

Female Powerbrokers Q&A: Akin Gump's Kerry Berchem

Law360, New York (December 10, 2013, 1:21 PM ET) -- Kerry E. Berchem is a partner in Akin Gump Strauss Hauer & Feld LLP's New York office, where she co-heads the firm's corporate practice and serves as a member of the firm's management committee. Her practice encompasses advising companies, including boards of directors, and private equity funds in mergers, acquisitions and private equity investments, capital markets transactions, corporate governance matters, and reorganizations and recapitalizations. She also serves as outside general counsel to several publicly traded and private companies.

Outside of the office, Berchem serves on the New York City Bar Association's Mergers, Acquisitions and Corporate Control Contests Committee, the Business Law Partner Advisory Board of Thomson Reuters Accelus and the Corporate Advisory Board of the Practical Law Company. She is also an active participant in the National Charity League, a not-for-profit organization of mothers and daughters intended to foster community responsibility through participation in philanthropic work, educational activities and cultural events.

Q: How did you break into what many consider to be an old boys' network?

A: Breaking in isn't really the hard part. Staying in and continuing to advance is the hard part. In 2013, almost half of the associates in private practice were women, roughly the same as when I started practicing in 1991. So, women are getting in. Sadly, however, the percentage of women making partner is substantially below 50 percent. It is hard to say if this is driven by personal decisions to opt out of the race, or if institutional issues make it more difficult for women to achieve advancement and promotion.

Making partner is hard for anyone, male or female, and you really need to want it. Desire is subjective and personal, and there are a million reasons why women leave "big law": motherhood, pursuit of better work/life balance, or the realization that they just don't like practicing. Assuming the desire is there, one's personal qualities — technical skills, people skills, grit, resilience and the flexibility to change course if you are facing a dead end — then come into play. So does a healthy dose of good fortune.

I have been at two law firms. At my first firm, I was placed in a section of the corporate department that principally represented insurance companies and underwriters with insurance and reinsurance expertise. While the group's core focus was transactional work — both M&A and securities — I had to learn the business of insurance in order to be effective and knowledgeable about the clients' business and objectives. It is not an exaggeration to say that prior to my start there, I didn't know what a premium was, let alone a combined ratio or a commutation. Although I learned a lot, I questioned whether working principally with an industry that seemingly was dominated by "old boys" was for me

long-term. My career desire waned, and, admittedly, I took my eyes off the road.

Five years into my career, I was 27, engaged to be married, and I seriously considered leaving the practice of law entirely. However, before making that decision, which I feared would be irreversible, I started to look for other opportunities, both at other firms and in-house. I looked. And looked. And looked. I was reluctant to make a purely lateral career move.

I came upon Akin Gump in 1997. At the time, Akin Gump's New York office was three years old and had only about 50 lawyers. The partners I met, all of whom were men, were founders of a new office of an established national firm. They were young, energetic and welcoming. Their core clients were hedge and private equity fund and portfolio companies. The atmosphere, the energy and the timing felt right, and it became clear to me then and there that not all boys are "old boys." I went with my gut, made a switch and have never looked back.

There is irony in my decision to go to Akin Gump, however: My elevation to the partnership, which occurred during my first maternity leave (I have been on three), was due in large part to the insurance experience I had gained at my prior firm. Not long after my arrival at Akin, I was offered and seized the opportunity to work with a very significant hedge fund as a sponsor of an offshore reinsurance company, which company I then represented for the next 14 years. The roads intersected nicely for me, for sure.

Q: What are the challenges of being a woman at a senior level within a law firm?

A: I recognize that I have been very fortunate in my career path. I have been in the right place at the right time — a lot. Akin Gump, which now has women serving as chairperson and chief operating officer, is a special place in so many ways, and I could not be prouder to be a part of it. But success does not come without challenges. Juggling an active client base, managing a practice and raising kids take time. Time is precious, and there rarely (never?) seems to be to be enough of it.

Q: Describe a time you encountered sexism in your career and tell us how you handled it.

A: I was a second-year lawyer and, during a drafting session and in front of maybe 20 people, a senior partner called me "dearie" and asked me to get him coffee with cream and sugar. I got it. In the next day's drafting session, the same senior partner got up to get some water. I asked him if he would, please, get me a Diet Coke. To say he was a bit taken aback is an understatement. But then he asked me if I wanted ice!

It is important to recognize that different people and, specifically, different generations come with different upbringings and different views on women and that those views can and often do change over time. It is also important to recognize that different infractions have varying degrees of significance. Some should be shaken off with humor and, perhaps, a lesson learned. Of course, regrettably, others deserve greater attention and should be dealt with more formally.

Q: What advice would you give to an aspiring female attorney?

A: If you really like the law, then you have to stay on the road and keep driving. Keep your eyes and options open and expect that you will encounter bumps and potholes. Don't be afraid to take turns or even switch lanes. Ask to work on matters and with people you really like — a road trip with fellow passengers who challenge you, teach you and respect you can make a huge difference in the map to

your destination. Finally, never concede that you are at a dead end. Gas up and rest if you need it. Drive a different car. But never concede you are at a dead end.

Q: What advice would you give to a law firm looking to increase the number of women in its partner ranks?

A: Do it. Do it by creating training and mentoring opportunities for women, including business development training, which is invariably different for women than it is for men. Promote work/life balance options, including telecommuting. Recognize that when your star associate has started a family and wants to put her baby to bed, that she might be asking to put her career in a lower gear temporarily, and that it doesn't mean she'll remain in the slow lane forever.

Firms and the people who run them need to ensure that there is action and not just talk and that the culture supports the promotion of women to the highest levels. Sheryl Sandberg has advised women to "Lean In." My advice to a law firm looking to increase the number of women in its partner ranks is identify who is leaning in, has taken ownership and shows potential. Then "tow them in."

Q: Outside your firm, name an attorney you admire and tell us why.

A: I like every attorney I have met who is smart, has a passion for the practice of law and has a great sense of humor. There are quite a few of those out there. Well, at least a handful! But if I had to name one and only one, I would say my dad, Bob Berchem of Berchem Moses & Devlin. Why? Because he is my dad, he is brilliant, his sarcastic wit can defuse even the most trying situations (as well as incite them), and he has never ever treated me "like a girl."

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