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ARTICLES

The Road to Rainmaking
Real tips from four women law firm leaders.

By Ashley J. Heilprin

Deborah Kuchler is a founding partner of Kuchler Polk Weiner, LLC, in New Orleans, Louisiana. Deb has managed dockets of complex civil litigation in Louisiana, Mississippi, Texas, Arkansas, Georgia, Alabama, and Florida involving toxic tort and environmental litigation, pharmaceutical litigation, class actions, and product liability, personal injury, and commercial litigation.

Michelle Craig is the founder of Transcendent Legal in New Orleans, Louisiana. Michelle serves as owner and chief litigation and labor and employment counsel. With over 10 years of Am Law 200 law firm experience, she has extensive experience in labor and employment, commercial litigation, and product liability.

Amy Stewart is one of the founding partners at Stewart Law Group PLLC, a minority- and woman-owned litigation boutique in Dallas, Texas. Amy’s background is unique in that prior to becoming a lawyer, she was a collegiate athlete and a college basketball coach, and then worked in sales and marketing prior to law school. Amy brings her wealth of experience as a litigator to her areas of legal practice, including labor and employment litigation and alternative dispute resolution, commercial litigation, product liability, and work related to the Employee Retirement Income Security Act.

Eileen Letts is the managing partner of the Chicago office of Zubler Lawler & Del Duca LLP. She is a civil trial attorney, with dozens of jury trials and over 100 bench trials, often involving Fortune 500 companies and iconic government entities. Ms. Letts’s areas of focus include product liability, complex tort, insurance coverage, and commercial disputes.

Developing a Culture and Style That Promote Flexibility and Authenticity Is a Key to Success

Ms. Kuchler’s firm has created a culture where everyone is encouraged to work collaboratively rather than competitively. This has led to a culture that is more flexible and emotionally supportive. Similarly, Ms. Stewart founded her firm with the belief that everyone who works there, whether a partner, associate, or front-desk staff, can be their authentic selves. Rather than trying to fit someone else’s mold, it is really important to Ms. Stewart that attorneys who work with her are able to succeed on their own terms. “That is what clients want, that is what juries want, that is what arbitrators want, and that is what judges want,” said Ms. Stewart. “When we’re walking around trying to be someone who we are not, people see that, and that’s also why we are
unhappy with their firms and choice of work. People do not like not being able to be themselves when they practice law.”

Each of the four women leaders described the importance of finding their own style and building authentic relationships as strategies to thrive. “Success does not happen overnight,” said Ms. Letts. “It takes time and authentic relationships. Build a network that allows you to share ideas among women lawyers, and find your own style.”

For lawyers who have a more introverted style in particular, like Ms. Craig, it is important to find a strategy that is authentic and enjoyable, without the pressure of trying to be someone you are not. Ms. Craig is very involved in the community, in various organizations and groups that she is personally interested in. Because she is actively involved and visible, she receives questions from potential clients and referral sources about the work that she does. This style has allowed her to pursue her passions and have organic, meaningful conversations that have led to business.

**Don’t Be Afraid of Hearing “No”—Put Yourself Out There**

Women lawyers often face business development challenges such as self-promotion, making the ask, transitioning personal relationships into business relationships, and having less access to male power brokers.

One of Ms. Craig’s strategies is to use speaking engagements as an opportunity to promote her skills and practice. She has found that it is important to stay visible so that when potential clients or referral sources have a need, they think of you. That being said, Ms. Craig emphasized the importance of prioritizing, because “you can exhaust yourself trying to do it all . . . trying to balance getting the work done and business development.” Identify the key speaking events that will be beneficial and commit to those, without overextending yourself.

Ms. Letts acknowledged the lack of diverse women in the profession in positions of power. However, Ms. Letts has forced herself to step outside her comfort zone to make the ask. “What’s the worst that can happen? They say no.” Ultimately, if you don’t make the ask, you won’t get the business. Ms. Letts advises that lawyers must have a hook, make connections, and never be afraid to make the ask. Find a balance between being aggressive and meek in a style that is authentic, but you must make the ask.

