



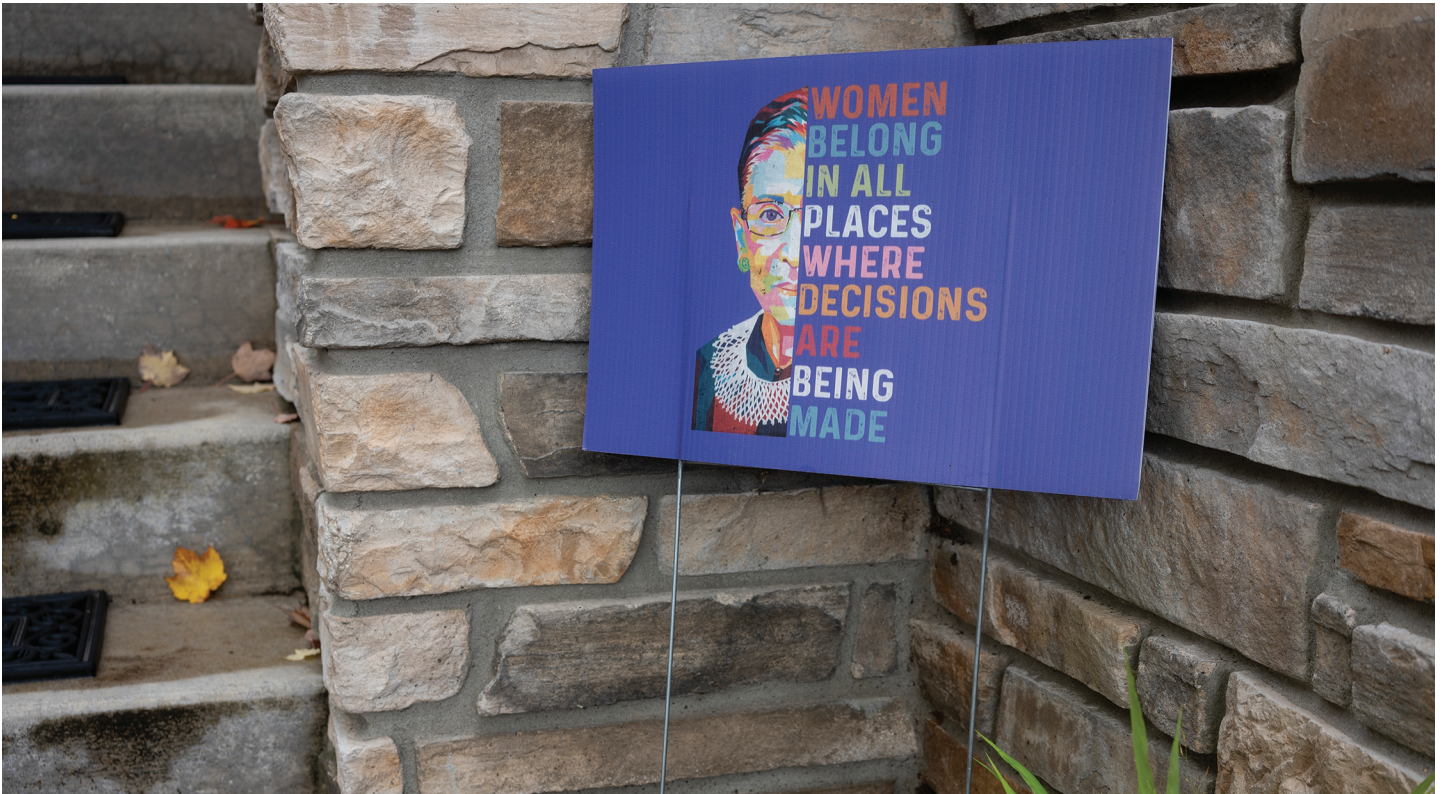
**Erika Contreras**

PANISH | SHEA | RAVIPUDI LLP



**Jessie Kohler**

PANISH | SHEA | RAVIPUDI LLP



## Perspectives on a woman's road to partnership

"WOMEN BELONG IN ALL PLACES WHERE DECISIONS ARE BEING MADE. IT SHOULDN'T BE THAT WOMEN ARE THE EXCEPTION." – RUTH BADER GINSBURG

Forty years ago, a woman becoming a partner at an established law firm was extremely rare, and if you were a mother as well, it was even less likely. In 1970, women made up less than five percent of attorneys in the United States and that number only surpassed ten percent in the early 1980s. (*Am. Bar Ass'n, Profile of the Legal Profession 2022: Women in the Legal Profession* (2022).)

