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Career Advancement into Partnership: Law Firm Guide

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Executive Summary

GOAL OF THIS GUIDE AND HOW FIRMS CAN USE IT

Firms may use this guide to review their policies and practices, to develop a case for change, and to get ideas for effective programs for women lawyers. The strategies outlined are designed to be implemented in firms of varying sizes.

CHALLENGES WOMEN FACE IN ADVANCING IN LAW FIRMS

The research shows that women lawyers face three main challenges: gender bias, lack of role models and champions, and exclusion from informal male networks.

STRATEGIES TO BEGIN THE PROCESS OF CHANGE

Managing Partners are encouraged to make efforts to understand the particular challenges faced by women in their law firms, to develop a statement that reflects a commitment to and the reasons for the advancement of women lawyers, and to communicate this commitment using various means.

Firms may wish to consider educating partners on the issues affecting women. Firms may also wish to consider the number of clients seeking, or indeed, requiring, gender diversity on their legal teams.

The Managing Partner may wish to consider steps to demonstrate the firm's ongoing commitment to the advancement of women into the partnership. It may also be useful to engage others by, for example, creating a diversity committee or reviewing gender data statistics.

STRATEGIES TO HELP WOMEN ADVANCE INTO PARTNERSHIP

The firm's partnership admission policy should be clear, transparent, well-disseminated and applied uniformly. It should include a description of the partnership process.

Performance reviews should be routinely scheduled and include information from a broad survey of lawyers and clients.

CAREER PLANNING

The process of completing a disciplined and strategic assessment of the current and target state of one's career can help associates to focus their time and energy into areas which are most productive and rewarding, thus increasing overall profitability. The first step is to get associates (or even all lawyers) in the firm to draft a plan.

MENTORS AND SPONSORS

Firms should strive to create a "mentoring culture," in which all or most partners provide timely and thoughtful feedback and support to all associates. Law Firm Managers may wish to consider offering coaching to their mentors on the challenges faced by women lawyers on such topics as unconscious gender stereotyping and exclusion from informal networks so they may work more effectively with their women mentees. Managing Partners can consider having each mentor report their mentoring activities and the degree of success achieved in his/her annual memo to the firm's compensation committee and Mentor Advisor. In addition, firms may wish to count hours of mentoring towards billable or non-billable hours to underscore the importance of mentoring.

Firms may want to explore alternate models of mentoring. These alternate models can be particularly beneficial for firms with small numbers of women partners who want to accommodate access to women mentors.

When thinking about mentors, it is important as well to consider sponsors. While mentors provide support for the mentee, a sponsor becomes the associate's champion and helps in the advancement of the associate. Managing Partners should consider working closely with the firm leaders to provide promising women partnership candidates with appropriate sponsors.

COACHING

Coaching is a way to help an associate develop professionally to achieve his or her desired goals. A coach may be described as providing to the person being coached the information or access they need to get from "where they are" to "where they want to be".

BUILDING A SUSTAINABLE PRACTICE

Law firms that are committed to the advancement of women into the partnership should focus on strategies to assist women to develop sustainable legal practices.

When allocating marketing resources, it should be recognized that business development opportunities that work well for men lawyers may not work as well or as effectively for women lawyers or women clients.

Introduction

Goal of this Guide and How Firms Can Use it

In this guide for Managing Partners and firms, the Law Society's Justicia Project seeks to identify and describe the sometimes hidden causes within firms that hinder the advancement of women. We have compiled a series of practical strategies to assist law firms in advancing women candidates towards partnership. We have consulted the literature, drawn upon research, spoken to career coaches in the field of law and used our own experience to craft what we hope will be a useful and practical guide.

Firms may use this guide to review their policies and practices, to develop a case for change, and to get ideas for effective programs for women lawyers. It should assist Managing Partners in their communication to firm members and to clients about the firm's commitment to the advancement of women. The strategies outlined are designed to be implemented in firms of varying sizes.

This guide in no way suggests that partnership is an automatic next step for a strong woman lawyer. Law is a business and admission to partnership is a business decision for each firm. This guide is instead focussed on encouraging firms to consider the issues that women may face and to even the playing field so that their strong women candidates have an equal opportunity to strive for partnership admission.

The Justicia Project has also prepared a companion Guide for women associates entitled, *Career Advancement into Partnership: Associate Guide*. Managing Partners may wish to review this guide as well.¹

Highlighting the Issues

Women and men lawyers are almost equally represented in the associate ranks of Ontario law firms today, yet women tend to leave firms at the senior associate level in higher numbers than men,² leaving fewer women to advance into partnership. Those women lawyers who do stay are often met with challenges not faced by their men colleagues. As a result, fewer women than men become partners with the result that currently only 21 per cent of partners in Ontario are women.³ This percentage has remained relatively static over the last 20 years despite the increasing numbers of women graduating from law school and entering the profession.

The lower number of women partners is not explained solely by the personal preferences and attitudes of women. Women are not less talented, less hardworking or less ambitious than their men colleagues. Rather, research shows that certain aspects of law firm culture and work environment that may be found in many law firms tend to disproportionately impact women lawyers.⁴

¹ See also the companion guide - *Career Advancement in Partnership: Associate Guide* (Toronto: Law Society of Upper Canada, 2011).

² See Law Society of Upper Canada, *Final Report – Retention of Women in Private Practice Working Group* (Toronto: Law Society of Upper Canada, May 2008) [Retention Report]; *Change of Status Quantitative Study* (Toronto: The Law Society of Upper Canada, 2011).

³ Law Society of Upper Canada database. See also the *Retention Report*, *ibid.*

⁴ *Beyond a Reasonable Doubt: Creating Opportunities for Better Balance* (Toronto: Catalyst Canada, 2005) at 2.

While some women lawyers may choose alternate paths within law or may choose to leave law altogether, many women lawyers want to advance and become partners. Many have the skills, professional qualities and determination to do so. Law firms can and should examine how their environments, cultural norms and practices may be impeding their women lawyers from advancing into partnership.

Why Advance More Women into the Partnership?

The practice of law is a competitive business that is market driven. Law firms compete to attract the best and the brightest. Yet with women representing at least half of law school graduates and law firm associates, law firms that do not advance strong women into partnership are failing to capitalize on a significant intellectual resource. Apart from the economic cost of losing an associate after only a few years of training and before she can make a profit for the firm, there are more reasons why law firms should want to advance the best lawyers into partnership regardless of gender.

Research shows that diversity of thought is associated with better problem solving.⁵ In particular, research shows that teams with more women make better decisions.⁶ Creating a more diverse group of partners who will provide different perspectives allows law firms to find more creative solutions to problems. Moreover, with more and more businesses introducing their own diversity and inclusion initiatives, many clients are demanding greater gender diversity in their law firm providers, not only on client teams but in the partnership, and in leadership roles on files as well. Ensuring that advancement opportunities are truly available to all not only creates a competitive business advantage, but also a recruiting and retention advantage for those firms who do it best.

What Do Women Tell Us About Why They Want to Advance into Partnership?

Women lawyers are aware that partnership has its rewards. Achieving partner status signifies that a woman possesses not only a valuable skill set, but a demonstrated ability to help clients resolve legal issues and the ability to develop and sustain a client base. Partnership also brings significant personal gratification. It allows a woman lawyer to do more complex legal work resulting in greater intellectual satisfaction. As an owner of a law firm, she can participate in business decisions that affect her firm and its direction. She is able to leave her mark in shaping her firm in a way that will last. She can be a teacher and mentor to others coming up in her firm or in the profession more generally. She will gain more control over the direction and focus of her own practice. She will have an opportunity to focus more on business development and to enhance her firm's reputation. She will likely receive substantial financial remuneration. She will be able to say with pride, "I am a partner."

⁵ Taylor H. Cox, Sharon A. Lobel & Poppy L. McLeod, "Effects of Ethnic Group, Cultural Differences on Cooperative and Competitive Behaviour on a Group Task" (1991) 34 (4) *Academy of Management Journal* 827.

⁶ Anita Woolley and Thomas Malone, "What Makes a Team Smarter? More Women" (June 2011) *Harvard Business Review*, available online at <http://hbr.org/2011/06/defend-your-research-what-makes-a-team-smarter-more-women/ar/1>.

Outline of this Guide

This guide will be a helpful tool to Managing Partners and firms who wish to advance more women into partnership. The Guide is divided as follows:

- Challenges
- Strategies to begin the process of change
- Strategies to help women advance to partnership
- Career Planning
- Mentors and Sponsors
- Coaching
- Building a Sustainable Practice
- Outside resources
- Conclusion

Challenges women face in advancing in law firms

Introduction

Many managing partners tell us that they are interested in learning more about the particular challenges that young women may experience in their law firms. As well, they seek to help others in their firm understand what the issues may be and what may be done about them. Since the literature and research offer a wealth of information on these challenges, this section provides a convenient summary that we hope will assist managing partners in their discussions.

What Does the Research Tell Us?

Significant research in recent years describes the challenges many women face in advancing in corporations and professional services firms.⁷ Law firms that wish to examine their own environments may want to refer to this research to help them understand the patterns of unconscious gender bias and other barriers that may exist in their firms, and that may impede their talented women associates from advancing.

The research shows three main challenges faced by women: gender bias, lack of role models and champions, and exclusion from informal male networks. We deal with each separately below.

