

2009

# Men and Women of the Bar: The Impact of Gender on Legal Careers

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MEN AND WOMEN OF THE BAR: THE IMPACT  
OF GENDER ON LEGAL CAREERS†

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† Work on this project was made possible by a grant from the Law School Admissions Council (L.S.A.C.). The project also would not have been possible without the foresight of the University of Michigan Law School in collecting the data and their generosity in sharing it with the authors. Useful comments on this work were provided by members of the Georgetown University Workshop in Law and Economics, University of California-Berkeley Workshop in Law and Economics, University of Minnesota Law Faculty Colloquium and the University of Illinois School of Law Faculty Colloquium. The authors would especially like to thank David Chambers, Terry Adams, Joyce Sterling, Ronit Dinovitzer, Kathryn Zeiler, Gillian Lester, Daniel Rubinfeld, Bob Cooter, Lauren Edelman, Laura Cooper, Leandra Lederman, Jeffrey Stake, and William Henderson for their useful comments. Finally, the authors are forever indebted to Erin Cowles who prepared the tables and graphs, prepared numerous power point slides, and edited the final draft. Her hard work and skill helped make the complex data of this study presentable.

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## I. INTRODUCTION

In the last three and a half decades, the legal profession has undergone a dramatic transformation in the gender composition of its members. During that time, the number of women applying to law school and entering the profession has gone from a few gallant pioneers to roughly equal representation with that of men. Between 1970 and 2000, the proportion of first-year law students who were female climbed from 8% to 49%.<sup>1</sup> Because the existing bar consisted primarily of male lawyers, the percent of women in the legal profession changed more slowly, but still rose dramatically. Women, as a percent of all practicing lawyers, have risen from 3% in 1970 to 27% in 2000, while the percent of lawyers who are men has made a corresponding decline.<sup>2</sup> In just the thirty years from 1970 to 2000, the number of women in the legal profession increased from fewer than 10,000, to almost 300,000,<sup>3</sup> marking a steady growth rate of 12% a year. Over the same period, the number of male lawyers has increased from approximately 290,000 to 780,000, for an annual growth rate of just 3.3% per year.<sup>4</sup>

In this study, we undertake an empirical analysis of the impact of this transformation on the legal profession and the differences that gender makes in the lives and careers of attorneys. We endeavor to examine the impact of gender on each step in the typical man or woman's legal career from his or her choice of a first job, to the lawyer's experience in

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1. L.S.A.C., DATABOOK ON WOMEN IN LAW SCHOOL AND IN THE LEGAL PROFESSION 49 tbl.29 (Gita Z. Wilder & Bruce Weingartner eds., 2003).
  2. By decade, women constituted 3% of the profession in 1971, 8% in 1980, 20% in 1991 and 27% in 2000. CLARA N. CARSON, AM. BAR FOUND., THE LAWYER STATISTICAL REPORT: THE U.S. LEGAL PROFESSION IN 2000, at 1-3 (2004).
  3. *Id.*
  4. *Id.*

practice, to balancing work and family, to promotion and partnership. In addition to this chronological examination of legal careers, we undertake a detailed analysis of differences in income and career satisfaction between men and women over the course of their careers. Finally, we examine these questions of the progression of typical careers and differences in income and career satisfaction using data from two different time periods: survey years before 1992 for which the data is available (generally survey years 1981–91) and survey years 1996–2000. It is hoped that by examining these two time periods, separated by an interim period of five years, that we can gain some insight into how the impact of gender on men and women's legal careers has changed over the last several decades.

In this analysis, our primary source of data is the University of Michigan Law School Alumni Data Set.<sup>5</sup> This data set is perhaps the best available data set for examining these questions due to its richness in numbers of observations and the breadth of the questions explored in the questionnaire. At least since the 1981 survey of the classes of 1966 and 1976, the Michigan Data Set contains information on a wide variety of aspects of the alumni's family lives and careers. Moreover, with the regular survey responses of Michigan alumni from 1967 until the present, the University of Michigan Law School Alumni Data Set provides a unique opportunity to examine these questions from the days when female attorneys were rare, to the arrival of the first generation of women to achieve significant presence in the legal profession. The limitation of the Michigan Data Set is that it covers only University of Michigan alumni, a diverse but relatively elite swath of the legal profession. To act as a check on our analysis and to guide our interpretation of the results, we conducted focus group discussions of our findings with groups of female and male attorneys and collected similar data on Indiana University law alumni to test our primary findings. The insights from these focus groups are reported in this Article, while the results of the study of Indiana Alumni are reported elsewhere.<sup>6</sup> Less precise checks of our results can be made by reference to the existing empirical literature, in particular, to the excellent work done in the

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5. Copies of the data set are available upon request from Terry K. Adams, Survey Research Center, Institute for Social Research, University of Michigan, Ann Arbor, Michigan 48106.

6. See Kenneth G. Dau-Schmidt et al., *The Pride of Indiana: An Empirical Study of the Law School Experience and Careers of Indiana University School of Law—Bloomington Alumni*, 81 IND. L.J. 1427 (2006).

Chicago Lawyers survey<sup>7</sup> and the American Bar Foundation's *After the JD* study.<sup>8</sup>

## II. ANALYSIS OF THE DATA

### *A. Description of the Data Set*

The University of Michigan Law School Alumni Data Set provides a uniquely continuous and detailed perspective on the legal careers of the graduates of a great American law school.

The Data Set was begun in 1967 with a detailed survey of the University of Michigan Law School's class of 1952. This survey of the school's alumni fifteen years after graduation continued each year until the Law School discontinued its alumni surveys in 2006. In 1973, the law school began a similar survey of its graduates at five years after graduation, and in 1997 the law school added a survey of graduates twenty-five, thirty-five, and forty-five years after graduation. In all, the Data Set contains the responses of 17,012 surveys returned from University of Michigan Law School alumni for the survey years 1967–2000 from the classes of 1952–1996. Of these surveys, 14,297 were returned by men and 2,708 by women. The survey enjoyed an overall response rate of 68.80%, with 69.76% of men responding and 64.23% of women responding. In the years since 1981 when the more extensive survey began—the primary years of our analysis—a total of 11,976 surveys have been returned, 9,480 by men and 2,496 by women. Since 1981, the overall survey response rate has been 66.27%, with 66.96% of men responding and 63.89% of women responding.

The surveys asked a variety of questions about the respondent's legal career from its inception until its end. The Data Set contains data on the respondent's career plans in going to law school, experiences in law school, first job, current job, type of practice, job satisfaction, income, hours worked, childcare responsibilities, satisfaction with his or her balance between family and job, mentoring, future work plans, and retirement plans. In addition, the Data Set contains some information

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7. John P. Heinz, Kathleen E. Hull & Ava A. Harter, *Lawyers and Their Discontents: Findings from a Survey of the Chicago Bar*, 74 IND. L.J. 735, 748–49 (1999) [hereinafter Heinz et al., *Lawyers and Their Discontents*]; JOHN P. HEINZ ET AL., URBAN LAWYERS: THE NEW SOCIAL STRUCTURE OF THE BAR 189, 195 (2005) [hereinafter HEINZ ET AL., URBAN LAWYERS].

8. RONIT DONOVITZER ET AL., *AFTER THE JD: FIRST RESULTS OF A NATIONAL STUDY OF LEGAL CAREERS* (2004), available at <http://www.abf-sociolegal.org/ajd.pdf>.

on the respondent from the law school's files, such as race, gender, LSAT score, and GPA. Although the survey form and questions have varied some over the years, and also vary according to whether the survey is for an alumnus five years after graduation or fifteen or more years after graduation, there is remarkable consistency between survey years and among the surveys for graduates of different vintages. The typical record contains 815 responses or bits of information from survey responses and school files.

*B. The Personal Characteristics of the Participants in the Surveys: What Type of People Become Lawyers and How Do Their Personal Characteristics Vary By Gender?*

Perhaps since the dawn of humankind, people have identified certain personal characteristics as being either "male" or "female." Although "equality feminists" have argued that gender roles, and associated characteristics, are socially constructed,<sup>9</sup> scientists have ascribed at least some of these differences to peoples' growth and development under exposure to their respective sex hormones and to evolutionary advantages in finding a mate and ensuring the survival of offspring.<sup>10</sup> Whether due to society or biology, a variety of researchers have found that men are better at math, tests of spatial ability, and large motor tasks, while women are better with language and small motor tasks.<sup>11</sup> It is also commonly thought that men are more aggressive, more concerned with money, and more conservative,

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9. However, "difference feminists" have argued that different personal characteristics are indeed associated with, and inherent to, a particular gender, or at least are acquired so early in life that they can be treated as inherent. See generally CAROL GILLIGAN, *IN A DIFFERENT VOICE: PSYCHOLOGICAL THEORY AND WOMEN'S DEVELOPMENT* (1982).

10. See generally JOHN COLAPINTO, *AS NATURE MADE HIM: THE BOY WHO WAS RAISED AS A GIRL* (2001); Doreen Kimura, *Sex Differences in the Brain*, *SCI. AM.*, May 13, 2002, available at <http://www.sciam.com/article.cfm?articleID=00018E9D-879D-1D06-8E49809EC588EEDF>; see also LINDA MEALEY, *SEX DIFFERENCES: DEVELOPMENTAL AND EVOLUTIONARY STRATEGIES* (2000). A characteristic of one gender may also influence the other gender through evolution or social interaction. For example, one reason that men might be more concerned with making money is that studies show that women are more concerned with the earning power of prospective mates than men are. See Günter Hitsch, Ali Hortaçsu & Dan Ariely, *What Makes You Click?—Mate Preference and Matching Outcomes in Online Dating* 4, 26 (Mass. Inst. Tech. Sloan Research Paper No. 4603-06, 2006), available at <http://ssrn.com/abstract=895442>; John Tierney, *Romantic Revulsion in the New Century: Flaw-O-Matic 2.0*, *N.Y. TIMES*, Apr. 10, 2007, at D1, D5; cf. Peter M. Todd et al., *Different Cognitive Processes Underlie Human Mate Choices and Mate Preferences*, 104 *PROC. NAT'L. ACAD. SCI.* 15011 (2007).

11. Kimura, *supra* note 10; MEALEY, *supra* note 10.

while women are more compassionate and more liberal.<sup>12</sup> Psychologists consistently find that men are more aggressive and hold more permissive attitudes towards casual sex, although some psychologists argue that men and women are much more alike in their psychology than they are different.<sup>13</sup> Of direct relevance to the study of lawyers, Lee Teitelbaum, Antoniette Sedillo López, and Jeffrey Jenkins found that the men who attend law school are more likely than women to be motivated by prestige and financial rewards, while the women are more likely to cite personal and social motivations, such as personal growth and social change.<sup>14</sup> John Heinz *et al.* found that female lawyers are more liberal than male lawyers both on economic issues such as government aid to the poor and on social issues such as affirmative action and abortion.<sup>15</sup>

The Michigan Alumni Data Set contains a number of self-evaluations of personal characteristics that allow us to assess how these personal characteristics vary by gender and whether these differences have changed over the examined period. In addition to recording the respondent's gender, race, ethnicity, and age,<sup>16</sup> the data reports the respondent's evaluation of whether he or she is aggressive, compulsive about work, desirous of money, confident, a deal-maker, an effective writer, concerned with the social impact of his or her work, honest, and compassionate, as compared with other lawyers.<sup>17</sup> The alums' reported evaluations of these personal characteristics are recorded on a seven point scale from -3 for "much less than most" to 3 for "much more than most." The surveys also asked the respondents to rank themselves on a seven point scale from "very conservative" to "very liberal" and these responses are represented in a variable whose value ranges from -3 (very conservative) to 3 (very liberal). In addition, the surveys asked whether the respondent participates in activities that are political, religious, charitable, or of "another character."<sup>18</sup>

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12. JANET SALTZMAN CHAFETZ, *MASCULINE/FEMININE OR HUMAN?: AN OVERVIEW OF THE SOCIOLOGY OF SEX ROLES* 35–36 (1974).

13. See Janet Shibley Hyde, *The Gender Similarities Hypothesis*, 60 *AM. PSYCHOLOGIST* 581 (2005).

14. Lee F. Teitelbaum, Antoniette Sedillo López & Jeffrey Jenkins, *Gender, Legal Education, and Legal Careers*, 41 *J. LEGAL EDUC.* 443, 455–56 (1991); see also Janet Taber *et al.*, *Gender, Legal Education, and the Legal Profession: An Empirical Study of Stanford Law Students and Graduates*, 40 *STAN. L. REV.* 1209, 1238 (1988).

15. HEINZ *ET AL.*, *URBAN LAWYERS*, *supra* note 7, at 189, 195.

16. These variables are taken from law school records and are reported for all survey years.

17. These data are recorded in variables 737 through 746 for the survey years 1987 to the present, except for compassion, which the survey began collecting in 1989.

18. These data are recorded in variables 72 through 79 for the survey years 1981 to the present.

To examine how the respondents' evaluation of their personal characteristics varied according to gender, we calculated the mean response to these personal characteristic questions for alumni surveyed five years after graduation first for all observations and then separated according to gender. These calculations are reported in Table B1(5) along with the difference between the male and female mean for each response. A two-tailed t-test was performed to determine whether this difference is significantly different from zero with one asterisk indicating that the difference is significant at the 0.1 level.<sup>19</sup> The minimum number of observations on which the means is based is reported in the row labeled *N* below each column of variables.

To examine how the respondent's evaluation of their personal character may have changed over time, we divided the sample into two periods: period one for the survey years 1991 and before (generally 1981–91, although not all questions are available in all years during this early period); and period two for survey years 1996–2000. A break of five years is left between these two periods in order to allow for the comparison of two distinct periods of time. A comparison of changes in the differences between the genders between the two periods is presented in the last two columns of Table B1(5).

The results reported in Table B1(5) indicate that, according to their self-evaluations, the men and women who enter the legal profession do systematically vary in personal characteristics and that there has been some change in this variation over time. The women who enter the legal profession are significantly more likely to be minority, report a greater concern about the social impact of their work, and view themselves as being more honest, compassionate, and liberal than the men view themselves. In addition, the women report engaging in charitable activity significantly more often than their male counterparts. The men who enter the legal profession view themselves as more aggressive, desirous of money, and confident than their female counterparts view themselves, and are more apt to characterize themselves as skillful at making deals.<sup>20</sup>

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19. A "two-tailed" test is one in which the null hypothesis—that there is no significant difference between the tested values—is rejected if the difference between the values is large enough in either a positive or negative direction that it resides in either "tail" of the assumed distribution for the statistical test. PETER KENNEDY, *A GUIDE TO ECONOMETRICS* 60–77 (6th ed. 2008). Thus, for the examined male and female means, we are testing whether the observed difference is statistically significant, allowing that the male mean for each variable might be either more or less than the female mean.

20. Consistent with this finding, several participants in our focus groups affirmed that they believed that the men were more interested in making money. As described by one of the senior women, she thought men often did not realize there was more to life than making money. As described by a senior man, higher salaries fed male egos.



Interestingly, the women were significantly older than the men in the surveys before 1992, while the men are significantly older than the women in the 1996–2000 surveys.<sup>21</sup> The genders also traded positions with respect to who sees themselves as more compulsive about work over the examined time period, with the men reporting being more compulsive before 1992 and the women reporting being more compulsive after 1996. Even where the relative positions of the male and female means did not change over time, there are some interesting results. The women report being more liberal in both periods, but the percent of both females and males who report they are liberal drops, with the male percentage dropping more than the female. Similarly, over the two periods the concern for social impact has dropped for both men and women, with a larger drop for men. The data shows women making small inroads into men's advantage in confidence over time. There seems to be no significant difference between the genders with respect to Hispanic ethnicity, the evaluation of

TABLE B1(5): PERSONAL CHARACTERISTICS: FIVE-YEAR SURVEY

Variable	Period 1: Survey Years 1991 and Before (Classes 1986 and before)				Period 2: Survey Years 1996 through 2000 (Classes 1991 through 1995)				Change From Period 1 to Period 2	
	All Obs	Male	Female	Male-Fem	All Obs	Male	Female	Male-Fem	Abs Δ in M/F Diff	Δ in M/F Rel Pos
% Black	6.00	4.90	10.40	-5.40*	8.80	7.30	11.20	-3.90*	-1.50	FF
% Hispanic	1.70	1.60	2.00	-0.50	5.30	5.40	5.10	0.30	-0.10	FM
% Asian	0.60	0.40	1.40	-1.00*	3.70	2.30	5.70	-3.40*	2.40	FF
% Native American	0.30	0.20	0.70	-0.50*	1.40	1.30	1.60	-0.30	-0.20	FF
Age	31.36	31.17	32.08	-0.91*	31.80	31.96	31.55	0.41*	-50.20	FM
N	6886	5515	1371		1870	1135	735			
Aggressive	0.346	0.425	0.172	0.253*	0.175	0.298	-0.004	0.302*	4.90	MM
Compulsive Work	0.130	0.190	-0.003	0.193*	0.111	0.019	0.245	-0.226*	3.30	MF
Desire for Money	-0.572	-0.395	-0.962	0.567*	-0.423	-0.175	-0.784	0.609*	4.20	MM
Confidence	0.831	0.965	0.536	0.430*	0.890	1.034	0.680	0.354*	-7.60	MM
Dealmaker	0.790	0.896	0.553	0.343*	0.682	0.818	0.483	0.335*	-0.80	MM
Effective Writer	1.678	1.656	1.725	-0.069	1.678	1.713	1.627	0.087	1.80	FM
Concerned Social Impact	0.674	0.600	0.839	-0.239*	0.433	0.243	0.710	-0.468*	22.90	FF
Honest	1.792	1.746	1.896	-0.150*	1.702	1.646	1.783	-0.137*	-1.30	FF
N	1242	857	385		1161	691	470			
Compassionate	1.179	1.006	1.531	-0.525*	1.149	0.987	1.384	-0.396*	-12.90	FF
N	733	492	241		1184	699	485			
Liberal (-3 to 3)	0.566	0.426	0.94.0	-0.515*	0.447	0.264	0.711	-0.447*	-0.07	FF
% Political Activity	23.90	24.00	23.80	0.20	17.30	18.50	15.60	2.90	2.70	MM
% Religious Activity	24.20	24.10	24.40	-0.30	25.80	26.30	25.30	1.00	0.70	FM
% Charitable Activity	30.70	29.50	34.00	-4.60*	35.60	32.40	40.40	-8.00*	3.40	FF
% Other Activity	30.80	28.90	36.00	-7.10*	31.20	29.70	33.30	-3.60	-3.50	FF
N	2795	2035	760		1195	707	488			

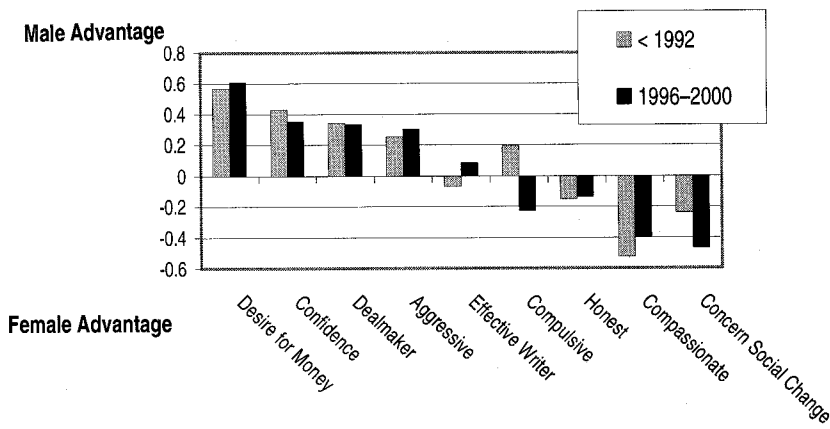
\* Difference in gender means significantly different from zero at the 0.1 level, two-tailed test.

Whether they needed the money or not, some men would compete to see who could make the most money.

21. This change in relative age probably reflects a change in the relative proportion of returning students between men and women as women more readily enter the legal profession.

their effectiveness as writers, political activity, or religious activity. The difference between the male and female means for various personal characteristics in each period is represented in a bar graph in Graph 1, going roughly from male to female associated characteristics from left to right.

GRAPH 1: PERSONAL CHARACTERISTICS:  
DIFFERENCE IN MALE AND FEMALE MEANS FOR THE FIVE-YEAR SURVEY,  
SURVEY YEARS < 1992 AND SURVEY YEARS 1996–2000



Later in our analysis of legal careers we find that having children and taking time away from paid work to do childcare has a big impact on lawyers' careers, their income and their levels of satisfaction. Because of these differences, we felt it pertinent to explore whether personal characteristics varied among the survey respondents according to whether they had kids and took time away from paid work to do childcare. Accordingly, in Table B2(5) we report the mean values of various personality characteristics for respondents to the 1996–2000 surveys five years after law school broken down by gender and whether the respondent had kids and did childcare. Both the men and women are broken down into three groups: (1) those who do not have kids; (2) those who have kids but indicate that they have not taken time away from paid work to do childcare; and (3) those who have kids and indicate that, for some period, they either worked part-time or did not work in order to accommodate childcare. For each variable, we performed two-tailed t-tests on the differences between the means of each set of subgroups within the genders to determine whether the observed differences were statistically significant. If a (1) followed by an asterisk appears next to the mean for group (3), this indicates that the mean for the first group

who do not have children is significantly different from the mean for the third group who have taken time away from paid work to do childcare at the 0.1 level. Similarly, if a (2) followed by an asterisk appears next to the mean for group (1), this indicates that the mean for the second group who have kids but have not taken time away from paid work to do childcare is significantly different from the mean for the first group who do not have children at the 0.1 level. These efforts produced some very interesting results.

In Table B2(5) we see that men who take time away from paid work to do childcare report being significantly less compulsive about work and more desirous of having a social impact, while their law school records indicate that they have somewhat lower LSAT scores and law school grades. These results make sense within the context of the traditional economic analysis, in that one might expect men who were less compulsive about work, and more concerned with social impact, to be more likely to undertake childcare at the expense of their paid career, especially if their paid opportunities were somewhat less than average because of lower than average grades. It should be stressed, however, that just because these men's grades are lower on average than the other men in the survey, this does not mean they are unproductive or have had no paid career opportunities. These men have an average LSAT score that could get them into any top law school in the country, and their grades from such a competitive school as Michigan indicate that they are highly productive and motivated individuals. Perhaps their childcare efforts are best understood as an individual choice to put personal childcare over career, at least for a time in their life.

Also in Table B2(5) we see that the women who take time away from paid work to do childcare differ from other women in some predictable, and unpredictable, ways. Perhaps it would be expected that women who take time away from their careers to do childcare would be significantly less aggressive, less compulsive about work, and less desirous of money. However, surprisingly these women's responses also indicate that they are less compassionate than the other women in the study. Additionally, their law school records indicate that they have significantly higher LSAT scores and grades than those women who don't have kids or who don't take time away from paid work for childcare.<sup>22</sup>

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22. Neither economic theory nor the feminist literature has been kind to these women. Under traditional economic theory, one would predict that women with fewer market opportunities, and therefore lower opportunity costs, would tend to do more childcare. Accordingly one would expect that women who do more childcare would have a lower average grade. *See generally* GARY S. BECKER, A TREATISE ON THE FAMILY: ENLARGED EDITION (2005). At least some proponents of feminism view women

Similar results were obtained in the fifteen-year sample for the same years, except that in the fifteen-year survey, the women who do childcare indicate that they are significantly more compassionate than the women in the other two groups.<sup>23</sup>

There are several possible explanations for the observed variation in self-reported personal characteristics among the women. The lower responses with respect to compassion five years out may be because women who are in the throes of doing lots of childcare have more opportunity to satisfy their tendencies towards compassion. It occurred to us that there might be a disproportionate number of returning students among the women who have done childcare, and that age and life experience might account for the higher LSAT scores and grades. But in fact the average age of the women who did childcare was lower than the average age of the women with children who did not do childcare, and there is only a very small and negative correlation between age and LSAT score in the sample.<sup>24</sup> It also occurred to us that bright, less aggressive, and compulsive women might do very well in the competition for spouses, so that perhaps these women married men who were high wage-earners and could better afford to undertake childcare. However, although women who take time away from work to do childcare report average spousal income (\$177,117) greater than any of the other five groups, and this income advantage is significant with respect to women who do not have kids (\$86,947), their spousal income is not significantly greater than that of women who have kids but who do not take time away from paid work to do childcare (\$154,143).<sup>25</sup> Evidently, some very smart women use some of the opportunity their success in school affords them to undertake personal care of their children, even at the expense of their career.

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who interrupt their careers for significant periods of time to do childcare as slackers or, worse yet, collaborators in male oppression. See LINDA R. HIRSHMAN, *GET TO WORK: . . . AND GET A LIFE, BEFORE IT'S TOO LATE* (2007). Our results are inconsistent with both of these views.

23. These results are available from the authors upon request.
24. In this sample, the average age of women without kids is 31.14 years, women with kids but who have not taken time from paid work for childcare is 32.28 years, and women who have taken time from paid work to do childcare is 31.60 years. The women without kids are significantly younger than the other two groups, but there is no significant difference in age between the women with kids who have not missed paid work to do childcare and those who have. The correlation between age and LSAT score for the five-year sample since 1996 is -0.0753 for the sample as a whole and -0.0079 just for the women—both insignificant.
25. Our full analysis of family characteristics broken down by gender and whether the respondent has children and does childcare is presented in Table C2(15) in the Appendix.

TABLE B2(5): PERSONAL CHARACTERISTICS:  
COMPARISON OF GROUPS OF MEN AND WOMEN BY FAMILY SITUATION,  
FIVE-YEAR SURVEY, SURVEY YEARS 1996–2000, CLASSES 1991–1995

Variable	Comparison of Groups of Men			Comparison of Groups of Women		
	Male No Kids (1)	Male Kids No Childcare (2)	Male Kids Childcare (3)	Female No Kids (1)	Female Kids No Childcare (2)	Female Kids Childcare (3)
Aggressive	0.300	0.251	0.000	0.042 (3)*	0.073 (3)*	-0.358 (1)*(2)*
Compulsive Work	0.038 (3)*	0.041 (3)*	-0.833 (1)*(2)*	0.293 (3)*	0.309	-0.060 (1)*
Desire for Money	-0.106 (2)*	-0.299 (1)*	-0.583	-0.731 (3)*	-0.836	-1.014 (1)*
Confidence	0.975	1.129	1.167	0.676	0.655	0.681
Dealmaker	0.801	0.911	0.417	0.523	0.472	0.288
Effective Writer	1.660 (2)*	1.810 (1)*	2.083	1.598	1.800	1.594
Concerned Social Impact	0.233 (3)*	0.216 (3)*	0.917 (1)*(2)*	0.758	0.500	0.565
Honest	1.592 (2)*	1.773 (1)*	1.500	1.754	1.857	1.826
Compassionate	0.894 (2)*	1.193 (1)*	1.250	1.462 (3)*	1.339	1.043 (1)*
N	473	192	12	346	53	66
LSAT	167.1	167.0	164.2	165.9 (3)*	165.0 (3)*	168.3 (1)*(2)*
Law School GPA	3.273 (2)*	3.335 (1)*(3)*	3.129 (2)*	3.194 (3)*	3.173 (3)*	3.320 (1)*(2)*
N	480	194	12	350	56	67

\* Difference in means significantly different from zero at the 0.1 level, two-tailed test.

*C. The Family Characteristics of the Participants in the Surveys:  
What are the Family Situations of the People Who Become  
Lawyers and How Do They Vary By Gender?*

Differences in personal characteristics and social roles may lead to differences among lawyers in family characteristics associated with gender. For example, if women focus more on wealth and earning potential in seeking a mate than men,<sup>26</sup> this would lead to a higher percentage of male lawyers being married, since they are relatively skilled and highly paid compared to the male population as a whole. Unmarried men would be found disproportionately among low-income males. Similarly, since women do a disproportionate share of housework and childcare,<sup>27</sup> young women lawyers may be more likely than their male counterparts

26. See Hitsch, Hortaçsu & Ariely, *supra* note 10, at 3, 21.

27. Suzanne M. Bianchi et al., *Is Anyone Doing the Housework? Trends in the Gender Division of Household Labor*, 79 SOC. FORCES 191, 211 (2000); Liana C. Sayer, Suzanne M. Bianchi & John P. Robinson, *Are Parents Investing Less in Children?: Trends in Mothers' and Fathers' Time with Children*, 110 AM. J. SOC. 1, 18 tbl.1, 21 tbl.2 (2004).

to postpone parenting and even marriage in order to devote sufficient time to their professional aspirations. Women lawyers who want to focus on their careers may also have fewer children than their male counterparts.

The Michigan surveys included a variety of questions about the respondents' family situation. The respondents were asked about their marital status (cohabiting, married, divorced, widowed) and the number of children they had.<sup>28</sup> For the surveys after 1991, the respondents were also asked how many children lived with them at that time and the amount they spent on childcare each year.<sup>29</sup> In addition, the respondents were asked to rate their satisfaction with their family situation on a seven-point scale from "very unsatisfied" (-3) to "very satisfied" (3).<sup>30</sup> Finally, the surveys asked a variety of questions about the respondent's spouse's job and household income.<sup>31</sup> From these responses, we are able to compute variables for whether the respondent's spouse works full-time in the home, as an attorney or other professional, or works in an "intense job" (professional or business manager). We are also able to compute the spouse's real income, the household's real income from other sources and the household's total real income. The percentages of respondents who have a certain family characteristic, or the mean value of continuous variables, are reported in Tables C1(5) and C1(15), broken down by gender and the examined period. Table C1(5) contains the responses of alumni five years after graduation, and Table C1(15) gives the responses of alumni fifteen years after graduation. By examining Tables C1(5) and C1(15) we can observe gender differences in family characteristics and any change in these characteristics between the two periods and over the life cycle.

The results reported in Table C1(5) suggest that there are significant differences in the family characteristics of male and female Michigan alumni five years out of law school, although many of these differences seem to have been mitigated over time. In the period before 1992, the male alumni were significantly more likely to be married and less likely to be divorced than their female counterparts. However, in the period from 1996 to 2000, these differences are no longer large enough to be statistically significant.<sup>32</sup> The men have significantly more children

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28. These data are found in variables 28 and 36 for survey years 1981 to the present. It is also available for even earlier survey years in the fifteen-year survey.

29. These data are found in variables 758 and 763 for survey years 1991 to the present.

30. These data are found in variable 80 for survey years 1981 to the present.

31. These data are found in variables 431, 433, 434, and 435 for survey years 1985 to the present.

32. Despite the relatively modest size of the male advantage in being married (2.7 percentage points), the "marriage gap" was a major source of concern for the single

than the women in both time periods, and in fact the male parity advantage increases slightly in the later period. Interestingly, the male alumni report spending significantly more on childcare, on both an average per alum and an average per child basis, even though they are significantly more likely to have a spouse in the home. In both time periods, the women are much more likely to have a spouse with an intense job and in particular to be married to another attorney. Perhaps as a result, the women enjoy a significant advantage in the size of their spouse's income and, at least in the first period, total household income. However, these differences with respect to the spouse's employment and income seem to be decreasing over time, except that the women have managed to slightly increase their attachment to spouses with intense jobs. The men report being more satisfied with their family situation in the first and second periods, although this advantage is not statistically significant in either period. Indeed, as the results in the second-to-last column suggest, most of the gender differences in these family characteristic variables seem to be declining over time. It is only in the number of children and spending on childcare that the men are increasing their differentials five years out of law school, and it is only on having a spouse with an intense job that women are increasing their differential.

