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Career Patterns of Male and Female Lawyers

LINDA LIEFLAND*

I. INTRODUCTION

The number of female lawyers in the United States increased dramatically between 1970 and 1980. In 1970, there were 13,000 female lawyers (4.7% of the profession); by 1980 there were 62,000 female lawyers (12% of the profession).1 In 1982, one-third of all graduating law students were women.2 It has been estimated that by the end of the 1980s, 40% of all lawyers will be women.3

Various studies have indicated that there are differences between the career patterns of male and female lawyers. Female lawyers are more likely than male lawyers to have employment in areas other than private practice.4 They are more likely to be employed by the government and in the public interest sector.5 Male lawyers, on the other hand, are more likely to enter private practice6 and to garner "prestigious titles"7 and higher salaries.8 There is additional evidence demonstrating that women are leav-

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3. Id. at 9.
5. Id.
6. Id.
ing law firms at a higher rate than men. There have been a few studies documenting these differences in career patterns, but the studies generally have not adequately explored possible explanations for these differences.

In June, 1985, I undertook a study designed to compare the career patterns of male and female law school graduates from the classes of 1976, 1977, and 1978. To initiate this study, I sent a questionnaire to 1,036 graduates, from four prominent law schools. The five page questionnaire asked questions about first jobs, current jobs, and family life. This Article will present cross-tabulations of the data collected from the responses tendered, and will suggest explanations for the findings.

When I began this study, I entered with a series of expectations. I expected to find that sex differences affected career patterns, that a higher proportion of men worked at law firms and were partners, and that a higher percentage of women were in public interest and government work. I also expected to find that more women were presently working part time and were reporting a higher attrition rate in law firms. Concerning family life, I expected to find that women were assuming primary responsibility for child care. I also expected to find career differences between childless women and women with children.

It has been suggested that male and female lawyers' career differences (e.g., partnership, salary) may be explained by the fact that women are over-represented in the lower age bracket of the profession. I wanted to test the validity of this explanation and to explore whether other factors are more responsible. I intended this study to explain, or at least to suggest, reasons for any existing differences. I was most interested in this latter aspect of the study.


12. The questionnaire is reproduced in the Appendix to this Article.

II. METHODOLOGY

A. The Sample

To obtain the sample for this study, I contacted eleven prominent law schools and requested lists of the names and addresses of their 1976, 1977, and 1978 graduates. I explained to them the objective of my study (to compare the career patterns of male and female lawyers), and assured them that the study would not identify an individual law school without permission, except that it would mention the schools whose alumni were surveyed.  

Three of the schools—the University of California at Berkeley (Boalt Hall), Columbia University, and the University of Pennsylvania—sent lists of 1976, 1977, and 1978 graduates. A fourth—New York University—provided an alumni directory with the graduates listed by class. From these lists I randomly selected the names of 1,036 alumni. From each class of each school, I selected approximately the same number of men and women and the same number of names. Each alumnus was sent a questionnaire, cover letter, postage paid return envelope, and postage paid return postcard. Alumni who did not respond were sent follow-up letters.

There were 497 usable responses, of which 239 were by men and 258 were by women. Sixty-eight questionnaires were returned for lack of listing, forwarding address, and other similar infirmities. The response rate, calculated on the basis of 497 responses to 1,036 questionnaires sent, was 47.97%. If the 68 returned questionnaires are discounted or disregarded, the response rate was 51.34%.  

14. I decided to survey only the graduates of prominent law schools because I wanted data from people who had many career options open to them. I chose to survey graduates who had been out of school from seven to nine years because they are more likely to have established a discernible “career pattern.” In many firms, for example, associates are considered for partnership in their seventh year. Moreover, the number of women who entered law school before the 1970s was small, and the options available to them were much more limited. See C. FUCHS EPSTEIN, supra note 1, at 3-8.

15. The postcard allowed respondents to inform me that they had responded without sacrificing the anonymity of the response itself. I did not send reminders to those respondents who had returned their postcards.

16. “In computing response rates, the accepted practice is to omit all those questionnaires that could not be delivered.” E. BABBIE, THE PRACTICE OF SOCIAL RESEARCH 265 (1975).
When I refer to male and female lawyers in this Article, I am referring only to those lawyers who responded to the questionnaire. There may well be differences between this population and the legal population as a whole. However, one would expect the lawyers sampled to be similar to the lawyers who graduated from comparable law schools in the same years.