GENDER BIAS

Most individuals, men and women, have or are susceptible to inappropriate gender-based assumptions at some point in their lives. In law firms, where senior positions have traditionally been dominated by male partners, gender bias may sometimes be apparent. But not only men lawyers hold these biases; women lawyers may also make gender-based assumptions, especially if those women were raised in a generation or culture that endorsed such biases. And to compound matters, the type of gender bias that creates some of the biggest challenges for women in law firms may be very difficult to detect and combat.⁸ However there are some well-recognized patterns of gender bias that have been identified in the literature which are summarized below.

Prove it Again

Research suggests that men lawyers may get an automatic vote of confidence from their peers with their potential to lead and/or generate business being assumed in law firms, while women lawyers must prove their abilities over and over again.⁹

What the experts say is that women's mistakes are remembered; men's are soon forgotten. Women's successes are chalked up to luck; men's are attributed to skill. Objective rules are applied rigorously to

⁷ See *Women in Management in Canada* (Toronto: Catalyst Canada, 2011); *2010 Catalyst Census: Financial Post 500 Women Senior Officers and Top Earners* (Toronto: Catalyst Canada, 2011) and Joan C. Williams, "Why Women's Initiatives Fail" *Forbes* (16 December 2010) [Women's Initiatives].

⁸ See Alice H. Eagly & Linda L. Cali, *Through the Labyrinth: The Truth about How Women Become Leaders* (Boston: Harvard University Business School Press, 2007) and Nannerl O. Keohane, *Thinking About Leadership* (Princeton: Princeton University Press, 2007).

⁹ *The Double-Bind Dilemma for Women in Leadership: Damned if You Do, Doomed if You Don't* (Toronto: Catalyst Canada, 2007) at 6 [Double-Bind Dilemma]. See also *Women's Initiatives*, *supra* note 7 at 2.

women but may be used far more leniently with men. As a result, women may feel they must “try twice as hard to get half as far.” In some cases, that may mean women only get half as far.¹⁰

Where this unconscious “prove it again” gender bias arises, women in law firms may feel the need to spend additional time and energy proving that they are worthy of partnership or leadership positions. They may ultimately end up working harder than their male counterparts to prove the same level of competence and achieve the same objectives.¹¹

Double Bind

Many women lawyers have been confronted with the feeling of being trapped in a double bind, resulting in a nagging sense that they are required to be both supportive and nurturing *and* decisive if they are to be taken seriously as women and as leaders.¹²

The research tells us that gender bias results from an assumption that masculine characteristics (“taking charge”) and feminine characteristics (“taking care”) are mutually exclusive. These perceptions can be particularly challenging in law firms where “taking-charge” skills and other stereotypically masculine behaviours, such as assertiveness and competition, are often seen as prerequisites for partnership or top-level management positions. A woman lawyer who exhibits “taking care” skills may need to overcome gender assumptions to establish that she also has the “taking charge” skills necessary to move into the partnership. If she does not, she may be perceived as not ready for partnership. Yet a woman lawyer who openly exhibits taking charge traits may be seen as “overly aggressive,” because of unconscious social expectations about women generally. Women lawyers sometimes consequently feel that they are “damned if they do and damned if they don’t.”

The Maternal Wall

For some senior partners, a young associate’s transition to motherhood can trigger powerful negative assumptions about her competency and commitment to her law firm. Indeed, the research shows that the “maternal wall” is the strongest form of gender bias in the workplace.¹³ This bias can perpetuate and promote a variety of stereotypes:

- A lawyer who becomes a mother may be assumed to be less available to the firm.
- A lawyer who avails herself of the firm’s flexible work arrangements may be assumed to be less dedicated to the firm, or to her own advancement.
- A lawyer who becomes a mother may be excluded by others from certain high-profile work (i.e. trials, corporate transactions), often in a well-meaning attempt to assist her by reducing travel or workloads, but typically without clarifying what the young lawyer actually wants or needs, and thereby blocking her from work she may have chosen to do.
- A mother who takes a parental leave from her firm may be seen to be taking a “paid vacation.”

Studies generally show that mothers are less likely to be promoted, and are held to higher performance and punctuality standards than women with identical qualifications who have no children.¹⁴

¹⁰ Women’s Initiatives, *supra* note 7 at 16.

¹¹ Double-Bind Dilemma, *supra* note 9 at 18.

¹² *Ibid.* at 6.

¹³ See Gender Bias Learning Project, UC Hasting College of the Law online: http://www.genderbiasbingo.com/stereotype_maternalwall.html.

¹⁴ Women’s Initiatives, *supra* note 7 at 2.

LACK OF ROLE MODELS AND CHAMPIONS

Another important challenge that may impact a woman's progression to partnership is the lack of familiar-looking role models. With fewer women than men partners in Canada, one of the biggest challenges for women working their way up in law firms is finding women role models with whom they can identify or who understand certain aspects of what they are experiencing.

In some firms, women wishing to become partners and have families at the same time may not be able to find successful women partners who have managed both roles. In some firms women seeking role models who have not adopted a typically male leadership style may have difficulty in finding those women models in the ranks ahead of them. In some firms, women cannot find powerful women to take on the role of champion for them. While many men lawyers are happy to mentor talented young women, some men are simply not comfortable in that role. For some men lawyers, mentoring younger men may come easily. As a result, women associates may sometimes not learn at all or as well to navigate the business world or may not have sufficient help in understanding the "unwritten rules" of law firm politics.

EXCLUSION FROM THE "OLD BOYS' CLUB"

Women lawyers may feel that they are bumping up against an invisible wall between women and men lawyers within some law firms. They may feel excluded from the informal male networks, or "Old Boys' Clubs" that may be apparent in work teams on files, socializing in the firm or with clients, and in business development activities. Because of this, men associates in their early years of practice may experience more opportunities for informal contact with senior men partners and clients in the firm and at social events.¹⁵

In some firms, the predominance of men partners who control the major clients and the flow of work shapes the ability of other lawyers to receive meaningful assignments, to participate in client development and to create networks, and this can, in some cases, work to the detriment of women associates. A lack of exposure to clients or to significant files, and a lack of succession planning in firms may combine to make some women lawyers "perpetual juniors" with a disadvantage to advancement within their firms.

¹⁵ See Lauren Stiller Riklein, *Ending the Gauntlet: Removing Barriers to Women's Success in the Law* (Toronto: Thomson Publishing 2006) [Ending the Gauntlet].

Strategies to begin the process of change

Gather Information

Law firm Managing Partners have the opportunity to be the drivers of change in their law firms when it comes to advancing women into the partnership. Their understanding of the issues, their commitment to change, their communication of this commitment, and their development of strategies will be key to developing consensus in their law firms and with their lawyers.

Apart from a research-based understanding of the issues, Managing Partners are encouraged to make efforts to understand the particular challenges faced by women in their law firms. Speaking to key men and women partners, including the influential partners outside of the formal management structure, as well as women associates within the firm, can expand this understanding. As Catalyst's study of Canadian law firms indicated, perceptions about the flexibility of law firms differ markedly between senior men partners and junior women associates.¹⁶ Asking for input from the women in your firm and listening to what they have to say is an important step in acquiring a clearer understanding of the issues.

Develop a Commitment Statement

As leaders of law firms, Managing Partners will likely agree that providing a supportive environment for women, assisting them to meet the special challenges they may face in advancing to partnership and ensuring that they have equal opportunities to demonstrate their leadership and their legal skills is the right thing to do. However, to build consensus in the firm around this issue, Managing Partners need to demonstrate that it is also the appropriate thing to do from a business point of view.

Having a statement that reflects a commitment to and the reasons for the advancement of women will help partners develop strategies. Such a statement can form a key part of the firm's communication to its lawyers and clients about why the firm wishes to make change in this area.

We provide here a sample commitment statement for the advancement of women lawyers. Firms can, of course, craft their own iteration that reflects the firm's culture and specific situation.

¹⁶ *Beyond a Reasonable Doubt: Building the Business Case for Flexibility* (Toronto: Catalyst Canada, 2005) and *Beyond a Reasonable Doubt: Lawyers State Their Case on Job Flexibility* (Toronto: Catalyst Canada, 2006).

SAMPLE COMMITMENT STATEMENT FOR THE ADVANCEMENT OF WOMEN

Our firm supports the advancement of women lawyers into our partnership. We strive for excellence in our partners and seek to provide equal opportunities for excellent men and women lawyers to become partners. Our firm wishes to retain talented young women lawyers and to show them that they have a long-term future with us. We believe that increasing diversity within our partnership ranks will promote the type of decision-making that our clients are looking for, and will make us more marketable. We are also fully committed to providing high-quality legal services to our clients who are looking for diversity on the legal teams that serve them, and in some cases, requiring it. Clients recognize and seek out law firms that take their obligations to talented women seriously. Our firm is aware of the challenges facing women in the legal profession. We are committed to creating an atmosphere in our firm that will allow and indeed encourage women to flourish and to advance into the partnership.

Once the commitment statement has been developed in draft, the Managing Partner should take steps to ensure it is approved, adopted and implemented. Initial steps might include reviewing the statement with the following individuals and groups:

- the executive committee of the firm;
- influential partners outside the formal management structure;
- the associates' committee;
- thought leaders within the associate ranks;
- practice group leaders and/or section heads; and
- women leaders in the firm.

Consulting with these groups will give the Managing Partner an opportunity to reiterate the statement and the firm's commitment. Useful input will likely be received. As well, these consultations will afford opportunities to create more support for moving ahead with any women's initiatives and will create champions for the work to be done.

