

THE SKY'S THE LIMIT

In part 1 “Locating the skylight in the glass ceiling”, Rachel Brushfield explored issues and challenges affecting the high talent drain of female lawyers in the legal profession. In this article, part 2, she shares possible solutions, ideas and examples of how to stem the tide.

Talent drain amongst female lawyers is a huge problem for the legal profession with many leaving just as they become profitable for the firm who have invested in their development.

Types of talent drain

It would be interesting to research and segment the different types of lawyers and reasons for each group choosing to vote with their feet out of the profession. Four clear segments are likely to be:

- **Women without kids who don't fit into the traditional lawyer mould**
- **Women with kids who are career minded but can't have it all, and want balance and quality of life**
- **Entrepreneurial women who want more variety than purely being a lawyer can give**
- **Women who want work life balance generally and better work life balance.**



We have no data specific to female lawyers, but it is worth looking at general data about associates by Badenoch and Clark, April 2010:

Reason for wanting to leave the firm	%
Poor work life balance	34
Insufficient career path	25
To do something more fulfilling	19
Personalities/management	10
Struggling to find work	6
Concern over impacts on the profession	8

Associate career goals

Career goal	%
Diversify into another practice area	4
Progress to partner	37
Move to an in-house role	19
Leave law	16
Stay in practice but not become a partner	12
Take a career break	8
Move to a public sector role	4

A third are concerned about poor work life balance, a quarter see limitations in the career ahead, a quarter want to do something more fulfilling and just under a fifth plan to leave law.

Source = Badenoch and Clark April 2010

Law firms need to wake up

Firms are going to have to get used to the idea of making the most of talent, female or otherwise, while they are there, because Generation Y/The Millennials do not have ambition to stay with one firm or one career all of their working lives. It is the mindset of law firms that needs to change.

One cause of women lawyers leaving firms and the profession not often talked about, is because other women partners make it hard for them to shine and progress – they are seen as a threat and their progress blocked. Women like men can bully too, but it may be more covert rather than overt in nature, and so harder to prove and spot. Exit interviews conducted by an external person may elicit the real reason that female lawyers leave. All too often however, law firms regard their employees as ‘disposable’ or replaceable, especially in the market with a dearth of lawyers looking for jobs.

Fall in love with marketing

Rainmaker ability is a prerequisite of success in law and often female lawyers fall behind men in this area. Getting female lawyers involved in sales and marketing from day 1 so that they realise they enjoy it, plus supporting them to develop a niche and personal brand is a must.

Structured training & support earlier on with alternative career paths

Structured ‘soft skills’ and marketing/client and sales training early in a lawyer’s career would benefit the firm and the individual – potentially it could be tailored to some degree to fit with an individual’s desired career progression. Ideally it would include skills and tools that assist the lawyer with knowing themselves – self awareness, including their motivation and values which would help them to know what career path suits them. A programme covering emotional intelligence, leadership, sales, marketing and client servicing and engagement of staff would be hugely beneficial and might reduce talent drain, and new career paths could be mapped out suiting female lawyers.

Law Firm example – Eversheds

Career progression in the legal sector has traditionally been on the number of years post qualified experience, but this narrow definition will become an issue to retain the best young talent and it is an issue keeping female talent due to the direct clash between 7-8 years PQE and women’s readiness to have children. Because of commercial pressures, younger lawyers are being increasingly asked to do work previously taken by more senior staff, but this could only be an option if they have the right skills at the appropriate time Eversheds is trialling its commercial academy entitled ‘MBA essentials for lawyers’ including financial decision making, building commercial relationships, marketing and business development. Only candidates who pass a qualifying test on performance and behaviours will get into the academy.

Eversheds staff will also be able to consult a ‘skills compass’, which defines the skills lawyers need at a certain level. People will be able to see which skills they require to advance and ask to discuss their development – a more explicit process.

In the past learning of this type was ad hoc and limited to senior employees. As Eversheds HR Director Angus McGregor says *“By having more skill based L&D, you could have a fast track employee who would complete training in two years that would take others four years to complete. This excites the junior talent because they think they have got the skills and the training early, then they are ready for promotion earlier. Those individuals will also have all the skills they need to do a better job, so it is a ‘win win’.”*

MBA’s generally are changing in content post credit crunch to reflect the need for greater self-awareness and responsibility amongst management and leadership. Let’s hope that more firms adopt this approach, investing in non-technical or commercial support.

Looking outside law

Law can be myopic as a profession, although the Legal Services Act with more non-lawyers at the top table should improve this. It is good to look at what is happening in other lateral sectors for fresh thinking.

Continued over...

Accenture

Accenture has been named the 'Top employer for Mums in the UK' by Equalities Minister Lynne Featherstone.

"Successfully balancing the needs of working mums and our business helps us recruit and retain the best people."

