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# "PORTRAIT OF A LADY": THE WOMAN LAWYER IN THE 1980s\*

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## I. INTRODUCTION

The dramatic increase in women law graduates over the last fifteen years<sup>1</sup> has stimulated much reflection about their role in the profession. Books and articles have examined with increasing interest the history of women lawyers,<sup>2</sup> the related issues of how women adapt to law school

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1. In 1983, 33.6% of all new lawyers were women in contrast to 4% in 1969. B. CURRAN, K. ROSICH, C. CARSON & M. PUCETTI, *THE LAWYER STATISTICAL REPORT: A STATISTICAL PROFILE OF THE U.S. LEGAL PROFESSION IN THE 1980s*, at 58 (1985) [hereinafter B. CURRAN]. Approximately 34,000 new lawyers were admitted to practice in 1983. *Id.* at 5.

2. See, e.g., J. ABRAMSON & B. FRANKLIN, *WHERE ARE THEY NOW?: THE STORY OF THE WOMEN OF HARVARD LAW 1974* (1986); R. CHESTER, *UNEQUAL ACCESS: WOMEN LAWYERS IN A CHANGING AMERICA* (1985); C. EPSTEIN, *WOMEN IN LAW* (1983); K. MORELLO, *THE INVISIBLE BAR* (1986); B. SMITH, *BREAKTHROUGH: WOMEN IN LAW* (1984); E. SWIGER, *WOMEN LAWYERS AT WORK* (1978); *WOMEN LAWYERS: PERSPECTIVES ON SUCCESS* (E. Couric ed. 1984); Adelman, *A History of Women Lawyers in Illinois*, 74 ILL. B.J. 424 (1988); Morello, *Women's Entry into the Legal Profession*, 32 AMER. U.L. REV. 623 (1983); O'Connor, *Introduction: Achievements of Women in the Legal Profession*, 57 N.Y. St. B.J., Oct. 1985, at 8.

A fascinating list, containing the names of about 6000 women lawyers throughout the country, was compiled in 1957 for the purpose of helping the "lay public choose a woman lawyer best fitted to help them." D. THOMAS, *WOMEN LAWYERS IN THE UNITED STATES*, at xiii (1957). Another vintage book, written to provide young women with a picture of the vocational opportunities and requirements of the law, provides a glimpse into the

and to the demands of the profession,<sup>3</sup> whether the structure and nature of law practice has changed or will change due to the increased numbers of women,<sup>4</sup> and how women attorneys have responded when the

mindset of a much earlier time. B. DOERSCHUK, *WOMEN IN THE LAW* (1920).

3. For articles about law school experiences of students and teachers, see Angel, *Women in Legal Education: What It's Like to Be Part of a Perpetual First Wave or The Case of the Disappearing Women*, 61 TEMP. L. REV. 799 (1988); Bean, *The Gender Gap in the Law School Classroom*, 14 VT. L. REV. 23 (1989); Bysiewicz, 1972 AALS Questionnaire on Women in Legal Education, 25 J. LEGAL EDUC. 503 (1973); Czapanskiy & Singer, *Women in Law School: It's Time for More Change*, 7 LAW & INEQUALITY 135 (1988); Fossum, *Law and the Sexual Integration of Institutions: The Case of the American Law School*, 7 ALSA FORUM 222 (1983); Jason, Moody & Schuerger, *The Woman Law Student: The View from the Front of the Classroom*, 24 CLEV. ST. L. REV. 223 (1975); Robert & Winter, *Sex-Role and Success in Law School*, 29 J. LEGAL EDUC. 449 (1978); Weiss & Melling, *The Legal Education of Twenty Women*, 40 STAN. L. REV. 1299 (1988).

For articles concerning women's experiences within the legal profession, see Barnes, *Women and Entrance to the Legal Profession*, 23 J. LEGAL EDUC. 276 (1970); Blodgett, *Whatever Happened to the Class of '81?*, 74 A.B.A. J., June 1988, at 56; Ginsburg, *Women's Work: The Place of Women in Law Schools*, 32 J. LEGAL EDUC. 272 (1982); Graham, *It's Getting Better, Slowly*, 72 A.B.A. J., Dec. 1986, at 54; Klein, *The Continuing Challenge to Women Lawyers*, 69 WOMEN LAW. J., Fall 1982, at 13; LaMothe, *Endangered Species*, 41 STAN. LAW. 15 (1989); McHugh, *Of Careers, Compromises, Choices, and Changes*, SMITH ALUMNAB Q., Summer 1986, at 14; Abramson, *For Women Lawyers, An Uphill Struggle*, N.Y. Times, Mar. 6, 1988, § 6 (Magazine), at 36, col. 1.

The status of women lawyers is a topic for discussion in other countries as well. See *Women in the Legal Profession* (1986) (unpublished materials prepared for the Law Society of Upper Canada, Osgoode Hall, Toronto, Canada).

4. See, e.g., Barnett, *Women Practicing Law: Changes in Attitudes, Changes in Platitudes*, 42 U. FLA. L. REV. 209 (1990); Bendix, *Mothers in Law Deserve More Accommodation from Firms*, MANHATTAN LAW., Dec. 13-19, 1988, at 14, col. 2; Ginsburg, *Women at the Bar—A Generation of Change*, 2 U. PUGET SOUND L. REV. 1 (1978); Kaye, *Women Lawyers in Big Firms: A Study in Progress Toward Gender Equality*, 57 FORDHAM L. REV. 111 (1988); Kaye, *Creating Profound Change*, 26 TRIAL 50 (1990); Sorenson, *A Woman's Unwritten Code for Success*, 69 A.B.A. J. 1414 (1983); Beyette, *A Balancing of the Bar: Women in Law Find Profession Is Still Tilted in Favor of Men*, L.A. Times, Dec. 11, 1989, at E1, col. 2; Hazard, *Male Culture Still Dominates the Profession*, Nat'l L.J., Dec. 19, 1988, at 13, col. 4.

The National Association of Women Judges sponsored a symposium at which several women judges discussed their experiences and their approaches to the judiciary. Lists of then sitting women judges were included. *National Association of Women Judges*, 14 GOLDEN GATE U.L. REV. 469 (1984). For a particularly interesting article on women judges, see Cook, *Women Judges: A Preface to Their History*, 14 GOLDEN GATE U.L. REV. 573 (1984).

On part-time lawyering, see Feiden & Marks, *Working Part-Time*, 14 LEGAL ECON. 26 (1988); Kanarek, *Can Part-Time Lawyers Break the Barriers?*, 13 BARRISTER, Spring 1986, at 51; Lezin & Kushner, *Yours, Mine and Hours*, 13 BARRISTER, Spring 1986, at 4; Shad, *Working Part Time Without Paying the Price*, N.Y. Times, Aug. 3, 1990, at B7, col. 3; Kuzins, *Women Attorneys Opt for Part-Time Jobs in Law Firms*, L.A. Daily J., May 30, 1984, at 1, col. 6; Middleton, *Part-Time Lawyering Takes Off*, Nat'l L.J., Nov. 28, 1983,

institutions in which they work have either been slow to change or have resisted change altogether.<sup>5</sup> The impact of the growing number of women in the profession<sup>6</sup> has been described<sup>7</sup> and measured,<sup>8</sup> particularly now

at 1, col. 4.

On maternity leave policies, see *Project: Law Firms and Lawyers with Children: An Empirical Analysis of Family/Work Conflict*, 34 STAN. L. REV. 1263, 1268-70 (1982) [hereinafter *Lawyers with Children*]; Hayes, *From Here to Maternity*, AM. LAW., Mar. 1989, at 174; Tapp & Stegnink, *Firms Updating Maternity Leave Policies*, 74 ILL. B.J. 464 (1986); Pendlebury, *Survey: Leave/Part-Time Policies Still in Flux*, Legal Times, Nov. 3, 1986, at 1, col. 1.

On parenting, see Belsky, *And Baby Makes Five . . . Chadbourne Names Partners*, MANHATTAN LAW., Oct. 4, 1988, at 4, col. 1; Brill, *Pro Se*, 14 STUDENT LAW., Mar. 1986, at 8; *Lawyers as Mothers: The Stresses of Being Superwoman*, 10 BARRISTER, Summer 1983, at 7; Mendels, *The Stigma Facing Mommys*, Newsday, Mar. 27, 1989, at 1; Margolick, *At the Bar*, N.Y. Times, Nov. 11, 1988, at B5, col. 1; Overholser, *The Editorial Notebook: So Where's the Daddy Track?*, N.Y. Times, Aug. 25, 1988, at A26, col. 1; Kingson, *Women in the Law Say Path is Limited by "Mommy Track,"* N.Y. Times, Aug. 8, 1988, at A1, col. 5; Sylvester, *How Firms Cope with Motherhood: Examining the Options*, Nat'l L.J., Nov. 7, 1983, at 1, col. 3; Lewis, *Women Balance Role as Mothers with Law Careers*, L.A. Daily J., Dec. 27, 1982, at 1, col. 2; Tou, *Career-Family: A New Urgency*, Nat'l L.J., May 31, 1982, at 1, col. 3.

On childcare, see Graham, *Local Bar Groups Conceive New Childcare Centers*, Legal Times, Aug. 16, 1982, at 2, col. 1.

5. See, e.g., Frank, *Leaving the Law: Are Reasons Gender-Based?*, 71 A.B.A. J., Dec. 1985, at 34; Gilsinan, Obermyer & Gilsinan, *Women Attorneys and the Judiciary*, 52 DEN. L.J. 881 (1975); Hirsch, *Will Women Leave the Law?*, 16 BARRISTER, Spring 1989, at 22; Holmes, *Structural Causes of Dissatisfaction Among Large Firm Attorneys: A Feminist Perspective*, 12 WOMEN'S RIGHTS L. REP. 9, 23-24 (1990); Quade, *Myths v. Ms.: Why Women Leave the Law*, 13 BARRISTER, Winter 1986, at 28; Repa, *Is There Life After Partnership*, 74 A.B.A. J., June 1988, at 70; Schafran, *Gender Bias in the Courts: An Emerging Focus for Judicial Reform*, 21 ARIZ. ST. L.J. 237 (1989); Presser, *Mom, A Sound Concept*, Chic. Tribune, Nov. 20, 1989, § 1, at 19, col. 2; Mairs, *Bringing Up Baby*, Nat'l L.J., Mar. 14, 1988, at 1, col. 1; Klemesrud, *Women in Law: Many Are Getting Out*, N.Y. Times, Aug. 9, 1985, at A14, col. 2; Mann, *Dropping Out*, Washington Post, Sept. 9, 1983, at B1, col. 1.

6. Between 1951 and 1984, the number of women in the legal profession increased from about 5500 (2.5%) to almost 85,000 (12.8%). B. CURRAN, *supra* note 1, at 10. The United States government estimated the total number of women lawyers in 1983 to be 93,636 (15.3%) out of 612,000. BUREAU OF LABOR STATISTICS, U.S. DEPT. OF LABOR, BULL. NO. 2217, HANDBOOK OF LABOR STATISTICS 49 (June 1985). In an evaluation of the growing number of women lawyers, the authors of a 1970 study cautioned that the growth may be more a function of a general trend of increased participation by women in all professions than of greater empowerment of women. Durkin & Rhodes, *Shift in Female Participation in the Legal Profession by State: 1960-1970*, 65 WOMEN LAW. J., Fall 1979, at 11.

7. See, e.g., Blodgett, *I Don't Think That Ladies Should Be Lawyers*, A.B.A. J., Dec. 1986, at 48; Fossum, *Women in the Legal Profession: A Progress Report*, 67 A.B.A. J. 578 (1981); Kanter, *Reflections on Women in the Legal Profession: A Sociological Perspective*, 1 HARV. WOMEN'S L.J. 1 (1978); Prinz, *Resistance to Women Lawyers Slow*

that significant numbers of women have been lawyers long enough to have reached certain watersheds in both their personal and professional lives. Because of their age and experience as lawyers, women are now making very specific demands on themselves and on their employers which may be affecting the lifestyle of the profession.

This Article contains both statistical analysis and personal reportage concerning the success and satisfaction of women attorneys who graduated from law school in 1975 and 1976. The genesis of this project was our impression that women whom we knew, or knew of, practicing law in a broad range of situations, were dissatisfied for many reasons, including the quality of their personal and professional lives, the nature of the legal profession and its adaptability to their needs. It seemed to us that during every conversation we had at our workplaces, at professional meetings, and even at social occasions, we learned of more women who were fundamentally dissatisfied, not simply with their particular jobs, but with their choice of profession.<sup>9</sup> As a result of this confluence of feelings, we

to Die, 59 WISC. B. BULL., June 1986, at 11; Quade, *Women in the Law: Twelve Success Stories*, 69 A.B.A. J. 1400 (1983); *The Role and Position of Women in Law and Practice: Report from the International Association of Democratic Lawyers, Cambridge England, Sep. 13-17, 1979*, 10 GOLDEN GATE U.L. REV. 1267 (1980).

For bibliographies on women in the profession, see Grech & Jacobs, *The Library—Women and the Legal Profession: A Bibliography of Current Literature*, 44 REC. A.B. CITY N.Y. 215 (1989); J. Esser, *A Bibliography of Sources Relevant to the Topic: Women in the Law* (Sept. 1986) (unpublished article on file with authors). The legal profession is not alone in its reaction to the influx of women. See, e.g., A. FISHER, *WALL STREET WOMEN* (1990); A. MORRISON, R. WHITE, E. VAN VELSOR, *BREAKING THE GLASS CEILING* (1989); Sly, *Firms Look for Ways to Keep Moms on the Job*, Chic. Tribune, Mar. 19, 1989, zone C, at 1.

8. For essays on women lawyers, see Barnes, *supra* note 3; Chambers, *Accommodation and Satisfaction: Women and Men Lawyers and the Balance of Work and Family*, 14 LAW & SOC. INQUIRY 251 (1989); Chester, *A Survey of WCL Women Graduates: The 1920's Through the 1940's*, 32 AM. U.L. REV. 627 (1983); Glancy, *Women in Law: The Dependable Ones*, 21 HARV. L. SCH. BULL. 23 (1970); Holmes, *supra* note 5; Liefland, *Career Patterns of Male and Female Lawyers*, 35 BUFFALO L. REV. 601 (1986); Simon & Gardner, *Career Patterns Among University of Illinois Women Law Graduates*, 67 WOMEN LAW. J., No. 4 1981, at 19.

