

Can We Turn the Impact of the Pandemic Into a Bias-Busting Slingshot? Women in the Law in 2022

Guest and Dorsey Panelists

Christine Esckilsen, Managing Director & Chief Human Capital Officer, Piper Sandler Companies

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Dr. Artika Tyner, Ed.D., M.P.P., J.D., Planting People Growing Justice; Clinical Professor, University of St. Thomas School of Law

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Program Materials

PowerPoint Presentation

Dorsey eUpdates and Blog Posts

Dorsey Blog: *What is the EEO-1 Report and What Are My Obligations?*, Marina Lyons (10/2/22)

Available at: <https://www.quirkyemploymentquestions.com/other/general/what-is-the-eeo-1-report-and-what-are-my-obligations/>

Dorsey eUpdate: *California Governor Gavin Newsom Signs Update to State's Pay Transparency Law, Setting Out New Pay Disclosure Requirements*, Gabrielle Wirth, Erica Haggerty Chen, Nisha Verma, Jessica Linehan & Pavlina Rafter (9/28/22)

Available at: <https://www.dorsey.com/newsresources/publications/client-alerts/2022/09/ca-gov-newsom-signs-pay-transparency-law>

Dorsey Blog: *What Types of Pay Equity Laws Should I Be Aware of and How Can I Best Comply?*, Jillian Kornblatt & Monica Delgado (9/22/22)

Available at: <https://www.quirkyemploymentquestions.com/other/general/what-types-of-pay-equity-laws-should-i-be-aware-of-and-how-can-i-best-comply/>

Dorsey Blog: *Workers' Compensation Coverage for Remote Employees' Injuries: What Happens When Every Day Is Bring Your Child (and Pets, and Neighbors) to Work Day?*, Jennifer Service, (9/13/22)

Available at <https://www.quirkyemploymentquestions.com/other/negligence/workers-compensation-coverage-for-remote-employees-injuries-what-happens-when-every-day-is-bring-your-child-and-pets-and-neighbors-to-work-day/>

Session materials are available for download on www.dorsey.com.

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Dorsey Blog: *Unlimited PTO in California – Is This Actually a Good Idea to Retain Employees?*, Melonie Jordan, Pavlina Kochankovska Rafter & Gabrielle Wirth (8/3/22)
Available at: <https://www.quirkyemploymentquestions.com/other/general/unlimited-ptoin-california-is-this-actually-a-good-idea-to-retain-employees/>

Dorsey Blog: *How does the new-ish Colorado statute requiring disclosure of salary information for job postings affect non-Colorado employers?*, Briana Al Taqatqa (6/6/22)
Available at: <https://www.quirkyemploymentquestions.com/featured/wage-and-hour-issues/how-does-the-new-ish-colorado-statute-requiring-disclosure-of-salary-information-for-job-postings-affect-non-colorado-employers/>

Dorsey Webinar Playback: *L&E Briefing: COVID, Long Haul COVID and Reasonable Accommodations*, Rebecca J. Bernhard, Katie Ervin Carlson & Jennifer Service (3/29/22)
Available at: <https://www.dorsey.com/newsresources/events/videos/2022/03/webinar-playback-le-briefing-long-haul-covid>

Dorsey eUpdate: *New York City's Wage Transparency Law Requires Salary Ranges to be included in Job Advertisements*, Laura Lestrade, Krista Bolles & Melissa Rahpan (2/28/22)
Available at: <https://www.dorsey.com/newsresources/publications/client-alerts/2022/02/nyc-wage-transparency-law>

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Housekeeping

Materials. Session materials and speaker biographies are available on [Dorsey.com](https://www.dorsey.com) for download. Search “Corporate Counsel Symposium 2022.” Webinar attendees may also download materials from the Zoom Events Lobby.

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Q&A. The speakers will not have time to answer audience questions, please contact the speakers or your trusted Dorsey contact.

