NALP BOARD STANDARD LIAISON REPORT

June 21, 2018

My Name: Morgan L. Smith, Professional Development Director
My Employer: Dykema Gossett PLLC
My Email: mlsmith@dykema.com
My Phone Number: 312-627-2151

Organization: American Bar Association
Section: Commission on Women in the Profession (CWP)

Chair or Key Person: Stephanie A. Scharf, Chair
Chair or Key Person Email: sscharf@scharfbanks.com

Report any meetings, webinars, calls or conferences with organizations you have attended in the last 3 months:

I attended the CWP’s May Business Meeting in Chicago.

I will attend the National Summit on Achieving Long-Term Careers for Women In Law at Northwestern Law School June 28.

I will attend the CWPs Meeting in August at the ABA Annual meeting in Chicago.

Report any notable information or project of interest to NALP/NALP members within the last 3 months:

In follow up to the proposal and adoption of Resolution 302 at the ABA Midyear Meeting, the CWP is working on an additional resolution encouraging the elimination of mandatory arbitration in sexual harassment cases for presentation to the House of Delegates at the ABA Annual Meeting in August.

An amicus brief was filed by the ABA in a Georgia case on a request for a bar admission waiver for military spouses.

Three resolutions will be introduced at the ABA Annual meeting and CWP was asked for their support:
- Diversity in the selection of dispute neutrals
- Paid leave resolution
- Gender-based violence

Attach or include any notable communication of interest to NALP:

Time's Up: At the 2018 ABA Midyear Meeting in Vancouver, British Columbia, the ABA House of Delegates passed Res. 302. This critical step forward, introduced by Commission on Women chair Stephanie Scharf, urges all employers to adopt and enforce policies to “prohibit, prevent, and promptly redress” harassment and retaliation and does so with intersectionality in mind

Available in hard copy on Amazon - Grit, the Secret to Advancement: Stories of Successful Women Lawyers.
The Grit Project is ongoing. The Toolkit is being updated and speakers are being sought.

Report any upcoming project or event of interest to NALP:

**Ongoing: Achieving Long-Term Careers for Women in the Law (June 28, 2018)**
ABA Presidential Initiative 2017-2018, Hilarie Bass, ABA President; co-chairs Roberta Liebenberg and Stephanie Scharf. This is a 3-part research project for 2018: focus group studies, survey of firms and individual lawyers and long-term career trajectories survey. The current challenge is how to identify women out of law schools 20+ years. The project team is working with the ABA, law school alumni departments and law firm alumni departments as well as state bar associations. But looking for other ways to “find” non-practicing women lawyers 20+ years post-grad.

**August ABA Meeting: Resolution on Mandatory Arbitration in Sexual Harassment**
The Commission on Women in the Profession is exploring a possible resolution encouraging the elimination of mandatory arbitration in sexual harassment cases for presentation to the House of Delegates at the ABA Annual Meeting in August.

Report any goal(s) you hope to accomplish by end of your term:

I look forward to becoming more actively involved on a project or initiative and hope to be able to volunteer this summer. Similarly, I am watching for an opportunity to support NALP, the NALP section on Diversity, and others with information and opportunities to collaborate with the ABA’s CWP.

Report any goals suggested for the next year:

NALP may want to formally offer assistance or request a role in the ABA Presidential Initiative research project “Achieving Long-Term Careers for Women in the Law,” which goes beyond After the JD and will look at women who leave the practice after 20+years as a lawyer.

Identify any other NALP members(s) who also play a role of note with this entity:

Identify what significant benefits there are for NALP to continue this liaison relationship:

The CWP continues to research issues related to women’s professional development in the legal profession, and provide tools and resources to effectuate change. In particular, they are supporting the ABA Presidential Initiative research project “Achieving Long-Term Careers for Women in the Law,” (see above) and NALP may have an opportunity to work with the CWP and ABA on this project.

In the #MeToo era, the Commission on Women in the Profession is actively involved in encouraging the ABA to modernize polices and positions. In February, Resolution 302 was submitted and passed. The Commission is working on an additional resolution (around mandatory arbitration) for the August ABA meeting.

NALP members will benefit from a front row seat at the Commission and the ABA during this time of focus and work around gender issues in the profession.
ACHIEVING LONG-TERM CAREERS FOR WOMEN IN LAW

In 2017 and 2018, the American Bar Association, under the leadership of President Hilarie Bass, is undertaking a groundbreaking Presidential Initiative focused on increasing the number of women lawyers who pursue successful long-term careers in the law. The Initiative includes:

- A set of innovative applied research projects for honing best practices to stem the steady loss over time of experienced women lawyers in private practice.
- Two invitation-only National Summits in 2017 and 2018 for Chief Legal Officers, General Counsel, senior leaders in law firms, government and not-for-profit organizations, judges, academics, and bar organization leaders.

