



Women in leadership

has COVID changed the perception
of what it means to be a leader?

ReedSmith

Driving progress
through partnership

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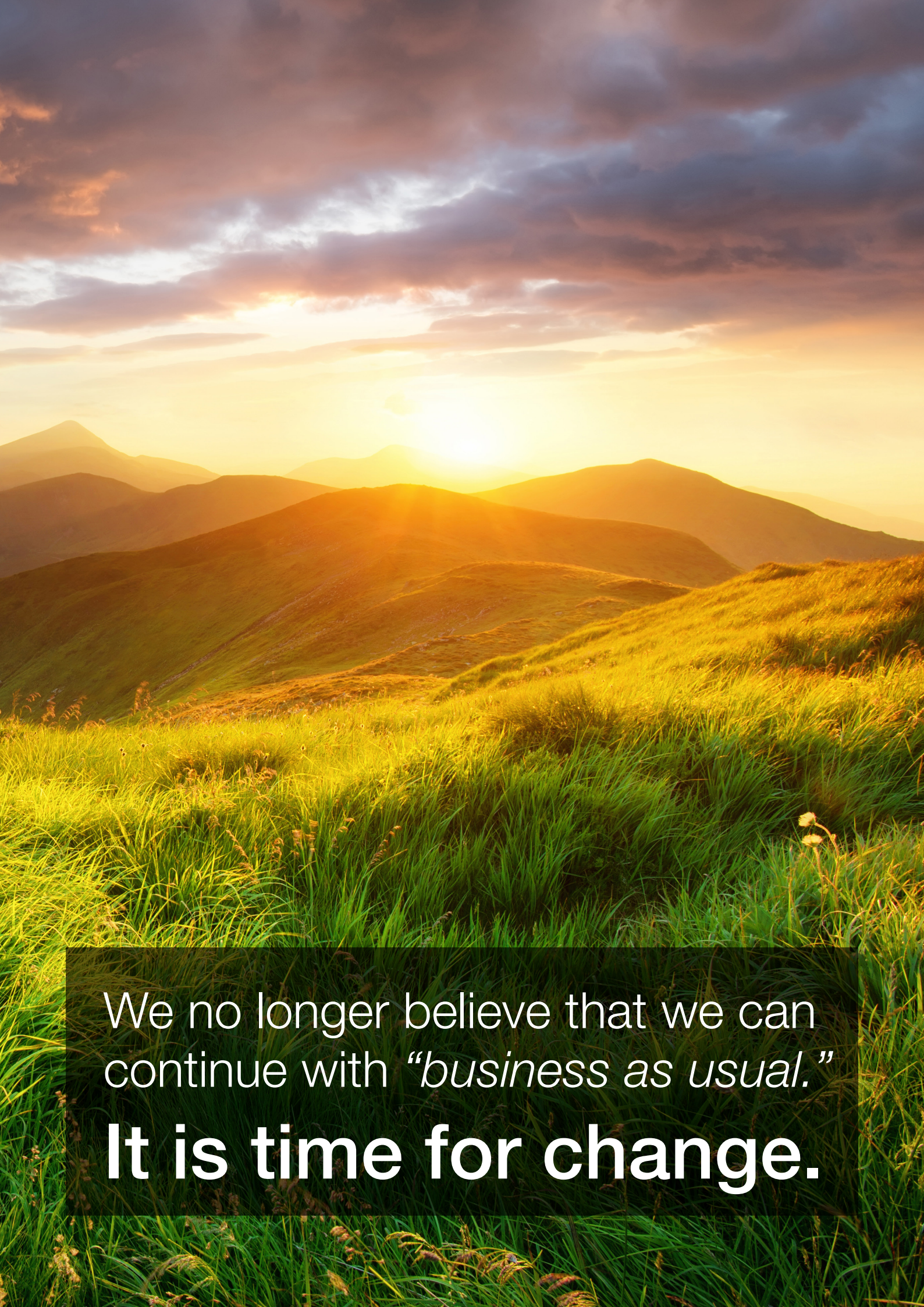
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Are we at a
tipping point
of redefining
what it means
to be a leader?



An unprecedented barrage of social, environmental, and cultural events has marked 2020 as a year of profound change. The first global pandemic in over a century brought about a severe economic and business downturn and a challenge to governmental leaders in balancing health and safety with economic security. Social unrest escalated as the Black Lives Matter movement gained traction, exposing racial inequities and pushing for rectifying actions.