B. The Materials

The questionnaire was designed to encourage a high response rate, which greatly improves the reliability of survey studies. It was designed to take only a few minutes to complete, although recipients were invited to comment on the subjects raised in the questionnaire. To keep the questionnaire brief, I asked recipients only about their first, non-temporary jobs after law school and their present jobs,17 rather than about every job they had held since graduation. I did not ask about salary because I did not wish to discourage responses. Moreover, recipients were assured that their responses were anonymous. They were not told that the study sought to compare the responses of male and female lawyers, only that I was studying lawyers' career patterns.

III. Survey Findings

A. First Job

As Figure 1 indicates,18 the majority of respondents upon graduation, or upon completion of a clerkship or other temporary job, entered law firms. However, law firms drew a higher percentage of the men (66.11%) than of the women (53.49%). Government, the second largest employer, drew 22.09% of the women and 17.15% of the men. Public interest jobs attracted 11.63% of the women and 4.18% of the men. Approximately the same percentage of men (5.02%) and women (5.04%) went to work for corporations. A small percentage of respondents (2.71% of the women and .42% of the men) entered academia and an even

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17. "Present job" refers to the jobs respondents held when they filled out the questionnaires. A few respondents indicated both their present jobs and their future jobs (e.g. "I'm now an associate but will become a partner in 1986."). In entering the data, I ignored projections for future jobs, future children, and similar visualizations.

18. Figure 1 and all the Figures referred to in this Article appear in the Appendix.
smaller percentage (1.55% of the women and .84% of the men) entered solo practice. Nonlegal jobs were the choice of 5.02% of the men and 1.16% of the women. The remaining 1.26% of the men and 2.33% of the women chose jobs that did not fit into the categories listed.

There was a statistically significant difference between the first jobs selected by the women and those selected by the men. A chi-square test of the sample data rejects, at the .005 level of significance, the hypothesis that, in the population from which the sample was drawn, equal proportions of men and women entered the various job categories.\(^{19}\) The major factors contributing to this result were that: (1) a larger proportion of men chose their first job in a law firm with between 50 and 100 lawyers; (2) a larger proportion of women chose public interest jobs; (3) and a larger proportion of women chose solo practice or academic jobs.

The size of the law firms that the lawyers entered is also displayed in Figure 1. Of those lawyers who entered firms, a higher proportion of women entered firms with more than 100 lawyers. In contrast, a larger proportion of men began their careers in firms with 50-100, 30-49, 16-29, and 5-15 lawyers.\(^{20}\) Approximately the same proportions of men and women entered firms with 2-4 lawyers.

Figure 2 compares the reasons given by men and women for taking their first jobs.\(^{21}\) The chi-square test of this data rejects, at the .01 level of significance, the hypothesis that in the population from which the sample was drawn, equal proportions of men and women would give these various reasons. The differences between the responses men and the responses of women are most marked in the categories labeled “salary and advancement,” “help others,” and “peer or family pressures.” A larger proportion of men than of women chose “salary and advancement,” while a

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19. The chi-square statistic “is a measure of how much, proportionally, the frequencies in the [responses] differ from the [responses] you would expect if there were absolutely no relationship between the variables.” W. Matlack, Statistics for Public Policy and Management 61 (1980).

In performing the chi-square test in this study we set the level of significance at Alpha = .10; in those cases where the null hypothesis would also have been rejected at levels of Alpha = .05, .01 or .005 we have indicated the reduced level.

20. See White, supra note 11, at 1059-60 (this study found a similar pattern).

21. For this question, respondents were asked to select and rank a maximum of three of the suggested reasons for taking their first job. See Appendix.
larger proportion of women than of men chose “help others” and “peer or family pressures.” To a minor extent, men, more often than women, chose “liked environment.”

In other areas, the groups were quite similar. For both men and women, “interesting” was the most frequently given reason for taking their first positions. Three other frequently mentioned reasons were “good training,” “liked work environment,” and “good credential.” Both groups also displayed approximately the same concern for “security” and “power and influence.”

Of the 497 respondents, 351 were no longer at their original jobs. Only 80 men and 66 women stayed at their first jobs. Figure 4 compares the reasons given by men and women for leaving their first jobs. The top three reasons given by both groups were: “advancement and salary,” “dislike of the work environment,” and “desire for a change in the substantive area of practice.”

Despite this similarity, there was a statistically significant difference between the reasons given by men and those given by women. A chi-square test to compare the proportion of men, with the proportion of women, giving the various reasons for leaving their first jobs, rejected, at the .005 level of significance, the hypothesis that the population proportions were equal. The major factors contributing to this result were that a much larger proportion of men chose “advancement and salary considerations” and “not challenging,” while a much larger proportion of women chose “discrimination” and “other.”

