

## Articles

### "New Women and Minority Partners Unite"

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I get a lot of feedback from my articles, some of which give me fodder for other articles, for which I'm eternally grateful.

The following e-mail was in response to my column about a growing number of surveys finding that women outperform men in several critical management areas. One point of my column was that despite women's top-drawer performances, we are dramatically underrepresented in the upper echelons of management, in the firm and in the civilian world. See "Women Boost the Profession And the Bottom Line," **Texas Lawyer**, Jan. 1, 2001, page 46.

That last element rubbed one reader the wrong way:

I would like to see some recognition that women leave the lower ranks in far, far greater numbers than men. They do so for a large number of reasons, most of them good, but they do it nonetheless. Women seem to feel many other calls upon them, not least the nurturing of children, and many also don't seem to want to work as hard as men do in the "partnership track."

I hasten to call much of it laudable, and it's equally possible that it's a smarter thing to do, over all. But it's an honest factor of choice, and gets almost no play, especially among those to whom statistical disparity equals discrimination. That the managing partner jobs wind up in the hands of those who stay at the wheel is not injustice.

Our friend makes a point. Yes, women do leave the profession in larger numbers than men. And he accurately points out that most women who leave the profession do so by choice, not because their firms have told them to leave. And, yes, child-rearing has a lot to do with our choices. After all, not many women relish the thought of spending 60-plus hours a week away from their offspring. (I'm sure most men who work those hours would like to see their kids more, but society and/or biology haven't sanctioned the nurturer role in males like it has women.)

So the article is aimed at all you freshman partners, the newest inductees into the hallowed halls of firm ownership, in particular, the women and minority partners.

First off, congratulations. Making partner isn't easy. You had to survive the dues-paying years, when you probably spent more time in the library than you care to admit. More recently, you withstood the scrutiny of your higher-ups, who probed your abilities, your personality and your prospects for rainmaking. And you passed with flying colors.

Now that you're here, though, you're more than just a member of your firm's partnership, with all the increased earnings and limited liability that goes with it. If you are a woman or a member of a racial minority, you also are an important statistic. Every year, publications like this one keep count of the number of women and minorities in firm partnerships. And every year that number is underwhelming. You are now a tick in your group's column. If you're a female and a minority, you're a tick in both columns.

### The Pressure

## Articles

The decisions you make from now on aren't your own. You're representing your gender and your minority group. If you leave, you've left a gaping hole in your firm's diversity mix. Talk about pressure.

Which brings us back to our pen pal's point:

*Disparity doesn't mean discrimination.*

As a member of management and as the former recruiting partner, I get frustrated with the annual surveys that tally the number of women and minority partners at major firms. Each year, we're pilloried for the pitiful number of women and minorities in our ranks. But I've been a part of our firm's recruiting efforts, and I'm sure they're representative of the recruiting efforts at most major firms. Women and minorities are courted like crazy, particularly those from top schools.

But there's any number of reasons firms lose out on those candidates, most having nothing to do with perceived lack of opportunity at the firms. Geography is a major reason. For example, your candidate wants to work on one of the coasts and you're in landlocked Texas.

Keeping those lawyers also is no sure thing, particularly as women move through the ranks and opt for alternative career tracks than enable them to focus more time on their families. Some women leave the profession altogether during their childbearing years, while others take part-time status or work as contract lawyers while their children are young.

The women who make these choices do so knowing full well they will affect their partnership chances. After all, why should one person who's working 65 hours a week and billing 2,400 hours a year be considered on an equal footing with somebody who's billing 1,900 hours a year and working 40 hours a week?

Is the 40-hour lawyer less capable? Probably not. But partnership is reserved for those lawyers who have proven to the firm that they are willing to devote enormous energy to the success of the firm and its clients. It's only fair that the standards for men be the same as the standards for women.

On that point, I have no quarrel with my reader.

What he doesn't appreciate, however, is what happens to those women and minorities who haven't taken any of those alternative tracks and who do give their all to the firm. Most women and minorities will tell you that they have had to be much, much better than their white male counterparts to get the same level of recognition.

I'm not advocating that firms lower their partnership standards for women or minorities. The economic realities of the legal profession typically prevent firms from elevating part-timers to partnership. However, once a lawyer had proven that she has the level of commitment to make it to the partnership, she should be judged by the same standards as her peers.

Which is where you, new partners, come in. Like it or not, if you're a woman or a minority, you're going to be judged by a tougher standard than the white males at your firm. But then, you're probably used to that, aren't you?

I'm here to ask you to stick it out. The profession needs you. Your firm needs you. Your column needs you.