

Survey of Workplace Conduct and Behaviors in Law Firms

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ABOUT THE WOMEN'S BAR ASSOCIATION OF MASSACHUSETTS

Founded in 1978 by a group of activist women lawyers, the Women's Bar Association boasts a vast membership of accomplished women lawyers, judges, and law students across Massachusetts. The WBA is committed to the full and equal participation of women in the legal profession and in a just society. The WBA works to achieve this mission through committees and task forces and by developing and promoting a legislative agenda to address society's most critical social and legal issues. Other WBA activities include drafting amicus briefs, studying employment issues affecting women, encouraging women to enter the judiciary, recognizing the achievement of women in the law, and providing pro bono services to women in need through supporting its charitable sister organization, the Women's Bar Foundation.

For more information, visit
www.womensbar.org.

ABOUT THE RIKLEEN INSTITUTE FOR STRATEGIC LEADERSHIP

Lauren Stiller Rikleen, founder and president of the Rikleen Institute for Strategic Leadership, is a nationally recognized expert on developing a thriving, diverse and multi-generational workforce. Through her speaking, training, consulting, and writing, she addresses women's leadership and advancement, implementing strategies to minimize the impact of unconscious bias, and strengthening multi-generational teams.

Reports authored by Lauren include the *Report of the Ninth Annual NAWL National Survey On Retention And Promotion Of Women In Law Firms* (2015), and *Closing the Gap: A Roadmap for Achieving Gender Pay Equity in Law Firm Partner Compensation* (American Bar Association's Gender Equity Task Force, 2013). Lauren is the recipient of numerous awards, including the American Bar Association Commission on Women's Margaret Brent Women of Achievement Award and the Lelia J. Robinson Award from the Women's Bar Association of Massachusetts.

Lauren's books include: *Ending the Gauntlet: Removing Barriers to Women's Success in the Law*; *Ladder Down: Success Strategies For Lawyers From The Women Who Will Be Hiring, Reviewing and Promoting You*; and *You Raised Us, Now Work With Us: Millennials, Career Success, and Building Strong Workplace Teams*. She has also authored more than 170 articles, including topical commentary and op ed pieces in major media outlets.

For more information, visit
www.RikleenInstitute.com.

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Overview

In the wake of the #MeToo movement and the enormous focus on workplace behaviors that profoundly impact careers, the **Women's Bar Association of Massachusetts** ("WBA"), in partnership with the **Rikleen Institute for Strategic Leadership** ("Rikleen Institute"), developed and distributed a detailed survey to: provide a more nuanced understanding of behaviors that take place in the law firm environment; identify steps that have been taken to address behaviors of concern; and offer recommendations to help law firms provide a safe, respectful and inclusive workplace for all employees.

This survey comes at an important moment, following a deluge of media coverage reporting allegations of workplace sexual harassment. This media coverage, however, should drive every organization to look both at and beyond sexual harassment, and to analyze its own workplace culture with the goal of providing a safe and respectful environment for employees every day.

Understanding whether incidents of sexual harassment occur is one component of that goal. It is also critical to know whether other behaviors that negatively impact workplace culture are prevalent. Every organization should provide a workplace free of fear, intimidation, and any behaviors that diminish or disparage individuals or groups, even where such instances may not meet a legal definition of harassment.

The WBA is proud to be addressing these issues in the legal profession – a high stress environment for everyone. People go to work each day, committed to doing their best work on behalf of their firm's clients, often against a backdrop of long hours, crushing deadlines, complex legal issues, and a host of other considerations, including an ego and emotional investment in the outcome.

This engagement can come at a price. People manifest their stress responses in a variety of ways that can deeply impact those around them. Left unchecked, these behaviors can further facilitate a cycle of negativity that imbues the entire workplace, resulting in a culture that inhibits high performance and employee engagement.

The goal of this survey is to develop a better understanding of whether behaviors exist in the law firm environment that negatively impact lawyers, paralegals, firm administrators, support staff, interns, and law students. In addition, the survey provides specific recommendations for positive change that can be of benefit in any workplace environment.

Methodology and Limitations

Survey questions were developed to provide insight into the possible existence of a range of behaviors that are unwelcome, inappropriate, offensive, or otherwise contribute to an environment that negatively impacts one's workplace experiences. It is important to emphasize that the questions purposefully did not focus solely on behaviors that would meet a legal definition of harassment or that were otherwise legally actionable.

Rather, the WBA was seeking to understand the day-to-day experiences that people may have in the law firm environment and determine whether there are patterns of behaviors that negatively impact an individual's performance and sense of well-being.

The survey was open between February 5, 2018 and April 2, 2018. Responses were sought from individuals who work or had worked in a law office in Massachusetts, whether or not the firm had offices in other locations outside of the Commonwealth.

The survey was distributed in a variety of ways to ensure widespread distribution within the Massachusetts legal community:

1. The WBA posted a description of and link to the study on its website.
2. The WBA distributed 6 email blasts to its 1,500 members, as well as included the survey link in its weekly e-newsletter throughout the time the survey was live. In each communication, the WBA highlighted the importance of and provided a link to the survey.
3. The WBA sent 5 separate emails to the managing Partners of the top 100 law firms in Massachusetts, reaching firms ranging in size from approximately 20 lawyers to more than 500 lawyers, requesting their support distributing the survey link within their firm.

4. Massachusetts Lawyers Weekly, as a sponsoring partner of this research project, ran a story in advance of the survey and then promoted it extensively over several weeks via print, web and email.
5. The Massachusetts Bar Association posted a link to the survey on its website.
6. The WBA and Women's Bar Foundation Board members distributed links to the survey to their own networks, as did many others who knew of the survey and offered to help reach a wide audience.
7. The WBA reached out to many affinity bar associations in the state to enlist their assistance in distributing the survey link to their respective membership.
8. Several allied organizations also distributed the survey link to their members.

Each time the survey was distributed, the link was preceded by language stating that all responses would be confidential and no individuals or firms would be identified. The survey was open to both men and women.

In total, 1,243 individuals responded to the survey. As is normal with surveys of this nature, not all respondents answered every question.

At the outset, the WBA anticipated that law firms – either through firm management or via women's affinity groups – would be willing to distribute the survey internally, particularly in light of the fact that no firms or individuals would be identified. Based on anecdotal responses, firm-wide distribution appears to have occurred only on a limited basis. Although a number of firms made survey links internally available, there were also firms that responded to the WBA's request by stating they were not willing to distribute the survey, notwithstanding the commitment of confidentiality. As a result, that avenue of outreach was less available than had been expected. This proved to be a similar con-

straint with respect to the WBA's hope that there would be wider distribution through other bar association networks or website access.

The WBA is pleased that, notwithstanding these constraints, the results showed widespread interest and a desire by many to share their stories. The constraints, however, also indicate the sensitivity of the topic and the reluctance that some feel about directly addressing these issues in a survey of this nature.

Numerous respondents gave examples of behaviors responsive to each question. The anecdotes that are included give voice to the experiences described. Only quotes that ensure the protection of the respondent's confidentiality were selected (and in a few instances, potentially identifying details that the respondent may have included has been omitted for that same reason). Moreover, quotes that are included are representative of other quotes detailing similar experiences. Quotes that describe unique experiences are also not included for reasons of confidentiality.

Of the respondents who answered the demographic question regarding gender, approximately 80% were women and approximately 17% were male; most of the remaining 3% chose not to specify.

Respondents were also asked to identify their age range to provide insights into which generations were responding to the survey. The distribution was relatively even among the three major generations in the workplace. Of those who answered this question: 36% were Millennials; 30% were in Gen X; and 33% were Boomers. Only 2% were born in the generation prior to the Boomers (Traditionalists).

For each question, respondents were asked if there had been a woman on the firm's highest governing committee at the time of the incident(s); however, because only a very small number responded to this subpart in each of the questions, there is insufficient information to report this data.

Respondents were asked to identify approximately when the behaviors identified in this survey occurred. The purpose was to determine whether the preponderance of the behaviors happened in past decades, as compared to more recent years, to see whether such behaviors were diminishing over time. The time periods that respondents could select were by decade, beginning with 1980-1989.

For each question, a significant percentage of the respondents stated that the incidents occurred between 2010 and 2018. This makes clear that these behaviors are not relics of a past era, but are contemporary concerns.

The highest percentage of affirmative responses in that 2010-2018 time-frame was for question 11, regarding whether others in the firm had spoken with the respondent about workplace behaviors that made them uncomfortable. This response is interesting on two levels. First, it is another indication that negative workplace behaviors remain a challenge. Second, it may also demonstrate that people are more willing to identify and discuss – at least among themselves – concerns about behaviors that, decades ago, were buried in silence.

There are inherent limitations in any method of inquiry. Accordingly, these survey results should not be viewed as offering definitive conclusions about the legal profession overall. Rather, the results offer a snapshot in time that provides a more nuanced understanding of the experiences of individuals in law firms.

As noted above, this survey was not designed to define sexual harassment or otherwise focus only on behaviors that might be considered to fall within a legally actionable definition. It is intended to seek information about the possible presence of a broad range of behaviors that can inhibit employee engagement and diminish an individual's self-worth or ability to perform at work without fear or discomfort, notwithstanding whether such behaviors are technically legal.

The responses to this survey suggest that much work needs to be done to ensure that law firms are providing a workplace culture where negative behaviors are not tolerated and where people can work without fear. The analysis and recommendations that follow are in the spirit of facilitating conversations that can help the legal profession serve as a model for self-reflection and, ultimately, the implementation of practices that allow all personnel to thrive in a safe, respectful, and inclusive environment.

The WBA and the Rikleem Institute for Strategic Leadership are deeply grateful to the women and men who took the time to respond to this important survey. We are confident that their efforts have made a positive contribution to improving the workplace.

Executive Summary

It is critical to highlight at the outset that, although many of the details provided by the respondents are disturbing, they are examples of behaviors that occur in other workplace settings across the country. One need only follow the numerous and comprehensive media accounts covering multiple industries to recognize that too many people face seriously flawed workplace cultures that impact workers on a frequent basis. The legal profession is not alone in facing these challenges.

