

C

Annals of the American Academy of Political and Social Science
November, 2004

Mommies and Daddies on the Fast Track: Success of Parents in Demanding Professions

Special Editors: Jerry A. Jacobs, Janice Fanning Madden

Section Two

Within the Professions

***130** THE MOMMY TRACK AND PARTNERSHIP: TEMPORARY DELAY OR DEAD END?

Mary C. Noonan, Mary E. Corcoran [FNa1]

Copyright © 2004 by The American Academy of Political and Social Science; Mary C. Noonan, Mary E. Corcoran

Using unique data from University of Michigan Law School graduates, the authors examine sex differences in promotion to partnership among lawyers. The authors investigate three steps in the partnership process: (1) the decision to attrite early from private practice, (2) the attainment of partnership among those who do not attrite, and (3) determinants of partners' earnings. Results show that men are less likely than women to leave private practice and more likely than women to become partners, even after controlling for a number of individual characteristics. Among partners, men earn significantly more than women. There is no evidence of a direct marriage or parenthood penalty, but lawyers who have taken time out of the labor force to attend to child care responsibilities are less likely to become partners and earn less if they do become partners. These findings provide strong indirect evidence that women lawyers face multiple glass ceilings in the workplace.

Keywords: lawyers; promotion; gender; work-family conflict

More than 40 percent of recent law school graduates are women, and almost 40 percent of associates in large firms are women (Epstein et al. 1995; *Harvard Law Review* 1996). In 2003, women made up 63 percent of Berkeley Law School's graduating class, 51 percent of Columbia Law School's graduating class, ***131** and 47 percent of Harvard Law School's graduating class (Belkin 2003). Despite the rapid feminization of law since the 1970s, women associates are far less likely than male associates to become partners. According to a recent American Bar Association Commission report, the most pervasive underrepresentation of women lawyers is among partners in law firms (Rhode 2001, 23). Only 16 percent of partners in law firms are women (Belkin 2003). Rhode (2001, 23) contended that "the disparities are even more pronounced for equity and managing partners ... only about 5 percent of managing partners ... are women."

Women now graduate from top law schools and enter prestigious law firms at roughly the same rates as do men. As Belkin (2003, 44) put it, women "start strong out of the gate." But after leaving law school and entering firms, women increasingly fall behind men. Why is this? Epstein et al. (1995) asserted that women associates make partner at lower rates than do male associates because women face "multiple glass ceilings" that men do not at many stages of the career hierarchy. One such stage is the decision to remain in a firm long enough to be considered for partnership. Partnership typically occurs after six to eight years at a firm, but many women associates drop out of large law practices by their fourth

year (Epstein et al. 1995). Donovan (1990, 142) claimed that “the single most important element of women's inability to make partner is the high attrition rate of women from firms ... women cannot make partner if they have left the firm.” Foster (1995, 1658) stated that “attrition perpetuates the glass ceiling as fewer women are available for promotion and more men remain in decision-making positions as a result.”

High attrition in the first years after joining firms is not the only reason offered for women's underrepresentation in partnership ranks. Epstein et al. (1995), Kay and Hagan (1999), and Rhode (2001) have claimed that glass ceilings operate at other career stages as well—resulting in lower promotion chances for women associates who remain in firms and in lower earnings and equity shares for women who become partners.

Epstein et al. (1995) identified the following as institutional factors that may marginalize women associates: “rainmaking” demands (i.e., generating new clients for the firm), lack of mentors, sexual harassment and discrimination, high work hours, and part-time work tracks that permanently derail lawyers from partnership tracks. Kay and Hagan (1999) listed many of the same factors when they argued that female associates have fewer opportunities than male associates to develop “social capital” within law firms. Researchers who interview women lawyers find that many report experiencing sex discrimination within the firm. Chambers (1989) reported that both men and women lawyers identify sex discrimination as one of the main reasons for women's early attrition from private firms and lower rates of promotion to partnership. Rosenberg, Perlstadt, and Phillips (1993) noted that women lawyers report lower levels of discrimination at the “front door” (hiring) than on the job (salary, promotion, and assignments).

***132** The primary personal factor identified by these authors as constraining women's partnership chances is that some cut back labor supply (e.g., work part-time for a period, take a family leave, work fewer hours per year) to balance the demands of motherhood with the demands of practicing law. As Donovan (1990, 142) put it, “The most notorious reason for women to leave [a firm] is motherhood.” Brockman (1994) found that child care responsibilities and family leave policies play a significant role in career decisions—jobs, specialties, cases, and work hours—for women but not for men. Common reasons women report for leaving the field of law are the lack of flexibility offered by law firms, long hours, child care commitments, and the stressful nature of the work. Men are less likely to cite “work-family conflict” as a reason for leaving law and are more likely to state the desire to use different skills (Brockman 1994).

As these authors noted, the distinction between institutional and personal constraints is fuzzy. For instance, a woman associate may “choose” to work part-time for several years, and this choice may reduce her chances of making partner. But this choice may be a response to discrimination within a firm, or this choice may be all that is available in a firm. Furthermore, the “choice” itself may be strongly conditioned by the expectations of others—family, colleagues, the larger culture—expectations that do not constrain men's labor supply choices (Epstein et al. 1995).

Past Research

Most authors cited above hypothesized that work-family conflicts lead women to reduce their labor supply in ways that increase their chances of exiting law firms and reduce their chances of becoming partners. Two studies of attrition from law firms (Kay 1997; Spurr and Sueyoshi 1994) and several studies of partnership (Hagan and Kay 1995; Hull and Nelson 2000; Kay and Hagan 1998, 1999; Spurr 1990; Spurr and Sueyoshi 1994) have used relatively recent data on lawyers' outcomes to test this hypothesis.

What do these researchers find? First, sex strongly predicted exits from law firms and promotion to partnership even when controlling for law school quality, academic distinction in law school, *potential* work experience (i.e., years since called to the bar, years since law school graduation), legal specialization, having taken a leave for child care, marital

status, children, current work hours, and measures of social capital (Hagan and Kay 1995; Hull and Nelson 2000; Kay 1997; Kay and Hagan 1998, 1999; Spurr 1990; Spurr and Sueyoshi 1994). Second, labor supply matters. Having taken a family leave was more common among women and reduced chances of partnership in Hagan and Kay's (1995) sample of Toronto lawyers. A work-family constraint lowered women's but not men's chances of partnership in Hull and Nelson's (2000) sample of Chicago lawyers. Current work hours positively predicted partnership.

