

## Crowell & Moring LLP

### Jennifer N. Waters — Partner



Jennifer N. Waters is a partner in the firm's Energy Group and is resident in the D.C. office. She represents clients in a wide variety of energy regulatory and transactional matters. She has focused on energy law since the late 1970s and participated actively in the restructurings and transformations of the natural gas and electric industries that have occurred in the last two decades. Her clients include natural gas distribution companies and municipal utility systems providing both gas and electric service.

Ms. Waters has practiced extensively before the Federal Energy Regulatory Commission, the Courts of Appeals, and the U.S. Congress. Her expertise includes both FERC's and the appellate courts' rules of procedure. She has negotiated and prepared the contractual documents for a range of energy transactions.

Before entering private practice Ms. Waters served as a law clerk for the U.S. Court of Appeals for the D.C. Circuit. She is also past president of the Energy Bar Association and former member of the American Bar Association House of Delegates. She is a former member of the U.S. Court of Appeals for the District of

Columbia Circuit's Advisory Committee on Procedures and a current member of the bar of the District of Columbia.

Ms. Waters graduated magna cum laude with a bachelor's degree from Harvard University in 1972 and received her law degree cum laude from Harvard Law School in 1976.

### Q&A with Jennifer N. Waters

#### What advice would you give a young woman considering a career in the law today?

That she know herself and as she chooses and considers all the options available to her, be true to herself. Don't follow the herd. Don't think that because everybody else is going to Job X, that's where I want to be. She'll be much happier and much more successful if she really considers what she's looking for in a career and what's going to suit her in the long haul.

#### What kinds of talents are best suited for a career in law?

A huge analytical ability, a huge interest in justice, fairness, public affairs and the written word. Thinking on their feet, speaking on their feet.

I think a law degree is fantastic for anything if you have the resources to invest in it. If every educated person had not only a college degree but a law school degree, I think we'd have a brilliant electorate, a much more critical citizenry [and] more critical readers of the media. It'd be marvelous. But I don't think people should go to law school and work as lawyers without having a sense of what they want to accomplish.

#### Have you personally experienced any advantages or disadvantages in the legal industry because of your gender?

Yes. Not advantages, I doubt that very much. Disadvantages, yes. When I graduated from law school in 1976, I came to a place that only had one other woman associate and was years away from having

any woman partners, like nearly every other firm in America. This was really the early days. It's too bad to say that the late 1970s and early 1980s were the early days, but they really were. So there was a lot of breaking ground still to be done in the profession. There still is today some breaking ground to be done. But it's improved enormously. The few women that there were in those days will remember we didn't have role models. We didn't have colleagues and compatriots for quite a while, and that was hard. Mentoring you had to find on the fly. Advancement opportunities were there but there wasn't much precedent for them, so you had to create the reasons for advancement.

#### When did you see things start to change?

Well, they've constantly changed, so you have to picture an upward line on a graph. They have constantly gotten better. I think we got to critical mass quite a while ago in the associate pool. But I don't think we've yet completely addressed the upper tiers — and when I say "we," I'm talking about the profession and not my law firm, because I think it's the profession's issue. I think Washington is ahead of a lot of cities and I think my firm is ahead of a lot of firms in Washington, so no complaints there. But speaking about the profession in general, I think there's a lot more room for improvement at the top levels in law firms. We've done pretty well at the incoming level. We've done great at the summer associate level. Then the issue is retention and creating enough opportunities for success. I think the profession has gotten vastly better on that in the last 20 years, but it could still do better.

#### What kind of steps have law firms and other legal employers taken in the last few years to create a better working environment for women? What else do you think needs to happen in this area?