We no longer believe that we can
continue with *“business as usual.”*
It is time for change.

Change, of course, has risks.

The pandemic has brought about a mountain of issues, challenges and crises for businesses and families. However, it has also unleashed many unintended but positive changes which now need to be realized and continued with. It has also raised a barrage of questions:

-  *Will women be recognized for their leadership during these crises, or will they be the victims of job cuts and restructuring?*
-  *Will working from home equalize the playing field or increase the child care responsibilities that fall disproportionately on women?*
-  *Do women exhibit certain characteristics that make them better at crisis management?*
-  *Will diversity objectives be put aside by companies struggling to cope with survivability or profitability in these trying times?*
-  *Or will forward-thinking leaders see the value of a diverse workforce in developing the innovations needed to pull us through?*

As part of our global Diversity, Equity and Inclusion program, we organized a roundtable forum where we invited some of our clients to discuss key issues that women legal leaders have encountered and experienced this year. The conversation was engaging as well as informative, as these legal leaders candidly shared comments, suggestions, and personal anecdotes during our virtual meeting. As we consolidated and summarized their remarks, we tried to retain the authenticity of their thoughts and feelings while preserving individual anonymity.

This roundtable was part of our 2020 virtual series that we have developed and designed to create a platform for senior business leaders, general counsel, legal and business teams, and senior management representatives to share relevant business experiences, discuss live issues and explore strategic ideas for the future. Through this established roundtable program, we aim to foster a real peer-to-peer learning environment for all of us, one that ensures our ability to discuss real and current issues in a useful way.

All of our roundtable events, whether virtual or in-person, are held under the Chatham House Rule. Therefore, as always with our follow-up thought leadership reports, we have not provided names of individuals or companies and have kept this report confined to three interrelated topics. We have summarized key concerns and issues that were covered in our discussion as well as some of the more significant spotlight areas that emerged during the conversation with our panel.

As we continue to explore critical issues that affect our industry and our clients, we are grateful to all of the participants for their willingness to work hand in hand with us in this endeavor. At our roundtable, split into two separate sessions, we had a total of 14 participants, of whom seven were based in the U.S. and seven in the UK. Five of our panel participants were from BAME, including Black and Hispanic, backgrounds. The participants at our roundtable were also from a variety of industries, including banking and finance, media and telecommunications, professional services, and the public sector.

We are also grateful to the group of leading women partners at Reed Smith, including Elizabeth Tabas, Laura Brunnen, Delphine Currie, Cindy Minniti and Elle Todd, who helped us connect with this incredible myriad of women legal and business leaders and also joined our virtual discussions.

The diversity of thought exhibited in this roundtable is exactly what we are hoping to achieve in our organizations as we strive for greater gender and racial equality in the corporate world.



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Please note: Throughout this report quotes in *“blue italics”* are direct quotes from the session

Is COVID changing our ideas about leadership?

We've all read that countries with women at the helm seem to be handling the COVID crisis better than those headed up by men. The media repeat this story almost every day:

From CNN: *"Women leaders are doing a disproportionately great job at handling the pandemic. So why aren't there more of them?"*¹

The Washington Post gave us this headline: *"Female world leaders hailed as voices of reason amid the coronavirus chaos."*²

Even Forbes got in on it: *"What Do Countries With The Best Coronavirus Responses Have In Common? Women Leaders."*³

On the surface, it may look like women are simply better at handling crises – and that may be true, as Alice Eagly, noted researcher on gender equality, points out: *"Women tend to be more communal than men, exhibiting more compassion and caring. . . . A leader can gain credibility from conveying empathy with those who are suffering."*⁴

1. "Women leaders are doing a disproportionately great job at handling the pandemic. So why aren't there more of them?" By Leta Hong Fincher, for CNN, April 16, 2020.

2. "Female world leaders hailed as voices of reason amid the coronavirus chaos" By Jennifer Hassan and Siobhán O'Grady, for the Washington Post, April 20, 2020.

3. "What Do Countries With The Best Coronavirus Responses Have In Common? Women Leaders." By Avivah Wittenberg-Cox, for Forbes, April 13, 2020.

