



PROGRAM MATERIALS
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Communication Techniques to Overcome Gender Bias in the Legal Profession

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December 1, 2020 Webcast

COMMUNICATION TECHNIQUES TO OVERCOME GENDER BIAS IN THE LEGAL PROFESSION



Andie Kramer and Al Harris

Authors of [Breaking Through Bias \(Second Edition\)](#) and [It's Not You It's The Workplace](#)

ANDIE & AL

Agenda



1

The Gender Achievement Gap in the Legal Profession

2

What's So Great About Diversity and Inclusion?

3

Why Don't We Have More Gender Diversity and Inclusion?

4

What Can Be Done

5

Wrap-Up

The Legal Profession Is Highly Gendered



Most legal organizations are led and controlled by men.

They are suffused with masculine norms, values, and expected behavioral styles.



Women Lawyers



Don't advance as far or as fast as men


Earn less

Fewer partners and general counsels

Underrepresented in organizational
governance



Gender Achievement Gap in the Legal Profession



Achievement*	Women
Awarded JDs	48%
Practicing Law Associates	35%
Non-equity Partners	45%
Equity Partners	23%
Fortune 1000 GCs	19%
Managing Partners (200 largest firms)	24%
	4%



***ABA January 2019, Women in the Law**

ABA Survey on What Pushes Women Lawyers Out of Law



81% of women mistaken for lower-level employees (not true for men)

60% of women (46% men) have left firms for caretaking commitments

54% of women (1% men) responsible for arranging childcare

39% of women (11% men) responsible for cooking meals

34% of women (5% men) leave work for children's needs



2019 ABA Report on Women Lawyers in Large Law Firms



Don't advance along same trajectory as men

Far less access to building blocks for success

2019 ABA Report

Women 4 to 8 times more likely to be...

Overlooked for advancement

Denied salary increases or bonuses

Treated as “tokens” for diversity

Lacking access to business development
opportunities

Perceived as less committed to their careers

Lacking access to sponsors



American Lawyer Prediction



Legal profession will not reach gender parity at senior levels until 2181





ABA Mission Statement

Eliminate Bias and Enhance Diversity



Promote full and equal partnership in the association, our profession, and the justice system by all persons.

Eliminate bias in the legal profession and the justice system.



ABA Model Rule

8.4(g)

Gender Bias

Professional misconduct (unethical) to “engage in conduct that the lawyer knows or reasonably should know is ... discrimination on the basis of ... sex ... in conduct related to the practice of law.”



ABA Resolution 10A (2018)



Encourage law firms to develop initiatives to provide women lawyers with opportunities to gain trial and courtroom experience.



ABA Resolution 108D (2018)



Urge courts to extend
Batson v. Ky, 476 U.S. 79
(1986), to prohibit
discrimination against
jurors on the basis of
sexual orientation or
gender identity/expression



ABA Resolution 300 (2018)



Urge legal employers not to
require mandatory
arbitration of sexual
harassment claims



ABA Resolution 302 (2018)



Urge legal employers to adopt and enforce policies that prohibit, prevent, and redress harassment and retaliation based on sex, gender, gender identity, sexual orientation



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1 The Gender Achievement Gap in the Legal Profession

