



The Grit Project

THE ABA COMMISSION ON WOMEN IN THE PROFESSION

Using Grit and Growth Mindset to Advance Women in the Law

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Insert Presenter Name

- Bullets about Presenter



Agenda for Today

- Introduction
- The Research on Grit & Mindset
- The Lawyer's Perspective
- Practical Application: 2-3 Scenarios
- How We Can Improve These Traits, Conclusion & Next Steps



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Expert Performance

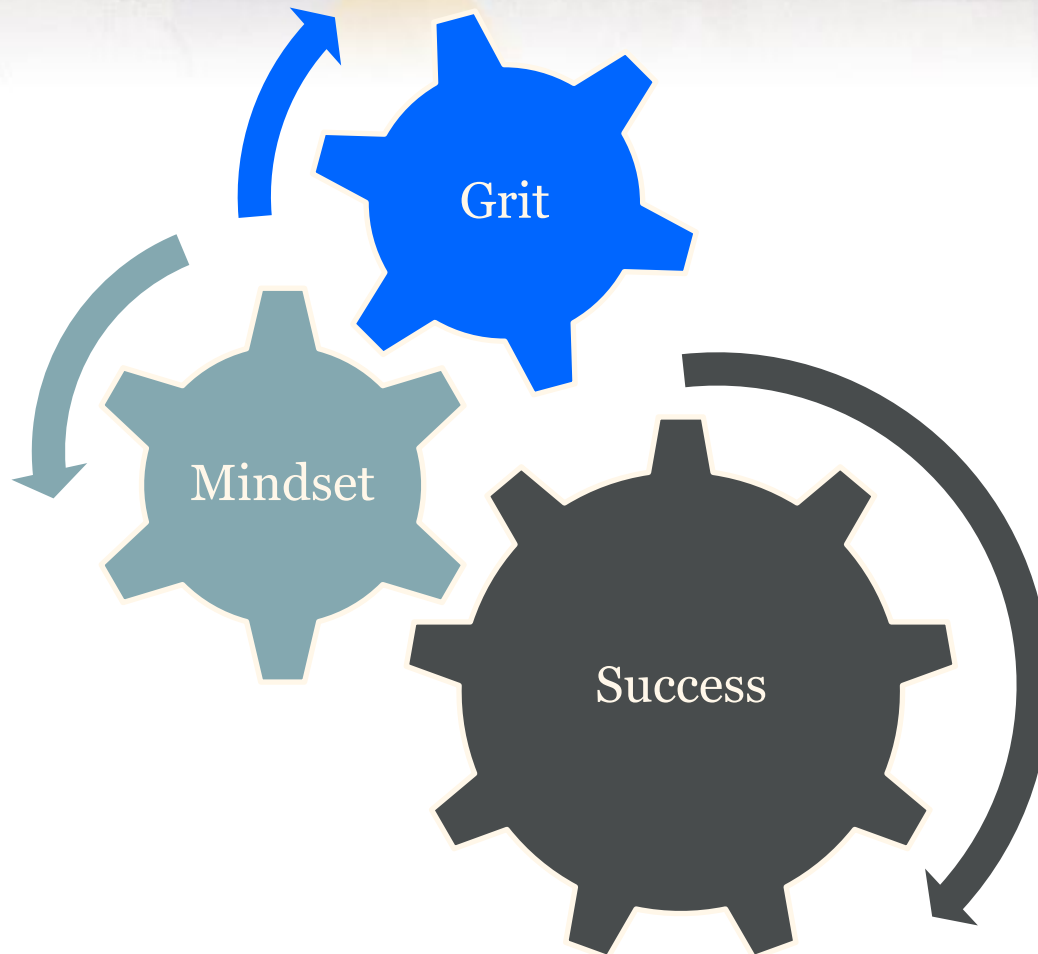
“The differences between expert performers and normal adults are not immutable, that is, due to genetically prescribed talent. Instead, these differences reflect a life-long period of deliberate effort to improve performance.”

-K. Anders Ericsson



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The Secret of Success





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What is Mindset?

- Mindsets are beliefs about yourself and your most basic qualities.
 - Am I intelligent?
 - Am I brave?
 - Am I strong?
- Fixed mindset vs. growth mindset



The Science of Mindset

- A couple of examples of how mindset works:
 - Junior high school math students
 - Female graduate students



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How Do You Compare?

- Average mindset score for women in BigLaw:
 - 44 points out of 80 (an average of 2.75 on a scale of 1 to 5)

Category	Points Value
Strong Growth Mindset	61-80
Growth Mindset, Some Fixed Ideas	41-60
Fixed Mindset, Some Growth Ideas	21-40
Strong Fixed Mindset	0-20

- Mindset scores tended to be lower than grit scores.



