A Message From the Co-Chairs

In the summer of 2013, we were appointed as co-chairs of a new joint effort of the Missouri Supreme Court and The Missouri Bar. The Joint Commission on Women in the Profession, comprised of judges and lawyers from throughout the state, was charged with the mission to: assess the status of women in the profession, identify barriers to their advancement, combat bias in the justice system and in the legal profession, and secure the full and equal participation of women in the legal profession.

Our initial goals were to:

• Gather current data on women’s representation in the profession in Missouri,
• Create an online presence and substantial database of quality resources for women lawyers and their employers,
• Use social media to connect and share information with our constituents and stakeholders,
• Bring national experts to Missouri to share best practices for retaining and advancing women in law firms, and
• Advocate for our constituents on common priorities through research and collaboration with other stakeholders.

We met these goals and achieved a few more as opportunities arose. The results are discussed at length in this first report.

Thanks to the labors of our student interns, you will find many general and sector-specific statistics on women’s representation in the profession. Colorful graphics illustrate both how far women have advanced and how far we still have to go to achieve equal rank and influence. You will also find a sample of the new annual attorney enrollment form, now containing a checkbox for gender, which will enable us to more accurately measure and track those statistics in the future.

Additionally, you will find an impressive list of excellent resources available on our web page, several samples of our social media output, and materials on two issues suggested by constituents. The first played a part in the revisions to Missouri Supreme Court rule 6.06 which governs return to active status. This facilitates a return to active practice after a voluntary hiatus – a situation that impacts women who take time off for child-rearing and care-giving responsibilities. The other material examines parental leave policies for state employees.

Finally, we enumerate and report briefly on several other events and endeavors from our first two years and foreshadow more on the horizon.

It has been a true privilege for us to lead the brilliant and dedicated members of the Commission. We urge you to connect with us. Post an email to the listserv (women@mobarlists.org), submit an article for our blog (www.mobar.org/mowomenlawyers/), and follow us on Twitter (@MoWomenLawyers).

Your experiences and priorities will continue to inspire and guide our work ahead.

Megan Phillips
Judicial Clerk
Missouri Court of Appeals Eastern District

Bill Bay
Partner
Thompson Coburn LLP
# Table of Contents

- Acknowledgments ............................................................................................................. 4
- Members, Joint Commission on Women in the Profession 2013-2015 ............................. 5
- Years in Review 2014-2015 ............................................................................................ 6
- Statistics: Women Attorneys in Missouri ........................................................................ 7
- Statistics: Women in Law Schools .................................................................................. 8
- Statistics: Missouri Judges ............................................................................................. 9
- Statistics: Missouri Law Firms ....................................................................................... 10
- Statistics: Public Sector ................................................................................................. 11
- Website Resources, Statistics ....................................................................................... 12
- Resources for Women Lawyers ...................................................................................... 14
- Social Media Presence ................................................................................................. 16
- Snapshots From Joint Commission Events ..................................................................... 18
- New Gender Information To Be Captured In 2016 ......................................................... 20
- Amended Court Rule Facilitates Return to Active Practice After Taking Inactive Status ... 22
- Parental Leave for State Employees in Missouri ............................................................ 25
- Top Three Takeaways From DirectWomen’s St. Louis Event ............................................. 27
- MoBar Business Case CLE Recap .................................................................................. 28
- No More “All or Nothing:” Tipping the Scales toward Work-Life Balance .................... 30
Acknowledgments

The co-chairs are indebted to many individuals who contributed to the Commission’s projects and to this publication.

We are particularly grateful to Judge Laura Stith in her capacity as the Commission’s liaison to the Missouri Supreme Court, and to Cindy Neagle as our liaison to The Missouri Bar. Both have provided enthusiastic support, broader perspective, and sage advice. We also appreciate the wonderful assistance of Sebrina Barrett, executive director of The Missouri Bar.

The Commission could not have launched our social media presence or published this report without Allison Spence, Communications Manager at Thompson Coburn. Allison supplied critical expertise and execution with respect to the website, blog, Twitter, and this publication. Additional thanks go to Allison’s colleagues Taylor Apostol and Rick Jackoway for their assistance and, of course, to Thompson Coburn for dedicating staff time to our endeavors. Farrah Fite, Media Relations Director at The Missouri Bar, has also been instrumental in the creation and maintenance of The Connection Point and the Commission’s Twitter account.

Many of our initial projects could not have advanced without the substantive ground work of our 2014 summer intern Laura Venn, of Washington University School of Law. Laura gathered much of the statistical detail contained in this report, conducted multi-state research on FMLA policies and demographic data collection by other mandatory bars, wrote several blog posts, and supported preparations for the Masters Series CLE. Equally vital was the assistance of summer 2015 intern Angela Kennedy, of the University of Missouri-Columbia School of Law, who updated the statistical data and assisted in many ways toward preparation for publication while also contributing content for the blog.

Commission members Lucy Unger and Tom Neill dedicated considerable time to the return to active status issue. Lara Gillham, of Williams Venker & Sanders LLC in St. Louis, conducted a 50-state survey of return to active status and procedures, and several women submitted compelling anonymous personal testimonials.

Commission member Joanna Trachtenberg led the initiative on parental leave for state employees. Marsha Fischer, Tom Neill, Lucy Unger, Phyllis Norman, and Hon. Margene Burnett planned and directed law school outreach events. Joining them were guest panelists Kelli Dunaway, Sheena Hamilton, Jennifer Joyce, Marjorie Lewis, Latieke Lyles, Lauren Tucker McCubbin, Lynda Moore, and Sarah Read. Stephanie Wan assisted with statistical data collection and assumed administration of the Commission’s Twitter account. Erin Hawley and Larry Tucker presented CLE content for open committee meetings. Kori Carew co-presented the Masters Series CLE. Kori Carew, Karen Glickstein, and Larry Tucker comprise the planning committee for the Commission’s upcoming program on implicit bias in Kansas City.

Finally, and above all, we wish to express our profound appreciation and respect for those who paved the way through the efforts of the Gender & Justice Task Force. We stand humbly and gratefully on their shoulders.
Members, Joint Commission on Women in the Profession
2013-2015

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Thompson Coburn LLP

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Missouri Court of Appeals, Eastern District

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MoBar liaisons
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Katherine Myers, liaison to the Young Lawyers Section Council, Edelman, Liesen & Myers LLP in Kansas City
Years in Review 2014-2015

- Launched The Connection Point website, created extensive online resource bank, solicited guest writers and published numerous blog articles, and attracted 300 followers on Twitter @MoWomenLawyers. (Spring 2014)

- Presented Law Firm 101 panel discussions at SLU, MU, and UMKC law schools. (Spring 2014 and Fall 2015)

- Co-sponsored two-day symposium on pay equity in collaboration with DirectWomen and the ABA Gender Equity Task Force, featuring Bobbi Liebenberg, Chair of the ABA Commission on Women, Stephanie Scharf, Past President of the National Association of Women Lawyers, and Patricia Gillette, member of the ABA Gender Equity Task Force. (St. Louis, April 2014) (See p. 29)