Lawyers have an opportunity to serve as leaders by addressing these issues in their individual workplace and putting in place mechanisms across the profession that ensure the highest standards are met. Lawyers are the gatekeepers to our justice system; accordingly, they have a unique opportunity to serve as role models to other professions and businesses, to our clients, and to our employees.

Unchecked power imbalance serves as the foundation for and perpetuation of negative and inappropriate behaviors in the workplace. This is a clear theme that emerged from the responses to each question. In the vast majority of responses, the incidents described happened to individuals in the age range of associates, or to others in the firm who were young or were otherwise in a subordinate role.

Power imbalances also emerged in the ways in which negative behaviors were or were not addressed. For example, many of the experiences described by the respondents were perpetrated by partners and, frequently, important rainmakers or senior leaders in the firm. Because of their status, respondents did not report the behaviors, often because they feared retribution or because the people they would report to were involved in the incidents described. Respondents pointed to examples where firms ignored negative behaviors of

key partners, or where retribution was taken against those who did report. This was particularly the case where firms did not seem to have a process in place to protect those who reported or felt victimized by alleged negative behaviors.

A number of respondents stated that they discussed the offending incidents with a female partner. In most such cases, the respondent also noted that there was no follow up and that no action was taken. There was generally no indication that the women who were told had a position of authority within the firm or otherwise had any power to follow up without repercussions. Yet we know from the extensive body of research regarding women in the profession that women are under-represented in law firm leadership roles, particularly at the management or executive committee level. It is possible that some of the senior women may themselves have felt vulnerable and without power to act on inappropriate situations brought to their attention. In firms with relatively few, if any, women equity partners and where women may not be serving in key firm management roles, it is difficult to place the expectations for addressing these behaviors on a woman partner, if that partner does not have the authority to take the necessary steps to follow up.

Reporting is also inhibited by the pressure to “go along with” or otherwise accept inappropriate comments as “just a joke”. Respondents reported numerous incidents of office conversations that were racist, sexist, homophobic, xenophobic, and offensive to individuals and groups. Too often, however, there was clear pressure in the workplace to avoid being viewed as humorless or as not a team player.

Analysis

1) *Have you ever been the recipient of or copied on unwelcome emails, texts, or instant messages of a personal or sexual nature at work?*

Nearly 38% of the respondents to this question stated that they had been the recipient of or copied on an unwelcome email, text, or instant message of a personal or sexual nature at work. Nearly half stated that the incident occurred between 2010 and 2018.

QUESTION 1	Percentage
Yes	37.50%
No	62.50%

More than two-thirds of those responding to this question were Associates at the time of the incident, 10% were Partners, and approximately 18% were in Administrative, Paralegal, and Support Personnel roles.

Approximately three-quarters of the respondents who provided information about the size of their firm at the time of the incident were in offices with fewer than 50 lawyers.

More than 66% of those responding to this question stated that they did not report the incident.

Reported	Percentage
No	66.67%
Yes	33.33%

Examples of Behaviors Included in Survey Responses to Question 1

Examples of behaviors described in the responses included:

- Numerous examples of sharing images of sexually explicit photos (some photo-shopped to look as though it were a colleague). Many described the distribution of graphic images such as adult porn

or links to videos that respondents described as “vulgar” and “inappropriate”. In some examples, images seemed meant to ridicule same-sex relationships.

- Numerous examples of emails that included offensive jokes of a sexual nature, or included inappropriate and demeaning remarks about race and gender. Some described emails that ridiculed others or that made the recipients uncomfortable, such as negatively commenting on maternity leaves and commentary defending individuals in the news accused of sexual harassment.
- Partners and senior colleagues (some married or engaged) sending cards or emails expressing romantic interest in younger colleagues. Some respondents described persistent communications that felt as though the senior colleague was exerting pressure.
- Partners, senior colleagues, and clients sending comments of a sexual nature either via email or text.
- Inappropriate text messages from lawyers in supervisory roles, commenting on the physical appearance of young female lawyers.
- Sexually-charged telephone calls, or instant messages, including from inebriated colleagues.
- Senior colleagues sharing details of marital problems.
- Senior colleagues expressing anger in emails through graphic descriptions.

Respondents’ Perspectives on Reporting Behaviors

The respondents provided detailed insights into their reasons for not reporting behaviors to others in the firm. In many instances, the offending behavior came from someone in a position of direct authority or power over the victim. As a respondent in a small firm who felt there was nowhere to turn described:

... As far as I know nothing was said or done because it was the owning attorney who made the comment who was known to be offensive to women and all kinds of different subcultures. It was an employee-at-will office and he was known to dismiss/fire/lay people off on a whim. It was a terrible office to work for.

Many stated that they based their decision not to report on the experiences of others who reported in the past. One respondent best summarized this line of comments:

People who had been subjected to their advances and reported the issues were no longer employed there and these men were. Is there anything more to be said?

Some respondents tolerated frequent advances received via both email and directly because they feared even more negative repercussions from reporting. For example, a lawyer described why she did not report recurrent romantic overtures from a married partner:

I was young and naïve, hoping that it had been a one-time indiscretion on his part and that this was not a pattern of activity. I didn't want to ruin his career and family ... but he certainly derailed mine for a period of time.

Another stated:

Would have impacted my review and ability to remain on partner track. Would not have been viewed as a team player.

Similarly, a respondent who was the recipient of vulgar and inappropriate emails noted:

It's my boss, an equity partner, and our HR dept. is useless. It would only jeopardize my job.

Still another did not report suggestive texts and inappropriate touching because of:

Concern for repercussions in ability to get billable work.

Some who did share their concerns with others in a more senior role stated that the behaviors were dismissed as in keeping with the offender's personality. For example, a respondent described the inappropriate texts and uninvited touching she'd experienced from others, including a partner, and noted:

Told multiple supervisors ... and was told the comments I was receiving were typical from the individual so don't worry about it. I told one female supervisor when it got to be unbearable and she did report it. I told a male supervisor (of another instance) and it was immediately reported. However, once it was reported, I was told this individual is notoriously inappropriate so ... just move on.

A respondent describing sexual comments received from partners similarly stated:

It was firm culture. When discussed, it was dismissed.

Numerous respondents described negative consequences that followed from discussing their concerns internally. For example, a respondent described the retaliation she experienced after reporting emails that denigrated women:

[One of the partners who wrote the emails] retaliated with a false, critical performance review.

A respondent who was the recipient of many unsolicited romantic emails from a senior lawyer stated:

Spoke to female coworker and friend. No follow up actions took place. Eventually I was asked to leave the firm.

In some instances, respondents noted that, although no steps were taken within the firm to officially address the behaviors, they did receive an apology. Another stated that after an attorney inadvertently sent an inappropriate email to the entire firm:

HR followed up within the firm with some mandatory training.

2) *Have you ever been the recipient of or witnessed unwelcome physical contact at work?*

More than 21% of the respondents to this question stated that they had been the recipient of or witnessed unwelcome physical contact at work. Of these, 36% stated that the incident occurred between 2010 and 2018.

QUESTION 2	Percentage
Yes	21.56%
No	78.44%

Nearly 51% of the respondents to this question were Associates at the time of the incident, 9% were Partners, and the Administrative, Paralegal, and Support Personnel categories exceeded 33%.

Approximately 47% of the respondents who provided information about the size of their firm at the time of the incident were in offices with fewer than 50 lawyers; 40% were in offices of 100 lawyers or greater.

More than two-thirds of those responding to this question stated that they did not report the incident.

Reported	Percentage
No	68.02%
Yes	31.97%

Examples of Behaviors Included in Survey Responses to Question 2

Examples of behaviors described in the responses included:

- Nearly all of the respondents who provided anecdotes reported examples of unwanted and unsolicited hugging, back-rubbing, groping, shoulder rubs, kissing, and lewd comments.
- Numerous respondents described inappropriate groping and other forms of unwanted physical contact during holiday parties and at other social gatherings where there was alcohol.
- Many respondents reported witnessing inappropriate behavior by male colleagues towards younger female associates or staff members.

- Several respondents identified examples of men leering, staring at various parts of a female's anatomy, and standing or walking or "brushing by" inappropriately close.
- Several respondents described incidents early in their career where their boss would proposition them or offer suggestions for ways to dress that would appeal to clients, or otherwise flirt with them.

One respondent, describing numerous examples of "virtually on a daily basis" being propositioned, then bullied when those advances were resisted, stated:

It created emotional, financial and professional turmoil in my life which continues ... I hope that this survey demonstrates how much even lawyers feel hopeless and incapable of standing up to sexual harassment in a law firm.

Respondents' Perspectives on Reporting Behaviors

In so many responses to this question, respondents were more likely to stay silent than report offensive or unwanted contact. Most of the respondents who provided anecdotes of unwelcome physical contact focused on the power imbalance as the reason for not reporting concerns about more senior and often powerful colleagues. In particular, they frequently expressed concern about damaging their career opportunities, for example:

I was an intern, I wanted a job or good recommendations for future jobs.

A respondent described a married partner's persistent physical contact when they would be working together. She explained her reason for remaining silent:

I was an associate close to partnership. He would vote on my partnership.

A respondent described inappropriate touching by a colleague and stated her concern about the possible repercussion to her young career:

I believed that reporting my male colleague would result in my termination.

Another respondent who described an incident of inappropriate touching stated:

Partner who did this was very popular/made lots of money for the firm and if one of us had to go it would have been me.

One respondent in a small firm noted:

Firm had culture of demanding compliance with inappropriate behavior to "belong," the firm's small size meant that the management committee was overly concerned with protecting partners at all costs

Others observed that no actions had been taken with respect to past allegations, so there was no reason to expect a different result in the future. For example, a respondent stated:

Prior complaints about male partner behavior were not heeded. Firm prioritized workplace experience of partners over associates. Size of firm and power dynamic ... rendered associates without power and required compliant behavior to keep employment.

Another respondent who also described multiple incidents of inappropriate contact and comments by both a male partner and a senior associate stated:

I spoke to friends and peers. [G]iven the treatment of senior people who committed far more egregious acts, what would be the point in raising the issue?

Another described incidents of partners trying to date associates and noted:

The firm was aware of the behavior already and did nothing. Firms care about rainmaking more than associates.

