Episode 31: Why is it So Horrible to be a Woman Lawyer?

Alison Monahan: Hello and welcome to the Law School Toolbox podcast. Today, Lee and I are talking about being a woman in the legal profession, and we will warn you we've all had very frustrating weeks, so this might just get a little crazy. Your Law School Toolbox hosts are Alison Monahan, that's me, and Lee Burgess.

We're here to demystify the law school and early legal career experience so you'll be the best law student and lawyer you can be. Together, we're the co creators of the Law School Toolbox, Bar Exam Toolbox, the Catapult Conference, and the Trebuchet Legal Careers site. I also run The Girl's Guide to Law School, which might be particularly relevant in this episode.

If you enjoy the show, please leave a review on iTunes, and if you have any questions, don't hesitate to reach out to us. You can always reach us via the contact form on LawSchoolToolbox.com, and we would love to hear from you. And with that, let's get started.

Lee Burgess: Welcome back. Today we're talking about a topic very close to our hearts, being a woman in the legal profession. Which, unfortunately, isn't always great. So to start off, do we even need to talk about this? It's 2016. Aren't we over gender problems by now, Alison?

Alison Monahan: Yeah, I wish that that were true, unfortunately.

You know, I feel some days, like you just have the same conversation over and over and over again. And I feel like I've been having the same conversation for like, I mean, I don't even know, like, what, 10 years now? Maybe half my life? I don't know. It's just like so frustrating. You're like, I mean, I don't know.

I feel like we're always talking about like, oh, well, isn't it horrible that there aren't women partners? And it's like, Jesus Christ, like, this has been, you know, women have been half the population of graduating law schools for 30 years. This is not a pipeline problem. So yeah, I think we do have to talk about this.

Lee Burgess: Yeah, I think we do. I mean, it's not to say that things haven't gotten better. I mean, my mom is an attorney and she has some crazy stories of when she entered the legal profession. I mean, things are definitely better when I entered the legal profession than when she did, for sure. But I think things still are not great.

Alison Monahan: No, and I think they're not at all where they need to be. You know, we're still, I mean, I saw one above the law today that a judge sanctioned an attorney who

Episode 31: Why is it So Horrible to be a Woman Lawyer?

had been practicing for 30 years, so it probably started around the time your mother started, for insulting a female attorney opposing counsel in a deposition.

It's like, who thinks that's acceptable?

Lee Burgess: I don't know, I was just reading a New York op ed about Donald Trump. And who thinks he says about women, so I don't know. I think it's crazy what it's crazy what is still said about women in public, let alone the legal profession. It's, it's spooky and really disturbing, so I, I think it is a time to continue the dialogue because, you know, there's plenty to be concerned about and I think the only way you can cope about it is to kind of be aware of what's going on.

Alison Monahan: Right, I mean, for me, I was personally surprised, frankly, at how awful the legal profession specifically is. You know, before I went to law school, I worked as a programmer. I mean, let's face it, like, tech companies in the Bay Area, or tech companies in general, do not have the best reputation as places for women to work.

Anyway, I think they're deservedly getting a lot of attention for that, as they should. But the reality is my experience in law school and working as a lawyer was a hundred times worse than my experience working as a programmer, which I was frankly shocked about. You know, it's like, I mean, the things that go on in a lot of these law firms just is like, Not even that unusual, you're like, you're lawyers.

Like, maybe, you know, I don't know, maybe I had higher expectations for ethics and morality among people, or even just like the practicalities of it. It's like, you know what the law is, like, are you really behaving like this? I don't know, I was shocked.

Lee Burgess: Yeah, I mean, I definitely I thought it was interesting because I did high tech consulting, so also in a tech field right before law school, and I would go to plenty of meetings, especially with developers, where I was the only woman in the room.

I was not a developer, so I was like the diversity person, because I was the client facer, you know, who met in all of these, these teams of men, and I remember thinking like, wow, this is incredible, and I think yeah, I think, unfortunately, the legal profession, in some ways, you know, when you walk in with your first class of your, you know, your firm associates, I think mine was fairly diverse, at least as far as men and women, but the women in my class, I actually don't know if there are any left at this point.

Episode 31: Why is it So Horrible to be a Woman Lawyer?

I think they're all gone.

Alison Monahan: Right, and I think you see that, I mean, that's a really common pattern. It's like summer associates, it's 50 50, or sometimes even more women, you know, if they're very progressive. Even 1L, you know, starting associates, maybe it's about 50 50, but you know, the reality is like women are much more likely to leave firms and faster.

They're much, much less likely to make partner. We can talk later about, you know, our experiences and why we think some of this is, but you know, you see this at sort of every, every aspect of the profession almost. I mean, if you look at like judges or in house counsel or whatever it is, you're kind of stuck at this 20 percent mark.

And it's like, this is frickin ridiculous.

Lee Burgess: I think one of the hard things is when you start to unpack this problem and We definitely do not have the answers to this problem. We'd like to talk about it, but we definitely don't have all the answers. Is that it's, it's hard to know kind of who to blame, in a sense, because we've, we've read things that make us furious from female women partners in the law, just as well as men.

So it's, It's not that-

Alison Monahan: Well are a lot of people who are perfectly happy to blame the women.

Lee Burgess: And there's-

Alison Monahan: Like, you guys, you should try harder, right? It's like, okay, great. Thanks. That's really not helpful.

