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How Legal Employers Can Retain Women In Turbulent Times

By **Aebra Coe**

Law360 (February 11, 2022, 9:50 PM EST) -- Data on stress, burnout and attrition amid the pandemic has illuminated that female lawyers are being affected at a greater rate than men, creating a serious problem for legal employers looking to retain female talent, according to information presented Friday at the American Bar Association's midyear meeting.

Panelists in the Friday webinar presented by the National Conference of Women's Bar Associations offered their take on how law firms and other legal employers can work to shift those statistics by helping female attorneys avoid overwork and overcommitment, which have been shown to lead to high levels of stress and ultimately burnout and attrition.

A deep dive into legal industry-specific data, as well as data on workplaces more broadly, shows that employers need to take three primary steps to adequately address the attrition of women that has happened at a higher rate since the pandemic struck, said Caitlin Annatoyn, assistant director of gender initiatives at Northwestern University Pritzker School of Law.

Those three steps are supporting caretakers of all kinds, including both mothers and fathers; addressing burnout; and focusing on culture.

Some ways employers have strived to support caretakers and address burnout include offering child care subsidies and on-site child care, robust family leave and sick leave policies, wellness resources, part-time schedules, reduced hours, remote options and sabbaticals, Annatoyn said.

But retention requires going beyond simply having policies and extends to culture, said Annatoyn and a number of other panelists.

It can be easy to put policies in place, but it can be hard to make sure those policies are implemented evenly across a large organization, said Maritza Dominguez Braswell, deputy attorney general for civil litigation and employment in Colorado, who was recently selected to serve as a U.S. magistrate judge in that state.

Good policies, Dominguez Braswell said, need to start with training the organization's entire management team to make sure they are fully on board and on the same page when it comes to implementation.

Dominguez Braswell said she recently saw a tagline at the bottom of a supervisor's email that said, essentially, "My working hours and yours may be different. If this email comes outside your working hours, please don't respond."

Messaging and reinforcement from the firm and from employees' direct supervisors both ultimately work together to build a culture, Dominguez Braswell said.

She said she remembers interviewing with a law firm early in her career that had a day care on site. She was not a mother at the time and was not planning to become one any time soon. But the presence of the day care had an impact on her.

"It was the message it sent me," she said. "The message that this employer cares enough about me, about [women who are] working mothers, to create a space and make arrangements to make it work

for us."

Another panelist, longtime Stokes Lawrence managing shareholder Kelly Twiss Noonan, said her law firm has worked to take a policy — parental leave — and escalate it to become a deeply ingrained part of the firm's culture by going a step further than many other employers do.

Her firm, Noonan said, provides new parents the same amount of leave whether they are a mother or father and requires everyone who is entitled to take leave to do so.

She said the firm management sits down with attorneys and insists that they plan out their leave in order to be able to use the full amount provided to them.

Noonan said she believes the policy makes a small difference when it comes to societal views on who takes leave after a family welcomes a new baby, taking the focus off women and making the idea of child care more gender-neutral. But the real difference is in the culture of the firm and leveling the playing field internally, she said.

"From an internal standpoint, it has an enormous benefit. Taking leave is not a thing only moms do. It's not moms who are only the ones who are gone for several months and leaving their practice in the hands of other people. It's both moms and dads," she said.

Julia Simon, chief legal officer at Mary Kay, said that when it comes to burnout, she has learned that an attorney's overall workload does not begin and end when they log in and out for work.

Instead, it is important to look at a lawyer's life holistically because if he or she is trying to homeschool a child or care for an ailing parent and then also puts in seven hours at work, the attorney may have in actuality worked a 12- or 14-hour day, she said.

"Productivity and flexibility need guardrails," she explained. So when someone working under her wants to put in a long work day while also struggling with intense demands at home, she takes a stand and makes it clear that a six-hour work day may be enough for right now.

"I have to step in and say, 'Let me give you a break. It's going to be OK.'"

--Editing by Rich Mills.

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