

**BALANCING THE SCALES
WOMEN IN THE LAW**

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From 1916 to Today's "Lady Lawyer"

Today's women law school graduates shake their heads in disbelief when confronted with the cultural norms of women in the workplace 100 years ago. The following excerpts are from a transcript of a discussion and vote in 1916 whether women should be allowed to practice law in Georgia.

Report of Proceedings 33rd Session of The Georgia Bar Association June 3, 1916

Mr. Rosser: Now, this notion that women have got to do everything a man does is all miserable tommyrot. I never would be a success as a mother. I would be a dead failure. ...

Woman has made civilization; she has maintained morals, she has maintained decency ... but the very second she undertakes to be a man, that very second she will proceed to undo all she has done and render herself impotent for the future.

Gentlemen, let us not open up the gap. Let us not encourage the evil; for it is an evil. ... I never saw a woman in my life, who had a purely logical mind, that ever had a loving husband, and she never will have. ... You have not got time to practice law. Practice on your husbands. "Suppose they have no husbands?" somebody says. Well, they need husbands, and all of them should get one. What is the use of a woman without a husband? The highest, the noblest and the most sacred field of labor for women is not at the bar, but her highest and noblest work has for its object and end this perpetuation of the human race. I am, therefore, opposed to women practicing law. (Applause).

A Member: ... The objection I have to the introduction of women is ... first, that you are introducing the disturbing element of sex, which does not make for the administration of justice, and, second, that you are introducing women into a class of work, that unlike medicine or architecture, confronts them with the shame and crime and villainy of humanity, I do not believe in the admission of women to the bar.

The resolution was then put to a vote. Twenty-nine voted in favor of it, and forty-five against it, and the resolution was declared lost. (The decision of the Board

of Governors was appealed to the Georgia Supreme Court Ex Parte Hale, 89 SE 216, 145 Ga. 350 (1916), which affirmed the decision and stated “when the statutes of this state are properly construed, a woman by reason of her sex is ineligible to become a member of the bar in this state.”)

The blatant bias of 1916 would not be tolerated today. And yet today, while most law firm/corporation leaders tend to dismiss the notion that women are disadvantaged by their gender, only a small percentage can imagine a woman as a senior rainmaker or CEO. For those who smiled at the quaint ideas of those bar members 100 years ago, here is an anonymous comment made in 2014 from a law firm leader talking about women as rainmakers:

“I don’t think women want it as badly as men do. Almost no women do. Of course women want what having business will get you, but they don’t want to do what it takes to get the business. Women are not restricted from doing what it takes. They just choose not to.”¹

Two steps forward, One step back

By 1956, four decades after the Georgia Bar determined that women were ineligible to practice law, the environment was a bit better for women in the legal workplace. Many women who worked as secretaries in law offices in the early 1940s went to law school and handled legal matters for their bosses who were in Europe fighting in World War II. By the time the men returned, the genie was not going back into the bottle – women were not going back to their secretarial roles after proving they could easily handle the duties and responsibilities of the legal field. Many law schools began to admit women, but discrimination was open and blatant. For example, Harvard had two teaching buildings in the 1950s, but only one building had a women’s bathroom.² At the University of Pennsylvania in the 1940s, one of the professors did not call on either of the two women students the entire year.³

Recently, Ruth Bader Ginsburg put it this way: “To today’s youth, judgeship as an aspiration for a girl is not at all outlandish. Contrast the ancient days, the fall of 1956, when I entered law school. Women accounted for less than 3 percent of the legal profession in the

¹One Size Does Not Fit All, Arin Reeves, (American Bar Association, 2014)

²“Balancing the Scales”, Ruth Bader Ginsburg video interview 2009.

³“Balancing the Scales”, Phyllis Kravitch video interview 1994.

United States, and only one woman had ever served on a federal appellate court. Today about half the nation's law students are women...women hold more than 30 percent of law school deanships...and serve as general counsel to 24 percent of Fortune 500 companies. In my long life, I have seen great changes."⁴

But, in spite of the fact that women professionals are better off today, there is no doubt that "we haven't reached nirvana yet."⁵The percentage of women at the top of the profession has not changed much since the American Bar Association started keeping statistics in 2000. In 2000, the percentage of women partners was 14%. In 2016, the percentage of women equity partners is 18%.⁶ The same pattern is seen in other countries with similar legal structures, such as the UK, Australia, Canada and New Zealand.⁷It is also the case in Scandinavia, which most people think of as forward thinking in terms of gender equality.⁸This lack of progress over the last 2 decades has resulted, in part, from implicit bias grounded in the cultural norms of our society – implicit bias in our attitudes toward care giving, in our attitudes toward women seeking higher levels of leadership and responsibility, and in our attitudes toward what constitutes the "proper" way to seek and retain business.

From Overt to Subtle: How Implicit Bias Holds Women Back

Women lawyers today do not regularly hear overtly discriminatory remarks in the workplace. But more subtle and implied bias continues to hold women back.

Also known as implicit social cognition, implicit bias refers to the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner. These biases, which encompass both favorable and unfavorable assessments, are activated involuntarily and without an individual's awareness or intentional control. Most people are not even aware that they harbor implicit bias. The implicit associations we harbor in our subconscious cause us to

⁴Ruth Bader Ginsburg, New York Times, Sunday, October 2, 2016.

⁵"Balancing the Scales", Ruth Bader Ginsburg video interview 2009.

⁶American Bar Association Women in the Profession, 2016

⁷Law Fuel, Editorial, 15 March 2015 <http://www.lawfuel.com/newzealand/lack-of-women-law-firm-leaders/>

⁸"Balancing the Scales", Nina Henningsen video interview, 2015

have feelings and attitudes about other people based on characteristics such as gender, race, ethnicity, age, and appearance. These associations develop over the course of a lifetime beginning at a very early age.

Listed below are a few key characteristics of implicit biases:

- Implicit biases are **pervasive**. Everyone possesses them, even people with avowed commitments to impartiality.
- Implicit and explicit biases are **related but distinct mental constructs**. They are not mutually exclusive and may even reinforce each other.
- The implicit associations we hold **do not necessarily align with our declared beliefs** or even reflect stances we would explicitly endorse.
- We generally tend to hold implicit biases that **favor our own ingroup**,
- Implicit biases are **malleable**. Our brains are incredibly complex, and the implicit associations that we have formed can be gradually unlearned through a variety of debiasing techniques.⁹

In addition to implicit bias, it is also important to understand the concept of confirmation bias. It is the tendency to search for, interpret, favor, and recall information in a way that confirms one's preexisting beliefs or hypotheses, while giving disproportionately less consideration to alternative possibilities. People display this bias when they gather or remember information selectively, or when they interpret it in a biased way. People also tend to interpret ambiguous evidence as supporting their existing position. A series of experiments in the 1960s suggested that people are biased toward confirming their existing beliefs. Later work re-interpreted these results as a tendency to test ideas in a one-sided way, focusing on one possibility and ignoring alternatives.

Think about this example of implicit bias: You are driving with your car windows down, and stop at a stoplight. The car next to you is driven by an African American teenager listening to rap music. At the next stop, you pull up to a car driven by an elderly Caucasian woman listening to opera. At each of these stops, you have an immediate reaction, depending on your own age, race, gender and life experience. Your reaction to each may be positive or negative, but the importance to this discussion is that it is immediate, prior to any rational thought. Your

⁹ "Understanding Implicit Bias"; The Ohio State University Kirwan Institute for the Study of Race and Ethnicity

reaction may be negative, despite your rational mind telling you that you are impartial.

Implicit bias is also the lens through which we judge the competence of others in the workplace. Everyone has an immediate reaction to co-workers, supervisors, and people whom you interview, hire and supervise. Depending on your own background, these reactions may be positive or negative toward any particular individual or group. The point is not to label these reactions as “bad” or “good”, but to recognize their existence, so that you can move beyond them to help create a more diverse and inclusive work environment.

Implicit bias in the workplace creates barriers for women. According to a new survey of working women by McKinsey & Company and Leanin.org, very few women are in line to become CEO. Fewer women get that critical first promotion. Women are negotiating as often as men, but face pushback when they do. Women get less access to senior leaders and women are less likely to receive feedback.¹⁰ This is due in part to implicit bias of the individuals making decisions about the promotion of female employees.

If lessening attrition rates for women is the goal, then questioning how implicit and confirmation bias of both men and women leaders affect the rise of professional women in their organizations is essential. Statistics tell us that both at large law firms and in corporate America, the people in charge are still predominantly Caucasian males. They, like everyone, judge others through the lens of “The way future leaders of this firm should act is the way I act” – that what is considered natural and normal for movement up the corporate ladder or to attain partnership is “how I do it.” Implicit bias in leaders may suggest that the super-charged competitive atmosphere in many firms and corporations is the “right” way to “weed out people who are not natural leaders and rainmakers”, even when statistics which link diversity and profitability tell a different story.

Examples of implicit bias against women lawyers are not hard to find.

- Women are told they are too timid, then, when they attempt to be more aggressive, they are told they are too pushy.¹¹

¹⁰ “Study: Why women aren’t Getting the Top Jobs”, Betsey Guzior, Bizwomen, September 27, 2016

¹¹ “Balancing the Scales”, video interview of Ellen Tobin, 2015

- A judge asks a criminal defendant if he needed an attorney, even though his female attorney was standing right next to him at the podium.¹²
- Male partners see mentoring or promoting women associates as a “riskier investment” than promoting males because women are more likely to quit to get married and have a family.¹³
- In 2016, a group of women partners at the law firm of Chadbourne & Parke sued the firm for \$100 million because women partners received less compensation than male partners even when they brought in more client revenue. They claimed that the all male management committee at the firm arbitrarily awarded male partners more points, which translate into higher dollar compensation.¹⁴
- In the Obama White House, women in top advisory positions complained of having to elbow their way into important meetings. And when they got in, their voices were sometimes ignored.¹⁵
- Interns on Capitol Hill are speaking out about sexual harassment on the job. Sexual harassment is about power, and working in “power” professions, including politics and in many areas of the legal and corporate world, often includes dealing with implicit and explicit bias and harassment.
- A judge refuses to postpone a hearing because maternity leave wasn’t a good enough excuse.¹⁶
- “The worst part about being a Biglaw mom is not being taken seriously while pregnant. I felt totally disrespected while I was pregnant – open season for body comments, work evaporated, etc.”¹⁷

As the above examples show, there is a gender backlash for women who aspire to powerful positions. Women who violate what society considers traditional gender roles by occupying a ‘man’s job’ or having a ‘masculine personality’ are disproportionately targeted for sexual harassment.¹⁸

Statistics show that implicit bias plays a role in the non-retention of women and non-promotion of women into leadership positions. In 2016, the National Association of Women

¹² “Balancing the Scales” video interview of Jennifer McCall, 2015

¹³ “Balancing the Scales”, video interviews of Ellen Tobin, 2015

¹⁴ “Female Lawyer’s Gender-Bias Suit Challenges Law Firm Pay Practices”, Elizabeth Olson, The New York Times, September 1, 2016.

