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By Vivian Chen

# Britain's Bright Idea

*The U.K.'s gender pay gap legislation would be a welcome sight for U.S. legal observers.*



**Very little is cool about Britannia these days.** Brexit is an unmitigated disaster, Meghan and Kate are bickering, and 97-year-old Prince Philip had his car keys taken away (he mowed down an innocent commoner earlier this year).

Moribund and dysfunctional as it might be, Britain is also strangely progressive—arguably way ahead of us Yanks—when it comes to tackling the gender pay gap. Last year, the U.K. implemented legislation that requires businesses with 250 or more employees to report the wage and bonus pay gaps between men and women.

That's radical stuff. As someone who covers the gender front, I can tell you it's impossible to pry that kind of information from law firms. And if I ask nicely, most firms would voice indignation, as if I've crossed a sacred line.

Firms won't volunteer their own gender pay gap details, which is why I think strong-arming is in order. How else are we to cut through all the hype that

firms throw at us about how wonderful they are to women—the endless parental leave, the posh lactation rooms, the expensive coaching sessions—and get to what really matters: the pay differential between men and women.

Of course, the U.K. requirement hasn't resulted in total transparency. One technicality is that the law only requires that “employee” pay be disclosed, rather than that of partners. When the law came into effect last year, The American Lawyer affiliate Legal Week reported that less than a third of the U.K.'s top 50 firms provided information about partner pay. And some firms that have disclosed partner pay are being less than forthright, lumping partner pay in with that of administrators.

That said, there's pressure on firms to disclose the gender pay gap for partners. In fact, some firms are trying to be shining examples by disclosing more than the law requires.

Recently, Baker McKenzie not only disclosed the gender pay gap among its partners (the mean gender pay gap was 14 percent, while its median gap was 30 percent), but also the pay gap for its minority partners and employees (of the partners who disclosed their ethnicity, there was a 7 percent mean and no median ethnicity pay gap).

And Clifford Chance went a step further, disclosing its LGBTQ and disability pay gap, on top of its gender and ethnicity pay gap data.

Another interesting nugget: U.S. firms with U.K. offices, which are subject to the rule, are sometimes providing information about the gender pay gap among partners that they don't disclose in this country. For instance, Legal Week reports that White & Case forked over information about its pay gap for both contract partners (3.7 percent in favor of men) and equity partners (34.9 percent in favor of men).

Imperfect as the U.K. law is, “It has caused the issue of pay differential to receive greater attention and resulted in law firms having to explain their position and how they are addressing it,” says U.K. consultant Tony Williams. “The issue of diversity and earnings in law firms is now far more transparent.”

So should the U.S. adopt the U.K.'s law on the gender pay gap? (President Obama proposed a similar law in 2016, but it was ultimately killed by President Trump.)

Caren Ulrich Stacy, CEO of Diversity Lab, is skeptical. Though she admits “transparency is always better than black-box systems when it comes to identifying and closing pay gaps,” she says the impact is limited because “there are no consequences” for poor results. She adds, “What's the catalyst for them to change—public scrutiny or shaming?”

Well, why not?

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By Vivian Chen

# A Question of Control

*Work-life policies abound, but who's got the nerve to use them?*



**Professionals in the service sector** are silly. And masochistic.

How else to explain why so many of them insist on working themselves to exhaustion, even when they have options that will ease their lives? According to a new study in the Harvard Business Review,

employees at management consulting firms spurned workplace flexibility policies. Even though that sector offers some of the most generous work-life balance options in the workplace, most consultants are reluctant to take advantage of them.

The reason: They're chicken. They fear that using programs such as paid leave, reduced schedules and sabbaticals

will make them look less committed to work, write the study's authors, Alison Wynn of Stanford University's Clayman Institute for Gender Research and Aliya Hamid Rao of Singapore Management University. (They interviewed 50 management consultants in the United States.)

Employees gave various explanations for not using the programs: They felt that work-

life balance policies are unrealistic for high-stress jobs; they prided themselves on managing work-home conflicts on their own; they framed making work-life decisions as choices; and they emphasized they could always quit.

What malarkey that they think they're in control.