The usefulness of this research in assessing for the extent to which women's labor supply choices reduce their chances of becoming partners is limited given the relatively weak measures of labor supply used. No study had a measure of years *133 worked part-time to care for children. Yet Epstein et al. (1995) and Rhode (2001) have argued that choosing to work-part time on a "mommy track" can stigmatize women as "not serious" and permanently damage chances of becoming partners. Hagan and Kay (1995), Hull and Nelson (2000), and Kay and Hagan (1998) had measures of whether lawyers had taken family leaves but no data on the length of those leaves. No study had a measure of years practicing law. Instead, all of these prior studies included a measure of potential experience (years since called to the bar or years since law school graduation), but actual years practiced is likely lower for women than for men. Hagan and Kay (1995), Hull and Nelson (2000), and Kay and Hagan (1998, 1999) had measures of current work hours, but current work hours are likely endogenous since partners are expected to work long hours. Those who do not make partner might well cut back work hours.

Given the limitations of the labor supply measures used in past research, it may be surprising to learn that even with these weak controls for labor supply, mothers are no less likely than childless women to become partners (Hagan and Kay 1995; Hull and Nelson 2000; Kay and Hagan 1998, 1999). This does not mean that *sex* does not matter for partnership; mothers and childless women are equally *less* likely than men to become partners.

We use detailed information on the fifteen-year careers of graduates of the University of Michigan Law School to investigate sex differences in promotion to partnership. Because women may be disadvantaged relative to men at multiple career stages, we examine three steps in the partnership process: (1) the decision to attrite early from private practice, (2) the attainment of partnership among those who do not attrite, and (3) determinants of partners' earnings. Because we have direct measures of the labor supply choices made to handle child care responsibilities (e.g., months time out for kids, months worked part-time for kids, and years worked in law), we can more precisely estimate the extent to which cutbacks in labor supply are associated with reduced chances of becoming partner for women who start out in private practice than have past researchers. If, after controlling for sex differences in these precise measures of labor supply, women still have higher early attrition rates from private practice than men, women who stay in private practice are still less likely to be promoted than men, and women who become partners still have lower earnings than men, then this is strong indirect evidence *134 that glass ceilings such as those outlined by Epstein et al. (1995) constrain women's opportunities at multiple points in their legal careers. In addition, if after controlling for labor supply, motherhood has no further effects on early attrition, partnership among stayers, and wages of partners, then it seems unlikely that parenting concerns account for the remaining sex differences in early attrition, partnership, and earnings.

Examining women's experiences at multiple stages of their careers after they first enter firms is important because the experiences of women long-termers in a firm likely inform the career decisions made by new women entrants. If cutting back on labor supply has derailed the partnership of older women, then new entrants who are concerned about balancing work and family may quit private practice for another legal setting. If older women who have not cut back labor supply are less likely than men with similar work histories to become partners, and if women partners earn less than men partners with similar work histories, then even new women entrants who are not concerned about balancing family demands may decide their opportunities are restricted and leave.

Data

We use a sample of University of Michigan Law School graduates to examine these questions. The law school surveys all graduates fifteen years after graduation about their earnings, work hours, work histories (including interruptions and years worked part-time), work settings, and families. These survey data are matched with law school records, giving additional information on graduates' performance while in law school.

The sample includes the graduating classes of 1972 to 1985. Outcomes are observed from 1987 to 2000. The average response rate across all years was 60 percent for women and 64 percent for men. We exclude women and men with missing data on the variables used in the analyses (about 18 percent of the total sample). We use three samples in our analyses: those who spent at least one year in private practice (433 women and 1,876 men), those who spent at least four years in private practice (354 women and 1,694 men), and those who were partners in their fifteenth year (144 women and 1,116 men).

Measures

We constructed three dependent variables. The first is a dummy variable equal to one if the respondent has less than four years of private practice experience but has worked in private practice for at least one year (i.e., an "early attritor" or "leaver"). The second is a dummy variable equal to one if the respondent is a partner in a firm with two or more members at year fifteen. The third is the log of annual earnings in year fifteen.

***135** Independent variables are in six groups: demographics, law school performance, family characteristics, work experience, connections/support, and personal satisfaction. Demographic variables include a dummy variable for whether a respondent is male and another for whether the respondent is white. Law school performance is measured by grade point average (GPA) in law school. Family variables include dummy variables for whether the respondent has ever been married and ever had children. Measures of work experience include years practiced law, months since law school during which the respondent worked part-time to care for children, and months since law school during which the respondent did not work at all to care for children. Connections/support are measured by dummy variables that indicate whether the respondent's spouse is a lawyer and whether the respondent has a mentor. We include a dummy variable equal to one if the respondent is satisfied with his or her balance of family and professional life. All the above variables are used in the analyses predicting partnership. In the attrition analyses, we exclude the spouse is lawyer variable. In the earnings analyses, we exclude the spouse is lawyer and satisfaction variables and include measures of firm size (small, medium, and large) and the log of annual hours worked in year fifteen.

Method

First, we present statistics showing the percentage of women and men in private practice for varying lengths of time; the percentage who are partners, using varying samples based on time in private practice; and the means of predictor measures. Next, we estimate models predicting early attrition (i.e., leaving private practice within four years) for those who have at least one year of private practice experience and predicting partnership for those who have at least four years of private practice experience. Because these dependent variables are binary, the models are estimated using logistic regression. We estimate models for all lawyers and for men and women separately to see if the effects of the predictor variables differ significantly by sex. We then estimate models predicting annual earnings for those who are partners in their fifteenth year using ordinary least squares (OLS) regression. We also reestimated models predicting early attrition and partnership including the log of annual hours worked as a predictor variable and report results in the text.

Results

Table 1 reports the private practice experience of law school graduates and the percentages of graduates who make partner. The vast majority of graduates had spent at least one year in private practice, and a smaller but still sizeable majority had spent four or more years in private practice. Women were less likely than men to have tried out private practice for at least one year (82 vs. 87 percent), to have stayed in practice for four or more years (67 vs. 79 percent), and to have made partner***137** (27 vs. 52 percent). Among graduates who did not attrite early (those with four or more years' of private practice), 40 percent of women and 65 percent of men were partners.