4. "Gender Stereotypes Have Changed: A Cross-Temporal Meta-Analysis of U.S. Public Opinion Polls From 1946 to 2018," by Alice Eagly, PhD, Northwestern University; Christa Nater, MSc, Michèle Kaufmann, PhD, and Sabine Sczesny, PhD, University of Bern; and David Miller, PhD, American Institutes for Research. *American Psychologist*, published online July 18, 2019.

Our panel agreed.

As the COVID crisis forced many enterprises to pivot to a working-from-home (WFH) model, we learned that the WFH environment demands a greater emphasis on pastoral care as well as collaboration, authenticity, and connectivity. All of these are attributes that come more naturally to women than to men.

Home life now overlaps with work life for both men and women, but it is the women who are proving to be more adaptable and resilient; our panel speculated that their flexibility might come from their experience in juggling multiple tasks and remaining calm in frustrating circumstances. As worldwide home offices replace the centralized culture pre-COVID, there seems to be less focus on the leader at the top; teamwork becomes key, presenteeism is less common, and hierarchical posturing is replaced by an emphasis on outcome rather than title or position.

But WFH can also work to disadvantage women, on whom the bulk of child care and household duties typically fall. Not only must they perform these tasks during their workday, and sometimes in full view of their colleagues, but their actions as homemakers and mothers provide subtle reinforcement to the unconscious biases of men, who may have difficulty viewing women in leadership roles.

Focusing on the leadership qualities that are demanded in the time of COVID, one panelist listed these: keeping a calm head, valuing the team, encouraging ideas but also providing consistency, and fostering a learning culture.

Women excel in all of these areas.

However, despite being eminently qualified for leadership, women are not equitably represented there. The panel had strong opinions about why.

Women must be exceptionally good to be considered for leadership, one panelist asserted, while plenty of mediocre men have risen to senior roles. In times of crisis, the contrast between mediocrity and exceptionalism is quite stark, but *“no one seems to care.”* When a woman steps up to go above and beyond, she is not rewarded or recognized in the same way that a man would be; she is assumed to be just doing her job. Furthermore, women continue to do what is necessary and then *“hope”* that their contributions and efforts will be recognized. *“How do you break that mold?”* one panelist asked. *“Always hoping that next time you’ll get recognition?”*

One panelist pushed back against this idea by saying, *“There are plenty of men who value women and know that we contribute.”* However, most agreed that in many cases, women mitigate their role by functioning as the *“woman behind the curtain”*: she’s doing the work, but he’s getting the credit. A woman may further downplay her importance by using the pronoun *“we”* when referring to her work leading a team, but her male counterpart makes sure his superiors know his contribution by using *“I,”* as in *“I led the team to this result.”*

None of this led our panelists to suggest that women should change to behave more like men: *“Women don’t need to be fixed. We aren’t broken.”* The current leadership mold was built by men to suit men; even though a woman’s leadership style may be different from a man’s, it isn’t wrong. Everyone agreed that the system needed fixing, not the women. However, one panelist insisted that *“we need to understand how the world is set up”* and *“play the game”* the way men have defined it.

This segment of the roundtable closed on a positive note. *“Women need to be activists not just for themselves but for other women,”* said one participant. We have proof that diversity drives performance; it is important to use the data to show why we need to normalize having women on decision-making teams.

You can’t expect change if you don’t take specific steps and ask specific questions, said another. *“Ask your suppliers, ‘How many women are on your Board? How many women are senior in your organization? What is their salary?’ Be direct; make them examine their own practices.”*

Further pressure comes from millennials. *“Younger professionals are not asking for permission; they are demanding equality,”* one panelist observed. *“I see the narrative improving through the next generation.”*



Conclusions

- Much has been written about the exceptional responses of women political leaders to the COVID crisis, with some implying that the particular traits associated with women are directly responsible for that success. Despite an abundance of evidence, it seems that few people are changing their views about the ability of women to be effective leaders.
- Even with all the data and the evidence of the effectiveness of certain women leaders, the panel expressed doubt that this would change anyone’s idea of the qualities that define leadership. Indeed, they thought that women’s ability to take on multiple roles and tasks would simply become the norm for the future, getting the job done without any recognition for it.
- Implicit bias in both men and women holds women back from leadership roles. Our panelists agreed that we need to discard the idea of remolding women into the image of the male leader and fix the system to encompass a variety of styles of leadership. There are many different roads to success.
- The challenge is not in changing how women perform but in confronting the pervasive and unsubstantiated view that men are better at leadership, despite evidence to the contrary.

