Chair Column
By Stephanie Abrutyn

It is that time of year again – when a new co-chair takes the mantle at Women in Communications Law. As many of you know, the co-chairs have staggered terms, and this year I am fortunate enough to be saying goodbye to an excellent partner and welcoming someone who is equally first-rate.

Patricia Clark, the outgoing co-chair, has been a driving force in Women in Communications Law. For the past several years, she has almost single-handedly organized our November theater outing in New York City. At the same time, she maintains an active and successful law practice and life. She is a partner at Sabin, Berman & Gould LLP, where she represents Advance Publications’ newspapers, business journals, and magazines in defamation, access, reporter’s privilege, and other editorial matters. Pat also serves on the Board of Directors of Youth Communication, a non-profit journalism-based training program that publishes a monthly magazine written by teens in foster care. Outside of the office, whether it is the detailed scoop on whatever shows have turned up on Broadway or the latest museum exhibit, Pat always seems to have all the information you need to enjoy the City. It has truly been a pleasure to get to know her and learn from her.

Carolyn Foley, our incoming co-chair, also is a great person and a great lawyer. Professionally, Carolyn is a partner in the New York office of Davis Wright Tremaine LLP, where she regularly represents radio stations, newspapers, book publishers, authors, and television producers. Her practice includes the full universe of claims facing media clients, from reporter’s privilege issues, to access and FOIA, to defamation and invasion of privacy defense, as well as copyright, trademark, and advertising issues.

Carolyn also is active in the Bar and the community. She served as Secretary of the Communications and Media Law Committee of the New York City Bar Association from 2001-2004 (although at the time it called itself the Association of the Bar of the City of New York) and currently serves on the Board of Directors of Manhattan Neighborhood Networks, one of New York City’s public access cable channels. She is a skier — which I know because I ran into her on a Town of Aspen bus a couple of years ago when neither of us had any idea the other was there — and she always seems to be doing something worth hearing about. Plus, she throws a great Christmas party.

Carolyn and I are looking forward to working together to keep Women in Communications Law the growing and successful group that our predecessors have created. We will continue to host meetings and social gatherings in connection with the major conferences for media lawyers. And we hope to expand WICL’s role in between those meetings through our website and fostering more networking activities around the country. We also hope to re-invigorate WICL’s mentoring program for new attorneys and law students. We undoubtedly will be reaching out to some of you to work with us, and we look forward to getting to know as many members as possible a little better in the coming year.

Stephanie S. Abrutyn
Home Office
1100 Avenue of the Americas
New York, NY 10036
stephanie.abrutyn@hbo.com

Carolyn K. Foley
Davis Wright Tremaine LLP
1633 Broadway
New York, New York 10019
carolynfoley@dwt.com
Profile:
Lynn Oberlander
By: Natalie Spears

“I’ll have what she’s having!”
When I sat down with Lynn Oberlander for lunch to interview her for this article, I felt like the lady in the diner with Meg Ryan in When Harry Met Sally. Lynn, who just gave birth to her third child four months ago and then landed the General Counsel job at The New Yorker, also could not look any better or more radiant these days. So, what is she having? Turns out, it’s the same dose of daily craziness on which many of us nosh. From which I have concluded, some people simply are happiest and at their best when life is on a rollercoaster ride. Lynn is one of those people.

But it is not Lynn’s drive alone that makes her career of most interest in my opinion. It is the fact that Lynn is the one driving the bus down her career path -- she’s not a passenger. Throughout her career, Lynn always has sought out and gone after opportunities. She has not waited for the next gig to come to her. She also recognized, early on, the importance of being active in the bar, both to give back to the profession and to raise her own profile and create a supportive network. And the most important lesson to us all is this: she has been neither shy nor apologetic about taking control of her destiny and asking for the work, the job or the salary she believes she has earned. How refreshing is that, ladies! Indeed, not only refreshing, but a wake-up call.

Lynn’s path to a media law career began at Yale College, where Lynn caught the journalism bug and her primary extracurricular activity soon became her post as a columnist and then News Editor for the Yale Daily News. After graduation from Yale in 1987, she worked as a strategic marketing analyst for the New York Daily News before attending Columbia Law School, where she was an editor of the Law Review and graduated in 1991. She then clerked for the Honorable John H. Pratt of the U.S. District Court for the District of Columbia.

When it came time to get her first job as a lawyer in 1992, Lynn began interviewing for media law jobs in the D.C. area, given her passion for journalism. But she ultimately was drawn to the pace and allure of the big New York law firms and instead started her career as a litigator at Paul, Weiss, Rifkind, Wharton & Garrison in New York. At Paul, Weiss, she worked on all types of general and antitrust litigation for about four years. The cases were complex and interesting, but the media bug eventually won out.

