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# Justicia Guide to Women's Leadership in Law Firms

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The Law Society of  
Upper Canada

Barreau  
du Haut-Canada

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## INTRODUCTION

### Goal of this Guide

The Law Society of Upper Canada's Justicia Project has compiled this series of resources to assist women lawyers with career advancement. Retaining and advancing women in leadership is a sound business strategy for law firms, and it is both rewarding for women and beneficial for the public. In this context, the Justicia project has developed this Guide for law firms and for women lawyers. This Guide discusses the value of women's leadership and identifies several practical strategies for advancing and supporting women leaders.

The Guide is intended for law firms who want to increase the diversity of their leadership and retain talented women lawyers. It will also be useful for women who want to be leaders, or who already are leaders and want to learn how to be more effective. The strategies outlined are designed to be implemented in firms of varying sizes.

### The Importance of Women's Leadership

Many firms now recognize that promoting women to leadership roles makes good business sense. Women who occupy leadership positions are particularly well placed to contribute to their firms: firms with a larger percentage of women leaders show positive financial results,<sup>1</sup> they provide leadership role models for other women, and they are more likely to have a higher quality of leadership as well. Furthermore, "companies with the highest representation of women leaders financially outperform, on average, companies with the lowest. In fact, companies that maintained board gender diversity in at least four out of five years significantly outperformed those with zero women directors."<sup>2</sup> Not only are companies with women leaders more profitable, they also rank higher on measures of corporate social responsibility, such as corporate philanthropy.<sup>3</sup>

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<sup>1</sup> Ernst & Young, *the Corporate Sponsor as Hero, Advancing Women into Leadership Roles* (EGYM Ltd, 2011) at 1.

<sup>2</sup> Rachel Soares, Christopher Marquis, and Matthew Lee, *Gender and Corporate Social Responsibility – It's a Matter of Sustainability* (November 2011) online: <[http://www.catalyst.org/file/522/gender\\_and\\_corporate\\_social\\_responsibility\\_final.pdf](http://www.catalyst.org/file/522/gender_and_corporate_social_responsibility_final.pdf)>; See also .Nancy M. Carter and Harvey M. Wagner, *The Bottom Line: Corporate Performance and Women's Representation on Boards* (2004–2008) (Catalyst, 2011); Lois Joy, Nancy M. Carter, Harvey M. Wagner, and Sriram Narayanan, *The Bottom Line: Corporate Performance and Women's Representation on Boards* (Catalyst, 2007); and Catalyst, *The Bottom Line: Connecting Corporate Performance and Gender Diversity* (2004).

<sup>3</sup> Rachel Soares, Christopher Marquis, and Matthew Lee, *Gender and Corporate Social Responsibility – It's a Matter of Sustainability* (November 2011) online: <[http://www.catalyst.org/file/522/gender\\_and\\_corporate\\_social\\_responsibility\\_final.pdf](http://www.catalyst.org/file/522/gender_and_corporate_social_responsibility_final.pdf)>.

Clients are increasingly considering diversity when selecting outside counsel. A 2012 online poll by the Association of Corporate Counsel found that over 50% of Canadian in-house counsel consider a firm's diversity policy when retaining outside lawyers.<sup>4</sup> Canadian initiatives Legal Leaders for Diversity and Inclusiveness<sup>5</sup> and Call to Action Canada<sup>6</sup> highlight the need to foster diversity in the legal profession. Both initiatives call on in-house counsel to commit to inclusive policies and practices in their own workplaces and to insist that the outside law firms that provide legal services to their corporations show a true commitment to diversity.

Promoting women to leadership is essential for attracting and retaining the best young lawyers. The majority of those entering the profession are women.<sup>7</sup> The newest generation entering the profession, sometimes referred to as the Millennials, is the most diverse group of lawyers ever. These young men and women place high value on diversity in the workplace.<sup>8</sup> If law firms want to attract the best and brightest of this new crop of legal talent, they should demonstrate their commitment to the advancement of women by supporting women's leadership.

The presence of more women in leadership contributes to a larger pool of leaders and to a greater diversity of leadership styles. Studies indicate that women who are leaders act differently than male leaders. In a recent study, women leaders were rated higher than men in 12 out of 16 leadership competencies, including areas like taking initiative and driving for results, often thought of as masculine qualities.<sup>9</sup> A different study found that men were more task-oriented and tended to focus on the bottom-line, whereas women showed more "strategic drive, risk-taking, people skills and innovation."<sup>10</sup>

The composition of leadership in a law firm should be reflective of the diversity of the legal profession, as well as the firm's client base and the broader society. This is a matter of intrinsic fairness as well as a business imperative. Law firms that are run by a diverse group of leaders are more likely to be in tune with the needs of the public and better able to advance the interests of clients.

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<sup>4</sup> Julius Melnitzer "50% of Canadian general counsel look to diversity in choosing law firms" *Financial Post* (5 June 2012).

<sup>5</sup> Julius Melnitzer, "GCs launch diversity initiative" *Financial Post* (9 May 2011)

<sup>6</sup> A Call to Action Canada <<http://www.acalltoactioncanada.com/>>

<sup>7</sup> The Law Society of Upper Canada, "The Changing Face of the Legal Profession" <<http://www.lsuc.on.ca/WorkArea/DownloadAsset.aspx?id=2147485342>>. In 2011, 53% of new calls to the Bar identified as women.

<sup>8</sup> Judith Finer Freeman, *Cracking the Code: Unlocking the Potential of Future Leaders in the Legal Profession* (Thomson Reuters, 2010) at 7.

<sup>9</sup> Jack Zenger and Joseph Folkman, "Are Women Better Leaders than Men?" *Harvard Business Review* (March 15, 2012).

<sup>10</sup> Julius Melnitzer, "Woman at the Top" *L'expert Magazine* (March 2011).

*What do women bring? Women bring half the population, half the brains, half the talent, half the energy, half the ideas in the world. It's important that women leaders are in the law in the same way it's important to have women in any profession or any vocation or any human activity - because if you don't have women in there you are shortchanging yourself by half the population's skills, ability, brains, innovative capacity, just plain fun to be around. You're destroying your community. You're destroying your community of professionals if you don't have women as part of it.*

*Susan Ursel, Partner, Ursel Phillips Fellows Hopkinson LLP – Toronto, ON*

*I think it benefits the profession, the business world, the people that work for law firms, not just lawyers but the non-lawyer staff, to have diversity in leadership because you get a much healthier, more open discussion about what's important and whether there is a different way of approaching an issue – and for that diversity you need more women.*

*Anne Kennedy, Managing Partner, Pallett Valo LLP – Mississauga, ON*

*I've certainly witnessed a change in the attitudes of clients. Now, an awful lot of women end up going in-house in companies, financial institutions, insurance companies, et cetera, and so they are around the boardroom table negotiating deals. So when they have to go home for a certain event or a reason, people understand that; and when the lawyer on the team has to go home, they also understand that. It's expected that people will be more sensitive about other demands. As long as you get your work done, it doesn't have to be done as visibly as it used to be done where you all had to be there in your three-piece suit until ten o'clock at night. So there have been changes in the attitudes of clients. The make-up of clients has changed. The clients themselves, the large institutional clients, have the same pressures that we have in keeping their female workforce. They have a lot of investment in women, and they don't want to lose it. So you have to adapt.*

*Sheila R. Block, Partner at Torys LLP – Toronto, ON*

*More than 50 percent of new lawyers entering the profession are women. It seems logical that a good number of those women will be our best and our brightest lawyers, and it's important to retain and promote*

*female talent, and to have them rise to leadership roles, for that reason. From an organizational point of view, people bring to the table different ideas based on their backgrounds and experiences. Diversity, male/female and otherwise, is important from that perspective and it's healthy and prudent for the organization to have more than one perspective when making decisions for the firm and our clients. Our clients demand diversity – not just gender diversity but diversity generally. We are a profession of course, but we are also running a business, and retaining and promoting women in the profession makes good business sense.*

*Nora Osbaldeston, Managing Partner (Toronto) at Miller Thomson LLP  
– Toronto, ON*

*I think it's extremely important that women seek leadership positions and have visibility in leadership roles within the profession. It's very important in the administration of justice that those who are in leadership positions in the profession reflect the community that we all serve. As diversity in Canadian and Ontario society has grown, there is, I think, a lack of confidence if there is a homogeneity to the leaders in the profession. It's the same thing within the law firms. I don't think you can respond and be seen to be fair in the way you respond to the needs of the public, to the needs of the partnership as a whole and, frankly, to your client base in the law firms unless you have diversity within the leadership. That starts on gender grounds, moves off to other things pretty quickly, but it starts on gender grounds. So I think it's hugely important.*

*The Honourable Madam Justice Eleanore A. Cronk, Justice of the  
Court of Appeal of Ontario & Past President of the Advocates' Society*

## Leadership Defined

Leadership means more than just a title. It means influencing and motivating others to achieve positive outcomes. Effective leaders have a vision and are able to influence other people to work towards that vision. Leadership can be defined as “a process of influencing people to produce positive outcomes for the firm.”<sup>11</sup> A leader is “someone

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<sup>11</sup> Ida Abbott, *Women on Top: The Woman's Guide to Leadership and Power in Law Firms* (Thomson Reuters, 2010) at 56.

who has a vision: someone able to mobilize and inspire others so that everyone is working steadfastly to achieve the same goal.”<sup>12</sup>

Being a leader does not necessarily mean holding a certain position within a firm. Rather, leadership can be an attitude of mind.<sup>13</sup> It is important for women to begin to develop leadership skills early in their careers. Even if a junior lawyer does not have anyone to lead yet, she can still act like a leader.

The flat, decentralized structure of many law firms gives rise to numerous leadership opportunities. Leadership is not synonymous with management, although effective leadership does require management skills. The following are some examples of leadership positions common to many law firms.

- ❖ Committee chairs
- ❖ Department heads
- ❖ Practice group leaders
- ❖ Client team leaders
- ❖ Executive committee members
- ❖ Compensation committee members
- ❖ Office and regional managing partners

While there are many opportunities to exercise leadership within most law firms, real power does not necessarily come from holding an office. The ability to influence and lead others can derive from several sources. Revenue generation is often the greatest source of individual power in a law firm. Clients have relationships with individual partners, and this client loyalty gives a rainmaker enormous power to negotiate for what she wants.<sup>14</sup> Other law firm leaders are able to exercise power even though they are not rainmakers. Their power derives from their personal attributes, such as professionalism, expertise, or dedication.<sup>15</sup>

In addition to leadership positions in private firms, there are also opportunities for leadership in external professional organizations. External leadership can lead to enhanced stature both within law firms and in the profession at large. Below are examples of external leadership positions within the profession:

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<sup>12</sup> Jennifer Overhaus, *Juggling the Big 3 for Lawyers: A Career-Building Plan to Develop Your Personal Brand, Client Business, and Leadership Mindset* (London, England: ProvechZiel Ltd, 2009).