For studies on women in the lawyering workplace, see Matarese, Danner & Simon, *A Survey of Gender Bias Among Corporate/Securities Lawyers*, 14 J. LEGAL PROF. 49 (1989); *Project: Gender, Legal Education, and the Legal Profession: An Empirical Study of Stanford Law Students and Graduates*, 40 STAN. L. REV. 1209 (1988); *Lawyers with Children*, *supra* note 4; Winter, *Survey: Women Lawyers Work Harder, Are Paid Less, But They're Happy*, 69 A.B.A. J. 1384 (1983); *An NLJ/West Survey, Women in the Law: Awaiting Their Turn*, Nat'l L.J., Dec. 11, 1989, at S1, col. 1 [hereinafter *Awaiting Their Turn*]; Jensen, *Female Lawyers Getting Raw Deal?: Boston Survey of 2,500 Says Yes*, Nat'l L.J., Feb. 29, 1988, at 9, col. 1.

9. One of our respondents described a similar phenomenon: "This questionnaire reached me at a time when I'm going through a period of examination and introspection

decided that it would be interesting, and perhaps even revealing, to learn how women of our generation felt about themselves as lawyers.

In 1986, therefore, we resolved to poll women lawyers from the classes of 1975 and 1976. We chose those years because the majority of the women surveyed would have graduated law school at least ten years previous and would be in their mid- to late-thirties, assuming they followed a fairly traditional timetable and began law school a year or two after college.<sup>10</sup> These women would have achieved certain professional milestones and made decisions concerning their futures, while also arriving at a point where they probably had formed commitments to family and home life. We felt that the conflict of career versus family may have forced certain women into difficult choices that may have negatively affected either their careers or their personal lives. We also sensed that for another segment of women lawyers, disaffection from the profession as a whole might have driven them from their anticipated career paths. The strain of these conflicts may have caused women to make choices unimaginable to them while still in law school.<sup>11</sup> It was our belief that the woman lawyer of the 1980s was not simply replicating the male model of conventional achievement, but was striking out on her own to develop new accommodations and approaches to the practice of law and to reshape the lifestyle of the profession.<sup>12</sup>

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about my career choices. Most friends of mine are doing the same thing. Part of the problem is that I'm not sure whether any of us expected or if there was any way we could have known [what we now know]. . . . [T]he superwoman myth is finally dissolving."

10. Some of our respondents who attended law school after a previous career and/or after having had children criticized us for skewing our questionnaire to a career path that assumed that most women attended law school shortly after college graduation and were childless when they entered law practice. However, 49% of our respondents attended law school immediately after college, and another 13.6% entered no more than two years after college graduation. In addition, of those women with children, only 22% had a child before age 30, confirming that the majority of our respondents followed the more commonplace "career first—children later" pattern. Curran found further data confirming the youthfulness of women lawyers; in 1980, while women accounted for only 8.1% of the entire lawyer population, 14% of all lawyers under 35 were women, and of those under 30, 19% were women. B. CURRAN, *supra* note 1, at 10.

11. For an analysis of law students' expectations about family and work conflicts, see *Lawyers with Children*, *supra* note 4, at 1277-92.

12. As Judge Patricia Wald stated:

I am convinced that if women lawyers want greater harmony between their career patterns and family life, they *can* achieve it. We don't reflexively have to ape our brothers and fathers. We can set the pace for ourselves and for other professions in career phasing, [and] in balancing our time between family and work. . . . [W]omen should not rest until they achieve a true conciliation of career and home.

Wald, *Women in the Law: Stage Two*, 52 UMKC L. REV. 45, 55 (1983) (emphasis in original).

Concentrating on graduates from 1975 and 1976 not only allowed for a ten-year passage of time since graduation, but it was also in those years that the number of women graduating from law school increased enormously,<sup>13</sup> forming the "second stage" of women's accomplishments.<sup>14</sup> While there have been stories, books, and articles written about the occasional, and, by definition, exceptional pioneering women attorneys achieving success against all odds, these women were notable because they fought so hard to attain such basics as admission to the bar, equal pay and treatment, and respect from the profession. Our goal, however, was to focus on women who attended law school at a time when being a woman attorney was not so remarkable, and when many battles against sexism supposedly had been fought,<sup>15</sup> so that men in the profession—particularly those in positions of power—presumably were more accustomed to having women colleagues.

The first part of this Article describes our methodology for obtaining the data. The second part presents the comprehensive report written just over twenty years ago by Professor James White in his article *Women in the Law*,<sup>16</sup> which described the status of the first generation of women lawyers. The next section introduces the data we compiled and compares it to the findings in White's study. The last part of this Article shares some of the experiences and opinions that our respondents included in the narrative part of the questionnaire. This rich anecdotal information, frequently communicated in long personal notes, reveals many areas of common experience and on-going concerns, and includes strong attitudes and reactions expressed by women about the core of their experiences as lawyers.<sup>17</sup>

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13. In 1970-1971, 6682 women were enrolled in J.D. programs in the United States, amounting to a little over 8.5% of the total J.D. enrollment. Fifty-three percent of these women were in their first year. By the 1974-1975 school year, the total had increased to 21,283 (just over 20% of total enrollment). In 1988-1989, the 50,932 women enrolled in J.D. programs represented slightly more than 42% of all law students. ABA SECT. LEGAL EDUC. & ADMISSIONS TO BAR, A REVIEW OF LEGAL EDUCATION IN THE UNITED STATES: FALL 1988 LAW SCHOOLS AND BAR ADMISSION REQUIREMENTS 66 (1989). Between 1975 and 1983 the percentage of women admitted to the bar increased from 13.1% of all new admittees to an approximated 33.6%. B. CURRAN, *supra* note 1, at 58. Almost two-thirds of the women practicing law in 1980 joined the bar between 1975 and 1979. *Id.* at 10.

14. Betty Friedan used the phrase "second stage" to describe a transformation of the struggle for women's equality from the original rebellion against polarized gender roles to "the restructuring of our institutions on a basis of real equality for women and men, so we can live a new 'yes' to life and love, and can *choose* to have children." B. FRIEDAN, *THE SECOND STAGE* 40-41 (1981) (emphasis in original).

15. See, e.g., *Hishon v. King & Spalding*, 467 U.S. 69 (1984), in which the U.S. Supreme Court unanimously held that Title VII of the Civil Rights Act of 1964 precludes consideration of sex in the selection of partners by a partnership.

16. White, *Women in the Law*, 65 MICH. L. REV. 1051 (1967).

17. After reading these narrative responses we realized that in formulating our

The completion of this project was much delayed for reasons that may sound familiar to many of our women colleagues.<sup>18</sup> For this, we owe an apology to the many people who responded so promptly and candidly to the questionnaire. Another by-product of this delay is that events, to some extent, have overtaken us; almost daily, we see pictures of newly-named partners who are pregnant, read of law firms innovating part-time and flextime situations, and even hear of a law firm establishing an emergency daycare center for its employees. Terms such as "mommy track"<sup>19</sup> and "glass ceiling"<sup>20</sup> have been coined to describe new situations faced by women.

Changes are occurring so rapidly that, since our questionnaire

questionnaire we ignored the recent call by some commentators for a study of the impact women's "differences" are having, not only on the sociology of the legal profession and the behavior of lawyers, but also on the very substance, tone, and nature of how law is practiced due to the divergent ways men and women deal with people and their problems. The inspiration for this inquiry is, by all accounts, C. GILLIGAN, *IN A DIFFERENT VOICE: PSYCHOLOGICAL THEORY AND WOMEN'S DEVELOPMENT* (1982).

The most sophisticated scholar posing these questions is Carrie Menkel-Meadow, who has persistently argued for a close look at the effect gender has on the law. *See, e.g.,* Menkel-Meadow, *Feminization of the Legal Profession: The Comparative Sociology of Women Lawyers*, in *LAWYERS IN SOCIETY, COMPARATIVE THEORIES* 196 (1989); Menkel-Meadow, *Portia in a Different Voice: Speculations on a Women's Lawyering Process*, 1 *BERKELEY WOMEN'S L.J.* 39 (1985); Menkel-Meadow, *Exploring a Research Agenda of the Feminization of the Legal Profession: Theories of Gender and Social Change*, 14 *LAW & SOC. INQUIRY* 289, 312-19 (1989); Menkel-Meadow, *The Comparative Sociology of Women Lawyers: The "Feminization" of the Legal Profession*, 24 *OSGOODE HALL L.J.* 897 (1986).

The call for such study has been heeded in R. JACK & D. JACK, *MORAL VISION AND PROFESSIONAL DECISIONS: THE CHANGING VALUES OF WOMEN AND MEN LAWYERS* (1989). *See also* J. Foster, K. Moore & B. Leigh, *Will Women in Law Change Legal Practices?* (Aug. 1986) (unpublished paper presented at a conference of the Research Committee of Sociology and the Law, Madison, Wis.).

18. Childbirth (a boy), part-time work, and a major career change (from United States Magistrate to law firm partner) derailed this project so that we came back to it only intermittently for over two years. We returned our attention to this project in 1989, believing that our findings are still quite informative.

19. The term "mommy track" is used to describe the career path of a new category of associates—mostly women—who work with no prospect of advancement as a result of their choice to put in fewer hours and spend more time with their families. *See, e.g.,* Kaye, *"Mommy Track" in Practice*, *Nat'l L.J.*, May 22, 1989, at 13, col. 1; Margolick, *supra* note 4; Kingson, *supra* note 4.

20. This expression describes an invisible yet impenetrable barrier erected to prevent women from climbing too high on the success ladder while allowing them to see what they are missing at its heights. Schwartz, *Executives and Organizations: Management Women and the New Facts of Life*, 67 *HARV. BUS. REV.*, Jan.-Feb. 1989, at 65, 68. *See also* *Women in Law*, 74 *A.B.A. J.*, June 1988, at 49 (a series of articles examining life as a woman lawyer).



circulated, our generation has been succeeded by the women who graduated from law school in the 1980s, who, like their peers in other fields, are reaping the benefits of their predecessors. Complacency, however, is premature since, despite gains, women's measurable achievements still lag<sup>21</sup> and their place in the established professional structure is still problematic.<sup>22</sup> During the last decade, we may have begun a new stage in which women lawyers at least appear to be influencing the institutions where they work. Yet the cosmetic differences attained by enacting maternity leave or part-time work policies, in our view, are more necessary accommodations to an increasingly female workforce than meaningful responses that change professional norms or expectations. These changes really do not begin to alter the fundamental concerns expressed by our respondents as well as recent commentators<sup>23</sup> that, while perhaps making life a little easier for working women, such adjustments may simply reinforce existing models rather than restructure expectations about how the legal profession works and how both men and women shape it.

## II. METHODOLOGY

We began our survey with a questionnaire drafted with the help of a professional computer consultant. Because of our lack of expertise in sociology and statistics, we do not present our study as a scientific document, but rather as one which reports the answers of hundreds of

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21. In 1987, the *National Law Journal's* annual survey of the nation's largest law firms concluded "[w]hite [m]ales [d]ominate [f]irms." While women constituted 23% of all lawyers surveyed, only 7.93% of all partners were women. Weisenhaus, *Still a Long Way to Go for Women, Minorities*, Nat'l L.J., Feb. 8, 1988, at 1, col. 3, 50, col. 3. That percentage increased in 1989 to 9.2% in a lawyer population that was 24% women, reflecting some gains. Jensen, *Minorities Didn't Share in Firm Growth*, Nat'l L.J., Feb. 19, 1990, at 1, col. 1, 28, col. 3. Encouragingly, the *National Law Journal's* 1989 survey of lawyers' earnings reported that women admitted to the bar between 1979 and 1987 earned, on average, about the same as similarly situated male attorneys. *What Lawyers Earn*, Nat'l L.J., Mar. 26, 1990, at S1, col. 1, S12, col. 1. See also Silas, *Women Lawyers: Survey Spotlights Disparities*, 70 A.B.A. J., Sept. 1984, at 33 (reporting on a survey of Minnesota attorneys); Winter, *supra* note 8 (results of nationwide opinion survey of lawyers).

22. See generally Schwartz, *supra* note 20 (recognizing the extra costs of employing women and suggesting methods for the reduction of such costs).

23. See, e.g., Kaye, *supra* note 4, at 122-26. Judge Kaye's remarks spawned a series of responses and comments from a wide range of scholars, practitioners, and researchers collected in *Essays: Gender Equality in the Legal Profession*, 57 FORDHAM L. REV. 933 (1989). See also Rhode, *Perspectives on Professional Women*, 40 STAN. L. REV. 1163, 1202-07 (1988); Schafran, *Lawyers' Lives, Clients' Lives: Can Women Liberate the Profession?*, 34 VILL. L. REV. 1105 (1989).

women lawyers around the country who responded with a high degree of enthusiasm and curiosity about its findings.

Our questionnaire elicited general information about professional, personal, and financial facts, as well as a number of narrative responses in those areas.<sup>24</sup> In addition, we asked questions concerning attitudes toward the practice of law. The questionnaire reflected some of our own preconceptions about the employment and personal situations of most of our respondents. For example, we assumed that most people attended law school soon after receiving a college degree, and progressed through a fairly linear pattern of employment. At the same time, we believed that our subjects were making personal commitments to relationships and to children. Needless to say, some of our respondents did not fit this pattern, particularly the many women who went back to school after a significant break. We also received a number of responses from people who diverged from the presumed model into more unpredictable professional fields and exotic locations, including one whose response came in a year late because she had just returned from Africa.

We sent our questionnaire to women graduates of fourteen law schools along the Northeast corridor (Boston to Virginia). We obtained mailing lists from alumni offices or secured the cooperation of alumni offices who mailed our letters and questionnaires directly. The schools participating in the survey were American University, Washington College of Law, Boston University Law School, Brooklyn Law School, Columbia University Law School, Cornell Law School, Georgetown University Law Center, George Washington University National Law Center, Hofstra University School of Law, New York University School of Law, University of Pennsylvania Law School, Rutgers University, Newark, Seton Hall School of Law, University of Virginia School of Law, and Yale Law School.

We mailed 1160 questionnaires and received 586 valid answers amounting to a return rate of almost fifty percent.<sup>25</sup> After the initial

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24. A copy of the questionnaire is appended.

