

**COMPILATION OF STUDIES ON
GENDER AND THE LEGAL
PROFESSION**

for the

**University of Maryland School of Law
Women, Leadership, & Equality Program**

completed January 2009

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“Women in Law Firms” from The American Lawyer

2009

METHODOLOGY:

The American Lawyer’s sibling publication, the Minority Law Journal, conducts a diversity scorecard of the biggest law firms to assess their minority headcounts. This year, American Lawyer asked the Minority Law Journal to also report how many female lawyers work for the biggest firms.

RESULTS:

On average, one third of the lawyers at large law firms are women. Women are still less than one fifth of partners at the large law firms. There are a few exceptional firms, like Cleary Gottlieb Steen & Hamilton and Ropes & Gray, where women make up nearly half of the firm. The firms with the greatest proportion of female lawyers overall tend to have the highest proportion of female partners.

In her article “Women Now Make Up A Healthy Proportion of Lawyers at Large Firms,” which discussed the results of the American Lawyer report, Emily Barker explained that thirteen out of the eighteen most profitable firms had more female lawyers than average.

This study showed that female lawyers and minority lawyers are not experiencing parallel advances. Of the twenty firms with the greatest proportion of female lawyers, only four had similarly high levels of minority representation.

Emily Barker suggests that geographic location accounts for some gender and minority disparity in hiring. She explains that firms in states with relatively small minority populations, such as Minnesota, Colorado, and Iowa, have a hard time recruiting minority lawyers. She conjectures that intellectual property firms may have a hard time hiring female lawyers, because of the lower numbers of women with advanced degrees in the hard sciences.

“Legal Talent at the Crossroads: Why New Jersey Women Lawyers Leave Their Law Firms and Why They Choose to Stay” from New Jersey’s Council on Gender Parity in Labor and Education

2008

METHODOLOGY:

The New Jersey Council on Gender Parity in Labor and Education conducted a study to understand if and why female attorneys leave their firms. The Council explained that retention is important since the cost of replacing a single attorney is generally between \$200,000 and \$500,000. This cost is especially hurtful to firms when the attorney leaves before the firm began to make a profit off of the attorney. Additionally, the study aimed to prove why a disparate number of men become partners in firms. In New Jersey, women are 45% of the associates in law firms, yet are only 17% of the partners.

The Council conducted interviews, focus groups, and sent out a survey to individual women lawyers to determine if and why female attorneys leave their firms. The researchers designed a survey with 55 questions, accessible on the internet. The Council publicized the survey to firms, the New Jersey Women Lawyers Association’s email list, local and regional bar associations, as well as alumni lists for New Jersey law schools. A total of 524 lawyers took the survey.

The interviews were with 38 participants referred by partners of large New Jersey firms. Focus groups were open to all New Jersey female lawyers. Identifying information was deleted from the records of both the interviews and focus groups. Eighty-six percent of the respondents were white, and 98% were currently employed.

RESULTS:

Reasons for Leaving

Female attorneys cited “unsupportive work environment” as one of the top reasons for leaving their firms. Glass ceilings, maternal walls, and gender bias contribute to unsupportive work environments. Attorneys remarked that law firms are still good ole boys clubs, and also stated that they experienced discrimination for being mothers or for having taken maternity leave.

Attorneys cited “poor promotion opportunities” as the second strongest reason for leaving their firms. Nearly half the female respondents were dissatisfied with their promotion opportunities.

The following reasons for leaving were the next strongest: desire for higher wages, desire for more challenging work, and desire for better work-life balance. Seventy-eight percent of female respondents were married or lived with a partner, and most respondents were responsible for family care.

Flexible Work Arrangements

Almost half of the respondents reported a current flexible work arrangement (either part-time or telecommuting), and most of them reported using flexible work arrangements to have more time with their children. Respondents were more likely to leave firms which did not provide flexible work arrangements than firms which did. Seventy-one percent of female attorneys reported that they were not stigmatized for their use of flexible work arrangements. However, 44% of respondents reported that they could not make partner at their firms while working part-time.

Advice to Young Female Attorneys

Current attorneys provided advice to new female attorneys. Young attorneys should learn the challenges and demands of the legal profession before electing to go to law school. Once women attend law school, they should have a plan for what they would like to accomplish professionally, since very little happens by chance. Young attorneys should work hard, build strong relationships with mentors and clients, speak up for themselves, and seek work-life balance.

Best Practices

Firms with the best work-life programs had better recruiting, productivity, and client relations. They also had less turnover, which reduced the expenses of rehiring and training. To create successful work-life programs, firms should have a written policy outlining flexible work policies. Flexible work policies should include proportionate pay, such that part-time employees are not punished for their choice to work part-time.

Firms should also encourage professional development and provide opportunities for promotion. Advancement policies should be transparent.

“Why Do Women Lawyers Earn Less than Men: Parenthood and Gender in a Survey of Law School Graduates” by Neil H. Buchanan

2008

METHODOLOGY:

This study used the dataset from the University of Michigan’s graduating classes of 1970 through 1996. Specifically, the author analyzed the results of Michigan’s Professional Development Survey (PDS), which surveyed one thousand graduates about their careers, and Michigan’s Supplemental Survey, which followed up with a few short questions. The PDS was sent to every minority and to a weighted group of white alumni. It included questions on law school experience, work experience, and job satisfaction. The PDS was sent to 2196 graduates and 1259 responded.

The Supplemental Survey focused more on gender, asking questions about children and part-time work. A total of 703 graduates responded to the Supplemental Survey, yielding a 57% response rate. Despite this low response rate, nonresponse bias does not appear to be a problem in the data. Of the respondents to the Supplemental Survey, 53% were white, 27% were African-American, 11.5% were Latino, and 5.7% were Asian.

The purpose of this study was to uncover salary discrepancy among working mothers, working fathers, working non-mothers, and working non-fathers and the reasons behind it.

RESULTS:

Fathers tend to receive higher salaries than non-fathers. Mothers, on the other hand, earn less than non-mothers. This may be because most of the people who worked reduced hours were working mothers, and they reduced their salary by at least one third as a result.

There are various, possible explanations for this phenomenon. For example, fathers may feel obligated to raise their income so they can care for their children. Also, men with the highest incomes may feel the most comfortable having children and thus they may have children the most often.

Of the 39 women who worked part-time, 24 listed childcare as their reason for working part-time. Women in certain job sectors were no more likely to work part-time than women in other job sectors.

**“Lawyers at Mid-Career: A 20-Year Longitudinal Study of Job and Life Satisfaction” by
John Monahan and Jeffrey Swanson**

2008

METHODOLOGY:

This study analyzed one class of the University of Virginia School of Law through their matriculation in 1987 to their graduation in 1990. All 360 graduates were contacted again in 2007 and given mail, web and phone options for responding. The survey yielded a 72.2% response rate. Of respondents, 60% were men and 40% were women.

The survey was broken into four sections: employment after law school, current employment, satisfaction with life and career, and background information of the respondent.

RESULTS:

Background Information:

At the time of completion of the survey, the respondents were a mean of 42.8 years old. More than half of the respondents had parents who had both graduated from college. Most of the respondents (87.1% of men and 79% of women) were married or partnered. The median pre-tax household income was \$250,000.

First Job after Graduation:

At the time of the survey, only 14% of the respondents still held their first jobs after graduation. Changing firms was most likely among those who worked for big firms after graduation. Respondents remained with their first employers for a median of three years. There was no significant gender difference in the duration of the first job.

