

Are Minority Women Lawyers Leaving Their Jobs?

Findings from the First Wave of the After the JD Study

□ AN AFTER THE JD MONOGRAPH □

by Gita Z. Wilder



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For more information on the *After the JD* study, go to <http://ajd.abfn.org>.
To download a copy of the report on the first wave of findings, go to <http://www.abf-sociolegal.org/afterjd.html>.

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Not long ago, Law.com published an article that asked the question, “Why are minority female associates leaving law firms?” A partial answer asserted that women of color “experienc[e] . . . less satisfaction and more obstacles at large firms than their peers, including men of color.”¹ This conclusion was based on responses to the most recent version of the annual Midlevel Associates Survey conducted by *The American Lawyer* in spring 2007. Participants represented 189 law firms, most of which qualified for inclusion on the AmLaw 200 list.

The American Lawyer article was not really news. Data collected annually by NALP have shown for years that, although women have made impressive gains in law school attendance and employment as associates at law firms, they are virtually missing from partnership positions in law firms.² Earlier, a report from the American Bar Association Commission on Racial and Ethnic Diversity in the Legal Profession had pointed out that, although the proportion of women among minority lawyers was growing — in 2000, it was 44% — “minority women are almost completely excluded from top private sector jobs.” At that time, minority women made up less than one percent of equity partners in Chicago law firms and only 1.1% of general counsel in Fortune 1000 firms.³

A later report showed that, among the law firms listed in the 2007-08 *NALP Directory of Legal Employers*, only 1.7% of partners were minority women, along with 10.1% of associates. (See Table 1, Law Firm Demographics, 2007: Partners, Associates, and Summer Associates by Minority Status and Gender.) Moreover, the fact that under two percent of partners overall were minority women should not be taken to mean that minority women made up 1.7% of the partners at each of the more than 1,500 offices and firms represented in the *Directory*. In fact, almost two thirds of the offices and firms reported no minority women partners at all. And 29% of the offices reported no minority women associates. These numbers vary with the size of the office/firm — larger offices tend to employ more minorities and had more women

¹ D. M. Osborne, *Why Are Minority Female Associates Leaving Law Firms?* <http://www.law.com/jsp/article.jsp?id=1194343441401>.

² “Minority Women Still Underrepresented in Law Firm Partnership Ranks — Change in Diversity of Law Firm Leadership Very Slow Overall,” NALP press release, November 1, 2007, <http://www.nalp.org> (see *Research > Press Releases*).

³ Elizabeth Chambliss, *Miles to Go: Progress of Minorities in the Legal Profession*, ABA Commission on Racial and Ethnic Diversity in the Legal Profession, December 2004.

partners — and with the location — Miami, Los Angeles, and Austin, for example, had more minority women partners than did Salt Lake City, Pittsburgh, and Raleigh/Durham.⁴ These numbers should be evaluated in light of the fact that minority women accounted for 13.3% of summer associates in 2007, 10.1% of law firm associates as noted above, and, by the way, upward of 20% of the general population.

TABLE 1. Law Firm Demographics, 2007: Partners, Associates, and Summer Associates, by Minority Status and Gender*

	All Lawyers	Partners	Associates	Summer Associates
All				
Number**	135,170	61,297	60,715	12,396
% Women	32.0	18.3	45.1	45.6
% Minority	11.4	5.4	18.1	24.2
% Minority Women	5.7	1.7	10.1	13.3
Asian				
Total %		1.9		
% (Asian) Women		0.7		
Black				
Total %		1.6		
% (Black) Women		0.5		
Hispanic				
Total %		1.6		
% (Hispanic) Women		0.4		

* Sources: NALP, "A Closer Look at Women and Minorities in Law Firms – by Race and Ethnicity," *NALP Bulletin*, February 2008; and "Minority Women Still Underrepresented in Law Firm Partnership Ranks," NALP Press Release, November 1, 2007.

** Because the data come from different sources, the numbers do not necessarily add up.

⁴ Judith N. Collins, "A Closer Look at Women and Minorities in Law Firms by Race and Ethnicity," *NALP Bulletin*, February 2008.

The report of findings of the Midlevel Associates Survey was not the first inkling that minority women might be leaving law firms at rates that exceed those of their colleagues, minority men, and white women and men. An earlier publication — a guide for female law students produced jointly by Catalyst and NALP in 2001 — started with the declaration that “Law firms are losing women.”⁵ Citing data from a NALP Foundation study, the guide pointed out that women of all stripes were leaving law firms earlier than men and that nearly half had left by the end of the third year. Although the fall class that entered law school that year was 49% female, and more than half (55%) of the women in the class began their careers in law firms, the report pointed out that women were under-represented at the top. Continuing, the guide pointed out that a study by Catalyst had revealed that the pipeline to partnership loses women largely because women are less satisfied than men with advancement opportunities in their firms.⁶

More recently, the ABA Commission on Women in the Profession conducted a study that focused on the status of minority women in law firms. The study had determined that, although half of the JDs in the class of 2004 and 49% of practicing attorneys in 2005 were women and 21% were members of racial-ethnic minority groups, at the time — the report was published in 2006 and reflected information from 2004 — only 17% of partners in law firms were women and 4% were attorneys of color. Almost half of the women of color worked in large law firms, compared with 24% of men, 29% of white women, and 30% of white men. Among respondents to the ABA survey, 60% of women of color were African American, 24% Asian, and 10% Hispanic. (The remaining 6% represent small numbers of individuals from other minority groups.) Compared with 46% of white women and 52% of white men, 12% of women of color and 28% of men of color were partners or shareholders in their law firms. Interestingly, 57% of the women of color had graduated from top-tier law schools compared with 46% of men of color, 40% of white women, and 52% of white men. There were, however, more women of color among the small number of all respondents that had served judicial clerkships: 23% of responding women of color had served judicial clerkships compared with 21% of men of color, 17% of white women, and 18% of white men.⁷

Most lawyers — almost two thirds — work in law firms, so it is not surprising that most of the attention paid to the attrition of minority women has focused on law firms. However, there are also reports that have documented the dearth of minority women in the upper echelons of the profession in other settings as well. Among other accounts, *Miles to Go*, the above-referenced 2004 report from the ABA Commission on Women in the Profession, documents, in addition to the meager number of partners in law firms, comparable statistics on the

⁵ NALP and Catalyst, *A Career in the Law: A Guide for Women Law Students*, 2001.

