

## **New Chair Takes the Helm at Morgan Lewis, Marking a Milestone While Underscoring the Dearth of Women-Led Firms**

It's official. As of October 1, Jami Wintz McKeon became the chair of the international law firm Morgan Lewis & Bockius.

Normally, *Of Counsel* doesn't report on, or at least doesn't lead with, the election or promotion of law firm leaders. But this is different. This is news because, with McKeon taking the reins of the 1,400-lawyer New York-based partnership, Morgan Lewis became the largest law firm in the nation led by a woman, and McKeon became one of only a handful of women to lead megafirms.

Many people familiar with Morgan Lewis say McKeon was the perfect choice to succeed outgoing chair Francis Milone, who had led the firm since 1999, shepherding it through a period of substantial growth and expansion. (And, as of this writing, it seems the firm is looking for more growth as it is reportedly engaged in merger talks with Boston's Bingham McCutchen.)

McKeon, who praises Milone's "extraordinary leadership," had helped the firm recruit some 160 attorneys from Brobeck, Phleger & Harrison, which dissolved in 2003; she was instrumental in the firm's expansion in Texas and in some international markets; she was an advocate for alternative-fee arrangements before most people knew what they were; and she has been a strong supporter of both diversity within the firm and the use of high-tech solutions in the firm's daily operations.

"Our focus on technology, our intense desire to retain and recruit the best and brightest lawyers on the planet, our commitment to

add real value to our clients—all arise from our fundamental goal to serve our clients' business needs worldwide," McKeon says, adding that she's "deeply honored" to serve as the firm's chair.

McKeon's elevation to chair represents a major step forward for female lawyers across the country, according to advocates for the advancement of women in the legal profession. "The fact that a large law firm like Morgan Lewis has elected a woman of Jami's prominence to its highest office sends a very good message to women and can have a tremendous ripple effect," says Deborah Epstein Henry, president of Flex-Time Lawyers and author of *Law & Reorder: Legal Industry Solutions for Restructure, Retention, Promotion and Work/Life Balance*. "Law students nationwide will look at the firm differently because they'll say, 'This is an environment that has supported Jami's advancement.' This can have a major impact."

Epstein Henry says the high visibility of McKeon's rise to the top adds significant weight to women in the profession. "And, it's not *just* the visibility of a woman in that role," she adds. "It's the voice that she'll be able to bring to her leadership. The opportunity for someone like Jami to create a new model of what a leader looks like can be very powerful."

### **Gender Diversity: More Work to Do**

While McKeon's leadership role marks a milestone for women in the profession,

it also draws attention to the need for law firms, especially big ones, to do more to recruit, retain, and promote female lawyers to equity partnership and positions of leadership. On average, women make up just 17 percent of the equity partners in the nation's top 200 largest firms, according to a survey released earlier this year by the National Association of Women Lawyers. And, of course, leadership positions are almost exclusively filled by lawyers in the equity-partner pool.

While the blatant gender discrimination that existed at law firms, and other workplaces, for decades is largely a thing of the past, women still face barricades to leadership roles. "You still primarily have white men in charge who think that...one or two women on your management team [is] sufficient," says Patricia Gillette, a partner involved in leadership at San Francisco's Orrick, Herrington & Sutcliffe. "As a result, you have what I call 'the two-seater,' which is attractive in a convertible but not in an organization."

Even at major law firms that rank high for their gender diversity, flexible work schedules, and family-friendly policies, women are underrepresented at the equity-partner level. In August *Working Mother* and Flex-Time Lawyers released its annual report, *50 Best Law Firms for Women*, and while it shows progress from what it reported in the first such study, in 2007, it still demonstrates that even the "best" partnerships have work to do. "The percentage of equity partners who are women among the winning firms has risen to 19 percent from 16 percent in 2007, nonequity partners to 29 percent from 22 percent, and counsel to 42 percent from 37 percent," according to the report's conclusions.

Furthermore, relatively few women at the winning firms serve on the important internal committees. "We also looked at the three most significant committees that equity partners will serve on at a firm—the executive committee, compensation committee,

and equity-partner promotion committee—and you also see a small representation of women," Epstein Henry says. "And, those committees are often where the chairs and managing partners come from."

For decades senior partners said they simply didn't have enough women coming into and through the ranks. Epstein Henry says that argument no longer holds up. "For a long time the reason given was that not enough women were in the pipeline," she says. "That's inaccurate. For nearly 30 years now, women have comprised 40 to 50 percent of graduating classes from law school. So it's not a pipeline issue."