Current Employment:

At the time of the survey, 84.3% of the respondents were employed full-time. Of the respondents who were not working full-time, 81.3% cited childcare as the main reason for working less than full-time. As women had more children, they were less likely to work full-time. Only three quarters of respondents were practicing law in their current job. Other jobs included working as academics, business owners, CEOs, and bankers.

Job and Life Satisfaction

Of respondents, 81.2% were either extremely or moderately satisfied with their decision to become a lawyer. Both men and women agreed that the prestige of attending UVA Law School benefitted their career. Eighty-five percent of respondents expressed life satisfaction. Law school GPA and the number of hours worked in the last week bore a negative relationship to life satisfaction, but the number of children at home bore a positive relationship to life satisfaction.

Overall Conclusions:

Law graduates take many different career paths, and often change jobs. Distinct differences between genders exist. For example, women are much less likely to work part-time and women also earn significantly less than men. The majority of lawyers, both male and female, find the demands of large private law firms to be a problem. Overall, lawyers have high job and life satisfaction.

“Creating Pathways to Success for All: Advancing and Retaining Women of Color in Today’s Law Firms” by the Women’s Bar Association of the District of Columbia Initiative on Advancement and Retention of Women

MAY 2008

METHODOLOGY:

In 2007, the D.C. Women’s Bar Association (WBA) adopted a three-part plan to: 1) analyze the effects of race and gender on female attorneys of color, 2) examine the impact of gender and race on other professional issues, and 3) bridge the gap between law school and practice by developing training for female law students.

To achieve these goals, the WBA held a series of roundtable discussions. The WBA then created an advisory board of legal experts and leaders to organize a Summit devoted to diversity and inclusion issues. Based on the input from these leaders, the WBA conducted an informal web-based survey. The WBA then used the results of this survey to stimulate discussion at the Summit in panel discussions and facilitated breakout sessions.

RESULTS:

The study identified many barriers facing female attorneys of color, such as the existence of “micro-inequities” or implicit biases. Additionally, female attorneys of color face a lack of meaningful communication with the firm regarding expectations and criteria used to evaluate lawyers. They express frustration with disparate training. Female attorneys of color also have a lack of access to informal mentoring relationships and visible role models.

The study identified the multiple solutions to minimize barriers facing female attorneys of color. For starters, firms should create a culture of inclusion, by showing signs of comfort with female attorneys of color, communicating positive perceptions of their competence, and providing them substantive and interesting work assignments. Firms should also improve communication by creating an environment where female attorneys of color can speak freely without penalty. Firms can accomplish this by supporting firm-sponsored affinity groups where female attorneys of color will feel comfortable, creating the possibility for anonymous communication, and conducting exit interviews. Firms should improve business development by including female attorneys of color in important client relationships, pairing female attorneys of color with senior partners for mentoring, and engaging in peer review. Finally, firms can prepare law students in advance by educating their incoming class about the dynamics of firm culture, providing broader skills training, and offering forums for networking.

Can't Live with 'Em; Can't Live without 'Em: Gendered Segmentation in the Legal Profession" by Sharon C. Bolton and Daniel Muzio

LONDON, 2007

METHODOLOGY:

The purpose of this study was to uncover how elite segments of law firms hold on to their status while the feminized segments of the firms increase. The study hypothesizes that "gender segmentation" is the elite segments defense mechanism to diversification.

This study used the United Kingdom Law Society's annual statistical reports, which are thought to be particularly reliable and comprehensive.

RESULTS:

While the increase of women in the legal industry at first seems like a success story, a radically different picture emerges upon closer look. Female lawyers are half as likely as male lawyers to make partner. Female lawyers are more likely to work part-time and practice in less prestigious and lucrative areas. Gender-based discrimination still exists.

This study reaches the conclusion that while access into firms has become more meritocratic, internal opportunities still exclude women. The study identifies three forms of "closure strategies": stratification, which is the denial of senior positions to women, segmentation, which is the confinement of women lawyers in certain practice areas, and sedimentation, which is when women lawyers appeal to female professional project. Through these strategies, law firms maintain a male elite while hiring the female lawyers universities increasingly produce.

Stratification occurs because firms continue to follow a masculine code. Firms cultivate a "loud, hard, laddish culture" with long hours and cut-throat competition, effectively preserving male domination in the powerful positions. Consequently, male lawyers become partners far more often than female lawyers. This study believes that, to some degree, the partner/associate structure of law firms is one of exploitation, since partners take home the hefty profits from the associates' work. In other words, male partners' salary includes the large profits of female associates' work.

Segmentation occurs because female lawyers often segment in female specialties, such as family, employment, and personal injury law. These specialties are often the least lucrative. Although female lawyers express interest in male specialties (45% of interviewed women wanted to work in corporate law), few do (only 33% actually practice in the area). Like stratification, segmentation leads to lower pay for female lawyers.

The writers firmly believe that stratification and segmentation do not come about accidentally; they are the intentional result of firms' internal structures.

**“Walking the Path of the Law: How Yale Law School Graduates Navigate Career Choices”
by Deborah Cantrell**

NOVEMBER 2007

METHODOLOGY:

This purpose of this study is to determine whether gender impacts one's career trajectory.

This is an empirical study of 2800 lawyers who graduated from Yale Law School (YLS) between 1970 and 1999. In July 2002, the survey was sent to a random sample of graduates, equally distributed by age. Recipients were offered a choice of completing the survey online or in print. Over approximately nine months, roughly 24% responses were returned. Roughly similar percentages of men and women responded to the survey. Respondents were fairly equally represented by age, although 70% of respondents were white.

The survey contained five sections: demographic and socioeconomic information, law school experience, first job, specific characteristics of work experiences, and work-life balance.

RESULTS:

A substantial number (54.6%) of respondents entered firms upon graduation. There are no meaningful differences between the number of men and women who entered firm, public interest, or government jobs.

YLS graduates had an average of 2.7 jobs. Women held slightly more jobs, but the difference is not statistically significant. This data does not support anecdotal reports that recent graduates switch jobs at higher rates than older graduates.

Both men and women report working more than 50 hours a week in their first three jobs. Starting with their fourth job, the number of hours worked began to decline. In their fourth job, women worked 46.5 hours a week, on average, whereas men worked 51 hours a week.

When YLS graduates switched jobs, they sometimes left firms. Sixteen percent fewer graduates work at firms as a second job than as a first job. The percentage of attorneys entering academia, public interest, and government increases during second and third jobs. Respondents provided many reasons for changing jobs: desire to work in a different type of legal job, too many hours, offered a job with a higher salary, lack of opportunity for advancement, desire to become a fulltime caretaker. More women than men cited relocation for spouse's job as a reason for leaving their job. That said, relatively few lawyers left their job to accommodate a change in their spouse's career.

Respondents expressed higher job satisfaction with their second job than with their first. Women in public interest and public defense liked their job more than men in those areas, and women did not dislike firm jobs more than men. Both men and women stated that it was important for them to have time for domestic responsibilities, as well as time for relaxation and recreation.

“Gender and the Legal Profession: The Michigan Alumni Data Set 1967-2000” by Kenneth Glenn Dau-Schmidt, Marc Galanter, Kaushik Makhopadhaya and Kathleen E. Hull from Indiana University School of Law-Bloomington Legal Studies Research Papers

DECEMBER 2007

METHODOLOGY:

This study is an empirical analysis of the transformation of legal profession.

The primary source of data was the University of Michigan Law School Alumni Data Set, which regularly surveyed Michigan alumni from 1967 until the present. This data set was particularly useful because it spans from the 1970s, when women were much less likely to achieve equality in the legal profession, until the end of 2007, when the article was written.