In other areas, there was little difference between male and female lawyers. Similar proportions of men and women selected “long hours,” “desire for hands-on experience,” “family responsibilities,” and a perceived conflict between their work and their political beliefs as reasons for leaving their first jobs.

B. Present Job

The survey revealed that the percentages of both men and women in firms have decreased from first jobs to date. As Figure 4 shows, presently, 51.7% of the men and 36.1% of the women are in firms. These percentages represent a 32% decrease in the

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22. Although a higher percentage of women left their first jobs, a chi-square test shows no significant difference between this percentage and the percentage of men doing likewise.
percentage of women in firms and a 22% decrease in the percentage of men in firms.23 The percentages of both men and women in government have also decreased. At present, government employs 17.4% of the women and 11.8% of the men. The proportion of men and women working for corporations has increased,24 as has the proportion of both groups in solo practice and academia. The proportion of men in public interest jobs has remained almost constant (4.2% now as compared with 4.18% of first jobs), but the proportion of women in this area has decreased from 11.63% to 8.1%. The proportion of both men and women working at nonlegal jobs has increased; 6.3% of the men and 3.5% of the women fall into this category. Of those lawyers in firms, 49.6% of the men, compared with 34% of the women, were partners.25

C. Family Life

Of the respondents, 70.71% of the men and 65.12% of the women were married. Of the men who were married, 43.8% of them had spouses who are employed full-time, 21.3% had spouses who were employed part-time, and 34.3% of them had spouses who were not employed.26 In comparison, the spouses of 90.5% of the married women were employed full-time; 4.2% of the married women had spouses who were employed part-time and only 5.2% of them had spouses who were not employed.

Of the lawyers surveyed, 48.3% of the men and 53.9% of the women had children. Of the women with children, 64.7% reported that they (as compared with their spouses or ex-spouses) spent more time with their children, 5.9% reported that their

23. Although the decrease in the number of women in firms was greater than the decrease in the number of men in firms, statistical tests do not show any significant difference (Alpha=.10).

24. This is not surprising given the growth of corporate legal departments. See Turk, The Rise of Corporate Law Departments: Pressure on Both In-House and Outside Counsel, 10 EMPLOYEE REL. L.J. 551 (1984).

25. Although the percentage of male partners in firms is higher than that of women, statistical tests do not show a significant difference between the proportion of males in firms who are partners and the proportion of women in firms who are partners.

26. In this instance, and throughout this Article, “not working” or “not employed” has been used to indicate the lack of a paid position. It is not meant to imply that caring for a home and children is not work. Several respondents expressed dissatisfaction with these two terms because they devalue the work of homemakers. In retrospect, I realize that I should have asked whether respondents had paying jobs.
spouses or ex-spouses spent more time and 22.4% reported that they and their spouses or ex-spouses spent equal amounts of time. Of the men, 2.4% reported that they spent more time with their children, 83.9% reported that their spouses or ex-spouses spent more time, and 12% reported that they and their spouses or ex-spouses spent equal amounts of time.

IV. DISCUSSION

The data showed significant differences between the career profiles, and the family life profiles, of male and female lawyers. In reviewing the data, it is important to bear in mind the variation within each group. There were men who were primarily motivated by communal goals (e.g., opportunity to help others), yet there were even more women who were motivated by agentic goals (e.g., opportunity for advancement and higher salaries). Nor should the similarities between male and female lawyers be overlooked. For example, despite other differences, both groups most often mentioned the same three reasons for leaving their first jobs. Finally, it should not be assumed that disparities between the responses of men and women reflect innate differences. One need only look at our society and its socialization process to realize that it would be unscientific, at best, to attribute differences to genetic predispositions. In this Section, possible explanations for the differences between male and female lawyers will be discussed.

A. Discrimination

After the United States Supreme Court decided Hishon v. King & Spalding, there has been an increased interest in the question of whether female lawyers are discriminated against. In several states, female lawyers' organizations have begun sponsoring "so-called Hishon surveys," to gather data about issues, including discrimination, that affect female lawyers. The prelimi-

30. Frank, supra note 9, at 25, col. 1.
nary results of these studies have been mixed. 31 One survey found that sex discrimination was not responsible for salary differentials. Another study found that women appeared to leave practice at a greater rate than men, partly because they felt isolated and uncomfortable. A third study found that women were discriminated against by "peers, court or administrative workers, judges and others related to the job." 32

Other research indicates that various forms of discrimination persist. Female lawyers report that they are relegated to certain types of work, 33 not considered for partnership, 34 and find it difficult to acquire mentors. 35 They also report that their behavior is more closely scrutinized and that they must be more careful than men about how they appear to others. 36 In a 1983 American Bar Association survey, male and female lawyers agreed that women "face a tougher job market." 37 In a survey of Connecticut lawyers, published in 1982, a significant number of women reported that they were treated differently from male attorneys. 38