2 **What's So Great About Diversity and Inclusion?**

3 Why Don't We Have More Gender Diversity and Inclusion in the Legal Profession?

4 What Can Be Done

5 Wrap-Up

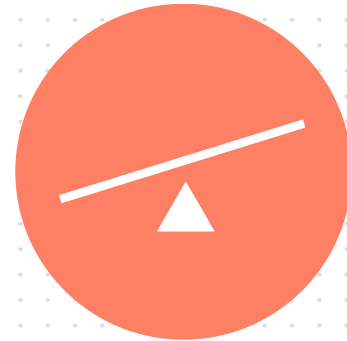
Diversity is Morally Right



Equality

Freedom

Fairness



Diversity is Profit-Enhancing



Different perspectives

Different ideas

Clearer strategies

More innovation

Clients demand it



Agenda

1 The Gender Achievement Gap in the Legal Profession

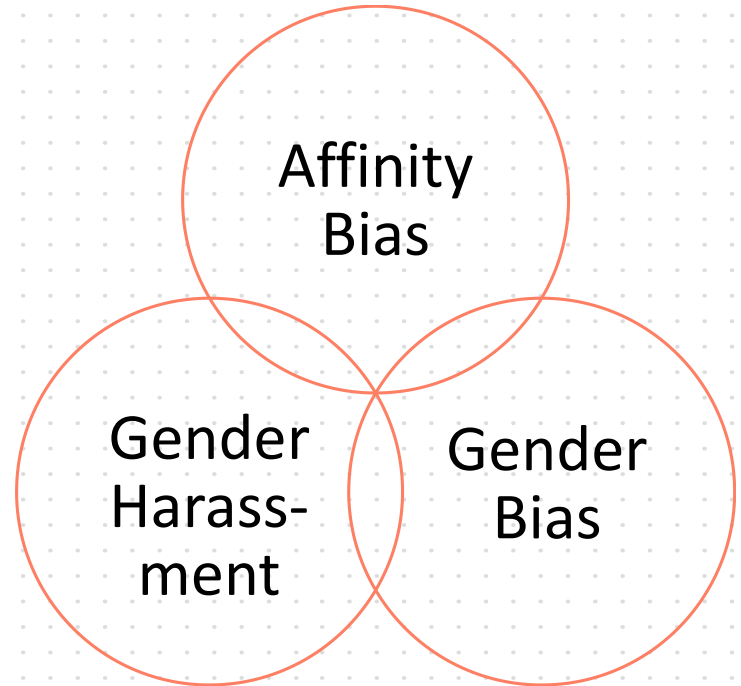
2 What's So Great About Diversity and Inclusion?