The results for Michigan alumni fifteen years out of law school reported in Table C1(15) show similar significant differences in male and female family characteristics with convergence over time. The men are significantly more likely to be married, and the women are more likely to be divorced or widowed, but the women are significantly more likely to be cohabiting, and the differences in marital status between men and women decrease from the earlier to the later period.

The men continue to have more children, although now, fifteen years out of law school, the women are spending more on childcare. This change in the relative childcare spending of men and women between five and fifteen years after law school could be due to the women lawyers having their children later than the men. However, assuming that the only differences between the five-year respondents and the fifteen-year respondents are life-cycle differences rather than generational

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young women who participated in our focus groups. Several female participants commented on the problem of finding a husband while working as a practicing attorney, usually referring to the long hours and small circle of acquaintances. At one focus group attended only by women, when the participants heard that we were having a separate group of men the next night, they asked to see the list of scheduled participants and then went down the list discussing the marital status and relative merits of each man on the list. Although it may just be that they have been socialized not to express such concerns, none of the male participants to the focus groups expressed any concerns about meeting women or getting married.

differences, we see that in the second period the men have, on average, had 0.15 more children by five years after law school and 0.35 more children by fifteen years after law school. Thus, on average it seems the men slightly quicken their parity advantage as they get older. Interestingly, the average number of children enjoyed by the men has dropped substantially from the earlier to the later period, while the average number of children enjoyed by the women has increased over the same time. Since the parity rate has dropped for Americans in general during the post-war period, this increase in fertility among female lawyers fifteen years out of law school may indicate that more family-oriented women are now entering the legal profession and have been doing so for some time. It may also be an indication that the profession has improved in its ability to accommodate careers for women with children.

The men are much more likely to have a spouse working full-time in the home, and the women are much more likely to have a spouse with an intense career, in particular a spouse who is an attorney. As a result, the women still report much higher income for their spouses, but the men, or really their wives, have begun to close the gap in these regards between the two periods. In addition, the male respondents actually report higher total household income, although this finding is not statistically significant. The women report greater overall satisfaction with their family situation, although this result is not statistically significant in either period. As with the data from the five-year survey, the data from the fifteen-year survey suggests that the men and women are converging with respect to family characteristics. The only variable that shows divergence in its mean values for men and women between the two periods is that women have slightly increased their advantage in satisfaction with their families.<sup>33</sup>

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33. The results of the fifteen-year survey with respect to family characteristics, broken down according to gender and whether the respondent had kids and did childcare, are reported in the Appendix in Table C2(15). These data show some very predictable results—and a few surprises. Predictably, both men and women without kids are less likely to be married, women who have not taken time away from work to do childcare spend the most on childcare, both men and women with kids are happier with their family situation, men who have not taken time away from work for childcare are the most likely to report having a spouse at home and have the lowest spousal income, and both men and women who do childcare are more likely to have a spouse with an intense job and are less likely to be the “breadwinner” (earn two thirds of total household income). Interestingly, men who do childcare report the lowest total family income, and women without kids report the lowest spousal income among the groups of women.



TABLE C1(5): FAMILY CHARACTERISTICS: FIVE-YEAR SURVEY

Variable	Period 1: Survey Years 1991 and Before (Classes 1986 and before)				Period 2: Survey Years 1996 through 2000 (Classes 1991 through 1995)				Change From Period 1 to Period 2	
	All Obs	Male	Female	Male-Fem	All Obs	Male	Female	Male-Fem	Abs $\Delta$ in M/F Diff	$\Delta$ in M/F Rel Pos
% Cohabiting	7.30	7.30	7.20	0.10	8.00	7.90	8.20	-0.40	0.30	MF
N	2299	1663	636		900	547	353			
% Married	66.00	67.30	62.30	5.10*	60.40	61.50	58.80	2.70	-2.40	MM
% Divorced	5.50	4.70	7.60	-2.90*	2.50	2.10	3.00	-1.00	-1.90	FF
% Widowed	0.10	0.00	0.20	-0.20	0.20	0.30	0.20	0.10	-0.10	FM
Number of Kids	0.591	0.618	0.524	0.095*	0.458	0.620	0.370	0.150*	0.055	MM
Child Care Costs (2004 \$)					1,275	1,423	1,060	363		OM
Satisfaction with Family	1.745	1.766	1.688	0.078	1.610	1.630	1.581	0.049	-0.029	MM
N	2766	2019	747		1013	590	423			
% Spouse at Home	10.70	15.40	0.40	15.00*	8.30	12.70	1.60	11.10*	-3.90	MM
% Spouse Attorney	25.40	17.00	43.60	-26.50*	33.60	28.40	41.70	-13.30*	-13.20	FF
% Spouse Other Prof	15.80	16.90	13.50	3.40*	9.40	10.20	8.20	2.10	-1.30	MM
N	1545	1056	489		809	490	319			
% Spouse Intense Job	42.30	36.20	55.20	-19.00*	50.70	43.00	62.70	-19.60*	0.60	FF
N	2059	1399	660		897	546	351			
Spouse's Income (2004 \$)	39,057	29,151	61,433	-32,282*	34,816	44,106	71,934	-27,828*	-4,454	FF
Other Income (2004 \$)	6,789	6,167	8,201	-2,034	9,813	11,504	6,983	4,521*	2,487	FM
Tot Household Inc (2004 \$)	132,064	128,705	144,797	-16,092*	148,134	146,934	149,911	-2,977	-15,115	FF
N	1203	835	368		949	594	355			

\* Difference in gender means significantly different from zero at the 0.1 level, two-tailed test.

<sup>T</sup> Denotes that the mean is calculated only for respondents with spouses and the term "spouses" includes unmarried cohabiters.

GRAPH 2: FAMILY CHARACTERISTICS: MALE-FEMALE DIFFERENCE IN PERCENTAGE OF RESPONDENTS WHO REPORTED VARIOUS FAMILY CHARACTERISTICS: FIVE-YEAR SURVEY, SURVEY YEARS < 1992 AND 1996-2000

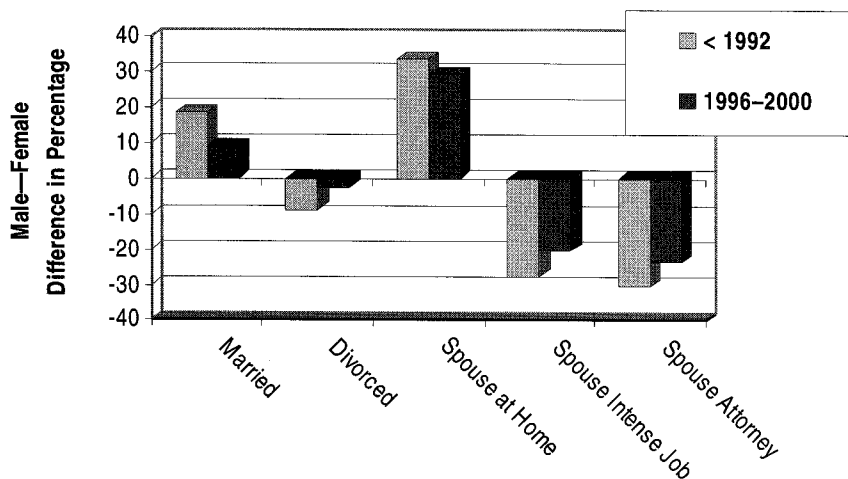
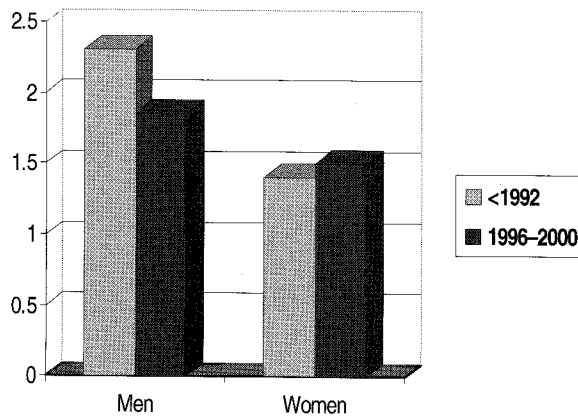


TABLE C1(15): FAMILY CHARACTERISTICS: FIFTEEN-YEAR SURVEY

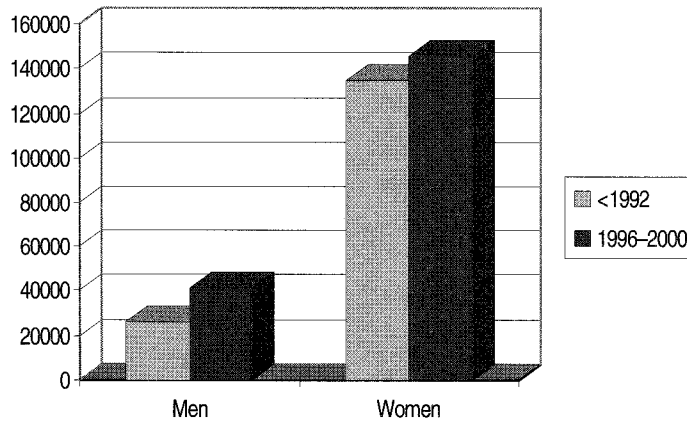
Variable	Period 1: Survey Years 1991 and Before (Classes 1976 and Before)				Period 2: Survey Years 1996 through 2000 (Classes 1981 through 1985)				Change From Period 1 to Period 2	
	All Obs	Male	Female	Male-Fem	All Obs	Male	Female	Male-Fem	Abs Δ in M/F Diff	Δ in M/F Rel Pos
% Cohabiting	3.50	3.20	6.60	-3.40*	2.30	2.10	2.90	-0.70	-2.70	FF
N	2181	1983	198		1108	795	313			
% Married	86.80	87.70	69.00	18.60*	82.60	85.10	76.10	9.10*	-9.50	MM
% Divorced	7.00	6.50	15.30	-8.80*	5.70	5.00	7.40	-2.30	-6.30	FF
% Widowed	0.10	0.10	0.80	-0.70	0.50	0.40	1.00	-0.60	-0.10	FF
Number of Kids	2.264	2.306	1.412	0.894*	1.760	1.859	1.511	0.347*	-0.547	MM
Child Care Cost (2004 \$)					7,783	7,252	9,112	-1,860*		OF
Satisfaction with Family	1.930	1.928	1.946	-0.017	1.875	1.844	1.952	-0.108	0.091	FF
N	2588	2386	202		924	660	264			
% Spouse at Home	31.10	34.40	0.70	33.70*	23.70	31.50	2.40	29.10*	-4.60	MM
% Spouse Attorney	12.80	9.80	40.30	-30.50*	23.00	16.80	40.30	-23.70*	-6.80	FF
% Spouse Other Prof	9.00	9.20	6.90	2.30	11.80	12.40	10.10	2.30	0.00	MM
N	1457	1313	144		927	679	248			
% Spouse Intense Job	29.80	26.70	54.30	-27.60*	40.30	34.40	55.00	-20.50*	-7.10	FF
N	1670	1484	186		1092	779	313			
Spouse's Inc. <sup>†</sup> (2004 \$)	39,027	26,017	135,336	-109,319*	68,545	41,231	145,994	-104,763*	-4,586	FF
Other Income (2004 \$)	20,700	20,201	24,319	-4,118	38,190	37,758	39,474	-1,717	-2,401	FF
Tot Hsahold Inc (2004 \$)	241,824	239,130	263,932	-24,802	292,449	296,075	282,671	13,404	-11,398	FM
N	1205	1059	146		849	635	214			

\* Difference in gender means significantly different from zero at the 0.1 level, two-tailed test.

<sup>†</sup> Denotes that the mean is calculated only for respondents with spouses and the term "spouses" includes unmarried cohabiters.

GRAPH 3: NUMBER OF CHILDREN, FIFTEEN-YEAR SURVEY,  
SURVEY YEARS < 1992 AND 1996–2000

GRAPH 4: SPOUSAL INCOME (2004 DOLLARS), FIFTEEN-YEAR SURVEY, SURVEY YEARS < 1992 AND 1996–2000



#### D. Experience in the Legal Profession

##### 1. Hours of Work: Balancing Productivity in the Profession and the Home

The determination of the hours of work and the balancing of work and family responsibilities is a central problem in peoples' careers.<sup>34</sup> The high number of work hours commonly demanded by the practice of law has been a long-standing issue in the profession.<sup>35</sup> The rise of the

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34. See, e.g., Kate Coscarelli, *Lawyers with Children Strive for Work-Life Balance*, STAR-LEDGER (Newark, N.J.), Oct. 10, 2001, at 25, available at 2001 WLNR 11014999; Jim Day, *Work/Life Balance Survey: Lawyers Seek the Magic Blend for Fulfillment*, CHI. LAW., Feb. 2006, at 8; Shermin Kruse, *Discovering a Work-Life Balance*, CHI. LAW. Jan. 2008, at 16; Nora Lockwood Tooher, *Younger Lawyers Put Work-Life Balance High on Priority List*, DAILY REC. (Kan. City, Mo.), June 23, 2005, available at 2005 WLNR 10089382; Donna Walter & Tammy Worth, *Mothers in Law: Five Lawyer Moms Taking Different Roads to Achieve Balance*, MO. LAW. WKLY., May 5, 2008, available at 2008 WLNR 8491109.
35. See Susan Saab Fortney, *Soul for Sale: An Empirical Study of Associate Satisfaction, Law Firm Culture, and the Effects of Billable Hour Requirements*, 69 UMKC L. REV. 239 (2000); Carrie Menkel-Meadow, *Culture Clash in the Quality of Life in the Law: Changes in the Economics, Diversification and Organization of Lawyering*, 44 CASE W. RES. L. REV. 621 (1994); Patrick J. Schiltz, *On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession*, 52 VAND. L. REV. 871 (1999); Bill Ibelle,

two-career family and the increased costs of child-rearing and education in terms of parents' time and resources have increased the conflict between lawyers' roles in the workplace and their roles as fathers and mothers.<sup>36</sup> In her recent survey of Alberta lawyers, Jean Wallace found that, among lawyers with spouses and/or children, 47% felt work demands interfered with their family and home life, and 23% felt their home life interfered with their work.<sup>37</sup> Because many women retain primary childcare responsibilities, this problem of the conflict between work and family responsibilities falls disproportionately on women. In their study of Chicago lawyers, John Heinz, Kathleen Hull, and Ava Harter found that women with children were more likely than men with children to say their career choices or opportunities had been limited by personal/family priorities, that they were unwilling to work overtime, and that they tried to avoid work that required overnight travel.<sup>38</sup> Wallace found that full-time female lawyers generally experienced the greatest work-family conflict (work interfering with home life), whereas part-time women lawyers experienced the most family-work conflict (family interfering with work obligations).<sup>39</sup> Moreover, the period of greatest career demands when young lawyers are trying to make partner generally coincides with the greatest demands of child-rearing.<sup>40</sup>

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*ABA Project to Address Roots of Lawyer Dissatisfaction*, LAW. WKLY. USA, June 20, 2005, available at 2005 WLNR 24503450.

36. See generally DEBORAH L. RHODE, A.B.A. COMM'N ON WOMEN IN THE PROFESSION, *BALANCED LIVES: CHANGING THE CULTURE OF LEGAL PRACTICE* (2001); Kenneth G. Dau-Schmidt & Carmen Brun, *Protecting Families in a Global Economy*, 13 Ind. J. Global Legal Stud. 165 (2006).
37. JEAN E. WALLACE, L.S.A.C. RES. REP. NO. 01-03, *JUGGLING IT ALL: EXPLORING LAWYERS' WORK, HOME, AND FAMILY DEMANDS AND COPING STRATEGIES: REPORT OF STAGE TWO FINDINGS* 2, 46 (2004) [hereinafter WALLACE, STAGE TWO FINDINGS]; see also JEAN E. WALLACE, L.S.A.C. RES. REP. NO. 00-02, *JUGGLING IT ALL: EXPLORING LAWYERS' WORK, HOME, AND FAMILY DEMANDS AND COPING STRATEGIES: REPORT OF STAGE ONE FINDINGS* (2002) [hereinafter WALLACE, STAGE ONE FINDINGS].
38. Heinz et al., *Lawyers and Their Discontents*, *supra* note 7, at 748–49.
39. WALLACE, STAGE TWO FINDINGS, *supra* note 37, at 44–45. For example, 43% of full-time female lawyers said it was difficult to fulfill their family responsibilities, compared to 36% of full-time men, 33% of part-time women, and 11% of part-time men. *Id.* at 45 tbl.45. Part-time women were much more likely than men or full-time women to report cutting back on work time, being unavailable to clients, and refusing to take on additional work or work long hours; fully 30% of the part-time women said they had refused a promotion due to family responsibilities. *Id.* at 45 tbl.46.
40. See JOHN HAGAN & FIONA KAY, *GENDER IN PRACTICE: A STUDY OF LAWYERS' LIVES* 76–78 (1995); Carrie Menkel-Meadow, *Exploring a Research Agenda of the Feminization of the Legal Profession: Theories of Gender and Social Change*, 14 LAW & SOC. INQUIRY 289, 295, 306–09 (1989). See generally Dau-Schmidt & Brun, *supra* note

Especially for women, the demands of child-rearing may mean temporarily leaving the paid workforce or changing to a less demanding job.<sup>41</sup> Although a number of firms and other employers have made adjustments to foster more “family friendly” work-places, for example on-site daycare, flextime work schedules, compressed work weeks, part-time arrangements, job sharing, telecommuting, and better formal leave policies, it is still a struggle for young families to meet the demands of two careers and child-rearing.<sup>42</sup>

The Michigan Alumni Data Set contains alumni’s reported annual hours of work, years of work since law school, number of jobs since law school, and whether the alum has ever not worked or worked part-time to do childcare.<sup>43</sup> With respect to the annual hours of work, the surveys ask for an estimate of the total number of hours worked for her job, including both billable hours and non-billable hours. With respect to time away from work to perform childcare, the survey also asks for an estimate of the number of months since law school that the alum has not worked outside the home in order to perform childcare and the number of months since law school that the alum has worked part-time in order to accommodate childcare. The results for the survey five years after law school are reported in Table D1(5), broken down by gender and time period, while the results for the fifteen-year survey are reported in Table D1(15), similarly dissected.

Not surprisingly, the results in Tables D1(5) and D1(15) show that the men work significantly more hours outside the home, both five years and fifteen years after graduation, and generally have more years of practice experience, while the women, on average, do significantly more

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36, at 174–76 (discussing the conflicts between family growth and career development generally, and for highly educated women in industrialized societies in particular).

41. See Nancy J. Reichman & Joyce S. Sterling, *Recasting the Brass Ring: Deconstructing and Reconstructing Workplace Opportunities for Women Lawyers*, 29 CAP. U. L. REV. 923 (2002). Reichman and Sterling undertook a study of Denver lawyers to examine differences in career mobility across practice settings and between genders. Their analysis of career histories for one hundred lawyers showed that women changed jobs more often and at an earlier career stage than men, with gender being the single best predictor of job movement. *Id.* at 930–31. The Denver data also suggest that women are more likely than men to move to less demanding jobs, to move from large to smaller law firms, or to move out of private practice entirely. *Id.*
42. See Dau-Schmidt & Brun, *supra* note 36, at 187–92. See generally Mary Jane Mossman, *Lawyers and Family Life: New Directions for the 1990’s Part Two: The Search for Solutions*, 2 FEMINIST LEGAL STUD. 159 (1994) (discussing the variety of arrangements women in the U.S. and Canada utilize to maintain legal work and family lives).
43. The data on hours and years of work is reported in variables 478, 479, and 464 for the survey years 1981 to present, while the data on not working or working part-time to do childcare is contained in variables 782 and 786 for years 1985 to present.

childcare and have a more interrupted work history. Between the examined periods, the difference in the average number of hours worked by men and women has actually increased. In the period before 1992, men five years out of law school worked, on average, 2455 hours a year, while the women worked 2335 hours (a 120-hour difference), and men fifteen years out of law school worked, on average, 2385 hours a year, while the women worked 2212 hours (a 173-hour difference). By the second period, 1996–2000, men five years out of law school worked, on average, 2598 hours a year, while the women worked 2423 hours (a 175-hour difference), and men fifteen years out of law school worked, on average, 2471 hours a year, while the women worked 1862 hours (a 610-hour difference). This divergence in the average hours worked by men and women fifteen years out of law school seems due to a very substantial drop in the average number of hours worked by women between the two periods. The data from the fifteen-year survey also shows that, although women had significantly more years of practice in the early period (11.83 for women versus 11.27 for men), in the later period they had significantly less (12.35 for women versus 13.66 for men). Women also had had significantly more jobs than their male counterparts.

TABLE D1(5): HOURS OF WORK, YEARS OF PRACTICE AND CHILDCARE:  
FIVE-YEAR SURVEY

Variable	Period 1: Survey Years 1991 and Before (Classes 1986 and Before)				Period 2: Survey Years 1996 through 2000 (Classes 1991 through 1995)				Change From Period 1 to Period 2	
	All Obs	Male	Female	Male - Fem	All Obs	Male	Female	Male - Fem	Abs $\Delta$ in M/F Diff	$\Delta$ in M/F Rel Pos
Annual Hours of Work	2424	2455	2335	120*	2527	2598	2423	175*	55	MM
N	2609	1940	669		1164	693	471			
# of Years of Practice	4.743	4.779	4.647	0.132*	4.582	4.628	4.514	0.114*	-0.018	MM
N	2815	2054	761		1198	710	488			
Number of Jobs Since LS	1.891	1.862	2.016	-0.154*	2.160	2.094	2.256	-0.162*	0.008	FF
N	5058	4128	930		1203	715	488			
Ever Wk PT or Not Wk to do Childcare	3.9	0.5	11.7	-11.3*	6.9	1.7	14.5	-12.9*	1.6	FF
# Mo. Not Work to do Child	0.587	0.040	1.862	-1.822*	0.948	0.241	1.951	-1.710*	-0.112	FF
N	2383	1668	715		1213	718	495			
Satis. Work/Fam. Balance	0.565	0.561	0.576	-0.015	0.235	0.221	0.255	-0.034	0.019	FF
N	2730	2015	715		1163	698	465			

\* Difference in gender means significantly different from zero at the 0.1 level, two-tailed test.

TABLE D1(15): HOURS OF WORK, YEARS OF PRACTICE AND CHILDCARE:  
FIFTEEN-YEAR SURVEY

Variable	Period 1: Survey Years 1991 and Before (Classes 1976 and Before)				Period 2: Survey Years 1996 through 2000 (Classes 1981 through 1985)				Change From Period 1 to Period 2	
	All Obs	Male	Female	Male - Fem	All Obs	Male	Female	Male - Fem	Abs $\Delta$ in M/F Diff	$\Delta$ in M/F Rel Pos
Annual Hours of Work	2372	2385	2212	173*	2306	2471	1861	610*	437.578	MM
N	2412	2233	179		1052	767	285			
Number of Years of Practice	11.30	11.27	11.83	-0.56*	13.29	13.66	12.35	1.31*	0.75	FM
N	5100	4858	242		1103	790	313			
Number of Jobs Since LS	2.50	2.47	3.11	-0.64*	2.89	2.85	2.99	-0.14	-0.5	FF
N	5263	5016	247		1103	790	313			
Ever Wk PT or Not Wk to do Childcare	4.3	0.8	31.9	-31.0*	13.5	3.2	39.6	-36.4*	5.4	FF
Months Not Work to do Childcare	1.74	0.12	14.74	-14.62*	6.98	0.72	22.77	-22.05*	7.43	FF
N	1634	1452	182		1102	789	313			
Satis. Work/Family Balance	1.064	1.064	1.068	-0.004	0.719	0.668	0.849	-0.181	0.177	FF
N	2563	2369	194		1033	762	271			

\* Difference in gender means significantly different from zero at the 0.1 level, two-tailed test.

The women alums were *much* more likely to do childcare in all surveys and periods than the men—23 to 40 times as likely in the first period and 8 to 12 times as likely in the second period. Even though men were more than three times as likely to do childcare in the later period as in the first, the percent of women who missed paid work to do childcare increased so much in absolute terms between the first and second periods that the women increased their percentage difference from the men in this regard in both the five- and fifteen-year surveys (11.3% to 12.9% five years out and 31% to 36.4% fifteen years out). The women are consistently happier with the balance of work and family, although this advantage is small and not statistically significant.

The findings that the women are working fewer hours and years in the second period and are undertaking more childcare are consistent with the ideas that the population of people who become lawyers now includes a larger proportion of family-oriented women and that the profession has made some progress in accommodating such women.<sup>44</sup> These

44. This idea emerged out of our focus group discussions. In these discussions several of the younger women described a generational divide between themselves and the senior female partners. As they described it, the new generation of women is less likely to wait until they make partner to get married or have kids than the previous generation. Also they thought that the new generation of women was more willing to compromise their career for family. A few even expressed some alienation from the previous generation of women, stating that some had a “chip on their shoulder” and resented the decisions in favor of family that younger women had made. When asked

women's childcare responsibilities undoubtedly have important impacts on their careers. Of course, not all women have children or take time away from practice to do childcare, so it is important to separate the impact of gender from the impact of childcare in analyzing legal careers.

To examine the impact of children and childcare on hours worked outside the home and the balancing of work and family responsibilities, we analyzed the mean values of several variables for the respondents, broken down into groups according to their gender and family situation. In Table D2(15) we present the mean values of annual hours worked, number of years of practice, number of jobs since law school, the number of months in which the respondent did not work or worked part-time to accommodate childcare, and satisfaction with work/family balance, all broken down according to gender and family situation. The examined family situations include whether the respondent had children and whether he or she reported ever not working or working part-time to do childcare. Accordingly there are six examined groups in Table D2(15): men without kids, men with kids who have not missed paid work to do childcare, men with kids who have either not worked or worked part-time to do childcare, women without kids, women with kids who have not missed paid work to do childcare, and women who have kids who have either not worked or worked part-time to do childcare.

The results in Table D2(15) suggest that there is considerable heterogeneity of career experience according to family situation within each gender. The reported means suggest that on average men with kids who have not taken time for childcare work the most hours each year (2520 hours), followed by women and men who do not have kids (2363 hours and 2328 hours, respectively), men who have kids and have taken time for childcare (2092 hours), women who have kids but have not taken time for childcare (1908 hours), and finally women who have kids and have taken time for childcare (1386 hours). The fact that men with kids work significantly more hours than men without kids suggests that many of these men feel pressure to make income to provide for their family. On the other hand, women with kids, even those who have not taken time away from paid work to do childcare, no doubt work significantly fewer hours than similarly situated men, or women without kids, to accommodate childcare responsibilities. These figures also show that

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about the attitudes of male lawyers, at least one participant stated that the older male lawyers also sometimes resented decisions in favor of family, but that the younger males were more accommodating of the idea of working mothers. At least one senior male volunteered that he thought that the senior women (both partners and judges) were harder than the men on the junior women.



men and women who take time away from paid work to do childcare continue to work fewer hours than similarly situated members of their own gender, perhaps indicating a greater desire to do more childcare and less paid work. This substantial reduction in annual hours is in addition to the time these people have taken out of their careers to do childcare, which averages 22.76 months for the men and 57.47 months—or almost five years—for the women. Predictably, the men and women who do childcare also have fewer years of practice than their colleagues, although only the men who have done childcare have had significantly more jobs. Interestingly, among the women, it is the women without kids who have had the most jobs. As we will see, the reduction in hours worked and years of practice from childcare have a significant impact on these people's prospects for promotion and earning income. The tradeoff is that both the men and women who take time away from paid work to do childcare, and who work fewer hours, are significantly happier with the balance of work and family in their lives as compared with any of the other groups.

TABLE D2(15): HOURS OF WORK, YEARS OF WORK AND FAMILY SITUATIONS: COMPARISONS OF GROUPS OF MEN AND WOMEN BY FAMILY SITUATION, FIFTEEN-YEAR SURVEY, SURVEY YEARS 1996–2000, CLASSES 1981–1985

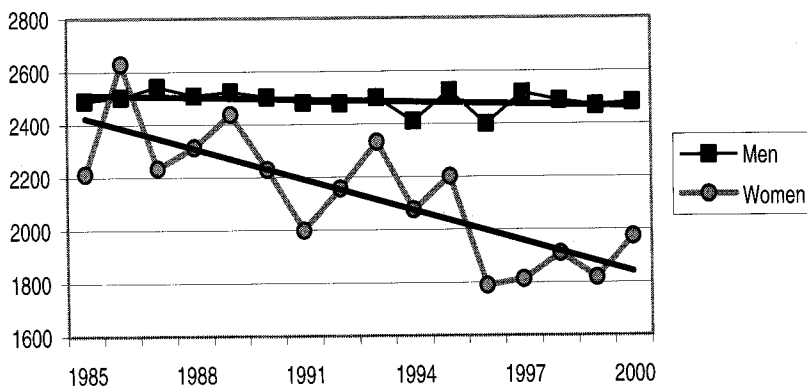
Variable	Comparison of Groups of Men			Comparison of Groups of Women		
	Male No Kids	Male Kids No Childcare	Male Kids Childcare	Female No Kids	Female Kids No Childcare	Female Kids Childcare
	(1)	(2)	(3)	(1)	(2)	(3)
Annual Hrs of Work	2328 (2)*	2520 (1)*(3)*	2092 (2)*	2363 (2)*(3)*	1908 (1)*(3)*	1386 (1)*(2)*
# of Yrs of Practice	13.24 (2)*	13.81 (1)*(3)*	11.72 (2)*	12.70	12.53	11.88
# of Jobs Since LS	2.93 (3)*	2.79 (3)*	3.68 (1)*(2)*	3.33 (2)*(3)*	2.82 (1)*	2.90 (1)*
Mo Nt/PT Wk Child	0 (3)*	0 (3)*	22.76 (1)*(2)*	0 (3)*	0 (3)*	57.62 (1)*(2)*
Satis. Wk/Fam Bal	0.37 (2)*(3)*	0.72 (1)*(3)*	1.36 (1)*(2)*	0.43 (3)*	0.64 (3)*	1.34 (1)*(2)*
N	127	523	22	77	78	83

\* Difference in gender means significantly different from zero at the 0.1 level, two-tailed test.

The long duration of the Michigan Alumni study also allows us to examine trends over time in the number of hours worked by the respondents broken down according to gender and whether the respondents have children and do childcare. In Graphs 5–8 we examine the average number of hours worked each year by the respondents of the fifteen-year survey for the survey years 1985–2000, separated according to gender and whether the respondents have kids and do childcare.

In Graph 5 we examine the trend in average hours worked for male and female alumni fifteen years out of law school over the survey years 1985–2000. A solid trend line is fitted to each plot of data. These trend lines suggest that, while the average number of hours worked by male lawyers in paid labor has held roughly constant over the examined sixteen years, the average number of hours worked by female lawyers in paid labor has dropped steadily over the last sixteen years by a total of almost 600 hours. This divergence in the average number of hours worked by men and women could be partially due to a greater number of women who place a priority on personal childcare entering the legal profession, and a reduction in hours worked by women with childcare responsibilities over time. The data reported in D2(15) provides some support for this hypothesis, since it shows that, between the two examined periods, the percent of women who have taken time away from paid work to do childcare has risen from 31.9% to 39.6%, while the average number of hours worked by women has dropped between the two periods by about 350 hours a year.

