

Gender Fairness Video



Discussion Guide

The Video Format

The video uses a series of vignettes, on-camera interviews with practicing attorneys and judges, and voice-over narration to address four primary topics:

Segment 1: Gender Stereotypes

This series of vignettes is set in a government law office. It addresses several gender-based stereotypes about professional competence and the need for straightforward performance critiques.

Segment 2: Mentors

These vignettes stress the fact that all new lawyers can benefit from the advice of more experienced colleagues, and they explore the complexities involved in establishing mentor relationships when women enter a male-dominated profession. This segment is set in an urban law firm.

Segment 3: Exclusionary Behavior

The setting is the legal department of a large corporation. The vignettes depict some "old boys' club" behaviors that, while unintended and rarely malicious, have the effect of excluding women from full participation in the profession.

Segment 4: Court room Interaction

These vignettes focus on the interaction of lawyers, judges, court personnel, and parties in a litigation setting. The setting is in a courtroom involving a family law dispute in a rural community.

How to use this Guide with the Video

The questions in this guide highlight the issues raised in the vignettes. They also encourage the audience to develop practical strategies for dealing with gender-based problems in the legal workplace.

The tape can be stopped at the end of each topic section for audience discussion; the suggested discussion questions are organized by topic. It takes approximately one and a half to two hours to view the video this way.

If time is short, or a facilitator or discussion leader is unavailable, the video can be viewed without pausing for discussion. The running time of the video is 45 minutes.

The composition of the audience at screenings of the video will necessarily vary depending on the dynamics of the individual workplace. For example, in some places, it may be advisable for managers or partners to view the video separately from staff attorneys, associates or court personnel. In others, it may be more productive if senior and junior lawyers, or lawyers and judges watch the video together.

Tips for Facilitators

- Watch the video and read through the discussion questions in advance.
- Before running the tape, advise the audience that the discussion will be confidential and ask participants not to take notes.
- Emphasize that the purpose of the video is to raise awareness of the

issues and to stimulate honest discussion, and that there are no "right" answers to the questions posed in the tape.

- The questions in the guide address a number of topics, and it will probably not be possible to cover them all in two hours. Feel free to choose those questions which most closely reflect your audience's interests in the time you have available for discussion.
- Encourage the audience members to discuss solutions that meet the needs of their particular workplace



Discussion Questions

Segment 1: Gender Stereotypes

Are gender-based stereotypes at work here? If so, what are they?

Is there anything wrong with Jim's desire to give Georgia some positive reinforcement? Could he have gone about it differently? How?

Do attorneys in your workplace complain about difficulties working with women because they "overreact" or react emotionally to criticism?

Are there differences in the way an experienced male attorney will provide informal feedback to a less experienced male or female colleague? What are the differences?

Do experienced female lawyers do the same thing? If so, how?

Do women sometimes react to criticism of their skills or performance in a way that makes men uncomfortable? How? Do men do this?

Why is honest feedback important?

What can happen when women don't have the benefit of straightforward performance critiques?

What are some practical techniques for giving constructive feedback?

When Jim tells Georgia that she didn't appear committed in court because she wasn't getting angry, was he exhibiting stereotypical thinking? In what way?

What are some of the other words or phrases that are used to indicate that women aren't aggressive enough to be good lawyers?

Do women lawyers in your workplace tend to be criticized for lack of aggressiveness?

What are the qualities that make for an effective litigator?

Are women lawyers perceived as effective litigators? If not, why not?

In the vignette, when the promotion committee meets to decide whom to transfer to the criminal division, which of the characters are reflecting stereotypes? What is the stereotype at work in this scene?

Is Georgia's concern about wanting to be able to get along with the people she has to work with a valid one? When does this kind of concern become a gender bias issue?

Do managers or senior attorneys tend to speak or write about women lawyers as a group, rather than as individuals? On what issues?

Are women encouraged to concentrate their practice in certain areas and discouraged from practicing in other areas?

What other gender-based stereotypes do you see operating in your workplace?

Segment 2: Mentors

How important is a mentor to a lawyer's development? What does a good mentor do for a less experienced lawyer?

How important are the unwritten rules in an organization? What are some of them in yours?

What are the potential consequences for women lawyers if they don't have mentors? Are the consequences different for male lawyers?

What are the potential consequences for the employer?

Does your workplace have a formal mentor program? How does it work?

Is it possible to provide mentors to less experienced lawyers without a formal program?

What are some of the advantages and disadvantages of formal and informal mentor programs?

