

THE SEARCH FOR SATISFACTION

Report from the UMDLaw Alumni Career Path Survey

By Teresa LaMaster

In 2007, UMDLaw began exploring the decisions graduates make in shaping their careers and their satisfaction with the results of those decisions. Now, armed with empirical evidence, the Law School reports on recommendations for legal employers—recommendations aimed at increasing employee retention and enhancing career satisfaction within the profession.

In 2006, the legal blogosphere was rife with stories about lawyer dissatisfaction. Douglas Litowitz's book, *The Destruction of Young Lawyers*, had just been published, prompting a raft of Internet posts dissecting why lawyers in law firms were so unhappy. Others made sport of why the happiness—or unhappiness—of any 26-year-old with a six-figure salary should demand attention in the first place.

Fast forward to 2010, and the employment picture has changed dramatically. With 15,000 legal jobs lost since 2008, most young lawyers are happy to have any steady law-related paycheck. Doubled-down on debt, happiness for them is a roof over their head and making ends meet.

Though the economic collapse of 2008 may have caused questions of lawyer career satisfaction to retreat from the foreground, these questions remain a key part of the decision-making process, both for law graduates and their employers. Given the high cost of legal education, graduates need to be more intentional about building careers that will make them happy. Given sharpened competition for business, firms need to control costs by structuring the workplace to support peak performance, limit turnover, and build employee loyalty. But rather than rely on the anecdotes of Litowitz and the blogosphere, some hard data about the factors contributing to—and standing in the way of—career satisfaction is in order.

In 2007, Professors Jana Singer, an expert in family law, and Paula Monopoli, head of the Law School's Women, Leadership & Equality Program, embarked on a research project in collaboration with Teresa LaMaster, Dean of Alumni Relations, and Dana Morris, Dean of Career Development. They were looking for some hard

facts on career satisfaction among UMDLaw graduates. Through online surveys, focus groups, and work sessions, the Law School studied graduates' career paths to examine the challenges to, and best practices for, career satisfaction. The results contain some surprises.

The Findings

Conducted in collaboration with the Project for Attorney Retention at the Center for Worklife Law at University of California Hastings College of Law, the study analyzed survey responses of 530 alumni who graduated in 1978 or later. The sample included 285 women (54 percent) and 245 men (46 percent) and had a 32 percent response rate.

Opt-Out Myth Debunked

Throughout in this decade, one oft-claimed consequence of lawyer dissatisfaction (and a ready explanation for the dearth of women in top positions at private law firms) is the decision by women to “opt out” of law practice—usually to care for children and family. But data from the UMDLaw study contradict this popular media story. The study found no evidence that female graduates of the Law School are leaving the profession or the workforce to any significant degree more than men. Some 76 percent of women and 80 percent of men were employed full time.

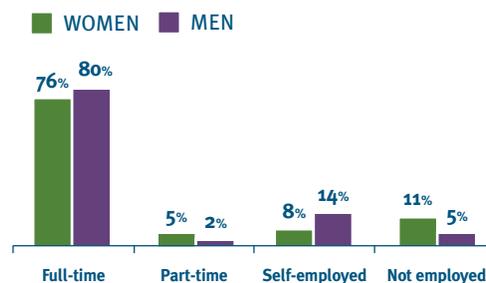
In fact, in many respects the early career paths of male and female graduates look quite similar. Nearly half of both women and men started their careers in private law firms. The majority of both men and women who left their first firm jobs did so within the first three years of employment to join other law firms. Among respondents currently at law firms, comparable percentages of men and women are engaged in most practice areas, with nearly half of both men and women practicing litigation.

But a striking difference emerges as men and women move further through their careers. Women and men tend to end up in different sectors of the legal profession. Despite starting their careers at law firms in comparable numbers, men were more likely to remain employed in private law firms, while women were more likely to be employed in government.

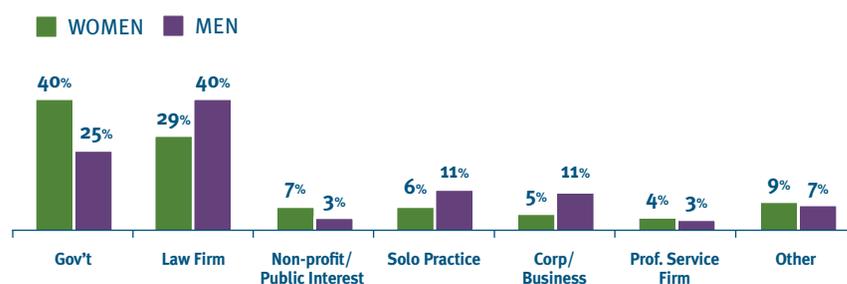
Why this difference? If UMDLaw grads are not opting out of law practice altogether, why the marked gender difference in choice of practice setting? Further analysis of the data suggests some possible answers.

