

# UC Berkeley

## Law and Economics Workshop

### Title

Gender and the Legal Profession: An Empirical Study of the University of Michigan Law Alumni Data, 1967-2000

### Permalink

<https://escholarship.org/uc/item/6mr10150>

### Author

Dau-Schmidt, Kenneth G.

### Publication Date

2007-04-11

# Gender and the Legal Profession: The Michigan Alumni Data Set 1967-2000\*

Kenneth G. Dau-Schmidt<sup>1</sup>

Marc S. Galanter<sup>2</sup>

Kaushik Mukhopadhaya<sup>3</sup>

Kathleen E. Hull<sup>4</sup>

## I. Introduction

In the last three and a half decades, the legal profession has undergone a dramatic transformation in the gender composition of its members. During that time, the number of women applying to law school and entering the profession has gone from a few gallant pioneers to roughly equal representation with that of men. Between 1970 and 2000, the proportion of first-year law students who were female climbed from 8% to 49%.<sup>5</sup> Because the existing bar consisted primarily of male lawyers, the percent of women in the legal profession changed more slowly, but still rose dramatically. Women, as a percent of all practicing lawyers, have risen from 3% in 1970 to 27% in 2000, while the percent of lawyers who are men has made a corresponding decline.<sup>6</sup> In just the thirty years from 1970 to 2000, the number of women in the legal profession

---

\* Work on this projects was made possible by a grant from the Law School Admissions Council.

<sup>1</sup> Willard and Margaret Carr Professor of Labor and Employment Law, Indiana University-Bloomington. B.A. 1978, University of Wisconsin–Madison; M.A. 1981, J.D. 1981, Ph.D. (Economics) 1984, University of Michigan–Ann Arbor.

<sup>2</sup> John and Rylla Bosshard Professor of Law, University of Wisconsin-Madison.

<sup>3</sup> Lecturer, Department of Economics, Emory University. B.S. 1990, Indian Statistical Institute–Calcutta; M.S. 1992, Indiana Statistical Institute–New Delhi; Ph.D. (Economics) 1999, Indiana University–Bloomington.

<sup>4</sup> Assistant Professor of Sociology, University of Minnesota.

<sup>5</sup> Wilder, Gita Z. and Bruce Weingartner, *Databook on Women in Law School and in the Legal Profession*. Newton, PA: Law School Admission Council, Table 29 (2003).

<sup>6</sup> By decade, women constituted 3% of the profession in 1970, 8.1% in 1980, \_\_% in 1990 and 27% in 2000. Clara N. Carson, *The Lawyer Statistical Report: The U.S. Legal Profession in 2000*. Chicago: American Bar Foundation 1-3 (2004).

increased from fewer than 10,000, to almost 300,000,<sup>7</sup> marking a steady growth rate of 12% a year. Over the same period the number of men lawyers has increased from approximately 290,000 to 780,000, for an annual growth rate of just 3.3% per year.<sup>8</sup>

In this study, we undertake an empirical analysis of the impact of this transformation in the legal profession and the differences that gender makes in the careers and lives of attorneys. In this analysis, our primary source of data is the University of Michigan Law School Alumni Data Set. With regular survey responses from Michigan alumni from 1967 until the present, the University of Michigan Law School Alumni Data Set provides a unique opportunity to examine these questions from the days when female attorneys were rare, to the arrival of the first generation of women to achieve significant presence in the legal profession. This data set is also useful in examining these questions due to its richness in numbers of observations and the breadth of the questions explored in the questionnaire. At least since the survey of the classes of 1966 and 1976 in 1981, the Michigan data set contains information on a wide variety of aspects of the alumni's family lives and careers. The limitation of the Michigan data set is that it covers only University of Michigan alumni, a diverse but relatively elite swath of the legal profession. To act as a check on our analysis, we have conducted focus group discussions of our findings with groups of female and male attorneys and collected similar data on Indiana University law alumni to test our major findings. The insights from these focus groups are reported in this article while the results of the study of Indiana Alumni are reported elsewhere.<sup>9</sup> Less precise checks of our results can be made by reference to the existing empirical literature, in particular, the excellent work done in the Chicago Lawyers Survey<sup>10</sup> and the American Bar Association's "After the JD" Survey.<sup>11</sup>

An over-riding theme of the study is the transition of the legal profession from one dominated by men in the 1970's, to a profession in which women have achieved significant representation in the present day. In exploring this theme, we examine what the University of Michigan Alumni data, and our other resources, tell us about each step in the typical legal career from the law school experience, the choice of a first job, the lawyer's experience in practice, balancing family life and work, promotion to partnership up to plans for retirement. Because the Michigan data set contains numerous observations over a period of many years, we also hope to gain some insight into how the impact of gender on these important steps has changed over the last several decades. Our findings with respect to each of these significant steps are set out in the next

---

<sup>7</sup> Clara N. Carson, *The Lawyer Statistical Report: The U.S. Legal Profession in 2000*. Chicago: American Bar Foundation 1-3 (2004).

<sup>8</sup> Id.

<sup>9</sup> Kenneth G. Dau-Schmidt, Jeffrey S. Stake, Kaushik Mukhopadhyaya and Timothy A. Haley, "The Pride of Indiana": *An Empirical Study of the Law School Experience and Careers of Indiana University School of Law--Bloomington Alumni*, 81 ILJ 1427-78 (2006).

<sup>10</sup>

<sup>11</sup>

section.

## **II. Analysis of the Data**

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

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

The Data Set was begun in 1967 with a detailed survey of the University of Michigan Law School's class of 1952. This survey of the school's alumni fifteen years after graduation has continued each year to the present time. In 1972, the law school added a similar detailed survey of its graduates at five years after graduation and in 1997 the law school added a survey of graduates twenty-five, thirty-five and forty-five years after graduation. In all, the data set contains the responses of 17,012 surveys returned from University of Michigan Law School alumni for the survey years 1967-2000 from the classes of 1952-1996. Of these 17,012 returned surveys, men returned 14,297 and 2,708 were returned by women.

The surveys asked a variety of questions about the respondents' legal career from its inception until its end. The data set contains data on the respondents' reasons for going to law school, experiences in law school, first job, current job, type of practice, job satisfaction, income, hours, childcare responsibilities, satisfaction with his or her balance between family and job, mentoring, future work plans and retirement plans. In addition, the data set contains some information on the respondent from the law school's files, such as race, gender, LSAT score and GPA. Although the survey form and questions have varied some over the years, and also vary according to whether the survey is for an alum five years after graduation or forty-five years after graduation, there is remarkable consistency between survey years and among the surveys for graduates of different vintages. The typical record contains 815 responses or bits of information from survey responses and school files.

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

Perhaps since the dawn of time, people have identified certain personal characteristics as being associated with a particular gender. Men are thought to be more aggressive, more concerned with money and more conservative, while women are thought to be more compassionate and more liberal. Although the theory of equality feminism suggested that gender roles, and associated characteristics, were socially constructed, at least since the work of Carol Gilligan<sup>12</sup> "difference feminists" have argued that different personal characteristics are indeed associated with, and inherent to, a particular gender and can make a difference in a person's life-choices and experiences. Teitelbaum, Lopez and Jenkins have found that the men who attend law school are more likely than women to be motivated by prestige and financial rewards, while the women

---

<sup>12</sup> CAROL GILLIGAN, IN A DIFFERENT VOICE: PSYCHOLOGICAL THEORY AND WOMEN'S DEVELOPMENT (1982).

are more likely to cite personal and social motivations, such as personal growth and social change.<sup>13</sup> Socio-economic influences and gender discrimination can also result in differences in personal characteristics that are clearly acquired in life, for example it is well known that many more Black women than Black men manage to make it through our educational system with the result being that women lawyers have a disproportionate share of Black lawyers in their midst in comparison with their male counterparts. Regardless of whether certain personal characteristics are innately associated with a particular gender, or acquired during life, examining these personal characteristics can give us useful information about the kinds of people who become lawyers, and how differences in personal characteristics may affect their legal careers.

The Michigan Alumni Data contains a number of self-reported personal characteristics that allow us to assess the personal characteristics of lawyers, how these personal characteristics vary by gender and whether these differences have changed over the examined period. In addition to recording the respondent's gender, race, ethnicity and age,<sup>14</sup> the data reports the respondent's evaluation of whether he or she is aggressive, compulsive about work, desirous of money, confident, a deal-maker, an effective writer, desirous of social impact, honest and compassionate, as compared with other lawyers.<sup>15</sup> The alumnus' reported evaluations of these personal characteristics are recorded on a seven point scale from -3 for "much less than most" to 3 for "much more than most." In addition the survey asks whether the respondent participates in activities that are political, religious, charitable or of another character.<sup>16</sup> The means for these personal characteristics for all observations, and separated according to gender, are reported in table 1 for the surveys of alumni done five years after law school for the survey years before 1992, and for the survey years 1996 through 2000. It is hoped that by examining the means for these variables separated according to gender and time, we can observe any systematic variations in these personal characteristics according to gender, and how these variations may have changed as the population of lawyers has changed over time. The difference between the male and female means for each of the variables for each time period is reported in a separate column. The minimum number of observations on which the means is based is reported in the row labeled "N" below each column of variables.

The results reported in Table 1 indicate that the men and women who enter the legal profession do systematically vary in personal characteristics and that there has been some change in this variation over time. The women who enter the legal profession are significantly more likely to be minority, report a greater desire for social impact and to view themselves as being more

---

<sup>13</sup> Lee F. Teitelbaum, Antoniette S. Lopez and Jeffrey Jenkins, *Gender, Legal Education, and Legal Careers*, 41 JOURNAL OF LEGAL EDUCATION 443, at 456 (1991); see also Janet Taber, et al., *Gender, Legal Education, and the Legal Profession: An Empirical Study of Stanford Law Students and Graduates*, 40 STANFORD LAW REVIEW 1209, 1238 (1988).

<sup>14</sup> These variables are taken from law school records and are reported for all survey years.

<sup>15</sup> This data is recorded in variables 737 through variable 746 for the survey years 1987 to the present, except for compassion, which the survey began collecting in 1989.

<sup>16</sup> This data is recorded in variables 72 through variable 79 for the survey years 1981 to the present.

honest, compassionate and liberal than the men. In addition the women report engaging in charitable and other activity significantly more often than their male counterparts. The men who enter the legal profession view themselves as more aggressive, desirous of money, confident and a deal-maker than their female counterparts, and hold a small advantage in reported political activity in the 1996-2000 surveys. Interestingly, the women were significantly older than the men in the surveys before 1992, while the men are significantly older than the women in the 1996-2000 surveys. The genders also traded positions with respect to who sees themselves as more compulsive about work over the examined time period, with the men reporting themselves being more compulsive in before 1992 and the women reporting themselves being more compulsive after 1996. Even where the relative positions of the male and female means do not change over time, there are some interesting results. The women report being more liberal in both periods, but both the percent of females and males who report they are liberal drops, with the male percentage dropping more. Similarly, over the two periods the desire for social impact has dropped for both men and women, with a larger drop for men. The data shows women making small inroads into men's advantage in confidence over time. There seems to be no significant difference between the genders Hispanic ethnicity, the evaluation of their effectiveness as writers and religious activity.

