

A large, dark blue silhouette of a pair of scales of justice is positioned on the right side of the page. The scales are tilted, with the right pan being higher than the left. The background is split horizontally into a light blue top half and a white bottom half.

TOP FIRMS

for Gender Equity
& Family Friendliness
2020



YLW
Yale Law Women

A Message from the YLW Top Firms Committee

Yale Law Women (YLW) is proud to present our 15th annual Top Firms for Gender Equity & Family Friendliness Report. Each year, YLW produces the Top Firms Report to raise awareness of inequities within the legal profession, highlight progress being made in the industry, and identify areas for improvement. We hope this report will serve as a tool for law firms, lawyers, and future lawyers as we aspire to build more equitable workplaces.

This year has been marked by tremendous tumult. COVID-19 has impacted our workplaces, our schools, our homes, and our families. The pandemic's dramatic effect has underscored the need for inclusive policies and for workplaces that are flexible, empathetic, and supportive of their employees. We especially appreciate law firms' participation in the survey during this difficult time.

This year, we are taking a new approach to our report. Recognizing the individualized experiences and distinct needs of law firm employees, as well as the multitude of factors leading to workplace equity, we are no longer publishing holistic Top Ten lists. Instead, individual firms are honored for excelling in specific categories that relate to overall gender equity and family friendliness. Our report attempts to respect the diverse needs and preferences of those in the legal profession with the understanding that creating equitable workplaces will not entail a one-size-fits-all solution.

To create our report, YLW invited all law firms listed in the 2020 Vault 100 to participate in our survey. Since equitable policies are just one piece of the complex puzzle, our survey aims to capture not only the policies on paper but also their actual use by attorneys at each firm. We also collected input from Yale Law School alumni working at Vault 100 law firms. Using this data, we developed honors based on metrics that indicate a commitment to equity. Alumni were asked about the importance of relevant policies and practices and their overall impressions of equity at their law firms. For more information on our methodology, please see the Methodology section on page 8.

While women make up about half of the nation’s law school graduates, there is still a vast gender gap in the legal profession—especially at the partnership level of law firms. This disparity in representation is even starker for women of color and individuals who identify as LGBTQ+. While individual experiences at law firms vary, we recognize that they do so especially along the dimensions of race, gender identity, and sexual orientation. This year, we collected data on the representation of women of color and identification with a firm’s LGBTQ+ network and included honors that incorporate these metrics.

All firms must continue to strive for equity and inclusivity. Only 57 percent of alumni surveyed felt that their firms were more gender equitable and family friendly than in the previous year. Of the seven percent that found their firms less equitable, 71 percent were women. As our survey and peer surveys indicate, there is still immense and urgent need for improvement across all law firms. For more information about peer surveys, please see the Survey Landscape section on page 6.

As uncertainty looms, we continue to urge all law firms to be adaptable, to learn from their peers and their employees, to implement more equitable policies, and to support the people who make those policies work. YLW remains committed to equity within law schools and throughout the legal profession, and as law students we seek to work for law firms that demonstrate that same commitment. Although law firms will continue to confront hard choices in the coming months, they should do so with dedication to the values and policies encouraged by this report. We hope law students and practitioners will join us in commending the efforts of firms recognized throughout this report and work with us to pursue further progress.



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A Note on COVID-19

As COVID-19 sweeps the globe, we find it important to acknowledge the pandemic's gendered effects, both arising from and contributing to inequity in the workplace. Women are disproportionately represented at the frontlines of our battle against COVID-19—as nurses, hospital staff, and professional caregivers, as well as in industries with inadequate family and medical leave protections.

The COVID-19 pandemic continues to evolve rapidly, forcing us to rethink the stability of our economy, our healthcare system, and other aspects of our daily lives. Not knowing where this unique historical moment will take us makes it difficult to predict the full ramifications for gender equity in the workplace, including at law firms.

Law firms must assess the adequacy of their policies and reach for empathetic solutions to the new problems posed by COVID-19. In the coming months, how the firms in this report respond to this crisis will influence the future of the industry. These firms should strive to respond equitably to questions including how to accommodate employees' domestic responsibilities and healthcare needs and which employees they retain if layoffs become unavoidable.

SURVEY LANDSCAPE

The Yale Law Women Top Firms Report presents a holistic evaluation of the Vault 100 law firms based on survey results from firms and attorneys. Many of these firms participate in additional surveys that focus on gender equity and diversity, and some firms have applied for certification from organizations that encourage best practices. Peer surveys stress the need for innovative and proactive leadership in creating equitable workplaces.

Our peer surveys provide a general industry overview and broader analysis of firms' practices. For example, *Working Mother*, in collaboration with the *ABA Journal*, publishes a list of 60 Best Law Firms for Women. To be considered for the list, law firms complete an application that includes questions about attorney representation at different job levels, flexibility in scheduling, paid leave, and professional development. Their report offers both firm-specific and aggregate data on gender representation among partners, as well as parenting and gender equity initiatives. In its 2019 report, *Working Mother* highlighted an increase in policies offering reimbursement for fertility procedures, as well as a growth in gender equity initiatives and mentoring, sponsorship, and professional development programs.