25. The following table represents the number of responses and the percentage of the total number of responses from each law school.

<i>School</i>	<i># Resp.</i>	<i>% Total Resp.</i>
American (Washington)	23	3.9%
Boston University	69	11.8%
Brooklyn	47	8.0%
Columbia	56	9.6%
Cornell	17	2.9%
Georgetown	70	11.9%
George Washington	81	13.8%

mailing, we remailed the questionnaire to ninety-eight randomly selected women who had not initially responded in order to ascertain whether nonresponsiveness was the product of extremism or simply inertia. The relatively few answers received from this second group appeared to be consistent with the responses received from our larger pool. We therefore combined both groups in a single computer run, feeling secure that the nonrespondents are not fringes, but instead people who were less conscientious or less concerned with the goals of the survey.

### III. WOMEN LAWYERS IN 1967

In 1967, when James White reported his survey of 1298 female and 1329 male lawyers who had graduated over a ten-year period, available data indicated that only 7143 (2.7%) of America's 268,782 listed lawyers were women.<sup>26</sup> After a few years of slow but steady growth, 13.1% of all lawyers admitted to practice in 1975 were women.<sup>27</sup> The number and percentage of women has been increasing ever since.<sup>28</sup>

When White conducted his survey, he discovered several areas of discrimination and difference. First, he found that men made a good deal more money than women and that this differential increased with the passage of time.<sup>29</sup> He also found that the initial employment of women in law firms, particularly larger and mid-size law firms, was significantly lower than that of men.<sup>30</sup> In addition, over time men were far better represented in large law firms than women.<sup>31</sup> At the same time, his figures showed that women were disproportionately over-represented in the government sector.<sup>32</sup> White determined that the proportion of women

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Hofstra	18	3.1%
NYU	66	11.3%
Rutgers	28	4.8%
Seton Hall	29	4.9%
Univ. of Pennsylvania	29	4.9%
Univ. of Virginia	22	3.8%
Yale	31	5.3%
Total Responses:	586	100.0%

26. White, *supra* note 16, at 1051 n.3, 1053. White based his calculations on the number of attorneys listed in the MARTINDALE-HUBBELL LAW DIRECTORY (1963).

27. B. CURRAN, *supra* note 1, at 58.

28. *Id.*

29. White, *supra* note 16, at 1057.

30. *Id.* at 1057-58.

31. *Id.* at 1058-59.

32. *Id.*

engaged in trusts and estates, domestic relations, and tax law was much higher than the proportion of men engaged in those same areas of specialty.<sup>33</sup> He also discovered, somewhat surprisingly, that a significant number of women were not relegated to these so-called "women's specialties." Indeed, he found that 45.6% of the female respondents engaged in litigation and 27.7% in criminal law.<sup>34</sup> He explained those unexpectedly high numbers by speculating that the term litigation did not exclusively relate to adversarial court proceedings but also encompassed noncourtroom work of a much more mundane character such as "procuring a signature on a probate order or obtaining an . . . uncontested divorce."<sup>35</sup>

White's survey confirmed the common perception that women are heavily represented in government jobs. Although about 43% of his women respondents worked in law firms, 33% were employed by either federal, state, or local governments. This figure is particularly high when viewed in comparison to the 15.7% rate of public employment among men.<sup>36</sup> White also concluded that women remained longer in government jobs, while men used public sector positions as "stepping stones" to the private sector.<sup>37</sup>

White's findings with respect to the marital and parental status of women show that it was by no means certain, even in those days, that women would necessarily leave the practice of law simply because of marriage or childbirth. He found that 27.8% of the "full-time employed women were married *and* had children."<sup>38</sup> Of those who did leave work, 27.3% acknowledged that they did so in order to have a child, while another 23.5% acknowledged having left practice in order to "devote more time to their families."<sup>39</sup>

Women during this era also tended to work part-time with some frequency. In fact, White found that women were three times more likely to work part-time than men, and married women with children were four to five times more likely to work part-time than single or childless women.<sup>40</sup> He did find, however, that women who continued to work after the birth of their children were concentrated heavily in law firms with four or fewer people, while their presence in both larger firms and

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33. *Id.* at 1062-63.

34. *Id.*

35. *Id.* at 1062.

36. *Id.* at 1059.

37. *Id.*

38. *Id.* at 1066 (emphasis in original).

39. *Id.*

40. *Id.* at 1065.

government was somewhat reduced, raising the speculation that smaller offices were more flexible in their demands on employees with children.<sup>41</sup>

Characterizing it as a widespread conviction among women, White found that almost two-thirds of the women surveyed stated that they had been the object of some sex discrimination.<sup>42</sup> Nevertheless, he also noted that 94.1% of the women surveyed answered that they would again become lawyers if they had to do it over, mirroring the male answers to the same questions.<sup>43</sup>

Twenty years ago, White found that gender discrimination was fairly blatant and pervasive.<sup>44</sup> Yet his data discredited many of the myths used by the legal profession to hold women back. For example, he found that married women and mothers continued to work,<sup>45</sup> that women lawyers changed jobs only slightly more frequently than men,<sup>46</sup> and that women appeared in court with almost the same frequency as men.<sup>47</sup>

Although White wrote about women in the law only twenty years ago, his survey is largely rooted in its era and has a dated quality. For example, in his conclusion he urged law schools to hire more women faculty in order to set an example for students, alumni, and employers.<sup>48</sup>

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41. *Id.* at 1066-67.

42. *Id.* at 1068.

43. *Id.*

44. Thirty-eight percent of White's female respondents believed that they *certainly* had been the object of discrimination, while an additional 9.6% believed they *almost* certainly had been, and 17.6% believed they *probably* had been. *Id.* at 1085.

45. *Id.* at 1092.

46. *Id.*

47. *Id.* at 1089; *but see* text accompanying note 38, *supra*.

48. *Id.* at 1114. In 1985, 1.2% of all lawyers worked in education; 68% of those were employed by law schools. Curran, *American Lawyers in the 1980's: A Profession in Transition*, 20 LAW & SOC'Y. REV. 19, 37 (1986). Women in education represented 1.6% of all female attorneys, while only 1% of male attorneys were so employed. B. CURRAN, K. ROSICH, C. CARSON & M. PUCETTI, SUPPLEMENT TO THE LAWYERS STATISTICAL REPORT: THE LEGAL PROFESSION IN 1985, at 3 (1986) [hereinafter THE LEGAL PROFESSION IN 1985]. For statistics on women law professors prior to 1980, see Fossum, *Women Law Professors*, 1980 AM. B. FOUND. RES. J. 903.

By all accounts, female representation on law school faculties has soared, yet not without difficulties and tensions. Chused, *The Hiring and Retention of Minorities and Women on American Law School Faculties*, 137 U. PA. L. REV. 537, 548-55 (1988). *See generally* Moss, *Would This Happen to a Man?*, A.B.A. J., June 1988, at 50 (describing tenure battles at law schools); Adams, *Students See Bias on Law School Faculties*, N.Y.L.J., Mar. 5, 1990, at 1, col. 3 (describing student protests at 50 law schools nationwide protesting low numbers of women and minorities on law school faculties).

One of our respondents noted: "Bias against women in law teaching, although subtle, is very real and well documented." However, another law professor said: "My life strikes

He exhorted women to organize, research, and write in order to raise the consciousness of male lawyers, and to lobby bar groups to address issues of sex discrimination.<sup>49</sup> His urgings are both prophetic and anachronistic. Outwardly, many visible changes have occurred to improve the status of women, yet the momentum for these changes has been slow. Gains have been steady since 1967, but have really accelerated for women law graduates only in the past few years.

#### IV. OUR FINDINGS

By 1987, when our survey was tabulated, the women portrayed by White twenty years earlier had undergone significant changes. Yet the struggle by women to achieve not only parity with men, but to make both tangible and abstract emotional connections to their careers continues. These middle-stage women lawyers who had no female mentors, role models, or, in some cases, peers also lacked a strong support system in the form of maternity leave or part-time work policies. While many of these women have indeed prospered, others are alienated and discontent.

##### A. *Education of Respondents*

The lawyers surveyed in our questionnaire graduated in the classes of 1975 (43%) and 1976 (56%). Half of the respondents went directly from college to law school; 14% spent a year or two in between. The remainder, a little more than one-third, entered law school after a number of years. Twenty-six percent had earned another advanced degree. Of those, 57% obtained the degree before attending law school, so it is fair to assume that the law was a second career for these women.

Our respondents generally performed well in law school. Over 51% reported graduating in the top quarter of their class; 21% in the top 10%. Almost three-quarters of the respondents reported graduating in the top half of their law school class. The remainder reported either no ranking, a lower ranking, or failed to respond to this question. While there is no way of verifying this data, it is consistent with White's findings in 1965 that approximately 50% of all his female respondents were in the top quarter of their classes while only 5% to 6% were in the bottom.<sup>50</sup>

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me as the perfect compromise, but still it's a compromise which might not have been necessary if better support services for families were widely available."

49. White, *supra* note 16, at 1114. All of these efforts have since been undertaken, as evidenced by the literature on women in the law, the growth of feminist legal theory, and the creative litigation and legislation in areas concerning women.

50. *Id.* at 1054.

### B. *Employment History*

The respondents' positions at the time of the survey was reported as follows: 21% were partners in law firms; 12% were in solo practice; 22% worked for public agencies; 14% were corporate counsel; and 14% were associates in law firms. The balance (9%) worked either in the judiciary, for public interest organizations, in legal education, or in nonlegal positions. Eight percent of respondents were not working in law; of these, only 1% were unemployed.

Only 13% of the respondents remained in their first postgraduation job. Thirty percent reported having held two jobs, with an equal percentage reporting having held three jobs since graduation. One-quarter of the respondents had held more than three jobs since graduating from law school.

The most common reason given for leaving a particular job was to pursue more interesting work, whether the job was the respondent's first, second, or third. The second most common reason was increased salary, which again was true for all job changes. When asked whether subsequent jobs were more satisfying than the previous jobs, most respondents were more satisfied with each succeeding job. Seventy percent of those who had moved from their first job to a second job responded that their second position was better than their first. Of course, not everyone moved from the second job to a third job, but of those that did, 73% felt that their third job was more satisfying than their second. A few women attributed reasons for leaving a certain job to serious negative causes such as sexual harassment or being fired. On the other hand, some women left jobs due to geographic considerations, such as moving in order to accompany a spouse to another location.

### C. *Where They Work*

Almost half of all lawyers surveyed reported working in offices of fewer than ten lawyers. Specifically, 12% identified themselves as solo practitioners, while 23% worked in offices of fewer than five lawyers, and another 14% worked in offices of fewer than ten lawyers. Only 14% reported working in offices between ten and twenty lawyers and the same number in offices between twenty and fifty lawyers. Nine percent worked in offices with over fifty lawyers and 15% in offices with over 100 lawyers.<sup>51</sup>

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51. Our finding that women are more likely to be in solo practice or in comparatively small firms was corroborated by THE LEGAL PROFESSION IN 1985, *supra* note 48. This study showed that in 1985, 49.9% of the female attorneys in private practice were solo practitioners, while only 16.1% were practitioners in large firms. *Id.* at 4. Of the women

More than 50% of the lawyers in private practice worked in small office settings of fewer than five people. While an encouraging 21% of the respondents identified themselves as partners, almost half of the partners worked in these small settings, and another 12% worked alone. While the absolute number of partners (110) appears to be significant, the responses revealed that many of these women are in two or three person law firms engaging in a limited practice in order to enhance their control over hours and job responsibilities.<sup>52</sup>

The over-representation of women in the public sector was observed by White and confirmed by later studies.<sup>53</sup> Yet only 22% of our respondents were working in public or government agencies at the time of our survey.

The usual explanation for the prevalence of women in the public sector is the greater flexibility of working conditions and less demanding job requirements.<sup>54</sup> A less obvious explanation is the comparative inexperience of most women with the business end of the law: obtaining and cultivating clients.

We, therefore, asked women in private practice if they believed that they had as many clients as their male colleagues. Sixty percent of the women in private practice, who expressed an opinion, believed that they had as many clients as their male colleagues. The remaining 34% expressed a common concern of women in private practice: that they are not capable of "rainmaking" in the same way as men.<sup>55</sup> Thus, these

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attorneys under 39, solo practitioners outnumbered practitioners in large firms by a ratio of more than two to one (45%:18%). *Id.* Of the attorneys over 40, 65.6% were solo practitioners, whereas only 7.4% worked in firms larger than 51 lawyers. *Id.* Thus, while recent women graduates are more likely to work in large firms than their predecessors and are less likely to become solo practitioners, a substantial number still work in small or solo settings. *Id.* See also Curran, *supra* note 48, at 42-49 (of the women in private practice in 1980, 55.6% were solo practitioners, while 12.0% worked in firms of 50 or more lawyers).

52. In a 1989 nationwide survey of women in large law firms, 21% were partners, 76% were associates, and 2% were staff attorneys. *Awaiting Their Turn*, *supra* note 8, at S11.

53. In 1980, 17.2% of all female lawyers were employed by federal, state, or local governments, compared to only 8.6% of all male lawyers. B. CURRAN, *supra* note 1, at 39. Women were also more heavily represented in public interest settings (4.8%) than men (1.2%). *Id.* In contrast, 13.7% fewer women than men worked in private practice. *Id.* By 1985, the gap had closed somewhat. Only about 13.7% of all women lawyers worked for some governmental entity, in contrast to 7.2% of all men. Among more recently admitted lawyers, the differential was 5.3%; among more experienced lawyers, it was 6.0%. THE LEGAL PROFESSION IN 1985, *supra* note 48, at 3.

54. Several of our respondents commented about the "trap" of public sector practice, describing themselves as "stuck," "at a standstill," or "stereotyped."

55. In a recent survey of women in law firms, 85% of the respondents believed it was more difficult for women to develop new business than it was for men. *Awaiting Their*



women believe that their ability to achieve success in traditional terms and to attract business is hampered by being women because they do not make their contacts in the stereotypical male-client world.<sup>56</sup> A related question was asked of the women who worked in a public or institutional setting. Of those who stated an opinion, 79% believed that they received the same quality of assignments as their male colleagues, while only 21% believed that they did not.

