

Federal Judicial Center
In Session: Leading the Judiciary Episode 3

Michael Siegel: Hello. I'm Michael Siegel, senior education specialist in Executive Education at the Federal Judicial Center.

Today's episode is about strategies and tools to foster more productive relationships between men and women in the workplace. Our guest, Joanne Lipman, wants to help leaders, men and women, transform how we work together to ensure outstanding work environments for all. Our host for today's episode is my colleague, Lori Murphy, assistant division director of Executive Education. Lori, take it away.

Lori Murphy: Thanks, Michael. Joanne Lipman is the author of the book *That's What She Said: What Men Need to Know (and Women Need to Tell Them) About Working Together*. Lipman is a veteran journalist who spent over 20 years at *The Wall Street Journal* where she ultimately served as the deputy managing editor. She was the first woman to hold that position. Most recently, she served as chief content officer for publishing company Gannett, and editor-in-chief of *USA TODAY* and *USA TODAY Network*. She's a frequent contributor to numerous other

publications and regularly makes appearances on many television and news outlets.

Lori Murphy: When you started your reporting for the book well before the Me Too and Time's Up movements, so what caused you to want to study the gender gap at work?

Joanne Lipman: I started the research more than three years ago. And the reason is that, you know, I grew up professionally at *The Wall Street Journal*. I spent the first two decades of my career and I was surrounded by men and my sources were men, my bosses were men, all of my mentors were men. They were really good guys, I had a great experience. But then when you speak to your female friends and colleagues, the conversation was always the same, which was we always talk with each other about the issues all women face. Being overlooked, marginalized, underpaid, not given the same level of respect as the man sitting right next to us.

And you go to these conferences and there's books about this but they're all for women. And I really felt like women talking to each other as good a conversation as that is, it's half a conversation and it gets us at best to half of a solution. We really need men to join us if we're ever going to close the gap.

Lori Murphy: So you talk about respect and in the book you call it the respect gap that exists between men and women. I was struck when I read the book that you say men are often assumed to be competent until proven otherwise, but the reverse is true for women. And women who often toot to their own horns can overcome that but only at the expense of being liked. And you cite several studies that show that male executives are seen to have more power than female executives with the same titles. You even go on to say that this perceived power differential can lead to a toxic culture and even allow sexual harassment to go on as an open secret. How do we begin to close that respect gap and change the culture?

Joanne Lipman: Yes. The first thing that we have to do is raise the awareness, which is why I wrote *That's What She Said* to show that, for example, if you put a man and a woman in exactly the same job with exactly the same title, whether that title is chief judge or attorney, no matter what the title is, the man has more power and more influence than the woman has.

So I spoke to a transgender mathematician by the name of Joan Roughgarden, who was born as Jonathan Roughgarden and who transitioned in middle age. As Joan Roughgarden, this mathematician said she suddenly found that if she argued with a colleague about a mathematical concept, that she was accused of not understanding the math, right?

So there are these unconscious biases that we have and I think that is the key to all of this, is we need to recognize the unconscious biases and then we can take actions to fight against those unconscious biases. These biases, I should say, start really, really young. And this is really key, which is, you know, we're talking about the workplace here and we're talking about court here, but frankly, the biases start with all of us at home, and they start with infancy, basically. I mean, I've researched in *That's What She Said* that shows that mothers of baby sons routinely overestimate how quickly they begin to crawl, whereas they underestimate how quickly baby daughters begin to crawl.

Lori Murphy: You write that social scientists have calculated that a woman must be two-and-a-half times more competent than a man to be viewed as his equal. Another study you cite indicates that both men and women prefer male bosses over female bosses. And yet another study indicates that women actually ranked higher than men on 12 of 16 executive leadership competencies. So what do we make of all of this? All of those studies together, what do we make of that?