Building on this data, our report endeavors to uncover the actual experiences of attorneys at these firms. Further, our survey incorporates qualitative questions, giving firms the opportunity to clarify their practices.

Peer surveys stress the need for innovative and proactive leadership in creating equitable workplaces.

The National Association of Women Lawyers (NAWL) Survey on Retention and Promotion of Women in Law Firms also provides insightful statistics on gender equity in the legal industry. While the report does not detail individual firms' performances, NAWL outlines industry benchmarks and underscores the stagnation in representation of women and attorneys of color. In addition to providing gender-specific data on hours, compensation, and representation among partners, the 2019 NAWL Survey scrutinizes the policies and practices that may hinder women's progress and exacerbate gender disparities. NAWL's survey

results demonstrate the need for firms to take proactive measures toward reducing subtle biases and to rethink the design of their gender equity and diversity initiatives. In line with NAWL's One-Third by 2020 Challenge, women comprise 33 percent of new equity partner classes, but the overall representation of women at the equity partner level remains at 20 percent, with no change over the last three years.

Diversity Lab and Chiefs in Intellectual Property (ChIPs) collaborated to publish the 2019 Inclusion Blueprint, which tracks the representation of women, racial and ethnic minorities, and LGBTQ+ lawyers in law firms. The Inclusion Blueprint set target thresholds of 30 percent representation of women, 15 percent representation of racial and ethnic minorities, and five percent representation of LGBTQ+ lawyers as goals for a firm's overall leadership and for each practice group within a firm. At the equity partner level, only seven percent of firms met or exceeded the goal for representation of women, 17 percent met or exceeded the goal for representation of racial and ethnic minorities, and only eight percent met or exceeded the goal for LGBTQ+ representation. The Inclusion Report noted that firms are not tracking certain career-enhancing

opportunities, including non-billable activities and origination credit, which would help ensure equal access among associates and partners who come from historically underrepresented groups.

Other initiatives also require firms to reach benchmarks or maintain practices to qualify for endorsement. For example, the Women in Law Empowerment Forum Gold Standard Certification recognizes firms that meet certain criteria, including the number of women who are equity partners, who hold firm leadership positions, and who rank among the highest-compensated partners. Diversity Lab's Mansfield Certification focuses on equitable leadership policies. The original Mansfield Rule measured the percentage of all attorneys being considered for leadership and governance roles who were women or people of color and "certified" firms that reached 30 percent. The Mansfield Rule 3.0, adopted in 2019, considers the representation of LGBTQ+ lawyers and lawyers with disabilities in addition to women and people of color. The rule assesses how frequently lawyers in these groups participate in client pitch meetings and requires firms to make their appointment and election processes transparent for all legal employees in order to qualify for certification.

METHODOLOGY

Yale Law Women invited this year's Vault Law 100 firms to participate in our survey and reached a participation rate of over 50 percent. We asked firms to answer the survey with data reflecting the 2019 calendar year and U.S. office locations. Firm responses are reported in the aggregate, and responses from individual firms are kept confidential. Survey questions fell into the seven categories below.

- Firm Structure
- Training, Mentorship & Diversity
- Promotion & Leadership
- Part-Time & Remote Work
- Work-Life Balance & Parental Leave
- Billable Hours & Compensation
- Mandatory Arbitration & Non-Disclosure Agreements

Questions focused on three inquiries: whether attorneys used these policies; which attorneys used these policies by gender, race, and position; and how attorneys used these policies. We also included response options to record attorneys with non-binary genders; however, the number of attorneys in this category was too low to provide reliable data.

This report contains data from an anonymous survey of Yale Law School alumni of all genders currently

working at Vault 100 firms. The alumni survey was completed by nearly 100 respondents. Alumni were asked about the importance of various specific policies and practices related to gender equity and family friendliness and for their overall impressions of equity at their firm. Due to the anonymous nature of the survey, quotes are unattributed.

To increase the specificity and precision of the report, we honored top firms in specific categories that reflect firm's strengths. Honors were awarded by comparing metrics relevant to each category across participating firms. We ran several analyses to check for internal consistency and reached out to firms when we found discrepancies. We hope this analysis provides a more descriptive view of the law firms recognized in the report and serves to accentuate individualized experiences at law firms.

Our report also uses the data we collected to provide metrics on the industry. In each section, we offer aggregated statistics that reflect how all surveyed firms were performing on goals of gender equity and family friendliness. These metrics are an average of firm responses, each firm receiving the same weight. The numbers in those graphs represent the percentage of total attorneys for a metric, giving larger firms more weight.