The present study found that approximately 11.2% of the women listed discrimination or discriminatory attitudes as one of their reasons for leaving their first jobs. 39 Of the women who left their first jobs (as opposed to all the women respondents), 15.10% indicated that discrimination (or discriminatory attitudes) was one of their reasons for leaving. Of these women, most said that the discrimination had limited their opportunities for advancement. Figure 6 shows, for those respondents who left their jobs because of discrimination or discriminatory attitudes, the types of discrimination and the ways in which it was manifested. The fact that, for 11.2% of the women, perceived discrimination was a reason for their decisions to leave their jobs, suggests that discrimination is a factor of at least moderate importance in explaining sex differ-

31. *Id.* at 25-26.
32. *Id.* at 25, col. 3.
34. *Id.* at 215.
35. *Id.* at 288.
37. See Winter, *supra* note 8, at 1384.
39. See Appendix. Respondents were permitted to list up to three reasons.
ences in career profiles.

Moreover, the written comments of several respondents provided reason to believe that disparate treatment based on sex was under-reported by women responding to the survey. In addition to the 29 women who listed discrimination as a reason for leaving their first job, 12 other women, who did not list discrimination as a reason for leaving, wrote that they had encountered discrimination either in finding jobs, in previous jobs, or in their present jobs. The comments of some of these women indicated a reluctance to identify disparate treatment by the label discrimination. For example, one woman wrote:

Although I did not check “discrimination” as a main reason for leaving the teaching job, I must admit that there was a fair amount of sex discrimination in the school administration’s attitude toward the women teachers (to be fair, I felt the male professors were supportive and egalitarian). In my four years in practice, I have come to deal with sexism as a way of life.

Another wrote:

While discrimination is too strong a term to describe the behavior I experienced, I did feel that women were treated differently, were not part of the “club.” Certain partners were clearly uncomfortable working with women, whether they were conscious of this or not. Others were much harder on some women associates. Also, some partners made assumptions that certain clients would prefer not to have women lawyers, and accordingly, assigned their work to male associates.

As this comment indicates, there may be “unconscious discrimination” which is not recognized as such by the discriminator, and in some cases, may not be identified as discrimination by the victim. By unconscious discrimination, I mean the tendency to devalue the activities or achievements of certain groups. Studies of job discrimination have found that the same credentials are evaluated less favorably when they are attributed to a woman as opposed to a man.40 In these studies, screening committees in various organizations were sent identical resumes of applicants’ credentials, with male or female names randomly assigned. Those resumes assigned male names were rated higher than those with female names.41

A related aspect of unconscious discrimination is the tendency to assign a positive value to an activity if it is done by the favored group and a negative value to the same behavior if it comes from

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40. E. Donelson & J. Gullahorn, supra note 27, at 255.
41. Id.
the disfavored group. This type of discrimination was described by a male respondent who left his first job because of racial discrimination. When his desk was cluttered, this man wrote, his superiors concluded that he was “disorganized,” rather than “busy.” In this situation, people cannot win: they have been placed in a “double-bind.”42 For a member of a disfavored group, an empty desk implies idleness and a cluttered desk implies disorganization.

Disparate treatment of women lawyers can include less favorable evaluations of their work and the exclusion of women from the social life of the firm or organization. It can also include more subtle behaviors that make women feel isolated and alienated. Along with blatant forms of disparate treatment, such as discrimination in hiring, work assignments, and promotions, subtle and unconscious discrimination can create an environment in which it is difficult for women to succeed, much less to flourish.

B. Female and Male Psychology

In recent years, psychologists have begun to explore the differences between the value systems of men and women.43 Carol Gilligan, for example, found in her research that the moral development of women differs from that of men.44 Gilligan found that women’s moral judgment focuses on an ethic of responsibility, care, and connection with others.45 In contrast, men develop a morality based upon rights, which focuses more on the individual than on the individual’s relationship to others.46 Nancy Chodorow similarly argues that “feminine personality comes to define itself in relation and connection to other people more than masculine personality does.”47 In summary, these psychologists believe that women, for various reasons, tend to be more “communal” and

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42. Psychologists use the term “double bind” to describe a conflicting message which places the recipient in a “damned if he does[,]... and... damned if he doesn’t” situation. S. Aron, On Schizophrenia, Phobias, Depression, Psychotherapy and the Farther Shores of Psychiatry 96-97 (1978).
44. C. Gilligan, supra note 43.
45. Id. at 19.
46. Id.
47. Chodorow, supra note 43, at 44.
men tend to be more "agentic."