3 Why Don't We Have More Gender Diversity and Inclusion in the Legal Profession?

4 What Can Be Done

5 Wrap-Up

Gendered Legal Workplaces Disadvantage Women in Three Ways





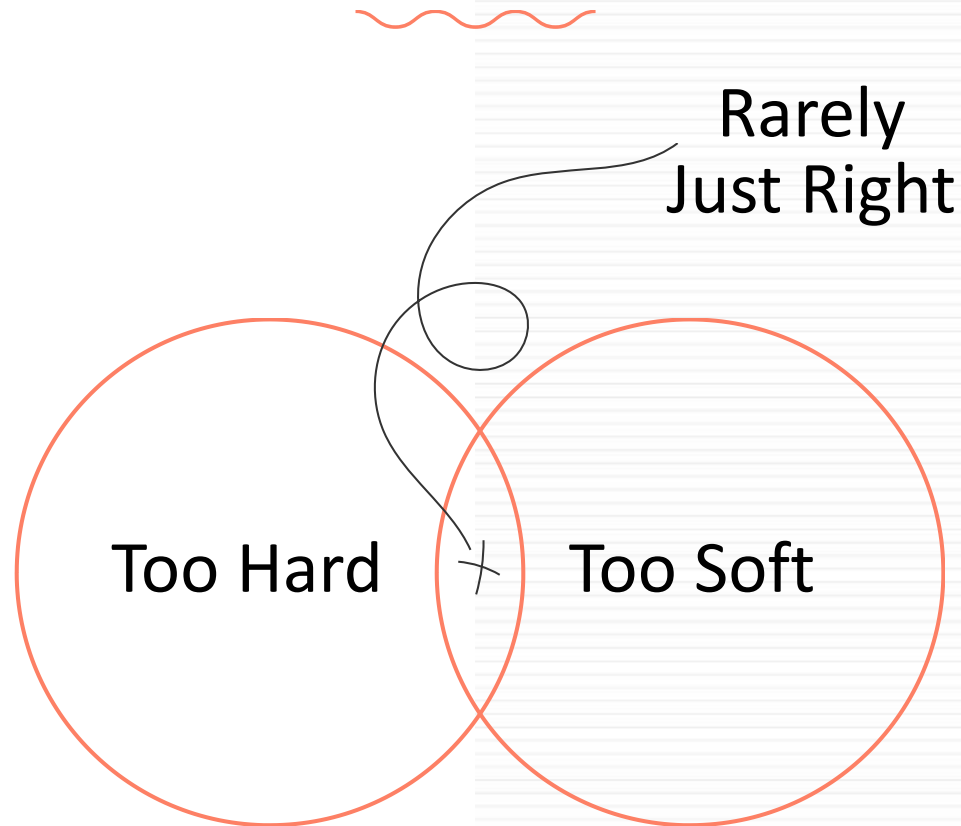
Affinity Bias



People prefer working with, mentoring, and promoting people who are like them.

When men run legal organizations, women are thought of last.

Goldilocks Dilemma Gender Bias

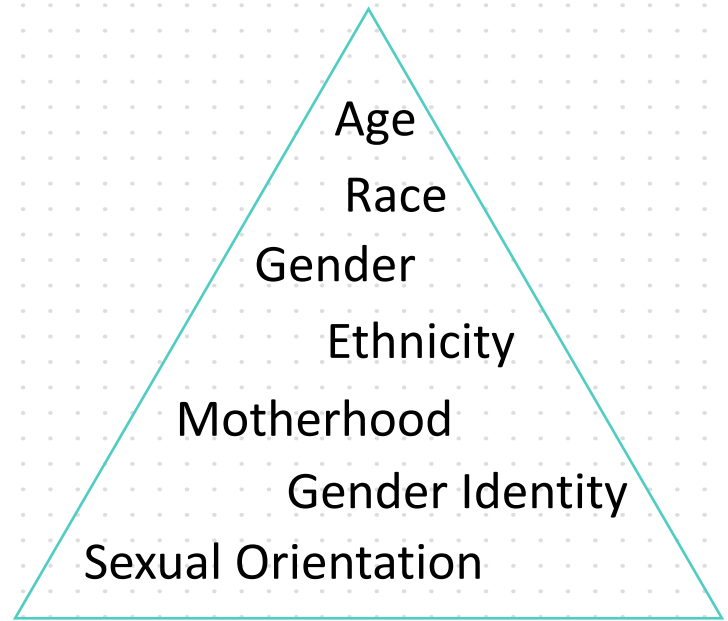


Intersectionality

Gender isn't the whole story

Different social identities that intersect with gender—race, ethnicity, age, motherhood, sexual orientation, and gender identification—carry different stereotypes.

Workplace experience is in large part due to the characteristics ascribed to women because of stereotypes.



Gender Harassment



Gender bias, incivility, and harassment are all connected.

Sexual harassment is typically about power, not sex.





Gendered Workplaces and Women's Conflicts



Limited
“women’s
seats”
at the
leadership
table

Need to
identify
with the
men

Need to be
“not like”
other
women

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Wrap-Up



Everyone's Responsibility and No One's Fault



We're Not Going to "Eliminate" Bias

Conversations With Yourself



Grit

Growth mindset

Coping sense of humor

Self-confidence





Conversations With Others



Nonverbal

Verbal/Language content and patterns

Written/Digital

What's It Going To Take

Information

“Blind Auditions”

Slow Thinking

Eliminate Discretion

Flexible Work Schedule

Focus on Small Wins

Enlist Male Allies





Application of Seven Steps

*Hiring and
Assignments*

*Professional
Development*

*Compensation and
Promotion*

*Leave and
Retention Policies*



Accountability

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- 4 What Can Be Done
- 5 **Wrap-Up**



Take the Assessment and Survey at AndieAndAI.com/surveys

The Assessment

How well do you navigate
gender bias in the workplace?

The Workplace Survey

Situations you may experience
or observe at your workplace.

Join the Discussion



Twitter
@AndieAndAl



Website
www.AndieAndAl.com



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