¹⁵ “White House women want to be in the room where it happens”, Juliet Eilperin, The Washington Post (September 13, 2016)

¹⁶ “Staci Zaretsky, *Judge Refuses to Postpone Hearing because Maternity Leave isn’t a Good Enough Excuse*”; Above the Law, 2014.

¹⁷ Kathryn Rubino, “Pregnant in Biglaw? Here’s the Bad News”, Above the Law, January 12, 2017

¹⁸ “Fear of a Female President”, Peter Beinart, The Atlantic, September 2016 .

Lawyers released the Ninth Annual National Survey On Retention And Promotion Of Women In Law Firms. This is the only national study that annually tracks the professional progress of women in the nation's 200 largest law firms by providing a comparative view of the careers and compensation of men and women lawyers at all levels of private practice, as well as by analyzing data about the factors that influence career progression. The highlights from the survey reveal that progress has slowed to a glacial pace:

- Men continue to be promoted to non-equity partner status in significantly higher numbers than women. Among the non-equity partners who graduated from law school in 2004 and later, 38% were women and 62% were men.
- The compensation gender gap remains wide. The typical female equity partner earns 80% of what a typical male equity partner earns, down from 84% in the first survey. Thus, the gap reported a decade ago has gotten wider. (The pay gap between men and women equity partners averages \$95,000 per year.)
- Women continue to be under-represented on the highest governance committees. The typical firm has 2 women and 8 men on their highest U.S.-based governance committee, which amounts to about 20% women.
- Women are under-represented on compensation committees, even though law firms that report more women on their compensation committees have narrower gender-pay gaps.
- The typical female equity partner bills only 78% of what a typical male equity partner bills. However, the total hours for the typical female equity partner exceeded the total hours for the typical male equity partner. Even though women are working more hours, less gets billed as their work.
- Lawyers of color represent only 8% of the law firm equity partners. In other words, 92% of biglaw partners are white.

Women have not made “appreciable progress” since 2006 in either attaining equity partnership or increasing pay on par with their male colleagues once they become an equity partner. As Bloomberg highlights in NAWL's report: “Women represent 18 percent of equity partners, an increase of two percent since 2006.”¹⁹

Investigating implicit bias and confirmation bias in a neutral, scientific way, both individually and firm/corporation wide, has proven successful in making that firm/corporation more diverse, more inclusive, and significantly more profitable.

¹⁹ Chung, Renwei, *7 Highlights from the 2016 Survey on Retention and Promotion of Women in Law Firms Above the Law*, Oct 2015)

Why is the attrition rate for women lawyers so high?

The New York City Bar Report, in its October, 2016 Diversity Benchmarking Report, shows that despite efforts by firms to retain and promote women and minorities, they still face around a 50% higher voluntary attrition rate than white men.²⁰

Women currently occupy nearly half of all the seats in American law schools, gaining credentials for a professional career once all but reserved for men. But their large presence on campus does not mean women have the same job prospects as men. New research indicates that female law students are clustered in lower-ranked schools, and fewer women are enrolled in the country's most prestigious institutions.²¹

And bias is by no means limited to entry level or associate positions. A report sponsored by the Philadelphia Bar Association revealed that senior women attorneys continue to have pressures that cause them to "retire" or cut back on their work such as taking care of aging parents, personal health, opportunity to travel and caring for a spouse. Women departing as general corporate counsel cited retirement, moving to other positions within the company, and other personal reasons as factors in departing their positions. The survey confirmed that over time women attorneys do not necessarily retire from practicing law after having attained a leadership position, but instead move to different arenas in which to practice law before every attaining a leadership position. Most women born in the 1960s, 1970s and 1980s (ranging in ages from 18-47) were employed in extra large law firms. However, many women between the ages of 48 and 67 leave law large firms and become solo practitioners, in-house counsel, work for the federal government, or become judges.²²

Attrition of women (both Caucasian and minority) in the legal field can in part be traced back to implicit bias against women as leaders in general. This implicit bias can be clearly seen in at least two categories which disproportionately affect women.

²⁰ Chung, Renwei, *NYC Bar Report Reveals Minorities Have a 60% Higher Attrition Rate*, Above the Law, Oct. 21, 2016

²¹ Jones Merritt & McEntee, *The Leaky Pipeline for Women Entering the Legal Profession* November 2016 Research Summary

²² *Attrition of Senior Women Lawyers: The Leaky Pipeline* (Philadelphia Bar Association) - February, 2009 (report)

First is the generally held cultural belief that women in our society are responsible for the caregiving needs of a household. It doesn't matter if that caregiving is for children, parents, spouses, or extended family members. This belief, held by men and women alike, create the impossible choices professional women face in today's America. It is embodied by the phrase "work life balance".

The second area in which implicit bias causes attrition of professional women is the belief that traditional attitudes toward business generation and leadership are "correct", and should be embraced by all employees, regardless of gender or ethnicity, as they advance to senior level management. In other words, the beliefs held by current leaders (often in today's business world age 50+Caucasian straight males) about the most best type of business model are expected to be embraced by employees aspiring to leadership positions, regardless of age, gender, or ethnicity. This implicit bias of "the way I succeeded is the way everyone should succeed" is widely held, even though it has been proven that diverse viewpoints and attitudes in leadership positions are far better for an organization's bottom line.

The following sections explore these two areas of implicit bias, and how it can be overcome, on both an individual and a corporate level.

Work life balance for women: an impossible goal today

The choices faced by today's working women are inextricably bound to what has euphemistically been called "work life balance". In a 2011 survey ranking 23 countries from best to worst in work life balance, the United States was rated last -- 23 out of 23.²³ As a society, we expect mothers but not fathers on the leadership track to step back from career when family issues intervene. Personal life and professional life do not happen in a vacuum; they both happen as part of our cultural community but we don't often think of it that way. When we talk about our professional activities and our professional development, we often think of ourselves as independent humans, and that it is our individual and personal choice to choose career or family, to choose one to the exclusion of the other. How much choice we think we have when

²³ "The 23 Best Countries for Work-Life Balance", Derek Thompson, The Atlantic, January, 2012.

we are confronted with a life choice is highly context dependent and is strongly related to what we think is appropriate or fair for us to do, what we think we should do, and what we think an ideal man/woman/lawyer looks like. The role identities we take on reflect society within ourselves. As society becomes more complex and more information dense, we take on more and more varied roles within ourselves, as part of our own identities. We set up an ideal person or image, maybe something we have seen in a movie or on TV, or maybe a biography of a person we admire, and use this as a sort of symbol for a person who has perfected this role: and this is how we measure ourselves. This is what we try to measure up to.²⁴

As we see from the comments of lawyers about women in 1916, prior to the 1960s, our society perceived that, ideally, women needed men to be fulfilled. But, among other factors, the way the media portrays working women during any particular time period has a profound effect on how we think of ourselves. The first generation of powerful “have it all” working women were the young women of the 1970s. That era brought us the “Charlie” commercials from Revlon. The commercial began with Charlie arriving in a New York club on her own, in her own car, throwing her hat to the doorman, carrying a briefcase. As she walked through the room, she was greeted by everyone she passed. She was the most fabulous person in the room.

The message in that commercial was that women could be everything at once – have a powerful career, a great marriage and be a perfect mother. Women from the 1970s to 1990s bought into that message, and began to consider themselves capable of having it all.²⁵ Some women succeeded, but many found it impossible within the social framework that existed --the hours expected at work and lack of childcare options at home. The partnership or C-suite track, with its 100+ hour workweek, prohibits any semblance of a normal home life, and yet firms continue to insist that after a (perhaps generous) maternity leave, women return to this grueling work schedule full time. There is generally no option for temporary part-time return to work, and more ominously, no guarantee to be able to return to the partnership track. “We hire them

²⁴ . "Changing Lives, Resistant Institutions: A New Generation Negotiates Gender, Work, and Family Change" Kathleen Gerson, *Sociological Forum*, Vol. 24, No. 4, December 2009

²⁵ Wonder Women: Sex, Power, and the Quest for Perfection, Debora L. Spar (Sarah Crichton Books, 2013)

and they are fabulous, talented ladies. But clients don't let you represent them part time. Courts do not let you represent a client part time. And they make choices. And we haven't had enough women who have succeeded at the firm like their male colleagues to be considered for partnership."²⁶ Most firms discourage women from part-time work when returning from maternity leave, and make it clear that taking the "mommy track" is professionally a track to nowhere.²⁷ When a woman leaves the office early for family obligations, she is often thought of as "not partnership material." Working mothers report hearing comments such as: "There is no way you can be a good mother while achieving what I aspire."; "Let's face it. It's a man's world."; "The woman always stays home with the child."; "It's hard to do this job with two kids." Although there are a few women who manage to do both, their stories are not stories that the majority of women see as realistic for themselves. The women who go right back to work from their hospital bed after giving birth are seen by many partners/CEOs as shining examples of what is possible "if a woman wants it bad enough", but the fact remains that these women are working twice as hard as their male counterparts by having significantly more responsibilities and time commitments at home as well as the time necessary for commitments at work. This is simply unrealistic for most women today.

This bias (some explicit, some implicit) against mothers in the workplace is one of the main reasons that women associates are abandoning the partnership track, even when firms want them to stay. But at the same time, firms that continue to espouse these attitudes do so at their peril. Here are a few examples of how non-diversity affects firms/corporations:

- Despite the lack of federal law in this area, many states have passed a Paycheck Fairness Act, and women are suing firms and corporations under those Acts. The California law puts the burden on the defendant employer to demonstrate that any wage gap is due to something other than gender.
- In a settlement of a lawsuit with defendant State Farm Insurance Company, State Farm agreed to, among other items, hire a human resource consultant to review hiring and

²⁶ "Balancing the Scales" Michelle Parfitt video interview 2014

²⁷ "Balancing the Scales" Therese Stewart video interview 2015.

compensation practices, disclose pay to employees, and change hiring and promotional practices with the goal of increasing representation of women.