Like Ms. Letts, Ms. Stewart is not afraid to make the ask. Ms. Stewart attributes her ability to overcome those challenges and grow her business to her background as a college basketball coach and sales and marketing professional. She reflected, “When I was a basketball coach, I was responsible for a great deal of recruiting, which is nothing but sales. Then I was a marketing consultant for the NCAA, which is also sales, and then I worked in pharmaceutical sales. I was preconditioned to people telling me, ‘no.’ I understood that it was not personal, but just that at this moment in time, it was. It wasn’t a personal attack.” Ms. Stewart advised that women lawyers cannot be afraid of hearing “no” and allow that fear to thwart their ability to promote
themselves and make the ask. While you may not be the right person at a particular moment in
time for particular matter, it does not mean that you should not continue to build a relationship
with the person, because when the next matter comes up, that person may think of you.

When it comes to transitioning personal relationships into business relationships, Ms. Stewart
again emphasized that we cannot be afraid to make the ask. She has found in many instances that
those contacts were waiting for women lawyers to make the ask or simply thought that those
lawyers were “so successful and busy that they did not need the new matters or that they do not
do that sort of work.”

Promote the Lawyers Who Help to Promote You; Collaborate,
Don’t Compete

Once you have a relationship with a potential client, you must follow up and continue to develop
that relationship. Ms. Kuchler recalls the first “big fish” that she landed and the woman lawyer
who made the referral over 20 years ago. “I am always going to refer her, speak highly of her,
and promote her,” Ms. Kuchler said. When she does receive referrals, she always looks for an
opportunity to return the favor. Ms. Kuchler also emphasized the importance of promoting the
in-house lawyers she works with through other networking and professional development
opportunities.

Whether in a big firm or small practice, Ms. Craig noted that through partnering and
collaborating with other lawyers, you may have a stronger ability to secure the potential new
business, instead of competing with each other. There are several small firms that Ms. Craig
partners with on a regular basis because they do a different type of work, and it is in her client’s
best interest to work with them. Because she is able to promote other lawyers and trust that they
are not in competition, Ms. Craig continues to partner to expand business opportunities, noting
that “these relationships are incredibly important to business development when you have your
own firm.”

Involvement in a National Organization Can Be Helpful for
Building Your Book of Business

Ms. Kuchler has faithfully participated in national organizations for years. She has volunteered
to help put together corporate counsel symposiums, speak, and write. Consistent participation in
national organizations has helped Ms. Kuchler build her reputation and business around the
country.

According to Ms. Stewart, “Clients hire attorneys who they like and have expertise.” Ms.
Stewart’s involvement and leadership roles within the ABA Section of Litigation has helped her
to build lasting relationships with lawyers across the country while also distinguishing herself as
a “go to” trial lawyer. When someone needs to refer a commercial litigation matter to a lawyer in
her city, they think of her. Consistent involvement with working on committees and panels has demonstrated her competence, diligence, and trustworthiness so that people feel comfortable referring matters to her. Finally, Ms. Stewart encouraged women and minority lawyers to take advantage of the many opportunities to promote themselves through writing articles, putting together roundtables, and speaking on panels. All of these activities assist with building a lawyer’s reputation and profile, and help to build expertise.

Like Ms. Stewart, Ms. Letts has also been an active member of the ABA for many years and served in various leadership capacities, including in the House of Delegates, the 360 Commission (as a cochair), and the Council for the Section of Litigation, as well as the chair of several committees. Her involvement with bar groups has been very helpful with making connections as well as growing her substantive knowledge as a litigator. As people see women lawyers in charge of bar activities and following through on their responsibilities, they frequently consider those women leaders when looking for attorneys to refer work to.

Ashley J. Heilprin is an associate attorney at Phelps Dunbar, LLP, in its New Orleans, Louisiana, office.
Getting a Seat at the Table: Advice for Women Lawyers on the Path to Partnership

Four women provide invaluable insight into how they became partners within their firms.