**TABLE 1: PERSONAL CHARACTERISTICS: 5 years out of Law School**

Variable	All Obs <1991	Male <1991	Female <1991	Male-Fem <1991	All Obs 1996-00	Male 1996-00	Female 1996-00	Male-Fem 1996-00	Abs in M/F Diff	in M/F Rel Pos
Black	6	4.9	10.4	-5.40**	8.80	7.30	11.20	-3.90**	-1.50	FF
Hispanic	1.70	1.60	2.00	-0.50	5.30	5.40	5.10	0.30	-0.10	FM
Asian	0.60	0.40	1.40	-1.00**	3.70	2.30	5.70	-3.40**	2.40	FF
Native American	0.30	0.20	0.70	-0.50**	1.40	1.30	1.60	-0.30	-0.20	FF
Age	31.355	31.174	32.082	-0.909**	31.797	31.957	31.550	40.70**	-50.20	FM
N	6886	5515	1371		1870	1135	735			
Aggressive	0.346	0.425	0.172	25.30**	0.175	0.298	-0.004	30.20**	4.90	MM
Compulsive Work	0.130	0.190	-0.003	19.30**	0.111	0.019	0.245	-22.60**	3.30	MF
Desire for Money	-0.572	-0.395	-0.962	56.70**	-0.423	-0.175	-0.784	60.90**	4.20	MM
Confidence	0.831	0.965	0.536	43.00**	0.890	1.034	0.680	35.40**	-7.60	MM
Dealmaker	0.790	0.896	0.553	34.30**	0.682	0.818	0.483	33.50**	-0.80	MM
Effective Writer	1.678	1.656	1.725	-6.90	1.678	1.713	1.627	08.70	1.80	FM
Desire Social Impact	0.674	0.600	0.839	-23.90**	0.433	0.243	0.710	-46.80**	22.90	FF
Honest	1.792	1.746	1.896	-15.00**	1.702	1.646	1.783	-13.70**	-1.30	FF
N	1242	857	385		1161	691	470			
Compassionate	1.179	1.006	1.531	-52.50**	1.149	0.987	1.384	-39.60**	-12.90	FF
N	733	492	241		1184	699	485			
Liberal Now	56.60	42.60	94.10	-51.50**	44.70	26.40	71.10	-44.70**	-6.80	FF
Political Activity	23.90	24.00	23.80	0.20	17.30	18.50	15.60	2.90*	2.70	MM
Religious Activity	24.20	24.10	24.40	-0.30	25.80	26.30	25.30	1.00	0.70	FM
Charitable Activity	30.70	29.50	34.00	-4.60**	35.60	32.40	40.40	-8.00**	3.40	FF
Other Activity	30.80	28.90	36.00	-7.10**	31.20	29.70	33.30	-3.60*	-3.50	FF
N	2795	2035	760		1195	707	488			

\* Denotes that the difference in the gender means is significantly different from zero at the 0.1 level.

\*\* Denotes that the difference in the gender means is significantly different from zero at the 0.05 level.

### C. Experience in Law School: Hostility and Alienation or Assimilation?

Much of the existing literature presents a very bleak picture of women's law school experiences as compared with those of men. An early study of law students by Roberts and Winter conducted at a large state university found that less than half of the females found law school rewarding, compared to two thirds of the males, and females were less likely to rate the teaching and classroom experience highly.<sup>17</sup> A study of Harvard law students by Granfield in the late 1980s found that more than half of the female students believed the faculty was biased against women, and many female students experienced feelings of "alienation," "marginality" and "otherness."<sup>18</sup> Likewise a University of Pennsylvania study by Guinier, Fine and Balin found that the law school was "a "hostile" learning environment for a disproportionate number of its female students," citing the hostility of both male peers and faculty.<sup>19</sup> However, a national survey of over 6,000 law students by Wightman found no significant gender differences in how students evaluated the law school environment or the accessibility of faculty.<sup>20</sup> Guinier et al. found that, in the University of Pennsylvania Law School classes of 1990-93, male students earned higher grades, were three times more likely to be in the top decile of their class, and received more honors than female students, even though these students entered law school with virtually identical average undergraduate grades and LSAT scores.<sup>21</sup> However, most research, including a national study of over 25,000 student records for 1991-92 show that men and women have comparable academic performance in law school given their Law School Admissions Test (LSAT) scores.<sup>22</sup>

---

<sup>17</sup> E. R. Robert and M. F. Winter, *Sex-Role and Success in Law School*, 29 JOURNAL OF LEGAL EDUCATION 449, 452 (1978).

<sup>18</sup> Robert Granfield, *Contextualizing the Different Voice: Women, Occupational Goals, and Legal Education*, 16 LAW AND POLICY 1, 9-10 (1994).

<sup>19</sup> LANI GUINIER, MICHELLE FINE AND JANE BALIN, BECOMING GENTLEMEN: WOMEN, LAW SCHOOL, AND INSTITUTIONAL CHANGE 57 (1997). The American Bar Association's Commission on Women in the Profession held a series of hearings around the country in 1994-95 to assess the law school climate. Based on the hearing testimony, the Commission reported that "many women still experience debilitating instances of gender bias and discrimination in law schools" American Bar Association, Commission on Women in the Profession, *Elusive Equality: The Experiences of Women in Legal Education* at 2 (1996).

<sup>20</sup> Linda F. Wightman, *Women in Legal Education: A Comparison of the Law School Performance and Law School Experiences of Women and Men*, LSAC RESEARCH REPORT SERIES, LAW SCHOOL ADMISSION COUNCIL, 38 (1996).

<sup>21</sup> GUINIER, FINE AND BALIN, *supra* note 19, 35-42.

<sup>22</sup> James White, *Women in Law*, 65 MICHIGAN LAW REVIEW 1051 (1967), Alice Jacobs, *Women in Law School: Structural Constraint and Personal Choice in the Formation of Personal Identity*, 24 JOURNAL OF LEGAL EDUCATION 462 (1972), E. R. Robert and M. F. Winter, *supra* note 17. The most extensive study on this point was conducted by Wightman who examined the grades of over 25,000 first-year law students for the 1991-92 school year and found that



Although the University of Michigan Alumni Data suggests some differences in the law school experiences of men and women, they do not support the grimmest assessments of the existing literature. The survey asked for the respondent's level of satisfaction with his or her law school experience with respect to intellectual challenge, preparation for career, social and "overall" on a scale from -3 for "very unsatisfied" to 3 for "very satisfied."<sup>23</sup> The means of these variables are reported in table 2.1 broken down by gender and the examined period, along with the means for "certain personal characteristics" and "other characteristics" relevant to the law school experience.<sup>24</sup> These data show that the men are slightly, but significantly, more satisfied with their law school experience overall, and especially with their preparation for a career, although the results are mixed as to which gender is more satisfied intellectually and women seem more satisfied socially with their law school experience. The mean overall satisfaction with their law school experience is approximately 1 for both men and women which means that, on average, they are "somewhat satisfied" with the experience. In part, the women's relative lack of satisfaction with law school for career preparation may be because, as we will see, they are more likely to go into public interest, government work and teaching, and both male and female graduates who go into these types of practice report being less satisfied with their career preparation than those who go into large private practices.<sup>25</sup> With respect to participation in law school activities, the Michigan data show no significant differences between men and women, except that women are significantly more like to report undertaking some law school related activity in the survey years 1996-2000. Men do seem to hold a slight, but significant, advantage, in achieving grades since their average is higher both in the earlier period, when their LSAT scores are slightly lower, and in the later period, when their LSAT scores are slightly higher. [Check on top decile for men and women accounting for LSAT]. The Michigan sample suffers from the same limitation as the samples in most of the studies to date in that it only covers one law school, which may be more or less accommodating of women or men. Our analysis of similar data collected on Indiana University alumni for the purpose of testing the general applicability of the Michigan results show that at Indiana University female alumni report being significantly more satisfied with their law school experience than the men, and report having engaged in significantly more activities.<sup>26</sup>

---

women's first-year grade point average was slightly lower than men's and that this difference was consistent with gender differences in students' LSAT scores. Linda F. Wightman, *supra* note 20, at 11, 15. [Kathleen, Evidence on Gender Bias in LSAT? Data from 1997 to 2004 show men continuing to outperform women on the LSAT, although the size of the gender difference is small. Susan P. Dalessandro, Lisa A. Stilwell and Lynda M. Reese, *LSAT Performance with Regional, Gender, and Racial/Ethnic Breakdowns: 1997-1998 through 2003-2004 Testing Years*. Law School Admission Council 11 (2005).]

<sup>23</sup> This data is recorded in Variables 407-410 for survey years 1981 and later.

<sup>24</sup> This data is recorded in Variables for survey years 1981 and later.

<sup>25</sup> Kenneth G. Dau-Schmidt, Jeffrey S. Stake, Kaushik Mukhopadhyaya and Timothy A. Haley, "*The Pride of Indiana*": *An Empirical Study of the Law School Experience and Careers of Indiana University School of Law--Bloomington Alumni*, 81 ILJ 1427-78 (2006).

<sup>26</sup> *Id.*, cite stats

**TABLE 2.1: LAW SCHOOL EXPERIENCE: 5 years out of Law School**

Variable	All Obs <1991	Male <1991	Female <1991	Male-Fem <1991	All Obs 1996-00	Male 1996-00	Female 1996-00	Male-Fem 1996-00	Abs in M/F Diff	in M/F Rel Pos
<b>***Personal Statistics</b>										
LSAT	166.494	166.448	166.679	-0.231	166.094	166.578	165.334	1.245**	1.014	FM
Law School GPA	3.089	3.093	3.070	0.023**	3.213	3.243	3.168	0.074**	0.051	MM
Age at Law Schl Entry	23.242	23.024	24.079	-1.055**	23.972	24.113	23.757	0.357**	-0.698	FM
N	6421	5096	1325		1853	1122	731			
Participate in Journal	24.8	25.2	23.8	1.4	37.4	37.8	36.8	1.0	-0.4	MM
Participate in Moot Ct	17.1	17.2	16.8	0.4	13.2	13.5	12.7	0.9	0.5	MM
Part. in Student Activity	50.2	49.7	51.5	-1.8	43.4	39.4	49.3	-9.9**	8.1	FF
N	2234	1603	631		1221	724	497			
<b>***Satisfaction with Law School Experience</b>										
Satisfaction LS Intel	1.626	1.647	1.569	0.078*	1.723	1.719	1.728	-0.009	-0.069	MF
Satisfaction LS Career	0.907	0.946	0.803	0.143**	0.566	0.632	0.468	0.163**	0.02	MM
Satisfaction LS Social	0.670	0.630	0.775	-0.145**	0.876	0.872	0.882	-0.011	-0.134	FF
Satisfaction LS Overall	1.147	1.170	1.083	0.088*	1.196	1.239	1.132	0.107*	0.019	MM
N	2273	1633	640		1178	702	476			
<b>***Other Law School Stats</b>										
Debt After Law School	25.251	24.585	26.822	-2.237**	49.929	49.193	51.004	-1.811	-0.426	FF
Pct LS Fin. Aid Spouse										
N	1756	1233	523		1179	703	476			

\* Denotes that the difference in the gender means is significantly different from zero at the 0.1 level.