TABLE 1

UNIVERSITY OF MICHIGAN LAW SCHOOL DATA (GRADUATION YEARS 1972-85)

	Men	Women	Gender Gap
Percentage in private practice			
At least one year	87	82	5
At least four years	79	67	12
At year fifteen	57	35	22
Percentage partner			
Of total sample	52	27	25
Of those in private practice at least one year	59	33	26
Of those in private practice at least four years	65	40	25
<i>n</i> (total sample)	2,150	531	

FIGURE 1

ATTRITION FROM PRIVATE PRACTICE, BY SEX, OR THOSE IN PRIVATE PRACTICE FOR AT LEAST ONE YEAR, UNIVERSITY OF MICHIGAN LAW SCHOOL GRADUATES

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

Figure 1 shows attrition from private practice over time for graduates who have worked at least one year in private practice. At three years of experience, the gap between the percentage of men and women still in private practice is minor—94 versus 89 percent, respectively. The gap widens to approximately 10 percentage points after four and five years of work experience. We suspect that this is the period when women become discouraged about their chances of making partner. Between five and eight years, the years in which partnership decisions are typically made, the gap widens another 10 percentage points, reaching nearly 20 percent at year eight. It seems likely that women leave private practice at higher rates after five to eight years of practice either because they expect not to make partner or they do not make partner. The gender gap in attrition is constant over the period from eight to fifteen years.

Table 2 reports the means of the variables used in the analyses for graduates with one or more year of private practice. The means for graduates with four or more years of private practice experience are not shown but are very similar to the means presented here. Means that differ significantly by sex are in bold, and those that differ by parenthood status within sex are underlined. Sex differences in family characteristics were large: women were more likely to be childless, less likely to be married, and more likely to be married to a lawyer. Women, on average, also worked significantly fewer hours than men—1,966 hours versus 2,493 hours. Women and men were equally likely to have had a mentor and were equally satisfied with the balance of family and work in their lives.

Sex differences in the labor supply of parents are striking (see Table 3). Only 19 of the 1,574 fathers in our sample had worked part-time, and only 17 had taken a leave from work to care for children. In contrast, 47 percent of mothers had worked part-time and 42 percent had taken a leave from work. Mothers who had worked part-time averaged forty-two months of part-time work over the fifteen years since law school graduation, and those who took a leave from work averaged twenty-four months not working. Fathers worked more hours in year fifteen than did mothers—2,519 versus 2,005 hours. These differences in mothers' and fathers' labor supply are consistent with Epstein et al.'s (1995) observation that while both fathers and mothers report family and work conflicts, only mothers reduce their labor supply to respond to these conflicts.

Although women lawyers were more likely than men lawyers to cut back labor supply, 56 percent of women lawyers *never* worked part-time or took a leave. This 56 percent consists of childless women (29 percent of the sample) and mothers who never worked part-time or took time out to care for children (27 percent of the sample). Women who had not worked part-time or dropped out worked high hours—roughly twenty-four hundred at year fifteen.

Results of estimating the multivariate models predicting early attrition and partnership are reported in Table 4. The first three columns in Table 4 report results from logistic regressions predicting early attrition for lawyers with at least one year ***138** of practice; the next three columns report results of logistic regressions predicting partnership for lawyers who had been in private practice for four or more years. In each set of three regressions, we present results for all lawyers, then for male lawyers, ***139** and then for female lawyers. Coefficients that differ significantly by sex are in bold.

TABLE 2

DESCRIPTIVE STATISTICS USED IN REGRESSION ANALYSES, BY SEX AND PARENTHOOD STATUS, IN PRIVATE PRACTICE FOR AT LEAST ONE YEAR, UNIVERSITY OF MICHIGAN LAW SCHOOL DATA (GRADUATION YEARS 1972-85)

Variable	Men			Women		
	All	Childless	Fathers	All	Childless	Mothers
Partner	0.59	0.49	0.61	0.33	0.31	0.34
	(0.49)	(0.50)	(0.50)	(0.47)	(0.46)	(0.48)
Less than four years' of private practice	0.10	0.12	0.09	0.18	0.19	0.18
	(0.29)	(0.32)	(0.29)	(0.38)	(0.39)	(0.38)
At least four years' of private practice	0.90	0.88	0.91	0.82	0.81	0.82
	(0.30)	(0.32)	(0.29)	(0.39)	(0.39)	(0.38)
White	0.95	0.93	0.95	0.91	0.90	0.92
	(0.22)	(0.26)	(0.21)	(0.29)	(0.31)	(0.28)
Grade point average	3.19	3.14	3.20	3.16	3.13	3.18
	(0.40)	(0.41)	(0.40)	(0.42)	(0.43)	(0.41)
Family						
Ever married	0.90	0.53	0.97	0.78	0.44	0.92
	(0.30)	(0.50)	(0.17)	(0.41)	(0.50)	(0.27)
Ever had children	0.84	0.00	1.00	0.71	0.00	1.00
	(0.37)	(0.00)	(0.00)	(0.45)	(0.00)	(0.00)

Experience

Years prac- ticed law	13.99	13.74	14.03	13.06	13.10	13.05
	(2.68)	(2.83)	(2.67)	(3.45)	(3.73)	(3.39)
Months part-time for kids	0.29	0.00	0.34	13.95	0.00	19.68
	(3.72)	(0.00)	(4.06)	(29.18)	(0.00)	(33.00)
Months not worked for kids	0.10	0.00	0.11	7.04	0.00	9.94
	(1.82)	(0.00)	(2.00)	(20.79)	(0.00)	(24.12)
Annual hours worked FN [FN _a]	2,493	2,414	2,508	1,966	2,370	1,800
	(455)	(493)	(446)	(860)	(643)	(884)
Mentor (1 = yes)	0.60	0.55	0.61	0.61	0.62	0.61
	(0.49)	(0.50)	(0.49)	(0.49)	(0.49)	(0.49)
Spouse is a lawyer (1 = yes)	0.11	0.10	0.11	0.31	0.17	0.36
	(0.31)	(0.31)	(0.31)	(0.46)	(0.37)	(0.48)
Satisfied with work- family balance (1 = yes)	0.57	0.54	0.58	0.56	0.49	0.59
	(0.49)	(0.50)	(0.49)	(0.50)	(0.50)	(0.49)

n 1,876 302 1,574 433 126 307

NOTE: Standard deviations in parentheses. Values in bold are significantly different by sex ($p < .10$). Values that are underlined are significantly different by parenthood status within sex ($p < .10$).

