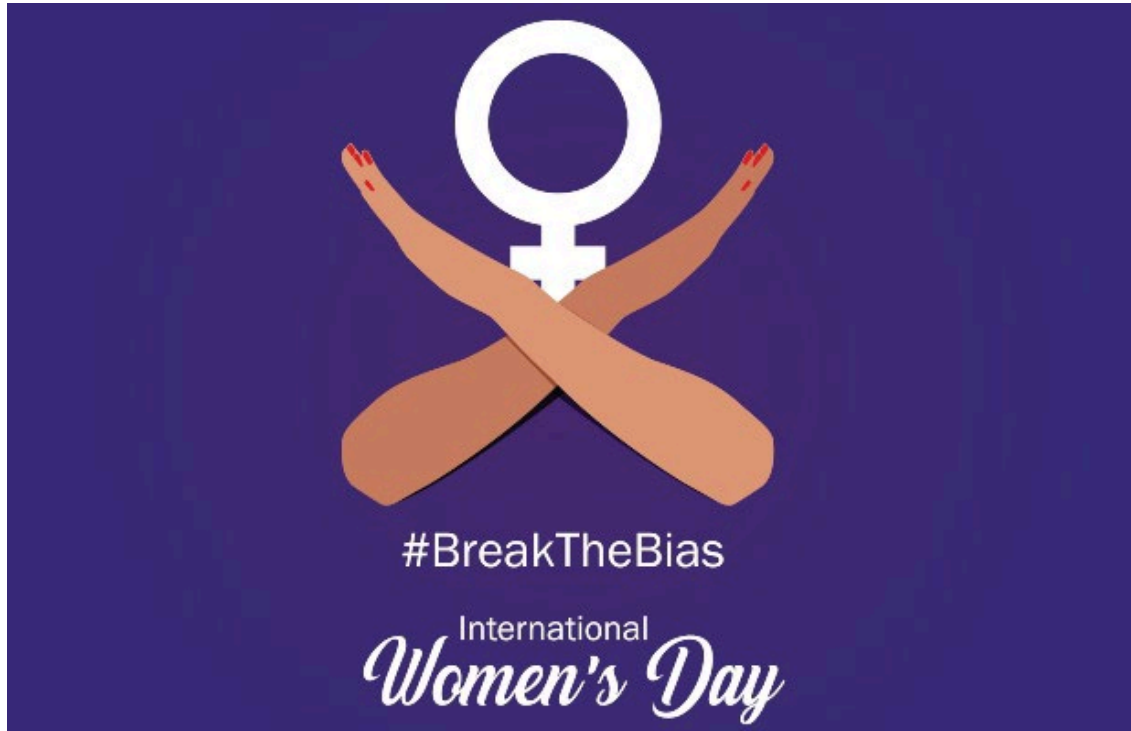


International Women's Day: 'Break the bias'

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For International Women’s Day 2022, the theme is #Break the bias. It is certainly a timely topic: gender bias remains a prevalent and pivotal issue in the fight for greater equality. WIPR reports.

Bias occurs when we [unconsciously](#) form social stereotypes about certain groups of people and make judgements or decisions about them on the basis of our own deep-seated thought patterns, assumptions or interpretations. According to a 2020 United Nations [report](#), almost 90% of men and women hold some sort of bias against women.

WIPR Diversity asked leading female attorneys to share their insights on how women in IP still experience bias, their own experiences and what can be done.

Monika Rai, partner and patent attorney, EIP



“OUR MAIN FOCUS SHOULD BE ON CHALLENGING THE SYSTEMIC BIASES WITHIN OUR SECTOR.”

The legal profession in general is still largely dominated by men. Although there has been significant progress in the last two decades, and the number of women is steadily increasing, particularly at entry levels, we still have some way to go in terms of the senior positions. The most predominant form of bias in my view is when behavioural assumptions are made regarding a whole group based on gender or some other characteristic, or when the work and ideas of women, and other individuals from underrepresented groups, are not correctly attributed or given sufficient credit.

This can often be unconscious or because there is no-one advocating for those individuals in the rooms where decisions are being made. It is hard to point to individual instances and attribute that to bias because individual experiences result from an amalgamation of factors. Even if I have felt unfavourably treated at any point, I have no way of knowing whether it was because I am a woman, a South Asian, an immigrant, or have a different accent, or just because I have a particular personality trait that was viewed unfavourably on a given day.

