

# The Ugly, the Bad, and the Good: How COVID-19 Restructures the Workplace and Careers of Women in the Law

By Vanessa Offutt



The dark cloud that blanketed 2020 bears a laden weight. A pandemic that has left the world in shambles and has stripped us of life as we once knew it—coupled with social unrest in the United States caused by racial injustice—

have served as rain and hail, pummeling down with a vengeance. Each aspect of life has been affected, in some form, by these woes: interactions with family and friends, mental and emotional wellness, the economy, and the workplace, to name a few. No one has been exempt: young and old, all ethnicities, and all genders. Focusing on women in law, the effects of the COVID-19 pandemic have shed light on a myriad of issues, such as financial strife and opportunities, societal imbalances that highlight resilience, the importance of diversity in the workplace, and the need for overall wellness.

## The Effects of COVID-19 in the Workplace: The New “Normal”

Due to the nature in which COVID-19 spreads, many law firms have made a temporary switchover to remote work, enabling attorneys to work from home. The switchover has proved to be a savvy way to keep the ball rolling, providing convenience and a degree of peace of mind to employees.

However, remote work comes with its own set of issues. A well-known issue is the technological learning curve, but there are many others that may not be readily apparent to some. While remote work has leveled the playing field between men and women in one sense, for high-ranking employees to lower-level employees alike, working from home has also revealed an imbalance: some women are taking on a lot more than the dynamics of simply “working from home.” (See e.g., <https://www.abajournal.com/magazine/article/female-lawyers-face-pandemic-challenges>; <https://www.law.com/americanlawyer/2020/10/21/are-women-leaving-big-law-because-of-covid/?slre-turn=20210005082259>.)

## Women Are Burdened with More Than Their Fair Share

Mothers, spouses, and caretakers are shouldering heavy tasks in juggling matters of the home and the family, in

addition to their work responsibilities. The management of such responsibilities creates room for burnout, in addition to worry about affected work performance and the way in which upper management may address it. Another issue is the reduction in attorney engagement. Women are strongly affected in this regard—suffering from

exclusion; losing out on opportunities to connect and foster relationships with sponsors and mentors; and failing to receive steady access to necessary resources, new updates, new cases, and new clients. The nature of remote working increases the ease and occurrence of exclusion, to which women attorneys are unfortunately most vulnerable. Remote work has also impeded social connection and, as a result, mentorship and sponsorship have taken a hit.

More at risk of experiencing such exclusion and, in turn, facing challenges in advancement, are women attorneys of color. (See e.g., <https://news.virginia.edu/content/law-professor-pandemics-impact-women-highlights-opportunities-change>.) With the many acts of racial injustice witnessed this year, emotional and mental wellness is not the only worry of this subpopulation. Women attorneys of color are not receiving the same opportunities as their colleagues, ushering in anxiety and stress over career advancement and financial security, especially when firms are furloughing and laying off employees in addition to cutting pay due to the economic effects of the pandemic. There is a higher probability of layoffs, furloughs, and pay cuts affecting junior level attorneys, which, as research has shown, are most likely to be minority attorneys. (See e.g., <https://www.law360.com/articles/1295575/law-firms-must-note-pandemic-s-outsize-impact-on-women>.) While the focus has been on hiring minorities, emphasis on reten-

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tion of minority talent is lacking, leaving that population susceptible to layoffs and pay cuts.

### Firm Business Is Ultimately Impacted

For many firms, inclusivity and minority programming were underway in light of the long-standing inequity in staff. Many of those initiatives have been postponed or pushed to the bottom of the list of priorities because of the pandemic's financial toll on many businesses. Those programs, which are designed to boost diversity and champion retention to yield racial and gender equity in law firms, are capable of protecting and cultivating many jobs for women in the field of law. When such programming is reduced, those protections and helpful boosts weaken or disappear, rendering women attorneys—in particular, women of color—vulnerable to exclusion that can have a greater impact on firms.

Law firms will be adversely affected by these challenges that the pandemic has created and exacerbated within the workplace. Female attorneys are facing unique difficulties that can, and have been, resulting in women decelerating their careers and leaving the workforce, either temporarily or permanently. This greatly influences female attorney presence and female leadership in law firms. Firms are at high risk of losing female talent, which stands to compromise diversity efforts. Relations with clients, who place emphasis on diversity, can also be in danger. Moreover, the burnout and anxieties that many female attorneys experience are possibly damaging to productivity and quality of work, which may impair firm reputation and client retention.

### As We Round Out the Year, It Is a Great Time to Reflect on the Progress That Has Been Made and the Work Yet to Be Done

Many firms have stepped-up to the plate and pledged to continue their efforts to increase diversity, implement changes for consistent and quality mentorship, encourage regular check-ins by management, and promote self-care and overall wellness. These efforts will serve as effective ways to stave off some of the negative effects that COVID-19 has had on women lawyers.

Additionally, instead of reducing inclusivity/diversity programs in the workplace, now is a pivotal time to continue fostering such efforts. Remote work has the ability to

increase inclusion and social connection, as it takes away the burden of travel and costs. However, intentionality is essential to maximize the opportunities presented by these times. Intentional contact, with outreach by partners, can lead to quality mentorship and sponsorship. Further, intentionality is needed from management to ensure that employees feel supported during these onerous times. Regular contact with attorneys to discuss new matters, current workload and progress, present challenges, and other work-related topics are essential to the health and management of employee relationships. This relays the message that employees are valued amid the many recent workplace restructurings. Another important measure to combat the ills of COVID-19 in the workplace is to promote self-care and overall wellness through employer-provided services such as “employee assistance programs” and mental healthcare benefits. Encouraging employees to “stop and smell the roses” every now and again can also be beneficial.

While COVID-19 stormed down on the year 2020 and beyond, the moments of clarity have revealed resilience, strength, and opportunity. Many firms have shown that business can continue to be successful, even when conducting operations remotely. Women continue to display an admirable strength and ability to multitask, persevere, and produce quality work. And, despite the trying changes that occurred in the workplace this year, remote work and teleconferencing have proved to be beneficial tools that can be incorporated in the post-COVID-19 future by restructuring the workplace into one of convenience without sacrificing quality of work. Though there have been apparent downsides, the effects of COVID-19 on the workplace in general, and on women in law in particular, have not and cannot overshadow the value that women bring to firms and the practice of law.

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**Vanessa Offutt** is an associate at **Shook Hardy & Bacon** in the firm's Miami, Florida, office. She focuses on pharmaceutical and medical device litigation, including toxic torts and product liability. Vanessa has a strong background in trial advocacy and court practice, as well as a deep commitment to helping her community, and she brings real-world experience, compassion, and discipline to her work for clients facing the challenges of litigation. She is a veteran of the U.S. Army, where she served as a military police officer.