- There has been a wave of claims of gender discrimination based on parental responsibilities, which now make up a growing number of lawsuits against American employers. Between 2006 and 2015, researchers found that more than 3,000 such cases were decided in state and federal courts, even as overall federal job discrimination claims were declining. More than half have led to compensation.²⁸
- HP Inc.'s legal department has announced as of February 8, 2017, that it will withhold up to 10% of invoiced fees from all US based law firms that do not meet diversity requirements in staffing matters. This policy is being adopted to emphasize the business imperative to make meaningful strides in diversity at partner firms. "To avoid a potential fee cut, firms must field at least one diverse firm relationship partner, regularly engaged with HP on billing and staffing issues, or at least one woman and one racially/ethnically diverse attorney, each perming or managing at least 10% of the billable hours working on HP matters."²⁹

The large attrition rates show that women either cannot or choose not to participate if the choices they are given regarding work/life balance is the only game in town. Many women opt out as a practical matter before they begin their career. Two other pivot points follow. In their 30s, we see women "focus on how much easier tomorrow would be if they were not enduring the working-mother juggle....in decision-making, we say they're overweighting short-term benefits at the expense of the long-term—that is, their years after age 50, when they'll want to be doing something interesting and challenging out in the world." The third pivot occurs if a woman's career trajectory has carried her to senior leadership. It is remarkable how many women who do make it through in their career quite successfully into their early 50s, retire to sit on

²⁸ The Revolt of Working parents, Alexia Fernandez Campbell, The Atlantic, January 12, 2017

²⁹ ALM Morning Minute, Law.com, February 15, 2017

boards before they hit the C-suite.³⁰

In addition to, or because of, our culture's ambiguity about and its implicit bias against working women, especially in leadership roles, our society has not yet embraced comprehensive family support policies. There is a stark contrast between how working women in the United States and in other advanced industrialized countries with strong family leave and comprehensive family support policies are treated. Due in part to strong caregiving support, in most European nations, for example, women's labor force participation has increased significantly since 2000 instead of faltering.³¹ In the United States, there is no federal law mandating paid family leave, including no mandatory maternity leave. That is changing from the ground up, corporation by corporation, law firm by law firm. Sheryl Sandberg, Facebook COO, announcing bereavement leave for Facebook employees, wrote in a recent post "People should be able both to work and be there for their families. No one should face this trade-off. We need public policies that make it easier for people to care for their children and aging parents and for families to mourn and heal after loss. Making it easier for more Americans to be the workers and family members they want to be will make our economy and country stronger. Companies that stand by the people who work for them do the right thing and the smart thing – it helps them serve their mission, live their values, and improve their bottom line by increasing the loyalty and performance of their workforce."³²

The solution to the problem of both women and men feeling it is the woman's obligation to step back from a career path to raise a family must also include changing society's attitudes toward fathers who want to take on a significant share of the time and responsibilities connected to child raising. But the culture of law firms and other large institutions of American society is slow to change. As has been the case with women juggling work and family obligations, many firms still believe that if a father wants to leave the office early to spend time with his family,

³⁰Sellers, Patricia, *What Anne-Marie Slaughter misses about why women still aren't reaching the top*, (Fortune, Sept 2015)

³¹Patricia Cohen, *Why Women Quit Working: It's Not for the Reasons Men Do* (NYT, Economy, Jan 2017)

³² Sandberg, Sheryl, Facebook "Sheryl posts", February 8, 2017

that he is not really committed to the firm.³³ That attitude is a major influence that keeps gender roles stratified, and does not work benignly in women's favor. "Even when there is a policy on the books, unwritten workplace norms can discourage men from taking leave. Whether or not they are eligible for paid leave, most men take only about a week, if they take any time at all."³⁴

Despite wanting to be present for their families, male lawyers often internalize the message that job flexibility is not necessary for them, only for the mother. "So much of men's career psyche is still informed by societal expectations that men are the primary breadwinners. It seems to be the assumption that the woman will bend the career to be present for the children, but not the man."³⁵ "We are ready for a time that is doing away with many of the rigid conceptions of 'gender' and 'family' that did so much to define the culture of previous generations."³⁶ And there is an economic case for paternity leave, although the salary gap between men and women means it still usually makes more economic sense for fathers to keep working rather than take time off to raise children.³⁷

Ultimately, we are all, women and men, wedded to the same narrative, and in order to change the situation, we will have to change the narrative, says Anne-Marie Slaughter, in *Unfinished Business: Women Men Work Family*.³⁸ At first, she writes, when she encountered the idea that led to her renowned essay in Atlantic magazine in 2012, *Women Can't have it All*, her "knee-jerk reaction was to be skeptical." But that didn't last and at last she concluded that "Men need a movement of their own. Most of the pervasive gender inequalities in our society—for both men and women—cannot be fixed unless men have the same range of choices with respect to mixing caregiving and breadwinning that women do. To make those choices real, however, men will have to be respected and rewarded for making them: for choosing to be a lead parent; to

³³"Balancing the Scales" Therese Stewart video interview 2015

³⁴ Paternity Leave: The Rewards and the Remaining Stigma, Claire Cain Miller, The New York Times, November 7, 2014.

³⁵ Law Firms are Learning: Work-Life Balance Isn't Just for Moms; Leigh McMullan Abramson, The Atlantic, September 24, 2015.

³⁶"Tim Kaine Embraces his Dadhood," by Megan Garber, The Atlantic, September, 2016.

³⁷ "The Economic Case for Paternity Leave" by Gwynn Guilford, the Atlantic, September 24, 2014.

³⁸Slaughter, Anne-Marie (2015). *Unfinished Business: Women Men Work Family*. New York: Random House.

defer a promotion or work part-time or spend more time with their children, their parents, or other loved ones; to take paternity leave or to ask for flexible work hours; to reject a culture of workaholism and relentless face time.” In other words, caregiving has to be valued society wide equally with career.

People today are often unaware of the social causes which explain men's overrepresentation and women's underrepresentation in the most powerful and prestigious social roles. Our own cultural biases lead us to believe certain things about the personal attributes of the people in these roles. These beliefs then contribute to the maintenance of the perceived gender differences.³⁹ At a certain point, the belief that a woman's primary career obstacle is herself becomes conventional wisdom, for both men and women. Instead of blaming the systems that women work and live in for their failure to gain equality at work, we blame the women themselves – and women internalize and shoulder that blame.⁴⁰ “Only when women wield power in sufficient numbers will we create a society that genuinely works for all women. That will be a society that works for everyone.”⁴¹

The Economic Case for Diversity

A diverse team of lawyers or executives is a business necessity in today's world. Many corporations are advancing diversity and inclusion efforts to leverage the intrinsic value of diversity, and are increasingly insisting on diverse teams from outside law firms. Organizations with more diverse leadership improve market share and are more likely to capture new markets. And diverse teams engage in better decision making.⁴²

The ABA Section of Litigation's article by Sheryl Axelrod titled “Banking on Diversity and Inclusion as Profit Drivers – the Business Case for Diversity,” in June of 2014 states “The data is in and it's unassailable: diversity and inclusion are enormously profitable.”

Texas Wall Street Women has an excellent summation of the business case for gender

³⁹ Slaughter, Ann-Marie “Why Women Still Can't have it All”, The Atlantic, July-August 2012

⁴⁰ “Stop Blaming Women for Holding Themselves Back at Work” by Lisa Miller, The Cut, December 1, 2014.

⁴¹ “Why Women Still Can't Have it All”, Ann-Marie Slaughter, The Atlantic, July/August 2012.

⁴² Nalty, Kathleen; Going All-In on Diversity and Inclusion, The Law Firm Leader's Playbook (2015)

diversity,⁴³ and is routinely updated with new research. A few points from their Board Brief:

- Single sex teams generally do not make the best decisions. There is of course less conflict in them, but they tend strongly to peacefully and easily reach mundane and unimaginative outcomes. Novel and complex tasks are better addressed by diverse teams, even when the qualifications of the diverse teams are objectively lower.
- Teams with more women score higher than teams with no women or with fewer women, even where the individual competencies of the members are lower on the team with more women.
- Furthermore, companies with more women in senior positions have a higher retention rate, and a better corporate image. Companies with more women at the top have better organizational and financial performance, higher operating margins and market cap.

In the face of these statistics, implicit bias still creates significant barriers for women as they approach the top tiers of the legal profession. The whole notion of certain personality traits being deemed “leadership traits” is unfairly holding women back. Many firms and corporations now consider business development to be the most critical factor in being promoted to equity partner or the C-suite.

The ability to develop business within traditional firm models is a great obstacle for women's success in those firms. While most firms actively tout an active commitment to advancing women at all levels, they also adhere tightly to the use of traditional business development strategies, strategies that are unequivocally failing to capture the strengths of talented women in these firms.⁴⁴ Most reward two things: closing the sale and getting the credit for the sale. But it is in exactly these areas where implicit bias works against women. Women are more successful in certain aspects of business development (networking, establishing relationships, delivering excellence in client service); but these activities are not rewarded.

“Women tend to view power horizontally—it’s about impacting many things broadly—

⁴³ Texas Wall Street Women, “Board Brief: why gender diversity matters”

⁴⁴ Id.

vs. climbing the ladder, which is generally more of a turn-on to men. Oprah Winfrey commented 'Power is the ability to impact with purpose,' It's a definition that many women covet."⁴⁵ But it is not one that fits with the uber-competitive world of corporate or legal America, where individual self promotion is still the norm. Many women, as it turns out, have an inherent aversion to self-promotion: Dr. Reeves' research uncovered that "tooting your own horn" is very difficult—if not impossible—for many women. Women tended to view self promotion as "bragging," and cited traditional social norms which call for women to be humble and modest. These women adhered to the view that their hard work would "speak for itself," and, eventually, they would be noticed and rewarded for their efforts and loyalty. Needless to say, this is often not a successful strategy.

Our current business development model is by and large, based on a single superstar idea. "The perspectives on business development as articulated by different leaders of professional service firms are starkly consistent with each other on what successful business development looks like (individual credit/big clients/clients = power), how it is done independently/visibly/competitively), and who is more likely to succeed at it (assertive men).This one size leads to a firm's succeeding through the output of a few superstar business developers instead of succeeding as a firm, a cohesive unit that works together to grow together. In our global hypercompetitive market where the supply-demand equation no longer favors professional service firms, dependence on a few superstars without teams is not a good strategy for any firm's long-term success, especially if you want to transcend survival and thrive in a sustainable way"⁴⁶.

But at present, it is still the norm, and many law firm managers are not losing sleep when women lawyers fly the coop, because they feel that what counts is who's bringing in the big bucks.⁴⁷ In the long term it may be shortsighted to put so much emphasis on revenue partners generate, but at this moment in history, it is still often the truth.⁴⁸

⁴⁵Sellers, Patricia, *What Anne-Marie Slaughter misses about why women still aren't reaching the top*, (Fortune, Sept 2015)

⁴⁶One Size Never Fits All: Business Development Strategies Tailored for Women (and Most Men), (American Bar Association, 2014)

⁴⁷Vivia Chen, "Do Firms Care When Women Bolt?" Law.com (Feb 9, 2017)

⁴⁸ Paola Cecchi-Dimeglio, "What It Costs When Talent Walks Out the Door", The American Lawyer, 2016

What can we do?

