

# LAW WEEK

## COLORADO

# Addressing the Pipeline Problem at the Source

*IP firms look to promote women in the practice with early recruitment*

BY HANNAH SKEWES  
LAW WEEK COLORADO

Kilpatrick Townsend & Stockton has changed its summer associate recruiting process in a way that seems to benefit women in the hiring process.

That wasn't the original intention.

"It seems to be helping us find really good candidates, and those candidates happen to be women," Denver managing partner Gene Bernard said. "I don't think we went in with a plan of doing this to get more women to come to the firm, but it seems to have that result — and that's a good result for us."

While he is cautious not to over-generalize females even in terms of strengths, he said, anecdotally, that the firm has seen women noticeably rise up as viable candidates in a new recruiting technique that puts an emphasis on collaboration. Intellectual property law, one of Kilpatrick Townsend's focuses, usually requires a highly technical understanding of the underlying technology, particularly in the patent world.

Patent litigators typically have backgrounds in science or, more commonly, engineering so they can speak with a fluency in the courtroom when components of a case are beyond a layperson's understanding. Firms typically seek

out those candidates at the law school level, but Bernard said traditional interviews were not doing well enough to evaluate how recruits would work in teams.

For the past two years, the firm has added a layer to the interview process after the initial interview. Instead of a second round of interrogation, the firm sends a class of candidates to Atlanta or San Francisco for a weekend to work on problems together. Those who collaborate well move up on the list of potential hires for the firm's summer associate program.

And anecdotally, the process seems to favor females, Bernard said. Two of three summer associates in that time have been women, including one returning full time this fall. One of the two summer associates for this year is female, and she tested best among 25 candidates as far as collaborative skills go, he said.

"The criteria are maybe changing a bit in how we evaluate candidates," Bernard said, "and some of those criteria changes may have the effect of encouraging more women to come to the firm."

Finding those candidates early might make a difference as well. According to Sabrina Stavish, an IP attorney who focuses on copyright and trademarks with Sheridan Ross in Denver, simply focusing on hiring women can make a difference for a firm looking to overcome the gender disparities

that plague the legal profession. If 10 men have been hired, leaders should seek out women because they might be more difficult to find instead of wondering why without changing anything.

"That's the reality," Stavish said.

Stavish, an equity partner, has been with the firm for 29 years, the entirety of her legal career outside of a clerk courtship. She said she has encountered firms that have stopped hiring new attorneys out of law school, putting some females at an indirect disadvantage after they have practiced in a space that favors the advancement of men after three or four years. It's an idea echoed by women who work in Merchant & Gould's Denver office. Kathy Ott and Kirstin Stoll-DeBell are both equity partners of the firm's eight in the city. Ott has been with the firm for about nine years, and Stoll-DeBell has practiced there for 18 years.

"It was the culture that made me want to stay," Ott said, who noted she was an older student when she attended law school. She has a background in biotechnology and originally intended to go to law school. "When I walked around the office, every door was open."

Stavish said she has stayed at Sheridan Ross for so long because of a general culture and practice of flexibility and community, allowing her to get through years of



SABRINA STAVISH

having children without disrupting her occupational trajectory.

"If they (young female attorneys) started at the right firm — and at the right firm from the beginning — they would stay in the practice," Stavish said.

But that begs the question of what makes a firm "the right firm."

### THE LAY OF THE (MAN'S) LAND

The dearth of women attorneys at large in the legal field, particularly in positions of power, is no secret to the profession itself. Yet the profession still struggles to reach parity.

According to the National Association of Women Lawyers, women have steadily made up about 17 percent of equity partners across the legal profession in the 200 largest firms in the U.S. For the past five years, the number of overall female attorneys in those firms has plateaued around 30 percent, ac-

cording to a data analysis released in April by research company ALM Intelligence.

According to ALM's data, female associates account for about half of incoming classes of new attorneys joining BigLaw firms but those numbers drop among partner ranks. Over the past five years, about 25 percent of non-equity partners and 16 percent of equity partners were female. And the data does not give a satisfying answer for those wondering why: there was no specific age range correlating with women leaving BigLaw but rather a general "slow leakage" of female talent year over year.

At those rates, ALM estimates parity among equity partners will not be a reality until 2081.

"If firms do not make significant progress soon, gender parity will remain only a distant possibility for the industry," the study's author, attorney Daniella Isaacson, wrote. "The repercussions of this will disrupt the industry in two significant ways. On the firm level, lack of gender diversity will prevent firms from winning work from diversity-focused clients and building the most innovative and profitable teams. Industrywide, Big Law will become a distant competitor for top female talent, particularly at the middle and upper echelons."

acquisitions, admiralty and aerospace.

"The middling percentage of female headcount in high-earning practice areas such as corporate, tax, litigation, and IP effectively means that female lawyers, largely employed in lower-paying practice areas, earn less as a group," according to the ALM Intelligence report.

But the lack of women in IP law may not be the blame of the legal profession in total.

Most, if not all, patent law positions require a highly technical background in science and engineering, and there has been an enduring dearth of women in STEM fields and schools for decades.

According to MIT, while about 20 percent of undergraduate engineering degree holders are female, only 13 percent of the engineering workforce are women.

A study from the university found that a large contributing factor to the discrepancy was a general feeling of marginalization among females, particularly during internships and team-based educational activities, in which gender dynamics may generate more meaningful opportunities for men.