Yale Law Women
Top Firms 2020

Hiring Practices

Allen & Overy LLP
Cadwalader, Wickersham & Taft LLP
Jenner & Block LLP

Linklaters LLP
Munger, Tolles & Olson LLP
Wilson Sonsini Goodrich & Rosati

Diverse Partnership

Morrison & Foerster LLP
Munger, Tolles & Olson LLP

Steptoe & Johnson LLP

Inclusion Initiatives

Cahill Gordon & Reindel LLP
Cleary Gottlieb Steen & Hamilton LLP
Jenner & Block LLP

Paul, Weiss, Rifkind, Wharton & Garrison LLP
Pillsbury Winthrop Shaw Pittman LLP
Wachtell, Lipton, Rosen & Katz

LGBTQ+ Representation

Allen & Overy LLP
Cadwalader, Wickersham & Taft LLP

Jenner & Block LLP
Sheppard, Mullin, Richter & Hampton LLP

Promotion Practices

Ballard Spahr LLP
Blank Rome LLP
Cravath, Swaine & Moore LLP

Kramer Levin Naftalis & Frankel LLP
White & Case LLP

Women in Leadership

Latham & Watkins LLP
Morgan, Lewis & Bockius LLP

Ropes & Gray LLP
Sidley Austin LLP

Flexible Work Options

Hogan Lovells US LLP
Littler Mendelson P.C.

Orrick, Herrington & Sutcliffe LLP
Perkins Coie LLP

Advancement for Part-Time Attorneys

Kramer Levin Naftalis & Frankel LLP
Orrick, Herrington & Sutcliffe LLP

Ropes & Gray LLP
Winston & Strawn LLP

Parental & Caregiver Leave

Ballard Spahr LLP
Foley Hoag LLP

Kirkland & Ellis LLP

Working Mothers & Family Planning

Akin Gump Strauss Hauer & Feld LLP
Cravath, Swaine & Moore LLP

WilmerHale

A Note on Equitable Policies & Practices

Our report focuses on seven components of gender equity and family friendliness, including: (1) the representation of women in a firm's overall structure; (2) the representation of women in a firm's leadership and promotions; (3) the extent to which a firm is committed to training, mentorship, and diversity as it looks to the future; (4) the availability and use of part-time and flexible work schedules; (5) the commitment to work-life balance, and the availability and use of parental and family leave accommodations; (6) the structure and expectations surrounding billable hours and compensation; and (7) the use of mandatory arbitration and non-disclosure agreements.

We awarded honors to the highest-achieving firms in five of these categories using metrics that indicate a firm's dedication to workplace equity. We discuss the importance of each policy category, featuring comments from our alumni and statistics regarding the availability and use of various policies and practices across the law firms who responded to our survey.

FIRM STRUCTURE

Top Firms for Hiring Practices

Allen & Overy LLP
Cadwalader, Wickersham & Taft LLP
Jenner & Block LLP
Linklaters LLP
Munger, Tolles & Olson LLP
Wilson Sonsini Goodrich & Rosati

Top Firms for Diverse Partnership

Morrison & Foerster LLP
Munger, Tolles & Olson LLP
Steptoe & Johnson LLP

FIRM STRUCTURE

Why It Matters

A law firm's structure reflects its current gender equity and is an important indicator of future diversity. Law firms must strive for diversity across gender, sexual orientation, and race at all levels of the firm. Representative leadership provides important role models to younger women at the firm, and it ensures that leadership decisions are influenced by a broad range of perspectives.

Additionally, our data shows a higher rate of attrition for women attorneys, which is likely due to the many obstacles described throughout this report.

FROM OUR ALUMS

“ As I'm sure is true at many firms, the family-friendliness of [my Firm] varies dramatically based on practice group and the partners one works for. I am lucky to work primarily with partners who help 'cover' for their associates and make the firm a more family-friendly place. However, I don't have the impression that the firm overall is committed to this issue, as seen by the paucity of female partners. ”

- SENIOR ASSOCIATE

“ It's hard to just look at outcomes. It remains the case that a lower proportion of women stick around for eight years. We're not idiots; we know not to assume that 'women just don't want the job' and the right question is why that is and how we can create the most supportive environment to affect the collective outcome of individual decisions about whether being a law firm partner is what they want. It is, however, extremely difficult to unpick answers. ”

- EQUITY PARTNER

FIRM STRUCTURE

By the Numbers

47% of associates at the average firm identified as women

29% of non-equity partners at the average firm identified as women.

Among equity partners, women averaged **21%**

36% of counsel/of counsel lawyers at the average firm identified as women.