Well, early on in my career, the part-time alternatives opened up. They're a huge boon

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to women who are raising families. They're not the answer by themselves. It's important to create opportunities for people to get back on track after they've been off the professional track for some short period, or at a reduced schedule to ratchet back up to full schedule. It's important that during a period of part-time there be real, challenging work available, not just some plate of hours. There's been great improvement on those scores. Crowell & Moring offers alternative work schedules, and the results have been wonderful, because we made the deliberate effort to make sure the work was meaningful. There's also, I think, been great improvement on the mentoring score, and we have here a women attorneys' network, that allows women to create smaller communities within a great big law firm on everything from client development issues to work-life balance issues. Those things didn't exist before and I think they've been a great improvement. Another is that the evaluation and promotion processes, at least here, are very much populated with women. In other words, the people making the decisions and doing the evaluation and promotion process need to be, and here are very much, populated by women as well as men. And that's important both for the perception among the women, that perception of fairness and that it's not an all-male process, and also for the success of those women.

**What impact has a career in law had on your personal and family life? Do you have any special techniques, methods and philosophies that help you maintain a work/life balance and be a successful lawyer?**

I am a little unusual in that I had my first child in the same year that I made partner, so I didn't go through the struggle to both be an associate and prove myself at the same time I was [raising young children]. So I've enjoyed 22 years of childrearing of two children as a partner and with the flexibility that comes from the status of being a partner and being in a law firm — my whole career has been at Crowell & Moring — that allowed me the flexibility and the opportunity to make it work. It's been fantastic, which is why I've been at one place for so long. I think the technique

has something to do with keeping one calendar. I often tell people who think they're going to have an office calendar and a home calendar, no, that's a horrible idea. Keep one calendar. The same calendar has your client meetings and when your brief is due and the birthday party and the school play and the teacher conference. The teacher conference is down as an appointment just like anything else is down as an appointment. I think of the one calendar as a metaphor for the fact that it's just one life. It's not divided up. It's one big life. I have found for 22 years that I would much rather think about it in that holistic way. So I don't mind, and never did mind, taking work calls at home, doing work at home, but also being able to speak to my kids on the phone if I was at the office. I actually once overheard a person in a nearby office telling a child, "Don't you know you're not allowed to call me here?" That's just the wrong idea to me.

**What other careers and life choices did you consider before deciding on a career in the law? If you were not practicing law and you could not be a lawyer, what would your dream career be now?**

I didn't consider any others. I think I decided in high school that I wanted to go to law school. We had no lawyers in my family and I had never met a lawyer, which I guess is probably rarer now. It wasn't so rare then, living in a small town. I didn't know any lawyers, I just was fascinated by it.

**Do you remember where you got that idea?**

Well, it was partly that I was a debater, building an argument and supporting it, and delivering it in a cogent way. I had the impression that's what lawyers do, and I think I was right. If I had a completely different career now, it would have something to do with books. I'm a devoted reader and I don't get to do it enough, so I would review books or work in a bookstore or be assigned to read everything published or something like that. I read history and biography, as well as fiction and literature.

**How do you expect the practice of law will change in the next ten years?**

In the law firm world, law practices are getting bigger and bigger. The practice of law is more than just law firms, but law firms are what I know best. Law firms are getting larger and larger, and will continue to do so, and that necessarily means that their structures become more definite. They become more corporate in terms of having tiers of partnership and tiers of status and formalized procedures for progress to partnership, promotion and success. Also, on the business side, they run much more like businesses, in terms of creative fee arrangements for clients, and many more departures from the straight hourly rate basis, much more contingent fee practice. And circling back to the progress of women in law firms, I think there are going to be both really good things about that set of developments for women, and others that are not so good. The really good things are that the more advancement in the profession becomes the product of objective measures, the more we can leave behind the old men's club model, which was sort of you get a slap on the back and you're one of us. That was not so receptive to women.

I think that's going to be very positive for women, and I think that will necessarily happen as firms get bigger and bigger. The old men's club model doesn't work any more when you've got 800 lawyers. The challenge of that for women is the same as the challenge for men, which is maintaining a sense of community in all that and finding your mentors in such a large community.

**Do you think that mentors are people you find yourself?**

We do assign mentors, but I don't think that's the only kind of mentor and it's not always even the best kind of mentor. The best mentors are spontaneous. We want to make sure there's a backstop. I certainly favor continuing to assign them, but I think the richest [relationships] are the ones that spring up of their own accord.