Joanne Lipman: Right. You know, women have the skills but when they are identified by their gender, they're marked down for it. Women are penalized simply for being women. There is a really interesting study. This one came out of Silicon Valley

with a company called GitHub. GitHub is an open source software site. So this means that you can share a project, if you're developer. Anyone can contribute code. The head of whoever owns the project can accept or reject the code depending on what is superior. So these scientists did an experiment where they took the names off of the code of the people who contributed the code. When it was anonymous, women's code won. In other words, women are better at coding than men are. But then they put the names back on and suddenly the women's code was rejected, the male code was accepted in a much greater rate.

Lori Murphy: The same code?

Joanne Lipman: Well, in other words, women were marked down simply for being female, right? They were penalized and their accomplishments were viewed as less than because they were female. That was the only difference. So we see this sort of across industries and there's been a multitude of studies that have shown this, that women get less credit than men do for their successes. Women get more blame when they make a mistake and their mistakes are remembered for a longer period of time than men's mistakes are. And men, as we've said, men just have more influence.

There a couple of studies that involve legal cases and in particular murder cases that show this really, really vividly. There's one in which participants in a study were asked to be

jurors. There were five jurors and they communicated via computer, so you didn't see who was on the other side. What the participants did not know is that one juror was programmed to be an angry holdout in this case. They were deciding a real-life murder case. What they found is if that angry holdout was a man, he started to sway all the other jurors. They started saying, "Okay. Well, he thinks opposite of what we do but he's really angry and he must have really good reasons." And so he would change their minds.

But if the angry holdout was a woman, the other participants would dig their heels in and they would say, "Oh, she's really emotional. She must be really irrational." And they would actually double down on their original decision. And so you can see how that dynamic really shifts the outcome of cases.

Lori Murphy: So let's talk about emotions at work. You say in your book that when men get angry at work, they're treated one way, when women get angry, they're treated another way, and tears factor into this as well. So say more about that.

Joanne Lipman: So when men are angry at work, it is seen as justifiable. They must have a reason and it gives them more power actually. Whereas women, it's exactly the opposite effect. So women who are angry are seen as being emotional and

irrational. In fact, they are very often seen, particularly women in power, as being illegitimate authorities. This is something, by the way, this legitimacy factor is something that I think is extremely important for us to talk about because women who gain in power are less liked. But the reason is, is what scientists call they are seen as illegitimate authorities because they're working outside of what gender expectations are.

So if a woman is an illegitimate authority, the result is that people, particularly men but all sorts of people, feel like she doesn't really own that power and therefore they don't really have to listen to her. They don't have to follow her. And this is an issue for any woman as she gains authority. This goes for female bosses. It goes for women in positions of authority who have issues that they have to face that men do not have to face because they get that automatic respect.

For *That's What She Said*, I interviewed a variety of men in leadership roles in different industries, in different sectors. I would ask them, what are some of the things that flummox you or perplex you about your female colleagues? I was really surprised how many men said, "I'm afraid she'll cry." Now, this one blew me away, right? I am not a big crier at the workplace, but it is true biologically that young women are programmed to cry more frequently than older men. But here's the thing, the men, with whom I spoke who were authority figures, the reason

that they cited was they were afraid that they were hurting her feelings and that she was crying as they hurt her feelings.

What they didn't understand was that the research tells us, and frankly any woman will tell you, that when a woman cries at work it is not because her feelings are hurt, it's because she's pissed off, she's angry, she's frustrated. And a woman crying in the workplace is exactly the same thing as a man yelling in the workplace. But there's this disconnect where the men don't understand that.

Part of it is that there are differences both in upbringing and biological differences between men and women that lead to these communications disconnects, right? So on the biology front, male and female brains are actually wired differently. I spent time with the University of Pennsylvania neuroscientists who are researching the difference between the genders and brains. And they showed me - actually you can visually see it - they were mapping the connections of the wiring of the brain. They found that in general for men, the brain is wired sort of front to back, one hemisphere front to back, which is sort of very singularly focused on a task.