Communicate Your Commitment

It is important to communicate the commitment broadly and frequently, both within and outside the firm. Here are some suggestions:

- **Introduce commitment at a major meeting:** To ensure the widest audience, the Managing Partner may introduce the firm's commitment to the advancement of women at an annual firm meeting or firm retreat, or any other firm event that is likely to attract a large proportion of firm members.
- **Put it in writing:** Following the initial introduction of the commitment statement, the Managing Partner may circulate an email or deliver a hard copy memo restating the firm's commitment to the advancement of women, including the reasons for it.
- **Post it:** Once communicated, the commitment should be posted on the firm's intranet, website or other communications platform.
- **Repeat it:** The commitment should be repeated frequently – at partners' meetings, associates meetings, meetings with women lawyers, etc.
- **Integrate it:** The commitment should be integrated into the strategic objectives of the firm and should be clearly and consistently articulated throughout the firm.

Educate Your Firm on the Issues

Although leadership from the top is important, implementing strategies to advance women into the partnership must involve all members of the firm. Endorsement by the Managing Partner will not be enough.

As a first step, firms may wish to consider educating partners on the issues affecting women, for example, through a partnership retreat or workshop. As part of the partners' education, Managing Partners may consider the following:

- Providing each partner with a copy of this guide for review;
- Providing information and materials on issues of gender bias in the legal profession;¹⁷
- Asking influential women partners to speak on their experiences at the firm and in the profession; and
- Reviewing the firm's gender data statistics to analyze trends and opportunities relating to advancing women into the partnership.

Following this, wider discussion with the associates should be considered.

Firms may also consider having outside consultants or facilitators with expertise in gender issues and leadership meet with firm management, partners and associates to provide education and training about the challenges faced by women in advancing and to focus on gender differences in leadership, working and business development styles.

As well as educating lawyers about gender diversity, professional development programs aimed at enhancing a lawyer's awareness of the challenges that women face in private practice and how to address those barriers may well be eligible for professionalism accreditation as part of the Law Society's continuing professional development requirement.

In addition, one-on-one or small group coaching of partners on how to mentor women more effectively can be very useful. If client teams are used to service clients, the firm may wish to consider coaching for team leaders on how to include and work more effectively with women on the team.

Consider What Your Clients are Demanding

The Managing Partner is encouraged to consider the number of clients seeking, or indeed requiring, gender diversity on their legal teams. An excellent starting point internally may be to review Requests for Proposals responded to by the firm in the last three years to see how many clients have requested information on required gender diversity.

To review clients' perspectives on the issue of diversity, the Managing Partner may also wish to review both the US and Canadian Call to Action Initiatives which were developed by significant clients to address diversity issues in their legal providers. The 2004 US *Call to Action - Diversity in the Legal Profession* is a pledge to select outside counsel based mostly on diversity performance. The committed companies agree to end or limit relationships with firms that consistently fail to show "meaningful

¹⁷ See section "Strategies to Help Women Advance to Partnership" in this guide.

interest in being diverse". Signatories include: Wal-Mart, Microsoft, Target, Boeing, Intel, Starbucks, Johnson & Johnson, UPS, Pfizer, Coca-Cola and Xerox.¹⁸

The 2009 Canadian Call to Action followed. *Call to Action Canada* signatories include Aurora Holdings Co. Ltd., DuPont Canada, Royal Bank of Canada, Accenture LLP and Deloitte and Touche LLP.¹⁹ A more recent initiative called *Legal Leaders for Diversity* commenced in May 2011. General Counsel signatories in Canada, who signed the commitment to promote, practice and advance diversity and inclusion in the workplace. They include the Royal Bank of Canada, Ontario Lottery and Gaming Corporation and Bombardier.²⁰

This push for diversity from clients will only grow. Firms that get ahead of the curve by understanding the importance of gender diversity in the legal profession and by initiating change will set themselves apart from their competitors.

Demonstrate Your Commitment

Once a Managing Partner has educated the firm on the issues, he/she may wish to consider steps to demonstrate the firm's ongoing commitment to the advancement of women into the partnership.

It is important that responsibility for implementing, measuring and reporting on the success of this commitment be assigned to all levels of management, including practice group heads, department heads, regional managing partners, client team leaders and committee heads. There are many steps that can be taken that do not require extensive cost or staff or preparation and thus can be adopted in firms of all sizes. Some steps to demonstrate the firm's commitment could include the following:

- Keep and share gender data statistics. The Justicia Project has developed a data collection template that firms may wish to use.²¹ Law firms committed to the advancement of women should keep statistics and also consider sharing them with the firm.
- Examine which partners have been assigned as relationship partners to be responsible for major clients. Ensure that women are fairly represented in these roles of responsibility. If they are not, develop a plan to include them.
- Ensure all client teams have women members.
- Require all client team leaders to develop a succession plan and ensure that women are included.
- Ensure that a fair representation of women partners is included on firm pitch teams and Requests for Proposals.
- Monitor, formally and publicly, who is chosen to participate in significant client business development activities and who works on matters which flow from those activities.
- Celebrate women's successes, as well as men's, on trials and transactions.
- Ensure women participate in every internal or external firm panel presenting to the firm or clients.
- Ensure that senior women associates and women partners are fairly represented on important firm committees (such as the finance or the points/compensation committees) as both leaders and members.

¹⁸ <http://lclldnet.org/>

¹⁹ <http://www.acalltoactioncanada.com/>

²⁰ <http://www.ryerson.ca/about/generalcounsel/pdfs/LLDUpdated.pdf>

²¹ See *Gender Data Collection Guide* (Toronto: Law Society of Upper Canada, 2010), a Justicia resource.

- Institute a formal process for identifying, promoting and training candidates of both genders for leadership positions.
- Give women access to leadership development opportunities and programs to assist them to work up to be section heads or practice group leaders.
- Appoint women to leadership roles when they are ready.
- Ensure that the firm's business development activities also include a range of options that appeal to women lawyers and women clients and facilitate business opportunities for women lawyers with men clients.
- Ensure access to firm supported business development opportunities (e.g. tickets, events) are communicated to women as well as men.
- Speak to your clients and ask for advice on how they are advancing their women internally.
- Promote strong women in your firm for awards in the profession (Law Society Medal, Ontario Bar Association and Canadian Bar Association awards etc.).
- Feature the firm's commitment to advancing women on the firm's website.
- Celebrate the women in your firm.

Engage Others

To ensure continued commitment as well as the proactive development of practical strategies to assist in the advancement of women lawyers into the partnership, the Managing Partner may wish to consider the following:

- **Create a Diversity Committee:** This committee should be made up of senior men and women partners in the firm who have an interest in the issue and significant standing in the firm. Managing Partners may also wish to consider including senior associates. In smaller firms, appointing a senior partner with influence to take on the responsibility for diversity may be more appropriate. Such a committee or individual can begin the process of reviewing policies, developing strategies and programs for women which will, among other things, focus on assisting them to overcome challenges and gain the necessary experience to advance into the partnership.
- **Review Gender Data Statistics:** Managing Partners who choose to collect statistics on the advancement of women into the partnership at their firms should review these carefully with the partners and practice group leaders to identify if there are particular areas or practice groups of their firms that are not able to attract or advance women and if so, to decide what steps should be taken.
- **Review Business Development /Marketing Budgets and Activities:** Managing Partners may wish to review these with committees or partners responsible for marketing activities, with a view to ensuring that the firm is undertaking a diverse range of marketing activities , and that women are participating appropriately in business development activities.

Strategies to help women advance to partnership

Introduction

Managing Partners have a responsibility to help women advance into the partnership if they are strong candidates who meet the criteria to be successful partners. This section of the guide will list some of the most important strategies in this regard.

The Partnership Admission Policy

It is particularly important for women contemplating partnership that the firm's partnership admission policy is clear, transparent, well-disseminated and applied uniformly. It should include a description of the partnership admission process.

Women associates who are considering applying for partnership need to have access to full and comprehensive information on what is required to become a partner, especially when they may not receive the benefit of informal traditional partnership grooming that may be provided to their men colleagues. Women want to be well-informed to enable them, early on, to make strategic choices and develop their practices with a view to attaining equity partnership.

To ensure this, law firms should consider the following points in drafting a Partnership policy:

- The policy should make it clear that admission to partnership is not automatic.
- Criteria for partnership admission should be clear and in writing. Although there are always subjective variables that are considered when reviewing partnership candidates, an outline of the benchmark criteria should be listed. These criteria might include:²²
 - required level of legal and practice skills;
 - required management and leadership skills;
 - required client service and business development skills;
 - current and potential client base;
 - business case for the candidate's practice;
 - professional excellence;
 - self-sustainability;
 - experience and years of practice;
 - profile in the profession;
 - billable and non-billable contribution to the firm over time; and
 - firm/practice group demographics.
- The firm should commit to abide by the stated partnership criteria, except in exceptional circumstances where there is a supporting rationale. Candidates need to know that the partnership criteria are meaningful.
- The firm should outline in sufficient detail the ownership structure of the firm; for example, traditional equity partnership, non-equity partnership or professional corporation.

²² *Guide to Assist Law Firms in Developing Pregnancy and Parental Leave Policies for Associates* (Toronto: Law Society of Upper Canada, August 2009), a Justicia resource.

