Pace Law Review

Volume 29
Issue 2 *Winter 2009*
Survey of Books Related to Women and the Law

Article 5

January 2009

Hewlett, Off-Ramps and On-Ramps: Keeping Talented Women On the Road to Success

Rachel J. Littman

Follow this and additional works at: http://digitalcommons.pace.edu/plr

Part of the Women Commons

Recommended Citation
Rachel J. Littman, *Hewlett, Off-Ramps and On-Ramps: Keeping Talented Women On the Road to Success*, 29 Pace L. Rev. 317 (2009)
Available at: http://digitalcommons.pace.edu/plr/vol29/iss2/5

This Book Review is brought to you for free and open access by the School of Law at DigitalCommons@Pace. It has been accepted for inclusion in Pace Law Review by an authorized administrator of DigitalCommons@Pace. For more information, please contact cpittson@law.pace.edu.

Building a Sustainable Model for the Legal Industry

OFF-RAMPS AND ON-RAMPS: KEEPING TALENTED WOMEN ON THE ROAD TO SUCCESS. By Sylvia Ann Hewlett. Boston: Harvard Business School Press. 2007. Pp. ix, 299. $29.95.

*Reviewed by Rachel J. Littman**

Sylvia Ann Hewlett's latest book, *Off-Ramps and On-Ramps: Keeping Talented Women on the Road to Success* ("*Off-Ramps*"),[1] is a culmination of over two years of research with powerful allies and supporters, undertaken to "spearhead a second generation of policy and practice designed to keep talented women on the road to success."[2] If one lesson can be learned from these studies, it is that high-achieving professionals now have opportunities to phase in and out of their career paths and take advantage of tailored benefits, networking, and other programs at some of the most prestigious companies in the world.[3]

---

* Assistant Dean for Career Development, Pace University School of Law, Center for Career Development. Dean Littman was a structured finance associate at the international law firm of Freshfields Bruckhaus Deringer LLP, in New York City, from 1998-2003. Prior to that, she was an associate in the capital markets group at Milbank, Tweed, Hadley & McCloy LLP.

1. SYLVIA ANN HEWLETT, OFF-RAMPS AND ON-RAMPS: KEEPING TALENTED WOMEN ON THE ROAD TO SUCCESS (2007). Hewlett is the founding president and chairwoman of the Center for Work-Life Policy, for which Carolyn Buck Luce, a partner at Ernst & Young, and Dr. Cornel West, of Princeton University, are both vice presidents. The Center "undertakes research and works with employers to design, promote, and implement workplace policies that increase productivity and enhance personal/family well-being." Center for Work-Life Policy, http://www.worklifepolicy.org/index.php/pageID/26 (last visited Apr. 20, 2009). The Hidden Brain Drain Task Force, created in 2004 as an initiative under the Center for Work-Life Policy, is a group of mostly large, private sector companies "focused on policies that realize female and minority talent over the lifespan." Center for Work-Life Policy, The Hidden Brain Drain Task Force: Women and Minorities as Unrealized Assets, http://www.worklifepolicy.org/pdfs/initiatives-taskforce.pdf (last visited Apr. 20, 2009).

2. Carolyn Buck Luce, *Foreword* to HEWLETT, supra note 1, at ix.

3. Of the eleven companies Hewlett and the Hidden Brain Drain Task Force studied for this book, eight were members of the Fortune 500's Largest Corpora-

Hewlett, however, has a larger message she wants to deliver: the current work model is an outdated construct, one that is based on a white, male, employed husband who is financially responsible for his stay-at-home wife and two children.[4] That model simply does not work for today's employees, particularly female employees.[5] The equal access opportunity pipeline and workplace models need to change if this country wants to see more women in high-ranking positions and workplaces that support and reflect the true multi-cultural nature of the workforce.

For anyone at a law firm, no matter what size, looking to advocate for or implement a flexible work schedule program or broader benefits package, Hewlett's book is a must-read. While there are many private consulting firms that will, for a fee, counsel individual lawyers and entire law firms to address many of the issues discussed in *Off-Ramps*,[6] Hewlett's hope is that the studies in the book will show that it is possible to reconstruct the work model from within, through a trickle-down effect, grass-roots movements, and by having corporate executives prominently use and publicly discuss their own flexible work arrangements.[7]

---

tions of 2007. S*ee Fortune 500, Our Annual Ranking of America's Largest Corporations*, FORTUNE, Apr. 30, 2007, *available at* http://money.cnn.com/magazines/fortune/fortune500/2007/full_list/index.html. The U.K.-based BT Group is a global IT and communications company that calls "over 40% of Fortune 500 companies" its customers. *See* BT, The BT Story, http://www.btplc.com/Thegroup/Ourcompany/Companyprofile/TheBTstory/index.htm (last visited Apr. 20, 2009). Booz Allen Hamilton ("Booz Allen") hasn't moved from its number four spot on the Annual Vault Most Prestigious Consulting Firm Rankings since at least 2004. *See* Vault, Top 50 Most Prestigious Firms, http://www.vault.com/nr/consulting_rankings/consulting_rankings.jsp?consulting2009=2&ch_id=252 (last visited Apr. 20, 2009). Ernst & Young remains one of the few venerable Big Four accounting firms. *See* Ernst & Young, About Us, http://www.ey.com/global/content.nsf/International/About_EY (last visited Apr. 20, 2009).

4. *See* Hewlett, *supra* note 1, at 13-14.

5. *Id.* at 4 (quoting Jeremy Isaacs, Remarks at Lehman Brothers Encore Launch Event (Feb. 9, 2006)).

6. *See, e.g.*, Career Women's Initiative, http://www.careerwomensinitiative.com/mc/page.do?sitePageId=59738&orgId=cwi (last visited Apr.20, 2009); Flex-Time Lawyers LLC, www.flextimelawyers.com (last visited Apr. 20, 2009); Lawyers Life Coach, www.lawyerslifecoach.com (last visited Apr. 20, 2009). *See also infra* note 90 and accompanying text (citing the fact that Citigroup hired an outside consulting firm to help implement its Flexible Work Initiative Program).

7. *See* Hewlett, *supra* note 1, at 22.

I. Re-Working The Elite Model

A. *The Impetus*

Hewlett begins her book by evaluating the underlying business model, what she calls the "male competitive model."[8] The male competitive model is one that is based on long hours and weekends at the office, and on the traditional male employee with a wife at home who supports his work and cares for the home and family.[9] The male competitive model has:

- A strong preference for cumulative, lockstep careers and a continuous, linear employment history.
- A huge emphasis on full-time employment and on face time work—being physically present in the office ten-plus hours a day.
- An expectation that the steepest gradient of a career occurs in the decade of one's thirties. . . . [and]
- An assumption that professionals are motivated primarily by money.[10]

This model stands in stark contrast with women's interests. Research shows that women are less driven by power and money and more driven by connection and quality.[11] In addition, their career ambitions drop precipitously during their thirties,[12] which is exactly the same time that their child bearing and child rearing opportunities and responsibilities are at their peak.[13]

Over the years, particularly in the finance and business world (and the law firms that serve them), "extreme jobs" have become the norm.[14] "As work hours and performance pressures

---

8. *Id.* at 13.

9. *See id.*

10. *Id.* at 13-14 (citing Beth Anne Shelton, *The Division of Household Labor*, ANNUAL REV. SOC., August 1996, at 299-322).

11. *Id.* at 50.

12. *See id.* at 48-50.

13. *Id.* at 14. *See also id.* at 259 ("[T]he peak demand of many careers . . . hit women in their mid-thirties, clashing and colliding in the worst way with the urgent demands of the biological clock. . . .").

14. *Id.* at 60. In a 2005 research project, Hewlett and her Hidden Brain Drain Task Force identified the "extreme job" as one that is:

> "well paid . . . sixty hours or more per week, *and* [has] *at least* five of the following extreme job characteristics: [u]npredictable flow of work[,] [f]ast-paced work under tight deadlines[,] [i]nordinate scope of responsibility that amounts to more than one job[,] [w]ork-related events outside regular work

ratchet up, women (particularly those with significant care-giving responsibilities) are being left behind in new ways."[15] For example, not only do extreme jobs require around-the-clock attention and long work hours, leaving little time for family and other obligations, they have a disparate effect on the sexes.[16] "A man with an extreme job—and an eye-catching compensation package—is seen as extremely eligible. . . . [while] for women, success in an extreme job might well threaten potential mates and get in the way of marriage."[17] The disparity in the male competitive model also unfairly burdens women. Only 12% of women in extreme jobs have at-home spouses, while 25% of men have this support.[18] Women in extreme jobs are also more likely to have a high-income earning spouse.[19] These women have less tolerance for long hours and less responsibility (the "face time") and are, therefore, more likely than their male counterparts to leave their extreme jobs.[20]

Extreme jobs do not exist solely in the world's financial centers. Hewlett's research shows that extreme jobs permeate all sectors of the economy and all aspects of a career.[21] Gone are the days when a junior worker would be expected to "put in his

---

> hours[,] [a]vailability to clients 24/7[,] [r]esponsibility for profit and loss[,] [r]esponsibility for mentoring and recruiting[,] [l]arge amount of travel[,] [l]arge number of direct reports[,] [and] [p]hysical presence at workplace at least ten hours a day.

HEWLETT, supra note 1, at 61. Large law firm associates, particularly in New York City, frequently pull consecutive all-nighters, take calls and e-mail comments while on supposed vacations, and are generally expected to be available at all times to their supervising partners and clients. It is often the thrill of the job and rush of adrenaline, as one of Hewlett's London-based investment banker interviewees described it, which draws people to these extreme jobs. *Id.* at 60. Of the women who occupy these positions, 82% of them say that it is the stimulation and challenge of the job that makes them want to stay. *See id.* at 68 fig.3-2. However, delving further into the statistics, it appears that 80% of women in extreme jobs "don't want to work that hard for more than [one] year." *Id.* at 75.