"The problem is that this perception of greater control didn't seem to alleviate their work-life conflicts," the authors write. They cite the example of a consultant who opted not to take a leave to see her dying father because of client demands. "She continues to carry intense regret about the outcome but emphasizes that the decision was her own choice, which gives her a sense of agency rather than victimization," the authors write.

Do lawyers in Big Law make similar decisions? Quite possibly.

"The emphasis on billable hours and client satisfaction seems applicable to both law and management consulting," Wynn says, adding that this "can translate into a cultural norm of intensive hours as a way of demonstrating appropriate commitment to clients." And "because quality in these fields can be difficult to measure, firms rely on proxies such as long working hours as a measure of quality."

So is it the fault of the employee or the institution that these programs are underutilized? While the report laments employees' reluctance to partake in work-life policy, Wynn says corporate culture usually doesn't help. She advocates that firms turn down the dial on glorifying overwork and rid billable hours.

But lawyers and clients need to change their mindsets too—and that's not easy when the go-go culture is so ingrained.

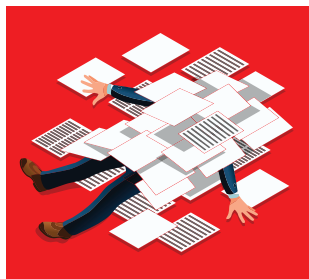
"It is entirely inwardly focused pressure we put on ourselves," says a partner at an Am Law 100 firm with three small kids who's always worked full-steam. She says the concern for her about taking flex-time or part-time isn't the stigma, but how it would affect her relationship with clients.

"When building business, you try to instill in clients the need for your counsel," she explains. "While no one is indispensable, you have to make your clients feel as though you bring something of value to them that others don't. The only way you do that is by bringing that value consistently. If you are not there for them, they can get someone else who will be."

So the culture of firms and companies needs fixing. And the attitude of lawyers needs adjustment too. Easy-peasy.

More challenging, in my opinion, is training the client. I mean, do you want to be the one to tell clients that they set unreasonable deadlines and that your life is important too?

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By Vivia Chen



# Tee Up, Ladies

*Golf is good for business, so get on the greens.*

“This is serious, and you are not writing about it,” one of my female lawyer friends told me. “The top men in finance all play. They go to the leading courses—in summer they’re off to Scotland, and in winter they head south. And where are the women? Working at the office!”

Personally, I’d rather watch Netflix. I don’t get golf. Why would anyone care about such a cliché white male activity?

Well, that attitude could be the problem, and one of the reasons women aren’t thriving more in Big Law or the corporate world.

Instead of racking their brains about how to gain access to those male networks, why aren’t women partaking in the favorite sport of the Big Boys? Golf might not be cool (and the image of Donald Trump swinging a golf club doesn’t help), but it’s still the preferred sport of the power set. According to Forbes, 90% of Fortune 500 CEOs play golf.

“Golf outings are where business is conducted, and to not play the game is to be left out,” says Jessica Marksbury, an editor

at Golf magazine and an advocate for female golfers.

And because so few women play golf (the National Golf Foundation’s 2018 report finds that women comprise 24% of golfers), “any woman who plays gets special attention,” Marksbury says. “And, if you’re pretty good, it blows people’s minds.”

Women golfers also stand out in law firms. “If you know how to play, people notice, and you get invited to golf outings and tournaments, which can be great networking,” says Seward & Kissel partner Rita Glavin, who has a 21 handicap. Glavin took up the game around age 10 (her lawyer mom made her do it and told her she’d be grateful one day).

A former U.S. attorney in the Southern District of New York who now co-heads Seward’s government enforcement and internal investigations practice, Glavin says, “I do

notice if a woman has golf on her resume. I can’t say it gets anyone a job, but a female attorney who plays golf is noticeable to me because there are not a lot of us.”

So, if golfing gets women instant recognition and yields amazing networking opportunities, why aren’t more women hitting the links?

Some women feel their game isn’t up to snuff. “I think it makes a huge difference if a woman is a good golfer and not just someone who rides the carts and hacks away,” says a senior in-house lawyer. “I get a lot of invitations and really regret that I don’t golf as well as a man.”

