

Women in ABA Leadership Advancing Issues, Achieving Results

By Hannah Hayes

During her second year in law school, Bayo Callender was already thinking about how she might advance her career as a lawyer in international affairs.

“I knew there would be challenges as an African American woman, and I knew it was important for me to try and gain a foothold as well as to understand and learn as much as I could even before I started out,” says Callender, who graduated in 2009 from Thomas M. Cooley Law School in Ann Arbor, Michigan. “So I joined the ABA.”

Callender also joined the U.S. Lawyers Practicing Abroad Committee of the American Bar Association’s Section of International Law. At first she just listened in on teleconference calls, absorbing information and trying to understand the nuances of the conversations that she says were over her head—until one day when the discussion turned to new projects.

“After sitting quietly for so long, I finally spoke up and said I would like a program that addresses the needs of people like me, an African American woman from a second-tier law school,” she recalls. “We are not that visible, and I told them I thought we needed more guidance and mentoring.”

To her surprise, Callender found that people were “gung ho” and more than willing to engage with a new lawyer with enthusiasm and patience. With the help and encouragement of others on the committee, Callender developed a mentorship program to encourage the participation of students of color, and she began working with the Section’s mentorship program.

From there, she helped organize a regional workshop and went on to become the committee’s cochair. The following year, she was asked to be cochair of the Women’s Interest Network of the Section of International Law.

In harsh economic times, it is often the groups at the low end of the ladder that are challenged the most. Progressive policies aimed at increasing diversity, mentoring, and extending opportunities for growth are often the first to go. Yet, the latest “report card” on the status of women in the ABA shows a glimmer of hope.

The latest Goal III Report, to be published in February 2012 by the ABA Commission on Women in the Profession (CWP), found that the number of women in leadership positions in the association continues to trend upward. Although the rate of increase has been

slightly static, the numbers have kept pace and in some areas even surpassed the rate of total women in the legal profession.

Women comprise 31 percent of the approximately 1 million lawyers in the United States. Women lawyers constitute 31.7 percent of all ABA members, and the ABA House of Delegates is 31.9 percent women. Women represent 36.8 percent of the ABA Board of Governors, 28.6 percent of Section and Division chairs, and 33.2 percent of Section or Division officers.

“I think the ABA has been a shining example of equal opportunity for women and women of color when it comes to giving women the opportunity to advance,” says Laurel Bellows, former CWP chair and now ABA president-elect who will take office in August 2012. Bellows will be the fifth woman president in the ABA’s 100-year history.

The Bad Old Days

Lynn Hecht Schafran, an original member of the CWP, says she finds it fun to remind people that there was a time when the ABA didn’t admit women. “It’s a good idea for people to know that because it puts into perspective some of the things

that people have done,” says Schafran, director of the National Judicial Education Program to Promote Equality for Women and Men in the Courts at Legal Momentum in New York.

A student of Supreme Court Justice Ruth Bader Ginsburg, Schafran has been an outspoken advocate for advancing women in the legal profession. When U.S. Secretary of State Hillary Rodham Clinton became the first CWP chair in 1987, Schafran worked with her to help create the Goal IX Report Card (the precursor to the Goal III Report) that measured the progress of women in ABA leadership positions.

According to Schafran, having the hard numbers to monitor women in leadership positions paved the way for the next generation. “I can remember going to one Section that was putting on an incredible array of programs for the upcoming year and there was one woman out of 27 speakers,” Schafran recalls. “It meant I could just say, ‘You can’t do that—it’s a different time now.’”

Mary Cranston, senior partner at Pillsbury Winthrop Shaw Pittman LLP in San Francisco and the newly appointed CWP chair, also reflects on her early days in the ABA. “When I first started practicing, it was essentially a network of men,” Cranston says. “The ABA has been in the forefront in being quick to look at reasons to adopt best practices. Of course, it’s not been a perfect track record, but no longstanding organization has a perfect track record.”

“It’s a wonderful place to become a leader and get that recognition and responsibility,” says Roberta Liebenberg, former CWP chair and a senior partner at Fine Kaplan and Black, R.P.C., in Philadelphia. “Women are very well represented in the ABA.”

Taking Charge

Today, nearly every ABA Section has a committee, subcommittee, or task force devoted to increasing diversity or extending opportunities to women and minorities. (See sidebar.) “The ABA is the premier networking organization for the profession, and one of the most

ABA Entities Focus on Women

Many ABA Sections, Divisions, and Forums have programs, subcommittees, or task forces dedicated to providing numerous opportunities for women in the legal profession. They currently are as follows:

Section of Antitrust Law: The Membership and Equal Opportunity Committee undertakes initiatives to enhance the participation of women, minorities, and other under-represented communities.

Business Law Section: The Women’s Business Law Network helps connect women in the Section and presents panels related to the professional development of women.

Forum on Communications Law: The Women in Communications Law Committee provides support and networking opportunities for women in this area of law.

Criminal Justice Section: The Women in Criminal Justice Committee examines contemporary issues faced by women in the criminal justice community.