⁶ Catalyst, *Women in the Law: Making the Case*, January 2001, page 4.

⁷ J.E.G. Epner, *Visible Invisibility: Women of Color in Law Firms*. ABA Commission on Women in the Profession, 2006.

percentages of women in general and minority women in particular in corporate counsel positions, the judiciary, law school faculty and deanships, and government, where more minorities and women than whites and men start their careers. (See Table 2, Minority and Gender Representation in Settings Other than Law Firms.)

The ABA Commission on Women in the Profession in 2007 reported that in 2006 women made up 16.6% of Fortune 500 general counsel (itself a small proportion), among whom 1% were African American, 0.2% were Hispanic, and none were Asian.⁸ The percentages of women in the judiciary as of September 2007 ranged from 11% of U.S. Supreme Court justices to 36% of chief justices of state courts;⁹ although the figures for minority women are not given, these have to be lower than the figures for all women.

Although some of the settings included in Table 2 appear friendlier than others to minorities, it is also the case that in few of the settings do the proportions of minorities approach their representation in the population at large. Moreover, in settings for which the data are arrayed by race-ethnicity AND gender, minority women are almost universally less likely than minority men to be working there. (The exceptions are law clerks and general attorneys in federal settings.) Even among assistant professors in law schools, the lowest rung on the academic ladder and one of the categories in which minorities are best represented, there are nearly twice the percentage of minority men as minority women. Minority women are particularly scarce among law school deans, patent attorneys, and administrative law judges.

Most of these data are retrospective, meaning that they document the status of women after large numbers of them have disappeared from the settings in question. A more recent longitudinal study of careers in the law, the *After the JD* (AJD) study, that starts with bar passage, examines the distribution of minority women earlier in their careers as lawyers. Moreover, it is the intention of the sponsors of this study to track the progress of the participating lawyers over a ten-year period. This monograph describes selected findings from the first wave of data collection, carried out in 2002-03 when the women in question had been in the profession for two years. The study sample includes lawyers from all sectors, in numbers proportional to their appearance in the national population of lawyers who passed their first bar in 2000. As a result, the data reflect a broader array of lawyers than the studies that focus on law firms. Moreover, the data offer the possibility of identifying factors in the early career histories of minority women that may contribute to the mid-career exodus just described.

⁸ ABA Commission on Women in the Profession, *A Current Glance at Women in the Law 2007*, page 2.

⁹ Alliance for Justice Judicial Selection Database: Demographic Overview of the Federal Judiciary as of September 7, 2007 and Judicial Selection and Retention Membership on State Courts of Last Resort, by Sex, July 2007 as cited in ABA Commission on Women in the Profession, *A Current Glance at Women in the Law 2007*, page 4.

TABLE 2. Minority and Gender Representation in Settings Other than Law Firms

	% Minorities*		% Females*
Corporate law departments**	12.5		31.5
	% All Minorities	% Minority Females	% Minority Males
Federal Government Lawyers***			
Law Clerks	27.9	17.8	10.1
General attorneys	16.9	9.5	7.4
Administrative law judges	9.9	2.1	7.8
Patent attorneys	8.9	1.3	7.7
Judiciary****			
Federal judges*****	18.6	4.6	14.0
District courts	19.2	*	*
Count of appeals	15.9	*	*
All	18.6	*	*
Law School Faculty and Administration*****			
Deans	9.0	1.1	7.9
Professors	12.0	4.1	8.0
Associate professors	25.2	12.3	12.9
Assistant professors	27.4	14.5	27.4

* Data are not disaggregated by minority status AND gender.

** Source: 2004 survey by Minority Corporate Council Association (MCAA).

*** Source: U.S. Office of Personnel Management, *Demographic Profile of the Federal Workforce, 2002 (Miles to Go, page 45)*.

**** Source: Alliance for Justice, *Demographic Overview of the Federal Judiciary, 2004 (Miles to Go, page 53)*.

***** Source: U.S. Census Bureau, 2000 EEO Data Tool (*Miles to Go, page 5*).

***** Source: 2001-02 AALS Report, *Directory of Law Teachers*. Includes faculty at traditionally black law schools.

The Problem

Over the years, women's presence in the early stages of preparation for a career in the law has increased dramatically, eclipsing that of men in several instances. Among members of two of the largest racial-ethnic minority groups, women have overtaken and passed men in their rates of law school attendance and graduation and in the early years of legal practice. (See Table 3, Minority Representation in Law School, Among Law Graduates, and in Early Legal Careers, by Gender.)¹⁰ Table 3 shows that black and Asian women outnumber and outproportion black and Asian men in law school enrollment (where 64% of black and 58% of Asian full-time law school students in 2002 were women) and receipt of JD degrees (among whom 64% of black and 59% of Asian graduates in 2002 were women). The imbalance continues into the early years of their careers, in which 60% of the newly certified black lawyers among a nationally representative group of new lawyers were women, as were 59% of the Asians. The preponderance of women in these groups in legal education, graduation from law school, and employment as lawyers renders their absence from law firm partnerships and high-level positions in other areas of the law all the more striking.

TABLE 3. Enrollment in Law School, Graduation from Law School, and Entry into the Legal Profession, by Race-Ethnicity and Gender*

	Black	Hispanic**	Native American	Asian	Total Minority
FULL-TIME ENROLLMENT IN LAW SCHOOL					
Female	4,743	3,971	452	4,689	13,854
Male	2,626	3,421	425	3,421	9,790
Total	7,369	7,392	877	7,921	23,644
% Women	64.4	53.7	51.5	59.2	58.2
JDS AWARDED (FULL TIME) IN 2002***					
Female	1,528	1,155	132	1,350	4,165
Male	841	1,083	119	927	2,970
Total	2,369	2,238	251	2,277	7,135
% Women	64.5	51.6	52.6	59.3	58.4
PERCENTAGE BY GENDER OF LAWYERS WHO PASSED THEIR FIRST BAR IN 2000****					
Female	60.1	41.4	43.9	53.4	
Male	39.9	58.6	56.1	46.6	

* The table is a compilation of data from different sources, collected from different samples. They do not represent a single cohort.