Lee Burgess: You know, I just remembered was the the article that went around the bit, the email that was sent out by the partner to the woman, the new mom in the elevator, like it was about it gets better.

Do you remember that?

Alison Monahan: Oh, is that the one about her crawling up like under the desk in a fetal position for like two weeks at a time and people are celebrating this as like encouragement?

Lee Burgess: Yes, when she was a new mom, yes.

Episode 31: Why is it So Horrible to be a Woman Lawyer?

Alison Monahan: Yeah, I do remember that. I did not, I mean, I was putting myself in the position of the young mother in the elevator and thinking, I'm not sure that I would find this very reassuring.

Lee Burgess: Right, in fact, I think we're gonna have to find that article and add it to the show notes. I'll make a note.

Alison Monahan: Yeah, that was, that was a really classic one.

Lee Burgess: It was, it was. But so-

Alison Monahan: I mean, on the one hand, you're like, okay, maybe, like, this older partner who's a woman is trying to be supportive, but it's just like, good god, like, are you crazy?

Lee Burgess: Yeah, I know. So, I mean, it's, it's hard because I think it's, It's a problem with the profession as a whole. I mean, it's a problem bigger than our profession, you know, but I think within our, like, legal bubble, there, there are the real struggles, I think, in the model of practicing law that makes it hard to be a woman in the legal profession.

Alison Monahan: Right. I mean, I think, you know, it's like you can think of it like a funnel. Like yes, there are problems with gender in the overall workplace and then there are specific problems. You know, probably heightened problems with gender in the legal profession, and then there are heightened ones maybe in your law firm, or in your company, or in your NGO, or wherever it is that you're working.

I mean, I was frankly shocked at what goes on in a lot of these law firms. And I worked, you know, I summered three different places, and then I worked at a different place again, and I will say I have never experience, the type of things in the workplace that I experience in pretty much all of those locations.

Just like shocking, shocking stuff where you're like, I cannot believe this is happening.

Lee Burgess: And you've even written about those if people want to go to the Girls Guide to Law School and find them.

Alison Monahan: Yeah, I wrote in particular, I wrote a specific Miss J. D. post that got some very interesting comments, again, actually largely from women, kind of blaming me for this experience to which I responded, we can put those in the show notes

Episode 31: Why is it So Horrible to be a Woman Lawyer?

too, it's going to be a really interesting, it's an interesting collection of show notes today.

Lee Burgess: It is, it is. So, yeah, and you know, and I think the messaging to young women can be very challenging. I mean, I you know, we go to a lot of Women in the Law events both when we were working at our respective firms and still continuing, we go to Bar Association things, we go to talks, we go to lectures at law schools, we go to tons and tons of stuff, and sometimes I think it is it is very challenging to digest some of the messages because sometimes the messaging is I kind of call it, again, like the Martha Stewart problem, like, I'm perfect and create all this perfection, why can't you?

And until you go to jail. I know, that's where it all falls apart, but I've been using my-

Alison Monahan: Martha, Martha got cool when she went to jail, you know.

Lee Burgess: They did, but before that it was all about perfection and image. And I've been to so many of these talks, Alison and I have been to them together, where the message is, I have three kids, I'm a partner in this law firm, I have 10 million worth of business, I cook dinner for my family at night, I'm happily married.

Why can't you?

Alison Monahan: Yeah, and I mean, we even get this, you know, we've had this conversation numerous times in person and on various online discussions. About whether you're failing feminism, if you leave a high power, high stress job and people seriously believe this. I mean, I'll go on record as saying I completely disagree and I think they're crazy, but, like, we're still having this argument You know, and I just think it's really difficult to figure out, I mean, A, just like the day to day of like being a functioning human being who happens to be a woman in the legal profession and then there are all these like messages about like what you should be doing and I mean it's stuff about like what you're wearing and everybody has an opinion on everything and it can kind of make you crazy.

Lee Burgess: Yeah, yeah.

Alison Monahan: I mean not to even mention like you know I know you're you have a small child like that we'll get into that later but that's like a whole other can of worms.

Episode 31: Why is it So Horrible to be a Woman Lawyer?

Lee Burgess: Oh my gosh and my respect for the complexity of this problem has only been exponentially increased. After having a baby because one, it is one of those experiences that I don't think you can fully appreciate until you're living in the chaos.

I mean, and the wonder as well, but there is chaos that comes with it. But you know, I, I think it creates specific challenges for women that depending on how you and your family choose to handle parenthood can make, you know, make meeting the requirements of these jobs, you know, really, really difficult or make you make some very difficult choices.

Alison Monahan: Yeah, and I think some of this is just the demands of the legal profession. I mean, part of the reality being in a service business is, you know, you're at the demand of the court, you're at the demand of the client. I mean, I don't think it's necessary that things be run the way that they are. I mean, if you look at the accounting world, for example, or even some consulting companies, you know, they've approached this more as a business problem and said, okay, like people are burning out, they're leaving, we're leaving, we're losing a lot of good talent.

How do we make it so that, you know, someone with a small child can stay through those crazy years, or, you know. A woman who has an interest in X, Y, or Z can actually, like, you know, do that. I mean, as we've talked about previously, I think firms in general are just not interested in this question.

Lee Burgess: A lot of them, I think that's true.

