

A large, faint background image of a sage plant with its characteristic whorled leaves and upright flowering stems. The word "sage" is written in a large, stylized, metallic-looking font across the top of the plant.

sage

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Self-Audit for Gender Equity

best practices

Minnesota State Bar Association Committee on Women in the Legal Profession

The following represents the MSBA approved Best Practices for promoting gender equity in legal employment.

These goals are intended to promote practices among legal employers (public and private) that encourage employment and retention of women in the profession.

The Committee comments are intended as guides to the interpretation of each Best Practice and are not a part of the goals themselves.

The issues addressed are:

Equal Access

Workday

Governance

Evaluation/Promotion

Retention

Compensation

1. Equal Access Issues

Legal employers:

- Provide women with equal access to clients and equal opportunity for challenging work assignments through succession and practice plans reviewed and adopted by the legal employer's management.
- Provide women with training, financial support, recognition and commensurate compensation for developing sustainable and growing practices and establishing community reputations.
- Encourage diversity in their lawyers' informal gatherings and social events.
- Create opportunities for all junior lawyers to have access to more senior lawyers for training, evaluation, networking, and mentoring purposes.
- Provide internal and external access to leadership training.
- Recognize participation in community and bar leadership activities, including service on committees and boards, as a value to legal employers.
- Periodically review scheduled meetings or events, including marketing events, to ensure that all lawyers have the opportunity to participate in meetings and activities.

Committee Comments:

Providing support for networking with other lawyers aids women where there is not a critical mass of women lawyers.

Legal employers should provide and routinely monitor equal access to work and clients for all lawyers in all practice areas, including establishing succession plans for equal access to clients of retiring attorneys.

Legal employers should provide opportunity and support for all types of marketing activities including those non-traditional activities such as theater, arts, and family activities, as well as the more traditional opportunities such as golf and sporting events.

Marketing, community involvement, education, speaking, and networking opportunities specifically targeting women lawyers, clients and potential clients should be encouraged and supported financially. Women should be included in all traditional marketing efforts as well.

2. Workday Issues

Legal employers:

- Offer equitable and viable alternative part time and flexible work schedules.
- Provide adequate technology to maximize lawyers' productivity and to support their needs consistent with their work schedules.
- Adopt and implement formal and informal mentoring programs.
- Adopt and enforce anti-discrimination and harassment policies, including gender discrimination and sexual harassment.
- Adopt and implement policies and procedures to investigate and enforce complaints of inequity, discrimination, or harassment.
- Obtain, analyze and communicate to all lawyers data about gender equity within their organization.
- Support gender equity at all management levels through action and words and communicate this support to the entire organization.

Committee Comments:

Adequate technology includes laptop computers, remote access to computers and programs and appropriate remote legal research access, voice mail, and clerical support.

In addition to offering part time and flexible work schedules, employers should work to create an environment in which lawyers feel comfortable using them.

Management's support of gender equity should carry with it the expectation that all members of the organization will be committed to gender equity within the organization.

3. Governance

Legal employers:

- Ensure that women are represented on a proportionate basis and participate in all levels of firm or public employment management.
- Gather and internally disseminate statistical information regarding gender representation in hiring, promotion, compensation, and governance.
- Charge a person and/or committee with promoting diversity, including gender equity.

Committee Comments:

Representation should be proportionate based on the ratio of female lawyers to male lawyers employed, not just women partners or women managers.

Gender representation includes both participation in the activities related to hiring, promotion, compensation and governance, and the result of efforts in those areas.

Data should be kept and regularly reviewed regarding all aspects of the process of hiring, promotion, compensation and governance, including keeping the statistics gathered in the objective SAGE survey.

4. Evaluation/Promotion Issues

Legal employers:

- Apply uniform standards for advancement of men and women within the organization.
- Periodically review, communicate, and consider client satisfaction in the evaluation of all lawyers.
- Recognize and reward lawyers for mentoring others.
- Review lawyers' treatment of others and address inappropriate behaviors.
- Recognize women and men for their achievements in all areas of legal practice, including recruiting, marketing and mentoring informally and/or through formal recognition programs.
- Establish goals or benchmarks for individual lawyers as part of their personal evaluations.

Committee Comments:

Established time frames, practice goals and practice planning enable both lawyers and their employers to fairly evaluate progress and aid in training and ensure that all lawyers receive similar opportunities to progress toward promotion.