The Data Set surveyed alumni five years after graduation, as well as twenty-five, thirty-five, and forty-five years after graduation. The Data Set includes 14,297 surveys returned by men and 2,708 surveys returned by women from 1967 until 2000. Since 1981, the overall survey response rate has been 66.96% of men and 63.89% of women. In its analysis, the study divided the surveys into two periods: Period 1 for the surveys from 1991 and earlier, Period 2 for the surveys from 1996-2000. (A break of five years was deliberately left to highlight differences between the two periods.)

The surveys included a wide variety of question on the alumni’s family lives and professional lives. The data includes information on respondent’s law school experiences, first jobs, type of practice, job satisfaction, income, hours, childcare responsibility, work-life balance, personality traits, mentoring, and future work plans. The data set also includes respondent’s race, gender, LSAT score, and GPA.

RESULTS:

Motivation/Personality Traits:

Men and women have different motivations for obtaining legal degrees. Men are more likely to cite prestige and opportunity for financial rewards as a reason for entering law school, whereas women are more likely to cite personal growth and societal change. (Incidentally, female lawyers are more likely to be liberal on economic and social issues than male lawyers. In Period 1, men were more likely to view themselves as compulsive about work, but in Period 2 women were more likely to view themselves as compulsive about work.)

Respondents’ motivations changed as they entered law school. By the third year of law school, women were more likely than men to have shifted their motivation. By the third year of law school, women cited prestige and financial rewards as motivation. Men and women’s motivations continued to become more and more alike over time. Common experiences in

summer jobs, the realities of job opportunities, and the socialization of law school may account for the convergence of motivations.

Age:

In Period 1, the women were slightly older than the men, but in Period 2, the men were slightly older than the women.

Experience in Law School:

Men were slightly more satisfied with their overall law school experiences than women. In Period 2, women were significantly more likely to become involved in law school related activity. Men had slightly higher grades, but it is unclear whether this is attributable to their efforts or to latent discrimination in grading. Satisfaction with law school experience is positively and significantly related to job satisfaction as well as law school GPA.

Family and Childcare:

In Period 1, male respondents were significantly more likely to be married, although the differences in marital status decreased over the two time periods. Married women were more likely to have a spouse with an intense career, like a lawyer, than married men. In both time periods, the men had significantly more children. In both time periods, the men reported being more satisfied with their family situations, although this difference is not statistically significant in either period.

Men who report taking time off from unpaid work for childcare describe themselves as less compulsive about work. Additionally, they had somewhat lower LSAT scores and GPAs than other respondents. (It is important to recognize that all the alumni graduated from the University of Michigan's law school, which is prestigious and competitive, so a relatively lower LSAT score among this data set is still a high score.) Women who took time off from unpaid work for childcare, on the other hand, had slightly higher LSAT scores and GPA than those women who did not take time off. The study ponders whether smarter women are more likely to attract mates, and thus more likely to take time off for a family.

The difference between genders in the average amount of hours worked increased from Period 1 to Period 2. A significant drop in the average amount of hours worked by female lawyers may be accountable for this difference. While the number of average annual hours worked stayed fairly constant for men, the number declined significantly for women. In both periods, women were slightly happier with their work-life balance.

Practice Areas:

Men tended to go into private practice, while women tended to go into government work, legal services, and legal education. Women were equally likely to enter the largest practices, but were less likely to start a solo practice or join a small or medium-sized firm. Career satisfaction tended to be greatest in the least lucrative practice areas, which may be due to lower hours of work.

Men were significantly more likely to specialize in corporate law and patent law, while women were significantly more likely to specialize in civil rights and domestic relations. Men were more likely to report that their practice specialty was planned than women.

During the work day, men were significantly more likely than women to spend their time litigating and socializing. Women reported doing more drafting, library work, and “other” work than men. Both men and women who have done childcare undertook significantly less hours of pro bono work than those who have not done childcare.

First Jobs:

Although men were more likely start in private practice and stay there, women have made significant increases in starting in private practice over the two periods.

Promotions:

Women were one third as likely as men to be promoted to partnership. Women may be at a disadvantage because of fewer connections, less time to devote to client development, and greater childcare responsibilities. Women who had taken time off for childcare responsibilities were significantly less likely to be partners than other women. Both men and women who have children but have not taken off for childcare were more likely to make partner than men and women without children. (This study did not include the variable of whether the respondent wanted to become a partner.)

Men and women who had good grades, were compulsive, were confident, and desired money were the most likely to make partner.

Income:

It is well-established that female lawyers make less money than male lawyers. According to the US Census Data, the median earnings of female lawyers was 73% of the median earnings of male lawyers. Men hold a modest advantage in income right out of law school, which increases with each year of practice. This may be explained by the decline in hours worked by women over the two periods.

Decomposition analysis has found that 67.5% of the difference between men and women’s income is attributable to difference in family characteristics, law school background, experience, hours worked, and practice setting. Men’s desire to have greater income may also account for some of the difference. The decomposition analysis also showed that women enjoy greater compensation for grades and summer clerkships than men.

Career Satisfaction:

Women reported less job satisfaction with measures like “recognition for work” and “control over manner of work,” whereas men were less satisfied with “relationships with colleagues.” Men expressed significantly greater job satisfaction five years out of law school, but women expressed greater job satisfaction fifteen years out of law school. In general, the research showed that job satisfaction is positively linked to income, less job stress, and being mentored. Women who do childcare also tended to have higher job satisfaction than women who do not do childcare.

Leaving the Legal Field:

Women were most likely to leave the practice of law due to demanding hours, stress, and inflexibility of firm work. Men were most likely to leave due to the desire to use different skills, the adversarial nature of the work, and the inability to find a legal job. Men were significantly more likely than women to expect to stay in their positions for at least five years into the future, although this difference is beginning to diminish over time.

**“Advancing Women in the Profession: Action Plans for Women’s Bar Associations” from
the MIT Workplace Center**

JUNE 2007

METHODOLOGY:

On June 11-12, 2007, 56 people gathered in Boston to discuss problems concerning women’s advancement and retention in the legal profession. This analysis is a report on that conference, and it incorporates the findings of multiple groups represented at the conference.

RESULTS:

While 45% of associates at law firms are women, only 16% of equity partners are women. Women constitute only 5% of managing partners nationwide. Nearly one third of women leave practice, whereas only one fifth of men do.

There are multiple reasons for non-advancement. Work-family issues continued to present obstacles to women lawyers. Both men and women cited work-life balance as one of their top reasons for leaving firms, but women are far more likely to cite it as the primary reason. Gender bias also continued to exist in firms.

In response, conference attendees brainstormed the following suggestions: raise awareness of gender issues, extend dialogue to partners and firm leaders, create public competition among firms regarding their retention statistics and part-time work policies, strengthen female law students’ skills, and establish a state equality commission. Suggestions for firms include: balanced hours programs, women’s groups with clear purposes, formal assignment systems, and time-off for volunteering.

“Women Lawyers and Obstacles to Leadership: A Report of MIT Workplace Center Surveys on Comparative Career Decisions and Attrition Rates of Women and Men in Massachusetts Law Firms” by Mona Harrington and Helen Hsi

SPRING 2007

METHODOLOGY:

The Equality Commission was formed in 2004, which invited the MIT Workplace Center to conduct in-depth surveys about women’s advancement in Massachusetts law firms in 2005 and 2006. The MIT Workplace Center conducted two surveys, aiming to discover the reasons for women’s underrepresentation in Massachusetts law firms. MIT Survey #1 focuses on rates of attrition; MIT Survey #2 focused on career decisions.