What I can say is that when I first began working in the London legal sector, I didn’t see enough people with diverse backgrounds around me. This sometimes led to a feeling that I did not belong and that I would need to change fundamentally to fit in. A lot has changed since then. With time, experience and the right working environment, I have learned that increased confidence in my ability, finding common ground with different people and a team that values my work and what I bring to the table can go a long way.

Our main focus should be on challenging the systemic biases within our sector through recruitment and retention procedures that open opportunities to a diverse candidate pool and recognising the benefits that different perspectives can bring to decision-making. In the legal sector, this is already being reflected by growing demand from clients to have more varied teams.

Tackling systemic biases does take time. In the meantime, we can all be diligent in recognising our worth, correctly attributing and recognising the work of women when we are in a room where decisions are being made and finding common values that unite us with our team members.

Christina Ondrick, principal, McKool Smith



Women in IP experience bias in the same traditional ways they experience bias in other career paths. Examples include bias relating to presentation style, prioritisation of a work/life balance, stage of life, and physical appearance.

Women attorneys still need often to prove themselves more and go above and beyond compared to their white male counterparts due to bias rooted in the fact that many people think of a white man when they think of a good lawyer.

Women continue to be judged by their presentation style. For example, women with a “take charge” personality are often viewed as too aggressive and strident, whereas men with similar traits are seen as strong leaders.

Conversely, women with a soft presentation style are often perceived as weak and not charismatic enough to be leading lawyers or zealous advocates for the client. A woman’s prioritisation of work/life balance still raises questions about commitment and competence. It also presents a Catch-22 for some women who work long hours, leading to perceptions about their being uncommitted or uninterested mothers.

It is to be hoped that the transition to flexible work schedules and remote work that we have experienced over the COVID-19 pandemic will alleviate some of the pressures and biases that result from motherhood.

Women are judged more critically on their physical appearance and attire than their male counterparts. Bias regarding appearance tends to impact perceptions on competence, with deviations from the woman lawyer stereotype leading to conclusions of lesser competence.

A few years ago, after having practised for many years, becoming a partner in a large, well-known international law firm, and trying many cases, I attended a hearing in a patent case with a male partner.

The judge remarked how pleased he was to see a junior attorney at counsel's table and to see an associate receiving courtroom opportunities.

I am embarrassed to admit that I did nothing to correct the perception. But afterwards, I made sure to introduce myself as a partner from my law firm. I never thought I would need to do something like that so far into my career. Bias is a complex problem. Creating awareness in ourselves and having candid conversations with others can go a long way in making sustained change. Bias can be tackled with a more open mindset on an individual-by-individual basis.

Everyone needs to understand that they may have not only expressed bias but also unconscious and implicit bias. Approaching bias issues in this way will allow for productive candid conversations where people can share perceptions, feelings and different viewpoints, generate awareness of potential workplace concerns, and foster improvement and change.

When you see an injustice, stand up for others. Often the people who are on the receiving end of gender bias, including many in the legal profession, do not feel that they can stand up for themselves or do not have the skills to speak out to combat the bias they face.

Cecilia Sanabria, partner and partner-in-charge of diversity, equity, and inclusion at Finnegan



“THE KEY IS INVOLVING THE ENTIRE TEAM, COMMUNITY, ORGANISATION, ETC, TO HAVE OPEN AND HONEST DISCUSSIONS ABOUT BIAS.”

Women in IP, just as women in other areas of law, experience bias in a number of ways. If we think about women in patent law, for example, they are not thought of as having careers in science technology, engineering and maths (STEM) subjects.

In 2021, the US census noted that although women account for nearly half of the workforce in the US, they account for only 27% of STEM workers. As a result, women are sometimes assumed not to have highly technical or scientific backgrounds that are useful (and sometimes required) in the area of patents. As women, we have to work to correct those initial assumptions and biases.

As a Hispanic woman in IP I have experienced bias in my career. When I was a very junior attorney, I was mistaken for the court reporter during a deposition (despite having boxes of exhibits and sitting on the taking attorney chair). There have been several other instances since then, and realistically I suspect there will be more. Thinking of these instances as an opportunity, I like to leverage them to educate and address bias.

There are a number of ways we can tackle bias, including through formal and informal training in our various organisations, through town hall and other gatherings in our communities, and by addressing it when we see or experience it. Regardless of the means, the key is involving the entire team, community, organisation, etc, to have open and honest discussions about bias. Only then, will we be able to identify and address the issue.