<sup>13</sup> Jennifer Overhaus, *Juggling the Big 3 for Lawyers: A Career-Building Plan to Develop Your Personal Brand, Client Business, and Leadership Mindset* (London, England: ProvechZiel Ltd, 2009) at 419.

<sup>14</sup> Ida Abbott, *Women on Top: The Woman's Guide to Leadership and Power in Law Firms* (Thomson Reuters, 2010) at 67-8.

<sup>15</sup> Ida Abbott, *Women on Top: The Woman's Guide to Leadership and Power in Law Firms* (Thomson Reuters, 2010) at 72.



- ❖ Professional associations' boards or committees
- ❖ CBA and OBA practice groups
- ❖ Benchers of the Law Society of Upper Canada
- ❖ Participation in Law Society Committees and working groups
- ❖ Corporate and charity boards

Finally, leadership can also be achieved through thought leadership: speaking, teaching and publishing.

### Characteristics of Successful Leaders

The first characteristic of a successful leader is professional excellence. Abbott writes that being an outstanding lawyer “is the sine qua non of law firm leadership. It is what gives you credibility in the eyes of your partners.”<sup>16</sup> A lawyer may be promoted to leadership based primarily on professional excellence; however successful leadership requires more than producing excellent work for clients. Successful leaders must also produce positive results for the firm.<sup>17</sup>

Effective law firm leaders share many of the following characteristics:<sup>18</sup>

- ❖ Trustworthiness
- ❖ Self-awareness
- ❖ Interpersonal skills
- ❖ Positivity
- ❖ Ambition
- ❖ Strategy
- ❖ Confidence
- ❖ Resilience

Leadership is also situational. Leaders should be flexible in order to respond to different situations.<sup>19</sup> There is no single preferred model of a law firm leader. Any woman could be a successful leader as long as she is authentic.

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<sup>16</sup> Ida Abbott, *Women on Top: The Woman's Guide to Leadership and Power in Law Firms* (Thomson Reuters, 2010) at 61.

<sup>17</sup> Ida Abbott, *Women on Top: The Woman's Guide to Leadership and Power in Law Firms* (Thomson Reuters, 2010) at 57.

<sup>18</sup> Jennifer Overhaus, *Juggling the Big 3 for Lawyers: A Career-Building Plan to Develop Your Personal Brand, Client Business, and Leadership Mindset* (London, England: ProvechZiel Ltd, 2009) at 419-423; Ida Abbott, *Women on Top: The Woman's Guide to Leadership and Power in Law Firms* (Thomson Reuters, 2010) at 117

<sup>19</sup> Ida Abbott, *Women on Top: The Woman's Guide to Leadership and Power in Law Firms* (Thomson Reuters, 2010) at 55.

*Some of my most successful mentors have had the unique ability to adopt the leadership style that is appropriate for any given situation. In some cases, a team will want more direction, will want a leader who takes more of a hands-on role within the group. In other situations, a more consensus-based style, where team member take a greater degree of personal responsibility, will be more appropriate. Of course, like most people, I tend to stick with the style I'm most comfortable with. However, as a part of my personal development, I try to push myself out of my comfort zone and towards a more flexible approach to leadership. The best law firm leaders that I have known have been able to adapt their leadership style to the needs of their team.*

*Tushara Weerasooriya, Partner, McMillan LLP – Toronto, ON*

## VALUE OF LEADERSHIP BY AND FOR WOMEN

When women become leaders in law firms, both firms and women benefit in several ways.

### Role Modeling

Women who occupy positions of influence have the opportunity to be role models for other lawyers. This is especially important for junior women, who currently face a shortage of female role models from whom to learn leadership skills and to whom young women look for motivation. Women can be role models for men and *vice versa*; however, because of the unique challenges that women in law face, the presence of female role models is of particular importance.<sup>20</sup> Women are more likely to self-identify as both lawyers and leaders when they see other women occupying leadership positions in their firms. Women are more likely to aspire to leadership roles if the current leaders are people who look like them.

*If I think about the environment that I came into when I graduated from law school, which was an environment where there were almost no women in any of the firms and to the extent that there were women they were not in any kind of leadership roles, what that generated was a place where there were all kinds of misconceptions about capabilities and lack of capabilities of women, all kinds of perceptions about the appropriate role of women in the workplace, including the perception that they were fair game when it came to being sexual objects. I just had no idea how to be a lawyer as a woman. I looked at the men and I knew it wasn't me. I just didn't know how that would translate so that I could actually do it myself.*

*The Honourable Madam Justice Harriet Sachs of the Superior Court of Justice & Past President of the Advocates' Society - Toronto, ON*

*It is important to have women leaders because it shows young women lawyers that it's possible. In a male-dominated workplace, young women may look ahead and see no women in the partnership or leadership ranks of their firms which sends the implicit message that women can't do this, can't be leaders and that the firm will not encourage and support this. If you are a young woman in a tough and demanding career like law, you can internalize a message like that and*

<sup>20</sup> "How can young women develop a leadership style?" *Wall Street Journal* (19 March 2009).

*think, "Well, if so many other women couldn't do it, why would I think I can do it? As a result, this can cause self-doubt, and maybe the thought that the lawyer should leave the firm, should go elsewhere, should go in-house etc. and this thought will take over can be part of the reason women leave their firms. So the mere fact of having women in the partnership and in management sends an important message -- it says this can be the norm.*

*Kirby Chown, Former Ontario Regional Managing Partner, McCarthy Tétrault – Toronto, ON*

*If women see a profession where two, three, four, five, ten years down the road all there is is a bunch of men, it certainly doesn't look like a very great career path, right? I think young men and women face the challenges of work/life balance and everybody deals with that differently, but it's going to be important for women, I think, to see how women who have been there before them have been able to achieve that balance and to learn from that.*

*Sandra Forbes, Partner, Davies Ward Phillips & Vineberg LLP & Past-President of The Advocates' Society – Toronto, ON*

*I think it's incredibly important, particularly when you first join an organization, to see that there are female leaders who have high levels of influence over the institution. I think that it shows young women that there is a real path to leadership within a law firm for those who wish for that opportunity.*

*Tushara Weerasooriya, Partner, McMillan LLP – Toronto, ON*

*I think it's important to have women in management or senior roles in our profession so that younger women in the profession can see that it is possible, because I've heard young women lawyers say, 'I don't know how I could do it all, I don't know how I can do all this.' My response is that 'Well, you just do!' I do think it helps for younger women in the profession to see that it is possible to succeed in private practice, that you can not only survive, you can actually thrive.*

*Anne Kennedy, Managing Partner, Pallett Valo LLP – Mississauga, ON*

## Intrinsic Fulfillment

Leaders have greater control over their own careers and the strategic direction of their firms and the profession. They also have better access to resources of support and information. Leadership can provide an outlet for creativity, and an opportunity to have a positive impact on the careers of others. Leadership can also bring financial rewards. All of these factors contribute to increased professional satisfaction and a greater sense of fulfilment.

## Influence

Leadership gives women power, in the form of access to information and influential people. Leadership on a committee or in a management role can give women invaluable insights about the inner workings of their firms and the power to influence firm policy and culture. This power can enable women leaders to promote the advancement of other women, and to be agents for positive change both in their workplaces, and in the broader community. Furthermore, the presence of women leaders can contribute to the advancement of more women by counteracting negative stereotyping.

*I'm happy to say a number of the policies and some of the changes to policies were spearheaded by women in the firm who had to do a bit of educating with some of the older male partners of the firm, as to the importance of some of the things that we were trying to achieve in these policies. And simply it was because this was not something they had ever had to deal with before.*

*Arleen Huggins, Partner, Koskie Minsky LLP – Toronto, ON*

*I articulated in the 80s with a well established firm, (considered a large one at the time). Due to medical reasons, I had to decide to become pregnant while articling. There was no maternity policy at my firm. As a matter of fact, no female associate or student at the firm had ever had a child. These were not the days when you were entitled to a year of paid unemployment through Employment Insurance. Many told me that I was committing "career suicide" to make such a decision.*

*I surveyed the local firms, and although there was little for me to rely upon, I worked towards a solution that was acceptable to all. As a result the firm created a maternity policy, and I was even hired back after my daughter was born.*

*Pascale Daigneault, Managing Partner, Fleck Law & 1<sup>st</sup> Vice-President,  
Ontario Bar Association – Point Edward, ON*

*I've been in situations where there have been high-profile assignments that require travel and someone has said, 'Oh, it wouldn't be fair to ask so-and-so female partner to participate in this retainer because she has two young kids.' Because I have a voice at the table I am able to say 'no, we shouldn't assume that is the case, we should ask the female partner whether or not they want the opportunity and try to accommodate to the extent necessary.' The more female role models we have and the more women we have participating in leadership roles will hopefully mean that women won't miss out on opportunities because of incorrect assumptions.*

*Nora Osbaldeston, Managing Partner (Toronto) at Miller Thomson LLP  
– Toronto, ON*

*I think the profession has changed, and maybe almost imperceptibly some of that is caused by women being in more senior roles and there just being more dialogue about issues that perhaps men, left to their own devices, wouldn't talk about. Maybe it's just the fact that women are there and cause a dialogue about topics that might not otherwise be considered as important or as worthy of discussion.*

*Anne Kennedy, Managing Partner, Pallett Valo LLP- Mississauga, ON*

## Quality and Authenticity of Leadership

A greater number of women leaders results in a greater diversity of leadership styles. Most lawyers develop a personal style of leadership by observing how others lead and govern; studies show that women are likely to (but may not necessarily) have different leadership styles than men.<sup>21</sup> Additionally, women are more likely to have different values and bring a different perspective to bear in exercising leadership. This diversity of perspectives enables firms to better serve the public and contribute to positive change, both in the legal community, and in society.

<sup>21</sup> Ida Abbott, *Women on Top: The Woman's Guide to Leadership and Power in Law Firms* (Thomson Reuters, 2010) at 10.

