

LEGAL MANAGEMENT

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HR Feature

HUMAN RESOURCES MANAGEMENT

Influencing an Inclusive Culture for Women

Your Role in Reducing Unconscious Gender Bias



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Have you observed scenarios like these?

1. The trial attorney, admired by her partners as tough in the courtroom, fails to shift to a more feminine style internally — and is seen as “aggressive” and “bitchy.”
2. A promising young associate with great writing skills doesn’t develop relationships in the firm; she is overlooked for good projects.
3. The firm plans social activities to promote camaraderie; those activities are often golf and poker.
4. A woman makes a point in a meeting. No one responds. A man repeats the same point. He is acknowledged for “his” great idea.
5. Female associates request flexible work schedules. A woman partner replies, “They need to put on their big girl pants and quit whining.”
6. Exiting, a bright female associate asks a partner, “Why are there no women partners?” He later asserts she is leaving because of “the woman issue.”

These were just a few paraphrased examples we heard from ALA members of situations that reflect the *absence* of inclusive culture for women. This article focuses on what legal management professionals can do to create inclusive cultures.

QUICK HIT 1

To create an inclusive culture, firms must understand how unconscious bias creates obstacles for women.

“Law practice is late coming to understand that both masculine and feminine behavior traits can and do equally lead to success,” says Robert G. Stevens, MA, CLM, SPHR, Chief Operating Officer (COO) at Bennett, Bigelow & Leedom, former Chair of the ALA Diversity and Inclusion Committee, and Diversity and Inclusion Officer for the Puget Sound Chapter. “The notion that a lawyer can only succeed by using traditional male behavior traits just isn’t true. I don’t think it’s that the legal community does not want to embrace both, but rather that our paradigm hasn’t supported it. But we can help change that.”

We gathered ideas that fall into two categories: 1) creating awareness and appreciation of feminine and masculine styles of working and leading, and 2) revealing and uprooting the unconscious biases or *mind-sets* that turn these style differences into obstacles for women. Our focus here is on the second point. (See sidebar for ideas on the first point.)

MASCULINE AND FEMININE STRENGTHS

Caroline Turner’s book, *Difference Works*, is intended to help leaders create workplace cultures that value and model both masculine and feminine strengths. The book describes differences in “masculine” and “feminine” ways of thinking, working and leading along a continuum and avoids stereotyping those differences. It shows the strengths of both styles and the importance for men and women to use both styles.

Examples of strengths of the feminine style include introducing ideas with a question, collaborating, seeking and gathering input in making a decision, and influencing through persuasion. Strengths of the masculine style include speaking with confidence, being decisive, displaying authority and handling conflict directly.

Appreciating both styles is foundational. But to create an inclusive culture, firms must understand how unconscious bias creates obstacles for women. Some ideas suggested at our session, “Decrease Unconscious Gender Bias in Your Firm: Increase the Bottom Line,” at the ALA Annual Conference & Expo last May, focused on how to make people aware of, and change, those biases by:

- Offering awareness training and coaching on unconscious gender bias.
- Increasing awareness using the IAT *Harvard Implicit Bias* test.
- Addressing bias in the moment — have the courage to call it out in a professional way.

QUICK HIT 2

Because of the historical role of men in business and the professions, leaders are expected to appear dominant, decisive, competitive and aggressive and to “lead from the front.”

UNCONSCIOUS GENDER BIAS

We shared five of many types of unconscious bias in our interviews and heard suggestions for dealing with them.

1. THE DOUBLE BIND

The *double bind* is judging a woman negatively for behavior acceptable or admired in a man. Shari

Tivy is the Director of Human Resources at Bowman and Brooke in Minneapolis and Chair of the ALA Committee on Diversity and Inclusion. Her firm does product liability defense exclusively, and she knows that women trial attorneys are admired for being confident and aggressive — even tough. Yet Tivy noticed male partners' uncomfortable body language in a partner meeting when a woman was strident. She observed that this style is less likely to win support for a woman's point in the office, even when she is right — although this same style works well for men, both in and out of the courtroom.

Tivy shared with us actions she has taken to deal with the double bind and other forms of unconscious bias. They can also work at your law firm or department.

What you can do:

- Recommend leadership training programs that include work on gender differences, e.g., at Center for Creative Leadership.
- When observing unconscious gender bias, call it out privately.

2. UNCONSCIOUS IMAGES

Another unconscious mind-set arises from the pictures in our minds about partnership or leadership. These unconscious images pose challenges for women because our images of leadership are gendered — and masculine. Because of the historical role of men in business and the professions, leaders are expected to appear dominant, decisive, competitive and aggressive and to “lead from the front.” However, many people who don't fit this picture, including those using feminine styles, get great results.