The Lawyer's Perspective

**Some of Our Growth Mindset
Experiences**



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True Grit

What does it mean to be gritty?

- *Behavioral persistence* in the face of adversity
- *Sustained, passionate pursuit* of goals
 - Passion doesn't always precede grit.



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Grit and Success

- Teach for America (GPA, SAT, effectiveness)
- Sales (commission, retention)
- The National Spelling Bee (deliberate practice)



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How Do You Compare?

Decile	Men (N = 4,169)	Women (N = 6,972)
1	2.5	2.5
5	3.38	3.5
6	3.54	3.63
7	3.75	3.79
Women Lawyers in BigLaw	N/A	3.94
8	3.92	4
9	4.21	4.25
10	5	5
Mean (SD)	3.37 (0.66)	3.43 (0.68)



The Lawyer's Perspective

Grit in the Legal Setting: Some of Our Gritty Experiences



Hogan's 2013 Study

- The Non-Cognitive Traits that Impact Female Success in BigLaw
 - Random sampling of AmLaw 200 Firms
 - Mixed methods approach
- Limitations of the data
 - Self-report
 - Considers only those who are still in the game
 - Not longitudinal



What We Know About Women Lawyers and Grit

- Women lawyers are pretty gritty!
- Grit is related to a number of measures of success in BigLaw and most significantly to billable hours and quality of work.
- Grit seems to be a precursor to BigLaw success rather than an outcome of BigLaw success.
- Grit is largely monotonic (meaning that people tend to get grittier over time).



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What We Know About Women Lawyers and Mindset

- Many highly successful female lawyers display growth mindset characteristics when dealing with challenging situations.
 - But there is significant room for improvement for women lawyers generally.



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Practical Application

Working Through Real-World Scenarios



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How Can We Improve These Traits?

- Learn how to handle and learn from failure.
- Learn how to receive criticism.
- Learn how to give criticism (praise efforts, not outcomes).
- Be realistically optimistic.
- Identify your passions.
- Provide meaning and context for assignments.



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How Can We Improve These Traits?

- Specialize.
- Don't assume that you can't do it.
- Try on a growth mindset.
- Educate your lawyers.
- Spread the word!



Upcoming Programs

ABA Magnitude 360 Annual Meeting CLE Showcase Program

August 9, 2014 • 2 pm – 3:30 pm

To register: ambar.org/annual

Boston, Massachusetts



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Program Toolkit

- Program Agenda
- PowerPoint Slides
- Core Reading & Handouts
- Library of Scenarios & Discussion Guide
- Speakers Bureau
- Bibliography

**Now available
online at no cost
ambar.org/grit**



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Thank you for joining us today, and please help us spread the word!

For more information and to download the Toolkit, visit the ABA Commission on Women in the Profession website at **ambar.org/grit**.



Alabama State Bar Women's Section

The Grand at Point Clear
July 17, 2015

THE CURRENT CRISIS OF RETENTION OF FEMALE ATTORNEYS IN THE LEGAL SYSTEM

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I. NATIONAL STATISTICS

Studies suggest there is an immediate dilemma for women in the legal profession that requires present action from female attorneys and the bar as a whole. Over the past few years, the accumulated data and statistics regarding female attorneys show a troubling trend detrimental to young women seeking legal careers, as well as to the legal community as a whole. Female attorneys between senior associate and senior partner level, or the rough equivalent of these levels in other legal sectors, are leaving the field of law at an alarming rate. The current statistics are puzzling and, perhaps, a bit surprising.

A. CURRENT DATA REGARDING FEMAL ATTORNEYS

The American Bar Association's Commission on Women in the Profession published a survey, *A Current Glance at Women in the Law July 2014*, which revealed that female attorneys make up only 20.2% of the partners in law firms and only 17% of equity partners in law firms. Of the 200 largest law firms which were surveyed, women were only 4% of the managing partners.¹ The dichotomy between the senior level attorneys and female attorneys just entering the practice,

make these statistics even more disturbing. As of July 2014, women made up 45.3% of summer associates and 44.8.0% of associates.² In general, women comprise 34.0% of licensed attorneys, with men comprising the remaining 66.0%.³ Since the mid-80's, women have comprised over 40% of law school graduates, and currently make up approximately 47% of law school enrollment.⁴ Over the last thirty years, it would be seem that women should, therefore, make up approximately that same amount of equity partners assuming men and women are promoted at the same rate, or close thereto. However, the typical law firm has less than 20% of female equity partners.⁵

Obviously, the smaller number of women practicing (34.0% vs. 66.0% for men) affects all of the statistics regarding the representation of women at the highest level in law firms. The fewer attorneys there are in a certain group, the less will make it to the top offices/positions. Government is no different than private practice, unfortunately. Of the state court judgeships in the United States, only 27% of these positions are held by women.⁶ As for Federal Court judges in the United States, only 24.1% are women.⁷ Even more intriguing perhaps, these numbers have remained stagnant for the past few years.

