

More women leaving firms and finding new ways to work

By Lynne Marek

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People were always asking San Francisco attorney Mae O'Malley how she lined up so much contract legal work as she juggled continuing her law career and raising three children. Her secret: As a former in-house counsel, she had built up a clientele, including Google Inc., and was ready for solo work after her third child was born.

Last year, O'Malley, 34, created a company built on her strategy, giving her the opportunity to share the trick with the many other women who have asked about it. She opened Paragon Legal Group in September, and already has 20 lawyers working for her on either a full-time or part-time basis, 90 percent of whom are women.

The attorneys make as much as \$175 per hour and she expects the San Francisco-based company will have \$1 million in revenue this year.

"We have several women who are leaving firms and coming to us," O'Malley said. "We allow them to continue to practice with challenging assignments on a much more flexible basis."

As big law firms struggle to retain women lawyers and boost them into leadership roles, they're losing many to contract positions, smaller firms, in-house jobs, government posts and legal aid careers that women lawyers say give them more control over their work and personal lives. Law firms are trying to reverse the trend with some new policies as clients seek diverse legal teams, but so far seem to have had little effect.

For every woman who leaves a law firm to stay at home with her children or otherwise remain unemployed, there are nearly three who move to nonfirm law jobs and one who takes her skills to a nonlawyer job, according to the results of a study of Massachusetts attorneys by the MIT Workplace Center this year. The study also showed that women left firms in larger numbers than men at both as-



WE CAN DO IT:

San Francisco attorney Mae O'Malley opened Paragon Legal Group last year, which allows its attorneys (mostly women) to have a flexible schedule without sacrificing challenging assignments.

COURTESY PHOTO

sociate and partner levels.

Women at large U.S. law firms, on average, made up 16 percent of firms' highest governing committees and 5 percent of managing partnerships, according to a survey last year by the National Association of Women Lawyers. Later this year, the association will work with professionals in the field to issue a list of steps firms could take to bolster the number of women in senior ranks.

"In a large firm, if you go part time, even if there are part-time policies, it sidetracks you," said Stephanie Scharf, a past president of the association, who left Chicago-based Jenner & Block this year to open the Chicago office of the women-owned Schoeman Updike & Kaufman.

THE 'MISSING MODEL'

Scharf and a New York attorney friend at the firm, Beth Kaufman, are trying to implement what they call the "missing model," a law firm offering permanent, part-time attorney positions, and alternative billing plans for clients. The model wasn't designed specifically to appeal to women, but it is based on women's experiences.

"We think it has the ability to attract very talented, experienced lawyers who don't

want a home with a big firm because they don't want the intense time commitments."

With so few women at senior levels at law firms, staying at one firm can be a lonely experience, Scharf said. "As you progress in a firm, it turns out you lose almost all of the women friends you started out with," she said.

The key to keeping women attorneys can be found in the alternative careers many women lawyers pursue. Interviews with women who sidestepped the firm track reveal that women gravitate to more flexible work schedules and to work that focuses on meaningful legal issues rather than client development, among other things. While women said that big firm experience was essential to their career development, most found at least as much, if not more, professional satisfaction elsewhere.

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Women are rising to general counsel jobs at U.S. companies at a much higher rate than they are taking managing partner posts. Last year, women held 17 percent of general counsel jobs at Fortune 500 firms.

Jennifer Vogel, 45, who has been general counsel at Continental Airlines Inc. in Houston since 2001, found that the firm track, with its focus on racking up billable hours, wasn't a good fit for her. The system doesn't reward an attorney for accomplishing the same level of work, or a higher level, in a shorter time period, she said.

Rosemary Berkey, 54, general counsel at Merrill Lynch in New York, left Shearman & Sterling in 1983 partly because she loved providing business counsel and saw outside attorneys were increasingly providing transactional services.

"I love transactions, but bouncing from one [mergers and acquisitions] deal to the next M&A deal to the next M&A deal didn't really allow you to sink your teeth into a business," she said.

While Vogel wasn't deterred by the long work hours, she was put off by the related erratic work schedule, even before she had two children. "For parents of young children, you need to have some flexibility and control," she said.

Firms could ease that difficulty by allowing lawyers to work from home or other locations, with less emphasis on always being in the office, she said, noting that Continental provides such flexibility.

"It's very hard to say 'we're going to keep your hours low,'" Vogel said. "But allowing people the opportunity to work off-site is very feasible."

Berkey has also introduced some flexible options, including job-sharing arrangements. They might be challenging for firms to implement, but are doable, she said.

Women often meet with more success in rising to top government legal posts than they do in winning managing partner slots. For instance, about 16 percent of U.S. attorneys and about 12 percent of state attorneys general are women.

Deborah Platt Majoras, 43, who chairs the Federal Trade Commission, was an antitrust law partner at Jones Day when she decided in 2001 to take her first government job at the U.S. Justice Department. She became the deputy assistant attorney general of the Antitrust Division and later principal deputy there before taking the FTC post in 2004.

"The biggest problem with most legal jobs, especially law firm jobs, is the unpredictability, the sudden need to get on an airplane," said Majoras, who is married and has three stepchildren.

At Jones Day, Majoras worked in the Cleveland, Chicago and Washington offices and said she never felt any barriers to promotion. She served on the firm's strategic planning and client development committees, though not on the top advisory committee.

"I had a lot of responsibility, both with clients and in firm issues, so I was very happy [at Jones Day], but these two [government] jobs have just been incredibly rewarding," said Majoras, who is based in Washington.

Law firms could boost women in their ranks by revising policies to smooth the way for returning attorneys who may

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need more flexible work schedules, she said. "If you have a very talented lawyer, who you have helped to groom, and that person needs to take some time, that person isn't going to become, over the next five, six or seven years, a bad lawyer," Majoras said.

ALTERNATIVE JOBS

Attorney Diana White, 62, in July will take the top post of Chicago's largest legal aid organization — the Legal Assistance Foundation of Metropolitan Chicago. She was surprised after coming to the foundation in 1997 to find she valued being home for dinner and getting to her gardening, as much as she enjoyed writing briefs for the foundation and mentoring young attorneys.

"Legal aid around the country has become more and more the province of women because it's more of a family-friendly environment," said White, who will inherit a staff of 90 attorneys that is about two-thirds female.

Legal aid lawyers aren't staying in the office until 2 a.m. and they're not preoccupied with client development, said White, who worked for Jenner & Block and Chicago-based Schiff Hardin before joining the foundation.

"At the upper reaches [of a firm], the premium is really on having business, on getting business and that's not easy for a woman to do, partly because the settings in which business-getting goes on is overwhelmingly male," White said.

While White credits her law firm experience for helping her win the new post, she believes firms generally aren't adapting to women's longer-term career needs, she said. Once her kids were grown, White was interested in a three-quarters time work schedule, even if it meant making less money.

"The firms don't let you make that trade," White said. "The firms have focused on what to do with young women of child-bearing age because they've had to, but I don't think they've focused beyond that to the fact that a woman's career is likely to have a different shape than a man's."

Lynne Marek is a reporter with The National Law Journal, a Recorder affiliate based in New York City.