FNa. For those employed in year fifteen.

TABLE 3

DESCRIPTIVE STATISTICS ON PARENTS' WORK HISTORIES BY SEX, IN PRIVATE PRACTICE FOR AT LEAST ONE YEAR, UNIVERSITY OF MICHIGAN LAW SCHOOL DATA (GRADUATION YEARS 1972-85)

Work History	Fathers (<i>n</i> = 1,574)		Mothers (<i>n</i> = 307)	
	%	Mean Months	%	Mean Months
Ever worked part-time	1	28.41 PT	47	41.67 PT
Ever nonwork	1	10.54 FT	42	23.83 FT
Only worked part-time	1	26.93 PT	20	44.69 PT
Only nonwork	1	6.31 FT	14	28.20 FT
Worked both part-time and nonwork	0.25	41.29 FTE	27	41.28 FTE
Worked part-time or nonwork	2	14.04 FTE	62	32.13 FTE

NOTE: All statistics are significantly different by sex ($p < .10$), except for the “mean months” value for mothers and fathers who both worked part-time and nonwork. PT = part-time months; FT = full-time months; FTE = full-time equivalent months.

We begin by discussing early attrition (i.e., leaving a firm by the fourth year). Many of the predictor variables are measured over the fifteen years after graduation, and most of the “leavers” likely exited private practice prior to year fifteen. As a result, the findings on attrition are not interpreted within a causal framework but instead within an “associative” framework. That is, the findings simply tell us whether those who left private practice by the fourth year

differ significantly on a set of characteristics compared to those who remained in private practice beyond the fourth year.

Women are more likely than men to exit, even after controlling for GPA, marriage, children, labor supply, mentoring, and satisfaction (see Table 4). GPA and years practiced law are significantly associated with lower rates of leaving for both men and women. Marriage, children, time out, and part-time work are not significantly associated with rates of leaving for women or men. Even when the experience measures are removed from the model, marriage and children remain unrelated to rates of leaving for both women and men. Men who have a mentor are less likely to exit. Only one coefficient is significantly different in the male and female regressions. Men who left are more likely than men who stayed to be satisfied with their work-family balance at the fifteenth year; this is not true for women. Further analyses show that, for women, having children, taking time out of work, and working part-time are all positively associated with work-family satisfaction. Women who leave private practice are more likely to take time out of work, women who stay in private practice are more likely to work part-time, and both groups are equally likely to have children. Therefore, it appears that both women “leavers” and “stayers” have balanced their work and family lives in different ways, but both *140 approaches are equally satisfying. Since very few men who remain in private practice actually work part-time, it may be that—for men—work-family satisfaction only comes through leaving the stressful world of private practice for other less demanding lines of work.

TABLE 4

SUMMARY OF REGRESSION RESULTS, UNIVERSITY OF MICHIGAN LAW SCHOOL DATA (GRADUATION YEARS 1972-85)

Variable	Predicting Early Attrition ^{FN [FNa]}			Predicting Partnership ^{FN [FNb]}		
	Total	Men ^{FN} [FNC]	Women ^{FN} [FNC]	Total	Men ^{FN} [FNC]	Women ^{FN} [FNC]
Male	-0.568 ^{FN} [FNaaa1]			0.690 ^{FN} [FNaaa1]		
	(0.181)			(0.152)		
White	-0.540 ^{FN} [FNaa1]	-0.444	-0.805 ^{FN} [FNaa1]	0.212	0.478^{FN} [FNaa1]	-1.005^{FN} [FNaa1]
	(0.264)	(0.345)	(0.431)	(0.235)	(0.265)	(0.519)
Grade point average	-0.589 ^{FN} [FNaaa1]	-0.473 ^{FN} [FNaa1]	-0.873 ^{FN} [FNaa1]	0.636 ^{FN} [FNaaa1]	0.530^{FN} [FNaaa1]	1.201^{FN} [FNaaa1]
	(0.185)	(0.219)	(0.360)	(0.135)	(0.149)	(0.349)

Family						
Ever married	0.023	0.315	-0.369	0.388 ^{FN} [FNaa1]	0.301	0.486
	(0.239)	(0.324)	(0.366)	(0.181)	(0.211)	(0.372)
Ever had children	-0.101	-0.280	0.190	0.284 ^{FN} [FNaa1]	0.307 ^{FN} [FNaa1]	0.278
	(0.206)	(0.247)	(0.364)	(0.153)	(0.175)	(0.327)
Experience						
Years practiced law	-0.208 ^{FN} [FNaaa1]	-0.221 ^{FN} [FNaaa1]	-0.168 ^{FN} [FNaaa1]	0.398 ^{FN} [FNaaa1]	0.399 ^{FN} [FNaaa1]	0.403 ^{FN} [FNaaa1]
	(0.018)	(0.020)	(0.037)	(0.038)	(0.042)	(0.104)
Months part-time for kids	-0.007	0.008	-0.007	-0.006	-0.018	-0.007 ^{FN} [FNaa1]
	(0.006)	(0.017)	(0.007)	(0.004)	(0.023)	(0.004)
Months not worked for kids	0.002	-0.033	0.006	-0.066 ^{FN} [FNaa1]	-0.797 ^{FN} [FNaa1]	-0.053 ^{FN} [FNaa1]
	(0.005)	(0.060)	(0.006)	(0.026)	(0.375)	(0.025)
Mentor	-0.215	-0.312 ^{FN} [FNaa1]	0.111	0.296 ^{FN} [FNaaa1]	0.281 ^{FN} [FNaa1]	0.517 ^{FN} [FNaa1]
	(0.143)	(0.167)	(0.283)	(0.102)	(0.113)	(0.260)
Spouse is a lawyer	—	—	—	0.244	0.089	0.787^{FN} [FNaaa1]
				(0.150)	(0.177)	(0.291)
Satisfied	0.453 ^{FN}	0.645^{FN}	-0.062	-0.511 ^{FN}	-0.536 ^{FN}	-0.643 ^{FN}

with work- family balance	[FNaaa1]	[FNaaa1]		[FNaaa1]	[FNaaa1]	[FNaa1]
	(0.150)	(0.183)	(0.276)	(0.103)	(0.114)	(0.257)
<i>n</i>	2,309	1,876	433	2,048	1,694	354

NOTE: Standard errors in parentheses.