Lynn recalls deciding she would look for a new position in 1996 and then opening the Law Journal only to find that NBC was looking for a mid-level litigator -- it was “fate,” as she puts it. She immediately jumped on the opportunity. For the next five years, Lynn served as litigation counsel and then media counsel for NBC’s owned-and-operated stations and cable entities, counseling on libel, newsgathering, copyright and other intellectual property and Internet issues. At NBC, Lynn found some of her best friends and most rewarding professional work. She also began teaching Media, Corporate Responsibility and Law in 1998 at the New School, where she still teaches two media courses -- one live and one online.

In 2001, she learned about an Editorial Counsel position at Forbes magazine through networking circles and decided to go for it. Not only did she get the job, but she got the salary she wanted -- and negotiated. To many of us, this should be inspiring. All too often, women do not seize the opportunity to negotiate their pay. This is probably equally true both in-house and at law firms. In a recent article -- on Forbes.com, no less -- the author reported that “[t]he majority of women miss the point when it comes to negotiating salaries...[One] study found that men were eight times more likely than women to have negotiated their salaries. By not negotiating her first salary, a woman stands to lose more than $500,000 by age 60. Women, on the other hand, who do consistently negotiate their salaries make $1 million more than their more timid counterparts over a career lifetime.” High Heels To The Top, Forbes.com, May 17, 2006, Kathleen Archambeau.

Of course, getting paid well is nice, but for Lynn she truly believes that you have to do what you love and the money will follow -- and that means not only doing a job that you love, but also loving the “extracurricular” work that comes along with the territory. When I asked Lynn about how she landed the top legal spot at The New Yorker, she is quick to say that, in part, her position at Forbes gave her the platform to raise her profile in the media bar in New York, which she believes played an important role. While at Forbes, Lynn was offered and took on more speaking engagements and became more active in committee work in the New York City Bar Association. Without seizing those opportunities, Lynn firmly believes she would not have been in the running or have gotten what she candidly calls her “dream job” at The New Yorker. The way Lynn sees it, even when you are working in-house, “you’ve got to get out there and find things you love to do in the legal community. You just can’t sit at your desk and work through lunch everyday -- in the end, it’s thankless and it doesn’t serve anyone.”
Lynn Oberlander — (continued)

This leads to just one question: where do you fit it all in when you have three kids, all under seven years old like Lynn has? Lynn admits it’s not always easy, but it can work and can even be fun. She obviously has had tremendous support from her husband, writer/editor Gary Drevitch, who does out sage parenting advice and humorous insights on his website, www.freelancedad.com. But what she also has tried to do, she says, is make sure the extra work outside of her job -- whether it is teaching or serving on a committee or attending an event -- is work she loves and involves people with whom she wants to spend time. If it involves neither, then you’ve got to learn to say “no,” otherwise you resent doing it and you probably are not going to do it well. Good advice, indeed.

Another way to survive is asking for help when you need it. Like, for example, when Lynn was in London for Forbes working on the Boris Berezovsky libel case, just weeks after the birth of her daughter in late 2002. Berezovsky (the prominent Russian financier and politician) had brought libel proceedings in England against Forbes over allegations published in a 1996 article entitled “Godfather of the Kremlin?” which related to Berezovsky’s business activities and connections with President Yeltsin. The case became a leading foreign jurisdiction case when Forbes moved to dismiss, arguing that it should be brought before either the U.S. or Russian courts. The lower court agreed with Forbes, but was overturned by the Court of Appeal, whose decision then was upheld in a landmark ruling by the House of Lords, allowing Berezovsky’s claim to proceed in England. In early 2003, Lynn found herself scheduled to attend a mediation session in London with Berezovsky’s camp of lawyers at a time when she was still breastfeeding her newborn daughter. She arrived in London, breast-pump in tow, only to find that the electrical outlets did not work with the converter plug for her pump. So she did what any other rational, in-house lawyer would do -- she asked her outside counsel for help! And off an aspiring young female associate dutifully went on assignment to find a suitable breast-pump. Now, that’s client service. And, that’s a confident working mom not being too shy to ask for help or too proud to accept it. (I love that story!)

On a related note to asking for help, Lynn also shared with me a few observations about women in business that she has made from her vantage point as an in-house counsel over the past ten years. She believes that, in general, as women we need to learn how to get more comfortable with our own power and the positions we attain. Her point is that at some stage in your career, you have achieved credibility and a certain amount of capital, and you can -- and in fact are supposed to -- spend it, both literally and figuratively. Whether it is asking for a raise, asking for help for yourself or for someone else, taking someone to lunch, asking for business or asking for a business introduction, she has seen women be more reluctant than their male counterparts to take appropriate advantage of their positions. This is a message that we all need to hear -- loudly -- because it rings so true for many women and is an inspiring point.

To me, Lynn’s career path and her advice in many respects boil down to the age-old saying: “ask and you shall receive.” In which case, I’ll have another of whatever she’s having.

Natalie J. Spears is a partner in the Chicago office of Sonnenschein Nath & Rosenthal LLP and a former Co-Chair of Women in Communications Law.