*Women tend to be more consultative. I think that women tend to have more discussion before decisions are made. I think women also tend to be more open to hearing diverse opinions before coming to a decision where men seem to be more 'get to the point'. A lot depends on the style of the individual, obviously, but I think there is a difference in terms of a management style. I also think women tend to get things done. And this goes beyond the firm. It goes to outside committees that I've been on and whatnot. Women tend to say, 'this is the job, this is what we have to get done, here's who's going to do it. We have a history of work. We get down to the trenches, and we get it done.*

*Arleen Huggins, Partner, Koskie Minsky LLP*

*I don't think there's any doubt that men and women function differently in a large firm environment – generally in the way they approach problem-solving. It's an old saw, an old adage, of course, that women are consensus seekers. That's not true of all women, of course. Behind every stereotype is an element of truth and a great element of falsehood, so it's not always true. But I think it is true that women generally, both in the practice of law and in business, start out as being more inclined to be a team player; they do seek to build consensus, they are less confrontational generally - not always, but less confrontational generally.*

*The Honourable Madam Justice Eleanore A. Cronk, Justice of the Court of Appeal of Ontario & Past President of the Advocates' Society*

*Different individuals have different leadership styles. If you read the literature they do suggest that women perhaps tend to have different characteristics than men – but this hasn't been fully my experience. To be a good leader you need to have a certain elasticity and you need to be able to do and behave and lead in different ways depending on the situation. I can be nurturing and relationship-driven in some circumstances, and hard-nosed and decisive in other circumstances. And men can do the same. In my opinion it is more individually- and situationally-driven rather than gender-driven*

*Nora Osbaldeston, Office Managing Partner (Toronto) at Miller Thomson LLP – Toronto, ON*

## Equality

When the composition of law firm leadership reflects the composition of the law firm as a whole, there is an enhanced sense of fairness. Both men and women will have a greater sense of satisfaction when they get the message that advancement depends on how they perform, rather than who they are.

## Succession Planning

Succession planning is a significant challenge for law firms, particularly smaller or regional firms in Ontario, yet few firms have a succession development plan in place.<sup>22</sup> In Ontario, 43% of lawyers are over the age of 50 years old.<sup>23</sup> 53% of lawyers age 30-39 years old and 45% of lawyers age 40-49 years old are women. Women lawyers under the age of 40 years old make up 18% of all lawyer licensees whereas male lawyers under 40 years old comprise 15% of all lawyer licensees.<sup>24</sup> By identifying future women leaders and providing them with specific training to develop leadership competencies, firms will be better prepared to tap into this large pool of talent when today's leaders enter retirement.

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<sup>22</sup> See the Law Society of Upper Canada's "Succession Planning Toolkit: Take the Easy Way Out". The guide can be ordered from the Law Society's Resource Centre at <http://ecom.lsuc.on.ca/cpd/product.jsp?id=CLE09-0040901>

<sup>23</sup> LSUC Database as of August 3, 2012.

<sup>24</sup> LSUC Database as of August 3, 2012.



## CHALLENGES FOR WOMEN IN LEADERSHIP

In many ways, the structure, politics, and dominant culture of many law firms presents special difficulties for leaders. Both men and women face challenges in exercising leadership in a law firm; however, they do not necessarily face the same kinds of challenges. While recent progress has been made, women still face some barriers to advancing into leadership and exercising power.

The following are barriers to leadership that have been identified by women lawyers. Strategies to overcome these obstacles will be outlined in this guide.

### Leadership Fatigue

Only 7% of partners in private practice are women.<sup>25</sup> The shortage of women in law firms means that the same women are called on repeatedly to fill leadership positions. A small number of senior women are often asked to serve as “the representative woman” on various committees,<sup>26</sup> and they are frequently asked to speak at events and to mentor other women. The result is that these women may experience leadership fatigue.

### Work-Life Balance

Both men and women may struggle to balance their personal lives with a busy law practice, but the challenge is often greatest for women with family responsibilities.<sup>27</sup> In addition, the demands of private practice can make it difficult for women to balance work with leadership obligations.

*Years ago, we had a female speaker address our local bar association. She said something that struck me; how we should not look for "balance", as there is no such thing for a woman, wife/mother/caregiver, who practices law. She suggested rather that we should try to achieve "equilibrium". I connected with her comments, because I was a biochemist before studying law. Although things may not be equal they can nevertheless be stable if we can reach equilibrium.*

*Pascale Daigneault, Managing Partner, Fleck Law & 1st Vice-President, Ontario Bar Association – Point Edward, ON*

<sup>25</sup> LSUC Database as of August 3, 2012.

<sup>26</sup> Sara Holtz, *Bringin' in the Rain: A Woman Lawyer's Guide to Business Development* (Granite Bay, CA: ClientFocus, 2008) at 98.

<sup>27</sup> Fiona Kay et. al, "Women's Careers in the Legal Profession: A Longitudinal Survey of Ontario Lawyers 1990-2002 - A Report to The Law Society of Upper Canada (September 2004) <<http://rc.lsuc.on.ca/pdf/equity/womenTurningPoints.pdf>>

*Women are the ones who still, typically, do the lion's share of the nurturing of children and the maintaining of the household. So anything else that you take on is an added burden, and it's an added burden that takes away from your other obligations, be they family- or work-related, and from any potential for any kind of time for yourself. So you've got to decide that you really want to do it, and for that to happen it seems to me you've got to decide that it's really worthwhile, both for yourself and as a way of giving back to your community.*

*Margaret Ross, Partner, Gowling Lafleur Henderson LLP - Ottawa, ON*

*Women are still disproportionately taking the burden of the child-rearing and caring for the home and all that. It typically falls to women, and there are enough women who find this challenge too hard. They're dropping out. In fact, it's endemic in our profession. And so there's a new stereotype of 'ignore them because they're going to drop out anyway'. And that we have to prevent - and the only way we can prevent it is by having women realize that they can stick it out.*

*Sheila R. Block, Partner at Torys LLP – Toronto, ON*

## Systemic Biases and Attitudes

While overt sexism is no longer tolerated in most law firms, women still face systemic and unconscious biases and attitudes that make leadership more of a challenge.<sup>28</sup> The qualities normally associated with leadership in a law firm are ones typically thought of as masculine. This situation creates a “double bind” for women leaders.<sup>29</sup> If a woman acts consistently with feminine stereotypes she may not be seen as a strong leader, but if she acts in typically masculine ways she may be perceived as too critical, too aggressive or too ambitious. Women may face the challenge of being held to higher standards having to constantly prove their ability to lead, something that is generally assumed for men.

Women with young children often face an additional challenge of negative stereotyping or unconscious bias.<sup>30</sup> Because a woman is often assumed to have family obligations,

<sup>28</sup> Linda K Robertson, “And the Women Lawyers Still Leave” (March 29, 2012) online: <<http://www.slaw.ca>>.

<sup>29</sup> Calayst, *The Double-Bind Dilemma for Women in Leadership: Damned if You Do, Doomed if You Don't* (2007).

<sup>30</sup> Ida Abbott, *Women on Top* at 18.

her priorities and leadership may be questioned more than a man who faces the same challenges. These stereotypes and biases can be confronted and overcome through increased awareness and open dialogue.

*There are all kinds of preconceptions about who you are that don't fit with who you feel yourself to be - and that's if they even notice you, because there are also so many situations where there aren't women in leadership positions and the men are the ones who are the leaders, and the women who are in the room are virtually invisible. And that's a horrible feeling.*

*The Honourable Madam Justice Harriet Sachs of the Superior Court of Justice & Past President of the Advocates' Society - Toronto, ON*

*I believe it's fair to say that women face obstacles as leaders because of the mothering role they have traditionally held. When people think of leaders, the image that comes up is not necessarily someone who is kind, caring and nurturing. They want someone who is strong and going to take control. This is an obstacle for women because taking charge has not always been something they have been encouraged, or at times, even allowed to do.*

*Pascale Daigneault, Managing Partner, Fleck Law & 1<sup>st</sup> Vice-President, Ontario Bar Association – Point Edward, ON*

*It's hard because if a man is super-aggressive people will say, 'Oh, he's a guy and he's aggressive,' right? If a woman's super aggressive, that's terrible. That's being unreasonable. She's shrill. But then if a woman is too complacent then they're criticized for being too feminine. So you've got that challenge as well, and you've just got to find your own style on how to deal with that. The way I sort of figured that out was I'm just going to be firm, and I'm going to be respectful of everybody, and I'll listen to everybody. I'm going to solicit views, which I think is something that women do well, and I'm going to try to bring people around to a consensus so it's not just me making a decision or me saying, okay, we have got to vote and the majority is going to succeed on that.*

*Sandra Forbes, Partner, Davies Ward Phillips & Vineberg LLP & Past-President of The Advocates' Society – Toronto, ON*

*Men are often rewarded for leadership traits that are seen as aggressive and forceful and so on. A woman would be penalized for that. They've done studies where they've talked to people about the kind of leaders they want. People want their leaders to act like coaches and mentors, to behave collaboratively, caringly, to build relationships. But these aren't the characteristics that are rewarded by organizations, so we have to get people to recognize that the kind of leader they want to have is the kind that exhibits collaboration, communication, relationship orientation. They do recognize that one-on-one but not in the stereotypical notion of what makes a leader.*

*Sheila R. Block, Partner at Torys LLP – Toronto, ON*

## Self-identification of Leadership Candidates

Some women may never even consider the possibility of leadership because most of the leaders they see around them are men. If a woman does not have a sponsor to tell her when she is ready for leadership, she may never realize her own leadership potential. And even women who do aspire to be leaders may be discouraged by the lack of female role models to emulate.

A further problem is that some women are perfectionists who undervalue their own leadership abilities. These women might think that they are not qualified to be a leader unless they have large practices, multiple degrees or decades of experience. Research has found that women are less likely than men to apply for a promotion. An internal industry study found that women only applied for available positions when they meet 100% of the job requirements, but men applied if they met 60% of the requirements.<sup>31</sup>

*You have to be confident in your own abilities. The expression that women are their own worst enemies has some remaining truth to it. Many women question whether they can succeed, whether they can be both leaders in the profession and leaders within their law firms. I think that's a terribly eroding self-doubt. I think women have to be confident about their abilities. If they believe they can do it, the odds are they can do it. I think I would emphasize that there's a difference between arrogance and confidence, but you do have to work on self-confidence, believe in yourself. If you don't believe in yourself, no one else will.*

*The Honourable Madam Justice Eleanore A. Cronk, Justice of the Court of Appeal of Ontario & Past President of the Advocates' Society*

<sup>31</sup> Ida Abbott, *Women on Top* at 208.

*Have confidence in yourself, because, frankly, I think a lot of women are a little timid about putting themselves forward. They think they may not measure up. There's no reason to think that you can't measure up to the guy next to you. There's nothing magical about being a guy and the fact that he wants to be a leader. I mean, you are just as competent, if not more, depending on the circumstances, to be the leader as he is, so you shouldn't sit back and say, 'I'm afraid', 'I don't want to run against that guy' or 'I don't want to challenge that guy.' So to the extent that you can overcome that and understand that men are just as vulnerable if not more than we are, that their egos are even more fragile than ours, then just stand up there and challenge them.*

*Susan T. McGrath, Sole Practitioner, Benchers of the Law Society of Upper Canada & Past-President of the Canadian Bar Association*

*Don't be intimidated. I think a lot of young women lawyers don't believe they're as good as they actually are and they tend to undermine themselves. So number one, don't be afraid.*

*Anne Kennedy, Managing Partner, Pallett Valo LLP – Mississauga, ON*

## Compensation

In most firms, compensation is determined primarily based on the amount of business generated and hours billed. Other significant non-billable contributions, such as recruitment, professional development, mentoring, and management, are just as essential to the long-term success of the firm, but they are rarely financially rewarded.