Survey #1 was deployed in August 2005, both on-line and in print, to gather information about attrition. The survey was sent to the managing partners of the 100 largest firms in the state, and yielded a 50% response rate.

Survey #2 went to individual attorneys and sought information about career decisions. It asked questions about demographic information, flexible work arrangements, and work-life balance. This survey was deployed in November 2005 and also was both on-line and in print. The survey was sent to 2,755 men and women and yielded a 35% response rate. Virtually equal numbers of men and women responded.

RESULTS:

Women respondents left firm practice at a much higher rate than men. Nearly a third of women left firm practice entirely, whereas less than 20% of men do. Women were more likely to leave at an associate level and a senior level than men. Women cited work-life balance as the primary reason for leaving firm practice, while men cited long work hours and work pressure as the top reasons for leaving firm practice. Men who switched from one firm to another make partner faster than women who switch from one firm to another.

Over half of the women who left firm practice continued to work as lawyers. Only 22% of women left firm practice and are then unemployed. Three percent of men who left firm practice are unemployed.

In firms, only 32% of women with children worked more than 50 hours a week. Eighty-five percent of men with children worked more than 50 hours a week. At the partner level, both men and women with children worked fewer hours than partners without children.

Approximately 65% of women with children reported using a flexible work schedule at some point. One fifth of women who worked flexible arrangements volunteered or did public service work. Female associates who used a flexible schedule were approximately 20% more likely to stay in the same firm than those who did not use it. Women who used a flexible schedule were 7% less likely to make partner than women who did not use it. Paternity leave was not always offered, and it often carried a stigma.

**“A Current Glance at Women in the Law 2006” from the American Bar Association’s
Commission on Women in the Profession**

2006

METHODOLOGY:

This is a compilation of multiple studies.

RESULTS:

According to this study, 30.2% of lawyers are women. More female lawyers practice in private practice (56% of female lawyers) than any other practice setting. Only 1.7% of female lawyers are in academia.

Of the partners in private practice, only 17.3% are women. Of the lawyers who work as general counsel for corporations for Fortune 500 companies, only 16.6% are women. Around one third of judges are women. Justice Breyer has had more female Supreme Court clerks than any of the other current Supreme Court justices.

Statistics regarding law schools are slightly more equitable. Of the law school graduates, 48.8% are women. Only 20.4% of deans are female, but 45.5% of associates/vice deans are female.

“The Gender Gap: Breaking Through the Glass Ceiling” by Melissa McClenaghan Martin

2006

METHODOLOGY:

This newspaper article consolidated the findings of the National Association of Women Lawyers’ 2006 National Survey with the writer’s personal, anecdotal research.

RESULTS:

While the number of women law school graduates has been roughly equal to the number of men law school graduates over the past two decades, the percentage of women at the top of firms has not been equal. Despite these disparate numbers, nearly all firms say they are committed to gender diversity. The writer questions the sincerity of the term’s commitment to diversity.

One of the few New York firms to achieve its goal of gender diversity is Orrick, Herrington, and Sutcliffe. In 2006, 56% of its partners were female. One purported reason for this firm’s success is its “mentoring circles,” which provide opportunities for women to develop mentoring relationships across practice groups and levels of seniority.

This study contends that one reason for the disparity is firms’ failure to groom female talent from a very early point. Firms should identify strong female performers early and mentor the talent, ensuring that the women feel connected to the firm.

Additionally, this article points to salary disparity among female and male partners. Male partners earn \$510,000 on average, whereas female partners earn \$429,000 on average. Fewer female equity partners are managing partners than male equity partners. The writer believes that a lack of mentoring is the reason for disparity on the partner level. The writer suggests an annual meeting among female partners and the firm’s management committee to provide transparency to female partners about “the unwritten rules for success within the partnership.”

“National Survey on Retention and Promotions of Women in Law Firms” by the National Association of Women Lawyers

OCTOBER 2006

METHODOLOGY:

This survey is a national study by the National Association of Women Lawyers (NAWL) about the role of women in the legal profession. The “50/15/15” conundrum motivated this study—that for over 15 years, 50% of law graduates have been women but only about 15% of the partners and chief legal officers are women.

NAWL sent their survey questionnaire to the 200 largest law firms in the U.S., and 103 firms responded. The questionnaire asked about firm size, number of male and female associates/partners, compensation, and gender of managing partner.

RESULTS:

Women respondents represented 45% of associates, 28% of of-counsel, and 26% of non-equity partners. These results are consistent with other local studies and anecdotal evidence.

The structure of a law firm impacted women’s advancement. In single-tier firms, 17% of equity partners were women. In two-tier firms, 15% of equity partners were women.

Women were significantly underrepresented in firm governance. On average, the highest governing committee in a firm was about 16% women. Only about 5% of managing partners were women.

Roughly 92% of firms reported that their highest paid lawyer was male. The average median compensation for men was roughly \$20,500 higher than the average median compensation for women.

**Why Do So Few Women Reach the Top of Big Law Firms?’’ by Timothy L. O’Brien for the
New York Times**

MARCH 2006

METHODOLOGY:

This newspaper article consolidated the writer’s interviews with female partners and NALP research.

RESULTS:

In 2005, only about 17% of partners at major law firms nationwide were women. While motherhood accounted for some of the gender discrepancy, research showed that many women wished they could continue on a partnership track and care for their children.

Bias was probably more of a problem in the firms than discrimination. Few women acknowledged overt discrimination. Instead, they expressed frustration with the advancement schemes which do not value part-time work. Superstar male associates may receive more attention than superstar female associates. Additionally, male associates may be included in networking activities, often taking place on the golf course or in sports arena, more often than female associates.

Also, women self-promote in different ways than men. For example, many female associates felt uncomfortable making statements like, “I want that position.” Men, who are more comfortable self-promoting, often fared better as a result.

“2005 Self-Audit for Gender and Minority Equity: A Research Study of Minnesota Law Firms, Non-Firm Employers and Individual Lawyers” from the Task Force on Diversity in the Profession of the Minnesota State Bar Association

SEPTEMBER 2006

METHODOLOGY:

This was a three-part research study: a web-survey of law firms and non-firm employers of 10 or more lawyers, a web-survey of individual lawyers, and fifteen focus groups which included men, women, racial minorities, sexual minorities, and attorneys with disabilities. Three subcommittees were created to handle each part of the study. The purpose of this study was to further the elimination of bias against women in the legal profession in Minnesota.

RESULTS:

Forty percent of all respondents observed or reasonably knew of bias against female, LGBT, disabled, or minority women. The overall gender composition of Minnesota law firms is 70% male, despite an increase in female graduates from law school. Women are 18% of all equity partners.

Representation in Firms:

Women are underrepresented in the top quarter of compensation, and overrepresented in the lowest quarter of compensation. Women are also underrepresented at the summer associate level. In 2005, only 39% of summer associations were female. Women were underrepresented in executive/management positions, partnership selection, and compensation committees.

Representation in Non-Firms:

Women were 54% of all attorneys at non-firms, although men were the majority of supervisory attorneys (60%). Attorneys of color enjoyed heightened representation at non-firms. At non-firms, they constituted 20% of the summer positions/clerkship level positions, even though they only constituted 14% of the student body.

Part-time Schedules:

Seventy-four percent of firms had alternative work schedules. In 2005, 57% of those using the alternative work schedules were men. At non-firms, 56% of those using alternative work schedules were women.