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EMPLOYMENT STATUS



CURRENT EMPLOYER TYPE



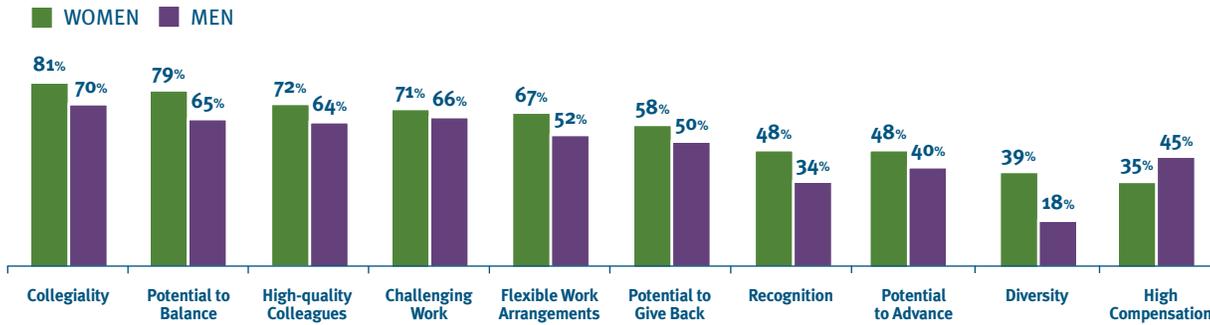
Satisfaction High

Even before the economic downturn, UMDLaw grads were remarkably satisfied with their work. Close to 90 percent of both women and men who answered the survey were satisfied with their decisions to become lawyers and with their current employers—with no statistical difference between women's and men's responses. The findings also suggest that the things that make women and men happiest in their careers are similar, particularly among law firm respondents. For most, satisfaction is derived from three principal factors: the people; the work; and the potential to balance their work and personal lives. Notably, challenging work was a driving force in career satisfaction for both women and men.

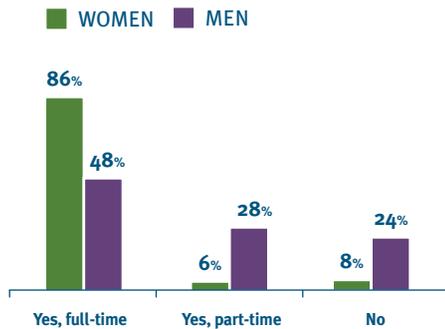
Despite the pronounced similarity in the factors important to career satisfaction, women and men have different perspectives on what policies and practices would increase their satisfaction with their current positions. Significantly higher percentages of women than men want greater flexibility.

For men, greater professional development opportunities were most important. Greater transparency in the compensation system and in the promotion process ranked highly for both groups. Interestingly, nearly two-thirds of men said that the potential to balance was important to their career satisfaction, but less than one-quarter said that greater flexibility would increase their satisfaction with their current positions. An even lower percentage of men identified “a viable part-time program” as important to them. An analysis of lawyers' home lives provides insight into why flexibility might matter so much more to women.

FACTORS IMPORTANT TO CAREER SATISFACTION



SPOUSE/PARTNER EMPLOYED OUTSIDE THE HOME



MORE THAN HALF of women reported having primary responsibility for the household chores, as compared to just 4 percent of men. Moreover, more than one-third of women had primary responsibility for the child care as compared to just 2 percent of men.

Different Family Structures

Men and women in the UMDLaw study had very different roles and family structures from one another. The majority of respondents to the survey had children (62 percent of women; 69 percent of men) and partners (72 percent of women; 83 percent of men). But, women were almost twice as likely as men to have a spouse or partner who worked full time. Eighty-six percent of partnered women had a spouse or partner who was employed full time; less than half of men did.

This family work-structure gap was even more pronounced among law firm attorneys. Only 11 percent of women in law firms had a spouse or partner who worked less than full time, while nearly 60 percent of the men did. No woman working at a law firm reported having a spouse who worked part time; if their partners worked less than full time, they were out of the labor force entirely.

Female lawyers are more likely to have greater responsibility for housework and family care than male lawyers as well. Respondents were asked whether they or their partner had primary responsibility, or whether responsibility was equally shared, for household chores and childcare. More than half of women reported having primary responsibility for the household chores, as compared to just 4 percent of men. Moreover, more than one-third of women had primary responsibility for the child care as compared to just 2 percent of men.

Yet a significant percentage of both male and female respondents report sharing household and child care responsibilities equally. While the study did not control for class year, other studies document an increasing percentage of younger men are playing a greater role in these responsibilities.