- The firm should advise whether the candidate is being considered for an equity partnership or a non-equity partnership.
- The partnership policy should outline the financial implications of becoming a partner, including capital contributions, funding of capital contributions, draws, compensation models and return of capital on retirement or termination. It should also include an organizational outline of how the firm is governed.
- In the policy, the firm should set out who will be involved in the selection, review and assessment of partnership candidates and what the process involves.
- The firm should communicate clear and meaningful timelines within which partnership admission decisions are expected to be made.
- The firm should indicate what happens if the candidate is not invited to become a partner or if the candidate is deferred. Are there opportunities to continue working and playing a meaningful role as a non-equity partner? Are there opportunities for the associate to become a contract lawyer or counsel? Is the candidate being asked to leave the firm?

The partnership policy and, in particular, the application process, should be reviewed annually and considered in conjunction with any exit interviews conducted throughout the year with lawyers who have left the firm and with the benefit of comment and suggestions from newly appointed partners.

The Unwritten Criteria

Although it is helpful for a firm to be as specific and transparent in outlining criteria for partnership, there will always be unwritten factors that will come into play when assessing a candidate for partnership. The unwritten criteria may include the following:

- The role that an associate is expected to play in maintaining client relationships;
- The client teams and kinds of trials or transactions that an associate is expected to participate in;
- The working relationships an associate is expected to develop with partners, peers and more junior lawyers;
- The client base that an associate is expected to manage and expand;
- The professional and business development activities expected by the firm; and/or
- The types of non-billable activities that will assist an associate in her/his advancement.

Many men associates may receive information about these unwritten criteria from their mentors in informal ways, but women are often less knowledgeable about these additional requirements.

The Impact of Leaves

The Managing Partner should ensure that the partnership admission policy as well as all policies relevant to partnership admission (including the Maternity and Parental Leave Policy and any Flexible Work Arrangements Policy) describes the impact, if any, of pregnancy and/or parental leaves on the time for admission to, or the meeting of criteria for partnership. This is an area of particular concern to women and an area most often identified as unclear or missing in current firm policies.

Women lawyers understand that taking leaves of absence may lead to a delay in being considered for partnership. This is largely due to the fact that a lawyer on an extended leave, man or woman, is not

actively developing his or her skills as a lawyer, or his or her client contacts, and as a result may require a longer period of time to gain the appropriate competencies to be considered for partnership.

Women lawyers have told us that they would benefit from having information about the consequences of taking one or more leaves of absence on the consideration for partnership, including the timing of consideration for partnership admission, the level of partnership (if the firm has a two-tiered partnership with both income and equity partner levels) and the compensation level. Firms are encouraged to include clauses in their partnership policy about the firm's rules or practices in this regard.

Some possible approaches include the following:

- Recognize the fact that one or more pregnancy and/or parental leaves do not, in and of themselves, delay consideration for admission to partnership when other requirements have been met.
- Adopt and apply factors for eligibility to partnership that focus on an associate's experience and skills instead of relying solely on year of call.
- Normalize an associate's hours and billings for the period she is on leave.²³

Communication of Criteria for Partnership

It is vitally important for Managing Partners to ensure there is communication of the criteria for partnership admission in a formal and transparent way to all associates on an annual basis. For mid-level and senior associates, a regular annual meeting detailing not only the written and unwritten criteria but also the process for admission should be considered. As well, mentors should be required to review such matters individually with their mentees. These kinds of communication are vitally important for women lawyers who may not gain access to this information in the same way as their men colleagues do through informal networks

Finally, in addition to communicating expectations for partnership admission, accurate, timely and constructive feedback about whether an associate is meeting the criteria for partnership admission is important to any associate at a law firm.²⁴ This will be dealt with in more detail below.

Gender-Neutral Partnership Evaluations

In the path to partnership, the law firm evaluation process is vital to a lawyer's future success, yet that process may often be blind to the subtle ways in which gender bias can emerge in describing the qualities required for success and in judging the characteristics of lawyers. Not only must the partnership policy be drafted in an unbiased way so that women are not negatively impacted, but the evaluation process for partnership candidates should be standardized and outline clear and neutral performance criteria.

²³ An example of a clause providing for this is as follows: "The associate's billings and billable hours for the affected period will be annualized by the firm after a review of all the facts and with the agreement of the associate concerned. These annualized billings and billable hours will be calculated from the monthly average achieved by the associate during a 12-month period prior to the commencement of the leave. The aim of the annualization is to present the statistics as they would have been if no pregnancy or parental leave had occurred. Note that an associate would be winding down his or her practice immediately prior to the commencement of the leave and that period may not reflect the billings and billable hours typically maintained by the associate." Taken from a firm's policy.

²⁴ Jane Di Renzo Pigott & Sharon Jones, *Walking the Talk – Creating a Law Firm Culture Where Women Succeed* (Washington: American Bar Association, 2004).

In Catalyst's *Cascading Gender Biases, Compounding Effects: An Assessment of Talent Management Systems*, experts were asked to describe leadership competencies.²⁵ The findings show that the majority of managers evaluated their senior executives as primarily displaying stereotypically masculine characteristics and competencies. Leadership characteristics that were described as stereotypically masculine included driving results, problem solving and being action-oriented. Leadership characteristics that were described as stereotypically feminine included being warm, empathetic, supportive, as well as being a good listener. Law firms must recognize that a wide variety of leadership qualities are required to make a strong partnership. When evaluating partnership candidates, this needs to be taken into account.

Here are some steps firms can take to improve gender neutrality in their evaluations of candidates for partnership:

- Appoint a diverse partnership committee to review the existing relevant policies and objective criteria with a view to identifying language or processes that may not be gender-neutral. This may help to bring to light hidden challenges that a well-meaning firm may not otherwise see. Diversity within groups tends to lessen the effects of bias.
- Schedule discussions among senior decision makers at the outset of the partnership admission process to foster a broader perspective of what makes an effective partner and to ensure that all understand and will apply the objective written criteria outlined in the firm's partnership admission policy.
- Review and consider gender data statistics within the firm and each practice area to identify areas of the firm where women may be consistently failing to advance without apparent reason.
- Provide those involved in the partnership admission process with training and materials on gender diversity and the commitment statement for advancing women so that these matters are clearly considered and addressed within the process.

The Annual Review

*"In the path to partnership, the law firm evaluation process is vital to a lawyer's future success. Yet the process is often blind to the subtle ways in which gender bias merges in judging the characteristics of lawyers."*²⁶

Annual performance reviews commencing in a lawyer's first year of practice are a key feedback and advancement tool in many law firms. Performance reviews that are conducted on an ad hoc basis or are based solely on anecdotal information are more likely to include gender bias (both conscious and unconscious) than formal reviews that are routinely scheduled and include information from a broad survey of lawyers and clients.

The following best practices have been suggested in publications about performance reviews and may be considered by law firms committed to the advancement of women into partnership positions²⁷:

²⁵ Anika K. Warren, *Cascading Gender Biases, Compounding Effects: An Assessment of Talent Management Systems* (New York: Catalyst, 2009) at 11.

²⁶ Ending the Gauntlet, *supra* note 15.

²⁷ A study by Monica Biernat, M.J. Tocci and Joan C. Williams analyzes performance evaluations of male and female junior attorneys in a Wall Street law firm. The study found that the narrative comments in performance evaluations either favoured the women being rated, or treated them no less favourably than

- Establish a formal performance review process that occurs at least annually and review the process regularly to ensure that it is fair.
- Train lawyers on how to deal effectively with those who are not the same gender as the reviewer, and on how to conduct effective and fair reviews while delivering constructive feedback on performance that includes both substantive and stylistic comments.
- Establish specific, substantive and professional development criteria to be evaluated in each review and share the criteria with lawyers. The process should specifically evaluate the associate's progress towards partnership. Benchmarks may be used as an objective tool to assess development.
- Develop a review process that assesses each lawyer against each of the criteria for partnership or promotion rather than against peer colleagues. Ensure that partnership criteria such as business development skills and progress towards a sustainable practice are specifically addressed. Each review should indicate the areas where the lawyer needs improvement based on each criteria for partnership or promotion. The review also should indicate where the lawyer is on the career track with respect to each milestone.
- Provide a written evaluation to each associate that sets out her review and the expectations for substantive and professional growth over the next review period.

Follow-up to the Annual Review

In *Best Practices for the Hiring, Training, Retention and Advancement of Women Attorneys*, the New York City Bar outlines the following best practices to assist women lawyers to advance towards partnership:²⁸

- Provide coaching to lawyers who require assistance.
- Develop individual career plans in consultation with each lawyer, based on her goals, profile and experience and on the firm's needs and strategic objectives. Establish annual milestones for each lawyer.
- Conduct regular assessments of each lawyer's career plans (such as progress towards milestones, assignment among practice groups or within each practice group, and exposure to client, industry or type of transactions).
- Maintain regular and frequent dialogue with each lawyer on career plans and attainment of goals, objectives and milestones.
- Advise women and their mentors to monitor work assignments to ensure that women lawyers get adequate exposure and valued work assignments.
- Assess whether there has been gender disparity in access to assignments, key clients, billable hours and professional development opportunities.
- Create and distribute a substantive skills expectation grid for each associate in a practice group and year and ensure that all associates have equal access to assignments that will allow them to develop the expertise in a timely fashion.
- Communicate clearly with each associate on an annual basis regarding whether she is on track to partnership, specifying substantive and professional growth needs required to remain on track.

men. However, in the numerical ratings that mattered for promotions, men did better. See *The Language of Performance Evaluations: Gender-Based Shifts in Content and Consistency of Judgment*, Social Psychological and Personality Science, published online on July 18, 2011 at

<http://spp.sagepub.com/content/early/2011/07/15/1948550611415693.full.pdf+html>.