Alison Monahan: Which is why you see these other organizations, you know, like the Axiom Laws of the World or whatever. I mean, There's a New York Times article we can link to. I think it was about lawyers, about, you know, letting women lean in but not too far. And I think that's a good way of looking at it. It's like, I don't think that it is the case that people necessarily want to drop out of the workforce completely or like drop out of legal profession.

It's just that the demands of the profession and the way it's structured at this point are just so completely insane that almost no one can function.

Lee Burgess: And wasn't there also a New York Times article or something that I came through my feed this week about how, like, to be happier, you just should pick time over money.

Alison Monahan: Oh yeah, I posted that yesterday, actually.

Episode 31: Why is it So Horrible to be a Woman Lawyer?

Lee Burgess: Yes, that's where I saw it then.

Alison Monahan: I'm glad you're reading my stuff.

Lee Burgess: I do, I do.

Alison Monahan: Yeah, but I think that, you know, and I think that, I mean, I think, yeah, I put that on the Girls Guide Facebook page, and basically the, you know, the point, without having to express it, was, this is not the choice that most lawyers are making.

Lee Burgess: Mm-Hmm.

Alison Monahan: You know, most lawyers are making a choice to give up time for something else. For some of them it's money. For some of them it's, you know. More internal motivations like doing a good job or like working for a cause or whatever, but the reality is most lawyers are very time pressured.

Lee Burgess: Yeah, all right, so let's just unpack this problem because I think it is so, I mean we could go on and on for hours and hours, but I think that, you know, we've, we one just have like the nature of the profession that makes It's hard for women to either stay the course

Alison Monahan: Or for everyone

Lee Burgess: Well, for everyone to stay the course, but then specifically we lose women on the way to the top, right?

I mean, that seems to be it. And what do you think it is that really makes it difficult for women to find success in this model? Why don't we take the motherhood part out of it, because I think that is somewhat of a separate, family things can be somewhat of a separate issue.

Alison Monahan: Yeah, well, I mean, if you look at the sort of research on this, a lot of this starts in law school.

So, if you look at how people did in undergrad and on the LSAT, you know, you would think that you could sort of extrapolate from that how they're going to do in law school. Well, it turns out that That women do less well than would be predicted overall, and they also tend to experience more stress like they don't have, as you know, particularly good experience, relatively speaking, they're

Episode 31: Why is it So Horrible to be a Woman Lawyer?

under more pressure and they're not getting the best clerkships, they're not getting the best jobs.

You know, if you look at the rates of law review, like Ms. JD does a study of law reviews and gender breakdown. And they're not getting on the law reviews, they're not you know, running the law reviews, and these are the things that sort of put you in this pipeline to these high power jobs. And so that's interesting right there, like what is it that's happening basically as soon as people start law school that's contributing to this lack of success?

Lee Burgess: Yeah, there's gonna be so many things, really.

Alison Monahan: Yeah.

Lee Burgess: I mean, it might just be And it might be the somewhat abrasive culture of a lot of law schools.

Alison Monahan: Do you think that has something to do with it? No, I think it definitely does. I mean, I think a lot of it has to do with the culture you know, I think women on the whole, I mean, this is slightly stereotypical, but I think there's research supporting it on the whole tend to be more collaborative, more looking for sort of the win win, like less cutthroat.

So I think you get into this environment. I mean, for me, it was just like, it's sort of this weird, like, affront to all the values that you kind of had before you got to law school, where you're like, wow, is this really, like, everything is a battle and there's really no, like, So that's a great way that there can be a win win like everyone has to be a loser or winner and, you know, it's just a foreign sort of environment.

I think also, you know, and this is actually part of the reason the motivation for starting the Girl's Guide to Law School was I think informal networks of Information transfer are very important in law school. So, you know If you have someone who sort of takes you under their wing and says like, here are the good outlines or that kind of thing, it's easier.

And, you know, again. I think studies have suggested men tend to have more of those networks. I mean, you even hear like crazy stories about my frat brother, like, gave me, you know, the good outline or whatever. I mean, I'm not making this up like-

Lee Burgess: Right.

Episode 31: Why is it So Horrible to be a Woman Lawyer?

Alison Monahan: So, you know, if you have, if you can tap into that sort of knowledge, you know, you have your odds of doing well, part of my motivations like fine, you guys can have your frat boy outlines, but I'll put up a website that anyone who wants to can read it, and I'll make it pink so girls are more likely to read it give people this information.

Like it's not rocket science.

Lee Burgess: Yeah. Yeah. Yeah, also it's interesting the problem starts in law school and then continues on. I mean, I think you know, the Legal profession is not necessarily a collaborative, you know, I think depending on what type of law you practice I think that tone kind of continues into the profession and then I think a lot of it does have to do with personal choices around you know, what lifestyle that you would like even beyond possible discrimination in the workplace and possible sexual harassment in the workplace.

It's just women making choices, not even necessarily about motherhood, but what kind of life that they want.

Alison Monahan: Well, I think, yeah, I mean, I think on average women are less likely to put up with, like, the crap that goes on in, like, the life of a lawyer. I mean, yeah, I mean, and some of that I think is basically because even to this day, like, you're not, you know, imagine in a scenario where, like, two lawyers are married Well, who is the one who, like, really is supposed to support everybody?