“ Never waste
a crisis! ”



Are diversity, equity and inclusion initiatives being overshadowed by the COVID crisis?

The past few years have seen a renewed focus on diversity, as more and more research indicates that companies with diverse leadership are more profitable and more successful in their individual markets. Having visible role models that replicate the community's diversity will help a company in its recruitment, and equality of opportunity will contribute to a more stable and satisfied workforce. Furthermore, innovation thrives on diversity. For all of these reasons, forward-thinking leaders have been working diligently to improve diversity, equity and inclusion in their organizations.

Then COVID hit. Priorities were reordered, companies were restructured, workplaces were transformed. In an attempt to impose order onto the chaos around them, individuals reverted to more traditional ways of thinking.

As schools closed and WFH became the norm, it was the women who were tasked with home-schooling and child care, even though many of them were also trying to work from home. *"Two people working, children homeschooling, but the question was: 'how are women going to deal with that?'"* said one panelist. Another opined, *"There's always been a stigma attached to the idea that a woman needs to go home to deal with the kids."*

Most of our panelists agreed, but few felt free to articulate their concerns to their managers: *"How do you get the message across that women are expected to deal with children and day jobs without seeming like complaining?"*

A reversion to traditional family roles added to women's workload while reducing their opportunities in the workplace. *"During COVID at my organization, there were big opportunities to take and a lot of those went to men,"* said one panelist. *"When people are fearful and worried, they tend to revert to form."*

Research bears out this observation by our panelist. Alexandra Kalev, professor in the department of sociology and anthropology at Tel Aviv University, suggests in times of stress our unconscious biases are heightened.⁵ A manager's tendency is to revert to *"traditional"* models of what a talented or high-potential employee looks like (usually quite a lot like themselves). *"When you have a room full of men,"* said one panelist, *"they don't think of the women or the people of color; they immediately think of the men in the room."*

5. Research: U.S. Unemployment Rising Faster for Women and People of Color, By Alexandra Kalev, for Harvard Business Review, April 20, 2020.

Dr. Kalev further indicates that women today are already being hit harder by the COVID-19 recession – and to a greater extent than they were during the 2008 financial crisis. She explains that this is because women and minorities are more likely to be in roles seen as less profitable or lower-ranking and therefore more expendable.

But the panel remained resolute that DE&I efforts must remain at the top of the corporate agenda, starting with dispelling the common misconception that gender equality at the workplace will negatively impact the organization's bottom line. *"People still believe that they have to choose between performance and diversity,"* said one, *"but in fact, there's data that shows that diversity drives performance."*

One panelist shared an example relating to the funds space, where there seems to be growing pressure from allocators to see more women working in funds. Before partnering with a particular fund for any transactional deal, allocators are now using diversity questionnaires to assess the suitability of the fund to work on that deal: *"The incentive is that the fund performs better."*

The performance incentive has been the driver in the 30% Club's effectiveness in significantly increasing women's representation on the largest corporate boards. But while this represents a milestone, so far it has fallen short of the goal of increasing the number of women in leadership overall. *"The focus on boards is not carrying over into the senior management ranks,"* one panelist lamented.

Others referred to the 'golden skirt' syndrome, whereby one woman serves to tick the box on women board representation for up to 50 different boards. The intent of the 30% Club's initiative is to utilize the talent and expertise of the many women who are available for board positions, not to simply meet the requirement on paper. And no one wants to be the *"token woman,"* our panel told us: *"If you're the only woman on a board, how do you feel about that?"*

Our panelists pointed out that companies are quick to commit to improvement, but without specific measurement and time boundaries. Failure to meet a goal that was never definitive bears no consequences. *"Some version of quotas may be the only answer,"* one said.