One interpretation of these responses is that in the public or institutional setting, where there are no clients whose prejudices about gender influence the workplace, women have achieved greater parity than their female colleagues in the private sector with respect to the quality of their assignments. Although the former public sector tracking for women lawyers is dissolving as more women enter traditionally male-dominated private practices and corporations, it appears that the barriers created by gender still make institutional lawyering somewhat easier for women.

#### D. *Areas of Specialization*

Women attorneys work in as wide a variety of areas as they did twenty years ago. Despite the general diversity reported by White, his survey revealed that the proportion of women engaged in certain areas of specialty was definitely higher than that of men engaged in the same areas. For example, trusts and estates, domestic relations, and tax law all attracted a greater percentage of women than men, while corporate practice and litigation specialties attracted far fewer. Certain specialty areas were considered to be more suitable for women because they afforded less opportunity for client interaction, or were thought to be focused on issues of central concern to women, such as the family.

The largest group of our respondents specialized in the corporate business field (17%). Women were also well-represented in litigation (12%) and in administrative law (10%). A much smaller percentage engaged in family law (5%), in tax (4%), and in trusts and estates (2%). Our respondents also reported working in criminal, constitutional, intellectual property, international, employment, pension, labor, and negligence law, as well as in legal education.<sup>57</sup>

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*Turn*, *supra* note 8, at S3. See also Zeldis, "Rainmaking" at Law Firms: *The Last Hurdle for Women*, N.Y.L.J., May 1, 1989, at 1, col. 3.

56. Women complain that single sex activities such as sports or male-only clubs are not only offensive, but also limit business opportunities and set an exclusionary tone for interaction with clients. *Awaiting Their Turn*, *supra* note 8, at S10. As one respondent from our survey observed: "My present firm is very much a game played with the guys' rules both within the firm and with the client." Another said: "It was hard to be taken seriously by clients and partners and I didn't fit in with all the joking and masculine stuff." Another summed up her views: "It's a sexist world and I'm sick of it."

57. Four and one-half percent of our respondents identified themselves as "public

Nearly half of the respondents had changed their area of specialization since they first began practicing. Of those, 19% left litigation, 17% left corporate/business practice, 15% left public interest/constitutional law, and 11% switched away from criminal law. The most significant departures were found, not surprisingly, in the most demanding and time-consuming areas of the law: litigation and corporate/business practice. The constitutional law specialty, which for most people typically involved constitutional litigation, also has a highly demanding workload. Criminal law jobs at prosecutors' or public defenders' offices meanwhile, are generally first career steps, and are rarely intended to be a permanent specialty.

### E. *Financial Information*

#### 1. Salary

A full 45% of our respondents who provided an answer to this question reported receiving a starting salary of under \$15,000 at their first legal job. Slightly more than half (51%) stated that their starting salary was between \$15,000 and \$25,000 in 1975 or 1976.<sup>58</sup> Only 4% earned above \$25,000. In 1975-1976, the starting salary of attorneys at major New York law firms was about \$22,500. Judicial clerk and entry level federal government employees earned approximately \$14,000. An entry level attorney at a public service agency typically earned in the mid-teens.

By 1986, our respondents' salaries had increased significantly over the ten years since graduation, presumably keeping abreast with inflation. Twenty-nine percent of respondents reported earning between \$40,000 and \$60,000. Twelve percent earned between \$60,000 and \$75,000, while 9% earned between \$75,000 and \$100,000. At the extremes, 10% reported earning over \$100,000, while 9% earned under \$40,000. One-quarter of our respondents did not provide an answer to this question, and 5% reported earning no salary at that time.

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interest" lawyers, 3.4% as public sector government attorneys, and 5.7% as specialists in criminal law, most of whom presumably work for prosecutors or public defenders. A negligible percentage worked in either education or in the judiciary. Other surveys have reported that women outnumber men in the family law area by more than 2:1 (13%:5%), but in other specialties such as litigation, corporate business, and real estate, they are less well-represented than men. Winter, *supra* note 8, at 1386.

58. The women law school graduates surveyed by White in 1967 earned approximately \$6000 per year at their first permanent job after graduation. This marked a steady increase from the first year of his survey, 1956, when the average starting salary was \$4000. White, *supra* note 16, at 1055. Today's entry level law firm salary can range between \$50,000 to as high as \$83,000. *Fiscal Rewards of the Practice*, Nat'l L.J., Mar. 26, 1990, at S3, col. 3.

There appears to be a correlation between areas of specialization and how respondents perceive their salaries compared with those of male colleagues of comparable age and experience. By a two-to-one margin, those specializing in the presumably less remunerative constitutional and public interest fields of law believed their salary to be lower or much lower than those of men of comparable age and experience. Sixty-four percent of those specializing in family law believed their salary to be lower or much lower than those of men. This belief was shared by 56% of those specializing in criminal law, and 55% of those in the public sector. Forty percent of those specializing in administrative law or in litigation responded in the same manner. Forty-five percent of those specializing in general civil practice, 41% in corporate/business, 44% in employment/pension/labor, 47% in real estate, and 40% in tax believed their salary was lower or much lower than those of men in comparable fields.

When asked to compare their current salary with those of male colleagues of comparable age and experience, about half of those responding believed that their salary was somewhat or substantially lower than those of comparable male colleagues. Forty percent believed their salaries to be the same, and 10% believed their pay to be higher or much higher than those of comparably situated male peers.<sup>59</sup>

The correlation between women whose salaries were on the lower end of the scale and the belief that male colleagues of comparable age and experience were earning more than they is even more dramatic. Almost 50% of those earning under \$40,000, and who expressed an opinion, believed their salaries to be much lower than those of male colleagues. Over half of our respondents in the \$40,000 to \$60,000 range believed their salary to be either somewhat or much lower than those of males of comparable age and experience. Even among those in the \$60,000 to \$75,000 per year bracket, the number of individuals who believed they have a somewhat or much lower salary is more than six times greater than those who believed they have a higher or much higher salary than comparable men. Only after reaching the \$75,000 per year salary bracket did this correlation disappear; those in the higher income brackets tended to perceive their salaries to be equivalent to those of men.

Seventy-three percent of those who worked less than a forty-hour workweek believed their salary to be lower or much lower than those of comparable men.<sup>60</sup> Significantly, 41% of those who work a forty-hour

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59. This perception corresponds to the findings of a 1983 survey which reported the median income of women lawyers to be only \$33,000 in contrast to those of men at \$53,000, a disparity somewhat explained by the relatively recent arrival of women to the legal profession. Winter, *supra* note 8, at 1385.

60. This disparity may be attributable to the fact that those working shorter hours are

(normal) week also believed this, while 39% of those who work more than a forty-hour week share this view. Thus, those who worked fewer hours were somewhat more likely to believe that their salary was lower than those of comparable men, but this belief was shared by significant numbers in all salary ranges.

Associates in law firms were most likely to believe that they were earning less than comparable men. Fifty-nine percent of the associates believed their salary was somewhat or much lower than those of male colleagues of comparable age and experience. The figures are somewhat lower for other positions: 52% for those in legal education or solo practice, 44% for those in nonlegal positions or public/government agency, 42% for corporate counsel, and 31% for partners (although still a significant portion).

## 2. Pay Raises and Promotions

Many of our respondents felt that gender had some role in the rate at which they received pay raises or other benefits compared to their male counterparts. Interestingly, 21% believed they received raises at a slower rate, while only 11% believed they received raises at a faster rate than their male counterparts.

Fifty-five percent of those with an opinion stated that they believed they were promoted at the same rate as their male counterparts, 27% believed they were promoted more slowly, and 17% felt that they had been promoted faster than their male counterparts. While most women recognized no differences based on gender in these areas, a significant number believed that they were lagging behind men.

When questioned more narrowly about comparability to men with similar job experiences where parity would be expected, even more women saw themselves as disadvantaged. Forty-six percent of those expressing an opinion stated that they had received pay raises at the same rate as men of equivalent years in the legal profession in contrast to a striking 47% who believed that they received pay raises at a slower rate. Only 7% believed that their pay raises and other benefits increased at a faster rate than those of men of equivalent years.

The correlation between salaries and perceptions concerning the rate at which pay raises or other benefits are paid compared with men of equivalent years in the legal profession is consistent. Those at the lowest end of the salary range were more likely to believe that they were receiving pay raises at a slower rate than men in similar positions. Respondents who earned less than \$40,000 accounted for under 10% of

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actually working part-time, which would explain their lower salary scale in comparison to men of similar age and experience who were not working part-time.

the entire pool. Yet two-fifths of the lawyers who believed they received pay raises or other benefits at a much slower rate than their male counterparts fell into this category. Those who earned between \$40,000 and \$60,000 per year accounted for 29% of the pool, but 33% of the total who believed their rate is *much slower*, and 45% of the total who believed their rate is *slower* than men of equivalent years in the legal profession.

## F. Work Schedules

### 1. Work Hours

Fifty-four percent of the respondents reported working more than forty hours a week. The remainder were divided equally between those who worked exactly forty hours, and those who worked less than a forty-hour week. Over one-third (37%) responded that they worked frequently on the weekends in their present jobs. Nearly half of the respondents (49%) reported working frequently in the evenings, while the balance stated that they did not.

The respondents perceived no significant difference between the amount of time worked by men and women in similar situations. The vast majority of respondents (73%) of the respondents claimed that their present work hours were the same as those for similarly situated men. There were, however, 15% who felt they worked more hours than men in similar positions.

Our respondents' perceptions of their work hours compared to similarly situated men appears to be directly related to their present full-time salary. Those who earned a salary between \$60,000 and \$100,000 (the middle to mid-upper salary range) viewed their hours as much greater than those of equivalent men. Specifically, respondents who earned between \$60,000 and \$75,000 accounted for only 12% of the entire pool. Yet they accounted for 25% of the respondents who answered that they worked *much* longer hours than men in similarly situated jobs and for 21% of the respondents who felt that they worked longer hours than these men. Similarly, those who earned between \$75,000 and \$100,000 accounted for only 9% of the pool, but 24% of those who stated "much greater" work hours than men. A full quarter of those who said "much greater" work hours came from respondents in this salary range.

As might be expected, however, salary seemed to play a large role in determining a respondent's self-image about her professional success. Those respondents reporting salaries of \$40,000 or less believed they were less successful than men far more often than did respondents with higher salaries. At salaries over \$25,000, 47% of the respondents believed they were successful; at salaries over \$40,000, 62% believed they were successful. The direct correlation continued at the higher ranges. At salaries over \$75,000, 76% believed they were successful, and 84% of the

women earning over \$100,000 held this belief.

## 2. Part-Time Work

Flextime and part-time work, issues not examined by White in 1965, have soared to prominence in the late 1980s.<sup>61</sup> Forty-one percent of the respondents reported working part-time during at least one period of their careers. Of those, 69% worked in a part-time situation four years or more after graduation, having already established themselves in their careers. Parenting was by far the most frequent reason (69%) for part-time work. A small number, 6%, worked part-time to attend school.<sup>62</sup>

Because the legal profession typically requires lengthy work hours, we asked those who worked part-time what their ordinary full-time workload would have been had they not been working part-time. Seventy-eight percent replied that between 40 and 50 hours a week was ordinary, 15% replied over 50 hours a week, and 7% replied between 30 and 40 hours a week. For 58% of the respondents, part-time work consisted of a 20 to 29 hour workweek. Fourteen percent worked less than 20 hours a week, while 18% worked 30 hours or more per week. Therefore, the ratio between full-time and part-time work was not 2 to 1.

Naturally, the decision to work part-time was not without consequences for most of the women who made this choice. Of the 211 women who had worked part-time after law school, 35% reported that they now earned less money as a consequence of their part-time work. One-fifth of the respondents believed that less prestige was also a consequence. Another 12% reported loss of support services. Other consequences included loss of vacation, loss of seniority, and a lost chance at partnership.<sup>63</sup>

Recently, part-time work has become more commonplace and acceptable, largely due to the increased number of working mothers. As a result, some legal employers have adopted part-time work policies, which usually result in a proportionate reduction of pay and perhaps a loss of seniority.<sup>64</sup> In a law firm, for example, the part-time employee might

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61. For articles detailing the changes in the structure and nature of law practice due to the increasing number of women lawyers, see *supra* note 4.

62. Twenty-five percent of the part-timers listed "other" without detailing their reasons.

63. One woman related how, upon her return from maternity leave, her proposal to share a job with a male attorney was derided by her employer. Another described part-time jobs as "adjustments to full-time schedules" rather than as permanent positions. A few regarded law as a flexible career permitting a return to full-time work at a reasonable salary once early childhood responsibilities were over. This more positive attitude may be more common among today's younger women working in settings where maternity leave and part-time policies are better established and expectations are clearer.

64. See, e.g., Pendlebury, *supra* note 4, at 1, col. 1; *Lawyers with Children*, *supra*

be taken off the partnership track for as long as she works part-time, or she might become a "permanent associate." The question still remains how far the part-time work requires the individual to fall. Since a year's worth of part-time work is not the same as a year's worth of no work, how that year should be credited toward the total length of time required for partnership and raises may not be resolved equitably. This issue needs further examination by employers.

There is little question that some employers are trying to accommodate the interests of women seeking to work part-time. Whether these arrangements benefit the law firm or the individual remains to be seen. At the time of our survey, 17% of our respondents were working part-time in a wide range of settings, both private and public, large and small.<sup>65</sup> Many women felt they were working more hours than they should be, given their part-time arrangements. In our survey, 77% of the part-time respondents believed that the time they worked was basically what they bargained for. However, the remaining 23% felt that they were working more hours than agreed to by the employer. In those cases the part-time arrangement is exploitive.

It also remains to be seen whether part-time work will stigmatize the woman in the future. Although she is theoretically eligible to return to the regular achievement track, presumably her lack of contacts and her slower progress compared to other lawyers in the firm will disadvantage her. She may now be several years behind her peer group, potentially creating an uncomfortable work environment where former equals are now superiors. Finally, she may find that upon her return to the normal working arrangement her chances for success have been permanently tarnished because of unfair negative assumptions about her ambitions and her willingness to work hard, resulting from her choice to work part-time. Much depends on the attitude of the individuals in any employment situation.<sup>66</sup>

Respondents to this survey are in the first wave of women lawyers making demands upon employers for job accommodations. The women we

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note 4, at 1276-77.