For women, those connections, those neural connections were more side to side, and so one hemisphere to the other connecting the two, which on the one hand suggests that women are just better multitaskers. But it also -- what it says is that

because the brains operate differently, it doesn't have any bearing whatsoever on intelligence but it has a lot of bearing on perception, on how we perceive each other. And that leads to a lot of missed signals between men and women in the workplace.

Lori Murphy: I'm struck by what you're saying because on the one hand men and women's brains are literally wired differently. And one of the suggestions in your book is to have men and women in mixed workgroups so you have the benefit of these two different wirings together. But what you're also saying is that men and women are not always perceiving each other well. Say more about that.

Joanne Lipman: Sure. So what you're talking about here with the mixed workgroups is so, so, so important, right? So there's been all kinds of research that shows that if you add women to homogeneous groups, particularly if you add women to like a bunch of white guys, if you're in a company, it improves all of your results, financial results. But in any organization, it improves your creativity; it improves your problem-solving.

There was one really interesting study that again involved a murder case. And in this case, they had three groups that were trying to solve the murder case. One was all-female, one was all-male and one was mixed gender. And what they found was the single-sex groups, they had a much easier time. They came

to an agreement quickly, they enjoyed the process and they were very sure of their results. The mixed gender group, it was not so fun, it took longer, it was kind of awkward. They weren't as sure about the results. But guess what, they were right. They had a much higher accuracy rate and it was precisely because you had these different perceptions, you didn't have groupthink. I mean, groupthink is a real thing. And we see that when you've got really male-dominated organizations where they'll come to decisions and they'll feel very confident about those decisions and those decisions will be wrong. And we see that across the board.

We also see it in terms of things like hiring and in promotions where if you have a homogeneous group of people who are choosing, whether you're talking about law clerks or whether you're talking about in a company where they're hiring at the entry-level, if you have a homogeneous group of people who are doing the interviewing, you do not get optimal results. Because people tend to gravitate towards others who remind them of themselves, and so they tend to discount those who do not remind them of themselves. And that could be women, it could be minorities.

So much of what we're talking about by the way applies not just to women but to any underrepresented group. And that could be ethnic, racial, LGBTQ. And if you have women, by the way,

who belong to more than one of those underrepresented groups, they face a double or a triple bind and it becomes that much more difficult for them.

Lori Murphy: Double bind, that's the phrase that's sort of in the zeitgeist [sounds like]. Can you explain what that means and how that plays into what we're talking about?

Joanne Lipman: Sure. Absolutely. What I'm talking about is, first of all, intersectionality, another phrase that you're hearing a lot about now. The intersectionality is the idea that you belong to more than one underrepresented group, that you again faced additional obstacles. Those additional obstacles are your double or triple binds.

So for example, women as a whole make about \$0.80 on the dollar versus men. But for black women that figure is \$0.63 on the dollar, Latina women \$0.54 on the dollar. So there is this additional burden and hurdle that they face and obstacles that they face that others do not.

Lori Murphy: We're going to take a quick break. When we come back, we're going to continue talking with Joanne Lipman about how we can leverage the research about men and women working together to create a more effective work environment for all.

Male Voice: Hi, this is Paul Vamvas, producer of the new FJC podcast Off Paper. Mark Sherman, the head of the Probation

& Pretrial Services Group at the FJC hosts Off Paper. And in every episode brings news, insights and analysis about the best ways for Probation & Pretrial Services officers to serve their clients and their communities and achieve the goals of the Charter for Excellence. Mark's guests are officers in the field sharing their experiences, academics in the criminal justice community sharing their findings, and practitioners at the national and local levels sharing their guidance.

Episodes of Off Paper are available wherever you get your podcasts, as well as on FJC.dcn, fjc.gov and the U.S. Courts YouTube channel. You can also subscribe to Off Paper using your smartphone's podcast app. So, come on. You won't want to miss what's on Off Paper.

Lori Murphy: I'm Lori Murphy and I'm talking with Joanne Lipman, author of the book *That's What She Said: What Men Need to Know (and Women Need to Tell Them) About Working Together*.