By Ebony S. Morris

Over the past few years, more women are entering the legal profession and are attaining leadership positions in law firms. According to recent reports, women lawyers account for 35 percent of all law firm attorneys. Of that percentage, 24 percent are partners. In sum, roughly 12 percent of top leadership positions at firms are held by women lawyers.

While these numbers appear bleak to young women lawyers on the road to law firm partnership, it does give some hope that the needle is *slowly but surely* moving in the right direction. So how can women lawyers attain these leadership roles within their firms? Four women partners have provided tips for success in the law firm environment.

**Linda Perez Clark** is the first female managing partner of Kean Miller, LLP, the first in the firm’s 35-year existence. Ms. Clark oversees all business, financial, and operational aspects of the firm’s offices in Louisiana and Texas. Ms. Clark has been instrumental in diversity and inclusion initiatives at Kean Miller and founded the *Kean Miller Connection* program, which focuses on undergraduate minorities who are interested in attending law school.

**Christi G. Jones** is a director with Maron Marvel Bradley Anderson & Tardy, LLC, in the Jackson, Mississippi, office. Since 2008, Mrs. Jones has represented product suppliers and equipment manufacturers targeted in asbestos litigation. She has served as national counsel for diversified global companies frequently targeted in mass tort litigation and defended a major American chemical manufacturer with significant asbestos liability in Mississippi.

**Sheryl M. Howard** is a partner with Duplass Zwain, Bourgeois, Pfister, Weinstock & Bogart APLC in Metairie, Louisiana. Ms. Howard had an untraditional path to becoming a partner. She began her career as an in-house attorney for 12 years for two of the largest insurance companies in the country and spent nine years in private insurance defense practice as a senior trial attorney. In 2003, she was appointed by the Louisiana Supreme Court as judge pro tempore for the Civil District Court for the Parish of Orleans.

**Adrejia L. Boutté Swafford**, a corporate and commercial litigator with Christovich & Kearney, LLP, of New Orleans, Louisiana, since 2006, is one of the two first minority partners in the firm’s history. With a background in psychology, business law, and compliance, Mrs. Swafford practices corporate and commercial litigation. A 2010 graduate of the Bryan Bell Metropolitan Leadership Forum (a program of the Committee for a Better New Orleans), Mrs. Swafford is very involved in bar and community organizations, focusing on diversity issues, teens, and cyber risk.
All four women provided invaluable insight into how they became partners within their firms, and the following is some advice gleaned from their interviews.

1. Actively Seek Mentors and Sponsors

Fortunately, when Ms. Clark entered the legal profession, she was paired with a mentor within her firm who happened to be a woman. Her mentor was incredibly instrumental in assisting with her transition into the legal profession and also served as her biggest cheerleader. Though she was paired with a law firm mentor, Ms. Clark noted the importance of women lawyers actively seeking mentors within their firms. “Mentors within a firm can provide advice on how to navigate the ins and outs of the law firm and can assist with women lawyers’ professional growth within the firm,” says Ms. Clark.

Similarly, Mrs. Swafford emphasized the necessity of women taking the initiative to seek mentors and sponsors within, as well as outside, their firms. When Mrs. Swafford started in commercial defense, a newbie to the defense culture and type of practice, she self-assigned two mentors (outside her firm). In addition, she actively sought sponsors within her firm. “These individuals were and are still vital to my professional development,” says Swafford. Mrs. Swafford credited much of her professional growth to both her mentors and sponsors, all of whom provided valuable support and always kept an interest in her continuous client involvement.

Similarly, Ms. Howard stressed the need for a village of mentors and sponsors. Though she began her career as an in-house attorney, she recalled various mentors within her company who took an early interest in her professional growth. Throughout her career, Ms. Howard was able to forge relationships with local judges and, interestingly, opposing counsel, who graciously provided valuable advice. Even today, Ms. Howard uses those relationships with those individuals she encountered early on in her career. Needless to say, those individuals have proven to be some of her most valuable and supportive allies.