Krista Vink Venegas, partner and co-leader of the IP life sciences practice at Morgan Lewis



“ADOPTION OF STANDARDS SUCH AS THE MANSFIELD RULE ALLOWS ORGANISATIONS TO MEASURE THEIR TANGIBLE PROGRESS.”

Academic and industry organisations are making steady progress in recruiting, retaining, and encouraging professional development and advancement of female innovators in these fields. The life sciences industry that I work in remains more gender-balanced but, and this is not unique to IP litigation, there are some who still view having one woman on a team as “sufficient” to create a diverse team.

My most successful teams are well-balanced in terms of gender and racial diversity and bring a range of talent, personal experiences, and perspectives that benefit our work for clients. To the extent I have experienced bias, it has not been overt.

I have had the good fortune of having excellent mentors, sponsors, colleagues, and clients throughout my legal career who have helped me overcome barriers where they existed. At Morgan Lewis, we have robust mentoring and sponsorship initiatives that connect women with allies at the firm, in and beyond the IP space, who help position them for more opportunities and, ultimately, success.

We tackle bias in a number of ways at Morgan Lewis, including through unconscious bias training and achieving measurable goals. Recognition of overt and more subtle forms of bias have opened

the door to discussion and education of those in the position to best impact the careers of women in IP as well as other practices, including strong male sponsors.

Adoption of standards such as the Mansfield Rule allows organisations to measure their tangible progress.

Claudia Maria Zeraik, partner, Montauray Pimenta, Machado & Vieira de Mello Advogados



“WE MUST ALSO LEARN HOW TO BE INCLUSIVE WITH OUR PEERS.”

Bias is a battle to be tackled every day. Women experience bias when their work is undermined in the workplace by unequal pay, gender inequality or a hostile work environment. For women who have been working for the last 20 years it's impossible they have not experienced any bias in their career, even if it's unconscious and unintentional.

The world has changed a lot and is still moving towards a better environment at the workplace. We must fully acknowledge the reason it happens in order to address the problem and speak openly with the one who is undermining us. We need to talk incessantly about the problem of bias.

When detecting the problem at the workplace, we must promote discussions to raise awareness about the problem and find solutions and ways of coping with bias. Many have learned what it is to be an expert in our field, but we must also learn how to be inclusive with our peers. We need to build a supporting workplace environment by acknowledging behaviours that undermine and learn the skills required to make the needed change sustainable.

Alice Findlay, partnerships chair, Reddie & Grose

“PARTNERS' NAMES WERE ALWAYS INCLUDED IN THE HEADER OF THE FIRM'S PAPER USING INITIALS, BUT MY NAME WAS WRITTEN IN FULL SO THAT CLIENTS WERE AWARE THAT I WAS A WOMAN.”

Unfortunately, women in IP still encounter discrimination and bias due to pregnancy and motherhood. There are gender biases rooted in the traditional work/family narrative, which views women as the primary caregiver. This creates hurdles for many women.

Often or not, it is the father's employer who is less flexible with childcare considerations, and this failure to sympathise with a couple's childcare balance piles extra responsibility on to the mother. While there has been great progression within IP firms to facilitate opportunities for working

mothers, work is required on both ends of the spectrum to bring awareness to these biases and reduce the overall impacts.

At my first IP firm, I received vocal concerns from senior leadership about when I would become a mother, concerns that were not voiced to my male counterparts. Unfortunately, the concerns over female employees' parental status created a sense of hesitation within the firm when considering women for partnership.

This was reflected in the percentage of women working within senior roles. I also faced bias later in my career when I became the first female partner at the firm. Partners' names were always included in the header of the firm's paper using initials, but my name was written in full so that clients were aware that I was a woman. I look back at these incidents and I laugh in disbelief that I didn't challenge them at the time. But I felt that to progress in a male dominated industry, I had to accept these as unpleasant truths in order to 'get along'.

If IP firms want to create a more inclusive workplace, they must recognise the role their policies and culture play in causing bias and drive organisational change. Mitigating implicit bias requires deliberate action from all members within the firm, not just a chairman or executive board member. Ensuring that the firm's culture is empowering for everyone including and beyond the fee-earners will send the correct message firm-wide.

At Reddie & Grose (R&G), we support a work-life balance and offer flexibility to working mothers/fathers and those who are transitioning into parenthood. We are also strong believers in removing unconscious bias within our recruitment efforts and we have implemented a gender-blind recruitment process until late interview stages. We are proud to say that 52% of our current trainees identify as female. R&G is really proud of these initiatives to uplift women in IP and we hope to see the rest of the sector follow suit.