

Linda K Robertson
BA, LL.B, LL.M

Lawyer Coach and Management Consultant
Advocacy Legal Consultants
Vancouver, BC

604 986 4406

Email: LindaKRobertson@shaw.ca

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Linda graduated with her law degree from UBC in 1978 and received an LL.M at the London School of Economics in 1983. She practiced corporate law and managed the Corporate Law Department at the Insurance Corporation of British Columbia for most of her career, holding the positions of General Counsel, Senior Vice President Law and Senior Vice President Human Resources.

She left the practice of law at the end of 2001 to train as an Executive Coach at one of the leading coaching institutes in the US, the Hudson Institute in Santa Barbara. She draws on her 24 years practicing law as well as her extensive management and human resources experience, to coach lawyers and work with law firms and legal departments on practice management issues. Her consulting business, Advocacy Legal Consultants, describes itself as “Working with lawyers, to create healthier, more successful practices”.

Linda does extensive volunteer work and sits on numerous boards and committees including the current Chair of Capilano College and Vice Chair of the CBA Women Lawyers Forum in BC. She was previously Co-Chair of the WLF Mentoring Program.

She has a life-long interest in the support of women in the legal profession. While in law school, she worked in Ottawa one summer to found the National Association of Women and the Law in 1977 and was on the BC Law Society’s Gender Bias Committee, Model Workplace Policies Committee, in 1992.

She is married with two wonderful teenage sons.

Not Just A Women's Issue –

**Why The Retention Of Women Lawyers
Is Important For Both Women And Men**

CBA Conference August 2007

The focus of my comments on today's panel is not on why we need women in the legal profession, as I presume that is well understood by most people. Women, like men bring unique gifts to the practice of law and our clients and the profession benefit from including all members of society in this profession.

I want to focus instead on what, in my opinion, the profession needs to address to attract and retain both men and women to the legal profession and what we, in BC, are doing through the CBA Women Lawyers Forum to address this issue.

I have titled my comments "Not Just a Women's Issue" because I believe that what women want from the practice of law is increasingly what male lawyers want and what the profession as a whole needs to address, in order to continue to attract and retain young lawyers.

As a brief bit of background, I graduated from UBC Law School in 1978 as part of that first wave of women entering law schools across Canada in numbers greater than just a few women in each class. My class was 20% women and we entered a profession where women made up less than 4% of lawyers in Canada. Most of us were the first or second women lawyers that law firms had ever hired. There were, I believe only 2 female judges whom I recall in BC. I recall only two women full time law faculty at UBC (one being a very impressive woman professor named Beverly McLachlin who taught Evidence and Creditors Remedies.) I heard at the time that there were a few female partners somewhere in the city, but I never met one. In short, there were few female role models for all of us brand new lawyers launching ourselves into the world.

In the intervening 29 years, I have seen enormous improvements in the acceptance and success of women lawyers in Canada. Women now make up more than one third of the profession. Women are well represented at all levels of the courts and in law faculties and make up 50% and sometimes more, of the student population at law schools.

Most law firms have harassment and parental leave policies and while there are still some improvements needed in both those areas, there have been enormous changes for the better over the past 29 years.

However, lawyers both male and female are leaving the profession at increased rates.

In a recent article in the February 2007 edition of California Lawyer titled “*Why Women Are Leaving Big Firms*” by Malaika Costello-Dougherty, she discusses the retention crisis existing in law firms.

“The past few years have witnessed the highest levels of associate attrition ever documented with an average annual attrition rate for both sexes of 19 percent, as recently reported by the NALP Foundation for Law Career Research and Education. Within five years of entering a firm, more than three-quarters of associates leave. Female associates were nearly twice as likely as males to depart to pursue a better work/life balance.”

While these statistics are American, a similar trend is happening in Canada. The CBA Women Lawyers Forum is seeking to address this high attrition rate of women lawyers.

CBA Women Lawyers Forum

One of the most significant developments in retaining women in the legal profession has been the creation of the CBA Women Lawyers Forum in 2003. The idea came from Margaret Ostrowski, QC when she was President of the BC Branch of the CBA in 2000 – 2001. Margaret hosted a President’s Forum titled “Creating Success – A Symposium for Women and Law” in June 2001. Despite skepticism from her colleagues that a symposium aimed at women was necessary, the event was an enormous sell-out success.

Building on this, Margaret created a CBA Committee of Women Bar Leaders to investigate how to support women lawyers through a larger organization. Having launched the idea of a larger CBA organization against some opposition, Margaret then passed the task of creating this organization, provincially and nationally, to Kerry Lynne Findlay, QC, also a Past President of the BC CBA.

Kerry Lynne chaired the CBA Women’s Advisory Committee that proposed that the CBA BC Branch form the Women Lawyers Forum to support and promote women in the practice of law. Kerry Lynne Findlay became the founding chair of the BC Forum in 2003 - 2004.