** Combines Mexican-Americans, Puerto Ricans and Other Hispanics.

*** Source: Law School Admission Council, *Data Book on Women in Law*, 2003.

**** Source: AJD Wave 1 weighted data with minority over-sample.

¹⁰ The data cited in this monograph come from different years. Race-by-gender data are difficult to come by; we used the data that were available. Typically, the years represented are close together and the changes from year to year are small.

Clearly, compared with the minority women who enter law school and the profession, the proportions of minority women that rise — or stay long enough to rise — to positions of leadership are dismayingly small. The NALP Foundation has gathered data on attrition among minority women hired as new associates in law firms between 1988 and 1996. The data show a steady annual increase in departures among such hires increasing from 12% at the end of the first year to 88% by the end of the eighth year.¹¹ A more recent extension of the data, covering new hires between 1998 and 2002, a shorter period by half, showed that 64% of the minority female entry-level hires in 1998 had departed their positions within 55 months of their hiring. (The comparable figures for all entry-level hires and all female entry-level hires were 53% and 55% respectively).¹² While the data are old, it is likely that, given current estimates of the proportions of minority women in law firms, they are consistent with more recent figures. It is also doubtful that the situation has improved substantially in 2008. The proportions of minority women are lowest, according to commentary on these data by a report from the Minority Corporate Counsel Association (MCCA), “just when their legal careers should be blossoming.”¹³ While many law firms — and other employers of new lawyers — attend to diversity at the level of recruiting and a growing number lay claim to diversity programs, the same report asserts that “retention of all attorneys is the number one problem that law firms today must confront.”¹⁴ From the data reported in *Miles to Go*, it seems likely that the problem exists as well in settings other than law firms.

This monograph describes the circumstances of minority women who are part of a nationally representative sample of new lawyers in the early years of their careers in the law. The findings reported here are from the first wave of data in what is a longitudinal study. (The second wave of data collection was recently completed and analysis of the second wave data has just begun.) The report looks for signs in the responses of these women to their first jobs following bar passage that they may be contemplating leaving. Since most of the studies of women who have left the profession are retrospective — that is, they look backward to the reasons the women give for having left their positions — the information they provide is of limited preventive use. The value of the dataset described here is its potential for examining the trajectories of the careers of minority women going forward, focusing on the events that shape their decisions rather than their accounts of the events that have caused them to leave.

¹¹ The NALP Foundation for Law Career Research and Education, *Keeping the Keepers: Strategies for Associate Retention in Times of Attrition*, 1998, page 55.

¹² The NALP Foundation for Law Career Research and Education, *Keeping the Keepers II: Mobility & Management of Associates*, 2003, pages 32-35.

¹³ Minority Corporate Counsel Association, *MMM Blue Book: A Set of Recommended Practices for Law Firms*, page 5, quoting from *Miles to Go 2000*.

¹⁴ Minority Corporate Counsel Association, *MMM Blue Book: A Set of Recommended Practices for Law Firms*, page 5.

The AJD Study

Data from Wave 1 of the *After the JD* (AJD) study offer a unique perspective on the career paths of minority women who enter the legal profession. The study asked questions similar to those in the Midlevel Associates Survey about the job satisfaction, obstacles, and future plans of a nationally representative population of new lawyers, but earlier in their careers. The participants in the AJD study — lawyers who were surveyed two years after they had passed their first bar in 2000 — include representatives of all sectors, not just private practice. Because this was the first wave of data collection in a longitudinal study, the data provide a unique look at the population of interest at the start of their careers, with the promise of later looks to come. For now, the data can tell us whether the lesser satisfaction and greater number of obstacles manifested by midlevel associates were also apparent among younger, newer attorneys in a range of settings. Over time, the data will describe what happens next to this entire cohort of lawyers. Some of the differences between minority women and their male and non-minority counterparts cited in this monograph are not statistically significant, yet the data may offer hints that help to predict the mobility and attrition of minority women that has been reported later in their careers

Early Mobility

When, then, does the exodus start? AJD respondents were asked whether the jobs they held at the time of the survey, two years into their careers, were their first. The answers suggest that, at this early stage, the mobility rates of minority women are no higher and in fact are somewhat lower than those of their cohort.¹⁵

Across *all* respondents to the study, there was a surprisingly high level of mobility by the end of the second year of young lawyers' careers — 38%. (See Table 4, Mobility among Racial-Ethnic Groups by Gender.) The mobility rates varied by racial-ethnic group and by gender such that the race-by-gender differences were larger than the differences among racial-ethnic groups. Amidst these generally high levels of early mobility, men were slightly more likely than women to have changed jobs at least once. Within racial-ethnic minority groups, though, women were considerably less mobile than men, reflected in the fact that proportionally more of them than of men were still working at their first jobs when they were first surveyed in 2002-03. However, when the data are further broken out by gender, while white males were only slightly more likely than white females to report having changed jobs at least

¹⁵ It should be noted that the AJD sample includes individuals from all sectors of the profession, while most data about the attrition of minority women are about lawyers working in private law firms. Since almost 70% of the lawyers in the AJD sample were in private practice at the time of the first wave of the study — although the proportion was somewhat lower for minority women than for the sample as a whole — the data must be viewed with some degree of caution. Analyses of the second wave data will examine differences among job sectors.

once (39% of white men compared with 36% of white women), the male-female differences within racial groups are more substantial. (See Table 4, Mobility among Racial-Ethnic Groups by Gender). The difference is particularly striking among black (32% compared with 47%) and Hispanic (35% compared with 45%) women and men and among the small number of Native Americans in the sample (28% compared with 39%).

