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Cover Page Footnote

Betsy Plevan is a partner in the law firm of Proskauer Rose Goetz & Mendelsohn, LLP, where she has practiced since 1974. She was the Chair of the Committee on Women in the Profession of the Association of the Bar of the City of New York when the Committee launched the Glass Ceilings Study.

PERSONAL REFLECTIONS ON *GLASS CEILINGS AND OPEN DOORS*

*Bettina B. Plevan**

WHEN asked to comment from a personal perspective on the study conducted by Professor Cynthia Fuchs Epstein and her colleagues at the Graduate Center of the City University of New York, I had many thoughts and questions, among them: What of importance or significance could I add to the extensive work done by these scholars over a period of many years in gathering information about experiences and attitudes? Would anybody really be interested in what I would have to say? Would I have time to fit this in my schedule? Did I want to discuss publicly how I feel about these issues? Do I even know how I feel about these issues? Although I never found satisfactory answers to these questions, my hesitation was overcome by other factors, including some pride as one of the “birth mothers” of the Epstein study, inspiration from a second reading of the report and a measure of hope that something I might have to say would add perspective on the issues. My goal is to share my personal thoughts, perhaps explaining how my career decisions were made, and to reflect on what I think is in store for us in the future.

Although I promise not to share my entire life history, some biographical data is, I think, important in understanding my perspective on the advancement of women in the legal profession and how I define personal success and progress in achieving equality. First, I was born in 1945. This means that, when growing up in America as a girl in the 1950s, I was constantly subjected to overt sex discrimination. Many girls my age were perhaps not even conscious of this discrimination because, unlike me, they were not the least bit interested in sports. I was, however, the proverbial “tomboy” and during my grade school years spent many afternoons playing baseball (i.e., hardball) with boys in my class. My recollection is that I was better than many of them. Nevertheless, and despite my father’s lobbying efforts, I was never allowed to play on a Little League team. My older brother, who had little talent for the game, was, however, welcomed as a team member.

Later on in the early ‘60s (not so long ago), I focused on somewhat more feminine pursuits, specifically the game of tennis. Again, although the coach of the high school tennis team supported the idea,

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he was denied permission to place me on the school team because it was against the rules of the league in which the team played.

Although life went on and I didn't brood (or sue) about this overtly discriminatory treatment, the experiences have remained with me as a vivid and very personal reminder of the long history of gender bias in our society. For whatever reason, whenever I hear people talk about differing treatment of women in the legal profession, I always hark back to these more overt forms of discrimination that touched me personally, which had a much greater impact on me, and perhaps others of my generation, than any slights ever experienced in the legal profession. I believe therefore that such experiences, like the experiences of women before me who were virtually excluded from the legal profession, provide different measuring sticks for judging progress in the profession than those used by many younger women. These types of experiences may explain why many of us "older" women in the profession feel that much progress has been made. We remember how many opportunities were not open to women in the not too distant past—whether in sports, prominent universities, or private clubs. These institutions have changed radically by becoming open to women in a very short period of time. We can see that the changes have been truly revolutionary in a generation. Many younger women, who never experienced such overt exclusion, may not be able to appreciate fully the change, and are understandably more impatient for further developments faster. Our perspectives are different.

Professor Epstein's report recognizes that women of my generation have different attitudes about the position of women in the profession today than do our younger colleagues. We, and I would include myself, are apparently more tolerant of differing treatment and less inclined to demand special treatment. I also believe we are less ambivalent about our goals. I believe that many of us pursued a career in the law (or similar professions) knowing that it would be difficult, and that being just as good as men would probably not be enough to succeed. But we wanted to try anyway. As a group, therefore, I suspect we are more driven than the average lawyer, male or female. We were also psychologically prepared to work harder than the average lawyer in order to achieve our career goals.

We were also prepared not to be accepted by everybody because we were used to being excluded. We therefore knew that being overly sensitive about gender differences would not be productive and I suspect we feared that being outspoken about these issues might cause a backlash to the exclusionary practices of the 1950s. We seem to be well past that risk. Thankfully, women law school graduates today are accepted on an equal footing, unlike my fellow female graduates of the law school class of 1970 who found it difficult even to get their feet in the door.

