

WOMEN LEADERS WANTED

REFLECTIONS ON THE STATUS OF WOMEN IN LEADERSHIP POSITIONS AT THE BAR

By Hon. Sandra Mazer Moss (Ret.)

One summer day, as I performed my morning ritual of perusing *The Legal Intelligencer*, Philadelphia's legal newspaper, a headline (below the fold, of course) caught my eye. It loudly proclaimed: "Pledge to Name More Women as Arbitrators Reaches U.S. Law Firms."

Being a woman, an ardent feminist, and an arbitrator, I immediately deserted the top headlines and zeroed in on the arbitration story.

While the thrust of the article revolved around women as international arbitrators, the central issue was, to me, as relevant in Philadelphia as I am sure it is in London, Paris or Tokyo. It led off with the discouraging news that women are "dismally represented" as international arbitrators. "In some cases, less so than law firm partnerships and the judiciary." I guess the reporter has not recently checked out the status of women judicial leaders in the Philadelphia court system.

However, the news brightened as "a pledge aiming to increase the number of women arbitrators has gained the

support of hundreds of individuals and organizations worldwide, including law firms, firm partners, their clients and some of the world's largest arbitration institutions." The pledge formally titled "The Equal Representation In Arbitration Pledge," was launched in London with 300 signatures, which grew to over 1,000 in one month alone.

As someone who has been striving to reinvent her 20th-century self to the needs of the 21st-century ADR community at The Dispute Resolution Institute, this was very encouraging news. At least the problem was being identified and a game plan was being put into place. Then my skeptical self took over. A pledge is really nothing more than a sign of good intentions. It is not a rule or a requirement.

Between the lip and the pen, a lot can happen. However, it got me thinking about the status of women in ADR. In my zeal to reinvent myself from a jurist to an ADR professional, I never focused on the fact that I am a woman and the majority of distinguished neutrals are men. Of course, not exclusively men, but if you add up the numbers, we are woefully outnumbered.

This realization led me to once again ponder the current state of women leaders in law firms as I spent most of my

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judging years advocating for more equal representation of women attorneys before me. I devoted my remarks to that subject when accepting the Philadelphia Bar Association's Sandra Day O'Connor Award in 2014, and in my work at Temple Law's Sheller Center for Social Justice, where we did a study in 2016–2017 on the status of women attorneys as leaders in complex litigation nationwide.

Regarding the Temple project, our preliminary statistics were troubling. As of 2017:

- a) Women still comprised only 18% of equity partnerships;
- b) The typical female equity partner earned 80% of what a typical male equity partner earned;
- c) Women were underrepresented on compensation committees and as rainmakers;
- d) Women comprised only 44% of associates at all levels, which may suggest that women may be turning to other professions; and
- e) Even more distressing, despite years of research and articles demonstrating the benefits of flexible work arrangements, there were still top law firms that did not permit women to advance if they were on a reduced-hours

schedule.

We have come far since the 1970s when my feminist friends and I marched, picketed, and lobbied for passage of the Equal Rights Amendment. However, we have not come far enough—not by a long shot. In the law firm community, as well as in the ADR community, there is still a football field of room for improvement. And, while I applaud the creation of The Equal Representation in Arbitration Pledge, I state strongly that it is not enough to just pledge. The movers and shakers who select ADR professionals, both men and women, need to bite the bullet to not only pledge, to not only make a concerted effort, but to actually select women as mediators, arbitrators, and special masters.

Women attorneys, corporate CEOs, and insurance executives need to think outside the box when it comes to selecting an ADR professional. If women do not support each other, we will simply perpetuate the inequalities of the 20th Century. We have all heard of the old boys' network. We have all been faced with guys looking after guys when it comes to plum assignments and promotions. As women, we need to look after each other as well. We should make

the old girls' network as common as our counterparts'.

Retired New Jersey Superior Court Judge, The Hon. Marina Coredeemus, who is a prominent distinguished neutral, put it very well when she emailed the Women's Mass Tort Bar in response to The Legal Intelligencer's "Pledge" article. She wrote:

"This article echoes the inherent bias by men and women to select male ADR professionals. May I suggest awareness of your members to affirmatively hire women ADR professionals is an idea that should be recognized and implemented."

Way to go Judge Coredeemus!!!

The bottom-line truth remains that I cannot reinvent myself into somebody I am not. So, if I cannot reinvent myself, I will work diligently to reinvent the system.

However, this is not a one-woman job. We—both men and women—must work together. We must do a better job of mentoring. As my mentor, The Hon. Judith Jamison once said:

"I pulled you up. Now you have to pull at least two women up behind you."

I promised I would, and I have tried to honor that promise tenfold. If we all diligently work to pull one young woman up the corporate ladder, whether it is litigation or ADR, what a difference we can make!

With the first woman presidential candidate from a major political party winning the popular vote in 2016, with a record number of women elected to Congress in 2018, with more women being appointed to the Federal Bench each year, and with the possibility of a woman Vice President of the United States in 2021, it does not seem all that much to strive for equality for women lawyers here and everywhere, whether they are litigators, negotiators, or neutrals. ■

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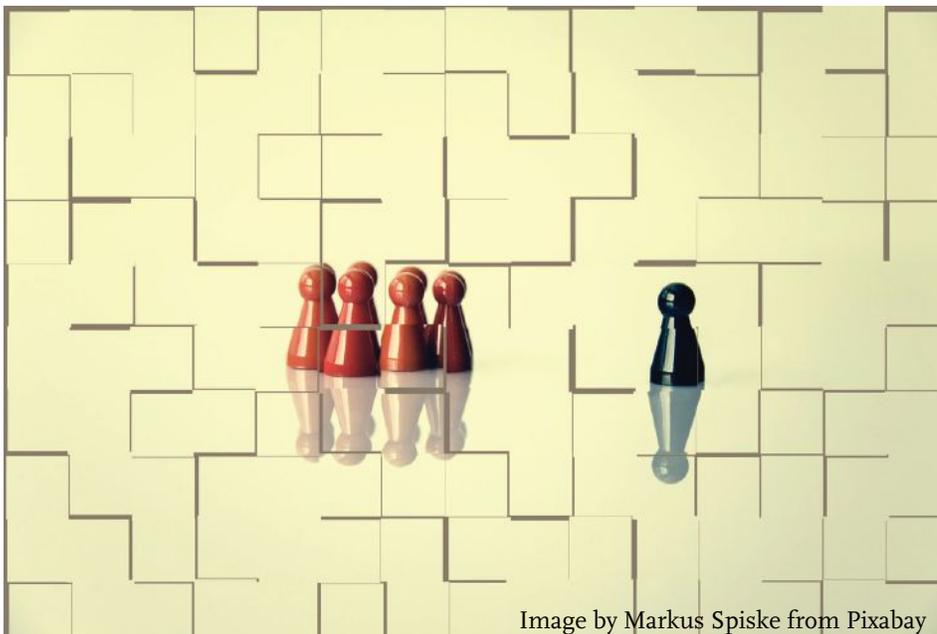


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