Like, it's gonna be the guy. You know, and I think, I mean, this is sort of, this is part of the feminist argument. I think it's equally bad for, like, the man that he's stuck in that position of, like, having to keep this job. Like, both of them hate their jobs. Like, you know who's gonna get to quit in the end.

Lee Burgess: It's true. Yeah, it is true.

Alison Monahan: So, I don't know, I mean, I think, you know, in some ways, it's like, well, at least you can drop out if you're- But yeah, no, I mean, I think, you know, the workplace is not, you know, tends not to be very flexible in terms of hours, tends to be a lot of face time requirements, that sort of thing that I think just inevitably is more difficult to put up with you know, when the demands of like other aspects of life start increasing.

Lee Burgess: Right, and that's not to say you can't do it. I have friends who are very successful in their law firms and they have outside personal lives that they're very happy with. It can be done for some people. The trade offs work for them and, and

Episode 31: Why is it So Horrible to be a Woman Lawyer?

they have found success. They're on the right type of team, practicing the right kind of law.

It can be done. I think the issue is overall, there's just a trend that it's, you know, it's not necessarily set up so that women as a whole, like to stay there.

Alison Monahan: Yeah.

Lee Burgess: Or people as a whole really.

Alison Monahan: People as as a whole.

Lee Burgess: That's a different podcast.

Alison Monahan: Yeah. And I think it's just unfortunate, you know, I think it's unfortunate that the profession is, I mean, it's almost so unwelcoming for human beings. I mean, sorry if anyone's listening here at law school, this sounds like a really dour episode. But, you know, I mean, I think people need to know what you're getting into. Because it is a lot about what are you willing to give up in order to do this job.

Lee Burgess: Well, and I think it goes back to what we, a podcast we did early on about authenticity. And one of the things I think a lot of law students don't give themselves space to do because they're so caught up in the grind is really thinking about what kind of lawyer you want to be, what kind of business person you want to be, if that's the type of work that you want to do what does your life look like as a whole, you know, how are you going to balance the demands of career and life and how, what is your value of your time and how do you want to spend that time?

I think sometimes the, you don't really ask yourself those questions until you're unhappy, and then you end up having to shift gears, because you haven't been able to take any space, I guess, to really evaluate that.

Alison Monahan: Yeah, and I think that's something that law schools are not very good at helping their students do.

I think on average, business schools spend a lot of time talking about this sort of thing, giving people, like, surveys and techniques and all this sort of stuff for, like, really figuring out what do you want your career to look like? And law schools have not focused on that. I think it's just like, oh, you know, if you can

Episode 31: Why is it So Horrible to be a Woman Lawyer?

get X job, you should, and It doesn't matter if you're going to drop out and, like, leave the profession in three to five years because you're already in the survey.

It's like, check, you got a job after graduation. You know, I think people need to, it's beneficial to sort of think longer term beyond just that first job to think about what is my life arc going to look like? What is my career arc going to look like? You know, where do I want to end up when I have been working 20 years?

Obviously, you can't predict this completely in advance, but, you know, like, are you actually, do you want the lifestyle of a partner in a law firm? You know, or not. And if the answer is no, then it's like, well, do you even want to start doing that job? Like, you know, there are reasons to do it, but I think you need to be clear about what it is that you're doing and what you're gonna have to sacrifice in order to do well in this job.

Lee Burgess: Yeah, I mean, because the realities are, if you're traveling 50, 60 percent of the time, or if you're, I know, like, you moved to Delaware.

Alison Monahan: Yeah, I was, like, living in a hotel in Delaware for, like, a month. And it's like, yeah, you can't have a normal life at that point.

Lee Burgess: Yeah, I mean, and there's nothing wrong with that life.

It's just a diff- it's a very specific life, and I just think most folks don't really spend time thinking about it and I think especially for women who are trying to balance a family life, or really any life of any kind, . There are going to be trade offs, and you have to be ready for that.

Alison Monahan: Yeah, and I think some of this is about, like, being strategic with your career, and, you know, maybe it is the case that you're willing to invest a certain amount of time in, like, a very, very high stress, high demand environment, like a law firm or it doesn't have to be a law firm, you could be working for the government, you know, if you're going to work for, like, the Department of Justice or whatever, like, that's going to be a very high, or, you know, I have friends who work at the White House as lawyers or whatever, like, these are very high demand positions, and it's a question of, I'm willing, you know, It's just about being, about clarity.

Basically, like, I'm willing to do this for a certain amount of time because it leads me to somewhere else. And that somewhere else is more sustainable or more fulfilling or more whatever. And so it's about being strategic and also about trying to develop relationships with people who can get you to that next

Episode 31: Why is it So Horrible to be a Woman Lawyer?

position, which of course, that's another area where women tend to be potentially at a disadvantage.

You know, the reality is, I mean, I don't know if we've talked about this before, but you know, you have mentoring and then you have sponsorships, so mentoring is kind of helping you out, you know, strategically, like what's, you know, how are you going to get like this position or this assignment or whatever, you know, what are your goals, and that's great and it's helpful and women tend to be over mentored, you know, it's like there's the women's group or this and that, you have like 10 mentors you're supposed to be going to coffee with every week But they're under sponsored, and so sponsorship is what someone says about you when you're not in the room.