This view finds some support in the data gathered for this study. The data indicated that women, as opposed to men, did not rely as squarely upon salary and advancement considerations in making career decisions. Men were more likely to list advancement or salary considerations as a reason for taking or leaving a job. Women appeared to be more willing to consider nonmonetary aspects in selecting a particular job.

Viewed on a continuum, traditional law firm practice represents the most agentic choice. Personal fulfillment and concern for others have not traditionally been part of the firm ethos. Instead, clients are accepted because they can pay the rates; lawyers, therefore, often find themselves working on cases whose outcomes matter very little to them on a personal level. The sense of alienation that a lawyer may feel was described by Helene E. Schwartz:

But while working on these cases, I always felt as though something were missing. I didn't care which of two great corporations got the profits from the tiny electronic component over which they were fighting. I couldn't get excited over the fact that one branch of a family was complaining that another branch was inheriting three million dollars more than the first branch. I didn't think it was important whether the oil company paid $87,000 in demurrage or only $55,000. I didn't enjoy spending my time writing memos entitled "Some Differences between Indemnity and Surety Contracts . . . ."

As indicated by the study, women were more likely than men to be employed in public interest law and less likely than men to be employed in law firms. This may be because women are less likely to select jobs that require a complete separation of work from self and from connections with others. This may be the result of women's different perspective or of the lack of support structures that make this type of separation viable. Because of our society and its socialization processes, men may more often have a person in their lives to provide the human element that their jobs lack. Sylvia Law described the delegation of functions that make it easier for men to make the work-person separation:

His job may stink. It may require him to do things that he personally believes are wrong, or at least not particularly useful. People may treat him badly at work, or he may find that working relationships do not provide human satisfaction. But the job enables him to support the family and the

48. For definitions of these terms, see supra notes 27-28.
49. H. SCHWARTZ, LAWYERING 80 (1975).
human warmth that the family provides makes the job tolerable. According to Rosabeth Moss Kanter, lack of opportunities leads to "limited aspirations." Since this study did not directly ask about discrimination in hiring, there was no evidence here of whether this factor is responsible for the lower proportion of women in law firms. However, the data on reasons for job selection and job change (see Figures 2 and 3) indicated that discrimination does not provide a complete explanation.

The data did conflict with the view that women are closet social workers who are interested in law only as a way to help others. While more women than men were concerned with helping others, this was not reported as the primary motivation in women's job choices (see Figure 2). Moreover, neither men nor women were likely to leave their first jobs because of a conflict between their work and their political or moral beliefs (see Figure 3).

C. Family

Despite the increasing number of women entering law and other demanding professions, women continue to be the primary child care providers within their families. However, the traditional legal career track affords lawyers little time for non-work pursuits, especially those that involve a substantial, daily commitment of time outside the office. It is assumed that some other person—generally a wife—will manage the home and children and perform other nurturing functions. Women lawyers who choose to have children are caught between society's delegation of child care to women and a career structure that does not accommodate the family.

Several factors magnify this conflict. Since "women's peak child bearing and child rearing years tend to coincide with critical

52. Id.
career building years,” women may be faced with a choice that men avoid by the accident of biology. It is easier for men to postpone having children until they have reached certain points in their careers. There is also evidence that the spouses of female lawyers are more likely to be high status professionals than the spouses of male lawyers. They may, therefore, be less willing to make career sacrifices in order to share child care responsibilities.

Even when both spouses are professionals, women are more often the primary child care providers. In her research, Cynthia Epstein found that “[a]mong women [lawyers] of all ages, and in all kinds of practice, most did not share child care equally with husbands.” A 1981 study of Stanford University law students showed that both male and female students expected child care to remain primarily a woman’s responsibility.

The data in the present study showed that, especially in the marriages of male lawyers, women were primarily responsible for child care. Male lawyers were also more likely to be married to women who either worked part-time or were not employed. Common sense tells us that it is easier to single-mindedly pursue a career when someone else is overseeing the other aspects of one’s life.

Some of the comments written by women respondents addressed this topic. For example, one woman, presently working at a “bank or corporation,” and the mother of a child, wrote:

I hope that I will soon be working part-time (only reason: family responsibilities). My husband (also a — grad) is an associate with a large firm. It seems difficult (if not impossible) to raise a family with 2 full time legal careers. Although my job is considered to be less high-powered than my husband’s, it still leaves me little time to be with my child. There is sadly a dearth of serious part-time positions for lawyers. Other women lawyers jokingly wonder what a part-time job would be—forty hours a week? It would be nice if my husband could spend time with our child, too. Family life seems unimportant to the managing partners.