The Initiative is being supported by a national array of major law firms and corporations that have pledged their commitment to the goal of promoting the advancement and retention of women lawyers (see attached list).

Need For This Presidential Initiative

The need is pressing. Although women have been graduating from law school in roughly equal numbers to men for almost 30 years, their career paths over time are quite different. Some 20 years after graduating from law school – a time when lawyers should be in their most productive years – far too many women have not reached the same success as men, or have left the profession entirely. Thus, even though women comprise 45% of law firm associates, they account for only 19% of equity partners in private firms and that number has barely increased over the past 10 years. Similarly, in corporations, male Chief Legal Officers and General Counsels greatly outnumber women.

We know that the profession is suffering a tremendous talent drain when almost half of law school graduates are women yet most of them do not reach senior levels of the profession. The gender gap at senior levels impacts law firm finances, client relationships, and the basics of recruiting and retaining the best talent in the profession. Law firms devote substantial resources to hiring and training their lawyers, and the attrition of senior women lawyers causes them incalculable damage. The research takes on special urgency in this time of declining numbers of people entering the legal profession, the advent of technology and globalization, and changing models for the structure of legal employment.

Ultimately, clients bear the brunt of the gender gap. When senior women lawyers leave the profession, there is a reduced range of legal talent to offer clients, a narrower base for firms and businesses to develop robust client relationships, a limited ability to recruit and retain skilled women lawyers at all levels and, ultimately, serious challenges to an organization’s future growth and revenue.
The Goal of the Initiative

As a profession, we lack broad-based, reliable information about the reasons why there is a marked gender gap. Of course, there are theories: some believe that women have a greater need for work/life balance, or have less focus on getting the business that big law expects of their partners, or lack senior role models, or are discouraged by bias or discrimination. In the past ten years, and with the encouragement of some vocal corporate clients, a number of firms have worked hard on changes in their policies in order to retain women lawyers. But the results have been much weaker than was expected or hoped for. The American Lawyer has predicted that at the current glacial rate of progress, we will not reach gender parity at senior levels of the profession until 2181. This Initiative will provide critical data and proposed solutions to this urgent problem.

National Summits on Women in the Legal Profession

The Presidential Initiative will host two invitation-only National Summits in Fall, 2017, and Spring, 2018, at nationally recognized law schools. Summit attendees will draw from national leaders in the profession including Chief Legal Officers, General Counsels, managing partners and chairs of firms, judges, academics, consultants, practicing lawyers at various levels, and lawyers who have pursued non-legal professions.

The Summits will have a highly interactive format as participants discuss best policies and practices in law firms, corporate law departments, and other employers, in conjunction with thought leadership from specialists in legal careers and strategic law firm and law department management.

The schedule includes plenary sessions as well as small group sessions with discussion and reporting back.

Applied Research and Recommendations

The Presidential Initiative will fund innovative research on legal careers of women lawyers, using life cycle models borrowed from the fields of sociology, social psychology and economics. The overall goal is to make empirically based recommendations for what law firms, corporations, bar associations, and individual lawyers can do to enhance the prospects for women to reach the highest levels of practice and remain in the profession.

The research will be guided by an Advisory Council, consisting of distinguished lawyers and specialists in legal careers. The research modules planned for the Initiative may include, as examples:

- Surveys of law firms and surveys of female and male lawyers in practice from 20 to 40 years after law school to get a data-defined view of compensation, practice activities, and roles that women and men play at those stages of their careers. All data would be confidential.
- Focus group analyses, to obtain more in-depth perspectives on the personal and structural factors that enhance or impede legal careers.
- Study of the long-term career trajectories of women lawyers; the factors that move them in one career direction versus another; and the personal, social and organizational factors that impact staying or leaving a particular work setting.
- Study of the particular challenges that women of color face, techniques to overcome obstacles, and what employers can do to even the pathways.
- Study of women lawyers who change career direction after age 55, exploring the nature of the changes, characteristics, reasons why, and the rewards and challenges of taking a different direction.

These first-time studies will be used to help legal employers form the policies, practices and structures to promote retention of senior women lawyers and eliminate the attrition gender gap.

The research will be conducted in collaboration with the American Bar Foundation and other organizations. We anticipate that one or more ABA conferences and reports will be based on this important cutting-edge research.