

LCL

Lawyers Concerned for Lawyers, Inc. is a private, non-profit corporation. As the State's sole lawyer assistance program, LCL assists lawyers, judges and law students who are experiencing any level of impairment in their ability to function as a result of addiction, mental health, personal or medical problems.

briefings

LAWYERS CONCERNED FOR LAWYERS, INC.

SPRING 2001

from the director...

WOMEN LAWYERS - THEIR INDIVIDUALITY & THEIR CHALLENGES

Last fall we decided to dedicate each issue of briefings to a specific topic of interest to members of LCL as well as members of the legal profession in general. This issue is devoted to women lawyers, their individuality and the challenges they face practicing law in the 21st century.

Since the subject is far too broad to cover in this newsletter, we have taken an overview of women in the law through two articles. One focuses on women's unique characteristics and psychological functioning, and asks how these concepts apply to the world of law in present-day "real life." The second article is a candid interview with Lisa Brodeur-McGan, offering her perspectives as a working attorney and as immediate past President of the Women's Bar Association.

In preparing this edition we relied on reports by the Women's Bar Association (*More Than Part-Time*); the Boston Bar Association's Task Force Reports both in 1997 and 1999 on Professional Fulfillment

and Professional Challenges and Family Needs respectively; The Wellesley Center for Research on Women (*Equal Engagement*); and the third status report by the ABA's Commission on Women in the Profession entitled *The Unfinished Agenda - Women in the Profession*. Created in 1987, under the initial leadership of Hillary Rodham Clinton, the ABA Commission on Women in the Profession has been the foremost national voice for women in the law.

As we've learned both from our research for this issue and by listening to our clients, change and progress are clearly under way, but there is a long way to go. The bar association reports have been thorough in identifying the problems and also in proposing solutions. LCL is prepared to play a role in supporting women lawyers as they struggle to balance work and family, overcome obstacles to professional equality, and contribute to the further evolution of their profession.

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MEMBER ACTIVITIES

Record Attendance at Fellowship Dinner

Clear skies, a warm breeze and a beautiful setting greeted over 100 LCL members, their family and friends on Thursday, May 3, 2001 at the Sheraton Needham.

Our annual fellowship dinner was memorable for its food and superb service, the insightful portrayal of the effects of substance abuse on the family system by the Improbable Players, Jim Brink's amazing story of recovery and especially the moving tribute to LCL's Membership Award recipient, Paul Weber. To help celebrate with their father all 3 Weber daughters were in attendance - Gretchen from California, Megan from New York and Amanda from Massachusetts.

The evening was a special reminder to us all of what LCL truly stands for and that is one lawyer helping another. Without exception, LCL members are always ready to help when asked and have willingly done so for the past 23 years. The record amount contributed to this year's scholarship dinner fund is another testament to the humanitarianism of our members.

Although the dinner will be held in Lowell in 2002 and back to Sturbridge in 2003, I am sure that everyone would be more than happy to return to the excellent service and attractive surroundings of the Sheraton Needham. Maybe 2004.

LCL Hosts Luncheon for Northeast Region LAPS

Each year LCL hosts a luncheon for lawyer assistance program directors and committee chairs in the Northeast region including New York and New Jersey. The purpose of this get together is to review each state's program status, activity and concerns. Represented at this year's meeting were New Jersey, New Hampshire, Rhode Island, Vermont and Massachusetts. Connecticut, Maine and New York were unable to attend.

Both Connecticut and Maine had ABA evaluations since our meeting last year and their programs should be financed by a per lawyer assessment by next year.

Lawyer assistance programs in New England, like their respective states, are small yet effective due to the strong commitment of a few recovering legal professionals who are dedicated to the survival and presence of this service in their states. Massachusetts, having the greatest number of attorneys of any New England state and the most sophisticated and established LAP is proud to serve as a support system for its neighbors. The luncheon will continue to be an annual event.

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special article...

LAWYERING AND WOMEN: A PSYCHOLOGICAL PERSPECTIVE

A popular notion of the early women's movement was that, aside from power imbalances and opportunities, women and men were not only equal but essentially the same. More current notions contend that, in many ways, women are socialized differently from men and thus are psychologically different in their ways of functioning, and that these differences represent strengths. If this is true, has the entry of more women into the traditionally male-dominated field of law brought change in the culture, and in how the practice is conducted? We will take a brief look at the kinds of changes that might be expected based on prevailing theories, and at the actual experiences and observations of women in the profession, especially with regard to life at a law firm.