A number of respondents informally shared information with lawyers in their firms who were more senior, but were told to treat the remarks or behaviors as a joke. This type of response was recurrent. A respondent who reported unsolicited touching stated:

It was treated as a joke and we just had to put up with it.

A respondent described being inappropriately touched with regularity and stated:

Told senior partners and it became a joke. Not taken seriously.

Similarly, a respondent described a senior partner who frequently engaged in unwelcome physical contact, noting:

The senior partner was enormously powerful and popular, and furthermore his conduct was well-known and done in front of other partners and the senior managing partner – and the employment partner – on a regular basis. People who complained about this and other forms of harassment were told they had no sense of humor.... What's the point?

In other instances, people shared a warning system to alert others:

This man's behavior was so well-known that a male partner once asked me to warn a new female ... associate about him.

Another described her efforts to warn:

That individual had a reputation for hitting on young women, whether paralegals, summer clerks or associates and I did my best to warn those coming in to the firm to stay clear of him.

Others shared examples of where efforts to inform others more senior in the firm were unheeded. One respondent noted:

I told multiple people including partners. I did not want to make a formal report. No follow up actions took place.

Another respondent described multiple incidents of unwanted physical contact, stating:

Told head of HR ... but asked that it be off the record. Also told male colleagues, venting. Nothing ever happened to my knowledge.

In many of the responses provided, fears of retaliation appeared warranted. Respondents who did report told of circumstances in which they were the target of retaliation. For example, one respondent described her response to a partner's groping and other unwanted physical contact:

I was nervous about mentioning it to HR, so I first told co-workers and some of the younger attorneys. They were ... unsure of the repercussions of reporting an equity partner of the firm. [Described process by which another equity partner assisted with follow up.] The situation was handled but some of the long-term attorneys blamed me

Respondents described a variety of retaliatory actions, but all had career impacts. Stated one:

Ultimately I was given less and less work after that until I left the firm.

Some respondents told of providing information confidentially to a more senior lawyer, to help others identify patterns in the future, for example:

[I] told a female senior partner, said I didn't want to make a formal complaint but wanted someone to know in case things escalated.

Several respondents noted specific examples where bystander intervention – usually by male colleagues – immediately halted the improper behavior. For example, an attorney who witnessed offensive comments being made by a partner to an associate at a social event where people were drinking stated:

Spoke directly [with the] female associate informing her that I saw the offense as very serious and would address it [with] my partners. Notified [person who handles employment issues within the firm]. Notified all partners. The offending partner was spoken to.

No direct punishment but I think damage to his reputation.

In another instance where a male was inappropriately touching and making suggestive comments to female law clerks, bystander intervention helped when male coworkers collectively told the offending lawyer his behavior was unacceptable.

Several noted that they cut off contact with the individual involved by moving to a different location in the firm or changing practice groups.

3) Have you ever felt that someone was trying to engage you in unwelcome discussions (including through comments or actions) of a sexual nature?

More than 25% of the respondents to this question stated they felt someone had tried to engage them in unwelcome discussions of a sexual nature. Of these, approximately 35% stated that the incident occurred between 2010 and 2018.

QUESTION 3	Percentage
Yes	25.38%
No	74.62%

Of those who responded to this question, nearly 70% were Associates at the time of the incident, slightly more than 6% were Partners, and the Administrative, Paralegal, and Support Personnel categories comprised 21%.

Nearly 56% of the respondents who provided information about the size of their firm at the time of the incident were in offices with fewer than 50 lawyers, 21% were in offices with between 50 and 99 lawyers, and 23% were in offices of 100 lawyers or more.

Nearly 75% of those who responded to this question did not report the behavior.

Reported	Percentage
No	73.91%
Yes	26.08%

Examples of Behaviors Included in Survey Responses to Question 3

Examples of behaviors described in the responses included:

- Male lawyers demeaning young women in front of male colleagues or clients through sexual references.
- Discussions of extra-marital affairs, sexual escapades, or sexual fantasies.
- Senior male colleagues moving conversations from the professional to personal issues.
- Frequent vulgar or sexualized jokes and remarks that objectify women.
- Prying into the personal and sex lives of women in the firm.
- Direct sexualized and objectifying comments to women about their physical appearance or the physical appearance of others.
- Sexualized comments, innuendos, or propositions made at or after firm social events at which alcohol was served.
- Leering and comments directed at summer associates by partners and senior associates.
- Inappropriate comments, unsolicited touching, and prying questions to LGBT lawyers, prying into their sexual life.

Respondents' Perspectives on Reporting Behaviors

Many respondents expressed an unwillingness to report these behaviors. Reasons centered on the lack of a clear avenue for reporting, the involvement of senior leaders in the behaviors, and concerns about negative repercussions. For example, one respondent observed:

I didn't have a supervisor. There was no person or process for reporting. [I]f I had tried to make an issue of it I would have lost my job.

A respondent who did not report a partner's highly sexualized comments noted:

It's my boss, an equity partner, and our HR is useless. It would only negatively impact my job.

Another respondent discussing a culture of vulgar or sexualized jokes stated:

I was a young associate in a virtually all-male department and afraid I would be perceived as not "fitting in."

Similarly, a respondent observed:

It was expected and accepted behavior by other partners and staff.

Long-term career impacts loomed large in the calculation many respondents made in deciding whether they had any place to turn within the firm. A respondent who was the recipient of frequent lewd comments and behaviors stated:

Fear of retribution, fear of rocking the boat as a brand new attorney with no status in the firm yet, desire to be seen as a "chill", non-dramatic team member.... My career was directly in these partners hands, since even first year associates were beholden to partners for feeding them work in a vassal/feudal sort of structure the firm insisted on maintaining.

Another respondent who endured frequent comments about her body and sexual innuendos noted she did nothing because the behaviors were:

Part of the ... culture; the comments came from senior partners; and there was no one to report to whom I considered to be sympathetic to the issues. Also, fear of retaliation.

A respondent described explicit overtures that were made and stated:

The transgressor was the managing partner and there was no one else to go to.

Many respondents described sharing their stories with others, but not reporting to anyone with authority within the firm. A respondent who was the frequent recipient

of improper comments explained why she spoke only to friends and peers:

No sense in reporting. These individuals had had indiscretions and improper conduct with subordinates that had been reported and known and they were still with the employer and the women were not.

Some respondents noted that they shared information with a woman partner, for example:

I reported [the behaviors] to a female partner. No follow up.

A respondent who did not report an uncomfortable proposition from a married partner while she was an intern also revealed how continued silence fuels ongoing inappropriate behaviors:

Later on, I did [speak] with a female partner and I did tell her, and she said she was not surprised to hear the story.

A respondent who did not report a partner's frequent sexualized comments and demeaning remarks noted a satisfactory result when the behavior was finally reported:

At the time, I just ignored it. Eventually someone else reported it and this person was asked to leave the firm due to other inappropriate behavior.

Several respondents reported that they handled the situations by confronting the offending lawyer directly, sometimes with positive results:

I dealt with it myself. I also think the person who engaged in the conduct would not do it again to me or anyone else at work.

Similarly, another respondent reported a successful result when direct action was finally taken:

It finally stopped when I confronted the people involved about it and explained why I thought their actions were a problem. It took me a couple of years

to do that.

4) *Have you ever witnessed materials or items of a sexual or disparaging nature, including sexual images, displayed in your workplace?*

Slightly more than 10% of those who responded to this question stated that they had witnessed materials or items of a sexual or disparaging nature displayed in the workplace. Of these, 36% stated that the incident occurred between 2010 and 2018.

QUESTION 4	Percentage
Yes	10.22%
No	89.78%

Nearly 54% of those responding were Associates at the time of the incident, almost 17% were Partners, and the combined categories of Administrative, Paralegal, and Support Personnel comprised approximately 22%.

Approximately 75% of the respondents who provided information about the size of their firm at the time of the incident were in offices of fewer than 50 lawyers.

More than 72% of those responding did not report the incident.

Reported	Percentage
No	72.83%
Yes	27.16%

Examples of Behaviors Included in Survey Responses to Question 4

Examples of behaviors described in the responses included:

- Content displayed on a computer, including inappropriate screen-saver images as well as watching porn.
- Sexual posters or other images in rest rooms and office areas.
- Attorneys sending or sharing pornographic emails or images.

Respondents' Perspectives on Reporting Behaviors

Respondents generally did not report these behaviors, stating that, in most instances, it was already known

and, in other instances, they did not want to risk retaliation. For example, one respondent said:

[P]erhaps cowardice; but more likely a strong desire to remain employed and meaningfully engaged within my practice, without imaginable retaliation.

Another described her reluctance to report attorneys who shared sexual images:

I feared that I would be ostracized/retaliated against.

Several respondents stated that their supervisors were involved in the offending conduct, rendering reporting futile. Others stated that they just ignored the images or put it out of their mind.

Some respondents reported instances of pornography with mixed results. One respondent noted that inappropriate graphic imagery was reported to two partners, including the Managing Partner:

I expected that the individual who was engaged in the action I reported would be spoken to but I learned that did not take place.

One respondent took an effective route by reporting pornography on another lawyer's computer to the IT department:

Notified our IT department and personnel to make sure the computer was purged and blocked.

A respondent who did not report a co-worker's excessive watching of porn stated that, after the behavior was reported by someone else, the individual was terminated.

5) Have you ever witnessed any incidents of disparagement of other people or groups in the workplace that made you feel uncomfortable?

More than a third of those responding to this question stated that they had witnessed incidents of disparagement of others at work in a way that made them feel uncomfortable. Of these, more than 50% stated that the incident occurred between 2010 and 2018.

QUESTION 5	Percentage
Yes	35.31%
No	64.69%

Approximately 69% of those responding to this question were Associates, 10% were Partners, and the combined categories of Administrative, Paralegals, and Support Personnel comprised more than 17%.

More than 60% of the respondents were in offices of fewer than 50 lawyers and nearly 25% were in offices of 100 lawyers or more.

Nearly 75% did not report the incident to a co-worker or supervisor.