15. *Id.* at 59-60. On a worldwide level, only 20% of extreme job holders are women. *Id.* at 62.

16. *See id.* at 65, 71.

17. *Id.* at 70. *See generally* SYLVIA ANN HEWLETT, CREATING A LIFE (2002) (describing how many successful professional women have achieved their status at the expense of marriage and motherhood).

18. HEWLETT, *supra* note 1, at 70.

19. *See id.* at 77.

20. *See id.*

21. *Id.* at 61.

time" for a few years and then ease back once he obtained senior management or partnership status.[22] Senior partners at major Manhattan law firms are just as likely as associates to be found working at ten o'clock on a Saturday night.[23] Of course the partner is already a partner, having adhered to the mantra of "being available [to] clients all day, every day . . . [as] a critical part of being successful at [his] job."[24] Part-time junior associates, often women, face dim prospects of ever making it to the partnership level, no matter how progressive the firm's policies.[25]

Hewlett sees a more workable female work model, or "value set,"[26] taking shape in the workplace; one based on talented women's desire "to associate with people they respect . . . 'be them-

---

22. *See id.* at 64 ("[O]ur data shows that long workweeks no longer recede with age: professionals between the ages of thirty-five and forty-five are working longer hours than professionals aged twenty-five to thirty-four.").

23. The newly developed senior level extreme job worker is, in addition to the prevalence of Blackberries and the 24/7 demands of clients, partly due to the willingness of the firms to allow highly talented women to off-ramp or ratchet back for a period of time. If a call comes in from a client on a Friday when a particular senior female associate has bargained that day to be at home, the firm is supposed to respect that bargain. It is the partner who ends up stepping in and covering the work at a much higher cost to the client.

24. HEWLETT, *supra* note 1, at 65.

25. The recent 2008 Working Mother and Flex-Time Lawyers Best Law Firms for Women Survey found that 36% of the top 50 "firms have written policies for Full-Time Flex-Time," 96% of the "firms have written policies for Reduced Hours," 10% of the firms "offer Job-Shares," 62% "offer Full-Time Telecommuting," and 86% "offer Annualized Hours." 2008 Working Mother & Flex-Time Lawyers Best Law Firms for Women, Trends Identified from National Survey (September 15, 2008), http://www.flextimelawyers.com/best/art3.pdf (last visited Apr. 20, 2009) [hereinafter Working Mother, Trends]. However, only 9.5% of attorneys worked flex-time, 7.6% worked reduced hours (above the national 5% average for law firms), 0.1% engaged in job-sharing, and 0.9% telecommute full-time. Deborah Epstein Henry, Presentation at the Flex-Time Lawyers Event at Davis Polk & Wardwell (Sept. 25, 2008). Moreover, "according to the National Association for Law Placement (NALP), only 12% of [women] partners work a reduced-hours schedule." Katherine Bowers, *At Last . . . Part-Time Partners*, WORKING MOTHER, Aug.-Sep. 2008, at 64, *available at* http://www.flextimelawyers.com\best\art1a.pdf. At the 2008 Best 50 Law Firms for Women, 22% of female nonequity partners and 12% of female equity partners work reduced hours. *Id. See also* 2008 50 Best Law Firms for Women, WORKING MOTHER, August/September 2008, *available at* http://www.workingmother.com/?service=vpage/2907 (ranking law firms according to their efforts in "helping talented women succeed").

26. HEWLETT, supra note 1, at 86.

selves' at work . . . and 'give back' to society . . . ."[27] This model, however, may be irreconcilable with the extreme job model. Women who have not pursued traditional, bottom-line driven goals are acutely aware of "being thought of as less than fully committed to [their] job[s]."[28] The conflict is unavoidable. Generally, professionals reach the next phase of their career paths after ten years of practice, when in their mid-thirties.[29] This time period corresponds to peak childbearing and child-rearing years, which "ensures that work and life clash and collide in the worst possible way for women."[30] The studies in this book are designed to help erase some of the stigma and barriers that hinder women's access to non-traditional career paths within the current corporate structure.[31]

Hewlett posits that the reasons why the male model still prevails, despite the number of talented women that leave (temporarily or permanently) the elite workforce and the cost of those losses, are based on psychology. Her two-part theory is (1) that (male) business leaders are resistant to implement what would signal "the end of an era"[32] and (2) that changing the model would mean that men would "lose a last piece of competitive advantage over women."[33]

It is possible that the reasons the male model prevails are more basic and short-sighted than Hewlett's theory: it costs

---

27. *Id.* at 51. *See generally* CAROL GILLIGAN, IN A DIFFERENT VOICE (1982) (analyzing the differences in identity development models of males and females).

28. HEWLETT, *supra* note 1, at 54.

29. *See id.* at 14, 46. In the legal world this often means partnership or the equivalent.

30. *Id.* at 14.

31. *See* HEWLETT, *supra* note 1, at 226. Hewlett's focus is on making adjustments and accommodations to help push women to the top of the existing corporate structure. She never sufficiently explains why there is a need to change the model if women are finding other avenues that fulfill their career goals. There are reasons why women are not sufficiently represented at the top of the corporate structure other than simply that women bail out of the inflexible male paradigm, such as the simple desire to pursue more manageable career paths. Many J.D. holders, for example, wind up teaching, running career services offices (like the author of this article), or joining philanthropic foundations that more sensibly represent the female work model. *See id.* at 89-90 (describing a highly qualified female associate at a prestigious Manhattan law firm who quit her eighty-plus hour per week extreme job a few years shy of the partnership benchmark and took a 70% pay cut to teach at a private school to allow herself time to start a family).

32. *Id.* at 15.

33. *Id.*

money to make changes, to accommodate people, and to implement programs. These changes would require part of an institution's current workforce to expend, what is in law firm parlance, more "non-billable" time on matters that will not immediately, or even in the near future, result in increased profitability for the institution and its shareholders (i.e. law firm partners). As Hewlett's own surveys point out, it is the "'tone at the top' of [the] corporate culture" that drives the extreme work model.[34] Since this key driver is correctable, by Hewlett's account, it should be "easier to 're-engineer' these jobs and create a different and more sustainable work-life model . . . . [that] would be particularly beneficial to women."[35]

B. *The Statistics*

Women have, and continue to hold, very few leadership positions in the corporate world. At Fortune 500 companies, women only comprise 2% of the CEOs and 8% of the top earners.[36] At top law firms, the numbers are slightly better, with women holding an average of 16% of the equity partner ranks and 26% of the non-equity partner ranks.[37] All of this despite the fact

34. *Id.* at 82. In one of Hewlett's focus groups, "a consensus emerged: precisely how a business handled responsiveness to clients or customers owed more to tone at the top than any objective business imperative." *Id.* at 84. In the law firm world, however, it is difficult to see how a billable hour culture and partner system would want to "push-back" clients who make unreasonable time demands. *See id.* at 84 (describing "push-back"). It could mean risking a several million dollar per year billable client (who could easily take its business to the next big law firm), the reputation of the firm, and a reduction in profits per partner. *See id.* In the end, law practice is a competitive, bottom-line, client service business that must keep pace with the client base. Once that client base is established, it will take a lot more than flexible work policies to make it easier for women (particularly those with family obligations) to make it to the top.

35. *Id.* at 83.

36. *See id*. at 6 (citing Press Release, Catalyst, Rates of Women's Advancement to Top Corporate Officer Positions Slow, New Catalyst Tenth Anniversary Report Reveals (July 26, 2006)). At Johnson & Johnson, one of the companies profiled in OFF-RAMPS, women comprise half of the employee base but "only a third of the top earners at the company . . . ." *Id.* at 186.

37. Judith S. Kaye & Anne C. Reddy, *The Progress of Women Lawyers at Big Firms: Steadied or Simply Studied?*, 76 FORDHAM L. REV. 1941, 1945 (2008) (citing NAT'L ASS'N OF WOMEN LAWYERS (NAWL), NATIONAL SURVEY ON RETENTION AND PROMOTION OF WOMEN IN LAW FIRMS 3 (2007), http://www.nawl.org/Assets/Documents/2007+Survey+Report.pdf). In a 2008 study, mothers comprise 23% of female associates, 56% of female counsel, 67% of female non-equity partners, and 71% of female equity partners. Working Mother, Trends, *supra* note 25. As the

that "49 percent of law school graduates and 36 percent of business school graduates are female . . . ."[38]

Hewlett's underlying premise is that the statistics at the top should change, certainly at least to match the equal numbers in the graduate school training grounds. The current system is not conducive to retaining and promoting talented women who should occupy the same levels of management, partnership and leadership as do their male counterparts.

1. "Women's Nonlinear Careers" Do Not Fit the Male Work Model

A full "60 percent of highly qualified women have nonlinear careers."[39] Many factors are clearly at play somewhere between the equally gendered business and law school classes and the top of the work pyramid. One theory, posited by Lisa Belkin in a 2003 article, is that women choose to step away from their career paths to care full-time for their children.[40] Belkin's article focused on a small group of highly accomplished Princeton graduates who chose to leave the workforce to care for their

---

age and seniority of fathers increases, the percentage of fathers making partner is slightly higher than the percentage of mothers, suggesting that more fathers are able to stay on the track as they elevate their careers. *See id.* (fathers represent 29% of male associates, 57% of male counsel, 80% of male non-equity partners, and 85% of male equity partners). Statistics are even more dismal for minority women who hold on average only 1.88% of law firm partnership positions. Nat'l Ass'n for Law Placement (NALP), *Women and Minorities in Law Firms by Race and Ethnicity*, NALP BULL., Jan. 2009, *available at* http://www.nalp.org/jan2009womenminorities?s=Representation%20of%20Women%20and%20Minorities%20.

