

Women in the Legal Profession: Taking Advantage of Our Differences

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One summer afternoon, at the age of four, I proudly announced to my mother that I wanted to be a boy. Being the caring parent she is, my mother always encouraged me to be whatever made me happy. Apparently, I had misunderstood her life lessons. I realize now that she meant I could choose things like my personality type, my profession, the person I wanted to marry, the town where I wanted to live, however, I could not choose . . . well . . . my anatomy. Upon revealing my intentions, my mother calmly explained that being a girl was special and that I was lucky to be who I was. Devastated by her words, I settled for being a tomboy for the remainder of my childhood years, always trying to keep up with my brothers, but never being the first pick for the kickball team.

Until I began working in the legal profession, I never thought much of my dream to be a boy. In reality, my childhood wish is something women attorneys strive for everyday in the legal profession, that is, to be “one of the boys”. This premise may sound absurd, but upon careful research and reflection regarding the professional behavior of women attorneys, I detected this exact phenomenon. When practicing law, women strive to exhibit male qualities even as early as the job search process.

Second year of law school produced a frenzy of competitive job-hunting. It is my belief that on-campus interviewing may be a disguised form of boot camp. There you are, armed with barely any knowledge of the law, trying to impress upon a recruiter (a.k.a. the platoon leader) that you are the man (well, woman) for the job. You have to push aside your anxiety about finding a job that will produce the perfect equation of happiness and salary, and act like someone your own mother would not recognize. You dazzle the recruiter by asking the right questions, complimenting their work, which you spent the better part of the night memorizing, and, overall, acting perfect. After taking a step back from this process, thankfully from the comfort of my office, I couldn't help but wonder, what was so wrong with the real me that I did not feel comfortable showing? Perhaps, I would have acted differently if I was a man

Shockingly, it was not my own job search insecurity that produced these feelings. To a certain extent, my perceived inadequacy was the result of instructions that the legal profession offers to women. In preparing for my interviews, I read a book entitled “Guerilla Tactics for Getting the Legal Job of Your Dreams” by Kimm Alayne Walton, J.D.¹ Obviously, the title of this book did nothing to lessen my perception that preparing for on-campus interviewing is akin to preparing for battle.

¹ Kimm Alayne Walton, J.D., Guerilla Tactics for Getting the Legal Job of Your Dreams (Harcourt Brace Legal & Professional Publications, Inc. 1999).

One particular chapter of Walton's book discusses proper interview attire and goes so far as to address the "ring" issue.² Walton suggests that women who interview for a legal position may want to consider removing their engagement rings due to the perception that the ring may give.³ She suggests that an engagement ring may lead an employer to conclude that you will leave the firm, marry, start a family or otherwise pursue some type of personal life that will not involve billing.⁴ Rather than feeling enraged by this proposition, I commend Walton for highlighting an issue that lawyers barely speak about – the differences between men and women. Notably, with regard to male interview attire, Walton only discusses the dilemma of whether to wear an Armani suit or something more subtle.

In their book, "Dancing on the Glass Ceiling", authors, Candy Deemer and Nancy Fredericks discuss the differences between men and women in the workplace.⁵ While men instinctively network with clients and upper management and assume leadership positions and other authoritative roles, women shy away from leadership positions and rely on their misplaced belief that "doing a great job should be good enough" to get promoted.⁶ Disappointedly, women do not rely on their inherent qualities to achieve workplace success. Deemer and Fredericks point out that women, as a whole, have more leadership characteristics than men. Women tend to "gravitate toward certain leadership behaviors that are not even on the radar screens of most men, such as intuitive decision making, the special talent for nurturing subordinates, and the automatic ability to interpret both the verbal and nonverbal layers of communication."⁷ Unfortunately, as the book discusses, women do not embrace these qualities, but rather, attempt to emulate male patterns.⁸

