

How do we encourage more women to stay and progress in the profession?

Our third International Women's Leadership Forum was held last month. How can the world of IP do more for women?

The UK IP attorney

It is no secret that although men and women graduate from law schools in almost equal numbers, the numbers change as talented female attorneys leave the profession. Maintaining a work/life balance, given that women are still the principal caregivers in the home, seems increasingly difficult. In many solicitors' firms women may not choose to be on the partner track, and then their role can be called into question. But why should all women wish to fill power positions? In some ways, the career paths in the profession may be less of an issue for firms of patents and trademark attorneys. The challenge has been to provide an environment that enables all attorneys to have their own best opportunity to advance. This need not necessarily be partnership track but rather having fulfilling work, a manageable schedule and being valued for a contribution that improves the bottom line.

One day there may be gender balance partnerships but could I raise the heretical query that partnership may not be the best option for every woman? People make life choices. Given the enormous cost and effort of training somebody to become, for example, a fully qualified patent

attorney, losing them is not just a waste of talent but a loss of investment. At my firm, we believe that there are ways to encourage female staff retention at all levels. Even if people do not want to achieve partnership now, they may want partnership in the future; the issue should become retention. Firms that can retain the best talent will outperform their competitors.

One case in point is when women go on maternity leave. It is vitally important that they remain in touch with colleagues and legal developments. We ensure that all staff, whether on maternity leave or not, are invited to departmental meetings at which new laws and cases are assessed. Firms could look at providing the costs of a day's childcare to enable an attorney to spend a day looking at developments in their clients' cases and carrying out the value-added work that is so important, even if unbillable, of maintaining client retention and confidence.

Remote working allows women who cannot physically come to the office each day during working hours to maintain a practice. We have one extremely experienced attorney who lives in the North and works remotely on a part-time

basis. The firm retains a skilled and experienced attorney who can work in her time on her days of choice and without supervision. Resourcing cost is less, as office space and desks are not required although of course the IT set-up is fundamental to the system working. The remote attorney can attend CPD events at local fora for solicitors, which is also good for networking.

Retaining talent is key to any business. It is for firms to find a way of retaining their talented women, whether it be lactation rooms for mothers during the early post-natal days, recognition for 'not now but later' progression, an alternative employment track that allows attorneys to continue doing the work they love but not having to pursue the partnership route (with the corresponding management responsibilities), or providing the technology that allows remote working with its benefits outweighing the risks. Maybe that will allow us to count the women in but never need to count them out ...



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The in-house counsel

While nearly half of all law school graduates today are women, they make up only about 20% of partners at US law firms. While this gender imbalance is not unique to the legal profession, I do think there are certain things we can do to encourage more women to stay and progress in the profession. For one, we need to let women know they are valued. To do that, firms need to offer women opportunities to do good, high-quality work and to play a substantive role on the legal team. In addition, to retain female talent, especially during women's child-bearing years, firms should offer flexible work arrangements, such as telecommuting or part-time options. There were times during my career when my children were younger that I worked part-time. It required a certain degree of flexibility on my part and on the part my employer, but we made it work.

There are also things women themselves can do. To get good work, it is important that lawyers perform their jobs well and deliver a first-rate work product. Women should also seek out opportunities to build relationships and make connections, by finding mentors who can help them navigate the unwritten rules of the workplace, or sponsors who can help them find good assignments and advance in the profession.

Women should not limit themselves to the workplace. There are many women's organisations, including some in the IP space, in which to get involved. When I go to women's conferences, not only do I typically learn a lot, but I also meet many interesting women and leave feeling energised. Women should also try to find time to do activities that are meaningful to them, whether it is volunteering outside work or doing *pro bono* work. You never know what kind of connections you might make.

In-house counsel also have a role to play. We need to make sure that our current and prospective outside counsel know we value diversity. At CBS, we are committed to enhancing diversity in our outside counsel practices, and we are not shy about telling outside counsel that we expect diverse teams to be assigned to our cases.

Finally, I think there needs to be a shift in organisational culture. As our society ages, flexible work arrangements will be needed to address elder care, as well as childcare responsibilities. This is an issue that affects both women and men. A lot of organisations have policies regarding flexible work arrangements, but many people are afraid to avail themselves of these options because they worry they will be perceived as lacking commitment. We need a culture shift so that we not only have such policies, but also that people can take advantage of them without fear of being penalised regarding work assignments or career opportunities.

Naomi Waltman
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The US perspective

To address the goal of encouraging more women to stay and progress in the legal profession, many law firms provide initiatives such as mentoring programmes, affinity groups, flex-time, reduced hours, remote work policies, and parental leave policies. However, such initiatives are merely a toolkit – *how* these tools are used in practice is critical to women's retention and progress.

Our firm has had great success in retaining and promoting its women. Our sole focus is intellectual property, traditionally a male-dominated field, yet we have more women equity partners (24%) than the national average for general law firms (17%). Our firm has a few uncommon initiatives that complement the traditional toolkit. Examples include 180° partner reviews that monitor whether partners are providing adequate coaching and growth opportunities; partner training on how to provide coaching and feedback; small-group events intended to foster communication among diverse people and practice groups; and women-focused events where women help one another find and articulate praise-worthy accomplishments that can be touted when the opportunity arises.

In our experience, the following general principles are important to encouraging women to stay and progress:

- Value the quality of a lawyer's work and client service more than billable hours and face-time in the office.
- Provide access to growth opportunities regardless of title, reduced hours status, gender, or race. For example, our partners routinely bring patent agents and junior associates to face-to-face client meetings so that they are exposed to servicing clients based on real-time, real life situations.
- Monitor progress towards creating and maintaining a supportive environment in a meaningful manner. We use our semiannual associate reviews, mentoring programme and 180° partner performance reviews as tools to monitor whether associates are receiving appropriate and timely growth opportunities, coaching, and feedback.
- Enable professionals to seek the flexibility, support, and opportunities that they want while meeting their commitments to the firm and its clients. Flex-time, remote work, reduced hours, and two tiers of billable hours are universally available and do not adversely

impact opportunities for development and promotion.

- Encourage women to take leadership positions. At our firm, women have led important committees such as recruiting and marketing, and four of our seven practice groups. We elected a woman partner to the executive committee that manages the firm.
- Encourage sharing of collective wisdom and ideas. For example, in our women's group, we discuss how to seek feedback, access informal networks, highlight skills and talents, and balance work with life.

Women's initiatives and programmes are very important, but it is how you use and leverage these tools in day-to-day practice that will encourage women to stay and progress.



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