\* \* Denotes that the difference in the gender means is significantly different from zero at the 0.05 level.

In an attempt to separate the direct impact of gender on satisfaction with the law school experience from the impact of other variables, such as the type of practice the alum undertakes, we used linear regression to estimate overall satisfaction with law school as a function of a variety of variables, including gender, for both the period before 1992 and the period 1996-2000. The independent variables included in these regressions consist of the alums' reported annual income, annual hours of work, overall job satisfaction, law school GPA, participation in various law school activities, debt after law school, type of practice or employment, gender, race and ethnicity. The results, reported below in Regression 1, for the period before 1992, and Regression 2, for the period 1996-2000, show a negative coefficient for the female dummy variable, but in neither period is this coefficient significantly different from zero. In the period before 1992, satisfaction with law school is found to be positively and significantly related to annual income, law school GPA, participation in various law school activities and being Hispanic. In the first period, satisfaction with law school is negatively and significantly related to undertaking a variety of types of practice, including large private practice, small private practice, corporate counsel, legal services and non-practice. This comparison is relative to those who practice in a "super-sized" private firm (more than 150 attorneys) which is the default in the regression equation. In the second period, satisfaction with law school is found to be positively and significantly related to job satisfaction, law school GPA, working as a judge, and being Black or Hispanic. Satisfaction with law school is negatively and significantly related to being engaged in a legal practice outside the traditional types of practice listed (i.e. "other practice") or being engaged in work outside the practice of law. The coefficient for the female dummy variable is insignificantly negative in both periods, and even closer to zero in the second period than in the first, suggesting that the women are more satisfied with their law school experience in the second period. Indeed the coefficients for gender, race and ethnicity suggest that Michigan has had some success in making female and minority students feel welcome over time since the coefficients for these variables are either positive or have grown closer to zero between the two examined periods.

Several studies have documented that women and men begin law school with differing career aspirations and motivations. Women are more likely than men to begin law school with aspirations to work in legal settings that promote social change, but over the course of law school women's career aspirations turn more toward private practice and begin to look more like the men's. In their 1990 survey of University of Pennsylvania law students, Guinier, et al found that 33% of female first-year students expected to practice in the field of public interest law, but only 10% of third-year women had this expectation; by contrast, only 8% of first-year men and 5% of third-year men aspired to the public interest field (Guinier, Fine and Balin 1997: Table 4). Similarly, in her 1991 national survey of first-year law students, Wightman found that women were twice as likely as men to report an aspiration to work in public interest law, with 10% of women and 5% of men reporting this goal.<sup>27</sup> In a prior study using the University of Michigan Law Alumni data from the classes of 1982-1988, Kornhauser and Revesz found that at law school entry women are disproportionately interested in careers in the not-for-profit sector but by the time of graduation female students are disproportionately interested in for-profit work.

---

<sup>27</sup> Linda F. Wightman, *Women in Legal Education: A Comparison of the Law School Performance and Law School Experiences of Women and Men*, LSAC RESEARCH REPORT SERIES, LAW SCHOOL ADMISSION COUNCIL, Table 31 (1996).

Kornhauser and Revesz conclude that “women enter law school more committed to not-for-profit jobs than men, but law school disproportionately channels them toward for-profit jobs.”<sup>28</sup>

Regressions with “Satisfaction with Law School” (-3 to +3) as the Dependent Variable	Regression 1 Survey Years <=1991 Five Years Out		Regression 2 Survey Years 1996-2000 Five Years Out	
	Coefficient (* signif at 0.1 level, ** signif at 0.05 level)	Signif. P >   t	Coefficient (* signif at 0.1 level, ** signif at 0.05 level)	Signif. P >   t
Real Income (2004 dollars)	0.001476	0.288	0.000511	0.674
Annual Hours of Work	-5.3E-05	0.585	5.35E-05	0.553
Job Satisfaction Overall	0.222904	0.000	0.261221	0.000
Law School GPA	0.708912	0.000	1.299414	0.000
Participate in Journal	0.265015	0.004	0.071313	0.422
Participate in Moot Court	0.219868	0.028	0.087589	0.418
Participate Student Activity	0.226424	0.004	0.086132	0.311
Real Debt After LS (2004 dollars)	-0.00056	0.763	-0.00072	0.523
Private Practice Large (51-150)	-0.23661	0.061	0.174323	0.176
Private Practice Medium (16-50)	-0.18675	0.172	0.027291	0.857
Private Practice Small (1-15)	-0.31726	0.030	-0.19502	0.168
Corporate Counsel	-0.27543	0.077	0.056835	0.694
Government Practice	-0.11400	0.475	-0.14298	0.494
Legal Services	-1.09704	0.000	-0.26561	0.260
Judge	-----	-----	0.837677	0.000
Teach Law	-0.27178	0.422	-0.40266	0.168
Other Practice	-0.60629	0.179	-0.71115	0.054
Non-Practice	-0.54992	0.005	-0.40251	0.020
Female	-0.12508	0.161	-0.05379	0.540
Black	-0.29166	0.190	0.772926	0.000
Asian	-0.22160	0.603	-0.23324	0.448
Hispanic	0.546655	0.034	0.358501	0.081
Constant	-1.25289	0.009	-3.51385	0.000
Regression Summary Statistics	Number of obs = 1100 F (21, 1078) = 10.95 Prob > F = 0.0000 R-squared = 0.1644 Root MSE = 1.2714		Number of obs = 948 F (21, 925) = . Prob > F = . R-squared = 0.1840 Root MSE = 1.2504	

<sup>28</sup> Lewis Kornhauser and Richard Revesz, *Legal Education and Entry into the Legal Profession: the Role of Race, Gender and Educational Debt*, 70 NEW YORK UNIVERSITY LAW REVIEW 829, 942 (1995).

The Michigan Alumni Data Set contains the alumnus' recollections five years after law school of their general career aspirations both before and after law school. The alumni are asked whether they aspired before and after law school in one or more of ten different types of jobs, including private practice in a "large" firm, private practice in a "medium sized" firm, private practice in a "small" firm, corporate counsel, prosecutor, politics, Legal services, education and business.<sup>29</sup> The percentage of respondents who selected each of these possible choices is reported in table 2.2, broken down by gender and by survey years before 1992 and 1996-2000.

With a few exceptions, the results reported in table 2.2 suggest that men's and women's career aspirations, although still different, become more and more alike during the course of the law school experience and are becoming more alike over time. In this convergence of aspirations, it is primarily the women who change their minds from pursuing careers in government or public interest work to jobs in large private practices, although as we will see later in the discussion of careers, women are also more likely to later leave large private practices for work in other areas. In the surveys in before 1992, the men are significantly more likely to express interest in large firm practice, solo practice and business, although by after law school both men and women were much more interested in large firm practice, and had caught up to men in terms of interest in solo practice. In this earlier period, women expressed significantly more interest in corporate counsel and legal services jobs, although both women and men reported an increase in interest in corporate counsel positions and a decline in interest in legal services during law school. Comparing the results from the 1996-2000 surveys, we see that both men and women have become more interested in working at large private firms, but women's interest has increased more and so much so that their interest in these firms now slightly exceeds that of men after law school. In the later period, men are significantly more interested in small private practice, education and business, before law school, while women are more interested in corporate counsel positions, being a prosecutor or working in legal services. After law school the interests of the men and women in the later period have converged to the point where the only statistically significant differences are that women express a greater interest in legal services, while men express a greater interest in business. This convergence in interests may be due to a variety of factors including common experiences in summer jobs, socialization in the law school experience or accommodation of interests to the realities of job prospects.

---

<sup>29</sup> This data is recorded in variables 110 and 111 for the survey years 1981 to the present.

**TABLE 2.2: LAW SCHOOL EXPERIENCE: 5 years out of Law School**

Variable	All Obs <1991	Male <1991	Female <1991	Male-Fem <1991	All Obs 1996-00	Male 1996-00	Female 1996-00	Male-Fem 1996-00	Abs in M/F Diff	in M/F Rel Pos
<b>*** Career Plans Before Law School</b>										
Large Privt Practice	14.20	15.50	10.60	5.00**	23.20	24.50	21.30	3.20*	-1.80	MM
Medium Privt Practice	6.30	6.30	6.50	-0.20	3.60	3.70	3.30	0.40	0.20	FM
Small Privt Practice	5.30	5.60	4.60	1.00	2.10	2.70	1.30	1.50**	0.50	MM
Solo Practitioner	1.20	1.40	0.70	0.70**	0.20	0.10	0.20	-0.10	-0.60	MF
Private Practice	10.50	11.00	9.10	1.90*	8.30	9.20	7.10	2.10*	0.20	MM
Corporate Counsel	1.40	1.20	2.10	-0.90**	2.20	1.30	3.60	-2.30**	1.40	FF
Prosecutor	1.00	0.90	1.20	-0.30	4.30	3.30	5.60	-2.30**	2.00	FF
Politics	10.90	11.20	10.20	1.00	7.20	7.50	6.90	0.60	-0.40	MM
Legal Services	10.90	7.90	19.30	-11.40**	12.90	7.60	20.50	-12.90**	1.50	FF
Education	1.80	1.80	1.80	-0.10	2.20	3.20	0.80	2.30**	2.20	FM
Business	2.40	2.60	1.80	0.80*	4.50	5.70	2.70	3.00**	2.20	MM
N	2819	2061	758		1175	697	478			
<b>*** Career Plans After Law School</b>										
Large Privt Practice	39.90	41.60	35.50	6.10**	42.70	42.30	43.40	-1.20	-4.90	MF
Medium Privt Practice	14.50	14.90	13.40	1.50	8.70	9.10	8.10	1.00	-0.50	MM
Small Privt Practice	5.70	5.60	6.00	-0.40	3.00	3.30	2.50	0.80	0.40	FM
Solo Practitioner	0.80	0.90	0.50	0.30	0.60	0.70	0.40	0.30	0.00	MM
Private Practice	6.10	5.60	7.40	-1.80**	5.50	5.80	5.10	0.70	-1.10	FM
Corporate Counsel	2.70	2.30	3.70	-1.40**	3.70	3.20	4.40	-1.30	-0.10	FF
Prosecutor	1.00	1.00	0.90	0.10	3.20	2.90	3.60	-0.70	0.60	MF
Politics	7.00	7.00	6.80	0.30	5.80	6.50	4.90	1.60	1.30	MM
Legal Services	6.90	5.00	12.10	-7.10**	8.00	5.50	11.70	-6.20**	-0.90	FF
Education	2.20	2.40	1.90	0.50	3.00	3.00	3.00	0.10	-0.40	MM
Business	2.60	3.10	1.20	1.90**	4.60	6.50	1.90	4.60**	2.70	MM
N	2805	2050	755		1165	693	472			
<b>*** Career Plans Change in Law School</b>										
Plans Change in LS	49.30	50.20	46.50	3.70*	69.10	70.20	67.50	2.70	-1.00	MM
N	2016	1483	533		638	386	252			

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

Differences in personal characteristics and social roles may lead to differences in family characteristics associated with gender among lawyers.