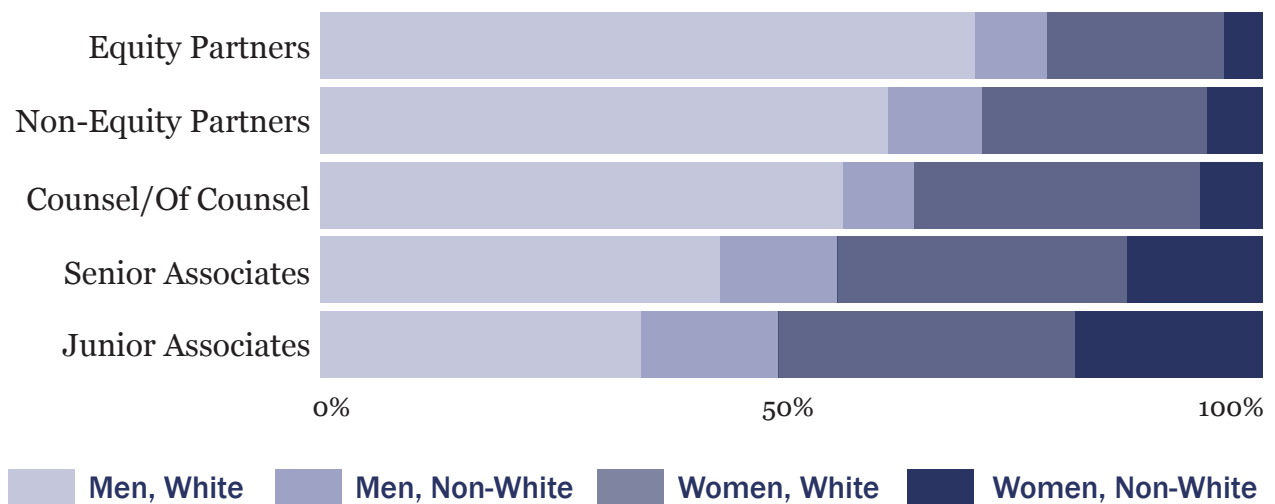
16% of associates at the average firm identified as women of color

63% of alumni say that the percentage of partners who are women is **very important** to workplace equity.

Among equity partners, women of color averaged **4%**

At **20%** of firms, at least **20%** of associates identified as women of color.

Attorneys Across Firms



TRAINING, MENTORSHIP & DIVERSITY

Top Firms for Inclusion Initiatives

Cahill Gordon & Reindel LLP
Cleary Gottlieb Steen & Hamilton LLP
Jenner & Block LLP
Paul, Weiss, Rifkind, Wharton & Garrison LLP
Pillsbury Winthrop Shaw Pittman LLP
Wachtell, Lipton, Rosen & Katz

Top Firms for LGBTQ+ Representation

Allen & Overy LLP
Cadwalader, Wickersham & Taft LLP
Jenner & Block LLP
Sheppard, Mullin, Richter & Hampton LLP

TRAINING, MENTORSHIP & DIVERSITY

Why They Matter

After decades of diversity efforts, the importance of diversity and inclusion in the legal profession is clear. Diverse perspectives strengthen any law firm practice by creating a supportive work environment, allowing for innovation, and helping attract clients. For diversity initiatives to thrive, a firm needs to commit to inclusion from the top down.

Despite increased attention to diversity in recent years, the legal profession remains one of the least diverse professions in terms of race and gender. Training and mentorship play a crucial role in inclusion; lawyers from underrepresented groups often have difficulty getting adequate access to mentors and face preconceived racial biases. While incoming associate classes are more diverse than ever, the numbers are still bleak at the partner level. Successful diversity initiatives require firm-wide participation to succeed at a firm-wide level. Without that commitment, these programs can fall flat.

FROM OUR ALUMS

“ The stronger the [training and mentorship] program with the more concrete parameters the more likely it is that women will receive useful training and not fall through the cracks. ”

- ATTORNEY

“ [A]ll firms, my own included, are tripping over themselves to create diversity initiatives that are completely ineffective and nothing more than good PR for them (half of the action items my firm suggested to increase diversity were to tell our clients about our diversity initiatives). And they aren't taken seriously at all by those that need [to] the most—the male partners. ”

- SENIOR ASSOCIATE

TRAINING, MENTORSHIP & DIVERSITY

By the Numbers

65% of firms required implicit bias training for all employees

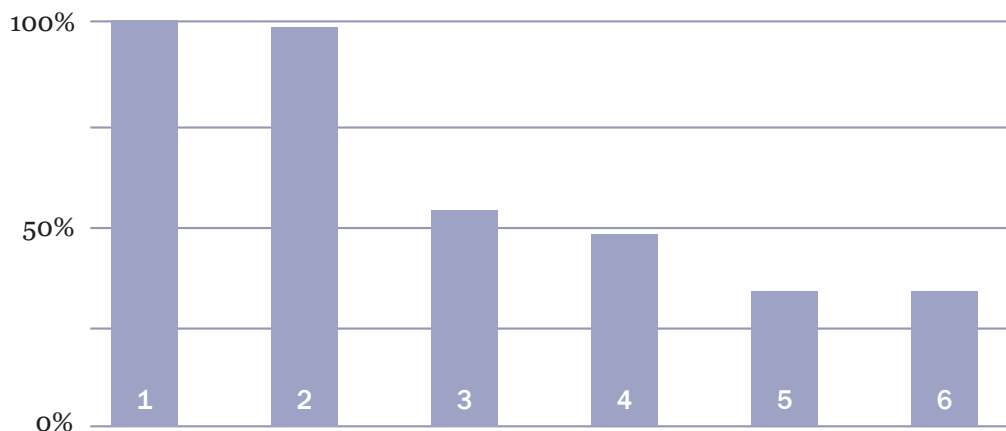
8% of firms tracked and shared the attorneys partners worked with by gender

12% of firms counted participation in mentorship programs as fully billable, and **37%** counted participation as partially billable.