One of the themes running through *Balancing the Scales* is the question of choices, of context, of things done apparently one person at a time, but which take place in a particular context and at a place and time which shapes that choice. We don't make decisions in a vacuum, the things that happen to us don't happen in a vacuum. It has taken all of us to get to where we are and it will take all of us to progress past our current limitations as it relates to gender equity.

Our ideas about who should be doing what in terms of career and family, about what women should do and what men should do, are not only individual ideas. Our ideas as a society also have a social function: they justify the social division of roles, and the current position of men and women in relation to each other.⁴⁹

Society is organized around a private world of home, family, and domestic work (still mostly seen as the province of women), and a public world of business, politics, and organizations (still mostly seen as the province of men). This division, like our division of the world into work and the private sphere, are derived primarily from the needs and demands of the notions of work developed during and rooted in the Industrial Revolution.⁵⁰

This collective "change of mind" is not a new concept. "*.. changing our culture requires more than laws. Cultures change one heart, one soul, one conscience at a time.*"⁵¹

Ruth Ginsburg talks about the groundbreaking gender equity cases she worked on and argued before the Supreme Court in the 1970s, such as Reed v Reed and Frontiero v Richardson. In the oral argument in Richardson, she told the Supreme Court justices "Sex, like race, is a visible, immutable characteristic bearing no necessary relationship to ability." In 2009, she stated that the court in Reed and Frontiero was "ready to listen" to the arguments "as they had not been a generation before".⁵² In 1978, she said "Men need the experience of working with

⁴⁹ *The Theoretical Importance of Love*; William J. Goode; American Sociological Review, Vol. 24, No. 1 (Feb., 1959), pp. 38-47.

⁵⁰ Rosser, *Women, Science, and Myth: Gender Beliefs from Antiquity to the Present* (ABC-CLIO, 2008)

⁵¹ George Bush, announcement of presidential candidacy, 1999

⁵² Ruth Bader Ginsburg, *Balancing the Scales* video interview, 2009.

women who demonstrate a wide range of personality characteristics, they need to become working friends with women.”⁵³

In order to assess how to change a culture where both men and women believe it is appropriate for women, but not men, to step back from a career to raise a family, here are questions to consider:

- Why do we as a culture (men and women alike) think it is acceptable for a woman to step back from pursuing a full career when raising a family, but men are not expected nor offered the opportunity to do so?
- Why is “success” in America often based on the social beliefs and identities of Caucasian males and what can we do about it?
- What can we do individually and collectively to break down cultural stereotypes and facilitate a national conversation about gender equality for everyone, including equality in the opportunity to pursue a partnership track or other powerful position?
- What can we do to work towards an understanding that a full life for all of us, which can include career and family obligations, can only be reached when we are able to change our common beliefs about roles and responsibilities?

RAMP UP DIVERSITY AND INCLUSION IN YOURSELF AND IN THE WORKPLACE

Everyone has blind spots. Every individual makes judgments and decisions based in part on implicit bias and confirmation bias. Recognizing your own blind spots is the first step to making changes in yourself, your career, and your workplace. There are many diversity and inclusion training manuals and books which provide detailed and step by step analysis of how to change an individual bias or a corporate culture. But the general principles can be easily remembered by the acronym **RAMP UP**.

- Recognition and appreciation of differences
- Access to situations which enhance career opportunities

⁵³ Remarks at the 25th anniversary of women at Harvard Law School, 1978.

- Meaningful mentorship
- Promotions recognizing different styles of leadership
- Under-represented groups are found in equal numbers at all levels
- Programs about diversity and inclusion are engaged in and embraced by firm leaders.

What can we do as individual employees to have a more inclusive workplace?

Here are some specific examples of what an individual can do:

- A male who makes a specific effort to notice how the women around him are treated and to recognize his own implicit bias will see things he never noticed before.
- Oppose your own and other's stereotypical thinking.
- Expose yourself to counter-stereotypical models and images.
- Actively doubt your objectivity.
- Cultivate relationships that involve people with different social identities.
- Walk in others' shoes and find commonalities with colleagues who have different social identities.

For women who believe that implicit bias is keeping them from deserved promotions, or that they need to make that "impossible choice" between career and family, here are some suggestions:

- Focus on your strengths, not weaknesses, success rather than failure, and self-sufficiency rather than dependence on others to promote your interests.
- Use your personal strengths, not the way others have done it, in building your career.
- Learn negotiation techniques, and use them when you are interviewing or asking for a promotion. The research shows that often, "women don't ask". A promotion will not necessarily be offered if you don't ask for it, and a salary offer is the only game in town unless you start the conversation to negotiate the amount.
- Develop business generation activities that you genuinely enjoy. Don't buy into someone else's idea of generating business that does not feel comfortable to you. Trying to fit into a mold in which you are not comfortable will make you appear awkward to others and will make you personally unhappy.

- If possible, refer business and ask for business from other women.. This is more comfortable and natural for many women lawyers.
- Speak up in meetings when you think that you or other women are being ignored or disregarded, speak up at evaluations and reviews about your accomplishments. Do it respectfully, but do not stay silent.
- Focus on your long term goals. Don't get sidetracked by small annoyances with how you are being treated differently. Work long term to change the big items.
- Don't automatically assume it will be you rather than your spouse or another family member who will step back from their career track because of care giving responsibilities. Make a conscious decision after a full discussion about balancing your needs and your family's needs with both your family and your employer.
- Ask your employer about going part time for a period of time due to family obligations, but getting a guarantee that if you return to full time within a certain period, you can return to the partnership track.
- Find a mentor. Most professional women still report that they did not have a mentor, male or female. But informal mentoring has proven to be more effective than mentoring programs.

What can we do as firms/corporations?

In 100 years, our societal constructs will look as contrived as the constructs of the men who met in 1916 and rejected a woman's application to practice law on the basis that women were not equipped to practice law. Our faith that we understand how things work can serve now, as it did in 1916, as a justification of gender inequalities in the social structure.⁵⁴

Just having more women in prestigious and powerful occupations does to some degree all by itself contribute to the change in traditional gender stereotypes as well as to their breaking

⁵⁴"Sex, Schemas, and Success: What's Keeping Women Back?"Valian, Virginia. Academe 84(5) (1998).

down.⁵⁵ This can be seen in the Federal government's commitment to diversity in hiring, which has resulted in many areas in a breakup of some of the roadblocks to gender equality.⁵⁶ This commitment has however had uneven results as it is implemented unevenly across agencies. Traditionally male-dominated agencies, such as the FBI, ATF, and Homeland Security, have not made the same advances and have very few women in leadership or senior positions, which can compromise their effectiveness.⁵⁷

Embarking on an inclusiveness initiative is a pivotal decision for an organization. To be successful, it eventually requires the participation of everyone in the organization to be fully successful. The following reasons can make decision makers understand why diversity and inclusiveness are important:⁵⁸

- Increasing competitive edge, innovation, creativity
- Maximizing profits
- Better Recruiting
- Lower Attrition and Reduced Turnover Costs
- Greater Productivity and Engagement
- Reduced Liability
- Moral and ethical equity – it's the right thing to do

The effectiveness of a corporate or firm Diversity and Inclusion policy is determined mostly by its leaders taking personal responsibility for diversity and inclusion efforts. Leaders who do make efforts to accommodate a variety of thinking and communication styles are more respected and more effective, overall, because they are able to tap each person's potential.⁵⁹ The problems faced by women staffers in the Obama administration is a useful example of a

⁵⁵ Women as Mentors: Does She or Doesn't She? A Global Study of Businesswomen and Mentoring.

⁵⁶ Choi, S., Diversity and Representation in the U.S. Federal Government: Analysis of the Trends of Federal Employment.

⁵⁷ Goldman, Adam, "Where Are Women in F.B.I.'s Top Ranks?" (*New York Times*, 22 Oct 2016)

⁵⁸ Center For Legal Inclusiveness, "Beyond Diversity: Inclusiveness in the Legal Workplace", Manual

⁵⁹ Jane Hyun and Audrey S. Lee, *Flex: The New Playbook for Managing across Differences* (New York, NY: Harper Collins Publishers, 2014)

solution that was developed by women “on the ground” but can be used by organizations at every level. As a result of being systematically ignored at meetings, a group of staffers adopted a meeting strategy they called “amplification”: When a woman made a key point, other women would repeat it, giving credit to its author. This forced the men in the room to recognize the contribution — and denied them the chance to claim the idea as their own.⁶⁰ And it worked. This group, with colleagues at the Office of Science and Technology Policy collaborated with dozens of Federal agencies, companies, investors, and individuals about their science and technology workforces. They consistently found a commitment to bringing more diversity, equity, and inclusion to their workplaces; but also found that the same people who want to create high-performing, innovative teams and workforces do not know the steps and solutions that others are already effectively using to achieve their diversity, equity, and inclusion goals. In order to help accelerate this work, they compiled insights and tips into an Action Grid designed to be a resource for those striving to create more diverse, equitable, and inclusive science and technology teams and workforces.⁶¹ Use this guide and other resources to lessen attrition and keep your workplace diverse and inclusive.

Here are some specific examples of what firm leaders can do to make their diversity and inclusion efforts more effective:⁶²

- Make sure that fathers are not penalized or ridiculed by his peers for wanting to take on some of the childcare, leaving more career options open for the mother to spend less time at home and more time in the office at a time in her career when that office time makes a difference.
- Give mothers and others who want to or have to step back due to family issues a chance to return without penalty. Keep in mind the time and money the firm put into training

⁶⁰ Juliet Eilperin, *White House women want to be in the room where it happens*, (Washington Post, Women in Power, Sept 2016)

⁶¹ MEGAN SMITH AND LAURA WEIDMAN POWERS, *Raising the Floor: Sharing What Works in Workplace Diversity, Equity, and Inclusion* (obamawhitehouse.archives.gov/blog Nov 2016)

⁶² Nalty, Kathleen, *Going All-In on Diversity and Inclusion, The Law Firm Leader’s Playbook*; self published (2015)

that person, and that she might feel she has no choice but to quit if she can't step back for a period of time.