FNa. Sample includes those with at least one year in private practice.

FNb. Sample includes those with at least four years in private practice.

FNc. Coefficients in bold are significantly different by sex ($p < .10$).

FNaa1. $p < .10$.

FNaa1. $p < .05$.

FNaaa1. $p < .01$.

Sex also affects promotion rates for lawyers who remain in firms for at least four years. Women are less likely than men to be promoted to partner, even when GPA, race, years practiced law, months part-time, months nonwork, marital status, number of kids, mentorship, and satisfaction are controlled (see Table 4). There is no evidence of a marriage or parenthood penalty for women either when experience is ***141** controlled or when experience measures are excluded from the models (results not shown). In fact, marriage and children are *positively* associated with the probability of becoming partner when experience measures are included. Marriage remains positively associated with partnership for women when experience measures are excluded, but the coefficient on children drops to zero. GPA, years practiced law, and having a mentor are positively associated with partnership, and months not worked is negatively associated with partnership. The effects of time out on partnership are significantly larger for men, and the effects of GPA on partnership are significantly larger for women. Part-time work significantly decreases the likelihood of becoming a partner for women but not for men; however, the difference in the effect is not large enough to be statistically different by sex. Having a lawyer as a spouse increases women's but not men's chances of becoming a partner.

There is a lot of consistency across the two sets of results. Men are less likely to attrite and more likely to make partner. Lawyers with high GPAs, a mentor, and more legal work experience are less likely to attrite and more likely to make partner. Taking time off from work decreases the chance of partnership (significant) and increases the chances of attrition (insignificant). There is no evidence of a direct marriage or motherhood penalty for women. Male stayers are less satisfied with their work-family balance than males who left private practice early in their careers, and men and women who make partner are less satisfied with work-family balance than those who do not.

Because logistic coefficients do not show how much the probability of an event changes when the predictor variables change, we translate the estimated coefficients into predicted probabilities. We calculate the predicted probability of exiting private practice/becoming partner for an individual with fixed characteristics and then recalculate probabilities changing those characteristics one at a time. We report these predicted probabilities in Table 5. The first column in Table 5 reports predicted probabilities of early attrition based on coefficients from the early attrition regressions analyzed for all lawyers. The next two columns report probabilities based on the coefficients in the attrition regressions analyzed for men and women separately. The last three columns in Table 5 report predicted probabilities of partnership***142** based on the coefficients from the partnership regressions. Predicted probabilities that are based on significant coefficients are in bold.

TABLE 5

PREDICTED PROBABILITIES, UNDER DIFFERENT SCENARIOS, UNIVERSITY OF MICHIGAN LAW SCHOOL
 DATA (GRADUATION YEARS 1972-85)

Scenario	Probability of Early Attrition			Probability of Becoming a Partner		
	All [FN _a]	Men [FN _b]	Women [FN _b]	All [FN _a]	Men [FN _b]	Women [FN _b]
1. Male, white, 3.2 grade point average, married, kids, 13.5 years practiced law, 0 part-time months, 0 break months, mentor, satisfied with work-family balance, spouse not a lawyer	.09	.09	.14	.57	.58	.35
2. Sex (“become female”)	.15			.40		
3. Grade point average increases by 0.5	.07h	.h07h	.h09h	.h65h	.h64h	.h49
4. Never married	.09	.07	.18	.48	.50	.24
5. No kids	.10	.12	.11	.51h	.h50	.29
6. Never married/no kids	.10	.09	.16	.41	.43	.20
7. One additional year prac-	.08h	.h08h	.h12h	.h67h	.h67h	.h44

ting law

8. Forty-two part-time months	.07	.13	.10	.51	.39	.28
9. Twelve break months	.09	.06	.14	.38h	.h00h	.h22
10. Eighteen break months	.10	.05	.15	.29h	.h00h	.h17
11. No mentor	.11	.12	.12	.50h	.h51h	.h24
12. Not satisfied with work-family balance	.06h	.h05	.14	.69h	.h70h	.h50
13. Spouse "becomes" a lawyer	—	—	—	.63	.60	.54

NOTE: Figures represent predicted probability when only the given variable is changed. Bolded values represent changes for variables that are statistically significant.

FNa. Using same coefficients for both sexes.

FNb. Using sex-specific coefficients.

The "base" lawyer in Table 5 is a white man who is married with children, has an average GPA, 13.5 years of private practice experience, no leave, no part-time experience, a mentor, is satisfied with his work-family balance, and has a spouse who is not a lawyer. This "base" lawyer has a 9 percent chance of leaving private practice before his fourth year and a 57 percent chance of making partner if he remains in private practice for at least four years (see Table 5, scenario 1). A woman with these same characteristics has a 15 percent chance of leaving practice within four years and a 40 percent chance of making partner if she remains in private practice for at least four years (see Table 5, scenario 2). Thus, "being female" increased the predicted chances of attrition by 6 percentage points and reduced the chances of becoming partner by 17 percentage points.

*143 Only GPA, years practiced law, having a mentor, and lack of satisfaction with family/work balance were significantly associated with early attrition. An increase of 0.5 in one's GPA (roughly a rise from a B+ to an A average) reduced the predicted probability of early attrition from .09 to .07 for the "base" man and from .14 to .09 for the "base" woman (see Table 5, scenario 3). An additional year of law practice reduced the "base" man's predicted probability of

early attrition from .09 to .08 and the “base” woman's predicted probability of attrition from .14 to .12. Men who had mentors had a lower predicted probability of early attrition than did men without mentors—.09 versus .12. Men who were satisfied with work-family balance had a lower predicted probability of early attrition than did those who were not satisfied—.09 versus .05.

