

# *the* New Meaning *of* Mentoring

Business development and work-life balance need to be addressed.

By Carla T. Main

**'G**ender just doesn't seem to matter," said Sheila Birnbaum, a senior partner at New York's Skadden, Arps, Slate, Meagher & Flom.

We have entered the post-feminist age, indeed. Mentoring of equal quality for young women attorneys can be obtained, according to Ms. Birnbaum, from men or women in the partnership ranks of her firm, which she sees as a reflection of what is happening in the profession at large.

Moreover, the women interviewed for this article reported that good mentoring has been available for decades, even during the years when it was an oddity for a young woman to be in the legal profession.

"I got fabulous mentoring," said Terri Solomon, a partner at Littler Mendelson,

who started practicing law in 1979. She fondly recalled Al Bader and Jack Ohlweiler, who carefully trained and brought her along for 14 years at Simpson Thacher & Bartlett, where she began her career. "They trained me at a very young age, letting me handle solo some pretty high-level stuff, making sure I got experience on a wide range of matters."

Similarly, Ms. Birnbaum had high praise for the men she encountered early in her career, which began in the 1960s. They "thought it was cute to have a woman lawyer around," she said, and were "very helpful to me" and did everything they could to "propel me in my work."

If men have proven over the years that they can mentor women in their professional growth, then it's fair to ask: Does it matter whether senior women get involved and mentor younger women?

First we need to define our terms.

What, exactly, do we mean these days when we say "mentoring"?

Years ago, the term referred mainly to teaching the process of legal work: drafting, arguing, negotiating and providing a model of ethical behavior. A partner was a mentor if he or she taught a junior lawyer how to be an advocate. Perhaps, for good measure, the mentor would throw in a dose of advice on navigating the firm's politics when it came time for the mentee to angle for partnership.

Today the old definition conveys only part of the picture. While the old elements are important, mentoring now also is seen as a holistic endeavor in which a younger lawyer's social and emotional well-being is placed on an equal plane with her professional growth. This is partly a result of the growing presence of women in the profession, and partly a result of increased emphasis among a rising generation of

young lawyers on work-life balance.

Across the board, the women interviewed for this story reported that young men as well as young women are evincing an increased interest in family time and less of a willingness to sacrifice all for the brass ring. "I worked six days a week," said Kim M. Catullo, co-administrative director of the New York office of Gibbons, recalling her early years in the legal profession. Speaking of young attorneys today, she observed, "They're not going to do it unless they absolutely have to. They're considering these issues [of work-life balance] much earlier than we did." These needs can be addressed, Ms. Birnbaum said, on two tracks: both expressly, through active support such as programs, and implicitly through partners providing models of success, "showing how career and family can be combined."

Ask a woman partner today about



Sheila Birnbaum

mentoring goals, and you are far less likely to hear about lawyering skills and far more likely to hear about work-life balance and business development. For example, Ms. Solomon, of Littler, said she believes that the goal of mentoring is "to help someone navigate the path toward becoming a well-rounded lawyer." This includes the "development of a relationship with a person, his well-being, helping him with the work-life balance," she said. "This is especially true if something like a death, a pregnancy or personal problems comes up."

Do women want other women to mentor them? "I think they still do. They're more comfortable with women," said Ms. Catullo. "There are questions about developing business. 'How do I become a partner?' I felt more comfortable talking to a woman," recalled Ms. Catullo, who reminisced that when she came of age in "the L.A. Law years," she "took bits and pieces from different women [role models]" she came across.

"The issues are different for a woman" in the areas of business development, Ms. Catullo explained. Other women interviewed for this article agreed and were of two minds as to why business development poses special challenges for women. Most reported that women have an inherently more difficult time than men, citing

differences between men and women in levels of self-confidence, assertiveness and networking skills when it comes to seeking out new business. However, another theory was posited: that women's efforts at business development are stymied by the continued male dominance of both the legal and business worlds. No matter which is the case, mentoring can help to bridge existing gaps.

Ms. Birnbaum sees such relationships coming together now as the number of women in the profession has grown. "There is such a critical mass of women in law firms now," said Ms. Birnbaum, "and young women are so much surer of their sense of self" that mentoring relationships tend to form more naturally, rather than being confined to formal mentoring setups. It's more a matter of "chemistry," she pointed out, as people form teams and "reach out to each other" as a natural result of the work they are doing. "Sometimes we put together a team and we look around and realize—it's mostly women!"