- Held open committee meetings in Jefferson City and offered 1.0 hours CLE credit. (Jefferson City, November 2013 and May 2014)

- Provided 90-minute Masters Series CLE telephone seminar titled Dollars and Sense – the Business Case for Gender Equity in Law Firms, featuring Patricia Gillette, member of the ABA Gender Equity Task Force and founder of the Opt-In Project, and Kori Carew, Director of Strategic Diversity Initiatives at Shook Hardy & Bacon. (August 2014) (See p. 30)

- Researched and reported on status of women in the legal profession in Missouri. (See p. 7)

- Requested amendment to annual attorney enrollment form to include a checkbox for gender. (See p. 20)

- Researched and reported on “Return to Active Status” process in Missouri. (See p. 22)

- Researched and reported on parental leave policies for state employees in Missouri and sister states. (See p. 27)

Upcoming
Symposium on implicit bias featuring renowned expert, author, and scholar Joan Williams, Founding Director of WorkLife Law and Distinguished Professor of Law at University of California Hastings College of Law. (Kansas City, March 10, 2016)
Statistics: Women Attorneys in Missouri

The following pages present some selected data on the gender makeup of various parts of the Missouri legal community, but these statistics are in no way exhaustive. In fact, there was no mechanism for collecting such data. For this reason, the Commission advocated for an amended Missouri Bar enrollment form that includes a checkbox for gender. Beginning in 2016, the Missouri Bar will have the ability to collect accurate data on the number of women attorneys practicing in Missouri.

In the meantime, we have compiled a very rough estimate of the number of women attorneys in the state based on a survey of various corners of the legal community. The figures below suggest that women comprise 31-35 percent of attorneys in Missouri, which is consistent with the national estimate of 32.9 percent.1

Discussion
According to the Bureau of Labor Statistics, there are 1,132,000 working attorneys in the United States, 32.9 percent of whom are women.1 Furthermore, there are approximately 9,790 working attorneys in the state of Missouri who are women, according to BLS data.2 We sampled six professional legal groups across the state: law schools, Missouri state judges, the Missouri attorney general’s office, Missouri legal aid services, Missouri Metropolitan Bar associations, and Missouri Public Defenders, with a sample size of 8,469. Of those surveyed, 2,633 are women and 5,836 are men, which, extrapolated, suggests that women comprise 31.1% of working attorneys in Missouri. Applying this percentage to the Missouri Bar’s reported 30,393 Missouri attorneys in good standing,3 there are approximately 9,452 female attorneys in the state. In future years, we will have precise numbers, once the new enrollment form is in use.

---

Statistics: Women in Law Schools*

The four law schools in Missouri are Saint Louis University School of Law, University of Missouri School of Law, University of Missouri-Kansas City School of Law, and Washington University School of Law. Within these four schools, there are approximately 594 faculty members, including 217 women (36.5%) and 377 men (63.5%). These faculty members are comprised of four deans, including two women (50.0%) and two men (50.0%); 20 associate and assistant deans, including 9 women (45%) and 11 men (55%); 232 full-time and emeritus professors, including 105 women (45.3%) and 127 men (54.7%); and 362 adjunct professors, including 112 women (30.9%) and 250 men (69.1%).4

In addition to analyzing the faculty statistics, we considered the percentage of female full-time law students in the state of Missouri. Between the four law schools, there are approximately 1,960 full-time law students comprised of 866 women (44.2%) and 1,094 men (55.8%).5

Therefore, there are a total of 2,554 law students and faculty members within the Missouri law school community, including 1,083 women (42.4%) and 1,471 men (57.6%). Adding law students to our sample size brings our total surveyed legal profession population to 10,429 attorneys and future attorneys, including 3,499 women (33.6%) and 6,830 men (66.4%).

*Data gathered in July 2015


Statistics: Missouri Judges*

Across Missouri’s 45 state circuit courts, three Courts of Appeals, and the Missouri Supreme Court, we found a total of 376 judges, including 99 women (26.3%) and 277 men (73.7%).

There are seven judges on the Missouri Supreme Court, including three women (42.9%) and four men (57.1%).

A woman currently sits as the Chief Justice. Thirty-one judges sit across the three districts of the Missouri Court of Appeals. There are 10 female judges (32.3%) and 21 male judges (67.7%). There are three Chief Judges, two women and one man. The Missouri Circuit Courts are comprised of 338 judges, including a total of 86 women (25.4%) and 252 men (74.6%) at the trial court level.

Of these 338 judges, 133 are circuit judges, including 31 women (23.3%) and 102 men (76.7%), and 205 are associate circuit judges, including 55 women (26.8%) and 150 men (73.2%).

---

*Data gathered in July 2015


Statistics: Missouri Law Firms*

Categorizing the firms based on size yields differences in the percentages of women, with large firms comprised of 31.9% women and small/midsized firms comprised of 27.6% women.

Of the attorneys sampled at large firms\(^{10}\), there are a total of 2,759 attorneys working in large Missouri firms, including 879 women (31.9%) and 1,880 men (68.1%). Of the 2,759 attorneys, 1,480 are partners, including 295 women (20.1%) and 1,175 men (79.9%). There are 720 associates, including 326 women (45.4%) and 393 men (54.6%). Further, there are 370 of counsel, including 148 women (40.0%) and 222 men (60.0%). In addition, there are 85 staff attorneys, including 56 women (65.9%) and 29 men (34.1%). Finally, there are 115 summer associates, including 54 women (47.0%) and 61 men (53.0%).

Of the attorneys sampled at small/midsized firms\(^ {11}\), there are a total of 673 attorneys working in small to midsized firms, including 186 women (27.6%) and 487 men (72.4%). These numbers are comprised of 374 partners, including 74 women (19.8%) and 300 men (80.2%), and 258 associations, including 102 women (39.5%) and 156 men (60.5%). In addition, there are 36 of counsel attorneys, including 7 women (19.4%) and 29 men (80.6%), and five staff attorneys, including three women (60.0%) and two men (40%).

Our figures here do not include a specific breakdown of equity partners and non-equity partners. As Roberta “Bobbi” D. Liebenberg, the former chair of the American Bar Association’s Commission on Women in the Profession, told Law360 earlier this year, “the barriers to equity partnership trace back to a lack of fair and equitable allocation of origination credit and a lack of a clearly defined succession plan for clients, who often get inherited by men than by women when the lead partners retire or move on.”

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\(^{10}\) Data was found on NALP Director of Legal Employers and was based on demographic information from Bryan Cave LLP; Dentons; Greensfelder, Hamer & Gale PC; Husch Blackwell LLP; Lathrop & Gage LLP; Lewis, Rice & Fingersh LC; Polsinelli PC; Shook, Hardy & Bacon LLP; Spencer Fane Britt & Brown LLP; Stinnes Leonard Street LLP and Thompson Coburn LLP.