Profile: S. Jenell Trigg, Esq.
By Wendy Tannenbaum

S. Jenell Trigg doesn’t look like someone who is in the middle of what she calls her “third career.” With her wide green eyes and infectious energy, one could easily mistake her go-getting spirit for that of a recent law school graduate, eager and enthusiastic about tackling new legal challenges – and you wouldn’t be all that far off.

Jenell has been a licensed attorney for less than ten years, but her achievements during that time – which include leadership and policy-making positions in the federal government, a year as Executive Director and Chief Officer for a charitable start-up, membership in the boutique communications law firm of Leventhal Senter & Lerman PLLC and expertise in a wide variety of communications-related areas – have exceeded those of many old-timers. Her continued success is a result of years of hard work – both before and after law school – an engaging personality and serious motivation.

Jenell’s “first career” was as a performing artist. A theater major at Northwestern University, she “pounded the pavement” in Chicago for a year after her 1978 graduation from college, trying to get “discovered” for her talents as a singer, musician and actress. Although she was not ultimately successful as a professional
performer, she still composes music, plays multiple instruments and is currently writing a play.

When the bills started piling up, Jenell embarked on a "second career" in advertising, which would engage her for more than fifteen years. She chose the field of advertising because it involved creativity and sales, which she says is a type of acting. Her big breakthrough came two years into her advertising career, while in the Client Service Account Management program at Leo Burnett Advertising, she talked her way into a swanky holiday bash for broadcasting executives. After boldly introducing herself to executives from Chicago’s WMAQ-TV NBC5, she treated the party guests to a piano concert. Less than a week later, she was offered a job as an advertising account executive. After more than eight successful years at WMAQ-TV, where she twice set the record for the highest ad sale, Jenell was lured to Fox’s Chicago station and then moved to Baltimore, where she became the first female sales manager at the local Fox station and helped to launch its first news program.

In the early 1990s, Jenell reached a turning point in her career. She wanted to move up in the corporate ranks in broadcasting but also felt the need to expand her knowledge and expertise. At the same time, broadcast regulation was changing and becoming more complex, and she felt that there was a disconnect between how broadcasters worked and how Congress and the Federal Communications Commission regulated them. She wanted to be able to explain legislative and regulatory changes to her broadcasting colleagues and help them to communicate better with the government. At age 35, she set herself a goal: to attend law school at night and become a communications lawyer before she turned 40.

Jenell’s desire to become an attorney was solidified when, in 1993, she attended funeral services at the National Cathedral for former Supreme Court Justice Thurgood Marshall. Jenell, who is African-American herself, has a personal connection to Marshall, who in the 1940s represented her grandmother in a lawsuit challenging a Virginia county’s refusal to send a school bus to where the “colored” children lived. Her grandmother ultimately won the case, thanks to Marshall’s dedication. The funeral services inspired Jenell to make her third career goal a reality.

Being the achiever she is, Jenell succeeded in 1997 not only in gaining a J.D. from the Columbus School of Law at The Catholic University in D.C., magna cum laude, but also in obtaining a certificate, with honors, from the school’s Institute for Communications Law Studies—a feat no evening law student had achieved. For much of law school, she continued to work as the National Sales Manager and Director of Marketing at WJZ-TV, Baltimore’s ABC affiliate, and subsequently the CBS owned and operated station, sometimes commuting three and a half hours each day.

Jenell’s first legal job experience was juggling two prestigious clerkships at the FCC: a part-time externship for then-General Counsel William E. Kennard (former FCC Chairman), and a full-time position first with Commissioner Rachelle B. Chong and then with Commissioner Susan Ness. She was still attending law school at the time and had quit her much more lucrative broadcasting job for a chance to work at the agency. The clerkships led to a position as a policy analyst for the FCC’s Office of Communications Business Opportunities, where she delved into a variety of issues relating to implementation of the Telecommunications Act of 1996 and agency compliance with the Small Business Regulatory Enforcement Fairness Act of 1996—all while attending law school at night.

In March of her last law school year, a government colleague familiar with her FCC work offered Jenell what she calls “the opportunity of a lifetime”—a leadership position at the U.S. Small Business Administration. Thus, unlike most law school graduates who start out checking citations as first-year law firm associates, upon passing the bar, Jenell became the SBA Office of Advocacy’s Assistant Chief Counsel for Telecommunications, working on meaty telecommunications and Internet issues with other agencies, the White House and Congress.

When Jenell decided to leave government, another interesting opportunity awaited her. A business colleague in Houston wanted her help starting a foundation to provide telecommunications and computer training to disadvantaged youths, minorities and women. Jenell became the start-up’s first Executive Director and Chief Operating Officer and helped establish an award-winning program that continues to educate the underserved and support entrepreneurs in the Houston and Los Angeles areas. The organization, called The Telecom Opportunity Institute (TTOI), was honored by Vice President Al Gore at the White House Empowerment Zone Annual Conference in McAllen, Texas in 1999 and has also been recognized by the NAACP and Operation Push. TTOI just celebrated its fifth anniversary.