Another woman, who previously worked at a fifty lawyer firm, but is now not working because of family responsibilities, wrote:

54. Id.
55. C. Fuchs Epstein, supra note 1, at 373.
I would be interested to know how many women continue to work in “pressure-cooker” law firms once they have families. For myself, working in a law firm, as opposed to government or a corporation, was the only satisfying professional situation for me ego-wise and I am happier for not practicing than I probably would be if I was just pushing title reports around for a bank. Of 75 women in my class at ____, I believe that fewer than 10 are still at firms.

A woman who is now working full time at a corporation, and is the mother of two children, wrote: “I worked at a large New York firm, which is inconsistent with having a personal life or a family.\textsuperscript{57} I now work at a corporation. My job is not as exciting. The pay is substantially lower. But I can work and still have my family come first.”

On the other hand, a woman partner in a law firm with more than 100 lawyers, who had successfully combined family and career, wrote:

When I left law school, I was sure that I would go to a Wall St. firm and try to become one of the few women partners. I set off on that course and 5 ½ years into the practice I met a man from Cincinnati. We fell in love. He had family reasons to move back there. We married and moved. I never would have predicted it. Professionally, it was very very hard to leave the firm I had been with. I’d intended to go for partner.

I joined a large Cincinnati firm and was named partner two years later. I have been there three years total. In that time I have had two maternity leaves.\textsuperscript{58}

The men’s comments did not express the same tension between career and family that the women’s comments exemplified. One man, however, about to become a partner at a 5-15 attorney firm wrote: “I still do not feel that I have found the ideal position for myself—especially in view of my desire to devote a considerable portion of my time to my growing family.”

Another man, a partner in a firm with more than 100 lawyers and the father of two children, wrote: “I am particularly interested in any correlations you may find between large law firms and traditional family life. In many New York City firms, I think,

\textsuperscript{57} It is interesting to note that, in several respondents’ comments, New York firms were mentioned as being difficult places for those concerned with combining family and career.

\textsuperscript{58} Neither this study, nor any other I have found, has considered whether geographical location may be a factor in lawyers’ abilities to combine work and family. It has, however, been suggested that this combination may be easier in law firms outside major cities. Tell, \textit{Career-Family: A New Urgency}, Nat’l L.J., May 31, 1982, 1, col. 3, at 9, col. 3.
the odds are stacked heavily against young lawyers achieving stable, long term family relationships." Figure 4 compares the present jobs of four groups: men with children, men without children, women with children, and women without children. Figure 5 presents the partner/associate/other breakdown of these four groups. To a slight extent women with children were more highly represented in law firms than were women without children. In government, the percentage of women with children was slightly higher than the percentage of women without children. However, the chi-square test does not indicate that women with children differ from women without children in their current jobs.69

Men without children were more likely than men with children to work in law firms. Men with children, on the other hand, were more likely to work in government than men without children. The chi-square test, however, did not show a significant difference between men with children and men without children with regard to their present jobs. Men and women, with and without children, were similarly represented in banks and corporations. In the public-interest sector, however, there were proportionately more women with children.

Of women in law firms, a higher percentage of women with children, than of women without children, were partners. The contrary was true for men in law firms: a higher percentage of childless men, than men with children, were partners.

These findings were contrary to what was expected, and contrary to the tenor of the comments of the survey respondents. They were also contrary to the view, expressed by successful female lawyers, that children make the road to partnership more difficult.60 They are, however, in accord with a recent study of female graduates of the Harvard Business School. This study found that women's level of ambition and achievement is dependent on factors other than whether they have children.61 It ap-

59. The chi-square test fails to reject the hypothesis that, in the population from which this sample was drawn, equal proportions of women with and without children fall into the various job categories.

60. See, e.g., E. Couric, supra note 36, at 28; Meyers, When the Hand that Rocks the Cradle Writes the Brief, 10 STUDENT LAW., Dec. 1981, at 15, 17.

61. L. Roman Gallese, Women Like Us 137 (1985). Gallese's subjects, however, appear to live in high-income families. Presumably they can afford to purchase homemaker and child care services. Children may, for example, have less of an impact on the careers of
pears, from the data, that while some women chose to work part-time because of family responsibilities, even more women were committed to their careers and were not willing to make the choice between career and parenthood. Unlike some of their male colleagues, women may not be able to postpone parenthood until they achieve a certain professional status.