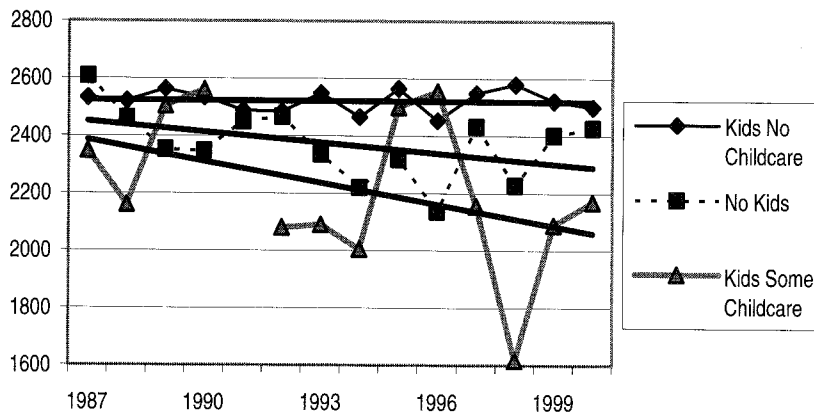
GRAPH 5: AVERAGE ANNUAL HOURS WORKED  
CLASSES OF 1970–1985: FIFTEEN YEARS OUT



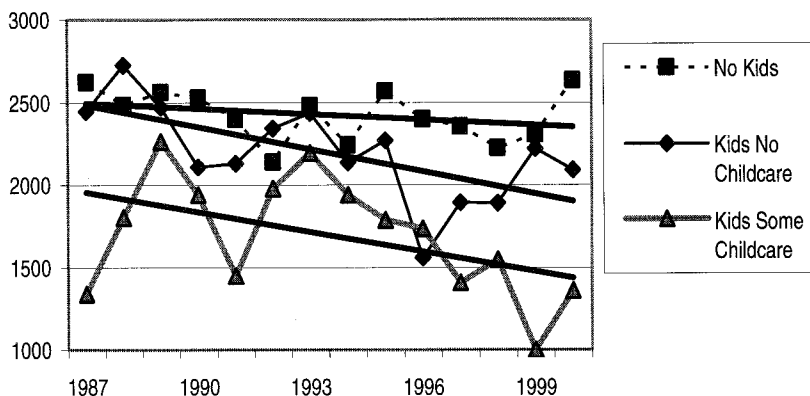
To examine trends in the number of hours worked in paid labor among the groups according to family circumstance, we constructed Graphs 6 and 7. In Graph 6 we present the average hours worked for male alumni fifteen years out of law school over the survey years 1985–2000, broken down according to whether they have kids and have taken time away from paid work to do childcare. Solid trend lines are fitted to each plot of data, one for men without kids, one for men with kids who do not do childcare, and one for men who have kids and have done childcare. Graph 7 presents similar trend lines for the women. In Graph 6 we see that men with kids who have not taken time off of paid work

to do childcare have consistently worked the most hours on average each year, and there has been little decrease in these hours over time. Men without kids and men who have done childcare work fewer hours and have even shown a trend for a modest decrease in annual hours worked over time. In Graph 7 it is the women without kids who generally work the most hours in each year and show only a modest declining trend in hours over the examined sixteen years. Both women with kids who have not taken time away from paid work to do childcare and women who have taken time away from paid work to do childcare work fewer hours and show a more pronounced downward trend in hours over time. The downward trend for women with kids is a modest but good sign for the accommodation of childcare in the legal profession. However, most men with kids either choose to continue to focus on earning income or do not get the chance to work fewer hours and care for children. There is a small but growing percentage of men who take time away from paid work to do childcare, and their trend for hours is down.

GRAPH 6: AVERAGE ANNUAL HOURS WORKED—MEN  
CLASSES OF 1972–85: FIFTEEN YEARS OUT

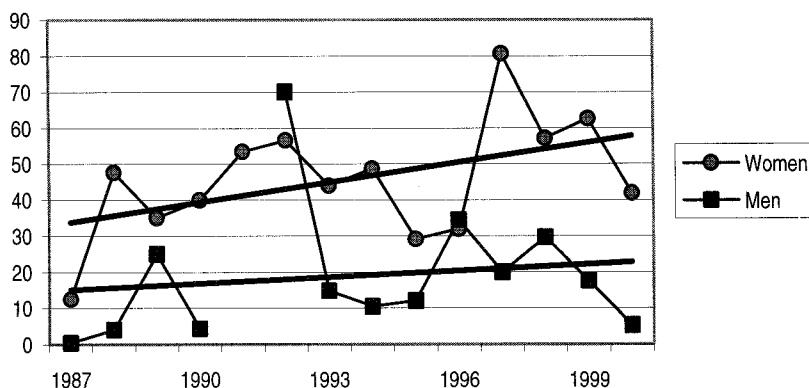


GRAPH 7: AVERAGE ANNUAL HOURS WORKED—WOMEN  
CLASSES OF 1972–1985: FIFTEEN YEARS OUT



In Graph 8 we examine the trend in the average number of months of part- or full-time childcare that men and women who undertake this adventure report in each year from 1985 to 2000. This data suggests that, although a small but increasing percentage of men are taking time away from paid work to do childcare, the number of months they commit to such child care is not increasing. For the women who take time away from paid work to provide childcare, the trend line suggests that they have increased the number of months they take away to provide childcare by about 50% over the examined sixteen years.

GRAPH 8: AVERAGE MONTHS OF CHILDCARE  
CLASSES OF 1972–85: FIFTEEN YEARS OUT



## 2. Work Setting

The legal profession offers a variety of practice settings, each characterized by its own set of advantages and disadvantages. It is well established that monetary rewards tend to be the highest in large firm private practices, particularly on the coasts.<sup>45</sup> Results from our Indiana survey and the Michigan Alumni Data Set suggest average large firm salaries of approximately \$250,000 a year fifteen years out of law school.<sup>46</sup> Indeed, private practice in general tends to provide substantially larger monetary rewards than government or legal service work—somewhere on the order of \$50,000 to \$100,000 a year for comparable work fifteen years out of law school.<sup>47</sup> Not surprisingly, however, the demands of a practice in terms of the hours worked and the interference with family life track these financial rewards. Although many large firms have made progress in making their firm culture more “family friendly,” the typical hours worked in a large firm practice can exceed those in government or legal services work by about 500 hours a year.<sup>48</sup> The prestige of a given type of practice tends to “follow the money,” although there are notable exceptions such as being a judge or a law professor. Interestingly, career satisfaction tends to be greatest in the types of practice where monetary rewards are least.<sup>49</sup> This

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45. See RONIT DONOVITZER ET AL., NAT'L ASS'N FOR LAW PLACEMENT & AM. B. FOUND., AFTER THE JD: FIRST RESULTS OF A NATIONAL STUDY OF LEGAL CAREERS 41–43 (2004), available at <http://www.abf-sociolegal.org/ajd.pdf>; Kenneth G. Dau-Schmidt & Kaushik Mukhopadhyaya, *The Fruits of Our Labors: An Empirical Study of the Distribution of Income and Career Satisfaction Across the Legal Profession*, 49 J. LEGAL EDUC. 342 (1999); *The Big Picture: Statistics Released on Law Firms' Management Issues and Salaries*, MASS. LAW. WKLY., Aug. 28, 2006, available at 2006 WLNR 15030186 (2006); Amanda Bronstad, *Gibson Dunn Raises Salaries to New Highs; Other Firms to Follow*, L.A. BUS. J., Jan. 2, 2006, at 8, available at 2006 WLNR 954726; Lucy May, *First-year Lawyers Pull Down Six-figure Bankroll at Big Firms*, CINCINNATI BUS. COURIER, Feb. 20, 2006, available at 2006 WLNR 5068561 (2006); Ellen Rosen, *Starting Lawyers Hit the Jackpot*, INT'L HERALD TRIB., Sept. 5, 2006, available at 2006 WLNR 15346094.

46. Numerous studies over the last several decades have documented the differences in status and financial rewards associated with different legal practice settings in North America. See MARC GALANTER & THOMAS PALAY, *TOURNAMENT OF LAWYERS: THE TRANSFORMATION OF THE BIG LAW FIRM* (1991); HAGAN & KAY, *supra* note 40; JOHN P. HEINZ & EDWARD O. LAUMANN, *CHICAGO LAWYERS: THE SOCIAL STRUCTURE OF THE BAR* (1982); HEINZ ET AL., *URBAN LAWYERS*, *supra* note 7; ERWIN O. SMIGEL, *THE WALL STREET LAWYER: PROFESSIONAL ORGANIZATION MAN?* (2d ed. 1969); Dau-Schmidt & Mukhopadhyaya, *supra* note 45; Jo Dixon & Carroll Seron, *Stratification in the Legal Profession: Sex, Sector, and Salary*, 29 LAW & SOC'Y REV. 381 (1995).

47. Dau-Schmidt et al., *supra* note 6, at 1457–62, 1471.

48. *Id.* at 1458.

49. Dau-Schmidt & Mukhopadhyaya, *supra* note 45, at 364–65.

may in part be due to lower hours of work, but such an inverse relationship makes sense in a competitive labor market in which firms must compensate lawyers to attract them to less enjoyable work and conditions. There are some exceptions to this inverse rule; for example, being in-house counsel for a corporation appears to yield a nice mix of both income and career satisfaction for those who undertake such work.<sup>50</sup>

#### a. Type of Practice

Given the different personal characteristics and family situations of men and women in the legal profession, it is not surprising that they evince somewhat different patterns in the types of practice they undertake. Gender differences in practice setting have been observed since the beginning of the rapid influx of women into the legal profession in the 1970s,<sup>51</sup> although these differences have declined over time.<sup>52</sup> Typically, researchers have found that men tend to go into private practice, while women tend to go into corporate counsel, government work, legal services, and legal education.<sup>53</sup> Within private practice, women seem to go into the largest practices and avoid smaller firms.<sup>54</sup> Kathleen Hull and Robert Nelson's analysis of a 1995 survey of Chicago lawyers provides

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50. *Id.* at 363.

51. See CYNTHIA F. EPSTEIN, *WOMEN IN LAW* (2d ed. 1993).

52. Charlotte Chiu & Kevin T. Leicht, *When Does Feminization Increase Equality?: The Case of Lawyers*, 33 *LAW & SOC'Y REV.* 557, 567–70 (1999).

53. See Fiona M. Kay & Joan Brockman, *Barriers to Gender Equality in the Canadian Legal Establishment*, 8 *FEMINIST LEGAL STUD.* 169, 178 (2000); Linda Liefland, *Career Patterns of Male and Female Lawyers*, 35 *BUFF. L. REV.* 601 (1986); Paul W. Mattesich & Cheryl W. Heilman, *The Career Paths of Minnesota Law School Graduates: Does Gender Make a Difference?*, 9 *LAW & INEQ.* 59 (1990). By contrast, a study of Stanford Law alumni found no gender differences in first or current practice setting, but found that male graduates stayed in their first job longer and were more likely to be specializing in corporate law than their female counterparts. Taber et al., *supra* note 14, at 1243–45. Similarly, a study of University of New Mexico Law alumni found no differences in current practice setting but found that men were more likely to specialize in corporate, criminal, personal injury, and real estate law, and women were more likely to specialize in domestic relations and natural resources law. Teitelbaum et al., *supra* note 14, at 456. Unlike earlier alumni studies that examined only bivariate relationships between gender and practice setting, a 1995 study of alumni of the New York University and University of Michigan law schools used multivariate models to predict first position, which test the effect of gender on practice setting while controlling for other relevant variables. Lewis Kornhauser & Richard Revesz, *Legal Education and Entry into the Legal Profession: the Role of Race, Gender and Educational Debt*, 70 *N.Y.U. L. REV.* 829, 942 (1995). This study found no significant gender differences in first job sector after controlling for career preferences and other variables.

54. CARSON, *supra* note 2, at 29; Kay & Brockman, *supra* note 53, at 179.

additional insight into the relationship between gender and practice setting. They found that similar proportions of men and women started their careers as large-firm associates, but women were less likely to start in solo practice or small- to medium-sized firms and were more likely to start in government or public interest law.<sup>55</sup> They used linear regression to show that women were significantly less likely to work in solo/small-firm settings and more likely to work in government/public interest settings even after controlling for first job and other relevant variables.<sup>56</sup> On the national level, aggregate data for the year 2000 indicated that 71.2% of female lawyers in the U.S. were in private practice, compared to 75% of male lawyers, and 12.2% of females worked in non-judicial government or legal aid/public defender settings, compared to 7.2% of males.<sup>57</sup>

The Michigan surveys asked respondents about their practice or work setting and the number of attorneys in their firm or place of work.<sup>58</sup> As a result, we can examine whether the respondents worked in private firms of various sizes, or as corporate counsel, a government attorney, a public interest attorney, a law professor, or in various non-practice settings. This data allows us to undertake a detailed analysis of the work setting of Michigan alumni by gender both five years and fifteen years after graduation and to examine how any observed gender patterns have changed over time. The results for the five-year survey for the period before 1992 and the period 1996–2000 are reported in Table D3(5), while the results for the fifteen-year survey for the same periods are reported in Table D3(15).

Our results confirm the findings of previous studies with respect to gender differences in work setting. The results for the five-year survey in Table D3(5) show that, among the Michigan alumni, men are significantly more likely to go into private practice and business non-practice. There are a few exceptions to this pattern, in that in the first period women were more likely to work for super-sized firms (greater than 150

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55. Kathleen E. Hull & Robert L. Nelson, *Gender Inequality in Law: Problems of Structure and Agency in Recent Studies of Gender in Anglo-American Legal Professions*, 23 *LAW & SOC. INQUIRY* 681 (1998); Kathleen E. Hull & Robert L. Nelson, *Assimilation, Choice, or Constraint? Testing Theories of Gender Differences in the Careers of Lawyers*, 79 *SOC. FORCES* 229 (2000).

56. *Id.* at 241–44.

57. CARSON, *supra* note 2, at 28.

58. These data are found in one form or another in variables 429–30, 436, 452, 454, 456, 459, 468, 766–67, 770, 771, 791, 792, and 793, for the survey years 1973 to present. This material is available from the authors upon request.

attorneys),<sup>59</sup> and men enjoyed no significant advantage in going into business non-practice, while in the second period women closed the gap with respect to practice in medium-sized firms (16–50 attorneys). Women are significantly more likely to go into corporate counsel positions, government practice, legal services, “other” practice positions, law teaching, and government non-practice positions.<sup>60</sup> Although men seem to be closing the gap with respect to government practice, “other” practice, and “other” non-practice, the differences are not statistically significant in the second period. Interestingly, women hold a significant advantage in gaining jobs in the super-sized firms in the earlier period, while men hold a significant advantage in gaining such jobs in the later period.<sup>61</sup>

In the five-year survey, the men and women show modest coalescence in the types of practice they undertake between the examined periods. The women have made modest inroads into private practice, in particular medium and small firms, between the two periods, while the men have made modest progress in obtaining corporate counsel, government positions, legal services positions, and the “other” positions. Between the two periods, men have increased their advantage in business non-practice and in large private firms, while the women have increased their advantage in law teaching and government non-practice positions.

In both periods, women are significantly more likely to report themselves as engaged in parenting or unemployed. These results are complicated by the fact that almost all of the unemployed men and women who have kids also report themselves as “parenting.” The percent that reported themselves unemployed but did not report themselves parenting is presented in the row labeled “Unemployed & Not Parenting.” Of course, it is a very different thing to decide to do parenting and be “unemployed” as a result than to find yourself unemployed and use your hours in productive parenting. For those who reported themselves

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59. Some of the participants in the focus groups attributed young women’s advantage in super-sized firms to client preferences. According to them, some large corporate clients such as Wal-Mart and Sears insist that women and minority lawyers do substantial work on their legal problems.

60. A few participants in the focus groups attributed young women’s advantage in corporate counsel positions to corporate preferences for diverse legal teams. By their account, large corporations are aggressively hiring women for their legal staffs.

61. The results of our Indiana survey show that, in the most recent classes, women are actually going into the large private firms in greater proportion than the men, but this difference is not statistically significant. Dau-Schmidt et al., *supra* note 6, at 1452; Jeffrey Evans Stake, Kenneth G. Dau-Schmidt & Kaushik Mukhopadhyaya, *Income and Career Satisfaction in the Legal Profession: Survey Data from Indiana Law Graduates*, 4 J. EMPIRICAL LEGAL STUD. 939 (2007).



as unemployed in the survey years 1997 to present, the Michigan survey asked whether they were unemployed “in order to care for children” or due to “disability,” “retirement,” or “other reasons.”<sup>62</sup> Among the unemployed respondents to the five-year survey for the period 1997–2000, 63.6% said they were unemployed in order to do childcare, including 16.7% of the unemployed men and 74.1% of the unemployed women. Applying these percentages to the percent unemployed reported for the second period in Table D3(5), we estimate that the unemployment rate not due to childcare is 1.1% for all observations, 0.8% for men and 1.6% for women.

TABLE D3(5): TYPE OF PRACTICE: FIVE-YEAR SURVEY

Variable	Period 1: Survey Years 1991 and Before (Classes 1986 and Before)				Period 2: Survey Years 1996 through 2000 (Classes 1991 through 1995)				Change From Period 1 to Period 2	
	All Obs	Male	Female	Male - Fem	All Obs	Male	Female	Male - Fem	Abs $\Delta$ in M/F Diff	$\Delta$ in M/F Rel Pos
% Sum'r Job Same as 1st Job	39.3	42.7	31.8	10.9*	52.5	53.4	51.2	2.2	-8.7	MM
% Served as Judicial Clerk	15.2	13.1	20.1	-7.0*	22.9	21.6	24.8	-3.2*	-3.8	FF
% Private Practice	66.2	69.2	52.7	16.5*	65.9	71.1	58.2	12.9*	-3.6	MM
% Priv't Practice Super (>150)	10.3	9.2	15.2	-6.1*	32.1	34.0	29.4	4.7*	-1.4	FM
% Priv't Practice Large (51–150)	17.2	17.7	15.1	2.5*	11.7	13.3	9.4	3.9*	1.4	MM
% Priv't Practice Med'm (16–50)	14.9	16.5	7.6	9.0*	8.1	8.4	7.8	0.6	-8.4	MM
% Priv't Practice Small (1–15)	23.6	25.6	14.5	11.1*	13.5	15.1	11.3	3.7*	-7.4	MM
% Corporate Counsel	8.1	7.6	10.5	-2.9*	7.1	6.0	8.7	-2.7*	-0.2	FF
% Government Practice	11.8	11.1	14.8	-3.8*	6.7	6.0	7.7	-1.7	-2.1	FF
% Legal Services	1.4	1.0	3.4	-2.4*	3.0	2.3	4.0	-1.7*	-0.7	FF
% Other Practice	2.2	2.0	3.0	-1.0*	0.9	0.7	1.2	-0.5	-0.5	FF
% Teach Law	0.6	0.5	1.3	-0.8*	1.8	1.3	2.5	-1.2	0.4	FF
% Judge	0.1	0.1	0.1	0.04	0.1	0.0	0.2	-0.2	0.2	MF
% Public Official	0.7	0.6	0.9	-0.2	0.1	0.1	0	0.1	-0.1	FM
% Business Non-Practice	1.4	1.5	1.0	0.5	5.0	6.0	3.5	2.5*	2.0	MM
% Government Non-Practice	0.3	0.1	1.0	-0.8*	1.8	1.3	2.5	-1.2	0.4	FF
% Other Non-Practice	6.4	6.1	7.4	-1.3	4.6	4.1	5.2	-1.1	-0.2	FF
% Parent	0.7	0.05	3.4	-3.4*	1.9	0.1	4.6	-4.4*	1.0	FF
% Unemployed	0.8	0.1	3.9	-3.8*	3.1	1.0	6.2	-5.2*	1.4	FF
% Unemployed & Not Parenting	0.1	0.02	0.4	-0.4*	1.2	0.9	1.7	-0.8	0.4	FF
N	5114	4183	931		1181	700	481			

\* Difference in gender means significantly different from zero at the 0.1 level, two-tailed test.

The results of the fifteen-year survey reported in Table D3(15) found in the Appendix present some very similar patterns. The only real differences are that men hold an insignificant advantage in holding corporate counsel positions fifteen years out, and the category of business non-practice is contested, with women holding an insignificant advantage in the first period and men holding a significant advantage in the later period. Once again, the women show much higher rates of both parenting and unemployment. For the unemployed respondents to the

62. Variable 786 for the years 1997 to present.

fifteen-year survey 1997–2000, 74.1% said they were unemployed to do childcare, including 33.3% of the unemployed men and 85.7% of the unemployed women. Applying these percentages to the unemployment figures reported for period two in Table D3(15), we estimate that the overall unemployment rate not due to childcare in the fifteen-year sample is 1.5% overall, 1.2% for men and 2.3% for women. The results of the fifteen-year survey also show convergence in the type of jobs undertaken by male and female lawyers between the two periods, with women moving into private practice and men moving into some of the areas in which women have held an advantage.

The results of the five- and fifteen-year surveys with respect to type of practice or work suggest that women lawyers are currently moving in two directions that, in the past, might have been thought of as inconsistent: into private practice and into greater childcare responsibilities. Although the hours expectations in private practice are still very high and inflexible and are undoubtedly a barrier to people who are interested in doing childcare, there is some evidence in the Michigan data that the women moving into private practice are undertaking more childcare responsibilities than their predecessors. In Table D1(PP15) reported in the Appendix, we examined the hours of work and childcare just of men and women in private practice over the periods before 1992 and from 1996 to 2000. These data show that, although the percent of men in private practice who have done childcare has not changed between the two periods, the percent of women has increased from 33.3% to 37.9% between the two periods, and the average number of months these women have done childcare rather than paid work has increased from 15.0 to 21.6 months.

In Table D4(15) we examine the type of practice data from the fifteen-year survey for years 1996–2000, broken down by gender and whether the respondent had children and took time away from paid work to do childcare. These statistics suggest that, among the men, men who do childcare have a looser attachment to the traditional practice of law. If they practice law, these men are less likely to be in private practice (16.7% versus 58.6% for other men) and are more likely to be in government practice (16.7% versus 5.4% for other men). However, they are also much more likely to teach law (8.3%), or work in the government (8.3%) or “other” non-practice positions (20.8%). The only non-practice positions they do not disproportionately go into are the business positions. They are also much more likely to be acting as a parent (16.7% versus 0.9% for all men) or to be unemployed (16.7% versus 1.8% for all men).

Women who have done childcare show a similar, but less pronounced pattern. They are more likely than the men who have done childcare to work in private practice (35.2%), and this percent is not significantly different than that for the other groups of women. These women seem to gravitate towards the very large and very small practices, perhaps to take advantage of formal childcare arrangements in the large firms or ad hoc flexibility on hours in small practices. They are highly over-represented among those currently acting as parents (25.4% versus 14.8 % for all women) and among the unemployed (24.6% versus 15.8% for all women). Interestingly, both men and women without kids are less likely to be in private practice and are more likely to be in government practice.

TABLE D4(15): TYPE OF PRACTICE AND FAMILY SITUATIONS:  
COMPARISONS OF GROUPS OF MEN AND WOMEN  
FIFTEEN-YEAR SURVEY, SURVEY YEARS 1996–2000, CLASSES 1981–85

Variable	Comparison of Groups of Men			Comparison of Groups of Women		
	Male No Kids (1)	Male Kids No Childcare (2)	Male Kids Childcare (3)	Female No Kids (1)	Female Kids No Childcare (2)	Female Kids Childcare (3)
% Sum't Job Same as 1st Job	34.0 (2)*	45.0 (1)*	36.0	28.4 (2)*	37.4 (1)*(3)*	28.7 (2)*
% Served as Judicial Clerk	10.1 (3)*	13.9 (3)*	44.0 (1)*(2)*	21.6	17.3	22.1
% Private Practice	46.0 (2)*(3)*	61.2 (1)*(3)*	16.7 (1)*(2)*	35.4	43.8	35.2
% Priv't Practice Super (>150)	14.6 (2)*	21.9 (1)*	8.3	13.4	14.1	10.7
% Priv't Pract Large (51–150)	8.8	11.5 (3)*	0.0 (2)*	7.3	8.7	4.1
% Priv't Pract Med'm (16–50)	3.6 (2)*	9.1 (1)*	4.2	8.5	8.7	4.9
% Priv't Practice Small (1–15)	18.2 (3)*	18.0 (3)*	4.2 (1)*(2)*	6.1 (3)*	9.8	15.6 (1)*
% Corporate Counsel	11.5	13.6	12.5	12.2	9.4	11.5
% Government Practice	9.4 (2)*	4.3 (1)*(3)*	16.7 (2)*	15.9 (3)*	9.4	6.6 (1)*
% Legal Services	2.9 (2)*	0.3 (1)*	0	1.2	3.1	0.8
% Other Practice	1.4	1.0	0	6.1 (3)*	2.1	1.6 (1)*
% Teach Law	2.9	1.9 (3)*	8.3 (2)*	3.7	5.2	4.1
% Judge	0.7	0.9	0	0	0	1.6
% Public Official	1.4	0.3	0	1.2	0	0
% Business Non-Practice	10.1	9.1	0	2.4	4.2	0.8
% Government Non-Practice	2.9	1.5 (3)*	8.3 (2)*	3.7	2.1	6.6
% Other Non-Practice	5.8 (3)*	5.3 (3)*	20.8 (1)*(2)*	13.4 (3)*	6.3	5.7 (1)*
% Parent	0 (3)*	0.5 (3)*	16.7 (1)*(2)*	0 (2)*(3)*	14.6 (1)*(3)*	25.4 (1)*(2)*
% Unemployed	5.0 (2)*(3)*	0.5 (1)*(3)*	16.7 (1)*(2)*	4.9 (2)*(3)*	14.6 (1)*(3)*	24.6 (1)*(2)*
% Unempl'd & not Parenting	5.0 (2)*	0 (1)*	0	4.9 (2)*(3)*	0 (1)*	0 (1)*
N	139	582	24	82	96	122

\* Difference in gender means significantly different from zero at the 0.1 level, two-tailed test.

Finally, men with kids but who have not done childcare are the least likely to be unemployed in the sample (0.5%), while women with kids who have not done childcare show significant unemployment (14.6%), but not as much as the women who have taken time away from work to do childcare (24.6%). Both the men and women without kids report about 5% unemployment. Once again we have the problem of separating being “unemployed” while voluntarily undertaking parenting from involuntary unemployment. Referring to the data from the survey years 1997–2000 on the reasons respondents give for their unemployment, we find that our six groups report being unemployed in order to provide childcare in the following percentages: men without kids (0%), men with kids who have not previously done childcare (33.3%), men with kids who have done childcare (75.0%), women with no kids (0%), women with kids who have not previously done childcare (80.0%), and women with kids who have done childcare (100.0%). Using these percentages we can estimate the following involuntary unemployment rates for these groups: men without kids (5.0%), men with kids who have not previously done childcare (0.3%), men with kids who have done childcare (4.2%), women with no kids (4.9%), women with kids who have not previously done childcare (2.9%), and women with kids who have done childcare (0%).

#### b. Area of Specialization

Within a given practice setting, men and women may tend to specialize in a particular type of law. Less empirical work has been done on this question, but an early study of Stanford alumni by Janet Taber and her colleagues found that men were more likely to specialize in corporate law than their female counterparts,<sup>63</sup> and a study by Lee Teitelbaum, Antoinette Sedillo López, and Jeffrey Jenkins of University of New Mexico alumni found that men were more likely to specialize in corporate, criminal, personal injury, and real estate law, and women were more likely to specialize in domestic relations and natural resources law.<sup>64</sup> The Michigan surveys asked the alumni to classify their area of specialty according to twenty-three different subject areas and to report whether their area of expertise was the area in their “main plan” in law school or

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63. Taber et al., *supra* note 14.

64. Teitelbaum et al., *supra* note 14, at 456.

“one” of the areas in their career plans.<sup>65</sup> The results of the five-year survey suggest that, across the examined periods, men are significantly more likely to specialize in corporate law (37.1% versus 28.9% in the second period) and patent law (8.8% versus 5.3%), while women are significantly more likely to specialize in civil rights (10.0% versus 14.1%) and domestic relations (0.8% versus 3.3%).<sup>66</sup> Comparing results from the first and second period, it seems that the men are moving into debtor-creditor, communications, and environmental law, while increasing their lead in corporate and patent law. Women seem to be moving into administrative law, energy law, estate tax, and labor law, while increasing their lead in domestic relations law. The men are significantly more likely to report that their area of specialty was their main plan (31.1% versus 19.8%), while the women are significantly more likely to report their area of specialty was not planned (31.4% versus 38.8%).

The results of the fifteen-year survey show that men are disproportionately entering corporate law (37.5% versus 26.8%) over the examined periods, while the women once again go into civil rights (5.6% versus 9.8%) and domestic relations (1.3% versus 3.9%). In the fifteen-year data, men seem to be moving toward debtor-creditor, communications law, corporate law, environmental law, income tax law, and torts, while the women seem to be moving toward administrative law, banking law, employee benefits law, estate tax law, insurance law, and patents. Again the women are significantly more likely to indicate that their area of specialty was not planned (44.1% versus 68.3%). We examined this data for systematic variations in practice specialty according to gender and whether the respondent had children and did childcare, but the sample size was too small to discern reliable patterns. The full results of our analysis of practice specialty are reported in Tables D4.1(5), D4.1(15), and D4.2(15) in the Appendix to this Article.

### c. Type of Tasks Performed

Within a given type of practice and specialty, an attorney may spend more or less of his or her time performing various tasks. Practitioners typically divide into “litigators” and “non-litigators,” but even

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65. The area of specialty data is contained in variables 537 through 559 for survey years 1981–2000, and the response on whether this area was a main plan or plan is contained in variable 563 for survey years 1985–2000.

66. Some of the participants in our focus groups thought that women were drawn to domestic relations, estate planning, and real estate (closings) because these were areas of law that were more consistent with childcare, as the practitioners of these specialties had more control over their hours.

within these divisions some attorneys may spend more time doing library work, interviewing clients, negotiating, or drafting documents. Because the hours requirements of some of these activities (for litigation, for example) are inconsistent with many women's family commitments, it is reasonable to suppose that there will be gender differences in the types of activities men and women undertake in the practice of law. The Michigan surveys ask each respondent to report what percent of his or her time the respondent spends in any of twelve different "lawyering tasks."<sup>67</sup> The surveys also ask what percent of the respondent's time he or she spends working for the rich, the middle class, or the poor, and the number of pro bono hours he or she works. Given the men's and women's expressed different preferences for money and effecting social change previously discussed, one might reasonably believe that there might be some systematic differences in their work in this regard.