Reported	Percentage
No	74.24%
Yes	25.75%

Examples of Behaviors Included in Survey Responses to Question 5

Examples of behaviors described in the responses included:

- Slurs and demeaning comments about race, gender, religion, and sexual orientation.
- Disparaging or inappropriate comments about pregnancy, maternity leaves, or status as a mother.
- Negative behaviors towards minorities, women, and older workers.
- Women partners dismissive of experiences of younger female lawyers with respect to work-life choices.
- Anti-immigrant comments.
- Ageist comments.

One respondent commented on her three decades in the profession, including multiple workplaces:

Many, many, many, many, many (seems like countless) derogatory remarks about people of color, people of different ethnicity, gay bashing, transgender bashing from all levels (clients, coworkers, management) in every single position, every single firm I have held/ worked for throughout my 30 year career. I wish I could say I was exaggerating but, alas, I am not.... Believe me when I say all kinds of 'isms in Massachusetts are alive, well and thriving throughout all different kinds of law firms, throughout all different levels.

Respondents' Perspectives on Reporting Behaviors

Respondents who did not report disparaging comments that they witnessed or that were made directly to them offered reasons similar to the responses in prior questions for remaining silent: no expectation that anything would be done; the engagement of senior leadership in the behaviors; and the belief that, by reporting, the respondent would be labeled as humorless.

One respondent described the frustration of seeing behaviors continue unchecked across the span of the respondent's career, which included multiple law firms:

Many comments were made by management which does not encourage one to report anything. The comments that were made by co-workers I tried to address myself to no avail. The few times I have mentioned things to management they were swept under the rug as a non-issue. When this happens more times than not, you just stop reporting the micro-aggressions and learn how to live/deal with it to the best of your ability.

Many respondents noted the power imbalance that enabled lawyers to act with impunity. One such respondent noted:

He was one of the controlling rainmakers in the firm. No one said no to him or could control him.

Another respondent commented on the power imbalance that prevented a response to a culture of "demeaning racial/ethnic jokes":

I was a young associate in a predominately male department afraid of being perceived as not fitting in.

A respondent who did not report what she saw as anti-immigrant and misogynistic comments observed:

They mostly knew and did nothing about it, so the expectation was that even if they were told of something new they would still not do anything about it.

Another respondent described a culture of "innumerable sexist, homophobic, racist, anti-Semitic comments," noting:

[I] did not feel empowered to do so as associate who needed job to pay student loans and support young family etc.

One respondent did not report frequent observations of disparaging treatment of support staff by partners:

Because I had no power. Instead, I looked for a new job.

An LGBT attorney described a culture of frequent disparaging jokes against multiple targets and that such comments were "... never aggressively offensive, but deniable in the just-joking-around context." The respondent stated why reporting did not feel like an option:

Culturally accepted in the firm. Had no faith in ability to change the culture.

A young lawyer who did not report shared the pain experienced from hearing disparaging comments about immigrants:

I was a diverse scholarship winner at the time and I didn't know how to even begin to explain how hurtful it was to hear people in the firm make jokes about immigrants and other minorities. I had higher expectations for the firm

Respondents frequently described a culture where the comments were expected to be viewed as humorous. As one respondent stated:

There was no point – such remarks and commentary were routinely tolerated and brushed aside as “jokes”. Reporting would only jeopardize my position. I would be viewed as someone who “can’t take a joke”. Reporting would not have brought about a positive change.

Another, describing ongoing crude commentary, noted that a:

... toxic culture of inappropriate behavior was tolerated and laughed off. There was a feeling that there was no point in reporting.

Numerous respondents stated that there was no one to report to, as those in charge were part of the problem, for example:

The comments were made by or to the person to whom I would have reported.

Similarly, another noted:

Everyone I would report the conduct to is always in the room when it happens.

A few respondents gave examples of an HR structure that declined to get involved. For example, one respondent who reached out to HR with concerns about discriminatory behaviors against women stated:

I informed the HR manager, who said the Partners were “out of touch” and told me to ignore them.

Another stated:

HR was present when senior partner made disparaging comments and did nothing.

In some cases, reports of disparaging comments were made, but no follow up feedback was provided. For example, a respondent described a senior attorney's disparaging treatment of support staff and noted:

I informed the managing partner. To my knowledge, no steps were taken to resolve the issue.

In other instances, respondents who tried to report were told to figure out how to avoid the individual or improve the relationship. For example, one respondent described her effort to report a female partner's disparagement of her pregnancy and status as a mother (a situation described by several respondents):

I told an equity partner... He told me that if I wanted to become a partner, I had to get this female partner to like me more.

Some stated they tried to shut down the conversation when offensive stereotyped comments were made, as this respondent indicated:

Most of the time, I just told them to stop.

A partner in a leadership role described responding to a lawyer who openly expressed bigoted views:

I ... immediately addressed this issue with the person and it never happened again and nobody ever told me that they had heard any derogatory remarks or discriminatory remarks from him after this.

A few respondents described a reporting process that worked. One respondent noted:

In fact, we have reporting systems in place at my current office. I know of incidents witnessed by co-workers that have been reported and are being addressed by HR/management.

One respondent described the eventual termination of an equity partner who continued to make disparaging comments, notwithstanding after efforts to coach and monitor his behavior:

I told our local managing partner and the firm's managing partner... After attempting coaching, sensitivity training, and months of supervising his behavior,

the firm eventually fired him.

A respondent described responses to several incidents of disparaging comments and behavior, including at a social event and another in the office:

As to the misbehavior [at the social event], it was widely reported, and the firm disciplined the partners involved and held trainings throughout the firm. As to the other one, the ... department investigated and reprimanded the person.

6) Have you been present when comments or jokes were made that were sexual in nature or disparaging of other people or groups?

This question garnered the highest percentage of affirmative responses, with 40% of those responding to this question stating that they had been present when comments or jokes were made that were sexual in nature or disparaging of other people or groups. Of these, approximately 40% stated that the incident occurred between 2010 and 2018.

QUESTION 6	Percentage
Yes	40.23%
No	59.77%

More than 65% of those who responded to this question were Associates at the time of the incident, 11% were Partners, and the combined categories of Administrative, Paralegal, and Support Personnel comprised 21%.

Approximately 58% of those responding to this question were working in offices of fewer than 50 lawyers and approximately 28% were in offices with 100 lawyers or more.

Nearly 87% stated that they did not report the information to a co-worker or someone in a supervisory role, the question with the highest percentage of non-reporting respondents in the survey.

Reported	Percentage
No	86.66%
Yes	13.33%

Examples of Behaviors Included in Survey Responses to Question 6

Examples of behaviors described in the responses included:

- Frequent gender-based jokes and efforts at humorous commentary focusing on women’s bodies, specifically relating to breasts, sexuality, weight, and maternal status.
- Frequent jokes and commentary by men referencing their sexual fantasies or joking about sexual exploits.
- Frequent jokes that involve race, religion, sexual orientation, and gender.
- Inappropriate jokes told at events where alcohol was served; sometimes the jokes were told publicly, as part of a lawyer’s official remarks, and sometimes privately within social groups.

Respondents’ Perspectives on Reporting Behaviors

Many respondents to this question described off-color or disparaging humor as “pervasive” or “too many incidents to describe.” Most did not report the incidents. Consistent with the reasons provided in other questions, many felt fearful of retaliation or that there was no one to report to, particularly because of the status of the offending individual. In many instances, these types of remarks felt like part of the firm culture.

Several respondents described the conflict between the danger of appearing humorless compared to the sense of being worn down by the continued stream of insulting remarks. A respondent commented on her reaction to frequent disparaging jokes about women:

This kind of commentary was tolerated and accepted as part of the culture. Reporting would not bring about a change and would only negatively impact my career. Additionally, a single comment can easily be brushed aside as a joke – one almost feels silly/ doesn’t want to be viewed as being too serious about any one offhand comment.

Similarly, a respondent observed:

It seemed like it was expected and “normal,” and I

was too junior to complain.

Another noted that jokes about females were “pervasive”:

People in highest positions do it. It's a “joke.”

Again, the status of the individuals making the comments seemed to serve as an inoculation against a negative response, for example:

Such behavior and statements are typical of this senior partner, and after repeated instances of such, there is an understanding that there are no repercussions for this person, so there is no reason or person to report this to.

Another respondent stated why she did not report graphic joking from a partner:

The firm had a history of ousting women who reported issues. He was a practice group co-leader at the point. We were junior associates. We preferred to stay employed.

A respondent further highlighted this point:

I reported this to a female partner. She agreed this was despicable but nothing was ever done because the partner who made the comments was a big rainmaker.

One respondent observed how the power imbalance can shift over time, depending on one’s status within the firm:

On most occasions, I was in a position to tell them to stop. When I wasn't a partner, I felt my job would be in jeopardy.

Several respondents described sexually charged jokes at firm social events. One noted:

Those were the guys in power. No good would have come from reporting these incidents. I would have been ostracized.

In a few instances, respondents spoke of off-color jokes as “locker room talk” or “banter” that was not harmful, so they did not feel a need to report the remarks.

One respondent highlighted senior partner support that stands as an example of a useful intervention. Describing graphic stories being told to a group during a break in a meeting, the senior partner left the room with the associate and further made it clear that the associate should never feel pressured to remain in such a situation.

In another positive example, a respondent described disparaging jokes made by a more senior lawyer and then noted the follow up:

I spoke with a[n] ... attorney, who brought me to a very senior female attorney.... She talked with me about options for what could be done, and let me choose. She did what I asked (which was for her to speak with this guy). She spoke with him, and he apologized (it seemed sincere).

A respondent who very directly “let offenders know this was verboten” noted her valid reason for doing so without worry about retribution:

I am the boss.

7) Have you ever been asked personal questions or questions of a sexual nature that made you feel uncomfortable?

Nearly 16% of those responding to this question noted that they had been asked personal questions or questions of a sexual nature that made them uncomfortable. Of these, approximately 41% stated that the incident occurred between 2010 and 2018.

QUESTION 7	Percentage
Yes	15.80%
No	84.20%

Sixty-seven percent of those who responded affirmatively were Associates at the time of the incident and less than 5% were Partners. The combined categories of Administrative, Paralegal, and Support Personnel exceeded 22%.