The statistics on female leaders in law school faculty and administration mirror the levels of law firms. Women consist of only 20.6% of the Deans according to the Association of American Law Schools.⁸ The same decline in

leadership positions seen in law firms is just as visible in law school administration. Women make up 66.2% of the Assistant Deans but only 45.7% of the Associate/Vice/Deputy Deans, and as stated earlier, only 20.6% of the Deans in American Law Schools are women.⁹ Again, as with the statistics for the judiciary, these statistics have remained stagnant for at least two years.

In the corporate legal world, women make up 21.0% of Fortune 500 general counsel while men are 79.0% of this number.¹⁰

The only area where men and women are roughly equal is judicial clerkships.¹¹ However, as mentioned previously, on the state and federal benches, the percentage of women drops dramatically to 24.1% of the federal judiciary and 27.0% of the national state court judges.¹²

B. IMPACT OF THE DATA

The disappearance of the female attorney from the upper levels of the legal field is impactful on many fronts. First, and perhaps most obviously, it can be personally disheartening and frustrating for the female attorney who has worked diligently to earn a degree and logged in countless hours as an associate. Secondly, the lack of female equity partners in law firms also plays a major role in the compensation and pay gap issue. "When two or more women are members of a firm's highest governing committee and/o compensation committee, the impact on compensation for women equity partners is tangible...(in that) the typical

compensation for female equity partners is roughly on par with the typical compensation for male equity partners.¹³ If this female committee representation is not present, the data shows that female equity partners earn between 85% and 89% of their counterpart male equity partners.¹⁴ In general, as of 2013, a female's weekly salary was 78.9% of her male counterpart's salary.¹⁵ Perhaps the more disturbing part of the wage data is that the weekly salary for female attorneys comparative to male counterparts has **decreased** over the past few years. In fact, in 2011, a female attorney's weekly salary was 86.6% of her male counterpart's salary. Just two years later, that percentage decreased 7.7% to 78.9%.¹⁶

A vast majority of firms refuse to report compensation data as it pertains to male and female attorneys. It is believed this refusal is due to the large gender pay gap this data would show and substantiate.¹⁷

Thirdly, for law firms, the lack of retention of experienced female attorneys is a costly issue. Law firms invest a large amount of time and money in associates with the idea that those funds will be recouped by the time these associates become partners. If female associates do not maintain their relationship with the law firm, that investment is lost. In most cases, the loss will be economically significant. One study conducted by The DRI Task Force on Women Who Try Cases, estimates that it costs between \$250,000 and \$400,000 to replace an attorney.¹⁸ Just as significant, when an experienced female attorney leaves the firm, it may create a

breach in the knowledge and wisdom of the firm, as well as possible loss of clients that specifically retained that particular female attorney.

Finally the corporate and business world is increasingly demanding the equal hiring of people of all genders and races. The corporate/business client is requiring its law firm(s) to match the client's emphasis on equality and the hiring of minorities. Most large corporations, as well as government entities, require firms representing these entities to complete a form disclosing the number, title, and responsibilities of the female attorneys in that firm. In one study which interviewed in-house corporate counsel who were female, the corporate counsel interviewed did not necessarily retain female attorneys over male attorneys, but did look at the "firm's overall treatment of its women attorneys when deciding whether to retain a particular firm".¹⁹ The lack of female leadership and senior level management will therefore remain a topic of discussion as long as clients require diversity among the law firms they hire.

It should also be noted that the disparity between male and female attorneys can be viewed as particularly distressing as the legal justice system is founded on the very belief that these two groups should be equal. As stated by the Harvard Law School Center on the Legal Profession, "if women who graduate from Harvard and other law schools encounter more challenges and have less opportunity than their male colleagues, then these women may very well be less

able to assume the kind of important leadership positions that lawyers have traditionally played in our society. Indeed, given America's commitment to, in the words inscribed above the door of the Supreme Court, 'Equal Justice Under Law,' a legal world in which women lawyers have less opportunity to succeed than their male peer threatens the very legitimacy with which the public views the law, lawyers and the legal profession".²⁰

II. POSSIBLE SOLUTIONS

It is easy to get overwhelmed and discouraged with the statistics and data discussed above and in the referenced surveys. However, there is a growing awareness of the necessity of retaining female attorneys among law firms. The Chairman and CEO of the large law firm of Orrick, Herrington & Sutcliffe, Mitchell Zuklie, has the following sentiment about the retention of women lawyers: "I don't think it's an overstatement to say the legal profession is facing a crisis if it doesn't deal with the problems of the retention of women lawyers".²¹ With this knowledge at the forethought of law firm management, now is an opportune time to discuss possible solutions to these issues. Below are some possible ideas and solutions, as well as shorter bullet points for discussion.