The results of the five-year survey suggest that the men during the examined periods spend significantly more of their time at work litigating (30.8% versus 26.1% in the second period)<sup>68</sup> and socializing (3.9% versus 3.4% in the second period), while the women display no consistently significant pattern across the two periods. In the first period the men report doing significantly more work for the rich (8.0% versus 4.7%), while in the first period the women report doing significantly more drafting (21.3% to 24.1%), and in the second period they report doing significantly more library work (9.6% to 11.5%), firm legal education (3.6% to 4.0%), and "other" work (0.7% to 1.8%). Unlike with respect to family characteristics, there seems to be some divergence over time between the genders with respect to activities performed in practice. According to the five-year results, over time the men seem to be specializing in litigating and negotiating, while the women seem to be specializing in library work, interviewing clients, lobbying, recruiting, and "other" activities.

These conclusions hold only weak confirmation in the fifteen-year data, although it does seem that the men do significantly more litigating in the second period (24.3% versus 18.5%), while the women do significantly more library work in the first period (6.1% versus 8.1%). In the fifteen-year data the women also report doing significantly more work for the middle class or poor in the first period (16.3% to 25.3%)

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67. These data are reported in variables 486–497 and 513–536 for the survey years 1981–2000.

68. Participants in our focus groups also gave an hours constraint explanation for men's dominance of litigation work. In their view, litigation specialists had very unpredictable hours that were only workable for people without significant childcare responsibilities.

and more drafting in the second period (17.6% versus 22.4%). Once again the men fifteen years out of law school report doing more work for the rich, although this result is not significant. Interestingly, the men in this period also report doing significantly more pro bono work than the women (52.5 hours a year versus 32.7 hours a year). Breaking the results of the fifteen-year survey in the second period down according to gender and family situation, we see that the men who do childcare are more likely to spend time interviewing clients (25.2% versus 18.3% for other men), are less likely to engage in negotiating (5.8% versus 10.3% for other men), and are much less likely to do work for the rich (0.8% versus 7.6% for other men). Women who do childcare are more likely to do drafting (25.2% versus 20.5% for other women) and legal education work (5.4% versus 4.5% for other women) and are less likely to do appellate work (1.7% versus 3.6%). Both men and women who have done childcare undertake significantly fewer hours of pro bono work than the other respondents, probably because they work disproportionately in jobs where they already serve the poor or public interest. The full results of our analysis of practice activity are reported in Tables D4.3(5), D4.3(15), and D4.4(15) in the Appendix to this Article.

### 3. Experience in the Firm: “Should I Stay or Should I Go?”<sup>69</sup>

Both men and women tend to be more mobile during the early years of their career. Some may plan to move from one job to another in order to gain training, income, increased personal freedom, or other benefits. Others may have no choice but to leave, for example those who do not make partner in a traditional “up or out” law firm promotion system. Of course, a person’s experience within a firm or other place of work, whether he or she is mentored and welcomed in the firm, can have a great impact on whether the person succeeds or decides to move on.<sup>70</sup> In the course of these job changes, a lawyer may leave private prac-

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69. THE CLASH, *SHOULD I STAY OR SHOULD I GO* (Epic Records 1982) (“If you say that you are mine, I’ll be here ‘til the end of time. . . . If I go there will be trouble, An’ if I stay it will be double”).

70. Undoubtedly the best story on the potential importance of mentoring that came out of our focus groups was related by Alice O’Brien of Arcadia, Indiana. Alice was a high school drop-out who began working in an attorney’s office in Arcadia as a secretary. That attorney saw something in her and paid for her to study to get her GED and to be trained as a paralegal. Before he retired, he also arranged for her to get a job at another law firm in town. The partner she worked for in that firm was also impressed with her abilities, and he encouraged her to study law and become an attorney. With the support of her husband and four kids, Alice enrolled to study law in the night program at Indiana University–Indianapolis, where she benefited from working as

tice for a variety of different destinations or enter private practice from a variety of different jobs. If the practice of law does not meet a person's needs, or if he or she gets a sufficiently attractive opportunity outside of the law, that person may leave the practice of law altogether.

There have been a number of studies examining gender differences on the questions of why and which people leave the practice of law. In her 1991 survey of inactive members of the Alberta bar, Joan Brockman examined people's reasons for not practicing law.<sup>71</sup> The top reasons given by non-practicing women were demanding hours (73%), stress (61%), the inflexibility of firm work (60%), feeling burnt out (43%), and childcare commitments (42%).<sup>72</sup> By contrast, the top reasons cited by men were the desire to use different skills (47%), the adversarial nature of the work (46%), inability to find a job (45%), stress (43%), and demanding hours (40%); only 8% of the men cited childcare commitments.<sup>73</sup> Brockman's earlier study of lawyers who did not renew their law society membership in British Columbia yielded similar findings: long hours and childcare commitments were more relevant considerations for women leaving the practice of law, whereas the opportunity to pursue a career outside of law was more important for men.<sup>74</sup> Clara Carson's analysis of aggregate data for the year 2000 suggests that women are more likely to leave the practice of law than men are at every stage of their legal career.<sup>75</sup> Cynthia Epstein and her colleagues have argued that women may be less likely to make partner and more likely to leave private practice and the practice of

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the research assistant to a male professor. In three years she graduated with an LLB (since she had no undergraduate degree) and passed the bar; she is now practicing as an attorney in the same firm where she had worked as a paralegal in Arcadia, Indiana.

71. Joan Brockman, *Leaving the Practice of Law: the Wherefores and Whys*, 32 ALBERTA L. REV. 116 (1994).
72. *Id.* at 126.
73. *Id.* at 128–33.
74. Joan Brockman, "Resistance by the Club" to the Feminization of the Legal Profession, 7 CAN. J. L. SOC'Y 47 (1992).
75. In 2000, 5% of lawyers were retired or inactive, and women had disproportionate representation across every age category, with the greatest over-representation among mid-career lawyers in their 30s and 40s. CARSON, *supra* note 2, at 14. For example, women comprised 38% of lawyers age 30–34 and 35% of lawyers age 35–39, but women made up 55% and 56% of the retired or inactive lawyers in these age categories respectively. In Canada, women represent 31% of practicing lawyers but 39% of those who have left the practice of law. Kay & Brockman, *supra* note 53, at 177. Career history data from a 1990 survey of Ontario lawyers shows that women are more likely than men to leave law practice at each step of their career; by their third position after law school, nearly 16% of women have left law compared to 6% of men, and by their fourth position, 22% of women are not practicing compared to 12% of men. HAGAN & KAY, *supra* note 40, at 113. Note that these data understate the real rate of attrition from the legal profession because they only include lawyers who maintain their license (in the U.S.) or their law society membership (in Canada).



law because senior partners may be ambivalent about becoming mentors to female attorneys, and formal mentoring programs for women are a poor substitute for more effective informal mentoring relationships.<sup>76</sup> David Wilkins and Mitu Gulati have argued that the long and unpredictable hours that firms require of associates to make partner may systematically disadvantage women because of their greater childcare responsibilities.<sup>77</sup> In their multivariate analysis of lawyers who began their careers in law firms, John Hagan and Fiona Kay found that men leave the legal profession more slowly than women, although the gender effect disappeared when they controlled for the respondent's hours spent on childcare, suggesting that women's faster departure from law is driven by childcare responsibilities.<sup>78</sup>

The Michigan Alumni Data Set contains information on Michigan alumni's practice experience both inside and outside of firms. In both the five- and fifteen-year surveys, respondents were asked whether they expected to be in the same practice setting in five years and, if not, what might be their reasons for leaving.<sup>79</sup> We converted the respondent's answer to whether he or she planned to be in the same setting in the next five years to a value of -2 for "no," -1 for "probably not," 1 for "probably yes" and 2 for "yes." The respondents were also asked whether they had one or more mentors in the firm and the gender of those mentors.<sup>80</sup> In the results for the five-year survey reported in Table D5(5) and the fifteen-year survey reported in Table D5(15), we see that the men are significantly more likely to report they expect to be in the same practice setting in five years in both the five- and fifteen-year surveys, but this difference is modestly diminishing over time. The men are more likely to report they might leave for advancement, because they are bored, or to get a new job, while the women are more likely to report

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76. Cynthia F. Epstein et al., *Report: Glass Ceilings and Open Doors: Women's Placement in the Legal Profession*, 64 *FORDHAM L. REV.* 291 (1995).

77. David Wilkins & G. Mitu Gulati, *Reconceiving the Tournament of Lawyers: Tracking, Seeding, and Information Control in the Internal Labor Markets of Elite Law Firms*, 84 *V.A. L. REV.* 1581 (1998).

78. HAGAN & KAY, *supra* note 40, at 115–16. In Hagan and Kay's study of Toronto lawyers, more than three quarters of men and women expressed high overall career satisfaction at both waves of the survey, but women were more likely than men to report plans to look for another job in the next year and were much more likely to say they had considered looking for a job that would allow better balance of personal life and work. *Id.* at 169. A multivariate analysis of plans to change jobs among private-practice lawyers revealed that gender remains a significant predictor until income and hours of childcare are included in the model, suggesting that women in private practice are more likely to consider changing jobs because of dissatisfaction with earnings and work/family balance. *Id.* at 171.

79. These data are reported in variables 481 and 482 for survey years 1985 to the present.

80. These data are reported in variables 747 through 754 for survey years 1985 to the present.

that they might leave for family reasons or for “other reasons” both positive and negative. The association of gender with different reasons for possibly leaving appears to be decreasing over time in the five-year survey, before partnership would be granted, but increasing over time in the fifteen-year survey, after that decision has been made. Women are more likely to report having a mentor than the men, although this result is not statistically significant for either the five- or fifteen-year surveys in either period. Both the men and the women are likely to report having a mentor of the same gender, although the female advantage is much greater in this regard, and this difference appears to be growing slightly over time. The data is consistent with the idea that one reason women may be more likely to report having a mentor than men is that senior male attorneys are more likely to mentor both women and men, while senior female attorneys focus more on just mentoring women.<sup>81</sup>

TABLE D5(5): PRACTICE ENVIRONMENT: FIVE-YEAR SURVEY

Variable	Period 1: Survey Years 1991 and Before (Classes 1986 and Before)				Period 2: Survey Years 1996 through 2000 (Classes 1991 through 1995)				Change From Period 1 to Period 2	
	All Obs	Male	Female	Male - Fem	All Obs	Male	Female	Male - Fem	Abs Δ in M/F Diff	Δ in M/F Rel Pos
<b>Same Practice Setting In 5 Yrs?</b>										
Same Prac. Setting in 5 yrs? (-2 to 2)	0.742	0.806	0.565	0.242*	0.488	0.565	0.368	0.198*	-0.044	MM
N	1412	1033	379		945	575	370			
<b>Reasons for Leaving</b>										
% No Opportunity to Advance	6	6.7	4.7	2	10.1	12.2	7.4	4.8*	2.8	MM
% Bored	16.9	18.7	13.7	5.0*	28.1	29.4	26.5	2.9	-2.1	MM
% Other Negative	29.3	29.2	29.5	-0.3	27.8	23.8	33	-9.3*	9	FF
% New Job	21.3	26.6	12	14.6*	19.9	24.8	13.5	11.3*	-3.3	MM
% Family	8.3	2.6	18.4	-15.7*	4.7	1.3	9.1	-7.8*	-7.9	FF
% Other Positive	18.3	16.3	21.8	-5.5*	9.4	8.6	10.4	-1.9	-3.6	FF
N	652	418	234		533	303	230			
<b>Whether Mentored?</b>										
% Mentored	63.6	63.3	64.3	-1	65.6	64.2	67.5	-3.2	2.2	FF
N	2132	1443	689		1211	716	495			
<b>Gender of Mentors</b>										
% Male	95.9	98.1	91.4	6.8*	90.5	96.7	82	14.7*	7.9	MM
% Female	16.7	10.6	29.3	-18.7*	38.8	27.1	55	-27.9*	9.2	FF
N	1351	911	440		791	458	333			

\* Difference in gender means significantly different from zero at the 0.1 level, two-tailed test.

81. This insight was suggested by junior male attorneys in our focus groups.

TABLE D5(15): PRACTICE ENVIRONMENT: FIFTEEN-YEAR SURVEY

Variable	Period 1: Survey Years 1991 and Before (Classes 1976 and Before)				Period 2: Survey Years 1996 through 2000 (Classes 1981 through 1985)				Change From Period 1 to Period 2	
	All Obs	Male	Female	Male - Fem	All Obs	Male	Female	Male - Fem	$\Delta$ in Abs $\Delta$ in M/F Diff	M/F Rel Pos
<b>Practice Setting In 5 Yrs?</b>										
Same Prac. Setting in 5 yrs? (-2 to 2)	1.284	1.310	1.046	0.265*	1.070	1.130	0.888	0.242*	-0.023	MM
N	1558	1405	153		970	729	241			
<b>Reasons for Leaving</b>										
% No Opportunity to Advance	11.8	11.2	14.9	-3.7	9.7	12.7	3	9.7*	6	FM
% Bored	17.3	18.6	10.6	8.0	30	32.7	23.9	8.8	0.8	MM
% Other Negative	24.9	25.2	23.4	1.8	16.1	12	25.4	-13.4*	11.6	MF
% New Job	26	26.4	23.4	3	26.7	28	23.9	4.1	1.1	MM
% Family	1.4	0.4	6.4	-6.0	5.1	2	11.9	-9.9*	3.9	FF
% Other Positive	18.7	18.2	21.3	-3.1	12.4	12.7	11.9	0.7	-2.4	FM
N	289	242	47		217	150	67			
<b>Whether Mentored?</b>										
% Mentored	56.6	56.3	58.9	-2.5	58	56.5	61.8	-5.3	2.8	FF
N	1678	1498	180		1107	798	309			
<b>Gender of Mentors</b>										
% Male	98	98.8	91.5	7.3*	96.2	98.9	89.7	9.2*	1.9	MM
% Female	8.9	6.4	28.3	-21.9*	20.3	13.8	35.9	-22.1*	0.2	FF
N	944	838	106		133	94	39			

\* Difference in gender means significantly different from zero at the 0.1 level, two-tailed test.

In Table D6(15) we present the results for the fifteen-year survey for the years 1992–2000,<sup>82</sup> broken down by gender and whether the respondent had kids and did childcare. These results suggest that men and women who do childcare are significantly less likely to see themselves in the same practice in five years than their colleagues of the same gender, and that the men who do childcare are the least stable in this regard. The reasons these men give for a possible move are not because they are “bored,” but instead are for “other positive reasons.” Men and women who do not have kids are also more likely to see themselves making a move, but this result is only significant for the women. Interestingly, the group that is most likely to move for “family reasons” is women with kids who have not taken time from paid work to do childcare. Perhaps they are anticipating future childcare or a move for their husband’s job; we cannot tell from the data.

82. We added the years 1992 through 1995 to the analysis in this table, because otherwise some of the sub-categories had too few observations for analysis.

TABLE D6(15): PRACTICE ENVIRONMENT:  
COMPARISON OF GROUPS OF MEN AND WOMEN BY FAMILY SITUATION,  
FIFTEEN-YEAR SURVEY, SURVEY YEARS 1992–2000, CLASSES 1977–1985

Variable	Comparison of Groups of Men			Comparison of Groups of Women		
	Male No Kids (1)	Male Kids No Childcare (2)	Male Kids Childcare (3)	Female No Kids (1)	Female Kids No Childcare (2)	Female Kids Childcare (3)
<b>Practice Setting in 5 Yrs?</b>						
Same Prac. Setting in 5 yrs? (-2 to 2)	1.060 (3)*	1.160 (3)*	0.563 (1)*(2)*	0.736 (2)*	1.055 (1)*(3)*	0.847 (2)*
N	233	1094	32	125	145	163
<b>Reasons for Leaving</b>						
% No Opportunity to Advance	12.1	10.4	0	4.8	0	4.4
% Bored	25.8 (3)*	27.2 (3)*	0 (1)*(2)*	23.8	27.6	26.7
% Other Negative	24.2	16.3	18.2	20.8	31.3	26.9
% New Job	33.3	33.2	36.4	33.3	27.6	28.9
% Family	0	3.5	0	4.8 (2)*	17.2 (1)*	11.1
% Other Positive	4.5 (3)*	9.4 (3)*	45.5 (1)*(2)*	14.3	13.8	17.8
N	66	202	11	42	29	45
<b>Whether Mentored?</b>						
% Mentored	49.3 (2)*(3)*	59.5 (1)*	68.4 (1)*	63.1	60.0	60.9
N	272	1158	38	149	170	215
<b>Gender of Mentors</b>						
% Male	97.4	98.6 (3)*	91.7 (2)*	87.2 (2)*	96.7 (1)*	91.2
% Female	15.8 (2)*	7.2 (1)*(3)*	33.3 (2)*	31.9	23.0	33.8
N	76	414	12	47	61	68

\* Difference in means significantly different from zero at the 0.1 level, two-tailed test.

The Michigan surveys also asked the alumni about their first job in practice and their current practice setting.<sup>83</sup> With this information, we can track which respondents start in private practice and then leave, and which respondents start outside private practice and then enter. We can also track into which types of jobs the respondents who start in private practice, and then leave, go. The percentages of respondents to the fifteen-year survey for the periods before 1992 and from 1996 to 2000 who reported that they started in private practice (disregarding judicial clerkships) are presented in Table D7(15), along with the percentages of these respondents' work setting at the time of the survey. The percentage of respondents who report they started in jobs outside of private practice (disregarding judicial clerkships) and are working in private practice at

83. These data are reported in variables 444 and 445 for survey years 1985 to the present.

the time of the fifteen-year survey are reported in the last rows of Table D7(15).

TABLE D7(15): WHERE ARE THE ALUMNI WHO STARTED IN PRIVATE PRACTICE, 15 YEARS LATER? FIFTEEN-YEAR SURVEY

Variable	Period 1: Survey Years 1991 and Before (Classes 1976 and Before)				Period 2: Survey Years 1996 through 2000 (Classes 1981 through 1985)				Change From Period 1 to Period 2	
	All Obs	Male	Female	Male- Fem	All Obs	Male	Female	Male- Fem	Abs Δ in M/F Diff	Δ in M/F Rel Pos
% Who Start in PrivPrac	66.3	67.3	47.1	20.2	83.7	85.7	77.5	8.2	-12.0	MM
<b>Where are the alumni who started in private practice 15 years later?</b>										
% Private Practice	74.1	75.2	45.7	29.5*	57.3	61.9	44.7	17.2*	-12.3	MM
% Corp Counsel	9.6	9.6	10.5	-0.9	12.5	13.1	11.0	2.1	1.3	FM
% Government Practice	3.1	3.0	6.7	-3.7*	5.0	4.0	7.6	-3.6*	-0.1	FF
% Legal Services	0.04	0.04	0	0.04	0.5	0.3	0.8	-0.5	0.5	MF
% Other Practice	0.8	0.8	1.9	-1.1	1.8	1.2	3.4	-2.1*	1.0	FF
% Judge	1.9	1.8	3.8	-2.0	0.6	0.6	0.4	0.2	-1.8	FM
% Teach Law	1.1	0.8	10.5	-9.7*	2.0	1.4	3.8	-2.4*	-7.3	FF
% Public Office	0.5	0.5	0	0.5	0.5	0.5	0.4	0.04	-0.5	MM
% Business Non-Practice	2.6	2.7	1.9	0.8	7.4	9.1	3.0	6.1*	5.4	MM
% Gov't Non-Practice	0.04	0.04	0	0.04	2.6	2.0	4.2	-2.2*	2.2	MF
% Other Non-Practice	5.2	5.2	7.6	-2.5	4.9	4.3	6.3	-2.0	-0.5	FF
% Parent Non-Practice	0.6	0.2	11.4	-11.2*	4.0	0.6	13.1	-12.5*	1.3	FF
% Unemployed	0.8	0.4	11.4	-11.0*	4.9	1.5	13.9	-12.4*	1.4	FF
% Unemployed not Parent	0.2	0.2	0	0.2	1.0	0.9	1.3	-0.3	0.2	MF
N	2881	2776	105		886	649	237			
<b>Of those who don't start in private practice (excluding clerkship), what percent enter private practice by the 15th year?</b>										
% Private Practice	43.3	44.3	32.2	12.1*	22.0	25.0	16.9	8.1	-4.0	MM
N	1466	1348	118		173	108	65			

\* Difference in gender means significantly different from zero at the 0.1 level, two-tailed test.

What these results show is that, although men are more likely to start in private practice, stay in private practice, and enter private practice, women have made significant inroads into these percentages between the two examined periods. The percentage of respondents who report starting in private practice has risen between the two periods for both men and women, but the percentage of women has risen faster, so that the difference between the two percentages has dropped from 20.2% to 8.2% between the examined periods. Similarly, the percentage of respondents who started in private practice and are still there at the time of the fifteen-year survey has decreased for both men and women,

but the decrease has been much more pronounced for the men, so that the difference between the two percentages has dropped from 29.5% to 17.2%. Finally, the percentage of respondents who start outside of private practice and then enter has dropped for both men and women between the two periods, but the percentage has dropped faster for men, so that the difference in the percentages has dropped from 12.1% to 8.1%. Of the people who leave the private practice of law, the women go into government practice, "other" practice, law teaching, and government non-practice. Also, the women are much more likely to report doing parenting and being unemployed. The men are more likely to leave the practice of law for non-practice business opportunities.

In Table D8(15) we report similar percentages regarding private practice entry and exit for the fifteen-year survey for the period 1991–2000, broken down by gender and family situation. We expanded the sample to include the survey years 1991–2000 in order to have enough observations in each cell to yield meaningful results. This table evinces a very similar pattern to that found in Table D4(15), in that men who do childcare are the least likely to start in, remain in, or subsequently enter private practice, while men who have kids but who have not taken time away from paid work to do childcare are the most likely to start in, remain, and enter private practice, and men without kids and the women occupy intermediate positions. Among the women, the women with kids who have not taken time away from paid work to do childcare are the most likely to start in private practice, initiating their careers with jobs in private practice in a percentage that rivals the men (78.9% for the women and 83.4% for similarly situated men). Moreover, these same women who have kids but who have not missed paid work to do childcare are the women who are most likely to remain in private practice, but they remain at a rate much lower than the men (53.4% for the women and 71.0% for similarly situated men). Both men and women without kids seem to occupy an intermediate position relative to the other members of their gender with respect to the percentages who start in, remain in, and enter private practice. Both men and women who do childcare and leave private practice disproportionately go into law teaching and government non-practice, and are much more likely to be found among the unemployed and parenting. Women with kids who have not taken time for childcare and who leave private practice are more likely to go into non-practice business positions, while the women without kids who leave are more likely to go into corporate counsel positions, government work, or public office. Men without kids also show a slight propensity to leave private practice to go into public office.

TABLE D8(15): EXIT FROM AND ENTRY INTO PRIVATE PRACTICE:  
COMPARISON OF GROUPS OF MEN AND WOMEN, FIFTEEN-YEAR SURVEY,  
SURVEY YEARS 1991–2000, CLASSES 1976–1985

Variable	Comparison of Groups of Men			Comparison of Groups of Women		
	Male No Kids	Male Kids No Childcare	Male Kids Childcare	Female No Kids	Female Kids No Childcare	Female Kids Childcare
	(1)	(2)	(3)	(1)	(2)	(3)
% Who Start in Priv Prac	74.6	83.4	59.5	68.8	78.9	68.4
<b>Where are the alumni who started in private practice 15 years later?</b>						
% Private Practice	64.2 (2)*(3)*	71.0 (1)*(3)*	22.7 (1)*(2)*	44.5	53.4 (3)*	43.8 (2)*
% Corp Counsel	11.9	12.6	18.2	17.3 (3)*	13.0	9.9 (1)*
% Government Prac	3.1 (3)*	3.0 (3)*	13.6 (1)*(2)*	12.7 (2)*(3)*	5.5 (1)*	3.1 (1)*
% Legal Services	0.4	0.2	0	0	0.7	1.2
% Other Practice	0.9	0.6 (3)*	4.5 (2)*	4.5 (2)*	0.7 (1)*	1.9
% Judge	0.4	0.8	0	0.9	2.1	0.6
% Teach Law	1.8 (3)*	1.2 (3)*	9.1 (1)*(2)*	2.7 (3)	5.5	6.2 (1)
% Public Office	0.9 (2)*	0.2 (1)*	0	1.8 (3)*	0	0 (1)*
% Business Non-Prac	5.3	6.6	0	1.8 (2)	5.5 (1)(3)*	1.9 (2)*
% Gov't Non-Prac	1.8 (3)*	0.9 (3)*	13.6 (1)*(2)*	1.8	1.4 (3)	4.3 (2)
% Other Non-Prac	5.8 (2)*	2.6 (1)*(3)*	9.1 (2)*	8.2	4.8	5.6
% Parent Non-Prac	0 (3)*	0.4 (3)*	9.1 (1)*(2)*	0 (2)*(3)*	7.5 (1)*(3)*	21.6 (1)*(2)*
% Unemployed	3.5 (2)*	0.4 (1)*(3)*	9.1 (2)*	3.6 (3)*	7.5 (3)*	21.0 (1)*(2)*
% Unemployed not Parent	3.5 (2)*	0 (1)*	0	3.6 (2)*(3)*	0 (1)*	0 (1)*
N	226	1064	22	110	146	162
<b>Of those who don't start in private practice (excluding clerkship), what percent enter private practice by the 15th year?</b>						
% Private Practice	23.4	32.5	13.3	22.0	12.8	26.4
N	77	212	15	50	39	75

\* Difference in means significantly different from zero at the 0.05 level

#### 4. Promotion to Partner: “Up or Out,” or “Not Up, but Not Out”

Researchers have also examined the problem of promotion to partnership in private firms and found significant gender differences. In a study of law directory data from the years 1969–83, Stephen Spurr found that women had a significantly lower chance of being promoted to partner after controlling for variables such as firm size, experience, law school prestige, and law school honors,<sup>84</sup> although this gender gap appeared to be declining over time.<sup>85</sup> In their study of Chicago lawyers,

84. Stephen J. Spurr, *Sex Discrimination in the Legal Profession: A Study of Promotion*, 43 INDUS. & LAB. REL. REV. 406, 409–15 (1990).

85. Stephen J. Spurr & Glenn T. Sueyoshi, *Turnover and Promotion of Lawyers: An Inquiry into Gender Differences*, 29 J. HUMAN RESOURCES 813, 833–34 (1994).

Kathleen Hull and Robert Nelson found that, after controlling for experience, law school background, initial practice setting, and other relevant variables, women in private law firms were only a third as likely to be partners as their male cohorts. However, Hull and Nelson found that women were significantly more likely to be promoted to senior-level positions in non-firm settings, although the gender effect dipped below statistical significance when the full set of control variables was included in the model.<sup>86</sup> In a previous study using a portion of the Michigan Alumni Data Set from the classes 1972–85, Mary Noonan and Mary Corcoran found that men were more likely to attain partnership, controlling for race, law school performance, family status, work experience, mentoring relationships, and satisfaction with work/family balance.<sup>87</sup> On an aggregate basis, in 2005, women comprised nearly 30% of the members of the American legal profession, but constituted only 17% of law partners nationwide.<sup>88</sup>

These same researchers have identified a variety of reasons for the gender gap in achieving partnership. In their study of eight large New York law firms, Cynthia Epstein and her colleagues speculated about a number of disadvantages women may suffer in achieving partnership. Women may be at a disadvantage in generating business for a firm because they have fewer contacts to play the “rainmaker” role, less time to devote to client development, and less access to important informal business networks. Childcare responsibilities may also limit women’s success because women may miss out on good assignments when they become pregnant or take maternity leaves, and women’s aspirations may change as a result of increased family commitments.<sup>89</sup> Hull and Nelson found that having children had a positive effect on partnership for lawyers, but the work-family constraint reduced women’s, but not men’s, partnership probabilities.<sup>90</sup> Similarly, Noonan and Corcoran found that being a parent did not significantly decrease partnership chances for either men or women; however taking time off to care for children had a significant negative effect on partnership attainment, and the effect was larger for men than women.<sup>91</sup> Noonan and Corcoran also found that

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86. Hull & Nelson, *Assimilation, Choice or Constraint?*, *supra* note 55, at 234–59.

87. Mary C. Noonan & Mary E. Corcoran, *The Mommy Track and Partnership: Temporary Delay or Dead End?* 596 ANNALS AM. ACAD. POL. & SOC. SCI. 130 (2004).

88. Press Release, Nat’l Ass’n for Law Placement, Women and Attorneys of Color Continue to Make Small Gains at Large Law Firms (Nov. 17, 2005), <http://www.nalp.org/2005womenandattorneysofcolor>.

89. Epstein et al., *supra* note 76, at 302–05.

90. Hull & Nelson, *Assimilation, Choice or Constraint?*, *supra* note 55, at 245–50.

91. Noonan & Corcoran, *supra* note 87, at 140–41.



women were more likely than men to leave law firms before the partnership decision.<sup>92</sup>

The Michigan Alumni Data Set records the position in the firm of each respondent who worked in private practice. The recorded positions include partner, associate, "of counsel or other," and solo practitioner. The percentage of private practice respondents to the fifteen-year survey who gave each response is presented in Table D9(15) for period one (survey years before 1992) and period two (survey years 1996–2000). These results confirm the findings of previous studies that the men are more likely to be partners later in practice, although their advantage in this regard has dropped between the two periods. In period one, 79.4% of the men in private practice were partners, while only 64.2% of the women were partners—a difference of 15.2%—while in period two, the male percentage was 80.1%, while the female percentage was 66.7%—a difference of 13.4%. The women were much more likely than the men to be retained as associates, of counsel or other, and this difference seems to be increasing over time. This finding is consistent with the idea that men are more subject to "up or out decisions," while some women undertake non-partnership positions with fewer hours and less pay to accommodate childcare—in other words "not up, but not out."<sup>93</sup> The number of respondents reporting that they are in solo practice has fallen precipitously for both men and women between the two time periods, with a larger decrease for the women.

TABLE D9(15): POSITION IN THE FIRM, FIFTEEN-YEAR SURVEY

Variable	Period 1: Survey Years 1991 and Before (Classes 1976 and Before)				Period 2: Survey Years 1996 through 2000 (Classes 1981 through 1985)				Change From Period 1 to Period 2	
	All Obs	Male	Female	Male - Fem	All Obs	Male	Female	Male - Fem	Abs Δ in M/F Diff	Δ in M/F Rel Pos
% Partner	79	79.4	64.2	15.2*	77.2	80.1	66.7	13.4*	-1.8	MM
% Associate	3.2	3.1	8.4	-5.4*	4.7	3.6	8.8	-5.2*	0.2	FF
% Of Counsel or Other	1.1	1	5.3	-4.2*	8.7	6.5	16.7	-10.2*	-6	FF
% Solo Practice	16.7	16.6	22.1	-5.6	9.4	9.8	7.9	1.9	7.5	FM
N	3436	3341	95		531	417	114			

\* Difference in gender means significantly different from zero at the 0.1 level, two-tailed test.