And so ultimately, you know, if you're gonna get that plum assignment, or you're gonna be appointed general counsel, or you're gonna make partner, or you're gonna be promoted in your NGO, whatever it is, you need somebody there who's saying, This is the right person. I'm standing behind them. I'm putting my reputation on the line and saying we should give them this position.

And women, unfortunately, tend not to be sponsored in that way. So I think, you know, and, and, I mean, to a certain extent, it's like, well, there's not a whole lot you can really do about that, but you can also be strategic about developing those relationships. You know, if you have an opportunity to work with the managing partner of a firm, for example, take that opportunity.

You know, so a lot of it is just about thinking along, you know, about strategic lines. I mean, I was having lunch the other day with someone I used to work with and she's now in house. And so, we basically sat around and strategized about like, well, if you want to be general counsel, what are the skills you need to develop?

You know, so I think having, this is whatever, five, ten more years down the road, but she's already thinking about what are the things I need to know, who do I need to know, who do I need to talk to, who do I need to get on my team, basically, to get this position.

Lee Burgess: Right. Yeah, I think that's, that's really true.

And when you are looking for those mentors and sponsors, I think especially in the more traditional legal setting, be thoughtful of who you pick, because sometimes it's not only women. Sometimes men can be really great advocates for you as well.

Episode 31: Why is it So Horrible to be a Woman Lawyer?

Alison Monahan: Well, often they're going to have to be, because they're the only people who are there.

Lee Burgess: Well, that's true. And not, and the one woman managing partner cannot mentor all of the women in the office.

Alison Monahan: And certainly can't sponsor every woman in the office.

Lee Burgess: No, no. And didn't we read another article a while back about what is it, powerful men with daughters? Yes. Are much more likely to to Say rah rah for their women employees.

So maybe find some dads Yeah, absolutely. Out there to to be your mentors and sponsors. But but talk to them about their values and what they think are important, because I think to you also want to be getting guidance from people that you feel like are doing a good job with their own careers or balancing their own lives or whatever it might be.

You know, it's, it's always interesting in my career path when I've had moments where I've looked at those. You know, five years down the road from where I am, 10 years down the road. And then if you're saying, I don't really want that life.

Alison Monahan: Well, that's, I think we've talked about this before.

Like before I decided to leave my big law job, I sat in my office and I thought about every partner I know, and I went through them all. And I literally was like, do I want any of their lives? Would I trade places? And the answer was no. And then it's just like, well, what am I doing here? This is the path I'm on.

Lee Burgess: Yeah. Yeah. Okay. So can we talk about kids now ? Because I, this really is like, yeah, the kid thing is something that I always knew would be challenging if I had a, kept my big firm job. But I can honestly say for me personally, there would be absolutely no way I could be practicing law and taking care of my son and staying sane all at the same time.

I know women who do it. And if you are listening to this podcast, I commend you, because I am tired.

Alison Monahan: No, I mean, I could barely, I barely could manage that life without a child.

I don't know how people do it, it's incredible.

Episode 31: Why is it So Horrible to be a Woman Lawyer?

Lee Burgess: And you know, what's interesting is that. I remember before I had a baby, I would talk to moms who were balancing it all.

And they would, you know, they talk about that it was it was hard, but they were making it work and whatever. And then once you have a baby, it's like you're in the secret club. And you talk to women, and they'll say things like, oh, yeah, there are months of after I got back from my maternity leave that I don't remember because I was so sleep deprived.

Alison Monahan: Yeah, I'm sure. I'm sure you were doing great work as a lawyer at that point too, right? And

Lee Burgess: It's like, okay, you know, thanks for the honesty. Like I appreciate that. But that was one of the things that really got me is what I didn't understand about the challenges of balancing you know, motherhood and, and things like that is really how things like exhaustion, really plays into it.

You know, if you have a kid who isn't a great sleeper and you live, and you work in a very non flexible work environment I don't know how you function at a law firm level and then parent your kid in the nighttime hours and, and stays together at all. I mean, Alison, we don't have enough hands between the two of us to count the number of days you got emails from me that was just like, I can't even this morning, I'm going back to bed.

Alison Monahan: Yeah, exactly. No, I remember when I was at the firm, like, someone had a child, and, you know, she took her three months leave or whatever and came back, and she was working until midnight every night, and finally when, I mean, I was too, but I didn't have a baby and so I remember, like, running into her in the bathroom at like 1:30 in the morning on a Tuesday or whatever, and I finally was just like, how do you, like, how do you do this? And she said, I literally forget that I have a child.

Lee Burgess: Yeah.

Alison Monahan: She not surprisingly quit a few months later.

Lee Burgess: Yeah, there's no judgment for her for doing that work. But that's just part of the reality, you know, and I think it's interesting because Companies and some law firms are now saying, well, new moms come back to work.

Well, you know, when you travel for work, we will, you know, express mail your breast milk home to your baby. It's like, well, that's really nice. But like, I then

Episode 31: Why is it So Horrible to be a Woman Lawyer?

still have to pump all that breast milk. Do you guys know how long that takes? And, you know, am I going to be able to say, oh, I'm sorry at this deposition we're going to have to take a 20 to 30 minute break.

I've got this mom has got to go lactate. Like, it's just like, you know, we can't show no. breastfeeding pictures on Facebook. I can't imagine talking about breastfeeding in deposition.