This can have a disproportionate impact on women, because women partners are often under significant informal pressure to make these kinds of contributions to the firm and to the profession.<sup>32</sup>

## Systemic seniority issue

The shortage of senior women in private practice presents a challenge for firms that want to increase the number of women leaders at all levels. In most firms, men greatly outnumber women among the most senior partners,<sup>33</sup> and women are more likely than

<sup>32</sup> Project for Attorney Retention “Best Practice #9: Conforming to standard business practice by linking compensation to individuals’ contributions to the long-term viability of the firm” online: <<http://www.attorneyretention.org>>.

<sup>33</sup> LSUC Database as of August 3, 2012. Only 7% of partners in private practice are women.

men to leave private practice. However the number of women at the junior and mid-levels is increasing, and, over time, there will be a larger number of women poised to take on the top leadership positions.

*Women are now more than 50 percent of the profession. The graduating classes have more than 50 percent coming in every single year. There has to be some clear indication to those women that they, in fact, are the leaders or will be the leaders in the future as opposed to just sitting back. In fact, they have an obligation to ensure that at some point there are an appropriate number of women who are leaders.*

*Susan T. McGrath, Sole Practitioner, Benchers of the Law Society of Upper Canada & Past-President of the Canadian Bar Association*

## Tokenism

Some firms with one or even a handful of women leaders may believe that they do not have a shortage of women in leadership. If a woman suspects that she has been asked to fill a certain leadership role primarily because of her gender, she may be inclined to turn down the position, especially if taking the position would subject her to greater scrutiny. If there is only one woman on an important committee, that woman may feel pressure to prove that she is not unfairly favouring other women. Another risk is that she may be seen as the representative of all women in the firm.

## Law Firm Culture and Politics

Culture and politics affects both the selection of leaders, as well as the way law firm leaders make decisions. Some firms are very accepting of diverse leadership styles and women are actively championed, while others will only accept leaders that conform to a rigidly masculine model of leadership such that few women are able to advance. Most firms are somewhere in between those two extremes.<sup>34</sup>

The decentralized structure of most law firms means that few people can advance to leadership positions without the support of the majority of partners. Generating this support requires trust and time.

Unfortunately, most firms lack formal leadership development programs and assume that leaders are born and not made. Women have historically received little mentoring in navigating law firm politics and strategically choosing leadership roles.

<sup>34</sup> Ida Abbott, *Women on Top* at 98.

## Less Access to Influential Mentors and Sponsors

Research shows that women are just as likely as men to have mentors, including both formal and informal mentors. However men's mentors are more likely to be sponsors – an influential person who uses his or her clout to actively advocate for the protégés advancement.<sup>35</sup> The result is that women are less likely than men to have a sponsor champion their advancement into leadership.

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<sup>35</sup> Nancy M Carter & Christine Silva, *Mentoring: Necessary but Insufficient for Advancement* (Catalyst, 2010).



## STRATEGIES FOR WOMEN'S LEADERSHIP SUCCESS

### Strategy 1 – Sponsorship Towards Leadership

A sponsor is a champion who personally invests in a woman's success by appointing her to or promoting her for leadership roles:<sup>36</sup> "Unlike mentoring, which may often be limited to occasional meetings and coaching sessions, sponsorship is a long-term, hands-on commitment to encouraging, fighting for and creating advancement opportunities for high-potential individuals."<sup>37</sup> A sponsor must be someone who has clout. Because there are relatively few senior women in law firms, most people who are in a position to be sponsors are men. While women are just as likely as men to have mentors, it is sponsors, not mentors, who actually help women advance in their careers.

Sponsorship is critical to women's advancement into leadership positions. Abbott writes that in order to become a law firm leader, it is necessary to have sponsors who "get you appointed to important positions and committees, and send you business and clients."<sup>38</sup>

*Sponsorship is crucial for women lawyers. Women who wish to advance into partnership, which is very difficult, are immeasurably helped by having a powerful sponsor either at the decision table or close to those who do make those decisions to say, you know, "Suzanne Smith is an absolutely outstanding lawyer", and to keep pushing, pushing, pushing her as a candidate. This is absolutely invaluable.*

*Kirby Chown, Former Ontario Regional Managing Partner, McCarthy Tétrault – Toronto, ON*

### HOW TO BE A SPONSOR

In order to increase the number of women leaders in law firms, highly placed men and women should actively sponsor women towards leadership. It is essential that both men and women act as sponsors for women investing in their success and advancing them into more leadership roles.

<sup>36</sup> Ida Abbott, *Women on Top: The Woman's Guide to Leadership and Power in Law Firms* (Thomson Reuters, 2010) at 171.

<sup>37</sup> Ernst & Young, *the Corporate Sponsor as Hero, Advancing Women into Leadership Roles* (EGYM Ltd, 2011) at 1.

<sup>38</sup> Ida Abbott, "How Political Dynamics Undermine Gender Balance in Law Firm Leadership and What Your Firm Must Do About It" online: <idabbott.com>.



Sponsorship is distinct from mentoring. While a mentor can offer advice and insights to help the protégé achieve her career goals, a sponsor uses his or her clout to give the protégé access to opportunities for advancement.

Below is a list of things that a sponsor typically does for a protégé:

- ❖ Provides the protégé with challenging assignments to develop her skills and increase her visibility
- ❖ Introduces the protégé to influential people
- ❖ Publicizes the protégé's accomplishments
- ❖ Ensures that the protégé is recognized for her contributions
- ❖ Stands by the protégé when she makes mistakes
- ❖ Tells the protégé when she is ready for a promotion
- ❖ Advocates for the protégé to be promoted to a leadership position
- ❖ Continues to support the protégé even after the protégé achieves her leadership goals

*I will work with my juniors - give them an examination to do very early on in their career in a trial, whereas some men won't. I've been on cases with men with female juniors on the other side, and the man does everything and the junior does nothing. And it's not just the junior woman – it's the junior of any kind. I want my juniors to try it, and so I will have them do their examinations, run them by me. We'll work together. We'll switch things around. I can use it as both a teaching opportunity and an opportunity to push them in the deep end of the pool - but not without arm floats.*

*Sheila R. Block, Partner at Torys LLP – Toronto, ON*

*We need to start with some of our really great younger women and start saying to the existing department heads and practice group leaders and so forth to start consciously thinking about finding things for these people to do - give them projects, delegate some of the work that you're doing in your administrative job, test them out, see how they do, give them some confidence, get them involved. Even if it isn't by way of a title and a bigger job, get them started. Start at a lower level and get people going.*

*Margaret Ross, Partner, Gowling Lafleur Henderson LLP - Ottawa, ON*

## FINDING A SPONSOR

In order to attract a sponsor, protégés should demonstrate their potential to powerful people. In order to agree to advocate on a behalf of a protégé, a sponsor should not only want to help, but they should also believe in the protégés ability to succeed.

Women can proactively seek out a sponsor by identifying those people who are in a position to champion them and developing relationships with those people. The protégé should look for opportunities to work with potential sponsors and demonstrate her talents to them. Once a potential sponsor gets to know the protégé and the quality of her work, the protégé can initiate the sponsorship relationship by asking for help with something specific, such as asking the sponsor to make an introduction her, or to include her on a client pitch team. A sponsor will be more likely to help if he or she is requested to do something very specific. Once a sponsor begins to champion a protégé, it is more likely that he or she will continue to do so, since the sponsor has become invested in the protégé's success.

If a protégé already has a strong relationship with a sponsor, the sponsor can talk to the protégé about her leadership goals and advocate for her to be promoted to a leadership position.

## BEST PRACTICE - SPONSORSHIP PROGRAMS

In addition to established mentorship programs, law firms in Ontario are working to create a culture of sponsorship. A number of corporations have also recognized the value of sponsorship and, as a result, have created sponsorship programs.

One example of institutionalized sponsorship is a program at IBM Europe. IBM Europe has a program designed to advance senior women below the executive level. Sponsors are vice presidents or general managers, and they are held accountable for ensuring that all program participants are ready for promotion within one year. Sponsors raise the profiles of their protégés internally by promoting them to decision makers and finding internal projects they will fill in the protégé's skills gaps and prepare them for promotion.<sup>39</sup>

<sup>39</sup> Herminia Ibarra, Nancy M Carter & Christine Silva "Why Men Still Get More Promotions Than Women" *Harvard Business Review* (2010).

Ernst & Young has also created a range of targeted mentorship programs that are designed to meet the professional needs of all the individuals at the company, particularly “women, minorities and new immigrants”.<sup>40</sup> The company encourages company leaders to go beyond mentorship and instead to focus on sponsoring high-performing staff. One of the mentorship programs requires members of Ernst & Young’s executive committee to “monitor the professional development of select high-performing or high potential women and visible minority managers or senior managers”.<sup>41</sup> In an effort to retain and advance women into leadership, the company has released a publication titled, “The corporate sponsor as hero: Advancing women into leadership roles”<sup>42</sup>

## Strategy 2 – Prepare Junior Women for Leadership

In the early stages of their legal careers, women should develop strong legal skills, client relationships and credibility within their firms. Women should position themselves for leadership by creating a leadership plan, seizing opportunities, seeking out role models, and developing a reputation as leadership material.

### CREATING A LEADERSHIP PLAN

A leadership plan outlines a career vision, sets goals, and documents the actions necessary to achieve those goals. A leadership plan does not take long to draft and is extremely valuable.

There are several benefits to creating a leadership plan. Articulating goals and a vision increases the likelihood that leadership opportunities will be noticed when they arise. The plan also provides a mechanism for strategically evaluating career opportunities in terms of whether or not they will advance specific career goals. Additionally, writing down goals increases accountability, and makes it more likely that the goals will be achieved.

There are many different paths to leadership in a law firm, and the strategy that a woman chooses should be one that suits her skills and values. Some people pursue leadership by advancing through management positions. Others attain leadership through rainmaking ability. It is not necessary for every leader to be a rainmaker; however, in many firms the ability to bring in business is considered a prerequisite to being considered for a management position.

