



Matching Expectations With Gender Relations

By Debra Tsuchiyama Baker

Great Expectations

Great expectations are what every young woman graduating from law school has when she starts her first job as a lawyer. Today's young women lawyers expect to have a challenging and exciting legal career, achieve recognition for their contributions, advance into partnership or management positions, reap monetary rewards, find and maintain fulfilling personal relationships, and perhaps raise a family. Law firms have great expectations as well — to hire the best and the brightest lawyers, develop them into productive lawyers who can add to the success and profits of the business, and retain these talented lawyers on a long-term basis.

While the expectations of young women lawyers and the expectations of the law firms who recruit them appear to be aligned, women are leaving their jobs in large and mid-sized law firms in increasing numbers despite the proliferation of law firm programs designed to ensure higher retention of women lawyers.¹ Clearly, expectations are not being met. The question is why.

To answer the question of why expectations are not being met, it is necessary to understand where expectations arise. Are young women's expectations of a law firm career realistic? If so, where is the disconnect between the expectation and the practical reality that causes women to leave the jobs they so eagerly sought? If not, can something be done to foster more realistic expectations?

Where do expectations arise?

My own expectations as to what law firm practice would be like were largely formed by television, summer recruiting programs, and law school. Although my expectations about a legal career were formed more than 25 years ago, it seems like these sources still form the primary bedrock of expectations for each successive generation of women. With regard to television, shows such as "L.A. Law" and "Ally McBeal" have evolved into today's "Boston Legal." Regardless of era, these shows feature cases of great social import and courtroom drama with innovative and unorthodox approaches to problem-solving, interspersed with exciting personal interactions among sophisticated and charismatic colleagues. Yet, realistically, most young women lawyers' daily experiences rarely involve any of these

things. To the extent women believe that their daily law firm lives will resemble anything they see on television, their expectations are bound to be dashed. These shows are not realistic. While the current television craze includes many reality shows, we have yet to see a reality show about lawyers — for good reason. Who would watch lawyers sitting in warehouses for days tediously reviewing hundreds of boxes of documents or lawyers spending hours in front of a computer screen methodically researching case law? Today's more exciting legal dramas are bound to influence the expectations of young women that their cases will be exciting, that they will always be on the side of right, and that they can search out and maintain exciting personal relationships while handling big-ticket litigation and bet-the-company cases on a day-to-day basis. It is easy to see how the reality of everyday law practice would fail to meet these kinds of unrealistic expectations.

Summer recruiting programs can also form expectations that the reality of full-time employment can never meet. Traditional methods of recruiting the best and brightest talent are not necessarily designed to represent the reality of day-to-day life in a law firm. Rather, the reality of recruiting is that one of the best ways to allow a firm to evaluate prospective hires is to structure a way for firm lawyers to spend time and socialize with recruits to see what they are really like and whether they would be a good match for the firm's goals. While this allows the firms to obtain a more realistic look at their candidates in a variety of situations, young lawyers often cannot help developing the expectation that everyday work life will be full of the same enjoyable social interaction, high level of individual interest, and solicitous attention that may form a summer experience. In reality, a frequent refrain from departing female associates is that things changed radically once they got to the firm and "no one cared" about whether they were happy. They may not understand that busy law firm partners rarely visit with firm lawyers every day just to "see how they are doing" as they might with summer recruits. Yet, if this is the expectation young women gained from their summer clerkship, they are likely to be disappointed when the reality sets in.

To the extent that law schools facilitate the placement of law students into firms as part of on-campus interviewing programs, it should be asked whether the law school is doing



enough to help its students form the appropriate expectations of what a law firm career can be like. Do students form their expectations based upon input from law professors who may never have practiced in a law firm? Do students obtain guidance on the realities of what faces them upon leaving the safety of the law school classroom?

In my own law school experience, tremendous focus was placed on moot court, street clinics, and pro bono cases — all of the most fun and exciting things. Not once did I hear anyone talk about how to draft a motion, which was the first thing I was asked to do on my first day at a firm. I was unhappy to have paid as much as I did for my education only to find that I was not equipped to do the very thing the law firm hired me to do. In that respect, my law school experience did not meet my expectations and I did not meet my firm's expectations — at least on that first day. Clearly, expectations are formed during the time we spend in law school. Given the increasing number of women leaving the profession, it would seem logical for law schools to adapt their curriculum to better prepare their students for the realities that come along with the practice of law, thereby helping young women lawyers make the best choices for long-term success in a legal career.

How can expectations coexist with reality?

Law firms are likely to be able to improve their gender retention statistics by making their summer programs more realistic and by providing young women with a clearer picture of what their lives will be like when daily work life sets in and daily lunches go away. In that way, expectations can better meet reality.² Law schools can address this issue even more proactively by reaching young and idealistic students when they are still forming their expectations. Providing realistic seminars and career placement programs about the actual “business” of practicing law can help law students make more informed choices and enjoy longevity in their legal careers.

While law firm life on television will always be fantasy, the reality is that law firms and law schools are in the best position to paint a more realistic picture of a legal career. When provided with the most realistic view of what law firm life entails, young women can make decisions that match realistic expectations. If expectations can match reality, women who choose law firm life are less likely to be disappointed and frustrated in their career progression. Firms would likely see better results in retaining women who make realistic choices in selecting a law firm because when their great expectations are consistent with reality, great things can happen.

Notes

1. See, e.g., 2007 State Bar of Texas Report on Hiring, Retention, and Promotion of Minority and Women Attorneys in Large and Medium Size Law Firms and Corporations, available online at www.texasbar.com, under the menu item Other Bar Groups/Minority and Women Lawyers.

2. Having offered thoughts about how realistic expectations can co-exist with reality to enhance the retention of women in the legal profession, it should be noted that recent and dramatic salary increases for new lawyers may well present a new reality, unaffected by expectations. To the extent that the new reality consists of exploding salaries for new lawyers, then a law firm's ability to address long-term retention issues may be hampered in that few lawyers may be able to resist accepting a job for the short-term (with no intention of staying more than a year or two) in order to obtain a large amount of money quickly to pay off student loans and other obligations. How this will impact the issue of attorney retention remains to be seen, but could well end up being counter to law firm goals of improving attorney retention rates as a whole.

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