Margaret Ostrowski and Kerry Lynne Findlay envisioned an organization that would one day become a national CBA section and could liaise with similar international associations of women lawyers around the globe.

Kerry Lynne Findlay gained national CBA status in 2006 and became the founding national Chair. Kerry Lynne has crossed the country to help the WLF start up in other provinces. The WLF has recently been formed in Alberta, Manitoba, New Brunswick, Nova Scotia, Newfoundland and Labrador, and is starting up in Saskatchewan and Quebec.

The pioneering work of Margaret Ostrowski, QC in promoting the idea of a larger CBA organization to support women remaining in the profession, as well as the courage it took to do so amidst some opposition that this was needed, is being recognized at the 2007

CBA national conference with the Touchstone Award. She is a very worthy recipient of this honour.

How does the Women Lawyers Forum support the retention of women lawyers?

The WLF in BC has focused on four main areas during the past four years.

- Education
- Mentoring
- Networking
- Recognition

It is important to note that membership in the WLF is open to both women and men, as are all the WLF events. The WLF recognizes that speaking to women alone will not bring about change.

Education

The BC WLF sponsors seminars and workshops on topics ranging from work-life balance to practice management issues. Nationally, it has sponsored the CLE panel on “How to Retain Women Lawyers” at the 2007 CBA conference.

Mentoring

The Mentoring Program, first chaired by Debra Van Ginkel, QC (who is also the current Chair of the BC WLF) is in its fourth year and has brought over 350 women together in mentoring relationships. With the help of a \$50,000 grant from the BC Law Foundation, it is reaching out to women around the province who may not be CBA members, to offer them mentoring opportunities.

While many of these women are part of mentoring programs in their law firms, they often feel that those programs are too limited. Law firm mentoring programs tend to focus on file and practice management issues. While these issues are important, associates want mentoring on both career and personal issues.

Our surveys at the Women Lawyers Forum on what our participants most want out of mentoring, puts work life balance at the top of the list. Women are looking for female role models and advice on how to maintain the resiliency necessary to practice law for 40 years. The Mentoring Program offers workshops on how to be an effective mentor and “mentee” as well as topics suggested by the participants.

Networking

Women network differently than men. Men, when they socialize with each other, typically want to do things together – play golf or attend a sports event. Women want to talk to each other. To promote networking amongst our members, women lawyers host potluck dinners in their homes that are sell-out successes. These popular dinners allow women to network in an informal and social setting.

Recognition

The national WLF has created a new award, named after Cecilia Johnston, QC a past President of the CBA. This award will be given to a woman lawyer of outstanding professional standing who has also contributed to the support of women lawyers. The award will be given for the first time in 2008. The BC WLF has created a similar award (as yet unnamed) for 2008. Additionally, the WLF looks for deserving women to put forward for other awards and appointments.

The real secret of the success of the Women Lawyers Forum

All of these activities would be enough to deem the WLF a success but it misses, in my opinion, one of the Forum's main contributions. WLF events create a safe and supportive place for women to tell their stories. The stories that they are hesitant to tell in their workplaces in case they will be judged by male colleagues as not sufficiently strong enough to meet the demands of practice.

To illustrate this point, I want to describe an annual event called "Ten Hot Tips From Ten Hot Mentors". Each year, as part of our Mentoring Program, we ask ten mentors to tell us about experiences they had with a mentor that had a significant impact on their life or career. We are always impressed by the funny, moving, insightful stories that our mentors share with us.

At the end of one of those inspiring evenings, a young woman lawyer asked if she could say something. She told us that she had come to the event even though she was not part of the mentoring program. She was planning that week on quitting the practice of law, as she found it just too difficult a struggle. However, after listening to the stories from these other women that night, she realized that with some mentoring support, she could be one of those lawyer mentors ten years from now, looking back on a successful career.

Promoting successful role models and encouraging them to tell their stories, is one of the most significant ways that the Women Lawyers Forum can support women in this challenging profession.

The WLF is working to make the legal profession a more welcoming and supportive place for women lawyers at all stages of their careers. I hope that our members can take

what they learn back into their law firms and legal departments to become better lawyers and create more supportive workplaces for men and women in law.

We also look forward to its continued growth in other provinces and to the WLF taking its place internationally alongside other national organizations that support women in the practice of law.

Why are women lawyers choosing to leave law firms?

So why are women leaving the profession at twice the rate as men? Why are women choosing, in much greater numbers than men, to leave private practice and work in-house, in government or as Crown Counsel – and not in law firms? Why do women only make up such a small percentage of partners in law firms?

I do not believe that it is solely because the hours may be more predictable outside private practice. I know lawyers who are Crown Counsel, work at the Justice Department or in corporate law departments, who are working just as hard as lawyers in private practice and often for less pay.