92. *Id.*

93. This phrase is attributable to a female employee of a large firm who participated in one of our focus groups.

The idea that women may undertake positions that are “not up, but not out” in order to accommodate childcare gains some support—and faces at least one surprising result—when the data is broken down according to gender and whether the respondent has children and does childcare. In Table D10(15) we see that indeed women that have taken time away from paid work to do childcare *are* significantly less likely to be partners (54%) and are more likely to be associates (13%), of counsel or other (15%), or solo practitioners (18%) than other women, but it is men who have done childcare who are the least likely to be partners (29%) and the most likely to work in one of the other capacities (72%), although only the finding with respect to partnership is significantly different from other men.<sup>94</sup> This is true despite the fact that, as we have seen, the men who do childcare on average undertake much shorter periods away from paid work than the women and on average work longer hours upon their return. Both men and women who have kids but who have not taken time away from paid work to do childcare are the most likely to be partners and enjoy almost the same percentage in this regard (84% for men and 81% for women),<sup>95</sup> although it should be remembered that the women experienced a higher attrition rate from private practice in getting to this point. Both men and women who do not have kids show a slightly lower propensity to be partners and a slightly greater tendency to be solo practitioners than the men and women who have kids but do not do childcare. This is somewhat surprising, at least among the women, since the women without kids worked significantly more hours than the women with kids, and one would think such effort would lead to partnership.<sup>96</sup> These partnership percentages suggest that childcare is somewhat incompatible with partnership for both men and women and that people with kids who do not do childcare strive for and achieve partnership at higher rates than their childless colleagues.

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94. Consistent with this finding, both men and women in our focus groups thought firms took a dimmer view of men working part-time or taking leave to do childcare than they did of women doing the same.

95. This idea, that “breadwinning lawyers” who had kids but who did not do childcare, whether male or female, were the most driven to enter private practice, remain in private practice, make partner, and make money, rang true in our discussions with the focus groups.

96. Even when examining just partners in private firms, we find that on average the men work about 2570 hours a year and the women without kids work about the same, while the women with kids who have not taken time for childcare work 2371 hours per year, and the women who have taken time for childcare work 2008 hours a year. See *infra* Appendix, Tables D16.1(15) & D16.2(15).

TABLE D10(15): POSITION IN THE FIRM—A COMPARISON OF  
GROUPS OF MEN AND WOMEN FAMILY SITUATION:  
FIFTEEN-YEAR SURVEY, SURVEY YEARS 1991–2000, CLASSES 1976–85

Variable	Comparison of Groups of Men			Comparison of Groups of Women		
	Male No Kids (1)	Male Kids No Childcare (2)	Male Kids Childcare (3)	Female No Kids (1)	Female Kids No Childcare (2)	Female Kids Childcare (3)
% Partner	75 (2)*(3)*	84 (1)*(3)*	29 (1)*(2)*	66 (2)*	81 (1)*(3)*	54 (2)*
% Associate	6	3	29	8	4 (3)*	13 (2)*
% Of Counsel Othr	5	4	14	12	10	15
% Solo Practitioner	14 (2)*	9 (1)*	29	14	5 (3)*	18 (2)*
N	160	810	7	59	79	87

\* Difference in the means significantly different from zero at the 0.1 level, two-tailed test.

### a. Regression Analysis

In order to separate the effect of gender on being a partner from that of other variables, we conducted a set of logistic regressions on the fifteen-year survey responses with a dummy variable for whether the respondent is a partner as the dependent variable. Logistic regression estimates the natural log of the odds (logit) of a binomially distributed dependent variable as a generalized linear model of the examined independent variables.<sup>97</sup> Logistic regression is superior to ordinary linear regression for binary dependent variables, because it yields estimated values between zero and one, it preserves the plausibility of the assumptions of homoskedasticity, and the errors of the regression equation are normally distributed.<sup>98</sup> Without these assumptions the significance tests of linear regression are unreliable.

We estimate the logit of being a partner as a linear function of a variety of independent variables, including: gender; race; ethnicity; whether the respondent did not plan to go into private practice before

97. The logistic curve relates the dependent variable  $Y$  to the independent variables  $X$  through the equation  $P = ea+bX/(1+ea+bX)$ , where  $P$  is the probability of a 1 (the proportion of 1's, the mean of  $Y$ ),  $e$  is the base of the natural logarithm,  $X$  is a vector of independent variables, and  $a$  and  $b$  are the parameters of the model. The equation that is estimated is  $\ln(\text{Odds}) = \ln(P/(1-P)) = \text{logit}(P) = a + bX$ . KENNEDY, *supra* note 19 at 263–71.

98. *Id.* In regression analysis, one has to assume that the errors between the actual and estimated values of the dependent variable are normally distributed and display constant variance across the observations, otherwise estimates may be biased, inconsistent or inefficient. The assumption of constant error variance across all observations is referred to as “homoskedasticity.” *Id.* at 133.

law school; whether the respondent never planned to go into private practice; whether the respondent's first job was in a firm or office in which he or she did a summer clerkship; whether the respondent did a judicial clerkship; whether he or she entered private practice after his or her first job; years of practice; law school GPA; whether the respondent participated in journal, moot court, and other student activities in law school; the size of city in which the respondent works; his or her region; the size of the respondent's first firm; whether the respondent reports being mentored; various family characteristics; and various personal characteristics. The default for the equation where all independent dummy variables are zero is a white male in a large city in the Midwest whose first firm was a super-sized firm and who is not married or cohabiting. The female dummy variable is entered alternatively as just a zero/one variable for whether the respondent is female and broken down into three dummy variables, one for women who do not have kids, another for women who have kids but who have not taken time away from paid work to do childcare, and a third for women who have kids and have taken time away from work to do childcare. We also experiment with a dummy variable for men who have kids and have taken time away from paid work to do childcare.

Even with this fairly lengthy list of independent variables, there are at least two important missing variables in this analysis. We would have liked some measure of the respondent's effort during the period in which the partnership decision was made<sup>99</sup> and some indication of whether the respondent ever wanted to become a partner, since some people take jobs in private practice with no intention of ever staying there or being a partner. Assuming that, on average, men put forth the same or more effort as women to become partners and have, on average, at least as great a desire to become a partner, these omissions should not bias our estimates with respect to the gender coefficients against women. Also, in part to limit this bias, we limited our analysis to respondents who started in a private firm or entered private practice sometime after their first job. The reasoning behind this limitation is our assumption that the Michigan graduates are talented enough that they all could get at least some job in private practice if they wanted to, and thus those that don't are not very interested in becoming a partner. This limitation of our analysis to these people also allows us to generate a size of first firm variable that turns out to be fairly important in the analysis. If you include people who have never worked in a private firm in the analysis,

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99. We considered using the current hours of work as a proxy for this, but decided that the current hours of work was too strongly endogenously related to whether the respondent was currently a partner.

there is no basis for generating this variable for those people. Moreover, our experimentation in estimating a logistic regression for all observations, excluding the size of firm independent variables, yielded very similar results with respect to gender. We estimate our logistic regression only for the second period, survey years 1994–2000, because this is the only period for which there is adequate data for this model.

These logistic regressions yield some very interesting results reported as regressions 1 and 2 below. As a matter of general analysis, the probability of being a partner is positively and significantly related to working for your first firm as a summer clerk, entering private practice later, getting good grades, starting in a medium or small firm, being compulsive, desiring money, and being confident. The probability of being a partner is negatively and significantly related to being black, not planning on going into private practice, working in the East, and having a lot of “other” income. Based on our prior analysis, men disproportionately have many of the attributes that are positively related with being a partner such as entering private practice later, starting in a medium-sized or small firm, desiring money, and being confident. We also know women lawyers include a disproportionate number of black lawyers, who are not as likely to make partner, because black males are excluded from educational opportunities in greater numbers. Our previous analysis does show that women enjoy a recent advantage in being compulsive about their work, which is positively associated with becoming a partner.

Examining the coefficients for our gender dummy variables, we see that the coefficient for female in regression 1 is negative but not statistically significant. The exponential of a coefficient in the logistic regression gives the odds ratio for a one-unit change in that variable with the other independent variables being evaluated at their mean.<sup>100</sup> Accordingly, for the -0.346 coefficient for female in regression 1, this suggests that the odds ratio of being a partner for women to men is 0.708, and thus, a woman is 29.2% less likely to be a partner than a similarly situated man. Recall that this estimate might be biased to be more negative because of the important omitted variables of effort and desire.

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100. KENNEDY, *supra* note 19, at 263–68.

Regressions Logit Partner as Dependent Variable	Regression 1 Survey Years 1994–2000 Fifteen-Year Survey		Regression 2 Survey Years 1994–2000 Fifteen-Year Survey		Independent Variables	Regression 1 (cont'd) Survey Years 1994–2000 Fifteen-Year Survey		Regression 2 (cont'd) Survey Years 1994–2000 Fifteen-Year Survey	
	Coefficient	Robust S. E.	Coefficient	Robust S. E.		Coefficient	Robust S. E.	Coefficient	Robust S. E.
Female	-0.346	0.449	—	—	Mentored	0.398	0.301	0.365	0.308
Female No Kids	—	—	-0.489	0.691	Married	-0.344	0.61	-0.479	0.613
Fem Kids No CC	—	—	0.159	0.548	Cohabit	-0.671	1.132	-0.772	1.122
Fem Kids CC	—	—	-0.898	0.851	Number Kids	-0.018	0.145	—	—
Male Kids CC	—	—	-0.953	1.671	Spouse Income	0.003	0.002	0.003	0.002
Black	-2.121**	0.948	-1.831*	1.007	Other Income	-0.008*	0.004	-0.008*	0.005
Hispanic	1.312	1.54	1.481	1.709	Childcare Mos	0.011	0.017	—	—
Asian	—	—	—	—	Aggressive	0.06	0.144	0.068	0.142
Not Plan PP B4 LS	0.216	0.327	0.16	0.332	Compulsive	0.280**	0.123	0.309**	0.121
Not Plan PP at all	-0.987**	0.451	-1.009**	0.453	Desire Money	0.329**	0.142	0.302**	0.14
Summer Job Same	0.681**	0.315	0.608*	0.316	Confidence	0.333**	0.148	0.327**	0.152
Judicial Clerkship	0.294	0.501	0.226	0.493	Dealmaker	0.061	0.154	0.028	0.157
Enter PP Later	1.727**	0.752	1.715**	0.721	Effec Writer	-0.068	0.147	-0.06	0.146
Years of Practice	0.168	0.114	0.156	0.111	Social Impact	0.034	0.136	0.004	0.137
Law Schl GPA	1.181**	0.518	1.195**	0.52	Honest	-0.123	0.167	-0.107	0.166
Participate Journal	-0.009	0.357	0.024	0.363	Compassion	-0.043	0.137	-0.034	0.138
Participate Moot Ct	0.346	0.428	0.384	0.427	Constant	-6.440**	2.531	-6.143**	2.46
Partic Student Activ.	0.174	0.338	0.206	0.337	<b>Regression Summary Statistics</b>				
City Work Med	0.134	0.344	0.124	0.341	Num of obs = 301		Num of obs = 301		
City Work Smll	-0.584	0.499	-0.652	0.494	Wald Chi-sq (38) = 55.35		Wald Chi-sq (39) = 55.89		
Region East	-0.593*	0.358	-0.583	0.36	Prob > Chi-sq = 0.0342		Prob > Chi-sq = 0.0389		
Region W Coast	0.329	0.508	0.314	0.516	Pseudo R-sq = 0.2001		Pseudo R-sq = 0.2047		
Region SE	-0.324	0.587	-0.384	0.572	Log Pseudo Likelihood = -153.061		Log Pseudo Likelihood = -152.197		
Region West	-0.562	0.858	-0.396	0.934					
First Firm Lrg	0.478	0.398	0.458	0.401					
First Firm Med	1.340**	0.479	1.346**	0.477					
First Firm Smll	1.371**	0.591	1.391**	0.588					

\* Difference in gender means significantly different from zero at the 0.1 level.

\*\* Difference in gender means significantly different from zero at the 0.05 level.

Regressions performed on observations with annual hours worked > 1800, full-time employment. Asian had to be dropped from the model because it was a perfect predictor of success.

In regression 2, we break the female dummy variable down into three dummy variables according to the respondent's family situation and add a dummy variable for men who have kids and do childcare. None of the coefficients for these variables is statistically significant, but they do suggest that women's disadvantage in making partner is disproportionately borne by the women who do childcare. These women have a coefficient of -0.898, which means they are 59.3% less likely to be partners than similarly situated men who do not do childcare. The women with kids who have not missed paid work to do childcare actually have an insignificantly positive coefficient, suggesting they enjoy an insignificant advantage over the men. The men who do childcare suffer about the same disadvantage in being a partner as the women who do childcare, with a coefficient of -0.953, suggesting that, at the mean, they are 61.4% less likely to be a partner than similarly situated men who do not do childcare. Women without kids also have a negative coefficient of

-0.489, which suggests that they are 38.7% less likely to be a partner than similarly situated men.

## 5. Income

Given the gender differences in age, hours of work, childcare responsibilities, type of practice, and partnership status, it is not surprising that female lawyers make less money, on average, than male lawyers. This fact is well established in the empirical literature and is readily apparent in the Michigan Data Set. Research on the gender gap in pay within the legal profession generally seeks to determine whether the gap is attributable to differences in male and female lawyers' saleable assets such as hours of work, level of experience, and other characteristics that might reasonably be expected to influence earnings, or due to differences in pay between men and women for the same assets, which is generally attributed to discrimination. In order to evaluate the extent to which differences in pay are due to differences in assets between the genders or differences in payments for those assets, studies generally use regression analysis, or the slightly more complex decomposition technique, to separate these two effects. After examining the compensation gap between men and women that exists in the Michigan Data Set and how it has changed over time, we will present regression analyses.

### a. The Male/Female Income Gap

All studies that have examined the question have found that, on average, female lawyers have significantly lower incomes than male lawyers. According to U.S. Census data for 1999, median earnings of female lawyers were 73% of the median earnings of male lawyers.<sup>101</sup> Typically, studies that examine average earnings find that women's incomes in the legal profession are 60–70% that of men's.<sup>102</sup> Evidence is mixed on whether the gender gap in income has declined over time. Using data from the Michigan Alumni Data Set survey years 1987–90, Wood, Corcoran and Courant found that women earned about 60% of

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101. DANIEL H. WEINBERG, U.S. CENSUS BUREAU, EVIDENCE FROM CENSUS 2000 ABOUT EARNINGS BY DETAILED OCCUPATION FOR MEN AND WOMEN 12 tbl.5 (2004).

102. Dixon & Seron, *supra* note 46, at 396–98, 408; Wynn R. Huang, *Gender Differences in the Earnings of Lawyers*, 30 COLUM. J.L. & SOC. PROBS. 267, 282–83 (1997); Karen Robson & Jean E. Wallace, *Gendered Inequalities in Earnings: A Study of Canadian Lawyers*, 38 CAN. REV. OF SOC. & ANTHROPOLOGY 75, 82 (2001).

what men earned 15 years out of law school.<sup>103</sup> In a follow-up study using data from survey years 1987–93 and 1994–2000, some of the same researchers found that the overall gender gap in pay remained nearly constant across the two cohorts, with women from the classes of 1972–78 earning 63% of their male counterparts' income fifteen years out of law school, and women in the later cohort earning 61% of the men's incomes.<sup>104</sup> However, in their study of Chicago lawyers, John Heinz *et al.* reported a 23% gender gap in lawyers' pay in 1975, even after accounting for practice setting, position, client type, legal education, and years of experience, but noted that in the 1995 follow-up survey this gender gap became statistically insignificant after accounting for these factors.<sup>105</sup>

The average income and wages for respondents of the Michigan five- and fifteen-year surveys are reported in Tables D11(5) and D11(15) for the periods before 1992 and 1996 through 2000. In these tables we report averages for the respondents' income the first year after law school, annual income the year of the survey, usual hourly fee (if they report one), and average wage (annual income divided by hours worked). All figures are in 2004 dollars. The figures suggest that the men hold a modest, but significant, advantage in income right out of law school that grows with each year of practice until it reaches a considerable proportion fifteen years out. For the most recent period for the five-year survey, the women's average income right out of law school is 94.8% that of the men, and by five years out of law school the women's average income is 91.0% that of the men. In these early years much of the difference seems to be attributable to differences in hours worked, since there is no significant difference in the average hourly wage between the men and women in the five-year survey. However, examining the real income of the respondents to the fifteen-year survey presented in Table D11(15), we see that in the most recent period the men's income advantage is considerably larger, and in this data the women make only 57.6% of what the men make. Again, some of this difference is clearly attributable to differences in hours worked, but in the fifteen-year survey the women's average hourly wage in the second period is significantly lower, only 71.9% that of the men's.

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103. Robert G. Wood, Mary E. Corcoran & Paul N. Courant, *Pay Differences Among the Highly Paid: The Male-Female Earnings Gap in Lawyers' Salaries*, 11 J. LAB. ECON. 417, 422–23 (1993).

104. Mary C. Noonan, Mary E. Corcoran & Paul N. Courant, *Pay Differences Among the Highly Trained: Cohort Differences in the Sex Gap in Lawyers' Earnings*, 84 SOC. FORCES 853, 860 tbl.1 (2005).

105. HEINZ ET AL., URBAN LAWYERS, *supra* note 7, at 173.



From the averages presented in Tables D11(5) and D11(15), it is not clear whether these differences in male and female income and wages are decreasing or growing. In the data from the five-year survey reported in Table D11(5), we see that the male and female wages and income are converging over the examined periods, although there is a small divergence in their first-year incomes. The difference between the men's and women's average income in the five-year survey has declined from \$13,014 in the first period to \$9,109 in the second period. However, in the fifteen-year data reported in Table D11(5), we see that the male and female wages and income are diverging over the examined periods, except again, curiously, the respondent's reported income in the first year of practice. The difference between the men's and women's average income in the fifteen-year survey has increased from \$78,056 in the first period to \$97,359 in the second period.

TABLE D11(5): INCOME AND WAGES (2004 DOLLARS): FIVE-YEAR SURVEY

Variable	Period 1: Survey Years <=1991 (Classes 1986 and Before)				Period 2: Survey Years 1996-2000 (Classes 1991 through 1995)				Change From Period 1 to 2	
	All Obs	Male	Female	Male- Fem	All Obs	Male	Female	Male- Fem	Abs $\Delta$ M/F Diff	$\Delta$ in M/F Rel Pos
<b>Income</b>										
Ave Income 1st Yr Aft LS	64,062	65,134	61,670	3,464*	69,545	71,036	67,366	3,670*	206	MM
N	1250	863	387		1179	700	479			
Ave Income Principal Job	90,843	94,696	81,682	13,014*	97,995	101,632	92,523	9,109*	-3,905	MM
N	1709	1203	506		1142	686	456			
<b>Wages</b>										
Usual Hourly Fee	183.87	184.90	180.43	4.47	197.95	198.74	196.41	2.33	-2.14	MM
N	1378	1062	316		671	445	226			
Average Hourly Wage	36.39	36.73	35.54	1.19	39.26	39.63	38.71	0.92	-0.27	MM
N	1630	1162	468		1098	660	438			

\* Difference in gender means significantly different from zero at the 0.1 level, two-tailed test.

TABLE D11(15): INCOME AND WAGES (2004 DOLLARS):  
FIFTEEN-YEAR SURVEY

Variable	Period 1: Survey Years <=1991 (Classes 1976 and Before)				Period 2: Survey Years 1996-2000 (Classes 1981 through 1985)				Change From Period 1 to 2	
	All Obs	Male	Female	Male - Fem	All Obs	Male	Female	Male - Fem	Abs Δ in M/F Diff	Δ in M/F Rel Pos
<b>Income</b>										
Ave Income 1st Yr After LS	59,227	59,654	56,093	3,561*	64,786	64,708	64,993	-286	-3,275	MF
N	1265	1113	152		1049	761	288			
Ave Income Princ. Job	188,189	196,643	118,587	78,056*	203,336	229,529	132,170	97,359*	19,303	MM
N	1588	1416	172		985	720	265			
<b>Wages</b>										
Usual Hourly Fee	224.66	225.19	215.67	9.52	259.24	264.63	239.00	25.63*	16.11	MM
N	1355	1280	75		552	436	116			
Average Hourly Wage	75.75	78.03	55.55	22.48*	85.93	92.57	66.60	25.97*	3.49	MM
N	1546	1389	157		934	695	239			

\* Difference in gender means significantly different from zero at the 0.1 level, two-tailed test.

It is not necessarily inconsistent that men's and women's average income are converging over time in the five-year survey and diverging in the fifteen-year survey. It may be that men's and women's average incomes are converging right out of law school as women undertake the same opportunities as men, especially in private practice, but diverging in the fifteen-year survey as more women who take time away from paid work to do childcare are entering the profession. We have already seen that women on average are working fewer hours as more women who choose to do childcare enter the legal profession and find more opportunities to accommodate that decision within the profession. To account for this possibility we examine the incomes and hourly wages of "full-time" attorneys, defined as those who report working 1800 or more hours in the year. By examining full-time attorneys by themselves, we also eliminate the problem of mixing part-time workers and full-time workers, who enjoy a wage premium for working full-time, in the analysis of average incomes.<sup>106</sup> It may also be that men are disproportionately

106. Susan L. Averett & Julie L. Hotchkiss, *Discrimination in the Payment of Full-Time Wage Premiums*, 49 *INDUS. & LAB. REL. REV.* 2, 287-301 (1996); Eric Eide, *Accounting for Race and Gender Differences in College Wage Premium Changes*, 63 *S. ECON. J.* 4, 1039-50 (1997); Myeong-Su Yun, *Full- and Part-Time Wage Differentials and Female Labor Supply: Discontinuous Budget Constraint and Endogenous Wages* (Rutgers

represented among the highest earners—for example, amongst the few respondents who earn more than two standard deviations above the mean—and that this advantage has grown, or that the impact of these people's income on the averages has grown as the distribution of incomes has dispersed over time. It is a common practice among economists to use median values as a measure of central tendencies with respect to income and wages in order to avoid the problem that a few very high earners can have undue influence on the analysis of means.

In Table D12(15) we report the average and median income and hourly wage of full-time attorneys and the median income and wage of all attorneys, broken down by gender and the period of analysis. In Table D13(15) we report the average and median income and hourly wages of all women and of full-time women expressed as a percent of the corresponding figure for the men. For example, in the first column of Table D13(15) we see that for all women in the first period, their average income as a percent of the average income of the men in the first period was 60.3%, while for all women who worked full-time in the first period, their average income was 66.6% of that for all men who worked full-time in the first period.

In Tables D12(15) and D13(15) we see that, although for all women fifteen years out of law school both their average and median income declines as a percent of men's between the two periods, their average and median wage figures show some convergence with those of the men, increasing 0.7 and 7.7 percentage points between the two periods, respectively. This suggests that the decline in the average number of hours worked by women over the examined period is at least part of the explanation as to why women's and men's annual income fifteen years out of law school shows divergence over the two periods. The fact that women do better with the median figures also suggests that part of the problem may be that men out-perform women among the very highest earners.<sup>107</sup> Examining the respondents to the fifteen-year survey for the years 1996–2000, we find men account for 92% of the respondents in the top 5% of the income distribution (those making more

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Univ. Dep't of Econ., Departmental Working Paper No. 199835, 2000), *available at* <http://ideas.repec.org/p/rut/rutres/199835.html>.

107. Not only the data, but our focus groups suggested this possibility. As discussed in our focus groups, at least some participants ventured that rainmakers were paid the most, and it takes too many hours of work and "golf" for most women to enter this competition. Participants also thought that men had an advantage with male CEOs in acquiring business, but that this was changing as more women entered corporate management and networked.

than \$517,699 a year), while they are 70.4% of the sample as a whole.<sup>108</sup> Moreover, for full-time women fifteen years out of law school, all of their income and wage figures show convergence with those of the men. Among full-time women, average income has increased from 66.6% of men's to 70.2% of men's between the two periods, while median income has increased from 66.7% of men's to 72.8% of men's. Examining hourly wages to control for differences in hours worked, we see that full-time women's average hourly wage has increased from 72.4% of men's to 75.5% of men's over the two periods, while median hourly wage has increased from 73.6% of men's to 84.4% of men's—an increase of 10.8 percentage points and a relative improvement of 14.7% over the examined period.

TABLE D12(15): INCOME AND WAGES (2004 DOLLARS),  
MEDIAN AND FULL-TIME: FIFTEEN-YEAR SURVEY

Variable	Period 1: Survey Years <=1991 (Classes 1976 and before)				Period 2: Survey Years 1996-2000 (Classes 1981 through 1985)				Change From Period 1 to 2	
	All Obs	Male	Female	Male - Fem	All Obs	Male	Female	Male - Fem	Abs Δ in M/F Diff	Δ in M/F Rel Pos
<b>Income</b>										
Median Inc. Princ. Job	154,883	166,285	101,945	64,340*	153,577	173,834	104,301	69,533*	5,193	MM
N	1588	1416	172		985	720	265			
Ave. Income Princ. Job (FT)	193,572	199,660	133,051	66,609*	222,228	236,757	166,173	70,584*	3,975	MM
Median Inc. Princ. Job (FT)	159,679	166,285	110,955	57,888*	170,078	176,542	128,542	33,192*	-24,696	MM
N (FT)	1510	1372	138		855	679	176			
<b>Wages</b>										
Median Hourly Wage	61.70	65.23	47.19	18.04*	65.36	69.46	55.58	13.88*	-4.16	MM
N	1546	1389	157		934	695	239			
Average Hourly Wage (FT)	76.42	78.24	56.62	21.62*	87.43	91.93	69.38	22.55*	0.93	MM
Median Hrly Wage (FT)	62.99	65.56	48.23	17.33*	66.51	69.53	58.68	10.85*	-6.48	MM
N (FT)	1469	1345	124		822	658	164			

\* Difference in gender means significantly different from zero at the 0.1 level, two-tailed test.

FT Denotes average or median based on respondents who worked >= 1800 hours in the reported year.

108. The thirteen highest earners in this sample are men, earning an average of \$1,481,231, and with one individual recording an income of \$3,401,561 in the reported year. The highest earning female in the sample made \$987,282 in the reported year.

TABLE D13(15): FEMALE INCOME AND WAGES AS A  
PERCENT OF MEN'S: FIFTEEN-YEAR SURVEY

	Period 1: Survey Years 1991 and Before (Classes 1976 and Before)	Period 2: Survey Years 1996 thru 2000 (Classes 1981-1985)	Change From Period 1 to Period 2
<b>Income</b>			
Ave. Income Principle Job	60.3	57.6	-2.7
Median Income Princ. Job	61.3	60.0	-1.3
Ave. Inc. Princ. Job (FT)	66.6	70.2	3.6
Median Inc Pr Job (FT)	66.7	72.8	6.1
<b>Wages</b>			
Average Hourly Wage	71.2	71.9	0.7
Median Hourly Wage	72.3	80.0	7.7
Ave. Hourly Wage (FT)	72.4	75.5	3.1
Median Hourly Wage (FT)	73.6	84.4	10.8

FT Denotes average or median based on respondents who worked  $\geq$  1800 hours in the reported year.

## b. Regression Analysis

Regression analysis provides a superior means to determine what portion of the gender pay gap is attributable to differences in male and female lawyers' saleable assets such as hours of work, level of experience, and other characteristics that might reasonably be expected to influence earnings, and what portion is due to differences in pay between men and women for the same work. To date, most studies that have used regression analysis to examine the question have concluded that, although some of the gender gap in pay is due to differences in proffered assets of men and women, significant portions of the observed differences are due to different payments for the same assets—or discrimination. In their analysis of a random sample of New York City lawyers, Jo Dixon and Carroll Seron found that male lawyers earned more than females after controlling for differences in law school background, experience, family characteristics, and occupational sector (government, corporate, or private practice).<sup>109</sup> Further, the study suggested that human capital and family characteristics had different effects on earnings for men and women within occupational sectors.<sup>110</sup> In private practice, men benefited from the prestige of their law school more than women,<sup>111</sup> and married men and men with children earned more, while women with children

109. Dixon & Seron, *supra* note 46.

110. *Id.* at 401-04.

111. *Id.* at 401.

earned less.<sup>112</sup> Wynn Huang's study of the classes of 1970, 1980, and 1985 at four law schools likewise found that men and women were rewarded differently for the same law school background, married men earned more, age increased men's earnings but decreased women's earnings, and women incurred a larger earnings penalty than men for part-time work.<sup>113</sup> Huang also found that women received a smaller benefit from being a partner, and overall, the unexplained proportion of the gender wage gap was higher in private practice than in other legal settings and grew larger with time out of law school.<sup>114</sup>

However, there have been a few studies that have found no significant difference in the incomes of male and female lawyers after accounting for differences in hours, experience, and other personal characteristics. In their examination of 1994 survey data on lawyers in a western Canadian city, Karen Robson and Jean Wallace found that women earned 62% of what men earned, but that the effect of gender on pay was not significant after controlling for law school background, family characteristics, work hours, experience, mentoring relationships, and work motivation.<sup>115</sup> Similarly, in their comprehensive study of Chicago lawyers using 1995 survey data, Heinz *et al.* found that gender did not have a significant impact on income after controlling for law school background, experience, client type, hierarchical position, and practice setting.<sup>116</sup>

The Michigan Alumni Data Set provides a unique opportunity to test the impact of a variety of characteristics that may be associated with gender on income, that have not been previously explored in the literature. Indeed, the Data Set presents the opportunity to conduct what is probably the most comprehensive regression analysis on attorney income done to date. As previously presented in this Article, the Data Set contains information on a wide array of characteristics including years of practice, hours of work, law school GPA, size of city worked in, region of work, type of practice or job, partnership status, gender, race, ethnicity, marital status, family characteristics, previous childcare, personal characteristics such as desiring money or being compassionate, area of practice specialty, and percent of time spent doing particular types of practice activities. Some of the specialty area and practice activity variables that showed the least gender differences were excluded to avoid

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112. *Id.* at 402.

113. Huang, *supra* note 102, at 267–325.

114. *Id.*

115. Robson & Wallace, *supra* note 102, at 75–95.

116. HEINZ ET AL., URBAN LAWYERS, *supra* note 7, at 170 tbl.7.2.

problems with serial correlation.<sup>117</sup> For regressions on data from fifteen-year surveys, we include an additional dummy variable that is one if the respondent is working in a private firm, but not as a partner, and zero otherwise. For regressions where we use gender dummy variables broken down by family situation, we drop the variables for number of children and months of childcare to avoid problems with multicollinearity.<sup>118</sup> Following common practice in the labor supply literature, we used the natural log of real income as the dependent variable because income distributions are generally skewed, and, by undertaking the monotonic transformation of taking the natural log, we can examine a variable that better fits the assumptions of the linear regression model so that it produces unbiased estimates. Also, following common practice in the labor supply literature, we examine only those respondents who are working full-time, which we define as working 1800 hours or more in the reported year. Labor economists generally separate full-time and part-time workers for analysis because they are considered substantially different phenomena, and full-time workers usually receive a premium for committing to full-time work.<sup>119</sup> The results for the data from the five-year survey for the period before 1992 and the period 1994–2000 are presented in regressions 3 and 4, respectively. The results for the data from the fifteen-year survey for the period before 1992 and the period 1994–2000 are presented in regressions 5, 6, 7, and 8, as marked.

Even without looking at the estimated coefficients for the gender dummy variables, the overall results of these regressions are interesting from the perspective of gender. The results suggest that many aspects of a person's position, family life, and character can have a significant influence on income. The respondent's income is positively and, at least

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117. These variables included specialties in antitrust, banking, communications, environmental, municipal, insurance, and international trade law, as well as percent of time spent doing the following activities: client interviews, appellate work, lobbying, and administration.