Nearly two-thirds of the respondents were in offices of fewer than 50 lawyers; more than 28% reported being in offices of 100 lawyers or more.

More than 78% said they did not report the incidents to a co-worker or supervisor.

Reported	Percentage
No	78.57%
Yes	21.42%

Examples of Behaviors Included in Survey Responses to Question 7

Examples of behaviors described in the responses included:

- Male lawyers asking pregnant women detailed questions about their physical condition, including questions about their breasts.
- New mothers being asked detailed questions about breastfeeding.
- Women asked questions about their age and their personal life such as whether they were married or engaged, and when they planned to have children.
- Men commenting on specific physical aspects of a woman (as distinct from a generic compliment).
- People being asked about their sexual orientation.
- People being asked questions about their sexual relationships.
- Clients asking questions of a sexual nature.

Respondents' Perspectives on Reporting Behaviors

Fear of retribution and concern about one's internal reputation again emerged as primary reasons for not reporting. Both of these concerns were highlighted in a respondent's explanation of why she did not report a male lawyer's prying comments:

This person was notorious for his treatment of females – it was already known from the top down. Reporting would not have made a difference. Also

you worry what reporting would do to your own career. It wasn't worth the risk.

A number of respondents stated that they did not report because they feared a diminished reputation in the firm. For example, a respondent who was asked highly inappropriate questions on multiple occasions noted:

[The concerns were] uncomfortable to talk about, not the only one who has experienced this and nothing is done about it. If something was done it would likely hurt my professional relationship with the attorney(s) involved as well as others at the firm.

Similarly, another respondent who described her personal discomfort with sexualized questions stated:

Who wants to be known as the person who complained about something, rather than known for my skills?

In many of the examples provided, and similar to the responses in other questions, respondents stated that they did not report the behaviors because the person to whom they would report was the person making the comments, for example:

The supervisor was the perpetrator. [I]t was either my career or report the comment(s). I was not going to let his actions hinder my career.

Another respondent who described uncomfortable comments made to her about her sexual orientation succinctly stated why she did not report:

He was one of the managing attorneys.

A respondent who described being asked inappropriate personal questions noted:

Perpetrator protected by management.

Other respondents offered similar reasons:

The comments/questions came from the managing

partner.

Some respondents indicated they found solace by commiserating with others in the firm. For example, a respondent stated that female associates who found themselves the object of inappropriate questions and prying by another lawyer formed their own support network:

We both decided to be a support system for each other, and we discussed ways to avoid being alone with that attorney.

Respondents also described informally sharing information with those more senior. One respondent gave examples of behaviors from someone she described as known to be a “serial harasser” and noted:

I reported him several times to a female partner.

In a number of instances, respondents were the recipient of inappropriate questions and comments from clients. In those examples, the respondents generally spoke with a more senior person in the firm but often specifically asked that nothing further be done.

8) Have you ever been made to feel that you needed to engage in sexual behavior or develop a personal relationship with someone at work to advance?

This question had the smallest number of respondents. Of those who did respond, more than 28% answered affirmatively. Of these, nearly 35% stated that the incident occurred between 2010 and 2018.

QUESTION 8	Percentage
Yes	28.57%
No	71.43%

Approximately 60% of those who responded to this question were Associates at the time of the incident, 8% were Partners, and the combined categories of Administrative, Paralegal, and Support Personnel comprised 16%.

More than 56% were in offices of fewer than 50 lawyers; approximately 30% worked in offices of 100 lawyers or more.

For this question, the percentage of those who reported the behavior was higher than the other questions (although the number of respondents overall was much smaller): more than 57% reported the behavior to someone else.

Reported	Percentage
No	42.86%
Yes	57.14%

Examples of Behaviors Included in Survey Responses to Question 8

Examples of behaviors described in the responses included:

- Lawyers describing sexualized behaviors and implying that such behaviors can help career advancement.
- Proposing to have “mentoring conversations” in a non-professional atmosphere such as a bar or hotel.
- Inappropriate advances towards summer associates.

Respondents’ Perspectives on Reporting Behaviors

Respondents who provided information for this question generally did not feel they had any place to turn. Most simply expressed their frustration, for example:

It was clear that the only way to assure a good salary and a promotion was to sleep with the boss. He had the power and he made the decisions. The ... only action we could take was to leave.

Another, observing that firm partners revealed clear preferences for how they expected females to behave, noted:

I was unwilling to flirt or act like this, and felt I was ignored and even berated by certain male partners. The offending male partners were too powerful... Plus, I don't even think they were consciously aware of their bias.

Some respondents said they felt unable to advance because they refused to be part of a culture where success seemed linked to social expectations. One respondent described how social interactions served as a gatekeeper to success:

Advancement within the firm/access to more sophisticated work was largely driven by personal relationships.... Despite ... disparaging comments about the quality of a colleague's work, such colleague was given more opportunities because he played the game of drinking/going out/wing-manning with/for the young-ish partners.

Another respondent described how reporting uncomfortable and inappropriate experiences as a summer associate backfired:

Reported it to [the] male ... in charge of summer associate program and some hiring. It ended up becoming a mess because I was pressured to let him tell partners and ultimately the person who I reported found out I had done so and basically it made the work environment hostile.

9) Have you ever felt you were the recipient of or have witnessed bullying behavior in the workplace?

Nearly 40% of those responding to this question stated that they had been the recipient of or had witnessed bullying behavior in the workplace. Of these, approximately 44% stated that the incident occurred between 2010 and 2018.

QUESTION 9	Percentage
Yes	39.45%
No	60.55%

More than 69% of those who responded affirmatively to this question were Associates at the time of the incident, nearly 10% were Partners, and the categories of Administrative, Paralegal, and Support Personnel comprised nearly 16%.

Approximately 56% were in offices of fewer than 50 lawyers; nearly 27% were in offices with 100 lawyers or greater.

As with all questions, the majority of the respondents did not report the behaviors, although the percentage of those who did not report the behaviors was less than in most other questions.

Reported	Percentage
No	54.05%
Yes	45.94%

Examples of Behaviors Included in Survey Responses to Question 9

Examples of behaviors described in the responses included:

- Partners screaming at or otherwise humiliating others (at all levels) in the firm.
- Bullying that escalated to physical abuse or throwing of objects.
- Feigning deadlines or other hazing behaviors.
- Feeling punished by more senior women.

Respondents' Perspectives on Reporting Behaviors

Respondents described a range of behaviors, including those that induced physical stress reactions in both the victims of bullying and the witnesses – who reasonably may have been fearful as to whether they were next. One respondent described negative physical consequences experienced by others in the firm, then explained why no action was taken:

[S]enior partner and head of the ... department would routinely humiliate anyone who crossed him.... This would include his fellow partners as well as outside counsel. For example ... he would make ... snide personal comments ... about [people's] height, weight, or looks. In general, he did this when he was about to be challenged on an issue.... This was a senior partner and decision maker. Raising the issue would just result in more humiliation.

Another described bullying tactics she endured and offered similar reasons for not reporting:

My boss was a jerk, unnecessarily. His teaching style was to make me feel like I had done something egregiously wrong when it was a minor issue. He seemed

purposefully to start a discussion by suggesting I had really screwed up when I hadn't. Every time I saw a note from him to see him, or I got a call from him, I would get very nervous. It was very stressful.... I did not report it for several reasons. First, he was the managing partner. Second, everyone knew that was just the way this partner operated. Indeed, it tends to be a revolving door of associates who work with this partner ...

Many respondents who specifically described bullying of associates that took place also reinforced, similar to responses in other questions, that the apparent common knowledge of the perpetrators' behaviors rendered reporting not an option, for example:

Some senior partners and associates would use demeaning language and actions directed at younger associates as part of their management style. It was common knowledge at the firm.

Similarly, some respondents described extreme behaviors that went beyond verbal abuse and explained that the behaviors were not reported because the perpetrators were powerful partners:

Certain partners, mostly male, were extremely bullying and nasty to the staff and associates. [More than one] of them threw objects around the office. [Anecdote described an incident where someone was physically targeted.] No need to report it. Other partners were aware but powerless to reign in the powerful male partners, who also happened to be rainmakers.

A number of respondents gave examples of escalating behaviors, with a similar reason for not reporting:

Partners regularly bullied associates by calling them out publicly on assignments, yelling and screaming at them, throwing files, dumping files, and if the partners knew associates had vacation coming, assigning new and/or additional cases so that the associate could not go on his or her trip. This was to ensure that associates knew who was in charge. This was

the firm culture. It was well known that it would get worse if you started to complain to HR about it.

Another respondent noted an atmosphere of intimidation with no recourse because of the status of the perpetrator:

Files ... being thrown across room, staff being yelled at, staff members being pitted against one another, staff being belittled ...

Similarly, a respondent described intimidating behaviors that also included the throwing of objects:

Objects thrown around office. Screaming. Yelling. Slamming doors. Verbal threats.

In many cases, the respondents highlighted behaviors that they said felt more like hazing than being part of a legal team. In such circumstances, the general view was that there was no point in reporting. One respondent typified many of the comments:

Insecure men bully to make themselves feel better. For example making associates pull all nighters in the office to haze them, knowing it was not necessary to meet client needs. Yelling. Screaming. Culture was to toughen up and take whatever a partner dishes out. Partner is always right.

Another respondent observed the hazing aspect with no opportunity for redress:

Senior partners frequently bullied associates as an intimidation and motivation technique – this was part of one's initiation in the world of large law firms. The persons conducting the bullying were senior members of the firm. They were the supervisors and everyone was aware this type of conduct was expected.

Similarly, a respondent noted:

Requests aren't made in civil tones, but in harsh tones, coupled with negative comments re: quality of associate's work or associate's commitment –

especially if associate has family obligations. Felt like putting up with this conduct was a job requirement.

A few respondents described bullying behaviors from women, for example:

Women constantly knocked women.... The women in power did not have children, and seemed to not be able to relate to me or like me. I was a threat and was punished. What was the point – I needed to advance.