What other ways can we address the gender gap?

Joanne Lipman: Right. So actually in *That's What She Said* I have a cheat sheet in the back. Here's a dozen things you can do right now to help close the gap. Some of these are very, very simple things and they all come down to awareness. So as a for instance, one of the things that we talk about in the book is interruptions. The idea is that the unconscious bias, women

are valued less and therefore their contributions are valued less. We see it a hundred times a day in different subtle ways. For example, women are interrupted three times more frequently than men. There was a study done by Northwestern University of the Supreme Court of the United States that found that the female Supreme Court justices were interrupted three times more frequently than male Supreme Court justices. So this happens at every level. But there are ways to short-circuit it and one of them is, as I call it, interrupt the interrupters.

There are certain organizations where they now have a no-interruptions rule in meetings, that whoever is speaking must be allowed to finish before the next person goes on or if the next person wants to challenge them. That has been very successful because a lot of women's ideas never get heard because she can't even get her idea out before she is interrupted and shot down by male colleagues.

Scientists actually have found that if women or any group makes up a third or less of any organization, of a meeting, their voices literally are not heard. So for women, so many women, probably almost all women have had this experience where if you're in the minority in a meeting, you say something and it's as if nobody heard it. It's crickets. And then two minutes later a man will say exactly the same thing and everybody turns to him and they're like, "Dave, great idea you

just had there," and he gets the credit. This has happened to me about a million times. I always ask when I'm talking to live audiences like, "Ladies, raise your hands." And it's about 100 percent of women this happens to.

Lori Murphy: This happened to me too.

Joanne Lipman: It happens to all of us. But the women felt it was happening to them as well, they came up with this concept of amplification. Which is you say something, I immediately repeat what you said and give you credit by name for it. What that does is, first of all, make sure that your idea is heard. Secondly, make sure that you get credit for your idea. Again, this is something that women can do for one another, men and women can do for each other. I think it's really important to have sort of allies in these situations so that even before you go into that meeting you know, we know, I got your back and you've got mine.

Lori Murphy: You talked earlier about one of the things you did in researching the book was to talk to a number of men in a number of different industries who are trying to get this right or trying to do some of the things you're talking about. So what can men do, in addition to what you've already shared with us? But what are these men, who aren't doing it right or trying to do it right, what are their secrets and what can the rest of us learn from them?

Joanne Lipman: Yes. So the men who I spoke with really made an effort to listen, to be aware of their biases and to interrupt biases when they saw these things happening elsewhere. A lot of them said to me - these were people who ran organizations - and they all said to me that they did this because either they were having a problem with their organization or their company, or they realized it was an imperative for them to be more successful, right? Whether these people were screenwriters, doctors, lawyers, everybody who I spoke to they all basically came from that same position of I have to make my organization more successful. They changed the way that they hired, right? These people, they made sure that when there was an opening, that they had a diverse slate of candidates. They made sure they had a diverse slate of people who were doing the interviewing.

Something else that they did was they changed their ear. One of the men who I spoke to said he realized that his own ear was attuned to the male voices in the room. He actually had to consciously sort of change himself to listen to the voice of the women. There's a whole variety of those sorts of things that do come down to awareness and kind of checking your own biases. Also, we see more men who are simply talking about it. I do think this is a positive of the Me Too Movement. It's about the everyday indignities that happen a hundred times a day to women.

But the positive of the Me Too Movement is that these are now issues that are on the table and that they are discussable in mixed company, and that men are realizing this is not just a female issue, this is an all of us issue. And that we all need to work together if we're going to solve it and it will make all of us more successful.

Lori Murphy: So when you write that diversity training efforts don't work and that there's diversity fatigue, why don't these traditional diversity training efforts work and what can we do instead?

Joanne Lipman: So this is really important. The diversity training started the kind of modern version of it a little over 30 years ago. It was a result of a bunch of lawsuits in the 1970s by women who said they couldn't get jobs at places like *Newsweek* as writers. As a result, you had this corporate diversity training. There's a professor at Harvard named Frank Dobbin who looked at 30 years' worth of diversity training at more than 700 companies. He found that for women, as well as for black men and women, it failed. It actually made things worse. These companies would have done better had they had no training whatsoever.

