

Business & Careers

Women continue to face challenges moving up

Owning own firm can allow some freedoms, but there are drawbacks

GEOFF KIRBYSON

Women have not come a long way, baby. Despite growing numbers of female lawyers handling major cases across all disciplines and virtual parity among men and women in law schools across the country, many women aren't rising as high or quickly up the legal ranks as they could or should. Unfortunately, that's not likely to change appreciably, particularly at big firms, until men can get pregnant.

A number of studies on both sides of the border have found that women who attain lofty career goals tend to be single or without children.

There are, however, ways of improving the situation, says Cindy Schipani, a professor of business law at the University of Michigan and the author of a recent study on the topic in the *UCLA Women's Law Journal*.

The best way to put wind in a female lawyer's sails is to have a mentor — a male mentor — who can sponsor them and can help pave the way for them to kick-start their careers.

"It may have to do a lot with unconscious bias and still-stereotypical behaviours," she says.

Some of those outdated beliefs include women being bigger team players and having softer management styles.

"Men can be pounding their fists (and admired for their emotion) but if a woman is aggressive, she can be frowned upon and not promoted," she says.

"If they have a sponsor, the more powerful the sponsor is, that can open the doors for women. You get a reflected power. If this high-level sponsor says 'you're OK,' then you're OK, and you can move up the ranks. Women need sponsorship and strong mentors to help them network so they're introduced to people who can pole-vault their careers."

Schipani admits it's hard to believe these are significant issues in 2016.

"It's taking a terribly long time," she says.

One sure-fire way to avoid any kind of glass ceiling from decades-old stereotypes is to become the boss yourself. Kate Dewhirst, a partner at DDO Health Law, a Toronto-based boutique providing legal services to hospitals, family health teams, community health centres, various agencies and health charities, says with ownership comes the flexibility to have a family.

"I think that's a way that women can experience more freedom in owning their own businesses. They can set the rules. I find having control over your own circumstances requires more responsibility but it is freeing. I can set my own time and schedule," she says.

And when you've got a two-year-old daughter and six-month-old son at home, that's crucial.

"I've seen so many people have successful businesses with kids and their lives are so much richer. They're more chaotic but I figured I could work it out. I don't think I thought it would be worse, it would be just be different," she says.

Dewhirst admits that she had the advantage of being single and without children when she was called to the bar in 2001. Back then, she saw a lot of women colleagues who found the evening culture of law very challenging. Because her evenings were often free, she was able to go to events with clients and sen-

Plan, Page 22



Business & Careers

Plan: Structures can help professionals cope

Continued from page 21

ior lawyers and she could work late into the night at the office.

“You get to be seen. There are lots of opportunities given to you when you’re physically present,” she says.

Dewhirst also freely admits that it can take a village—or at least an extended family—to raise a child. In addition to her husband, who has flexible hours as a flight instructor, she is also able to tap into her parents, an uncle and aunt and her nanny.

“Having financial means makes things a lot easier. I can afford to have a nanny who is amazing and makes things very easy for me. My children are well cared for and happy,” she says.

The situation is more complicated than merely having children affect the upward trajectory of a female lawyer’s legal career.

“Work intrudes on home life and home intrudes on work life,” says Jennifer Shuber, a lawyer at Toronto-based Torken Manes.

“There is spillover either way. You have clients that want you 24-7. Even the time that used to be sacred family time, clients are now demanding that we’re more accessible.”

It’s not the carrying and delivering of children that has the biggest impact on women work-wise, it’s the taking of leave in a culture where job time is heavily counted for partnership.

“If a woman is taking maternity leave, she’s entitled to a year off, while male counterparts continue on the (partnership) track. Not only is she missing that year, she’s missing a year of relationships, mentoring and getting good work. If you’re in the office, the partners are seeing your work. (When you come back), you’re a year behind but it’s probably more (than a year being lost),” Shuber says.

“People still at the firm are building those relationships and when you come back, it’s not as easy to step right back in. The partners say, ‘who do I give work to, somebody who has been here for five years straight or somebody has been here for three years but was off for a year?’ It’s a fact of being out of the fray for that period of time.”

Shuber says she finds women who work in “people” law areas, such as social welfare, wills and estates and family law are more likely to stay in private practice because they have far more flexible work structures.

“It’s not the same kind of practice as corporate law where you’re working 20 hour-days and there’s a closing on Dec. 31 whether your kid is sick or not,” she says. “There is more understanding and flexibility if you’re working in people areas to say, ‘my son is sick and I don’t have coverage. Can we reschedule our meeting for tomorrow?’”

Female lawyers who want to rise to the top while simultaneously being good mothers need to excel at time management but also realize sacrifices will have to be made.