In response, some U.S. states are passing legislation to insist that big companies have women on their boards. In 2018, California Governor Jerry Brown signed a bill into law to require publicly-held companies headquartered in the state to have at least one woman on their board of directors by the end of 2019. This approach has worked: over 660 California board seats have been filled by women since 2018. In addition, currently only 3 percent of public company boards in California consist of men alone, down from nearly 30 percent just two years ago. By the end of 2021, some companies will be required to have two or three women on their boards, depending on the size of the company.⁶

6. A Progress Report on Women's Representation on California Corporate Boards, by California Partners Project, 2020.

Not everyone on our panel approved of the legislative approach, but all agreed that *“we have to be very deliberate about taking advantage of the current focus on women and minorities.”*


“I’m a big fan of using a nudge, where governments incentivize good behavior and expose bad behavior,” said one participant from the banking sector. *“It’s better to embarrass non-compliant companies than to beat them with a stick.”*

All agreed that individuals and organizations can use their purchasing power to shift diversity statistics. *“We expect you to send us diverse teams,”* said one panelist. *“We don’t pay extra for that. But we won’t be using your firm if you can’t show us your commitment to diversity.”*



Conclusions

- The panel felt that efforts to reach gender equality have to be redoubled and prioritized following COVID. There is a distinct risk that women will become victims of career disruption and devaluation due to their increased family responsibilities during the pandemic.
- Businesses may feel that they’re getting a pass on reaching DE&I goals because of the virus. Emphasizing profitability and the resumption of normal business may mean that layoffs and restructuring take precedence over DE&I. *“The focus is on the bottom line.”*
- When times are tough, leaders and managers tend to revert to old models to decide what a high-potential worker looks like; women and minorities bear the brunt of those biases.
- The panel urged everyone to keep DE&I top of mind and strive for the benefits that diversity brings, but most felt that the message and the urgency may be obscured by COVID.



“ People have short memories, so unless we move very quickly to implement a cultural change in organizations, we might miss the window. ”

Racism: not in our organization, right? We have a meritocracy, where everyone is recognized and promoted on their own merits, regardless of race, gender, or sexual orientation.

If only that were true.

How is the BLM movement impacting our businesses?

In 2019, Tsedale Melaku wrote a book entitled *You Don't Look Like a Lawyer*.⁷ It revealed the subtle signs of racism that women and people of color encounter every day in corporate and legal environments, where accepted norms of success, ability, and competence are tied to looking a certain way — usually white and male.

For women of color, Ms. Melaku codified their concerns: *"How can we lean in to a table when we are not even in the room?"*

The Black Lives Matter movement has brought the issue of racism to the forefront in our organizations and made us examine what we are doing – or not doing – to overcome our biases and to utilize the talents of individuals who don't appear to "look like" a lawyer or a corporate executive. Our panel, itself a diverse group, had plenty of examples – some personal, some the result of scientific research – that illustrated how unconscious bias influenced business decision-making.

One related an incident where an applicant had to change the name on her CV from an ethnic-sounding one to a more traditionally "white" name in order to get an interview. Another candidly told about taking unconscious bias training and finding that she herself was biased toward tall, white, male CEOs *"because that's what I was programmed to do."*

Entry barriers in our industries are creating a serious pipeline problem. Prestigious organizations may be setting the bar too high to be able to attract diverse candidates; for example, requiring a degree from an exclusive university often excludes applicants from lower socioeconomic groups. A panelist from the banking sector went further by saying, *"Our culture is not welcoming. Black people don't even apply for jobs because they don't feel like they belong there."*

Some felt that remote working could increase opportunities for diverse people by increasing access to talent in different geographic locations. However, remote working might also limit access to mentors and training, thus increasing the disadvantages already borne by minorities.