A recent development in the psychotherapy world has been the advent of Relational Theory, emanating from the work of Jean Baker Miller, M.D. and her colleagues, centered at Wellesley College's Stone Center. They emphasize the notion that women participate in "growth fostering relationships," a worthy goal for all human beings, but a function traditionally assigned to women and consistent with the traditional female role of nurturer. In this type of relationship, each party empathizes with and empowers the other, rather than attempting to gain power over the other. The Relational Theorists propose that healthy psychological development builds this kind of connection between people, in contrast to older theories that emphasize developing separation and independence.

Application of Relational Theory to the workplace suggests an emphasis on working with rather than over or under others, on mutuality rather than power. Desirable qualities in employees, then, would include authenticity, capacity for empathy, ability to admit uncertainty, and an inclination to contribute to the success of others as well as oneself. All of this contrasts sharply with a model of the individual striving to outdo others and climb a hierarchical ladder of power. It would also appear to diverge from an adversarial model of the practice of law, and is perhaps more congruent with the emerging paradigms known as "collaborative" or "holistic" law.

Psychologist Carol Gilligan, in her seminal book *In a Different Voice*, describes how a female conception of moral development differs from the traditional male model. While a male notion of "good" or "right" behavior entails following rules and doing what is fair (a "justice" orientation), a female approach to ethics ("care" orientation) emphasizes connection to others and a sense of "responsibility to discover and alleviate the real and recognizable

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Doris Ferrer Roach, a personal and professional coach and former senior attorney with a major Fortune 500 company, acknowledges that law firms still retain many of their characteristics from the days predating a significant female presence. But some firms now make accommodations to childcare through flex-time/part-time schedules and parent leave (though using these benefits can have career impact). These changes, and the whole dialog about such concerns, certainly stem from the fact that half of those now entering the field are women. Ms. Roach points out that some of the adversarial and competitive elements of legal practice date only to the 1960's, and cannot be associated with maleness in particular. The less adversarial holistic or collaborative approaches are not female contributions per se, but the strong presence of women probably provided a conducive climate. Despite hopeful signs, some women are leaving the legal arena, as did Ms. Roach, despite having achieved success there.

To help understand that phenomenon, she points to Nancer Ballard's 1998 report through the Wellesley Center for Research on Women, based on interviews with 37 women working at law firms. This study found that women chose to enter law school out of a desire for economic self-sufficiency, engagement, and making a difference in the lives of others. As practicing lawyers, they felt fulfilled to the extent that they felt connected to others, engaged in meaningful/rewarding work, and that they were making a general positive impact. The parallels with Miller's work are striking. These motivations were contrasted with what was seen as the male model of law firm success (not based on interviews with men), emphasizing money, power, devotion to work, competition, achievement, rationality and control over emotions.

Our contacts with women in key positions at large Boston law firms have indicated that these settings remain dominated by a male paradigm (hierarchical, etc.), despite less fundamental changes such as tolerate part-time schedules. Women who succeed in these environments, according to our sources, adapt to the existing ways of doing business, and learn to cover up any internal conflicts (e.g., between roles at work and at home). As in other businesses, a woman must function within a narrower range of behavior and emotion, in order to be seen as neither too aggressive nor too vulnerable. On the other hand, women seem to be more willing than men to leave jobs that fail to meet their needs. Despite their numbers in the profession, there are still few female lawyers "at the top." When that begins to change, we may see an accelerated process of evolution in the ways that firms function.

Mail or email us about your impressions - we will include readers' comments in the next editing of briefings.

an interview with. . .

Lisa Brodeur-McGan

Lisa Brodeur-McGan is past president of the Women's Bar Association of Massachusetts (2000-2001) and practices law at the firm of Cooley Shrair in Springfield. She is a graduate of Russell Sage College and Western New England School of Law. She started her practice with an insurance defense firm in 1990 and became partner at that firm, Brooks, Sanborn, Smith and Brodeur-McGan, in 1994 where she practiced until May, 2000. As a married mother of two young children, Lisa has met head-on the unique challenges facing women in the practice of law, including the struggle to balance career, family and personal time. An active member of the WBA for over 10 years, she has contributed significantly to advocacy for women practicing law.

Q: Lisa, you have been actively involved with the Women's bar since entering the practice of law in 1990, and have been its president for the past year. How does the Women's bar address issues differently than the Bar at large?

Its focus is more specific than that of the MBA. The WBA is "committed to the full and equal participation of women in the legal profession and in a just society." This commitment brings the WBA to focus on issues that are of interest to women, whether in the profession or outside the profession. Its committees are geared towards supporting professional women, including the Appointments and Endorsements Committee, which focuses on encouraging women to apply for judicial and political positions, and supports such women after they apply by recommending them as qualified candidates to the governor. Our Employment Issues Committee has become internationally known for its study, *More Than Part-time: The Effect of Reduced-Hours Arrangements on the Retention, Recruitment, and Success of Women Attorneys in Law Firms*. Likewise, our Amicus Committee and Legislative Policy Committee focus on cases and legislation that affect women and children.