To be sure, the critical mass effect is not yet a uniform phenomenon; the number of women in positions of influence can differ from firm to firm along with the sense of critical mass. "I still feel like there aren't enough [women]," said Jane Love, a partner in the New York office of

WilmerHale. Her sense is borne out by survey statistics, which reflect that the national trend among law firms shows that just over 15 percent of equity partners are women and less than 10 percent of upper echelon firm management positions are held by women. (See discussion of survey by the National Association of Women Lawyers, in sidebar.)

Yet with the rising number of women in law firm ranks and formal mentoring programs that openly discuss the sticky, intangible problems of law firm life, business development, work-life balance, and that great bugaboo, attrition—one would think that these problems would be fairly easy to surmount. Yet, partners observe that younger lawyers find business development very challenging. It is not clear that the problem is solved by the time partnership rolls around. Among partners, statistics show that women earn less than male partners; compensation in law firms is often measured by business that one brings in the door. And attrition of young women lawyers continues to be a matter of concern, which senior lawyers attempt to address through mentoring.

### Work-Life Balance

There is something to be said for critical mass in terms of creating a comfort level. It not only provides models of behavior, but also spills over into mentoring on work-life balance issues, making it easier for women to bring these topics up in a number of settings and manners. "I was very pleasantly surprised at how many ways the firm accentuates the work-life balance," said Courtney Howard, a second-year litigation associate at Davis Polk & Wardwell. Although Ms. Howard is single and has no children, she has had an opportunity to see up close how others in the firm do the balancing act, allowing her to envision how she might handle balancing such demands on her time. "The woman next to me works part-time," she said.

In addition, both the associate and partner who mentor Ms. Howard in the firm's formal mentoring program are women. Candy M. Lawson, a Davis Polk associate assigned to Ms. Howard, made a point of explaining to Ms. Howard how she handles her own work-life balance. In speaking of Frances E. Bivens, the Davis



Terri Solomon



Jane Love

Polk partner who mentors Ms. Howard as part of the firm's formal program, the young associate seemed to gain confidence in equal measure on the one hand by having the opportunity to see Ms. Bivens' "interviewing style on a case" and on the other hand from the combination of Ms. Bivens' impressive career and successful marriage.

### Business Development

For firms to meet that business demand in the coming years, younger women coming up through the ranks need to learn business development skills. Yet if women are receiving equal mentoring on how to practice law, why do they lag behind on business development skills, requiring special efforts in the form of concentrated mentoring on an individual and institutional, program-wide basis? Is it a matter of nature or nurture, perhaps some combination of the two?

Ms. Love, of WilmerHale, who still believes the critical mass effect could be better, earned her stripes, quite literally in the U.S. Army. She cannot help but compare her experiences in the legal profession to her early, formative time in the military. It may come as a shock to the refined sensibilities of many lawyers, but Ms. Love found many more models for female advancement during her military career than she found in the legal profession. "I was promoted up to the rank of

captain. There were women who were majors and colonels and lieutenant colonels. Being in charge is what the Army is all about."

Even when Ms. Love entered the male-dominated field of science research in 1992 she had a woman role model, the famed Dr. Lorraine Gudas, chairperson of the Joan and Sanford I. Weil Medical College of Cornell University. But when Ms. Love began her legal career at an IP boutique, "there were no women partners. There was no example I could look to. I was drawing on experiences outside of the law." She soon found that in the legal profession there was a "big disparity of very few women leading, very few women and few people of color leading."

Ms. Love's time in the Army taught her the K.I.S.S. principle (i.e., Keep It Simple, Stupid), which has given her a knack for boiling situations down to essential elements. She observed that there are certain socially ingrained constraints on female be-

havior. "Women have trouble asking for things," was Ms. Love's opinion. "We find it hard to interrupt men. If there are 10

men and one woman in a meeting, often all the men will have spoken, but not the woman. By then, people's ears are tired of listening."

Ms. Love also noted that it's often hard for a woman to compete with a man for attention. She gave the example of a gentleman in her own firm with whom she sometimes gives presentations. "He's so much bigger than me, and he has this deep, sonorous voice." Fortunately, they are on the same team and Ms. Love learned through her military background to make herself heard to an entire battalion. But she knows the natural advantage her partner has. For someone younger and less experienced, it could create a self-confidence issue.

In an area such as business development, where younger women "are not as self-confident," they can be helped by other women, said Ms. Birnbaum.

Ms. Catullo, of Gibbons, gave some examples of how business development can be taught through express example. "The mentoring process helps women learn the ins and outs of developing business," she explained. Women can "provide valuable advice and support, including examples of successful strategies" and even provide examples of "prospects that didn't turn into clients," said Ms. Catullo. In the end, it often comes down to "learning how to ask for business, make good contacts and expand their relationships."