Another respondent similarly described bullying by female partners and the failure of the firm to follow up after reporting the behaviors:

My two supervisors, both of whom were women, were horrible bullies. One in particular never took personal responsibility for anything and always laid blame at the feet of others. It was truly a toxic environment. I told HR ... , the CFO ... , and the managing partner.... The entire firm was aware of the behavior, which was a pattern, and ... no one has done anything about it because [they] bring in money.... The firm simply does not care.

On the other hand, many respondents described women as receiving the brunt of verbally abusive tactics, yet few saw any hope for change. Noted one respondent:

Bullying and intimidation of women when older men felt threatened by their greater competence and social abilities. Fear of reprisal and negative impact on career [are reasons for not reporting].

One respondent described the negative results following efforts to intervene:

I worked with a senior partner who bullied everyone around him.... He would make derogatory remarks as a matter of course to everyone. Because he was the principal rainmaker at the firm. When I did finally cross this individual in an attempt to protect a more junior attorney, I ultimately lost his good opinion, and left the firm.

Several respondents who described an abusive culture noted that efforts to report proved futile, for example:

Been through countless meetings and encounters – senior partner(s) scream and yell and throw things because they are unable to properly express their frustrations. This is the hardest part of my work environment. I have developed a fear response, which is ridiculous. [Reporting has usually been done to] HR or close male colleagues. Nothing is ever done.

In another example, a respondent described the lack of follow through after behavior was reported:

At my firm, I am aware of two partners who have bullied subordinate attorneys and staff. In relation to the local partner ... who engaged in bullying, I talked with the Partner in charge of our office ... and the Practice group leader.... Further management training for the offending partner was discussed, but has not yet been implemented.

One respondent noted that an internal process may have been triggered, yet no specific information about follow up was available:

I witnessed numerous incidents of male partners screaming at and bullying younger associates – mostly female but some male. It was already under investigation.

Based on some of the comments, it appeared that there was greater follow up when an associate engaged in wrongful behavior, rather than a partner. One respondent described being frequently bullied by an associate and how it was ultimately handled:

I spoke with [particular person within the firm who raised the issue] and it was nipped in the bud. They spoke with him and it was done in an appropriate way and the behavior changed.

A respondent provided an example of a firm taking action against a partner when it learned of the extent of that partner's behaviors, including physical intimidation.

tion and sexual harassment of female associates. The respondent spoke with the managing partner and other partners, and subsequently the offending partner was forced out of the firm.

Other respondents also provided positive examples of reporting that led to a satisfactory result. For example, one respondent told another lawyer of a partner's verbally abusive behavior and later received a phone call in which the partner apologized.

In another instance, a respondent described an atmosphere of rudeness and disrespect by the managing partners. When a female partner addressed this directly, one of the managing partners called the respondent to apologize, and his behavior improved.

Another respondent reported on a successful self-help measure:

I was berated and yelled at by senior attorneys for reasons that had nothing to do with my work.... The whole experience was absolutely horrible. I have since changed jobs and currently work for an absolutely incredible, very supportive firm where I truly feel that I have the tools that I need to succeed.

10) Have you ever felt threatened, embarrassed or humiliated, or witnessed someone being threatened, embarrassed or humiliated, by someone in the workplace?

Nearly a third of those who responded to this question reported feeling, or witnessed someone being, threatened, embarrassed, or humiliated by someone in the workplace. Of these, 44% stated that the incident occurred between 2010 and 2018.

QUESTION 10	Percentage
Yes	31.69%
No	68.31%

Nearly three-quarters of those responding were Associates at the time of the incident, approximately 12% were Partners, and the combined categories of Administrative, Paralegal, and Support Staff comprised nearly 15%.

Approximately half of the respondents worked in offices of fewer than 50 lawyers and nearly 40% were in offices of 100 lawyers or more.

Sixty percent of those responding affirmatively to this question did not report the behaviors.

Reported	Percentage
No	60.18%
Yes	39.81%

Examples of Behaviors Included in Survey Responses to Question 10

Examples of behaviors described in the responses included:

- Partners expressing anger by openly berating lawyers, yelling in public, or otherwise demeaning a younger colleague.
- Being directly asked to engage in sexual activity.
- Criticisms and insults designed to diminish the confidence of associates.
- Criticizing people in public for personal behaviors relating to what they eat, whether they exercise, their weight, etc.
- Sexualized behaviors and comments.
- Demeaning the skills of female lawyers by saying they were only being included (e.g. in a meeting, or assigned to a particular matter) because of their looks or because they needed to add a woman to the team.

Respondents' Perspectives on Reporting Behaviors

Many of the anecdotes described in response to question 10 were similar to the types of behaviors reported in question 9. Respondents described situations in which they felt intimidated and humiliated, with no recourse available.

A few respondents who were more senior in their career described earlier experiences where they endured humiliating behaviors from other lawyers. For example, one stated:

I have found in my career many lawyers with large egos who have taken upon themselves to humiliate me and others in order to make them feel large. There has been so many incidents that it would take a volume of pages to write them all. If you had reported any humiliating incidents, especially when it was in response to lawyers, you were seen as a trouble maker and run the risk of a bad annual review and possible termination.

Some respondents described behaviors that combined humiliation and actual physical assault:

One ... partner would swear, berate and humiliate associates in public areas.... He also threw ... desk items at associates. The incidents didn't happen to me, and it was already common knowledge to management.

A respondent who witnessed partners screaming at and insulting more junior lawyers did not see reporting as a productive option:

Did not want to hurt partner's reputation or damage my professional relationship with the partner or other professionals at the firm.

Another respondent noted a lawyer's humiliating tactics that were not reported:

A senior associate consistently humiliated me in front of co-workers and opposing counsel. I did not report it because I did not believe it would change the senior associate's behavior. I also thought that it would have negative consequences on my career.

As noted in responses to other questions, being a rainmaker served to inoculate many partners from being held accountable. One respondent, describing a senior

partner who frequently yelled at and belittled others in the firm, stated why the behaviors were not reported:

Because everyone tolerated him because his book of business was really big and he was a good ... lawyer.

Another respondent stated:

As a rule, many of the attorneys I worked for or with did not have good leadership or training skills and would make associates or others miserable while trying to train them. Just accepted that was the way it was.

Some respondents described senior partners who seemed to use the humiliation of others as a tactic, observing that even where managing partners spoke to the offending lawyers, nothing changed.

Several female respondents noted incidents of sexualized behaviors. One respondent described having to continually ignore a partner's "intense" behaviors:

Partner was basically a good person who looked at my chest, not my eyes, a little too often.

In another example of a male partner treating women in a demeaning way, the respondent described reaching out to a member of the large firm's leadership and its HR Department. The firm leader dismissed the concerns and the HR Department did not follow up.

Humiliating behaviors sometimes took the form of publicly undermining the skills or capabilities of another attorney. For a number of female survey respondents, this happened when they were told that they were only being included in a meeting or assigned to a case because of their looks or because they needed a woman on the team. In one example, such a statement was overheard by a male partner who then reported the incident to the managing partner. The firm followed up with a clear reprimand that included the actions that would be taken if such an incident happened again.

Not all of the offending behaviors came from men. Some respondents described incidents where women partners humiliated others in the firm. In one such incident, the recipient of the berating behaviors was assigned to other partners; in another instance, efforts to speak to the partner failed to result in changed behaviors. Another respondent reported a successful resolution to a female partner's efforts to humiliate others:

I had a supervising attorney who would humiliate the other female attorneys; in retrospect she saw other females as threats. I confronted her about it, and she stopped.

It is interesting to note that a few respondents challenged the notion that there might be something wrong with using humiliation as a tactic to address someone's mistakes. For example, one respondent stated:

It is not uncommon to be humiliated in the practice of law when things go wrong, and you have made a mistake on the part of a client. We should be humiliated when we screw up.

Another observed:

Isn't the culture of a law firm to be highly critical and demanding? It's the culture – sink or swim.

A few others seemed resigned to the idea that being a lawyer meant being part of a harsh culture. One respondent stated:

One of the senior partners would yell at me and at others as part of his "management style." It was not necessary to report it because it was widely witnessed and experienced by many people in the firm.

11) Has anyone ever spoken with you about their concerns regarding workplace behavior that made them feel uncomfortable?

Of those who responded to this question, nearly a third said others had spoken to them about workplace behaviors that made them feel uncomfortable. Of these,

approximately 62% stated that these conversations occurred between 2010 and 2018.

QUESTION 11	Percentage
Yes	31.37%
No	68.63%

As with most other questions, the highest percentage of the respondents were Associates (approximately 44%). It is interesting to note that 20% of the Partners responded affirmatively – more than in any other question. This suggests that people in the workplace who share their stories may be seeking support from more senior level individuals.

Nearly 38% of the respondents who provided information about the size of their firm at the time of the incident were in firms of fewer than 50 lawyers. Approximately half were in firms of 100 lawyers or more, somewhat higher than the percentage reported in response to other questions.

Among those responding to this question, the percentage of respondents who reported was similar to the percentage of respondents who did not.

Reported	Percentage
No	50.44%
Yes	49.56%

Examples of Behaviors Included in Survey Responses to Question 11

Examples of behaviors described in the responses included:

- Colleagues sharing examples of being sexually harassed, sexually assaulted, or propositioned by partners in the firm (including incidents involving partners and summer associates).
- Colleagues sharing examples of experiencing homophobia.
- Colleagues sharing negative comments made about women becoming pregnant and having children.
- Colleagues sharing stories among each other about which partners to avoid.
- Summer associates sharing examples of inappropriate behaviors they experienced.

Respondents' Perspectives on Reporting Behaviors

Generally, respondents stated that they did not further report information shared by colleagues. For example, a respondent noted that a colleague had been the frequent target of sexual harassment by a partner, but the respondent did not report the behavior:

I feared being retaliated against, and I thought the colleague would also be retaliated against.

A respondent stated that female colleagues shared their discomfort with having to thwart explicit advances from senior colleagues, then noted why the respondent did not further report these incidents:

It was not my story to tell.

Several stated that anecdotes were shared in confidence. For example, a respondent honored the request of a colleague to not report that person's uncomfortable experiences with homophobic comments in the workplace:

My colleague asked me not to report it for personal reasons.