<sup>40</sup> Ernst & Young, “Mentorship, sponsorship keys to building a strong and committed workforce: Ernst & Young” (April 12, 2011)

<sup>41</sup> Ernst & Young, “Mentorship, sponsorship keys to building a strong and committed workforce: Ernst & Young” (April 12, 2011)

<sup>42</sup> The guide can be found at <[http://www.ey.com/Publication/vwLUAssets/The-corporate-sponsor-as-hero/\\$FILE/Advancing-women-into-leadership-roles.pdf](http://www.ey.com/Publication/vwLUAssets/The-corporate-sponsor-as-hero/$FILE/Advancing-women-into-leadership-roles.pdf)>

A career plan should incorporate opportunities for “horizontal” development (expanding into different clients and practice groups) as well as “vertical” development (taking on more responsibility and more advanced legal work).<sup>43</sup>

Considerations in developing a leadership plan:

- ❖ **Self-assessment** – identify one’s individual values and reasons for wanting to be a leader.
- ❖ **Personal needs** – consider how one’s personal needs relate to one’s professional vision.
- ❖ **Goal setting** – set short, medium, and long term goals.
- ❖ **Compatibility** – determine whether one’s individual goals are compatible with the firm’s goals
- ❖ **Role models** – identify the people who currently occupy leadership positions.
- ❖ **Sponsors** – identify the people with clout who can help.
- ❖ **Action steps** – outline the actions necessary to achieve one’s goals.

*You need to have a plan. You need to have a vision of where it is you want to end up in five years, 10 years, 20 years, 30 years. You need to have that vision. But you can't just get fixated on it. Along the way you just need to do the best you can. In other words, you want to be a leader, you want to be a senior partner in your law firm, part of it is aiming for that, and the rest of it is working like hell to be really good and to take on the challenges that manifest themselves for you and doing your best with what you're handed.*

*Susan Ursel, Partner, Ursel Phillips Fellows Hopkinson LLP – Toronto, ON*

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<sup>43</sup> Judith Finer Freedman, *Cracking the Code: Unlocking the Potential of Future Leaders in the Legal Profession* (Thomson Reuters, 2010) at 119.

**BEST PRACTICE - MAKE LEADERSHIP PLANNING PART OF YOUR ANNUAL PRACTICE PLAN**

A sample leadership plan is provided below.

**Sample Leadership Plan**

Leadership vision:

Goals [Examples of potential goals and action steps?]:

Short term goals (1 year)

- ☐ Find a sponsor
- ☐ Sit on a committee of an external organization
- ☐ Develop ability to deliver services in multiple languages

Medium term goals (2-5 years)

- ☐ Act as a mentor to a summer student
- ☐ Develop law firm management skills
- ☐ Act as lead counsel on client matter

Long term goals (5-10 years)

- ☐ Become a partner
- ☐ Become head of a firm practice group
- ☐ Act as a sponsor for junior woman lawyers

Action Steps:

- ☐ Join and become active in the Canadian Bar Association and/or the Ontario Bar Association
- ☐ Look for strategic work opportunities
- ☐ Take increased responsibility for client management
- ☐ Volunteer to arrange a client event
- ☐ Meet regularly with sponsor/mentor
- ☐ Attend leadership and/or law firm management training

☐ Take a French course

Resources:

Individuals who will help:

Internal firm resources:

Other resources:

#### IDENTIFYING LEADERSHIP ROLE MODELS

Role models are critical for learning how to be a leader. Aspiring leaders develop their own leadership style by observing how others lead, and trying out different techniques. Over time, a leader creates her own unique leadership style by incorporating elements of various leadership styles.

Many successful women leaders credit their success to male role models who they emulated in their early years of practice. The following are some suggestions for women looking for potential role models:

- ❖ Look to role models in a variety of practice areas.
- ❖ Look to role models at different firms.
- ❖ Join external organizations, such as professional associations and industry groups.
- ❖ Recognize that no one is perfect. Many people choose to emulate their role models in certain ways, but not in others.
- ❖ Don't rule out male role models. Some women find that many men have a leadership style that resonates with them.
- ❖ Stay connected to your peers so you can become effective role models for each other

#### BEST PRACTICES – IDENTIFYING ROLE MODELS

Firms should consider looking for opportunities to connect associates with role models in order to assist them to develop their leadership skills.

Firms should encourage participation in external organizations

Firms should be proactive with strategically linking women with work opportunities that will provide them with exposure to role models

See Strategy 4 for tips on what to look for in a role model.

#### BE PERCEIVED AS LEADERSHIP MATERIAL

In order for a woman to become a leader, others in her firm must think of her as leadership material. If she is seen as a potential leader, they will think of her when leadership opportunities arise. As she gains more experience, her reputation as a leader will be enhanced, and leadership development opportunities will continue to come her way.

The following are some typical characteristics of women with strong leadership potential:

- ❖ They always complete assignments on time. They have a reputation for being honest, reliable and effective.
- ❖ They are respected for their technical legal skills.
- ❖ They tell others about their accomplishments in tactful ways. Catalyst research found that women who are proactive in making their achievements known advance farther in their careers.<sup>44</sup>
- ❖ They seek feedback and credit from their supervisors as appropriate.
- ❖ They act like leaders in every interaction by taking initiative, demonstrating good judgement, and supporting others.
- ❖ They actively seek opportunities to lead. They look at methods to make changes that are in the firm's best interests

*Being a lawyer is important but being a respected lawyer is more important. So if you want to have an impact in management as a lawyer, you have to have been a respected lawyer who then can make a transition, hopefully, into being a respected manager. It does not serve law firms well when lawyers who are seen as more peripheral or somewhat marginalized are put into management roles because these lawyers don't carry with them respect from their practices. I think that was a key for me in being a successful leader --that I had an established career and people knew that I could walk the walk and talk the talk. So when I went into management, it was with a background of having lived the life of a practising lawyer and when I made suggestions as a*

<sup>44</sup> Nancy M Carter & Christine Silva *The Myth of the Ideal Worker: Does Doing All the Right Things Really Get Women Ahead?* (Catalyst, 2011).

*manager for programmes, my suggestions were not coming out of theory but out of the very workplace in which I had practised.*

*Kirby Chown, Former Ontario Regional Managing Partner, McCarthy Tétrault – Toronto, ON*

*Recognize the importance of your practice. Law was still a business the last time I looked, particularly in these tough economic times, and there is a significant amount of voice given to producers. So to the extent that you can produce, to the extent that you are a contributing member of the firm in whatever manner, that's going to be helpful to you. Your voice will be heard more easily when you bring something to the table. It's not necessarily enough these days to be competent, to be good; there's a business aspect to it as well. That is certainly something that I think people may be a little bit naïve on.*

*Arleen Huggins, Partner, Koskie Minsky LLP – Toronto, ON*

*If you want to advance in your own career, I think that it's important for you to gain the trust and respect of colleagues at all stages, including senior decision-makers, peers and junior practitioners. Choosing to take on a leadership role and taking responsibility for advancing issues that are important to you and others at the firm, is one way of gaining this trust and respect and is important for your personal development at the firm.*

*Tushara Weerasooriya, Partner, McMillan LLP*

*I always try and do my best. I don't agree to take on anything that I don't think I can really commit to. If you deliver, people come to rely on you. They come to respect you to some degree, and they come to believe when you say you will do something that you'll do it. And that spreads. It's part of your reputation. That's really all you have, and it's hard to build and easy to lose. It's by doing little things. It's by doing little things extraordinarily well. And then it builds.*

*Margaret Ross, Partner, Gowling Lafleur Henderson LLP - Ottawa, ON*



## BEST PRACTICE - OPEN COMMITTEE STRUCTURE TO ASSOCIATES

Committee work presents numerous leadership development opportunities for associates. Committees provide a venue for associates to meet and network with senior partners, cross-market themselves to lawyers in other practice areas, learn about the inner workings of the firm, and demonstrate their leadership potential in a relatively safe environment. Experience sitting on minor committees as an associate could lead to a position on a major committee later on.

Small or mid-sized firms that do not have committees can find other ways to involve associates in management tasks, for instance by involving associates in the recruitment and hiring process, or in professional development initiatives.

## Strategy 3 – Develop Leadership Competencies among Mid and Senior Level Women

At the mid and senior level, women can continue to develop their leadership skills by sitting on committees, getting leadership experience, developing a leadership style, and pursuing opportunities for formal leadership training.

## OBTAINING LEADERSHIP EXPERIENCE

Experience is the key learning strategy for leadership. “The best way to learn it and be good at it is to do it.”<sup>45</sup> Below are some suggestions for ways women can get more leadership experience with both clients and firm administration:

- ❖ A common way to start is by taking on a modest leadership role in the firm, for instance by heading up a project, or sitting on a committee or task force.
- ❖ Leading a file or a client team is another good way to get leadership experience. If the team or project is profitable, the leader’s skills will be noted. If she treats her team members well, they will become her loyal supporters as she moves up in the firm leadership.<sup>46</sup>

<sup>45</sup> Ida Abbott, *Women on Top: The Woman’s Guide to Leadership and Power in Law Firms* (Thomson Reuters, 2010) at 184.

<sup>46</sup> Ida Abbott, *Women on Top: The Woman’s Guide to Leadership and Power in Law Firms* (Thomson Reuters, 2010) at 185.

- ❖ External leadership positions, such as professional associations or industry groups, can be a stepping stone to leadership within a law firm.
- ❖ An excellent way to learn leadership skills is by seizing opportunities when they present themselves. For example, there is an opening as chair of the summer associate program. Taking that opportunity, even though this may not be a position of great influence in the firm could be a stepping stone to another position.
- ❖ Attend Continuing Professional Development programs in order to expand legal expertise in substantive subjects and in project management

*Volunteer! I was a newcomer to Sarnia and attended a wine tasting dinner with my husband. At that event, a request was made for a volunteer to take over the running of those dinners. I accepted that challenge, despite not knowing very much about wines, as it sounded interesting, and I saw it as a way to meet new people. This eventually led to my hosting some 50 wine tasting dinners, running wine trips in Europe, and eventually starting my own wine importing business. I learned and honed many skills during that time, including public speaking, and to some extent this has assisted me in getting where I am today with the OBA. All this came from saying yes to a request for help.*

*Volunteering is not about doing something for you but to help others. Nevertheless, if you take your volunteering seriously, you will also be enriched as you will gain skills, knowledge and connections while helping others. Being unable to see an immediate benefit out of something is not a reason not to do it. If something interests you, get involved, and if it doesn't work for you, then leave. But be careful and don't let your ambition for the bridge forward make you burn the bridge behind.*

*Pascale Daigneault, Managing Partner, Fleck Law & 1<sup>st</sup> Vice-President, Ontario Bar Association – Point Edward, ON*

*I'd just turned 40 and I had been practising law for over 16 years, and between maintaining my practice and at that point looking after two kids and keeping a family structure in place, I really hadn't until then had much time to think about getting involved in any other organizations.*