TABLE 4. Mobility among Racial-Ethnic Groups, by Gender

PERCENTAGE OF EACH GROUP FOR WHOM THEIR CURRENT JOB WAS NOT THEIR FIRST			
	Female	Male	Total
Black	32	47	38
Hispanic	35	45	40
Native American	28	39	34
Asian	40	49	44
White	36	39	38
Other	46	48	47
Total	36	40	38

What the data suggest is that minority women do *not* appear to be leaving their legal workplaces at accelerated rates compared with minority men or white women and men, at least not early in their careers. If anything, black, Hispanic, and Native American women were less likely than men and than Asian women to have changed jobs in the first two years after they passed their first bar. If there *is* a substantial loss of women of color from the profession, it clearly occurs later in their careers (one source suggests that the third year may be the point at which the major exodus begins¹⁶) or it may be masked in the AJD data by virtue of the inclusion of work settings other than law firms. We consider next what AJD respondents revealed about their future plans.

¹⁶ The NALP Foundation for Law Career Research and Education, *Keeping the Keepers II: Mobility & Management of Associates*, 2003.

Future Mobility

AJD respondents were asked about their intentions to stay with the jobs they held in 2002-03. Consistent with the hypothesis that the third year is the turning point, across job settings (solo practice, law firms of different sizes, government, and a variety of public interest settings), women in general were more likely than men to be looking for new jobs, minority women were more likely than white women to be looking for new jobs, and minority women were more likely than minority men to be looking for new jobs. (See Table 5, Percentage of AJD Respondents Actively Looking for New Jobs, by Race and Gender.) The trend was most striking among black women, somewhat lower among Asian and Hispanic women, and non-existent among the small number of Native American women, who were less likely than members of any other group to be looking. These responses are quite different from the findings related to early mobility, which showed that men were more mobile than women and that mobility was not always higher among minority than white women. (See, again, Table 3, above.)

TABLE 5. Percentage of AJD Respondents Actively Looking for New Jobs, by Race and Gender

	PERCENTAGE OF EACH GROUP EXPECTING TO LEAVE THEIR THEN-CURRENT WORKPLACES WITHIN A YEAR (Already Looking Or Expecting To Leave Within A Year)	
	Female	Male
Black	29	16
Hispanic	21	18
Native American	8	18
Asian	23	15
White	14	10
Other	9	12
Total	16	11

When asked about their expectations for remaining with their then-current employers for five or more years, men were more likely than women to envision staying where they were, but this time white, Asian, and Native American women were more likely than black and Hispanic women to expect to be in the same place. Black, Hispanic, and white women were *less* likely than their male counterparts to expect to stay put. (See Table 6, Percentage of AJD Respondents Expecting to Stay with their Then-Current Employers for Five or More Years, by Race and Gender.) One might speculate that having been on the move earlier, men were less likely to move again. Or perhaps women perceived that there were fewer options open to them at this particular stage of their careers. Whatever the reason, the shift is dramatic. Roughly two years into their careers, substantial proportions of minority women are anticipating leaving their workplaces within the *next* two years. The AJD study is particularly well-situated to explore this phenomenon, with new data that will have been collected in 2008. The singular value of a longitudinal study in this case is that it can address the question of whether these women actually *do* move and, if they do, why.

TABLE 6. Percentage of AJD Respondents Expecting to Stay with their (Then-Current) Employers for Five or More Years, by Race and Gender

	Female	Male
Black	17	35
Hispanic	23	31
Native American	58	47
Asian	27	28
White	33	43
Other	28	39
Total	31	41

Signs in the Data about Why Women May Move

Three areas suggested by the Midlevel Associates Survey offer clues as to why women in general and minority women in particular might find themselves considering career moves. These are the satisfaction they derive from their work and obstacles they may face, such as lower salaries, the nature of the work they are given, and experiences of overt discrimination. The AJD study asked about all of these.

Satisfaction

Most respondents to the AJD survey expressed satisfaction with their decisions to have become lawyers; across racial-ethnic groups and gender, the ratings were all on the positive side of the midpoint, around “moderately satisfied.” (See Table 7, Satisfaction with the Decision to Become a Lawyer, by Race-Ethnicity.) Table 7 shows respondents’ levels of satisfaction with their career choice on a scale where 1=Extremely satisfied and 5=Extremely dissatisfied. The midpoint is 3, which means that the respondents were, by and large, reasonably happy with their decision to enter the legal profession.

Black males, as a group, were the most satisfied and Asian females the least, but all were, on average, closer to moderately satisfied than to neutral or negative. Moreover, the differences between males and females overall and within racial-ethnic groups were small. These data are consistent with results from the Mid-level Associates Survey described earlier, in which men were consistently more satisfied than women and, in particular, black men expressed the highest levels of satisfaction and Asian women the lowest.

TABLE 7. Satisfaction* with Decision to Become a Lawyer, by Race-Ethnicity

	AVERAGE RATING*		
	All	Female	Male
Black	1.7	1.7	1.5
Hispanic	2.1	2.1	2.0
Native American	1.9	1.9	1.9
Asian	2.2	2.3	2.0
White	2.0	2.1	2.0
Other	1.9	2.0	1.7
All Respondents	2.0	2.1	1.9

* On a scale where 1 = Extremely satisfied and 5 = Extremely dissatisfied; the midpoint is 3.

However, in the search for clues about the tendencies of minority women to leave the law at rates higher than those of white women and all men, even small differences among groups may offer hypotheses about future trends. In this case, with the exception of Native Americans, women in every racial-ethnic group were less satisfied than the men with their decisions. Among women, Asian Americans were the least satisfied and black women the most, relative both to each other and to men of their group. These differences are small, but they suggest that, early on, minority women were somewhat more likely than their colleagues in other demographic categories to question their career choice.

As respondents to the Midlevel Associates Survey had been, AJD respondents were also asked about their satisfaction with specific features of their jobs (e.g., their relationships with colleagues, opportunities for advancement, and compensation, among others). Table 8 arrays these responses by race and gender as average ratings on a 7-point scale on which 1=extremely dissatisfied and 7=extremely satisfied; the midpoint of the scale is 4.

Once again, the general trend was positive: new lawyers expressed at least moderate satisfaction with most of the listed features. Moreover, there were few and then only small differences in satisfaction between women and men. However, even where the ratings were positive and fairly similar across racial-ethnic groups, there were differences between minority women and men. In most cases, women were less satisfied than men. These differences were most notable among black women and men and Hispanic women and men; present but smaller among Asian women and men; and nonexistent — in fact, more positive in some cases for women than for men — among the small number of Native Americans. The largest of the differences were in relation to opportunities for advancement, compensation, performance appraisal, and the diversity of the workplace. These data suggest that, even within a general trend that is more positive than negative, women are less satisfied than men with many aspects of their work early in their careers and — with the exception of Native Americans — minority women are less satisfied than minority men. This finding seems central to any discussion of the (future) exodus of women from the profession.