There were a variety of reasons for this that he looked into but one of the major ones was resentment on the part of the primarily white men who were being given the training. The men

felt that they were being punished. They came out of the training either feeling that, okay, I've had the training, I'm done, I'm trained. Or they came out just feeling angry and resentful. And so it had the opposite effect.

So what we see now instead is there's more and more companies that are doing unconscious bias training. Unconscious bias training, the point there is we are all biased. Women, men, minorities, all of us have biases that are buried so deeply inside of us that we don't even know they exist. But because we're all biased it's none of our faults. The unconscious bias training basically teaches you to recognize biases so that you can act on them. Because you cannot eliminate unconscious bias, but what you can do is recognize it and take action.

The issue I have frankly with unconscious bias training, it's not the training per se, it's that it's two hours out of a lifetime of work, or maybe even it's two days. But it alone is not enough to change the culture of an institution. Change has got to come from the top. It has to come from the leadership. The leadership needs to understand the value of diversity and they need to own it and understand that it makes us more successful and that we have better, more fair outcomes because of it. Because if the leadership doesn't own it that way, then a couple of hours or a couple of days of training is not going to change that culture. We all take our cues from the top.

Lori Murphy: So let's talk to those folks at the top, right? So what specifically can they do beyond the two hours of unconscious bias training, what can they do on a day-to-day basis to help promote some of what you've talked about? For example, one of the things I saw in your cheat sheet was she deserves a promotion; she just doesn't know it yet. Is that something that plays into this?

Joanne Lipman: Absolutely. In the back of *That's What She Said*, there's a dozen of these tips. And the "she deserves a promotion, doesn't know it" is because the research tells us that men will more frequently raise their hands for a promotion. A man who's got one out of five qualifications will raise his hand and say, "Pick me. Pick me." A woman will have four out of five and will just sit on her hands. So I say sometimes you need to twist some arms. But the men who I spoke with, and in fact, my own management style I changed because of this research. They said they would go to women who were qualified and either put them in the pool or say, "I see you didn't raise your hand for this, but, you know what? You're qualified to be in the pool. It doesn't mean you'll get the job but you're qualified for this."

And so the way that I've changed my own management style is I began when I would see that qualified women were not raising their hands for a position, I would bring them into my office

and say, hey, I'm not going to force you to raise your hand for this but you would be qualified. If you're not interested in this, let's talk about what you might be interested in. Let's talk about how you see your career path. So that they know that they are on the radar and that they have the qualifications. That's something that I think all great managers I've seen, they're all doing that sort of thing.

Lori Murphy: Is there anything else that you would recommend that individual executives do right now, every day, on a regular basis to try to promote gender equality at work or to incorporate the best of both genders in the workplace?

Joanne Lipman: Yes. I mean, I do think that all of these tips, you can put all of them into place. They come down to being aware of these every day slices [sounds like]. There's something that's called benevolent sexism which is sort of the backhanded compliment to a woman that really actually ends up undercutting her.

Lori Murphy: Can you give an example?

Joanne Lipman: Here's something that happened to me. I was asked to substitute anchor on a cable television show, which is not my usual job. And so I worked really, really, really hard to prepare so I'd be prepared for all the guests and I crammed, right? And then I did my hour and as I'm coming off the air, satisfied that I asked intelligent questions and hosted

to this conversation, I get a text message from a senior executive man and it says in its entirety, "You looked mighty cute on TV this morning," right, completely devaluing any sort of intellectual contribution that I would have made.

So much of this research were things, that I would come across things that happened to me all the time and I always thought it was just me. A lot of women think, it's just me. It's just me who gets interrupted all the time. It's just me who says something in a meeting and nobody seems to hear it until a guy repeats it. But it turns out it's all of us. And so there's something to be said for all of us having this awareness. It does change your perspective, whether you're a man or a woman, once you realize that this is something that is actually quite gender-specific.