²⁸ *Best Practices for the Hiring, Training, Retention and Advancement of Women Attorneys* (New York: New York City Bar, 2006) [Best Practices].

Career planning

Introduction

This section of the guide discusses the importance of active career planning for women associates, why firms should support active career planning and how it can help promote diversity within the firm.²⁹

Why is Career Planning Important for Associates?

A number of scientific studies show that people who have written goals achieve far more success than those who do not. They also show that career planning enhances motivation, job satisfaction and confidence.³⁰ The process of completing a disciplined and strategic assessment of the current and target state of one's career can help associates to focus their time and energy into areas which are most productive and rewarding, thus increasing overall profitability.

Why Should Firms Direct Resources Towards Career Planning?

There are a number of reasons why firms should focus resources towards supporting associate initiatives in the area of career planning. These include:

- The most successful lawyers plan their careers. They take the time to continually evaluate and reassess where to focus their energy to be the most productive in achieving their individual goals and firm goals.
- Career planning helps associates focus on the need to develop a sustainable practice and proactively engage in business development, when it can be all too easy to neglect these activities in favour of responding to day-to-day client demands.
- When career planning is supported at the firm level, there is an ability to ensure individual career planning is aligned to a firm's overall strategy.
- Institutionalizing career planning into firm processes (for example, by co-ordinating it with an annual compensation or review process) ensures it gets done and is done on a regular basis.
- Supporting individual career planning can lead to increased satisfaction and loyalty among associates. Associates with strong career plans that are aligned to overall firm goals are confident about their careers and feel they are developing and continuing to grow professionally. This can assist with retention issues as young lawyers often feel overwhelmed. Having a clear roadmap will make them feel empowered and supported by the firm.
- Having a strong career planning program enhances recruitment efforts as prospective candidates will be drawn to a firm which provides strong training programs to help them develop professionally.

²⁹ See Appendix 1 of this guide for a sample Career Development Plan Template.

³⁰ See Susan Smith Blakely, *Best Friends at the Bar: What Women Need to Know about a Career in the Law* (New York: Aspen Publishers, 2009).

How does Career Planning Help Women Lawyers?

Career planning in a structured and disciplined manner that is institutionalized in firm processes can help identify gaps in an associate's career development. It can provide a system to help firms regulate and monitor work flow and can assist women associates to get opportunities they might otherwise not have had. For example, it can help women identify whether or not they have worked on important and profitable files for the firm's significant clients. It provides a platform to help unconscious biases surface in a controlled and positive manner and be addressed in a constructive way.

Career planning can also play an important function when women associates are taking a parental leave. It provides a women associate and her mentors/supervisors with an excellent opportunity to address the issues involved in ramping down before the leave and ramping up following the leave. By taking the time to carefully plan these scenarios, the associate can maximize her productivity and inefficiency can be minimized.

Steps for Effective Career Planning

The first step is to get associates (or even all lawyers) in the firm to draft a plan. Providing worksheets or sample career development plans is very helpful. A sample career development plan worksheet is available in Appendix 1.

Associate lawyers should ask themselves, "What do I want to accomplish in one year, two years, five years and beyond?" The process of charting a career, while meeting the firm's and client's expectations, requires associates to formulate or clarify expectations they have of themselves and to engage in thoughtful planning. Planning involves setting realistic, achievable short- and long-term goals and developing a course of action to reach them. The focus and confidence associates will gain by pursuing their plans will be well worth the effort."³¹

In developing a career development plan, a lawyer should "set verifiable and specific goals [...] the more specific the goal, the better." Goals such as "improve client relations" are "not objectively verifiable [...] include specific actions that must be taken to achieve the goal and timelines for reaching the objectives. Review and revise the plan frequently. Analyze and change what does not work."³²

A goal should be reasonable and attainable. "Make your [career] goals realistic. An unattainable goal will discourage you from setting goals at all." Moreover, "overachieving, even if only you know about it, is much more satisfying."³³

³¹ Suzanne B. O'Neill and Catherine Gerhauser Sparkman *From Law School to Law Practice: The New Associate's Guide* (Philadelphia, American Law Institute, 1999) at 248.

³² Theda Synder, *Women Rainmakers: Best Marketing Tips*, 2d ed. (Chicago: American Bar Association, 2003) at 1 - 2.

³³ *Ibid.* at 4.

It is also important for firms to consider how they can institutionalize career development planning into their processes. Some ideas include:

- Co-ordinating career development planning with existing processes, such as annual performance reviews or compensation processes.
- Providing a review mechanism as part of the process of creating a plan. For example, once a draft plan is prepared by an associate, it should be discussed with a mentor, practice group leader or other more senior lawyer who can assess how it fits into the firm's larger, strategic objectives.
- Developing a system to track progress and allow updates on the plan throughout the year.
- Having practice group leaders distribute business plans for their groups so that associates can create a plan that co-ordinates with and advances aspects of the group plan.

For women associates, Managing Partners should consider the following:

- Educate senior lawyers involved in career planning on the challenges faced by women in advancing to partnership;
- Require senior lawyers to critically review women's career plans to ensure their plans maximize their chance for partnership admission;
- Work actively with other partners to ensure that women lawyers have fair access to important opportunities for advancement;
- Maintain an overview of the progress of women in their group; and
- Ask practice group leaders to develop an overall plan for the advancement of women in their group.

Mentors and sponsors

Introduction

In addition to a career plan, all associates need active and involved mentors and sponsors to help them navigate the path to partnership. This is particularly so in the case of women associates. Research tells us that in work settings, such as law, which are dominated by men at the top, that “women need high-ranking mentors from the power elite to overcome being stereotyped as lacking in qualities deemed essential for career success.” The research confirms that mentoring enhances career prospects of mentees for two reasons: mentors help provide job-related skills, knowledge and abilities and mentors help mentees acquire social capital; that is, the perception that they are legitimate contenders for partnership. Social capital can be provided by a mentor who is seen as accepted and part of the leadership group. In a law firm, this would generally be a senior man partner.³⁴

Below are some suggestions, best practices, and guidelines for mentoring women associates that may be helpful to law firm Managing Partners.

Encourage a Mentoring Culture

Firms should strive to create a “mentoring culture,” in which all or most partners provide timely and thoughtful feedback and support to all associates.

A broad mentoring culture within a firm is more likely to benefit a broad range of associates, both men and women, on an informal basis. Informal mentoring may be the best way for associates to decipher their firm’s “unwritten code.” Effective mentors will ensure associates understand who has influence in the firm and how to show good judgment in dealing with other lawyers and firm clients and what the firm’s priorities are. By sharing “inside information” and explaining the firm’s dominant attitudes, beliefs and social behaviours, mentors can dispel any sense of alienation that young lawyers (particularly women) may feel and can help associates feel connected to the firm. For all associates, feeling that you belong is not only comforting, but is the beginning of feeling like a partner.

Establish a Formal Mentoring Program

In a formal mentoring program, a designated mentor is assigned for each associate. Most often, firms provide mentors for junior associates and fail to recognize the need for formal mentoring for associates approaching partnership or those who have become income partners. This omission can be particularly disadvantageous to women associates.

Formal mentoring programs can be effective if they are well-structured and have active and ongoing management. Best practices may include,

³⁴ Aarti Ramaswami, George F. Dreher, Robert Bretz & Carolyn Wiethoff, “The Interactive Effects of Gender and Mentoring on Career Attainment: Making the Case for Female Lawyers” (2010) 37 *Journal of Career Development* 692 – 716.

- naming a mentor advisor or a mentor committee with authority to keep the mentoring program regularly “refreshed” and revitalized through new ideas and initiatives and to deal with unsuccessful mentoring relationships;
- providing regular mentor training;
- monitoring of mentor/mentee meetings;
- providing incentives to encourage regular mentor/mentee discussions,
- implementing a “best mentor” award program and giving awards to the very top mentors in high-profile ceremonies;
- canvassing associates for their input and suggestions;
- receiving an annual report from each mentor and each mentee on the mentoring in which they participated during the year and its success; and
- reviewing annually the list of mentors and replacing mentors that have not been effective.

Kinds of Mentors

There are basically two kinds of mentors – career mentors and personal mentors. Career mentors assist the associate in progressing in her career by ensuring she gets good work opportunities and meets clients. A career mentor will likely provide the associate with good advice on how partnership admission works at the firm and what she needs to do to improve her chances. Personal mentors help the associate with questions she may have personally about working with a difficult partner, how to prepare for and return from a maternity leave, how to ensure that she is being given the same opportunities as her men colleagues and so on. In some cases, the same mentor may fulfill both functions, but this is not the usual case. Women lawyers will most often need to seek out a senior male mentor to be a career mentor, as such an individual will have succeeded at the firm and know the ropes. Firms need to ensure that women associates are assigned to powerful partners with access to work and other opportunities in the firm. This will enable women on the partnership track to have the same opportunities to demonstrate their abilities as their men colleagues.

For a personal mentor, women will more likely seek out a more senior woman who has gone through the experiences they are now having.

Train Mentors to Work with Women

While some partners may have an instinctive understanding of the challenges faced by women in law firms, others may not. Law Firm Managers may wish to consider offering coaching to their mentors on the challenges faced by women lawyers on such topics as unconscious gender stereotyping and exclusion from informal networks so they may work more effectively with their women mentees.

Make Mentors Accountable

Firms that wish to ensure successful mentoring relationships should consider a formal accountability mechanism for mentors.

Managing Partners can consider having each mentor report their mentoring activities and the degree of success achieved in his/her annual memo to the firm’s compensation committee and Mentor Advisor. This personal assessment should be coupled with feedback from the mentee about the relationship.