Alison Monahan: No, I think I read something where like a woman who was pumping, who was a lawyer, was taking a deposition and opposing counsel didn't want to give her the break to do it.

I think he ended up getting sanctioned.

Lee Burgess: But yeah, yeah, I mean, it's and for those of you who have not lived through this pumping experience, I mean, like, It's a really big part of your life. You are on a schedule, you have to keep up with it, or, you know, I mean, if you're committed to it, it's a big commitment.

And and so, yeah, I mean, it's very hard. We've also had friends who've had jobs that are not particularly supportive of it. Of course, that's illegal in many cases, but-

Alison Monahan: Or they're ostensibly supportive, but then, you know, someone's manager is like, oh, just don't tell anyone what you're doing in these half hour breaks every day.

So then the whole team is like, what's going on here? You know, it's kind of nuts.

Lee Burgess: I think for me the scariest part is the fact that women feel like they can't talk about this part of their lives, which I think for many women, and men too, I'm sure men somewhat feel the same way. But that there's, there's a fear about the openness of the fact that it is a struggle because you're supposed to be able to do it all and have it all.

I guess that's that big, you know, can women have it all. But, for instance, Alison and I were at a conference when I was pregnant. I was pretty pregnant at this point. There was no, like, there was no missing that, that there was a baby on the way. And someone, who was male, asked us, when I told Alison I was pregnant.

And I kind of looked at him, and I was like, right after I found out. And he looked at me shocked, and I had this moment of sadness, because I realized that a lot of women That that's not the norm. The norm is you hide it. You know, you have to

Episode 31: Why is it So Horrible to be a Woman Lawyer?

hide the fact that you're going through this life experience, which can be very taxing on your body, very taxing on you know, your life as a whole.

I've seen many women that I knew were pregnant that nobody else did trying to sleep in their office at lunch because they were so tired and have to lie about it, you know, and, and so to me, like a lot of the, of the fact that we're not even openly discussing the challenges is what makes me so sad because I think if we could, you know, If it was easier for women to be honest about the fact that they're sleep deprived, that they are struggling with breastfeeding and pumping, or that they are missing their kids or they can't work until midnight for these various reasons, I think things would get better.

But that dialogue, I don't think, is happening as openly as it could because the messaging, at least I see more, is it's all okay until you get the whispered stories, you know, about how everyone is having a hard time.

Alison Monahan: Yeah, I mean, I think there's a lot of just, like, suck it up and deal, like, you knew what you were getting into, you knew what this job was going to be.

You know, you're getting, in a lot of cases, paid a lot of money, but not even necessarily, I mean, you know, the demands are equally tough if you're like a public defender who's making no money you know, and I think, I just think it's difficult all around, like, nobody wants to appear weak in the legal profession but at the same time, it's just completely untenable.

Lee Burgess: Well, and I think that, that may be one of the things about this I think that's, the motherhood topic. And the dialogue that I see written about it is that any admission that things are hard, or that there might need to be changes made is a sign of weakness. And I think that that's, that's really hard for me to take.

Alison Monahan: Yeah, I mean, it is the reality.

Lee Burgess: Because talking about your struggles does not make you, right, talking about your struggles does not make you weak, actually. But you know, and I think, I think it's interesting when you, I remember reading something, cause Hillary Clinton, not Hillary Clinton, Chelsea Clinton has a baby, or is now pregnant with her second baby, but she had a baby not long after I had my son, and it was interesting because she was saying like, oh well, you know, nobody just told me how hard it was going to be, I think it was about breastfeeding, to like pump and balance all this stuff, there was like one little line in one article, in like the whole thing that I've ever read about her mentioning motherhood, and it was like, oh

Episode 31: Why is it So Horrible to be a Woman Lawyer?

my gosh, she is, you know, she's, she just made this one little comment and it's like, that's all of the dialogue.

Everything else I'd seen was that her daughter slept great. It's like, why are we talking about what's, what's really happening?

Alison Monahan: Oh yeah, I mean, until my friend started having babies, I had no idea how much time it took to pump every day. Or even to breastfeed, you know, you're just like, you know, when you have a newborn, people are like, yeah, like I literally spend basically the entire day, or like 24-7 like, doing this.

And you're like, oh, really? I thought it was just like you pop out a boob every now and then, you know.

Lee Burgess: Yeah, it's, yeah, I mean, I think that that's part of it too, is that you know, because everybody's experience is so different and it can be varied on the type of kid that you have, the type of relationship you have with your spouse, how you divide responsibilities for the family, what kind of help you can afford, what kind of help you feel comfortable with, whether your family is helpful, whether you have multiple kids, like all of this stuff.

It is a different journey for everyone, but I think we need to create an environment where women can be supportive of each other and be honest about what's going on, or I think people are going to continue to exit. Until the- and, maybe create their own environments, either through solo practice or by taking different paths, creating their own businesses or leaving the legal profession where they feel like that they can have a bit more flexibility and freedom to balance these different parts of their lives.

Alison Monahan: Right. I mean, let's face it, you know, the sort of older generation of women lawyers is not necessarily that helpful on these topics. You know, sort of like your mother, like they were like the pioneers, and they did have to sacrifice a lot, which of course everyone respects, blah blah blah, but the world has changed, and people have different expectations, and they're not willing to necessarily give up everything to be a partner at a law firm, and I think that's totally fine.

