

Partner Path Foggy As More Women Join Staff Atty Ranks

By **Andrew Strickler**

Law360, New York (February 18, 2015, 8:14 PM ET) -- In the face of BigLaw's stubborn gender inequalities, women are landing more jobs as firm counsel and staff lawyers, a trend experts call a positive short-term development that could also threaten long-term efforts to see more women advance to equity partner and manager.

The alternative career tracks and nontraditional firm roles — such as firm professional, counsel, specialist, staff attorney, among other descriptors — are increasingly filled by female lawyers, according to a demographic report from the National Association for Law Placement released Tuesday, and they helped advance overall female representation in the profession last year.

Industry experts applauded that progress but warned that the trend could actually exacerbate gender disparity if firms fail to do a better job of building bridges from lower-paid, lower-prestige staff jobs to the partner track — or otherwise steer women into a dead-end.

“If we make the assumption that women who want work-life policies and these job options when they're younger don't have the appetite for leadership, we're still going to be losing a large demographic of women who would otherwise be suitable for promotion,” said legal industry consultant Deborah Epstein Henry, president of Flex-Time Lawyers LLC.

Henry said that while BigLaw firms vary widely in how they pay, promote and otherwise define nonassociate and partner roles, alternative track jobs are attractive options for many female lawyers who might otherwise be leaving the profession to raise children or pursue other interests. Many such roles are also filled by lawyers who would not otherwise be eligible for partner-track jobs, she said.

But for qualified women looking to advance, Henry said, the trend could represent a roadblock if firms are overlooking these groups in favor of those on the traditional associate-to-partner track.

“I think right now there this not a legitimate on-ramp for nontraditional partner track attorneys, and that needs to change,” Henry said.

“The idea should be that we're not in fixed circle, there are life courses that change, and the model needs to be more forgiving and allow lawyers to get onto another path, assuming they're qualified and the business needs allow for it,” she said.

According to the NALP report, female representation among partners was up less than a percentage point in 2014 from the previous year, to just over 21 percent. The percentage of female associates was also up slightly in 2014, reversing a four-year downward trend.

Meanwhile, women represented about 40 percent of all nonpartner or associate roles in 2014, up from 38 percent in 2013, the single biggest increase of all job categories included in the survey, which includes demographic information for 110,000 firm lawyers nationally.

“What we have seen is that women made gains last year, and that those gains were disproportionately there,” said NALP Executive Director James Leipold. “It’s happening among traditional counsels, staff attorneys, project specialists, discovery specialists, all of these new roles that have been created.”

Leipold said it was too early to know if the flow of women into alternative firm career tracks would hamper promotions and compensation for women overall, or otherwise exacerbate the wide gender gaps in the legal profession.

“I don’t think there are enough facts to know yet, but we think it’s important for the industry to keep an eye on it and see if it continues to develop,” Leipold said.

Ellen Moran Dwyer, managing partner at Crowell & Moring LLP, characterized the growing representation of women in staff and counsel roles as positive for the profession as well as individual lawyers looking for job trajectories that don’t necessarily hinge on promotion to equity partnership.

Her firm’s own “professional” track allows for career reviews and change-ups to partner-track roles for qualified candidates, she said.

“The challenge for law firms is to create interesting, fulfilling opportunities for men and women ... and then invest in talent and work on an individual basis to retain the best lawyers we have,” she said.

As far as the threat of alternative track “dead ends” for women lawyers in staff jobs, “I understand the worry but you have to weigh that worry with the problem we’ve been having, which is a lot of attrition at the third- and fourth-year levels,” she said.

Caren Ulrich Stacy, founder of the OnRamp “returnship” firm fellowship program for female lawyers, also saw the trend as an overall encouraging sign, as well as an opportunity for BigLaw to look for ways to retain talent among women attorneys at all levels.

“The downside I see, and the thing I worry about, is if there isn’t movement in and out of these roles and it’s just a sticking place with a lower salary, you’re essentially putting women in purgatory,” she said.

--Editing by Jeremy Barker and Emily Kokoll.

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