Does the relatively recent influx of women into the legal profession mean that employers may have to rethink the ways in which mentor relationships are established and maintained? What are some of the ways in which this can be accomplished?

Have we reached the point when gender differences have no impact on a woman's ability to get client contact and to work with male attorneys?

Or are there still instances in which the looks of a woman, or the very fact that an attorney is a woman, are enough to elicit

comments from clients and coworkers or to result in inclusion or exclusion from client meetings?

If so, what steps could the firm or individual attorneys take to prevent comments and behavior?

Do you think that men have more opportunities to be mentored, whether formally or informally? Are there still "Boys' Clubs" in the workplace (e.g., men going to lunch, golfing together, etc.) from which women are excluded but which provide opportunities for mentoring and client contact?

Was it wrong of the male attorney to automatically assume that the female associate was "coming on" to him? Or could the female associate have handled this in such a way that this suspicion was not raised?

Do some Nebraska employers have the attitude that "it doesn't happen here" about gender bias in their workplace? If so, what can be done about it?

How can an associate create mentoring opportunities if his/her firm does not have a formal mentoring program? Is the approach adapted by this associate (i.e., going directly to a partner and asking for mentoring) always the right one? What else could she have done?

Can gender issues be raised and openly discussed in your workplace? Are the people who raise these issues viewed as "troublemakers?"

Segment 3: Exclusionary Behavior

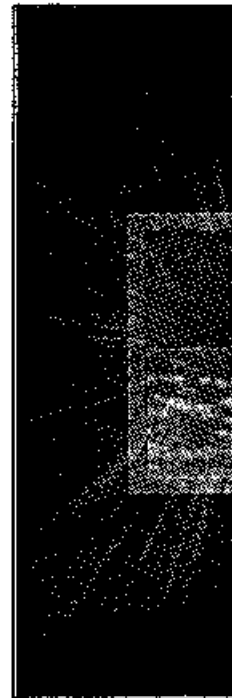
Is there still a tendency in the workplace to make assumptions about what activity males and females will be interested in talking about and participating in?

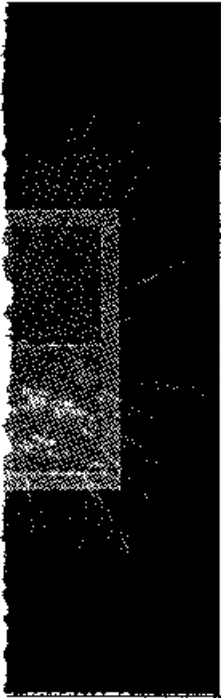
When does teasing and joking around with a female colleague cross the line and become harassment?

Do you think it is important for a working environment to be comfortable for both male and female attorneys? Why? What are some of the potential consequences of a workplace that is perceived to be uncomfortable for women?

Is it necessary to participate somewhat in the common topics of discussion in the workplace, even if those topics previously were not (of are still not) of particular interest to you?

Are subtle forms of hostility toward women such as sexual jokes or unwelcome comments on physical appearance tolerated in your workplace? Do managers or senior attorneys participate in this kind of behavior?





How does one achieve the proper balance between fitting in to the existing culture and making sure that one's own interests and opinions are respected and acknowledged? Is there something that the employer can do to assist finding balance?

Does your workplace have a sexual harassment policy? Men sometimes complain that they must be ultra-sensitive about their comments, while "women can get away with murder". Do you think this occurs? If you had been present

at this event, how would you have reacted if the female attorney had made a comment about the anatomy of a man she saw on television?

How can an employer cultivate a culture that would disapprove of comments like the ones made by the male attorneys? For example, should every employer have a sexual harassment policy that would prohibit such comments?

In your workplace, are men and women given equal opportunities to market their services and develop client relationships?

Has your workplace encouraged business development efforts that are more varied than attendance at sporting events?

Are men and women given equal credit for the results of their client development efforts?

Are men and women equally encouraged to take a leadership role in your workplace? In the profession? In the community?

Is a female associate or junior attorney as likely to be invited to lunch or to participate in other informal activities as a male? If not, do you know why?

Are social events held at places where women may be uncomfortable, or focused only on activities in which women may not feel comfortable participating?

Can you think of some ways that your workplace could be changed to make it a more welcoming place for women attorneys? What are they?

In your workplace, are women lawyers expected to play the part of hostess when clients or colleagues are being entertained?

Do women lawyers face disadvantages that men don't usually face in a business entertainment setting? What are they? Again, how could the female attorney have addressed this situation?