Mentoring programs include internal and external leadership programs.

Employers should have both male and female employees available to receive and review complaints. Complaints should be handled confidentially, when possible, and complaining parties should not be subject to retaliation.

Senior management should be responsible for addressing behaviors reflecting conscious or unconscious stereotypes

and perceptions of gender bias. Behavior may include language, excluding someone from an event or type of work, lack of civility and other inappropriate behavior, or failing to provide adequate alternative marketing opportunities.

Being valued was cited as an important reason why women said they stayed with firms and not being valued was a reason why they left. For public employers, recognition is especially critical as merit compensation is not usually available.

5. Retention

Legal employers:

- Conduct exit interviews of all departing lawyers to determine the reasons for their departure.
- Address gender inequity in retention rates for attorneys at all levels.

Committee Comments:

Exit interviews should include inquiry about the reasons for leaving and allow for discussion about all aspects of firm management and culture. Firms should make use of the information learned in exit interviews to improve retention.

6. Compensation Issues

Legal employers:

- Establish non-discriminatory bases for compensation decisions within the organization.
- Communicate the true basis for compensation to women and men within the organization.
- Ensure that women participate in compensation decisions.
- Recognize and equitably reward men and women for participation in firm administrative duties as part of the compensation decision.

Committee Comments:

Legal employers should routinely analyze the numbers to make sure that there is no gender bias in the decision-making. To the extent possible, employers should consider economic and non-economic measures, in addition to billable hours or seniority, as a basis for compensation.

Other measures may include business development, realization rates, efficiency, client satisfaction, administrative duties, mentoring, and pro bono work.

Sage Survey Participants

Anoka County Attorneys Office
Anoka County Public Defenders Office
Arthur Chapman Kettering Smetak & Pikala PA
Briggs and Morgan PA
Carver County Attorneys Office
Central Minnesota Legal Services
City of Bloomington
City of Rochester
City of St. Cloud
Collins Buckley Sauntry & Haugh PLLP
Cousineau McGuire & Anderson Chtd
Dakota County Attorneys Office
Dorsey & Whitney LLP
Dunlap & Seeger PA
Eighth Judicial District
Faegre & Benson LLP
Federal Public Defenders -
 Minneapolis Office
Fifth Judicial District
Flynn Gaskins & Bennett LLP
Fourth Judicial District
Fredrikson & Byron PA
Gray Plant Mooty Mooty & Bennett PA
Greene Espel PLLP
Halleland Lewis Nilan Sipkins & Johnson PA
Hamline University School of Law
Hansen Dordell Bradt Odlaug & Bradt PLLP
Hennepin County Attorneys Office
Hinshaw and Culbertson
Internal Revenue Service - St. Paul Office
Jardine Logan & O'Brien PLLP
Lapp Libra Thomson Stoebner & Pusch Chtd
Lawyers Professional Responsibility Office
Leonard Street and Deinard
LeVander Gillen & Miller PA
Lindquist & Venum PLLP
Lommen Nelson Cole & Stageberg PA

Maslon Edelman Borman & Brand LLP
Maun & Simon PLC
Meshbeshier & Spence
Messerli & Kramer PA
Minnesota Supreme Court
Minnesota Tax Court
Office of Administrative Hearings
Olmstead County Attorneys Office
Oppenheimer Wolff & Donnelly LLP
Patterson Thuente Skaar & Christensen PA
Public Defenders Office - Eighth District
Public Defenders Office - Fifth District
Public Defenders Office - Seventh District
Public Defenders Office - Sixth District
Public Defenders Office - Third Judicial District
Quinlivan & Hughes PA
Ramsey County Attorneys Office
Ramsey County Public Defenders Office
Ratwik Roszak & Maloney PA
Rider Bennett LLP
Robins Kaplan Miller & Ciresi LLP
Schwegman Lundberg Woessner & Kluth PA
Scott County Attorneys Office
Second Judicial District
Seventh Judicial District
Sherburne County Attorneys Office
Stearns County Attorneys Office
United States Court of Appeals - Eighth Circuit
United States Department of Justice -
 Office of US Trustee - Minneapolis Office
United States District Court for the
 District of Minnesota
William Mitchell College of Law
Workers Compensation Court of Appeals
Wright County Attorneys Office