\(^{11}\) The data represents attorneys from Baker, Sterchi, Cowden & Rice LLC; Berkowitz, Oliver, Williams, Show & Eisenbrandt LLP; Brown & James PC; Capes, Sokol, Goodman & Sarachan PC; Carmody MacDonald PC; Danna McKinnic PC; Fisher & Phillips LLP; Gilmore & Bell PC; HeplerBroom LLC; Humphrey, Farrington & McClain PC; Kutak Rock LLP; Ogletree, Deakins, Nash, Smoak & Stewart PC; Rouse, Hendrick’s, German & May PC; Sandberg, Phoenix & von Gontard PC; Schranhorst, Ast, Kennard & Griffin PC; Seigfreid Bingham PC; Senniger numbers are comprised of 374 partners, including 74 women (19.8%) and 300 men (80.2%), and 258 associations, including 102 women (39.5%) and 156 men (60.5%). In addition, there are 36 of counsel attorneys, including 7 women (19.4%) and 29 men (80.6%), and five staff attorneys, including three women (60.0%) and two men (40%).
22.6% of Fortune 500 companies have women as general counsel

Source: American Lawyer

*Data gathered in July 2015

(1) 1,000 members of KCMB elected not to report their gender
Website Resources, Statistics

- **23** blog posts and news items
- **65** resources for women lawyers (see list below)
- **23** resources for law firms
- **6** resources for law students

Website Analytics
The Commission’s first major initiative was to create an online presence offering useful resources for women and their employers and a forum for discussion and support. With the expertise and assistance of Missouri Bar media relations director Farrah Fite and Thompson Coburn digital content manager Allison Spence the Joint Commission on Women in the Profession produces a fully-featured website “The Connection Point” (www.mobar.org/mowomenlawyers). The website provides a user-friendly experience with easy navigation and functionality throughout, allowing visitors to have efficient access to a variety of resources for women lawyers with the option to share information on social media.

Examining analytics from October 20, 2014 through July 20, 2015, www.mobar.org/mowomenlawyers ranked 125th in popularity of the more than 1,900 pages associated with www.mobar.org. During that same window, the webpage had 953 pageviews from 735 unique visitors that spent an average of 2 minutes 5 seconds on the page. The complete collection of webpages associated with the Connection Point website garnered 1,584 pageviews from 1,192 unique visitors that spent an average of 2 minutes 6 seconds on the pages.

A standard daily pattern of visits ranges from 1-12 with peaks of 20-50 visits following promotions of the website shared via Twitter and/or ESQ.

Of the subpages of www.mobar.org/mowomenlawyers, the Resources for Women and About the Joint Commission pages are the most popular. Here is a breakdown of all the pages under the /mowomenlawyers/ banner:

<table>
<thead>
<tr>
<th>Page</th>
<th>Pageviews</th>
<th>Unique Pageviews</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Resources for Women</td>
<td>224</td>
<td>153</td>
</tr>
<tr>
<td>2. About the Joint Commission</td>
<td>124</td>
<td>77</td>
</tr>
<tr>
<td>3. About this Site</td>
<td>87</td>
<td>60</td>
</tr>
<tr>
<td>4. News and Events</td>
<td>82</td>
<td>74</td>
</tr>
<tr>
<td>5. Blog*</td>
<td>61</td>
<td>49</td>
</tr>
<tr>
<td>6. Resources for Firms</td>
<td>23</td>
<td>19</td>
</tr>
<tr>
<td>7. Resources for Students</td>
<td>23</td>
<td>18</td>
</tr>
</tbody>
</table>

* Please note, no new content has been added to the blog since 9/4/14. New blog content is a key feature of attracting new and repeat traffic to the website.
Of visits to The Connection Point blog, blog posts ranked in the following order by visit share from October 20, 2014 through July 20, 2015:

The Connection Point also contains blog posts on a variety of topics relevant to women’s advancement in the legal profession. The Commission invites any member of the bar to submit an article for the blog.

<table>
<thead>
<tr>
<th>Title</th>
<th>Pageviews</th>
<th>Percentage of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. What I Learned from Legal Pioneer Frankie Muse Freeman, Esquire (4/16/14)</td>
<td>141</td>
<td>20.4%</td>
</tr>
<tr>
<td>2. Equal Pay Anniversary: Strategies to Close the Gap (6/11/14)</td>
<td>124</td>
<td>18%</td>
</tr>
<tr>
<td>3. The Equal Pay Act: The Good, the Bad and Where We Go Next (6/10/14)</td>
<td>99</td>
<td>14.4%</td>
</tr>
<tr>
<td>4. Why Non-traditional Law Students (and Moms) Bring So Much to the Table (5/28/14)</td>
<td>44</td>
<td>6.4%</td>
</tr>
<tr>
<td>5. Wisdom from the 2014 Women’s Justice Award Winners (4/30/14)</td>
<td>48</td>
<td>4.3%</td>
</tr>
<tr>
<td>6. Perspectives of a Diversity Director (5/7/14)</td>
<td>35</td>
<td>5.1%</td>
</tr>
<tr>
<td>7. Gender Equity: The Price is Right, the Time is Right (9/4/14)</td>
<td>22</td>
<td>3.2%</td>
</tr>
<tr>
<td>8. To Advance Women in Law, We Need the Help of Men (6/30/14)</td>
<td>18</td>
<td>2.6%</td>
</tr>
<tr>
<td>9. Riding the M-curve of Motherhood and Legal Career (4/3/14)</td>
<td>16</td>
<td>2.3%</td>
</tr>
<tr>
<td>10. Reduced Associate Ranks: A Potential Upside to a Downturn (4/23/14)</td>
<td>16</td>
<td>2.3%</td>
</tr>
<tr>
<td>Other blog posts</td>
<td>127</td>
<td>27%</td>
</tr>
<tr>
<td>Totals</td>
<td>690</td>
<td>100%</td>
</tr>
</tbody>
</table>
Resources for Women Lawyers

**General**
*(statistics, homepages, multi-topic resources)*

ABA Commission on Women in the Profession
ABA Commission on Women in the Profession Homepage
Statistics 2000-2013
ABA Women of Color Research Initiative

The Center for WorkLife Law
The Center for WorkLife Law Homepage
What Works for Women at Work: Four Patterns Working Women Need to Know [2013]
Effective Policies and Programs for Retention and Advancement of Women in the Law [2011]

National Association for Women Lawyers (NAWL)
National Association for Women Lawyers (NAWL)
Women Lawyers Journal (WLJ)
National Survey on Retention and Promotion of Women in Law Firms [2014]
National Survey of Women’s Initiatives in Law Firms [2012]
On-Ramp Fellowship

**Flex-Time Lawyers**
Flex-Time Lawyers Homepage
Best Law Firms for Women [2013]
Law & Re-Order: Legal Industry Solutions for Restructure, Retention, Promotion, & Work/Life Balance [2010]
Women in Law Empowerment Forum
Catalyst: Women in the Law in the U.S. [2013]

**Evaluation & Compensation**
Fair Measure: Toward Effective Attorney Evaluations [2008]

**ABA Gender Equity Task Force**
What You Need to Know about Negotiating Compensation [PDF]
Closing the Gap: A Road Map for Achieving Gender Pay Equity in Law Firm Partner Compensation [PDF]