Another potentially relevant part of my biography is that I attended a women's college (Wellesley), where leadership by women was expected and fostered. It is impossible to determine the extent to which a single-sex education impacted me personally but we certainly know from studies that it does have an impact generally in providing greater opportunities for women to express themselves freely, to assert themselves, etc. The environment provided many opportunities for personal growth and recognition, and it was assumed that doors would be open for women with talent. For me and for others, there were also role models of successful professional women among the faculty. I enjoyed my first mentoring experience with a professor who was brilliant, accomplished and had three children to boot. She convinced me that it was possible to "have it all."

I think many in my generation would have to acknowledge, however, that doors were not opened just by the strength of our will, self-confidence, and academic achievement. Often a little bit of luck played a part. That was certainly true in my case. After finishing law school in 1970 I was destined to spend four years in the Pacific Northwest with my husband, Ken, who was obligated after his judicial clerkship to spend four years in the Air Force Judge Advocate General Corps. I knew no one in the Seattle, Washington area and was not at all sure whether law firms there would be interested in hiring a woman lawyer from New York anyway. At the time, there were three large firms in Seattle and not one of them had ever hired a woman. Luckily for me, the hiring partner at one of these firms decided that his firm should be the first. When my resume crossed his desk, long after the recruiting season was over, he seized the opportunity and I became the first woman associate at the firm. Some of my colleagues later teased that I passed muster as the perfect experiment since the odds were good I would be moving back to New York. I will never know for sure if there wasn't some truth to that remark. My legal experience there was terrific, however, and I never felt that my gender affected the work I did.

ALTERNATIVE WORK SCHEDULES

Ken and I always planned to have a family but I cannot say we gave a lot of thought in advance to how this additional responsibility would affect our professional lives. Our first son was born in 1974, just as we were leaving Seattle to return to New York. Our second son was born three years later. Fortunately, mothering in our family meant parenting and, with the complete support and assistance of my spouse, it became a completely shared experience. During the early childhood years, I was not afforded any special treatment; nor did I ask for any. We had no established child care leave or part-time work policies. But it never occurred to me to work part-time or to take months off while I was striving hard to make partner. By then I had a good sup-

port system in place at home and the decision was not difficult for me emotionally. I did not, some might say remarkably, feel guilty about returning to work full time in a fairly short time—it was two and a half weeks.

I did not dwell on the question of whether I would be able to handle the career I wanted and the family I wanted. I somehow just assumed I could. I worked hard at both because I was very anxious to succeed. For me the hard work paid off professionally and I do not feel my family life suffered either. Indeed, I suspect my kids, now grown (one married and one in college), feel they are better off than if I had been home badgering them even two days a week.

One possible explanation for the different feelings that women have today about balancing career and family may be that there is in fact a difference in how this group “feels” compared to my generation. Those who decided to continue to practice were not ambivalent. Perhaps only those of us who were very determined even tried to overcome the anticipated difficulties, obstacles and, occasionally even overt discrimination. Today many people, male and female, enter the legal profession with ambivalence about whether it is what they want to do. When one adds to that ambivalence the demands of family responsibilities and increasing work hours, it is not surprising that many women today have mixed feelings that I never had.

As the Glass Ceilings Report seems to indicate, women of my generation made clear choices and seem much more comfortable with those choices than women are today. The answers to the “why” of that difference in feeling are indeed complex and remain open no doubt for society as a whole and certainly in many other professions, not just the law.

I am not sure one can learn from another’s experience how to manage the balancing act of work and family because we are all in such different situations, and we have different emotional reactions to making these difficult choices. But in an effort to fulfill one of the goals of this piece, I will share a list of the adjustments we made and other factors that made it possible for me to succeed:

1. Both parents should share family chores, usually based on personal preferences (Ken took the kids to the dentist; I made travel plans) but maintain flexibility to cover each other as that is needed frequently.
2. Never (or almost never) miss an important school event.
3. Engage a wonderful and flexible child care person who can stay until midnight on ten minutes’ notice.
4. Be prepared to sacrifice time with friends.
5. Take the kids everywhere you go until they refuse.
6. Enlist grandparents to spend time with the kids when you are too busy on weekends. (This had many untold

and unanticipated benefits for all of us for many years after it became necessary for child care.)