Section of Dispute Resolution: The Women in Dispute Resolution is a newly formed task force that is in the process of assessing the status of women in alternative dispute resolution.

Forum on Franchising: The Women’s Caucus provides opportunities for networking, including a downloadable directory.

General Practice, Solo and Small Firm Division: The Diversity Fellowship Program is designed to promote diversity within the Division while providing leadership development opportunities for women, attorneys of color, those with disabilities, and persons of differing sexual orientations and gender identities.

Health Law Section: The Breast Cancer Task Force is a pro bono effort that provides extensive resources to lawyers and consumers dealing with breast cancer.

Section of Individual Rights and Responsibilities: The Rights of Women Committee addresses legal issues affecting the civil and human rights of women. It provides a national forum for women’s rights advocacy, drafting ABA policy proposals, hosting continuing legal education programs, and developing written materials.

Section of International Law: The Women’s Interest Network’s primary objective is to provide networking opportunities and promote women. It has regional chapters in the United States and abroad.

Law Practice Management Section: ABA Women Rainmakers organizes programs, networking events, and CLE by and for women.

Section of Litigation: The Woman Advocate Committee presents programs demonstrating trial and advocacy skills and provides networking opportunities.

Section of Real Property, Trust and Estate Law: The Diversity Committee reaches out to women and minorities.

Section of Science & Technology Law: The Membership and Diversity Committee promotes diversity in both membership and leadership within the Section.

Section of Taxation: The Diversity Committee actively recruits lawyers of color, women lawyers, young lawyers, lawyers with disabilities, and lawyers from diverse ethnic backgrounds to become involved in the Section of Taxation.

Young Lawyers Division: The Women in the Profession Committee is dedicated to securing the full and equal participation of women.

important things in the legal career is to build your network,” Cranston says. “It is the essential organization for women who want to have impact and need to be involved.”

Susan Letterman White is cochair of the ABA Women Rainmakers Committee of the Law Practice Management Section. One of the many committees within ABA sections that focus on providing opportunities for women, its mission includes educating women about marketing and business development and providing mentoring and networking opportunities for members to build personal and professional relationships.

“We’ve just been growing tremendously—it really is the ‘must join’ group for any woman who is interested in rising up the ladder in the law firm and attaining power,” says White, an employment law litigator and founder of Letterman White Consulting in Philadelphia, which specializes in developing leadership programs. “The committee is full of women rainmakers who are well respected. It opens a few doors, but it also gives our members an opportunity to lead an initiative and learn by doing, not by reading.”

The Section of Litigation has dozens of subcommittees within its committees aimed at giving women opportunities to network, develop substantive expertise, and ensure that women are adequately represented in their practice areas.

Recently, the Section of Dispute Resolution formed a Task Force on Women in Resolution to gather information on women in alternative dispute resolution (ADR). “The objective is really to understand whether women are participating in dispute resolution in proportion to the numbers in the profession,” explains Ruth Glick, a mediator and arbitrator with an office near San Francisco who is heading the task force.

The group scheduled a January 2012 meeting at the New York Center for International Conflict Resolution, where they planned to survey the Fortune 500 companies in attendance to gather numbers on how many women lawyers they engage in ADR.

The task force’s other goal is to increase mentoring and networking.

“It’s important to foster development of the next generation of women neutrals,” Glick says. “One of the benefits of belonging to the ABA is that it’s huge and national in scope, and we have the ability to do this kind of networking on a national scale. We get to meet other women advocates and be in a position to learn.”

Jessalyn Zeigler joined the ABA Section of Litigation’s Committee on Products Liability 10 years ago. The assistant practice leader for the products, torts and insurance group for the Nashville firm of Bass, Berry & Sims, PLC, says she was looking for networking opportunities. “Just to be in the same room with hundreds of other lawyers discussing issues that are significant to our practice is so important.”

Today, Zeigler cochairs the Women in Products Liability (WIPL) Subcommittee within the

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Section of Litigation, which holds a workshop every year in a different location across the country. “It’s a real quality CLE that draws people for friendship and networking but also hot legal topics, some directed at women lawyers and some directed at all products liability litigators,” says cochair Amy Fischer, who practices in products liability in the Oklahoma City firm of Foliart Huff Ottaway and Bottom.

Fischer attended the first WIPL conference when a male partner in her firm called her attention to the yearly conference. “He said he thought it would be good for me, and I went. And that’s how a lot of women from even small- and

medium-size firms find us.” WIPL has 225 active members.

“It’s about the relationships,” CWP Director Veronica Muñoz says. “Many of the current leaders are people I knew when they were young lawyers; they were just coming into their own when I first started 17 years ago. Now they’re chairs of major Sections in the ABA and leaders in the profession and in their firms.”

Impact Beyond the ABA

In the early 1970s when Congress was considering the Equal Rights Amendment (ERA), a group of women lawyers thought the weight of the ABA’s support might have an impact. “Up until that time the ABA hadn’t taken any policy positions in favor of women and women’s rights,” recalls Brooksley Born, a founder of the ABA Women’s Caucus and cofounder of the board of the National Women’s Law Center, Washington, D.C. The retired partner of the D.C. firm of Arnold & Porter LLP has a long history of activism in the ABA and elsewhere.