**Toolkit for Gender Equity in Partner Compensation**
Power of the Purse: How General Counsel Can Impact Pay Equity for Women Lawyers [PDF]

**Reduced Hours**
Flex Success: The Lawyers’ Guide to Balanced Hours [2011]
The Business Case for Reduced Hours
Reduced Hours, Full Success: Part-Time Partners in U.S. Law Firms [2009] [PDF]
Diversity and Flexibility Connection – Best Practices [2009] [PDF]
Tips on Drafting a Flex-Time and Reduced-Time Policy [2003] [PDF]
Retention and Reduced Hours: The Untold Story About Why Women Leave the Workforce
Stepping into Your Shoes: It’s Time for Job Shares in Law Firms [2007] [PDF]

**Work/Life Balance**
Why Work/Life Still Matters [2013] [PDF]
Three Keys to Selling and Achieving Work/Life Balance in Today’s Legal Market [2010] [PDF]
Increase Profits and Savings Through Work/Life Balance [2009] [PDF]
The Elusive Balance: Tips to Assess and Meet Your Work-Life Needs [2008] [PDF]

**Other Topics**
The Rainmaking Study: How Lawyers’ Personality Traits and Behaviors Drive Successful Client Development [PDF]
The Opt-In Project Report: Innovative Strategies for Retaining Female Talent [PDF]
Getting Back: The Path for Lawyers to Return to Practice [2007] [PDF]
Business Development Beyond Rubber Chicken Dinners [2005]
Sister States

District of Columbia
Women’s Bar Association of the District of Columbia, Initiative on Advancement and Retention of Women

Massachusetts
More Than Part Time: The Effect of Reduced Hours Arrangements on the Retention, Recruitment, and Success of Women Attorneys in Law Firms (2000)

Minnesota
Minnesota Women Lawyers Compendium Resource Database

Pennsylvania Interbranch Commission for Gender, Racial and Ethnic Fairness
Final Report of Pennsylvania Supreme Court Committee on Racial, and Gender Bias in the Justice System [PDF]

Professional Associations for Women Lawyers
Networking, support, mentorship, leadership & service, pro bono projects, and more.

Missouri
Association for Women Lawyers of Kansas City
Women Lawyers Association of Greater St. Louis
Women Lawyers’ Association of Mid-Missouri
Bar Association of Metropolitan St. Louis (BAMSL) Women in the Legal Profession Section
Kansas City Metropolitan Bar Association (KCMBA) Diversity Section
MATA Women’s Caucus
Southern Missouri Women Lawyers

National
National Association of Women Lawyers
Ms. JD (law students and young women lawyers)
ABA Women’s Caucus
ABA Women Rainmakers Committee
ABA Women’s Business Law Network

Lawyers of Color
National Bar Association Division of Women Lawyers
Mound City Bar Association (St. Louis)
Jackson County Bar Association (Kansas City)

Award Nominations
Missouri Lawyers Media Women’s Justice Awards
ABA Margaret Brent Woman Lawyers Achievement Award
National Association of Women Lawyers Awards
Social Media Presence

The Joint Commission on Women in the Profession is on Twitter with the username @MoWomenLawyers. It includes resources, news & events to support & promote women attorneys. Run by the @MoBarNews Joint Commission on Women in the Profession. Since joining the platform in March 2014, the commission has sent 528 tweets, gained 398 followers, follows 271 other accounts on Twitter. The 527 tweets include 37 photos and videos.

Sample Tweets

"You can still register for Thursday’s webinar by @ABAWomen @ABAYLD “Learning to Lead” http://ow.ly/wvb1b #ABAWomenLead"
Examples of Twitter Followers

NAWL
@NAWLWomeninLaw
The National Association of Women Lawyers (NAWL) is devoted to promoting the interests and progress of women lawyers and women's legal...

Susan Ford Robertson
@appealingly
Appellate attorney located in Kansas City, Missouri

MSLawDiversity
@MSLawDiversity
The official Twitter page for the Microsoft Legal and Corporate Affairs diversity initiative

KCMA
@KCMA
Kansas City Metropolitan Bar Association

Legal Services-E. MO
@LSEM_EST1956
LSEM is a non-profit organization that provides free civil legal assistance to low-income individuals in 21 counties in eastern Missouri. #LSEM #JFAB

Patti Hageman
@PattiHageman
St. Louis lawyer & advocate for my family & friends, women, working families, strong neighborhoods, environment, parks, wildlife, stray...

Bryan Cave LGBT
@LGBTbryancave
Official Twitter page of the Bryan Cave LGBT Affinity Group. Proud to be part of a firm that welcomes and supports the success of its LGBT lawyers.

HBAStL
@HBAStL
Highland Bar Association of St. Louis

Hispanic Bar-Stl
@HispanicBarStL
Follows You
This is the official Twitter account of the Hispanic Bar Association of St. Louis.

NAWJ
@NAWJ
The National Association of Women Judges is a non-profit organization of state, federal, administrative, military and tribal judges, attorneys, and...

Top Tweet
“QUIZ: How gritty are you? Take the @ABAWomen’s Grit Test: http://ow.ly/yejLB #ABAGrittyWomen”

Members of the Women in the Profession open committee can communicate and share information at women@mobarlist.org.
Snapshots From Joint Commission Events
New Gender Information To Be Captured In 2016

As a preliminary matter, it is impossible to gauge progress in gender equity without tracking statistics on women’s representation in the profession. Such data was not collected previously on a statewide basis, so one of the Commission’s first objectives was to effect an amendment to the Missouri Bar annual attorney enrollment form to include a checkbox for gender. The Missouri Bar Board of Governors and the Missouri Supreme Court approved that amendment this year, and the box will appear on next year’s form. This basic demographic data will enable us to more accurately measure the status of women lawyers and track their collective progress into the future.

*This is not a final version of the form, which is to be finalized and approved in Fall 2015 and rolled out in 2016.*
GENDER (Optional) – This demographic information will be used for statistical purposes and to improve member services.

MOTHER’S BIRTH SURNAME – This information is confidential and will be used for identification purposes only.

ATTORNEYS IN ST. LOUIS OR JACKSON COUNTY – When completing boxes 6, 7 & 8, if you are in the St. Louis area, please specify St. Louis County or St. Louis City. If you are in the Jackson County area, please specify Jackson County or St. Louis City. If you are in the Jackson County area, please provide information concerning the practice of law in Jackson County in the space provided, since the practice of law in Jackson County is governed by the Missouri State Bar Association, and not the Jackson County Bar Association.

MISSOURI COUNTY OF EMPLOYMENT OR PRACTICE – This information is provided by the Missouri Bar Association for use in the selection of legal employment or practice in Missouri.

MISSOURI COUNTY OF RESIDENCE – This county of residence is used for judicial election elections, pursuant to Mo. Const., Art. V, Sec. 25(b).

BOARD OF GOVERNORS ELECTION COUNTY – This information is used for the selection of legal employment or practice in Missouri for judicial election elections, pursuant to Mo. Const., Art. V, Sec. 25(b).