The sharing of information among colleagues, in many instances, seemed to be part of the workaround, as this response exemplified:

Associates talked among ourselves; "whisper network" regarding specific partners to avoid or be careful around. Was culture of large law firm life.

Another reported:

Associates would talk amongst themselves about which partners were the ones that were desirable to work for and which ones you wanted to avoid working for because of the poor treatment you would receive. It was known behavior in the firm from everyone else that had advanced through the partnership.

A respondent commented on the many stories shared by colleagues about their uncomfortable situations:

I mainly played a listening role as my colleagues just wanted someone to talk to because they feared retaliation if they reported anything.

When attorneys exhibited patterns of negative behavior, it frequently became common knowledge within the firm. Yet respondents often noted that no steps were taken to address the concerns, for example:

Other associates were afraid of working with the same person who had bullied me. Everyone already knew this person was a problem and firm had chosen not to do anything about it.

Another respondent described the importance of shared behaviors in an atmosphere where reporting was not an option:

All of the women in the office knew that certain departments were a minefield and we all tried to work around it.... When does the firm become responsible for its persistent problems in not properly addressing the behavior?

In some instances, respondent stated that friends at work discussed being bullied or propositioned, but did not report the behaviors:

The incidents weren't disturbing enough to report.

A respondent commented on involvement in an investigation of a senior partner who made sexual overtures to young women:

There was a formal investigation. Senior partner – man – had clearly engaged in alleged behavior. The firm did more to keep young women away from him but there was no loss of stature for this person.

One respondent offered a glimpse into the behaviors that colleagues endure and the varied responses:

Stressed, overworked, and/or unhappy partners demeaning others, not privately. I console and counsel them, sometimes report to HR, sometimes confront perpetrator.

Another respondent followed up after young women expressed annoyance with the leering behaviors of male partners:

I spoke with a female partner on the firm's management committee. Not sure if anything happened but tend to doubt it.

Some respondents intervened and described positive results. One explained the follow up after a female associate shared comments made to her by a partner about her appearance:

I went to the senior partner, who was the offender, and told him that his behavior and comments were inappropriate and offensive, that he was not to make any further comments of that nature, and that he was to apologize to the associate.

A respondent was told by an intern of a partner's sexual comments. The respondent spoke with the managing partner who took immediate action against the partner. Another sought and received permission to report a colleague's experiences of being bullied.

One respondent offered an example of a reporting process that worked in response to a partner's inappropriate joking:

As a member of the firm's Management Committee I responded to the associate's complaint, reached out to the Partner in charge ... and confirmed that the firm's sexual harassment committee would address the complaint. I received confirmation that the associate was satisfied with the committee's response and did not want to further pursue the complaint.

In another example, a respondent stated that a colleague expressed concern about someone in the office making a racially discriminatory comment. The respondent noted:

I reported this to HR ... and to a member of the firm's Diversity Committee. HR and the member of the Diversity Committee had follow-up conversations with the [person who raised the concerns].

One respondent described supporting a colleague who reported inappropriate comments made by men in the firm:

She reported it, I supported her, and we addressed this generally in anti-harassment training at the firm.

A respondent highlighted a number of ways of responding to concerns:

Our firm has a code of conduct – mostly unwritten originally, but more formal now. We have also mentors for attorneys and supervisors for staff, as well as currently formal HR procedures. On an irregular basis, associates, partners, paralegals, and support staff speak to me about concerns. I counsel them on how to deal with the concerns. Sometimes I intercede. Sometimes I initiate involvement by our HR folks. In egregious situations, or repeated situations, I go to HR.... In some situations, I raise the issue during evaluations. In some situations, I discuss the situation with another colleague. In some situations, I have a one-on-one meeting with the individual who caused the situation.

12) At the time of any incident(s) described above, did the firm have a process for reporting behaviors of concern?

The respondents provided a range of responses that lend greater insight to the challenges that firms face in addressing the issues identified in this survey. Only slightly more than one-third of the respondents to this question said that, at the time of incidents described in other responses to this survey, their firm had a process for reporting behaviors; approximately 20% said their firms did not. Of particular interest, close to half did not know whether the firm did or did not have a reporting process at the time.

QUESTION 12	Percentage
Yes	35.14%
No	19.2%
Don't Know	45.65%

Many respondents reported that they had a sexual harassment policy made available to all, but did not further describe a process for resolving complaints. Others, as noted below, highlighted a variety of initial reporting mechanisms, but did not provide a description of the subsequent steps that would be taken after the report is made. It is, however, understandable that respondents to a survey would only provide minimal detail in response to an open-ended question.

For example, many said the firm had a committee to which complaints about inappropriate workplace conduct can be reported. Others stated that the firm had in place a rapid response team for such matters, and a few said the firm had an ombudsman to whom any type of matter could be reported.

Several said that complaints were to be directed to specific named supervisors or to the Human Resources Department. Some respondents noted that they had designated partners to address complaints. Others required reports to be made to practice group leaders or to the managing partner. A few respondents said that reports could be made to anyone in the firm with whom the complainant felt comfortable.

Some respondents indicated that the firm offered a number of different avenues for bringing concerns forward, for example:

We have always had a process for reporting violations of firm policy, including anti-discrimination and anti-harassment policies, which provided multiple routes for reporting. Also there has always been a strict anti-retaliation policy.

Another respondent created an alternative where the firm's process did not provide a point of contact that felt comfortable:

The process was to speak to the Managing Partner or another designated partner at the time. I was new to the firm and did not feel comfortable with either partner, so I went to a partner who I felt more comfortable with.

One respondent observed a discrepancy between firm policy and practice that should be cautionary to others:

It's on paper, but in reality ... we know what the reality was. Partners would go for "sensitivity training." After they came back, they were deemed "cleaned up" until they did it again. It created a laissez faire top down culture.

13) If you are currently working in a law firm, does the firm have an internal process for reporting behaviors of concern?

As with responses to question 12, a significant number of respondents did not know if their firm has an internal process for reporting.

QUESTION 13	Percentage
Yes	47.62%
No	13.16%
Don't Know	39.20%

The responses to question 13 were similar to the responses to question 12. Respondents described a variety of reporting avenues within the firm that included one or a combination of: managing partners, management committees, standing committees or other designated groups for addressing complaints, HR departments, practice group leaders, firm administrators, specific partners, and office managers. In a few instances, respondents stated that a reporting mechanism was through partner mentors or other trusted partners.

Few respondents provided information about what happens after a complaint is made. In one instance, the respondent expressed concern about the designated individual:

The process involves speaking to the head of the non-attorney staff. However, I am not aware that she ever did anything to address any of the ... behaviors, and her judgment is suspect.

In a couple of other examples, however, the respondent expressed a more positive view of the process, for example:

The behavior would be reported to HR who would then handle the situation. We have a zero tolerance policy so presumably, that person would be fired if found true.

Another stated:

There is a standing committee with a variety of individuals (different genders, sexual orientations, positions in firm, etc.) who you can report any incident to. A discussion is held as to consequences. Any concerns are raised to the executive committee. Then actions are considered based on the victims' wishes and the firm's policies.

Recommendations

Consistent with what is reported in the media about other workplace settings, inappropriate behaviors remain an ongoing challenge in law firms as well. The survey results further demonstrate that these behaviors are a particular challenge for young women entering the work force. Moreover, unchecked power imbalances can leave those who serve in subordinate roles vulnerable to a range of negative behaviors.

We cannot know how many careers have been thwarted by workplaces that allow – through tacit acceptance, willful ignorance, or simply neglect – negative behaviors to continue unrestrained. We do know, however, that the results can be devastating to careers and economically harmful to those organizations that leave themselves vulnerable to disengaged and distracted employees, rampant turnover, and possible lawsuits.

Every law firm has an obligation to provide a culture in which people can do their jobs in a safe and respectful environment. The following recommendations offer a road map towards achieving that result.

1. Engage leadership in creating a positive firm culture that treats all with civility and respect.

Cultural change in an organization is impossible without direct leadership engagement. Even when leaders are, or profess to be, unaware of negative behaviors, employees generally assume they have full knowledge. Survey respondents frequently described circumstances in which employees warned each other of those who should be avoided, or grumbled quietly about the latest transgressions. Their frustration was compounded by a belief that the behaviors were known to those in leadership, just as they were known to others in the organization; otherwise, they assumed, victimizers would have been stopped.

Leaders have an obligation to understand all aspects of their workplace culture. In particular, they need to learn whether there are negative behaviors to address. Failure to do so can be costly to the organization – resulting in low morale, perpetuating a climate of fear, accelerating turnover, negatively impacting the firm's reputation, and potentially risking litigation.

2. Implement measures to hold all firm leaders accountable for the behaviors of those they supervise or manage.

Meaningful change requires accountability. Organizations use metrics to track that which is important. Just as firms track billable hours, originations, and collections, they should also track reports of negative behaviors, attrition rates by department and office location, and other indicia of ways in which workplace culture impacts morale, engagement, and productivity.

3. Undertake an internal self-assessment to determine areas of particular challenge.

The survey demonstrated that many workplaces have areas of vulnerability, for example, employees (including Partners) who may pose particular challenges in how they treat others, practice groups where incivility – or worse – is tolerated, star performers who engage in bullying tactics, or Partners who may be exerting control in ways that demean others. Some workplaces fail to address a culture where fear and stress are taking an emotional and financial toll. The challenges differ from firm to firm; an internal assessment designed to produce honest feedback can help identify measures that can be implemented to improve culture.

Toward that goal, firms should engage in a process to solicit confidential feedback from employees and

Partners. An assessment can be conducted in a variety of ways, including as a survey or a series of confidential conversations. To ensure interviewees and/or survey respondents can provide information openly and confidentially, the firm could engage a neutral, independent party to conduct the assessment. Based on the findings, the firm can develop both short-term and long-term goals for improving culture and strengthening relationships among colleagues.

4. Develop a comprehensive policy that does not hide behind strict definitions.

The questions asked in this survey purposefully reached beyond a legal definition of sexual harassment. The intent was to more fully identify a variety of behaviors that could have an impact on firm culture and employee engagement.