The Michigan Alumni survey asked a variety of questions about the respondent's family situation in both the survey for lawyers five years after law school, and for those fifteen years out of law school. The respondents were asked about their marital status—cohabiting, married, divorced, widowed— and the number of children they have.<sup>30</sup> For the surveys after , the respondents were also asked how many children they currently have living with them and the amount they spend on childcare.<sup>31</sup> In addition, the respondents are asked to rate their satisfaction with their family situation on a seven point scale from “very unsatisfied” (-3) to “very satisfied” (3).<sup>32</sup> Finally, the survey asks a variety of questions about the respondent's spouse's job and household income.<sup>33</sup> From these responses we are able to compute variables for whether the respondent has a spouse working full-time in the home, working as an attorney or other professional or who has an “intense job” (professional or business manager).. We are also able to compute the spouses real income, the household's real income from other sources and the household's total real income. The percentages of respondents who have a certain family characteristic, or the mean value of continuous variables, are reported in Tables 3A and 3B, broken down by gender and the examined period. Table 3A contains the responses from alumni five years after graduation and table 3B gives the responses fifteen years after graduation. By examining tables 3A and 3B we can observe gender differences in family characteristics and any change in these characteristics between the two periods and over the life cycle.

The results reported in table 3A suggest that there are significant differences in the family characteristics of male and female Michigan alumni five years out of law school, although many of these differences seem to be mitigating over time. In the period for before 1992, the male alumni are significantly more likely to be married and less likely to be divorced or widowed than their female counterparts. However, in the period from 1996-2000 these differences are no longer large enough to be statistically significant and in fact the men are more likely to be widowed. The men have significantly more children than the women in both time periods, and in fact the male parity advantage increases slightly in the later period. Interestingly, the male alumni report spending significantly more on childcare, on both an average per alum and an average per child basis, even though they are significantly more likely to have a spouse in the home. In both time periods, the women are much more likely to have a spouse with an intense job, and in particular to be married to another attorney, and accordingly the women enjoy an advantage in the size of their spouse's income and total household income. However, these differences with respect to the spouse's employment and income seem to be decreasing

---

<sup>30</sup> This data is found in variables for the survey years after .

<sup>31</sup> This data is found in variables for the survey years after

<sup>32</sup> This data is found in variables for the survey years after

<sup>33</sup> This data is found in variables for the survey years after

overtime, except that the women have managed to slightly increase their attachment to spouses with intense jobs. The men report being significantly more satisfied with their family situation in the first period, although this advantage has decreased so that it is not statistically significant in the second period. Indeed, as the results in the second to last column on the change in the male/female differential between the two periods suggests, most of the differentials in these family characteristic variables seem to be declining over time. It is only in the number of children and spending on childcare that the men are increasing their differentials five years out, and it is only on having a spouse with an intense job that women are increasing their differential.

The results for Michigan alumni fifteen years out of law school reported in table 3B show similar significant differences in male and female family characteristics with convergence over time. The men are significantly more likely to be married and the women are more likely to be divorced or widowed, but the women are significantly more likely to be cohabiting and the differences in marital status between men and women decrease from the earlier to the later period. The men continue to have more children, although now, fifteen years out of law school, the women are spending more on childcare. This change in the relative spending on childcare between men and women between five years and fifteen years after law school is probably because the women lawyers have their children later than the men. The average number of children enjoyed by the men has dropped substantially from the earlier to the later period while the average number of children enjoyed by the women has increased over the same time. Since the parity rate has dropped for Americans in general during the post-war period, this increase in parity among female lawyers fifteen years out of law school may indicate that more family oriented women are now entering the legal profession, and have been doing so for some time. The men are much more likely to have a spouse working full time in the home, and the women are much more likely to have a spouse with an intense career, and in particular a spouse who is an attorney. As a result, the women still report much higher income for their spouses, but the men have begun to close the gap in these regards between the two periods and the men actually report higher total household income, although this finding is not statistically significant. The women report greater overall satisfaction with their family situation, but this result is significant only in the later period. As with the data from the five year surveys, the data from the fifteen year surveys suggests that the men and women are converging with respect to family characteristics. The only variable that shows divergence in its male and female mean values between the two periods is that women have slightly increased their advantage in satisfaction with their families.



**TABLE 3A: FAMILY CHARACTERISTICS: 5 years out of Law School**

Variable	All Obs <1991	Male <1991	Female <1991	Male-Fem <1991	All Obs 1996-00	Male 1996-00	Female 1996-00	Male-Fem 1996-00	Abs in M/F Diff	in M/F Rel Pos
Cohabiting	7.30	7.30	7.20	0.10	8.00	7.90	8.20	-0.40	0.30	MF
N	2299	1663	636		900	547	353			
Married	66.00	67.30	62.30	5.10**	60.40	61.50	58.80	2.70	-2.40	MM
Divorced	5.50	4.70	7.60	-2.90**	2.50	2.10	3.00	-1.00	-1.90	FF
Widowed	0.10	0.00	0.20	-0.20*	0.20	0.30	0.20	0.10	-0.10	FM
Number of Kids	0.591	0.618	0.524	0.095**	0.458	0.520	0.370	0.150**	0.055	MM
# of Kids Living With					0.518	0.583	0.428	0.155**		0M
Child Care Costs					1.275	1.423	1.060	0.363*		0M
Satisfaction w Family	1.745	1.766	1.688	0.078*	1.610	1.630	1.581	0.049	-0.029	MM
N	2766	2019	747		1013	590	423			
Spouse at Home	10.70	15.40	0.40	15.00**	8.30	12.70	1.60	11.10**	-3.90	MM
Spouse Attorney	25.40	17.00	43.60	-26.50**	33.60	28.40	41.70	-13.30**	-13.20	FF
Spouse Other Prof	15.80	16.90	13.50	3.40**	9.40	10.20	8.20	2.10	-1.30	MM
N	1545	1056	489		809	490	319			
Spouse Intense Job	42.30	36.20	55.20	-19.00**	50.70	43.00	62.70	-19.60**	0.60	FF
N	2059	1399	660		897	546	351			
Spouse's Income	38.516	28.706	60.778	-32.072**	50.183	40.448	65.671	-25.222**	-6.850	FF
Other Income	6.789	6.167	8.201	-2.034	9.813	11.504	6.983	4.521**	2.487	FM
Total Household Inc	132.064	126.705	144.797	-18.092**	148.134	146.934	149.911	-2.977	-15.115	FF
N	1203	835	368		949	594	355			

\* Denotes that the difference in the gender means is significantly different from zero at the 0.1 level.

\*\* Denotes that the difference in the gender means is significantly different from zero at the 0.05 level.

**TABLE 3B: FAMILY CHARACTERISTICS: 15 years out of Law School**

Variable	All Obs <1991	Male <1991	Female <1991	Male-Fem <1991	All Obs 1996-00	Male 1996-00	Female 1996-00	Male-Fem 1996-00	Abs in M/F Diff	in M/F Rel Pos
Cohabiting	3.50	3.20	6.60	-3.40**	2.30	2.10	2.90	-0.70	-2.70	FF
N	2181	1983	198		1108	795	313			
Married	86.80	87.70	69.00	18.60**	82.60	85.10	76.10	9.10**	-9.50	MM
Divorced	7.00	6.50	15.30	-8.80**	5.70	5.00	7.40	-2.50*	-6.30	FF
Widowed	0.10	0.10	0.80	-0.70	0.50	0.40	1.00	-0.60	-0.10	FF
Number of Kids	2.264	2.306	1.412	0.894**	1.760	1.859	1.511	0.347**	-0.547	MM
# of Kids Living With					1.736	1.836	1.483	0.353**		0M
Child Care Costs					7.783	7.252	9.112	-1.860**		0F
Satisfaction w Family	1.930	1.928	1.946	-0.017	1.875	1.844	1.952	-0.108*	0.091	FF
N	2588	2386	202		924	660	264			
Spouse at Home	31.10	34.40	0.70	33.70**	23.70	31.50	2.40	29.10**	-4.60	MM
Spouse Attorney	12.80	9.80	40.30	-30.50**	23.00	16.60	40.30	-23.70**	-6.80	FF
Spouse Other Prof	9.00	9.20	6.90	2.30	11.80	12.40	10.10	2.30	0.00	MM
N	1457	1313	144		927	679	248			
Spouse Intense Job	29.80	26.70	54.30	-27.60**	40.30	34.40	55.00	-20.50**	-7.10	FF
N	1670	1484	186		1092	779	313			
Spouse Income	38.771	25.847	134.403	-108.556**	61.363	37.580	124.427	-86.847**	-21.709	FF
Other Income	20.700	20.201	24.319	-4.118	38.190	37.758	39.474	-1.717	-2.401	FF
Total Household Inc	241.824	239.130	263.932	-24.802	292.449	296.075	282.671	13.404	-11.398	FM
N	1205	1059	146		849	635	214			

\* Denotes that the difference in the gender means is significantly different from zero at the 0.1 level.

\* \* Denotes that the difference in the gender means is significantly different from zero at the 0.05 level.

## E. Experience in the Legal Profession

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

The determination of the hours of work, and the balancing of work and family responsibilities is a central problem in peoples' careers. The high number work hours commonly demanded by the practice of law has been a long-standing issue in the profession. The rise of the two career family and the increased costs of child-rearing and education in terms of parents' time and resources have increased the conflict between lawyer's roles in the workplace and their roles as fathers and mothers.<sup>34</sup> In her recent survey of Alberta lawyers, Wallace found that, among lawyers with spouses and/or children, 47% felt work demands interfered with their family and home life, and 23% felt their home life interfered with their work.<sup>35</sup> Because many women retain primary childcare responsibilities, even with the breakdown of traditional gender roles, this problem of the conflict between work and family responsibilities falls disproportionately on women. In their study of Chicago lawyers, Heinz, Hull and Harter found that women with children were more likely than men with children to say their career choices or opportunities had been limited by personal/family priorities, that they were unwilling to work overtime and they tried to avoid work that required overnight travel.<sup>36</sup> Wallace found that full-time female lawyers generally experienced the greatest work-family conflict (work interfering with home life), whereas part-time women lawyers experienced the most family-work conflict (family interfering with work obligations).<sup>37</sup> Moreover, the period of greatest career demands, for example making

---

<sup>34</sup> Kenneth G. Dau-Schmidt and Carmen Brun, *Protecting Families in a Global Economy*, 81 Ind. L.J. 1427 (2006); Deborah L. Rhode, *Balanced Lives: Changing the Culture of Legal Practice*. American Bar Association, Commission on Women in the Profession (2001). A recent survey of lawyers in the province of Alberta found that, among lawyers with spouses and/or children, 47% felt work demands interfered with their family and home life, and 23% felt their home life interfered with their work. Jean E. Wallace, *Juggling It All: Exploring Lawyers' Work, Home, and Family Demands and Coping Strategies: Report of Stage Two Findings*, Law School Admission Council Research Report RR-01-03, Law School Admission Council (2004); see also Jean E. Wallace, *Juggling It All: Exploring Lawyers' Work, Home, and Family Demands and Coping Strategies: Report of Stage One Findings*, Law School Admission Council Research Report RR-00-02, Law School Admission Council (2002).

