

**Pro Bono**  
Course Handbook Series

# Diversity & Inclusion in Law Practice 2023

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## The Carousel Awaits: One Woman Lawyer's Success Journey in Law and Family

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“To be or not to be” is not the question for many lawyers. For lawyers who are also parents, or caregivers, the question goes more like this: to be or not to be a good parent, spouse, caregiver, or to be or not to be a good attorney (or business generator... or leader...and the list goes on...)? Can lawyers do both well? Some say, no. I say a resounding, yes! Well, at least on most days...

My journey in pursuit of the elusive “work-life balance” in the law has not been unique. I know many other lawyers who face the same daily struggles, stressors, triumphs, and disappointments. I have found that, in those challenges, many of us unite, lean upon one another, and do our best to not only support each other, but to collectively push the legal profession in a well-needed direction of fully embracing flexibility, inclusivity, and lawyer wellness.

I now view it all as a beautiful carousel ride – much like the one that my children have enjoyed on our summer vacations in Rhode Island. While now older, in past years our kids pondered which horse they would select to ride on the carousel at Newport Beach. I wistfully watched the horses trot up and down and thought, *I sure hope this year brings a slow and steady ride for us all*. But I knew the year would bring ups and downs, as so goes life.

## **COLLEGE, LAW SCHOOL & ENTRY INTO BIG LAW**

- **Horses Up – Learning Law & Motherhood**

I am a first-generation lawyer in my family. I attended Saint Dominic Academy, an all-female Catholic school in Jersey City, New Jersey, which has been empowering women in leadership since 1878. I became a lawyer due to unadulterated idealism and an epiphany I experienced in a women’s history class. As I learned about how women were oppressed in so many ways, I knew that there was no other choice for me. What could be more empowering than learning the law of where you live? So, off to Rutgers Law School I went. I felt at home at Rutgers Law and relished being part of several social justice initiatives. I was fortunate to land a summer associate position at a large New Jersey firm, and so began my path to becoming an employment lawyer. During my 10 years at that firm, I was well trained on how to practice law, manage staff, market, and develop business. I was also active in “firm life.”

I got married at the age of 31 and had my first son soon after turning 33. At the time, I had been at the firm for 8 years. Although pre-term labor landed me on bed rest in my seventh month of pregnancy, I was able to thankfully carry the pregnancy until full term. However, I felt

totally unprepared to leave work before I had planned. I wanted to have a “clean plate” before going on maternity leave. So much for plans. I soon began to realize that a life where things went “as planned” was over as I knew it. I went back to work full-time after maternity leave and was fortunate to have help from my mother-in-law who was able to help care for our son.

- **Horses Down – Stuck in the Grind & Motherhood**

At 34, I became pregnant with my second child. In the middle of a trial, and 11 weeks into my pregnancy, I was suffering excruciating pain on my right side. Worried it was an ectopic pregnancy, my doctor sent me to the emergency room on Easter Sunday, where I was told that, although the pregnancy was fine, there was a “large mass” on my right ovary. Soon thereafter, I sought the care of a gynecological oncologist due to the suspicious look of the mass, coupled with the fact that I had a family history of ovarian cancer. I spent 5 weeks on bed rest hoping the mass would not burst before I reached 16 weeks into the pregnancy, which was the safest time to have the surgery with less chance of miscarriage. On May 13, 2004, I went under the knife. The surgeon let me listen to my baby’s heartbeat before I went under anesthesia. Thankfully, I awoke to news that the mass was “benign” and once again heard my baby’s heartbeat (who made it through the surgery with flying colors).

I was stapled up and returned to work full-time 2½ weeks later to write a lengthy post-trial brief to the tune of about 300 billable hours (while I was 5 months pregnant). One male partner commented upon my return from this traumatic experience, “You’re pregnant again?!” He further inquired as to how many kids I planned to have ... asking if I planned to have 10. (While some may say he was “teasing” or trying to be funny, women lawyers commonly experience these types of microaggressions and it is common for such microaggressions to have a negative impact on the psyche.)

On October 29, 2004, I gave birth to my daughter. She was healthy and perfect (despite the Demerol pump I had been on for 2 days after the surgery). I returned to work on a full-time basis after maternity leave, again with help from family with childcare. This time, my mother took an early retirement to help care for our newborn daughter and 18-month-old son.