TABLE 8. Ratings of Satisfaction with Aspects of Work,* by Race and Gender

	BLACK		HISPANIC		NATIVE AMERICAN		ASIAN		WHITE		OTHER		TOTAL	
	F	M	F	M	F	M	F	M	F	M	F	M	F	M
Level of responsibility	5.5	5.7	5.5	5.7	5.6	5.3	5.1	5.6	5.6	5.7	5.7	5.7	5.5	5.6
Recognition received	4.6	5.1	4.6	5.0	4.7	4.3	4.6	5.1	4.9	5.0	5.1	5.1	4.8	5.0
Substantive area	5.1	5.5	5.2	6.0	5.6	5.5	4.9	5.1	5.5	5.4	5.5	5.3	5.3	5.3
Tasks performed	5.0	5.4	4.9	5.3	5.3	4.6	4.75	5.0	5.1	5.1	5.2	5.2	5.1	5.1
Opportunities/ advancement**	4.0	4.9	4.2	4.9	3.8	3.6	4.2	4.5	4.5	4.9	4.8	4.8	4.5	4.9
Compensation**	3.9	4.6	3.9	4.5	4.5	4.5	4.3	4.4	4.2	4.6	4.4	4.7	4.2	4.6
Control over amount of work	4.3	5.0	4.6	4.4	4.5	4.2	4.3	4.7	4.4	4.6	5.0	4.8	4.4	4.6
Control over how work done	5.3	5.5	5.1	5.4	5.4	5.6	5.2	5.5	5.3	5.5	5.7	5.6	5.3	5.5
Relationships with colleagues	5.5	5.7	5.6	5.8	6.1	5.7	5.5	5.7	5.7	5.7	5.6	5.3	5.3	5.5
Opportunities for pro bono	4.3	4.7	3.8	4.5	3.9	4.6	4.1	4.0	4.3	4.3	4.3	4.1	4.2	4.3
Intellectual challenge	5.2	5.5	5.1	5.4	5.8	5.4	5.0	5.0	5.5	5.4	5.6	5.4	5.4	5.4
Opportunities to develop skills	5.0	5.5	5.0	5.5	5.2	5.0	4.8	5.1	5.4	5.4	5.5	5.4	5.3	5.4
Amount of travel required	4.7	4.8	4.4	4.7	5.2	5.3	4.7	4.6	5.0	5.0	5.3	4.7	5.0	4.9
Diversity of the workplace	3.8	4.5	4.1	4.3	5.4	5.8	4.3	4.6	4.3	4.6	4.5	4.5	4.3	4.6
Performance evaluation	3.6	4.2	3.5	3.8	3.1	3.8	3.9	4.1	3.9	4.1	4.3	4.0	3.9	4.0
Social value of work**	5.0	5.4	4.9	5.2	5.0	5.1	4.8	5.1	5.3	5.3	5.4	5.0	5.2	5.3
Job security	5.0	5.4	4.9	5.2	5.0	5.1	4.8	5.1	5.3	5.3	5.4	5.0	5.2	5.3

* Ratings are averages on a 7-point scale in which 1 = Not at all satisfied and 7 = Extremely satisfied.

** As small as these differences appear to be, many of them achieve statistical significance because of the large numbers of respondents. The dimensions that produced statistically significant differences are so noted with two asterisks (**). In addition, although they are not marked, some of the differences between women and men within ethnic groups achieve statistical significance even when the overall differences do not.

A separate question asked respondents about their satisfaction with the pay scheme at their workplaces. Here, too, the response is generally on the positive side of neutral, and the differences between and among groups are small. (See Table 9, Satisfaction with Pay Scheme, by Gender and Race.) With the possible exception of Native Americans, among whom women were considerably more satisfied than men with the pay scheme at their workplaces, women were less sanguine than men were about the way in which their pay was structured. The difference was largest for Asians but minor for the remaining groups. These figures suggest that except among Asians, the salary scheme is not the main reason why minority women are unhappy with their circumstances.

TABLE 9. Satisfaction with Pay Scheme, by Gender and Race*

Black	
F	2.9
M	2.9
Hispanic	
F	2.7
M	2.6
Native American	
F	1.9
M	2.5
Asian	
F	2.8
M	2.1
White	
F	2.7
M	2.5
Other	
F	2.3
M	2.9
Total	
F	2.7
M	2.5

* Here the scale is reversed such that 1 = extremely satisfied and 5 = extremely dissatisfied; the mid- or neutral point is 3.

Expressed as measures of their relative satisfaction with their decision to become lawyers, specific features of their workplaces, and the structure of their pay, minority women do not seem unhappy with their circumstances. Although there are small differences that suggest that women are not quite as satisfied as men and that minority women may be less satisfied in some respects than white women and white and minority men, the only major indicator is the intention minority women share to leave their jobs in the near future.

Is the Intention by Minority Women to Change Jobs Reflected in Their Circumstances?

The AJD study asked a number of questions of respondents about aspects of their work — specifically, the substance of their work, how they spend their working hours, and the sorts of activities they engage in that are peripheral to their work but may have implications for their futures. Once again, responses to these questions may provide hints about their reasons for staying or leaving their then-current jobs.

The Nature of the Work

Information about how women and men actually spend their working hours offers possible insights into women's greater dissatisfaction with the nature of their work. The question asked how much time over the life of the legal matters they worked on respondents spent on a list of functions (being responsible for keeping the client updated, for example, or being involved in formulating strategy with senior attorneys and/or clients). The choices describing the time dimension were “none,” “some,” “half,” “most,” and “all.” The descriptors were then transformed into a scale, where 1=none and 5=all. This variable is a stand-in for how — performing what kinds of functions — new lawyers spend their time, on average. The responses appear in Table 10, Time Spent on Matters, by Gender and Race.