Lee Burgess: And if you are willing to make that balance because it's important for you, go for it.

Alison Monahan: Yeah, absolutely, like if somebody comes to me and they're like, it is my goal in life to be like, you know, X to get this position, whether it's a firm partner or like

Episode 31: Why is it So Horrible to be a Woman Lawyer?

head of, you know, whatever, this and that, government, I'm like, great, like, I will do everything in my power to enable you to do that.

Lee Burgess: Yeah.

Alison Monahan: That better be your choice.

Lee Burgess: But you know, when we both read Sotomayor's book, I found it refreshing how honest she was about that.

Alison Monahan: Absolutely, yeah.

Lee Burgess: I liked, I really, if you haven't read her her biography, I think. It's, do you remember what it's called? Is it My Beloved World?

Alison Monahan: God, I can't remember.

Lee Burgess: Okay, well, we'll add that link in the show notes, too.

But it's quite good. I mean, I read it a few years back, I think. I think I read your copy, actually. Maybe that's why my horror mind went. I think that's probably why you can't find it. I think it's on my bookshelf. But you know, I think she, who chose not to have children, and didn't remarry after her first marriage failed, was very honest about the fact that her career path was her priority, and that she, you know, had close, you know, family and friend relationships outside of, you know, creating a typical family and that, that was fulfilling for her.

And, and she wasn't unapologetic about it, nor should she need to be.

Alison Monahan: Right. I, I actually loved it when she was appointed to the Supreme Court, which most people would think like, oh my God, like, you've gotta be happy about every aspect of it. And she actually came out and was like, I'm sad to be leaving New York.

Like I would, my friends are here. Like, I don't actually wanna live in DC

Lee Burgess: Mm-Hmm.

Alison Monahan: And she got a lot of flack for that. Be like, oh, so ungrateful of all this like. She had created a life for herself. It makes sense that she wouldn't be that happy about leaving it.

Episode 31: Why is it So Horrible to be a Woman Lawyer?

Lee Burgess: Mm hmm. Yeah. You know, I think another thing that's, that we have to think about as a profession is if we want to that the only women who can really become those leaders oftentimes have to decide that that's their only goal.

Because, you know, men typically haven't had to make the same extreme changes. Of course, if a man wants to hold a lot of those positions, They sometimes can still have a family that's basically run by their wives, but, or their partners, but they, you know, they don't get access to that family, maybe, as they would, would like.

But I think we can't just say that the only way that you can, you know, be in one of these elite offices or hold on these elite positions is to have foregone having a family life. I mean, I, most people don't ever think about this. I read an article by there was an interview of Ruth Bader Ginsburg a while back.

And I think it was actually her Vanity Fair article, which was quite good where she's mentioned that she's the only person, on the Supreme Court who's had a baby. Wow. She's the only person. Huh. Yeah. So, so there are nine people making a lot of really important decisions about life and balance and things about men and women and access to things, and only one of them.

Alison Monahan: In all of history.

Lee Burgess: Well, no, well, that's not true. In all of history. She's only sitting one.

Alison Monahan: Okay.

Lee Burgess: Because. Sandra Day O'Connor has kids.

Alison Monahan: Right, that's what I thought.

Lee Burgess: So she's the only, she's the only one on the court currently. But right now the court, I mean, and that's not to say that Kagan and Sotomayor are not incredible women.

I mean, they're Supreme Court Justices. They're such incredible women. But they have a, they have chosen a different path. And I think for me, it just said something about maybe our legal profession and, and our community as a whole of, of asking women to say, well, if you want these, these top jobs, then you pick.

Alison Monahan: Right. And no one's saying that to men. I mean, I think, you know, whatever, Scalia has like five kids or something. So it's not like.

Episode 31: Why is it So Horrible to be a Woman Lawyer?

Lee Burgess: Yeah. So, I don't know, I think it's just something that's, that, that really struck me for some reason that, that there was just one woman holding that seat, you know, of course there haven't been that many women holding that seat at all anyway.

Alison Monahan: Right, well, so I love her thing when people are like, how many, how many women are enough on the Supreme Court? And she says nine. And they're kind of like, what? She's like, you never questioned it when it was all men.

Lee Burgess: That's true. Yeah, it's true. Did you see her grand collar she was wearing at the State of the Union?

She was rocking an awesome Ruth Bader Ginsburg collar at the State of the Union. There's a great picture of her hugging Obama. But but anyway, so I, I'm going to miss her so much someday when she's not a member of the Supreme Court. But anyway, but I think, you know, it just shows that it's in like in all different parts of our profession, it's going to be very challenging to find a way that women can not only succeed, but have a life that they want, whatever that life may be.

Alison Monahan: Right. And we're, I mean, we're actually over time, but I don't want to wrap up without at least asking one more question, which is, What in the world are people supposed to do about this?

I mean, this has been a pretty bleak podcast. Like, is this just, is this totally helpless?

Lee Burgess: Like, is it because it's all rainy outside?

Alison Monahan: You've had the stomach flu. I can only hear out of one ear.

Lee Burgess: Yeah, it's been quite a few weeks here at the Law School Toolbox. You know, I think, I think basically one of the things that people can do is really before they enter the profession, they can take some time to really think about what they want.