38. HEWLETT, *supra* note 1, at 6. *See also* Am. Bar Ass'n, First Year and Total J.D. Enrollment by Gender, 1947–2005, http://www.abanet.org/legaled/statistics/charts/stats%20-%206.pdf (last visited Apr. 20, 2009) (noting female law school enrollment numbers for the 2007-2008 academic year declined slightly to 46.7% from the high of 49% for the years 2002-2003).

39. HEWLETT, *supra* note 1, at 1. The 2,443 "highly qualified women" studied in the Task Force's surveys are holders of "a graduate or professional degree or a high-honors undergraduate degree." *Id.* at 28. "Thirty-seven percent take an off-ramp at some point in their careers . . . ." *Id.* at 14. "[Thirty]-plus percent take what [the author calls] a 'scenic route' (a reduced-hour job, a flexible work arrangement, a telecommuting option)." *Id.*

40. Lisa Belkin, *The Opt-Out Revolution*, N.Y. TIMES, Oct. 26, 2003, § 6 (Magazine), at 42, available at http://www.nytimes.com/2003/10/26/magazine/26WOMEN.html?ex=1382500800&en=02f8d75eb63908e0&ei=5007&partner=USERLAND.

young children.[41] Hewlett, however, believes that it remains unclear whether the choice is due to economic interests or more deep-seated concerns about inequality in the working model.[42]

A year after Belkin's article was published, a survey sponsored by Hewlett and the Hidden Brain Drain Task Force revealed that women were not in fact "opting out" of the workforce; many were just taking temporary detours and 93% were looking to get back in.[43] These women eased back into work by creating flexible arrangements or turning down some responsibilities.[44] Hewlett emphasizes that these adjustments did not reflect a diminished career commitment; rather, the data shows a realistic shifting of responsibilities and commitments, primarily to family.[45]

---

41. Of course, as Hewlett notes, "only a relatively privileged group of women, those married to high-earning men, have the option of not working." HEWLETT, *supra* note 1, at 37. A hidden downside was that the spouses of those women who did quit often "felt resentful of the extra wage-earning load dumped on their shoulders . . . ." *Id.* at 40. It is no surprise that "the overwhelming majority of highly qualified women currently off-ramped (93 percent) want to return to their careers." *Id.*

42. *See id.* at 36 ("We shouldn't forget that [there] is a traditional division of labor between men and women that remains entrenched and pervasive. Even when women are highly qualified and highly paid, they routinely pick up the lion's share of domestic responsibilities—typically 75 percent of the housework and child care." (citing Scott Coltrane, *Research on Household Labor: Modeling and Measuring the Social Embeddedness of Routine Family Work*, 62 J. MARRIAGE & FAM. 837, 1208-33 (2000))).

43. *Id.* at 29.

44. In law, during the "scenic route" or detour periods, 49% (higher than women in business, medicine, or academia) of women lawyers took on fewer responsibilities, 30% worked part-time, 27% worked reduced or flexible hours, and 22% declined promotion. *Id.* at 30, 31 fig.2-2. Hewlett noted that one theme among the survey participants was the "pervasiveness of stigma around alternative work arrangements" that caused some to quit entirely rather than "apply for policies that ostensibly are on the books." *Id.* at 32. Similarly, while the 2008 Working Mother Flex-Time Lawyers Best Law Firms for Women Survey found that a high percentage of firms offer options such as flex-time, reduced hours, job-shares, and telecommuting, few attorneys take advantage of these opportunities. *See supra* note 25. Hewlett suggests that the low usage rate may be partially due to the fact that traditionally, employer work-life policies have been geared towards and benefited employees with small children. HEWLETT, *supra* note 1, at 35. Of the "highly qualified women" studied by her surveys, however, 44% are childless. *Id.*

45. HEWLETT, *supra* note 1, at 30. Of course, the traditional home and family responsibility model is just as imbalanced for women as is the white male working model. *See supra* note 42.

Why do women leave, if only for a few years? Hewlett's research shows that the answer lies in "pull" and "push" factors.[46] The "pull" factors most often refer to child-care responsibilities (45%),[47] though 24% of surveyed women—mostly members of the sandwich generation[48]—said the pull was to care for an elderly family member.[49] "Push" factors include lack of satisfaction or meaning in the job (29%), and feelings of underutilization or underappreciation.[50] Surprisingly, the study showed that "[o]nly 6 percent of women off-ramped because the work itself was too demanding."[51]

If the off-ramped women are so dissatisfied, why do they want to on-ramp back to their careers? There are a number of reasons that so many women—93% by Hewlett's estimation[52]—want to return to the workforce. The first is financial, both for the household and for the woman's independence.[53] The second is more personal and relates to women's deep sense of satisfaction with their careers and personal working identities.[54] If they do come back, however, women want flexibility.[55] As Hewlett points out, the "data suggests that women are not afraid of the pressure or the responsibilities of extreme jobs—they just can't pony up the hours."[56] To draw these women back into the fold, employers need to "chunk[ ] out" the work differently to meet the diverse needs of the female talent pool.[57]

---

46. HEWLETT, *supra* note 1, at 32.

47. *Id.*

48. *Id.* at 33 (noting that the sandwich generation consists of people "in the forty-one-to-fifty-five age group . . . positioned as they are between growing children and aging parents").

49. *Id.* at 32-33.

50. *Id.* at 36. For women who off-ramped from legal careers, "59 percent said their careers were not satisfying, compared with 26 percent who wanted more time for children." *Id.* at 37. The dissatisfaction push for women in the law is higher than in business (52%), medicine (30%), and academia (36%). *Id.* at 38 fig.2-6.

51. *Id.* at 36-37.

52. *Id.* at 29.

53. *Id.* at 40.

54. *Id.* at 40-41. Another reason, one that amounts to an average of 24% of off-ramped women (though only 13% for women in the law), is a sense of wanting to give something back to society. *Id.* at 42 fig.2-9.

55. *See id.* at 51, 84-86.

56. *Id.* at 82.

57. *Id.* For example, Booz Allen, a consulting firm that operates similarly to a law firm, provided "Ramp-Down/Up, Internal Rotation" programs that offered projects that were intellectually stimulating and helped keep successful women

2. "The Business Case for Diversity"

Before discussing the components that make the best case for diversity, it is necessary to consider why employers should bother to re-vamp the working model. The first obvious answer is money. Almost all of the models studied were created from needs to save money, stem attrition and replacement costs, and maintain a competitive edge.[58] Hewlett describes a current "war for talent" as the major business incentive for companies to implement work-life and diversity based initiatives.[59] Her argument is based on aging baby boomers and a lower supply of high-level immigrant workers due to worldwide economic expansion and post-9/11 U.S. visa restrictions.[60] Women, she posits, "are the best—and most obvious—candidates" to fill this talent void.[61] Hewlett cites statistics showing that women hold

---

happy and in the loop until they were ready to return to the firm's main client work. *See id.* at 139. They later created "an Adjunct Program that offered part-time contract work to off-ramped women (and men) . . . [who were] valued alumni." *Id.* at 141. The work was project in nature and ranged in duration and intensity. *Id.* at 142. The program was so successful that the first iteration brought in almost 100 people and resulted in at least two of them ramping up to full-time positions at the firm. *Id*.

58. *See id.* at 90-91. At law firms, it costs "between $200,000 and $500,000 to replace a second-year associate. . . ." *Id.* at 90. The more senior an associate, the higher the chances are that she will actually make partner, so there might be even higher costs associated with her departure. Furthermore, in normal, good economic times, law firms do not hire laterals at nearly the same rate as associate attrition. *See, e.g*., JUDITH N. COLLINS, THE LATERAL LAWYER (2001); NALP FOUND., KEEPING THE KEEPERS II (2003). Of course, the flip side to retaining so many lawyers is that law firms are forced to lay-off part of their attorney work force during economic recessions, evidenced by the recent reductions at many major law firms. *See, e.g.*, Above the Law, This Week in Layoffs, http://abovethelaw.com/2009/03/this_week_in_layoffs_032109.php#more (Mar. 21, 2009, 15:06 EST) (reporting that 2,874 lawyers at major firms have been laid off during the past calendar year).

59. HEWLETT, *supra* note 1, at 94 (citing Elizabeth G. Chambers et al., *The War for Talent*, MCKINSEY Q., May 1998, at 45-47). The war for talent is "spurred by an amalgam of factors: robust growth, a tightening job market, demographic shifts, and increased global competition." *Id.* at 94-95. Clearly, with the recent economic crisis, and law-firm layoffs and dissolutions, the job market for talent has become even more competitive.

60. *See id.* at 18.

61. *Id.* Young, newly minted workers are less reliable to fill the talent void, as studies show that "millennials" (those born between 1980 and 2000) are quick to change jobs that they do not find satisfying. *See* CAM MARSTON, MOTIVATING THE "WHAT'S IN IT FOR ME?" WORKFORCE 3 fig.1.1 (2007). *See also id.* at 134 ("The

just over half of all advanced degrees in this country.[62] But studies show that, in spite of their advanced education, women represent approximately 45% of all law firm associates and only 19% of law firm equity partners, confirming that the legal and business world is failing to harness and retain a large amount of female talent.[63]

Whether these women want to come back is, of course, another question. Hewlett has found that 93% of the studied off-ramped women want to rejoin the workforce,[64] although only 5% want to return to their original employer.[65] Even for those looking to re-enter the work force, on-ramping is difficult. Of the off-ramped women, only 74% manage to come back and only 40% "return to full-time, mainstream jobs."[66] Hewlett's case studies and suggested means of program instigation are ways to bring these women back into a different kind of work environment.