FEE DESCRIPTION, AMOUNT, TOTAL AMOUNT DUE – This space provides the description of the enrollment for which you are billed. For billings based on license, address, Missouri counties, and the rate limitations that authorized your admission. Please check the amount shown with the information below.

FEE CATEGORIES – Category (1) – $400 licensure fee for all persons licensed to practice law in Missouri. Category (2) – $200 Person licensed for more than three years, exempt from the bar examination. Category (3) – $15 licensure fee for persons licensed by other states.

PAYMENT BY PERSONS WHOSE LICENSE ARE LICENSED BY OTHER STATES – Persons licensed by other states must pay the full amount for the bar examination. Persons licensed by other states who are not licensed to practice law in the State of Missouri must pay the full amount for the bar examination. Persons licensed by other states who are licensed to practice law in the State of Missouri must pay the full amount for the bar examination.

PERSONS EXEMPT FROM FEE – Persons who have been licensed by the Missouri Bar and (1) are a retired judge, (2) have been licensed to practice in another state for more than three years, (3) have been licensed to practice in another state for three years, or (4) are licensed to practice in another state for more than three years, must pay the full amount for the bar examination.

NONPAYMENT – In default of timely paying the full amount due, the person licensed to practice law in Missouri may order the person licensed to practice law in Missouri to pay the full amount due, plus any interest due, to the Missouri Bar Association. The Missouri Bar Association may order the person licensed to practice law in Missouri to pay the full amount due, plus any interest due, to the Missouri Bar Association.
Amended Court Rule Facilitates Return to Active Practice After Taking Inactive Status

On September 2, 2015, the Missouri Supreme Court formally announced a significant revision to Rule 6.06, that greatly simplifies the process of returning to active practice for attorneys who previously had chosen to become inactive.

Background
In 2014, it was brought to the Commission’s attention that the requirements of returning to active status, after a period of voluntary inactive status, were more burdensome in Missouri than in nearby states where Missouri attorneys are likely to also practice (particularly Kansas and Illinois). Numerous national studies confirm that women lawyers are more likely than men to take time off to raise children. 1 Other studies also suggest that women spend twice as much time as men caring for aging parents. 2 According to the 2013 Missouri Bar Economic Survey, approximately 35% of Missouri attorneys are women. Yet women have comprised approximately half of petitioners for reactivation.

The Commission is charged with identifying barriers to the advancement of women in the profession and securing their full and equal participation in the profession. With this objective, the Commission undertook a thorough examination of Missouri’s “Return to Active Status”, solicited input from constituents familiar with the process, conducted a national survey of sister states’ procedures (available on our website), and presented our findings to the Missouri Supreme Court. Both the Court and the Office of Chief Disciplinary Counsel (OCDC) studied the issue and the result is a substantial improvement that will be of benefit to those seeking to return to active practice.

Comparing Old and New Rule 6.06

Old Rule 6.06 – Under the old Rule 6.06 attorneys returning to active practice were required to:
• file a formal petition in the Missouri Supreme Court ($70 filing fee),
• show proof of payment of past-due annual fees,
• submit a certificate of good standing from other jurisdictions in which they are admitted,
• complete 30 hours of CLE if inactive three years or more; complete 15 hours if inactive less than 3 years, and
• pay a $500 reactivation fee if ever noncompliant with the yearly $50 inactive fee.

In addition, OCDC required all applicants to complete a lengthy questionnaire concerning the activities while inactive and their plans upon becoming active, and to submit three personal references and a release for certain personal records. Some women reported to the Commission that the process could take several months and in some cases had impeded their employment prospects and re-entry into practice.

Revised Rule 6.06 – Under the new Rule 6.06, which goes into effect January 1, most attorneys seeking to return to active practice will not be required to file a formal petition in the Missouri Supreme Court, with its accompanying filing fee and possible reactivation fee. Instead they must:
• file an application to return to active practice with the OCDC,
• submit a certificate of good standing from other jurisdictions in which they are admitted,
• show proof of payment of past-due annual fees, and
• complete 15 hours of CLE in the prior year regardless of the length of time they were inactive.

Revised Rule 6.06 requires OCDC to review the application within 45 days to determine whether it opposes a return to active practice or believes further investigation is warranted. If not, OCDC will approve the application and the attorney will be readmitted by the Court. This streamlined process is expected to apply to the large majority of reactivations.

In those cases in which OCDC opposes the return to active practice or needs to investigate further, the attorney must file a petition, docket fee, and $200 investigation fee with the Court. The Court will refer the matter to OCDC for investigation, at which point the petitioner will have to fill out a substantially revised and shortened questionnaire. OCDC then will make a report and recommendation to the Court, to which the attorney will have an opportunity to respond. The Court in its discretion may refer the petition to a disciplinary hearing panel. The Court then will determine whether to approve the petition.

The Commission owes a debt of thanks for the work and contributions of the Office of Chief Justice of Disciplinary Counsel, and the Supreme Court of Missouri.

2 Angelina Grigoryeva, When Gender Trumps Everything: The Division of Parent Care Among Siblings, Presentation to the American Sociological Association, 2014.
SUPREME COURT OF MISSOURI

en banc

September 2, 2015
Effective January 1, 2016

In re:

Repeal of subdivision 6.06, entitled "Return to Active Status," of Rule 6, entitled "Fees to Practice Law," and in lieu thereof adoption of a new subdivision 6.06, entitled "Return to Active Status."

ORDER

1. It is ordered that effective January 1, 2016, subdivision 6.01 be and the same is hereby repealed and a new subdivision 6.01 adopted in lieu thereof to read as follows:

6.06 RETURN TO ACTIVE STATUS

(a) A lawyer recorded as inactive may apply to the chief disciplinary counsel to return to active status. The application shall be made on a form approved by this Court and obtained from the chief disciplinary counsel. The application shall be accompanied by the following:

(1) Proof of payment of all annual fees required by Rule 6.03;

(2) A certificate of good standing from every jurisdiction other than Missouri in which the applicant is licensed to practice law; and

(3) Certification from The Missouri Bar of completion of at least 15 hours of continuing legal education within 12 months prior to the date the application is submitted. At least two of the 15 hours shall be for accredited programs and activities devoted to professionalism, legal or judicial ethics, or malpractice prevention.

(b) Within 45 days of receiving the application, the chief disciplinary counsel shall determine if the return to active status requires inquiry beyond 45 days in order to be approved. If no such inquiry is necessary and the chief disciplinary counsel approves the application, the chief disciplinary counsel shall so notify the clerk of this Court and the applicant, and the Court shall return the applicant to active status.

(c) If the chief disciplinary counsel does not approve the application or determines that the return to active status requires inquiry beyond 45 days, the chief disciplinary counsel shall notify the applicant that the applicant must file a petition to return to active status with this Court within 30 days of the date of the receipt of the notice that the application is not approved or that further inquiry is required. The petition shall be accompanied by:

(1) The docket fee prescribed by Rule 81.04; and
(2) An investigation fee of $200, which shall be deposited to the credit of the advisory committee fund.

No report or hearing shall be had on any petition until the required fees are paid.

If the petition is not filed within 30 days as required, a new application may be filed at any time.