A. MENTORING — When asked why progress for women lawyers within the law firm structure is stagnant, respondents identified several possible issues; however, "the first and foremost reason

articulated by many (respondents) was a lack of effective mentoring relationships”.²² Indeed, the Harvard Law School study found that women who become partners in a firm are more likely to have had a mentor within the first five years of their practice than those women who did not become partners.²³ In a study pertaining to women attorneys of color specifically, the ABA’s Commission on Women in the Profession found that “mentoring was ...a critical element of retention” of female attorneys of color.²⁴ The respondents in this study agreed that mentors should not only provide advice, feedback and constructive criticism, but also serve to provide access to good clients and assignments.²⁵ For many firms, developing a good client base is more significant and important than billable hours when determining partnership, making the mentoring process of paramount importance.²⁶

B. SPONSORSHIP--Sponsorship is a more active role in assisting a younger attorney with achieving more influence or power within the firm or organization’s structure. Sponsors, by their very nature, are therefore required to themselves have influence or power within the firm or organization. The lack of a significant presence in equity partnerships or management levels for female

attorneys within their firms dampens the ability for younger female attorneys to have access to female sponsors within their firms or organizations. Thus, a shift upward in the percentage of female attorneys in leadership or power positions within their firms would serve current generations of female attorneys, but also future generations as well

C. . CHANGE IN LAW FIRM MENTALITY

- a. Change in Partnership Track—“Although over 90 percent of surveyed law firms allow part-time schedules, only about three to four percent of lawyers actually use them. Most women surveyed believe that any reduction in the number of hours they practice law...or make themselves available to clients and senior lawyers in the firm would jeopardize their prospects for advancement.”²⁷
- b. Change in Billing Requirements
- c. Credit for Rainmaking--In a typical AmLaw 100 firm, women are credited for approximately 90% of the client billings credited to men.²⁸
- d. Formal Succession Planning--Sponsorship of younger female attorneys by female partners

e. Advancing Women in Law Firms as a Universal Goal--Only 6% of law firms have reported that retaining female associates is non-problematic for the firm. The firms believe that work-life balance issues are obstacles to the lack of retention (38%), or that lack of business development opportunities is the biggest hurdle (22%), or lack of a sufficient mentor or sponsor (13%).²⁹ The greatest obstacle to achieving equity partnership for women, according to the law firm, is lack of business development (44%).³⁰

D. CHANGE IN ATTORNEY ATTITUDES

- a. Younger attorneys have expressed desire for more time for family and community than their predecessors
- b. Experienced Attorneys Must Mentor and/or Sponsor

¹ American Bar Association Commission on Women in the Profession, *A Current Glance at Women in the Law 2013* (January 2013).

² *Id.*

³ *Id.*

⁴ *Id.* at Page 4.

⁵ National Association of Women Lawyers, the NAWL Foundation, *Report of the Eighth Annual NAWL National Survey on Retention and Promotion of Women in Law Firms* (February 2014), Pp. 1-4.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.* at Page 5.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *National Association of Women Lawyers, the NAWL Foundation, Report of the Eighth Annual NAWL National Survey on Retention and Promotion of Women in Law Firms (February 2014), Page 4.*

¹⁸ *A Career in the Courtroom: A Different Model for the Success of Women Who Try Cases. The DRI Task Force on Women Who Try Cases (2005), Page 28.*

¹⁹ *Id.* at Page 30.

²⁰ *“The Women and Men of Harvard Law School: Preliminary Results from the HLS Career Study”.* Harvard Law School Center on the Legal Profession (2015), Page 5.

²¹ *“Exit Interviews Spur Orrick to Adopt Generous Parental Leave Policy.”* www.abajournal.com (May 11, 2015).

²² *Id.* at Page 12.

²³ *HLS Career Study* at Page 7.

²⁴ *“From Visible Invisibility to Visibly Successful: Success Strategies for Law Firms and Women of Color in Law Firms.”* ABA Commission on Women in the Profession (2008), Page 11.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.* at Page 33.

²⁸ *Id.*

²⁹ *Id.* at Page 14.

³⁰ *Id.*