- Ban the word “bossy” Implicit bias against female leaders leads to female leaders being penalized for being “too assertive”. Women, on average, are disparaged more than men for identical assertive behaviors. Women are particularly penalized for direct, explicit forms of assertiveness, such as negotiating for a higher salary.⁶³
- Do not rely solely on training and workshops, on education of the people in the workforce. These approaches, while they do not seem to do any harm, do not seem to do very much good either. Research looking at whether diversity programs and workforce diversity are in any way correlated, seems to find that there is basically no relationship.⁶⁴
- Think about how your firm/corporation attracts new employees, and about the screening and interview stage. We are used to thinking of a particular kind of person in a particular kind of job, and this can lead to reinforcement of the status quo.⁶⁵ Firm business development models must be broadened and developed to include methods with which women are more comfortable – for example, reimbursement for entertaining at home rather than inviting potential clients to sports events or other venues which may not be of interest. Business development models cannot be a “one size fits all”, it must be broadened to include models which work for all genders.⁶⁶
- Make mentoring a common practice. The more ingrained mentoring is in the organization, the more likely women are to be mentors and to accept mentorships.
- Encourage everyone in senior positions to mentor others in the organization. The research is clear that informal mentoring from top individuals has much better results than formal mentoring programs. Women who expect themselves to be able to “do it all” feel they don't have to time to reach out to help younger women or to spend the time to

⁶³ Melissa Williams, “Banning ‘Bossy’”, Emory Magazine, Autumn 2016

⁶⁴ Kalev, Dobbin, Kelly, “Best Practices or Best Guesses?” AMERICAN SOCIOLOGICAL REVIEW, VOL. 71 (August 2006).

⁶⁵ Bohnet, van Geen, Bazerman, “When Performance Trumps Gender Bias: Joint versus Separate Evaluation”.

⁶⁶ One Size Does Not Fit All, Arin Reeves, (American Bar Association, 2014)

create policies and facilitate gender equality in our own firms. They are just too busy. And then we wonder why there are so few women partners, why these young women don't stay.

- Include diversity and inclusiveness on every leadership meeting agenda. If it is not a priority at the top, it won't be a priority for employees.⁶⁷
- Firm leaders must actively engage in diversity and inclusion events. Do not leave it to others. Even valid reasons for not attending are noticed by employees and understood as "this is not important."⁶⁸
- Gain a sufficient knowledge base on diversity and inclusion research and issues so that you can more clearly see the cause of attrition in your organization.
- Champion change in your firm. Expand your viewpoint to embrace "we are all in this together" rather than "this is a problem we need to solve."⁶⁹
- Create an environment where everyone feels that their ideas, thoughts and perspectives are valued and incorporated. Do not promote a culture where everyone feels they must leave identities at the door and assimilate to a narrow definition of success.⁷⁰
- Determine the actual cost of attrition of members of under-represented groups. Unwanted attorney separations can cost firms/corporations hundreds of thousands of dollars in lost revenue and re-training.
- Implement a more objective talent management system based on objective criteria. Do not leave promotion decisions to a small non diverse group without putting oversight in place.
- Planning committees for speaking events should create and foster an inclusive environment in regard to selection of speakers, compensation, and asking specifically whose voices are not represented. Do not use the same female speaker as your company's "token female" speaker at many events.

⁶⁷ Kathleen Nalty, *Going All-In on Diversity and Inclusion, the Law Firm Leader's Playbook*, self published (2015)

⁶⁸ Id.

⁶⁹ Id

⁷⁰ Id

- Have employees responsible for hiring and promotion in your organization become familiar with the studies which show that identical resumes and briefs get rated higher or lower depending on the name (male or female, Caucasian or minority) on the top due to implicit bias. This implicit bias extends to women and minority evaluators, evaluating the work which appears to be from women and minorities lower than the work which appears to be from Caucasian men.

Conclusion

The national conversation about gender equality has picked up steam after being relatively dormant for a few decades. It is our obligation to today's young men and women to participate in that conversation, and work toward a real "change of mind" in our society. It is not enough to say "I made it by working within the constraints of the current system, so others can do it too." We need to work to change the system to level the playing field for women who are rising through the ranks. The law in our country has not always treated women fairly or equally, and it is our job as lawyers not only to work to change the law, but also to work to change the hearts and minds of our colleagues and the public. As Martin Luther King, Jr. stated, "The arc of the moral universe is long, but it bends towards justice." We must work toward justice and full equality for all.

EXHIBIT A

SNAPSHOT OF WOMEN IN THE LAW IN 2000 and IN 2016

A Snapshot of Women in the Law in the Year 2000

A Snapshot of Women in the Law in the Year 2000 provides an overview of the status of women in all sectors of the legal profession. Using the most current statistics on women in the law, it provides a clear assessment of where women lawyers stand as we enter the new millennium.

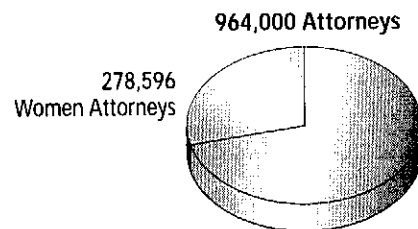


Women in the Legal Profession

Where Do Women Practice Law as Compared to Men?¹

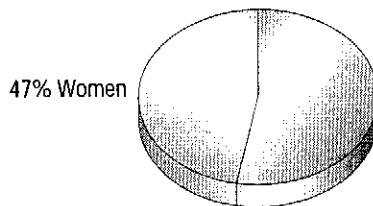
	Women	Men ²
Private Practice	71%	75%
Judiciary	2%	2%
Government	11%	7%
Private Industry/ Association	10%	9%
Legal Aid or Public Defender	2%	1%
Education	1%	1%
Retired or Inactive	3%	6%

Women Comprise 28.9% of all U.S. lawyers³

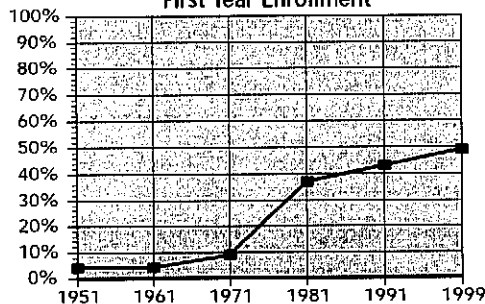


Women in Law School

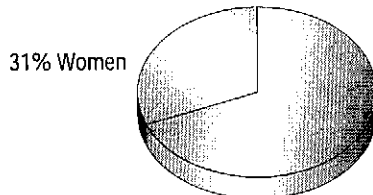
Students⁴



First Year Enrollment⁴



Faculty⁵



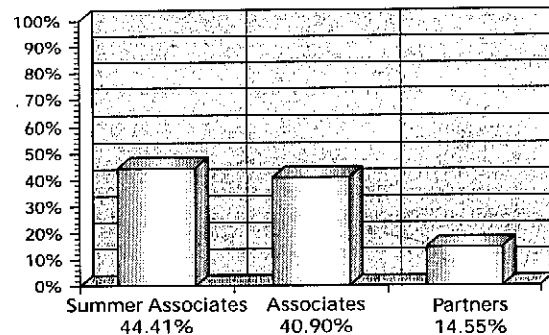
Faculty and Administration

Deans	10.4%
Tenured Faculty	6.4%
Full Time Professors	20.7%
Associate Professors	45.3%
Assistant Professors	51.9%

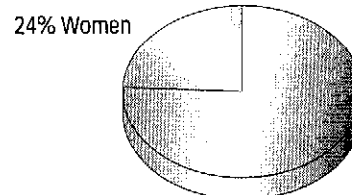


Women in Private Practice

Women in Law Firms Nationwide⁶

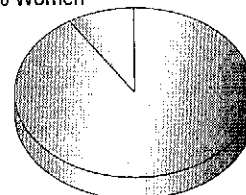


Solo Practitioners⁷



Women in Corporate America⁸

9% Women

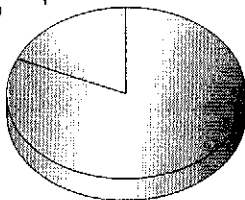


44 Women Hold General Counsel Positions at Fortune 500 Companies

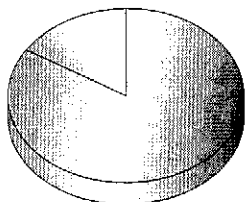


Women in the Judiciary

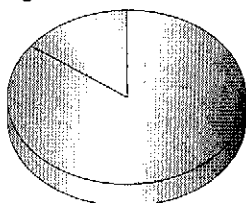
Two of nine U.S. Supreme Court Justices⁹



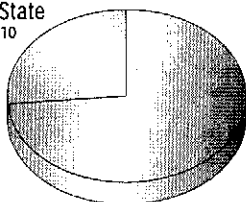
16% of U.S. Circuit Court Judges⁹



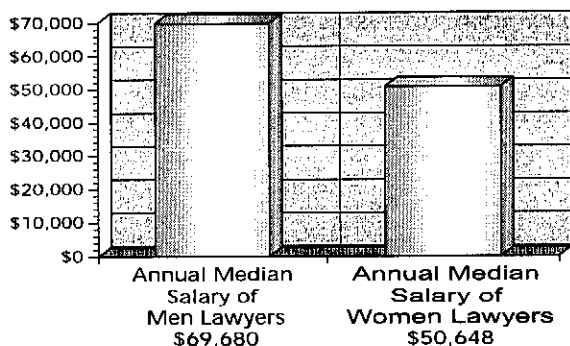
14.8% of U.S. District Court Judges⁹



26.3% of Justices on State Courts of Last Resort¹⁰



Salary/Pay Equity Information¹⁴

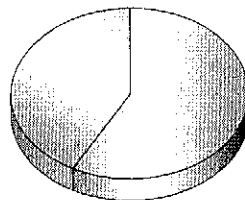


The Annual Median Salary of Women Lawyers is 73% of Men's¹⁴



Women in Government

Women Comprise 41.9% of Legal Aid Attorneys and Public Defenders¹¹

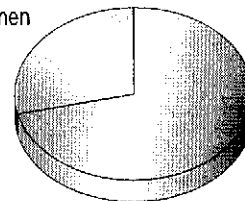


Women in the ABA¹²

Total Membership 404,698

28.5% Women

115,498 Women Members



Women Presidents of the ABA:

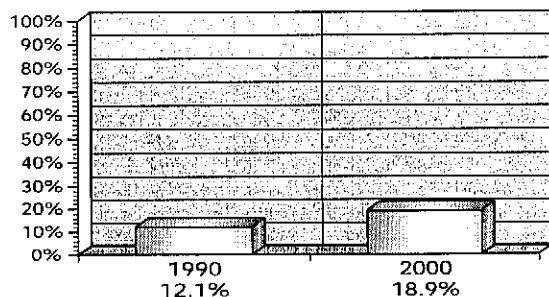
First – Roberta Cooper Ramo (1995-96)

Second – Martha W. Barnett (2000-01)

Board of Governors¹³

The Board of Governors has 37 members; 7 are women.