Gillette agrees and says two major reasons are impeding women: (1) the structure of large law firms operate drives women out of the profession, which she explored in the Opt-In Project she launched in 2006, and (2) the reluctance of women to focus on pushing hard for more leadership opportunities slows their progress.

"It's structural," Gillette says. "It's all about the way we compensate people, the way we reward people, the way we measure value to the firm, and the way we make people believe that the only way you can be successful is by going straight up from law school to associate to partner. Big firms have refused to change their structure in any meaningful way, for the most part, and that's a huge part of the problem. That's verified by the fact that mid-sized firms have much better representation of women at various levels. So we know it's primarily a BigLaw problem."

## Losing Focus

As for women's own failure to seize power, Gillette says many female lawyers became complacent after some policy successes several years ago.

"We focused on the right things for awhile," she says, "which was to equalize the playing

field by making sure we could take maternity leave and be protected when we came back from that leave, that we could have flexible hours, that there were opportunities for part-time [work], and other policies traditionally seen as women's issues."

Gillette says all these policy and program victories were important to both women and law firms. "But we stayed focused on those for too long," she adds, "and lost sight of the fact that we also should be a part of the business, move into positions of power, and attain economic power. And, we needed to show that we care about the firm and not just about ourselves."

Consequently, some say, the advancement of women in the profession got derailed during the Great Recession as leaders at many firms struggled with finances, issued layoffs, and dealt with other issues. So, the progression seemed to be two steps forward and one step back.

"While I think we're headed in the right direction, I worry a little because it seems like we made a lot of progress but then recently experienced some slippage," says Karen Chapman, chair at Denver's Sherman & Howard. "Maybe that's the nature of cultural evolution: You move forward a ways and then there's a little bit of retrenchment and then you move forward a ways again."

Chapman says that Sherman has a good track record of recruiting and retaining female lawyers, promoting them to equity partner, and offering them leadership opportunities. "One of the things I like most about Sherman—and I've been at other law firms—is that we're open for everyone to participate," she says. "We've had and still have several very significant roles performed by women throughout the firm. And in these roles, women have had a say about how the firm's resources are committed and about the future of the firm. We have female partners in department manager roles, which are kind of like senior vice president positions, and on the executive committee."

## Speak Up and Ask

At San Francisco's Fenwick & West Kathryn Fritz serves as the firm's managing partner (West Coast partnerships are known for elevating women and minorities to leadership roles) and says she and her partners have established policies and programs to encourage female lawyers to generate business and help lead the firm.

But Fritz acknowledges that many leaders at law firms maintain a less-than-open mindset, whether they realize it or not. "There's still a tremendous amount of unconscious bias that we have all grown up with, and we need to be aware of it," she says. "Many people still think of a leader as somebody who is tall and has a deep voice and that cuts out a lot of people who might be potential leaders."

Like many others female lawyers, Fritz believes women must change their thinking and behavior. "Women have a tendency to think that they have to have done everything before they're qualified to do something," she says. "Women need to ask more often to do things. They need to speak up and believe that they can perform well in leadership roles. And, they need encouragement."

Gillette couldn't agree more and says that law firm leaders are chosen because of their visibility and books of business, among other reasons. "I'm not saying that's right," she says. "But that's the way it works."

Consequently, she offers young female associates this advice: "So if you're a young woman in a big firm, you want to make sure you're promoting yourself and asking for positions of leadership within the firm, not just serving on the summer associate committee or a social committee—meaningful positions. You have to ask for it to create visibility within the firm."

Gillette, one of Orrick's best rainmakers, says women need to think about business development "from day one" of their careers,

initially looking internally so that partners want to work with them. “Then you look externally to build your reputation and build relationships that will lead to business development opportunities,” she says. “Ask to go out on pitches. Ask to serve on teams that are

working on significant cases or matters. You want people to know that you’re someone who is genuinely interested in the business of the firm and in advancing yourself.” ■

—Steven T. Taylor

Copyright © 2014 CCH Incorporated. All Rights Reserved.

Reprinted from *Of Counsel*, November 2014, Volume 33, Number 11, pages 1–2, 17–19,  
with permission from Aspen Publishers, Wolters Kluwer Law & Business, New York, NY,  
1-800-638-8437, [www.aspenpublishers.com](http://www.aspenpublishers.com)



Wolters Kluwer

Law & Business