Partner compensation clearly plays a critical role in motivating partners to become mentors. Firms that define a clear mentoring role for partners, and then assess partners' success against that defined mentoring role in setting partners' compensation or providing for bonuses, can expect to see significantly better mentoring behaviour from their partners.

In addition, firms may wish to count hours of mentoring towards billable or non-billable hours to underscore the importance the firm places on mentoring.

Consider Alternate Mentoring Options

Because women often face challenges that men do not in the workplace, and generally spend more time on child care per week than their male peers,³⁵ a law firm that assumes men and women associates will thrive with identical mentoring is missing an opportunity. In addition to formal one-on-one mentoring relationships, firms may want to explore alternate models of mentoring. These alternate models can be particularly beneficial for firms with small numbers of women partners who want to accommodate access to women mentors.

Alternate mentoring models may include the following:

Mentoring Circles: This form of mentoring can be set up in firms where there are few women partners available to mentor women associates on a one-to-one basis. In mentoring circles, a group of associates meet regularly with a small number of women partners, thus allowing the associates all to benefit from the wisdom and experience of the women partners. Mentoring Circles may be grouped by practice area or alternatively contain a mix of different practice areas. Mentoring Circles usually meet quarterly to discuss strategies for business development and practice building for the women involved, as well as sensitive issues relating to women's experiences in the firm, such as work/life balance and maternity leave issues.

Peer-to-Peer Mentoring: In peer-to-peer mentoring, women associates gather regularly to share their own experiences and pass along advice they may have received from individual mentors, including women partners.

Maternity Leave Mentors: Managing Partners may wish to consider assigning a maternity leave mentor to each woman going on maternity leave. In those cases, the mentor will be a senior associate or partner who had the experience of a maternity leave, including the ramping down and subsequent ramping up around such leaves. This mentor can provide practical advice on taking the leave and can stay in touch with the associate while she is on leave to assist her in a smooth transition when she returns to the firm.

Mentors outside the firm: If a law firm faces challenges in finding good internal women mentors for its women associates, it may want to consider outside resources as follows:

- The Law Society's Lawyer Mentorship Program.³⁶

³⁵ F. M. Kay, C. Masuch & P. Curry, *Turning Points and Transition: Women's Careers in the Legal Profession. A Longitudinal Survey of Ontario Lawyers, 1990 – 2002* (Toronto: The Law Society of Upper Canada, 2004) at 56 [Turning Points].

³⁶ See section "Outside Resources" in this guide.

- Women Lawyers Association of Ontario (WLAO) provides opportunities for women across the profession to get together informally as well as attend programs of special interest to women, including programs on mentoring.
- Recently, a group of younger women lawyers have formed a new group, Young Women in Law.³⁷
- As well, some private organizations that are focussed on women professionals, run extensive mentoring programs specifically designed for women.

Sponsors

When thinking about mentors, it is important as well to consider sponsors. While some mentors may also be sponsors, not all sponsors are mentors. While mentors provide support for the mentee, a sponsor becomes the associate's champion and helps in the advancement of the associate.

Who can be a sponsor? A sponsor is someone who is highly placed in a law firm and who has significant influence over the decisions made in the law firm, including decisions around admission to partnership. A sponsor opens doors, advocates, protects and promotes an individual in his/her career path. In doing so, a sponsor puts his or her prestige and power on the line to champion another. Both men and women can be effective sponsors for women lawyers.

Sponsorship is particularly key for women lawyers who wish to advance into the partnership. As recent research from Catalyst indicates³⁸, even though women start out behind and often remain behind men, even with mentoring, a sponsor can propel a protégé to the top of the list: "Done well, sponsorship can serve as a highly effective intervention to accelerate women's career velocity. Lack of sponsorship is one indicator of what's really been holding many women back – exclusion from organizations' most influential networks. Sponsorship can finesse access to these powerful networks, providing impressive benefits to leaders, high-performing employees and organizations themselves."

Catalyst lists the following benefits that sponsorship can provide:

- Sponsorship prepares protégés for the complexities of new roles and assignments;
- Sponsorship helps protégés meet unique executive challenges;
- Sponsorship helps protégés determine where, when and how to make strategic contributions;
- Sponsorship helps mitigate perceived risk;
- Sponsorship helps protégés recognize the value add to their career;
- Sponsorship helps protégés develop skills that support advancement;
- Sponsorship helps protégés gain visibility;
- Sponsorship is a powerful differentiator at the top; and
- Sponsorship is a means of overcoming barriers for women.³⁹

³⁷ See section "Outside Resources" in this guide.

³⁸ Heather Foust-Cummings, Sarah Dinolfo, Jennifer Kohler, *Sponsoring Women to Success* (New York: Catalyst, 2011) at 2 [Sponsoring].

³⁹ *Sponsoring, ibid.* at 1 – 6.

Help Women Associates to Find Sponsors

Managing Partners should consider working closely with firm leaders to provide promising women partnership candidates with appropriate sponsors. This relationship should not be left to the year of partnership admission but should be started two to three years ahead of that admission time so that the sponsor will have time to build a relationship with the protégé and work on advancing the protégé's career.

Coaching

Introduction

This section of the guide addresses coaching as distinct from mentoring, the value proposition for firms for providing coaching and how coaching may be used as a strategic tool to help advance women to partnership.

What is Coaching?

Coaching is a way to help an associate develop professionally to achieve his or her desired goals. While the ultimate goal is the same as mentoring, there are subtle differences to each of those collaborative processes.

While a mentor may, at different times during the mentoring relationship, play complementary and overlapping roles such as a coach, facilitator, counsellor or a networker,⁴⁰ coaching, *per se*, may be described as providing to the person being coached the information or access they need to get from “where they are” to “where they want to be.” Coaches are usually hired from outside the firm and their services are paid for by the firm. Associates may be referred for coaching by their practice group leader where it is evident the associate lacks some of the essential qualities to succeed in advancing to partnership. Some associates seek out coaching on their own.

One expert in the field of workplace coaching notes that there is a significant difference between executive coaching and mentoring,

“The mentor is often someone working within the company and a coach is often external. A mentor is more of an advisor based on their own direct experience. A coach is more facilitative and seeks to empower the individual to find their own solutions that will work for them - this is particularly important for a new generation of women who may not want to do things the way a more senior mentor has.”⁴¹

A professional career coach who works exclusively with lawyers, outlines the reasons lawyers seek coaching:

“Partners or senior level lawyers typically wish to develop better business development skills, improve the productivity of their practices, work more effectively with associates and become better delegators. For associates, the issues are often tied to stress or overwork, time management skills and the perception that they lack confidence. Lawyers who are seeking coaching on their own are usually dissatisfied in their current position or feeling frustrated in their attempts to advance their careers. Others have received a ‘message’ that they are not performing to their employer’s expectations.”⁴²

⁴⁰ David Clark, “Focus on Mentoring” (2002) *LawPRO Magazine* (April 2002) 3.

⁴¹ “Executive Coaching: The Lawyer’s New Best Friend” online: <http://www.legaljobscentre.com/job-market-news/executive-coaching-the-lawyers-new-best-friend/81220>.

⁴² Sheena MacAskill, *Why Do Lawyers Seek Coaching* online: <http://www.sheenamacaskill.com/wordpress/?p=5>.

The Value Proposition for Firms

This guide has already referenced particular challenges which women face in advancing in law firms.⁴³ While coaching may be of benefit to all lawyers within a firm, it may be a more important consideration for women lawyers because of the particular challenges women face.

A coach will initiate in-depth discussion of the challenges and opportunities for women lawyers to advance into partnership and will assist a woman lawyer in developing a tailored roadmap from which the following benefits may flow:

- Increased focus and productivity: Juggling client matters, meeting revenue and hours targets and balancing a family life makes it difficult to accomplish all tasks. A coach can help women lawyers focus energy in such a way as to achieve goals with greater ease in spite of a busy schedule.
- Improved time management skills: Law school does not teach lawyers how to manage time. Too often, everything feels like a priority and a lot of lawyers feel overwhelmed, stressed and ultimately burned out. A coach can help women lawyers assess their schedules, figure out how they currently spend their time and help create a strategy to achieve more from less.
- Development of a unique brand for improved marketing: Women lawyers sometimes have difficulty communicating their value within and outside the firm. A coach can assist them to create and communicate their unique value in ways that will help develop a successful reputation and career.⁴⁴
- Improved Business Development Skills: Firms have to their credit, only recently, started investing in training their lawyers in marketing and business relationships development.⁴⁵ Business development and networking skills can be developed through coaching. The coaching process may focus in this area on improving client development skills and making a plan that will be monitored with the coach.
 - Improving presentation skills: Some women lawyers may be uncomfortable making presentations whether internally or to clients. Coaching can help women in this regard.

Conclusion

Coaching can be a powerful tool to help women lawyers reach their potential and achieve excellence in their practices. Whether the goal is to fix a particular problem or to maximize high performance, coaching can help lawyers, particularly women lawyers, to meet and surpass their career goals.

⁴³ See section “Challenges Women Face in Advancing” in this guide.

⁴⁴ Jatrine Bentsi-Enchill, “Coaching for Lawyers: 10 ways a Lawyer can benefit from working with a professional coach” online: <http://www.articlecity.com/articles/business_and_finance/article_1942.shtml>.

⁴⁵ *Creating Pathways to Success: Advancing and Retaining Women in Today's Law Firms* (Washington DC: Women's Bar Association of the District of Columbia, 2006) at 19.