We have all read the stories about the difficulties Sandra Day O'Connor and Ruth Bader Ginsberg had in securing legal employment after graduating from top law schools. Justice O'Connor could not even get an initial interview with the law firms that were hiring from Stanford

Law School, and only found employment after offering to work without pay as a deputy district attorney.

In the 1950s and 1960s, excluded from larger law firms, female attorneys often turned to opening their own practices, joining family-owned firms, accepting government positions, or working as paralegals and legal secretaries. Later, those hired at more established firms were often directed into practice areas considered more suited to women at the time, such as trusts and estates and family law, rather than litigation.

Things have significantly improved since then, and in 2020 38% of attorneys

nationwide were women. (*Ibid.*) The number is even higher in California, where women comprise 44% of all attorneys. (*Cal. State Bar, 2022 Report Card on the Diversity of California's Legal Profession* (2022).) However, we are still underrepresented at the highest levels of law firms – partnership. As of 2020, only 22% of equity partners and 12% of managing partners nationwide were women. (*Am. Bar Ass'n, Profile of the Legal Profession 2022: Women in the Legal Profession* (2022).)

In larger firms with corporate clients, the number of female partners is often higher than in consumer firms, in part because those clients often

demand diversity within their legal teams, and there are initiatives directed at identifying, hiring, and developing qualified women candidates. Consumer firms generally don't have the same external pressures, and, smaller in size, are less likely to have formal programs focused on improving diversity. In addition, fewer women go into consumer law than other practice areas, making the pool of partnership candidates even smaller. Other hurdles exist that may make it difficult for a female attorney to rise up the ranks at a trial firm, including lack of first-chair opportunities and societal barriers that disproportionately impact women.

If being a firm partner at a consumer firm is your goal, what does that mean at your firm and how exactly do you get there?

### **Understanding the pathways to partnership**

The road to partnership looks vastly different depending on where you work. Traditionally, AmLaw 200 firms ("BigLaw") and larger defense and business firms have specific criteria and a defined partnership "track" that typically lasts anywhere from eight to ten years following law school graduation. You may have annual reviews where your partnership potential is discussed and, as you approach consideration, those conversations often provide feedback on your chances of elevation. There tends to be an assumption in BigLaw that all new lawyers want to become partners one day and the ones that later find that they do not (or realize that it isn't likely to happen) will transition into positions at other firms, in-house departments, government agencies, or leave the law altogether. BigLaw firms typically have a nominating process – either by department heads or the entire partnership – and candidates are then voted upon. If you don't make partner within a certain timeframe, you often are encouraged to move on ("up or out") or are transitioned into a role with a different title (e.g., senior counsel) where you may stay indefinitely.

In contrast, at smaller firms, and at most consumer-law firms, the pathway to partnership is much more varied, and sometimes not well defined. In many cases there are no specific criteria or number of years of practice required before being considered for partner. There may not be regular conversations about whether you are on "track" for partnership or if new firm partners will even be made at all. The decision on who to make partner also may be more informal, with only a few in top management making the final decision.

When you look at the partners of consumer firms, no real pattern emerges. At many firms, the partners started the firms themselves after leaving another firm before obtaining a partner title. Where partners are elevated from the associate ranks, some may have only practiced for a few years and others for decades. In some cases, an associate may be made partner after a few big verdicts, whereas another may need years of successful results and business generation under the attorney's belt. There also is not the assumption that everyone at a consumer law firm wants to be a partner or the expectation that an attorney will leave if they are not promoted (i.e., "up or out" isn't a standard policy).