According to Hewlett, the argument in favor of implementing these initiatives is twofold: (1) data shows that "two-thirds of highly qualified women either leave the workforce or languish on the sidelines," a reality that is grabbing companies' attention,[67] and that (2) "companies these days are heavily reliant on female talent. . . . [I]t's a question of competitive strength and economic survival."[68]

Women want to come back (again, 93%) but are having a difficult time doing so (40% returning to full-time jobs).[69] They face financial penalties, lose professional traction, and often feel isolated.[70] Accordingly, firms that implement an encouraging

---

Bureau of Labor Statistics reports that the average mid-twenties employee leaves his or her job every 1.3 years.").

62. HEWLETT, *supra* note 1, at 18. Women have been holding steady at around 47% of law student enrollment. *See* ABA First Year and Total J.D. Enrollment by Gender, 1947-2007, http://www.abanet.org/legaled/statistics/charts/stats%20-%206.pdf.

63. *See supra* note 37 and accompanying text.

64. HEWLETT, *supra* note 1, at 43.

65. *Id.* at 46.

66. *Id.* at 43.

67. *Id.* at 5.

68. *Id.* Standing alone, these statements are not entirely convincing.

69. *See supra* notes 64, 66, and accompanying text.

70. *See* HEWLETT, *supra* note 1, at 45-47.

reentry program are best positioned in the market to win back the top talent.[71]

II. The Model

In Part Two of her book, Hewlett lists six components of an ideal "core package of second-generational policies" to help companies stem attrition and promote diversity through and up the ranks.[72] These components are described as "solutions" to the issues described in Part One.[73] Each is given its own chapter and supported by case studies.[74] According to Hewlett, companies must provide: (1) "flexible work arrangements,"[75] (2) "arc-of-career flexibility,"[76] (3) programs that address employee needs beyond the nuclear family,[77] (4) programs that "help women claim and sustain ambition,"[78] (5) programs that "harness altruism,"[79] and (6) programs that "reduce stigma and stereotypes."[80] The fact that some major companies are implementing "[n]ew and radical initiatives . . . . signals a seismic shift in corporate culture."[81] Hewlett sees these initiatives and programs that she helped implement as "models of best practice [that] provide effective road maps" for other companies, whether large or midsize.[82]

---

71. For example, New Directions: Practical Skills for Returning to Law Practice, a program co-sponsored by Pace Law School and the Westchester Women's Bar Association, helped fill a void for thirteen off-ramped lawyers (including one man) in the summer of 2007 and thirty-five off-ramped lawyers (including four men) in 2008 who were willing to pay several thousand dollars and attend a summer long program with an intensive skills-based boot-camp, weekly classes, homework and an unpaid externship to help them on-ramp back into the workforce. Several employers have happily hired these highly motivated and talented reentry lawyers. *See* www.law.pace.edu/newdirections (last visited Apr. 20, 2009).

72. HEWLETT, *supra* note 1, at 108.

73. *Id.* at 107.

74. *See id.* chs. 5-10.

75. *Id.* at 108.

76. *Id.* at 109.

77. *Id.* at 110-11.

78. *Id.* at 111.

79. *Id.*

80. *Id.* at 112.

81. *Id.* at 5.

82. *Id.* at 22. At the end of each chapter, Hewlett compresses the information from the case study into a "Toolkit" summary intended to be a short hand reference for other companies or employees looking to start or lobby for similar programs at their own employers. *See, e.g.*, *id.* at 122 (toolkit for Ernst & Young).

Hewlett offers kudos to companies "that are beginning to figure out what is needed in terms of both programs and culture change if they want to retain key female talent."[83] But kudos is about all they deserve. It may not cost much to a financial company like UBS to tack on an extra few weeks of maternity leave for a well-respected female investment division manager,[84] or for a behemoth like Time Warner to expand its benefits package to include non-nuclear family members.[85] But when it comes to CEOs and other highest earners, the value and efficacy of these programs begins to diminish.

A. *Establish a Rich Menu of Flexible Work Arrangements.*

The first element of Hewlett's proposed "core package" is arguably "the easiest to put in place—and the most established."[86] Women generally want "a more 'radical' flexible work arrangement—one that involves a reduced workload."[87] The programs profiled in Chapter 5's case studies provide the kind of flexibility that should help women stay in their jobs, or help them transition back into the workforce if they have taken a side step.

Hewlett and her team studied three major companies that had successfully implemented flexible work arrangements: Ernst & Young,[88] U.K.-based BT Group,[89] and Citigroup.[90] The

83. *Id.* at 81.
84. *See id.*
85. *See id.* at 168-70.
86. *I*d. at 115.
87. *Id.*
88. *See id.* at 116-24. At the time of Hewlett's book, Ernst & Young had "108,000 people in 140 countries . . . ." *Id.* at 116. It is a well-recognized innovative company, focused on its employees as well as its clients. Ernst & Young is consistently ranked highly by *Fortune* and was recently ranked highly by *BusinessWeek*, *Working Mother*, and *DiversityInc.* *See* Ernst & Young, Careers Home, http://www.ey.com/global/content.nsf/US/_Careers_Home (last visited Apr. 20 2009). Ernst & Young's progress is impressive. "Today, nearly 30 percent of women on the rung just below partner or principal work flexibly. Ten percent of all female Ernst & Young's principals and partners work flexibly." HEWLETT, *supra* note 1, at 122. Available programs at Ernst & Young now allow employees to work one-on-one with their managers and customize their work arrangements by choosing from a menu that includes: "compressed workweeks . . . . flextime . . . . reduced-hour schedules . . . . short-term seasonal arrangements . . . . job sharing . . . . [and] telecommuting." *Id.* at 120. Ernst & Young has reported happier employees and lower rates of attrition, resulting in millions of dollars of savings to the firm. *Id.* at 121.

success of their flexible work programs was due to each firm's independent innovation, recognition of an untapped style of workforce, and support from top management.[91] Also, unlike the billable hour model and lockstep system of advancement used in law firms, these companies institutionally emphasize quality and completion of work and contribution to overall success of the company as determinants of career advancement.[92]

The long-term success of these kinds of flexible work arrangements remains to be seen. It is difficult enough to manage thousands of full-time employees, but it is even more challenging to manage thousands of employees who work at different

---

89. *See* HEWLETT, *supra* note 1, at 124-29. BT Group, the U.K.-based global IT and communications group, implemented Freedom to Work, its flexible work program, out of a proactive desire to stay competitive in the market. *See id.* at 124-25. The program benefited BT Group employees and its customers. The company was "able to service an additional 1 million customers a year with the same number of engineers. Plus, customer satisfaction [rose] by 7 percent . . . ." *Id*. at 127. Like Ernst & Young, BT continued to grow its Freedom to Work program, allowing all employees to customize their work schedules in a way that "blends their work responsibilities with their lives at home." *Id.* at 125. BT has found positive results from its popular flexible work program, such as a 75% participation rate, 3% attrition rate, an average of only three sick days per employee per year, and a steadily increasing productivity level. *Id.* at 126-27.

90. *See id*. at 130-36. At the time of the study, Citigroup, a major multi-national financial institution, had "three hundred thousand workers in one hundred countries around the globe." *Id.* at 131. Faced with such a diverse workforce and increasingly unpopular flextime programs, Citigroup's director of Global Workforce Diversity set out to "merge the myriad flexibility programs scattered across Citigroup and create a Flexible Work Initiative that was consistent and 'arm's length.'" *Id.* The Diversity Director hired an outside consulting firm, created a global, multi-lingual website, and officially launched the Flexible Work Initiative in late 2005, offering it to all employees worldwide. *See id.* at 131-33. The initiative comprised five mix-and-match components: (1) "flexible daily start and end times," (2) ability to work remotely, (3) "a full-time work schedule condensed into fewer than five days per week," (4) "job sharing," and (5) "part-time or reduced schedule." *Id*. at 132.

91. *See id. at* 115-16. For example, at Ernst & Young in 2007, then CEO Phil Laskawy set out to "try to retain women by creating a culture of flexibility" that would be gender neutral and available to all positions and levels of seniority. *Id.* at 117-18. Laskawy personally helped deliver the message to employees that "institutionalizing flexibility and accelerating women's progress were not just fads but central to Ernst & Young's continued business success." *Id.* at 119. He established a Diversity Task Force comprising only partners of the firm, and he hired Catalyst, a nationally prominent nonprofit business consultant on women's advancement issues, to help conduct internal focus groups and interviews and report back with findings and suggestions. *Id.* at 118. *See also* Catalyst, www.catalyst.org (last visited Apr. 21, 2009).

92. *See id.* at 115-16.

times, in different places, and under different circumstances. In these economic times, and with at least one of the profiled companies under a federal government bailout arrangement,[93] companies will certainly be looking to cut costs and maximize utilization from their remaining employees. Whether that means taking advantage of part-time or flexible arrangements or laying-off employees who work anything less than full-time, has not yet been determined.[94]

B. *Create Arc-of-Career Flexibility*

Arc-of-Career flexibility is a different kind of flexible work arrangement, one that goes beyond daily or weekly needs and "takes into account the span of a woman's work life, acknowledging its nonlinearity and discontinuities."[95] These kinds of programs allow women to "ramp down" when family or other obligations require and then "ramp up" and re-enter the company when they are ready.[96] The key is to allow women to stay attached to employers and help bring them back into the fold "without unfair penalties or punishments" for their absence.[97] Whole-career flexibility work programs are some of the most

93. *See* Mark Landler, *U.S. Investing $250 Billion to Bolster Banks; Dow Surges 936 Points*, N.Y. TIMES, Oct. 14, 2008, at A1, *available at* http://query.nytimes.com/gst/fullpage.html?res=9D06E2DE173DF937A25753C1A96E9C8B63 (reporting that Citigroup was one of the nine banks that would receive half of the funds from the Treasury Department's first bailout plan).