In 2000, Jenell left TTOI and to help build a practice in broadcast, Internet and e-commerce law at the Washington, D.C. law firm Fleischman and Walsh, LLP. Her unique combination of expertise in broadcasting, entrepreneurship and Internet issues made her well-qualified to help launch the practice, which serves mostly smaller and minority-owned communications businesses. In 2001, she moved with her practice group colleagues to Leventhal Senter & Lerman, where she practices today.

Jenell says her typical day is “crazy” but fun. In any given day, she may advise clients on issues relating to
S. Jenell Trigg, Esq. — (continued)

wireless, broadcast, cable, intellectual property, privacy, contract law, e-commerce and equal employment.

Her expertise in Internet privacy allows her to craft privacy policies and terms of use agreements that are tailored to each of her clients' businesses, and she is often called in to manage "crises" when her clients' security is breached or compromised. She monitors Internet legislation and has been called to Capitol Hill, among other places, to present briefings in her areas of expertise.

Jenell enjoys working at a smaller-size firm, where she says attorneys put a priority on family life. Her own free time is spent enjoying time with her male partner, caring for her elderly mother, socializing with the large network of friends she has acquired through her various career moves and indulging her still-thriving creative instincts.

Jenell's advice for attorneys just starting their careers? "Trust your instincts and take chances." Jenell says it was "scary" to leave her position as a successful broadcasting executive at WJZ-TV for a temporary clerkship at the FCC that paid one-quarter of her previous salary. But her instincts paid off, and the government work jump-started her legal career in a way a summer associate position would not have.

Jenell, who lectures to students at her law school and will soon begin a term as President of the Communications Law Institute Alumni Association for Catholic, also advises upcoming attorneys to find a mentor, or several. With her easygoing personality and impressive and varied credentials, it is hard to imagine that Jenell herself is not a mentor to numerous young professionals.

Wendy Tannenbaum is an associate in the Washington, D.C. office of Davis Wright Tremaine LLP

Book Review: "Ending the Gauntlet: Removing Barriers to Women's Success in the Law" by Lauren Stiller Rikleen

By Amber Husbands

Lauren Stiller Rikleen's meticulously researched analysis of the modern law firm focuses on problems facing women lawyers in large law firms and the institutional impediments to their success. Rikleen interviewed hundreds of women lawyers and law firm managers around the country, and her book includes a great deal of anecdotal evidence of women's struggles to achieve both professional success and work-life balance at law large law firms. Rikleen's book is not just a collection of anecdotes, however; it takes a hard look at the structure of modern law firms and how that structure contributes to these issues that affect all lawyers, and especially women.

Rikleen criticizes the management structure of most law firms: that is, that most management positions are filled by (mostly male) lawyers who are also engaged in the full-time practice of law. Selection of law firm managers often has more to do with the success of the lawyer's practice rather than his inherent management qualities — in other words, the rainmakers are the managers. Not only are these lawyers not trained managers, Rikleen argues, but full-time lawyers have little time to devote to managing a business. Where a firm's management structure is weak, it impacts men and women equally — but because women lawyers often do not have an informal network to rely on, as men lawyers do, they are more dependent on a healthy formal management structure.

In addition, the assignment process in large law firms often results in women being assigned work of lesser status. First, male associates tend to seek out work from more "important" partners. Even when women sought out work from these partners, the women tended to be assigned research tasks instead of depositions, or due diligence instead of frontline negotiation. While few of the women Rikleen interviewed felt that partners intentionally discriminated against women, they noted that white male partners tended to give work to those who look just like them. This impacts not just women, but anyone who doesn't "look like" existing law firm partners, such as those belonging to minority groups.

The lower quality of work assignments is just one consequence of the exclusion of women from the informal mentoring networks available to male associates. The lack of informal mentoring has other effects: women without informal mentors do not have a built-in vocal proponent at partnership consideration time, for example, and they do not "inherit" clients or business generation credit. One assumes that women associates would look to men partners for mentoring, but Rikleen reports considerable anecdotal accounts of women partners not acting as effective mentors for younger women lawyers. Associates report that experienced women lawyers are not helpful mentors; that they tend to hold women associates to a tougher standard, perhaps because they had to overcome so many obstacles to get where they are.

The emphasis on rainmaking and business generation also favors men over women. Rikleen concluded from her research that while women lawyers were confident doing high-level work, they were not comfortable pursuing it; indeed, women often preferred being the "workhorse" lawyer to the one out schmoozing clients. These women
Book Review: - (continued)
pointed to difficulties in finding social interactions with male clients (for example, many women do not play golf, and a female lawyer and male client having a one-on-one dinner may be awkward). Many women noted the lack of training in business development skills, and expressed reluctance to market themselves, whereas many men do not seem to display the same reluctance. Perhaps most importantly, most women lack a network of women professionals necessary for business development opportunities.

