



Innovative Managing Partner: Crowell's Ellen Moran Dwyer

By **Bill Donahue**



Law360, New York (October 03, 2012, 5:32 PM ET) -- Facing stubbornly low rates of female and minority representation in the upper crust of the legal industry, Crowell & Moring LLP managing partner Ellen Moran Dwyer decided to tackle the problem head-on, earning her a spot on Law360's list of America's Most Innovative Managing Partners.

For Dwyer, the firm's managing partner since 2008, an innovative strategy was necessary. The industry's past efforts to help highly talented female and minority attorneys reach the most senior ranks of America's law firms had yielded mixed results as more inclusive hiring had mostly failed to shatter the glass ceiling.

Though in 2011 more than 45 percent of law firm associates were women, female attorneys accounted for only 16 percent of equity partners, according to statistics from the Association for Legal Career Professionals. For racial and ethnic minorities, the figure was just five percent.

"Across the diversity and inclusion space, a fair amount has been focused on recruiting and professional development, but then there has been relatively little focus on what happens next," said Monica Parham, Crowell's lead diversity counsel.

So the problem, at least to Dwyer, was fairly clear.

"As an industry, there's a lot of work to be done," she said. "The statistics about women and diverse professionals in law firms, they're not acceptable to any of us — certainly not to me."

"Each firm has their role to play," she added.

The solution to that problem was less clear, at least until Dwyer read a December 2010 report from the Center for Work-Life Policy in the Harvard Business Review. Written by Sylvia Ann Hewlett, the report laid out the sponsorship model, an approach for remedying what the author saw as the fundamental stumbling block for many talented women: a lack of advocacy from powerful, leadership-level superiors.

According to Hewlett's study, many high-potential women aren't aware of the importance of cultivating the kind of sponsorship relationships with upper management that often lead to better assignments, necessary pointers and, when the time comes, support for a promotion. Others avoid it outright, thinking it's a dishonest route to the top.

The lack of straightforward, open advocacy leads to a slew of “tripwires” for women trying to reach the top floor, the study said. Less transparent mentorship that does occur is often between a younger woman and an older man, leading to fears by both the sponsor and the protege that the relationship will be perceived as an affair.

Other strong women are plagued by Catch-22 misconceptions that could be dispelled with a little help from a sponsor: that a woman with children wouldn't be dedicated enough for the job, but that a woman without kids is somehow abnormal and also not suited for the job.

The solution, according to Hewlett's study, is to introduce initiatives to educate both executives and proteges about full sponsorship for all highly talented employees, regardless of gender, providing every prospect with “the powerful backing necessary to inspire, propel and protect them from the perilous straights of upper management.”

Though the study had been aimed specifically at women at Fortune 500 corporations — the project was headed-up by Intel Corp., Deloitte Touche Tohmatsu Ltd., Morgan Stanley and American Express Co. — Dwyer had the immediate impression that the report's lessons could be applied successfully to the equally unequal world of legal upper management.

“So much of it resonated personally with me, and just made tremendous sense when I looked at a number of the women and diverse lawyers who have been with us,” Dwyer said.

“We found that we were losing high-potential women because they couldn't always see a clear path to success at the firm,” she said. “We realized then that we needed much greater transparency as well as partner sponsors to communicate to each of our talented women how much we valued them as people and contributors to the firm.”

Almost immediately, Dwyer got the ball moving when trying to see if pushing sponsorship could work to address the problems of both race and gender at a law firm. The challenge, according to her and Parham, was to translate those corporate lessons to a firm experience.

“A matrix corporate organization looks very different from a law firm,” said Parham, who worked closely with Dwyer on the program. “There isn't a single track at a law firm, but its distinctly different from a corporation, where people can have multiple career paths that can change over time.”

But before any heavy lifting could take place, Dwyer had a simpler task: getting folks to read the research. Passing the study around informally to everyone from firm chairman Kent A. Gardiner to low-level associates, Dwyer said the reaction was often the same.

“We had a lot of internal discussions informally at the beginning, with a lot of enthusiasm and many 'aha' moments for the women,” Dwyer said. “But for the male partners as well, who may have sat in their offices at different times, wondering why the women weren't coming in to advocate for themselves the way some of the men were.”

Next came the tougher part. In collaboration with Hewlett — whose consultancy Crowell hired to oversee the project — the firm conducted a “swallow your pride” assessment to gauge just how much needed to be done, and whether the firm could handle it.

“Am I ready and comfortable in really committing to develop and advocate for someone who may be ahead of me?” Dwyer said, recalling the challenge posed to the firm's elite partners, noting that they would be asked to go out on a limb for proteges. “It's really different than grooming someone to be a No. 2, which is much safer.”

Getting positive reactions, the firm went wider, holding an anonymous, chat room-style survey that invited nearly all of its attorneys to comment on the current state of sponsorship at Crowell. Though most said the firm had a positive and supportive environment, the results showed that this didn't necessarily translate into a clear path to success for women and minority attorneys.

“One of the big takeaways was that there was, more than I might have expected, a genuine lack of understanding from folks about how to be successful at the law firm,” Dwyer said. “Though we have written policies for advancement and evaluation, there was a gulf between the writing and each lawyers individual sense of what their path would be.”

The answer, then, was education, both for potential sponsors and proteges, to explain the mutual benefits of advocacy to those who might not know, according to Dwyer.

The first lesson would be in front of an influential classroom: a sponsorship pilot program made up of 30 partners that included Crowell's whole management board, each of its practice group heads, and several other equity partners with important clients. The bigwigs would be trained in how to properly sponsor potential talent, to provide everyone with a shot at their valuable advocacy.

On the other side was a group of promising young attorneys, including many women and minorities, who would be proteges for this first group of sponsors. The test program is ongoing, and Crowell will evaluate its results at compensation review time, according to the firm.

Dwyer's ultimate vision? An institutionalized system of sponsorship throughout the firm, where access to career support and advocacy is easily and openly available to anyone willing to work hard enough to earn it, rather than just those who have traditionally sought it out.

“The goal of our sponsorship initiative is very simple. We care about attracting, retaining and promoting the best women and attorneys of color,” she said. “Sponsorship is not something that a managing partner can do and check a box. We're going to succeed or fail on the merits of our entire attorney body.”

This task — leveling the playing field to ensure the widest possible pool of talent is funneling into Crowell's upper ranks — isn't strictly altruism. In a tough economy and an increasingly global market, making sure top prospects stick around is becoming a business necessity.

“Everybody realizes that we're now in the new normal,” Parham said. “We have to look at all of our processes in a fundamentally different way. One of the key things that we have to look at is how we're developing our human capital.”

“Talent doesn't all look a certain way; [it] doesn't all have the same background,” Parham added. “The more inclusive we can be, the more of that talent we're going to capture.”

Noting that Crowell has clients around the globe, often with women and people of diverse backgrounds in senior leadership positions, Dwyer said the firm would need to match their “diversity of perspective” to keep getting their business.

“It aligns very much with our cultural values,” Dwyer said. “But we also think that in order to be competitive and offer the best legal services to our clients, we must do this.”

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