The findings with respect to male lawyers were also contrary to expectation. The fact that a larger proportion of men without children, than of men with children work in law firms and are partners may reflect a change in men's attitudes toward family and children. While their wives may continue to assume primary child care responsibilities, men may be less willing than they once were to accept jobs that leave them with little, if any, time with their families. As the number of men with working spouses increases, men as a group may be forced to make accommodations in their work for family responsibilities.

Figure 7 shows the percentages of respondents who are working full-time, working part-time, and not working. Figure 8 shows the reasons why part-timers and nonworkers are not working full time. The data showed that a higher percentage of women were not working full-time and that family responsibilities was the primary reason given by women for working part-time or for not working. The data also showed that if one parent had to work fewer hours or leave the workforce to accommodate the family, that parent would be the mother.

Since the couples were not interviewed, no information was collected on how each of them reached this decision. However, the data made clear that family responsibilities have a greater impact on women's than on men's ability to remain full-time workers.

V. Conclusion

While the career patterns of male and female lawyers are different, there is no one simple explanation for the differences. The survey responses suggest that female lawyers have a more difficult career path than their male colleagues. They are more likely to face discrimination. If they have children, they are less likely to parents who employ a live-in housekeeper than on the careers of parents who must arrive at a day-care center at 5:00 p.m. to pick up their children.
have a spouse who has assumed primary or equal child care responsibility. The data also show that women and men, as groups, do not make career decisions on identical bases. There may also be an interplay between these factors that the data alone do not disclose. For example, women may be more willing to interrupt their careers to care for children if they experience unequal treatment at their workplaces. Similarly, it may be more difficult to work in a competitive and often alienating environment when coworkers treat one as an outsider.

The issues raised by this study merit further research. The following are examples of subjects that would be worth studying:

1) Relation of geographical location to career patterns.
2) Exploration of the types of disparate treatment that make women and minorities less comfortable in the workplace. (It might be better to ask specific questions about such treatment than simply to ask whether one has been discriminated against.)
3) Exploration of the psychological differences between male and female lawyers to see if they exist and if they are related to career choices.
4) Longitudinal study focusing on later career patterns of women who interrupt their careers due to family responsibilities.
5) Study based on interviews with couples to determine why, in most instances, women assume primary child care responsibility.

While this is by no means an exhaustive list, it is offered to demonstrate that reliable information on these issues is lacking and yet essential to our understanding of society in general, and of the legal community in particular.
Appendix

Questionnaire

I. BACKGROUND DATA

Are you . . .
1. ( ) Male
   ( ) Female
2. ( ) Married
   ( ) Single
   If single, please skip questions 3-5 and continue with question 6.
3. If married, is your spouse employed?
   ( ) Yes
   ( ) No
4. Is your spouse employed . . .
   ( ) part time
   ( ) full time
5. What is the highest level of education your spouse has completed?
   ( ) high school
   ( ) college
   ( ) masters program
   ( ) professional school [law, medicine, business, etc.]
   ( ) doctoral degree
   ( ) graduate law degree
6. Do you have any postcollege degree(s) in addition to your law degree?
   ( ) No
   ( ) Yes
      ( ) masters degree
      ( ) professional degree [medicine, business, etc.]
      ( ) doctoral degree ( ) graduate law degree

7. Number of children ___________________________
   If none, please skip questions 8-9 and continue with question 10.
8. Children’s Ages?
9. Who spends more waking hours with the child(ren)?
   ( ) You
   ( ) Your spouse or ex-spouse
( ) You and your spouse or ex-spouse spend the same number of waking hours with the child(ren).

II. JOB HISTORY

10. Which of the following best describes your first non-temporary job after law school, excluding clerkships and fellowships?

( ) law firm
( ) government
( ) public interest
( ) bank or corporation
( ) solo practice
( ) academic
( ) non-legal
( ) other (please specify) ______________________

10a. If you checked law firm, what was the size of the firm (number of lawyers)?

( ) over 100
( ) 50 - 100
( ) 30 - 49
( ) 16 - 29
( ) 5 - 15
( ) 4 and under

11. Which of the following factors contributed to your decision to take this job?

* Please select a maximum of three answers and rank them in order of importance to you, with #1 as the most important, #2 as the second in importance, and #3 as the third in importance.

( ) saw job as good credential or "stepping stone"
( ) salary/advancement potential
( ) interesting/challenging
( ) opportunity to help others/change society
( ) peer or family pressures
( ) lack of other options
( ) job security
( ) opportunity for power/influence
( ) good training
( ) liked work environment and/or people
( ) other (please specify) ______________________

12. When you took this job, how long did you think you would stay?
13. Are you presently at the same job?
   ( ) Yes
   ( ) No

If you checked Yes, please skip questions 14-18 and continue from question 19.