Attrition:

Attrition at non-firms is lower than the attrition rate at firms. Men used part-time schedules more often in non-firms than firms, whereas women used part-time schedules more often in firms than non-firms. In firms, attrition was higher at the associate level than at the partner level.

Anti-Discrimination:

Less than 60% of employers had mandatory anti-discrimination training. Of the firms, 30% retained diversity consultants. Of the non-firms, 57% had diversity consultants.

**“Creating Pathways to Success: Advancing and Retaining Women in Today’s Law Firms”
by the Women’s Bar Association of the District of Columbia**

2006

METHODOLOGY:

From January through April of 2006, the Women’s Bar Association of D.C. convened monthly four hour conferences of firm leaders, researchers, and female attorneys. Over 230 people attended each conference.

The Women’s Bar Association Reporter’s Committee reviewed the records of each conference, and compiled them into the Creating Pathways to Success report.

RESULTS:

Lack of Role Models

Conversations from the first conference indicated that the lack of women in leadership roles in firms is a self-perpetuating problem. Only 17% of partners at law firms are female, and they are unequally burdened with mentoring and recruiting female associates. The lack of female partners hurts retention, since associates sense limited promotion opportunities.

Business Case for Retention

Law firms fail to understand the professional and economic need for the retention of female employees. The costs of hiring and training replacements damages firms.

Reasons Women Leave

Few women leave their firms to become stay-at-home parents. Instead, many attorneys leave their firms because they are not satisfied with or they feel like there are not sufficient promotion opportunities. Female attorneys experience subtle bias, which makes it harder for them to be perceived as competent. Work-life balance is another one of the top reasons female attorneys leave their firms, but both male and female attorneys cite work-life balance as a problem. Female attorneys report fewer role models and fewer assignments.

Current Firm Strategies

Most firms reported a part-time or flexible hours program. The best programs are available to both associates and partners, and have proportionate pay and benefits for hours worked. Mentoring programs, women’s committees, and encouraged networking also lead to higher retention rates. Assignment processes which match associates with varied projects help retention and also work against implicit biases.

Suggestions for Firms

Firms should create female rainmakers by counseling and mentoring female associates to cultivate business. Firms should also educate partners about the impact of their biases on

assignments to associates as well as the business case for retaining female talent. Firms should place women in significant numbers in the important leadership positions in the firm. The firms which do not already have flexible hours programs should implement them.

“Interorganizational Determinants of Promotion: Client Leadership and the Attainment of Women Attorneys” by Christine M. Beckman and Damon J. Phillips

2005

METHODOLOGY:

The purpose of this study was to determine whether corporate clients with women as general counsel, chief executive officer, and/or board director increases the number of women partners. The writers hypothesized that organizational and institutional context of the labor market impact the attainment of women.

This study used a sample of the largest U.S. law firms and their corporate clients (publicly traded corporations that list the law firm as legal counsel). To find the law firms, the study used the *National Directory of Legal Employers* for 1996-2001.

The study controlled for institutional factors that did not change over the observation period and/or vary between law firms.

RESULTS:

There is a relationship between women-led clients and the attainment of women within law firms. Law firms with clients with female leadership had higher growth rates for women partners. The authors believed that power asymmetry between clients with women leadership and firms without women leadership resulted in influence of the firms. Law firms who wanted to lock in with a client may have wanted to demonstrate their own gender equity.

The size of the corporate client or their board did not have a significant influence on their law firm's growth of women.

There are alternative explanations for the growth rates of women in the law firms of women-led clients. Women-led clients may use law firms that are growing rapidly, and thus hiring more women and more men. Statistical analysis did not seem to indicate a growth rate of male partners in these cases. Another possible explanation is that women-led corporations shared a political or social ideology with their law firm. Also, law firms with women-led clients may practice in specialty areas more often populated by women.

“The Hidden Brain Drain: Off-Ramps and On-Ramps in Women’s Careers” by Sylvia Ann Hewlett, Carolyn Buck Luce, Peggy Shiller, and Sandra Southwell

MARCH 2005

METHODOLOGY:

In 2004, the Center for Work-Life Policy formed a task force called “The Hidden Brain Drain: Women and Minorities as Unrealized Assets.” Three members of the task force designed a survey to investigate the on-ramps and off-ramps in various professions. The sample size was 2,443 women, broken into two age groups, women aged 41-55 and women aged 28-40. This study also interviewed 653 men for comparison purposes. This study led to the realization that 66% of women who have off-ramped want to work full-time and find reentry difficult. Follow-up interviews were then conducted, during which women indicated that few on-ramps existed.

**“After the JD: First Results of a National Study of Legal Careers” by the NALP
Foundation for Law Career Research and Education and the American Bar Foundation**

2004

METHODOLOGY:

The NALP Foundation for Law Career Research and Education conducted this study to track the professional experiences of more than 5,000 lawyers in their first ten years after law school.

In 2000, the NALP Foundation sampled lawyers from eighteen geographic areas in the United States, 46% of whom were women and 17% of whom were non-white. (The sample was augmented with a minority oversample.) According to the 2000 Census, the sample closely approximated the distribution of lawyers across firms, government, and business employers.

The first phase of the study began with a mail survey to the lawyers in the sample. Next, those who did not respond to the mail survey were contacted by a telephone interviewer. They were also informed of internet versions of the survey. Roughly 70% of those located responded to either mail, phone, or internet versions of the survey.

The survey questions touched on socio-economic background, practice setting, hours worked, income, satisfaction, gender, and race and ethnicity.

The NALP Foundation intends to track the lawyers in this sample over a ten-year period. In subsequent surveys, they hope to explore additional topics, such as the role of social networks, how differences in fields shape career paths, and the impact of family considerations on career choices. There are plans to mail questionnaires to the sample over the next few years.

RESULTS:

This report highlighted some of the important patterns among lawyers in the beginning of their practice.

Regarding practice setting, the survey found that more lawyers work in solo practice than any other type of practice. The smaller the law firm, the more likely attorneys were to report high satisfaction with the work they do. The mean number of hours worked per week was 49, with lawyers working the most number of hours at the largest firms in New York City. The median income of full-time lawyers was \$73,000. Variables such as GPA at graduation, rank of law school, and location of firm played a large role in salary. More than one third of lawyers in the sample, many of whom had graduated law school in the last three years, had already changed their job once.

The study also presented interesting gender-related trends. Despite the increasing number of women entering law school in the last few decades, the proportion of female partners in private practice has remained static since the mid-1990s. Women were more likely to practice family law, while men were more likely to practice intellectual property. The median salary for a female attorney was \$66,000, while the median for male attorneys was \$80,000. In large firms, men were more likely than women to participate in activities which translate to advancement, such as writing for publications and joining law firm governance committees. While male attorneys were more likely than a similar age cohort of the general population to be married with children, women were less likely.

Race and ethnicities patterns were interrelated with gender. White, male attorneys outnumbered white women in the sample, but women comprised 61% of Black lawyers and 55% of Asian lawyers in the survey. Asian, male lawyers reported salaries \$20,250 higher than Asian, female lawyers. Almost all categories of lawyers, by gender and race, reported the same median debt upon graduation of law school.

“The Mommy Track and Partnership: Temporary Delay or Dead End?” by Mary C. Noonan and Mary E. Corcoran

NOVEMBER 2004

METHODOLOGY:

This study used data from the University of Michigan Law School graduates to examine the impact of gender on promotion to partnership in law firms. The survey includes graduating classes of 1972 and 1985, and the outcomes are observed from 1987 to 2000. The average response rate was 60% for women and 64% for men.