GPA and time out to care for children had modest to large effects on partnership chances, depending on whether predicted probabilities were calculated using coefficients from the male or female regressions. An increase of 0.5 in law school GPA would raise the “base” man's predicted probability of partnership from .58 to .64 and the “base” woman's predicted probability from .35 to .49. If a “base” man were to take a one-year leave from work for child care responsibilities, his predicted probability of becoming a partner plummets from .58 to .00 (see Table 5, scenario 9). If the “base” man were to work part-time for forty-two months, his predicted probability of becoming partner drops from .58 to .39. These drops, while theoretically large, have little practical import since virtually no men drop out or work part-time. The predicted effects of labor supply for women's partnership chances, while smaller than those of men, are by no means trivial. A year leave of absence reduces the “base” women's predicted probability of partnership from .35 to .22, and working part-time for forty-two months reduces her predicted probability of partnership from .35 to .28 (see Table 5, scenarios 9 and 8). Since large minorities of women lawyers do take family leave and/or work part-time, these predicted drops in chances of partnership have practical as well as theoretical implications.

There is little evidence in Table 5 of a marriage or motherhood penalty. If the “base” woman were never married (versus married), her predicted probability of partnership drops from .35 to .24. If the “base” woman were childless (versus being a mother), her predicted probability of partnership drops from .35 to .29.

Mentorship and satisfaction significantly predicted partnership for both men and women, and having a spouse who is a lawyer predicted partnership for women but not men. Not having a mentor reduced the “base” man's predicted chances of becoming a partner from 58 to 51 percent and reduced the “base” woman's chances even more from 35 to 24 percent. Having mentors for women within firms may be effective in improving chances of partnership. If we simulate our “base” case to be unsatisfied with his or her work-family balance, the “base” man's predicted chances of becoming partner rises from 58 to 70 percent, and those of the “base” woman rises from 35 to 50 percent. This should not be interpreted causally; it shows that partners are less likely than other lawyers to be satisfied with their work-family balance. Having a spouse who is a lawyer increases the “base” woman's chance of becoming partner from 35 to 54 percent.

***144** We did not control for work hours in the attrition and partnership regressions because of endogeneity concerns; work hours are measured in year fifteen, and attrition and partnership likely occur prior to year fifteen. As a specification check, we added measures of hours worked in year fifteen to these regressions. When we did so, the coefficients on the sex dummy drop slightly. The “base” woman's probability of attriting drops from 15 to 14 percent, and her probability of making partner rises from 40 to 43 percent (scenario 2 in Table 5). Work hours, as expected, are lower for those who attrite and are higher for partners.

Rhode (2001) argued that women who become partners are less likely than men partners to hold equity shares and to become managing partners. We examine the sex difference in earnings for lawyers who have become partners by their fifteenth year after graduation in Table 6. The first two columns of Table 6 report means on earnings and individual characteristics for men and women partners. The difference between men's and women's mean log earnings is .28. This means that men's average earnings are 32 percent higher than those of women (i.e., $[\exp(.28) - 1] \times 100 = 32$ percent). Women partners are less likely than men partners to be married and more likely to be childless. There are no sex differences in years practiced law, but there are modest differences in part-time work and family leave. On average, women partners have worked part-time for one year and have spent 1.7 months out of the labor force. In comparison, men part-

ners average only two to three days of part-time work experience and no time away from work. Men partners' annual work hours are 10 percent higher than those of women—a difference of about 224 hours more per year. Both sexes are equally likely to have had a mentor and are equally distributed among firms of different sizes.

The third column of Table 6 reports results of a regression predicting partners' annual earnings. When we reran this regression separately by sex, only the coefficients on part-time work and firm size significantly differed by sex. The fourth column of Table 6 reports results from an earnings regression that includes interactions of sex with part-time work and with the firm size dummies. The male earnings advantage is halved from 32 to 16 percent (i.e. $[\exp(.15) - 1] \times 100 = 16$ percent) when race, GPA, marital status, children, work experience, work hours, mentoring, and firm size are controlled (Table 6, third column). Sex differences in annual work hours at year fifteen and in time out account for most of this drop.

Taking time out to care for children has a big effect on partners' earnings. Earnings drop by 2.3 percent for each additional month of family leave. Thus, a single year of family leave over the fifteen years since leaving school would lower a woman partner's expected earnings in year fifteen by 27.6 percent. Part-time work experience has no effect on women partners' earnings, but male partners with part-time work experience pay a large earnings penalty. For every additional month of part-time work experience, men's annual earnings drop by 3.4 percent. There is no evidence of a marriage or parenthood penalty; marriage and parenthood have positive but insignificant effects on earnings.

***145** Table 6

DESCRIPTIVE STATISTICS AND REGRESSION RESULTS FOR ANALYSIS PREDICTING LN EARNINGS
 AMONG PARTNERS, BY SEX, UNIVERSITY OF MICHIGAN LAW SCHOOL DATA (GRADUATION YEARS
 1972-85)

Variable	Mean		Coefficient	
	Men	Women	Model 1	Model 2
In annual earnings	12.19	11.92		
	(0.55)	(0.70)		
Sex (1 = male)	1.00	0.00	0.145 ^{FN [FNaaa1]}	0.434 ^{FN [FNaaa1]}
			(0.048)	(0.089)
White	0.97	0.92	-0.013	-0.018
	(0.18)	(0.28)	(0.075)	(0.075)
Grade point aver-	3.24	3.28	0.219 ^{FN [FNaaa1]}	0.207 ^{FN [FNaaa1]}

age

	(0.39)	(0.38)	(0.039)	(0.039)
Ever married	0.92	0.85	0.017	0.019
	(0.27)	(0.36)	(0.056)	(0.056)
Ever had children	0.87	0.73	0.062	0.068
	(0.34)	(0.45)	(0.045)	(0.045)
Years practiced law	14.73	14.69	0.034 ^{FN [FNaa1]}	0.030 ^{FN [FNaa1]}
	(0.90)	(1.02)	(0.015)	(0.015)
Months part-time for kids	0.10	12.06	-0.002	-0.001
	(1.87)	(29.60)	(0.002)	(0.002)
Months part-time for Kids x Sex				-0.033 ^{FN [FNaaa1]}
				(0.008)
Months not worked for kids## 0.00 h	h1.71	-0.022 ^{FN [FNaa1]}	-0.023 ^{FN [FNaa1]}	
	(0.09)	(4.36)	(0.010)	(0.010)
In annual hours	7.84	7.73	0.648 ^{FN [FNaaa1]}	0.661 ^{FN [FNaaa1]}
	(0.14)	(0.27)	(0.091)	(0.090)
Mentor (1 = yes)	0.63	0.67	0.050 ^{FN [FNaa1]}	0.046
	(0.48)	(0.47)	(0.029)	(0.028)

Small firm	0.26	0.24	Omitted	Omitted
	(0.44)	(0.43)		
Medium firm	0.21	0.24	0.328 ^{FN [FNaaa1]}	0.583 ^{FN [FNaaa1]}
	(0.41)	(0.43)	(0.041)	(0.118)
Medium Firm x Sex				-0.289 ^{FN [FNaa1]}
				(0.125)
Large firm	0.53	0.52	0.516 ^{FN [FNaaa1]}	0.873 ^{FN [FNaaa1]}
	(0.50)	(0.50)	(0.035)	(0.100)
Large Firm x Sex				-0.406 ^{FN [FNaaa1]}
				(0.105)
<i>R</i> -squared			.286	.303
<i>n</i>	1,116	144	1,260	1,260

NOTE: Standard deviations/standard errors in parentheses. Values in bold are significantly different by sex ($p < .10$).