Not everyone agrees that the business development woes of young women in the profession stem from socially ingrained patterns. "It has to do with barriers created by [the field] being male-dominated," said Holly English, of counsel to Post, Polak, Goodsell, MacNeil & Stauffer in Roseland, N.J. Ms. English is president of the National Association of Women Lawyers. Nationwide, she says she sees a pattern of easier male access in the legal profession to the upper ranks of the business world. "At the upper ranks it is still a male-dominated profession," said Ms. English. "And at the upper ranks, so much has to do with who you know."

That would be consistent with the findings of the November 2007 NAWL report, insofar as it reported the relatively small percentage of women partners in law firms and in upper leadership positions. However, it



Holly English

PHOTOGRAPH (TOP LEFT) BY RICK KOPSTEIN

is not necessarily inconsistent with the observations of Ms. Love and Ms. Birnbaum; problems of self-confidence may well exacerbate an already limited access to the top tier of a male-dominated business world.

Moreover, the landscape of power may be changing. "Traditionally, that was one of the major impediments to women rainmakers, but I believe that we are in a transitional phase right now," said Ms. Catullo, of Gibbons. "More and more women are beginning to attain decision-maker roles in major corporations." Ms. Catullo also noted that the values of many men have begun to change and become

more "inclusionary" based on their "own experiences and interactions with women business leaders."

Whatever the source of the current business development problem, women in firms clearly are making a concerted effort to address it, in part through mentoring programs. "We are working with women on an individual basis and on a workplace basis. There is much better support now than there was years ago," said Ms. English. According to the NAWL report, 95 percent of firms "reported sponsoring a women's initiative." And those initiatives put an emphasis on social networking, business development and

mentoring.<sup>1</sup>

How well these programs work is yet to be seen. The NAWL report found that "[f]rom a business perspective, we found the presence of social networking events to be positively correlated with profits per equity partner." The report was not able to draw a firm conclusion as to whether the higher profits were the direct result of the social networking, training and events, but noted that the survey results pose that "an intriguing possibility is that firms which groom their women (and probably also men) attorneys to be rainmakers and relationship managers are on to something which translates into higher

per-partner profitability."<sup>2</sup> Of course, with 95 percent of surveyed firms conducting such programs, profitability per partner might not be the most salient measure of success. Other issues, such as closing the earnings gap and the equity partner gender gap as a measure of success for these programs, are yet to be explored in future NAWL surveys.

In addition, mentoring young women lawyers may place an unfair burden on senior women in law firms. Consider the math: about one half of incoming associates are women, while only 16 percent of equity partners in law firms are women. "This places a tremendous, imbalanced

## National Survey Reveals Disparity in Pay

The National Association of Women Lawyers issued "2007 Survey of the Status of Women in Law Firms," in November 2007, which presented the results of its second annual survey on how women are faring in the nation's 200 largest law firms. The impetus for the survey was to shed light on the disparity between what had been the roughly equal number of male and female law school graduates and what continues to be the male dominance of the executive tier of American law firms.

Among the firms surveyed, women represent 16 percent of equity partners. Of course, one would not expect the same rates of partnership among men and women for classes that graduated from law school decades apart. For those classes graduating before 1980, fewer than 10 percent of equity partners were women. In classes that graduated 10 to 25 years ago (when classes were between 40 to 50 percent women), the percentage of women equity partners only rises to 20 percent. When it comes to the top ranks of firm leadership, the numbers diminish radically.

Ironically, though women have risen to the highest ranks fighting for clients in the labor and employment bar, according to the NAWL study, once women come off the associate structured-salary track they begin to earn less than their male counterparts as of-counsel, non-equity partners and equity partners. The NAWL survey found that male equity partners made, on average, \$90,000 more than typical women equity partners.

It's not clear what role hard work has to play in all this. At firms that do not have billable hours requirements or have lower than average billable hours requirements, male equity partners earn more on average than their female colleagues: \$51,000 to \$73,000 more. At firms where a high billable hours requirement is made clear—so presumably everyone is burning the midnight oil—men still out-earn women at a whopping \$140,000.<sup>3</sup>

The survey also noted that a median of 13 percent of women attorneys in surveyed firms were working part-time. The report did not make clear whether this figure included the of-counsel, non-equity partners and equity partners and as such, whether their part-

time statuses would help to explain, at least in part, the discrepancies in compensation that the survey revealed. However, the survey did note that part-time schedules are primarily adopted by women during the first 10 years of their careers.<sup>4</sup> Therefore, this factor is less likely to impact compensation of senior women.