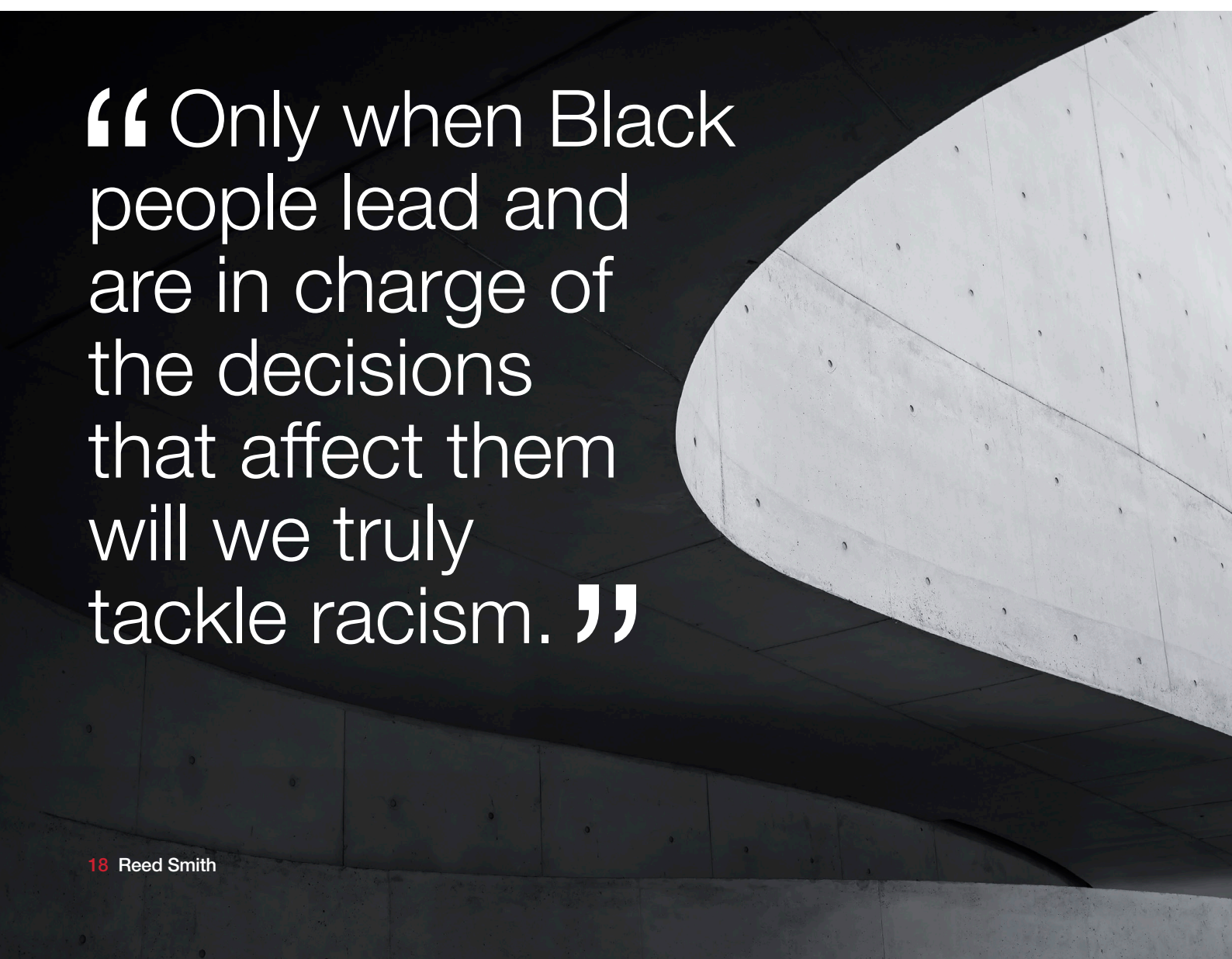
Everyone agreed that we can't move the needle with glib statements such as *"We need to get more Black and minorities staff at junior level,"* or *"There needs to be a positive change."* Even *"What gets measured gets done"* isn't a solution for subtle and pernicious discrimination: *"Data is not enough; it just leads to a blank stare in my organization."*

7. Book: *You Don't Look Like a Lawyer: Black Women and Systemic Gendered Racism*, by Tsedale M. Melaku, Published by Rowman & Littlefield Publishers, April 18, 2019.

Furthermore, setting targets without concurrently activating plans for reaching those targets was widely seen as an exercise in PR rather than a real move to combat racism. Several cited the hypocrisy of sports companies who support BLM in ads but whose leadership ranks are heavily skewed toward white males.

The potential for quotas was raised, but many panelists were not in favor. *"We have to change the narrative from 'We're trying to bring quotas' to 'We're trying to bring down institutional racism.'"* One panelist from the legal sector warned that positive discrimination is unlawful. *"However,"* she said, *"Positive action isn't."*

Opening and leveling the playing field, enabling diverse individuals to have opportunities that weren't there before, is a way to effect change.