(d) If a petition to return to active status is filed in this Court, the petition shall be referred to the chief disciplinary counsel for report and recommendation. The report shall be served on the petitioner by the chief disciplinary counsel as provided in Rule 5.18. The petitioner may file a written response to the report with the chief disciplinary counsel within 15 days of the date of the mailing of the report.

(e) The report, recommendation, and response, if any, to a petition to return to active status shall be filed with this Court by the chief disciplinary counsel upon receipt of the response or the expiration of the time for making a response. A copy of the application submitted to the chief disciplinary counsel shall be attached to the report. The Court shall make a determination whether to return the petitioner to active status on the basis of the petition, report, application, recommendation, and response.

(f) Upon its review of a petition to return to active status, the Court may direct the advisory committee to appoint a disciplinary hearing panel.

(1) The disciplinary hearing panel shall conduct a hearing into any allegations of misconduct contained in the report to which the petitioner objects. The hearing shall be conducted as provided in Rule 5.14.

(2) The disciplinary hearing panel shall file a report with the clerk of this Court. The panel's report shall discuss all matters in dispute and make a recommendation as to whether the petitioner's license should be returned to active status.

3. It is ordered that notice of this order be published in the Journal of The Missouri Bar.

4. It is ordered that this order be published in the South Western Reporter.

Day – to – Day

______________________________
PATRICIA BRECKENRIDGE
Chief Justice
Parental Leave for State Employees in Missouri

Parental leave is an important employee benefit for working families. Research suggests, not surprisingly, that unpaid maternity leave results in reduced compensation for women, and that paid leave increases women’s employment. Studies also demonstrate that longer leave enhances child health and well-being.

The United States is the only industrialized country that doesn’t guarantee some minimum level of paid maternity leave. At least 178 countries have national laws that guarantee paid leave for new mothers, and more than 50 countries also guarantee paid leave for new fathers. More than 100 countries offer 14 or more weeks of paid leave for new mothers, including Australia, Canada, and the United Kingdom. The 34 members of the Organization for Economic Co-Operation and Development, among the world’s most developed countries, provide on average 18 weeks of paid maternity leave, with an average of 13 weeks at full pay. Additional paid parental leave for fathers and mothers is available in most OECD countries.

In the U.S., despite the lack of government-mandated paid leave, private employers are increasingly adopting paid leave policies to compete for top talent. Several large law firms in Missouri offer 12 weeks of paid parental leave, and a few firms offer 16 weeks. Federal law guarantees unpaid leave for some employees under the Family Medical Leave Act. FMLA provides eligible employees up to 12 weeks of unpaid leave per year with continued health benefits and job protection. FMLA applies to all public agencies (i.e., local, state, and federal government; school boards) and private sector employers with at least 50 employees within 75 miles of the work site. In order to be eligible under the federal regulations, an employee must have worked for the employer for at least 12 months and must have worked at least 1,250 hours during the 12 months before the start of leave. An employer may require an employee to use accrued paid leave (e.g., vacation and sick days) for part of the 12-week period.

Only about 45% of private sector employees qualify for FMLA unpaid leave. And only one-third of those eligible employees can actually afford to take unpaid leave under FMLA. At the behest of Commission members and constituents in the public sector, the Commission undertook to examine Missouri’s FMLA policy for state employees as compared to other states.

Current Leave Policy for Missouri State Employees

FMLA for state employees is codified in the Missouri Code of State Regulations, Title 1, Division 20. Missouri follows the basic federal guidelines described above but deviates in some of the discretionary details. If both parents are employed by the state, they must share the 12 weeks of leave between them in the event of the birth or adoption of a child. Further, employees do not accrue any benefits, such as sick or annual leave, while on FMLA leave.

Sister States at a Glance

Very few states offer paid maternity leave, but some of Missouri’s sister states in the Midwest have expanded the benefits of the federal framework. Kansas allows for new state hires in a regular position without a permanent status to take leave without pay for up to 60 days in the event of pregnancy, childbirth, or adoption. Arkansas employees are allowed to take unpaid leave without first exhausting annual or sick leave. In Iowa, the eligibility requirements are expanded to include employees working for employers...

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9 Ark. Admin. Code § 105.50
with four or more employees, and there is no minimum number of hours of service required.\textsuperscript{10} Employers in Minnesota must provide reasonable accommodations to pregnant employees, including transfer to a less strenuous position, better seating accommodations, and frequent bathroom breaks.\textsuperscript{11} In Nebraska, state regulations specify that temporary employment counts toward eligibility.\textsuperscript{12} Kentucky allows both time worked and time spent on paid leave, such as vacation or sick leave, to count toward the 1,250-hour eligibility requirement.\textsuperscript{13} If both parents work for the state, each spouse gets a full 12 weeks of unpaid leave, rather than having to share the 12 weeks.\textsuperscript{14} Illinois provides for four weeks of paid leave for state employees under the state’s group insurance plan, though a couple working for the state gets only one leave together.\textsuperscript{15}

Only three American states provide paid leave for all employees. California was the first state to implement paid parental leave with its Paid Family Leave insurance program.\textsuperscript{16} Private sector employees and all non-state public employees are covered by the State Disability Insurance Program, which provides for six weeks of paid leave of approximately 55% of weekly salary. State employees are similarly covered under non-industrial disability insurance. New Jersey employees receive six weeks of paid leave in any 12-month period to care for a newborn or newly adopted child. Employees typically receive two-thirds of their weekly salary, capped at $524 per week.\textsuperscript{17} Finally, Rhode Island provides four weeks of paid family leave at 60% of salary.\textsuperscript{18}

**Legislative Efforts in Missouri**

In the 2014 and 2015 legislative sessions, several bills were filed that intended to guarantee unpaid leave for foster parents, for victims of domestic violence, and even for parents to attend parent-teacher conferences. Most relevant here, in 2015, Representative Tracy McCreey (D-St. Louis) introduced a bill mandating six weeks of paid leave for parents and caregivers. 

**Constituent Suggestions**

Even in the absence of a current legislative imperative, some constituents have suggested that Missouri could modestly expand FMLA for state employees by amending the current regulations to:

- Permit state employees to take the full twelve weeks regardless of whether their partners also work for the state,
- Permit state employees to continue to accrue benefits while on leave, and
- Permit state employees to qualify for FMLA leave before 12 months of employment

Top Three Takeaways From DirectWomen’s St. Louis Event

by Allison Spence (blog post 4/10/14)

The Missouri Joint Commission on Women in the Profession’s DirectWomen events in St. Louis has fortuitous timing this week. They coincided with Equal Pay Day, a day that symbolizes how long a woman must work into the new year before her previous year’s salary equals that of a man in the same position.

The persistent earnings gap between male and female attorneys was a central topic of discussion over the two days of the DirectWomen event in St. Louis, but the panelists touched on many critical issues for women attorneys: rainmaking, implicit bias, origination credit and the path to corporate board membership.

Led by three esteemed guest panelists, Bobbi Liebenberg, Chair of the ABA Commission on Women in the Profession, Stephanie Scharf, Past President of the National Association of Women Lawyers, and Pat Gillette, a member of the ABA Gender Equity Task Force, here are some of the major themes emphasized during the week’s programming.