Also of note, at both BigLaw and smaller firms, there often is a distinction between becoming an equity or non-equity partner. An equity partner buys into the firm and shares in its profits as well as the firm's liabilities and losses. A non-equity partner has the prestige of holding the partnership title without the risks and financial benefits of being an equity partner. It is important to know your firm's partnership structure because it will necessarily impact the economics of firm management's decisions on partnership (i.e., a firm likely makes fewer equity partners because it reduces the remaining partners' ownership shares.) In either case, most partners are expected to take on additional leadership responsibilities relating to firm management, operations, and strategic

planning in addition to handling their own case load.

When there is no defined path to partnership at your firm, it is difficult to know exactly how to put yourself on the "partnership track." You may see male attorneys achieving partnership without understanding why – and in some cases sensing that their elevation has less to do with the value they bring to the firm, and more to do with the relationships they have with the other partners.

Having honest and open conversations with firm management early in your career about their expectations for you and your professional development is the first step. In addition, because it may not be every attorney's goal to become a partner, making it clear to management that elevation to partnership is your ultimate objective is critical so that you are evaluated and given feedback with that in mind. Especially as a female attorney, asking for what you want is important – you do not want assumptions being made about your intended career path and you want to ensure that when conversations about partner candidates do occur, your name is among those being considered.

### **Partner material**

Becoming a law firm partner, regardless of firm size or practice type, generally requires two things: (1) you must make yourself invaluable to the firm in some way; and (2) you must make sure that firm leadership knows the value you bring to the firm.

Becoming invaluable to a firm can take many different forms – and this is where attorneys' paths may differ the most. Having a strong work ethic and doing quality legal work alone are not enough – those are just the baseline. For example, you may be an excellent first chair trial attorney who obtains significant verdicts and settlements. Your results bring both recognition and revenue to the firm.

Or you may be a rainmaker that consistently brings in new, high-value

cases. You may work on some matters, but also keep other attorneys busy with the cases you bring in. You have a knack for developing referral sources and are diligent about nurturing those relationships until they generate new business. For others, you may have a deep expertise in a particular type of case or important skill, and people, both in the firm and the larger legal community, recognize your talent and seek you out for help.

No matter what the value you bring is, and it often is a combination of strengths, what you do has to benefit the firm in a way that is not easily replaceable by just any other lawyer. In short, you are an asset to the firm that they cannot afford to lose.

Identifying the key areas where you add value and developing those strengths takes time. As a new attorney, the path to partnership seems long and the learning curve is very steep. But the time will pass either way, so formulating a plan to get you to where you want to be in three years, five years, and ten years out is a critical step in reaching that goal.

Developing your areas of strength and where you are an asset to the firm alone, however, is not enough. Ultimately, you need to make sure that others recognize the depth of the value you bring to the firm and the benefits of making you a partner. You must sell yourself and convince the partnership that you make the firm more profitable.

As women, we often are not comfortable talking about our accomplishments or how those achievements benefit our employer. This can significantly limit our career advancement and stall our consideration for partnership. In a perfect world, your results would speak for themselves – you obtain large settlements and verdicts or bring in new cases or are recognized in the legal community as a leader (or all of the above) and, as a result, someone in management acknowledges what a great partner you would make. However, no one will be as focused on you and your

accomplishments as you can be. Especially at firms where there are no regular discussions about results, business generation, or professional development, your achievements may be “under the radar” and go unrecognized. This is something that is within your control to change.

### Practical pointers

“Become invaluable to your firm and make sure others know it” is not as simple as it may sound. Making partner is difficult and a huge accomplishment no matter what type of law firm you work at and in no way do we intend to suggest otherwise. Some of the most dedicated, hardworking female attorneys, many who have achieved excellent results and generated significant revenue, will not make partner at their law firms for a variety of reasons, including firm economics, whether the firm is growing or contracting, competition from other valued associates, interpersonal conflicts, or antiquated gender stereotypes. However, there are some concrete steps you can take to improve your chances of success.

### Start developing business early

We often hear junior attorneys say they can't bring in new business or develop referral relationships because they don't have the necessary experience in handling cases or because they are too busy learning how to practice law. They delay developing their referral network for a few years and then start as mid-level or senior associates. By doing this, they are missing out on many early opportunities to plant the seeds that will grow over time, and they are giving their colleagues a head start on their own business development goals.