Born and other women had organized together in the ABA Section of Individual Rights and Responsibilities. Eventually they established a women’s committee in the ABA House of Delegates and drew up a resolution recognizing the constitutional equality of women. Then they took the initiative to Capitol Hill to argue in favor of the ERA. Their eventual success made them realize the ABA could be a real force for good when it comes to women’s rights issues.

These women continued to work in the House of Delegates to push an agenda of particular importance to women. Through the years the House of Delegates has approved numerous antidiscrimination resolutions, calls for equal pay, support for the Violence Against Women Act, and other policies that ensure “legal remedies not only within the profession but outside of the profession,” says Linda Klein, managing shareholder in the Atlanta firm of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, and chair of the House of Delegates.

“The ABA offers opportunities unique among most bar associations

Commission on Women in the Profession Takes Initiatives on the Road

Since its establishment in 1987, the ABA Commission on Women in the Profession (CWP) has sponsored numerous resolutions, conducted research initiatives, and produced trainings, publications, programs, and other activities to help women advance in the legal profession.

“It’s not helpful if we just do the research—the real issue is to take our findings and publicize them to make sure people are incorporating best practices,” says former CWP Chair Roberta Liebenberg. “We’ve been able to leverage our publications and projects with other groups to collaborate and strengthen our ability to address these issues.”

Some recent initiatives to emerge from the Commission include:

Women in Law Leadership Academy. Leadership workshops held across the country provide valuable skill development training aimed at increasing women lawyers’ power and effectiveness and thus their leadership potential. Learn more at <http://ambar.org/will>.

Ms. JD Fellowship. This program partners rising third-year law students with a Margaret Brent Women Lawyers of Achievement Award honoree or a CWP commissioner for one year.

The Road to Independence. A collection of 101 letters from women lawyers who started their own law firms going back to the 1950s provides ideas and practical suggestions about becoming a sole practitioner. Order this and other CWP books at www.ShopABA.org or call 800-285-2221.

Fair Measure: Toward Effective Attorney Evaluations. This publication examines how women in law firms are evaluated and the implicit bias and stereotyping that still exist today. It includes a step-by-step guide to ensure performance evaluations are fair and bias free. Order this and other CWP publications at www.ShopABA.org or call 800-285-2221.

New Millennium, Same Glass Ceiling? Conducted in partnership with the Project for Attorney Retention and the Minority Corporate Counsel Association, this study focused on the compensation gap between men and women and the difficulties women encounter in attaining power and promotions in law firms. The study brought to light the implicit bias against women that has prevented them from getting business origination credit as well as other barriers to adequate compensation for women. Following publication of the report, the Commission organized regional conferences for women general counsels and senior in-house counsel to educate them on how they can leverage their weight as clients to make sure women are given credit as well as opportunities. Access the report at www.attorneyretention.org/Publications/SameGlassCeiling.pdf.

ABA Policy. The CWP has sponsored resolutions urging Congress to pass legislation that ultimately became the Lily Ledbetter Fair Pay Act and to strengthen the Equal Pay Act, and recommending that bar admission authorities accommodate the unique needs of lawyers who are military spouses who move frequently.

Women of Color Research Initiative. Two reports have already examined advancement and retention issues among women lawyers of color in law firms. Scheduled for release in the spring, the third report coming from this groundbreaking research will address women attorneys of color in government and corporate settings. The reports can be accessed at www.americanbar.org/groups/women/initiatives_awards/women_of_color_research_initiative.html.

through its policies as well as its actions,” says Klein, who points out that the number of women in leadership within the ABA exceeds that of most state bar associations.

More recently, the House of Delegates has taken action on CWP-sponsored resolutions on pay discrimination and in support of the Paycheck Fairness Act. A resolution currently on the table recommends that state bars act to ease barriers faced by spouses of military personnel who are reassigned. This would allow a member in good standing in one jurisdiction to be admitted to the bar without examination if the spouse was reassigned in another jurisdiction. It also recommends expediting the application process and reducing fees.

Looking to the Future

In her speech before the House of Delegates at the ABA Annual Meeting in Toronto in August 2011, President-Elect Laurel Bellows vowed to “continue to advocate strongly for laws that encourage gender fairness” throughout her term.

“I think the visibility of women as lawyers is misleading,” Bellows says. “Compared to their total absence in the ’60s, women have made significant progress, but it’s clear that the progress of women is stagnant.”

Bellows suggests the proverbial glass ceiling may be better visualized as a barbed-wire fence. “Women are looking at other side and they’re

smart and they see what they might be enjoying, but you climb and get torn and bloodied; you get there and you’re not seeing any solutions and you just have to face what’s there,” she says. “Many are thinking the climb is not worth the pain.”

Despite this, Bellows says she’s absolutely optimistic. “It’s going to require a new effort, a new way of addressing the obvious. We’re going to need bipartisan partners in this conversation and have men who will benefit from this discussion on how women are viewed and the way they are advanced.”

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