TABLE 10. Time Spent on Matters, by Gender and Race

	AMOUNT OF TIME SPENT IN EACH FUNCTION BY EACH GROUP											
	Black		Hispanic		Native American		Asian		White		Other	
	F	M	F	M	F	M	F	M	F	M	F	M
Keeping client updated	3.5	3.6	3.5	3.7	3.6	3.5	3.3	3.3	3.6	3.5	3.7	4.0
Routine research and memo-writing	2.3	2.5	2.6	2.4	2.5	2.0	2.3	2.3	2.2	2.2	2.3	2.4
100+ hours reviewing documents	2.0	2.0	1.9	2.0	1.6	1.9	1.7	1.8	1.7	1.6	2.2	1.8
Writing motions, taking depositions	2.5	2.9	3.0	2.7	3.0	2.5	2.5	2.1	2.6	2.7	2.9	2.8
Appearing as 1st or 2nd chair in court	2.7	2.8	2.9	3.0	2.8	2.3	2.1	1.7	2.5	2.5	2.7	2.7
Drafting transactional documents	2.4	2.6	2.0	2.1	2.0	2.8	2.4	2.3	2.3	2.3	1.9	2.0
Formulating strategy with senior staff	2.8	3.3	2.5	3.3	3.0	3.3	2.8	3.6	3.2	3.2	3.4	3.4
Traveling	2.6	3.1	2.5	3.1	2.7	3.1	2.7	3.7	2.7	2.8	3.1	3.2
Assigning/supervising others	2.4	2.1	2.1	2.1	2.9	2.1	2.3	2.7	2.5	2.4	2.7	2.5
Handling entire matter on your own	2.8	3.0	2.8	3.1	2.4	3.0	2.4	2.8	2.7	2.6	3.0	3.1

Scale: 1 = none (for none of the matters was time spent on this function). 5 = all (this function accounted for all of the time spent on the matters). Pairs of shaded cells are those for which women's ratings are lower than those of men.

What one notices first about the data is the similarity among new lawyers in the relative amounts of time they spend in various tasks. For example, among virtually all respondents grouped by race-ethnicity and gender, the greatest amount of their time was spent keeping clients updated (average ratings were all between 3 and 4 and most were between 3.5 and 4). The lowest average ratings accrued to “spending 100 or more hours reviewing documents.” (These ranged from 1.6 and 2.2.) At the same time, there were differences between women and men and among members of different racial-ethnic groups, suggesting trends that deserve mention in the search for early indicators of eventual dissatisfaction. The most striking of the differences is the fact that among members of racial-ethnic minority groups but not among whites, male respondents reported spending more of their legal matter-related time than women did formulating strategy with senior attorneys and/or clients, traveling, and handling matters entirely on their own. Whatever the reasons for these differences, they may serve as early signs of the gender differentiation that women note when they speak of their experiences in law firms. So, for instance, spending more time formulating strategy with senior attorneys and/or clients may well serve as an avenue to increased responsibility given men in the workplace. Similarly, handling matters entirely on their own may provide young male lawyers with opportunities to display their competence that are not available to the females who don’t enjoy as much autonomy. Travel, too, may be a forerunner of greater autonomy in conducting one’s work.

And among members of minority groups other than blacks, but again not among whites, female respondents reported spending more time than males did writing motions and taking depositions. (Curiously, the reverse was true for black women in relation to black men: the men reported more time than the women did writing motions and taking depositions.)¹⁷ These differences may have to do with differences in the work settings in which women and men were employed, or be a reflection of differences in the tasks assigned to women and men. However, it appears that women may be spending more time than men are in routine tasks. In either case, it is entirely possible that these differences in the ways in which time is spent in the workplace may have contributed to the lower levels of satisfaction expressed by minority women in relation to whites of both genders and minority men.

¹⁷ It should be noted that, although these data include “the minority over-sample” added to the AJD sample to increase the representation of racial-ethnic minority groups, any conclusion based on the AJD data that describe minority status and gender simultaneously will be based on relatively small numbers and should be interpreted with caution.

Desired Changes in the Workplace

AJD respondents were asked about a list of specific changes they would like made in their workplaces. The desire for specific changes provides some insight into the features of their jobs that respondents don't like. Responding to the list, the most frequent desire of virtually everyone in the sample was for more and/or better training and more and/or better mentoring by senior attorneys. Overwhelming proportions of men and women of all race-ethnicities but Native American — more than half in some cases — indicated that they want these changes. The desire for improvements in training and mentoring appear to be almost universal desires among new attorneys. (See Table 11, Percentage of Respondents Desiring Specific Job Changes, by Race-Ethnicity, which compares the percentages of male and female respondents of different racial-ethnic groups wanting particular changes in their jobs).

At the same time, more minority — black, Hispanic, and Asian — than white respondents among both men and women wanted such changes. There were also some smaller differences among groups in the magnitude of response. For example, more Asian and Hispanic women than Asian and Hispanic men wanted both better mentoring and better training. However, more black men than women wanted more of both. It is difficult to know what to make of these differences except that training and mentoring seem to be priorities among new lawyers of all races and both genders.

In addition, more black women than black men were desirous of changes beyond improved training and mentoring. Although fewer respondents overall expressed a desire for changes in remaining areas, there were more areas among black respondents in which more women than men sought changes. These included, in descending order of magnitude, less pressure to bill, more flexibility in accommodating their personal lives, greater opportunity to help shape the future of their workplaces, and the establishment of formal leave policies and encouragement to use them. Asian women had their own list of changes that more of them wanted than Asian men did, and more Hispanic women than Hispanic men wanted more and/or better training and mentoring and less pressure to bill. However, the fact that there were more areas of desired change and larger percentages of respondents desiring these changes among black women seems to suggest greater dissatisfaction among black women than among other groups. Again, these findings should be interpreted in the larger context of the highly positive average ratings for all respondents.