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Webinar Attendees. Please check CHAT for announcements.

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Guest and Dorsey Speakers



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Pandemic Snapshot: Women in Law

- **Pre-Pandemic**
 - **ABA Data: Women =**
 - 50% of law school graduates
 - 20% of equity partners
 - 2% of equity partners women of color
 - **ABA Data: People identifying “White” =**
 - 82% of overall lawyer demographics
 - Close to 90% of partners
 - White men hold close to 70% of all partner positions
 - **The majority of women lawyers have experienced being mistaken for a lower-level employee, demeaning comments, and lack of business development opportunities.**

Pandemic Snapshot: Women in Law

- **Pandemic Impact 2020 and 2021**
 - In the early months, women lost significantly more jobs than men. Women with less education were disproportionately affected.
 - The pandemic put a spotlight on the issue of unequal family duties. Women frequently assumed additional roles related to child care and remote learning.
 - The majority of experienced female lawyers reported that they have full responsibility for arranging child care, and the majority of women leaving firms ascribed their decision to caretaking commitments.
 - Women left big law at a greater rate than men, but by a small margin.
 - The number of women leaving the practice of law in 2021 was less than the number of women leaving in 2019.

Pandemic Snapshot: Women in Law

- **Pandemic Impact 2020 and 2021, continued**
 - There were other seismic events during the pandemic that significantly impacted our communities, including large scale worldwide protests against racial injustice spurred by the killing of George Floyd and increased incidents of violence against members of Asian communities.
 - A significant percentage of lawyers of color cited racial injustice as having the most negative impacts on their careers and well-being. 68% of Black lawyers and 44% of AAPI lawyers were negatively impacted by racial injustice and incidents of Anti-Asian bias. (Thomson Reuters)
 - Lawyers of color in particular were dealing with managing emotions in the workplace—both their own and coworkers’—which created additional pressure and stress.

Pandemic Snapshot: Women in Law

- **Pandemic Impact 2022**

- Women’s employment gains have outpaced men’s in 2022, though still below pre-pandemic levels.
- Despite widespread concerns, lawyers were able to work productively from home, and many law firms reported a record year in 2020.
- We’ve experienced the “great resignation,” “great reinvention,” “quiet quitting,” and now the “great break-up,” where women leaders who are already underrepresented are switching jobs at higher rates, significantly more than men. They are leaving for more opportunity, flexibility, and commitment to inclusion.
- Only one in ten women want to work mostly on-site, and many women point to flexible and hybrid work options as one of their top reasons for joining or staying at an organization.

Reflection and Discussion

- **Does this description reflect your pandemic experience and the experience of your colleagues?**

Continued Momentum: Flexible Work Arrangements

- The majority of women with children, and younger lawyers, would like to retain the ability to determine how often they work from home.
- The majority of companies plan to retain or expand their hybrid work options post-pandemic.
- Some organizations have allowed discretionary remote work, others require a set number of days in the office. Still others send mixed messages by formally allowing flexibility while signaling in-person work is preferred.

Continued Momentum: Key Components of Flexible Work Arrangements

- Give employees agency and choice rather than a “one size fits all” approach.
- Provide technical support for remote work.
- Implement and invest in policies and practices that keep lawyers engaged and connected to the organization and each other, regardless of work location.
- Develop transparent and specific guidelines around remote work.
- Track participation, retention, and other key metrics.
- Ensure that all people who work remotely have a clear path forward and equitable opportunity to succeed.