12% of firms counted participation in professional development programs as fully billable, and **51%** counted participation as partially billable.

42% of alumni say that whether a firm has a committee for diversity and inclusion is **very important** to workplace equity.

Support for Mentorship & Diversity



- 1 Had an LGBTQ+ affiliation network
- 2 Had a committee for diversity and inclusion
- 3 Tracked the attorneys that partners worked with by gender
- 4 Had an established process for challenging performance reviews
- 5 Updated performance review metrics at least yearly
- 6 Involved a diversity representative in setting metrics for performance reviews

PROMOTION & LEADERSHIP

Top Firms for Promotion Practices

Ballard Spahr LLP
Blank Rome LLP
Cravath, Swaine & Moore LLP
Kramer Levin Naftalis & Frankel LLP
White & Case LLP

Top Firms for Women in Leadership

Latham & Watkins LLP
Morgan, Lewis & Bockius LLP
Ropes & Gray LLP
Sidley Austin LLP

PROMOTION & LEADERSHIP

Why They Matter

Equity in promotions and leadership is an important step to eradicating bias toward underrepresented identities at law firms. Increasing equity in promotions and leadership promotes a healthier workplace culture and more effective employee retention. Cultivating diverse leadership ensures that high-level decisions are informed by a range of perspectives and provides more diverse mentor figures for junior attorneys.

Having diverse leadership also improves a firm's competitive advantage and overall performance. Reputation matters: firms with more equitable promotion policies and leadership structures more easily attract underrepresented attorneys. Varied backgrounds and experiences can lead to more creativity, new perspectives, and better overall team performance. Diversity in leadership can also be beneficial to client-firm relationships as clients increasingly want to see diversity in the composition of their legal representatives.

FROM OUR ALUMS

“ [T]he most critical factor in encouraging diversity and inclusion is having diverse and inclusive partnership and management committees. All of the programs and resources that firms have pale in comparison in their effectiveness to actually promoting diverse individuals to partner and putting them in management positions. ”

- SENIOR ASSOCIATE

“ The partner class . . . reflects a broader culture of commitment to supporting women's careers, acknowledging and remediating vestiges of the legal industry's history of discrimination, and promoting diverse classes of qualified lawyers. ”

- EQUITY PARTNER

PROMOTION & LEADERSHIP

By the Numbers

36% of attorneys promoted to equity partner at the average firm identified as women

7% of attorneys promoted to equity partner at the average firm identified as women of color

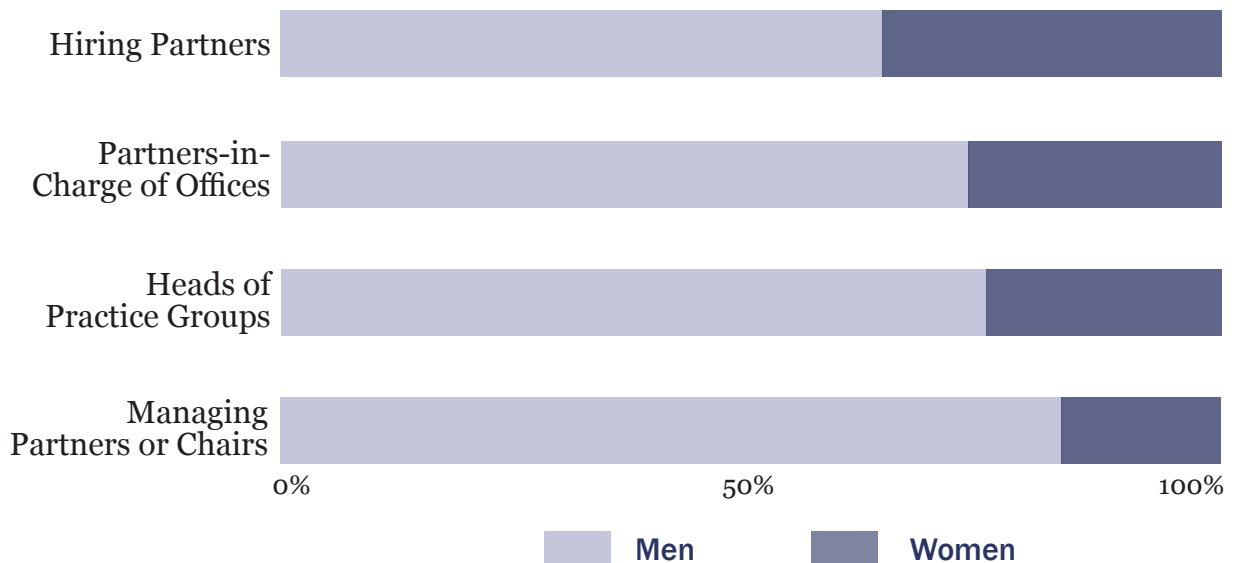
On average, **37%** of hiring partners at each firm identified as women.