*A man whom I had articulated for called me up out of the blue and said that the Advocates' Society was doing a play and was looking for women to participate, and so he asked me if I would be prepared to participate in the play. The play was one of these plays starring judges and lawyers, and most of the lawyers were very well known lawyers. The only other woman was Eleanore Cronk. So I said yes really because I had reached the point where I was just interested in trying new things, and I decided that I would take new opportunities if they presented themselves even if I wasn't sure that they were opportunities I would enjoy. That then led me to become connected to some people in the play, including members of the Executive of the Advocates' Society. They asked me to be on the board and, on the same theory, I said yes, and then eventually they asked me to be on the Executive and, on the same theory, I said yes. Once you get on the Executive it becomes a situation where you move up the ladder.*

*The Honourable Madam Justice Harriet Sachs of the Superior Court of Justice & Past President of the Advocates' Society - Toronto, ON*

*Ask for opportunities. Often law firms will pick the same people over and over and over again to do things, and often they will be men. So if you are a woman who wants leadership opportunities, and you're not getting them, go in, talk to your managing partner or your practice group leader and say, for example, 'I know you're putting together a new client initiative and I would like to be part of that.' Asking for opportunities is often unusual in a law firm, so that will set you aside and demonstrate initiative. Focus your requests on strategic opportunities that can help you advance.*

*Kirby Chown, Former Ontario Regional Managing Partner, McCarthy Tétrault – Toronto, ON*

*It's the little steps that make a difference. You have to take advantage of every opportunity that you're given. It's anywhere from answering a general e-mail sent by the OBA to solicit people to sit on a committee. That's how I started. I just answered, and I got involved in something, and I got to know people, and then I got involved in something else, and it all snowballed. It's getting your profile and your name out there so that you are in a position where you have the credibility to take on a leadership role at a later point. There's no such thing as a stupid opportunity, I guess. I can't put it a better way. And so I would say take the opportunity to get involved with things that will lead you to leadership roles, both in your firm and in the profession. And that's not*

*hard to do. If you're in a big firm it would be easier because there are tons of committees. You go to your senior partner and you say, 'I'd really like to sit on one of those committees,' or 'I'd like to be involved in that role,' and that's how you build yourself up in your firm, by taking roles. I also say that, and this is probably more relevant to bigger firms, you should make a point of going and spending time with your colleagues who you don't necessarily work with on a day-to-day basis. We sit in our little silos and do our stuff, but head over to the real estate group and keep a relationship with people you articulated with. That keeps your profile up in the firm, and so if you want to take on a leadership role at one point you're known to everybody; you're not just the litigator in the corner who doesn't really know what everybody else does. In the profession, there are just so many opportunities to get involved in things.*

*Sandra Forbes, Partner, Davies Ward Phillips & Vineberg LLP & Past-President Advocates' Society – Toronto, ON*

*I think women should not be afraid to volunteer. One of the ways to advance in the profession to positions of leadership is to get involved in the bar organizations, to state the obvious, but to volunteer. Don't say no when opportunities come along to give a speech, to write an article, to participate in a panel, to serve on a committee. Take on as much of that as you can, but when you do take it on, make sure that you get involved and that you engage. The mistakes that I've seen men make, and perhaps some women are making them too, although I confess I've seen it less with women, is that they sign on to positions like that, they accept a directorship, they agree to serve on a panel, and then they don't show up and they don't do the work. Nothing hurts your reputation more than that.*

*The Honourable Madam Justice Eleanore A. Cronk, Justice of the Court of Appeal of Ontario & Past President of the Advocates' Society*

*The way to become a leader is to actually join an organization and move up. You join, you start at the bottom, and you move up. Sometimes you can do that in two years, sometimes it takes you ten. And you have to fully participate. You have to put everything you have with respect to that particular time frame that you have available into being a member of that organization and show that you're committed. If you show that you're committed and you want to move forward, you will be able to, because when you're voting for positions, you're looking at the people who are committed and you know will do a good job.*

*Susan T. McGrath, Sole Practitioner, Benchers of the Law Society of Upper Canada & Past-President of the Canadian Bar Association*

## CHOOSE COMMITTEES AND FIRM ACTIVITIES STRATEGICALLY

Committee participation is a common way to enter law firm leadership. Committee participation provides an opportunity to understand how the firm is run. Committee work also enables women to gain visibility among partners and earn a reputation as effective leaders. In some firms, leadership on a committee is considered a stepping stone to more significant leadership positions.<sup>47</sup>

When deciding whether or not a position with a particular committee will help advance specific leadership goals, women may want to consider the following questions:<sup>48</sup>

- ❖ What committees does the firm have? What are the options? If the firm does not have committees are there other leadership positions in the firm (i.e. practice group leader, department head, client manager)?
- ❖ How powerful is the committee? In most firms, the Executive Committee and the Compensation Committee are the most powerful.
- ❖ Which committees do influential people care about? Joining those committees is a good way to get noticed.
- ❖ What is the time commitment for participation in each committee? Weigh the time commitment against the level of influence the committee has and the potential level of career satisfaction from participating in the committee.
- ❖ How does committee work affect the compensation and client relationships of members? If spending time on committee work causes a reduction in the earnings of members, can they negotiate for an increase?
- ❖ Are there committees that require chairs or vice-chairs? What is the process to be appointed chair or vice-chair?

<sup>47</sup> Ida Abbott, *Women on Top: The Woman's Guide to Leadership and Power in Law Firms* (Thomson Reuters, 2010) at 158.

<sup>48</sup> Ida Abbott, *Women on Top: The Woman's Guide to Leadership and Power in Law Firms* (Thomson Reuters, 2010) at 161.

*Participate in committees in the firm, get to know how the firm is run, be part of the decision-making beyond just the partnership vote at the table that everyone has. You want to be part of the group that drafts policies for the firm, part of the group that leads new ideas for the firm; I think it's very important.*

*Arleen Huggins, Partner, Koskie Minsky LLP – Toronto, ON*

## DEVELOPING A LEADERSHIP STYLE

As women advance through various leadership positions they have many opportunities to try out different leadership styles. A woman may find that certain leadership styles are more or less well suited to her strengths and personality. A survey of female leaders by consulting firm Zenger Folkman found that women rate higher than men not only on “nurturing” competencies but also stereotypically male traits, such as taking initiative and driving for results.<sup>49</sup> A study of women leaders in the US and the UK by Caliper Corporation found that women are likely to bring distinct personality and motivational strengths to leadership: They tend to be more assertive, persuasive, empathetic, willing to take risks, outgoing and flexible, and they have a strong need to get things done.<sup>50</sup> The best leaders are true to themselves, but also flexible. Effective leaders adapt to the particular demands of any given situation, and use the style that is best suited to meet the specific challenges facing the organization.

*Steward leadership is where you're really seen as a steward of your organization, of your enterprise; you're not seen as the top-down heavyweight who says it shall be thus and such. You're not the commander-in-chief, but you're really stewarding the organization and its participants to be the best they can. I think that is probably a role that I feel greatest affinity for, and I think that that definitely can be learned. I think women who want to see how they can contribute most should take heart from that idea, that they can learn and acquire many of the skills that they need. And they may not need some of the ones they thought they did.*

*Susan Ursel, Partner, Ursel Phillips Fellows Hopkinson LLP – Toronto, ON*

<sup>49</sup> Jack Zenger and Joseph Folkman “Are Women Better Leaders than Men?” *Harvard Business Review* (15 March 2012).

<sup>50</sup> Caliper Corporation “The Qualities that Distinguish Women Leaders” online: Caliper Whitepapers <<http://www.calipercorp.com/Resources/Whitepapers.aspx>>.



*I think my own style is more of a consensus-builder style. I'm not always comfortable being overly authoritarian. I will make a decision, the ultimate decision, and I'm quite comfortable doing that, but I do like working on teams and getting input from everyone on the team before making a decision. That's my personal style.*

*Tushara Weerasooriya, Partner, McMillan LLP – Toronto, ON*

## RESOURCE TIP

The following are some sources for more information about different leadership styles: In *Primal Leadership*, Daniel Goleman writes about six different leadership styles: visionary, coaching, affiliative, democratic, pacesetter, and commanding.<sup>51</sup>

In *How Remarkable Women Lead* authors Joanna Barsh and Susie Cranston introduce the model of Centered Leadership. The authors argue that traditionally “feminine” leadership traits are well suited for today’s complex and fast-changing world.<sup>52</sup>

## LEADERSHIP DEVELOPMENT

Law firms have been behind the business world in leadership development and training. Traditionally law firms have not followed the practice of the business world by identifying and training promising candidates for leadership. That is changing, however. Formal leadership development training is an emerging best practice among law firms. Increasingly, law firms are realizing that leadership skills are skills that can be taught.

*There are lots and lots of courses, and there are lots of coaching opportunities and so on, and I think that women should really look around for those opportunities and figure out how to take advantage of them. I mean, one of the things that has struck me over and over again is how extremely insular law is. We come out of law school and we say, like a take-off on "Gone with the Wind": "I don't know nothin' about running a law firm." And you know what? That may be true, but that's an excuse; it's not an explanation. You know, you can learn about these things, you can take management courses, you can take leadership courses, you can get coaches. We aren't trained in law school to run a law firm; we are not trained to run a business. Even those of us who go into commercial law are not trained to run a business through law school. Some professionals might take a business school course or*

<sup>51</sup> Daniel Goleman et al *Primal Leadership: Realizing the Power of Emotional Intelligence* (Harvard Business Press, 2002).

<sup>52</sup> Joanna Barsh et al *How Remarkable Women Lead* (Crown Publishing, 2009).

*degree or diploma or something, but as lawyers we have to recognize that we have to go beyond the narrow confines of our discipline in order to run effective enterprises.*

*Susan Ursel, Partner, Phillips Fellows Hopkinson LLP – Toronto, ON*

#### BEST PRACTICE - MANAGEMENT TRAINING

Encourage women lawyers in your firm to attend courses that focus on leadership and law firm management. A number of universities and organizations in Canada and the United States offer courses and training sessions on these topics.

#### BEST PRACTICE - LEADERSHIP COACHING

Hire leadership coaches to help lawyers improve their leadership skills. Coaches help their clients identify their strengths and areas of weakness, set career goals, and help them stay focused and motivated. Some law firms hire leadership coaches to work with new partners or leadership candidates one-on-one.