Q: Female attorneys make up what percentage of the total lawyer population in Massachusetts?

Women have been graduating from law schools and taking positions in major law firms in virtually equal numbers for almost 20 years. Despite this equality in graduation statistics, women are not becoming partners or ascending to positions of power in private law firms, as one would expect.

Q: Do you think that suggests the presence of a glass ceiling for women in law firms?

The glass ceiling is unfortunately alive and well. To see the evidence of it one only needs to read the WBA's *More Than Part Time* study (referenced above), and similar studies, such as the ABA's study *The Unfinished*

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“Do you have a family?” “How do you have time for your children?” “When are you home to enjoy them?” “Who is raising them?” After such questions, a woman who is not comfortable with herself and her work-family balance will find herself feeling uneasy about who she is and the career choices she has made.

Agenda: Women and the Legal Profession. [Available at www.abanet.org/ftp/pub/women/unfinishedagenda.pdf.]

Q: Competition in the field of law has never been so fierce. Is there a “sisterhood” of female lawyers, or are they as competitive among each other as their male counterparts?

I can say with great pride that there is indeed a “sisterhood.” As the immediate past president of the WBA, I can give you hundreds of examples of how it works - such as referrals made among one another, a support network as strong as any I have ever seen, and a natural and effective willingness to teach and mentor young attorneys - despite the pressure on them as senior attorneys to produce billable hours.

Q: Have you observed a gender difference in how attorneys define success? What inspires women and/or attracts them to the practice of law? Is it different from men?

Yes. Women tend to find success with balance. Nancer Ballard (of Goodwin Proctor who has done extensive research in this area) and others can speak more authoritatively on this issue, but I can say from personal experience that the pressures felt by women are not the same as those felt by men. When a woman is successful in her career, she is almost always asked questions such as, “Do you have a family?” “How do you have time for your children?” “When are you home to enjoy them?” “Who is raising them?” After such questions, a woman who is not comfortable with herself and her work-family balance will find herself feeling uneasy about who she is and the career choices she has made. In my 12 years of practice, I have never heard a male attorney asked such questions. For successful women, however, it is the first question asked.

Q: Do you notice whether a gender difference exists in the type of law women gravitate to, or do you think the types of law people choose are personality-based rather than gender-based?

I can say with statistical authority that many women interviewed in the part time study (almost 43%) reported that they have substantively changed their work assignments, and sometimes the nature of their work, after beginning a reduced hour arrangement. These changes were voluntary to accommodate the reduced hours, as some areas of practice are not “part-time-friendly.” Significant numbers of corporate and litigation attorneys have reported that their practices were involuntarily affected by their desire to work as a part time litigator.

Q: It seems that men in firms have more “bonding” mechanisms, e.g. golfing, sports games, after work drinks, etc., and some have observed that men willing to do the long hard hours are the ones selected for the mentoring track by elder partners. Are women automatically excluded who have to juggle family responsibilities along side their professional responsibilities?

Women with families definitely have less bonding time, as they are forced to juggle their familial and professional responsibilities. Our time is very valuable, but women do find time to bond in their own ways. The Women of the WBA bond in the process of their work together on boards and on executive and other committees, and occasionally have the opportunity and ability to enjoy some down time with one another. I know for a fact, however, that much work is done on the golf course, sometimes more so than in the office - a reason I wish I had time for the sport. With any luck I will have a few hours this month to take some lessons to refresh my "golf skills." I have 2 daughters; a six-year old named Ashlee and a twenty-month old named Danielle. For a period of time during the first year of Danielle's life, it seemed that one or the other was sick at least once a week. Without a doubt, this interrupts the business day. (Life as a practicing attorney and mother would be even more difficult than it is without a husband to support and share these bumps in the road.) I, for one, tend to make up the lost work time during the evening hours when my kids are asleep, which not only takes away from time with my husband, but also prevents my participation in some after-hours social and professional activities with colleagues.

Q: Do you see a stylistic difference in how women and men operate in firms? Are women at risk for being co-opted in some firms by the traditional male culture characterized by competition, aggressiveness, adversarial paradigms, etc?