I believe that women (and increasingly men) are choosing not to work in environments that they do not find to be supportive or sufficiently collegial.

The practice of law is very challenging. As the corporate world increases in competitiveness due to globalization and increases in the speed of transactions due to technology, our clients are increasingly demanding. The practice of law – as in business and in other professions – demands long hours and intense focus to stay at the top of the game. This intense pressure and long hours must be kept up not over just a few years but over 35 to 40 years. Law firms are businesses with high overheads and staff budgets to meet.

Biologically, men and women are on different tracks. On average, lawyers spend 16 years post-secondary school preparing to become partners in law firms. This puts the average age for consideration for partnership at 34, which is a prime childbearing year for women. Women need more flexibility in moving in and out of practice without jeopardizing their careers. The idea that a lawyer would voluntarily take time out from their career and still be committed to resuming that career long term is still difficult for many men to appreciate.

It is not just that women want more flexible working hours, a different mentoring focus, a different career track towards partnership or promotion – many women want to work in a different environment. One that is more supportive, collegial and recognizes that we all have lives outside the office as important as our careers.

Workplaces that have been historically designed by men are often not places where women want to work. Male definitions of success and status are often different than female definitions.

Women love the law and are as good at it as men. They like their clients and their colleagues. They want the same professional rewards of economic security, recognition, independence and intellectual challenge that men crave. But they also want something else. They want a work environment that doesn't require them to pretend that they don't have a personal life and is supportive of them when personal and family commitments must come first.

An excellent discussion on how women view work differently than men is found in When Work Doesn't Work Anymore, a book on women, work and identity by Elizabeth Perle McKenna (Delta Publishing, 1997).

Perle McKenna describes how men get their primary social recognition from the title on their business cards and the amount of money they earn. Women often define success differently where contributions to family and the community are as important as career success.

Perle McKenna writes about why she left the corporate world:

"I loved the work. But it had simply become too exhausting emotionally and psychologically to keep working on terms that were increasingly not my own. I felt tremendous sadness as I saw that my most sustaining and enduring relationship – that of my career and me – had changed and was possibly ending. It would have been a critical mistake to conclude that motherhood was the cause or the solution of the problem. Motherhood was completely beside the point. All it did, really, was focus the problem – that I was working in a work environment that wasn't designed for a woman like me. A woman who wanted more than conventional success. A woman who wanted a life too. (p. 9)

She continues about the women she interviewed for her book:

"All of the women wanted to work, but they wanted the work to be more meaningful. They wanted to work in environments with less hierarchy, that were less male dominated, more flexible and caring. They all wanted more time for family and friends, and less stress. Most felt they were making too little contribution to their communities." (p. 112)

While Perle McKenna's book looks primarily at the corporate world, similar themes can be found in law. The partnership and compensation structure of the typical law firm often produces an environment that lawyers can find alienating.

As the demand for increased billable hours continues, it is not uncommon for lawyers to come in, shut their door, and keep their head down with minimal social interactions, in order to meet that day's billable target. This isolation can make the workplace cold and unsupportive.

Partnerships, unlike larger corporations, lack human resource departments that are focused on more than recruitment. Larger corporations will typically address the health – including the health of family members – of their employees with wellness and benefit programs, counseling and employee assistance programs. This is seen as a key recruitment and retention strategy. Partnerships do not have such costly support systems for their employees.

The compensation model in law firms pits one lawyer against another as everyone tries to make their numbers. The partnership model puts enormous pressure on lawyers who want to work for the CBA, the Law Society, their community or who want more family or personal time. Even where such volunteer work adds to the prestige of the firm or attracts clients, many firms judge the lawyer's worth solely on the basis of their financial numbers.

Time spent away from the practice of law is seen as money coming out of other partners' pockets if the lawyer does not make up that time in their billings. This can add to the feeling of alienation in a law firm where different values around work rub up against one another.

Partners can also be very unforgiving of personal crises such as marital problems, health issues, children's illnesses, elderly parents needing help – anything that interferes with the lawyer's ability to meet their financial targets.

I have heard from so many colleagues, both men and women, of instances where lawyers have suffered tremendous personal crises – divorce, heart attacks, cancer, death of a family member – and they have received little support from their colleagues at work. Often only their closest professional colleague will stop by during the workday and ask how they are doing.

I know of lawyers who have suffered heart attacks and have come back to work within a few weeks and have covered it up by taking some "vacation time" rather than let their partners know that they might have difficulty meeting their billable target for the year.

I know of lawyers – both men and women - who have covered up cancer treatments for the same reason. Or the fact that they are going through a divorce or their spouse is dealing with a serious health issue.