7. Learn to "turn off" work when you arrive home at least for a few hours.
8. Learn to work well at home when the kids are older.

These steps all helped us feel we each had a balanced life. This year has been a milestone as we married-off one son and shipped the other off to college. We are also looking forward to our "empty nest," and the "free time" it will give us, although we are mindful of the risk that we may just end up working longer hours than we ever would have with children at home. Time will tell.

MENTORING

When I returned to New York it seems in retrospect like I started three careers, a career as a lawyer in private practice, a career in extracurricular activities (primarily bar association), and a career as a mother. Mentoring played a role in the first two of these but I would have to admit that in the last, I was totally on my own.

The mentoring I experienced was, for most of my career, the result solely of efforts by males more senior to me. These were people who cared about me personally and cared about my professional development. For the most part, this mentoring came about naturally as a consequence of the work we did together, interests we shared, and even proximity in the office. I was never assigned a mentor and we had no formal mentoring programs. But mentors I had.

I am less clear in my mind about how this mentoring experience of mine has affected the way in which I treat those who have come after me. My experience has probably lead me to mentor based on direct contact on work matters rather than a conscious effort on my part to reach out to people I don't already know well. It also means that I mentor as many men as women. I am therefore now somewhat concerned about the many comments I have heard that women lawyers feel they need women mentors. I am also confused about this view since I developed professionally without the benefit of women mentors.

I am especially concerned that my mentoring of men may be resented or frowned upon by women associates. That would be unfortunate. Mentoring is an important part of training and development in the profession, not just a tool for shattering glass ceilings. Although I progressed with male mentors, it may be that mentoring by males of women is more complex today because of the fear of sexual harassment allegations. Nevertheless, I would hope that younger women attorneys would look for the mentoring opportunities that present themselves naturally and not focus solely on the gender of the mentor.

POSITIONS OF POWER

Challenges remain in the profession, particularly in the areas of achieving positions of leadership within law firms and in establishing ourselves as potential rainmakers. Although these two areas have often been identified as the remaining obstacles to full "equality," the importance of these two goals may be as exaggerated as they are elusive.

The concept of firm leadership in the first instance requires definition. Law firms vary greatly in their structure and form. Methods of selection for positions of leadership also vary greatly. When a woman partner is selected to be a part of the management team of the firm, the significance of the selection may very well vary depending on the actual power conferred on the person selected. Selection as the administrative partner or as member of an administrative committee may be a form of recognition and status at some firms, but at others such posts might not be too meaningful or powerful. Often the key to power at a law firm is participation in profit allocation decisions. Arguably, only when women share in that level of decision-making will they have reached the pinnacle of success. We must remember, however, that only a select few—male or female—ever reach that level. Therefore women who do so will necessarily be few in number and will appear to be the exceptions.

The status of "rainmaker" may be almost as rare an achievement for women in the profession *if* measured by their success in bringing in new business, as distinguished from expanding and soliciting business from existing clients. The time commitment required for engaging in the kind of outreach that leads to new business may be difficult for women to handle, particularly for women with families. I believe it would be a mistake, however, for young lawyers to be overanxious about the need to succeed as a "new business" rainmaker. Without question, at most firms, business development has become of critical importance as a measure of success. But for many firms it is as important to retain and expand the business of existing clients by providing excellent service. The firms must also, of course, recognize the critical role played by lawyers who are successful in expansion, although perhaps not able to bring in much new business.

THE FUTURE

How can these issues of balancing work and family, mentoring and achieving leadership positions best be addressed in the future, particularly in light of the growing emphasis that large law firms place on profitability, billable hours and development of business? The frequent response has been that law firms and other employers need to develop meaningful part-time work programs. There is no question that more can and should be done in this area but it is unlikely that

this change alone will resolve all the problems of balancing work and family or shatter the glass ceiling. Programs that exist on paper but are not respected in reality will not help achieve the goal of equal opportunity. Much more needs to be done in terms of changing attitudes towards those who wish to pursue a meaningful career and a family.

We must also recognize, however, that the law has become a very demanding profession and that many of those demands are created by the clients we service, not the firm's executive committee. Lawyers who want to reach the highest professional levels in that environment will need to be flexible enough to be able to satisfy those demands. The ultimate goals we all share can, I believe, be accomplished with teamwork and commitment.