Jennifer Brown is Firm Administrator at Weiner, Millo, Morgan & Bonanno, LLC, in New York City. She also serves as Chair of ALA's New York City Chapter's Diversity and Inclusion Committee and is incoming Chair of the ALA Diversity and Inclusion Committee. She's worked with an associate similar to the one described in the second scenario above.

That young woman did not fit the image of a potential partner — she was introverted and did not even respond to lunch invitations. So Brown coached the associate to recognize the value of socializing in the firm. She also coached the staff to work harder to build relationships, pointing out differences in gender, age, firm position and style. As a result of Brown's extra effort, the associate began to be seen as having potential, to get good assignments and to succeed.

What you can do:

- Coach those who don't “fit the picture” to demonstrate their value.
- Coach those who overlook excellence to recognize value in those who are different in appearance or style.

QUICK HIT 3

Women are more likely to have to prove their competence. Men often are unaware of this unconscious bias until it is pointed out.

3. THE COMFORT PRINCIPLE

The comfort principle arises from our natural preference to associate with people who look and think like we do and like what we like. This can make it harder for women lawyers to develop key business relationships, internally and externally, because those in leadership are still primarily male. Without awareness of this bias, a male partner creating a pitch team or staffing for an important project may choose people like himself. Being unaware of this form of bias may mean social events in a male-led firm feature activities that are generally preferred more by men.

Stevens has worked in administration in five law firms more than 20 years. He recalls convincing male partners not to have typical male activities at a firm retreat and instead to plan diverse activities that everyone can enjoy. Because he is openly a member of the LGBT community, Stevens understands what it is like to be different and expend energy fitting in, as well as the importance of building social connections for all in the firm. He believes that his years of lived experience as a gay man — and the fact that he is also a part of the majority white culture in most law firms — enable him to speak frankly on such issues. This gives him influence in building an inclusive culture.

What you can do:

- Use your position to influence partners.
- Train people on the importance of gender-diverse pitch teams.
- Advocate for social activities that most people enjoy.

4. PRESUMED VS. EARNED CREDIBILITY

When we raise the fourth scenario in workshops (a woman's idea not being acknowledged until it is restated by a man), women's heads nod with recognition. This occurs because, in our culture, the male voice carries more presumed credibility. Women are more likely to have to prove their competence. Men often are unaware of this unconscious bias until it is pointed out.

"Often, women's ideas are not validated until they are stated by a man," says Tivy. "Unfortunately, some men just don't notice that."

Participants at our ALA workshop suggested pointing this phenomenon out when it happens and acknowledging the person who first suggested an idea.

What you can do:

- Educate people about the phenomenon of women getting talked over.
- Suggest tactics to ensure women (and others) are heard and get credit for their contributions.

QUICK HIT 4

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5. STEREOTYPES ABOUT WOMEN

Stevens is now a Chief Operating Officer at a firm that has an equal number of men and women partners and 60 percent women lawyers overall. He has seen unconscious bias influence the attitudes and behaviors of men *and* women. The fifth scenario involves women using derogatory language (wearing “big girl pants”) about other women. Stevens noted this is similar to saying that a male associate “needs to man up.” Such a statement reflects the (unconscious) thought that the feminine style is inferior.

He’s also heard that a partner in another firm used the phrase “the woman issue” — in other words, shorthand for the stereotype that women have babies, work less and want time off. Stevens believes that in 2016, we shouldn’t have male issues and female issues. People have human issues, balancing the demands of a time-consuming career and pressures of having a healthy life outside of work.

Interestingly, research shows that women rarely leave because of the “woman issue.” They leave because they don’t feel valued and heard. They leave because they don’t feel they can reach their potential. That’s about culture.

YOUR ROLE

As a legal management professional, you can play a crucial role helping others to see and eliminate unconscious gender bias, as shown by the experienced leaders cited in this article.

You can help management appreciate the business value of gender and other diversity and educate them on *how* to create inclusive workplaces.

Firm culture is an important leverage point. Legal management professionals can influence the creation and maintenance of a culture in which both men and women can thrive and reach their potential.

ABOUT THE AUTHOR

Caroline Turner is the author of *Difference Works: Improving Retention, Productivity and Profitability through Inclusion*. She is the Principal of DifferenceWORKS, LLC, which provides consulting and training to help leaders achieve better business results by being inclusive. She is also the former Senior Vice President of General Counsel of Coors Brewing Company.

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