FNaa1. $p < .10$.
 FNaa1. $p < .05$.
 FNaaa1. $p < .01$.

*146 Conclusion and Discussion

In this article, we use data on graduates of the University of Michigan Law School, a highly ranked law school that provides specialized training and access to well-paid jobs, to examine sex differences in the path to partnership. These men and women started off on an equal footing in the legal marketplace. Despite this, men were almost twice as likely as women to become partners.

How did this happen? The pattern is one of cumulating disadvantages. Women fell behind men in each stage in the progression to partnership. Women were slightly less likely than men to try out private practice (82 vs. 87 percent). Women who entered private practice were 1.8 times as likely as men to leave within four years (18 vs. 10 percent). And among those who remained for four or more years, men were 1.6 times more likely to be promoted to partner (65 vs. 40

percent). Even among the select group of those who made partner, men's mean annual earnings were 32 percent higher than those of women.

Some argue that women are more likely than men to select themselves out at each stage of the partnership process because men and women handle family responsibilities differently. Certainly, a large minority of women in our sample cut back labor supply to deal with family responsibilities, and virtually no men did so. These cutbacks in labor supply were negatively associated with partnership chances and with partners' earnings. But we found large gaps between the early attrition rates, chances of partnership, and annual earnings of men and women partners with the *same* work histories. When we control for labor supply, marriage, and children, the gap between men's and women's early attrition rates drops from 8 to 6 percentage points, the gap in promotion rates drops from 25 to roughly 17 percentage points, and the gap in partners' mean earnings decreases from 32 to 16 percentage points. At most, one-quarter to one-third of the male/female differences in early attrition and promotion and one-half of the earnings gap between men and women partners are due to labor supply differences. These estimates of reductions may be on the high side since women's labor supply choices are likely influenced by the options firms offer and by women's perceptions of sex differences in promotion opportunities.

A family leave of one year reduced women's chances of making partner by one-third and reduced women partners' earnings by 28 percent. But law school performance and connections had equally strong effects on women lawyers' careers. A woman with a B+ average GPA in law school was 1.5 times as likely to attrite early as was one with an A average (14 vs. 9 percent) and was less likely to make partner (35 vs. 49 percent). Women with mentors were almost 1.5 times as likely to become partners as were those without mentors (35 vs. 24 percent), and women married to lawyers were 1.8 times as likely to make partner as women who were not married to lawyers (54 vs. 35 percent).

The few male lawyers who reduced their labor supply to care for children fared badly economically. A year of leave reduced men's predicted chances of making partner from 58 to 0 percent, and a year of part-time work reduced male partners' ***147** predicted earnings by 41 percent. The meaning of these drops is unclear. These could be very unusual men, or it could be that male lawyers who behave in nontraditional ways face high penalties. If the latter were true, it is not surprising that so few male lawyers reduce labor supply. Among fathers in our sample, only six had taken at least one year of leave, and only thirteen had one year or more of part-time work experience. None of the six fathers who had taken a year or more of leave, and only three of the fathers who worked part-time for a year or more were partners.

One could argue that parenting responsibilities reduce women's productivity at work in ways not captured by these analyses. But controlling for labor supply, mothers had the same early attrition rates, promotion rates, and earnings as did childless women; and ever-married women were more likely to be promoted than never-married women. It seems implausible that women's commitment to home and hearth accounts for the remaining sex-based gaps in early attrition, partnership, and partners' earnings.

This brings us to sex-based differences in the ways women are treated in law firms. Epstein et al. (1995) posited that direct discrimination and sexual harassment, as well as a wide array of embedded institutional practices, marginalize women within law firms. We could not directly test this proposition since our data set does not include measures of sexual harassment and discrimination and only has two institutional measures—firm size and mentoring. But our finding of large sex differences at each stage of the progression to partnership, controlling for labor supply differences, suggests that women are disproportionately selected out and discouraged at each of these stages. This is strong indirect evidence that women face multiple glass ceilings.

Researchers who have conducted in-depth, in-person interviews with associates and partners in law firms describe two sets of mechanisms that could systematically disadvantage women. One set constrains associates' labor supply

choices and determines the effects these choices have on partnership. For instance, although firms offer part-time tracks, official policies differ on whether part-time work counts for partnership and on whether part-timers can return to partnership tracks (Epstein et al. 1995). Even when the official policy is that family leaves and part-time work do not disqualify women from partnership, several studies find that some women reported being assigned less important cases and being labeled as less motivated after having worked part-time (Epstein et al. 1995; Gannon 2003). This social stigma and fear of not being taken seriously likely keeps many lawyers from pursuing part-time options. For instance, a study of 1,305 law offices nationwide in 2003 found that while 96 percent of those firms offered part-time positions, only 4.1 percent of attorneys took advantage of reduced schedules (National Association of Law Placement 2003). This 4.1 percent rate of part-time work is markedly lower than the 13 percent rate for individuals in professional specialties in 2002 (National Association of Law Placement 2003). A second set of mechanisms can systematically disadvantage women in ways that are unrelated to their actual labor supply choices. Epstein et al. (1995) and Rhode (2001) claimed that high rainmaking demands, a lack of mentoring, sex discrimination, disproportionate *148 shares of pro bono work, and mixed messages about personal style all may reduce women's chances of making partner.

