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SPECIAL SECTION: Diversity

Women Rise To the Top Of San Francisco Law Firm

Diversity Puts Sideman & Bancroft At Front of the Pack

By Sara Randazzo
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SAN FRANCISCO — Ellen Kahn was just getting a taste for motherhood when the call came from her boss, Richard Sideman. It was 1982, and his firm, Sideman & Bancroft, was working feverishly for a client on a tax controversy matter. The government had just filed a brief, and a reply was due soon. “Can you come back?” he asked.

“Richard, I’ve got this six-week old baby,” said Kahn, who started working at the firm as a contract attorney during her pregnancy.

“Bring the baby,” Sideman said.

So Kahn brought the baby. Now, almost three decades later, the trusts and estates lawyer leads the 28-attorney San Francisco firm, which is one of the largest female-owned law firms in the nation.

Founded by Sideman and David Bancroft, both former assistant U.S. attorneys, the firm fostered from its very first days an environment that allowed its lawyers to have lives outside of their law practices. The annual billable hour requirement was purposefully set low at 1,600 hours, where it remains today, and employees were supported if they required creative work arrangements — like making a nursery out of the law library.

Sideman said he set policies based on the ideal that, “People would be better lawyers if they were better people.”

The flexible atmosphere is one in which both women and men thrived, and partners say it’s likely one reason the firm is now majority owned by women.

The partnership realized women owned more than 50 percent of the equity in early 2008, just as the firm was solidifying another major change — moving leadership away from the founders and toward a second generation of leaders.

Kahn, then 52, emerged as the new managing partner. At first blush, Kahn appeared an unlikely choice: She had never taken on leadership roles at the firm, instead choosing to develop her practice of representing high net worth individuals in estate planning. But with 26 years at Sideman & Bancroft, she had



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At back, from left, Sideman & Bancroft partners Emily Kingston, Jean Ryan, Hilary Pierce, Kelly McCarthy, Gilda Turitz, Raquel Sefton, Polly Dinkel. In front row, from left: Constance Yu, Diana Richmond, Ellen Kahn, Elizabeth Erhardt.

seen it grow from a small shop focused on white-collar criminal defense and tax litigation to a nearly 30-attorney firm that also had civil litigation, family law, trusts and estates, corporate and intellectual property practices.

When the time came to transition, “Other people needed to focus on their practices, so it just made sense that I probably should do it,” said Kahn, who offered herself up for the job and got voted in by the partnership.

“She has had a somewhat steep learning curve,” said Gilda Turitz, a partner at the firm since 1998. “One thing I’ll say about Ellen, she’s one of the boldest people I know. A lot of people would say, ‘I can figure this out,’ while Ellen has gone on a self-study course” to learn what it takes to manage a law firm.

As power transitioned to Kahn, firm leaders realized they could use their status as a women-owned firm to their advantage. They registered with the National Association of Minority & Women Owned Law Firms, a rigorous process that required proving not only where the equity goes but that the firm is truly managed by women.

Four of Sideman & Bancroft’s six practice area heads are women, as is the chief financial officer, executive director, and two members of the three-attorney management committee, which includes Kahn.

“They came and kicked the tires,” Kahn said. “They wanted to make sure this wasn’t some sham.”

Of the 52 firms certified by NAMWOLF as women-owned, Sideman is the second largest. Cooper & Walinski, in Toledo, Ohio, comes in just higher at 30 attorneys.

In December, Sideman & Bancroft also received certification by the Women’s Business Enterprise National Council, a not-for-profit certification board founded in 1997.

Sideman & Bancroft is different from many other women-owned firms in that it naturally progressed in that direction, rather than being founded in that way.

Since becoming female-owned, Sideman said the firm “hasn’t changed at all,” and that he welcomes any benefits that come with the new status.

The fact that two men founded the firm in-

Sideman & Bancroft Evolved Naturally Into a Women-Owned Firm

tially deterred NAMWOLF from giving their stamp of approval, Kahn said. However, she was able to convince them that just because the change happened organically, it didn't make it any less valid.

Wheels Of Change

Female attorneys say the relatively small size of women-owned firms — the average number of lawyers at those approved by NAMWOLF is about 10 — proves how difficult it is for women to advance in an industry historically controlled by men.

"It's hard to be a working woman, and incredibly hard to be a working mom," said Raquel Sefton, a family law attorney who joined Sideman & Bancroft last May from Folger Levin & Kahn. "Lots of women make sacrifices in order to make work/life balance work, but not a lot of firms are willing to be supportive of that."