TABLE 11. Percentage of Respondents Desiring Specific Job Changes, by Race-Ethnicity

WOMEN (Highlighted cells indicate most frequent responses)						
DESIRED CHANGES	PERCENTAGE OF EACH GROUP DESIRING SPECIFIC CHANGES					
	Black	Hispanic	Native American	Asian	White	Other
The establishment by my employer of formal leave policies	14	11	–	13	15	5
Greater encouragement by my employer to use formal leave policies	12	10	0	13	12	6
Less pressure to engage in client development	3	7	–	12	7	5
Fewer hours	22	22	24	34	28	25
Less pressure to bill	33	28	0	37	30	24
More flexibility in accommodating my personal life	30	16	4	31	24	17
Greater opportunity to shape decisions	23	23	40	37	21	22
Greater opportunity to shape the future of the firm	25	17	36	26	27	32
More and/or better mentoring by senior attorneys	53	57	24	66	46	38
More and/or better training	47	58	20	62	44	58
More opportunities for pro bono work	17	28	4	28	18	27
MEN (Highlighted cells indicate most frequent responses)						
DESIRED CHANGES	PERCENTAGE OF EACH GROUP DESIRING SPECIFIC CHANGES					
	Black	Hispanic	Native American	Asian	White	Other
The establishment by my employer of formal leave policies	5	15	–	10	8	8
Greater encouragement by my employer to use formal leave policies	5	7	8	6	7	13
Less pressure to engage in client development	4	9	–	8	5	9
Fewer hours	21	36	41	34	25	25
Less pressure to bill	12	18	22	30	24	22
More flexibility in accommodating my personal life	15	18	0	20	18	20
Greater opportunity to shape decisions	35	21	0	22	23	11
Greater opportunity to shape the future of the firm	17	26	26	33	33	31
More and/or better mentoring by senior attorneys	60	47	44	45	49	39
More and/or better training	58	49	39	53	44	58
More opportunities for pro bono work	15	11	16	17	14	32

Perceived Discrimination

AJD respondents were queried about their experiences of workplace discrimination, specifically whether they had been subject by virtue of their gender or race, among a number of statuses, to demeaning comments, having a client request a different attorney, missing out on desirable assignments, or other forms of discriminatory treatment.

More women than men of every race, again with the exception of Native Americans, reported having experienced discrimination in one or another of the forms listed as well as an assortment of others. (See Table 12, Perceptions of Discrimination, by Gender and Race.)

Interestingly, as many white women as women from minority groups reported instances of particular acts of discrimination. These accounts support the idea that has surfaced in much of the literature on workplace discrimination that minority women experience the doubled effects of discrimination based on both race *and* gender. The percentages of black and white women that reported having experienced demeaning comments were about equal and the discrepancies between black and white females and males in this respect were almost identical. Black women were more likely than women from other groups to report having had clients request a different attorney and were twice as likely as black men to report such experiences. Black women were most likely to have experienced “other” forms of discrimination as well. Apparently the various ways in which discrimination is manifested may differ by race, but women also report more instances of each than men do.

TABLE 12. Perceptions of Discrimination, by Gender and Race

	PERCENTAGES OF RESPONDENTS REPORTING EACH ACT OF DISCRIMINATION											
	Demeaning Comments			Client Requesting Someone Else			Missing Desirable Assignments			Other		
	F	M	Total	F	M	Total	F	M	Total	F	M	Total
Black	22	19	21	16	8	13	16	13	15	28	17	24
Hispanic	26	11	18	8	8	8	8	1	5	18	11	14
Native American	31	28	29	7	9	8	10	12	11	15	6	10
Asian	21	10	16	11	6	8	17	9	13	20	11	16
White	22	18	12	13	6	9	13	4	8	15	3	9
Other	28	19	23	10	8	9	16	8	12	19	7	12

Networking on the Job

In existing studies of law firm attrition, both women and minorities claim that they lack access to the individuals in the workplace who exercise control over their progress. Both groups contend that they tend to be left out of the informal relationships that are vehicles for becoming known to managers, receiving plum assignments and, ultimately, gaining promotions. AJD participants were asked about their participation on the job in several such activities that may have affected their upward progress. These included socializing with partners and serving in some function related to hiring. (The latter is an activity that is often associated with women and is believed to take up time and energy that, in the interests of career progression, might be more profitably spent in more substantive work-related tasks.) Although these data have not been broken out by gender *and* race, a rough idea of differences between minority women and white women and minority and white men may be inferred by examining the separate responses of women and men and of minorities and whites. (See Table 13, *Networking on the Job, Separately by Gender and Race.*)

As was the case with time spent in work-related activities, there are race-and-gender differences in the ways in which young lawyers participate in their workplaces that are not immediately related to their jobs. Among AJD respondents, fewer minority than white respondents reported spending time with partners, either by joining them for meals or spending recreational time with them. In addition, fewer women than men report joining partners for meals, although the difference in spending recreational time with partners — again favoring men — is not as marked as is the case for taking meals together. These differences suggest that minorities and women are less likely than whites and men to interact informally with partners. Such differences may well place minorities and women — and, by implication, minority women — at a disadvantage in terms of the kinds of informal interactions they experience. Informal interactions may well translate to getting to know and becoming known to their superiors and possibly to receiving prime assignments. In addition, in this accounting, proportionally more women than men seem to be involved in recruiting activities, although the variation by race does not seem to favor one group over others. These findings are consistent with the testimony of minority female lawyers when asked — in studies conducted later in their careers — why they left their jobs, particularly their jobs in law firms.

TABLE 13. Networking on the Job, Separately by Gender and Race

	PROPORTIONS OF EACH GROUP REPORTING THE ACTIVITIES IN QUESTION		
	Recruiting	Joining Partners for Meals	Spending Recreational Time with Partners
Race-ethnicity			
Black	22	37	21
Hispanic	23	46	29
Native American	20	50	27
Asian	23	46	28
White	22	56	34
Other	26	51	29
Total	22	55	23
Gender			
Female	24	50	31
Male	20	59	33

Other Studies of Minority Women

Data from the AJD study collected early in the lives of new lawyers show that, although there was considerable mobility among respondents, women in general and minority women in particular were less likely than their male colleagues to have changed jobs during the first two years or so of their careers. At the same time, minority women were more likely than other groups to say that they were planning to leave their then-current jobs. In fact, many said they were already looking and fewer of them than of male respondents intended to stay with their employers for five years. (Of course, many men had already made their move, which might explain their lesser tendency to anticipate moving at this point.) At that point, women were slightly less likely than men to express satisfaction with their decision to have become lawyers. And there were more features of their jobs with which they expressed less satisfaction than men did. Finally, women in general and, in some cases, black women in particular, reported more — and more different — experiences of workplace discrimination.