Sponsor is the New Mentor
According to Liebenberg, women attorneys are “over-mentored and under-sponsored.” What’s the difference? A mentor offers guidance and advice, but a sponsor does much more than that. “A mentor pounds the table for you,” Scharf said, thumping her fist on a table for emphasis. “A sponsor is somebody who advocates for you when you’re not in the room,” Liebenberg added.

Critical Mass is Key
Too often, Gillette said, law firms rely on the “two-seater” rule: If they have at least two women at the table, then they’ve filled the unspoken “quota.” Actually, as outlined in the landmark ABA publication Closing the Gap: A Road Map for Achieving Gender Pay Equity in Partner Compensation, real change is difficult to achieve without at least a critical mass of three women.

“Having three or more women on a board can create a tipping point where women are no longer seen as outsiders and are able to influence the content and process of board discussions more substantially, with positive effects on corporate governance,” according to the report. For law firms, that means striving to achieve critical mass on management committees and, importantly, compensation committees, where implicit bias still affects how women attorneys are perceived and evaluated.

Clients Hold the Power of the Purse
As the legal industry struggles with a persistent pay disparity between men and women attorneys, corporate clients can make a direct impact on the problem. It’s all laid out in an excellent how-to guide from the ABA Presidential Task Force on Gender Equity and the Commission on Women in the Profession, Power of the Purse: How General Counsel Can Impact Pay Equity for Women Lawyers.

At an April 8 panel at Washington University School of Law, several executives and general counsel talked about how diversity and pay equity are becoming part of their standard requirements for outside counsel. Missouri Bar President-Elect Reuben Shelton, senior counsel of litigation at Monsanto, said he now expects outside legal providers to place a priority on diversity. “Outside counsel need to fit into our culture,” he said. “Diversity is one of the first questions we ask.”
MoBar Business Case CLE Recap

by Laura Venn (blog post 9/4/14)

On August 5, the Patricia Gillette and Korimbanya (Kori) Carew discussed the obstacles not just women attorneys in private practice but their male counterparts are facing and the best ways to overcome them during the Joint Commission’s CLE Dollars and Sense: The Business Case for Gender Equity and Work/Life Balance in Law Firms.

According to Gillette, the current structure of law firms is “archaic” as it is not conducive to the work/life balance goals of Generation Y women and men and because it institutionalizes gender discrimination. Indeed, while Missouri women attorneys are fairing slightly better than women attorneys nationally—20% of equity partners in Missouri are women compared to only 16% nationally—there is still much progress to be made. As Carew noted, the good news is that “we have a common issue” with the rest of the country, and therefore, “we can find common solutions.”

But why does diversity in law firms matter anyway, as long as the client is being served efficiently? According to Gillette, research definitively shows that diversity in leadership makes for better decision-making. Indeed, companies in which women hold leadership positions have seen an 80% increase in sales and 36% increase in return on equity. In fact, a recent article in the Wall Street Journal discussed a number of fund companies’ decisions to invest only in companies with female leaders. In addition, the cost of attrition is immense to law firms, as firms invest hundreds of thousands of dollars in new associates over their first few years with the expectation that many of them will leave before they actually turn a profit. Furthermore, clients care about diversity. For example, during the first years of the recession, clients felt they did not have to keep relationships with the highest institutional law firms and instead turned to bidding on smaller firms, choosing those firms based on the availability of diverse representation. Finally, Millennials have different expectations for work/life balance, wanting more “bang for their buck.”

Carew echoed the four reasons why diversity matters and explained how her firm, Shook Hardy & Bacon, voted one of the 50 Best Law Firms for Women by Working Mother and the only Missouri firm to make the list this year, prepares to serve its attorneys and clients of today and those of the future. Indeed, the U.S. is quickly becoming a more diverse nation, with more ethnic minority babies born each year than white babies, and Shook Hardy focuses on how to stay competitive with the changing environment. Carew says that for attorneys at Shook, it is not enough to have an understanding of the academic research; instead, the firm’s energy is focused on understanding the changing future and incorporating this understanding on a day-to-day basis. Indeed, the firm’s conscientiousness of the future is evident in how its attorneys practice law, staff cases, and interact with clients directly.

However, even firms with a focus on the future as sharp as Shook Hardy’s still face “immovable obstacles” to gender diversity. According to Gillette, these obstacles are just too difficult for firms to change; therefore, the best approach is to be conscious of them and focus on what can be changed. First, Gillette explained the “He looks like me” phenomenon, in which leaders of the firm, mostly men, find it easier to work with men who look and act like them—other men. The result is that women tend to be cut out of these informal networks while leadership positions and books of business are passed from man to man. Gillette noted that this phenomenon is slowly starting to change due to the “Daughter Effect,” whereby men in leadership positions are witnessing their daughters enter the workforce and not being afforded the same opportunities as their male colleagues. As such, those male leaders are becoming aware of the fact that they may be treating junior women in their corporations in similar ways. The second immovable obstacle, referred to as “She looks like me” occurs when women in leadership feel other junior women should have to work just as hard as they did to climb the ladder to success. These “Queen Bees” are not willing to share their tools of success with other women or men in the firm. Finally, Gillette explained the “She could look like me but she doesn’t want to” phenomenon, by which men and women in the firm make assumptions about a female colleague’s ability or willingness to work based on gendered stereotypes. As Gillette and Carew both reiterated, the best way to deal with these “immovable obstacles” is to increase awareness of them, such as through unconscious bias training, and to focus on those obstacles that can be moved.
According to Gillette, one of the most pervasive issues in law firms is the lack of trust between everyone. Associates do not trust partners, assuming partners will just attempt to work them to death without investing in their future at the firm, and partners do not trust associates, assuming they will only stay with the firm until their law school debts are paid off. Partners have lost their trust in other partners, focusing instead on their individual practices. Finally, clients do not always trust firms to give them the best quality for the best price, while firms do not trust clients to stay loyal to the firm should the economic environment change.

Trust, however, can be rebuilt. Step one is to reevaluate how the first few years as an associate is structured. Gillette suggests measuring the success of associates not by year out of law school, but by productivity and efficiency. Indeed, at her firm Orrick, Herrington & Sutcliffe, associates may choose the traditional partner track or they may choose a custom track, whereby they are allowed to take more time climbing up and across the career lattice. Carew explained that at Shook Hardy, attorneys must meet certain competency levels within their practice groups and that the firm invests in its attorneys such that they do meet their competency levels. Step two is to increase compensation transparency and institute formal client succession planning to rebuild trust between partners, so that people know what is happening within the firm and people can be held accountable. Finally, step three is to ensure diversity on client teams and to use clients as a check on firms’ commitments to diversity to rebuild trust between clients and firms.