Barbara Caulfield, managing partner of Dewey & LeBoeuf's Silicon Valley office, said the culture at big law firms is more accepting than ever before of women advancing into leadership roles, but the wheels of change are slower to turn than the attitudes.

"The larger the organization, the longer to make a change," Caulfield said. "It's not that everybody doesn't want it, but it takes longer to build a consensus."

According to 2009 statistics from the American Bar Association, women make up 31 percent of attorneys in the nation and just over 19 percent of partners in private practice.

Yolanda Coly, managing director for NAMWOLF, said she thinks the day when 100-plus attorney firms are owned by women is still far in the future.

"You have to be given work in order to grow that large," Coly, based in Wisconsin, said. "There's a long way to go with corporate America in just giving [female and minority attorneys] the fair opportunity to compete. As long as that's there, you can only grow as large as the dollar will allow you to."

Following Through

For firms like Sideman & Bancroft, certifications from groups like NAMWOLF and WBENC are more than a boast on firm press releases — they are a golden ticket to grab work from large corporations looking to diversify their legal hires.

Corporate legal departments have touted diversity initiatives for almost 20 years, but the authenticity of some companies' vows has often been questioned.

"I don't think it's ever been as easy as it sounded like it was going to be," said Ida Abbott, a San Francisco-based legal consultant who is writing a book for women who want to be leaders at law firms. "Many men resented the fact that women- and minority-owned firms were getting this big advantage. But at the same time, a lot of times companies didn't follow through."

Earlier this month, 11 companies set out to prove they would. The group, which includes Microsoft Corp., Prudential Financial Inc. and DuPont, set a collective goal to channel \$30 million of work to minority- and female-owned law firms by the end of 2010. NAMWOLF will oversee the group's progress, led by Richard Amador, a Los Angeles attorney who sits on the organization's board.

"There are companies out there who pay lip service at best to diversity," Amador, with minority-owned Sanchez & Amador, said. "These [11] companies are nothing like that. All have a track record in diversity efforts."

Amador said the corporations will self-report their spending, and by year's end they will either meet the goal as a group or fail as a group, but individual numbers will not be released.

Kahn said now that Sideman & Bancroft is certified, they are working on ways to capture work from such initiatives. In the meantime, she continues to ponder what exactly it means to be a women-owned law firm, outside of the technical definition of having women control the majority of the equity.

"I think if it meant nothing else, it says we have emerged in a way where we are not second-class citizens," Kahn said. "You've got to sit at the table if you're going to move forward. And we're sitting at the table."

Abbott, who worked at the now defunct Heller Ehrman before becoming a consultant, said she's often thought about that same question. "There is a belief that if you have a women-owned firm, then you'll have a different kind of workplace," Abbott said.

That different workplace could provide more female attorneys as role models than a typical firm, or offer more flexible schedules to achieve a better work-life balance.

"It might be as competitive but not as cut-throat," said Abbott, who also said "large law firms have never been less attractive as places to have a balanced life."

Key Counselor

Kahn said that while she tries to be sympathetic to what may be called the "soft issues," she recognizes that she's running a business, and the livelihoods of 60 employees are in her hands. Being managing partner has added 500 to 600 hours to Kahn's yearly workload, and she still keeps up her estate planning practice full time.

Kahn never intended to have a practice representing high net worth individuals. During college at New York University, she planned on becoming a rabbi but was so intrigued by a class on constitutional law that she decided to switch gears. She attended American University Washington College of Law with the goal of going into poverty law or elder law.

She spent her first eight years at Sideman on the tax controversy case, working for six weeks with her son perched — usually sans tears — in a bassinet on her desk. He turned over for the first time at the office, and "Richard always said my son's first words would be the name of this client," Kahn said.

Even though in some ways her career path seems as far as possible from her aspirations, she said it's closer than it may appear. "I'm involved with clients in an incredibly intimate way," Kahn said. "I am frequently the first call when someone is getting married. I'm the first call after the diagnosis. I see people in the hospitals. People share their worst fears about their children. People share their worries about their marriages."

The practice has also taught her valuable lessons about the dynamic between men and women — like when she represented one of her first clients as a young associate, a wealthy woman who expressed gratitude for being able to consult with a female attorney who wouldn't speak to her like her father or husband did. It was the first time, Kahn said, she realized some women feel uncomfortable or intimidated by the opposite sex.

"I had no idea women might feel differently around men than they did around women," Kahn said. "I, in my entire life, have never felt that way."

"I have never felt even for a second that I didn't belong."

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