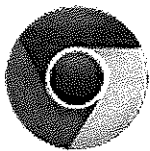


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## Female Lawyers Say IP Still Male-Dominated World

Share us on: By Sara Stefanini

Law360, New York (September 04, 2008, 12:00 AM ET) -- Women who practice intellectual property law continue to face a largely male-dominated world, particularly in the patent sector, despite the concentrated efforts law firms have made to draw more women into their ranks in recent years.

The technical background that patent attorneys must have to register with the [U.S. Patent and Trademark Office](#) is one of the main factors that has kept many females out of the patent practice, since more men than women tend to study sciences and engineering in the United States, several female lawyers said.

"I've been doing IP litigation for 10 or 11 years, and I definitely think it still continues to be male-dominated," said Karineh Khachatourian, an IP litigator at [Mintz Levin Cohn Ferris Glovsky & Popeo PC](#) and co-president of the Women's Intellectual Property Association. "Unfortunately, I see the change in in-house counsel - I see a

lot more women in in-house counsel and taking decision-making roles - but not that many in law firms.”

Other areas of intellectual property law, such as trade secrets, trademark and copyright law, also tend to be more equally split between men and women, attorneys noted.

While there aren't many statistics on the number of women in the IP field, this prevailing sense of a gender inequity was reflected in a Law360 job satisfaction survey, in which about 72 percent of the intellectual property attorneys who responded were male and 28 percent were female.

Of those who responded, 7 percent of female IP attorneys said they were “very dissatisfied” with their jobs, while 11 percent were “somewhat dissatisfied,” 34 percent were “somewhat satisfied” and 43 percent were “very satisfied.”

Among male IP lawyers, meanwhile, 4 percent “very dissatisfied,” 9 percent were “somewhat dissatisfied,” 30 percent were “somewhat satisfied” and 53 percent were “very satisfied.”

“I would venture a guess that there are more men who have the requisite background for patent prosecution, and I think that's part of our culture,” said Marjory Basile, an IP principal at Miller Cantfield Paddock & Stone PLC who focuses largely on trademark law. “In India and Asia, I don't think that would be the case, but in our culture you will have more men than women with the technical backgrounds.”

This tendency leads to more men in the patent prosecution area, since attorneys must have a technical degree in order to register with the PTO and practice before the agency, Basile noted.

Although patent litigators are not required to have that previous degree, in many law firms it is the patent prosecutors who litigate in court, too, she said, noting that the technical background is still a useful tool in many patent cases.

The effects of this prerequisite, coupled with the wide array of IP law jobs available outside of law firms, becomes evident when looking at the candidate pool for patent attorneys, which is generally made up of far more men than women, said Kathy Kowalchuk, a nonequity partner and chair of the diversity committee at the IP firm Merchant & Gould PC, who also has a doctorate degree in microbiology.

“You're stating to see some changes, and those changes kind of mirror what's been happening with undergraduate degrees in science and technology, really we've seen a dramatic change since 2000,” Kowalchuk said.

For the time being, however, the changes are still mostly evident in lower positions at law firms, rather than at the partnership or management level, she said. This year, about 33 percent of Merchant & Gould's new associate hires were women, she added.

Still, the changes are mostly taking place in the biotechnology and chemistry areas, with a more static situation in patent sectors such as electronic and mechanical engineering, female IP attorneys said.

Foley & Lardner LLP's intellectual property practice has just one woman out of some 30 attorneys who

specialize in electronic patents, noted Sharon Barner, chair of the firm's IP practice.

"I think, from my perspective, the change has been that there are women at all in that group, because when I started there weren't any," Barner said.

Of the women who do enter patent law, more are going into litigation rather than patent prosecution, she added. "IP litigation is more exciting. You have to organize and manage more, you have to juggle, you have to be investigative, and I think women are good at those things."

Still, female IP attorneys questioned in the Law360 survey responded slightly more negatively than did their male counterparts when asked about how satisfied they were with their working relationships within their practice groups. About 5 percent of female respondents described themselves as "very dissatisfied" and 9 percent said they were "somewhat dissatisfied," while 30 percent reported being "somewhat satisfied" and 51 percent said they were "very satisfied."

About 3 percent of male IP lawyers said they were "very dissatisfied," 7 percent reported being "somewhat dissatisfied," 30 percent described themselves as "somewhat satisfied" and 55 percent said they were "very satisfied."

Other factors, such as the lifestyle of working in a law firm, and in particular working as a patent litigator, also tend to dissuade women from pursuing careers as patent lawyers, female IP attorneys said. Patent litigators, like many attorneys who work in complex litigation, often struggle with the obligations of tight court deadlines and other demanding duties that come with the territory, they said.

"I think that IP litigation is one of the more aggressive practices in law," Khachatourian said. "It's not for everyone - male or female - it requires a pretty strong commitment and it's very adversarial. People feel very strongly about their IP, and when they feel it's been misappropriated, it becomes very emotional, it's very personal. And that frankly wears people out, male and female."

Female attorneys, however, often do feel a particularly stronger pressure to juggle children, housework and other family duties with the need to rake in the billable hours, women said.

The stress that comes with the job can lead female IP attorneys to leave private practice after their first three to five years at a law firm in exchange for jobs in the corporate world, said Kowalchuk.

"You end up just losing a lot of people at that level, because there are just so many positions available," Kowalchuk said.

In fact, when asked about the likelihood that they would remain at their firm for at least two years, women who responded to the survey were less likely to stay than their male counterparts.

About 11 percent of female IP attorneys said they were "very unlikely" to stay compared to 6 percent of male IP lawyers, while 51 percent of women and 61 percent of men reported being "very likely."

"Women are still leaving firms, they're not becoming partners," Khachatourian said. "I have a sense that the

younger generation thinks things have changed a lot, and in some ways they haven't."

The wave of women moving up to leadership positions is far more evident in areas such corporate legal departments and jury appointments, Khachatourian said.

Many large corporations, such as Wal-Mart Stores Inc., Chevron Corp. and Visa Inc., have recently taken active steps to add diversity to their legal representation, both in-house and outside.

"It really does start with in-house counsel, people like Wal-Mart and Chevron and Visa, they demand diversity," Khachatourian said. "It starts there, and firms internally have started to commit too, but there hasn't been as much change as you would think."

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