The point for other law firms is that the definition of success looks different from person to person and different for the generation beginning to enter the workforce, and law firms must adapt or risk losing future talented leaders. As Gillette said, “We have to make sure we are leading everyone into the law firm of the future,” which means making sure it is okay for men to take paternity leave, increasing the feeling of inclusion among attorneys, and building trust back into relationships within the firm. “Otherwise,” said Gillette, “we are at risk of losing our women, our generation Y men, and our clients.” She concluded that not only is the price right for this change, but the time is right as well.
No More “All or Nothing:” Tipping the Scales toward Work-Life Balance

by Angela Kennedy

The term “work-life balance” has been around since the 1980s, and, while “balance” may still be the ideal, the workplace environment has changed significantly in the last 30 years. Perhaps most impactful, technological advances now keep employees constantly connected to their work. For a lawyer, these advancements can tip already loaded scales even further toward “work” and away from “life.”

At the same time, these advancements have facilitated new, more balanced models of legal practice. A recent study conducted by the University of California Hastings College of the Law’s Joan C. Williams, Aaron Platt and Jessica Lee, identified five such new models:

1. **Secondment Firms** place lawyers in-house either full-or part-time, paid by the hour. Male lawyers in this alternative legal model tend to work “full-time flex” as independent contractors, while female lawyers often work part-time as employees of the company.

2. **Law and Business Advice Companies** combine legal and general business advice, often helping clients with investment banking.

3. **Law Firm Accordion Companies** have networks of vetted lawyers at the ready to meet needs on an ad hoc basis. These lawyers are typically women who work 10-20 hours a week, paid by the hour.

4. **Virtual Law Firms and Companies** vary widely, but typically have attorneys work from their own homes on a flexible schedule.

5. **Innovative Law Firms and Companies** include a variety of different business models, with the most innovative being a company that provides legal services by subscription, allowing attorneys to work 8:30 a.m. - 5:30 p.m. schedules with three weeks’ vacation a year.

The UC Hastings study reports on several aspects of these companies, and discusses how these new models of legal practice affect clients, lawyers and traditional law firms. Of particular interest here is the report’s discussion of work-life balance in Big Law compared to lawyers’ work-life balance in the new models of legal practice.

Most Big Law firms allow some flexibility by offering part-time schedules. But according to a 2013 NALP study, although part-time schedules were nearly universally available in 2013, only 6.1 percent of lawyers at large law firms worked part-time that year. Of those lawyers who did work part-time, most were women. For example, of all associates with part-time schedules in 2012, 90.6 percent were women. (The figure for all types of lawyers - i.e. partners, associates, counsel, senior attorneys and staff attorneys - was nearly 70 percent.) Many of these women will end up leaving altogether after going part-time.

And it’s not surprising that they would rather leave Big Law than reduce their schedules. As Holly English noted in her 2003 book, “**Gender on Trial: Sexual Stereotypes and Work/Life Balance in the Legal Workplace**,” part-timers’ “schedules aren’t respected, their hours creep up, the quality of their assignments goes down, their pay is not proportional, and they are stigmatized as ‘slackers.’” The UC Hastings report describes two of these unfortunate effects in more detail: “flexibility stigma,” where part-time lawyers are seen as less committed than other lawyers and lose good assignments and advancement opportunities, and “schedule creep,” where part-time lawyers’ schedules “creep” back towards full-time, often without corresponding pay.

By contrast, in these new models, shorter hours and flexibility are the norm. Part-timers are not “slackers”; they are valued professionals. Even full-time work is only around 40 hours a week, far less than the 50-60+ hours demanded of full-time associates at Big Law. This is possible because new model founders have set client expectations about attorney availability. In some Secondment Firms, for example, the UC Hastings study reports that clients receive a specific number of hours per month or quarter. “[C]ompany owners typically intervene if a client demands hours beyond the agreed upon number.” Similarly, in innovative law firms and companies, clients may be told that “lawyers work weekdays from 8:30 a.m. to 5:30 p.m. and do not check emails after-hours or on weekends.”
The new models provide a wide range of possibilities for lawyers who want more flexibility in their work — whether they are stay-at-home mothers who want to keep their legal skills sharp by working 10 hours a week, mothers who would like significant work responsibilities while having the flexibility to spend time with their children, women who have outside hobbies and interests they would like to pursue in addition to law, or women who are simply not sold on the “all or nothing” paradigm of the Big Law leadership track. Everyone’s vision of work-life balance is different, and these new legal models accommodate these differences.

The accordion legal models offer schedules of 10-20 hours per week, allowing stay-at-home moms or dads the opportunity to stay professionally involved, says the UC Hastings study. One lawyer found that working at an accordion law firm while her children were at home allowed her to seamlessly re-enter traditional private practice when they left for college. By allowing her to have meaningful, if limited, legal experience, the Accordion legal model allowed her to overcome the negative competence assumptions associated with motherhood.

The report discussed another lawyer who, in the words of a law firm accordion company, “said that she had been looking for something like this for several years. Just every once in a while, she’d sit down at her computer and Google ‘attorney mother work-life balance.’ And one day, our website popped up. She clicked it and did like a little happy dance in her living room . . . and she called us that minute.” It may be a large financial hit (one woman noted that she “gave up $300,000 a year to do this,“), but it is an attractive alternative to the traditional “all or nothing” paradigm faced by some lawyer mothers.

For lawyers who want more involvement, and whose circumstances allow it, secondment firms, virtual firms, and innovative firms might be more appropriate. These allow lawyers to work 40–50 hours a week, “with the ability to control when and where those hours are worked to accommodate family [or other] obligations.” For example, one innovative firm litigation boutique uses “team scheduling,” which accounts for all team members’ travel and hour restrictions to determine who will do what on the case: “We just don’t assign a team member to travel if they don’t have the capacity to travel because of their children.” Far from the relatively high attrition rate of Big Law, this firm has had zero turnover. These firms have work-life balance built into their business models, and it shows.

Still, while these models may offer lawyers better work-life balance and more control over their work, lawyers shoulder more risk in exchange. Lawyers in these new models of legal practice generally give up guaranteed salaries, agreeing to be paid by the hour. But for those who want more flexibility, time is often more important than money. And the report states that lawyers in these new models are “not making money hand over fist, but for the number of hours they put in, they’re well compensated.”

In addition to women, “[a] majority of college-educated millennial men put family above career on their personal priority lists, and have begun to take on greater family care responsibilities to go along with their generation’s more egalitarian views regarding the role of women.” This is why these new models for legal practice provide compelling alternatives to traditional legal practice models — for both men and women. They eliminate the flexibility stigma by making flexibility the norm. They provide a supportive work culture, allowing lawyers to have lives outside of their work.

In terms of work-life balance, these new models emphasize “life,” and their continuing success is a success for the profession at large. “Work-life balance” means different things for everyone. Lawyers should have options to reflect shifts in their own life circumstances and needs. Hopefully, these recent technological innovations will impact the profession at large, allowing those whose lives may be more demanding at certain periods in their career to keep work in the balance, if they so choose. Balance is possible, and it shouldn’t be all or nothing.

Angela Kennedy is the 2015 intern for the Joint Commission on Women in the Profession. She is a rising 3L at The University of Missouri School of Law. As the mom of a five-year-old and a five-month-old, Angela is both personally and professionally interested in the Commission’s aims.
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