65. In addition to those women who were working part-time at the time of the survey, another 32% were considering part-time work, a decision largely attributable to anticipated parenting.

66. Most women seem to believe that part-time arrangements harm their careers. Ninety percent of the women surveyed at large firms in 1989 believed this choice would slow or destroy partnership opportunities. Two-thirds believed the quality of work assignments suffered, while almost half felt such arrangements resulted in lawyers being taken less seriously. *Waiting Their Turn*, *supra* note 8, at S11. *See also Lawyers with Children*, *supra* note 4, at 1297-98. In a more precarious economic environment, it is possible that these accommodations will not last because financial exigencies, rather than employee satisfaction, dictate such decisions.

surveyed were generally the first in their offices to ask for a part-time arrangement prior to the establishment of any policy or precedent. Most had to carve out exceptions and special arrangements. Their successors, women who graduated in the 1980s, are finding policies in existence and practices more flexible.

Although 59% of our respondents had never worked part-time, a majority of those who were associates in law firms (55%), in solo practice (55%), or in legal education (52%) had. Partners were least likely to have worked part-time (30%). It was also less likely that a respondent employed in the larger firms ever worked part-time. Forty-four percent of respondents who worked in offices of fewer than ten lawyers had worked part-time. In comparison, of the respondents who worked in larger offices (more than twenty lawyers), only 29% had worked part-time.

There is also a correlation between part-time work and a respondent's belief that she has had a successful legal career. A strong majority of those who identified themselves as successful had never worked part-time. In contrast, many of the women who either believed or strongly believed that they had *not* had successful careers, at one time or another, had worked part-time.

A correlation again appears between respondents who worked part-time and those who believed being a woman had hampered their success as a lawyer. Those who worked part-time were far more likely to feel that being a woman had hampered their success, while the majority of the respondents who had never worked part-time disagreed that their gender had hampered the success of their career.

Part-time lawyers were more likely to be contemplating leaving the practice of law (57%) than those who had not worked part-time (36%), although they were less likely to be contemplating a job change, perhaps because the accommodation of part-time work made their professional lives more manageable. Part-timers were far less likely to be satisfied with their present position (35%) than those who never worked part-time (63%). Those respondents who had worked part-time were more likely to be senior associates (78% of all senior associate respondents had worked part-time), associates (55%), or in solo practice (55%), than those who had not.

### G. *Personal Information*

#### 1. Marital Status

Slightly more than two-thirds (67%) of the respondents were married, 18% were single, 9% divorced, 3% cohabiting, and 2% separated. Twenty-four percent of those surveyed responded that regardless of their current status they had been married in the past. Of these, 32% indicated that they had been married five to ten years prior to divorce, another 32%



had been married between two and five years, and 15% stated that their marriage lasted less than two years. Yet 11% responded that they were married longer than ten years, and almost 10% of the marriages lasted over fifteen years prior to divorce.

Two-thirds of the divorced respondents agreed that their careers played a role in bringing about their divorce. By contrast, 70% of those who responded stated that getting married or divorced did not cause any change in their employment. Thus, while career may alter marital status, marital status does not seem to significantly affect careers.

One area of obvious interest is whether husbands in dual-career families contribute as much time to the responsibilities of the home as do the wives. Virtually all married respondents lived in two-career households in which both spouses had demanding professions. Ninety-seven percent of the married or cohabiting respondents stated that their husbands or live-in partners were employed. Of those, 46% named "attorney" as her husband/partner's occupation, while another 48% stated "other professional." Almost half of the respondents contributed significantly to the family finances.<sup>67</sup> Slightly more than one-third had a salary somewhat greater or much greater than that of their partner, and 10% have salaries equal to those of their partner's. The remainder of the applicable respondents (55%), however, said their salary was either somewhat less or much less than that of their husband/live-in partner.

When questioned about how much time is spent with the spouse, 46% reported spending between two and four hours on a typical weekday with their husband/live-in partner. One-third of the respondents answered less than two hours a day and 21% stated more than four hours. On a typical weekend day, the majority (61%) spent almost all weekend with their partners, 26% spent more than four hours a day, while 13% spent between two and four hours a day.

The women in our survey assumed greater responsibility for the home, even though the majority did not spend substantial amounts of time themselves on household tasks.<sup>68</sup> Most of the women (54%) spent less than ten hours a week on household chores unrelated to children, while 37% spent between ten and twenty hours on such tasks. Only a few (9%) of the respondents spent as much as twenty to thirty hours a week on

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67. David L. Chambers found a similar relationship between women lawyers and their spouses, but also found that the majority of men had spouses who earned much less than they did, or who did not work at all. Chambers, *supra* note 8, at 263.

68. There were exceptions. For example, one upbeat respondent said: "My husband and I share most household responsibilities and he feels the same kind of stress. The conflicts and demands also promote creativity and energy in getting things done." Compare A. HOCHSCHILD, *THE SECOND SHIFT: WORKING PARENTS AND THE REVOLUTION AT HOME* 6-10 (1989) (revealing that 80% of the men in two-career marriages did not share in the housework and childcare).

chores. In comparison, 74% reported that their partner spent less than ten hours a week on household chores. Twenty-four percent reported that their partner spent between ten and twenty hours, and a few lucky respondents (2%) said that their partner spend twenty to thirty hours a week on household chores.

## 2. Children

Sixty-five percent of the respondents had children (25%—one child, 29%—two children, 9%—three children, 2%—more than three). Of the childless respondents, 29% believed that career responsibilities affected their decision not to have children. Eighteen percent believed that their schedules affected their childless status. Sixteen percent cited monetary reasons, and another 16% reported that fear of lost income, time, prestige, or advancement potential affected their decision to remain childless.<sup>69</sup> The remaining 22% cited other unspecified reasons.

The greatest incidence of childlessness was found among the partners (40.4%). Ironically, although not statistically significant, three of the ten women who had more than three children were law firm partners.

Respondents who are mothers were asked what, if any, of a number of listed factors contributed to their decision not to have any more children. Thirty-two percent said scheduling problems affected this decision, while 26% indicated career responsibilities. Another quarter of these respondents cited money as a factor and 17% pointed to fear of lost time, prestige, or advancement potential, and other unspecified reasons.

Slightly less than half of the mothers (48%) were between thirty and thirty-five years of age when their first child was born, consistent with our assumption that most women went to law school without children, then had children within four to five years after graduation. Thirty percent of the mothers were between twenty-five and thirty when their first child was born and 12% were under twenty-five.<sup>70</sup> Only 10% were over the age of thirty-five when their first child was born.

The vast majority of respondents with children took some form of maternity leave after the birth of a child. Ninety-two percent took maternity leave after having had their first child, 85% after the second child, and 76% after the third. The amount of time given as leave varied somewhat, but averaged between one and three months. The second most common length of maternity leave was three to six months.<sup>71</sup>

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69. We did not ask, nor did people volunteer, about lack of marriage opportunity or sexual preference.

70. Presumably, women who had children while in their early twenties went to law school as parents.

71. A maternity leave of six months to one year was the third most frequent length of

Employers were not as generous about maternity leave benefits as they were with leave time. Of the women who took a leave after the birth of their first child, only half (49.8%) received paid benefits from their employer. The typical period of benefits was three months or less. Similarly, of the mothers who took a leave after the birth of their second child, 46.2% were paid during that time. After the birth of a third child, however, only 38.2% of those mothers took a paid maternity leave.

These figures suggest that, while most employers may have recognized the need for some form of time off after birth, a significantly lower proportion were prepared to provide benefits for subsequent children. In addition, employers lacked consistency. Although we did not discover whether each child was born while the woman worked at the same job, it is possible that employers providing a third maternity leave to one lawyer within a fairly short time period reacted with increasing stinginess. Our figures demonstrate that employers generally became increasingly less generous with paid leave after the birth of successive children. Most respondents felt that their employers tended to react in a cooperative, or at least neutral, fashion to their becoming parents. Only 12% of the respondents felt that their employer reacted negatively to parenthood regardless of which child was being born.

Naturally, parenting had some effect on the work style of most respondents with children. Of those who stayed at the same job after returning to work, 29% changed their position or responsibilities. For 44%, the change meant fewer hours. For 26% it meant lower salary, and for 11%, it meant less responsibility.

Twenty-one percent of the respondents with children reported that they had changed jobs within six months of returning to work after the birth of a child. Of those who changed jobs or responsibilities, 29% said that the change entailed fewer hours and 22% said it involved lower salary. The change meant less responsibility for 14%, and being closer to home for 13%.

Forty-three percent stated that they worked less at the office after having children, while 15% worked less at home. At the same time, 35% responded that they worked more at home. Only 8% reported working more at the office after having children.

Of the respondents who have children, 45% stated that they spend between two and four hours a day with their children, 39% more than four hours a day, and the remaining respondents (16%) fewer than two hours a day. Over two-thirds of the women with children (69%) reported having childcare help.<sup>72</sup> Forty percent of those with childcare help

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time. In 1983, the most common length of maternity leave was two months. Winter, *supra* note 8, at 1388.

72. The balance presumably consists of women who are not working or whose children

described their employees as full-time nonlive-in, 26% had live-in help, and 34% had only part-time help.<sup>73</sup>

Stability of childcare arrangements also affects work. No parent is exempt from difficulties with childcare providers. Although the passage of time seemed to produce greater dependability in childcare arrangements, many people reported continuous problems. For example, within the first year of having the first child, 40% of our respondents reported having only one childcare arrangement, 25% reported two, 18% reported three, and 17% reported more than three. An unenviable 2% needed more than five. The picture did not brighten necessarily with the birth of the second child. Although a slightly greater number (54%) reported only one childcare arrangement, 25% still needed two different arrangements, 11% required three, and 10% more than three. Although the number of respondents with more than two children was only 60, 47 of those reported using childcare during that child's first year. Fifty-one percent had only one childcare arrangement, 21% had two, 28% had three or more. Obviously, childcare is an on-going problem throughout the course of the child rearing years.

Balancing personal and professional demands is not only a women's issue, yet the responsibility of home and childcare overwhelmingly remains with women.<sup>74</sup> Increasingly, men are awakening to their own dissatisfaction with the pressures of high-powered legal work that detracts from their families.<sup>75</sup> However, our respondents, like those in other surveys,<sup>76</sup> clearly felt the conflict profoundly, and doubted that many men experienced the same angst.

### 3. Attitudes

The women lawyers in the "first wave" surveyed by White in 1967 were generally satisfied with their choice of career, leading White to conclude that: "women have a continuing, and perhaps irrational, belief that hard work, good grades, and perseverance will overcome the obstacles which they face."<sup>77</sup> During the next two decades, this optimism

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are old enough not to need caretaking.

73. Decisions about childcare arrangements are probably less complex for our respondents, most of whom are financially comfortable. Most childcare was provided by individuals or schools. Women lawyers are spared the harsher economic realities of the female labor force in general. See M. LUECK, A. ORR & M. O'CONNELL, TRENDS IN CHILD CARE ARRANGEMENTS OF WORKING MOTHERS (U.S. BUREAU OF THE CENSUS, CURRENT POPULATION REPORTS SERIES P-23, No. 117, June 1982).

74. See C. EPSTEIN, *supra* note 2, at 373.

75. See Chambers, *supra* note 8, at 279; Liefland, *supra* note 8, at 615-16.

76. See, e.g., Liefland, *supra* note 8, at 614-15.

77. White, *supra* note 16, at 1068 (reporting that 94% of all women respondents

has faded somewhat. In the 1980s, several new inquiries about women lawyers' satisfaction discovered an increased "dissatisfaction" rate. In 1983, 13% of the women surveyed by the American Bar Association reported dissatisfaction with their careers.<sup>78</sup> Another national survey of job satisfaction reported an overall dissatisfaction rate of 15%,<sup>79</sup> yet noted that women lawyers on all levels were far more negative about their legal careers than men.<sup>80</sup>

We, too, surveyed the attitudes of women concerning the legal profession. We first asked whether the respondents felt that they had been as "successful" as they expected to be when they became attorneys. "Successful" was to be defined by each respondent's own interpretation. Thirty-eight percent of the respondents agreed, and 24% strongly agreed, that they had been as successful as they had hoped to be. Yet 30% disagreed or strongly disagreed with this statement. A number of respondents wrote a qualifying statement indicating that while they felt themselves to be personally successful, their feelings about their professional achievements were more ambiguous.<sup>81</sup>

There appears to be a correlation between the present position a respondent holds and her perception of whether she is indeed successful. Sixty-two percent of the respondents as a whole currently considered themselves as successful as they expected to be when they became attorneys. Yet 81% of those who were then partners agreed or strongly agreed that they met their own criteria for success. Those in legal education had the second highest percentage of agreement (72%). The respondents with the lowest percentage of agreement with the statement were those in solo practice, 48% agreed that they had achieved success,

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would become lawyers again, a rate almost identical to that of male respondents).

78. Winter, *supra* note 8, at 1385.

79. Twelve percent of those surveyed were "somewhat dissatisfied;" 3% were "very" dissatisfied. Hirsch, *Are You On Target?*, 12 BARRISTER, Winter 1985, at 17. In 1989, Chambers reported a similar satisfaction rate in his survey of both male and female lawyers five years after graduation. Chambers, *supra* note 8, at 275.

80. Fifteen percent of women partners were dissatisfied compared to only 9% of men; 25% of women senior associates were dissatisfied in contrast to 13% of men; 40% of women junior associates were dissatisfied in contrast to 19% of men; and 21% of women solo practitioners were dissatisfied compared to 18% of men. Hirsch, *supra* note 79, at 17. For a sociological study of women enrolled at the University of Michigan Center for Continuing Education between 1964 and 1973, see C. FAVER, WOMEN IN TRANSITION: CAREER, FAMILY AND LIFE SATISFACTION IN THREE COHORTS (1984).

81. One person, voicing a fairly typical ambivalent attitude about the work/family conflict said: "I adore my kids. It's hard to choose my job so I always chose both and ended up with no time for me. I'm always tense and pressured but have gotten professional success and two good kids." Others referred to the "pressures," "sacrifices," and "losses" inherent in balancing these roles.

compared to 38% who disagreed.