The study used three dependent variables: a dummy variable equal to one if the respondent had practiced in private practice for one to four years, a dummy variable equal to one if the respondent was a partner in a firm with two or more partners, and the third variable was a log of annual earnings at year 15. Independent variables included: demographics, GPA, work experience, and personal satisfaction.

This study focused on three steps in the partnership process: the decision of associates to leave, the attainment of partnership among those who stay, and the determinants of a partner’s earnings.

RESULTS:

Attrition:

Women were less likely than men to have tried out private practice. Women were also more likely than men to leave a firm. Marriage, children, and part-time work were not significantly associated with rates of leaving. Only GPA, years practiced, having a mentor, and lack of satisfaction are significantly associated with early attrition.

Partnership:

GPA and time out to care for children had modest to large effects on making partner. Mentorship and satisfaction also significantly predict partnership. Women who become partners were less likely than men to become managing partners or to hold equity shares.

Job Satisfaction:

Women who had children, took time off, or worked part-time had higher job satisfaction than women who did not.

“Charting Our Progress: The Status of Women in the Profession Today” by the American Bar Association’s Commission on Women in the Profession

2003

METHODOLOGY:

This study used hard data and anecdotal testimony to build off of their two previous studies, in 1988 and 1995, about the status of women in the legal profession.

RESULTS:

The study first mentioned statistical improvements, such as the increased number of women entering law school, tenured at law schools, working as partners in major firms, and working for the judiciary.

The study then mentioned current problems, such as the persistence of gender stereotypes which manifested in the unfair treatment to female lawyers. Although some firms tried to accommodate female lawyers’ goals of work-life balance, most part-time options were not realistic. Female lawyers with a part-time schedule and part-time salary often faced “schedule creep,” where their works exceeded the agreed hours. With today’s cell phones and Blackberries, part-time lawyers were more likely than ever to face demands beyond scheduled hours. Female attorneys also found difficulty bringing in clients, since they were not always welcomed in professional networking.

Subjects of the study applauded several existing developments, such as state and local bar associations and special programs at firms which provide female associates with more access to networking.

Suggestions for the future included giving qualified female attorneys their fair share of “plum” assignments, recalculating hours when schedules suffer from “schedule creep,” and temporarily suspending partnership clocks to allow for childrearing.

“Gender Barriers in the Legal Profession: Implications for Career Development of Female Law Students” by Lianne Krakauer and Charles P. Chen

JUNE 2003

METHODOLOGY:

This article is largely theoretical.

RESULTS:

Despite women’s great increases in the graduating classes of law schools, they are leaving the legal profession at significantly higher rates than men. Upon graduation, men, on average, work as associate for a firm for six to seven years. Women, on the other hand, are overrepresented in the public sector and are more likely to be working in marginal positions.

Women reported more stress in law school than men. The authors contemplated whether this impacts female law students’ self-concept. Although women entered law school with aspirations of public service, at graduation women indicated equal preference for a large law firm work.

In response, the authors made suggestions for female law students. First, career counselors should facilitate a strong self-concept in female students. The career counselor should confront gender stereotypes and their negative influences on student’s aspirations. Counselors should also prepare female students to deal with gender role stereotyping that may exist in their future legal experiences. Students should learn to create productive mentoring relationships with faculty at the school, which they can emulate in a firm.

**“Women in the Profession: Findings from the First Wave of the After the JD Study” by
Gita Z. Wilder, Senior Social Science Researcher for NALP**

2003

METHODOLOGY:

An interdisciplinary group of scholars designed this study. The study began with a mail survey to a sample of approximately 9,000 lawyers in 2002. The group of scholars then divided the national into 18 strata, and selected one primary sampling unit (PSU) within each. These PSUs were then included in the final sample, along with Chicago, Los Angeles, New York City, and Washington, DC. An over-sample of attorneys of racial minorities was contacted to off-set the generally low numbers of minorities in national samples.

Of the 9,000 original subjects, 20% could not be located and another 20% were not first-time admittees to the bar. Ultimately, 71% of the subjects responded.

Respondents were asked to provide information about their education and demographic characteristics, but the questions largely focused on their legal careers. The study asked about work setting, hours, salary, work-life balance, satisfaction, training, and mentorship.

Recontact of these subjects began in 2007, and will occur again in 2012.

RESULTS:

This study found that, of the subjects of the AJD sample:

- Women and men generally practiced in different settings and legal markets (men are almost twice as likely as women to enter solo practice);
- Women were less likely than men to change jobs during the early years of their careers;
- Women were less likely than men to be married and have children;
- Women and men reported different reasons for entering the legal profession;
- Women and men reported different networking activities opportunities;
- Women reported less satisfaction with opportunity for advancement;
- Women felt more discriminated against than men;
- On average, men earned more than women. Women reported incomes that were roughly 85% of what men earned, but men also practiced in different settings and markets.

**“Aspiring Law and Business Professionals’ Orientations to Work and Family Life” by
Robert M. Orrange**

2002

METHODOLOGY:

This study used 43 in-depth interviews with law and business students to investigate their plans for work-life balance. The respondents were in their mid to late twenties, and most of them were single.

The questions focused on work, family, and leisure. Because the sample was so small, caution should be used in interpreting the results.

RESULTS:

Many more mothers work now than before. In the United States, 60% of married women with children under age 6 work. This raises new questions about the viability of the dual-earner couple.

The male respondents expressed higher hopes for finding a marriage partner who would take primary or equal responsibility for raising children and managing the household. A number of these men figured their wives could work outside the home, if the wives wanted, as long as arrangements were made for child care and house cleaning. Some men hoped to be the sole providers, despite their wives’ professional training.

Men in more egalitarian relationships recognized that they could not work burdensome hours, because then they’d be unable to contribute to household and family responsibilities. These men had more synergistic than segmented perceptions of work and family life.

Egalitarian women found it essential to find partners who would be willing to share household and family responsibilities, although few were optimistic about finding such partners. These women expressed the unlikelihood of finding men who wanted to take care of the children as much as they did. Egalitarian women also expressed concerns about relocation, and finding a city which could employ both working spouses gainfully. Egalitarian women often had criticisms about their stay-at-home mothers, who they believed had less balanced lives.

A significant minority of women also planned to remain single.

“Women in Law: Making the Case” by Catalyst

2001

METHODOLOGY:

The purpose of this article was to determine why so few women make partner nationally. This issue is important because it impacts the profession as a whole, and impacts individual firms which suffer from the attrition of women lawyers.

The sample is geographically representative, and contains an equal number of men and women. Five of the nation’s top law schools, Berkeley, Columbia, Harvard, Michigan, and Yale, participated in this study. The graduates were divided into age cohorts, and participants were randomly selected within age cohorts from each school. The study was sent to an equal number of men and women, with an oversampling of racial minorities. In total, 63,000 received an 89-question survey and 24% responded. Of the respondents, 64% were women. Eighty-four percent of the respondents lived in metropolitan areas.

Hour-long interviews and focus groups, with more women than men, were also conducted.

The study focused on three questions: how do female lawyers’ career paths compare to male lawyers’, what advancement strategies do women use, and how do male and female lawyers experience work-life balance?

RESULTS:

Although men and women entered the legal profession for similar reasons, such as intellectual challenge and professional credibility, their career paths diverged over time. Of the 1970 law graduates, twice as many women and men were in education and corporate sectors rather than firms.

Job Satisfaction

Women were less satisfied with opportunities for advancement than men, although men and women were equally satisfied with their current employers. Women of color were least satisfied overall, with their current employers, diversity of workplace, and opportunities for advancement.