14% of firms had managing partners who identified as women.

41% of firms had promoted at least one woman from “counsel/of counsel” to equity partner over the past year.

66% of alumni say that the percentage of firm leadership positions held by women is **very important** to workplace equity.

Attorneys in Leadership Positions Across Firms



PART-TIME & REMOTE WORK

Top Firms for Flexible Work Options

Hogan Lovells US LLP
Little Mendelson P.C.
Orrick, Herrington & Sutcliffe LLP
Perkins Coie LLP

Top Firms for Advancement for Part-Time Attorneys

Kramer Levin Naftalis & Frankel LLP
Orrick, Herrington & Sutcliffe LLP
Ropes & Gray LLP
Winston & Strawn LLP

PART-TIME & REMOTE WORK

Why They Matter

Many attorneys seek part-time schedules or flexible full-time opportunities in order to meet the demands of their personal lives and family needs. These nontraditional work hours allow families to take care of various responsibilities, which are often incompatible with a regular work week. Insofar as women are primary caregivers, part-time and flex-time options allow them to continue to work while fulfilling other obligations. Flexibility allows women to progress in their careers without taking long periods of time away or struggling to balance work and home life.

Attorneys who use alternate work schedules often face fewer opportunities for advancement, and the majority of attorneys who work alternative schedules are women. Remote work can also put increased demands on attorneys, who are expected to be available at all hours. It is especially important to track how a firm promotes and supports its attorneys working part-time or flex-time schedules.

FROM OUR ALUMS

“ Being able to work remotely is important for a variety of reasons, be it . . . parental or family responsibilities or medical issues, among others. I have found it an incredibly sensitive subject, however, and one that many firms do not want to tackle or do so only [halfway] in ways that are punitive to associates that have remote work arrangements. ”

- SENIOR ASSOCIATE

“ [T]he fact that the part-time work option is not respected and associates who work part-time are paid less while still laden with work outside the bounds (in both hours where work is required and in total volume) speaks to the fact that the ‘code’ to family friendliness has not been cracked. ”

- EQUITY PARTNER

PART-TIME & REMOTE WORK

By the Numbers

4% of associates worked part-time schedules at the average firm

Among associates who worked part-time schedules, women averaged **83%**

3% of equity partners worked part-time schedules at the average firm

Among equity partners who worked part-time schedules, women averaged **67%**

65% of firms have a program to help part-time attorneys return to a full-time schedule.

98% of firms allow all attorneys to engage in regular or occasional remote work.

WORK-LIFE BALANCE & PARENTAL LEAVE

Top Firms for Parental & Caregiver Leave

Ballard Spahr LLP
Foley Hoag LLP
Kirkland & Ellis LLP

Top Firms for Working Mothers & Family Planning

Akin Gump Strauss Hauer & Feld LLP
Cravath, Swaine, & Moore LLP
WilmerHale

WORK-LIFE BALANCE & PARENTAL LEAVE

Why They Matter

Excessive work hours and difficulty taking time off can be the source of chronic stress, workplace burnout, and other factors that lead to diminished performance. In addition to increased productivity, firms that prioritize work-life balance attract and retain attorneys.

Parental, caregiving, and personal leave are critical to workplace equity. But simply having a policy on paper may not be sufficient—it is equally important for a firm’s culture to reflect its commitment to supporting attorneys who choose to take advantage of these policies. Gender-neutral parental leave policies, availability of child-care facilities, and on-ramping programs for women who come back to work after taking several years off can signal a firm’s dedication to cultivating a healthy and supportive workplace. Alumni overwhelmingly report that these policies and practices are key to ensuring that women are represented at the partner level and are able to pursue other career goals.

FROM OUR ALUMS

“ I think in practice taking advantage of any of these [leave] policies is a career setback, there are no two ways about it. And it is solely the women and never the men who take advantage of these policies—for anything to change it would need to become a more equal balance. ”

- SENIOR ASSOCIATE

“ Equity depends on helping parents stay on track with their careers during the difficult period of their lives when they are raising small children. . . . I took advantage of paid parental leave, backup child care, a flex-time schedule, and the understanding of my colleagues and mentors—and stayed on track to make equity partner with my class. This reflects my firm’s commitment to my long-term career path rather than my short-term productivity while my children were young. ”

- EQUITY PARTNER

WORK-LIFE BALANCE & PARENTAL LEAVE

By the Numbers

52% of firms allowed attorneys to leave the firm for several years with the option of returning to the firm

63% of firms promoted someone who had taken caregiver leave in the last five years to equity partner in 2019