A slightly higher degree of career satisfaction was found in the largest offices, with 74% of respondents in the offices of more than 100 lawyers feeling "successful," in contrast to only 58% in firms of under twenty lawyers. Although a part-time position appears to be an attractive alternative, particularly for parents, the predictable financial and status costs translate into a very low self-assessment of success. Of those respondents who had worked or were working part-time, 38.1% believed they had not been as successful as they had anticipated, while only 23.6% of the women who had never worked part-time had these negative feelings.

A respondent's answer to whether she was satisfied with her present position varied little depending on the nature of the position. Partners, not surprisingly, were most satisfied (69%). The other positions were closer to the average. Those not working had the lowest career satisfaction rate (44%).<sup>82</sup>

Marital status had little effect on how respondents viewed themselves in terms of a "successful" career. The majority of married respondents believed they were successful (62%), while only 29% of them felt that they were unsuccessful. Of the unmarried respondents, 55% saw themselves as successful, while 30% felt unsuccessful.

Quite predictably, feelings of success increased directly in proportion to salary. Of those earning between \$25,000 and \$40,000, 47% believed they were successful; 62% of those respondents earning between \$40,000 and \$60,000 believed they were successful; 76% earning between \$75,000 and \$100,000 thought they had achieved success; and of those earning over \$100,000, 84% believed they were successful.

When asked whether being women had hampered their success as lawyers, 47% of respondents said no.<sup>83</sup> However, 45% either agreed or strongly agreed with this statement. This figure represents a very dramatic statement about the overall feelings many women have toward their position and role in the law.

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82. This is potentially misleading since many people were happy in their role as parent or nonworker. Most of our respondents seem to have answered this question assuming "position" referred to work outside the home.

83. One respondent even said that "being a woman has made it easier for me to stand out as an excellent trial lawyer." Another attributed her success in part to her height: "I believe I have been taken more seriously than some of my colleagues because I am 6' tall and like to wear high heels." While another said: "I've always been treated as the pretty, petite lawyer." This suggests that a woman's appearance may be one explanation for success because being attractive or imposing may bring a woman more notice. Also, women in more remote areas may be among a small number of female attorneys who might simply attract more attention and perform well in that limelight given their relative uniqueness.

Salary again appeared to play a role in determining the response to the question of whether being a woman hampered one's career. Forty-seven percent of those respondents who earned between \$25,000 and \$40,000 believed this to be true, while 42% did not. Of those who earned between \$40,000 and \$60,000, 49% believed being a woman had hampered them, while 38% did not. Only after reaching the \$60,000-\$75,000 salary range did the respondents reject this proposition; 27% agreed and 57% disagreed. At salaries between \$75,000 and \$100,000, 31% of the respondents agreed and 56% disagreed; at over \$100,000, 25% agreed and 65% disagreed. By contrast, present position had little correlation with a respondent's answer to this statement. Those who were then not working expressed the strongest belief that their gender had hampered them.

The narrative responses provided by our respondents suggested several reasons why nearly half of those surveyed felt that being a woman hampered their success as lawyers. Many spoke of the incompatibility of working long hours and having a personal life—whether it be marriage, child rearing, or just personal social interactions. Others spoke of on-the-job sexual harassment affecting long-term stability with employers and clients. Another reason often suggested by respondents was the lack of female role models or mentors, or, in different words, the exclusive "old boy's club" from which women are excluded. Finally, women suggested that superiors expect women to work twice as hard as men, perceive them as less aggressive, and are generally slower to give them the responsibility and recognition given to men. It was also suggested that men are uncomfortable with women and even may be hostile. Thus, it would appear that male responses toward professional women, as well as women's decisions regarding time priorities, are the main reasons why being a woman has been perceived by some to be a drawback toward achieving professional success.

Another area of particular concern to women is sexual harassment.<sup>84</sup> Many of our respondents come from a generation when identifying and determining an appropriate response to sexual harassment was even more difficult than it is today. Reporting examples from offensive language, to propositions from clients, to sexual relationships with superiors, 23% of the respondents believed that they had been actively sexually harassed on the job.<sup>85</sup> Many believed these incidents hurt their careers, and most who

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84. See Burleigh & Goldberg, *Breaking the Silence: Sexual Harassment in Law Firms*, 75 A.B.A. J., Aug. 1989, at 46.

85. Incidents of sexual harassment described by our respondents included being shown a photograph of a naked woman by her boss, being the object of sexual remarks by a supervising attorney, being asked out by a married employer who, when rejected, did not speak to her for years, being asked for a kiss by a judge, being kissed by a client who had closed the door, and having to listen to dirty, sexist jokes. One respondent refused to have sex with a partner who then retaliated. One who dated a senior partner, characterized her

commented seemed dissatisfied with how they handled the situation.<sup>86</sup>

Our final questions, concerning possible directions for the future, elicited some mixed responses. While 63% of our respondents reported being satisfied with their present positions, a revealing 20% indicated that they were unhappy with their present position, while an additional 17% were ambivalent. While the majority (67%) were not contemplating leaving the profession at the time of the survey, 14% of respondents were actively considering leaving the profession, and an additional 19% had not ruled out the possibility. Of those respondents not currently working, only 32% were thinking about returning to work as an attorney, while 41% rejected this option entirely, and 27% were uncertain.

The number of respondents contemplating changing jobs in the near future ranged from a low among partners (no, 71%; yes, 10%)<sup>87</sup> and those in solo practice (no, 61%; yes, 11%) to a somewhat higher rate among associates (no, 42%; yes, 23%). However, almost one-third of those respondents in nonlegal positions and 47% of those then not working indicated that they had either abandoned or were then contemplating the abandonment of law as a career.

Twenty years ago, White asked: "If you had to do it over, would you again become a lawyer?" Analyzing responses from all women, including those who had stopped working, White discovered an overwhelming satisfaction rate of 94%, a figure fully consistent with male responses.<sup>88</sup>

We asked a similar question: "Would you have chosen a different career if you knew ten years ago what you now know about the legal profession, marriage, and parenting?" While over half (54%) said no, a significant 20% would have chosen a different career and 26% indicated that they might have.

These responses varied somewhat, depending on the respondent's position at the time of the survey. Those least likely to have chosen a different career worked in legal education (68%, no; 12%, yes) and public or governmental agencies (64%, no; 16%, yes). Again, those who had previously indicated the least satisfaction with their careers—those not working or working in nonlegal fields—were most likely to answer yes (36%, yes; 50%, no for nonlaw respondents; and an even 34%-34% split

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actions as "stupid." In 1989, 60% of the women surveyed by the *National Law Journal* said that they had "experienced unwanted sexual attention of some kind." *Awaiting Their Turn*, *supra* note 8, at S2-S3.

86. One respondent described herself as "speechless" when a partner commented on her "great chest." Another said she still shakes when she remembers her naivete in failing to do or say anything after her boss continued to sit on the arm of her chair and lean over her.

87. The remainder were ambivalent, responding "maybe."

88. White, *supra* note 16, at 1068.



for those not working). Although 54% of all respondents said they would choose law again, many of those qualified their answers with statements such as:

"I might not have chosen a different career, but I might have chosen to resist traditional big firm practice in favor of something less demanding."

\* \* \*

"Law has turned out to be a pretty boring career choice, but it still offers good salaries. I don't know what else I would want to do."

\* \* \*

"Some parts of lawyering are satisfying, but I'm not sure that nights and weekends and the stress and the triviality of much of the work is worth the occasional highs of trial work. I often feel the end product of my work has added nothing useful to the common good."

The optimism of the second generation is considerably more qualified than that of the first wave of women lawyers surveyed in 1967 by White.

#### V. THE VOICES OF WOMEN

The preceding section presents a significant amount of data about the status of women and their attitudes about themselves as lawyers. The information obtained from the narrative responses we received in reply to specific questions, as well as in frequent marginal notes and attachments, was even more revealing. There is no way to analyze these responses in a systematic fashion, although much of their content is reflected in the quantitative findings. We have collected the voices of the women themselves as they speak about areas of common concern. These anecdotal remarks provide a rich vein of information about how women view themselves in relation to the various components of their lives.

Most of the written comments articulated complaints about the profession. As might be expected, most of the women who indicated that they were basically satisfied with their profession and considered themselves to be successful submitted bare-bones responses. Yet many of the women who claimed to be satisfied had serious criticisms about the practice of law and the lifestyle which was imposed upon them. Set forth below are some of the common themes that echoed very forcibly throughout these comments.

One of the most repeated comments was that the practice of law is "unpleasant" because it is characterized by conflict and confrontation. Many women criticized the aggressiveness that seems to be a professional norm. They usually faulted themselves, perhaps too harshly, for being

insufficiently aggressive instead of questioning the operative professional values. Women felt that the law required them to submerge a lot of themselves into tedious, sterile, and often technical work. They moved away from problem solving and reconciliation into adversarial postures. Some people commented that they had to put on an act of being tough when they really wanted to be compassionate. As one woman said simply, "In the law, I cannot express my feminine nature." Another said that although she has always been successful, she felt her success required her to "submerg[e] a good deal of myself and my preferences in my personality beneath the facade."

Perhaps not all of our critical respondents would be prepared to acknowledge that there is a distinctly feminine voice in the practice of law. However, many faulted the legal profession for being boring, repetitious, and uncreative. These criticisms were often expressed in terms of the incredible attention to details and the reactive quality of much of what the law was about. Obviously there are jobs, cases, and issues which are not rooted in boring and mundane details, but many of our respondents had experienced the law only in this form. This may be attributable to the types of specialties or the quality of assignments given to part-time workers, yet there was no established relationship: women in all areas commented on the dryness of the law. Many women described their motivation for going into the law as a desire to help others, and to make a difference to people who need their help. These altruists often expressed disappointment that the law really was not conducive to serving those in need. Several respondents expressed a cynicism about law practice describing it as "mechanical and without values."

Another repeatedly-mentioned aspect of law practice was that women must overcompensate for being women. For those women who felt that gender had either hampered their success or had shaped their choices, many responded that to prove themselves they had to work harder and perform better than men in similar situations. A typical comment was that "I have to work twice as hard to impress clients and to get half as far as a man." In fact, one woman blamed this kind of need to overcompensate, not simply on expectations about women's performance, but on the sexual politics that needed to be played in the workplace.

A number of women expressed feelings of isolation. Bearing in mind that many of our respondents lived and worked in smaller legal communities, they described how they were often the only woman in an office, or the only woman regularly appearing in court or representing certain clients. They regretted that there had been no mentors or role models for women either in their own offices or in the larger legal community. Many described how they were becoming role models for younger lawyers.

"I wasn't one of the old boys," was a response echoed by many women describing their feelings of being excluded from the "boy's club"

in a male dominated profession. Another stated that "[l]aw firms still have an old boy system and a culture and a value system that is inherently male and frequently anti-female." The remarks of a third respondent repeated the feelings of the first two: "Women are not welcome in large firms and are not treated as members of the club."

This feeling of exclusion applied to clients as well as colleagues. "[T]he clients are men. The clients just don't hire women." Another stated that "[i]t was hard to be taken seriously by clients and partners. I didn't fit in with all the joking and masculine stuff." Based on these responses, many women attorneys continue to feel like outsiders in a predominantly male environment.

A significant number of women gave explicit examples of such harassment, which they felt affected their legal careers. One related: "I dated the senior partner who pursued me. It was very stupid and hurt my career." Others said: "I was propositioned by partners and associates"; "I was constantly asked for sex"; "I was propositioned by a corporate officer and consistently demeaned by one boss"; "Clients always shut my door and kissed me"; "I refused to go to bed with a partner who retaliated professionally"; "I was attacked by an associate who worked with me." A number of respondents simply said they were "sexually harassed" or sustained "unwanted sexual advancement," without detailing the incidents. As aptly summarized by one woman, "the energy spent struggling with sexism is a major diversion."

Many women commented on the incompatibility of the demands of a high-powered law practice and the desire to spend time with spouses, children, and friends. One respondent stated that she was "not able to manage a family and a prestigious full-time job at the same time." Another stated that "family [responsibility] has prevented me from making the commitment necessary to succeed." Similarly, a respondent stated that "long hours and parenting don't mix." Along the same lines, a respondent stated that a "litigation specialty is incompatible with parenting." To sum up the conflict, one respondent succinctly stated that she was "not willing to put the law over [her] family." Looking back at her choices, another respondent said: "My children are 19 and 16 and I regret being so busy when they were young."

Some respondents were critical of the time demands made by the profession without linking the conflict to parenting. One respondent stated that she had "no time for anything else and had developed a genuine distaste for that work ethic." Another stated that she was "not willing to sacrifice the rest of [her] life to put in [the required] hours." The ever-increasing demand for billable hours in today's high-salaried professional and competitive legal world appears to create a less and less hospitable environment for female attorneys. As one person noted: "[M]y career [has] required too many sacrifices. I'm afraid in the future I'm going to have to admit that I've turned my back on a fulfilling personal life."

In answer to our question about doing things differently, many women revealed their dreams. Some of these wishes were flip, but most of them had the sound and feeling of serious longing. Included in this wish list were such alternative careers as landscape artist, psychologist, veterinarian, teacher, writer, artist, and being Jane Pauley. Some of these women were even living out these dreams by having abandoned a law career for such jobs as Latin teacher, part-time artist, banker, filmmaker, and social worker. Of course, the nonworking mothers and students comprised the largest group of those who had abandoned legal careers.

Some of the voices of these women deserve to be heard. For example:

"I have worked like a dog for the past ten years and have nothing to show for it except stress lines on my face. . . . My mother tried to tell me, but ten years ago I didn't have enough sense to listen."

\* \* \*

"In some ways I have found law a hostile profession. Although I have been successful, I have never quite felt like I could continue to succeed without submerging a good deal of myself and preferences in my personality beneath the facade."

\* \* \*

"I think I am a severe case of burnout. My last job was so stressful and unrewarding that I decided to give it up."

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"This questionnaire reached me at a time when I'm going through a period of examination and introspection about my career choices. Most friends of mine are doing the same thing. Part of the problem is that I'm not sure what any of us expected or if there was any way we could have known. At least the superwoman myth is finally dissolving . . . ."

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"My underlying philosophy of life is incompatible with the life of the typical lawyer. I seek harmony in a better world rather than a bigger cut of the pie for my client at the moment. I found law to be an interesting training for life's practical difficulties, but not a very appealing career in the long haul."