14. Which of the following factors contributed to your decision to leave your first job?
   * Please select a maximum of three reasons, and rank them in order of importance with #1 as the most important, #2 as the second in importance, and #3 as the third in importance.

   ( ) advancement/salary considerations
   ( ) child/family considerations
   ( ) discrimination or discriminatory attitudes (e.g., sexism, racism) of co-workers or supervisors
   ( ) disliked work environment and/or people
   ( ) desired change in substantive area of practice: narrower, broader, or simply different
   ( ) desired "hands on" experience
   ( ) geographical considerations
   ( ) long hours
   ( ) employer's decision/budget cuts
   ( ) work conflicted with political/moral beliefs
   ( ) work wasn't challenging
   ( ) work was boring
   ( ) other (please specify) __________________________

If you did not check discrimination or discriminatory attitudes, please skip questions 15-16 and continue with question 17.

15. If you checked discrimination or discriminatory attitudes, was it based on . . .

   ( ) race
   ( ) sex
   ( ) religion
   ( ) national origin

16. How was the discrimination or discriminatory attitudes manifested? Check as many as apply.
environment that made me feel uncomfortable because of my sex, race, etc., but fell short of discrimination
work assignments
opportunity for advancement
salary
behavior of clients or potential clients
harassment and/or derogatory behavior by co-workers or supervisors
exclusion from social life of firm/organization
other (please specify)

17. Which best describes your present job?

law firm
government
public interest
bank or corporation
solo practice
academic
non-legal
other (please specify)

18. If you checked law firm, what is the firm’s size (number of lawyers)?

over 100
50 - 100
30 - 49
16 - 29
5 - 15
4 and under

19. Are you presently . . .

working full time
working part time
not working

20. If working part time or not working, what is the main reason?

sabbatical/leave/break
employer's decision/budget cuts
family responsibilities
illness
returned to school
other (please specify)
21. If you are presently working at a law firm, are you . . .
   ( ) a partner
   ( ) an associate
   ( ) other (please specify) ____________________

III. COMMENTS
22. I am interested in your thoughts relating to the subjects of the questionnaire. Use this space for your comments.
23. This questionnaire is anonymous. If you are willing to be contacted for an interview, please give your name, phone number, and a time when you can be reached.
Figure 1
First Job

- Other
- Non-Legal
- Academic
- Solo Practice
- Bank or Corp.
- Public Interest
- Gov't
- Law Firm
- Firm 2-4
- Firm 5-15
- Firm 16-29
- Firm 30-49
- Firm 50-100
- Firm over 100

in %

MALE
FEMALE
TOTAL
Figure 2
Reasons For Taking First Job

- No Response
- Other
- Liked Environment
- Good Training
- Power/Influence
- Security
- Lack of Options
- Peer or Family Pressures
- Help Others
- Interesting
- Salary/Advancement
- Good Credential

Legend:
- MALE
- FEMALE

in %
Figure 3
Reasons For Leaving First Job

- Other
- Work Boring
- Work Not Challenging
- Conflict With Political/Moral Beliefs
- Employer's Decision
- Long Hours
- Geography
- Hands on Exp.
- Desired Different Area of Practice
- Work Environment Disliked
- Discrimination
- Child/Family
- Advancement/Salary

in %
* Some of these people are on sabbatical or on maternity or on other leave.
Figure 5
Partner/associate breakdown of
Men & Women Presently in Law Firms
### FIGURE 6
#### DISCRIMINATION

**BASIS** | MALE | FEMALE | TOTAL
---|---|---|---
RACE | 3 | 5 | 8
SEX | 0 | 27 | 27
RELIGION | 0 | 1 | 1
NATIONALITY | 2 | 1 | 3

**MANIFESTATION** | MALE | FEMALE | TOTAL
---|---|---|---
UNCOMFORTABLE ENVIRONMENT | 1 | 16 | 17
WORK ASSIGNMENTS | 1 | 12 | 13
ADVANCEMENT | 2 | 19 | 21
SALARY | 1 | 8 | 9
BEHAVIOR OF CLIENTS | 0 | 5 | 5
HARASSMENT | 2 | 15 | 17
EXCLUSION FROM SOCIAL LIFE | 1 | 9 | 10
OTHER | 1 | 1 | 2
Figure 7
Full-time Workers, Part-Time Workers
And Those Not Presently Employed

No Response
Not Working
Part-Time
Full-Time

in %

MALE
FEMALE
TOTAL
Figure 8
Reasons Given By
Part-Timers And Non-Workers

Note: The graphs reflect the reasons given by part-timer and non-workers for the reasons they are not working full time.