Early in your career, focus on educating people about who you are and what you do and sell them on your law firm and all of its attorneys. You want to be the first person that they think of when someone needs a consumer attorney, regardless of whether you have the experience to handle the case or need to

involve someone at a more senior level to manage the matter. Law school classmates are an easy first target. They know you (or of you), you have your alma mater in common, and you all likely have the same goal – building a network of referral sources. Take them to lunch or reach out to see how they are doing in their own practices. If you read something that may be of interest to them, send it. If you have an event with an extra ticket, invite them.

While many attorneys network at conferences and happy hours, think outside the box. As a woman, you have access to groups and networks that may not be as commonly frequented by male attorneys. Whether it's a school function, neighborhood group, kids' recreational activities, book club, place of worship, or a yoga class, any place where you meet new people and can talk about what you do can be a fruitful networking opportunity. And it's never too early or late to start.

As your career and experience grow, your networking should include writing articles for legal publications and speaking engagements, both which increase your profile in the legal community and identify you as a person with a certain level of expertise. If necessary, at first you can partner with a more senior attorney in order to obtain these opportunities, which many are happy to agree to do if you take on most of the hands-on work required.

Importantly, business development does not just bring the reward of new cases and the recognition of firm management. At consumer firms, it also provides an integral stream of income. The salary at consumer firms typically starts much lower than in BigLaw, but the potential for even greater income exists. That is part of the appeal of consumer law – high risk, high reward. If you bring in cases, you typically get a percentage of the fees that result when the cases resolve. At some firms, it also provides you with some level of freedom and flexibility over what you get to work on and who you work with. The revenue you bring to the firm directly benefits you financially and

your long-term partnership prospects. It provides an objective measurement of your success unlike other less-tangible strengths you also possess.

### **Know (and share) your successes and your “numbers”**

Many female attorneys often put in long hours, generate high-quality work product, and achieve impressive results, but are overlooked because either we don't talk about our successes or minimize our accomplishments. At a busy firm, people move on quickly to the next big victory, and you may miss your opportunity to be celebrated for your achievements if you don't publicize them yourself. In an industry where confidence is often championed as competence, you must make yourself heard over the background noise. That is why it is so integral to be the champion of your own successes and keep track of your results in a way that can easily be communicated to firm management.

Depending on your firm's policies, social media can be a great way to ensure that your accomplishments are known more broadly. If your firm has a marketing and/or public relations department, take advantage of its offers to promote your speaking engagements, settlement results, and community involvement. In attorney meetings, speak up when a call goes out to discuss a recent settlement, present on a topic, or share an article that you have written. Circulate winning briefs that may be helpful to other attorneys at your firm and in the consumer attorney community. Don't be shy!

Objective results are also critical to track, understand, and share with firm management. Although our cases and resolutions come down to numbers, it's surprising how little we sometimes know about our key performance indicators each year if they aren't tracked and presented to us by the firm. How many cases did you bring in last year? How many cases did you settle? What was the total amount of those settlements and how much net revenue did it generate for

the firm? Is the amount you are spending on costs in line with case values? How many depositions did you take? Although knowing these numbers may seem straightforward, they often go unanalyzed despite the fact that they provide you with a measurable way to track your progress year after year and promote your growth to firm leaders.

Knowing your numbers will also prepare you to address any deficiencies that you may have in your performance in a given year and allow you to set goals to improve going forward. In addition, your annual results are important, not just so your firm is aware of your achievements, but you recognize them as well. They serve as a reminder that, especially if you are working double duty – with responsibilities at home and at work – you are still capable of achieving as much as or more than those without similar challenges. If ever you have a crisis of confidence, look back at your numbers and remember all that you have accomplished.

### **Find a mentor and a sponsor**

Both mentors and sponsors are an important part of all attorneys' career development and, especially for female attorneys, having effective ones can help pave the pathway to partnership. Although these relationships have some similarities, there are differences in the roles, especially as you get closer to being considered for promotion.

Drawing on their own experiences, mentors typically provide you with guidance regarding your practice and the profession, often advising you on both substantive issues and how to navigate things like business development, law firm politics, and difficult personalities. You usually can find mentors early in your career, and having multiple mentors can provide you with a variety of perspectives. A mentor may identify themselves to you by showing an interest in your work or by giving you advice without solicitation.