Building a sustainable practice

Introduction

Managing Partners are well aware that law is a business and that each partner must contribute to the maintenance and growth of that business. Partnership candidates must understand that their contribution as a partner must be about more than their own billable hours. Each must focus on building a sustainable practice that will include not only doing one's own work, but on developing new clients and bringing in work for others. As well, a successful partner level practice will include making a significant contribution to the firm through non-billable work such as mentoring, serving on key firm committees as well as business and professional development activities.

Law firms that are committed to the advancement of women into the partnership should focus on strategies to assist women to develop sustainable legal practices. Many of these have been discussed elsewhere in this guide in more details, but are summarized here:

- Encourage and assist women in leveraging their practices through appropriate delegation;
- Provide opportunities for women to take the lead role in client meetings, at marketing events, on files (lead lawyer on trials and transactions) and on firm strategic committees;
- Ensure that women are represented on client teams and take leadership roles;
- Provide opportunities for women to deal directly with top clients and on client relationship management roles;
- Allocate firm marketing resources equitably;
- Create marketing opportunities that appeal to both women lawyers and women clients; and
- Encourage and help women to make business development a priority.

BUSINESS DEVELOPMENT

Business development is a key component of building a sustainable practice and poses specific challenges for women. When allocating marketing resources, it should be recognized that business development opportunities that work well for men lawyers may not work as well or as effectively for women lawyers or women clients. For example, it may be awkward for a women associate to market one-on-one to a male client in certain situations, in addition to it being awkward for the male clients. As well, not all women clients favour traditional business development activities such as sports-related events. Therefore, consider adopting a marketing strategy that caters to the marketing style of men and women lawyers and takes into account the preferences of both men and women clients.

Some firms have addressed these concerns by holding women-only marketing events, which many women clients find appealing. Women who participate in single-gender marketing events should still, of course, attend the firm's general marketing events.

Some firms have developed business development mentoring programs by encouraging partners who are successful business developers to proactively mentor younger lawyers, including women, specifically on business development techniques and their marketing strategies.

Joint marketing – women marketing with other women or with men – may be easier for many women. Joint marketing can resolve the discomfort of one-on-one marketing. Women may also have difficulty singing their own praises. Because women easily broadcast the achievements of their colleagues whom they respect, allowing them to market jointly lets them amplify their message.

It should also be noted that the timing of marketing events can adversely impact women. Marketing events are often held at the end of the work day. Many women juggle multiple roles and therefore have more difficulty in scheduling evening marketing events.⁴⁶ Many women clients face the same issue. Creating opportunities for women to market during the day can benefit both women lawyers and women clients.

Provide training and coaching about “rainmaking” skills. The firm’s marketing strategy should be communicated widely and lawyers should be encouraged to align business development activities with the strategy.

Successful firms will recognize that when they encourage the marketing efforts of women lawyers and allow them to play to their strengths, women are much more likely to build sustainable legal practices.

⁴⁶ See *Turning Points*, *supra* note 35.

Outside resources

This section of the guide describe outside resources that can be used as a reference by law firm managers and women lawyers. What follows is a non-exhaustive list with descriptions of outside resources.

Law Society of Upper Canada Initiatives

Women's Online Resource Centre (WORC) – WORC was created specifically for women lawyers with a goal of providing quick and easy access to practical resources and information that can assist women lawyers in their practice. WORC is one of the many initiatives developed as part of the Law Society of Upper Canada's Retention of Women in Private Practice project to respond to the needs of women lawyers. It includes links to information about maternity and parental leaves, childcare and other resources for working parents and information about marketing, business development, mentoring and work/life balance.⁴⁷

Discrimination and Harassment Counsel (DHC) – As part of the Law Society of Upper Canada's efforts to enable equity and diversity in the workplace and the profession, and to help stop discrimination and harassment, the Law Society provides a Discrimination and Harassment Counsel service free-of-charge to the Ontario public, lawyers and paralegals. The Discrimination and Harassment Counsel confidentially assists anyone who may have experienced discrimination or harassment by a lawyer or paralegal.⁴⁸

Practice Mentoring Initiative – The Practice Mentoring Initiative connects lawyers with experienced practitioners in relevant areas of law to help with complex substantive legal issues or a specific procedural issue outside of the Law Society's Practice Management Helpline mandate. Mentors are available to assist lawyers in various areas of law, which include: Corporate/Commercial, Bankruptcy and Insolvency, Employment and Labour Law, Environmental Law, Real Estate Law, Estates Law, Family Law, Immigration Law, Criminal Law, and Civil Litigation.⁴⁹

Legal Associations/Organizations

Canadian Bar Association: Women's Lawyer Forum – The CBA Women Lawyers Forum was created to address the need for short- and long-term programs, plans and systems to promote and enhance the stature and influence of women in the legal profession.⁵⁰

Ontario Bar Association: Feminist Legal Analysis Committee – This practice group offers practitioners, academics and students of diverse multi-racial backgrounds the opportunity to share ideas in a collegial atmosphere. Whether it's debating the impact of legislation on women, keeping up-to-date on legal analysis that takes the law beyond traditional interpretations, or hearing from other women about how to establish a law practice that reflects women's views and interests, this Section provides a fresh perspective on all aspects of the law.

⁴⁷ <http://rc.lsuc.on.ca/jsp/worc/index.jsp>

⁴⁸ <http://www.dhcounsel.on.ca/>

⁴⁹ <http://rc.lsuc.on.ca/jsp/mentorship/index.jsp>

⁵⁰ http://www.cba.org/CBA/conf_women/Women_Lawyers/default.aspx

This Section also plays a major role in advising the OBA and government on the proposed and existing laws on women, and making recommendations for legal change with a social justice focus. There are also opportunities to make contacts and personal contributions that will enrich the professional and personal lives of women lawyers.⁵¹

The National Association of Women and the Law – (NAWL Canada) The National Association of Women and the Law (NAWL) is an incorporated not-for-profit feminist organization that promotes the equality rights of Canadian women through legal education, research, and law reform advocacy. They work on their own and in collaboration with other women’s equality-seeking organizations to impact public policy on a wide range of issues. NAWL was created at a conference held at the University of Windsor law school in 1974. Since then, NAWL has used its research and educational strategies to raise public awareness about legal issues affecting women. The organization is governed by a National Steering Committee that functions as the Board of Directors.⁵²

Ontario Lawyers’ Assistance Plan (OLAP) – Women’s Work and Wellness - As part of OLAP's vision to promote a lifestyle of balance and well-being for all members of the legal profession, and to prevent problems through early intervention, OLAP (in conjunction with the Women's Law Association of Ontario and the Ontario Bar Association) has developed the Women's Work and Wellness Group Luncheon Series. The goal of these quarterly luncheons/meetings is to promote wellness and balance for women in the legal profession. These informative luncheon meetings provide an opportunity to meet and discuss issues of importance to women lawyers.⁵³

Ontario Trial Lawyers’ Association Women Trial Lawyers Caucus (O.T.L.A.) – Women Trial Lawyers Caucus was formed in the spring of 1998 to offer events specifically geared to the interests and needs of women litigators. The Women’s Caucus gatherings provide valuable networking opportunities to enable women lawyers to socialize and discuss common concerns and experiences.⁵⁴

South West Region Women's Law Association (SWRWLA) – SWRWLA is an informal support and advocacy network for women lawyers. The association is open to all women lawyers and law students, but is primarily for women lawyers and law students from the south west region of Ontario. SWRWLA has a bi-annual conference/retreat where women network, exchange information and develop informal mentoring relationships.

Women’s Law Association of Ontario (WLAO) – The Women's Law Association of Ontario is a not-for-profit corporation dedicated to advancing issues and causes relevant to women in the legal profession through education and awareness programs. The association has existed since 1919 as a vibrant, active voice for women in the profession and a vital resource to members in their pursuit of fulfilling and successful careers in law. WLAO provides valuable networking opportunities via social and educational events in a professional and supportive environment.⁵⁵

⁵¹ http://www.oba.org/En/Sections/home_en/home.aspx

⁵² <http://www.nawl.ca/>

⁵³ <http://www.olap.ca/womens-wellness.html>

⁵⁴ <http://www.otla.com/>

⁵⁵ <http://www.wlao.on.ca/>

Young Women in Law (YWL) – Young Women in Law was founded by 10 young women lawyers to promote and support young women in the legal profession. The objectives and purposes of the YWL are: (1) encourage and promote the welfare and interests of young women lawyers; (2) to provide services, activities, and facilities which address the needs of young women lawyers; (3) to encourage young women lawyers to use their legal education to give back to their communities; and (4) to create an environment for networking opportunities among young women lawyers. The goal of YWL is to facilitate dialogue, learning, and ultimately, change.⁵⁶

Other Resources

Canadian Association of Women in Construction (CAWIC) – CAWIC is a non-profit organization designed to facilitate the success of women in the Canadian construction industry by uniting their voices, knowledge and resources through its membership. CAWIC's membership base consists of women of all ages in a very diverse mix of industries spanning every sector of business, including law.⁵⁷

Canadian Association of Women Executives and Entrepreneurs (CAWEE) – Established in 1976, CAWEE has been connecting Canadian businesswomen. As a networking organization, CAWEE represents professionals from a broad range of disciplines, markets and perspectives and offers its members many opportunities to network and connect with other professional women. It provides opportunities for its members to build their contact bases, share resources, acquire referrals, and develop skills and knowledge that assist its members in growing their business.⁵⁸