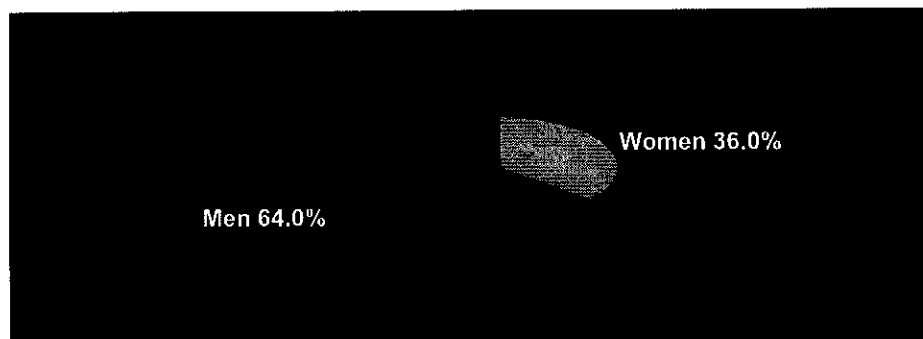
Women Comprise 18.9% of the ABA Board of Governors. 10 years ago they made up 12.1% of the Board of Governors.



1. Carson, Clara N. *The Lawyer Statistical Report: The U.S. Legal Profession in 1995*. Chicago: The American Bar Foundation, 1999.
2. Percentage may total more than 100 due to rounding.
3. United States Department of Labor, Bureau of Labor Statistics, 1999.
4. *First Year Enrollment in ABA Approved Law Schools 1947-1999*. American Bar Association Legal Education. www.abanet.org/legaled/femstats.html
5. White, Richard. Association of American Law Schools 1998-99 Statistical Report on Law School Faculty and Candidates for Law Faculty Positions. www.aals.org/statistics/rpt9899w.html.
6. *Women and Minorities at Law Firms- 1998*. National Association for Law Placement, Trends. www.nalp.org/Trends/minorwom98.htm.
7. Carson, Clara N. *The Lawyer Statistical Report: The U.S. Legal Profession in 1995*. Chicago: American Bar Foundation, 1999.

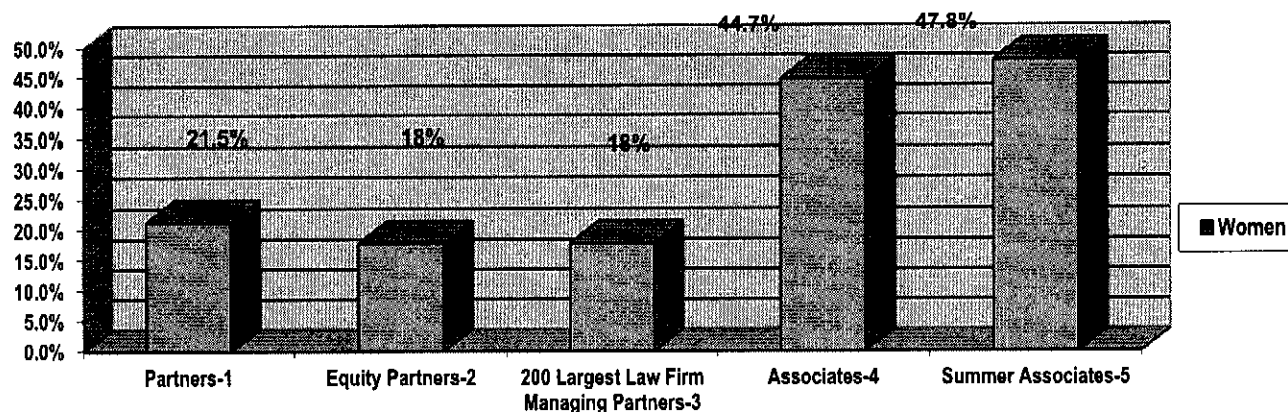
8. *Top In-House Women Gain Ground*. The Corporate Counselor Newsletter: September 1999. www.ljx.com/newsletters.
9. Supplied by the Federal Judicial History Office for 1999.
10. *Women Justices Serving on State Courts of Last Resort and Inter-mediate Appellate Courts, 1999*. National Center for State Courts, 1999.
11. Carson, Clara N. *The Lawyer Statistical Report: The U.S. Legal Profession in 1995*. Chicago: American Bar Foundation, 1999.
12. American Bar Association Membership and Marketing, 1999.
13. *Goal IX Update: An Annual Report on Women's Advancement into Leadership Positions in the American Bar Association*. American Bar Association Commission on Women in the Profession, 2000.
14. *Paycheck Check-Up 2000*. womenCONNECT.com, 1999. www.womenconnect.com/LinkTo/pc2000.htm.

Women in the Legal Profession



American Bar Association Market Research Department, April, 2016

Women in Private Practice



¹ *Women, Black/African-American Associates Lose Ground at Major U.S. Law Firms.* National Association for Law Placement, November, 2015. www.nalp.org/lawfirmdiversity_nov2015

² *Report of the Ninth Annual National Survey on Retention and Promotion of Women in Law Firms.* National Association of Women Lawyers and NAWL Foundation, October 2015. www.nawl.org/p/cm/ld/fid=82#surveys

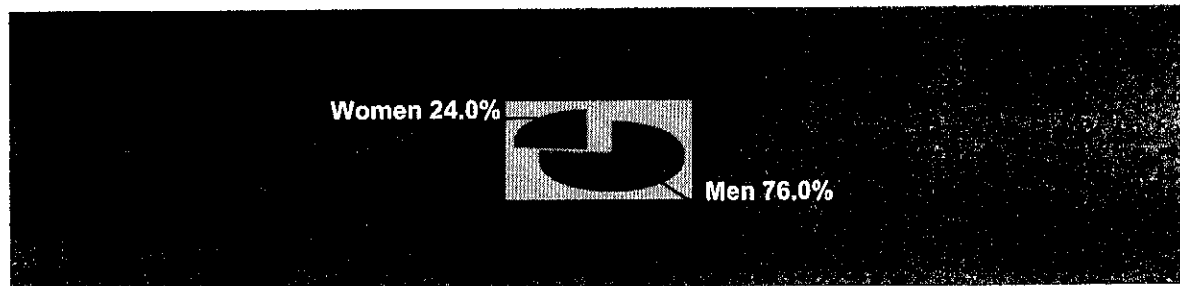
³ *Report of the Ninth Annual National Survey on Retention and Promotion of Women in Law Firms.* National Association of Women Lawyers and NAWL Foundation, October 2015. This figure represents the 25 firms that reported having a single managing partner. www.nawl.org/p/cm/ld/fid=82#surveys

⁴ *Women, Black/African-American Associates Lose Ground at Major U.S. Law Firms.* National Association for Law Placement, November, 2015. www.nalp.org/lawfirmdiversity_nov2015

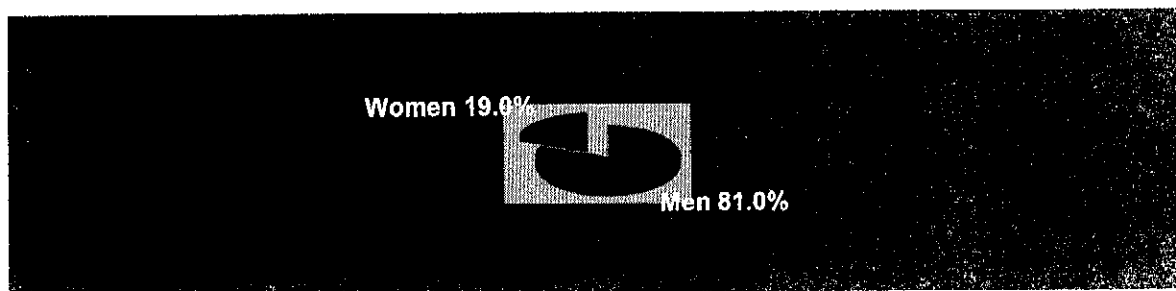
⁵ *Women, Black/African-American Associates Lose Ground at Major U.S. Law Firms.* National Association for Law Placement, November, 2015. www.nalp.org/lawfirmdiversity_nov2015

Women in Corporations

Fortune 500 General Counsel



Fortune 501-1000 General Counsel



MCCA's 16th Annual General Counsel Survey: *Minorities and Women as Legal Chiefs*. Minority Corporate Counsel Association, November/December 2015.
www.diversityandthebardigital.com/datab/november_december_2015?pg=12#pg12

EXHIBIT B

WORKPLACE DIVERSITY

Whitehouse.gov

This is historical material "frozen in time". The website is no longer updated and links to external websites and some internal pages may not work.



Raising the Floor: Sharing What Works in Workplace Diversity, Equity, and Inclusion

NOVEMBER 28, 2016 AT 9:38 AM ET BY MEGAN SMITH AND LAURA WEIDMAN POWERS



Summary: We've compiled some of what we've heard and seen work in creating a more diverse, inclusive, and equitable science and technology workforce.

"Research has shown that diverse groups are more effective at problem solving than homogeneous groups, and policies that promote diversity and inclusion will enhance our ability to draw from the broadest possible pool of talent, solve our toughest challenges, maximize employee engagement and innovation, and lead by example by setting a high standard for providing access to opportunity to all segments of our society."

- President Obama, October 5, 2016

Over the past few months, we and our colleagues at OSTP have had conversations with dozens of Federal agencies, companies, investors, and individuals about their science and technology workforces, and we have consistently heard people express a commitment to bringing more diversity, equity, and inclusion to their workplaces. They understand the strategic importance. Yet often we found that many of the same people who want to create high-performing, innovative teams and workforces do not know the steps and solutions that others are already effectively using to achieve their diversity, equity, and inclusion goals.

In order to help accelerate this work, we have compiled insights and tips into an Action Grid designed to be a resource for those striving to create more diverse, equitable, and inclusive science and technology teams and workforces, so that we can all learn from each other.

Diversity, equity, and inclusion work is not one size fits all. We hope this set of potential actions clustered by leadership engagement, retention and advancement, hiring, and ecosystem support provides ideas and a jumping off point for conversations within your team or organization on steps that you can take to increase diversity and to make your workforce more reflective of the communities you serve, customers you sell to, and talent pools you draw from.

Summary: Diversity, Equity, and Inclusion in Science and Technology

The following is a summary of the actions you can take. You can also scroll down to view the full content or [download the Diversity, Equity, and Inclusion in Science and Technology Action Grid \(PDF\)](#).

Leadership: Increase leadership engagement of senior and mid-level management

Recommended steps include:

- Creating concrete engagement points for senior leaders
- Upgrading mentorship to sponsorship
- Creating accountability mechanisms
- Embedding diversity in the strategy

Background: There are many philosophies on who should “own” diversity within an organization, with human resources, the c-suite, or a special diversity office being some of the most common choices. Regardless of who owns the tactics and execution, visible and deliberate leadership engagement is necessary in order to provide any efforts the best chance of success. Further, anyone who manages others must be responsible for inclusion. Without senior-most-level engagement, diversity is often considered a secondary “nice to have” rather than a priority for an organization. Leadership engagement sends a strong message to potential candidates and current team members. Further, there are ways that only a senior leader can amplify an initiative and motivate a team or workforce that are valuable when change management is required, as it often is with this work.