94. *See, e.g.*, Flex-Time Lawyers, New York Chapter Events, http://www.flextimelawyers.com/ny.asp (inviting lawyers and interested members of the public to a "candid and interactive panel discussion to debate restructuring law firms and how law firms can meet the ever changing demands of their attorneys and clients in a volatile market while attracting future talent"). Hildebrandt, a professional services consulting firm widely known in the legal industry, noted recently that the current economic crisis should be "viewed as an opportunity to make some fundamental changes in the way law firms are structured. . . ." 2009 Hildebrandt/Citigroup Annual Report to the Legal Profession, at 12, a*vailable at* http://www.hildebrandt.com/Publications/Pages/PublicationDetail.aspx?PublicationGuid=951f5cff-d35c-4426-aaec-1c60dfd9e805.

95. HEWLETT, *supra* note 1, at 137.

96. *Id.*

97. *Id.* "By and large . . . women who want to take off more than one year often sacrifice whatever job security they have to do so. When they want to return, they face a host of formidable challenges. . . ." Wendy Davis, *Law Firms Opening Up to the Idea of Attorney Re-Entry*, N.Y.L.J., March 7, 2008, *available at* http://www.law.com/jsp/PubArticle.jsp?id=900005505269.

important and necessary yet are few in number and are managed by individual companies mostly for their own alumni.[98]

The companies Hewlett profiles in this section are (or were, in the case of Lehman Brothers[99]) some of the most competitive and successful leaders in the consulting and financial industry: Booz Allen Hamilton ("Booz Allen"),[100] Lehman Brothers,[101] and Goldman Sachs.[102] Unlike the companies profiled in the Flexible Work Arrangements section above who were driven by innovation,[103] these Wall Street powerhouses implemented career flexibility programs as part of a forced reaction to the attrition fallout from the very nature of the work that made them so successful.[104] They were also directly influenced and prompted into

---

98. *See* HEWLETT, *supra* note 1, at 138, 141. Of the off-ramped women surveyed, 93% want to return to work but only 40% seem to be able to do so on a full-time basis. *Id.* at 138. In the corporate world, Hewlett cites Lehman Brothers's Encore program (now defunct following the company's bankruptcy), Goldman Sachs's New Directions Program, and Booz Allen's Adjunct program. *Id.* In the law firm world, 24% (12 total) of the firms in the 50 Best Law Firms for Women have formal programs to keep in touch with, identify, and hire re-entry lawyer mothers. Working Mother, Trends, *supra* note 25. There is no data available, however, as to how many women have successfully on-ramped into the kind of job they want after being out of the workforce for a number of years or whether any firms are actually hiring reentry lawyers at many of the events and programs they sponsor or participate in. If the kinds of flex-time initiatives discussed in this book become more prevalent among employers—particularly law firms—women may have less of a need to fully off-ramp in the first place.

99. Lehman Brothers was a prestigious investment bank with around 20,000 employees until it filed for bankruptcy protection in September 2008. *See* Vikas Bajaj & Louise Story, *It's 3 P.M. on Wall Street. The Hungry Bear is on the Prowl*, N.Y. TIMES, Oct. 16, 2008, at B1, *available at* http://www.nytimes.com/2008/10/16/business/16markets.html.

100. *See* HEWLETT, *supra* note 1, at 138-45. Booz Allen, a prestigious management consulting firm, joined the Hidden Brain Drain Task Force in 2004 and looked for ways "to stem its female exodus." *Id.* at 140.

101. *See id.* at 145-54.

102. *See id.* at 155-60.

103. *See id.* at 119-36 (profiling Ernst & Young, BT Group, and Citigroup).

104. Lehman Brothers, for example, recognized an increase in female attrition rates around the five-year career mark. *Id.* at 147. They also had a rapid business growth starting in 2003, precipitating a need for experienced bankers. *Id.* At Goldman Sachs, human resources managers and internal recruiters "wondered what happened to women who left . . . after their maternity leaves ended." *Id.* at 155. They were also aware of the financial cost of attrition and the richness of a heterogeneous workforce (defined as mixing experienced business people with "newly minted MBAs"). *Id.* Booz Allen had a relatively successful Ramp Down/Up, Internal Rotation program for "high-performing employees to ramp down and work on special projects that were not client facing" but was looking for a way to

action by the research and findings of the Hidden Brain Drain Task Force.[105] Of all the programs discussed in *Off-Ramps*, these on-ramp programs garnered the most interest from the media and potential participants, and the highest levels of success, both for the firms and the participants.[106]

C. *Reimagine Work Life*

Hewlett focuses equally on work-life employee support programs that address a large but often overlooked demographic: the "middle-aged female employee," particularly minority fe-

---

bring back in the many alumni who were out there. *Id.* at 139. Hewlett and her team discovered that women, whose biological clocks start ticking at about the time they would be eligible for partnership at consulting or law firms and who "on average . . . deal with eight career interruptions during the sixteen years it takes them to progress from associate to senior partner," face the biggest hurdles and, unsurprisingly, leave this line of work in droves. *Id.* at 141. Men, on the other hand, have on average approximately two career interruptions in their lifetimes. *Id.*

105. The creator of Lehman Brothers's Encore program—initially designed to bring back women who had off-ramped for less than three years—noted that they focused on their target audience based on information they learned from the Hidden Brain Drain Task Force research that "'most off-rampers are trying to reenter within two years of taking their initial leave . . . .'" *Id.* at 148. Similarly inspired by the Hidden Brain Drain Task Force, Goldman Sachs's managing director of Global Leadership and Diversity created a proprietary "New Directions" program designed to find off-ramped investment banking women who had been out of the workforce for fewer than five years (having left their last place of employment on good standing) and wanted to come back to work full-time. *Id.* at 155-56.

106. Booz Allen's first iteration of its Adjunct Program was extended to 148 people. *Id.* at 142. Of the ninety-nine that accepted, fifty-nine were alumni of the firm, and the others were referrals and other highly qualified individuals. *Id.* The arrangement has proven to be efficient and successful. During the first year of the program, two adjuncts ramped back up to a full-time position with the firm. *Id.* In return, the firm pays a fee but no benefits—though they are apparently considering adding some non-financial benefits like career mentoring and maybe partial health coverage. *Id.* Lehman Brothers's Encore reentry program events created "[a] buzz on Wall Street and in the media." *Id.* at 146. The Encore events provided information about the financial industry, brought off-ramped women together to talk about business issues, and provided "a way of putting impressive resumes into the company's talent pipeline." *Id.* at 148. The events were so successful that Lehman eventually hired twenty new people. *Id.* at 149. Goldman Sachs received many referrals and solicitations and eventually accepted eighty women to its first New Directions event in New York City. *Id.* at 156. The event brought senior management to mingle with the sixty-five attendees, featured high-profile speakers, and received much praise for the seriousness and commitment to bringing the women back into the fold. *Id.* at 157-58.

male executives.[107] These women frequently have family care responsibilities that extend far beyond immediate, biological childcare.[108] They are commonly referred to as being on "the daughter track" because of their elder care responsibilities.[109]

The profiled companies did not necessarily create a new kind of work-life program to address elder care issues. They either expanded their existing support services or employee benefits[110] or were profiled for their existing, inclusive programs.[111]

---

107. *Id.* at 163. Studies show that African-American female professionals, in particular, tend to have a very wide "circle of care" that extends to non-blood and community relations. *Id.* at 162.

108. *Id.* at 162. In 2005, Citigroup's outside elder care resources management company "fielded more resource and referral inquiries about elder care than child care . . . ." *Id.* at 165.

109. *Id.* at 162.

110. Citigroup, for example, recognized the drain caring for an elderly or sick relative can have on a major portion of their workforce. *Id.* at 162. They were also concerned about loss of productivity, tardiness, absenteeism, and other effects that caring for elders can have on an employee. *Id.* at 164. In 2003, the company tapped into one of their external resource and referral services providers to create a new "Elder Care Management Services" program. *Id.* at 163. The program offered not only its usual support for referrals and resources, but also offered employees several hours of free consultation each year to help employees assess and handle living and care needs for elder family members. *Id.* at 163-64. The average Citigroup user of the Elder Care Management Services did not need more than the allocated hours, yet the company did provide additional free hours of service to those few employees who requested it. *See id.* at 164. While only a small number of employees have utilized the Citigroup Elder Care Management Services program, they are assured that the services will be there when and if they need them at a later point in their life and career. *Id.* at 166.

Time Warner similarly looked at its own benefits package—one considered very good in the industry—and set out to revamp its definition of inclusivity. *Id.* at 167. They realized that their entire benefits system was based on a traditional nuclear family model that failed to take into account the many extended responsibilities that many of their employees—particularly female minorities—handle. *Id.* at 170-71. Influenced by some of the research done by the Hidden Brain Drain Task Force, the company held a series of internal meetings and realized that today's extended family responsibilities called for the company's benefits to cover not just "dependents," but more broadly defined "reliant individuals" for assistance programs, college scholarship programs, and the like. *Id.* at 169. The company viewed this benefits expansion not as a program, but as part of the company's idea "to build a more inclusive work environment" and help "ensure that employees come to work free of some worrisome responsibilities." *Id.* at 171.

111. Johnson & Johnson, a medical and health care consumer products company known primarily for its baby care products, already had a well-established work-life resource and support program, including an elder-care program. *Id.* at 172. The program is designed to help relieve employees of some of the burdens and questions revolving around elder care and fits in with the company's credo: "We must be mindful of ways to help our employees fulfill their family responsibilities."