The Compensation Gap

It may be that this lack of flexibility, coupled with the sharply different family structures and roles of men and women, is taking its toll on the ability of women to advance in private law firms. Sharply lower proportions of women than men are reaching the highest levels in law firms and when they do, our data suggest they are compensated at levels lower than men. While women and men employed in law firms were in similar-sized firms and similar practice areas, they held very different positions within law firms. Currently, half of the men employed in law firms were equity partners, as compared to less than a quarter of women. Conversely,

more than half of women were associates, as compared to less than 40 percent of men. Yet even when the study controlled for graduation year, women in law firms were less likely than men to have reached equity partner status.

Moreover, even after controlling further for equity partner status, gender and earnings were closely connected. For example, while equity partner status was associated with an increase in earnings of over \$100,000, being a woman was associated with decreasing this amount by about one-third (controlling for graduation year, current employment in a law firm, and current employment as equity partner). Women who had become equity partners earned roughly \$31,000 less than men. This finding has subsequently been bolstered by a study conducted by Professor Marina Angel at Temple University Beasley School of Law, which found that women partners at *American Lawyer* Top 200 firms are compensated on average less than men, regardless of whether they are equity or non-equity partners.

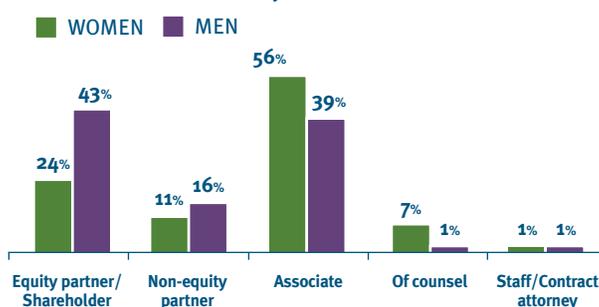
The Implications

The demographics of law firm leadership was not a major concern when most of the talent pool and leadership in the client base consisted of men married to homemakers. But this is not the situation today. Clients are becoming increasingly vocal that law firms need to better reflect both the talent pool of lawyers, and the diversity of clients. At a presentation during one of this research project's focus group sessions, Thomas Sager, Senior Vice President and General Counsel, DuPont, put it this way:

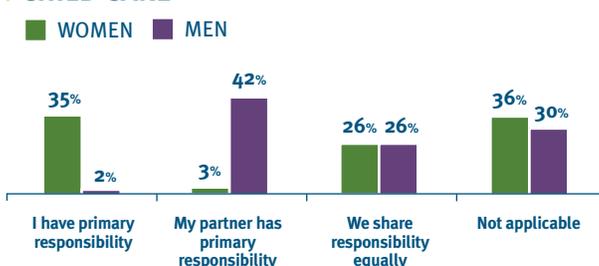
To be globally competitive, you must have employees that reflect the diverse base of your customers, your shareholders, your suppliers, and of course the communities in which you work. Just as the changing demographics force us to rethink the make-up of the company, they also challenge us to reconsider the make-up of our legal department and the law firms with whom we work. And the changing faces of the bench, the regulatory agencies, and the juries, make this an even more compelling business case for us within DuPont legal. . . . [We] believe that it makes a world of difference for our lawyers both within and outside [DuPont] to mirror the population at large.

Diversifying the ranks of law firm lawyers is a key to increasing a firm's ability to attract and keep clients. Finding ways to retain

PRIVATE LAW FIRM, CURRENT POSITION



CHILD CARE

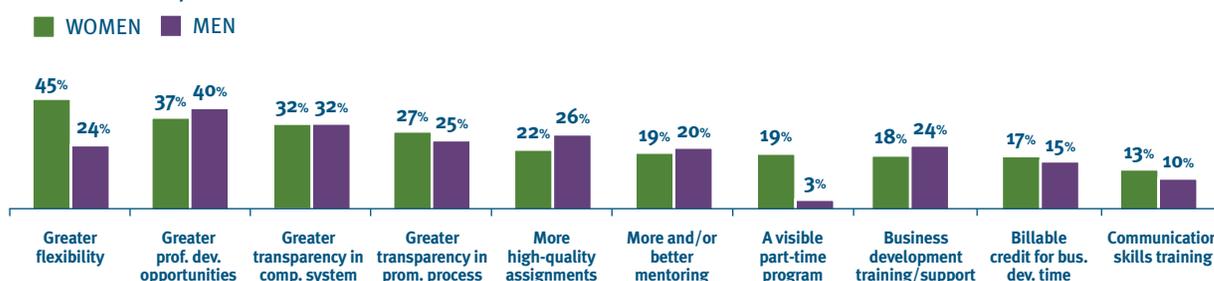


talent of all types increases a firm's return on its investment, increases client satisfaction, and often results in more effective systems and programs firm-wide. When lawyers leave law firms they take with them the time and money that their firms—and their clients—have invested in them. Thus, retaining and advancing talent—especially women—is a strategic business imperative for law firms.