Rikleen also explores familiar issues about the lack of support for women trying to juggle work and family responsibilities. As Rikleen notes, many if not most successful partners are men who have stay-at-home wives or wives with less demanding careers. Rikleen surveyed many women who have attempted to return to work “part-time” and the results are not encouraging. She reveals a marked disparity between law firms’ written policies and the real-life application of those policies at law firms around the country. Women lawyers who attempted to work a reduced schedule reported of being told that lawyering requires a full-time commitment. These part-time attorneys feel pressure to be available at all times, even more so than when they worked a full-time schedule. (Keeping in mind that a typical 80% “part-time” schedule may mean working 9 or 10 hours, five days a week.) As a result of overcompensating to demonstrate their commitment, or of being assigned more work than their hours contemplate, many part-time women lawyers work as many, if not more, hours as full-time associates, but compensation is rarely adjusted to reflect that fact. And of course, women on reduced hours schedules are impacted with respect to partnership consideration. Many feel that part-time lawyers will never get back on track, even when returning to a full workload, due mainly to the stigma of working a part-time schedule, even if they are working as hard as their “full-time” colleagues.

Rikleen does not just focus on issues unique to women; she is critical of how law firms handle many issues that apply equally to men as well as women. For example, the growing emphasis on the billable hour has impacted the work-life balance of all lawyers, not just women. Large firms in the 1980s had billable hour expectations of 1600 or 1700 hours a year. Now, associates are routinely expected to bill 2200, 2300, or 2400 hours a year. Even firms whose reported requirements are 1800 or 1900 hours often expect lawyers to bill up to 600 or 700 additional hours of “nonbillable” time. Of course, because not every working hour may be billed, lawyers must spend about 1.5 hours in the office to generate 1 hour of billable time. One study, Rikleen notes, reported that in order to bill 2000 hours a year, a lawyer must work six 10-hour days each week; to bill 2400 hours would required 12-hour days, six days a week. The weight given to billable hours means that associates aren’t encouraged to develop business, but rather just to bill as many hours as possible. Even if associates attempt to obtain business from their peers in the business world, high hourly rates make it difficult to do work for smaller businesses for colleagues who are at the beginning of their careers. Also, if an associate makes partner, he or she is then often confronted with a dropoff in work because the compensation system discourages partners from sharing work with one another.

After discussing these institutional problems, Rikleen makes concrete suggestions for law firms seeking to allow women to function as equals in the workplace; among them:

- Change the firm’s internal culture; for example, to recognize contributions other than billable hours;
- Develop new leadership models where firm leaders are allowed time to manage and commit to the retention and promotion of women into leadership roles;
- Create evaluation processes that measure performance in a gender-neutral way;
- Develop alternative compensation structures to allow for a variance in billable hours among attorneys;
- Enhance business generation skills of women, as well as recognize importance of those who nurture client relationships;
- Devise compensation systems that appropriately compensate the range of contributions that individual lawyers bring;
- Develop ways to encourage mentoring, both formal and informal, and related professional development activities;
- Improve associate retention rate and consider alternative pathways for skilled attorneys who will not be partners; and
- Develop policies and practices that assist families by allowing lawyers to integrate flexibility into their daily work lives.

Rikleen’s suggestions, even if partially implemented, will have a positive impact on the quality of life for all law firm lawyers, not just women.

-Amber Husbands is an associate in the Washington, D.C. office of Davis Wright Tremaine LLP-
Up the Down Staircase
By Timothy L. O'Brien

HUNDREDS of feet above Manhattan, the reception area of Proskauer Rose's headquarters boasts all of the muscular, streamlined ornamentation that symbolizes authority and power in a big city law firm -- modern art, contemporary furniture, white marble floors, high ceilings and stunning views. The background music floating about this particular stage set is composed of the steady, reassuring cadences of talented, ambitious lawyers greeting their clients.

Bettina B. Plevan, a 60-year-old specialist in labor and employment law, has spent more than three decades at Proskauer navigating the professional riptides and intellectual cross-currents of firm life on her way to reeling in one of the legal world's most storied and most lucrative prizes: a partnership. Her corner office has evidence of the hard work that has gotten her here: stacks of legal documents sprout like small chimneys on her desk and floor, amid rows of black binders and brown accordion folders.

Compact, sharp-minded and direct, Ms. Plevan occasionally allows a knowing, engaging grin to wrap itself around her sentences as she shares her reasons for pursuing a partnership.

"I decided I wanted to be a partner shortly after I got here -- by nature I have a lot of drive, I'm competitive and I have a lot of energy," she says. "For me, being a partner was a way in which my talents and skills could be recognized. And I wanted that recognition."