<sup>35</sup> Wallace (2004), *id.*, at 46; see also Wallace (2002), *id.*

<sup>36</sup> John P. Heinz, Kathleen E. Hull, and Ava A. Harter, *Lawyers and Their Discontents: Findings from a Survey of the Chicago Bar*, 74 INDIANA LAW JOURNAL 735, 748-9 (1999).

<sup>37</sup> For example, 43% of full-time female lawyers said it was difficult to fulfill their family responsibilities, compared to 36% of full-time men, 33% of part-time women, and 11% of part-time men. Wallace (2004), *supra* note 34, at 45. Part-time women were much more likely than men or full-time women to report cutting back on work time, being unavailable to clients, and refusing to take on additional work or work long hours; and, fully 30% of the part-time women said they had refused a promotion due to family responsibilities Wallace (2004), *supra* note 34, at 45.

partner or getting tenure, generally coincide with the greatest demands of child-rearing.<sup>38</sup> Especially for women, the demands of child-rearing may mean temporarily leaving the paid workforce or changing to a less demanding job.<sup>39</sup> Although a number of firms and other employers have made adjustments to foster more “family friendly” work-places, for example on-site daycare, flextime work schedules, compressed work weeks, part-time arrangements, job sharing, tele-commuting and better formal leave policies, it is still a struggle for young families to meet the demands of two careers and child-rearing.<sup>40</sup>

The Michigan Alumni Survey contains information on the alums reported annual hours of work, years of work since law school, number of jobs since law school and whether the alum has ever not worked or worked part-time to do childcare.<sup>41</sup> With respect to the annual hours of work, the survey asks for an estimate of the total number of hours worked for their job, including both billable hours and unbillable hours. With respect to time away from work to perform childcare, the survey also asks for an estimate of the number of months since law school that the alum has not worked outside the home in order to perform childcare and the number of months since law school that the alum has worked part-time in order to accommodate childcare. The results for the survey five years after law school are reported in table 4.1A, broken down by gender and period, while the results for the fifteen year survey are reported in table 4.1B, similarly dissected

Not surprisingly, the results in tables 4.1A and 4.1B show that the men work significantly more hours outside the home, both five years and fifteen years after graduation, and generally have more years of practice experience, while the women, on average, do significantly more childcare and have a more interrupted work history. Between the examined periods, the men have actually increased the average number of hours they work in excess of those worked by the women, both five years after law school and fifteen years after. In the period before 1992, men five years out of law school on average work 2455 hours a year, while the women work 2335 hours (a 120 hour difference), and men fifteen years out of law school on average work 2385 hours a year, while

---

<sup>38</sup> Dau-Schmidt and Brun, *supra* note 34. Carrie Menkel-Meadow, *Exploring a Research Agenda of the Feminization of the Legal Profession: Theories of Gender and Social Change*, 14 *LAW & SOCIAL INQUIRY* 289 (1989); JOHN HAGAN AND FIONA KAY, *GENDER IN PRACTICE: A STUDY OF LAWYERS' LIVES* (1995).

<sup>39</sup> Nancy J. Reichman and Joyce S. Sterling, *Recasting the Brass Ring: Deconstructing and Reconstructing Workplace Opportunities for Women Lawyers*, 29 *CAPITAL UNIVERSITY LAW REVIEW* 923 (2002). Reichman and Sterling undertook a study of Denver lawyers to examine differences in career mobility across practice settings and between genders. Their analysis of career histories for 100 lawyers showed that women changed jobs more often and at an earlier career stage than men, with gender being the single best predictor job movement. The Denver data also suggest that women are more likely than men to move to less demanding jobs and that women were more likely to move from large to smaller law firms or to move out of private practice entirely.

<sup>40</sup> Dau-Schmidt and Brun, *supra* note 34. Mary J. Mossman, *Lawyers and Family Life: New Directions for the 1990's (Part Two)*, 2 *FEMINIST LEGAL STUDIES* 159 (1994).

<sup>41</sup> This data is reported in variables for the survey years

the women work 2212 hours (a 173 hour difference). By the second period, 1996-2000, men five years out of law school on average work 2598 hours a year, while the women work 2423 hours (a 175 hour difference), and men fifteen years out of law school on average work 2471 hours a year, while the women work 1862 hours (a 610 hour difference). In large part the growth in this difference is due to a very substantial drop in the average number of hours worked by women between the two periods, consistent with the idea that the population of people who become lawyers now includes a larger proportion of family oriented women. Consistent with this hypothesis, the data from the fifteen year survey shows that, although women had significantly more years of practice in the early period (11.83 for women versus 11.27 for men), in the later period they had significantly less (12.35 for women versus 13.66 for men). Women had significantly more jobs and were MUCH more likely to do childcare in all surveys and periods (23 to 40 times as likely in the first period and 8 to 12 times as likely in the second period), and even though men are more than three times more likely to do childcare in the later period, the women have increased their percentage difference in this regard (11.3 to 12.9% five years out and 31 to 36.4% fifteen years out). These childcare responsibilities undoubtedly have important impacts on a lawyer's career. Of course, not all women have children or take time away from practice to do childcare so it is important to separate the impact of gender from the impact of childcare in analyzing legal careers.

To examine the impact of children and childcare on hours worked outside the home and the balancing of work and family responsibilities, we analyze the mean values of several variables broken down into groups according to their gender and family situation. In tables 4.1C and 4.1D we present according to gender and family situation the mean values of hours worked, satisfaction with the family, satisfaction with work/family balance, the number on months in which the respondent did not work or worked part-time to accommodate childcare and the number of children. In table 4.1C we examine women according to whether they have children or not and whether they have taken time off of work to do childcare or not, and in table 4.1D we similarly examine men. These means suggest that women without kids work approximately the same annual hours as men, that women with kids, but who have not taken time off of work to do childcare work significantly less than men or women without kids and that women who have kids and have taken time off to do childcare work significantly less than even women with kids who have not taken time off for childcare. This annual reduction in hours is in addition to the time these women have taken out of their careers to do childcare which averages 57.47 months, or almost five years! As we will see, this reduction in hours worked and years of practice has a significant impact on these women's chances of promotion and income. The tradeoff is that the women with kids are significantly happier with their family situation, as compared with either the other women or the men (check on), and the women who do childcare are significantly happier with the balance of their work and family life than either the other women or the men. In table 4.1D we see that men with kids work more hours on average than men without kids, and that they men who take time away from work to do childcare on average spend 22.73 months engaged in this pursuit, a significant time but less than half the average for the women. Like the women, kids make men happier with their family situation *and* taking time away from work to do childcare makes men happier with their family work balance.

**TABLE 4.1A: HOURS OF WORK: 5 years out of Law School**

Variable	All Obs <1991	Male <1991	Female <1991	Male-Fem <1991	All Obs 1996-00	Male 1996-00	Female 1996-00	Male-Fem 1996-00	Abs in M/F Diff	in M/F Rel Pos
<b>***Annual Hours of Work</b>										
Annual Hours of Work	2424.195	2454.947	2335.018	119.929**	2526.972	2597.720	2422.877	174.843**	54.914	MM
N	2609	1940	669		1164	693	471			
<b>***Number of Years of Practice</b>										
Number of Years of Practice	4.743	4.779	4.647	0.132**	4.582	4.628	4.514	0.114**	-0.018	MM
N	2815	2054	761		1198	710	488			
<b>***Number of Years of Private Practice</b>										
Number of Years of Priv't Prac	3.315	3.386	2.991	0.395**	3.406	3.582	3.149	0.433**	0.038	MM
N	5008	4107	901		1186	703	483			
<b>***Number of Jobs Since Law School</b>										
Number of Jobs Since LS	1.891	1.862	2.016	-0.154**	2.160	2.094	2.256	-0.162**	0.008	FF
N	5058	4128	930		1203	715	488			
<b>***Ever Done Childcare Rather than Work Outside the Home?</b>										
Ever Work PT to do Childcare	1.8	0.3	5.3	-5.0**	3.5	0.7	7.7	-7.0**	2	FF
Months Work PT to do Child	0.248	0.037	0.740	-0.703**	0.466	0.153	0.919	-0.766**	0.063	FF
Ever Not Work to do Childcare	3.3	0.2	10.6	-10.4**	5.0	1.1	10.7	-9.6**	-0.8	FF
Months Not Work to do Child	0.339	0.003	1.122	-1.119**	0.476	0.088	1.032	-0.945**	-0.174	FF
Ever Wk PT or Not Wk Child	3.9	0.5	11.7	-11.3**	6.9	1.7	14.5	-12.9**	1.6	FF
N	2383	1668	715		1213	718	495			

**TABLE 4.1B: HOURS OF WORK: 15 years out of Law School**

Variable	All Obs <1991	Male <1991	Female <1991	Male-Fem <1991	All Obs 1996-00	Male 1996-00	Female 1996-00	Male-Fem 1996-00	Abs in M/F Diff	in M/F Rel Pos
<b>***Annual Hours of Work</b>										
Annual Hours of Work	2371.84	2384.641	2212.151	172.49**	2305.6	2470.875	1860.807	610.068**	437.578	MM
N	2412	2233	179		1052	767	285			
<b>***Number of Years of Practice</b>										
Number of Years of Practice	11.295	11.268	11.831	-0.563**	13.286	13.656	12.351	1.304**	0.741	FM
N	5100	4858	242		1103	790	313			
<b>***Number of Years of Private Practice</b>										
Number of Years of Priv't Prac	10.049	10.239	6.375	3.864**	9.306	9.785	8.087	1.698**	-2.166	MM
N	4713	4481	232		1095	786	309			
<b>***Number of Jobs Since Law School</b>										
Number of Jobs Since LS	2.502	2.472	3.113	-0.641**	2.889	2.849	2.990	-0.141*	-0.5	FF
N	5263	5016	247		1103	790	313			
<b>***Ever Done Childcare Rather than Work Outside the Home?</b>										
Ever Work PT to do Childcare	2.9	0.4	23.1	-22.7**	9.7	2.2	28.8	-26.6**	3.9	FF
Months Work PT to do Child	0.966	0.083	8.016	-7.934**	3.861	0.489	12.361	-11.872**	3.938	FF
Ever Not Work to do Childcare	2.9	0.5	22.5	-22.0**	8.7	1.4	27.2	-25.8**	3.8	FF
Months Not Work to do Child	0.777	0.032	6.720	-6.687**	3.122	0.232	10.406	-10.174**	3.487	FF
Ever Wk PT or Not Wk Child	4.3	0.8	31.9	-31.0**	13.5	3.2	39.6	-36.4**	5.4	FF
N	1634	1452	182		1102	789	313			

\* Denotes that the difference in the gender means is significantly different from zero at the 0.1 level.