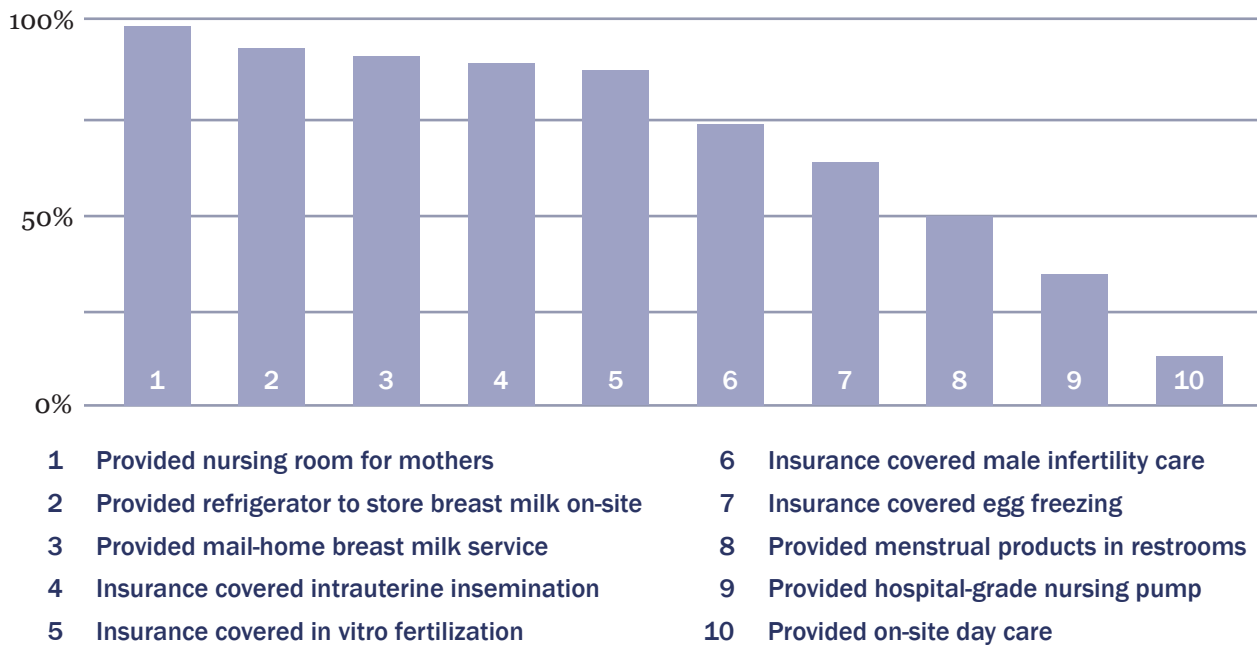
90% of firms offered equal caregiver leave for birth and adoption of a child.

90% of firms had a committee specifically designed to address work-life balance.

85% of alumni say that whether attorneys who have taken paid family leave are promoted to equity partner is **very important** to workplace equity.

83% of alumni say that whether attorneys take paid leave for birth or adoption is **very important** to workplace equity.

Support for Working Mothers & Family Planning



BILLABLE HOURS & COMPENSATION

As the central unit of firm revenue, the billable hour is critical to attorneys. Some alumni target the billable hour as the biggest barrier to gender equity. Many firms require attorneys to bill a certain number of hours to clients per year; others require a minimum hours threshold only for bonus eligibility. Some firms do not track their attorneys' billable hours at all. While this may sound attractive for attorneys trying to balance work and personal life, alumni tell us that ambiguity about billable hours can lead to attorney uncertainty, informal rules, and internal competition. Transparency in this area is key; employers who adopt more transparent pay practices generally have a narrower pay gap than those who do not.

83% of alumni say that whether there is disparity in salary and bonus for female attorneys compared to male attorneys is **very important** to workplace equity.

FROM OUR ALUMS

“ A key factor that is often not addressed is origination credit and partner compensation. In firms with an eat-what-you-kill model, more senior partners are disincentivized from sharing work and client relationships with younger partners. Since the most senior partners at virtually every firm are more male and less diverse than more junior partners, that type of compensation model results in significant inequity and hinders diversity efforts. ”

- EQUITY PARTNER

“ Although most law firms in NYC have a policy of paying the same salary to each associate of the same level, disparities often arise as attorneys become more senior, especially for those that take time off for parental or family responsibilities. This also plays a huge part in bonus discrepancies, which decisions are often made behind closed doors and using 'black box' models that often end up hurting female and diverse attorneys based on biases. ”

- SENIOR ASSOCIATE

MANDATORY ARBITRATION & NON-DISCLOSURE AGREEMENTS

Mandatory arbitration agreements in employment contracts require employees to waive their right to sue employers over matters such as sexual harassment, discrimination, and labor violations. In the event of a dispute, employees who have waived their right to sue must resort to private arbitration—a quasi-legal process lacking judges, juries, and substantial government oversight—which tends to favor employers and pay out lower damage awards to employees than formal litigation. Mandatory arbitration agreements thus significantly hinder employees across industries from addressing illegal workplace behavior.

Non-disclosure agreements prohibit disclosure of certain confidential information and can be used by employers to suppress sexual harassment and assault allegations. The agreements can even limit the scope of what victims can say in a criminal case. These agreements contribute to a culture of fear in the workplace and hinder efforts to stop serial abuse.

Since the inception of the #MeToo movement, some businesses have taken proactive steps to discontinue mandatory arbitration and non-disclosure agreements covering sexual harassment or sexual assault claims.