I really can only speak for myself. What I have experienced is that in litigation there are many who have a cookie cutter approach to the practice of law, and others who approach each case differently and creatively. I try to be creative and to accomplish each goal for my client. Women are at risk, young women in particular, for being co-opted by the traditional male culture. Using a male model may not work for a young woman. That is why it is imperative to have women role models in this profession. Women who practice and compete in a manner consistent with their own authentic individual values and style are the ones who earn success - in the broadest meaning of the word, who achieve positions of power, and who become valuable role models.

Q: Do women struggle more in adapting to the adversarial nature of law? Should they try to use their influence to change it?

My observations suggest that women do not necessarily struggle any more than men do. Women can also be adversarial by nature. In my experience, though, good female lawyers may unnecessarily undercharge or do free work as favors, to their own financial disadvantage, as a result of that "save the world" attitude.

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Q: Do female attorneys have to work harder than their male counterparts to achieve the same recognition and rewards?

I believe a bias favoring men still exists to some extent. Until women and men are equally numbered in the nominating committees and other offices that make appointments and awards, men will have an automatic advantage.

Q: What advice would you give to a woman who has become disenchanted with law practice and is considering a career change?

My best advice would be to read the "More Than Part-time" study and to seriously consider what her goals and definitions of success are before making any career change.

Q: Many attorneys who seek assistance through LCL are reluctant to admit a need for help until serious practice issues have developed, or they become involved with the BBO. Do you think women attorneys might be more reluctant to seek help than their male counterparts?

I do not know what the statistics are. I do know, though, that because of the "save the world" phenomenon that many women suffer from, they do become overwhelmed with the combination of family, professional and volunteer responsibilities. They are accustomed to helping everybody else and tend to put themselves at the end of their "help list."

Q: Is there any one particular issue facing female attorneys that you feel especially passionate about? Why?

There are several. The one I am most passionate about is the advancement of successful and highly qualified women to high-profile appointments, including appointments to the bench. The reason that I feel strongly about this was stated quite eloquently at a recent WBA Annual Meeting by Justice Sosman. Justice Sosman's appointment to the Supreme Judicial Court put women in the majority for the first time (until the last appointment made the numbers equal again). As she stated, "There is no statistical significance to having four as opposed to three woman on the SJC. However, it is a symbolic significance." She went on to say that the "increase of women on the bench and a woman as Chief Justice have helped women in the profession achieve a sense of normalcy." That is what I look forward to - a day when women and men are equal in numbers on the bench and it is normal to expect this equality.

Q: What has been the most challenging aspect of your tenure as President of the WBA, and what has been the most rewarding?

I think the most challenging aspect of my tenure as president of the WBA was the balancing act: balancing my family, my profession, and the position. Each truly was a full time job, and having three full time jobs made it difficult for me to have any down time, which is critical to the emotional wellbeing of any person.

I think the most rewarding aspect of the position was meeting and working with some truly remarkable women, including several of the Supreme Judicial Court justices, and the Chief Justice, herself. As the president, I had the advantage of looking behind the curtains of other organizations and political offices, and the opportunity to learn from each and every person I met in that process.

Q: What kind of outreach is the WBA doing to increase membership and participation?

One of my goals was to do mass membership with entities such as the Attorney General's and the District Attorney's offices, and also to increase our reach into Western Massachusetts in order to become a more widely recognized and relevant presence. I can't offer stats because of a recent change in our database, but both our numbers and our regional diversity appear to be increasing significantly.

Q: We, along with your friends and colleagues in and outside of the legal field congratulate you on a very successful year. Where do you go from here?

I made two promises to myself and to my family. One, that I take the hour and a half that it normally took me to read my WBA-related E-mails and go to the gym, and two, that I take the summer off from any new volunteer commitments and spend this down time with my children and my husband. While I have only given up my title for a few days now, I find those promises to be difficult to fulfill, having already been tempted by new volunteer opportunities within the WBA and the MBA.

One of the things I learned is that it is critical once a year to get away with your family and friends and leave it all behind. I do so by going to Aruba with my family, including my children and husband, my parents and sister-in-law, my sister and brother and their children, and spending that time focusing on nurturing each other and ourselves. When I return my batteries are always fully charged and I'm raring to go. I know of a few women who have never vacationed or who have worked years between vacations. This is the worst thing anyone can do. When burnt out, one will need a lot more than a two-week vacation. So my advice is to get away from it all - at least once a year.

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".....I look forward to the day when the real celebration is the accomplishment itself, not the fact that it was done by a woman."

***Martha Barnett, President
American Bar Association, 2000***

LCL SUPPORT GROUP MEETING CALENDAR

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INFORMATION, CLICK
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This quarterly newsletter is published by Lawyers Concerned for Lawyers, Inc. for its members and constituents. We welcome your comments and questions. Please feel free to write me:

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