Advancement

Men and women cited the same advancement strategies, including demonstrating strong communication skills, taking initiative, and being a team player. Men and women agreed that the top barrier to women’s advancement is family responsibilities. Also, 50% of women cited the lack of a mentor as a barrier to advancement.

Problems with Firm’s “Meritocracy” Systems

While firms purported to use a meritocracy system, often they did not. For example, many firms used billable hours and an employee's connections, rather than merit, as criteria for advancement. This was especially problematic since women often feel excluded from internal networking. Also, firms were generally unwilling to hire women after they have taken time off the firm, despite their merit.

Work-life Balance

Over 70% of both male and female lawyers said they were conflicted about work-life balance. Over half of male and female wished they could telecommute so they could achieve more work-life harmony. Women associates often thought that part-time arrangements are career-killers.

Different Practice Settings

Only one quarter of women in corporate legal departments were satisfied with advancement opportunities, whereas closer to one half of law firm women were satisfied. In-house men said that women have not been in the pipeline long enough and that is their number one barrier to advancement. Women said that exclusion from internal networks was the number one barrier.

Of lawyers in the executive branch of federal government, 35% were women but more men than women held supervisory positions than women. Eleven percent of female respondents worked in education, but again more men held the higher positions, like dean, than women. A higher proportion of women of color were in these sectors than white women.

**“Women in Law Firms: The Reality Behind the Industry Buzz” from the Law Office
Management and Administration Report**

JULY 2001

METHODOLOGY:

This article extrapolated from Carol Gilligan’s study *Women in Law: Making the Case*, conducted by Catalyst.

RESULTS:

While women are beginning to graduate from law school in the same numbers as men, only 15% of partners and 14% of general counsels nationwide are women.

Women may leave firms for the following reasons: lack opportunity to advance in the firm, lower levels of career satisfaction, fewer mentoring and networking opportunities, and frustrations with work-life balance. In response, the article suggested making a financial argument to law firms to show how much money they can save by retaining female lawyers. Firms should also develop formal mentoring programs for women associates, be flexible with offering part-time schedules, and look to other firms for best practices.

“More Than Part-Time: The Effect of Reduced-Hours Arrangements on the Retention, Recruitment, and Success of Women Attorneys in Law Firms” from the Women’s Bar Association of Massachusetts

2000

METHODOLOGY:

A group of senior women attorneys of the Massachusetts WBA set out to uncover whether part-time policies are responsible for women’s low representation as partners in law firms and/or for women’s high attrition rates.

This study used statistical data and narrative survey information, surveying women with a reduced-hours arrangement and women who had left because of part-time policies. The study used three surveys. The first was tailored for the 100 largest firms in Boston and sought data and information about their part-time policies. The second survey was directed to attorneys with reduced-hours arrangements, seeking information on the type and duration of their arrangements. The third survey, directed to all women who left the firm during the three years prior to the survey, inquired why they left.

RESULTS:

This report reached the conclusion that reduced-hours arrangements are necessary to attract and retain talented lawyers. The existence of a policy is not sufficient; the policy must actually be used. Of the firms surveyed, 42% had a written reduced-hours policy, although a majority of these policies were only available to lawyers who have practiced in the firm for a requisite period and allow for a limited duration of part-time work. (The average period of a part-time arrangement was seven years.) Unless reduced-hours policies were part of a larger firm culture than embraces diverse career paths and reduced-hours arrangements, the existence of reduced-hours policies did not reduce attrition of female lawyers.

Lawyers who utilized the reduced-hours option voiced multiple complaints. They expressed a lack of institutional support for their schedule, a deterioration of relationships with their colleagues, and adverse career consequences. Many reported that their work assignments were affected by their reduced-hours arrangement.

Extrapolating from the results, the writers constructed recommendations for part-time policies. Formalized reduced-hours policies should explicitly reflect the reality of reduced-hours arrangements, while allowing for as much individualization of one’s schedule as possible. Reduced-hours arrangements should not automatically disqualify one for partnership. Firms should not require a specific amount of full-time work before one can take work reduced hours. The study additionally suggested that the bonuses of part-time lawyers should not be prorated.

The writers also made recommendations for implementation and practice of the part-time policies. The firms should reinforce that all attorneys must be respectful of the reduced-hours arrangements of their colleagues. The work assignments of reduced-hours attorneys should not be impacted because of their schedule. Firms should keep in mind that some clients prefer reduced-hour attorneys since it means that attorney will have a smaller workload and may be able to focus more on that client's needs. Reduced-hours attorneys should still receive reviews at frequent intervals.

Of the women who left, almost 40% said they left for reasons based in part on the firm's part-time policies. Women said they also left due to the lack of opportunity to advance to partnership.

American Bar Association Commission on Women in the Profession: Report to the House of Delegates

1988

METHODOLOGY:

In 1987, the ABA established the Commission on Women in the Profession to further their commitment to gender equality.

In its first stage of investigation, the Commission conducted two days of open hearings. The Commission heard oral testimony from 64 witnesses and received written testimony from more than 70 witnesses. This hearing resulted in an 800-page transcript and a Summary Report of the Hearings.

RESULTS:

This report showed that while women increasingly entered the profession, their representation among partnerships, judgeships, and tenured faculty did not increase accordingly. Opportunities in the legal profession were less available to women than to their male counterparts and the profession is stratified by gender. The Commission found that men in the legal profession perceive fewer problems of discrimination than really exist, and that men are likely to dismiss claims of inequality as trivial.

Barriers still existed, such as belittling treatment in courtrooms, in private practice, and in law schools. When women did rise above the glass ceiling, they often found lacking support networks, sexual harassment, extra scrutiny, and great personal sacrifice. Women were expected to adhere to an aggressive, “male” style of lawyering, whereas men were allowed more leeway and difference in style.

Looking forward, this report encouraged the ABA to take affirmative steps to eliminate inequality. Through increased awareness, members of the profession should resolve to develop programs and practices that further equality. The professional must do more to shoulder the many responsibilities that fall disproportionately on women, such as day-care assistance.

“Glass Ceilings and Open Doors: Women’s Advancement in the Legal Profession: A Report to the Committee on Women in the Profession” by Cynthia Fuchs Epstein, Robert Saute, Bonnie Oglensky, and Martha Gever

1995

METHODOLOGY:

In 1989, the Association of the Bar of the City of New York formed a Committee on Women in the Profession and soon developed a study to determine why glass ceilings existed for women at all levels in the legal profession. Dr. Cynthia Fuchs Epstein designed the study, and the Committee fundraised to finance it.

This study was framed as a qualitative and quantitative investigation. Eight firms participated in the study. These firms, which ranged in type and culture, provided empirical data as well as a sample of male and female partners and associates for interviews. Alumni from the firms were also interviewed. The sample was not random; the sample was weighted with attorneys at or above five years of experience in specialties. Women were also oversampled. In total, 174 attorneys, of whom 109 were women and 65 were men, were interviewed. The interviews lasted from one to three hours.

The study focused on the following issues: the multiple glass ceilings existing in law firms, mobility within firms, and differences in generational perspectives.

RESULTS:

The study found that women faced serious sex stereotyping. Both male associates and partners indicated that women lack the skills to cultivate relationships with clients and become rainmakers. Perceptions about motherhood were so pervasive that some female lawyers believed they would not be accepted as full professional colleagues after they have children.

Gender Representation:

Women lawyers were largely absent from the eight firms during the 1980s. The eight firms’ lawyers ranged from 26% to 40% female. They had 5% to 8% female partners. From 1980 through 1994, the percentage of female lawyers began to gradually increase. Of all the specialties, male and female attorneys had the most equal representation in Trusts and Estates.