- **Getting Off the Carousel? Mental Health Challenges**

Upon my return to work after the birth of our daughter, I had this nagging feeling that something had to give. I felt I could not be the mother I wanted to be and meet my firm's requirements (at least for a while anyway). Many days, I felt simply paralyzed. I was going through the motions of my life but knew something felt very wrong. I thought the answer was getting off the carousel and leaving the law all together, as I truly did not see any other option at the time.

Just before I jumped off, something made me stop. It was that little voice inside, my gut – or whatever you want to call it. I stopped, took one giant step back, and got back to basics: why did I do all this in the first place? Memories of that women's history class came flooding back, and thankfully, along with it came a newfound enthusiasm and excitement that I had truly lost while in the grind of the profession. I began to see possibility instead of disappointment and futility. While it was arduous, I found my way and persevered, which included getting help and treatment to alleviate the oppressive depression from which I suffered and did not even fully realize.

*I did not get off the carousel. I simply decided to leave big firm life after 10 years of practice.*

## **LAUNCHING A WOMAN-OWNED LAW FIRM & REVITALIZING THE NEW JERSEY WOMEN LAWYERS ASSOCIATION**

- **Horse Up – Finding Inspiration & Becoming an Entrepreneur**

In 2006, I took a leap of faith and started my own employment law practice, a woman-owned law firm, which was also dedicated to the advancement and retention of women in the law. Before I left big firm life, I looked around to see how other women lawyers were making things work once they had kids; I knew I was not alone. I noticed that many of my close friends and women that I had come up with through the ranks were "opting out" of the profession once they had kids because the balancing act became too difficult. At the time, many firms in New Jersey did not even allow attorneys to work on a part-time basis (and certainly not if you wanted to be considered for partnership). On site hours late into the evening and on weekends was the norm. Bias, both explicit and implicit, was prevalent. Many women felt undervalued upon

return from their maternity leaves. Some were blatantly discriminated against. It was not always easy to stay if the outlook was bleak and you felt undervalued. *Why not leave if you had alternative options?*

- **The Sisterhood that Saved Me**

I was desperate to find a path to remain in the law and began scouring the state for women who had managed to stay in practice while also achieving fulfilling personal and family lives. I combed through my old-fashioned rolodex (yes, before Outlook contacts) and made a list of all the women lawyers I knew. This list led to more women that, in turn, led to even more. I realized that there was a gaping hole in New Jersey. *Why was there not a strong network of women lawyers in New Jersey?* I thought to myself that this really needed to change...

At the same time that I was trying to navigate my own career challenges, I had an impromptu conversation in late 2005 while at an event with lawyer Marilyn Askin (a trailblazer in the New Jersey legal community and fellow Rutgers Law alumnae) who was also one of the founding members of New Jersey Women Lawyers Association (NJWLA). NJWLA was an independent bar association created in the early 1980s and initially focused on efforts to promote more women to the judiciary. Marilyn expressed concern to me that NJWLA may be disbanded as it had fallen off track. She urged that a new leader and group of women from the next generation were needed to step up to get it going again. That is exactly what happened. (Marilyn recently passed away and we thank her immensely for her inspiration.)

I commenced a statewide “call to action” to women lawyers to join the efforts to revitalize NJWLA. Nobody I called upon said no. They all stepped up. Many of them did not even know me and took my call anyway. *My daughter was 18 months old and my son was turning 3 years old at the time.* We drafted a new mission and expanded focus on not just promoting women to the bench but also in all sectors, as well as a focus on efforts to retain and advance women in the legal profession. Integral to the revitalization was planning an annual event to celebrate women who are accomplished leaders in the law.

It quite literally has been a dream come true for me and other women lawyers in New Jersey. We rebuilt it and they came (and still come) in droves. Today, there is a thriving statewide sisterhood of women lawyers in numbers in the thousands, and NJWLA is a powerful force in the New Jersey legal community. Our annual Women Leaders in the Law Gala draws often over 700 attendees and is known as one of the premier legal events of the year with the state. With the funds raised

from this event, we provide law student scholarships, grants to non-profits doing important work, and support our members with business development and education.