Many of the AJD findings echo findings reported by the American Bar Association Commission on Women in the Profession. For example, “29% of women of color and 25% of men of color reported missing out on desirable assignments because of race.”¹⁸ And, “Sixty-seven percent of the women of color in the survey wanted more and better mentoring by senior attorneys and partners, as did 52% of men of color, 55% of white women, and 32% of white men.”¹⁹

¹⁸ ABA Commission on Women in the Profession, *Visible Invisibility: Women of Color in Law Firms*, 2006, page 9.

¹⁹ *Ibid*, page 12.

A 2003 study by the NALP Foundation for Law Career Research and Education²⁰ reaches some of the same conclusions. Like the other studies cited here, the NALP Foundation study was weighted toward law firms. The AJD study includes lawyers from all sectors (although, as is the case with the national population of lawyers, private practitioners outnumber and out-proportion lawyers in all other sectors combined). Private law firms, particularly large ones, present their own set of problems — those involving the tensions inherent in the quest for partnership, the requirement to bill predetermined numbers of hours, and the pressure to bring clients to the firm. Nonetheless, many of the experiences documented in *The Lateral Lawyer* can very well apply to any setting that employs newly certified lawyers.

The study that fueled the *Visible Invisibility: Women of Color in Law Firms* report by the ABA Commission on Women in the Profession included focus groups in which women, many of them racial-ethnic minorities, described their experiences. These provided examples that flesh out and amplify many of the statistical findings of that volume, but that also apply to circumstances that are hinted at in the AJD data.²¹

For example, on the issue of networking —

I am often excluded from opportunities for informal mentoring and informal sharing — the lunches and happy hours and golf outings between male and Caucasian attorneys. These informal settings allow majority attorneys to get valuable insight, “dirt,” and work opportunities. This information leads to better work, more client contact, etc. Being left out puts me at a disadvantage compared to majority attorneys. (Page 17)

I just felt like I lived in a completely different universe. ... I felt like I didn't belong there, even though they had a formal mentoring program which I participated in. It was one of the reasons why I left big firm practice ... this tremendous sense of being alone at work every day and not seeing a way to have real professional relationships where I felt part of the group. I didn't think that that would develop in the future. (Page 18)

On discrimination and its effect on the nature of their work —

I was relegated to the cases that no one else wanted, I was limited to handling cases and working with other women and minorities almost exclusively, and I was denied access to the most influential and powerful people in the firm: eight white male partners. (Page 21)

²⁰ The NALP Foundation for Research and Education, *The Lateral Lawyer: Why They Leave and What May Make Them Stay*, 2003.

²¹ Quotations are all excerpted from focus group findings reported in *Visible Invisibility: Women of Color in Law Firms*, 2006, published by the American Bar Association Commission on Women in the Profession. Copyright © 2006 by the American Bar Association. Reprinted with permission.

On opportunities for advancement —

I have not had a lot of opportunities for professional advancement. Junior minority associates, especially females, are required to do a lot of document review, whereas our white male counterparts do more challenging assignments and a lot more writing. When I am given writing or research assignments, the assignments are usually short-term emergencies which do not create learning or development. That is why I am leaving my firm for a federal clerkship and I highly doubt I will ever return. (Page 23)

My gender prevented me from getting IP (intellectual property) work because the partner who brings in that kind of work and distributes it prefers not to work with women — he thinks they get married and/or pregnant and leave, so why invest in them. That is why I am leaving this employer. (Page 24)

Questions for Future Waves of AJD Data

Early results from the AJD study suggest that, while minority women in the sample were less mobile than other groups in the early days of their careers, all was not necessarily well with them either. More of them expressed an intention to leave their then-current jobs within the near future, and more of them than of other groups cited instances of workplace discrimination. Minority women were also less likely than members of other groups to be integrated into the informal structures of their workplaces and more likely to identify more and better training and mentoring as things they wanted to change about their jobs.

These findings are consistent with the findings of *The American Lawyer's* Midlevel Associates Survey, although the latter was restricted to lawyers in private firms while the AJD data included lawyers from all sectors. Nonetheless, the Midlevel Associates Survey also found that minority women were the most likely group to anticipate leaving their law firms and, more than others, to report feeling “shut out” of the mechanisms for obtaining good assignments and promotions. Specifically, minority women were more negative than any other group about their firms’ dedication to diversity and the fairness of the distribution of work assignments. Minority women were also more likely to have felt that they had been given less responsibility than had white men. What remains to be seen in the next wave AJD data is whether these concerns exist mainly in the context of private practice or are present in other settings as well, and whether the dissatisfactions expressed in the Midlevel Associates Survey characterize minority women in the AJD sample.

Of course, intentions to leave are not the same as actually leaving. Early indications from the first wave of AJD were that more women than men and more minority women than white women and white and minority men were planning to leave their jobs than had already left. If the data from reports of legal employment later than the first few years are any indication, we should expect a major exodus of minority women over the years after 2002-03. The next wave

of AJD data, when analyzed, will tell us whether the intentions expressed in the first wave resulted in actual behavior. Specifically, the data will show whether women in general and minority women in particular do leave their jobs and where they go.

Because most of the existing literature on the shortage of women — and minorities — focuses on law firms and attests to the fact that minority women leave firms in large numbers, there remains a key question about where women go when they leave. Does their attrition take the form of lateral movement between law firms, movement from private law firms to other settings, or movement away from the law altogether? The AJD study is uniquely situated to answer this question in future waves of data.

In addition, what is unclear is whether minority women also leave other settings in large numbers. The data cited earlier indicate a shortage of minority mid-career women in settings other than law firms — in corporate counsel positions, in the judiciary, in law schools, and, to a lesser extent, in government. Because AJD respondents represent all sectors of practice, two important questions will be whether the minority women who begin their careers in settings other than private practice leave as frequently as women who leave law firms and whether minority women who leave their first jobs are more likely to move to different sectors of the law or leave the field entirely.

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