### Strategy 4 – Develop Women as Role Models

#### WHAT TO LOOK FOR IN A ROLE MODEL

Firms should work to develop mid to senior women lawyers to be the role models other women lawyers are looking for. The following are some qualities to look for in potential role models:

- ❖ Ability to navigate the particular challenges that women face
- ❖ Shows optimism and enthusiasm for the profession and for the firm
- ❖ Ability to gracefully self-promote without alienating others
- ❖ Exercises humility without being self-deprecating
- ❖ Invests in the development of others
- ❖ Effectively delegates work
- ❖ Balances work with other obligations
- ❖ Relates well to colleagues at all levels, from senior partners to administrators
- ❖ Good communication and listening skills
- ❖ Effective networker



- ❖ Good judgment
- ❖ Highly competent

#### BEST PRACTICES - RETAIN ROLE MODELS

Identify and promote the women role models in your firm

Reward lawyers who are positive role models in your firm

Emphasize the importance of being effective role models for both men and women

### Strategy 5 – Promote Women to Leadership In Firms

#### RECOGNIZE AND SUPPORT DIVERSE LEADERSHIP STYLES

Not all styles of leadership are equally well suited to every situation. Firms that promote and support a diverse range of leadership styles are more likely to perform well under difficult or changing conditions. Therefore promoting a variety of leaders with different styles is an effective business strategy.

#### IMPLEMENT FAIR LEADERSHIP SELECTION PRACTICES

Many firms do not have formalized procedures for selecting candidates for firm management roles or committees. Even in cases where elections are held, a few people often have significant influence over the slate of candidates.

Firms should ensure that the process they have in place for selecting candidates is inclusive. Most people have some degree of unconscious bias for people who are similar to themselves. This can have a disproportionate effect on individuals who are not members of the majority group. In many law firms, the slate of leadership candidates is presented as a fait accompli. In-group favouritism can result in members of the majority unconsciously favouring people who are like them for leadership opportunities.<sup>53</sup> In order to create a more inclusive process, firms should include women and individuals from other equity-seeking groups on the leadership slate. Additionally, a more transparent leadership selection process will contribute to better leadership decision-making overall.

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<sup>53</sup> Vernā Myers, *Moving Diversity Forward: How to Go From Well-Meaning to Well-Doing* (American Bar Association, 2011) at 135.

## BEST PRACTICES- FAIR AND TRANSPARENT SELECTION PROCESS

Below are a few best practices for creating a fair and transparent leadership selection process.

Make sure that all members of the firm are aware of available positions and opportunities.

Choose leaders based on their qualifications and experience, and make sure the criteria are well publicized.

Ensure that the leadership selection process is open and transparent. Make sure that all members of the firm know how nominations and appointments are made.

Always consult the full list of potential candidates when seeking out candidates. For instance, when trying to decide who should lead a new practice group, look at the list of all partners who practice in that area. Don't rely on memory.

Rotate leadership opportunities within a group or a team. Encourage turnover, so that everyone who wants to has an opportunity to sit on the major committees.

Consider actively canvassing women who may be interested in leadership opportunities

Recognize the influence of politics<sup>54</sup>

## IMPLEMENT FAIR COMPENSATION PRACTICES

Encouraging fair compensation benefits both men and women. The predominant practice in many firms is to link compensation to the number of hours billed rather than time spent on firm administration. Lawyers are often expected to make significant non-billable contributions to the firm. Senior women often have many non-billable demands on their time, including mentoring and committee work. Women in leadership positions are adversely affected when firms do not accord the same value, respect or rewards to non-billable work.<sup>55</sup> Firms need to ensure that leadership in all forms is rewarding for all individuals who choose to contribute their time to aid in the success of the firm and the profession. Firms should be clear with lawyers as to how non-billable work will impact on partner compensation and associate bonuses.

<sup>54</sup> Ida Abbott, "How Political Dynamics Undermine Gender Balance in Law Firm Leadership and What Your Firm Must Do About It" online at <[www.IdaAbbott.com](http://www.IdaAbbott.com)>.

<sup>55</sup> Ida Abbott, *Women on Top: The Woman's Guide to Leadership and Power in Law Firms* (Thomson Reuters, 2010) at 221

*Most firms I think, at least pay lip service to the fact that there are many factors that their committees use to set compensation. The problem is whether they really do balance all those factors. It's a really basic tenet - that you need to reward the kind of behaviour that you want to encourage. So if you want to encourage participation and leadership, then you've got to make it an important thing.*

*Margaret Ross, Partner, Gowling Lafleur Henderson LLP - Ottawa, ON*

#### BEST PRACTICE - PROJECT FOR ATTORNEY RETENTION

The U.S. Project for Attorney Retention (PAR) suggests some best practices for compensation by linking compensation to lawyers' contributions to the long-term viability of the firm instead of focusing solely on cash flow. One way to do this is to reward all the different kinds of contributions lawyers are asked to make to the firm, including things like mentoring and committee work.<sup>56</sup>

#### BEST PRACTICE - DIVERSE COMPENSATION COMMITTEE

Another best practice is to ensure that there is always a diverse slate of candidates put forward to serve on the compensation committee. The compensation committee should also be educated about the firm's published values and how non-billable contributions may link to these values. Firms should consider crediting non-billable work that is in line with the firm's values.

### Strategy 6 – Promote Women to Leadership in the Profession

Leadership within the profession can bring women respect and influence both within private law firms and in the profession generally. It can be a way to develop leadership skills in a different environment, and it can also be a stepping stone to additional leadership positions inside and outside law firms. Additionally, women who serve on the executive committees or boards of professional organizations can achieve enhanced status and visibility and expand their network of professional contacts.

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<sup>56</sup> Project for Attorney Retention, "Best Practice #9: Conforming to standard business practice by linking compensation to individuals' contributions to the long-term viability of the firm" online: <[http://www.attorneyretention.org/BestPractices/BestPractice\\_Viability.shtml](http://www.attorneyretention.org/BestPractices/BestPractice_Viability.shtml)>.

In order to raise the profile of outstanding women in the profession, law firms can consider nominating their female lawyers for honours and awards. The following are a few of the awards that are regularly given to outstanding lawyers in Ontario:

- ❖ Law Society awards: Law Society Medals, honorary degrees, Laura Legge Award for women leaders
- ❖ Women's Law Association of Ontario President's Award
- ❖ Canadian Bar Association's Cecilia I. Johnstone Award

Law firms can also consider nominating or supporting women for leadership roles in significant associations such as the following organizations:

- ❖ Canadian and Ontario Bar Associations
- ❖ The Advocates Society
- ❖ Women's Law Association of Ontario
- ❖ Regional Law Associations, e.g.: County of Carleton Law Association, Toronto Lawyers Association, Thunder Bay Law Association
- ❖ Practice area organizations, e.g. Criminal Lawyers' Association
- ❖ Law Society of Upper Canada
- ❖ Canadian Association of Black Lawyers
- ❖ Federation of Asian Canadian Lawyers
- ❖ Canadian Association of South Asian Lawyers
- ❖ Association des juristes d'expression française de l'Ontario
- ❖ Arab Canadian Lawyers Association
- ❖ Hispanic Ontario Lawyers Association
- ❖ South Asian Bar Association

## Strategy 7 – How to Create Change

Firms should consider taking concrete actions in order to create more inclusive leadership structures in the workplace. The following are checklists for firms to assist with retaining and advancing women into leadership positions and for lawyers who wish to take on leadership roles.

### CHECKLIST FOR FIRMS

- ❖ Have firm management and partners read this guide
- ❖ Have associates read this guide
- ❖ Make the guide available at your firm

- ❖ Do a self-assessment and keep statistics
- ❖ Look at your policies and practices governing compensation committee nominations
- ❖ Consider how to develop and promote and retain potential leaders and role models
- ❖ Review processes for committee nominations and elections
- ❖ Develop or encourage women lawyers to attend leadership training programs
- ❖ Develop a sponsorship program
- ❖ Encourage participation in external organizations
- ❖ Open committee structure to associates
- ❖ Hire leadership coaches to help lawyers improve their leadership skills
- ❖ Create a fair and transparent leadership selection process

#### CHECKLIST FOR LAWYERS

- ❖ Read this guide
- ❖ Assess your strengths
- ❖ Actively seek sponsors
- ❖ Seize opportunities
- ❖ Find role models
- ❖ Consider enrolling in leadership training programs
- ❖ Create a leadership plan

## APPENDIX

### Useful Checklists from the Guide

Leadership positions common to many law firms:

- ❖ Committee chairs
- ❖ Department heads
- ❖ Practice group leaders
- ❖ Client team leaders
- ❖ Executive committee members
- ❖ Compensation committee members
- ❖ Office and regional managing partners

Examples of external leadership positions within the profession:

- ❖ Professional associations' boards or committees
- ❖ CBA and OBA practice groups
- ❖ Bencher of the Law Society of Upper Canada
- ❖ Participation in Law Society Committees and working groups
- ❖ Corporate and charity boards

Characteristics of effective law firm leaders:<sup>57</sup>

- ❖ Trustworthiness
- ❖ Self-awareness
- ❖ Interpersonal skills
- ❖ Positivity
- ❖ Ambition
- ❖ Strategy
- ❖ Confidence
- ❖ Resilience

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<sup>57</sup> Jennifer Overhaus, *Juggling the Big 3 for Lawyers: A Career-Building Plan to Develop Your Personal Brand, Client Business, and Leadership Mindset* (London, England: ProvechZiel Ltd, 2009) at 419-423; Ida Abbott, *Women on Top: The Woman's Guide to Leadership and Power in Law Firms* (Thomson Reuters, 2010) at 117

List of things that a sponsor typically does for a protégé:

- ❖ Provides the protégé with challenging assignments to develop her skills and increase her visibility
- ❖ Introduces the protégé to influential people
- ❖ Publicizes the protégé's accomplishments
- ❖ Ensures that the protégé is recognized for her contributions
- ❖ Stands by the protégé when she makes mistakes
- ❖ Tells the protégé when she is ready for a promotion
- ❖ Advocates for the protégé to be promoted to a leadership position
- ❖ Continues to support the protégé even after the protégé achieves her leadership goals

Considerations in developing a leadership plan:

- ❖ **Self-assessment** – identify one's individual values and reasons for wanting to be a leader.
- ❖ **Personal needs** – consider how one's personal needs relate to one's professional vision.
- ❖ **Goal setting** – set short, medium, and long term goals.
- ❖ **Compatibility** – determine whether one's individual goals are compatible with the firm's goals
- ❖ **Role models** – identify the people who currently occupy leadership positions.
- ❖ **Sponsors** – identify the people with clout who can help.
- ❖ **Action steps** – outline the actions necessary to achieve one's goals.