2. Expand Your Network Through Marketing Opportunities

“You should market yourself from inception,” notes Mrs. Swafford. Mrs. Swafford noted that women are outnumbered in the legal profession, and so marketing should be a part of our daily fiber, long before we know whether we want to be partners within our firms. In addition, Mrs. Jones emphasized the importance of women lawyers expanding their networks through business development and marketing conferences and noted that these opportunities serve as sources of potential client development, which, for Mrs. Jones, is crucial for women lawyers who are interested in leadership positions within their firms. Mrs. Jones noted that women, all too often, make the mistake of assuming that they are on the path to partnership so long as the partners are feeding them work, and unfortunately, women shy away from development opportunities.
According to Mrs. Jones, marketing is essential for women lawyers to develop relationships outside their firms and to eventually develop their own book of business.

Ms. Howard is a perfect example of one expanding her network through marketing. Ms. Howard credits her current business relationships to her active participation and attendance at various conferences and seminars hosted by Claims Litigation Management Alliance and Defense Research Institute. By regularly attending events hosted by these organizations, as well as others, Ms. Howard has developed valuable relationships outside of her firm, and these relationships have fortunately developed into business relationships.

For all of the women, law firm success is directly linked to developing a book of business. And marketing remains one of the most important strategies for women lawyers to master on the path to partnership.

3. Be Your Own Advocate

While women lawyers should use their mentors and sponsors throughout their career, all four women encouraged women lawyers to be their own advocate. All too often, women lawyers passionately advocate for clients and partners; however, they rarely advocate for themselves in the profession.

For Ms. Howard, this is by far one of the biggest mistakes a woman lawyer can make in her career. Ms. Howard notes that women should use their experiences and skills when negotiating for client development opportunities and substantive work. “Negotiating is a skill that is learned only through practice,” says Ms. Howard. Women have to develop this skill when advocating for partnership, and it is imperative for women attorneys to speak up more when seeking professional growth opportunities.

Putting It All Together

All of the women acknowledged the reality of trying to succeed in a male-dominated profession. They also noted that the culture is not always considerate or inviting to women lawyers. However, women lawyers should not be afraid to ask for what they want in terms of professional development. Overall, these exceptionally successful women partners have benefited from their hard work and success, and all are using their power to create a pipeline for women lawyers who are seeking leadership roles within their firms.

Aspiring women lawyers who are carving a path to partnership can benefit from the collective advice gained from the interviews of these women partners. Women have faced a long history of discrimination in the legal profession and have had to fight harder, be more resilient, and press more than some of their counterparts. However, these four women are proof that if women lawyers actively seek and develop relationships with their mentors and sponsors, expand their...
networks through marketing opportunities, and advocate for themselves, then they can get their own seat at the table.

*Ebony S. Morris* is an associate in the New Orleans, Louisiana, office of Garrison, Yount, Forte & Mulcahy, LLC.
The Persisting Gender Pay Gap: Recent Developments in the Law That Address Gender Pay Disparities

State laws prohibiting employers from asking prospective employees about their wage history, a pending Supreme Court case, and discrimination suits filed by women attorneys at prominent law firms.

By Rebecca Sha

The Equal Pay Act, the federal law mandating that women and men receive the same pay for the same work, has been in place since June 10, 1963, yet gender pay equality remains elusive.

Under the Equal Pay Act, an employer must pay men and women equally for equal work. Equal pay includes not just a worker’s salary but also overtime, bonuses, benefits, training, reimbursements, etc. While equal work does not need to be identical, it must be substantially similar. This standard leaves much open for interpretation.

Currently, studies show, women make 80 cents for every dollar earned by men. For minority women, including African Americans, Native Americans, and Hispanics and Latinos, that figure is significantly lower.

There are many reasons why this gap exists. For instance, while women are becoming more educated and earn college degrees at a higher rate than men, they have difficulty obtaining that first or subsequent job that actually pays well. This initial lower pay has a lasting impact on the rest of the woman’s career, affecting promotions, future pay raises, and even new jobs, because employers historically use prior wages to set new wages.