There is no question that the support of my NJWLA sisters helped me become the lawyer and leader that I am today. They have offered support in all ways possible, including business referrals, shoulders to lean on, kid and parent advice, and unwavering friendship.

- **Motherhood Again...**

Then, in 2012, *there were three....* Just when things could not get busier, we welcomed our third child (our second son), who I had at the age of 42 (also known as my “change of life baby” ... and yes, he was planned...)! Three weeks after giving birth, I found myself performing a sexual harassment investigation. While I opted not to take more time off due to business needs, I had flexibility when I needed it and once again had some family help. I could literally walk to my office, which was in the center of town and within walking distance from the kids’ schools. (Granted, I only got visits when they wanted money for food or Starbucks, but I still liked the visits and, like all moms, I will take what I can get.) The age gap brought us “built-in babysitters,” but, more importantly, our older children were able to experience the joy of seeing things through his excited eyes now that they were jaded teens. Our youngest son is truly a family baby and has made everything complete.

- **Family Support & Parental Caregiving Challenges**

Throughout the mayhem, my husband, (a former professional soccer player turned teacher), has supported me in many ways. With quiet confidence and a smile, he has been there every day. We are true partners (he has nights and I have mornings with kid duty). He is also the better cook and makes our daily meals, and for that I am ever thankful. We continue to work slow and steady as a team to advance our careers while juggling the ever-challenging activities and sport schedules of our children. Fortunately, he has never once said he “babysits” our kids.

Throughout these years, my two sisters and I also had the added stress and responsibility of tending to our beloved father, whom we had watched be ravaged by the devastating effect of bipolar disorder since we were small children. He sadly passed during the Pandemic and had increasingly worsening symptoms in his later years, which

required a great deal of time and attention. Anyone who has a family member with mental illness knows the daily stress and emotional toll associated with this caregiving.

Like everywhere, mental health challenges plague the legal profession. They are not discussed as much as they should be, and lawyers are all too often hesitant to seek help. This needs to change. The profession needs to fully embrace the importance of lawyer well-being and wellness and create awareness and safe places to speak up and seek resources. In 2021, I was fortunate to be appointed by the New Jersey Supreme Court to serve on the Board of Trustees of the New Jersey Lawyer's Assistance Program, a confidential, free, and independent program assisting members of the legal field with substance use and mental health issues affecting personal and professional well-being. Through this role, I can help with efforts to remove stigmas surrounding mental health and substance use challenges in the legal profession.

### **THE CAROUSEL CONTINUES – CELEBRATING 15 YEARS & CONTINUING TO PRESS THE PROFESSION FORWARD**

As of 2023, I have been a practicing attorney for over 25 years, and the firm has steadily grown. KSBranigan Law P.C. is a certified Women's Business Enterprise by the Women's Business Enterprise National Council (WBENC) and is a member of the National Association of Minority and Women Owned Law Firms (NAMWOLF), a nonprofit trade association comprised of minority and women owned law firms and other interested parties throughout the United States, with a goal of diversity in the legal profession by fostering successful relationships among preeminent minority and women owned law firms and private/public entities.

Our firm focuses on bias prevention and remediation through training, policies, climate assessments, investigations, equal pay audits, and counseling as well as dispute resolution services through mediation and arbitration. We help organizations foster safe, bias-free, respectful, and culturally competent environments, and build diverse and inclusive cultures where equality, mindfulness, and well-being are prioritized.

We provide consulting to all organizations, including law firms to help them address training gaps (such as harassment and discrimination prevention, implicit bias and cultural awareness, and generational differences), improve policies, and build effective and data-focused initiatives and strategies to address challenges surrounding the advancement and retention of women and under-represented attorneys.

As Managing Partner of our firm, I see how the solutions work. The attorneys (and staff) on my team have flexible schedules that allow them to attend to their personal lives while remaining productive and successful. I work a hybrid schedule (both remote and on site depending upon the business needs). Our other attorneys work predominantly remotely but come on site as needed and travel to clients for trainings and investigations on site as needed. Our paralegal relocated out of state but has continued to work 100% remotely, long before that became common place during the Pandemic. Our firm manager and marketing coordinator work hybrid schedules. Such flexibility has resulted in success for our attorneys and staff, personally and professionally.

