Law Firms study. This year, our sibling publication Minority Law Journal--whose Diversity Scorecard has surveyed Am Law 200 and NLJ 250 firms for the past eight years about their minority head counts--also asked firms to report how many female lawyers work in their U.S. offices. Some 210 firms responded, ranging in size from 4,100-lawyer global giant Baker & McKenzie to Florida's 128-lawyer Fowler White

Boggs. We ranked the firms, using a formula similar to MLJ's ranking formula for the Diversity Scorecard--percentage of women lawyers plus percentage of women partners--and analyzed the data we collected. The results showed clear progress in gender diversity--though not as much as one might hope for.

One of the first questions we wanted to answer was how women's numbers at law firms compare to those of minority lawyers. These days, "diversity" often refers to both racial and gender makeup, and it's tempting to think that one accompanies the other. However, the statistics show that minorities and women are not necessarily progressing in tandem. When we compared the 20 top firms in the Women in Law Firms study [see chart, page 76] and in *MLJ*'s Diversity Scorecard [see [minoritylawjournal.com](http://minoritylawjournal.com)], which measures racial diversity, we found little overlap. Only four firms made both lists' top tier: Cleary; Paul, Weiss; Epstein Becker; and Lewis, Brisbois, Bisgaard & Smith. Just 11 firms ranked in the top 50 in both racial and gender diversity.

Why the disparity? For some firms, geography may help explain why they have been less successful in recruiting and retaining lawyers of color than female lawyers. Consider one extreme example: Faegre & Benson, eighth in the Women in Law Firms ranking, 172nd on the Diversity Scorecard. The firm's four U.S. offices are in Minnesota, Colorado, and Iowa--mostly states with relatively small minority populations, although Colorado is almost 20 percent Hispanic. In other cases, the key to understanding the gap may lie in a given firm's practice specialty. Some intellectual property firms that rate well in racial diversity don't do as well when it comes to women--perhaps reflecting the lower numbers of women with advanced degrees in engineering and the hard sciences. Townsend and Townsend and Crew is second on the Diversity Scorecard, 202nd in Women in Law Firms. Knobbe, Martens, Olson & Bear, fifth on the Diversity Scorecard, ranks 204th in Women in Law Firms (for the full **Women in Law Firms study**, [click here](#)).

Whether a firm excels in one form of diversity or another often has much to do with its history, says diversity consultant Arin Reeves of Chicago's The Athens Group. Many firms' efforts in this regard can be traced back to the early influence of just one or two lawyers, she says. If those trailblazers were women, the firm tends to be stronger in gender diversity; if they were minority lawyers, the firm is likely to be more racially diverse. The best yardstick for measuring a firm's all-around diversity, Reeves suggests, may be how many minority women lawyers it has, especially at the partner level. "Women of color are the canary in the mine," she says. Knobbe, Martens does far better by this measure, ranking fourth in its percentage of minority women partners [see chart, left].

Looking specifically at gender diversity, our analysis found that women made up 34 percent of lawyers at the firms we surveyed: 45 percent of nonpartners and 19 percent of partners. It's a respectable but not dramatic increase over the numbers recorded by our sibling publication The National Law Journal in past NLJ 250 surveys. In 2002, for example, the NLJ 250 found that women accounted for 31.3 percent of all attorneys: 41.5 percent of associates, 16.5 percent of partners. (One caveat: The NLJ's data is not precisely comparable to our survey data. We focus on female lawyers only in the U.S. offices of large firms, while the NLJ counts female lawyers in all offices of the firms it surveys. Our study also includes several firms that are in The Am Law 200 but not the NLJ 250.)

A close look at the data shows that firms with the highest percentage of female lawyers overall also tended to have relatively high percentages of women partners. Among the 20 firms with the greatest proportion of female attorneys [see chart, right], Littler Mendelson had a partnership that is 29.0 percent female, followed by Lewis, Brisbois (26.7 percent female partners), and Faegre & Benson (23.8 percent female partners). On average, the firms in this top 20 averaged 25 percent women partners; the survey-wide mean was 19 percent. (Our study does not distinguish between equity and nonequity partners.)

Crunching the numbers further tells a more interesting story. Of the female lawyers we counted, what percentage are partners? In other words, are women reaching the senior levels of a firm in proportion to their overall numbers? To find out, we calculated the number of female partners as a percentage of all women lawyers. We found that at the firms surveyed, about 23 percent of female lawyers were in the partnership ranks. For every women who's made partner, there are three women in the nonpartner ranks.

That 3:1 leverage among female lawyers is double the leverage among all lawyers--male and female--in the firms surveyed. Nationally, we found that 41 percent of all lawyers are partners: For each partner, there are about 1.5 nonpartners. If one looks just at male lawyers, the leverage essentially vanishes: There is about one male nonpartner for each male partner.

So women remain more concentrated at firms' lower levels. That's true even at many firms with relatively high proportions of women. At Cleary, only 9 percent of women lawyers are partners. At Debevoise & Plimpton, just 8 percent of women lawyers are partners, and at Paul, Weiss, it's a truly amazing 6 percent--meaning that for every female partner, Paul, Weiss has about 16 female nonpartners.

It's important to note that many of these firms are highly leveraged, period. Cleary, Debevoise, and Paul, Weiss are one-tier partnerships, meaning that the prize of partnership is reserved for even fewer lawyers than in most large firms. About one-fifth of Cleary and Debevoise lawyers are partners; about 15 percent of Paul, Weiss lawyers are partners. Still, in almost every case, the female-partner-to-female-associate leverage is more than double the firms' general leverage.

The pattern was pronounced at many of the country's most profitable--and highly leveraged--firms. We looked at the top 20 firms in profitability in 2008 from The Am Law 200. Most--13 out of 18--had more women lawyers than average. (Two of the 20 firms, Quinn Emanuel Urquhart Oliver & Hedges and Kasowitz, Benson, Torres & Friedman, did not respond to our Women in Law Firms study.) Yet 13 of 18 firms had a smaller percentage of female partners than average. At highly leveraged firms, the odds are against any particular associate, male or female, becoming partner. But for women, our study suggests, the odds are especially high.

"I don't think it's an issue of [conscious] bias," Reeves says. Female associates who take time off to have children or who work a part-time schedule after having children are often seen as less committed to their careers, she says. As a result, they get less attention and fewer top-tier assignments. "Basically women get written off, they get discounted," Reeves says. "You're not going to get the same opportunities as a senior [associate] to show you can shine." Add to this the stringent requirements for partnership at highly profitable firms--where the number of partners is often kept low to boost profits per partner--and it's no wonder that so few women are reaping the legal profession's richest rewards. After all this time, the big question remains: Will they ever?

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