Recognizing that the current gender pay gap is “an embarrassing reality of our economy,” the Ninth Circuit Court of Appeals in Aileen Rizo v. Jim Yovino, Fresno County Superintendent of Schools, an April 9, 2018, decision, held that employers can’t pay women less than men because they made less at their prior job. The court reasoned that considering a woman’s prior salary to pay her less than a similar male employee would perpetuate sex discrimination. The court stated that acceptable criteria for setting a wage that may be considered must be limited to “legitimate, job-related factors such as a prospective employee’s experience, educational background, ability, or prior job performance.” That case is currently pending review by the U.S. Supreme Court.

Some of the reasons for this pay gap may be discrimination, although it is often difficult to prove or quantify. Recently, the legal community has seen a wave of litigation alleging that prominent law firms discriminate against female attorneys in pay, promotions, and opportunities. For instance, in January 2018, a female nonequity shareholder at Ogletree, Deakins, Nash, Smoak & Stewart brought a $300 million class action lawsuit alleging that the firm discriminates against female partners in pay, promotions, and opportunities. The suit claims that the law firm denies female shareholders the same opportunities, training, and business credit provided to male shareholders. Further, it is alleged that females are invited to fewer client development events and are locked out of important business development opportunities. Moreover, the suit alleges that the firm disproportionately gives administrative duties to female attorneys, which takes away from actual, substantive work.
Similarly, in June 2018, Jones Day was hit with a gender discrimination lawsuit filed by a former hiring partner, which alleges that the firm operates like a “fraternity” and uses a black box compensation system, which results in less pay to female attorneys than male attorneys. For instance, the lawsuit alleged, a sixth-year male associate was compensated more than an eighth-year female partner.

Both firms deny the allegations.

Some states are proactively tackling the gender pay gap by enacting new laws. For instance, in October 2017, California enacted a law prohibiting California employers from asking job applicants about their salary histories. The City of Philadelphia in January 2017 was the first city to enact legislation doing the same—prohibiting employers from asking prospective employees about their wage history. Some states, including New York and Massachusetts, have enacted laws that increase the burden on employers to show that they are not discriminating with respect to wage payment based on sex and lessen the burden on the employee to prove pay bias. Other states and federal enforcement agencies, including the Equal Employment Opportunity Commission, have homed in on efforts to increase pay transparency.

Internationally, the United Kingdom has regulations that require employers, including large international employers, to publish statistics and other information regarding gender pay gaps in their workforces by April 2018.

In light of this movement toward more transparency, some companies are conducting their own internal audits and publicly disclosing such pay data voluntarily.

It remains to be seen whether the gender pay gap may be eliminated in the next decade or two, but the recent developments in practice and law show that governments, companies, and employees are invested in seeing an end to pay disparities.

Rebecca Sha is an associate with Phelps Dunbar in New Orleans, Louisiana.
One Law Firm’s Efforts to Help Women Attorneys Succeed

An interview with Jennifer J. Lee on Dentons’ Women LEAD program.

By Davis G. Yee

Jennifer J. Lee is a partner in Dentons’ Litigation and Dispute Resolution practice group. She serves on Dentons’ Associate Development Committee and is active in Dentons Women LEAD. Ms. Lee is also a member of the Asian American Bar Association of the Greater Bay Area.

What is WomenLEAD?
It is a firm committee of women partners. We are committed to creating programming and ensuring that our firm is attractive to women lawyers. We encourage our women lawyers to attain professional individual success, while also making sure they have the tools they need to get there.

How does WomenLEAD do that?
We sponsor a New Mothers Program. Under this program, when a woman is on maternity leave, she is matched with another mother who has gone through the leave process. There are two benefits to this. Number one, she can keep in touch with the firm while she is on leave. And number two, she has someone who can mentor her through the process before she goes on maternity leave and until she comes back. One thing that women don’t anticipate, especially the first time they have a child, is how significant the transition is on both ends of the process. And it’s not just the personal transition but also the professional transition. So the idea of the New Mothers Program is to connect women with someone who has gone through the process and who can help them through it.

We have another committee that was created just last year. It’s for parents, specifically to talk about and address challenges with having a family and working at a big firm.