All of these lawyers were concerned that if their colleagues discovered that they were dealing with a crisis that might distract them from their financial commitment, their position at the firm could be put in jeopardy. Instead of support during this difficult time, there is fear that any weakness will be seen as fatal to one's long term career.

I believe there is also a gender communication issue at work here. Male lawyers are often very uncomfortable offering personal support when a colleague is in trouble. Men can feel awkward discussing personal issues, as men typically keep such issues private.

Displaying personal weakness makes some men feel vulnerable and diminishes their personal strength with respect to other men.

Women, on the other hand, are often much more comfortable discussing personal and family issues. This can form stronger bonds of support between women without the feeling that they are giving ground to each other.

I recently gave a workshop at our annual WLF Education Day on the topic of “*Gender Communication: How women and men communicate differently with clients, colleagues and in the courtroom*”. In my research for that workshop, I discovered that men when talking to other men typically discuss the following 3 topics:

1. Work
2. Sports and recreation
3. Technology

Women when speaking with other women, typically discuss:

1. Relationships
2. Work
3. Health (not just women’s health issues but health of their family, friends, etc)

Women are socialized to discuss relationships and health concerns, in a way that men often lack the vocabulary. When women face this silence around personal or family concerns at work, this can increase their feeling of alienation.

Women need to speak up and break the taboo that nothing should be spoken that might interfere with our ability to get the job done. We all live lives that ebb and flow around personal challenges as much as work ones.

I can remember announcing to my executive colleagues many years ago that I would be coming late to one of our weekly meetings, as I would be taking my children to their first day at school. My two female colleagues expressed their surprise and concern to me later that I would admit to our male colleagues that I was putting my children ahead of attending an executive meeting. I said that I was frustrated at constantly having to pretend that I did not have a life outside the office and that family commitments had to be covered up with some acceptable work excuse such as an unavoidable medical appointment or a meeting with a client.

My point in all of this is that it is time that we humanized our workplaces. I think that women, with our greater ease in talking about relationships and our desire to have our personal as well as our work lives acknowledged as important, need to speak up and ask for support without the fear that we are sending a message that our careers are not important to us. Our careers are important to us, but so are the rest of our lives and both need to be recognized.

The legal profession as a whole must openly talk about the demands that practicing law can take on lawyers and how we can better support each other. Our Lawyer Assistance Programs are doing their best but until this is openly discussed in our workplaces, lawyers will continue to hide their illnesses and persona crises and not receive the support they need to continue practicing. I believe that women lawyers have a role to play in making sure that the profession addresses these concerns.

Flexible work schedules and part time work

When I began the practice of law in the 1970's, when most of the profession was male, it was common for lawyers to be supported by a stay-at-home wife. I often jest to young women lawyers starting out, that their best survival strategy is to find a stay-at-home wife.

We all know that today, society is structured very differently. Not only are more women in the workforce – often with equally demanding jobs such as law – but men both need to be and want to be, much more involved in the lives of their children than they were in my father's day.

While studies show that women still carry the bulk of the household and childcare responsibilities, while holding down full time jobs outside the home, more men are wanting to coach their daughter's soccer team; come to the parent teacher interviews; attend school events – generally be involved in their children's lives in a way my father would never have dreamed of participating. I believe that we are raising healthier children and creating a healthier society by the increased involvement that many men are having in the daily lives of their children. Increasingly men, as well as women want increased flexibility at work in order to take on these roles.

Every survey of women lawyers puts flexible or part-time work at the top of women's list of changes they would like to see in the profession. In order to retain women and increasingly men, law firms and other employers will need to find a way to address this issue.

The accounting profession, at least at the big four global firms, has for years been far ahead of the legal profession in allowing more partners and employees to work part time. As more and more women enter the accounting profession, accounting firms have recognized this as their main retention strategy and have come up with more creative ways to support women. I believe that the legal profession can learn from the accounting profession without having to entirely reinvent the wheel.

As the Baby Boom Generation is now reaching retirement age, there is an increasing interest by senior partners to work part time. The intense pace of practicing law is challenging to keep up for 40 years. As these senior, primarily male, lawyers look for

more flexible work arrangements, I hope that this will trickle down to more creative ways to allow all lawyers, to work fewer hours while still balancing overheads.

If solutions are not found, the profession will continue to lose valuable talent, both male and female, who will take their expertise elsewhere to practice.

The health of the profession

The legal profession has to start talking seriously about the toll that practicing law takes on the health of lawyers, both men and women. Law firms and legal departments must find ways of supporting their partners and associates when stress, burnout, long hours, client demands and family and personal crises affect the health of individual practitioners.

Women are often more comfortable talking about these issues than men and can act as leaders in creating more collegial and supportive workplaces. Our profession needs the combined talents of our female and male colleagues. Helping women continue in the legal profession will address many of the same needs as men and keep the profession as a whole, flourishing and successful.