Ms. Plevan has that recognition. Besides the handsome salary and braggadocios rights accompanying the grueling hours and emotional juggling that constitute a partnership, she has earned ample plaudits from peers outside Proskauer. According to a small plaque, one among many stacked along her window, other lawyers around the country have voted her one of the "Best Lawyers in America" in each of the last 13 years.

Following in the footsteps of Elihu Root, Charles Evans Hughes, Whitney North Seymour and Cyrus R. Vance, Ms. Plevan is president of the New York City Bar Association, only the second woman to hold that position since the organization's founding in 1870. She has a job that makes her happy and reflects her sense of herself. She is an accomplished lawyer. She has arrived.

She also is an anomaly.

Although the nation's law schools for years have been graduating classes that are almost evenly split between men and women, and although firms are absorbing new associates in numbers that largely reflect that balance, something unusual happens to most women after they begin to climb into the upper tiers of law firms. They disappear.

According to the National Association for Law Placement, a trade group that provides career counseling to lawyers and law students, only about 17 percent of the partners at major law firms nationwide were women in 2005, a figure that has risen only slightly since 1995, when about 13 percent of partners were women.

Even those who have made it to the top of their profession say that the data shows that women's legal careers involve distinct, often insurmountable hurdles and that those hurdles remain misunderstood or underexamined.

"You have a given population of people who were significantly motivated to go through law school with a certain career goal in mind," says Ms. Plevan, who notes that Proskauer has always provided her with a welcoming professional home. "What de-motivates them to want to continue working in the law?"

FOR years, one pat response to that question was that once law school graduation rates substantially equalized between men and women, that pipeline would fuel firm diversity and cause partnerships to equalize as well. Yet the pipeline has been gushing for about two decades and partnership disparity remains.

Although women certainly leave firms to become more actively involved in child-rearing, recent detailed studies indicate that female lawyers often feel pushed into that choice and would prefer to maintain their careers and a family if a structure existed that allowed them to do so. Some analysts and many women who practice law say that having children isn't the primary reason most women leave law firms anyhow; most, they say, depart for other careers or for different ways to practice law.

"Firms want women to stay. Men at the firms want women to stay, and women want to stay. So why aren't they?" asks Karen M. Lockwood, a partner at Howrey in Washington. "Law firms are way beyond discrimination -- this is about advancement and retention. Problems with advancement and retention are grounded in biases, not discrimination."

With law firms courting major corporations that demand diversity within the ranks of those advising them, and with women increasingly dominating the top tiers of law school graduates, veteran lawyers say that promoting women's legal careers is not just a matter of goodwill or high-minededness. It's also a winning business strategy.

"Forget about skin color or gender or whatever, if you want to run a great business, you need great, talented people. And I don't care if I'm hiring Martians if it makes good business sense," says Michael M. Boone, a founding partner of Haynes and Boone in Dallas. "Even the largest firms are at risk if they don't do this."

When Ms. Plevan graduated magna cum laude from Boston University Law School in 1970, only about 9 percent of the students who earned law degrees nationwide were women. That number had been creeping up slowly since 1960, and began to soar just a few years after she graduated. Women began penetrating the profession even though it was still largely enmeshed in discriminatory educational and hiring practices.
Up the Down Staircase — continued

Ms. Plevan’s husband, Kenneth A. Plevan, was a military lawyer, and after she earned her law degree the couple moved to Seattle, where he had an Air Force posting. She joined a Seattle firm, becoming the first woman it had ever hired. Four years later, the couple moved to New York.

She had attended Boston University in part because it had a large number of female faculty members; Ms. Plevan evaluated job prospects in Manhattan through the same lens. Proskauer appealed to her because the firm had had a female partner in 1974 -- a rarity at the time -- and because, she said, it was "pretty clear that this was a firm open to women."

Ms. Plevan said that male partners at Proskauer had worked actively as her mentors. "I was given opportunities to be the lead lawyer and demonstrate what I could do professionally very early here," she recalls. "I think the opportunity to prove yourself is part of what puts someone on the partnership track. Of course, you have to seize the opportunity as well."

Proskauer anointed Ms. Plevan as a partner in 1980, shortly before law firms around the country began embarking on a broad consolidation wave that transformed the profession. Large firms became even larger; expanded their global reach and practice areas; focused more tightly on benchmarks such as "billable hours" to assess the performance of individual lawyers; and competed voraciously for coveted spots in news media reports that ranked them by financial yardsticks such as profit per partner. Those forces gained momentum in the 1990’s and continue today.

Women entering this environment discovered that men enjoyed some distinct advantages, largely deriving from the simple facts that there were more men in most firms and that they had their hands on the levers of power. Although Ms. Plevan benefited from strong male mentoring, most women who practice law do not, according to analysts and female lawyers. Women lawyers also enjoy less access to the networking and business development opportunities that flourish in largely male playgrounds -- think golf courses or football games -- or through an invitation for a casual after-work drink with a male boss.