Retention and Advancement: Improve the retention and upward mobility of diverse talent

Recommended steps include:

- Identifying current obstacles
- Analyzing and share data
- Training the current workforce
- Leveraging professional development
- Institutionalizing formal feedback
- Supporting employee resource groups

Background: Often diversity is assumed to be a recruitment issue, yet when retention and advancement data are examined, it becomes clear that people from different backgrounds are staying on and moving up at different rates within an organization. This may indicate a culture that could evolve to be more inclusive, a set of policies and practices that inadvertently favor one subgroup over another, or other issues. The workforce itself may be a valuable source of insights into patterns. While recruitment can initially appear to be more high impact as a focus area when attempting to impact diversity, those efforts will be wasted if individuals cannot be effectively retained and advanced.

Hiring Pathways: Strengthening pathways for candidates into your workforce

Recommended steps include:

- Conducting deliberate outreach
- Expanding points of entry
- Prioritizing data
- Updating candidate screening systems

Background: Today's workforce is becoming increasingly diverse; in almost every case the available pool of talent is more diverse than the current employee base. A focus on hiring, particularly at the entry level, provides a unique opportunity to not just impact today's diversity numbers, but also to sow seeds for a future workforce that represents the full diversity of America. The large quantity of available talent from underrepresented backgrounds also means that a homogeneous entry-level workforce can be an indicator for workplace culture and bias issues, and so information about an entity's entry-level workforce is particularly useful data to track.

Ecosystem: Build external constituencies of support

Recommended steps include:

- Finding allies in the work
- Using moments of influence to further the work

Background: Best practices are continuously emerging from within and outside of any given organization; creating ways to learn from and share those best practices can accelerate change. Equity work can be challenging and draining, and creating allies within an organization and across aligned organizations can provide opportunities for visibility and camaraderie to individuals leading the charge internally. This type of community building can be critical in sustaining individuals, efforts, and change.

Full Content: Diversity, Equity, and Inclusion in Science and Technology

The following is an extended version of the above summary. You can also [download the below as a PDF](#).

Leadership: Increase leadership engagement of senior and mid-level management

There are many philosophies on who should “own” diversity within an organization, with human resources, the c-suite, or a special diversity office being some of the most common choices. Regardless of who owns the tactics and execution, visible and deliberate leadership engagement is necessary in order to provide any efforts the best chance of success. Further, anyone who manages others must be responsible for inclusion. Without senior-most-level engagement, diversity is often considered a secondary “nice to have” rather than a priority for an organization. Leadership engagement sends a strong message to potential candidates and current team members. Further, there are ways that only a senior leader can amplify an initiative and motivate a team or workforce that are valuable when change management is required, as it often is with this work. Recommended steps include:

CREATING CONCRETE ENGAGEMENT POINTS FOR SENIOR LEADERS

- **Schedule regular internal and external events, meetings, and other engagements with senior leadership on diversity; include diversity and inclusion in regular meeting agendas.**
 - Best Practices:
 - Ensure that senior leadership are engaged with employee resource groups (ERGs) as executive sponsors and that senior leaders attend ERG meetings and events
 - Hold executive listening sessions where senior executives listen to employees from underrepresented groups talk about their experiences at work
 - Scout best practices to develop a strategy approved by senior leadership to increase their engagement through events such as: regular meetings to track bias mitigation, diversity,

and inclusion efforts; speeches or town halls focused on diversity, and roundtables with ERGs

- Data to Track:
 - Percent of diversity-related events with senior leadership present
 - Number of diversity-related events attended by each senior leader
 - Amount of lift an event gets by having a senior leader affiliated with it (e.g. social media impressions)

UPGRADING MENTORSHIP TO SPONSORSHIP

- **Promote sponsorship to identify and advocate for high-performing, talented employees**
 - Best Practices:
 - Create guidelines around sponsorship to ensure that cross-demographic sponsorships are common
 - Develop a strategy to encourage a culture of sponsorship within departments and agencies, which could include actions such as an outreach campaign, an online toolkit of resources, and a survey to understand the use and meaning of sponsorship
 - Data to Track:
 - Track number of sponsorship relationships, including cross-demographic relationships
 - Track whether sponsored individuals advance more quickly or are retained longer than non-sponsored individuals
- **Ensure that employees from underrepresented backgrounds and their achievements are visible and celebrated at rates at least as high as those from well-represented backgrounds**
 - **Best Practices:**
 - Lack of visible celebration of mission-critical work of those from underrepresented backgrounds can lead to a sense that these individuals are under-contributing due to confirmation bias, so intentionality is required
 - Surface contributions such as work completed and insights made in team meetings; share accomplishments with “skip managers” (a person’s manager’s manager)
 - Ensure authorship on joint works
 - Ensure presenting roles in meetings and on stages
 - **Data to Track:**
 - Rates of recognition across demographics (e.g. awards, speaking roles in meetings and at conferences)

CREATING ACCOUNTABILITY MECHANISMS

- **Establish, measure, incentivize, and prioritize performance objectives on diversity and inclusion for all managers and leadership**
 - Best Practices:
 - To the extent legally permissible, consider success on diversity and inclusion metrics when evaluating compensation, advancement, and recognition
 - Develop a strategy for implementing performance objectives regarding diversity and inclusion, providing guidance on what qualifies as satisfactory and unsatisfactory performance, and holding managers accountable in evaluations
 - Data to Track:
 - Track diversity of managers' teams and any differential outcomes by demographic

EMBEDDING DIVERSITY IN THE STRATEGY

- **Enhance strategic plans to include bias mitigation, diversity and inclusion goals and objectives**
 - Best Practices:
 - Relate bias mitigation, diversity, and inclusion goals to overall agency and division mission; articulate how achieving these goals furthers the ability to get the work done
 - Include conversation of bias mitigation, diversity, and inclusion work when discussing organizational goals and share research that supports its importance
 - Data to Track:
 - Track number of agency/division priorities with an equity lens in outcomes

Retention and Advancement: Improve the retention and upward mobility of diverse talent

Often diversity is assumed to be a recruitment issue, yet when retention and advancement data are examined, it becomes clear that people from different backgrounds are staying on and moving up at different rates within an organization. This may indicate a culture that could evolve to be more inclusive, a set of policies and practices that inadvertently favor one subgroup over another, or other issues. The workforce itself may be a valuable source of insights into patterns. While recruitment can initially appear to be more high impact as a focus area when attempting to affect diversity, those efforts will be wasted if individuals cannot be effectively retained and advanced. Effective steps to retain and ensure advancement of employees include:

IDENTIFYING CURRENT OBSTACLES

- **Conduct and make available a barrier analysis that identifies obstacles for retention and promotion for diverse talent, as well as efforts underway to remedy the issues**
 - Sample Strategies:
 - Review the research on what impacts retention rates for underrepresented groups
 - Connect with other large organizations conducting their own internal research to learn from their findings
 - Dig into what aspects of your workplace culture are impacting retention rates for underrepresented groups
 - Gather and analyze data from exit interviews, surveys, studies, promotion results, focus groups, EEOC reports, and other means to track who is leaving or is not advancing
 - Make data available to the workforce, along with efforts to revise policies and standards that may be holding certain groups back for non-merit-based reasons
 - Determine whether different demographics experience culture and policies differently
 - Survey and interview employees and also host groups of individuals from target demographics for events, then assess their experience if the workplace and culture
 - Data to Track:
 - Reasons for leaving spliced by demographic
 - Promotion rates spliced by demographic
 - Quality and quantity of choice assignments by demographic
- **Conduct research on culture, policies and practices at the organization**
 - Sample Strategies:
 - Determine whether different demographics experience culture and policies differently
 - Survey and interview employees and also host groups of individuals from target demographics for events, then assess their experience if the workplace and culture
 - Data to Track:
 - Differences in assessment across demographic lines
 - Insights that can be translated into actions

ANALYZING AND SHARE DATA

- **Make updated workforce data available to senior leadership and broader workforce to allow for a shared understanding of opportunities and challenges and open dialogue**
 - Key Strategies:
 - Ensure data are presented broken down by key demographic groups as well as by seniority and job function so that patterns may be surfaced, the more granular the better (without compromising employee privacy)
 - Source best practices and develop a strategy for how demographic data, data on workforce trends (e.g., relevant civilian labor force, U.S. population, education statistics), and employee-survey scores will be provided on a regular basis to senior leadership and broader

workforce (such data could be provided via memos, dashboard, department-wide notices, and other means)

- Data to Track:
 - Frequency and quality of data sets being shared

- **Examine data to determine if seemingly neutral policies have disproportionate effects along demographic lines**

- Key Strategies:
 - Pay close attention to flexible work policies (or lack thereof), pay for performance, tenure-based advancement or layoff criteria, and more
 - Conduct internal surveys regarding policies and splice data by demographics
 - Review policies and leading research to spot potential issues
- Data to Track:
 - Track the number and types of policies upgraded, downgraded, or changed and the number of employees impacted

TRAINING THE CURRENT WORKFORCE

- **Institute inclusion training including unconscious bias training and training on managing a diverse workforce**

- Key Strategies:
 - Ensure unconscious bias training is based on latest best practices
 - Use pre- and post-analysis to track impact of training on hiring and management of underrepresented talent
 - Ensure that training is not a one-off but part of a coherent series of engagements around bias mitigation
 - Use existing research to show that everyone has bias and avoid assignments of blame
 - Source best practices and develop a strategy to make training on these issues mandatory for as many employees as possible, with an emphasis on senior and mid-level managers and hiring/recruiting officials
- Data to Track:
 - Track the percentage of the workforce that has engaged in these trainings

- **Train managers on skills that correlate with better managing a diverse workforce such as flexible work policies and conflict resolution training**

- Key Strategies:
 - Ensure managers are trained on flexible work policies and that they are presented in gender-neutral terms

- Ensure managers understand different conflict styles and are versed in how to manage them
- Source best-practice content and tailor for specific needs
- Data to Track:
 - Track use of flexible work policy and feedback on effectiveness
 - Splice data by division to determine whether there are patterns of use