Lori Murphy: A lot of people argue that the reason there aren't 50 percent of women and 50 percent of men in the top positions is because there aren't enough women in the pipeline. What do you say to that?

Joanne Lipman: That's absolutely bogus. The pipeline theory you hear all the time in multiple industries. But if you look at law, for example, at least half of law school graduates have been female for more than 25 years. And yet, if you look at equity partners, it's about maybe 16 to 18 percent and that

number has been stagnant for a decade, right? So it's a leaky pipeline obviously.

Then, the theory is, well, that must be because these women, they get married, they have babies, they quit or they take off for a few years. But guess what, that actually, that theory is also wrong. There has been several studies that look at women and men, including women who choose to not get married, and who choose not to have children and they still face a gap, this career gap regardless. So it's not because of family reasons. There's a lot of this bias and unconscious bias that's built into the system. Again, it's something that a very tiny amount of bias can have a huge impact.

There was a computer model that was created by Rice University of an organization that at the entry level is 50:50 male-female. They programmed in just a 1 percent bias against women, which is almost imperceptible. By the time you get to the top level of this organization, it is 65 percent male. So you see that a tiny bias has an exponential effect and that's exactly what we're seeing in the legal field.

Lori Murphy: You say in the book that almost 80 percent of men worry about giving feedback to women. That's a high percentage. What impact does that have on the women who report to these men?

Joanne Lipman: This is major issue because men are still in the majority of supervisory roles. These men are afraid. They tiptoe around. They don't give the women honest feedback at the same time that they are giving very actionable, metrics-oriented feedback to other men. What that does is it really, really screws up the playing field because suddenly men are getting all sorts of feedback that helps them to advance in their careers. Women are not getting that feedback. Not only that, but women are much, much more likely to get feedback that has to do with their personalities.

So there was one study that I cite in *That's What She Said* that looked at performance reviews of an organization. It found that almost all of the women in these performance reviews were given personality critiques. Things like judgmental, irrational, emotional, abrasive - which was the word most frequently used for the women. Only two of the men out of more than 100 were given similar personality critiques. They were generally given much more specific professional advice and feedback.

Lori Murphy: So it sounds like when men are shying away from or just not giving that specific feedback, it actually is hurting women's chances of moving up the ranks.

Joanne Lipman: Absolutely. So the feedback issue is a real issue and it really hurts women. Also, you know, the

feedback that women get because it's more personality driven, the men are not giving them sort of candid, varied, professional advice, it means that the women are not getting the adequate preparation that men are getting. It also means that the women's achievements are being overlooked.

Lori Murphy: So one last question for you, Joanne. I know in the private sector if we get this right it's all about higher sales and profits and stock prices, but we're in the public sector, so what's the benefit to us if we get this right?

Joanne Lipman: The benefit is even greater in the public sector because everything we're talking about goes toward fairness. It goes toward coming out with the right decisions. It goes toward going away from groupthink which can lead us down the wrong path. It goes toward having a much more inclusive society that rather than sort of this white male dominated patriarchy that has been sort of historically where we've been, to really understand and embrace the different perspectives and have a much greater understanding and a much, much, much better outcome. I do think that for the public sector it is essential even more so than for the private sector.

Lori Murphy: I really appreciated you coming in today and talking to us. You've given us a lot to think about. Thank you.

Joanne Lipman: Thank you. Thanks for having me.

Michael Siegel: Thanks, Lori, and thanks to our listening audience as well. If you're interested in learning more about Joanne Lipman or her book, *That's What She Said: What Men Need to Know (and Women Need to Tell Them) About Working Together*, be sure to visit the Executive Education page on FJC.dcn and click or tap Podcast.

In Session is produced by Jennifer Richter and directed by Maisha Pope. I'm Michael Siegel, thanks for listening, until next time.

[End of file]

[End of transcript]