That kind of self-deprecation might be distinctly female. “Men don’t worry about how good a player they are,” Marksbury says. “And I’ve been with some pretty bad male players.”

For men, golf is also part of the trappings of success. “I see men take it up because they think it’s what they should do at a certain stage—along with the wife who stays home, three kids and big house,” says a female partner at an Am Law 100 firm.

Women, on the other hand, usually play golf because they enjoy it. “I don’t view it as way of getting clients,” Glavin says, though she acknowledges building relationships with clients is a dividend. “I love it because it’s a great sport. I get to be outside and be social at the same time. It’s my yoga.”

Indeed, what’s not to like? “You’re on a beautiful course all day, then there’s the dinner and cocktail party at the club afterward,” my friend says.

Women should take advantage of what the system offers, she adds. “We study hard in law school; we work hard at the office and read boring credit agreements; we do all the things we have to do—but golf. Are we dumb?”

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By Anna Zhang

# Crisis of Confidence

*Protests have cast uncertainty on Hong Kong's financial future.*



**A political crisis that shook Hong Kong** to its core has tested the city's valued reputation as Asia's financial hub. For several weeks now, residents have organized regular protests demanding the resignation

of the city's leader, and on July 1 a small group of protesters broke into the Legislative Council building by force and occupied the Legislature's main chamber for several hours.

The break-in was an escalated response to the police's use of excessive force in an earlier protest, and as of this writing, more than a dozen people were arrested for storming the chamber. The unrest and the series of clashes between

the police and civilians raise questions about Hong Kong's perceived stability.

The protests broke out in early June, first opposing a bill that would allow criminal extraditions with mainland China, and have morphed into a wider movement against the police, the special administrative region government and the central government in Beijing.

Mass protests are not uncommon in Hong Kong, and they are usually peaceful. The city's rule-based society and free-market economy are the reasons multinationals, including global law firms, choose to base their regional headquarters in Hong Kong. Naturally, when hundreds of police officers armed in full riot gear started unleashing tear gas and firing off rubber bullets in the middle of a workday at the city's central business district, people were shaken.

As troubling as the violence is, it will subside, but the underlying tension between Hong Kong and China is more disturbing, and it's not going away anytime soon. In ignoring public opinion and pushing ahead with the extradition bill, the Hong Kong government triggered deeper fear.

Twenty-two years after the transfer of Hong Kong's sovereignty to China, the trust between regular citizens has somehow deteriorated. Hong Kong, a former British colony,

was handed over under the "one country, two systems" doctrine, which allowed the city to keep its political and legal systems and way of life for at least 50 years after 1997.

But the ideological division is increasingly proving difficult to paper over. And Beijing tightening its grip in recent years seems to have pushed people in Hong Kong further away. The Greater Bay Area scheme, a plan to integrate Hong Kong and Macau further into neighboring communities in Guangdong province, has been met with resistance in Hong Kong for fear that the city's autonomy will be eroded.

It's unfortunate that this is all happening at a time when Hong Kong's economy is becoming more intertwined with China's. The mainland is Hong Kong's top trading partner by a large margin; the city's stock exchange relies on listings of Chinese companies and is also increasingly attracting Chinese capital.

And as challenging as it is, global firms can't stay away from the Hong Kong legal market. Of the 100 highest-grossing law firms in 2017, 63 operated a Hong Kong office, and 44 of the top 50 are in Hong Kong. Similarly, 48 of this year's Am Law 100 are in Hong Kong, mostly concentrated in the top 50 (39 out of 50). Moreover, 25 of the 45 top-grossing Chinese firms are also in Hong Kong.

Most of these firms focus on China-related work in Hong Kong, and it's unlikely they will leave anytime soon. But the divergence between the government and the grassroots should be alarming.

The turbulence this summer makes it even more difficult to see a silver lining in Hong Kong. But there might be one: The extradition bill controversy got the attention of those who are normally too busy muddling through work and life to be aware of regular citizens' grievances. Perhaps now we will all listen, and try to restore that lost trust.

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*The protests in Hong Kong*