"Women aren’t being adequately mentored, but I think male associates aren’t particularly well mentored at all firms either, and there’s pretty widespread dissatisfaction with that," said Meredith Moore, director of the office for diversity at the New York City Bar. "Having said that, I do think that superstar male associates are identified more clearly for informal mentoring than superstar female associates."

Some of this give-and-take enters gray areas that may have as much to do with caution as it does with biases. Is a male boss reluctant to invite a younger female lawyer out for a drink because water cooler chatter might spark rumors of an affair or give rise to a sexual harassment suit? Is a female associate hesitant to address a male partner informally in a hallway because it will be derided as flirting?

Still, the sexes have been mingling in the workplace for some time now, and professionals, in all their adaptational glory, have found ways to manage these situations. Anyhow, female lawyers say, why is a woman who hunts down her male boss for a chat seen as overly aggressive or possibly flirtatious, while a male doing the same thing is seen as merely ambitious?

Lauren Stiller Rikleen, a 52-year-old partner in the Framingham, Mass., office of the Worcester, Mass., firm of Bowditch & Dewey, details the hurdles facing female lawyers in her recently published book "Ending the Gauntlet: Removing Barriers to Women’s Success in the Law" (Thomson Legalworks, $25). In her book she writes that law firms need to reorganize if they want to encourage and retain women as partners, and that roadblocks -- whether they be errant mentoring, opaque networking opportunities, low-grade case assignments or arbitrary male control of key management committees -- should all be reviewed.

"Law firms like to talk about running the firm like a business and looking at the numbers, but they're running on an institutional model that's about 200 years old," she says. "Most law firms do a horrible job of managing their personnel, in terms of training them and communicating with them."

Ms. Rikleen, as well as many of the women she interviewed for her book, note how lonely life at a law firm can feel for women if they stay on the partnership track and find fewer women around them as they ascend. In her book, she writes about her early career: "I had very little help and no mentors. I saw other women arrive at the firm, struggle, and leave." Although she established a thriving environmental law practice and now finds her firm more welcoming, in the early days, "I never felt like I belonged," she writes.

Others have had similar experiences. Jennifer L. Bluestein says she enjoys her career as head of professional development for Baker & McKenzie, the Chicago monolith that is the country’s largest law firm. But Ms. Bluestein, a 35-year-old dean’s list graduate of the Northwestern University School of Law, said that at her two previous employers, she felt like an undervalued and unwanted outsider. She describes her experiences at those law firms as lonely, degrading, and akin to journeys through halls of mirrors.

"Women are held to higher standards, and if they don’t jump up and down like a man would at a meeting they aren’t seen as partnership material," she says. “Women are less likely to get the attention than men. Some of this is left over from the sexual harassment cases from the 90’s, but I think that it’s more because of the fact that we don’t look like men."

To be sure, some big firms have already recognized the benefits of keeping women on the partnership track and have made concerted efforts to address the issue. Ms. Lockwood, the Howrey partner, is also president of the Women’s Bar Association of the District of Columbia, and she is spearheading an effort
Up the Down Staircase — continued

with that group, her firm and the Georgetown University Law Center to find practical solutions. Some of the country's biggest firms are backing her initiative, including Latham & Watkins, Kirkland & Ellis and Covington & Burling.

IN addition to "glass ceiling" issues that work against women in law firms, Ms. Lockwood's initiative -- which she says has benefited from the backing of Howrey's managing partner, Robert F. Rayak -- is also exploring the impact of what she describes as the "maternal wall" on female lawyers. She says that this wall is built on the unstated assumption among male partners that women who return to firms after having children will automatically be less willing to work hard or will be less capable than they were prior to that -- resulting in less-choice assignments or less-senior postings.

Ms. Lockwood's group is also examining retention practices in the accounting industry, which employs a large number of female professionals and which has made comparatively greater strides in recent years than law firms in closing the partnership gap for women.

Deloitte & Touche, the accounting giant, is among the more innovative firms in that regard. It has promoted and retained women by offering flexible working schedules, leadership development and career planning programs, and transparent and dedicated mentoring -- all buttressed by strong internal support and an emphasis on the bottom-line merits of its policies. Deloitte also maintains generous sabbatical policies and outreach practices so that women who depart the firm to raise children have an easier time re-entering the work force -- and rejoining Deloitte -- when they are ready to do so.

"The cost of women leaving and the cost of turnover was so high -- and the fact that the majority of accounting graduates were women -- were strong drivers of our initiatives," said Wendy C. Schmidt, a Deloitte principal in New York. "I think some women choose to commit to their families or their careers because they see it as an either/or decision, but I don't think it has to be an either/or decision."

Jane DiRenzo Pigott, a former Winston & Strawn lawyer who now runs a Chicago consulting firm, the R3 Group, that advises law firms on diversity issues, says the dynamics surrounding female lawyers in the Midwest mirror trends elsewhere in the country.