## VI. OUR RESPONSE AND CONCLUSIONS

This is a highly personal piece of research. We are both women attorneys who fall into the experience group represented by our subjects. Between us we have held positions in the private sector, the public sector, legal education, and the judiciary. We have parented five children throughout our legal careers and have been married four times. We earn a good, but not spectacular living, and are reasonably satisfied with our

choices of careers as attorneys. Nonetheless, every response and every finding in this study struck a deep chord. We related to the good news and the bad as if we ourselves had experienced all aspects of the responses. There can be no objectivity; our experiences affect our reading of the data and our hearing of the voices. Accepting that premise, we shall summarize our findings, respond to them, and draw our own conclusions.

The personal profile of our respondents reveals that two-thirds are married and the same percentage have children. There is not much time, however, to be with the family for the working mother and attorney. Forty-six percent of the married group spend two to four hours a day with their spouses and 33% less than two hours a day. Similarly, 45% of mothers spend between two and four hours a day with their children. Where 46% of married respondents have a lawyer-spouse (as does one of us), women spend significantly more time on household chores than do their husbands.

Career-related concerns have played a major role in personal and family decisions. Two-thirds of divorced respondents believed that career played a role in bringing about the divorce (as does one of us). Although 65% of respondents have children, for the majority, the decision to remain childless or to stop having children was related to career concerns (as was the case for one of us). Although maternity leave is now quite typical, it is still short, averaging only one to three months. Benefits for that entire period were paid only 50% of the time.

Our response to this profile echoes that of our respondents. The demands of career and family are often in conflict, and the balance between the two is never easy. When the balance tips toward careerism, there can be no question that the marriage and the children will suffer. One cannot expect a marriage to thrive, nor children to develop, without nurture. Similarly, if too much time is taken off from work, or if part-time work is permanently chosen, we agree that career advancement, opportunities, and remuneration must inevitably be affected.

Although the idea of women's competence and equal access to legal careers is unchallenged, the degree to which women will identify themselves as successful will probably depend on subtler and deeper changes in the fabric of the profession than have occurred so far. The work/home conflict should be experienced equally by men. Perhaps then the "conflict" will disappear as both sexes search for solutions to ease the pressures now borne primarily by women. These solutions should be fashioned not only on the family end (e.g., daycare accommodations, part-time work arrangements), but on the professional side as well. For example, as the work ethic at law firms is defined—now, more than ever—by the yardstick of billable hours, in order to succeed, the norms of success should be redefined to include dedication, perseverance, and competence. Or the extreme demands that modern law practice places on attorneys should be rethought and restructured to lessen the pressures to

perform and produce.

Most respondents surely had the ability to succeed as attorneys since the majority did well in law school. Women now hold positions in all types of practice and in all types of specialties. The days of women being tracked into trusts and estates or domestic relations are gone. Forty-nine percent of respondents worked in the private sector. Of that group, only 15% worked in firms of over 100, while 35% worked in firms of fewer than five attorneys, and 13% were solo practitioners. Twenty-three percent of the respondents worked in government, 15% in corporate counsel positions, and the remaining 3% in legal education, the judiciary, or various public interest organizations. Ten percent of respondents had left the practice of law. An additional 14% stated that they were considering leaving the law, while 19% had not ruled it out.

Forty-one percent of our respondents—a surprisingly high percentage from our perspective—had worked part-time. Although many of the women who chose to work part-time stated, in a narrative response, that they were very happy with the ease of the balance it allowed between career and family, they nonetheless suffered in terms of salaries, professional advancement, and quality of assignments. Those who worked part-time were more likely than others to have low self-esteem and to be considering leaving the profession.

The women in practice believed they worked harder than men in similar positions. Nonetheless, 47% of the women believed that they received pay raises at a slower rate than men in similarly situated jobs (as does one of us). In the profession as a whole, 50% of respondents believed their salary to be lower than that of men in the profession. Similarly, 21% believed they were promoted at a slower rate than men. In fact, when they began, 50% of women earned salaries at the “going rate.” Ten years later, only 10% of the women had earnings at the top of the scale. Women also believed that rainmaking was a continuing problem.

Again, our response to this data is consistent with the data itself. We both have remained in the law. We work as hard or harder than our male colleagues, but do not earn as much. We feel, as do our respondents, that many of the initial barriers against women have dropped away. Women are free to practice in any sector and in any specialty. Once they do so, however, their paths may be more difficult than those experienced by their male colleagues. They will have to work harder to come farther, and may never come as far as men in terms of pay or promotions. Women are still attempting to break into the top echelons of a male-dominated profession and break through the “glass ceiling.”

Sixty-two percent of our respondents had positive attitudes, reporting that they were as successful as they expected to be. This is good news. However, the 30% who said “no,” including a disproportionate number of part-timers and solo practitioners, cannot be ignored. Similarly, 59% of respondents were satisfied with their present position, but that leaves

41% who were not. The news was not entirely encouraging. Forty-seven percent of respondents felt that being a woman hampered their career (as does one of us). The possible reasons for this view include conflicts between career and home, sexual harassment, lack of mentors, exclusion from the "boy's club," and hostile male attitudes. These problems must be addressed by the *entire* profession if women are ever to have full equality. Finally, we are sad to report that as recently as three years ago, nearly a quarter of our respondents felt themselves to be sexually harassed on the job (as did one of us). This is intolerable and simply must stop. Educating male lawyers is the only way to end this inappropriate behavior. We are trying to do this as are many other female attorneys.

We turn again to the voices of our respondents. Many of the problems we have already addressed: no mentors, exclusion from the "boy's club," sexual harassment, and the incompatibility of career and family demands. Another problem, perhaps too amorphous to touch, is the very nature of the practice of law. Some commentators have suggested that women see the world differently, speak in a different voice, and have different psychological dispositions than men.<sup>89</sup> They argue that women tend to avoid conflict, behave less aggressively, and solve problems more compassionately.

Many of our respondents said they would prefer that the law was constructive, proactive, and that the bottom line was less important than the person the lawyer seeks to help. If these differences between male and female perceptions of the law exist, then many women lawyers will continue to be disillusioned with their career choice because of the historically aggressive and adversarial nature of the law. If, however, these "female" characteristics influence the way law is practiced, how parties relate, how lawyers behave and make decisions, and how they interact with clients, the influence of women on the law will be profound.

In conclusion, our sensitivities have been heightened through the process of this study. We know there has been great progress since we began our inquiry, but this survey pinpoints areas requiring more attention. Our hopes for the future depend on the serious response to the facts and feelings expressed in this study by those with the power to affect change.

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89. See generally C. GILLIGAN, *supra* note 17. For related articles by Carrie Menkel-Meadow, see *supra* note 17.

**APPENDIX****Questionnaire****NAME** \_\_\_\_\_**WORK ADDRESS** \_\_\_\_\_

\_\_\_\_\_

**HOME ADDRESS** \_\_\_\_\_

\_\_\_\_\_

**TELEPHONE #**      **WORK:** \_\_\_\_\_ **HOME:** \_\_\_\_\_**DATE OF BIRTH** \_\_\_\_\_



Education

1. College education
  - a) school \_\_\_\_\_
  - b) date of graduation \_\_\_\_\_
2. Law school education
  - a) school \_\_\_\_\_
  - b) date of graduation \_\_\_\_\_
3. Do you have any other degrees
  - a) degree & field \_\_\_\_\_
  - b) school \_\_\_\_\_
  - c) date of degree \_\_\_\_\_
4. Class standing in law school
  - a) top 10% \_\_\_\_\_
  - b) top 25% \_\_\_\_\_
  - c) top 50% \_\_\_\_\_
  - d) lower 50% \_\_\_\_\_

Employment History

5. How many jobs have you held since law school graduation
  - a) one \_\_\_\_
  - b) two \_\_\_\_
  - c) three \_\_\_\_
  - d) more than three \_\_\_\_
6. Describe your present position by employer and title  
\_\_\_\_\_
7. In your office are there:
  - a) less than 5 lawyers \_\_\_\_\_
  - b) less than 10 lawyers \_\_\_\_\_
  - c) 10-20 lawyers \_\_\_\_\_
  - d) more than 20 \_\_\_\_\_
  - e) more than 50 \_\_\_\_\_

f) more than 100 \_\_\_\_\_

8. What is your area of specialization, if any?

\_\_\_\_\_

9. Was this your area of specialization from the time you first began to practice?

a) Yes \_\_\_\_\_ b) No \_\_\_\_\_

10. If not, what was your original area of specialization?

\_\_\_\_\_

11. Why did you leave your first job?

- a) more money \_\_\_\_\_
- b) more interesting work \_\_\_\_\_
- c) less demanding work \_\_\_\_\_
- d) more time consuming work \_\_\_\_\_
- e) less time consuming work \_\_\_\_\_
- f) fired \_\_\_\_\_
- g) position ended/eliminated \_\_\_\_\_
- h) geographic considerations \_\_\_\_\_
- i) more job security \_\_\_\_\_
- j) promotion \_\_\_\_\_
- k) other \_\_\_\_\_
- l) not applicable \_\_\_\_\_

If you want to, please describe your reasons for leaving in greater detail \_\_\_\_\_

\_\_\_\_\_

12. Why did you leave your second job?

- a) more money \_\_\_\_\_
- b) more interesting work \_\_\_\_\_
- c) less demanding work \_\_\_\_\_
- d) more time consuming work \_\_\_\_\_
- e) less time consuming work \_\_\_\_\_
- f) fired \_\_\_\_\_
- g) position ended/eliminated \_\_\_\_\_
- h) other \_\_\_\_\_

i) not applicable \_\_\_\_\_

If you want to, please describe your reasons for leaving in greater detail \_\_\_\_\_

\_\_\_\_\_

13. Why did you leave your third job?

- a) more money \_\_\_\_\_
- b) more interesting work \_\_\_\_\_
- c) less demanding work \_\_\_\_\_
- d) more time consuming work \_\_\_\_\_
- e) less time consuming work \_\_\_\_\_
- f) fired \_\_\_\_\_
- g) position ended/eliminated \_\_\_\_\_
- h) other \_\_\_\_\_
- i) not applicable \_\_\_\_\_

If you want to, please describe your reasons for leaving in greater detail \_\_\_\_\_

\_\_\_\_\_

14. Did you consider your second job to be more satisfying over your first?

- a) definitely \_\_\_\_\_ b) somewhat better \_\_\_\_\_ c) the same \_\_\_\_\_
- d) somewhat worse \_\_\_\_\_ e) worse \_\_\_\_\_ f) n/a \_\_\_\_\_

15. Did you consider your third job to be more satisfying over your second?

- a) definitely \_\_\_\_\_ b) somewhat better \_\_\_\_\_ c) the same \_\_\_\_\_
- d) somewhat worse \_\_\_\_\_ e) worse \_\_\_\_\_ f) n/a \_\_\_\_\_

16. At your present job you work approximately

- a) less than 40 hours per week \_\_\_\_\_
- b) 40 hours per week \_\_\_\_\_
- c) more than 40 hours per week \_\_\_\_\_

17. At your present job you work

- |                           |     |     |    |     |
|---------------------------|-----|-----|----|-----|
| a) frequently at night    | Yes | ___ | No | ___ |
| b) frequently on weekends | Yes | ___ | No | ___ |

18. Have you ever worked part-time? a) Yes \_\_\_ b) No \_\_\_

c) If yes, please list dates? \_\_\_\_\_

d) What were your reason(s) for working part-time?

\_\_\_\_\_

e) How many hours per week was your part-time schedule?

\_\_\_\_\_

f) What would have been your ordinary full-time work load?

\_\_\_\_\_

19. Were there any consequences to your decision to work part time?

- |                                      |     |
|--------------------------------------|-----|
| a) less money                        | ___ |
| b) less prestige                     | ___ |
| c) loss of support services          | ___ |
| d) loss of vacation                  | ___ |
| e) loss of seniority                 | ___ |
| f) loss of partnership consideration | ___ |
| g) other                             | ___ |

19a. Were the part-time hours you worked what you bargained for?

- |            |           |
|------------|-----------|
| a) Yes ___ | b) No ___ |
|------------|-----------|

20. Are you considering working part-time?

- |            |           |
|------------|-----------|
| a) Yes ___ | b) No ___ |
|------------|-----------|

21. If yes, why? \_\_\_\_\_

\_\_\_\_\_

22. Are your work hours the same as similarly situated men at your present job?

- |                 |     |               |     |
|-----------------|-----|---------------|-----|
| a) much greater | ___ | d) fewer      | ___ |
| b) greater      | ___ | e) much fewer | ___ |
| c) the same     | ___ |               |     |

23. How much total time do you spend travelling each day?

- |                        |     |
|------------------------|-----|
| a) less than half-hour | ___ |
| b) 30-60 minutes       | ___ |
| c) more than one hour  | ___ |
| d) 1-2 hours           | ___ |

24. How did you find your first job?

- |                                  |     |
|----------------------------------|-----|
| a) law school interview          | ___ |
| b) placement service             | ___ |
| c) headhunter                    | ___ |
| d) peers                         | ___ |
| e) more experienced practitioner | ___ |
| f) advertisement                 | ___ |
| g) recruited                     | ___ |
| h) other                         | ___ |

25. How did you find your second job?

- |                                  |     |
|----------------------------------|-----|
| a) law school interview          | ___ |
| b) placement service             | ___ |
| c) headhunter                    | ___ |
| d) peers                         | ___ |
| e) more experienced practitioner | ___ |
| f) advertisement                 | ___ |
| g) recruited                     | ___ |
| h) other                         | ___ |

26. How did you find your third job?

- |                                  |     |
|----------------------------------|-----|
| a) law school interview          | ___ |
| b) placement service             | ___ |
| c) headhunter                    | ___ |
| d) peers                         | ___ |
| e) more experienced practitioner | ___ |
| f) advertisement                 | ___ |
| g) recruited                     | ___ |
| h) other                         | ___ |

27. You have been promoted at the same rate as your male counterparts.

- a) much faster \_\_\_\_ b) faster \_\_\_\_ c) the same \_\_\_\_  
d) slower \_\_\_\_ e) much slower \_\_\_\_ f) no opinion \_\_\_\_

To what do you attribute any difference?