While these kinds of programs receive neither the same kind of attention nor employee interest as other work-life initiatives profiled in Hewlett's book,[112] the statistics are compelling enough that more companies should follow the example of these corporations.[113]

D. *Help Women Claim and Sustain Ambition—Fostering Leadership*

Hewlett begins Chapter 8 by positing that one way to combat the penalties that many off-ramped women face and the general barriers to higher levels of success that all highly qualified or high potential women seem to face—including reduced ambition, discrimination, a "dearth of role models and mentors [and] a paucity of networks"[114]—is to create employee-sponsored networks.[115] The networks are often facilitated through internal selection of high-achieving women with leadership potential and tap into a more deep-seated need of what women want: to be recognized and to feel connected by and within the workplace.[116]

Yet the programs Hewlett highlights—in particular Johnson & Johnson's Women's Leadership Initiative[117] and Time

---

Id. at 172. Not only are there geriatric care consultants, support groups, pamphlets, and information on websites, they also offer an on-site day-care center that is open to "grandchildren of current or retired employees . . . ." *Id.* at 175. The company also follows another part of its credo, being "responsible to the communities in which we live and work," by jointly supporting the Johnson & Johnson/ Rosalynn Carter Institute Caregivers Program, whose mission is to "support community-based programs that assist those who are caring for loved ones in need." *Id.* at 175.

112. *See supra* Part II.A-B.

113. Statistics show "that approximately 25 percent of the U.S. workforce was involved in the care of an older family member." HEWLETT, *supra* note 1, at 162.

114. *Id.* at 180.

115. *See id.* at 179-80.

116. *See id.* at 180-81. The Time Warner Leadership program, for example, is not open to all women executives at the company; they must be recommended as "high potential (in terms of their performance ratings) and see themselves as potential leaders." *Id.* at 194. While the GE Women's Network was originally founded on an affinity network model designed to create diversity, it is actually much more focused on identifying and developing internal leaders in all areas of the company. *See id.* at 198-99.

117. *See id*. at 181-191. The Johnson & Johnson Leadership Initiative was not created purely out of altruistic tendencies; rather, there was a compelling business need to find ways to attract, retain, train and promote talented women. *Id.* at

Warner's Breakthrough Leadership program[118]—underhandedly show that it is better to stay in and connected to the workforce (or at least with a large company with seemingly unlimited resources) than to follow the non-linear careers that Hewlett covers elsewhere in the book.[119] Law firms or companies with tighter corporate structures and limited resources would need to engage in powerful training partnerships to be able to compete at the level of a company like Johnson & Johnson.[120] Still, there is compelling information that these kinds of

---

182. Even back in 1987, when the creator of the Women's Leadership Initiative (now the chief diversity officer and one of the few women on the company's executive committee) started thinking about these issues, the increasing number of women graduating from institutions of higher education and entering the workforce was a compelling business reason in and of itself for a competitive company to better situate itself to attract top talent. *See id*. The company's treasurer, the top female executive in 1991, sought to institutionalize the much-needed female solidarity across management levels." *Id.* at 183. She created the Women's Leadership Initiative, a program designed "'to define and enhance policies that will attract, develop and retain talented women.'" *Id*. at 184.

118. *See id.* at 191-98. In 2003, after hosting a popular and successful women's event at the company, one of Time Warner's executive vice presidents realized that "[w]omen executives at the company had no community within which to bond, no place to come together and make connections." *Id.* at 192. She developed her idea with the Simmons School of Management in Boston to create a customized women's leadership program. *Id.* at 191-92.

119. *See id.* at 25-55.

120. The Johnson & Johnson Initiative, for example, benefitted from the company's partnerships with outside institutions. In 1999 the company joined the Smith College Consortium, "a collaboration between six major corporations to provide management and leadership training for high-potential women . . . . [and later] worked with Smith College and Dartmouth's Tuck School of Business to create a program that provides management training for women with international responsibilities." *Id.* at 185. There seems to be no similar independent program in the legal industry that brings together some of the top law firms under the care and training of top colleges and law schools, though the Project for Attorney Retention, a program initiative of The Center for WorkLife Law at the University of California Hastings College of the Law, comes closest. *See* Project for Attorney Retention, www.pardc.org (last visited Apr. 21, 2009). Many law firms do seem to have their own internal programs. *See, e.g.*, Mark Beese, Leadership For Lawyers, http://leadershipforlawyers.typepad.com/leadership_for_lawyers/2006/10/more_leadership.html (Oct, 15, 2006, 21:57 EST) (a blog focused on issues of leadership, practice management, and marketing for professional service firms). There are also scores of independent consultants that help individual lawyers and law firms train women in many of the skills it takes to be a successful law firm partner. *See, e.g.*, Acuity Legal Consulting, LLC, http://www.acuitylegal.com/ (last visited Apr. 21, 2009); RJH Consulting, http://www.rjhconsulting.com/ (last visited Apr. 21, 2009). These programs, however, are very expensive, and the few publicized attempts to help attorneys work on the business and non-practice skills have been

leadership training initiatives do have an effect on the promotion rate of women.[121] They seem to be creative and relatively easily planned methods for any company to achieve female representation at higher levels of management.

E. *Harness Altruism*

Chapter 9 focuses on issues that Hewlett covered earlier in the book: that altruism and giving back to the community are higher priorities for women who are at, or want to go back to, work than they are for men.[122] Hewlett asserts that creating outlets for community service is a good business incentive to draw and retain top female talent.[123] Such programs also help develop business skills like leadership, organization, recruiting,

---

met with skepticism. *See, e.g.*, Leigh Jones, *Are Law Firm Leadership Programs Worth the Money?*, NAT'L L.J., Mar. 4, 2008, *available at* http://www.law.com/jsp/nlj/PubArticleNLJ.jsp?id=900005560512 (questioning whether the thousands of dollars that some law firms spend on leadership training for their attorneys really has any positive effects or benefits).

121. Time Warner's Leadership program, for example, had a profound effect on its attendees, inspiring women after the off-site session-filled days to ask for raises and promotions, and left a lasting positive impact that tapped into women's need and desire to feel valued and connected to other female executives. HEWLETT, *supra* note 1, at 193-95. *See also supra* notes 26-27 and accompanying text. The company did its own studies that showed that "women who go through [the Breakthrough Leadership] program are more likely to get promoted than women who don't." HEWLETT, *supra* note 1, at 196. The General Electric Women's Network has also been a huge success, clearly tapping into what company women wanted: visibility within the company and connection to other female co-workers. *See id.* at 198. In hard numbers, a formal study showed that attrition for high level female employees at GE fell from 14% in 1996 to 7% in 2002, and "[t]he number of women in the first band of management" went up 79% over ten years. *Id*. at 200. The Johnson & Johnson program has also been successful, as measured by the number of women in high level management positions, though there is no evidence that it has directly affected the level of attrition or reentry. *See id.* at 186. Between 1995, when the program started, and 2005, the Women's Leadership Initiative grew from an initial group of 300 female employees (director level and above) to over 2,000 senior-level women. *Id.* at 185-86. Additionally, the "percentage of women at the vice president level or above rose from 14 percent to 30 percent," and the number of women on the company's executive committee went from zero to four out of the eleven members. *Id.* at 186.

122. *See id.* at 205-24.

123. *See id.* 205-06. Facing the current economic downturn, law firms are encouraging their attorneys to take paid sabbaticals in the public sector as a means to retain talented lawyers at a lower cost and provide much needed help for public interest organizations. *See, e.g*, Stephanie Chen, *For Jobless Lawyers, Plan B Includes Good Works*, CNN.COM, Mar. 17, 2009, http://www.cnn.com/2009/CRIME/03/16/lawyer.layoff.public/index.html?iref=newssearch ("[M]any megafirms across

marketing, and fundraising.[124] A commitment to altruism can also be a powerful recruiting tool and helps to keep a happy and more loyal workforce.[125]

For companies that still have the financial wherewithal, community service can develop a mutually beneficial relationship for the company and service beneficiaries,[126] although the potential issue of paying for the absence of the employees remains. Even the employees who partake in these kinds of programs acknowledge that there is "a risk to taking [oneself] off the job for such an extended period of time."[127] Still, with company support, talented women have another reason to choose

---

the country [are] using the economic slump as an ideal time to lend a hand to cash-strapped public interest and legal aid firms.").

124. *See* HEWLETT, *supra* note 1, at 207 (describing a public interest organization that Goldman Sachs had founded for which employees had taken on "key leadership roles"); *id.* at 209 ("[V]olunteer initiatives build leadership capability and burnish the company's image in the communities within which it does business."); *id.* at 210 (describing how one Goldman Sachs employee learned transferable skills in marketing and client management from fundraising for a nonprofit).

125. *See id.* at 206. At the time Hewlett studied Goldman Sachs, it had a variety of community service projects in which an overwhelming "85 percent of the . . . workforce participate[d]." *Id.* at 208. The support of community service draws talented young Harvard MBAs and undoubtedly helped launch top executives like Jon Corzine, the current governor of New Jersey, and Hank Paulson, the former Treasury Secretary, into public service. *See id.* at 206-08. Law firms similarly advertise their commitment to *pro bono* service and are ranked in Vault and other surveys based on the extent and depth of their *pro bono* programs and quality of life factors. *See* Building a Better Legal Profession, http://www.betterlegalprofession.org (last visited Apr. 21, 2009) (providing rankings of law firms based on *pro bono* hours and programs); Vault, Top 100 Law Firms: 2009 Rankings, http://www.vault.com/nr/lawrankings.jsp?law2009=1&ch_id=242 (last visited Apr. 20, 2009) (providing information on *pro bono* programs and Quality of Life rankings). The draw is no longer just for women; men as well, particularly in the newer generation of entering lawyers, are focused on their larger role in society. *See infra* note 140 and accompanying text.

126. *See* HEWLETT, supra note 1, at 213-15. The Cisco Leadership Fellows Program, for example, is a win-win relationship for the community, the company and the employees. *See id.* at 213. The nonprofits benefit from the technological and leadership expertise of the Cisco fellows, while the experience "allows [the employees] to develop managerial and technical skills while investing in a cause that's important to them." *Id.* Further, the program "create[s] additional value by enhancing employee engagement and loyalty." *Id.* American Express offers a six month paid leave period for select employees to work for a non-profit, thus strengthening and supporting the programs where these employees work and establishing a renewed sense of confidence and loyalty. *See id.* at 218-22.