\* \* Denotes that the difference in the gender means is significantly different from zero at the 0.05 level.

**TABLE 4.1C: COMPARISON OF GROUPS OF WOMEN BY FAMILY SITUATION: 15 yrs out of LS**

Variable	All Obs 1996-00	Male 1996-00	Female 1996-00	Female no Kids 1996-00	Female w/ Kids 1996-00	Female no CC 1996-00	Female CC 1996-00
Annual Hrs of Work	2306	2471**	1861**	2363**	1638**	2136**	1379**
Satis. Family	1.87	1.84*	1.95*	1.48**	2.13**	1.84**	2.13**
Satis. Wk/Fam Bal	0.72	0.67*	0.85*	0.43**	1.02**	0.53**	1.36**
Mo Nt/PT Wk Child	6.98	0.72**	22.77**	0**	31.92**	0**	57.47**
Number of Kids	1.76	1.86**	1.51**	0**	2.10**	1.09**	2.12**
N	1045	745	300	84	189	174	100

\* Denotes that the difference in the gender means is significantly different from zero at the 0.1 level.

\*\* Denotes that the difference in the gender means is significantly different from zero at the 0.05 level.

**TABLE 4.1D: COMPARISON OF GROUPS OF MEN BY FAMILY SITUATION: 15 years out of LS**

Variable	All Obs 1996-00	Male 1996-00	Female 1996-00	Male no Kids 1996-00	Male w/ Kids 1996-00	Male no CC 1996-00	Male CC 1996-00
Annual Hrs of Work	2306	2471**	1861**	2328**	2502**	2484**	2092**
Satis. Family	1.87	1.84*	1.95*	1.42**	1.94**	1.84	1.76
Satis. Wk/Fam Bal	0.72	0.67*	0.85*	0.37**	0.73**	0.66**	1.36**
Mo Nt/PT Wk Child	6.98	0.72**	22.77**	0**	0.90**	0**	22.76**
Number of Kids	1.76	1.86**	1.51**	0**	2.29**	1.85**	2.00**
N	1045	745	300	137	602	715	24

\* Denotes that the difference in the gender means is significantly different from zero at the 0.1 level.

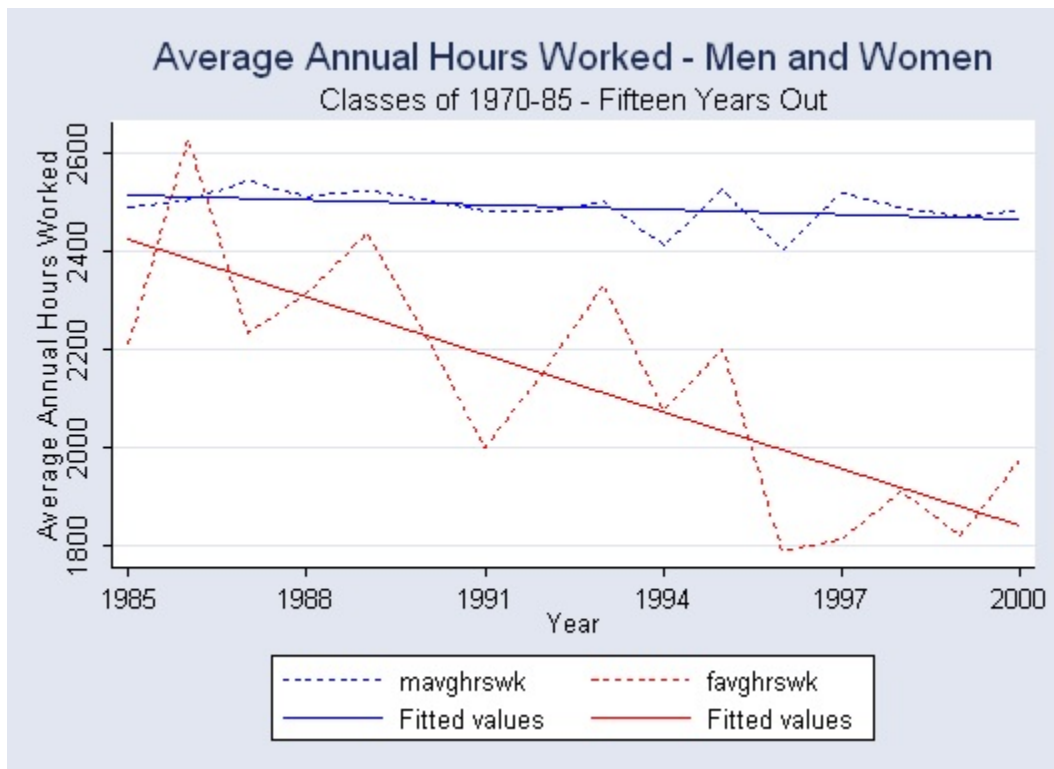
\*\* Denotes that the difference in the gender means is significantly different from zero at the 0.05 level.

**Need to redo these tables with three groups (no kids, kids no childcare, kids childcare) and Chow test**

Redo trend graphs too?

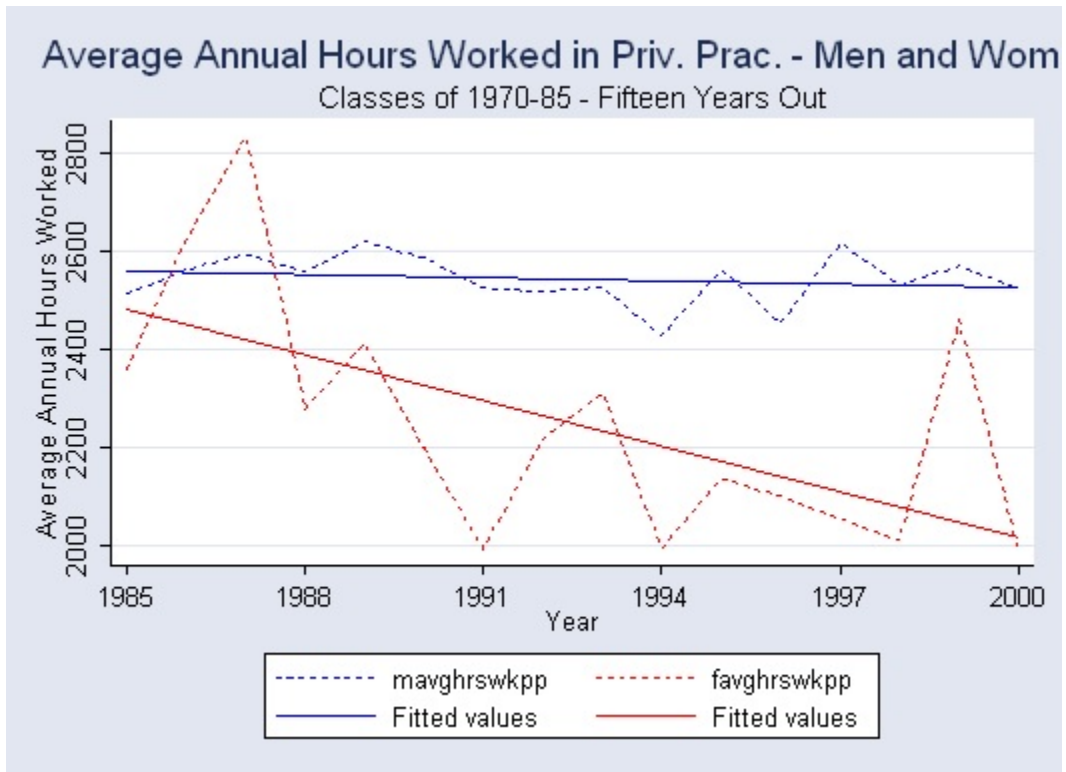
The length of the Michigan Alumni survey also allows us to examine trends over time in the number of hours worked by the respondents broken down according to gender and whether the respondent has children. In Graphs 1-4 we examine the average number of hours the respondents of the fifteen year survey reported working, separated according to gender, for both all respondents (Graph 1) and only those in private practice (Graph 2), and according to whether they don't have kids (Graph 3) or have kids (Graph 4). A trend line is fitted to each series of plotted values. In Graph 1 we see that although the average number of hours worked by men fifteen years out of law school has decreased only slightly over the survey years 1985-2000, the average number of hours worked by women fifteen years out of law school has decreased almost 600 hours over the same period. The trend lines for those alums in private practice in Graph 2 show the same result, slightly transposed upward. However, Graph 3 shows that the women's reduction in hours has not come from women across the board. The trend line in annual hours worked for women without children is very similar to that for men without children and in fact exceeds their trend line in the year 2000. In Graph 4 we see that the trend lines for both men with kids and women with kids are decreasing over the period 1985 to 2000 (by the amount of about 50 hours a year) with the women's trend line consistently a little over 400 hours a year below the men's. These last trend lines suggest some modest accommodation for both men and women with children over the period 1985 to 2000—about one week less in work per year.