Child care is a big issue for families with two working parents. How does the firm support working parents with child care needs?
That’s definitely something that the parenting committee is looking into. Partnering with service providers for emergency child care. That’s really critical. Litigation makes up 60 percent of our firm’s practice nationwide, and last-minute stuff happens in litigation. So that’s one of the areas that they are looking into. And another area is family therapy. What do you do if one of your children has a learning disability? How do you manage all of that? There are a lot of life issues that women lawyers face.

What was the genesis for WomenLEAD?
At the legacy firm I was with before the merger with Dentons, there was already a women’s networking team that I was a part of, and we had come up with the idea of a New Mothers Program but never formalized it. After the merger into Dentons, in fact the second year after the merger, a lot of brilliant women lawyers decided that we needed to reinstitute this idea of a growth and leadership network for women lawyers and professionals. One of those brilliant women lawyers is Kara Baysinger, who coauthored Courageous Counsel: Conversations with Women General Counsel in the Fortune 500. It is a book with in-depth interviews of women who have served as general counsel at America’s largest corporations or have played executive management roles in their legal departments. [Editor’s note: The other author is Michele Coleman Mayes.] Stemming from that, Dentons WomenLEAD created the
Courageous Counsel Institute and the Courageous Counsel Leadership Academy to invite women general counsel for seminars.

**WomenLEAD stands for Leadership, Entrepreneurism, Advancement, and Development. What does WomenLEAD do to promote women as leaders within the firm?**

The long-term goal is not just to increase the number of women partners, but rather to increase the number of leaders in the firm. If you look at the statistics about women law partners, for example, they don’t look so bad if you just look at whether or not it says “partner” on the business card. But now the bigger question that WomenLEAD is trying to answer is how to get those women lawyers to be in positions of power. It’s a multifaceted answer. Part of it is business development. Law firms are businesses. The partner that brings in the most cash is king or queen. So WomenLEAD also sponsors a program called Preparing for Rain, a business development series. The program runs for an entire year. You meet once a month, so there are 12 sessions. We bring an outside business development coach. WomenLEAD also has a sponsorship program for female senior associates who want to become a partner. The idea for all of these programs is to create opportunities and skills for women lawyers to eventually be leaders.

**Do you think that WomenLEAD has helped with retention of women lawyers at your firm?**

I hope it has. For the entire time I’ve been with my group, since 2002, we have never had anyone leave to be a stay-at-home parent. This is a testament to Dentons, as well as the legacy firm that merged with it. They have invested in technology to essentially replicate your work desk at home, and there’s a lot of flexibility. The firm makes it really easy to work from home. As an example, the firm has an associate who lives on the peninsula but works in our Oakland office. Her husband works for a large tech company on the peninsula. She was initially reluctant to interview with us because of the commute. And I told her that that was something we could work out. We have associates who work at least one day a week from home.

**Less time commuting certainly frees up time for family and to meet your billable hours.**

For sure. Remember that associate who lives on the peninsula? She has a two-year-old daughter. Her husband, as I mentioned before, works for a large high-tech company. I’m sure he works a lot of hours. She works from home a few times a week, and other than two small blocks of time for child-related activities, she makes herself accessible around the clock. Last year she billed close to 2,400 hours! She’s very ambitious. She’s also smart and clearly willing to work hard. But I told her she needed to stop doing this because we want her to be with the firm for a long time, and she needs to maintain a healthy balance for long-term happiness.

*Davis G. Yee* is an adjunct professor at the University of San Francisco School of Law.
Perspectives on Paternity Leave Bias in Law Firms
A large-firm associate’s observations about attitudes and unspoken cultural norms toward men who use paternity leave.

By Alexandra Navarre-Davis

Many law firms offer sparing paternity leave policies, assuming the firm offers paternity leave. In a climate where traditional caregiver gender roles are shifting, some firms may consider offering paid gender-neutral parental leave policies, which can be enacted with relative ease. The challenge, however, is creating an alternative firm culture. The desired culture should be one in which employees can use paternity leave without fear of retribution or being demeaned for doing so.