Areas of Emphasis

Following completion of the survey, the School of Law has brought together practitioners, judges, and academics in working groups and for conferences to develop ideas for law firms and other legal employers to retain lawyers and enhance their career satisfaction. The results from the survey have clearly identified several key areas closely linked with satisfaction: more workplace flexibility; greater transparency with respect to compensation; and making work meaningful.

PROGRAMS/POLICIES TO INCREASE SATISFACTION WITH POSITION



Work Schedule Flexibility

Flexibility, time with family, and the potential to balance work and family all played a role in the career satisfaction of a substantial number of both men and women. In fact, women rated it as the most important policy and practice change that could improve their job satisfaction. Yet part-time work, often considered a hallmark of flexibility, is rarely used by either men or women.

True flexible work programs, unlike traditional part-time programs, allow lawyers individually-tailored, reduced, or flexible schedules that meet the firm's business needs while maintaining the lawyer's ability to work and to develop professionally. Elements of such programs include the following: written policies that provide for proportional pay, bonuses, and benefits; a promotion track that is at least proportional; a proven track-record of promoting flexible schedule attorneys; a detailed and widely distributed business case to document that flexible work programs helps retain talent; a mechanism to ensure that lawyers with flexible schedules have a proportional share of the challenging work; and a coordinator to coach lawyers using flexible schedules and resolves issues of schedule creep.

The reason women need flexibility is no mystery: Women were dramatically more likely than men to have spouses who work full time, and dramatically more likely to have primary responsibility for household chores and child care. Men also were dramatically more likely to be breadwinners whose spouses worked, at most, part time; male lawyers also were much more likely to earn most or all the family income. In short, the inflexible schedules favor breadwinner-homemaker families. As a result, women used more strategies to balance work and family. And—perhaps a harbinger of the decline of the traditional breadwinner-homemaker family structure—significant numbers of men also used a variety of strategies.

Transparency in Compensation

In matters of compensation, lawyers in the survey were less dissatisfied with their gross compensation than they were with how that compensation was negotiated. Three-quarters of all respondents felt they were compensated appropriately, although considerably fewer women than men believed this to be true (70 percent of women; 80 percent of men). More importantly, less than half of women—about 42 percent—and only half of male respondents felt they could negotiate effectively for appropriate compensation.

The Minority Corporate Counsel Association, the Project for Attorney Retention, and the ABA Commission on Women in the Profession currently are undertaking a major study on how law firm compensation systems negatively affect women. The study, when complete, will identify best practices for minimizing the negative impact of hidden bias on women partners' compensation. In the meantime, firms can refine the compensation system to include the following:

- Transparent compensation criteria;
- A diverse compensation committee that mirrors the diversity of the attorneys at the firm;

- An individual responsible for reviewing all compensation decisions, including bonuses, to determine whether women are disproportionately represented at the bottom compensation levels; and
- An opportunity for attorneys to report clients or matters that they brought into the firm for which they are not formally listed as the originating attorney.

Making Work Meaningful

Factors that make work meaningful—including working with-high quality colleagues, undertaking challenging assignments, and having the potential to advance—were among the most important to both men and women, outranking such individually-focused measures of success as recognition and, for women, high compensation. However, it seems that more women than men find meaningful work elusive, particularly in private practice.

Much of the overt bias commonly associated with women in the workplace—refusals to hire women as lawyers, relegating women to clerical tasks, terminating women when they become pregnant—has faded. But hidden bias can remain, perhaps explaining the disparity in women's and men's experiences identified in this survey. Comprehensive systems for ensuring bias-free performance evaluations and systems for allocating work are key to ensuring that both men and women have opportunities to find the workplace supportive and engaging. The American Bar Association Commission on Women in the Profession's second edition of *Fair Measure: Toward Effective Attorney Evaluations* is an important resource.

Conclusion

This report offers much good news. University of Maryland School of Law graduates—both women and men—are satisfied with their careers and their employers. Most are employed full time and engaged in the practice of law.

Even at a time when lawyers' career satisfaction is not of paramount importance to legal employers since there are numerous unemployed lawyers waiting to take the place of every disgruntled worker, it is heartening to learn how many UMDLaw graduates remain satisfied in their lives and careers. But when the economy inevitably begins to change for the better, legal employers must be prepared to implement measures that will enhance their employees' satisfaction—or lose some of their top talent to those who will.

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