127. *Id.* at 216.

and ultimately stay with companies who institutionally support community service.

F. *Reduce Stigma and Stereotypes*

In Chapter 10, Hewlett examines the pervasive, underhanded, and underground obstacles to women's ultimate success in the workforce: the stigma of taking advantage of nonstandard, flexible work arrangements.[128] She also addresses the stereotype that women who take nonlinear careers or work anything less than their ambitious male counterparts are less committed, less talented, and less capable than full-time employees or men.[129] Even with institutional support, this stigma persists, as demonstrated by the low enrollments in the many new programs and initiatives designed to help retain women.[130]

Hewlett highlights programs and initiatives that combat these stigmas and stereotypes and focus on institutionalizing work-life balance issues, such as technological innovation,[131] sensitivity training,[132] and progressive monitoring and improve-

---

128. *See id.* at 225-48.

129. *See id.* at 225-26.

130. Some women fear jeopardizing their "hard-edged business reputation" by "getting involved with women's initiatives." *Id.* at 226. One Lehman participant stated that although several top employees visibly enjoyed the benefits of new flexibility arrangements, some stigma lingers, and "[c]ertain people still think that working from home means working less." *Id.* at 231. *See also supra* notes 25 and 44.

131. The Lehman Brothers Virtual Workplace model was, for example, developed in response to the loss of office space in the September 11th attacks. *See id.* at 227-29. After the avian flu scare, the company incorporated remote technology as a part of their disaster preparedness efforts. *See id.* at 229. Although Lehman's intent was to develop a comprehensive disaster plan, the fortuitous impact was legitimizing workplace flexibility generally. *Id.* Law firms are already quite technologically savvy, handing out Blackberries, laptops, and the accompanying software to allow attorneys to work anytime from anywhere. There remains, however, a conflict between *flexibility* and client demands of *availability*, with little client patience for anything less.

132. In 2001, Cisco implemented an innovative program to curb demeaning language and behavior in order to "'strengthen the culture of inclusion'" and show their commitment to a diverse workforce. *Id.* at 237. The result was their microinequities training seminar, aimed at stopping the subtle and unconscious sarcastic put-downs it was named for and expected to be completed by all of its forty-seven thousand employees. *Id.* at 236-38. Focusing on education promoting awareness of the presence of microinequities in common behavior, the company remained deeply committed to its effectiveness without any quantifiable results. *See id* at 238-40. From a business perspective, the program helped employees re-

ment of gender representation.[133] Through these efforts, all of the profiled companies show that it is possible to change corporate culture to address female workers and their unique needs with no negative impact on work quality.[134]

III. Where Do We Go From Here?

The examples from the earlier chapters show that, at least for large companies with top-level management buy-in programs, it is possible to institutionalize programs and initiatives that address the many issues that elite working women face.[135] But the work does not stop here. "This second generation of policy needs to reach a critical mass if it is to transform corporate cultures."[136] Through that statement, Hewlett acknowledges

---

late better with each other and with customers who might come from very different backgrounds and perspectives. *See id.* at 239-40.

133. Of the companies profiled, Ernst & Young seems to have had the most success, but it has a long way to go in institutionalizing flexible and other work-life balance arrangements. *See id.* at 242-43. The company has seen their number of top female executives increase from 0% to 15% and female partners from 5% to 14%, with 10% of those female partners or principals working on a flexible basis. *Id.* Hewlett credits Ernst & Young's success to programs like their Women's Leadership Conference and a series of firm-wide Professional Women's Networks, groups in which 45% of the new partnership base actively participate. *Id.* at 243-44. They also use "career watchers," who identify talented women deserving of mentoring and additional training, and a self-monitoring system, which measures career watcher's success by using management skills feedback surveys. *Id.* at 244-45. These efforts allow Ernst & Young to track the percentages of women employed at various levels and factor these numbers into manager evaluation and compensation, thus promoting internal gender equity. *Id.*

134. *Id.* at 246. There is no hard evidence (yet) as to whether these programs really are making a difference, though there has clearly been progress over the years in the numbers of women in top executive management positions. *See supra* note 133. From a purely business view, Ernst & Young "has stanched the outflow of female talent, saving the company $10 million in 2005." HEWLETT, *supra* note 1, at 247.

135. *See supra* Part II.

136. HEWLETT, *supra* note 2, at 249. Hewlett refers to the effect on "the entire high-echelon workforce" rather than the greater labor market and the types of small to midsize employers where many people, particularly lawyers, work. *Id.* at 251. What Hewlett fails to recognize is that many members of the work force may not have the same credentials or professional growth potential as compared to those participating in the Hidden Brain Drain Task Force, yet all working women face the same work-life balance issues, particularly as they relate to child bearing. *See supra* notes 13, 17, and accompanying text. Hewlett is working on a "Work-Life Balance in Small Businesses" project that began in 2002 through the Center for Work-Life Policy. *See* Center for Work-Life Policy, Work-Life Balance in Small

that to correct the gender (and racial) inequalities in positions of leadership and money generation, it will take more than companies (or law firms) simply adopting some of these progressive models. While the book showcases what some large, progressive leaders have done, Hewlett acknowledges that "messing with the male competitive model in the larger labor market"[137] requires high profile examples at the uppermost levels of management, since men still have a more powerful influence over corporate culture than do women.[138] In addition, institutions must support and encourage women to take advantage of and use the kinds of programs and initiatives profiled in this book.[139]

Hewlett sees hope in several new kinds of workforce groups. A new wave of laborers is entering the work force, driven not by money, hard hours, or success defined by salary or position title, but by desires for the same "quality-of-life" benefits that women traditionally have sought.[140] There are CEOs, partners, and other high-level, powerful men in their fifties and sixties who are now in positions to implement the kinds of work-life balance policies that "feed right into the needs of talented younger women."[141]

Businesses, http://www.worklifepolicy.org/documents/initiatives-smallbusiness.pdf (last visited Apr. 21, 2009).

137. HEWLETT, *supra* note 1, at 249.

138. *See id.* at 255 ("98 percent of the leadership at *Fortune* 500 companies is male.").

139. *See id.* at 251-52. In the legal context, real change will not occur until clients demand to have more women at the top and stop demanding around-the-clock service that has made the practice of law all-encompassing and almost impossible for attorneys working on a part-time basis. Partners will either have to stand up to clients and manage their expectations or accept lower profits in order to hire more attorneys to handle the caseload. Also, the billable hour model is so entrenched in the fabric of the industry, that this client-favored process makes it difficult to dissect complicated matters to delegate the work more evenly. To achieve higher numbers of attorneys working in flexible arrangements, law firms would either have to absorb the costs of having several mid-to-high level associates on one matter to help cover for each other or pass those costs along to the client (unlikely).

140. *See id.* at 256 (identifying Generation Y men and baby boomers that are facing the age of retirement).

141. *Id.* at 257 (describing the talented women as "the proverbial canaries in the mine: harbingers of a better world who expire before their time, poignant victims whose tragic fates point to malfunctions and dysfunctions in the system").

Off-Ramps and the case studies within clearly have had an impact, not only on the direct beneficiaries of the new programs—and Hewlett gives her readers plenty of personal stories (including her own[142]) to counter-balance the charts, graphs, and statistics—but on the business and legal industry as well. Business schools, bar associations, and law firms are all getting in on the off-ramp/on-ramp roadway by providing options and opportunities where there were none just a few years ago.[143]

IV. Application to the Legal Industry

The problem with legitimately transferring models like those outlined in *Off-Ramps* to the average law firm is that the participants and beneficiaries of those model programs are all within upper echelon employers doing what Hewlett calls "ex-

---

142. *Id.* at 258-61.

143. *See, e.g.*, Press Release, The Wharton School of the University of Pennsylvania, UBS and Wharton Continue Partnership on UBS Career Comeback: A Fellowship Program for Professionals Re-entering the Workforce (Feb. 7, 2008), *available at* http://www.globenewswire.com/newsroom/news.html?d=135917; Harvard Business School: Executive Education, A New Path: Setting New Professional Directions, http://www.exed.hbs.edu/programs/path/ (last visited Apr. 21, 2009); Tuck Executive Education at Dartmouth, Back in Business: Invest in Your Return, http://www.tuck.dartmouth.edu/exec/targeted_audiences/back_in_business.html (last visited Apr. 21, 2009). In the legal world, the ABA "Back to Business" CLE and networking program has become quite popular. *See* Am. Bar Ass'n, Back to Business Law, http://www.abanet.org/dch/committee.cfm?com=CL999500 (last visited Apr. 21, 2009). The Association of the Bar of the City of New York (NYCBA) held a multi-part series entitled "Break from the Law: A City Bar Initiative for Practicing and Re-entering Lawyers," on December 4, 2008. *See* New York City Bar: Events Calendar, http://www.abcny.org/EventsCalendar/show_event.php?eventid=958 (last visited Apr. 21, 2009). Washington College of Law at American University has started a new Lawyer Re-Entry Program entitled "*Reconnect, Refocus, and Reclaim Your Legal Career*." *See* American University Washington College of Law Lawyer Re-Entry Program: Reconnect, Refocus, and Reclaim Your Legal Career, http://www.wcl.american.edu/reentry/ (last visited Apr. 21, 2009). Lastly, The Marvin Center at George Washington University in Washington, D.C. hosted a one-day "Career Relaunch Forum: A Return to Work Conference" on November 12, 2008, co-sponsored by the National Association of Women Lawyers and *i*Relaunch-The Career Reentry Experts. *See* The George Washington University, The Career Relaunch Forum: A Return to Work Conference, http://careerrelaunch.com/ (last visited Apr. 21, 2009). The *i*Relaunch site lists twenty currently available reentry programs. *See* iRelaunch, Career Reentry Programs, http://irelaunch.com/careerreentryprograms.asp (last visited Apr. 21, 2009).

