

I Might Be Busy, Sometimes Frustrated or Exhausted, *but...*

# I Am *Not* Distracted

By Marie Chafe, Chair, DRI Women in the Law Committee



There has been a bit of a viral post going around and discussions about an article in the journal of a large bar association about the challenges to long-term career growth for women lawyers.<sup>1</sup> Many different viewpoints, criticisms, double-down defenses, and a whole lot of conversations have happened. I take the writer at her word—that she has been a staunch supporter of women in the law and in helping women lawyers advance. That just makes it all the more curious that she got herself into hot water, that she got it all so terribly wrong, that she misunderstood the criticism, and that the issues facing women lawyers could be so deeply entrenched in the legal practice that no one noticed before the date of publication.

So, what caused the uproar? Well, here’s what stopped me in my tracks—that motherhood can cause “very busy women lawyers to lose focus” on their careers and that the solution is to avoid getting “sidetracked.”<sup>2</sup>

Let’s break that down. Motherhood is demanding—true. Mothers get busy—true. Lawyer mothers decide to cast aside their hard-earned diploma, ceaseless nights of work, worry, and financial sacrifice because their mind wandered and they lost track of their career—what?

As a mother of two girls and a fulltime practicing litigator, I know the stress that comes with working and raising a family. I remember the nights I spent finishing a brief after getting the kids settled in for the night. I can still feel the guilt of missing games and important school events, even if I made it to most of them. In fact, as I finalize this piece it is 2:00 in the morning and I am in a hotel room with my family on “the great college tour” to help my younger daughter select a school. It’s hard to juggle it all, but the sense of accomplishment, the job well done, the confidence gained from winning a motion or a trial, and the satisfaction of developing strong working relationships with my colleagues—all

of those accomplishments brought out the best “me” to handle raising a family too. Work is hard but at the end of the day, I love my career. I can’t imagine giving it all up. Many women do and it has nothing to do with getting distracted.

All of my experience and observations—and the wealth of research in the area—shows that women don’t leave the law, the *legal profession leaves them*. Structural disadvantages and gender bias exist and are pervasive. Compensation inequities, unfairness in promotion, unequal attention and mentoring from senior lawyers, those problems each plays a role. With those biases in place, it is not hard to imagine that career outcomes for women are different from those of their male counterparts. To address the issue with seriousness of intent to make a difference, we do not need to repair a woman’s ability to “focus.” We need to fix the workplace.

The DRI Women in the Law Committee dedicates its resources to identifying and dismantling the barriers that exist in the legal profession and that inhibit the career potential of women. In our seminars, Zoom events, programs, networking, and community pages, “WITL” draws on experts, researchers, notable thought leaders, and the experience and insights of each other to identify and develop a response to persistent discrimination and to prevent talented women from being driven out of the profession.

Some of the issues that the committee has explored include how gender bias can creep into the work culture. Firms and companies need performance-based criteria in the hiring and promotion process and then consistent follow-up to ensure that the internal relationship that must be formed to ensure continued success and advance are being formed. Are senior (male) lawyers and corporate executives spending time mentoring and working with younger male colleagues because it feels “comfortable”? Are language cues unconsciously entering a conversation—is someone pushy vs. confident, or emotional vs. considerate? As a profession, we need to develop the ability to recognize these broad patterns of gender bias and become armed with the resources to confront underlying cultural and structural concerns. Language matters; intention matters. Ultimately, I believe the issue comes down to purpose. Do workplace leaders want to ensure equal opportunity for women and other minority groups? That underlying desire must permeate all inter-

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- 1 I take the approach that if you know the article, you know which organization; if you don’t know the article, it doesn’t matter. I am not here to criticize the organization or even the author of this errant article. Instead, I am writing to express my view on the issue—the advancement of women in the legal profession. It’s an important issue to address head-on without the personal animosity or critic about “messaging.”
- 2 Citations and references are important in usual legal writing. But the reference is not the focus here. *See* fn. 1.

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actions. Change will not happen without a desire to make it happen and purposeful intention to take action.


The Women in the Law Committee’s programs help to identify these issues and develop effective responses, but the members of WITL are so much more, too. The committee works collectively as a group to become better than all individual efforts. I’ve described it as a collective consciousness, to think and act as a supportive community, and to share knowledge, thoughts, and resources. The best qualities of our members include the following:


- Shared interests and goals that foster mutual respect and a drive to work together productively;
- Willingness to explore diverse solutions to maximize a positive outcome;
- Inclusive effort to allow a broad and deep evaluation of everyone’s contributions; and
- Balanced interdependence (information sharing) and independence (individual decision making).

The committee is effective because we coalesce around a single purpose—to help, support, and cre-

ate friendships and share the joy of successes and sense of community during trying times.

After more than a year apart, WITL will host a blockbuster workshop during **the 2021 DRI Annual Meeting** focused on developing an inclusive workplace. On October 13 at 1:00pm, we will **Re-connect, Re-engage & Rise Stronger Together**. Look for more information about that and our notable speaker Stephanie Scharf, a former president of the National Association of Women Lawyers and the recent chair of the ABA Commission on Women in the Profession.

The WITL Committee continues to be a resource for every member. Do not underestimate the power of women connecting and supporting each other at work. With that support, strategy, and hard work, gender bias will no longer derail the professional potential and careers of women. Distracted? Hardly. We are laser focused on ensuring equal opportunities for career success and developing support and resources for removing system barriers to the success of women in the legal profession... and we are just getting started. 



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## Diversity and Inclusion in DRI: A Statement of Principle

DRI is the largest international membership organization of attorneys defending the interests of business and individuals in civil litigation.

Diversity is a core value at DRI. Indeed, diversity, which includes sexual orientation, is fundamental to the success of the organization, and we seek out and embrace the innumerable benefits and contributions that the perspectives, backgrounds, cultures, and life experiences a diverse membership provides.

Inclusiveness is the chief means to increase the diversity of DRI’s membership and leadership positions. DRI’s members and potential leaders are often also members and leaders of other defense organizations. Accordingly, DRI encourages all national, state, and local defense organizations to promote diversity and inclusion in their membership and leadership.