118. "Multicollinearity" occurs where two or more predictor variables in the regression model are highly correlated. *See, e.g.*, KENNEDY, *supra* note 19, at 205–17. In this situation the coefficient estimates for the equation may change erratically in response to small changes in the model or the data; however, multicollinearity does not reduce the predictive power or reliability of the model as a whole. Dropping or adding these variables has no impact on the basic findings with respect to the gender dummy variables.

119. *See* Averett & Hotchkiss, *supra* note 106, at 287–301; Eide, *supra* note 106, at 1039–50; *see also* Myeong-Su Yun, *supra* note 106. Our experimentation with a separate regression for part-time workers in the fifteen-year survey for the years 1994–2000 yielded a coefficient (standard error) of -0.1265829 (0.8565513) for the female dummy variable which is not significantly different from zero. However this regression had only sixty-four observations so we do not rely on or report the complete results.

sometimes, significantly related to years of practice, hours worked, law school GPA, geographic region, compulsiveness, desire for money, confidence, some practice specialties, experience conducting negotiations, and experience undertaking firm recruiting. Income is negatively and sometimes significantly related to type of practice, not being a partner, months doing childcare, some practice specialties, level of legal education, experience doing library work, experience drafting, concern for social impact, honesty, compassion, and socializing at work. As we have seen, several of the characteristics or assets significantly associated with increasing income seem to be associated with men (hours worked, years of practice, law school grades, working in private practice, specializing in patents, negotiating, desiring money, and having confidence), while men seem to have avoided being associated with most of the characteristics that tend to decrease income (the only exception being socializing at work). Several of the characteristics or assets that decrease income seem to be significantly associated with women lawyers (fewer hours; fewer years of practice; not being a partner; months of prior childcare rather than work; being in government practice, legal services work, "other" practice, and non-practice; specializing in domestic relations; doing library work; being compassionate, concern with social impact, and being honest), while only a few that increase income are significantly associated with women (being compulsive about work and participating in firm recruiting). These results are consistent with our general finding that men, on average, express a greater interest in making money than women. Although we have observed some movement between the genders with respect to these characteristics over time, these associations still seem true, and advances women have made in gaining income, for example in entering private practice, have been offset by other trends, for example in women working fewer hours and doing more childcare.

Examining the coefficients for the gender dummy variables, we find that, although gender does not have a significant effect on income per se, childcare has a significantly negative impact on income for both women and men. In regressions 3 and 4 for the respondents five years out of law school, we find that in neither period is the coefficient for female significantly different from zero. The coefficient for female in the first period before 1992 in regression 3 is insignificantly negative, while the coefficient for female in the second period from 1994 to 2000 is insignificantly positive, perhaps indicating some marginal improvement in the job opportunities of women right out of law school between the two periods. In the results for respondents fifteen years out of law school reported in regressions 5 and 6, we see that the coefficient for female is significantly negative, at least in the second period. For the semi-log



form of these equations, the exponential of the coefficient for a variable minus one and multiplied by 100 represents the estimated percentage change in the dependent variable for a change in the independent variable.<sup>120</sup> Accordingly, the coefficient of -0.097 for female in regression 6 suggests that in the period 1994–2000 a woman's income fifteen years out of law school was generally about 9.2% lower than a comparable man's, or \$17,313 lower a year evaluated at the mean population income of \$188,189.

However, when we break down the female dummy variable into three dummy variables in regressions 7 and 8, we find that it is only the women who have kids and who have taken time away from work to do childcare that earned significantly less than the men. In regression 8 for the second period 1994–2000, the coefficient for women without kids is insignificantly negative at -0.046, suggesting they earn 4.5% less than the men, or \$8,469 less a year evaluated at the population mean, and the coefficient for women with kids who do not do childcare is insignificantly negative at -0.053, suggesting they earn 5.2% less a year than the men, or \$9,786 less evaluated at the population mean. The coefficient for women who have taken time away from paid work to do childcare, however, is significantly negative at -0.338, suggesting they earn 28.7% less than the men, or \$54,010 less a year evaluated at the population mean. None of the female coefficients for regression 7 on the first period before 1992 are statistically significant, but they evince the same pattern, suggesting that women who do childcare suffer the greatest disadvantage in earning income.

The coefficients for the dummy variable for men who do childcare in regressions 7 and 8 suggest that men who do childcare also suffer a substantial disadvantage in earning income. In regression 8 the coefficient for men who do childcare is just shy of being significantly negative at -0.172, suggesting they earn 15.8% less than the other men, or \$29,734 less a year evaluated at the population mean. In comparing the coefficients for women and men who do childcare, it is relevant to recall that the women undertake over twice as many months of childcare on average.<sup>121</sup> Replacing their dummy variables with interaction variables for female multiplied by months of childcare and male multiplied by months of childcare, we found that the men's disadvantage in earning

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120. For the estimation of an equation of the form  $\ln Y = a + bX$ , the percentage change in  $Y$  due to a change in  $X$  is given by  $(eb - 1) * 100$ . KENNEDY, *supra* note 19, at 123–28.

121. See Table D2(15).

income was actually greater for each month of childcare and was significantly negative.<sup>122</sup>

The coefficients for the gender dummy variables in regressions 7 and 8 are particularly interesting because these equations also control for hours worked and years of practice, which we have already seen are lower for people who do childcare. The results suggest that either the people who do childcare are different in their preferences regarding the tradeoff of work and family, or there is a cumulative effect of time away from work to do childcare that is not adequately represented in the other variables and that is not suffered by men and women who do not have kids or who do not take time away from work for childcare.<sup>123</sup>

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122. The coefficient (robust standard error) for female times months of childcare was -0.00406 (0.00170), significant at the 0.05 level, and the coefficient (robust standard error) for male times months of childcare was -0.01628 (0.00981), significant at the 0.1 level.

123. Several of the participants in our focus groups expressed the opinion that women who did substantial childcare were at a disadvantage in earning income because of their divided commitment between work and family. Although these statements were made with respect to female childcare providers, they might equally apply to male childcare providers.

Regressions In "Income" (In 2004 dollars) as Dependent Var	Regression 3 Survey Years 1991 & before Five-Year Survey		Regression 4 Survey Years 1994-2000 Five-Year Survey		Independent Variables	Regression 3 (cont'd) Survey Years 1991 & before Five-Year Survey		Regression 4 (cont'd) Survey Years 1994-2000 Five-Year Survey	
	Coefficient	Robust S. E.	Coefficient	Robust S. E.		Coefficient	Robust S. E.	Coefficient	Robust S. E.
Female	-0.017	0.027	0.013	0.03	Aggressive	-0.005	0.011	-0.003	0.011
Black	0.003	0.062	0.016	0.083	Compulsive	0.016*	0.009	0.006	0.01
Hispanic	0.194**	0.091	-0.074	0.104	Desire Money	0.035**	0.011	0.021*	0.013
Asian	0.127	0.108	0.08	0.07	Confidence	-0.002	0.012	0.006	0.013
Years of Practice	0.058**	0.024	0.051*	0.03	Dealmaker	-0.003	0.012	0.007	0.011
Ann Hrs Work	9.0E-05**	4.10E-05	4.90E-05	3.10E-05	Eftec Writer	0.005	0.012	0.014	0.015
Law Schl GPA	0.101**	0.036	0.179**	0.042	Social Impact	-0.012	0.01	-0.018	0.011
Partic Journal	0.047*	0.027	0.027	0.028	Honest	-0.024*	0.014	-0.009	0.013
Partic Moot Ct Partic Stud Act	0.033	0.03	-0.034	0.036	Compassion	0.020*	0.012	-0.015	0.012
Sumr Job Same	0.017	0.022	-0.009	0.025	Spcl Admin	-0.085	0.054	-0.034	0.062
Judicial Clerk	0.055**	0.022	0.063**	0.026	Spcl Dbt Cr	-0.009	0.043	-0.092*	0.056
Mentored	-0.074*	0.038	0.01	0.035	Spcl Cvl Rts	0.088*	0.049	-0.071*	0.04
City Work Med	0.001	0.023	-0.027	0.025	Spcl Corp	-0.026	0.026	0.019	0.029
City Work Sml	-0.104**	0.028	-0.077**	0.028	Spcl Crim	-0.033	0.083	-0.015	0.071
Region East	-0.182**	0.06	-0.074	0.051	Spcl Dom Rel	-0.003	0.116	-0.289	0.211
Region W Coast	0.141**	0.028	0.181**	0.03	Spcl Empl Bn	-0.1	0.067	-0.069	0.137
Region SE	0.110**	0.04	0.119**	0.036	Spcl Energy	-0.158	0.104	-0.156**	0.063
Region West	-0.027	0.034	0.043	0.06	Spcl Esta Tax	-0.024	0.071	-0.071	0.077
Priv Prac Lrg	0.003	0.075	-0.096**	0.049	Spcl Immigr	-0.007	0.225	-0.142	0.111
Priv Prac Med	-0.144**	0.028	-0.039	0.031	Spcl Inc Tax	0.065	0.061	0.085	0.071
Priv Prac Sml	-0.149**	0.034	-0.153**	0.038	Spcl Labor	-0.077	0.051	-0.022	0.057
Corp Counsel	-0.283**	0.055	-0.246**	0.057	Spcl Patent	0.083	0.079	0.111**	0.054
Govt Practice	-0.112**	0.04	-0.029	0.04	Spcl Realprop	0.055	0.041	-0.044	0.063
Legal Services	-0.360**	0.056	-0.284**	0.054	Spcl Secur	0.158**	0.04	0.107**	0.036
Other Practice	-0.749**	0.073	-0.646**	0.069	Spcl Torts	-0.059	0.056	-0.092*	0.051
Teach Law	-0.128	0.08	-0.09	0.094	% Library	-0.001	0.002	-0.003**	0.001
Judge	-0.288	0.194	—	—	% Negotiat	2.00E-04	0.001	5.10E-05	0.001
Public Off	—	—	—	—	% Draft	-4.20E-04	0.001	-0.001*	0.001
Bus Non-prac	—	—	—	—	% Legal Ed	3.70E-04	0.003	-1.30E-04	0.004
Gov Non-prac	—	—	-0.300*	0.161	% Soc Wrk	-0.006	0.006	-0.009**	0.004
Oth Non-prac	—	—	0.092	0.141	% Recruit	0.006	0.004	0.012**	0.005
Married	-0.052	0.093	-0.131	0.178	% Other	0.001	0.001	-0.001	0.001
Cohabit	0.023	0.033	0.016	0.044	Constant	3.833**	0.221	3.630**	0.245
Number Kids	0.002	0.051	-0.03	0.057	<b>Regression Summary Statistics</b>				
Spouse Income	3.10E-04	0.015	-0.016	0.015	Number of obs = 514		Number of obs = 606		
Other Income	0.001**	2.50E-04	0.001**	2.80E-04	F( 65, 447 ) = .		F( 67, 538 ) = 16.59		
Childcare Mos	1.80E-04	2.70E-04	0.001	0.001	Prob > F = .		Prob > F = 0.0000		
	-0.015**	0.005	-0.024*	0.012	R-squared = 0.6664		R-squared = 0.5721		
					Root MSE = 0.23819		Root MSE = 0.28157		

\* Difference in gender means significantly different from zero at the 0.1 level.

\*\* Difference in gender means significantly different from zero at the 0.05 level.

Regressions performed on observations with annual hours worked >=1800, full-time employment.

Regressions In "Income" (in 2004 dollars) as Dependent Var	Regression 5 Survey Years 1991 & before Fifteen-Year Survey		Regression 6 Survey Years 1994-2000 Fifteen-Year Survey		Independent Variables	Regression 5 (cont'd) Survey Years 1991 & before Fifteen-Year Survey		Regression 6 (cont'd) Survey Years 1994-2000 Fifteen-Year Survey	
	Coefficient	Robust S. E.	Coefficient	Robust S. E.		Coefficient	Robust S. E.	Coefficient	Robust S. E.
Female	-0.056	0.063	-0.097*	0.052	Aggressive	-0.002	0.02	0.008	0.017
Female No Kids	—	—	—	—	Compulsive	0.025	0.018	0.041**	0.016
Fem Kids No CC	—	—	—	—	Desire Money	0.032*	0.019	0.056**	0.016
Fem Kids CC	—	—	—	—	Confidence	0.018	0.02	0.030*	0.017
Male Kids CC	—	—	—	—	Dealmaker	0.017	0.02	0.009	0.017
Black	-0.031	0.084	0.123	0.091	Effec Writer	-0.009	0.024	-0.006	0.017
Hispanic	-0.084	0.133	-0.191	0.169	Social Impact	-0.061**	0.017	1.40E-04	0.016
Asian	—	—	0.023	0.163	Honest	-0.009	0.023	-0.005	0.018
Years of Practice	0.008	0.009	0.009	0.011	Compassion	0.014	0.021	-0.027*	0.015
Ann Hrs Work	2.2E-04**	6.00E-05	3.40E-05	5.60E-05	Spcl Admin	0.003	0.067	0.005	0.089
Law Schl GPA	0.130**	0.059	0.138**	0.049	Spcl Dbt Cr	-0.159	0.108	-0.003	0.089
Sumr Job Same	0.029	0.044	0.044	0.036	Spcl Cvl Rts	-0.095	0.105	-0.098	0.06
Judicial Clerk	-0.055	0.084	0.011	0.046	Spcl Corp	0.009	0.053	-0.039	0.038
Mentored	0.043	0.046	0.061*	0.033	Spcl Crim	0.067	0.085	-0.089	0.078
City Work Med	-0.027	0.048	-0.123**	0.037	Spcl Dom Rel	-0.095	0.086	-0.506**	0.169
City Work Sml	-0.271**	0.069	-0.181**	0.053	Spcl Empl Bn	0.210**	0.076	-0.073	0.089
Region East	0.112**	0.051	0.091**	0.039	Spcl Energy	-0.045	0.114	-0.078	0.138
Region W Coast	0.092	0.064	0.150**	0.057	Spcl Esta Tax	-0.083	0.109	-0.001	0.072
Region SE	0.159**	0.065	0.069	0.049	Spcl Immigr	0.046	0.115	0.034	0.174
Region West	0.385*	0.2	0.047	0.077	Spcl Inc Tax	0.072	0.091	0.145*	0.088
Priv Prac Lrg	-0.241**	0.079	-0.008	0.051	Spcl Labor	-0.071	0.122	-0.018	0.074
Priv Prac Med	-0.151**	0.068	-0.142**	0.057	Spcl Patent	0.121	0.168	0.089	0.091
Priv Prac Sml	-0.397**	0.073	-0.301**	0.063	Spcl Real-prop	-0.192**	0.069	-0.079	0.076
Not Partner	-0.361**	0.088	-0.265**	0.068	Spcl Secur	0.184**	0.086	0.108	0.078
Corp Counsel	-0.336**	0.064	-0.299**	0.056	Spcl Torts	0.052	0.058	-0.016	0.083
Govt Practice	-0.691**	0.073	-0.670**	0.066	% Library	-0.007**	0.003	-0.012**	0.003
Legal Services	-0.982**	0.123	-0.810**	0.092	% Negotiat	0.003	0.002	0.003	0.002
Other Practice	-0.542**	0.117	-0.559**	0.14	% Draft	-0.003**	0.001	-0.001	0.001
Teach Law	—	—	0.051	0.212	% Legal Ed	-0.011**	0.005	-0.002	0.005
Judge	—	—	—	—	% Soc Wrk	0.003	0.006	-0.004	0.005
Public Off	—	—	-1.002**	0.127	% Recruit	0.006	0.007	0.018**	0.007
Bus Non-prac	-0.520**	0.127	-0.209	0.149	% Other	-0.003	0.003	-0.001	0.002
Gov Non-prac	-0.580**	0.128	-0.694**	0.142	Constant	4.379**	0.274	4.812**	0.267
Oth Non-prac	-0.855**	0.218	-0.379	0.249					
Married	-0.04	0.064	-0.053	0.055	<b>Regression Summary Statistics</b>				
Cohabit	0.095	0.092	-0.105	0.086	Number of obs = 423		Number of obs = 695		
Number Kids	0.038*	0.02	0.014	0.015	F( 60, 358 ) = .		F( 66, 627 ) = .		
Spouse Income	4.5E-04**	2.20E-04	4.3E-04**	2.00E-04	Prob > F = .		Prob > F = .		
Other Income	0.002**	0.001	3.30E-05	5.70E-05	R-squared = 0.6692		R-squared = 0.5361		
Childcare Mos	-0.006	0.005	-0.003**	0.002	Root MSE = 0.37488		Root MSE = 0.40905		

\* Difference in gender means significantly different from zero at the 0.1 level.

\*\* Difference in gender means significantly different from zero at the 0.05 level.

Regressions performed on observations with annual hours worked >=1800, full-time employment.

Regressions In "Income" (in 2004 dolls) as Dependent Var		Regression 7 Survey Years 1991 & before Fifteen-Year Survey		Regression 8 Survey Years 1994-2000 Fifteen-Year Survey		Regression 7 (cont'd) Survey Years 1991 & before Fifteen-Year Survey		Regression 8 (cont'd) Survey Years 1994-2000 Fifteen-Year Survey	
Independent Variables	Coefficient	Robust S. E.	Coefficient	Robust S. E.	Independent Variables	Coefficient	Robust S. E.	Coefficient	Robust S. E.
Female	—	—	—	—	Aggressive	-0.003	0.02	0.011	0.017
Female No Kids	-0.094	0.077	-0.046	0.071	Compulsive	0.024	0.018	0.041**	0.016
Fem Kids No CC	-0.094	0.092	-0.053	0.055	Desire Money	0.031	0.019	0.057**	0.016
Fem Kids CC	-0.126	0.091	-0.338**	0.094	Confidence	0.021	0.02	0.029*	0.017
Male Kids CC	-0.511	0.473	-0.172	0.113	Dealmaker	0.018	0.021	0.011	0.017
Black	0.02	0.092	0.116	0.086	Effec Writer	-0.012	0.024	-0.005	0.017
Hispanic	-0.066	0.129	-0.173	0.157	Social Impact	-0.062**	0.016	-0.004	0.015
Asian	—	—	0.013	0.186	Honest	-0.011	0.023	-0.007	0.018
Years of Practice	0.006	0.009	0.01	0.011	Compassion	0.014	0.021	-0.021	0.015
Ann Hrs Work	0.000**	0	3.30E-05	5.70E-05	Spcl Admin	0.015	0.07	-0.033	0.089
Law Schl GPA	0.134**	0.059	0.149**	0.049	Spcl Dbt Cr	-0.146	0.108	0.002	0.088
Sumr Job Same	0.031	0.043	0.047	0.035	Spcl Cvl Rts	-0.082	0.108	-0.110*	0.06
Judicial Clerk	-0.04	0.083	0.013	0.046	Spcl Corp	0.018	0.053	-0.049	0.038
Mentored	0.042	0.046	0.063*	0.033	Spcl Crim	0.059	0.087	-0.095	0.077
City Work Med	-0.029	0.047	-0.119**	0.037	Spcl Dom Rel	-0.088	0.088	-0.495**	0.159
City Work Smll	-0.261**	0.069	-0.188**	0.053	Spcl Empl Bn	0.233**	0.076	-0.088	0.088
Region East	0.112**	0.052	0.093**	0.039	Spcl Energy	-0.049	0.109	-0.101	0.14
Region W Coast	0.081	0.064	0.149**	0.057	Spcl Esta Tax	-0.085	0.112	-0.003	0.072
Region SE	0.164**	0.067	0.062	0.048	Spcl Immigr	0.022	0.116	-0.002	0.179
Region West	0.397**	0.201	0.039	0.076	Spcl Inc Tax	0.08	0.094	0.157*	0.088
Priv Prac Lrg	-0.234**	0.079	-0.005	0.052	Spcl Labor	-0.084	0.119	-0.034	0.074
Priv Prac Med	-0.162**	0.068	-0.139**	0.057	Spcl Patent	0.121	0.168	0.077	0.091
Priv Prac Sml	-0.404**	0.074	-0.284**	0.062	Spcl Realprop	-0.176**	0.07	-0.081	0.075
Not Partner	-0.369**	0.089	-0.256**	0.069	Spcl Secur	0.172**	0.085	0.104	0.078
Corp Counsel	-0.344**	0.064	-0.286**	0.056	Spcl Torts	0.052	0.058	-0.015	0.085
Govt Practice	-0.693**	0.073	-0.650**	0.066	% Library	-0.007**	0.003	-0.012**	0.003
Legal Services	-1.000**	0.126	-0.795**	0.094	% Negotiat	0.003	0.002	0.003	0.002
Other Practice	-0.556**	0.123	-0.541**	0.139	% Draft	-0.003**	0.001	-0.001	0.001
Teach Law	—	—	0.043	0.223	% Legal Ed	-0.012**	0.005	-0.003	0.005
Judge	—	—	—	—	% Soc Wrk	0.003	0.006	-0.003	0.005
Public Off	—	—	-1.027**	0.123	% Recruit	0.006	0.008	0.019**	0.007
Bus Non-prac	-0.442**	0.124	-0.207	0.147	% Other	-0.003	0.003	-0.001	0.002
Gov Non-prac	-0.077	0.491	-0.657**	0.133	Constant	4.398**	0.282	4.765**	0.266
Oth Non-prac	-0.847**	0.22	-0.349	0.262					
Married	0.01	0.063	-0.021	0.052					
Cohabit	0.103	0.095	-0.108	0.084					
Number Kids	—	—	—	—					
Spouse Income	0	0	0.001**	2.10E-04					
Other Income	0.002**	0.001	2.40E-05	5.50E-05					
Childcare Mos	—	—	—	—					

\* Difference in gender means significantly different from zero at the 0.1 level.

\*\* Difference in gender means significantly different from zero at the 0.05 level.

Regressions performed on observations with annual hours worked  $\geq 1800$ , full-time employment.

## 6. Career Satisfaction

Especially for highly paid workers like lawyers, satisfaction with one's work is an important career objective, and an important complement to family satisfaction and satisfaction with work/family balance in producing a successful life. The previously discussed differences in men's and women's hours of work, types of work, promotion, and income might reasonably be expected to have an effect on their relative career satisfaction. The fact that women earn less income on average and are less likely to be partners in private practice might decrease their satisfaction with their careers relative to men. However, because they work fewer hours on average than men, this may increase their career satisfaction relative to men, as well as increase their satisfaction with their families and their work/family balance. Even if a job is prestigious, challenging, and financially rewarding, if it requires too many hours, a common malady in the legal profession, it can leave people "burned out" and wishing for more time with their children.

The existing literature offers strong evidence that women enjoy at least the same levels of overall career satisfaction as men. Surveys conducted by the American Bar Association in 1984 and 1990 found that women reported lower career satisfaction,<sup>124</sup> but the gender differences disappeared after controlling for various job and practice setting characteristics.<sup>125</sup> In their study of Stanford alumni, Janet Taber *et al.* found that both male and female graduates expressed a high level of career satisfaction and few expected to change jobs in the near future.<sup>126</sup> Paul Mattesich and Cheryl Heilman found high overall satisfaction for both women and men among graduates of the University of Minnesota, although the women had lower levels of satisfaction on opportunities for advancement, opportunities to work with a mentor, and current income, while the men had lower satisfaction with respect to their treatment by clients and the hours they worked.<sup>127</sup> In their study of University of New Mexico alumni, Teitelbaum, López, and Jenkins also found gender parity in overall satisfaction but lower satisfaction for women in the flexibility of their work schedule and hours of work

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124. See A.B.A. YOUNG LAWYERS DIV., *THE STATE OF THE LEGAL PROFESSION*, 1990 (1991).

125. See BERNARD F. LENTZ & DAVID N. LABAND, *SEX DISCRIMINATION IN THE LEGAL PROFESSION* 185–212 (1995).

126. Taber *et al.*, *supra* note 14, at 1245.

127. Mattesich & Heilman, *supra* note 53, at 95–97. Unfortunately, Mattesich and Heilman performed no tests of statistical significance on their results.

required.<sup>128</sup> Kathleen Hull's study of Chicago lawyers also found no significant gender differences in overall career satisfaction, although once again women were less satisfied with some specific satisfaction measures such as "recognition for their work" and "control over amount and manner of work," while men were less satisfied with other measures such as "relationships with work colleagues."<sup>129</sup> In a prior study of the Michigan Alumni Data Set using data from the classes 1976–79, David Chambers found no gender differences in overall career satisfaction, but women with children were more satisfied with their jobs than childless women and men with or without children.<sup>130</sup> Interestingly, Chambers also found that women with children were the happiest with their work/family balance, while women in general were more satisfied than men in this regard.<sup>131</sup>

The Michigan surveys asked the respondents five and fifteen years out of law school to evaluate their level of overall career satisfaction, and their satisfaction with various aspects of their work. These evaluations were done on a seven point scale from -3 for "very unsatisfied" to +3 for "very satisfied."<sup>132</sup> During various years the surveys asked about the respondents' satisfaction with their position's work/family balance, problem solving aspects, intellectual challenge, prestige, stress, co-workers, control of the job, potential for social change, and hours of

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128. Teitelbaum et al., *supra* note 14, at 473–74.

129. Kathleen E. Hull, *The Paradox of the Contented Female Lawyer*, 33 LAW & SOC'Y REV. 687, 691 (1999); see also Heinz et al., *Lawyers and Their Discontent*, *supra* note 7. A multivariate analysis also revealed that the effect of gender on job context satisfaction disappears after controlling for income and practice setting, suggesting that women's lower satisfaction with job context factors is a function of their lower income and concentration in less prestigious practice settings. Hull, *supra*, at 694.

130. David L. Chambers, *Accommodation and Satisfaction: Women and Men Lawyers and the Balance of Work and Family*, 14 LAW & SOC. INQUIRY 251, 274–76 (1989); see also Dau-Schmidt & Mukhopadhyaya, *supra* note 45, at 360–61.

131. Chambers, *supra* note 130. Data from the classes of 1976–79 showed that most women believed they spent more time than their male peers on family, and women were more likely to work part-time or leave law practice to accommodate family responsibilities, yet women were no less satisfied than men with the balance they had struck between work and family life. In fact, five years after law school graduation, 45% of women compared to 39% of men were highly satisfied with their work/family balance, and 25% of men but only 18% of women were highly dissatisfied. *Id.* at 273. Moreover, women with children were more satisfied with their work/family balance than women without children and men with or without children.

132. The Michigan Alumni Data Set in fact records these responses on a scale from 1 to 7, but we converted this to a -3 to 3 scale to ease interpretation of the results (negative numbers reflect dissatisfaction while positive numbers reflect satisfaction).

work.<sup>133</sup> The mean values of the respondents' answers to these questions for the five-year survey are reported in Table D15(5) separated by gender and time period, while the mean values for the responses to the fifteen-year survey are similarly reported in Table D15(15).

In Table D15(5), we see that although the men five years out of law school express significantly greater overall career satisfaction in the period before 1992, the women five years out hold an insignificant advantage in overall career satisfaction in the period 1996–2000. The women are significantly happier with their level of job stress and hours of work in the first period, and with their intellectual challenge, prestige, and social value of work in the second period. Unfortunately, the Michigan survey did not ask about satisfaction with hours of work in years after 1986, so we do not have this crucial variable for the second period. Beyond overall satisfaction with their careers in the first period, the men do not express significantly greater satisfaction with any aspect of their work in either period.

In Table D15(15), we see that the women fifteen years out of law school express greater overall career satisfaction in both time periods, but neither of these differences is statistically significant. The women fifteen years out of law school are significantly happier with their level of job stress, social value of work, and impact on social change in the period before 1992, and with their work/family balance, job stress, social value of work, co-workers, and control on the job in the period 1996–2000. Unfortunately, once again, no question on the respondents' satisfaction with the hours of work was asked in the second period and so direct information on this important question is unavailable. The men fifteen years out express significantly greater satisfaction with their income in both periods, but do not express significantly greater satisfaction with any other aspect of their job in either period. The implicit tradeoff seems to be that the women, who on average work less hours, do more childcare and make less money, achieve greater satisfaction with most aspects of their job—except money. The men who work more hours on average and make more money take their satisfaction in that. The results of the concurrent studies of Indiana alumni are consistent with these findings. They suggest that the women are insignificantly less satisfied than the men with their career five years out of law school and insignificantly more satisfied than the men fifteen years out of law school.<sup>134</sup>

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133. These data are found in variables 680 through 688 for the years 1981 to present, variable 678 (work stress) for the years 1985 to present, and variable 679 (satisfaction with hours) for years 1985–86.

134. Dau-Schmidt et al., *supra* note 6, at 1463, 1474; *see also* Stake et al., *supra* note 61.



TABLE D15(5): CAREER SATISFACTION: FIVE-YEAR SURVEY

Variable	Period 1: Survey Years 1991 and Before (Classes 1986 and Before)				Period 2: Survey Years 1996 through 2000 (Classes 1991 through 1995)				Change From Period 1 to Period 2	
	All Obs	Male	Female	Male- Fem	All Obs	Male	Female	Male- Fem	Abs $\Delta$ in M/F Diff	$\Delta$ in M/F Rel Pos
Career satisfaction Overall	1.340	1.356	1.292	0.064	1.189	1.165	1.225	-0.059	-0.005	MF
N	3045	2268	777		1174	707	467			
Work/Family Balance	0.565	0.561	0.576	-0.015	0.235	0.221	0.255	-0.034	0.019	FF
Income	1.304	1.304	1.305	-0.001	1.150	1.195	1.082	0.113	0.112	FM
Problem Solving	1.737	1.735	1.741	-0.006	1.726	1.717	1.740	-0.023	0.017	FF
Intellectual Challenge	1.469	1.452	1.517	-0.065	1.335	1.271	1.431	-0.159*	0.094	FF
Prestige	1.298	1.291	1.317	-0.027	1.206	1.117	1.338	-0.220*	0.193	FF
N	2730	2015	715		1163	698	465			
Job Stress	-1.065	-1.037	-1.134	-0.097	-0.890	-0.858	-0.938	0.079	-0.018	FM
Social Value of Work	0.416	0.409	0.435	-0.025	0.486	0.403	0.611	-0.209*	0.184	FF
Co-workers	1.560	1.546	1.595	-0.050	1.538	1.506	1.586	-0.080	0.03	FF
N	1711	1217	494		1165	701	464			
Control on the Job	1.017	1.028	0.992	0.036	0.942	0.938	0.947	-0.009	-0.027	MF
N	1243	868	375		1184	710	474			
Social Change	-0.215	-0.217	-0.204	-0.013						F0
N	1016	791	225							
Hours of Work	0.440	0.327	0.779	-0.452*						F0
N	486	364	122							

\* Difference in gender means significantly different from zero at the 0.1 level, two-tailed test.

