

## Closing Argument > column



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### Is there change?

**W**hen *Chicago Lawyer* asked me to write about changes in the profession, my first reaction was that everything has changed.

We have committees on women and minorities, but institutional cultures are still dominated by white men. We have technological tools to make the practice easier, but it's become more time-consuming. Our profession has become a lifestyle, and there are serious questions about whether that lifestyle is good for the profession and those who practice it.

In 1976, we practiced law with books and typewriters, carbon paper and tissue copies, Wite-Out, mag cards, yellow legal pads, and Dictaphones. As described in my novel, "Court- ing Kathleen Hannigan," women couldn't eat a business lunch in certain clubs, couldn't work part time after maternity leave, and didn't sit on executive committees.

The firm I joined had two offices (Chicago and D.C.); 125 lawyers (two women partners, one black). The starting salary was \$18,500. Expectations for hours were 1,800. The firm manual quoted a founder as dedicated to NOT charging all that the traffic would bear.

Then, we billed only in quarter hours. If we were working on a "rush," we put it on the fax machine, or, in extreme cases, the youngest associate hand-carried the document to its destination on the last flight out. Without a night staff, secretaries worked overtime. We dressed up. On Saturdays, when we were expected to be there, men were advised by the firm's chairman, "Even football players practice in their uniforms."

Then, "they" had assumptions about what we girls could and couldn't do, which clients would accept us, and whether we should travel on business. Today, technology has made part time possible, and globalization has made diver-

sity not just a goal but a necessity. We have committees to help women market themselves and to become leaders, and task forces to monitor our progress on minority hiring and advancement.

But, the institutional culture of the firm has been disappointingly slow in changing. "Court- ing Kathleen Hannigan" covers roughly the time from when Hillary Clinton graduated law school to when Michelle Obama joined Sidley Austin in 1988, when I was a partner there. I was surprised by how many young women associates related to my fictional story as contemporary. Young women told me things hadn't changed that much, that subtle sexism still existed — in the cases they were assigned, the events they weren't invited to, and their lag- ging progress towards partnership and leadership. Changes in law firm infrastructure work slowly toward changing culture. They are necessary, but not sufficient.

In contrast, technology has quickly changed the culture of firms, and not, in my opinion, for the better. In the "good old days" — before FedEx, e-mail, voicemail, cell phones, call- forwarding, Facebook, Twitter, business blogs, branding programs, and the shameless self- promotion of pay-to-play CLE — balance wasn't a buzzword, and firms were not concerned with being "family friendly." Lawyering was a profession, not a lifestyle.

Ironically, the technology that could pro- mote diversity and bring new balance to our lives has worked against those goals. Instead of technological efficiency giving us time for our friends, families, and creative interests, we've given that time to our clients in the form of 24/7 availability. When everything can be done with a keystroke, it's hard for a client not to demand that "everything" be done. Harder still for a lawyer billing by the hour to suggest

that she do only the most important things, or the most cost-effective things. So now we're more efficient, but we do more and bill more, and balance less. We've become adept at the metrics for measuring our productivity, but we frequently mistake our billings for our value and self-worth. We don't know how to quantify professional values, such as thoughtful analysis, creativity, learnedness, and commitment. Are we, as a profession, "better" lawyers now than then? I don't know. I do sense that we spend too much time lawyering, at the expense of our personal lives.

Large-firm practice is today technologically more efficient, facially more diverse, institution- ally more conscious of women and minorities, formally supportive of pro bono, and structur- ally more suited to alternative work arrange- ments. However, largely because of technology, today's firms are also more time-consuming, more demanding, more money-conscious, less intellectual, and less human.

My female colleagues and I were challenged in 1976 to prove ourselves in an unfriendly law firm environment. Now, successful in that initial endeavor, I am in a position to use technology to design a balanced work life, one that allows me to write novels and to practice law. Professionally speaking, today I'm admittedly less ambitious and less ego-driven. I choose to give myself time for other interests.

I am not convinced that newcomers have the same freedom I do. They seem enmeshed in the 24/7 lawyer lifestyle. I would like to see law firm committees use technological tools to promote the cultural values they espouse.

I sincerely hope that cultural changes will take hold and that newcomers to the bar will be freed to use technology both to practice law as a profession and to live a life worth living. ■

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