Janet Treasure, vice-president of professional development at CPA Ontario, says her generation didn’t map out their career paths but today’s lawyers need to do it.

“It’s not a haphazard thing like it used to be. You need to ask, ‘where do I want to be in one, five and 10 years?’” she says.

“What governed my thinking was setting the stage for my two daughters. There was a price that they paid. I missed anniversar-



“

I think that’s a way that women can experience more freedom in owning their own businesses. They can set the rules.

Kate Dewhirst
DDO Health Law

ies, birthdays and Christmas recitals. I had to negotiate with my employer to be there for the critical ones.”

Treasure commuted from her family home in Ottawa to Toronto for several years early in her career, which definitely added some stress in her household. She was able to alleviate it—as well as some of the guilt she felt—by setting a schedule with her kids.

“I had regularly scheduled calls at 4 o’clock with my nine year old. You put systems into place thorough it all. I often had to come out of meetings for those calls. Some were hilarious, some were serious and some had to do with tears at school.”

Sara Cohen believes she has created the ideal situation. Cohen and her partner, Anatoly Dvorkin, not only have two young children, but they founded Fertility Law Canada at D2Law LLP together four years ago.

She used to work for a big Bay Street firm but decided she wanted to be her own boss. She says technology enables her to do both to the best of her ability.

“It’s not perfect but because of the smartphone, it means I don’t have to be at my desk every day. It gives me a lot of flexibility,” Cohen says.

“I think it’s very difficult when you don’t work for yourself. You have a lot more control in your life when you work for yourself.

“I just want to rule my own tiny little kingdom, I’m accountable to myself only. I know I can trust myself that everything gets done and my clients are satisfied. Sometimes at a firm, you have two clients, your actual clients and the firm. I’m skipping that piece of the puzzle.”

Cohen, whose clients are dealing with surrogacy, sperm and egg donation and legal parentage issues, will take one or both of her boys with her to conferences or speaking engagements periodically. Sometimes, she can feel the glares of people who think she’s lost her mind. At the same time, others will tell her how inspiring she is to be giving a speech with a baby in a carrier.

Working at a small firm isn’t necessarily the silver bullet for lawyer moms just like a large firm doesn’t guarantee a lousy working environment, she says. Small firms that require its lawyers to have a lot of face time with clients don’t provide much in the way of flexibility.

On the flip side, larger firms that don’t care where you are as long as you’re pumping out the hours can be ideal.

Cohen has heard stories of women coming back to work quickly after having a baby. When she had her second son at her own firm, she came back after just three months.

“I’m crazy about my kids and I’m grateful for my family. There are some days when one wins over the other and other days the other wins. Either way, I can’t give 100 per cent to both. It’s not possible.”

Cohen remembers being told to always say “yes” when somebody asks you to do something. But when it came to having children, she quickly realized sometimes she had to say, “no” far more than she was used to and that caused her to miss out on some work. There are times when she simply doesn’t have as much time as she’d like, or need.

“If you talk to any parent, children are a huge blessing but they take up a lot of time. I did have clients consider not hiring me when I was very pregnant, which I found fascinating considering the area I practice,” she says.

ANNOUNCEMENTS

We are pleased to announce that Steven Wilder, Kevin Butler and Heikki Cox-Kikkajoon have joined the team of lawyers at Diamond & Diamond

We welcome Steven Wilder to the team at Diamond & Diamond at our Windsor office. Steven has dedicated his practice to representing accident victims. His unwavering commitment to his clients guarantees that they are never alone as they proceed through the complicated claims process. Steven can be reached at steven@diamondlaw.ca. As always, referrals respected.



Steven Wilder

Windsor office

We welcome Kevin Butler to the team at Diamond & Diamond and to our newly opened Ottawa office. Kevin has considerable experience in personal injury litigation. He has helped countless accident victims in Ottawa and throughout Eastern and Northern Ontario obtain justice. Kevin can be reached at kevin@diamondlaw.ca. As always, referrals respected.



Kevin Butler

Ottawa office

We welcome Heikki Cox-Kikkajoon to the team at Diamond & Diamond at our Barrie office. Heikki comes to Diamond & Diamond from one of Canada’s top plaintiff firms, having represented severely injured and disabled plaintiffs, in jury and non-jury trials for over a decade. Heikki can be reached at heikki@diamondlaw.ca. As always, referrals respected.



Heikki Cox-Kikkajoon

Barrie office

14 LOCATIONS
SERVING ALL OF ONTARIO



2 YEAR



DIAMOND
& DIAMOND™

PERSONAL INJURY LAWYERS

TRUST
THE NAME
YOU KNOW



1-800-567-HURT™