Flexibility is a critical component to retaining women in the legal profession. Flexibility has been my anchor to remaining in the profession. BUT it is not only women who need and deserve flexibility. Others (including our male colleagues) also value flexibility and want to be involved in their families' lives, and pursue outside interests. Our male colleagues should be encouraged to take parental leave and not be stigmatized for doing so. I already see this happening and I am encouraged by it, but there still remains a lot of work ahead.

The quest to work remotely (without penalty or loss of career traction) has been a fight for decades, primarily led by women lawyers. This changed literally overnight during the COVID-19 Pandemic. As we all saw, law firms were able to pivot to remote and hybrid work models and made significant revenue. Many lawyers (not just female) now have experienced the benefits of flexibility. We must not slide backward to only 100% in person options. Loss of flexibility to have at least some remote work will help us keep women in the profession, especially during those challenging child-rearing years, when many decide to opt out. If we keep these women, they will in turn be critical to the diverse growth of the profession and serve as a pipeline to leadership.

“Work-life balance” is not easy to achieve. If we try to achieve balance every day, we will be perpetually disappointed. We need to change our perspective. I now find it an accomplishment if all the spheres of my life can co-exist harmoniously. It is a victory if I only drop one or two balls a day instead of all of them. But let's face it... our profession is not easy. Being a lawyer is hard. It requires often long hours, stressful deadlines, and sometimes challenging clients and adversaries. When deadlines exist, you may miss out on family time, but you can make that family time count once the deadline passes.

As a woman lawyer who had first-hand experience with many of the challenges that continue to plague women in this legal profession, I am committed to the efforts to accelerate the progress for the next generation of female and other diverse attorneys. Progress for these groups has been unacceptably slow for the past decades. We need to see significant change now. We also need to provide better options to embrace women who left the law to re-enter the profession. I recently joined the faculty of Rutgers Law School to help launch a cutting-edge study that addresses the retention of women lawyers in New Jersey and the challenges they continue to face.

Looking back on my journey thus far, I am thankful that I chose to stay on the carousel. On a personal level, our eldest son is now a college student and turning 20. Our daughter is 18 and will be attending college next year, and our youngest is 10 years old. They are amazing children and my daily inspiration. Each day is a beautiful (and often stressful) day, and I treasure every one of them. I feel fortunate to have played (and continue to play) a meaningful role in our kids' lives while also navigating a fulfilling career path. I continue to cherish the very quickly passing time with our kids before they are off living their own lives.

The ups and downs are well worth what the carousel ride provides – the colors, the lights, the music, and most of all, the joyful smiles of our children that stay with us through it all... Another stressful day, another sleepless night. No matter what the price, there is no question that the ride is worth it; and yes, yes, a resounding, yes, attorneys can find a path in the law and have a meaningful family life. For now, it still takes a great support network, tenacity (creativity and enthusiasm help quite a bit, too), and of course, that enduring work ethic that got us all to this point in the first instance.

BUT it should not be that women lawyers (who all too often still bear the brunt of caregiving) have to find (or invent) their own creative and innovative ways to fight and claw their way to remain in the legal profession and find their own carousels. Women lawyers who want to start their own law firms, should, but this should not be because they cannot find a happy and healthy path at their law firms.

Clients want diverse legal teams because they lead to better results. Firms lose money and clients when diverse lawyers leave. Many firms do not quantify the loss of diverse talent and do not devote resources to this area. The legal profession needs to embrace solutions to retain and advance diverse attorneys not only because it's the right thing to do, but because it

is good for the firm's bottom line and benefits their clients. The business case supporting diversity is not new. *Why are firms still not embracing it? Why are some firms not consistently measuring progress?*

Our profession needs to catch up to what our clients want (and often demand). Law firms need to do a better job to adopt and implement the policies, initiatives, and processes that will continue to build the profession into a more diverse reflection of society and the clients they serve. The profession needs to hold itself accountable for this failure.

We should all be motivated to see the profession embrace diversity, equity, and inclusion and prioritize lawyer wellness and well-being. It is good for society, business, our clients, and our fellow lawyers.

*While there is still work to be done, there is hope.... For those who got off, stayed on, or are thinking about either...your carousel awaits! So, get on and enjoy the ride.*