Indeed, "income disparities were at the highest levels," said Stephanie A. Scharf, chair of the NAWL Survey Committee. Nor can the gaps be explained by a straightforward factor like differences in practice areas. "There isn't enough gender distinction among practice groups to account for such a large disparity in income.

I think it's a question of credit for business," said Ms. Scharf.

In law firms the income of equity partners is largely determined on the basis of the work a partner brings in and on the relationships he or she maintains with clients. At the equity partner level, legal work done for a client counts least in dividing the partnership-money pie at year's end; new business and client-relationship service count the most. But here's the rub: while billable work hours are easily measured, giving credit for bringing in new business or maintaining relationships can be a more intangible matter.

The NAWL report noted that, "[T]he data certainly raise questions... about whether women lawyers are given as many choice assignments, introductions to key firm clients and other opportunities to grow their own practices in ways valued by their firms, to the same extent as men."<sup>5</sup> The report concluded, given the lack of "appreciable growth over many years time in the percentage of women equity partners" that women will continue to struggle "to gain income parity."<sup>6</sup>

To be sure, NAWL only surveyed the nation's largest firms, and the picture may differ in smaller and mid-size firms. It is also worth remembering that as women have graduated from law school in greater numbers, they have also gone to work in corporate America, hung out their own shingles and found work in government, including making great strides in the judiciary; indeed, in its report NAWL encouraged bar associations to conduct local studies to learn more about how women are faring in other firms around the country.

Women, in all the many varied positions they hold within or outside of firms, can play subtle roles in the mentoring picture when it comes to modeling advancement. And sometimes the roles are not so subtle. "In-house clients are making a lot of noise about diversity," said NAWL President Holly English. "They are demanding it in terms of gender as well as race."

—Carla T. Main



1. "National Survey of Retention and Promotion of Women in Law Firms," The National Association of Women Lawyers, The Voice of Women in the Law, NAWL Survey Committee, November 2007, p. 4.  
2. *Ibid.*, pp. 14–15.  
3. *Ibid.*, p. 10.  
4. *Ibid.*, p. 10.

pressure on senior women to mentor junior women lawyers," said Stephanie A. Scharf, chair of the NAWL Survey Committee. "The solution comes in steps," she said. "Firms must understand the problem and speak about it. They need to say, 'we understand the special problems young women face. We know it's hard.'"

"The firms have to train the senior

lawyers—men and women alike—and then team the senior lawyers with junior women lawyers," Ms. Scharf continued. "Firms don't want to end up 10 years from now with 16 percent women partners."

### Times Have Changed

Ms. English said she feels "solid" about the future. "I feel much more hopeful,"

she said. Today, she explained, "There is less daylight between men and women on lifestyle issues." This echoes the sentiments of Kim Catullo, who noted that young men and women are not driven today to put in the punishing hours that her generation found de rigueur. Ms. English is "increasingly seeing guys working flexible work arrangements." This means

firms are gradually coming to see life-work balance issues not as "women's" issues but as "human issues" said Ms. English.

Firms are also far more proactive in addressing attrition issues. Many firms now have flexible work schedules and programs aimed at keeping women on leave in touch with the firm.

The times have also changed because men, primarily younger men, have changed. Younger men "are more used to being around professional women," said Ms. Catullo. Terri Solomon, of Littler, agreed. She also noted that technology makes it more acceptable for women and men to leave the office early, for example, to tell clients they can continue discussions at home after a child's soccer game, and clients are "more receptive" to this now. When she left work early recently to attend her child's event, she said, there were "as many fathers there as mothers. Everybody has their BlackBerrys and cell phones." Ms. Solomon and Ms. Catullo both mentioned that in their firms' mentoring programs, mentoring goes on throughout a lawyer's career. As Ms. Catullo put it, "Women directors [or partners] can learn from associates. It's not a one-way street."

"I try to tell women it can be done part-time or full time," said Ms. Solomon. "It's very important for women of my generation to tell younger women it can be done." Ms. Love echoed the sentiment: "I really try to tell women, 'Stay with it.' She recognizes that when the kids are young, these can be difficult years, but Ms. Love emphasizes to the women she mentors that there are many rewards down the road: professional, intellectual and financial, and it is worth sticking through the tough times.

The new face of mentoring is a supportive, woman-to-woman network. "Women are not a minority in the profession anymore," noted Ms. English.

As noted above, Ms. Scharf recommends that firms even go beyond women-to-women mentoring and foster an atmosphere in which senior men are trained in providing the special type of mentoring that young women need to develop business-development skills. "That means creating an atmosphere where people are free to talk about these issues," she said.

1. NAWL Report, *ibid.*, p. 16.
2. *Ibid.*, p. 16.

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