You also shouldn't hesitate to identify possible mentors yourself by asking more

senior attorneys to coffee or lunch, showing an interest in their practice, or stopping by their office to seek their advice. You also shouldn't assume that to be effective a mentor has to look like you – often someone with a different background can provide a different perspective and useful guidance that you may otherwise not receive. Over time, a mentor can evolve into a sponsor as your relationship deepens and the mentor becomes more confident in your long-term potential to succeed.

In contrast, a sponsor proactively promotes you to others at the firm and sometimes in the larger legal community. A sponsor typically is someone in a position of influence who can effectively advocate for you when decisions are being made or assist you in finding opportunities you may not otherwise have (e.g., trying a case, speaking at an event, introducing you to new potential referral sources). Finding a sponsor requires you to demonstrate that you have the work ethic, skills, and potential to be a leader at the firm. Because they are putting their credibility on the line when advocating for you, sponsors must trust that you are worthy of those efforts.

Whether it's a mentor or a sponsor, the goal in building these relationships is to receive guidance and support in your journey to partnership. This is invaluable, especially if you are a woman or a first-generation attorney who may not have the traditional resources that other attorneys have. They will provide you with additional opportunities that will help you to succeed, both inside and outside the law firm, and can help you in building your self-confidence and a sense of belonging.

### **Don't forget the soft skills**

Excellent work product, the ability to obtain great results for our clients, and having the proven ability to generate significant revenue for your law firm are characteristics common in most consumer attorneys who achieve partnership status. But those abilities alone may be insufficient if you lack the “soft skills” that

give you an extra edge when under consideration for partnership. Soft skills are the traits that demonstrate who you are rather than what you know. They are what make you effective in working with others. Female attorneys often excel in these areas.

The soft skills most crucial in succeeding at a law firm and becoming a partner include communication, being a team player, interpersonal skills, attention to detail, managing time effectively, multi-tasking, and problem solving. There are ways to improve soft skills – ask trusted colleagues or mentors for feedback and prioritize which skills to develop. Set realistic goals for yourself and consider soft-skill training. From conflict resolution to organization to leadership, there are various training programs out there that can assist you in strengthening these traits.

### **Conclusion**

Although it is true that being a woman in the legal profession can still seem isolating at times, the landscape continues to improve. In 2023, women

made up the majority (50.31%) of law firm associates at the firms surveyed by the National Association for Law Placement (“NALP”), the first time that this threshold has been surpassed in the more than 30 years that NALP has been tracking firm diversity data. (*National Association for Law Placement, 2023 Report on Diversity in U.S. Law Firms* (January 9, 2023).)

With the number of female associates increasing, the percentage of women who become partners should necessarily follow – hopefully more quickly than in the past. Law firms are increasingly recognizing that having a more diverse workforce of attorneys – one that reflects the society as a whole – benefits everyone, from the law firm itself to its clients who may prefer to have someone on their legal team who they feel they can relate to.

Meanwhile, women have done an excellent job of creating their own spaces where they can thrive and share in their common experiences, including with law conferences, opening their own law firms, and developing women-centric networking opportunities. With the

support of each other, our mentors, sponsors, and firm management, and with our own hard work, partnership can be achievable.

*Erika Contreras is a partner at Panish | Shea | Ravipudi LLP and focuses her practice on catastrophic personal injury, wrongful death, and motor carrier liability cases. She is licensed in California and Nevada. Erika serves on the Latina Lawyers Bar Association Board of Directors and is a 2023 California Lawyer Attorney of the Year (“CLAY” Award) recipient, as well as the 2022 Latina Trailblazer Award from the Latina Lawyers Bar Association.*

*Jessie Kohler is an attorney and the executive director of Panish | Shea | Ravipudi LLP. Prior to joining PSR, Jessie was a partner at an AmLaw 50 law firm, where she primarily represented Fortune 500 companies with regard to their labor and employment issues. She is a graduate of the University of Southern California Law School and is admitted to practice in California, multiple federal district courts, and before the United States Supreme Court.*