

Beating the Legal Gender Gap: Tips on Achieving the Improbable

Skills and Professional Development



A few years back, when I was a very pregnant junior attorney, a male judge asked me during my trial, "Ms. Mack, how does being pregnant affect your ability to try this case?" Without missing a beat I told him, "Your Honor, as my stomach grows, my brain stays the same." After a three second pause, I continued with a slight smile, "I wish it were the other way around." After stopping the awkward inquiry and speaking up for myself, I felt empowered. I went on to give the best closing argument of my career and win my trial. A day after my win I gave birth to my first daughter. When I met her for the first time I promised to teach her to stand up for herself, if only so she can be empowered to win.

Fast-forward to 2016: earlier this year, I found myself on a panel of other accomplished women in-house counsel who know a thing or two about standing up for themselves. Before we dove into a discussion, Deborah Rhode, Professor of Law, director of the Center on the Legal Profession, and director of the Program in Law and Social Entrepreneurship at Stanford University, painted a very grim picture for professional women, including those in law. Women constitute over a third of the legal profession but only about a fifth of law firm partners, general counsel of Fortune 500 companies and law school deans. In fact, according to the American Bar Association, only two professions have less diversity than law (natural sciences and dentistry). Even women who never take time away from the labor force and who work long hours are statistically less likely to achieve positions of leadership than similarly situated men in Big Law. Seeking a position of leadership in the legal profession as a woman is essentially aiming to achieve the improbable. And yet, I've met many remarkable women who have accomplished this ambition. What are the keys to their success?

After a very frank discussion, numerous colorful anecdotes, and insightful tips on how to achieve the improbable, an air of camaraderie and shared experiences enveloped the audience. Here is what I learned from T. Marie Satterfield, senior vice president general counsel and corporate secretary at Charlotte Russe, Joanne Suh, managing counsel at Intel Corporation, and Kimberly Woolley,

assistant general counsel at Oracle:

Say "no" to bullies

Satterfield shared a story of walking out of a high stakes negotiation meeting as a junior associate. After enduring weeks of patronizing comments and behavior at the hands of a senior partner on the other side of a transaction, she and another more senior associate at her firm — the only women working on the transaction — walked out of an all-hands negotiation meeting when the opposing counsel, frustrated with their substantive position in the negotiation, declared that they were "little girls" who were hindering the adult negotiation taking place. "The decision was swift and powerful. And it was only after the door closed behind us that the panic set in and we started asking ourselves, 'Did we do the right thing? Will our client understand? And will our firm support us?' " Luckily for them, both their own client and the client on the other side were outraged as well. "We were so relieved that their moral compasses aligned with ours. The executives from the other side followed us out of the room, apologized profusely, and promised to fire this senior partner from the deal." While it was terrifying at the time, Satterfield shared that saying "no" to a bully empowered her for life and taught her that you can find allies in unexpected places.

Tone from the top makes a difference

"Especially in a big company, the tone from the top matters a lot," according to Suh. Notable and noticeable changes started happening once Intel's CEO made a public commitment with specific deadlines to achieve certain diversity goals for the company. And Intel's general counsel is in full support of these goals for the company and for the legal department. She also explained that this tone-setting from the top rallied the employees behind the goal and made them eager to achieve it. Leaders' priorities become their company's priorities. It is that simple.

Exercise the power of the purse

Both Woolley and Satterfield emphasized "the power of the purse." "When you are paying for legal services, you are in a position to demand that that your service providers are diverse and reflect the general population, or at least the legal department they serve," Woolley explained. All else equal, choosing diverse legal providers leads to a more satisfying experience for in-house counsel. It is also more likely to lead to creative legal advice. Satterfield also argued that in-house attorneys should learn more about the credit system at law firms. "If you really want to influence gender equity at the highest levels of our profession, you need to not only ensure that you are selecting diverse outside counsel, but you also must follow the money, understand how credits are allocated at a law firm, and know who gets paid for what," Satterfield explained. "Money is power and it can be a catalyst for change if you insist as a client that women get recognized and compensated for the work they are responsible for bringing to or keeping with a given firm." She also recommended reading "[Power of the Purse: How General Counsel Can Impact Pay Equity for Women Lawyers](#)" [pdf] for further inspiration.

If leadership positions, such as serving on a board of directors, are of interest to you, you need to do something about it

Obtaining a position of power requires a certain amount of intention, planning, and proactivity. "No one will pluck you from the cloud and offer you an amazing, coveted position of leadership unless you

start doing something about it now," said Woolley. If you want to become a powerful leader, you need to take active steps. Woolley challenged the group to dream big and do something about their ambitions. "And guess what? Chances are you are likely more qualified than you realize or give yourself credit," she said.

While the latest ACC CLO survey suggested that the road to decrease the gender-based gap may be lengthy. The survey reports:

The gender gap remains in 2016. Thirty-one percent of female respondents make under \$200,000 compared with 21 percent of men, while 62 percent of female respondents report making more than \$200,000 compared with 70 percent of men. Experience does not explain this difference. Though many executive leaders around the world have voiced a sincere commitment to equitable pay for men and women, the issue of pay disparities may require policies involving rigorous monitoring and transparency of pay distributions in order to spot anomalies to close the gender pay gap.

And, that the gendered-based salary gap exists in all levels of legal ranks. For example, "The 2015 ACC Global Census examined weighted global base salary and compensation among over 5,000 in-house lawyers with various job titles in 73 countries and concluded that a gender-based salary gap exists even when considering location, age, and job title." It seems that the suggestions that Satterfield, Suh, and Woolley shared, if implemented, should empower men and women to close the gender-based gap sooner.

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Mack is also an award-winning (such as the prestigious ACC 2018 Top 10 30-Somethings and ABA 2022 Women of Legal Tech) general counsel, operations professional, startup advisor, public speaker, adjunct professor, and entrepreneur. She co-founded SunLaw, an organization dedicated to preparing women in-house attorneys to become general counsels and legal leaders, and WISE to help female law firm partners become rainmakers.

She has authored numerous books, including *Get on Board: Earning Your Ticket to a Corporate Board Seat*, *Fundamentals of Smart Contract Security and Blockchain Value: Transforming Business Models, Society, and Communities*. She is working on her next books: *Visual IQ for Lawyers* (ABA 2024), *The Rise of Product Lawyers: An Analytical Framework to Systematically Advise Your Clients Throughout the Product Lifecycle* (Globe Law and Business 2024), and *Legal Operations in the Age of AI and Data* (Globe Law and Business 2024).