WOMEN IN CONSTRUCTION: THE DOUBLE WHAMMY—BEING IN A MALE-DOMINATED INDUSTRY (CONSTRUCTION) IN A MALE-DOMINATED INDUSTRY (THE LAW)

This fall my firm, Sedgwick LLP, will be hosting the 12th Annual Women in Construction Conference in Washington, D.C., a forum of education, professional development and networking for women in the construction industry. The program will feature a full day of panel discussions, presentations by prominent keynote speakers and interactive breakout activities covering key issues. More than 300 people attend the event every year. Attendees include women general contractors, subcontractors, developers, architects and engineers, as well as representatives from trade associations, nonprofits, construction consulting companies and law firms from across the U.S. and Canada. Over the years, the feedback from the conference has been enthusiastic, heartfelt and consistent, and women attendees tell us they relish the opportunity to be among so many other women in the construction industry, an opportunity they don’t often experience back home in our typically male-dominated field.

I am a board member of Women in Construction (WIC) — West Coast and an attorney with a nationwide practice involving all aspects of construction law. My Sedgwick LLP colleague and fellow female construction attorney, Barbara Werther, is the co-founder and chair of Women in Construction. Some folks have suggested that women construction lawyers have a particularly unique burden because they are women in a man’s industry (construction) within another man’s world (the law). And they are right — it can be a kind of “double whammy.”¹ First, when they go on a job site to understand the project that is the subject of their legal work, such as negotiating and drafting a contract or investigating and litigating disputes arising from the project, they are often the only woman on-site. And, when they go into a courtroom or before an arbitration panel to represent their construction client, they also are often the only woman in the room. While there has been some improvement, to this day, this happens more often than people would think. Here’s why.

SOME BASIC STATISTICS

Rosie the Riveters

National
In 2016, the Bureau of Labor Statistics reported 10,328,000 people working in the construction industry. Of these, 929,520 of them, or 9.1 percent, were women.²

¹ I cannot take credit for the title or the “double whammy” concept as much as I would like. That credit goes to Sarah Owens, Director of Marketing, Commercial Division, Sedgwick LLP, Kansas City, Missouri. As the head of Sedgwick’s Commercial Division, I have the pleasure of working with Ms. Owens on an almost daily basis. I truly appreciate her creativity, steadfastness, candor and energy.

California
The most recent statistic available for California, dated 2013, shows that 2 percent of the construction, extraction, architecture and engineering occupations were filled by women.³

Lady Lawyers

National
The American Bar Association Market Research Department in April of 2016 reported that nationwide, women constituted 36 percent of all lawyers.⁴ There are no available statistics as to how many of those attorneys specialize in construction law. However, the American Bar Association’s Forum on Construction Law is the largest construction bar association in the world. Of its 6,000 members, 1,487 are women, making up just 25 percent of the organization.

California
As of 2015, the California State Bar reported between 32 and 39.4 percent of attorneys in California are women.⁵ (Why the percentage is not more exact is curious.)

Clearly, the number of women in both industries needs to improve for a host of reasons, not the least of which is that businesses, of all ilk, do better when women are in leadership positions. In an article published on Jobsite (a recruiting website), “Women in Construction: The Opportunities and Challenges,” https://jobsite.procore.com/women-in-construction-the-opportunities-and-challenges, author Erica Konieczny states: “At the corporate level, there is mounting evidence that when women are in top leadership positions, companies do better. Catalyst reported that return on invested capital was 26 percent greater in companies that had women on their boards, when compared with companies that had no women.”

The Silver Lining

Notwithstanding these statistics, it is likely that women construction lawyers actually have advantages over many other women in male-dominated industries and professions, including women in the construction industry itself, be they in management or in the trades. One advantage is the fact that most lay people view lawyers differently. While they often do not like lawyers (imagine a smiley face here), they do hold them up as people with superior knowledge and, to be honest, more talent and ability — plain old “smarts.” Accordingly, “lady lawyers” do have the benefit of having others perceive them in that light, arguably giving them an advantage, regardless of what industry or type of practice they are in.

Another example of women construction lawyers having an advantage comes from another stereotype. Generally speaking (indeed, a synonym for stereotype), female attorneys seem to naturally have a bit more

tough-mindedness that makes them appear less fearful in situations and, indeed, some women lawyers do have reputations of being both fearless and fierce — a compliment to any lawyer, but particularly a woman lawyer. Unfortunately, that persona does get accused of having the B-factor, but less so than folks might think. Because of these two circumstances, women lawyers that are construction lawyers probably “manage” being the only woman on the job site or in the courtroom better than other women might.

Finding the “silver lining,” the advantages of being a woman in the construction industry is one of the themes of the Women In Construction Conference and why I am proud to be a part of it. Women who attend benefit in multiple ways, including:

- Gaining exposure to new audiences: Women in Construction sponsors are the premier construction, real estate, engineering, architectural and consulting firms in the region. Their representatives are present and accessible to everyone at the event.

- Finding new opportunities: Whether you are looking for new business, seeking industry intelligence or exploring other career options, Women in Construction offers immediate access to like-minded women throughout the region.

- Learning from leaders: Women in Construction panelists and presenters are carefully chosen for their professional experience and demonstrated commitment to helping others advance in their careers.

- Developing new skills: The Women in Construction programming committee works hard to ensure that all networking and education sessions are strategic and structured. We help you make the most of your time at the conference.

- Becoming inspired: Our keynote speakers are prominent, accomplished and passionate about their work. They generate excitement, ideas and energy.

One final silver lining for women in construction is in the “getting work” arena. In any situation, if you meet ten people and only one is a woman, you are likely to remember her. That gives women a leg up when making that follow-up overture to begin a working relationship.

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Marilyn Klinger is a partner in Sedgwick LLP’s Los Angeles office. She is the firmwide chair of Sedgwick’s Commercial Division and the chair emeritus of Sedgwick’s Construction Practices Group. Early in her career, Marilyn became a pioneer in construction law, being one of the first women attorneys to practice in the primarily male field. She practices in all aspects of construction law and represents the full spectrum of the construction industry, from owners, contractors, subcontractors and sureties. She is recognized as an innovator and a thought leader in the construction legal field. On a personal note, Marilyn loves humor and thinks everyone is way too serious. Contact Marilyn at 213.615.8038 or marilyn.klinger@sedgwicklaw.com.