treme jobs."[144] It is still relatively clear that it is harder and takes longer to get those upper echelon, high-paying, high-profile, extreme jobs when one takes a nonlinear career path.[145] There are examples at the fringe, like part-time partners, counsel positions, and two-tiered partnership tracks, but the ultimate model of law firm success is fundamentally built upon the billable hour model for clients who demand around-the-clock attention and prefer to pay their lawyers directly for the biggest commodity and service they offer: their time.[146]

The legal industry has not had the kind of success that many of the cited companies have. There are no institutes or partnerships between law firms and law schools.[147] There are, however, a plethora of career coaches and advisors, particularly

144. *See supra* note 14. The case studies cited by Hewlett, for example, are all large, multi-national employers: Cisco Systems, Ernst & Young, and Goldman Sachs, to name a few. *See supra* Part II. Most entry level attorneys wind up working for small firms (between two and ten attorneys), and the largest law firms in the world have fewer than 4,000 attorneys. *See* Baker & McKenzie: Key Facts and Figures, http://www.bakernet.com/BakerNet/Firm+Profile/Key+Facts+Figures/default.htm (last visited Apr. 21, 2009) (listing 3,900 qualified attorneys around the world); Clifford Chance, About Clifford Chance, http://www.cliffordchance.com/about_us/about_the_firm/?LangID=UK& (last visited Apr. 21, 2009) (noting that the U.K.-based firm Clifford Chance has 3,800 legal advisors worldwide); Law.com, The Global 100: Most Lawyers, 2007, http://www.law.com/jsp/article.jsp?id=1202424835401 (last visited Apr. 21, 2009); NALP, Class of 2007 National Summary Report, June 2008 http://www.nalp.org/uploads/1229_natlsummary07revised.pdf (last visited Apr. 21, 2009). It costs money and resources (i.e., a director of diversity) to create, implement, and run these programs. Citigroup, for example, hired an outside consulting firm. *See supra* note 90. The Lehman diversity officer received "ample funding" to start the program, including "enough to pay for a full-time recruiter-manager, [and] a diversity-oriented search firm . . . ." HEWLETT, *supra* note 1, at 147. It is doubtful that in the current economic climate of layoffs and law firm dissolutions that any firm will be willing and able to allocate extra money to create new work-life programs to benefit a relatively small portion of their workforce.

145. Even in the more robust times, when many of Hewlett's examples took place, there are often references to how hard one really needs to work to achieve a high level of success, particularly if one has taken a less than straight and traditional path. *See, e.g.*, HEWLETT, *supra* note 1, at 254 (quoting a female vice president and general manager at GE who, after off-ramping and on-ramping and working on a flexible basis for several years, "[e]ventually . . . put in the necessary hours. . . [and] worked [her] tail off" to achieve her current position). In this economy, the baby boomers to whom Hewlett refers in Chapter 10 who may want to keep working, but on a more balanced basis, may not have the option or may be forced into earlier retirement. *See id.* at 256.

146. *See supra* note 23-24, 34, and accompanying text.

147. *Cf. supra* notes 118, 120, and accompanying text.

for lawyers and law firms.[148] The one positive side of the high attrition rate at law firms is that there are thousands of highly qualified, smart women out there who are now able to make a living trying to fix the system they have left.

Law is much more hierarchical than most of the businesses profiled. There is a deep and wide chasm between the lawyers and everyone else who works at a law firm. While most policies like maternity leave and job sharing can be offered to all employees at a law firm, the fee earners (the lawyers) do substantially different work than the rest of the firm's support staff. One cannot simply work one's way up a law firm ladder.[149]

The statistics about who is really taking advantage of the various flex-time and other women-friendly policies at these firms is quite telling. While no statistics are publicly available as to the number of staff versus lawyers who utilize these work-life balance policies, it is clear that very few women lawyers are actually taking advantage of them.[150]

Law firms can look to some of the industries profiled in *Off-Ramps* for guidance. Of the examples cited by Hewlett, private sector consulting is most similar to the legal industry; both are client-service driven and have competitive upside-down cones—"up or out" models of progression that require about eight to ten years to make partner.[151] Law firms also utilize resources, simi-

---

148. *See supra* note 6.

149. The law firm progression chart is, in fact, not a meritocracy, but a lock-step billable-hour based system, with some industry talk about moving to a more merit based system. *See, e.g.*, Deborah Epstein Henry, *Facing the FACTS Model: Introducing Work/Life Choices for All Firm Lawyers Within the Billable Hour Model*, DIVERSITY & B., Nov.-Dec. 2007, at 16, *available at* http://www.flextimelawyers.com/pdf/art10.pdf (noting that the rigid billable hours model and the around the clock availability do not mesh with the demands of the rising Millennial generation, and that a more transparent and flexible billing model is required). Even venerable law firm Cravath, Swaine & Moore LLP's Chairman, Evan R. Chesler, recently argued for change from the billable hour. *See* Evan R. Chesler, *Kill the Billable Hour*, FORBES, Jan. 12, 2009, *available at* http://www.forbes.com/forbes/2009/0112/026.html.

150. *See* Deborah Epstein Henry, *supra* note 25 (9.5% of attorneys work flex-time, 7.6% work reduced hours, 0.1% engage in job-sharing, and 0.9% telecommute full-time).

151. Private sector consulting work is also riddled with unpredictable and regular long-term travel. Prestigious consulting firms like Booz Allen manage their employees through a "fiercely competitive winnowing process." HEWLETT, *supra* note 1, at 140.

lar to the Booz Allen "adjunct" program,[152] called contract attorneys who are hired through placement agencies specializing in law firm extra hiring needs.[153] From a management perspective, continuity is key, but lawyers below the partner level seem to be more fungible than consultants.[154] Upper echelon legal work requires around-the-clock accessibility to clients, making it difficult to dissect matters into projects other than specific research or drafting projects for junior associates. Generally, legal clients seem to be less concerned about who does their work. So long as they are getting top advice and value for what they are spending on legal fees, they could easily take their business to the next law firm who would eagerly take on a new multi-million dollar account.

There are, however, some innovative models in the legal industry that do work.[155] Some of the U.K. firms spend considerably more time and money on non-billable client work, like hosting annual international retreats for their attorneys in a particular practice group that may be scattered around the globe or keeping former practicing associates on as "knowledge

---

> At the end of the first year about 20 percent of the new class of associates is cut from the company's roster. The top 80 percent then stay on to battle it out until the next round of eliminations. If associates make it through seven years of such competition they generally will make partner.

Id.

152. *See supra* note 57.

153. Of course contract attorneys are often staffed on less glamorous work like document review and deposition summaries, are not considered part of the law firm attorney base, and rarely attain full-time positions at the firm. The use of contract attorneys may change if law firms take the economic situation as an opportunity to re-structure how they operate and meet corporate client demand for more value for the legal services they pay for. *See supra* note 94; Understanding the Current Legal Economy, The Current Economic Crisis and Its Likely Impact on the Business and Structures of Law Firms, PowerPoint presentation and comments by James W. Jones, Chairman of the Hildebrandt Institute and Managing Director of Hildebrandt, NALP 2009 Annual Educational Conference, April 1, 2009; Association of Corporate Counsel Value Challenge, *available at* http://www.acc.com/advocacy/valuechallenge/ (last visited Apr. 21, 2009).

154. As one adjunct professor of management at Wharton and former Booz Allen senior manager told Hewlett, "Management consulting . . . [is] all about people and brainpower. Finding the right people and keeping them is absolutely crucial. When one walks out the door it's analogous to losing a valuable product line." HEWLETT, *supra* note 2, at 143.

155. Axiom, for example, is a relatively new model in the legal world, placing experienced attorneys from top law firms with corporate clients on a pick and choose project basis. *See* Axiom, www.axiomlegal.com (last visited Apr. 21, 2009).

management attorneys."[156] However, those firms participate in a different market, are much larger than the average U.S. law firm,[157] use a different compensation system,[158] and generally have lower profits per partner than their U.S. peers.[159]

V. Conclusion

Off-Ramps is meant to leave readers with a sense of encouragement and hope. Many a female worker might walk away respecting and perhaps envying the policies and progression at the showcased firms, yet wondering how all of this will really affect her daily life. It is also clear that more studies and work need to be done. It seems quite unlikely that these kinds of programs will really take hold at law firms in the near future, particularly in this financial environment. For the sheer data and compelling information, however, *Off-Ramps* remains a useful starting point.

---

156. *See, e.g.*, Freshfields Bruckhaus Deringer LLP, People, Knowledge Management Lawyer Level, http://www.freshfields.com/people/search/11/1?query&role=4&office=-1&practice=-1&sector=-1&submitPeopleSearch=Search (last visited Apr. 21, 2009).

157. According to a 2007 survey, five of the top seven largest firms in the world were based in the United Kingdom. *The Global 100: Most Lawyers*, AM. LAWYER, Oct. 2008, *available at* http://www.law.com/jsp/article.jsp?id=1202424835401.

158. U.K. law firms generally use a lockstep or modified lock step compensation system, even for their partner ranks. U.S. law firms, on the other hand, use a more subjective "eat what you kill" system for their partners, which generally compensates partners for their financial (allocated billable time) contributions to the firm and the billable work they bring in (known as "rainmaking"). *See* Edge Int'l, Do Law Firm Compensation Systems Drive Profitability? (2005), http://www.patrickmckenna.com/pdfs/Law%20Firm%20Compensation%20Survey.pdf.

159. According to a survey by *The American Lawyer*, the top three most profitable firms, by profits per partner, were New York based American firms, and only three U.K. firms managed to enter the top ten: Slaughter and May, Freshfields Bruckhaus Deringer LLP, and Linklaters LLP. *The Global 100: Most Profits Per Partner*, AM. LAWYER, Oct. 2008, *available at* http://www.law.com/jsp/article.jsp?id=1202424834825.