FIONA O'HARA Accenture's Human Capital and Diversity lead for the UK

More than a third of Accenture's employees work flexibly and 90% of those who apply for formal flexible working arrangements have their application approved. Accenture are rewarded by loyalty from their employees with nearly two thirds of employees stating that *'flexible working is a strong motivator for staying at Accenture.'*

Schemes offered by Accenture to women include Accent on women, targeted leadership and mentoring and the Accenture Maternity Returnees Programme which supplements maternity benefits with support workshops for mothers returning to work. Accenture also offers childcare benefit to all staff through the Accenture Childcare scheme, which enables parents to sacrifice salary in order to make savings on childcare costs.

Conversations in women's networks can be dominated by issues such as childcare and work life balance, reinforcing unfair beliefs about women being less flexible and committed.

"For the past 20 years, companies have used the 'fix the women' strategies such as women's networks, leadership coaching for women, and so forth. All these things have the underlying assumption that women are not making it because they need to be fixed, when the question should be 'what's wrong with the company?'"

AVIVAH WITTENBURG-COX

Chief Executive of 20-first, a gender consultancy

Set up your own firm and create policies that suit you

"The people who get on in this world are the people who get up and look for the circumstances they want, and if they can't find them, make them."

GEORGE BERNARD SHAW

What do you think law firms can learn from this?

Flexible working for working mums and all lawyers to improve work life balance

Flexible working includes; working part time, working school hours, flexitime, home working, job sharing, shift working, staggered hours, school term time hours and compressed hours.

But this is good in theory and a challenge in reality as 44% of female solicitors think flexible working harms their career. Source = March 2010 AWS and Kings College, London.

40% think the clearest way to measure success being is promotion to partnership and 33% think their firm fail to offer suitable flexible working options at all.

But as Adele Magrath who works in employment law, with 2 children under five and an equity partner at Magraths says:

"Flexibility is a two way street; it works both ways and the individual needs to be flexible too."

Female networks to support

However, they do not solve the problem. Indeed, women's networks can be counter productive, because they can marginalise women and reinforce the idea that women need help.

Nicola Stapleton set up her own firm when her son, now 5, was 6 months old. She now employs five staff. She says:

"Firm politics can be hideous and high pressure targets can get in the way of female lawyer success and work life balance. I set up my own firm because I wanted to create something better and more flexible that worked for my clients and worked for me. We take the long term view, and pride ourselves on things like travelling to our clients, making our office children and working parent friendly so our clients can bring their kids to our offices and we have a company cat and goldfish. It is hard work but enormously rewarding."

NICOLA STAPLETON

Founder, Beechwood Solicitors

Playing to strengths model

The failure of the legal profession to change means female lawyers will continue to leave. One in eight women plan to seek alternatives to nine to five employment in order to better juggle career demands with family life. Almost one in ten are already

self-employed and many see self employment as the only solution. Source = Avon and Netmums research.

In 2009 there was a 12.7% rise in the number of women starting their own business, compared to a rise of 2.3% of men. The compliance issue makes it difficult for an individual to set up a firm, but freelance and locum work is set to become a flexible but lucrative option for the future.

The creation of less rigid and linear career paths makes a lot of sense for the firm and female lawyers and might mean that talented atypical female lawyers who have so much to offer would stay in the profession and help it to evolve, instead of exploring pastures new to find the challenges they need for them to thrive. A sad loss for law, and I am not just talking money.

Rachel Brushfield is a director at Energise, The Talent Liberation Company, helping individuals and firms to liberate their talent. To download a free Energise career success report, visit www.lawyerpromotion.co.uk



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An Energise leather business card holder

If you think you don't want to read this book, you definitely need to!

Advice on marketing is legion and often slightly depressing to read. It leaves the unwilling or unhappy marketer feeling impotent, inadequate and a misfit. All the more refreshing therefore to be met with Rachel Brushfield's premise that you should find what you love to do, and do more of it.

Hoorah, we cry – no more awkward silences at networking events, no more cold-calling or uncomfortable trumpet blowing! Well, she's not going to let you off quite that lightly, but in this challenging but light-toned interactive workbook the mythical concept of what is marketing is comprehensively debunked.

As a result of this deconstruction all of



"Commercial litigation eh? So, what else do you do?"

those promotional activities that make many lawyers squirm are broken down into smaller more manageable tasks that therefore lose their 'queasy' nature. The advice to "start small and easy" and to be comfortable with 'imperfect actions', as being better than no action at all, is wise counsel.

The chapter headed 'blocks about marketing' struck an immediate chord, and the section on 'procrastination management' would have worked wonders for me if only I hadn't put off reading it for so long...!

Will it change the way you market? Well, like any tool it is only as good as the effort put into using it, but as a practical companion for someone attempting to make a breakthrough in this area Rachel's workbook has much to offer. **Katherine Southby**



All you have to do to be in with a chance of winning is answer the following question:

Which famous marketer said the following:
"You're headed in the right direction when you realise the customer viewpoint is more important than the company viewpoint. It's more productive to learn from your customers instead of about them."

Send your answers on a postcard or sealed down envelope to: Workbook Competition, Link AWS Magazine, Units 80-84 Mackley Industrial Estate, Small Dole, West Sussex BN5 9XR by no later than **3rd January 2011**. Please remember to include your name, address and telephone number!