Canadian Women in Private Equity (CWPE) – Canadian Women in Private Equity is a committee within Canada's Venture Capital & Private Equity Association (CVCA) designed to promote the entry, advancement, development and retention of women in private equity, and provide a forum for women in private equity to network and make business connections, and exchange business ideas, knowledge and opinions.⁵⁹

Canadian Women in Technology (CanWIT and formerly CATA WIT) – is an organization that provides women in technology with knowledge allowing them to advance in their careers and businesses and grow the organizations in which they participate. CanWIT does this through mentoring, networking, professional development and advocacy.⁶⁰

Toronto Commercial Real Estate Women (Toronto CREW) – Established in 1996, Toronto CREW is comprised of decision makers from various corporations in Canada. Its members represent almost all the disciplines in commercial real estate. It is committed to providing high-quality networking and educational opportunities to assist in furthering the careers of its members and advancing the success of women in commercial real estate.⁶¹

⁵⁶ <http://www.youngwomeninlaw.com/about.html>

⁵⁷ <http://www.cawic.ca/>

⁵⁸ <http://www.cawee.net/about.html>

⁵⁹ <http://www.cvca.ca/about/CWPE.aspx>

⁶⁰ <http://www.catawit.ca/home/>

⁶¹ <http://www.torontocrew.org/>

Women in Capital Markets (WCM) – WCM is a non-profit organization that promotes the entry, advancement, and development of women in the Capital Markets industry. Its members have access to opportunities for newcomers and seasoned professionals, including networking events, mentoring, professional development, career path insights for students and forums to share best practices with industry leaders.⁶²

Women's Executive Network (WXN) – Women's Executive Network is the largest community of influential, powerful and successful women in Canada and Ireland. The members and organizations in its community are dedicated to the advancement and recognition of executive-minded women in the workplace. WXN enables partners and corporate members to become and to be recognized as employers of choice and leaders in creating diverse and positive work environments. It has a very successful mentorship program in which young women are paired up with senior women who are award winners drawn from WXN's Canada's Most Powerful Women: Top 100 Award annual event. The mentees also receive valuable information on career path and mentoring through seminars.⁶³

⁶² <http://www.wcm.ca/>

⁶³ <http://www.wxnetwork.com/>

Conclusion

Firms that wish to advance more women into partnership face a challenging task. There are many bright women in the associate ranks of law firms in Ontario who are looking to move ahead and become partners in their firms. Law firms that seek to even the playing field so that talented lawyers of both genders can succeed will set themselves apart from their competitors. Clients will take note and women lawyers will recognize and support those firms that understand their special challenges and yet still seek to advance them. We hope that this Guide has provided some analysis and some proposals that will be helpful to law firms that undertake this task.

Appendix 1 – Career development plan template

Date:

Expertise

What are your areas of expertise?

Sources of work - List

Internal (e.g. lawyers, practice groups, cross-selling):

External (e.g. industry association, referral network, social network, volunteer activities):

Business Development Goals: Describe briefly three or four goals and objectives.

Analysis of goals (SMART: Specific, Measurable, Attainable, Realistic, Timely)

What are the most important goals (i.e. prioritize and identify as long- and short-term goals)?

What are the resources needed to achieve the goals (e.g. skills, technology, staff, CPD, financial, mentoring)?

How will the goals be achieved (e.g. CPD, speeches/presentations, conferences, articles/publishing, networking, firm committees)?

How is it determined if the goal has been met (targets/milestones, timelines)?

Docketing, Billings and Revenue

Total Hours:

Chargeable: Annual _____ Daily: _____

Non-chargeable: Annual _____ Daily: _____

Projected Revenues: Annual _____

Business Development – Profile Building

Membership in **professional/bar organizations** (shall join or maintain):

Community, civic, political or charitable organizations (shall join or maintain) which have the potential of generating business or enhancing the firm’s image:

Social or recreational organizations (shall join or maintain) which have the potential of generating business or enhancing the firm's image:

Trade and industry associations (shall join or maintain):

Speech or presentation to the following group(s) or teach a class in the following subject(s):

Write **books or article(s)** for publication:

Business Development – Relationship Building

Initiate social or business contact with

Existing or potential client(s) with whom I have not done so in the past three months:

Existing or potential referral source(s) with whom I have not done so in the past three months:

Engage in **existing client development** activities

Practice-specific cross-selling, client roundtables, newsletter, legal cost analysis, managing client relationships, etc. during the next year:

Prospect targeting, research and follow up, legal audits, presentation teams, etc. during the next year:

New client development, RFPs, presentations:

Internal marketing activities (marketing training/ mentoring, firm database, marketing committee, internal newsletter, etc.) during the next year:

Continuing Professional Development/Skill Improvement

Legal Education

Education required to increase expertise in current practice area(s), how it will benefit the firm, where the education is available and approximate cost:

Education required to increase expertise in practice area(s) where you wish to practice, how it will benefit the firm, where the education is available and approximate cost:

How can you assist in the education of others by in-house seminars, or by a formal mentoring program to train other lawyers and paralegals? Outline your proposal and how it would benefit the firm:

Industry/Business Education:

Leadership, Writing, Speaking or Management Education

Practice group, committee, knowledge management, mentoring or other firm activities:

Describe the education you require to improve your technological, writing, speaking, or management skills, how such knowledge would benefit yourself and the firm, where the education is available and approximate cost:

Pro Bono

Identify *pro bono* activities (volunteering, Board member, politics, college/university, *pro bono* legal services):

What is the benefit to you or the firm?

Appendix 2 – Books, articles and studies

The Honourable Bertha Wilson, *Touchstones for Change: Equality, Diversity and Accountability* (Ottawa: Canadian Bar Association, August 1993).

Bicentennial Report and Recommendations on Equity Issues in the Legal Profession (Toronto: Law Society of Upper Canada, May 1997).

Beyond a Reasonable Doubt: Building the Business Case for Flexibility (Toronto: Catalyst Canada, 2005).

Beyond a Reasonable Doubt: Creating Opportunities for Better Balance (Toronto: Catalyst Canada, 2005).

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Career Choices Study: A Report of the Law Society of Upper Canada (Toronto: The Law Society of Upper Canada, 2008).

Change of Status Quantitative Study (Toronto: The Law Society of Upper Canada, 2010).

Elizabeth Sheehy and Sheila McIntyre, *Calling for Change: Women, Law, and the Legal Profession* (Ottawa: University of Ottawa Press, 2006).

Fiona Kay, *Barriers and Opportunities Within Law: Women in a Changing Legal Profession* (Toronto: The Law Society of Upper Canada, 1996).

Fiona Kay “Crossroads to Innovation and Diversity: The Careers of Women Lawyers in Quebec” (2002) 47 *McGill Law Journal* 699.

Fiona Kay, *Transitions in the Ontario Legal Profession: A Survey of Lawyers Called to the Bar Between 1975 and 1990* (Toronto: The Law Society of Upper Canada, 1991).

Fiona Kay, “The Social Significance of the World’s First Women Lawyers” (2007) 45 *Osgoode Hall Law Journal* 397.

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Fiona M. Kay and John Hagan, “Changing Opportunities for Partnership for Men and Women Lawyers during the Transformation of the Modern Law firm” (1995) 32 *Osgoode Hall Law Journal* 413.

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Joan Brockman, *Gender in the Legal Profession: Fitting or Breaking the Mould* (Vancouver: University of British Columbia Press, 2000).

Jean McKenzie Leiper, *Bar Codes: Women in the Legal Profession* (Vancouver: University of British Columbia Press, 2006).

Jean McKenzie Leiper, "Women Lawyers Caught in the Time Crunch" (1998) 13 (2) *Canadian Journal of Law and Society* 117.

Law Society of Upper Canada, *Final Report - Retention of Women in Private Practice Working Group* (Toronto: Law Society of Upper Canada, 2008).

Mary Jane Mossman, "Gender Equality Education and the Legal Profession" (2000) 12 Sup. Ct. L. Rev. (2d) 187.

Merrill Cooper, Joan Brockman, and Irene Hoffart, *Final Report on Equity and Diversity in Alberta's Legal Profession* (Calgary: Law Society of Alberta, 2004).

Michael Ornstein, *The Changing Face of the Ontario Legal Profession, 1971-2001* (Toronto: Law Society of Upper Canada, October 2004).

Michael Ornstein, *Racialization and Gender of Lawyers in Ontario: A Report of the Law Society of Upper Canada* (Toronto: The Law Society of Upper Canada, 2010).

Michael Ornstein, *Lawyers in Ontario: Evidence from the 1996 Census: 2001: A Report of the Law Society of Upper Canada* (Toronto: The Law Society of Upper Canada, 2001).

Promoting Dialogue Creating Change: Equity and Diversity in the Legal Profession (Toronto: Law Society of Upper Canada, 2003).

Retaining Women in Private Practice (Ottawa: Gandalf Group, 2007).

Racial Equality in the Canadian Legal Profession (Ottawa: Canadian Bar Association, 1998).

Retaining Women in Private Practice (Ottawa: Gandalf Group, 2007).

Retention of Women in Private Practice (Toronto: Law Society of Upper Canada, 2008).

Susan Pinker, *The Sexual Paradox: Men, Women and the Real Gender Gap* (New York: Scribner, 2008).

The Honourable Wendy Baker "Structure of the Workplace or, Should We Continued to Knock the Corners Off the Square Pegs or Can We Change the Shape of the Holes?" (1995) 33 Alta. L. Rev. 821.

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