Reporting firms that do not require mandatory arbitration contracts covering at least some types of dispute as a condition of employment:

Junior & Senior Associates: 47%
Equity Partners: 38%
Other Attorneys: 43%
Non-Legal Employees: 36%

Reporting firms that do not require mandatory arbitration contracts covering allegations of sexual assault or sexual misconduct as a condition of employment:

Junior & Senior Associates: 47%
Equity Partners: 41%
Other Attorneys: 43%
Non-Legal Employees: 46%

Reporting firms that do not require non-disclosure agreements covering allegations of sexual assault or sexual misconduct as a condition of employment:

Junior & Senior Associates: 48%
Equity Partners: 46%
Other Attorneys: 45%
Non-Legal Employees: 47%

RECOMMENDATIONS FOR STUDENTS

During the recruitment process, students who would like to gauge how much a firm values work-life balance, promotes gender equity, and supports families should utilize multiple resources to gain insight into a firm's equitable policies and practices. As our report suggests, these practices come in many different forms: from a firm's structure, including the representation of diverse groups of people at the partnership level, to flexibility in work schedules and parental leave practices. Students may visit law firms' websites to review firm-specific diversity and inclusion initiatives. The NALP Directory of Legal Employers is also a useful resource to find information regarding a particular firm's demographics, billable hours and compensation practices, and part-time and flexible work schedules. Students who would like to hear perspectives from current associates and partners may also choose to contact alumni from their law schools who work at firms they are considering as they navigate firm recruitment.

TERMS TO KNOW

Billable Hours: time a lawyer works on a project that is charged to the client—can be tied to merit-based compensation and full-time status

Equity Partner: lawyer who has become an owner of the firm and who shares in the profits of the firm

Non-Equity Partner: partner who does not share in the profits of the firm and is not a firm decision-maker—may or may not be eligible for promotion to equity partner, depending on the firm

Mandatory Arbitration: practice in which a firm requires employees to agree to arbitrate legal disputes with the firm rather than going to court

Lockstep Compensation Model: pay structure where associates in the same class are compensated with the same base salary

Merit Compensation Model: pay structure where associates are compensated based on performance

Executive / Management Committee: committee that makes management and strategic decisions for the firm and provides overall long-range planning

On-Ramp/Off-Ramp: program through which law firms allow their attorneys to take several years of leave with the option to return to the firm

QUESTIONS TO ASK

When deciding among offers from law firms or participating in callback interviews, students might want to ask attorneys or recruiters these questions to gauge how much a firm values work-life balance, supports families, and promotes gender equity:

- 1** How does your firm support the promotion of women and other diverse groups of people to partnership positions?
- 2** Is there gender parity on the firm’s Executive Committee, Compensation Committee, and/or Hiring Committee?
- 3** What formal mentorship and training programs does your firm offer that focus on fostering the legal careers of women and attorneys who come from diverse backgrounds?
- 4** Does your firm count time spent on training and mentorship toward attorneys’ billable hours?
- 5** Do men at the firm take advantage of the firm’s work-life balance benefits, including leave?
- 6** What accommodations has the firm made for employees and working parents during COVID-19?
- 7** Does the firm have a “face-time” requirement or offer the option to work remotely?
- 8** Does the firm promote associates who have taken advantage of alternative work schedules?
- 9** Do associates or partners at the firm have young children?

RECOMMENDATIONS FOR FIRMS

Creating and sustaining an equitable firm environment will take dedication and adaptability, especially in this time of uncertainty. We encourage firms to approach gender equity holistically, looking beyond even the categories we have outlined in this report. Equity impacts not only the well-being of individual employees but also the overall well-being of a firm. Guided by alumni input, we recommend the following further actions:

- Prioritizing mental health resources
- Providing on-site daycare in all offices
- Reducing or reconfiguring all-glass office spaces such that nursing mothers can have privacy to pump breast milk
- Reconfiguring office spaces such that all areas are accessible for all employees, including pregnant employees
- Institutionalizing unlimited, fully-paid parental leave across gender and caregiver status
- Making firm management more transparent such that associates feel empowered to speak out about managerial ideas and feedback
- Explicitly soliciting associate feedback for large managerial decisions, whether via inclusion committees or another method
- Requiring implicit bias training for all employees
- Abiding by the Mansfield Rule 2.0 (see page 7)
- Ensuring that part-time workers keep part-time hours, rather than be expected to work as long as full-time employees for less benefit
- Eliminating implicit and cultural expectations regarding parental leave and promotion
- Creating multiple pathways to mentorship, as individual needs differ
- Making diversity and inclusion committees fully billable
- Striving for complete transparency in regard to compensation
- Ensuring an environment where attorneys openly discuss salary
- Using a lockstep compensation model for associates
- Eliminating mandatory arbitration agreements

Yale Law Women

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Thank you to the entire Top Firms Committee for their outstanding work constructing, executing, and analyzing this year's survey.

Please direct all inquiries to Anna Kaul at anna.kaul@yale.edu.