#### BEYOND RECRUITING

Along with recruiting techniques, Bernard said Kilpatrick

other senior positions outside of the typical associate-to-partner track that traditionally favors men and considers "being a good firm citizen" in its evaluation criteria as well as an allowance to offset billable hours with pro bono work, he said.

By the time Stavish started at the firm, Sheridan Ross was a small firm with very few women attorneys.

She said she believed she was the first in the office to go on maternity leave.

But over the past three decades, she said with a supportive atmosphere and the ability to hire more female attorneys, the firm has been able to breed affinity.

"I had a mentor, and she didn't have children of her own, but she was interested in hiring women and instilling in them this idea that, 'yeah, you could do this job and have kids too,'" Stavish said. "So you can see other women being successful with families rather than feeling like it's too much. You don't hear the negative voices."

Law firm leaders who care about closing the gender gap say the effort extends beyond the recruiting process. Denver managing partner Tim Scull with Merchant & Gould said his own firm's progress "wasn't overnight," but by putting

field at the outset, and is difficult to change into or out of once a student is on that track.

When she started law school in 1984, Stavish said it was about split in half in terms of gender in her class. But when her son looked into engineering school in 2009, the incoming class seemed to be more than 90 percent male.

"We're always going to need patent attorneys with engineering degrees," Stavish said. "Unless something changes before they get to law school, there just won't be enough women candidates."

Along with a general open-door policy at Merchant & Gould, Stoll-DeBell said having women in leadership still keeps other proverbial doors open for younger female attorneys because they tend to seek them out and watch out for them, an extension of the office culture at large.

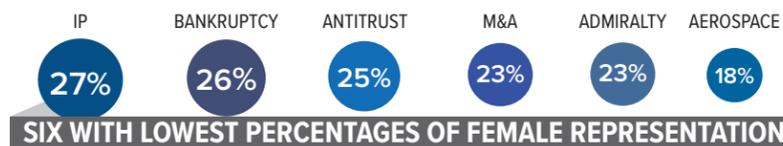
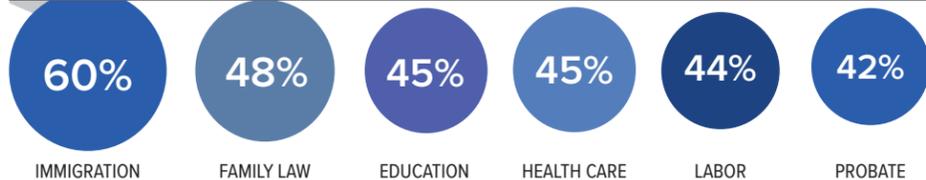
"I don't think someone would reach leadership roles here if their office door wasn't open," she said.

In the end, the professional is looking at major cultural shifts before it can reach parity, but that doesn't mean it's not worth the effort, according to Bernard. His daughter is as engaged in science class as the boys in her seventh-grade class, he said.

"It's going more slowly that I

## WOMEN IN BIGLAW: NICHE PRACTICE AREA RATIOS

### SIX WITH HIGHEST PERCENTAGES OF FEMALE REPRESENTATION



### SIX WITH LOWEST PERCENTAGES OF FEMALE REPRESENTATION

Most of the other practice areas averaged around **30 to 40 percent**. About **20 percent** of undergraduate engineering degree holders are female **13 percent** of the engineering workforce are women.

SOURCES: ALM Intelligence, MIT

When it comes to women working in intellectual property practice, particularly in the technically complicated world of patent law, the numbers dip even lower. According to a 2014 quantitative study published in the John Marshall Review of Intellectual Property Law, of all registered patent attorneys in the U.S., about 73 percent were male compared to 17 percent that were female. About 10 percent had genders that were not verified.

Among 28 unique practice areas, the ALM report found women in BigLaw tend to fill up niche practice areas such as immigration and family law. Intellectual property was the sixth lowest in terms of percentage of female practitioners at 27 percent, followed by bankruptcy, antitrust, mergers and

Townsend also tries to breathe flexibility into its office expectations to help alleviate the social forces that sometimes traditionally pull females away from their careers, including being the archetypal caregiver.

It's a cultural matter, both within a law firm and the larger society beyond. And it's a reality he said he's seen with his wife, who went from BigLaw to an in-house role to a solo practice to accommodate a growing family.

"Time becomes more valuable than competitive pay," Bernard said.

The firm also incorporates other components in its evaluation process that considers more than the billable hour, or the amount of business measured as a lawyer's success. The firm also includes

women in positions of power and on committees that drive firm hiring and policy, a noticeable shift has occurred, he said.

"Some days we're lawyers, some days we're engineers, some days we're both," Scull said. "In these recruiting conversations, we have specific needs for science and engineering backgrounds. And in trying to increase the pipeline, we have a number of different initiatives, and that's very much a focus."

#### ADDRESSING THE PIPELINE PROBLEM

Merchant & Gould works with Girls, Inc., which works with girls primarily in Denver Public Schools, in efforts to draw more females into STEM fields while they are still young. An engineering degree usually requires a dedication to the

wish it was," Bernard said. "There were plenty of women in my graduate school class in the early '90s but that's not reflected with people in my position now."

But like all great civil rights issues, from same-sex marriage to voting rights to immigration issues, Bernard said it takes time to make those differences that are more seismic than subtle.

"You need generations to get it out," Bernard said. •

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