It is easy to describe institutional arrangements that might make law firms more family-friendly. A report in the *Harvard Law Review* (1996) suggested reducing “billable hours” requirements, billing approaches that move away from reliance on billable hours to other indicators of performance, officially counting part-time work toward partnership, developing a work climate in which individuals who work part-time and take family leaves are not stigmatized, part-time partnership, employer-assisted emergency day care, and mixed compensation (compensation consisting partly of time and partly of money).

It is equally easy to list approaches that can change institutional barriers to women's mobility. To the extent that sex discrimination and sexual harassment limit women's chances, there may be legal avenues to pursue. Of course, the individual costs of pursuing such strategies may be high. Other strategies include programs that improve the mentoring women associates receive, broaden the criteria for partnership, and reduce the extent to which women's personal styles are viewed as less effective in a legal setting. We find mentoring has a big impact on women's partnership chances.

Implementing family-friendly policies and changing embedded institutional policies that disadvantage women may require shifts in law firm culture. This is the rub. The *Harvard Law Review* study (1996, 1381) warned that such changes can “conflict with (firms') institutional norms” and that “law firms and their clients are understandably reluctant to challenge deeply ingrained business practices.” Epstein et al. (1995) asserted that three social processes— traditionalism, stereotyping, and ambivalence—contribute to this institutional inertia.

The *Harvard Law Review* study (1996, 1376) succinctly summed up the dilemma facing women associates: “Women cannot reach true equality within firms as large numbers of women are considered atypical because they fail to conform to the male-based definition of the ideal worker.” Despite this gloomy assessment, the *Harvard Law Review* study and Rhode (2001) have contended that the benefits to changing firm culture may be powerful enough to overcome inertia. The *Harvard Law Review* report argues that high hour demands have led to a *149 “time famine” among lawyers and that this “lack of time” can adversely affect health by increasing stress and can inhibit professional development by reducing available time for community service, pro bono work, scholarship, and education. The *Harvard Law Review* study and Rhode agreed that the current emphasis on high billable hours and constant availability is likely inefficient as well—that lawyers who are stretched too far are more likely to make mistakes. They also agreed that the current rigid set of expectations in law firms is likely related to disaffection and attrition among lawyers—both male and female. Our results show that partners are less satisfied with their work-family balance than are lawyers who do not make partner. To the extent that these arguments are correct, programs that change law firms' cultures to be open to a wider range of work and personal styles have the potential to reduce disaffection, raise morale, enhance professional development, increase effi-

ciency, and improve productivity. These could be powerful incentives for change.

References

- Belkin, Lisa. 2003. The opt-out revolution, *The New York Times* October 26.
- Brockman, Joan. 1994. Leaving the practice of law: The wherefores and the whys. *Alberta Law Review* 32(1): 116-80.
- Chambers, David L. 1989. Accommodation and satisfaction: Women and men lawyers and the balance of work and family. *Law & Social Inquiry* 14:251-87.
- Donovan, Kathleen. 1990. Women associates' advancement to partner status in private firms. *Georgetown Journal of Legal Ethics* 4:135-52.
- Epstein, Cynthia Fuchs, Robert Saute, Bonnie Oglensky, and Martha Gever. 1995. Glass ceilings and open doors: Women's advancement in the legal profession. *Fordham Law Review* 64:306-449.
- Foster, S. Elizabeth. 1995. The glass ceiling in the legal profession: Why do law firms still have so few female partners? *UCLA Law Review* 1597:1631-89.
- Gannon, Joyce. 2003. A growing number of law firms let attorneys work part-time. *Pittsburgh Post-Gazette*, December 7.
- Hagan, John, and Fiona Kay. 1995. *Gender in practice: A study of lawyers' lives*. New York: Oxford University Press.
- Harvard Law Review*. 1996. Why law firms cannot afford to maintain the mommy track. Unsigned Student Note. 109 (6): 1375-92.
- Hull, Kathleen E., and Robert L. Nelson. 2000. Assimilation, choice or constraint? Testing theories of gender differences in the careers of lawyers. *Social Forces* 79 (1): 229-64.
- Kay, Fiona M. 1997. Flight from law: A competing risks model of departures from law firms. *Law and Society Review* 31 (2): 301-35.
- Kay, Fiona M., and John Hagan. 1998. Raising the bar: The gender stratification of law firm capital. *American Sociological Review* 63:728-43.
- _____. 1999. Cultivating clients in the competition for partnership: Gender and the organizational restructuring of law firms in the 1990s. *Law and Society Review* 33:517-55.
- National Association of Law Placement. 2003. Part-time attorney schedules still widely available, but remain rarely used by partners, associates. [http:// www.nalp.org/press/p_t2003.htm](http://www.nalp.org/press/p_t2003.htm) (accessed November 7, 2003).
- Rhode, Deborah. 2001. *The unfinished agenda: Women in the legal profession*. Chicago: American Bar Association Commission on Women in the Profession.

Rosenberg, Janet, Harry Perlstadt, and William R. F. Phillips. 1993. Now that we are here: Discrimination, disparagement, and harassment at work and the experience of women lawyers. *Gender & Society* 7:415-33.

*150 Spurr, Stephen J. 1990. Sex discrimination in the legal profession: A study of promotion. *Industrial and Labor Relations Review* 43:406-17.

Spurr, Stephen J., and Glenn T. Sueyoshi. 1994. Turnover and promotion of lawyers: An inquiry into gender differences. *Journal of Human Resources* 29:813-42.

[FN1]. Mary C. Noonan is an assistant professor in the University of Iowa's Department of Sociology. She received her Ph.D. in sociology and her master's in public policy from the University of Michigan. Her research interests include gender, work, and family issues. Past research has examined the effect of time spent in housework on men's and women's wages. She is currently examining employment outcomes of former welfare recipients. Other research examines the relationship between work-family policies and time spent in housework, men's and women's employment behavior around childbirth, the sex-based earnings gap among lawyers, and the impact of welfare reform on the employment of single mothers.

Mary E. Corcoran is a professor of political science, public policy, social work, and women's studies at the University of Michigan. She received her Ph.D. from the Massachusetts Institute of Technology. Her research focuses on the effects of discrimination on economic status and on welfare and employment policies.

NOTE: We thank Janice Madden, Cynthia Epstein, and the participants of the "Mommies and Daddies on the Fast Track" conference for their helpful comments.

596 Annals Am. Acad. Pol. & Soc. Sci. 130

END OF DOCUMENT