Can women in a predominantly male field ever really be "one of the boys"? Should they try? Is that what Noreen is doing in this vignette?

Compensation and Advancement

Do your organization's policies on subjects such as compensation, evaluation, and advancement take the form of "unwritten rules?"

Do you have written or otherwise well-defined policies on vacation, billing expectations, leave, etc.?

Have you done a male/female salary survey? If women are lagging behind, have you asked why?

Is each person evaluated on a regular basis? Is the evaluation shared with the attorney? Can you articulate the reasons for individual salary decisions?

Do you know if an individual attorney is not living up to your expectations and, if you do, do you address the problem directly?

Parental Leave, Family Leave, and Alternative Work Schedules

Does your organization have a written or otherwise well-defined parental leave policy in addition to a physical disability leave policy? Does your parental leave policy allow for absence from work for more than three months?

Do you have a family leave policy that covers absence from work for other family responsibilities besides childcare?

Do your parental or family leave policies make clear the impact of the leave on salary review, review for partnership, and other "success" indicators?

Do your parental or family leave policies make clear the impact of the leave on salary review, review for partnership, and other "success" indicators?

How do these policies compare to the treatment of leave taken for other purposes such as recovery from a heart attack, alcohol treatment, or pursuit of an avocation?

Does your firm have a policy for assistance in childcare? Are there parents who are primary caregivers among those who make and review policy in this area?

Do you have a policy regarding alternative work schedule options such as part-time, job-sharing and flexible hours?

Sexual Harassment and Gender Discrimination

Does your organization have written anti-discrimination and sexual harassment policies?

Who is prepared to assist an attorney faced with unwelcome sexual attention from a client or coworker?

Does your organization react with an official response when overt sexual bias or harassment is experienced by an attorney outside the office, such as in the courtroom, from a client, or from other attorneys?

Do you have clients who are reluctant to work with women lawyers? Do you have a policy for dealing with situations like these when they arise?

Legal Employer's Self-Audit Checklist

This checklist is designed to assist you as legal employers in determining whether you are doing everything possible to ensure that your workplace is one in which both women and men have equal opportunities for maximum professional development.

Because the checklist deals primarily with official workplace policy, it is going to be most helpful if used by managerial personnel or senior partners. The checklist can be used in conjunction with screenings of the video or can be completed independently.

You will notice that several of the questions address the existence of written procedures in areas such as parental leave and sexual harassment. The American Bar Association Commission on Women in the Profession has developed model policies on parental leave, alternative work schedules and sexual harassment.



General Organization

How many women work in your organization?

What percentage of lawyers hired are women?

What percentage of partners or senior lawyers are women?

What percentage of women have left your organization? Do you know why? How does that rate compared with the departure rate of men?

Are there areas of practice in which there are no women? Do you know why?

Are there areas of practice in which the number or percentage of women is high? Do you know why?

Are women involved in the management of your organization? If not, do you know why? How many court personnel are women? Judges, bailiffs and reporters?

Do women serve on administrative committees? If not, do you know why?

Do you have a mentor program in your organization? How are mentors selected? Are mentors evaluated? Is there a procedure for changing mentors? Are mentors required to report on their contacts with lawyers in the program?

Have you assessed your organization's security system and after-hours security arrangements? Have women employees been asked if they feel physically safe at all times? Do you provide an escort service for women who park their cars in ramps or other potentially dangerous locations?

Segment 4 Courtroom Interaction

Do you think Nebraska courts reflect the societies they serve?

What has been your experience (as a female attorney) (observing female attorneys) in the Nebraska courts?

How have women judges changed the perception of Nebraska courts?

How do you think clients perceive condescension or unfair treatment of female attorneys or court personnel? What impact does that have on public perception of the legal system generally, and anyone's chance (male, female, minority, etc.) of fair treatment in that system?

Do you think there is a traditional "courtroom behavior?" And has it developed from a time when only men spoke in court?

Must women attorneys adapt to that traditional courtroom behavior in order to serve their clients?

What are the consequences to women attorneys if they don't adapt? What consequences to their clients?

Do Nebraska court decisions reflect current gender roles or do they try to preserve a more traditional standard?

If you think they try to preserve a traditional standard, whose standard is it, and do you think the courts should strive to preserve it?

How can lawyers (male and female) bring creative approaches to family law situations? Do you think those approaches would be welcome?

Concluding Questions

What are the three most significant issues dealing with gender bias in the workplace facing Nebraska lawyers today?

How should these issues be addressed?

Do you think that gender bias in the workplace has decreased since you began practicing law?





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