Reflection and Discussion

- **What have you found beneficial in hybrid work models?**
- **In your experience, how can the model improve to foster inclusivity and increase talent retention?**
- **Have you experienced any instances where hybrid work models can be detrimental to DEI efforts?**

Continued Momentum: Sponsorship

- **Lack of in-person connection is listed as one of the most significant obstacles to career development.**
- **Women are disproportionately impacted by caregiving responsibilities and a lack of mentoring.**
- **Connect women attorneys with senior organizational leaders for mentorship and business development opportunities.**
- **One of the most effective solutions to address structural barriers reported by diversity leaders at law firms was the use of formal sponsorship programs.**

Continued Momentum: Development Opportunities

- **Focus on inclusion and representation in pitches, RFPs, and creating teams for cases or projects (whether in-house or at firms).**
- **Women lawyers of color in particular must navigate exclusion from substantive assignments needed to build their craft and provide positive exposure to high-profile networking opportunities.**

Continued Momentum: Foster and Reward an Inclusive Culture

- **Women are doing more to support employee well-being and foster inclusion, but that work is going mostly unrewarded and unacknowledged in performance reviews and compensation.**
- **Women working in the office are almost 1.5 times more likely to experience demeaning and othering microaggressions compared to when they work mostly remotely.**
- **Underrepresented groups report inconsistency between statements and action related to diversity and inclusion.**

Continued Momentum: Foster and Reward an Inclusive Culture

- **Educate, be aware of, and reduce ‘microaggressions’, ‘subtle acts of exclusion’ and implicit bias**
 - ‘Microaggressions’ or subtle actions of exclusion are verbal, nonverbal and environmental slights or insults, whether intentional or unintentional, which communicate hostile, derogatory, or negative messages targeting people based on marginalized group membership.
 - ‘Implicit bias’ involves a quick and often inaccurate judgment based on limited facts and personal life experiences.
 - All lead to a lowered sense of psychological well-being.
 - The most detrimental forms of microaggressions are usually delivered by well-intentioned individuals who are unaware of their harmful conduct.

Continued Momentum: Foster and Reward an Inclusive Culture

- **Women lawyers have an impact on other women in their organizations whose jobs do not allow hybrid work models**
 - These workers often experience heightened challenges relating to obtaining and managing childcare, increased workloads at home, and microaggressions in the workplace.
 - Women lawyers can use their positions as leaders in organizations to bring awareness and sensitivity to the experiences of all women.
 - Examples include advocating for continued COVID leave, attendance or disciplinary policies that account for school closures and sick days, and implementing cultural changes designed to prevent adverse impacts on female workers.

Reflection and Discussion

- **We all are responsible for reducing bias in the workplace. How can we improve?**
- **How can women lawyers effectively advocate for changes that benefit women who can't work from home, without risking their positions as leaders in the organization?**

Continued Momentum: Foster and Reward an Inclusive Culture

- **Provide all employees, and particularly managers and senior lawyers, with additional training to foster and promote goals to improve the new workplace environment.**
 - Remote work has placed additional burdens on managers, and a majority of leaders indicate their companies expect managers to do more to promote inclusion and support career development and well-being.
 - Lawyers at senior levels in particular should be educated and trained about how much external issues impact women lawyers and lawyers of color.

Continued Momentum: Foster and Reward an Inclusive Culture

- **Demonstrate the value of diversity and inclusion by including D&I initiatives in performance reviews and award compensation for promoting diversity and providing mentorship and sponsorship.**
- **Increased representation in all levels of management, leadership, and business opportunities.**

Reflection and Discussion

- **As a leader in your organizations, how have you demonstrated value on diversity and inclusion?**
- **What opportunities for growth and improvement do you see?**

Continued Momentum: Foster and Reward an Inclusive Culture

- **The inability to bring their whole, authentic selves to work creates added invisible labor and stress maneuvering organizations.**
- **Hybrid work has given us a window into people’s lives outside the office, and an opportunity to continue to bring more of our authentic selves to the workplace.**
- **With the ability to bring our authentic selves to the workplace comes the responsibility to respect the authentic selves of others.**

Reflection and Discussion

- **Have you experienced an increased opportunity to bring your authentic self to the office? How has that impacted your working relationships?**

Thank you for attending!

Materials. Session materials and speaker biographies are available on Dorsey.com for download. Search “Corporate Counsel Symposium 2022.”

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