Many times, in both our professional and personal lives, we have heard the comment that women are overly emotional. Rather than denying this quality, Deemer and Fredericks believe women should "accentuate [such] left-brain traits" and that we should not lose touch with the "fundamental feminine parts of ourselves" such as intuition, creativity, emotion, and our communicative abilities.⁹ In fact, it is imperative that leaders have these types of qualities in order to achieve success, and it is significant that these qualities are primarily attributed to women.¹⁰

To my dismay, my mother was right, as usual. Women are special. Not annoyingly special, but special because we bring something different to the table. But rather than embracing our feminine qualities, we attempt to assimilate to environments that are primarily male-dominated. How can we expect society to change its views when we continually acquiesce to the role that society has carved out for us? We strain to alter

² See *id.* at 329.

³ *Id.* at 329-30.

⁴ *Id.* at 330.

⁵ Candy Deemer and Nancy Fredericks, Dancing on the Glass Ceiling (McGraw-Hill 2003).

⁶ *Id.* at Intro., xiii.

⁷ *Id.*

⁸ *Id.* at 1.

⁹ *Id.* at 3.

¹⁰ *Id.* at 5.

society's views on women, but rather than revealing our true colors, we adopt male characteristics. We cannot continue to paint such an inconsistent picture.

In my experience as an attorney in a medium-size firm, I see the attitudes of the younger male associates progressing. They encourage women to participate as part of a team and no longer promote the "boy's club" mentality. They are angered by discrimination against women and truly believe that women are equals. This gives me hope that one day my daughter, should I be so blessed, will take full advantage of her feminine qualities and, in doing so, will be supported by a society that sees women issues through her eyes.

Although the times are changing, women continue to stand in the way of their own success. Rather than ignoring the gender differences, women need to endeavor to make the differences matter. Men will likely remain as the majority in the workplace. This is because the same feminine qualities that create great women leaders also push women to instinctively care for their children, which can eventually interfere with a two-income household. We may never be the majority in the workforce, but our feminine qualities will take us closer to top-level positions than any other course we plot.

Despite the fact that women occasionally leave the workplace to raise children, law firms still have a responsibility to assist women attorneys in reaching leadership positions. For example, rather than hesitantly assigning a large firm project to a young woman attorney with a child, firms should encourage and enlist the woman to participate. Although still somewhat behind the business competition curve, law firms recognize the importance of creating a strong presence in the legal community. Women's intuition and creativity can help create this presence.

Diane C. Yu, Chief of Staff and Deputy to the President of New York University and Chairwoman of the Commission on Women in the Profession of the American Bar Association, states that, in her experience, "clients and juries often respond favorably when lawyers are more reflective of society's diversity" and that "law firms and other employers need to understand how to recruit and retain the best talent – male and female – to thrive in our competitive marketplace."¹¹ Although working to create women leaders is the responsible course of action, it also enhances a law firm's reputation in the community.

At times, law firms desperately try to avoid gender differences by treating every attorney the same. While this practice is invaluable when it comes to setting salaries and assigning work, it falls short of achieving the larger goal. Women are different from men and law firms should face these gender differences in a proactive manner. They should educate their attorneys and staff about the importance of women in the workplace and develop mentoring programs for younger women associates. As part of these mentoring programs, partners should teach women how to generate business as women are

¹¹ Editor of The Metropolitan Corporate Counsel, *Inspiring and Empowering Women to Achieve Success in Legal Profession*, Metropolitan Corporate Counsel, May 2004 at 33, 40.

“sometimes uncomfortable drawing attention to or marketing themselves.”¹² By working together, law firms and women attorneys can extinguish negative gender-related issues that persist in the legal profession. In the interim, while the world is catching up, women can help themselves by stepping out of their own way and showing their true feminine qualities.

I eventually abandoned my dream to become a boy. It got in the way of more important aspirations, such as becoming a woman attorney, a process that has proven to be much more complicated.

¹² *Id.* at 33, 40.