

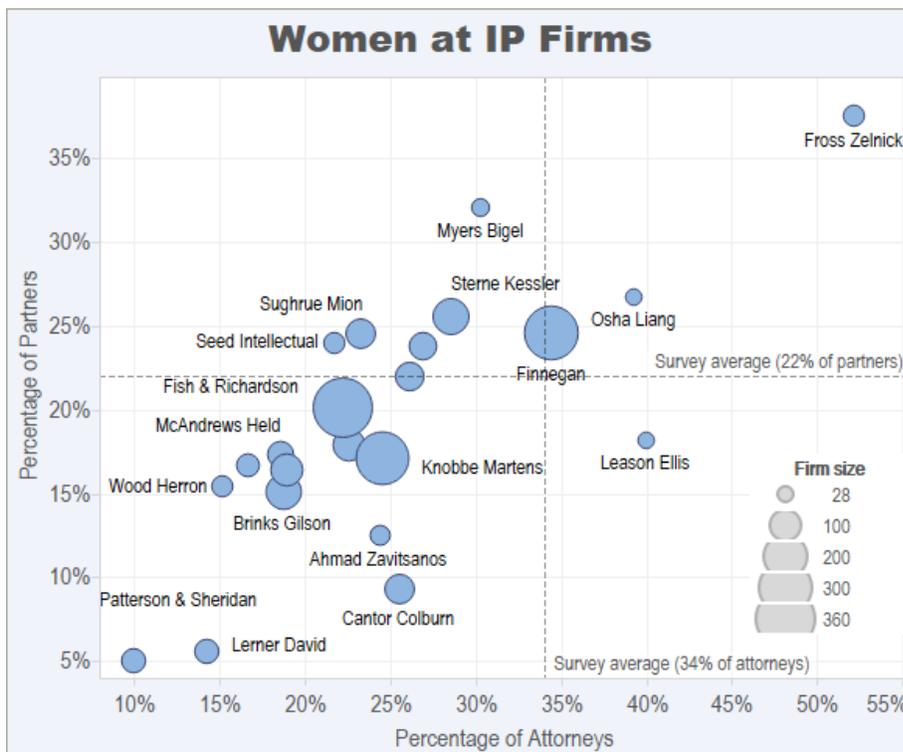
## IP Boutiques Still Among Worst For Female Attorneys

By **Bill Donahue**

*Law360, New York (April 18, 2016, 11:27 PM ET)* -- Intellectual property firms continue to struggle with gender diversity due to a lack of women in the science and engineering fields and other deeply rooted problems, but a few boutiques surveyed by Law360 stood out as encouraging bright spots.

IP has long been regarded as a male-dominated field, and Law360's 2016 Glass Ceiling Report would seem to confirm that perception. Of the 22 firms that responded to Law360's survey and self-identified as IP boutiques, the vast majority had lower percentages of women than law firms in general, both at the partner level and firmwide.

In total, women make up nearly 25 percent of total attorneys at the IP boutiques surveyed; they make up 34 percent at law firms generally. Women make up 19 percent of all partners at IP boutiques, compared with a little more than 22 percent at all firms. The numbers remain roughly static compared with last year's.



Just two of those firms — Fross Zelnick Lehrman & Zissu PC and Finnegan Henderson Farabow Garrett & Dunner LLP — made Law360's list of 100 best U.S. law firms for women.

Experts say the lower numbers don't just signal a problem among IP boutiques or even in IP law generally, but are emblematic of a broader, long-standing lack of women entering the science, technology, engineering and mathematics fields that drive patent law.

"The number of women in the legal profession has grown over the years, [but] I have not seen those numbers rise in equal proportion in IP," said Bea Swedlow, a partner at Honigman Miller Schwartz and Cohn LLP and vice chair of the American Intellectual Property Law Association's Women In IP Law committee. "I think the largest factor is pipeline. Despite significant strides made in STEM fields, women still remain underrepresented."

Janet Linn, an IP litigation partner at Bleakley Platt & Schmidt LLP who spent years at IP boutique Hopgood Calimafde, echoed that sentiment. Trademark and copyright practices likely yield more balanced numbers, but the lack of female engineers has a big impact on the number of female patent attorneys, she said.

"With respect to patent law, to a great extent you're talking about people with a science or an engineering background, and those remain male-dominated fields," Linn said.

The lack of women in the STEM fields has impacts on female IP attorneys that go beyond the simple equation of whether a firm hire will them. It means that entire industry, often including the clients, are male-dominated as well.

"The heads of the patent departments at the client, the scientists that you work with — all of them are still going to be mostly men," Linn said.

There are also, obviously, other factors that go beyond technical training, factors that impact women in all practice areas. Combined with pipeline issues in IP, they're doubly problematic for IP boutiques.

"There are sometimes built-in prejudices that need to be overcome — that women can't develop business, that women can't run the team in a major multimillion-dollar litigation," Linn said. "These are entrenched ideas among some people that can make it more difficult for women to advance"

A few IP boutiques surveyed by Law360 bucked the trend, however, producing numbers that were on par with or better than the broader pool of firms.

Fross Zelnick, a trademark and copyright-heavy shop with just under 50 attorneys, boasted a 52 percent rate of female attorneys and a 37 percent rate of female partners — both well above average for any law firm, let alone an IP boutique.

Lydia Gobena, a partner at Fross Zelnick, attributed some of the firm's success to a team mentality when it comes to cases — meaning young mothers don't have worry about clients being covered during maternity leave or when they need a flexible schedule.

"Female lawyers do not worry about returning and not having anything to do or feeling like they have been placed on the mommy track," said Gobena. "I can attest to this, having had my first child after

making partner.”

At Sterne Kessler Goldstein & Fox PLLC, the rate of women was just 28.6 percent, below the 34 percent at firms in general. But the percentage of female partners, 25.5 percent, was a bit higher than the average firm and well higher than average IP firm.

“We invest heavily in training and coaching, and we have a very supportive culture that allows for great flexibility in managing professional and personal time,” said Gaby Longworth, a director in the firm’s biotechnology and chemical group and the head of the firm’s diversity committee.

Finnegan, one of the biggest IP boutiques, with 296 attorneys, was slightly above the overall national averages for both total attorneys and partners — again, meaning much higher than the average IP boutique.

Sanya Sukduang, the firm’s head of diversity, said the firm has been more successful at retaining women by showing that the firm is serious about promoting women. Sukduang pointed to Barbara Clarke McCurdy, who over the past six years has served as the firm’s managing partner and then chairman.

“That’s six years where attorneys coming into the firm can see that we’re not just talking about opportunities,” Sukduang said. “We think we demonstrated to the younger attorneys that you have a role here, you can succeed here.”

--Editing by Mark Lebetkin and Kat Laskowski.

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