Graph 1

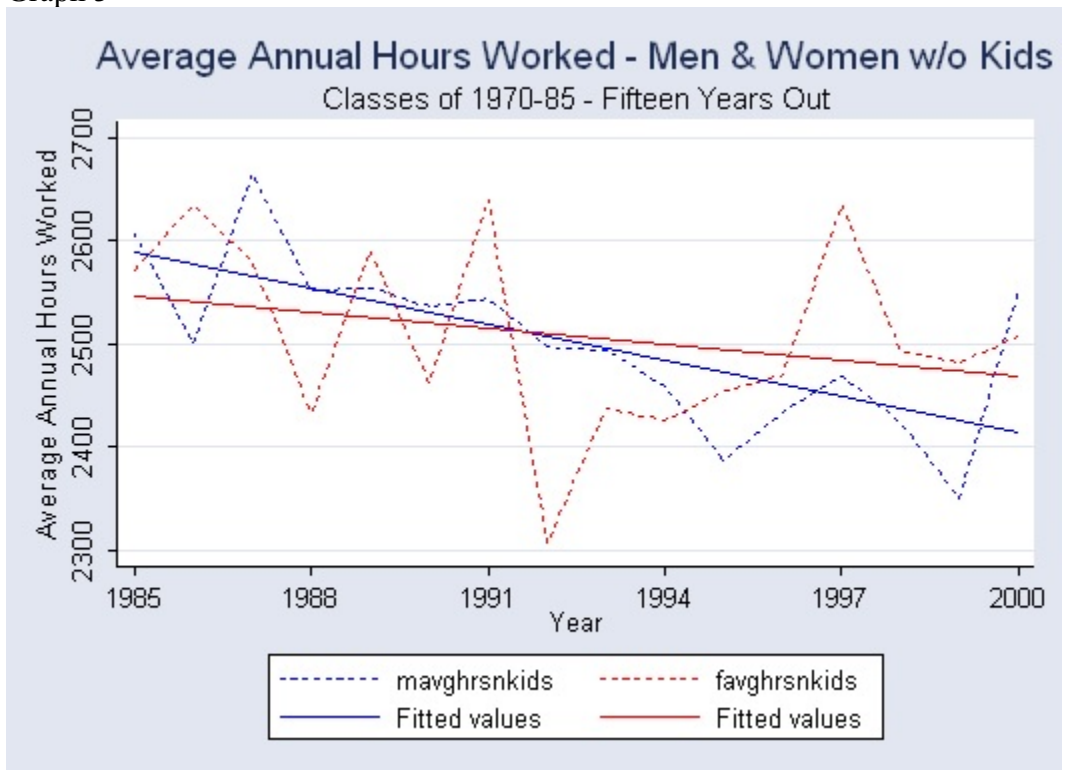




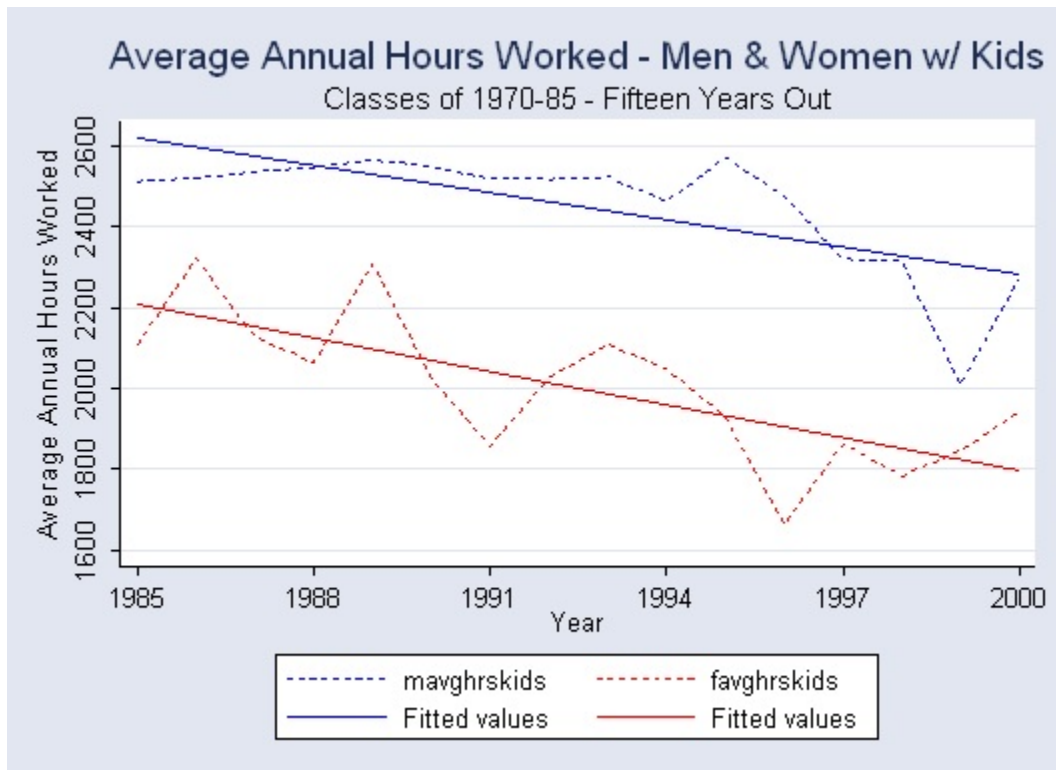
Graph 2



Graph 3



Graph 4



## Practice Setting, Area of Specialization and Type of Work

The legal profession offers a variety of practice settings, each characterized by its own set of advantages and disadvantages. It is well established that monetary rewards tend to be the highest in large firm private practices, particularly on the coasts. Results from our Indiana Survey and the Michigan Alumni data set suggest average large firm salaries of approximately \$250,000 a year fifteen years out of law school.<sup>42</sup> Indeed, private practice in general tends to provide substantially larger monetary rewards than government or legal service work – somewhere on the order of \$50,000 to \$100,000 a year for comparable work fifteen years out of law school.<sup>43</sup> Not surprisingly, however, the demands of a practice in terms of the hours worked and the interference with family life track these financial rewards. Although many large firms have made progress in making their firm culture more “family friendly,” the typical hours worked in a large firm practice can exceed those in government or legal services work by about 500 hours a year.<sup>44</sup> The prestige of a given type of practice tends to “follow the money,” although there are notable exceptions such as being a judge or a law professor. Interestingly, job satisfaction tends to be greatest in the types of practice where monetary rewards are least.<sup>45</sup> This may in part be due to lower hours of work, but such an inverse relationship makes sense in a competitive labor market in which firms must compensate lawyers to attract them to less enjoyable work and conditions. There are some exceptions to this inverse rule, for example being in-house counsel for a corporation appears to yield a nice mix of both income and job satisfaction for those who undertake such work.<sup>46</sup>

Given the different personal characteristics and family situations of men and women in the legal

---

<sup>42</sup> Numerous studies over the last several decades have documented the differences in the status and financial rewards associated with different legal practice settings in North America . Smigel, Erwin O. 1969. *The Wall Street Lawyer: Professional Organization Man?* 2<sup>nd</sup> ed. Bloomington: Indiana University Press; Heinz, John P., and Laumann, Edward O. 1982. *Chicago Lawyers : The Social Structure of the Bar*. New York and Chicago: Russell Sage Foundation and American Bar Foundation; Galanter, Marc, and Palay, Thomas M. 1991. *Tournament of Lawyers : The Transformation of the Big Law Firm*. Chicago: University of Chicago Press; Dixon, Jo, and Carroll Seron. 1995. Stratification in the Legal Profession: Sex, Sector, and Salary. *Law and Society Review* 29: 381-412; Hagan, John, and Kay, Fiona. 1995. *Gender in Practice: A Study of Lawyers' Lives*. New York: Oxford University Press; Dau-Schmidt, Kenneth G., and Kaushik Mukhopadhyaya. 1999. The Fruits of Our Labors: An Empirical Study of the Distribution of Income and Job Satisfaction across the Legal Profession. *Journal of Legal Education* 49: 342-66; Heinz, John P., Robert L. Nelson, Rebecca L. Sandefur, and Edward O. Laumann. 2005. *Urban Lawyers: The New Social Structure of the Bar*. Chicago: University of Chicago Press.

<sup>43</sup>

<sup>44</sup>

<sup>45</sup>

<sup>46</sup>

profession, it is probably not surprising that they evince somewhat different patterns in the types of practice they undertake. Gender differences in practice setting have been observed since the rapid increase in the number of women lawyers starting in the 1970s;<sup>47</sup> although they have declined over time.<sup>48</sup> Typically researchers have found that men tend to go into private practice while women tend to go into corporate counsel, government work, legal services and legal education.<sup>49</sup> Within private practice, women seem to go into the largest practices and avoid smaller firms.<sup>50</sup> Hull and Nelson's analysis of a 1995 survey of Chicago lawyers provides additional insight into the relationship between gender and practice setting. They found that similar proportions of males and females started their careers as large firm associates, but women were less likely to start in solo practice or small to medium-size firms and more likely to start in government or public interest law. They used linear regression to show that women were significantly less likely to work in solo/small firm settings and more likely to work in government/public interest settings even after controlling for first job and other relevant variables. On the national level, aggregate data for the year 2000 indicated that 71.2% of female lawyers in the U.S. were in private practice, compared to 75% of male lawyers, and 12.2% of females worked in non-judicial government or legal aid/public defender settings, compared to 7.2% of males.<sup>51</sup>

The Michigan Alumni Data Set allows us to undertake a detailed analysis of the practice setting of Michigan alumni by gender both five years and fifteen years after graduation, and to examine

---

<sup>47</sup> Epstein, Cynthia F. 1993. *Women in Law*. 2nd ed. Urbana: University of Illinois Press.

<sup>48</sup> Chiu, Charlotte, and Kevin T. Leicht. 1999. When Does Feminization Increase Equality? The Case of Lawyers. *Law and Society Review* 33: 557-593.

<sup>49</sup> Liefland, Linda. 1986. Career Patterns of Male and Female Lawyers. *Buffalo Law Review* 35: 601-631; Mattesich, Paul W., and Cheryl W. Heilman. 1990. The Career Paths of Minnesota Law School Graduates: Does Gender Make a Difference? *Law and Inequality* 9: 59-114; Fiona M. Kay and Joan Brockman, Barriers to Gender Equality in the Canadian Legal Establishment. 8 *Feminist Legal Studies* 169, 178 (2000). By contrast, a study of Stanford law alumni found no gender differences in first or current practice setting, but found that male graduates stayed in their first job longer and were more likely to be specializing in corporate law than their female counterparts (Taber et al. 1988), and a study of University of New Mexico law alumni found no differences in current practice setting but found that men were more likely to specialize in corporate, criminal, personal injury and real estate law and women more likely to specialize in domestic relations and natural resources (Teitelbaum, Lopez and Jenkins 1991). Unlike earlier alumni studies that examined only bivariate relationships between gender and practice setting, a 1995 study of alumni of the New York University and University of Michigan law schools used multivariate models to predict first position, which test the effect of gender on practice setting while controlling for other relevant variables (Kornhauser and Revesz 1995). This study found no significant gender differences in first job sector after controlling for career preferences and other variables

<sup>50</sup> (Carson 2004: 29; Kay and Brockman 2000: 179)

<sup>51</sup> (Carson 2004: 28).

how any observed gender patterns have changed over time. The data set allows us to discern what percent of male and female alumni report working in private practice by firm size, as well as corporate counsel, government practice, legal services, law teaching and various non-practice vocations.<sup>52</sup> The results for the five year surveys for the periods before 1992 and 1996-200 are reported in table 4.2A, while the results for the fifteen year surveys for the same periods are reported in table 4.2 B.

Our results confirm the results that have previously been obtained with respect to gender differences in the type of practice. The results for the five year survey in table 4.2A show that, among the Michigan alumni, men are significantly more likely to go into all manner of private practice, except “super-sized firms larger than 150 attorneys, and they are more likely to go into business, not in practice. Women, on the other hand, are significantly more likely to go into corporate counsel positions, government work, legal services, law teaching government non-practice positions and “other” non-practice positions. Interestingly, women hold a significant advantage in gaining jobs in the super-sized firms in the earlier period while men hold a significant advantage in gaining such jobs in the later period.<sup>53</sup> In the five year survey, the men and women show modest coalescence in the types of practice they undertake between the period before 1992 and the period 1996-2000. The women have made modest inroads into private practice, in particular medium and small firms, while the men have made modest progress in obtaining corporate counsel and government positions. Between the two periods, men have increased their advantage in business non-practice and in large private firms. In both periods, women are significantly more likely to report themselves engaged in parenting, or unemployed. The results of the fifteen year survey reported in table 4.2B present a very similar pattern. The only real differences are that men hold an insignificant advantage in holding corporate counsel positions fifteen years out and the category of business non-practice is contested with women holding an insignificant advantage in the first period and men holding a significant advantage in the later period.