"People explain it simply as the fact that women have children, but so many other factors play into it," she says. "Women self-promote in a different way than men, and because women don't get their success acknowledged in the same way as men who more aggressively self-promote, it creates a high level of professional dissatisfaction for women."

"Saying these two words, 'I want,' is not something many women are used to doing," she adds. "They are not saying, 'I want the top bonus,' or 'I want that position.' They have a different style of self-promotion. But women need to learn how to be comfortable saying, 'I want,' and how to say it effectively."

For her part, Ms. Plevan says she has never been shy about saying, "I want," and that this has served her well in her career. She also said that she and her husband, who is a partner at Skadden, Arps, Slate, Meagher & Flom in New York, carefully and jointly managed their family life together as they raised two sons, one of whom required extra attention because of a learning disability.

The Plevans engineered this by cutting back on their social calendar, sharing household chores and making sure that at least one parent was home for dinner most nights. "We felt our presence and predictability were important," she says. "I organized my personal life so I was able to move toward my goals."

The Plevans' incomes allowed them to hire household help, and they had relatives nearby to help them look after their sons -- advantages that other couples often don't enjoy when trying to synchronize their personal and professional lives. Moreover, firm life itself, and the assumptions of men running the firms, appear to push against some women's best efforts to find balance.

According to "Women in Law," a 2001 study by Catalyst, a New York research firm that tracks women's experiences in a wide range of workplaces, most male lawyers don't see a lack of mentoring and networking opportunities -- or commitments to family and personal responsibilities -- as significant barriers to women's advancement. Those biases, says Catalyst, are more pronounced in the legal world than in other industries and professions. Ms. Plevan agrees.

"As long as firms are male-dominated, it's much less likely that firms will make changes to accept the challenges of life-work balance" she says. "It's not that men aren't receptive to these issues, it's that they're not aware."

ONE of the main bugaboos in this debate -- and one that analysts says is increasingly cropping up as an issue for male lawyers as well -- is the billable hours regime. Billing by the hour requires lawyers to work on a stopwatch so their productivity can be tracked minute by minute -- and so clients can be charged accordingly. Over the last two decades, as law firms have devoted themselves more keenly to the bottom line, depression and dissatisfaction rates among both female and male lawyers has grown, analysts say; many lawyers of both genders have found their schedules and the nature of their work to be dispiriting.

"I see a lot of people who are distressed about where the profession has gone," Ms. Rikleen says. "They don't like being part of a billable-hour production unit. They want more meaning out of their lives than that."

Mr. Boone, the Dallas lawyer, says that his 425-member firm has 38 female partners, about 25 percent of the firm's overall partnership base. He intends for
Up the Down Staircase — continued

that percentage to increase, adding that one thing that attracts a diverse group of lawyers to his firm is its compensation practices. Lawyers at Haynes and Boone are rewarded for teamwork, not individual accomplishments, staying off the dog-eat-dog competition for clients and assignments that pervades many firms. Compensation is also based on a number of other factors, including leadership and business development activities, among which billable hours are just one component.

Research conducted by the Project for Attorney Retention, a program sponsored by the University of California's Hastings College of the Law, has also identified an inflexible, billable-hours regime as an obstacle to job satisfaction for both sexes, a trend that is more pronounced among the most recent crop of law school graduates. Some veteran lawyers witness this dissatisfaction firsthand and say that it tugs more powerfully at women than men because of social expectations about household roles and child-rearing.

"We are very accommodating with leaves and flexible schedules, and even with that we still lose women," says Edith R. Matthai, who founded a Los Angeles law firm, Robie & Matthai, with her husband in 1987. "I think the pressures on women from spouses, family, peers, schools and others is huge."

"I think the real solution is a reassessment of the role that women play in the family," adds Ms. Matthai, who is president of the Los Angeles County Bar Association. "One thing we need is a sense of shared responsibilities for the household and, most importantly, shared responsibilities for taking care of the kids."

Ms. Matthai said that conditions for women had improved a good deal over the last 30 years, but added: "We have a long way to go. It's my dream that more women will stick it out in the law until they get to the fun part, and it just breaks my heart to see them giving up the dream."

Research conducted by the New York City Bar Association and other groups indicate that women who temporarily give up their professional dreams to pursue child-rearing or other personal goals have a difficult, if not impossible, time finding easily available on-ramps when they choose to re-enter the legal world.

"I don't think we're thinking very clearly about how to help people do that," Ms. Plevan says. "Firms need to keep in touch with those people, and those people need to keep in touch with firms so they don't become marginalized."

She also remains firmly aware of the challenges that partnerships entail.

"I have found my legal work and public service enormously satisfying, and I would never want to be without that, but I won't kid you -- at times it's very, very tiring and very, very demanding," Ms. Plevan said. "I truly believe that lawyers make a huge difference in society, and I think it's a loss when women decide to leave firms."

"I think diversity is a beneficial thing in an organization," she adds. "Without it, you have a loss of different points of view."