

Articles

"Life, Family and the Pursuit of Partnership"

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As you might suspect, the issue of women in the legal profession is near to my heart. If I had my way, the fact that a major firm has a female managing or deputy managing partner wouldn't be notable. Nor would a female general counsel of a *Fortune* 500 company. Heck, in my dream world there wouldn't even be a need for a monthly column addressing the concerns of women in the legal profession.

But we're a long, long way from achieving that goal.

Still, it's a goal we're slowly but surely headed toward. It's just going to take a bit more time.

At least, that's what I've always told myself. Lately, I'm not so sure.

It seems that every time there's a gathering of women lawyers from big firms in one place, the conversation almost inevitably centers on one issue: how they can put in fewer hours on the job.

They aren't so concerned about the glass ceiling, sexual harassment and discrimination, or pay equity. While groups like the American Bar Association's Commission on Women in the Legal Profession may be beating the drum on those larger issues, the biggest topic of conversation among the foot soldiers, it seems, is how they can carve something resembling a life out of this Bataan Death March we call a profession.

It's not a trivial issue. It's unrealistic to expect anyone—man or woman—to have a meaningful family life when they're working six or seven days a week, 12 to 15 hours a day.

On the one hand, as someone who has persevered in the profession, I want to ask, rhetorically, what did they expect? Everybody knows coming in that the legal profession is demanding.

But I also have to admit that conceptualizing 80-hour work weeks and actually living them are two different things. There's nothing like spending Christmas Eve in the office, or missing your best friend's wedding, the one you were supposed to be maid of honor in, to hammer the concept home.

Still, women are less tolerant of such hours and we've been acculturated to believe that we have a choice. Ultimately, of course, we do. But those choices come with consequences.

For each woman who downshifts her career there is a trade-off: Fewer hours on the job means less money, less chance for advancement and a much, much smaller chance of occupying the upper echelons of the profession. And, from what I've seen, the women who make these trade-offs couldn't be happier with their decisions.

They're making highly personal choices based on their individual circumstances, and I'm not questioning those individual decisions.

Articles

Still, such decisions have professionwide ramifications. They're reflected every year when those women up for partnership represent a fraction of those who started as first-year associates. And those who actually make it into the partnership ranks and stick around long enough to be in management represent an even smaller fraction of those first-years.

Every woman who opts to "have a life" means one less woman in the management "pipeline." And, in the end, it's one less woman who can reach down and offer assistance to young women lawyers looking for role models.

Unfortunately, it also means that there are fewer women in policy-making positions, women who could be working to make the profession a bit more hospitable to those clawing their way up through the ranks. So the vicious circle continues.

I've heard women say, "Well, this is something the firm really needs to address, because they're losing women lawyers right and left, women they've spent a pretty penny training."

But I don't see that happening anytime soon. First, large firms have been watching women leave their ranks for decades, and they haven't thus far seen fit to go to great lengths to stop the exodus. Second, for large firms suddenly to become places that accommodate livable work hours would require a cultural shift the likes of which haven't been seen since . . . well, ever.

And with technology constantly improving, our clients are going to continue to expect more, not less, immediacy on every transaction or suit. Client demands won't be waning anytime soon.

So what's the answer? The answer is *not* for women to cease making decisions that are best for themselves and for their families. I'm not suggesting that at all.

There are a few possible answers, none of them ideal.

One is for women in large-firm environments to continue on whatever track we deem to be the best one for us and our families. For many women, the lure of sticking it out outweighs the lure of a little more sanity and downtime. For many others, it's to pursue a part-time option, which may or may not be well-received at our respective firms.

As I noted in my October 1998 column on working part time, the burden is on the part-timers, not their employers, to make that arrangement work. [See "*Making Part-Time Work Work*," *Texas Lawyer*, Oct. 19, 1998, page 40.]

It's also possible that, as more and more women join large firms and, upon finding them inhospitable, leave them, a new model for women in the legal profession will emerge — one based on more women-owned law firms, government agencies headed and staffed predominantly by women, and in-house counsel posts occupied predominantly by women.

To a certain extent, this is already happening. According to the ABA's Commission on Women in the Legal Profession, women aren't leaving the *profession* in numbers much greater than men. They're just leaving the lucrative *big-firm jobs* more quickly than men.

By flocking to government jobs, opening their own firms or taking in-house corporate jobs that may be more accommodating to family life, women are finding attractive alternatives to the big-firm model. And, because they spent a few years training in the grueling large-firm environment, they know how to practice law at its highest level, and they're able to provide a reasonable facsimile of that to their own clients.

True, it still deprives women of the lucrative positions of power in large firms. But the good thing about having so many women in in-house positions and in positions of authority in the government is that they are often the ones who make decisions on which outside counsel to hire.

So, provided those women hold their prospective counsel's feet to the fire with regard to their record on accommodating women, there is hope.