And talk to other people and find out what they do. Like one of the things Alison, you were doing at the girls get to law school, I think when we started working when you would interview lawyers, you would ask them what their typical day looks like. I thought that was so brilliant because I think a lot of people in law school have no idea what a typical day in life looks like.

Episode 31: Why is it So Horrible to be a Woman Lawyer?

Alison Monahan: Absolutely. I mean, I think people, yeah, like literally have no idea what they're getting into. I mean, certainly I'm when, you know, when I showed up to be a summer associate, I did not have a very clear idea of what I was getting into. I was rapidly disabused of that and had a pretty clear idea by the end of the summer but yeah, I mean, I think it's just, you know, people have to be realistic about what they're signing up for.

Lee Burgess: Right, and if, you think that you can make it all work, and what you sign up for is you're like, yes, those trade offs are worth it for me to climb to the top of the profession.

Awesome. Yeah, great. Go you. Go you, exactly. I just want you to know about them, so you can, as you're thinking about your future path, you know, of course, which will have some unexpected twists and turns, that you know what you're getting into.

Alison Monahan: Yeah, and you know, it goes back to being strategic. You know, hopefully people, when they go to law school, I mean, this is often not the case, but you have some clue about what you actually want your life to look like when you get out.

And being strategic about that and looking for the people who can help you and really building relationships with people that you trust, because, you know, those people are the people who are going to get you through. They're the people who are going to help you get that next job and, you know, I mean, the great news about being a woman is like, well, you've got other women in the profession, they're all going through the same sort of stuff, and you can actually, you know, if I think about the people that I've ended up staying friends with after my big law job, it's basically all women, and like, it wasn't like I went in there expecting that to be the case, and I had plenty of guy friends, I just don't still talk to them because they weren't, you know, like, I mean, they were ultimately, like, it was just, you know, those were relationships of convenience.

We were friends because we worked in the same office. But really the people, you know, in fact one of them I'm going to see after this podcast with her new baby, like, those are the people that were like really the ones who were there after, you know, and have stayed important professional and personal friends.

And so I think it is good to like really think about those relationships.

Lee Burgess: It's good. I think it's important to look for those, you know, the right mentors and sponsors as we talked about earlier in the podcast they don't always have to

Episode 31: Why is it So Horrible to be a Woman Lawyer?

be women, but if you can find women to help champion your career, I think that can be great.

My, one of my quotes from Madeline Albright that I'm loving these days that we saw Hillary Clinton speak and she mentioned was there's a special place in hell for women who will not help women. Absolutely. And I think. You know, you should be able to find women that will want to, you know, help you up the ladder but also to help you decide how to balance your life so hopefully you don't have to exit, you know, I think that's one of the things you can do is look for those resources and find workarounds, you know, I do have friends who work part time at their law firm, which part time at a big law firm, just so people know, is like 40 hours a week.

Alison Monahan: With like half the pay.

Lee Burgess: With like half the pay.

Alison Monahan: Hey, it's still better than, it's better than, you know, if it works for you, better than dropping out.

Lee Burgess: Right, exactly. But, you know, it's like, if you think that that's your avenue, you know, you should start researching that. Early to see if that's a possibility.

What does that really look like and talk to people who've done it. So, so reach out to your network and you know, and find those people you can be honest with, because I think that the ability to be honest is important. I think one of the things that I've appreciated so much about Alison's and my relationship and building this business together, especially through the transition of deciding to start a family and then starting a family, has been my ability to be honest.

About not only my struggles, and I can talk to her as a friend, you know, about my struggles, but also as a, as a business partner of like, I need your help. And she says, I will help you.

Alison Monahan: Right, or, we'll, we'll hire someone to do this.

Lee Burgess: Or we'll hire someone to help, or we'll come up with a solution, not, something's wrong with you, Lee, just go get some more sleep.

Alison Monahan: Like, God, Lee, why can't you just pull it together and work like 12 hours a day like you were doing before? Like Exactly. It's like, I don't know, have your husband take care of the kid or something.

Episode 31: Why is it So Horrible to be a Woman Lawyer?

Yeah. That doesn't really work.

Lee Burgess: So, no. So, you know, I think for me, that's been such a big benefit. And, you know, even when somebody asked me that question about when I told Alison I was pregnant, that just was such a great window into the fact that you do want to find a supportive place to be if, if that's what you want.

Alison Monahan: Yeah. And I mean, you know, to each his own. I'm not going to tell somebody like what they should do.

You make your own choices.

Lee Burgess: Yeah, just make, just collect as much information as you can to make choices that you can be happy with.

Alison Monahan: Yeah, absolutely.

Lee Burgess: Okay, I think we're out of time.

Alison Monahan: We're like way over time on this one.

Lee Burgess: We're way over time. Sorry guys, hope we didn't like, hope this didn't run too long over your commute or your workout or however you're listening to us or we know that some people listen to us while they eat breakfast.

So anyway, I hope you had a long cup of coffee. If you enjoyed this episode of the Law School Toolbox podcast, please take a second to leave a review and ratings on iTunes. We'd really appreciate it and be sure to subscribe so you don't miss anything in the future. If you have any questions or comments, please don't hesitate to reach out to myself or Alison at Lee@LawSchoolToolbox.com or Alison@LawSchoolToolbox.com. You can always contact us via our website contact form at LawSchoolToolbox.com. Thanks for listening and we'll talk to you soon.