“ Only when Black people lead and are in charge of the decisions that affect them will we truly tackle racism. ”

In addition, minorities need to know that they have a prospect for advancement in our organizations. When they look around and see no one in leadership who looks like them, they see no future for themselves. They are reminded of the theme of Ms. Melaku's book: *"You don't look like. . . ."*

There is a solution: role models. Once we recognize that we aren't operating meritocracies, we should take the step of seeking out those individuals who are talented, capable, and willing to step into leadership, and then put them there. When our junior colleagues see that neither their color nor their gender will hold them back, they will be encouraged to engage fully in helping us build the organizations of the future.

Earlier this year, Forbes magazine published an article by Stephen Frost called *"If You're White, Pass the Mic."*⁸ A white man himself, Frost asked Black people all over America what white people could do to reduce or eliminate racism. Their response was: *"Acknowledge your white privilege and then in a more credible and informed way use it to influence the powers that be."*

All of our panelists were sincere in wanting to make a difference. One clearly agreed with Frost's approach when she said, *"We have to ask our Black colleagues: what can I do to help? That's my mantra now; what can I do?"*

Frost's answer would be to *"pass the mic"*: *"Only when Black people lead and are in charge of the decisions that affect them will we truly tackle racism."*



Conclusions

- Everyone agreed that we are not doing enough to reduce racism, and numerous suggestions were offered about what we need to do, most of which centered on setting targets and improving recruitment. However, the panel admitted that concrete and specific plans were difficult to define.
- All readily admitted that diversity produces greater innovation and better financial results, but individual actions – finding real ways to include women and minorities – seemed elusive.
- A culture unwelcoming to people of color contributes to low recruitment, a poor advancement track record, and overall low numbers in this demographic.
- Despite public focus on BLM, we are not succeeding in either attracting Black colleagues or including them in the main pipeline of our business. Our panel members suggested that privileged white leadership in our companies should look outside themselves for ideas and answers.

8. "Black Lives Matter: If You're White, Pass The Mic.", by Stephen Frost, for Forbes, June 3, 2020.

“ We don't live in a meritocracy. Talent is distributed equally but opportunities are not. ”



Our Diversity, Equity & Inclusion program - a vibrant part of our Reed Smith DNA

We've distinguished ourselves by being an industry leader in advancing and supporting our women lawyers. We continue to be recognized, year after year, for our efforts by receiving the highest awards and accolades for the advancement of women in the legal sector. Our efforts have helped us win numerous diversity awards in 2020 and before, including:



Being named as a **2020 Working Mother Media Best Law Firm for Women** in recognition of our use of best practices to retain and promote women lawyers. The list highlights the top 60 law firms that have expanded initiatives dedicated to mentoring, sponsoring, and promoting women lawyers.

Achieved **Mansfield Certification Plus** status from Diversity Lab for the third year in a row, for achieving at least 30 percent minority and women lawyer representation within our current leadership roles and management committees.



Received **Gold Standard Certification** from the Women in Law Empowerment Forum (WILEF) in 2020 – the only law firm that has achieved WILEF's Gold Standard Certification – and have met all objective criteria in the U.S. every year since the awards were inaugurated in 2011, and achieved certification in the UK since the award's inception there in 2019.



The first law firm to become a member of the Association of National Advertisers' (ANA) #SeeHer movement to increase accurate portrayals of women and girls in advertising and media. See our online and social media "Spotlight Series" videos highlighting women's leadership roles and successes at Reed Smith.

Being named among the **2019 Top Ten Family Friendly Firms** by Yale Law Women in recognition of the firm's commitment to family friendly policies and practices.

Women at Reed Smith: innovative strategies for gender balance

WINRS *Women's
Initiative
Network*

Reed Smith's women's initiative is designed to ensure that women not only have a place at the table, but that they are also often at the head of the table. We've distinguished ourselves by being an industry leader in advancing and supporting our women lawyers. We have created a number of unique programs that are specifically designed to support our women lawyers throughout their legal careers. These initiatives have had a significant impact on our ability to retain and promote women lawyers across our global network and we are committed to further our efforts in this space in the future.

“ Creating an environment where our women lawyers have an equal opportunity to succeed and excel is critical to Reed Smith’s culture and values. Our Women’s Initiative Network (WINRS) has developed a number of unique programs that are specifically designed to support and advance our female attorneys throughout the arc of their legal careers, I am proud that WINRS helps to create a culture of opportunity that fosters the next generation of leaders and lawyers. ”



Christina Shea
Partner, Global Chair - WINRS

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