Race, Age, Education:

In 1992, 94% of the male attorneys at the eight firms were white and 86% of the female attorneys were white. On average, women attorneys were younger than their male counterparts. There was increasingly greater female representation among the younger lawyers.

Rainmaking:

Many attorneys wondered whether female attorneys had an equal chance to grow into rainmaking roles. Women in general were not regarded as good rainmakers, and they did not have the additional benefit of access to social networks. Older women reported a particular challenge, since they made so few female friends during their own law school experience when few women went to law school. Both men and women agreed that men had more time for client development. Unmarried women felt especially uncomfortable taking male clients out for client development.

Assignments:

Female attorneys reported receiving more pro bono assignments than male attorneys, even if they never requested pro bono assignments. Clients' prejudice may have been one reason why women received less of the desirable assignments. On the other hand, some female clients requested female representation, and female lawyers claimed that they are especially good at keeping these clients.

Mentoring:

Men and women were equally likely to fall into mentoring relationships, although some women resisted male mentors for fear that colleagues would misunderstand the relationship. Women also held that the most helpful male mentors were married to professional women.

Promotion:

Men made partner at a higher rate than women. While most lawyers interviewed expressed the goal of becoming a partner, a few men and women explained that was not their goal due to the stress, pressure, and hours. Stereotyping plays a role in promotions, and women who are not overtly tough suffered as a result of the stereotyping. It was suggested that women might be at a disadvantage due to the preconception that women are unable to command a room.

Sexual Harassment:

Many of the women interviewed reported minor instances of sexual harassment, or sexual situations which made them uncomfortable, such as when one partner wore suspenders to work with naked women on them. The nation's largest law firm, Baker and McKenzie, recently faced a \$7.1 million dollar judgment for sexual harassment of one of its employees. Consequently, many firms have brought in sensitivity training experts. While this strategy alerted the male lawyers about the seriousness of sexual harassment, it also made some male lawyers weary of working with female lawyers.

Part-Time Hours:

Some lawyers insinuated that part-time work is a "woman's issue." Only two of the eight firms had formal policies defining a part-time schedule. Many women expressed that view that it is impossible to make partner if one works part-time.

Marriage and Family:

Female attorneys were somewhat less likely to be married than male attorneys. Still, most women partners were married and a large proportion had children. Today women were less cautious about revealing they have children than in previous decades, and many women chose to have children as associates. Women stated that the support of their colleagues helped them

decide when to have children. Older women expressed resentment that younger woman expected accommodations from the firm for their child care and family needs. Some men expressed jealousy of maternity leave.

“And Miles to Go Before I Sleep: The Road to Gender Equity in the California Legal Profession” by Maryann Jones from the University of San Francisco Law Review

1999

This article tracks the tremendous progress women have made in gaining equity in the legal profession in California, a state leader in providing legal opportunities for women. This article stated that impediments remained to women’s ability to achieve equity, and the legal profession in California was in danger of losing hard-won ground.

Part I: History of Women in the Legal Profession

Only recently have women become a common sight in law schools and firms. As they first entered the legal profession, women encountered heightened biased behaviors from male attorneys, bench officers, and bar associations. Title VII of the Civil Rights Act of 1964, as enforced by the Equal Employment Opportunity Commission, the Civil Rights Act of 1991, other federal statutes, and state laws began to provide legal protections to today’s women in the workplace.

Part II: Current Status of Women in the Legal Profession

While there seems to be consensus that change has been substantial in the past few decades, gender bias still existed at the time of this survey. Women had much lower chances of reaching the highest echelons of the profession and they earned less than their male counterparts. Some commentators argued that Title VII did not live up to expectations because discrimination is difficult to prove. Despite marked progress in law firm culture, law firms discriminated against women in a number of ways. For example, women lawyers had fewer mentoring opportunities, often receive inferior assignments, and sexual harassment persists.

Part III: The California Judicial Council’s Work in Exposing Gender Bias in California’s Legal Industry

METHODOLOGY:

In 1987, the Judicial Council Advisory Committee on Gender Bias in the Courts was founded, with the purpose of documenting gender bias in the courts. The Committee conducted five public hearings, heard testimony from over 200 attorneys, and surveyed women’s bar groups. The committee issued a draft report in 1990 and then a final report in 1996.

RESULTS:

The final report made 68 recommendations to the Judicial Council, such as the recommendation of judicial education. The report also encouraged other organizations, such as the State Bar, to prohibit gender bias from the judges and those under the judges’ control. The report also found egregious attorney behavior and encouraged attorney education, and believed that problems with both attorney and judge behavior would be fixed if more women were appointed to the bench. Following this report, a sexual harassment awareness and prevention curriculum was implemented for bench officers and staff.

The findings of the Judicial Council have been supported by findings of other jurisdictions and organizations, which have had consistent findings. The universal conclusion is that there is a problem with gender bias in the legal profession and time alone will not solve the problem.

Part IV: Recommendations for Future

Change is necessary in all aspects of the legal profession. Beginning with law school, each student should receive training in the elimination of bias. Private law firms should implement family-friendly policies and avoid the so-called “mommy track,” which creates a class of second-tier firm employees. Firms should also implement mentoring programs, carefully monitor the quality of assignments given to female lawyers, and recognize that detrimental effect of gender bias on business. As for the bench, efforts must be taken to diversify the judiciary. Finally, this report encouraged women to resist complacency.

“From Gladiators to Problem-Solvers: Connecting Conversations about Women, the Academy, and the Legal Profession” by Susan Sturm

1997

METHODOLOGY:

The purpose of this article was to answer three questions: How and why are women and people of color marginalized and underrepresented in the legal community? Is diversity an appropriate value for legal education institutions, which are often preoccupied with rigorous, analytical training? Is the prevailing model of legal professionalism, perpetuated by traditional law school curriculum, antiquated? These three questions address the value of the “gladiator” model of legal education, which prioritizes analytical rigor, quick thinking, and competitiveness above all else.

Analyzing the preexisting legal norms, the writer proposed a change from the gladiator model of legal education to a problem-solver approach.

RESULTS:

In response to the question of underrepresented groups in the legal community, the writer questioned the success of an approach narrowly focused on one group, such as an approach just for women lawyers or just for black lawyer. The writer pointed out that many underrepresented groups have shared experiences. Also, some members of underrepresented groups may resent being singled-out. Instead, the writer proposed a reexamination of existing merit selection standards, which lead to the development of new paradigms.

In response to the second question, the writer encouraged law schools to reengineer their curricula to expand beyond the gladiator approach to law, since the gladiator model encourages peer harassment and undervalues those with different learning styles and/or those who do not aspire to practice corporate law. The gladiator model is also responsible for the poor reputation of lawyers. Instead of using admissions criteria designed to admit those most likely to survive analytical rigor, the writer suggested criteria of deep thinking and communication.

The writer preferred the lawyer as problem-solver approach, which is a less adversarial way of understanding the role of a lawyer. As a problem-solver, the lawyer would not focus on how to win. Instead, the lawyer would consider the goals, interests, issues, and alternatives of a given situation. Norms of problem-solving include fairness, thoughtful decision-making, and remediation. This approach moves beyond the formalistic approach employed by corporate law firms.

While gladiators have masculine stereotypes, fewer stereotypes exist for problem-solvers. Therefore, a problem-solver approach does not discourage women as much as a gladiator

approach. This approach is most likely to catch on if it's incorporated both in legal curricula and actual practice.