LEVERAGING PROFESSIONAL DEVELOPMENT

- **Expand, diversify, and track the effectiveness of internal and external mid-level professional-development programs**
 - Key Strategies:
 - Ensure that professional development can be accessed in a variety of ways (self-nominated, manager-nominated, mandatory, etc.)
 - Track participation of professional development to ensure utilization by all groups; create tailored professional development for individuals from underrepresented backgrounds
 - Provide professional development on how to manage a diverse workforce to all managers
 - Create and support ERGs to help disseminate professional development
 - Identify all programs that your organization runs or sponsor for mid-level employees and ensure they are widely advertised
 - For programs where participants are chosen by managers, develop a strategy for ensuring the programs are utilized by diverse talent and for tracking participants' promotion and attrition rates
 - Data to Track:
 - Track utilization of professional development opportunities by demographic
 - Solicit feedback on usefulness of programs by demographic

INSTITUTIONALIZING FORMAL FEEDBACK

- **Ensure all employees from all demographic groups are receiving structured feedback regularly from their managers**
 - Key Strategies:
 - Train managers on providing feedback to individuals who may suffer from imposter syndrome and stereotype threat
 - Train managers on soliciting feedback
 - In addition to informal feedback, require performance be documented regularly throughout the year, reflecting feedback given in formal one on one settings
 - Data to Track:
 - Analyze type and frequency of feedback given across demographics (including using data science to analyze anonymously by demographic, e.g., sentiment analysis)

SUPPORTING EMPLOYEE RESOURCE GROUPS

- **Develop and support “safe spaces” where individuals from underrepresented backgrounds can find support, build friendships, and be fully themselves**
 - Key Strategies:
 - Employees from underrepresented backgrounds may consciously or unconsciously feel they have to adopt a different persona while at work; create spaces where they can drop their “mask” to relieve stress
 - Support and promote ERGs as places where employees can come together to support one another
 - Data to Track:
 - Measure participation in ERGs
 - Measure the degree to which employees feel they can be themselves at work

Hiring Pathways: Strengthening pathways for candidates into your workforce

Today’s workforce is becoming increasingly diverse; in almost every case the available pool of talent is more diverse than the current employee base. A focus on hiring, particularly at the entry level, provides a unique opportunity to not just impact today’s diversity numbers, but also to sow seeds for a future workforce that represents the full diversity of America. The large quantity of available talent from underrepresented backgrounds also means that a homogeneous entry-level workforce can be an indicator for workplace culture and bias issues, and so information about an entity’s entry-level workforce is particularly useful data to track.

In order to help ensure diversity of the workforce from entry-level up through executive-level positions, entities can take specific steps in the recruiting, vetting, and hiring processes including:

CONDUCTING DELIBERATE OUTREACH

- **Deliberate outreach to diverse networks is required to ensure that applicants to roles are diverse**
 - Sample Strategies:
 - Hold joint outreach events that allow candidates from underrepresented backgrounds to explore the full range of careers in your workforce
 - Participate in events, conferences, and gatherings with large concentrations of individuals from underrepresented backgrounds and/or that specifically gather diverse groups
 - Develop collateral such that each department can represent the others at recruitment events in order to increase efficiency

- Use demographic data to help determine which geographies, conferences, and schools to prioritize for outreach
- Data to Track:
 - Outreach events held and their demographics
 - Demographics of individuals reached through outreach
 - Demographics of applicants
- **Deliberate outreach to and by diverse *individuals* is required to ensure that applicants to roles are diverse**
 - Sample Strategies:
 - Engage your employees in sourcing and suggesting diverse applicants for open roles
 - Actively cultivate relationships with highly networked individuals from underrepresented backgrounds
 - Equip all employees with the information they need to recruit for open roles
 - Host intimate gatherings with key influencers to convert them into advocates and recruiters within their own networks
 - Data to Track:
 - Demographics and diversity of referrals
 - Influencers who are recruiting on your behalf
- **Deliberate outreach to individuals and organizations *across industries* allows for access to fresh pools of talent with a greater diversity of backgrounds**
 - Sample Strategies:
 - When drafting job descriptions, enumerate skills that are required that could be acquired irrespective of industry and attempt to minimize the number of industry-specific skills or experiences required
 - Compare draft job descriptions to those for similar roles in other industries to see where “insider” language is being used that may confuse or deter candidates from other industries
 - Data to Track:
 - When and where cross-sector outreach is occurring
 - Number of applicants from other sectors that apply and their success in the application process

EXPANDING POINTS OF ENTRY

- **Increase slots for paid internships and other entry-level programs to create a diverse pipeline into your workforce**
 - Sample Strategies:
 - Entry-level programs should have deliberate diversity outreach strategies

- Ensure that there is a strategy to convert interns to full-time hires
- Focus recruitment for such programs on feeder programs with high numbers of individuals from underrepresented backgrounds
- Direct non-committed funding towards expanding entry-level programs
- Data to Track:
 - Demographics of interns and conversion rates to full time by demographic
- **Contractors and fellowships may provide new sources of talent**
 - Sample Strategies:
 - Rotational programs and contractors allow for a “try before you buy” approach for both the candidate and the organization, and provide natural opportunities for feedback that may be elusive from full-time hires (be careful, however, not to stigmatize non-full-time roles or to create two classes of employees that divide along demographic lines)
 - Accept short-term placements from other departments to assess interest and fit
 - Create short-term contracting opportunities for potential employees when more data are needed to determine fit
 - Use short-term roles to take risks on candidates you might not hire full-time
 - Data to Track:
 - Demographics of contractors, fellows, etc.
 - Conversion rates and retention rates
 - Differences in benefits between full-time and rotational employees and contractors and demographic implications

PRIORITIZING DATA

- Collect, analyze, and disseminate applicant flow data^[1] for all positions in order to inform outreach decisions and to spot points of potential bias in the hiring process
 - Sample Strategies
 - Look for demographic trends throughout the recruiting funnel and use this data to iterate on solution sets and to create more targeted interventions
 - Scout for best practices to emulate and develop a strategy for how you will collect and store data and an action plan to integrate this into your hiring process, or detail how you are already tracking applicant flow data and how it is informing hiring and outreach decisions
 - Data to Track
 - Track the full recruiting funnel: who knows about your roles, who applies, who passes each screen, who gets an offer, who accepts/declines

PAY ATTENTION TO LANGUAGE

- **Use language for job announcements, marketing materials, and applications for professional development programs that is inclusive and encourages all groups to apply**
 - Sample Strategies:
 - Look at best practice language and tools from organizations internally and externally that have crafted research-based approaches to evaluating job description language
 - Ensure job descriptions are free from implicit bias, e.g. by using gender neutral pronouns and descriptors
 - Ensure only skills actually required to do the job are listed as such
 - Review all open job descriptions against guidance from human resources or the equivalent and consider guidance from relevant outside organizations and make edits and updates as needed
 - Issue an internal set of job description guidelines based on best practices
 - Solicit feedback from employee resource groups (ERGs) on job descriptions
 - Data to Track:
 - Whether current job descriptions follow accepted and emerging best practices
 - Demographics of candidates based on differently-worded marketing materials and job descriptions

UPDATING CANDIDATE SCREENING SYSTEMS

- **Create repeatable systems for hiring that minimize individual bias and maximize organizational objectives**
 - Sample Strategies:
 - Be clear what criteria are being used when assessing candidates
 - Identify desired traits, particularly when rounding out skill sets on a team
 - Standardize criteria across interviewers and direct them to use specific measures
 - Define ambiguous terms like “culture fit” with specific adjectives and indicators
 - Use a rubric and have each interviewer submit their rubric
 - Data to Track:
 - Use of the rubric
 - Success of candidates pushed through the process
- **Err on the side of passing candidates through rather than cutting them in early stages of the application process**
 - Sample Strategies:
 - Since organizations rarely see false negatives (those who should have been hired but were not), but always see false positives (those who should not have been hired but were), there is natural risk aversion that develops that must be counteracted with policy
 - If moving candidates forward on a point system, the point threshold could be lowered; if using a stoplight system, “yellow” candidates could be pushed through

- Data to Track:
 - Number of candidates from different demographic backgrounds that make it through resume review and phone screen
 - Number of candidates who would have failed in past scheme who succeed in current scheme
 - Rates of “bad hires”, e.g., number of people let go in trial period or their in first year

Ecosystem: Build external constituencies of support

Best practices are continuously emerging from within and outside of any given organization; creating ways to learn from and share those best practices can accelerate change. Equity work can be challenging and draining, and creating allies within an organization and across aligned organizations can provide opportunities for visibility and camaraderie to individuals leading the charge internally. This type of community building can be critical in sustaining individuals, efforts, and change. This includes:

FINDING ALLIES IN THE WORK

- **Hold an annual or biannual symposium on diversity in the workforce with community partners, think tanks, universities, private sector entities, nonprofits, etc.**
 - Sample Strategies
 - Include leaders in other sectors who are struggling with and making progress on these issues; include leaders in other sectors from which you hope to source talent (e.g., tech)
 - Establish a Community of Practice with regular meetings (e.g., quarterly) and opportunities for virtual connections to share best practices, challenges, and insights
 - Invite discussion of diversity issues and sharing of best practices to advance the field
 - Data to Track
 - Track attendees of symposium, job applicants resulting from symposium, diversity of attendees
- **Consider collaboration with professional affinity organizations, think tanks, and universities to promote diversity and identify diverse talent**
 - Sample Strategies
 - Ensure that as many underrepresented groups as possible are included as collaborators
 - Opportunities to establish such collaborations could occur through joint recruitment efforts, a symposium, establishment of mid-level talent exchanges, and agreeing to host interns from various organizations
 - Ensure communication across departments and divisions to streamline opportunities for external collaborators

- Data to Track
 - Track number of collaborations, number and type of constituencies reached through each, number of applicants that come from partner institutions

USING MOMENTS OF INFLUENCE TO FURTHER THE WORK

- **Include criteria on equity and inclusion when evaluating proposals from external grantees, contractors, or partners, consistent with applicable legal provisions**
 - Sample Strategies:
 - Consider whether external organizations with which you are aligning have robust bias mitigation, diversity, and inclusion strategies
 - Request disclosure of bias mitigation, diversity, and inclusion strategies in proposal and partnership processes
 - Track workforce data disclosed by grantees, contracts, and collaborators
 - Encourage organizations to share best practices externally
 - Data to Track:
 - Track workforce data disclosed by grantees, contracts, and collaborators
- **Ensure a diverse group of evaluators when considering proposals from grantees, contractors, and collaborators**
 - Sample Strategies
 - Consider the full breadth of expertise and experience needed when composing selection panels and make special effort to ensure panels are diverse and representative of the community being served
 - Be clear on what experience is actually necessary for selection panels and be expansive when determining criteria for participation to ensure the broadest possible set of individuals can be included
 - Data to Track
 - Track demographic composition of decision-making bodies and track differences in diversity and quality of decisions made

[Download the full Diversity, Equity, and Inclusion in Science and Technology Action Grid](#)

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