There is a high cost paid by those who are subjected to the behaviors of fellow workers who demean, disparage, or insult others, whether that treatment is against individuals or particular groups. In several of the anecdotal responses provided, the respondents who did report such behaviors were told that the words or actions did not violate policy or meet a specific legal definition of, for example, sexual harassment.

Firms should not erect barriers that require a legal definition to be met before they can respond to behaviors that undermine a culture of civility and respect. Law firms should set boundaries around behaviors that are deemed unacceptable, regardless of whether they are legally actionable.

5. Consider an independent process for reporting.

It is clear from this survey, as well as countless media stories, that a safe reporting process, free of retribution or other negative consequences, is absolutely essential. Many firms offer avenues of reporting to senior leaders, an HR department, or other designated individuals or groups. As many respondents demonstrated, however, these mechanisms do not always work. Moreover, based on

the responses to this survey, a reporting process that is directed solely to a firm's Human Resources Department is insufficient. HR Departments, no matter how well-meaning, may have conflicting loyalties when individuals come forward with information that may have negative consequences for the organization itself.

Firms should consider adding to their internal reporting processes an opportunity to report to an independent person who is separate from the firm's existing hierarchy.

6. Be clear about lines of authority and extent of responsibilities.

Many of the survey respondents wrote that they had spoken with their Human Resources Department about incidents of concern, but nothing happened. In some cases, they may not have been informed of any follow up. In many instances, however, they were told to either ignore the person, or the behaviors, or that nothing could be done. Sometimes, the HR response was to be protective of the organization.

It is reasonable for younger employees in particular to expect that HR departments will address workplace behaviors. Leaders should be clear as to the limitations on the HR Department to become involved in or otherwise follow up on reports about, in particular, the behaviors of partners or other senior leaders.

7. Make sure everyone is informed about the existence of a firm's policy and reporting process.

The fact that nearly half of the respondents did not even know whether their firm had a policy for reporting suggests ample room for improving a law firm's communications about its policies and procedures for addressing complaints about workplace behaviors. Law firms should distribute regular reminders about their policies and the related process for reporting and follow up.

8. Develop a process to encourage reporting and then provide ongoing support and information to those who do so.

Respondents frequently wrote that they spoke with their HR Department about negative behaviors, but then asked that their conversation remain off-the-record and confidential. This reflects the fear and discomfort felt by the individual, yet can leave the firm powerless to respond appropriately without the complainant's willingness to participate further in an investigatory process.

Supporting those who have been the victims of inappropriate behaviors is a critical part of the process. It is not enough to have a process in place to conduct an investigation or otherwise respond to reports without a parallel process for supporting those who come forward.

9. Look for patterns of behavior.

Too often, both victims of negative behaviors and others in the firm try to find consolation in the notion that the witnessed behavior is not part of a pattern. But it is incumbent on the firm to investigate each incident and to look for patterns as part of that investigation.

A striking aspect of the survey responses is how infrequently formal reports were made within the reporting hierarchy of the firm (to the extent one existed), even as information was shared with colleagues, including partners. It is important to ask, however, whether that informal sharing of information served as an unsatisfactory alternative to the preferred result of an institutional response. Such a result can be greatly facilitated by the collection of information that helps identify individuals who engage in patterns of improper behaviors. At least in that way, shared information can assist in identifying offenders who have impacted multiple people.

Accordingly, workplaces need to develop a system for collecting information about behaviors that are detrimental to the firm and that are not in keeping with the values and ethical constructs of the legal profession.

10. Do not force face-to-face interactions between a person who reports and the person being reported.

To properly provide support throughout an internal process, it is important to avoid steps that emphasize the imbalance of power generally existing between those who report behaviors of concern and those who are the subject of such a report. Several respondents noted that, subsequent to reporting, they were required to meet directly with the alleged perpetrator to discuss the accusations. None of these meetings had support mechanisms in place for the reporting individual including, for example, a neutral party who could facilitate a positive conversation. In fact, some described the atmosphere of these meetings as punitive and a reinforcement of the power imbalance.

It is hard enough for someone to take the step of reporting. What follows within the organization should be a process in which the individual feels safe in the workplace and supported through each phase of the investigation. A forced meeting in which the only other attendees are part of the firm's power structure is a setting designed to intimidate someone already feeling victimized. The result is to further discourage reporting.

11. Commiseration is not a strategy.

As noted, a large number of respondents to this survey felt they could not formally report the offending behaviors but, instead, spoke with supportive colleagues. While it is important to be able to have trusted colleagues at work to whom one can speak confidentially about sensitive topics, this approach generally will not help the individual's circumstances, and will certainly not bring about any positive change.

People share negative stories in the workplace for several reasons, including affirmation that they did not deserve what they experienced, comfort for what they are feeling and, importantly, finding hope that somehow the behavior will change. Those who hear stories of improper behaviors in the workplace should have an opportunity to respond in a way

that is not simply comforting to the victim's feelings, but can result in corrective measures being taken.

Many respondents who were reluctant to report provided ample reasons for being fearful. Certainly there are some situations where the behaviors are so untenable, and the likelihood of a positive resolution so remote, that leaving is an appropriate response. But in every circumstance, it is important to ask whether there can be a process beyond sharing stories with trusted colleagues, if only to help pave the way for future employees to avoid the same pain.

12. Avoidance is also not a strategy.

When partners are engaging in inappropriate behaviors, the response should not be to propose that the perpetrator and the person aggrieved by the behaviors simply be separated physically. Several respondents reported being moved away from a harasser or bullying partner, without the firm addressing the root cause of the problem. Not only do such measures fail to change firm dynamics overall, they also may impact the types of future work assignments given to the victim and can impede other career opportunities through loss of proximity to a practice group and to supportive peers, as well as possible decreased visibility to key partners.

In many cases, avoidance as a strategy is not even possible because of the underlying working relationship. For example, are young lawyers supposed to steer clear of partners who may have been abusive or have otherwise engaged in inappropriate behavior, but who are an important source of work? What would prevent further negative career impacts? And why should the responsibility fall on the victim to make the required adjustments?

Firms need a variety of appropriate responses to address the range of behaviors that were identified in this survey. Those responses, however, cannot include actions that only impact the person feeling victimized.

13. Vigilantly prevent retaliatory behaviors.

Retaliation can be blatant or more subtle. The blatant forms are easily observable, for example, whether a complainant is fired or partners stop assigning work to someone who raises concerns. But there are many more subtle ways in which a person's career can be damaged through less obvious retaliatory behaviors. For example, a person can be socially ostracized, excluded from client opportunities, or not given high value work, just to name a few ways. Firms should include in their process a way to monitor subsequent behaviors towards those who file reports to prevent any form of retaliation.

14. Beware of "Death By A Thousand Cuts."

Many of the anecdotes reported demonstrated the pernicious way in which humor is used as a sword and a shield. Such remarks inflict damage over time through frequent cuts to those who are victimized by the comments, while offering the protective shield of "It's just a joke" to the perpetrators – who then accuse complainants of lacking a sense of humor.

Humor that denigrates others is not funny. Individuals should be free to go to work without facing offensive comments justified as jokes, and then made to feel badly for not laughing.

15. Develop training techniques for and encourage implementation of bystander intervention.

Bystanders who observe inappropriate behaviors have an important opportunity to give voice to someone who may feel voiceless, or to amplify a rebuke to what is transpiring. One respondent who has been in the workplace for several decades noted that she now plays an active role in helping to stop conversations that are veering into a negative direction by simply stating "That's inappropriate" or "None of your business."

There are many forms of bystander intervention that can help make a difference, and firms can offer training to teach employees constructive strategies for such intervention.

16. Resist backlash attempts against the #MeToo Movement.

A number of respondents told of remarks made by partners that denigrated or complained about the #MeToo Movement, even including comments that they can no longer “get away with” what they could previously. These remarks mirror the undercurrent of resistance that has been identified in other workplace settings, manifesting in objections to the symbolic importance of #MeToo as providing a voice to those who have previously felt voiceless.

One concern that appears with increasing frequency is whether the #MeToo movement will inhibit regular interactions between men and women, including mentoring. As the anecdotes offered by the survey respondents make clear, however, such comments are a decoy, directing attention away from the real and compelling need to bring workplace behaviors to light.

None of the survey respondents complained that someone may have complimented their outfit. They did raise many concerns about leering remarks and comments specifically directed to their chest or other personal parts of their body.

Nor did female respondents complain about positive relationships they have developed with their male colleagues. Rather, they focused on men who sought mentoring meetings in bars or in hotel rooms while on work trips.

People being kind to and complimenting one another is not unacceptable behavior. Remarks, however, that are clearly sexual in nature or that, at their core, reinforce the power imbalance in the workplace should not be tolerated.

17. Consider Curbs on Social Drinking at Firm-Sanctioned Social Gatherings.

So many respondents provided anecdotes in which inappropriate behaviors occurred at a holiday or other social gathering in which the perpetrators were clearly inebriated. Law firms should consider ways to curb excessive drinking at firm-sponsored social events.

Conclusion

The survey yielded several striking findings. First – and no surprise when the survey is viewed in comparison to other organizations, corporations, and industries – is that the majority of the negative behaviors described arose from those in authority who misused their power. Nearly all of the anecdotes reported described events that happened to younger people, where the perpetrator was more senior and, frequently, among the more powerful persons in the firm.

In such circumstances where the source of the negative conduct was a senior partner or firm leader, there was no place for the victim to turn for support or remedial measures. Fear of retaliation and concern about loss of status and opportunity to advance within the firm loomed large.

As noted previously, a few respondents seemed resigned to a profession where humiliation was acceptable and a sink or swim culture an appropriate way to train lawyers. Those comments demonstrate how behaviors in the workplace are learned, and how culture is perpetuated. It would be difficult to find a book for organization leaders that extols humiliation and bullying as a technique for success in the workplace.

Law firm partners are often placed in leadership roles as a result of their client development and lawyering skills. Talent development and management of people are not necessarily part of that same skill set. Accordingly, firms may choose to consider management courses for all of its leaders, to facilitate skill sets that bring out the best from those who come to work each day, wanting only to serve the firm's clients and live the best values of the legal profession.

We hope that lawyers see in this survey a way to help facilitate a culture of civility, respect, and inclusion.



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