Suggestions for women looking for potential role models:

- ❖ Look to role models in a variety of practice areas.
- ❖ Look to role models at different firms.
- ❖ Join external organizations, such as professional associations and industry groups.
- ❖ Recognize that no one is perfect. Many people choose to emulate their role models in certain ways, but not in others.
- ❖ Don't rule out male role models. Some women find that many men have a leadership style that resonates with them.
- ❖ Stay connected to your peers so you can become effective role models for each other

Typical characteristics of women with strong leadership potential:

- ❖ They always complete assignments on time. They have a reputation for being honest, reliable and effective.
- ❖ They are respected for their technical legal skills.
- ❖ They tell others about their accomplishments in tactful ways. Catalyst research found that women who are proactive in making their achievements known advance farther in their careers.<sup>58</sup>
- ❖ They seek feedback and credit from their supervisors as appropriate.
- ❖ They act like leaders in every interaction by taking initiative, demonstrating good judgement, and supporting others.
- ❖ They actively seek opportunities to lead. They look at methods to make changes that are in the firm's best interests

Suggestions for ways women can get more leadership experience with both clients and firm administration:

- ❖ A common way to start is by taking on a modest leadership role in the firm, for instance by heading up a project, or sitting on a committee or task force.
- ❖ Leading a file or a client team is another good way to get leadership experience. If the team or project is profitable, the leader's skills will be noted. If she treats her team members well, they will become her loyal supporters as she moves up in the firm leadership.<sup>59</sup>
- ❖ External leadership positions, such as professional associations or industry groups, can be a stepping stone to leadership within a law firm.
- ❖ An excellent way to learn leadership skills is by seizing opportunities when they present themselves. For example, there is an opening as chair of the summer associate program. Taking that opportunity, even though this may not be a position of great influence in the firm could be a stepping stone to another position.

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<sup>58</sup> Nancy M Carter & Christine Silva *The Myth of the Ideal Worker: Does Doing All the Right Things Really Get Women Ahead?* (Catalyst, 2011).

<sup>59</sup> Ida Abbott, *Women on Top: The Woman's Guide to Leadership and Power in Law Firms* (Thomson Reuters, 2010) at 185.



- ❖ Attend Continuing Professional Development programs in order to expand legal expertise in substantive subjects and in project management

Questions to consider when deciding whether or not a position with a particular committee will help advance specific leadership goals:<sup>60</sup>

- ❖ What committees does the firm have? What are the options? If the firm does not have committees are there other leadership positions in the firm (i.e. practice group leader, department head, client manager)?
- ❖ How powerful is the committee? In most firms, the Executive Committee and the Compensation Committee are the most powerful.
- ❖ Which committees do influential people care about? Joining those committees is a good way to get noticed.
- ❖ What is the time commitment for participation in each committee? Weigh the time commitment against the level of influence the committee has and the potential level of career satisfaction from participating in the committee.
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- ❖ Are there committees that require chairs or vice-chairs? What is the process to be appointed chair or vice-chair?

Qualities to look for in potential role models:

- ❖ Ability to navigate the particular challenges that women face
- ❖ Shows optimism and enthusiasm for the profession and for the firm
- ❖ Ability to gracefully self-promote without alienating others
- ❖ Exercises humility without being self-deprecating
- ❖ Invests in the development of others
- ❖ Effectively delegates work
- ❖ Balances work with other obligations

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<sup>60</sup> Ida Abbott, *Women on Top: The Woman's Guide to Leadership and Power in Law Firms* (Thomson Reuters, 2010) at 161.

- ❖ Relates well to colleagues at all levels, from senior partners to administrators
- ❖ Good communication and listening skills
- ❖ Effective networker
- ❖ Good judgment
- ❖ Highly competent

Awards that are regularly given to outstanding lawyers in Ontario:

- ❖ Law Society awards: Law Society Medals, honorary degrees, Laura Legge Award for women leaders
- ❖ Women's Law Association of Ontario President's Award
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Organizations for which law firms can also consider nominating or supporting women for leadership roles:

- ❖ Canadian and Ontario Bar Associations
- ❖ The Advocates Society
- ❖ Women's Law Association of Ontario
- ❖ Regional Law Associations, e.g.: County of Carleton Law Association, Toronto Lawyers Association, Thunder Bay Law Association
- ❖ Practice area organizations, e.g. Criminal Lawyers' Association
- ❖ Law Society of Upper Canada
- ❖ Canadian Association of Black Lawyers
- ❖ Federation of Asian Canadian Lawyers
- ❖ Canadian Association of South Asian Lawyers
- ❖ Association des juristes d'expression française de l'Ontario
- ❖ Arab Canadian Lawyers Association
- ❖ Hispanic Ontario Lawyers Association
- ❖ South Asian Bar Association

## Best Practices

### BEST PRACTICE - SPONSORSHIP PROGRAMS

One example of institutionalized sponsorship is a program at IBM Europe. IBM Europe has a program designed to advance senior women below the executive level. Sponsors are vice presidents or general managers, and they are held accountable for ensuring that all program participants are ready for promotion within one year. Sponsors raise the profiles of their protégés internally by promoting them to decision makers and finding internal projects they will fill in the protégé's skills gaps and prepare them for promotion.<sup>61</sup>

Ernst & Young has also created a range of targeted mentorship programs that are designed to meet the professional needs of all the individuals at the company, particularly "women, minorities and new immigrants".<sup>62</sup> The company encourages company leaders to go beyond mentorship and instead to focus on sponsoring high-performing staff. One of the mentorship programs requires members of Ernst & Young's executive committee to "monitor the professional development of select high-performing or high potential women and visible minority managers or senior managers".<sup>63</sup> In an effort to retain and advance women into leadership, the company has released a publication titled, "The corporate sponsor as hero: Advancing women into leadership roles"<sup>64</sup>

<sup>61</sup> Herminia Ibarra, Nancy M Carter & Christine Silva "Why Men Still Get More Promotions Than Women" *Harvard Business Review* (2010).

<sup>62</sup> Ernst & Young, "Mentorship, sponsorship keys to building a strong and committed workforce: Ernst & Young" (April 12, 2011)

<sup>63</sup> Ernst & Young, "Mentorship, sponsorship keys to building a strong and committed workforce: Ernst & Young" (April 12, 2011)

<sup>64</sup> The guide can be found at <[http://www.ey.com/Publication/vwLUAssets/The-corporate-sponsor-as-hero/\\$FILE/Advancing-women-into-leadership-roles.pdf](http://www.ey.com/Publication/vwLUAssets/The-corporate-sponsor-as-hero/$FILE/Advancing-women-into-leadership-roles.pdf)>

**BEST PRACTICE - MAKE LEADERSHIP PLANNING PART OF YOUR ANNUAL PRACTICE PLAN**

**Sample Leadership Plan**

Leadership vision:

Goals [Examples of potential goals and action steps?]:

Short term goals (1 year)

- ☐ Find a sponsor
- ☐ Sit on a committee of an external organization
- ☐ Develop ability to deliver services in multiple languages

Medium term goals (2-5 years)

- ☐ Act as a mentor to a summer student
- ☐ Develop law firm management skills
- ☐ Act as lead counsel on client matter

Long term goals (5-10 years)

- ☐ Become a partner
- ☐ Become head of a firm practice group
- ☐ Act as a sponsor for junior woman lawyers

Action Steps:

- ☐ Join and become active in the Canadian Bar Association and/or the Ontario Bar Association
- ☐ Look for strategic work opportunities
- ☐ Take increased responsibility for client management
- ☐ Volunteer to arrange a client event
- ☐ Meet regularly with sponsor/mentor
- ☐ Attend leadership and/or law firm management training
- ☐ Take a French course

Resources:

Individuals who will help:

Internal firm resources:

Other resources:

## BEST PRACTICES – IDENTIFYING ROLE MODELS

Firms should consider looking for opportunities to connect associates with role models in order to assist them to develop their leadership skills.

Firms should encourage participation in external organizations

Firms should be proactive with strategically linking women with work opportunities that will provide them with exposure to role models

## BEST PRACTICE - OPEN COMMITTEE STRUCTURE TO ASSOCIATES

Committee work presents numerous leadership development opportunities for associates. Committees provide a venue for associates to meet and network with senior partners, cross-market themselves to lawyers in other practice areas, learn about the inner workings of the firm, and demonstrate their leadership potential in a relatively safe environment. Experience sitting on minor committees as an associate could lead to a position on a major committee later on.

Small or mid-sized firms that do not have committees can find other ways to involve associates in management tasks, for instance by involving associates in the recruitment and hiring process, or in professional development initiatives.

## BEST PRACTICE - MANAGEMENT TRAINING

Encourage women lawyers in your firm to attend courses that focus on leadership and law firm management. A number of universities and organizations in Canada and the United States offer courses and training sessions on these topics.

## BEST PRACTICE -LEADERSHIP COACHING

Hire leadership coaches to help lawyers improve their leadership skills. Coaches help their clients identify their strengths and areas of weakness, set career goals, and help them stay focused and motivated. Some law firms hire leadership coaches to work with new partners or leadership candidates one-on-one.

## BEST PRACTICES - RETAIN ROLE MODELS

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Reward lawyers who are positive role models in your firm

Emphasize the importance of being effective role models for both men and women

## BEST PRACTICES- FAIR AND TRANSPARENT SELECTION PROCESS

Below are a few best practices for creating a fair and transparent leadership selection process.

Make sure that all members of the firm are aware of available positions and opportunities.

Choose leaders based on their qualifications and experience, and make sure the criteria are well publicized.

Ensure that the leadership selection process is open and transparent. Make sure that all members of the firm know how nominations and appointments are made.

Always consult the full list of potential candidates when seeking out candidates. For instance, when trying to decide who should lead a new practice group, look at the list of all partners who practice in that area. Don't rely on memory.

Rotate leadership opportunities within a group or a team. Encourage turnover, so that everyone who wants to has an opportunity to sit on the major committees.

Consider actively canvassing women who may be interested in leadership opportunities

Recognize the influence of politics<sup>65</sup>

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<sup>65</sup> Ida Abbott, "How Political Dynamics Undermine Gender Balance in Law Firm Leadership and What Your Firm Must Do About It" online at <[www.IdaAbbott.com](http://www.IdaAbbott.com)>.

## BEST PRACTICE - PROJECT FOR ATTORNEY RETENTION

The U.S. Project for Attorney Retention (PAR) suggests some best practices for compensation by linking compensation to lawyers' contributions to the long-term viability of the firm instead of focusing solely on cash flow. One way to do this is to reward all the different kinds of contributions lawyers are asked to make to the firm, including things like mentoring and committee work.<sup>66</sup>

## BEST PRACTICE - DIVERSE COMPENSATION COMMITTEE

Another best practice is to ensure that there is always a diverse slate of candidates put forward to serve on the compensation committee. The compensation committee should also be educated about the firm's published values and how non-billable contributions may link to these values. Firms should consider crediting non-billable work that is in line with the firm's values.

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<sup>66</sup> Project for Attorney Retention, "Best Practice #9: Conforming to standard business practice by linking compensation to individuals' contributions to the long-term viability of the firm" online: <[http://www.attorneyretention.org/BestPractices/BestPractice\\_Viability.shtml](http://www.attorneyretention.org/BestPractices/BestPractice_Viability.shtml)>.