TABLE D15(15): CAREER SATISFACTION: FIFTEEN-YEAR SURVEY

Variable	Period 1: Survey Years 1991 and Before (Classes 1976 and before)				Period 2: Survey Years 1996 through 2000 (Classes 1981 through 1985)				Change From Period 1 to Period 2	
	All Obs	Male	Female	Male- Fem	All Obs	Male	Female	Male- Fem	Abs $\Delta$ in M/F Diff	$\Delta$ in M/F Ref Pos
Career satisfaction Overall	1.626	1.621	1.677	-0.055	1.501	1.501	1.504	-0.003	-0.052	FF
N	2591	2393	198		1053	777	276			
Work/Family Balance	1.064	1.064	1.068	-0.004	0.719	0.668	0.849	-0.181	0.177	FF
Income	1.275	1.307	0.889	0.417*	1.298	1.356	1.133	0.224*	-0.193	MM
Problem Solving	2.072	2.079	1.990	0.089	2.000	2.008	1.978	0.030	-0.059	MM
Intellectual Challenge	1.706	1.707	1.697	0.010	1.641	1.651	1.615	0.035	0.025	MM
Prestige	1.505	1.499	1.582	-0.083	1.243	1.232	1.274	-0.042	-0.041	FF
N	2563	2369	194		1033	762	271			
Job Stress	-0.898	-0.932	-0.617	-0.315*	0.045	-0.070	0.349	-0.419*	0.104	FF
Social Value of Work	0.940	0.911	1.193	-0.282*	0.880	0.838	0.996	-0.158	-0.124	FF
Co-workers	1.653	1.656	1.625	0.031	1.606	1.571	1.707	-0.136	0.105	MF
N	1629	1461	168		1026	760	266			
Control on the Job	1.497	1.506	1.427	0.080	1.526	1.495	1.614	-0.119	0.039	MF
N	1268	1118	150		1064	784	280			
Social Change	0.241	0.227	0.720	-0.493					-0.493	F0
N	898	873	25							
Hours of Work	0.980	0.973	1.080	-0.107					-0.107	F0
N	393	368	25							

\* Difference in gender means significantly different from zero at the 0.1 level, two-tailed test.

In Table D17(15) in the Appendix, we present average values for the career satisfaction data broken down by gender and whether the respondents had children and did childcare. Examining these figures, we see that people with kids seem to enjoy their careers more. Women with kids who have not taken time away from paid work to do childcare on average enjoy their careers most (1.66), followed closely by men who have kids and who have not taken time away from work to do childcare (1.55), men who do childcare (1.54), and women who do childcare (1.51). Women and men who do not have kids on average enjoy their careers significantly less (1.36 and 1.30 respectively). Even though kids take time in lawyers' busy lives, apparently this distraction serves to give meaning to and/or respite from the demands of the career. It may also be that kids increase career satisfaction indirectly through satisfaction with the family, which, as we will see in the regressions below, is strongly positively correlated with career satisfaction.

### a. Regression Analysis

To separate the impact of gender on career satisfaction from that of other variables in the Michigan Data Set, we estimated regressions 9 through 14. These regression equations estimate the respondent's overall career satisfaction as a function of gender, race, ethnicity, income, years of practice, hours of work, job stress, satisfaction with the family, satisfaction with work/family balance, city size, region, type of practice or job, whether the respondent is a partner, and whether the respondent was mentored. The default for the regression when all dummy variables equal zero is a white male in a super-sized private practice in a large city in the Midwest. Regression 9 reports the results for the data from the five-year survey in the period before 1992, while regression 10 reports the results for the data from the five-year survey in the period from 1994 until 2000.<sup>135</sup> Similarly, regressions 11 and 13 report the results for the data from the fifteen-year survey in the period before 1992, and regressions 12 and 14 report the results for the data from the fifteen-year survey in the period from 1996 to 2000. Regressions 11 and 12 include a single dummy variable for female, while regressions 13 and 14 break that dummy down into three dummy variables: one for women without kids, another for women who have kids but have not taken time away from paid work for childcare, and a third for women who have taken time away from paid work to do childcare. Regressions 13 and 14 also include a dummy variable for men who took time away from paid work to do childcare.

In general the results of these regressions make intuitive sense in that they show that career satisfaction is positively related to income, less job stress, certain types of practice, and being mentored, and is negatively related to working in private practice not as a partner. Career satisfaction shows a strong positive relationship with satisfaction with the family and work/family balance. The undoubted endogeneity among these variables will have to be sorted out, if at all, through the use of two-stage regression and instrumental variables, which is beyond the scope of this current project. Taking these regressions as a first cut at the problem, we see that in the first two regressions on the five-year data the coefficient for female is essentially zero, indicating that the women are as satisfied as comparable men, but in the four regressions on the fifteen-year data all of the coefficients for the female dummy variables

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135. We expanded the second period to the years 1994 and 1995 for the purposes of these regressions to achieve approximately the same number of observations for all four regressions.

are positive, several significantly so, indicating that the women enjoy greater career satisfaction than the men after controlling for the examined variables. In regressions 11 and 12 the women are approximately a fifth of a point or one sixth of a standard deviation more satisfied than similarly situated men, which translates to the average woman being seven percentiles happier at the mean, assuming a standard normal distribution.<sup>136</sup> This result might be explained by the fact that women tend to divide their time more evenly between work and home than men. Although they pay for this division of attention in terms of advancement and income, diversifying their ambitions may yield greater satisfaction both with their family and on the job.<sup>137</sup>

The results of regressions 13 and 14 are consistent with the hypothesis that women reap career satisfaction benefits from dividing work between their career and family. The results show that, when the female dummy variable is broken down according to family situation, only the coefficient for the dummy variable for women who do childcare is significantly positive. In regressions 13 and 14 the women who do childcare are two-fifths of a point or two-sixths of a standard deviation more satisfied than the men, which translates to them being on average 13.5 percentiles happier at the mean, assuming a standard normal distribution. Interestingly, the coefficient for men who do childcare is significantly negative in the first period and then insignificantly positive in the second period. These results for men who do childcare are based on only a few observations so perhaps this change means nothing, but perhaps it reflects some accommodation to the idea that men might sacrifice their career to do childcare. The regression analysis of the Indiana data is consistent with these results in that the women proved significantly more satisfied with their careers than the men fifteen years out of law school, after controlling for income, hours, type of practice, and other variables.<sup>138</sup>

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136. For the fifteen-year survey, years 1996–2000, the means and standard deviations for overall career satisfaction are: mean 1.501425 std. dev. 1.168848 n = 1053 (whole sample); mean 1.500644 std. dev. 1.155584 n = 777 (men); and mean 1.503623 std. dev. 1.207547 n = 276 (women).

137. This insight was contributed by a senior female partner in one of our focus groups, who said, “The men don’t realize there’s more to life than chasing a buck.”

138. Dau-Schmidt et al., *supra* note 6 at 1474; *see also* Stake et al., *supra* note 61.

Regressions with "Overall Career Satisfaction" (-3 to +3) as the Dependent Variable	Regression 9 Survey Years 1991 & before Five-Year Survey		Regression 10 Survey Years 1994-2000 Five-Year Survey	
	<i>Coefficient</i>	<i>Robust Std. Error</i>	<i>Coefficient</i>	<i>Robust Std. Error</i>
<i>Independent Variables</i>				
Female	0.004	0.076	0.051	0.071
Black	-0.021	0.155	-0.205	0.178
Hispanic	-0.273	0.222	0.007	0.159
Asian	-0.529	0.453	-0.003	0.173
Real Income (2004 dollars)	0.003**	0.001	0.003**	0.001
Years of Practice	0.29	0.208	-0.203	0.167
Years of Practice Squared	-0.031	0.028	0.032	0.022
Annual Hours of Work	0.001	0.001	0.001*	0.001
Annual Hours of Work Squared	-9.70E-08	1.20E-07	-1.80E-07	1.40E-07
Less Job Stress	0.025	0.031	0.067**	0.033
Satisfaction with Family	0.091**	0.028	0.04	0.029
Satis Work/Family Balance	0.268**	0.028	0.293**	0.029
Law School GPA	0.052	0.093	0.206*	0.112
City Work Medium (125k-500k)	0.036	0.076	0.105	0.076
City Work Small (<125K)	0.111	0.11	0.13	0.111
Region East	-0.109	0.085	0.006	0.087
Region West Coast	-0.097	0.097	0.109	0.1
Region Southeast	-0.08	0.094	0.525**	0.099
Region West	0.084	0.171	-0.025	0.148
Private Practice Large (51-150)	-0.028	0.101	0.058	0.107
Private Practice Medium (16-50)	-0.011	0.119	0.158	0.132
Private Practice Small (1-15)	0.107	0.118	0.182	0.119
Corporate Counsel	-0.041	0.15	0.245**	0.12
Government Practice	0.474**	0.137	0.384**	0.154
Legal Services	0.893**	0.177	0.880**	0.161
Other Practice	0.51	0.445	0.049	0.39
Teach Law	0.836**	0.172	0.547*	0.306
Judge	—	—	0.009	0.151
Public Official	1.141**	0.317	—	-----
Business Non-Practice	0.429**	0.196	0.178	0.206
Government Non-Practice	0.528*	0.304	0.407**	0.198
Other Non-Practice	0.410*	0.228	0.572**	0.194
Mentored	0.228**	0.067	0.386**	0.074
Constant	-2.176**	1.067	-2.560**	1.127
<b>Regression Summary Statistics</b>				
Number of obs = 1016 F ( 32, 983 ) = 13.68 Prob > F = 0.0000 R-squared = 0.2621 Root MSE = 0.9857		Number of obs = 1011 F ( 32, 978 ) = 21.12 Prob > F = 0.0000 R-squared = 0.2947 Root MSE = 1.0252		

\* Difference in gender means significantly different from zero at the 0.1 level.

\*\* Difference in gender means significantly different from zero at the 0.05 level.

Regressions performed on observations with annual hours worked > 1800, full-time employment.

Regressions with "Overall Career Satisfaction" (-3 to +3) as the Dependent Variable	Regression 11 Survey Years 1991 & before Fifteen-Year Survey		Regression 12 Survey Years 1994-2000 Fifteen-Year Survey	
	Coefficient	Robust Std. Error	Coefficient	Robust Std. Error
<i>Independent Variables</i>				
Female	0.170*	0.096	0.179**	0.081
Black	0.17	0.134	0.065	0.194
Hispanic	0.555	0.394	0.558**	0.212
Asian	—	—	0.470*	0.249
Real Income (2004 dollars)	0.002**	3.00E-04	0.002**	3.40E-04
Years of Practice	0.001	0.062	-0.073	0.069
Years of Practice Squared	1.30E-04	0.003	0.004	0.003
Annual Hours of Work	0.003**	0.001	0.002**	0.001
Annual Hours of Work Squared	-4.3E-07**	1.10E-07	-2.5E-07*	1.40E-07
Less Job Stress	0.087**	0.026	0.066**	0.023
Satisfaction with Family	0.110**	0.027	0.138**	0.032
Satisfaction Work/Family Balance	0.235**	0.026	0.251**	0.03
Law School GPA	0.063	0.083	0.171*	0.094
City Work Medium (125k-500k)	0.014	0.065	0.123*	0.072
City Work Small (<125K)	0.018	0.086	0.05	0.103
Region East	-0.082	0.078	0.083	0.074
Region West Coast	0.001	0.085	0.024	0.104
Region Southeast	0.004	0.098	-0.072	0.121
Region West	-0.028	0.148	0.026	0.169
Private Practice Large (51-150)	-0.024	0.116	-0.109	0.12
Private Practice Medium (16-50)	0.067	0.119	0.085	0.118
Private Practice Small (1-15)	0.315**	0.108	0.229**	0.116
Not a Partner	-0.083	0.112	-0.335**	0.133
Corporate Counsel	0.002	0.131	0.155	0.109
Government Practice	0.053	0.154	0.301**	0.149
Legal Services	0.564**	0.227	0.553	0.372
Other Practice	0.486**	0.242	0.191	0.306
Teach Law	0.699**	0.18	0.675**	0.221
Judge	0.688**	0.193	0.684**	0.235
Public Official	-0.097	0.145	0.665**	0.332
Business Non-Practice	0.253*	0.141	0.212	0.155
Government Non-Practice	0.707**	0.309	0.476**	0.229
Other Non-Practice	0.575**	0.185	0.498**	0.219
Mentored	0.180**	0.057	0.138**	0.065
Constant	-3.757**	0.956	-2.525**	1.078
<b>Regression Summary Statistics</b>				
Number of obs = 1028		Number of obs = 1005		
F ( 32, 994 ) = .		F ( 34, 970 ) = 11.84		
Prob > F = .		Prob > F = 0.0000		
R-squared = 0.2993		R-squared = 0.2934		
Root MSE = .87929		Root MSE = .97505		

\* Difference in gender means significantly different from zero at the 0.1 level.

\*\* Difference in gender means significantly different from zero at the 0.05 level.

Regressions performed on observations with annual hours worked > 1800, full-time employment.

Regressions with "Overall Career Satisfaction" (-3 to +3) as the Dependent Variable	Regression 13 Survey Years 1991 & before Fifteen-Year Survey		Regression 14 Survey Years 1994-2000 Fifteen-Year Survey	
	Independent Variables	Coefficient	Robust Std. Error	Coefficient
Fem No Kids	0.131	0.135	0.073	0.137
Fem Kids No CC	0.037	0.161	0.179	0.121
Fem Kids CC	0.456**	0.192	0.384**	0.113
Male Kids CC	-0.428**	0.173	0.25	0.229
Black	0.19	0.135	0.04	0.197
Hispanic	0.55	0.397	0.560**	0.215
Asian	—	—	0.347	0.241
Real Income (2004 dollars)	0.002**	3.00E-04	0.002**	3.40E-04
Years of Practice	0.001	0.063	-0.069	0.069
Years of Practice Squared	8.10E-05	0.003	0.004	0.003
Annual Hours of Work	0.003**	0.001	0.002**	0.001
Annual Hours of Work Squared	-4.4E-07**	1.10E-07	-2.6E-07*	1.40E-07
Less Job Stress	0.086**	0.026	0.066**	0.023
Satisfaction with Family	0.113**	0.028	0.140**	0.033
Satisfaction Work/Family Balance	0.234**	0.026	0.254**	0.03
Law School GPA	0.048	0.083	0.171*	0.094
City Work Medium (125k-500k)	0.025	0.066	0.112	0.072
City Work Small (<125K)	0.015	0.087	0.061	0.104
Region East	-0.078	0.079	0.063	0.075
Region West Coast	-0.002	0.086	0.012	0.103
Region Southeast	-0.008	0.099	-0.069	0.124
Region West	-0.042	0.148	0.04	0.175
Private Practice Large (51-150)	-0.024	0.116	-0.105	0.121
Private Practice Medium (16-50)	0.07	0.12	0.089	0.119
Private Practice Small (1-15)	0.324**	0.108	0.218*	0.117
Not a Partner	-0.079	0.112	-0.341**	0.133
Corporate Counsel	-0.002	0.131	0.153	0.11
Government Practice	0.054	0.155	0.290*	0.149
Legal Services	0.572**	0.228	0.544	0.371
Other Practice	0.489**	0.246	0.333	0.31
Teach Law	0.711**	0.178	0.647**	0.223
Judge	0.684**	0.193	0.635**	0.264
Public Official	-0.097	0.146	0.712**	0.323
Business Non-Practice	0.257*	0.141	0.209	0.155
Government Non-Practice	0.746**	0.31	0.418*	0.24
Other Non-Practice	0.572**	0.184	0.495**	0.217
Mentored	0.174**	0.058	0.137**	0.065
Constant	-3.795**	0.955	-2.658**	1.089
<b>Regression Summary Statistics</b>				
Number of obs = 1025		Number of obs = 997		
F ( 35, 988 ) = .		F ( 37, 959 ) = 10.86		
Prob > F = .		Prob > F = 0.000		
R-squared = 0.3012		R-squared = 0.2977		
Root MSE = 0.87967		Root MSE = 0.97466		

\* Difference in gender means significantly different from zero at the 0.1 level.

\*\* Difference in gender means significantly different from zero at the 0.05 level.

Regressions performed on observations with annual hours worked > 1800, full-time employment.

### III. CONCLUSION

The entry of women into the legal profession has forever changed both lawyers and the profession. Women have brought to the legal profession a different set of assets and problems than men. Although there is of course tremendous overlap in personal characteristics between the genders, on average the women report that they are more concerned with the impact of their work on society and are more compassionate, honest, and liberal than the men report themselves to be. On the other hand, the men report that they have a greater desire for money and are more confident, better dealmakers, and more aggressive than the women report themselves to be. Moreover, because of their different roles in courtship and the family, men and women lawyers tend to have different family characteristics and tend to address the problem of accommodating work and family in different ways. The men are more likely to be married, have a spouse who focuses on childcare, and have more children, while the women are more likely to have a spouse with an intense job and enjoy much higher spousal income. In balancing productivity in the workplace and the home, the men work 32.7% more hours outside the home than the women fifteen years out of law school, while by this same time the women are more than twelve times as likely to have taken time off from paid work to do childcare. Among the 3.2% of men and 39.6% of women who, fifteen years after law school, report that they have either not worked or worked part-time to do childcare, the average number of months they have taken reduced paid work to do childcare is 23 for the men and 58 for the women—or almost 5 years. It appears that, over the course of the last thirty years, either the type of woman who enters the legal profession has shifted to one who is more family-oriented, and/or the profession has changed to be somewhat more accommodating of childcare, since the average number of children the women lawyers have has increased, as has the percentage of women lawyers who take time away from paid work to do childcare and the period of time they commit to childcare, while the average number of hours in paid work done by women has decreased.

These differences in personal and family characteristics, and in particular whether the attorney takes time away from paid work to do childcare, can have an enormous impact on a person's career. Reflecting their different levels of desire for money and concern about social impact, and their different commitments to childcare, men are more likely to go into private practice and business, while women are more likely to go into corporate counsel positions, government work, public interest work, and legal education. Despite these general trends, women have



shown an equal propensity to go into practice in the largest firms, perhaps because these firms are viewed as more reliable in accommodating childcare early in a woman's career. Within practice, men are disproportionately drawn to specialties and activities that yield high income, while women are drawn to activities that yield predictable and lower hours. On average, men with children who have not taken time away from paid work to do childcare work the most hours in a year (2520), followed by men and women who do not have kids (2341), men who have taken time away from paid work to do childcare (2092), women with kids who have not taken time away from paid work to do childcare (1908), and women who have taken time away from paid work to do childcare (1328). Even among partners in private firms women work significantly fewer hours a year (2314) than men (2570), with women who have taken time away from paid work to do childcare working the least (2008). Men are more likely to enter and stay in private practice and to be a partner fifteen years after law school, but in taking account of family situations we find that men who have missed paid work to do childcare are the least likely group to remain in private practice and be a partner, followed by women who have missed paid work to do childcare. Interestingly, among women, women who have kids but who have not missed paid work to do childcare are the most likely to enter and remain in private practice and to make partner, even though they work significantly fewer hours than women without kids. Our logistic regression of the probability of being a partner shows an insignificantly negative effect for being a woman, but this effect is disproportionately borne by women who do childcare, who suffer a disadvantage similar to that of men who do childcare.

This myriad of decisions and events over the course of their careers results in significant differences in income and career satisfaction between men and women. Although they begin the practice of law with only a small difference in their average income, by fifteen years after law school women on average earn significantly less a year (\$132,170) than men (\$229,529). However, our means and regression analysis suggest that, once again, the impact of lower income is disproportionately borne by women who do childcare, who suffer a disadvantage similar to that of men who do childcare. In our regression analysis only women who have done childcare show a significantly negative impact on income, and that impact is similar, and perhaps even less, than the negative impact on income suffered by men who have done childcare. However, the reward for women who do childcare is that they enjoy significantly higher career satisfaction and satisfaction with their work/family balance than men, or women who do not do childcare. The impact of childcare on

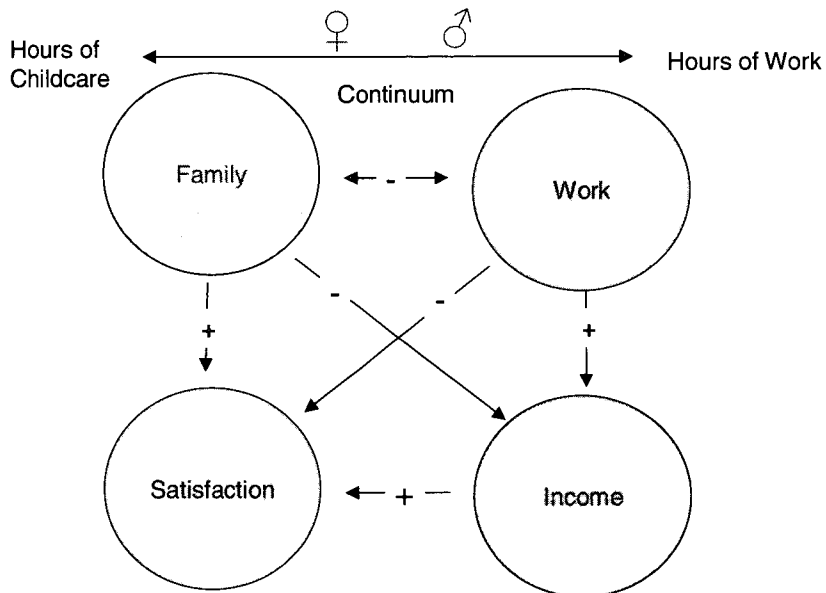
men's career satisfaction is mixed and less clear, but they do report being significantly more satisfied with their work/family balance than men or women who have not missed paid work to do childcare.

The overall picture that emerges from our analysis is one of great heterogeneity in career experience not only between the genders but within each gender, according to whether a person decides to commit his or her time and energies to family or career. The impact of this fundamental decision on income and satisfaction is represented in Figure 1. In undertaking a legal career, both men and women have to choose where to situate themselves in dedicating hours and effort to childcare or their career. Our analysis reveals a wide variety of commitments to family and work among both women and men that have profound impacts on their legal careers, income, and career satisfaction. Men and women who make the greatest commitments to family and childcare work significantly fewer hours in paid employment as lawyers and are much less likely to be found in the highest paid types of practices or as partners in private practice. This commitment to family has a strong negative impact on the person's income but a significantly positive impact on his or her satisfaction with career and work/family balance. Men and women who make the greatest commitments to paid work, labor significantly more hours in paid employment and are much more likely to be found in the highest paid types of practices or as partners in private practice. This commitment to paid work has a strong positive impact on the person's income but a significantly negative impact on his or her satisfaction with career and work/family balance.

Of course this "choice" as to where to commit one's time and efforts is influenced and greatly constrained by personal characteristics, the expectations of mates, and social norms for behavior. As a result, although there is great variation within each gender, women tend to locate towards the left end of the family/work continuum with a greater commitment to family, and men tend to locate to the right end of the continuum with a greater commitment to paid work. Following our figures on hours worked, going from left to right, women who have taken time away from paid work to do childcare show the greatest investment in hours worked to the family, followed by other women with kids, men who have missed paid work to do childcare, men and women without kids, and finally men who have kids but who have not taken time away from paid work to do childcare. A person's location along the continuum influences a host of decisions and events during the course of his or her career that ultimately produces either greater satisfaction or greater income. Of course greater income can enhance career satisfaction, but this indirect effect seems to be dominated by the direct effects of

location along the working-hours continuum. Because more women are located along the left of this continuum and more men are located along the right, the result is that women on average enjoy greater career satisfaction and satisfaction with work/family balance, while the men enjoy much greater income.

FIGURE 1: TRADEOFF BETWEEN WORK AND FAMILY,  
INCOME AND SATISFACTION



The entry of women into the legal profession has changed not only who practices law, but the profession itself. Our data suggests substantial accommodation of women lawyers in the profession and modest accommodation of both men and women lawyers who want to do childcare. The women in our sample have opportunities to do some of the best jobs in the profession, including large firm practice, corporate counsel positions, and academic positions, enjoy at least as much mentoring as the men, and express greater satisfaction with their careers and work/family balance. On the issue of childcare, our data suggest that more men and women who want to do childcare are entering the profession and that they are taking significantly longer periods away from paid work to do childcare and are working less hours each year. Unfortunately, there is still a substantial price to pay for the opportunity to do childcare for both men and women in terms of a substantially reduced probability of being a partner and significantly reduced income. Even

on these counts there is small reason for optimism in the convergence of male and female median wages. Perhaps one of the most profound changes that the entry of women has wrought on the legal profession is that now, among the men, a few gallant pioneers are undertaking significant amounts of childcare even at the expense of their paid career. Certainly there is much more diversity in commitment to family and work in the legal field now that women amount to a significant portion of the profession. ❀

APPENDIX

TABLE C2(15): FAMILY CHARACTERISTICS: COMPARISON OF GROUPS OF MEN AND WOMEN BY FAMILY SITUATION, FIFTEEN-YEAR SURVEY, SURVEY YEARS 1996–2000, CLASSES 1981–85

Variable	Comparison of Groups of Men			Comparison of Groups of Women		
	Male No Kids	Male Kids No Childcare	Male Kids Childcare	Female No Kids	Female Kids No Childcare	Female Kids Childcare
	(1)	(2)	(3)	(1)	(2)	(3)
% Married	40.71 (2)*(3)*	95.53 (1)*	88.00 (1)*	45.24 (2)*(3)*	87.76 (1)*	87.60 (1)*
Number of Kids	0 (2)*(3)*	2.31 (1)*(3)*	2.00 (1)*(2)*	0 (2)*(3)*	2.06 (1)*	2.12 (1)*
Ann Childcare Costs	0 (2)*(3)*	9,373 (1)*	9,178 (1)*	0 (2)*(3)*	15,292 (1)*(3)	12,030 (1)*(2)
Satis. Family	1.42 (2)*	1.94 (1)*	1.76	1.48 (2)*(3)*	2.15 (1)*	2.12 (1)*
% Spouse at Home	5.13 (2)*	36.68 (1)*(3)*	4.55 (2)*	0	4.60	1.80
% Spouse Intense Job	30.67 (3)*	34.97	48.00 (1)*	31.40 (2)*(3)*	55.10 (1)*(3)*	69.92 (1)*(2)*
Spouse's Income <sup>†</sup>	47,723 (3)*	38,496 (3)*	79,686 (1)*(2)*	86,947 (2)*(3)*	154,143 (1)*	177,117 (1)*
Total Household Inc	268,440	308,813 (3)*	202,728 (2)*	236,746 (2)*	335,207 (1)*	275,935
% Breadwinner	76.12 (3)*	79.71 (3)*	30.43 (1)*(2)*	62.50 (2)*(3)*	37.21 (1)*(3)*	23.47 (1)*(2)*
Real Income (2004\$)	178,753 (2)*(3)*	248,877 (1)*(3)*	98,187 (1)*(2)*	152,488 (3)*	160,919 (3)*	90,966 (1)*(2)*
Career Satis Overall	1.296 (2)*	1.551 (1)*	1.542	1.357	1.659	1.505
N	127	523	22	77	78	83

\* Difference in gender means significantly different from zero at the 0.1 level, two-tailed test.

<sup>†</sup> Denotes percentage or mean computed only for those respondents with a spouse.

TABLE D1(Pp15): HRS OF WORK, YRS OF PRACTICE AND CHILDCARE FOR RESPONDENTS IN PRIV. PRACTICE: FIFTEEN-YEAR SURVEY

Variable	Period 1: Survey Years 1991 and Before (Classes 1976 and Before)				Period 2: Survey Years 1996 through 2000 (Classes 1981 through 1985)				Change From Period 1 to Period 2	
	All Obs	Male	Female	Male- Fem	All Obs	Male	Female	Male- Fem	Abs Δ in Diff	Δ in M/F Rel Pos
Annual Hours of Work	2391	2399	2242	157*	2452	2538	2136	401*	244	MM
N	1667	1587	80		524	412	112			
% Ever PT or Not Wk to do Childcare	3.37	0.99	33.33	-32.34*	8.84	0.94	37.93	-36.99*	4.65	FF
Mos Not Work, to do Childcare	1.263	0.169	15.028	-14.859*	4.775	0.218	21.552	-21.334*	6.475	FF
N	978	906	72		543	427	116			
Satis. Work/Family Balance	0.948	0.947	0.964	-0.017	0.393	0.411	0.325	0.087	0.07	FM
N	1697	1614	83		540	423	117			

\* Difference in gender means significantly different from zero at the 0.1 level, two-tailed test.

TABLE D3(15): TYPE OF PRACTICE: FIFTEEN-YEAR SURVEY

Variable	Period 1: Survey Years 1991 and Before (Classes 1976 and before)				Period 2: Survey Years 1996 through 2000 (Classes 1981 through 1985)				Change From Period 1 to Period 2	
	All Obs	Male	Female	Male- Fem	All Obs	Male	Female	Male-Fem	Abs $\Delta$ in M/F Diff	$\Delta$ in M/F Rel Pos
% Sum'r Job Same as 1st Job	23.5	24.4	17.2	7.2*	39.3	42.4	31.5	10.9*	3.7	MM
% Served as Judicial Clerk	10.5	10.7	8.6	2.1	16.1	14.5	20.1	-5.6*	3.5	MF
% Private Practice	64.4	65.7	38.6	27.0*	51.4	56.6	38.5	18.1*	-8.9	MM
% Priv't Pract Supr (>150)	5.3	5.2	6.9	-1.7	17.7	19.9	12.3	7.5*	5.8	FM
% Priv't Pract Lrg (51-150)	9.8	10.0	5.2	4.8*	9.5	10.6	6.7	3.9*	-0.9	MM
% Priv't Pract Med (16-50)	10.8	11.1	5.2	5.9*	7.6	7.8	7.0	0.8	-5.1	MM
% Priv't Pract Small (1-15)	36.8	37.6	20.6	17.1*	15.9	17.6	11.7	5.9*	-11.2	MM
% Corporate Counsel	10.8	10.8	10.0	0.8	12.4	12.9	11.2	1.7	0.9	MM
% Government Practice	6.3	6.1	10.4	-4.3*	7.1	5.9	9.9	-3.9*	-0.4	FF
% Legal Services	0.5	0.4	2.4	-2.0*	1.0	0.8	1.6	-0.9	-1.1	FF
% Other Practice	1.2	1.1	3.2	-2.1*	1.7	1.2	3.0	-1.8*	-0.3	FF
% Teach Law	1.1	0.8	6.8	-6.0*	2.8	2.2	4.3	-2.0*	-4.0	FF
% Judge	2.2	2.0	6.4	-4.4*	0.8	0.8	0.7	0.1	-4.3	FM
% Public Official	1.0	1.0	0.8	0.2	0.5	0.5	0.3	0.2	0.0	MM
% Business Non-Practice	3.1	3.1	3.2	-0.1	7.1	9.0	2.3	6.7*	6.6	FM
% Government Non- Practice	0.4	0.4	0.8	-0.4	2.8	2.2	4.3	-1.8*	1.4	FF
% Other Non-Practice	8.3	8.3	8.4	-0.1	6.5	5.9	7.9	-2.0	1.9	FF
% Parent	0.7	0.3	8.8	-8.5*	4.9	0.9	14.8	-13.9*	5.4	FF
% Unemployed	0.9	0.5	9.2	-8.7*	5.8	1.8	15.8	-13.9*	5.2	FF
% Unemployed & Not Parenting	0.2	0.2	0.4	-0.2	1.0	0.9	1.3	-0.4	0.2	FF
N	5361	5110	251		1062	758	304			

\* Difference in gender means significantly different from zero at the 0.1 level, two-tailed test.