---

28. You have received pay raises or other benefits at the same rate as your male counterparts at your respective jobs.

- a) much faster \_\_\_\_ b) faster \_\_\_\_ c) the same \_\_\_\_  
d) slower \_\_\_\_ e) much slower \_\_\_\_ f) no opinion \_\_\_\_

To what do you attribute any difference?

---

28a. You have received pay raises or other benefits at the same rate as men of equivalent years in the legal profession.

- a) much faster \_\_\_\_ b) faster \_\_\_\_ c) the same \_\_\_\_  
d) slower \_\_\_\_ e) much slower \_\_\_\_ f) no opinion \_\_\_\_

To what do you attribute any difference?

---

29. If you are in private practice, you have as many clients as your male colleagues.

- a) strongly agree \_\_\_\_ b) agree \_\_\_\_ c) no opinion \_\_\_\_  
d) disagree \_\_\_\_ e) strongly disagree \_\_\_\_ f) N/A \_\_\_\_

To what do you attribute any difference?

---

30. If you practice in a public or institutional setting, you receive the same quality of assignments as your male colleagues.

- a) strongly agree \_\_\_\_ b) agree \_\_\_\_ c) no opinion \_\_\_\_  
d) disagree \_\_\_\_ e) strongly disagree \_\_\_\_

To what do you attribute any difference?

---

31. How frequently do you take vacations?

- a) less than once a year \_\_\_\_  
b) once a year \_\_\_\_  
c) more than once a year \_\_\_\_

32. How many vacations do you take per year?

- a) 1 \_\_\_\_ b) 2 \_\_\_\_ c) 3 \_\_\_\_ d) 4 \_\_\_\_

33. What is the length of your typical vacation?

- a) less than two weeks \_\_\_\_  
b) between two and four weeks \_\_\_\_  
c) more than four weeks \_\_\_\_

34. Do you hold more than one salaried job?

- a) Yes \_\_\_\_ b) No \_\_\_\_

Describe your second job \_\_\_\_\_

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35. How many hours per week do you spend on your second job?

- a) less than 10 \_\_\_\_ b) 10-20 \_\_\_\_  
c) 20-30 \_\_\_\_ d) n/a \_\_\_\_

Financial Information

36. What is your current salary?

	<u>full-time</u>	<u>part-time</u>
a) under \$25,000	_____	_____
b) over \$25,000	_____	_____
c) over \$40,000	_____	_____
d) over \$60,000	_____	_____
e) over \$75,000	_____	_____
f) over \$100,000	_____	_____
g) over \$200,000	_____	_____
h) no salary	_____	_____

37. What was your starting salary at your first legal job?

- a) under \$15,000 \_\_\_\_\_  
 b) between \$15,000-25,000 \_\_\_\_\_  
 c) more than \$25,000 \_\_\_\_\_

38. Your salary today is equal to that of your male colleagues of comparable age and experience.

- a) much higher \_\_\_\_\_ b) higher \_\_\_\_\_ c) the same \_\_\_\_\_  
 d) somewhat lower \_\_\_\_\_ e) much lower \_\_\_\_\_

39. Have you ever taken a cut in salary due to a job change?

- a) Yes \_\_\_\_\_ b) No \_\_\_\_\_

40. If yes, why did you do so?

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41. Are you now the sole earner for yourself or your family?

- a) Yes \_\_\_\_\_ b) No \_\_\_\_\_

42. Your present income adequately covers your expenses?

- a) strongly agree \_\_\_\_\_ b) agree \_\_\_\_\_ c) no opinion \_\_\_\_\_  
 d) disagree \_\_\_\_\_ e) strongly disagree \_\_\_\_\_



43. If you are a two-income family your joint income adequately covers your expenses?
- a) strongly agree \_\_\_\_ b) agree \_\_\_\_ c) no opinion \_\_\_\_
- d) disagree \_\_\_\_ e) strongly disagree \_\_\_\_
44. What is now the largest expense item in your family budget?
- 

### Marital History

45. What is your present marital status?
- a) single \_\_\_\_
- b) married \_\_\_\_
- c) divorced \_\_\_\_
- d) separated \_\_\_\_
- e) widowed \_\_\_\_
- f) cohabiting \_\_\_\_
46. Have you ever been divorced?
- a) Yes \_\_\_\_ b) No \_\_\_\_
47. If you have been divorced, how long were you married?
- a) less than 2 years \_\_\_\_
- b) 2-5 years \_\_\_\_
- c) 5-10 years \_\_\_\_
- d) more than 10 years \_\_\_\_
- e) more than 15 years \_\_\_\_
- f) N/A \_\_\_\_
48. Your career played a role in bringing about you divorce.
- a) strongly agree \_\_\_\_ b) agree \_\_\_\_ c) no opinion \_\_\_\_
- d) disagree \_\_\_\_ e) strongly disagree \_\_\_\_ f) N/A \_\_\_\_
49. If agree, please explain.
-

50. Did getting married or unmarried cause any change in your employment?

- a) Yes \_\_\_\_ b) No \_\_\_\_ c) Some \_\_\_\_

If yes, please explain. \_\_\_\_\_

\_\_\_\_\_

51. Is your husband/live-in partner employed?

- a) Yes \_\_\_\_ b) No \_\_\_\_

52. Describe his occupation.

\_\_\_\_\_

53. Your salary in relation to your husband/live-in partner's is

- a) much greater \_\_\_\_  
b) somewhat greater \_\_\_\_  
c) equal \_\_\_\_  
d) somewhat less \_\_\_\_  
e) much less \_\_\_\_

54. How much time per week do you spend on household chores?

- a) less than 10 hours \_\_\_\_  
b) 10-20 hours \_\_\_\_  
c) 20-30 hours \_\_\_\_

55. How much time does your husband/live-in partner spend on household chores?

- a) less than 10 hours \_\_\_\_  
b) 10-20 hours \_\_\_\_  
c) 20-30 hours \_\_\_\_

56. How much time do you spend with your husband/live-in partner on a typical weekday?

- a) virtually none \_\_\_\_  
b) less than 2 hours \_\_\_\_

- c) between 2 and 4 hours \_\_\_\_\_
- d) more than 4 \_\_\_\_\_
- e) almost all day \_\_\_\_\_

57. How much time do you spend with your husband/live-in partner on a typical weekend day?

- a) virtually none \_\_\_\_\_
- b) less than 2 hours \_\_\_\_\_
- c) between 2 and 4 hours \_\_\_\_\_
- d) more than 4 \_\_\_\_\_
- e) almost all weekend \_\_\_\_\_

58. Do you have

- a) no children \_\_\_\_\_
- b) one child \_\_\_\_\_
- c) two children \_\_\_\_\_
- d) three children \_\_\_\_\_
- e) more than three children \_\_\_\_\_

59. If you have no children, did any of the following affect your decision not to have a child?

- a) career responsibilities \_\_\_\_\_
- b) fear of lost time, prestige  
or advancement potential \_\_\_\_\_
- c) money \_\_\_\_\_
- d) schedule \_\_\_\_\_
- e) not applicable \_\_\_\_\_
- f) other \_\_\_\_\_

60. Did any of the following affect your decision not to have another child?

- a) career responsibilities \_\_\_\_\_
- b) fear of lost time, prestige  
or advancement potential \_\_\_\_\_
- c) money \_\_\_\_\_
- d) schedule \_\_\_\_\_
- e) other \_\_\_\_\_

61. When your first child was born were you

- a) under 25 \_\_\_\_\_
- b) 25-30 \_\_\_\_\_
- c) 30-35 \_\_\_\_\_
- d) over 35 \_\_\_\_\_
- e) not applicable \_\_\_\_\_

62. When your second child was born were you

- a) under 25 \_\_\_\_\_
- b) 25-30 \_\_\_\_\_
- c) 30-35 \_\_\_\_\_
- d) over 35 \_\_\_\_\_
- e) not applicable \_\_\_\_\_

63. When your third child was born were you

- a) under 25 \_\_\_\_\_
- b) 25-30 \_\_\_\_\_
- c) 30-35 \_\_\_\_\_
- d) over 35 \_\_\_\_\_
- e) not applicable \_\_\_\_\_

64. Do you live with any child of a husband's prior marriage?

- a) Yes \_\_\_\_\_
- b) No \_\_\_\_\_

64a. Do you and your husband help to support non-live in children of his prior marriage?

- a) Yes \_\_\_\_\_
- b) No \_\_\_\_\_

65. If yes, with how many such children? \_\_\_\_\_

66. Do you now have

- a) full time household help \_\_\_\_\_
- b) part time household help \_\_\_\_\_
- c) no household help \_\_\_\_\_

67. If you have childcare help, is it

- a) live-in \_\_\_\_\_

- b) full-time non-live in \_\_\_\_\_  
 c) part time \_\_\_\_\_

68. Do you now use

- a) full-time day care center \_\_\_\_\_  
 b) part-time day care center \_\_\_\_\_  
 c) outside the house babysitter \_\_\_\_\_  
 d) not applicable \_\_\_\_\_

69. Do your children attend school?

- |                  | Child 1 | Child 2 | Child 3 |
|------------------|---------|---------|---------|
| a) not in school | _____   | _____   | _____   |
| b) private       | _____   | _____   | _____   |
| c) parochial     | _____   | _____   | _____   |
| d) public        | _____   | _____   | _____   |
| e) no children   | _____   | _____   | _____   |

70. How many different daytime childcare arrangements have you had during each of your child's first three years?

- |                   | Child 1 | Child 2 | Child 3 |
|-------------------|---------|---------|---------|
| a) only one       | _____   | _____   | _____   |
| b) two            | _____   | _____   | _____   |
| c) three          | _____   | _____   | _____   |
| d) four           | _____   | _____   | _____   |
| e) five           | _____   | _____   | _____   |
| f) more than five | _____   | _____   | _____   |

71. After you had children did you

- a) work more at home \_\_\_\_\_  
 b) work less at home \_\_\_\_\_  
 c) work more at the office \_\_\_\_\_  
 d) work less at the office \_\_\_\_\_  
 e) not applicable \_\_\_\_\_

72. How much time do you spend with your children each day?

- a) less than 2 \_\_\_\_\_  
 b) 2 hours \_\_\_\_\_  
 c) between 2-4 \_\_\_\_\_  
 d) more than 4 \_\_\_\_\_

73. Did you take maternity leave after having a child

- a) Child 1: Yes \_\_\_\_\_ No \_\_\_\_\_ N/A \_\_\_\_\_  
 b) Child 2: Yes \_\_\_\_\_ No \_\_\_\_\_ N/A \_\_\_\_\_  
 c) Child 3: Yes \_\_\_\_\_ No \_\_\_\_\_ N/A \_\_\_\_\_

74. If yes, you were on leave

- |                        | Child 1 | Child 2 | Child 3 |
|------------------------|---------|---------|---------|
| a) less than one month | _____   | _____   | _____   |
| b) 1 to 3 months       | _____   | _____   | _____   |
| c) 3 to 6 months       | _____   | _____   | _____   |
| d) 6 months to a year  | _____   | _____   | _____   |
| e) more than one year  | _____   | _____   | _____   |

75. Did your employer provide paid maternity leave?

- Child 1: Yes \_\_\_\_\_ No \_\_\_\_\_ N/A \_\_\_\_\_  
 Child 2: Yes \_\_\_\_\_ No \_\_\_\_\_ N/A \_\_\_\_\_  
 Child 3: Yes \_\_\_\_\_ No \_\_\_\_\_ N/A \_\_\_\_\_

76. If yes, what period of time was paid?

Child 1: \_\_\_\_\_ Child 2: \_\_\_\_\_ Child 3: \_\_\_\_\_

77. Did you change your job within six months of returning to work after having any child?

- a) Yes \_\_\_\_\_ b) No \_\_\_\_\_ c) N/A \_\_\_\_\_

78. If yes, did that change involve

- a) fewer hours \_\_\_\_\_
- b) lower salary \_\_\_\_\_
- c) closer to home \_\_\_\_\_
- d) less responsibility \_\_\_\_\_
- e) none of the above \_\_\_\_\_

79. Did you remain at your job but change your position/responsibilities within six months of returning to work after having a child?

- a) Yes \_\_\_\_\_
- b) No \_\_\_\_\_

80. If yes, did the change involve

- a) fewer hours \_\_\_\_\_
- b) lower salary \_\_\_\_\_
- c) closer to home \_\_\_\_\_
- d) less responsibility \_\_\_\_\_
- e) none of the above \_\_\_\_\_

81. How did your employer react to your becoming a parent?

	Child 1	Child 2	Child 3
a) fully cooperative	_____	_____	_____
b) neutrally	_____	_____	_____
c) negatively	_____	_____	_____
d) other, describe	_____		

#### Attitudes

82. You have been as "successful," as you define the term, as you expected to be when you became an attorney

- a) strongly agree \_\_\_\_\_
- b) agree \_\_\_\_\_
- c) no opinion \_\_\_\_\_
- d) disagree \_\_\_\_\_
- e) strongly disagree \_\_\_\_\_

83. If you disagree, to what do you attribute this lack of "success"?

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84. Being a woman has hampered your "success" as a lawyer.

- a) strongly agree \_\_\_\_      b) agree \_\_\_\_      c) no opinion \_\_\_\_  
d) disagree \_\_\_\_      e) strongly disagree \_\_\_\_

85. If you agree, in what way?

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86. Have you ever been sexually harassed on the job?

- a) Yes \_\_\_\_      b) No \_\_\_\_

If yes, how?

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87. Are you contemplating leaving the practice of law in the near future?

- a) Yes \_\_\_\_      b) No \_\_\_\_      c) Maybe \_\_\_\_

88. If yes, why?

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89. Are you contemplating changing jobs in the near future?

- a) Yes \_\_\_\_      b) No \_\_\_\_      c) Maybe \_\_\_\_

90. If so, why?

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91. If you are not presently working, are you thinking about returning to work as an attorney in the near future?

a) Yes \_\_\_\_ b) No \_\_\_\_ c) Maybe \_\_\_\_

92. Are you satisfied with your present position?

a) Yes \_\_\_\_ b) No \_\_\_\_ c) Maybe \_\_\_\_

93. If no, why not?

\_\_\_\_\_

94. If you knew ten years ago what you now know about the legal profession, marriage, parenting, etc., would you have chosen a different career?

a) Yes \_\_\_\_ b) No \_\_\_\_ c) Maybe \_\_\_\_

Please elaborate if you want: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_