I interviewed an associate at a large law firm regarding his observations about the firm’s attitude and unspoken cultural norm toward men who use paternity leave. His observations were both illuminating and troubling. He stated emphatically that associates and partners who used paternity leave were viewed unfavorably. At his firm, a week of paternity leave would be acceptable enough to avoid the proverbial side-eye from other colleagues. However, taking more than two weeks of paternity leave would likely result in negative consequences and repercussions for the employee, such as unfair and unwarranted assumptions about the employee’s work ethic and commitment to the firm and, upon his return, the supposition that the employee has been “out of the loop” and is unable to handle matters to the same degree prior to his leave. The associate also said that even if an associate or partner is on paternity leave, he is still expected to be readily available during his leave.

During the interview, he shared a story of his male colleague—an associate—who took a week of paternity leave after the birth of his second child. The associate’s automatic email reply indicated that he was out of the office but still available by phone or email. The clear implication here is the existence and expectation of conformity to an unspoken cultural norm that trivializes the value of paternity leave. Notably, the associate’s email reply conformed to his firm’s expectation of the length of leave he should take and the fact that he was expected to be available, even though he was on leave.

Throughout my interview, one word that the associate emphasized—whether intentionally or unintentionally—was “unspoken.” He described three “unspoken” norms related to paternity leave that are embedded in his firm’s culture: (1) that male employees should refrain from requesting paternity leave; (2) if leave is requested, the absence should be less than two weeks (but the employee should still be available for the duration of his leave); and (3) if an employee deviates from the unspoken norms regarding paternity leave, he can expect to suffer repercussions.

An unspoken or unwritten practice or policy that has become so enshrined in a firm’s culture that it has the power to influence whether an employee takes paternity leave without fear of retribution, and how long he takes leave, is a powerful one. Thus, to begin to unravel some of that power, the initial step in transforming a firm’s cultural stigma associated with paternity leave is to identify and give credence to the problem. Law firm leaders and managers must openly and unequivocally acknowledge that implicit organizational bias toward paternity leave is a valid issue, and one that needs prompt remediation.

The second step requires firms to consider neutral parental leave policies that provide equitable paid parental leave, regardless of gender or caregiver status. Such a policy would communicate to employees that the firm rebuffs outdated presumptions about traditional gender roles. Gender-neutral leave policies...
are effective in transforming a firm’s culture because the nature of the policy itself encourages men to take leave to care for their babies and assumes that they want to do so. However, this step will not reach maximum effectiveness if the firm’s cultural norm does not change. The associate I interviewed observed a critical issue: that his firm offers parental leave, but male employees are reluctant to take advantage of the benefit because of those unspoken, yet all too real, repercussions.

The third step, then, requires a work environment that fosters and supports paternity leave. To create this environment, employees—especially managers and supervisors—need to engage in introspection to identify their own implicit biases toward paternity leave and make a good-faith effort to overcome them. Support for paternity leave must come from the top. Male employees desiring to use paternity leave must also play an active role in shifting firm cultural norms by unabashedly taking advantage of the full paternity leave package. The more commonplace it becomes for employees to take paternity leave, the more it becomes a part of the culture and, by tautology, less likely that male employees would be ostracized for using paternity leave.

To determine whether and to what extent implicit biases against paternity leave exist in other industries, I also interviewed a software developer who works for a technology start-up based in Silicon Valley. Not surprisingly, his experience with paternity leave was starkly different from that of the law firm associate. His company offered 16 weeks of paid paternity leave and encouraged him take full advantage of it. He was discouraged from checking email and other messaging services during his paternity leave and, notably, did not fear that he would be penalized—whether directly or indirectly—for taking the full amount of paternity leave. He knew the company was truly supportive of his desire to be home with his new baby.

The software developer’s experience with paternity leave shows us that there is hope for better paternity leave policies in other industries. With a concerted effort and an internal cultural mind shift, it is possible that in the near future, male associates, partners, and staff in law firms can take paternity leave in a setting where it is not only offered but expected and encouraged to be used.

Alexandra Navarre-Davis is in New Orleans, Louisiana.
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