TABLE D4.1(5): AREA OF PRACTICE SPECIALTY: FIVE-YEAR SURVEY

Variable	Period 1: Survey Years 1991 and Before (Classes 1986 and before)				Period 2: Survey Years 1996 through 2000 (Classes 1991 through 1995)				Change From Period 1 to Period 2	
	All Obs	Male	Female	Male- Fem	All Obs	Male	Female	Male- Fem	Abs $\Delta$ in M/F Diff	$\Delta$ in M/F Rel Pos
<b>Area of Specialty</b>										
% Administrative	6.9	6.9	6.6	0.3	1.4	1.1	1.9	-0.8	0.5	MF
% Antitrust	4.5	4.9	2.9	2.0*	1.9	2.4	1.2	1.2	-0.8	MM
% Banking	9.0	9.2	7.8	1.4	4.0	4.3	3.6	0.8	-0.6	MM
% Debtor-Creditor	5.2	5.2	5.1	0.1	1.8	2.3	1.2	1.1	1	MM
% Civil Rights	3.2	2.4	7.2	-4.8*	11.6	10.0	14.1	-4.1*	-0.7	FF
% Communications	0.7	0.7	0.9	-0.3	2.2	2.6	1.7	0.9	0.6	FM
% Corporate	30.9	31.5	27.7	3.8*	33.8	37.1	28.9	8.3*	4.5	MM
% Criminal	7.4	7.5	6.7	0.8	8.7	8.8	8.6	0.3	-0.5	MM
% Domestic Rels	4.2	3.9	5.6	-1.7*	1.8	0.8	3.3	-2.5*	0.8	FF
% Employee Bens	3.4	3.2	4.1	-0.8	1.6	1.3	2.1	-0.9	0.1	FF
% Energy	2.6	2.7	1.9	0.8	0.3	0.2	0.5	-0.3	-0.5	MF
% Environmental	2.6	2.4	3.6	-1.3*	3.0	3.1	2.9	0.2	-1.1	FM
% Estate Tax	8.6	9.1	6.1	3.1*	2.9	1.9	4.3	-2.4*	-0.7	MF
% Municipal	3.6	3.7	3.3	0.4	1.0	1.3	0.5	0.8	0.4	MM
% Immigration	0.1	0.1	0.1	1.1E-02	0.8	0.6	1.0	-0.3	0.3	MF
% Income Tax	1.6	1.6	1.3	0.3	2.7	2.7	2.6	0.1	-0.2	MM
% Insurance	3.1	3.0	3.5	-0.5	2.4	1.8	3.3	-1.6	1.1	FF
% Internat'l Trade	0.2	0.2	0.4	-0.2	0.9	1.0	0.7	0.2	0	FM
% Labor	6.3	6.4	6.1	0.3	3.3	2.7	4.1	-1.3	1	MF
% Patent	1.8	1.9	1.0	0.9*	7.4	8.8	5.3	3.6*	2.7	MM
% Real Property	11.8	12.4	8.6	3.8*	3.8	3.4	4.5	-1.2	-2.6	MF
% Securities	8.0	8.0	7.8	0.2	7.5	8.4	6.2	2.2	2	MM
% Torts	11.5	11.8	9.6	2.2*	8.7	9.3	7.9	1.4	-0.8	MM
N	4158	3418	740		1041	622	419			
<b>Current Specialty Compared with Law School Plan</b>										
Area Main Plan	17.8	18.7	15.5	3.2	27.0	31.1	19.8	11.3*	8.1	MM
Area One Plan	39.4	41.5	34.4	7.1*	38.4	37.2	40.5	-3.3	-3.8	MF
Area Not in Plan	41.5	38.5	49.0	-10.5*	34.1	31.4	38.8	-7.4*	-3.1	FF
N	1567	1116	451		622	395	227			

\* Difference in gender means significantly different from zero at the 0.1 level, two-tailed test.

TABLE D4.1(15): AREA OF PRACTICE SPECIALTY: FIFTEEN-YEAR SURVEY

Variable	Period 1: Survey Years 1991 and Before (Classes 1976 and before)				Period 2: Survey Years 1996 through 2000 (Classes 1981 through 1985)				Change From Period 1 to Period 2	
	All Obs	Male	Female	Male- Fem	All Obs	Male	Female	Male- Fem	Abs $\Delta$ in M/F Diff	$\Delta$ in M/F Rel Pos
<b>Area of Specialty</b>										
% Administrative	4.4	4.3	4.9	-0.6	2.2	1.1	5.4	-4.2*	3.6	FF
% Antitrust	3.7	3.7	4.3	-0.6	1.6	1.6	1.5	0.1	-0.5	FM
% Banking	7.0	7.0	5.6	1.5	6.3	6.3	6.3	-0.1	-1.4	MF
% Debtor-Creditor	3.5	3.5	3.1	0.4	5.4	6.1	3.4	2.7*	2.3	MM
% Civil Rights	2.1	1.9	6.5	-4.6*	6.7	5.6	9.8	-4.1*	-0.5	FF
% Communications	1.0	0.9	3.2	-2.4	1.6	1.4	2.0	-0.5	-1.9	FF
% Corporate	31.4	31.9	19.1	2.7*	34.8	37.5	26.8	10.6*	-2.1	MM
% Criminal	5.5	5.5	6.2	-0.7	5.7	5.3	6.8	-1.5	0.8	FF
% Domestic Relations	3.6	3.3	10.5	-7.2*	1.9	1.3	3.9	-2.6*	-4.6	FF
% Employee Benefits	5.2	5.3	3.1	2.2	2.1	1.6	3.4	-1.8	-0.4	MF
% Energy	2.6	2.7	1.9	0.8	1.2	1.3	1.0	0.3	-0.5	MM
% Environmental	1.5	1.4	2.6	-1.2	6.8	7.4	4.9	2.5	1.3	FM
% Estate Tax	14.4	14.6	9.9	4.7*	2.8	2.4	3.9	-1.5	-3.2	MF
% Municipal	3.7	3.8	2.5	1.3	2.2	2.1	2.4	-0.3	-1	MF
% Immigration	0.1	0.1	0.7	-0.6	0.6	0.3	1.5	-1.1	0.5	FF
% Income Tax	1.8	1.7	3.2	-1.5	3.9	4.7	1.5	3.2*	1.7	FM
Insurance	4.0	4.0	3.1	0.9	3.1	3.1	3.4	-0.4	-0.5	MF
% Internat'l Trade	0.2	0.2	0.7	-0.5	0.7	0.6	1.0	-0.3	-0.2	FF
% Labor	5.5	5.4	7.4	-2.0	3.4	3.4	3.4	-3.8E-02	-2	FF
% Patent	2.5	2.6	0	2.6*	3.9	3.9	3.9	-4.4E-02	-2.6	MF
% Real Property	13.8	13.9	12.3	1.6	7.3	7.6	6.3	1.2	-0.4	MM
% Securities	5.8	5.9	4.3	1.6	5.8	6.1	4.9	1.2	-0.4	MM
% Torts	15.8	16.0	12.3	3.6	9.1	10.6	4.4	6.2*	2.6	MM
N	3878	3725	153		827	622	205			
<b>Current Specialty Compared with Law School Plan</b>										
% Area Main Plan	12.7	12.8	11.2	1.6	19.2	20.6	14.6	6.0	4.4	MM
% Area One Plan	35.4	36.1	28.0	8.1*	30.5	34.6	17.1	17.5*	9.4	MM
% Area Not in Plan	51.1	50.3	59.2	-8.9*	49.7	44.1	68.3	-24.2*	15.3	FF
N	1391	1266	125		177	136	41			

\* Difference in gender means significantly different from zero at the 0.1 level, two-tailed test.



TABLE D4.2(15): AREA OF PRACTICE SPECIALTY: COMPARISON OF GROUPS OF MEN AND WOMEN BY FAMILY SITUATION, FIFTEEN-YEAR SURVEY, SURVEY YEARS 1996–2000, CLASSES 1981–85

Variable	Comparison of Groups of Men			Comparison of Groups of Women		
	Male No Kids	Male Kids No Childcare	Male Kids Childcare	Female No Kids	Female Kids No Childcare	Female Kids Childcare
	(1)	(2)	(3)	(1)	(2)	(3)
<b>Area of Specialty</b>						
% Administrative	1.9	0.6 (3)*	7.7 (2)*	10.4 (2)*	1.5 (1)*	4.4
% Debtor-Creditor	12.6 (2)*	4.5 (1)*	0	3.0	6.2	1.5
% Civil Rights	4.9	6.1	0	6.0	10.8	13.2
% Corporate	33.0 (3)*	39.9 (3)*	0 (1)*(2)*	29.9	27.7	23.5
% Domestic Relations	2.9	1.0	0	9.0 (2)*(3)*	1.5 (1)*	1.5 (1)*
% Employee Benefits	1.9	1.6	0	1.5	4.6	4.4
% Environmental	7.8 (3)*	6.9 (3)*	23.1 (1)*(2)*	4.5	4.6	5.9
% Immigration	0	0.4	0	1.5	3.1	0
% Income Tax	2.9	4.9	0	1.5	1.5	1.5
% Torts	8.7	11.0	15.4	4.5	7.7 (3)*	1.5 (2)*
N	103	491	13	67	65	68
<b>Current Specialty Compared with Law School Plan</b>						
% Area Main Plan	16.0	21.7	33.3	10.0	15.8	18.2
% Area One Plan	36.0	34.9	33.3	10.0	15.8	27.3
% Area Not in Plan	44.0	43.4	33.3	80.0	68.4	54.5
N	25	106	3 <sup>†</sup>	10	19	11

\* Difference in gender means significantly different from zero at the 0.1 level, two-tailed test.

<sup>†</sup> sample size too small for a statistical test.

TABLE D4.3(5): ACTIVITY IN PRACTICE (PERCENTAGE OF TIME SPENT):  
FIVE-YEAR SURVEY

Variable	Period 1: Survey Years 1991 and Before (Classes 1986 and Before)				Period 2: Survey Years 1996 through 2000 (Classes 1991 through 1995)				Change From Period 1 to Period 2	
	All Obs	Male	Female	Male-Fem	All Obs	Male	Female	Male-Fem	Abs $\Delta$ in M/F Diff	$\Delta$ in M/F Rel Pos
% Library	10.245	10.351	9.967	0.384	10.343	9.564	11.499	-1.935*	1.551	MF
% Interview or Counsel Clients	14.969	14.713	15.637	-0.923	14.104	13.541	14.939	-1.398	0.475	FF
% Litigation	24.282	25.004	22.396	2.607*	28.870	30.759	26.066	4.693*	2.086	MM
% Negotiation	8.355	8.416	8.196	0.219	6.882	7.069	6.606	0.463	0.244	MM
% Drafting	22.062	21.298	24.059	-2.761*	21.127	20.743	21.698	-0.956	-1.805	FF
% Appellate Work	2.603	2.635	2.521	0.114	3.166	3.280	2.995	0.285	0.171	MM
% Lobbying	0.719	0.746	0.646	0.101	0.824	0.702	1.005	-0.303	0.202	MF
% Administration	4.291	4.346	4.145	0.201	4.575	4.698	4.392	0.307	0.106	MM
% Legal Education	5.250	5.218	5.341	-0.123	3.763	3.606	3.998	-0.392*	0.269	FF
% Socializing at Work	3.837	3.949	3.547	0.402*	3.691	3.885	3.404	0.481*	0.079	MM
% Recruiting	1.981	1.999	1.932	0.067	1.495	1.446	1.567	-0.121	0.054	MF
% Other	1.550	1.511	1.651	-0.141	1.164	0.708	1.839	-1.131*	0.99	FF
N	1969	1424	545		1021	610	411			
% Working for the Rich	7.048	7.991	4.705	3.286*	5.893	6.349	5.184	1.165	-2.121	MM
% Working for Middle or Poor	10.435	9.778	12.067	-2.289	11.714	11.531	12.000	-0.469	-1.82	FF
Annual Hours Pro Bono	55.265	55.138	55.576	-0.438	104.570	95.258	118.284	-23.026	22.588	FF
N	1519	1080	439		983	598	385			

\* Difference in gender means significantly different from zero at the 0.1 level, two-tailed test.

TABLE D4.3(15): ACTIVITY IN PRACTICE (PERCENTAGE OF TIME SPENT):  
FIFTEEN-YEAR SURVEY

Variable	Period 1: Survey Years 1991 and Before (Classes 1976 and Before)				Period 2: Survey Years 1996 through 2000 (Classes 1981 through 1985)				Change From Period 1 to Period 2	
	All Obs	Male	Female	Male-Fem	All Obs	Male	Female	Male-Fem	Abs $\Delta$ in M/F Diff	$\Delta$ in M/F Rel Pos
% Library	6.222	6.077	8.056	-1.979*	5.984	5.761	6.670	-0.909	-1.07	FF
% Interview or Counsel Clients	19.292	19.419	17.680	1.739	18.577	18.353	19.265	-0.912	-0.827	MF
% Litigation	23.866	24.034	21.744	2.290	22.860	24.267	18.535	5.732*	3.442	MM
% Negotiation	8.798	8.904	7.456	1.448*	9.827	10.112	8.950	1.162	-0.286	MM
% Drafting	18.102	17.911	20.512	-2.601	18.796	17.620	22.415	-4.795*	2.194	FF
% Appellate Work	2.608	2.562	3.192	-0.630	2.604	2.520	2.860	-0.340	-0.29	FF
% Lobbying	1.034	1.062	0.680	0.382	1.299	1.452	0.830	0.622	0.24	MM
% Administration	8.042	7.957	9.112	-1.155	7.681	7.859	7.135	0.724	-0.431	FM
% Legal Education	5.460	5.428	5.948	-0.520	4.845	4.794	5.000	-0.206	-0.314	FF
% Socializing at Work	3.091	3.083	3.200	-0.117	3.211	3.385	2.675	0.710*	0.593	FM
% Recruiting	1.270	1.266	1.320	-0.054	1.190	1.237	1.045	0.192	0.138	FM
% Other	2.238	2.309	1.344	0.965*	3.135	2.623	4.710	-2.087*	1.122	MF
N	1705	1580	125		815	615	200			
% Working for the Rich	8.647	8.738	7.678	1.060	6.927	7.390	5.463	1.927	0.867	MM
% Working for Middle or Poor	17.111	16.333	25.314	-8.980*	10.154	10.150	10.168	-0.018	-8.962	FF
Annual Hours Pro Bono	62.490	62.199	65.583	-3.384	47.021	52.477	32.650	19.827*	16.443	FM
N	1338	1223	115		790	600	190			

\* Difference in gender means significantly different from zero at the 0.1 level, two-tailed test.

TABLE D4.4(15): ACTIVITY IN PRACTICE (PERCENTAGE OF TIME SPENT):  
COMPARISON OF GROUPS OF MEN AND WOMEN BY FAMILY SITUATION,  
FIFTEEN-YEAR SURVEY, SURVEY YEARS 1996–2000, CLASSES 1981–85

Variable	Comparison of Groups of Men			Comparison of Groups of Women		
	Male No Kids (1)	Male Kids No Childcare (2)	Male Kids Childcare (3)	Female No Kids (1)	Female Kids No Childcare (2)	Female Kids Childcare (3)
% Library	6.9 (2)*	5.4 (1)*	6.6	7.4	6.6	6.0
% Interview or Counsel	16.5	18.6	25.2	22.9 (2)*	17.5 (1)*	18.0
% Litigation	23.0	24.7	24.2	16.4	21.2	18.1
% Negotiation	9.6	10.4	5.8	9.0	8.9	9.0
% Drafting	19.4	17.4	12.2	20.7	20.2	25.2
% Appellate Work	1.7	2.5	3.3	3.8	3.4	1.7
% Lobbying	1.9	1.2	2.8	1.2	0.5	0.8
% Administration	7.6	7.9	7.2	6.6	8.6	6.6
% Legal Educa- tion	5.3	4.7	5.4	4.7	4.2 (3)*	5.4 (2)*
% Socialize at Work	3.5	3.4	2.8	2.2	3.2	2.8
% Recruiting	1.3	1.3	0.8	0.9	1.6	0.9
% Other	3.5	2.4	3.8	4.2	3.9	5.5
N	104	484	13	65	59	71
% Work for the Rich	5.2 (2)*(3)*	8.1 (1)*(3)*	0.8 (1)*(2)*	6.4	4.9	5.3
% Work for Middle or Poor	12.5	9.9	7.7	7.9	10.0	11.3
N	97	477	13	63	62	63
Ann Hours Pro Bono	28.7 (2)*	59.4 (1)*(3)*	21.1 (2)*	33.3	45.1 (3)*	24.2 (2)*
N	118	516	19	79	70	100

\* Difference in gender means significantly different from zero at the 0.1 level, two-tailed test.

TABLE D8.1(15): WHERE ARE THE ALUMNI WHO STARTED OUTSIDE OF PRIVATE PRACTICE, 15 YEARS LATER? COMPARISON OF GROUPS OF MEN AND WOMEN, FIFTEEN-YEAR SURVEY, SURVEY YEARS 1991–2000, CLASSES 1976–85

Variable	Comparison Men & Women			Comparison of Groups of Men			Comparison of Groups of Women		
	All Obs	Male	Female	Male No Kids (1)	Male Kids No Childcare (2)	Male Kids Childcare (3)	Female No Kids (1)	Female Kids No Childcare (2)	Female Kids Childcare (3)
% Private Practice	26.4	29.2*	21.3*	23.4	32.5	13.3	22.0	12.8	25.3
% Corp Counsel	11.9	12.1	11.6	2.6 (2)*	16.0 (1)*	6.7	12.0	10.3	12.0
% Gov't Practice	17.3	17.4	17.1	29.9 (2)*(3)*	13.2 (1)*	6.7 (1)*	22.0	17.9	13.3
% Legal Services	6.8	6.2	7.9	9.1	4.7	13.3	4.0	10.3	9.3
% Judge	1.9	1.3	3.0	1.3	1.4	0	4.0	0	4.0
% Teach Law	5.1	5.2	4.9	2.6	6.1	6.7	2.0	7.7	5.3
% Other Practice	1.5	1.6	1.2	0	2.4	0	2.0	2.6	0
% Public Office	0.4	0.3	0.6	1.3 (2)*	0 (1)*	0	0	2.6	0
% Business Non-Practice	7.7	10.2*	3.0*	13.0	9.4	6.7	4.0	5.1	1.3
% Gov't Non-Prac	6.6	5.6	8.5	6.5	5.7	0	10.0	7.7	8.0
% Other Non-Practice	9.4	9.5	9.1	10.4 (3)*	7.5 (3)*	33.3 (1)*(2)*	12.0	12.8	5.3
% Parent Non-Practice	4.9	1.3*	11.6*	0 (3)*	0.9 (3)*	13.3 (1)*(2)*	0 (2)*(3)*	12.8 (1)*	18.7 (1)*
% Unemployed	5.5	1.6*	12.8*	1.3 (3)*	0.9 (3)*	13.3 (1)*(2)*	4.0 (3)*	12.8	18.7 (1)*
N	469	305	164	77	212	15	50	39	75

\* Difference in means significantly different from zero at the 0.1 level, two-tailed test.

TABLE D12.1(15)P1: INCOME, WAGES (2004 DOLLARS) AND FAMILY SITUATIONS: COMPARISON OF GROUPS OF MEN AND WOMEN BY FAMILY SITUATION, FIFTEEN-YEAR SURVEY, SURVEY YEARS <=1991, CLASSES <=1976

Variable	Comparison of Groups of Men			Comparison of Groups of Women		
	Male No Kids (1)	Male Kids No Childcare (2)	Male Kids Childcare (3)	Female No Kids (1)	Female Kids No Childcare (2)	Female Kids Childcare (3)
<b>Income</b>						
Ave Inc 1st Yr Aft LS	57,362 (2)*	60,390 (1)*	48,098	53,709 (2)*	60,836 (1)*	55,010
N	208	889	10	57	41	54
Ave. Income Princ. Job	166,307(2)*(3)*	208,017(1)*(3)*	102,616(1)*(2)*	123,201 (3)*	147,224 (3)*	88,504 (1)*(2)*
Median Inc. Princ. Job	112,733*	175,190*	78,171*	108,397*	94,821*	66,514*
N	253	850	12	63	42	53
Ave. Inc. Princ. Job (FT)	172,010 (2)*(3)*	210,364 (1)*(3)*	111,944 (1)*(2)*	127,692	151,392	115,496
Median Inc Pr Job (FT)	115,624*	176,326*	81,515*	110,955	93,944	103,791
N (FT)	238	829	11	59	37	31
<b>Wages</b>						
Usual Hourly Fee	218.94 (2)*	233.49 (1)*(3)*	191.15 (2)*	212.20	234.57	212.26
N	180	604	9	26	17	24
Average Hourly Wage	67.75 (2)*(3)*	82.02 (1)*(3)*	39.24 (1)*(2)*	49.59	64.26	57.20
Median Hourly Wage	49.89*	69.55*	33.42*	43.81	46.27	50.18
N	247	833	12	62	40	43
Ave. Hourly Wage (FT)	68.87 (2)*(3)*	81.96 (1)*(3)*	42.80 (1)*(2)*	49.60 (3)*	61.27	67.16 (1)*
Median Hrly Wage (FT)	50.04*	69.94*	41.17*	44.29	42.51	52.46
N (FT)	232	812	11	59	35	21

\* Difference in gender means significantly different from zero at the 0.1 level, two-tailed test.

TABLE D12.1(15)P2: INCOME, WAGES (2004 DOLLARS) AND FAMILY SITUATIONS: COMPARISON OF GROUPS OF MEN AND WOMEN BY FAMILY SITUATION, FIFTEEN-YEAR SURVEY, SURVEY YEARS 1996–2000, CLASSES 1981–85

Variable	Comparison of Groups of Men			Comparison of Groups of Women		
	Male No Kids	Male Kids No Childcare	Male Kids Childcare	Female No Kids	Female Kids No Childcare	Female Kids Childcare
	(1)	(2)	(3)	(1)	(2)	(3)
<b>Income</b>						
Ave Inc 1st Yr Aft LS	63,183	65,396	60,849	61,937 (2)*	69,395 (1)*(3)*	63,833 (2)*
N	142	582	25	83	91	109
Ave. Income Princ. Job	178,753(2)*(3)*	248,877(1)*(3)*	98,187 (1)*(2)*	152,488 (3)*	160,919 (3)*	90,966 (1)*(2)*
Median Inc. Princ. Job	133,892*	180,593*	73,700*	108,800*	130,027*	83,331*
N	134	547	23	80	86	98
Ave. Inc. Princ. Job(FT)	190,324(2)*(3)*	252,089(1)*(3)*	126,545(1)*(2)*	163,959	193,218 (3)*	126,789(2)*
Median Inc Pr Job (FT)	147,401*	182,263*	90,394*	116,518*	164,773*	120,395*
N (FT)	119	528	17	70	66	39
<b>Wages</b>						
Usual Hourly Fee	254.39	266.79	284.34	238.42	266.35 (3)*	220.78 (2)*
N	63	360	5	30	38	46
Average Hourly Wage	78.94 (2)*(3)*	98.79 (1)*(3)*	42.12 (1)*(2)*	63.67	73.24	63.53
Median Hourly Wage	55.62*	73.05*	33.02*	49.08*	66.11*	55.58*
N	127	534	23	77	78	83
Ave. Hourly Wage (FT)	74.98 (2)*(3)*	97.84 (1)*(3)*	48.62 (1)*(2)*	66.37	75.45 (3)	65.07 (2)
Median Hry Wage (FT)	54.85*	72.75*	39.21*	49.16*	66.47*	54.37*
N (FT)	115	516	17	68	63	32

\* Difference in gender means significantly different from zero at the 0.1 level, two-tailed test.

TABLE D13.1(15): FEMALE INCOME AND WAGES AS A PERCENT OF MEN'S, BY GROUP: FIFTEEN-YEAR SURVEY, PERIOD 1 = SURVEY YEARS 1991 AND BEFORE, PERIOD 2 = SURVEY YEARS 1996–2000

	Period 1 Female No Kids	Period 2 Female No Kids	Change Period 1 To Period 2	Period 1 Female Kids No CC	Period 2 Female Kids No CC	Change Period 1 to Period 2	Period 1 Female Kids CC	Period 2 Female Kids CC	Change Period 1 to Period 2
	(1)	(1)		(2)	(2)		(3)	(3)	
	<b>Income</b>								
Ave. Income Princ Job	62.7	66.4	3.7	74.9	70.1	-4.8	45.0	39.6	-5.4
Median Income Princ Job	65.2	62.6	-2.6	57.0	74.8	17.8	40.0	47.9	7.9
Ave. Inc. Princ. Job (FT)	64.0	69.3	5.3	75.8	81.6	5.8	57.8	53.6	-4.2
Median Inc Pr Job (FT)	66.7	66.0	-0.7	56.5	93.3	36.8	62.4	68.2	6.2
<b>Wages</b>									
Average Hourly Wage	63.6	68.8	5.2	82.4	79.1	-3.3	73.3	68.6	-4.7
Median Hourly Wage	67.2	70.7	3.5	70.9	95.2	24.3	76.9	80	3.1
Ave. Hourly Wage (FT)	63.4	72.2	8.8	78.3	82.1	3.8	85.8	70.8	-5.0
Median Hourly Wage (FT)	67.6	70.7	3.1	64.8	95.6	30.8	80.0	78.2	-1.8

TABLE D16.1(15): COMPARISON OF GROUPS OF WOMEN IN PRIVATE PRACTICE BY POSITION IN THE FIRM AND FAMILY SITUATION (2004 \$): FIFTEEN-YEAR SURVEY, SURVEY YEARS 1991–2000, CLASSES 1976–85

Annual Hours	All Obs	Male	Female	Female No Kids (1)	Female Kids No Childcare (2)	Female Kids Childcare (3)
<i>Position in the Firm</i>						
<i>Partner</i>						
Annual Hours	2531	2570*	2314*	2567 (2)*(3)*	2371 (1)*(3)*	2008 (1)*(2)*
Ave Wage	99.103	101.002*	88.802*	85.359	96.503 (3)	81.674 (2)
Career satisfaction	1.384	1.378	1.422	1.500	1.484	1.289
<i>Associate</i>						
Annual Hours	2264	2361*	2052*	2402 (3)*	2145	1827 (1)*
Ave Wage	48.084	45.695	52.863	60.799	39.446	52.935
Career satisfaction	0.500	0.351	0.789	0.600	0.333	1.000
<i>Of Counsel or Other</i>						
Annual Hours	2128	2369*	1767*	2286 (3)*	1899	1456 (1)*
Ave Wage	72.572	76.716	66.272	57.568	68.193	68.586
Career satisfaction	1.071	1.048	1.107	0.714	1.250	1.231
<i>Solo Practitioner</i>						
Annual Hours	2136	2267*	1699*	1812	1867	1677
Ave Wage	52.608	56.637*	39.396*	44.983	76.997	29.268
Career satisfaction	1.195	1.232	1.071	-0.286 (2)*(3)*	1.500 (1)*	1.500 (1)*
N	1212	984	228	59	79	87

\* Difference in the gender means significantly different from zero at the 0.1 level, two-tailed test.



TABLE D16.2(15): COMPARISON OF GROUPS OF MEN IN PRIVATE PRACTICE BY POSITION IN THE FIRM AND FAMILY SITUATION (2004 \$): FIFTEEN-YEAR SURVEY, SURVEY YEARS 1991–2000, CLASSES 1976–85

Annual Hours	All Obs	Male	Female	Male No Kids (1)	Male Kids No Childcare (2)	Male Kids Childcare (3)	
<i>Position in the Firm</i>							
<i>Partner</i>							
Annual Hours	2531	2570*	2314*	2549	2569	<i>Not Enough Observations to Make Meaningful Comparisons</i>	
Ave Wage	99.103	101.002*	88.802*	94.352	102.256		
Career satisfaction	1.384	1.378	1.422	1.328	1.382		
<i>Associate</i>							
Annual Hours	2264	2361*	2052*	2261	2426		
Ave Wage	48.084	45.695	52.863	42.423	48.110		
Career satisfaction	0.500	0.351	0.789	0.889	0.154		
<i>Of Counsel or Other</i>							
Annual Hours	2128	2369*	1767*	2345	2387		
Ave Wage	72.572	76.716	66.272	55.681 (2)*	80.679 (1)*		
Career satisfaction	1.071	1.048	1.107	1.375	1.030		
<i>Solo Practitioner</i>							
Annual Hours	2136	2267*	1699*	2027 (2)*	2396 (1)*		
Ave Wage	52.608	56.637*	39.396*	54.865	57.733		
Career satisfaction	1.195	1.232	1.071	1.227	1.229		
N	1212	984	228	160	810		

\* Difference in the gender means significantly different from zero at the 0.1 level, two-tailed test.

TABLE D17(15): HOURS OF WORK, INCOME (2004 DOLLARS), CAREER SATISFACTION AND FAMILY SITUATIONS: COMPARISON OF GROUPS OF MEN AND WOMEN BY FAMILY SITUATION, FIFTEEN-YEAR SURVEY, SURVEY YEARS 1996–2000

Variable	Comparison of Groups of Men			Comparison of Groups of Women		
	Male No Kids (1)	Male Kids No Childcare (2)	Male Kids Childcare (3)	Female No Kids (1)	Female Kids No Childcare (2)	Female Kids Childcare (3)
Annual Hrs of Work	2328 (2)*	2520 (1)*(3)*	2092 (2)*	2363 (2)*(3)*	1908 (1)*(3)*	1386 (1)*(2)*
Real Income	178.753 (2)*(3)*	248.877 (1)*(3)*	98.187 (1)*(2)*	152.488 (3)*	160.919 (3)*	90.966 (1)*(2)*
Ave Hourly Wage	78.94 (2)*(3)*	98.79 (1)*(3)*	42.12 (1)*(2)*	63.67	73.24	63.53
Job Satis Overall	1.296 (2)*	1.551 (1)*	1.542	1.357	1.659	1.505
Satis. Family	1.42 (2)*	1.94 (1)*	1.76	1.48 (2)*(3)*	2.15 (1)*	2.12 (1)*
Satis. Wk/Fam Bal	0.37 (2)*(3)*	0.72 (1)*(3)*	1.36 (1)*(2)*	0.43 (3)*	0.64 (3)*	1.34 (1)*(2)*
Mo Nt/PT Wk Child	0 (3)*	0 (3)*	22.76 (1)*(2)*	0 (3)*	0 (3)*	57.62 (1)*(2)*
Number of Kids	0 (2)*(3)*	2.31 (1)*(3)*	2.00 (1)*(2)*	0 (2)*(3)*	2.06 (1)*	2.12 (1)*
Married	40.71 (2)*(3)*	95.53 (1)*	88.00 (1)*	45.24 (2)*(3)*	87.76 (1)*	87.60 (1)*
Spouse's Income	32.042 (3)*	37.613 (3)*	76.064 (1)*(2)*	60.439 (2)*(3)*	144.628 (1)*	162.805 (1)*
Breadwinner	76.12 (3)*	79.71 (3)*	30.43 (1)*(2)*	62.50 (2)*(3)*	37.21 (1)*(3)*	23.47 (1)*(2)*
N	127	523	22	77	78	83

\* Difference in gender means significantly different from zero at the 0.1 level, two-tailed test.