---

<sup>52</sup> This data is found in variables for the survey years

<sup>53</sup> This result does not hold in the Indiana data where the women hold a small, but statistically insignificant advantage in gaining jobs in the largest firms in the period 1999 to present. Dau-Schmidt et al, *The Pride of Indiana*

**TABLE 4.2A: TYPE OF PRACTICE: 5 years out of Law School**

Variable	All Obs <1991	Male <1991	Female <1991	Male-Fem <1991	All Obs 1996-00	Male 1996-00	Female 1996-00	Male-Fem 1996-00	Abs in M/F Diff	in M/F Rel Pos
<b>***Type of Practice</b>										
Private Practice	66.2	69.2	52.7	16.5**	65.9	71.1	58.2	12.9**	-3.6	MM
Priv't Practice Super (>150)	10.3	9.2	15.2	-6.1**	32.1	34.0	29.4	4.7**	-1.4	FM
Priv't Practice Large (51-150)	17.2	17.7	15.1	2.5**	11.7	13.3	9.4	3.9**	1.4	MM
Priv't Practice Medium (16-50)	14.9	16.5	7.6	9.0**	8.1	8.4	7.8	0.6	-8.4	MM
Priv't Practice Small (1-15)	19.4	20.8	13.1	7.7**	13.5	15.1	11.3	3.7**	-4	MM
Corporate Counsel	8.1	7.6	10.5	-2.9**	7.1	6.0	8.7	-2.7**	-0.2	FF
Government Practice	11.7	11.1	14.8	-3.8**	6.7	6.0	7.7	-1.7	-2.1	FF
Legal Services	1.4	1.0	3.4	-2.4**	3.0	2.3	4.0	-1.7*	-0.7	FF
Other Practice	2.0	1.8	2.9	-1.1**	0.8	0.6	1.2	-0.7	-0.4	FF
Teach Law	0.6	0.5	1.3	-0.8**	1.8	1.3	2.5	-1.2*	0.4	FF
Business Non-Practice	1.4	1.5	1.0	0.5*	5.0	6.0	3.5	2.5**	2	MM
Government Non-Practice	1.1	0.9	1.9	-1.0**	1.9	1.4	2.7	-1.3*	0.3	FF
Other Non-Practice	6.2	6.0	7.1	-1.1	4.0	3.4	4.8	-1.4	0.3	FF
Parent	0.7	4.8E-02	3.4	-3.4**	1.9	0.1	4.6	-4.4**	1	FF
Unemployed	0.8	0.1	3.9	-3.8**	3.1	1.0	6.2	-5.2**	1.4	FF
N	5070	4145	925		1168	691	477			

\* Denotes that the difference in the gender means is significantly different from zero at the 0.1 level.

\* \* Denotes that the difference in the gender means is significantly different from zero at the 0.05 level.

**TABLE 4.2B: TYPE OF PRACTICE: 15 years out of Law School**

Variable	All Obs <1991	Male <1991	Female <1991	Male-Fem <1991	All Obs 1996-00	Male 1996-00	Female 1996-00	Male-Fem 1996-00	Abs in M/F Diff	in M/F Rel Pos
<b>***Type of Practice</b>										
Private Practice	64.4	65.7	38.6	27.0**	51.4	56.6	38.5	18.1**	-8.9	MM
Priv't Practice Super (>150)	5.3	5.2	6.9	-1.7	17.7	19.9	12.3	7.5**	5.8	FM
Priv't Practice Large (51-150)	9.8	10.0	5.2	4.8**	13.7	15.8	8.3	7.5**	2.7	MM
Priv't Practice Medium (16-50)	10.8	11.1	5.2	5.9**	10.7	11.4	9.0	2.4	-3.5	MM
Priv't Practice Small (1-15)	32.5	33.1	20.6	12.6**	16.7	18.5	12.3	6.2**	-6.4	MM
Corporate Counsel	10.8	10.8	10.0	0.8	12.4	12.9	11.2	1.7	0.9	MM
Government Practice	6.3	6.1	10.4	-4.3**	7.1	5.9	9.9	-3.9**	-0.4	FF
Legal Services	0.5	0.4	2.4	-2.0**	1.0	0.8	1.6	-0.9	-1.1	FF
Other Practice	1.1	1.0	3.2	-2.2**	1.4	0.9	2.6	-1.7**	-0.5	FF
Teach Law	1.1	0.8	6.8	-6.0**	2.8	2.2	4.3	-2.0*	-4	FF
Business Non-Practice	3.1	3.1	3.2	-0.1	7.1	9.0	2.3	6.7**	6.6	FM
Government Non-Practice	3.5	3.3	6.8	-3.4**	3.7	3.2	4.9	-1.8	-1.6	FF
Other Non-Practice	8.0	8.0	8.0	0	5.3	4.7	6.6	-1.8	1.8	OF
Parent	0.7	0.3	8.8	-8.5**	4.9	0.9	14.8	-13.9**	5.4	FF
Unemployed	0.9	0.5	9.2	-8.7**	5.8	1.8	15.8	-13.9**	5.2	FF
N	5117	4869	248		1045	745	300			

\* Denotes that the difference in the gender means is significantly different from zero at the 0.1 level.

\* \* Denotes that the difference in the gender means is significantly different from zero at the 0.05 level.

Within a given type of practice, men and women may tend to specialize in the practice of a particular type of law. Less empirical work has been done on this fine question, but an early study of Stanford alumni by Taber, et al, found that men were more likely to specialize in corporate law than their female counterparts,<sup>54</sup> and a study by Teitelbaum, Lopez and Jenkins of University of New Mexico alumni found that men were more likely to specialize in corporate, criminal, personal injury and real estate law and women more likely to specialize in domestic relations and natural resources.<sup>55</sup> The Michigan survey asked the respondents of the five and fifteen year surveys to classify their area of specialty according to 23 different subject areas and to report whether their area of expertise was the area in their “main plan” in law school or “one” of the areas in their career plans.<sup>56</sup> The results of the five year survey broken down by gender and time period are reported in table 4.2C, while the results of the fifteen year survey are reported in table 4.2D. The results of the five year survey suggest that, across the two periods, men are significantly more likely to specialize in antitrust, corporate law and patent law, while women are significantly more likely to specialize in civil rights and domestic relations. With respect to trends over time, men seem to be moving into debtor creditor, communications and environmental law while increasing their lead in corporate land patent aw, and women seem to be moving into administrative law, energy law, estate tax and labor law, while increasing heir lead in domestic relations. The men are significantly more likely to report that their area of specialty was their main plan while the women are significantly more likely to report their area of specialty was not planned. The results of the fifteen year survey show the men disproportionately and significantly practicing in corporate law and torts over both periods, while the women once again disproportionately and significantly go into civil rights and domestic relations. In the fifteen year data, men seem to be moving toward debtor creditor, communications, corporate, environmental income tax and torts, while the women seem to be moving toward administrative, banking, employee benefits, estate tax, insurance and patents. Again the men are significantly more likely to indicate that their area of specialty was planned.

---

<sup>54</sup> (Taber et al. 1988)

<sup>55</sup> (Teitelbaum, Lopez and Jenkins 1991)

<sup>56</sup> This data is contained in variable in surveys from to



**TABLE 4.2C: AREA OF PRACTICE SPECIALITY: 5 years out of Law School**

Variable	All Obs <1991	Male <1991	Female <1991	Male-Fem <1991	All Obs 1996-00	Male 1996-00	Female 1996-00	Male-Fem 1996-00	Abs in M/F Diff	in M/F Rel Pos
<b>***Area of Specialty</b>										
Administrative	6.9	6.9	6.6	0.3	1.4	1.1	1.9	-0.8	0.5	MF
Antitrust	4.5	4.9	2.9	2.0**	1.9	2.4	1.2	1.2*	-0.8	MM
Banking	9.0	9.2	7.8	1.4*	4.0	4.3	3.6	0.8	-0.6	MM
Debtor-Creditor	5.2	5.2	5.1	0.1	1.8	2.3	1.2	1.1*	1	MM
Civil Rights	3.2	2.4	7.2	-4.8**	11.6	10.0	14.1	-4.1**	-0.7	FF
Communications	0.7	0.7	0.9	-0.3	2.2	2.6	1.7	0.9	0.6	FM
Corporate	30.9	31.5	27.7	3.8**	33.8	37.1	28.9	8.3**	4.5	MM
Criminal	7.4	7.5	6.7	0.8	8.7	8.8	8.6	0.3	-0.5	MM
Domestic Relations	4.2	3.9	5.6	-1.7**	1.8	0.8	3.3	-2.5**	0.8	FF
Employee Benefits	3.4	3.2	4.1	-0.8	1.6	1.3	2.1	-0.9	0.1	FF
Energy	2.6	2.7	1.9	0.8*	0.3	0.2	0.5	-0.3	-0.5	MF
Environmental	2.6	2.4	3.6	-1.3**	3.0	3.1	2.9	0.2	-1.1	FM
Estate Tax	8.6	9.1	6.1	3.1**	2.9	1.9	4.3	-2.4**	-0.7	MF
Municipal	3.6	3.7	3.3	0.4	1.0	1.3	0.5	0.8*	0.4	MM
Immigration	0.1	0.1	0.1	1.1E-02	0.8	0.6	1.0	-0.3	0.3	MF
Income Tax	1.6	1.6	1.3	0.3	2.7	2.7	2.6	0.1	-0.2	MM
Insurance	3.1	3.0	3.5	-0.5	2.4	1.8	3.3	-1.6*	1.1	FF
Internat'l Trade	0.2	0.2	0.4	-0.2	0.9	1.0	0.7	0.2	0	FM
Labor	6.3	6.4	6.1	0.3	3.3	2.7	4.1	-1.3	1	MF
Patent	1.8	1.9	1.0	0.9**	7.4	8.8	5.3	3.6**	2.7	MM
Real Property	11.8	12.4	8.6	3.8**	3.8	3.4	4.5	-1.2	-2.6	MF
Securities	8.0	8.0	7.8	0.2	7.5	8.4	6.2	2.2*	2	MM
Torts	11.5	11.8	9.6	2.2**	8.7	9.3	7.9	1.4	-0.8	MM
N	4158	3418	740		1041	622	419			
<b>***Current Area of Practice Compared with Law School Plan</b>										
Area Main Plan	17.8	18.7	15.5	3.2*	27.0	31.1	19.8	11.3**	8.1	MM
Area One Plan	39.4	41.5	34.4	7.1**	38.4	37.2	40.5	-3.3	-3.8	MF
Area Not in Plan	41.5	38.5	49.0	-10.5**	34.1	31.4	38.8	-7.4**	-3.1	FF
N	1567	1116	451		622	395	227			

\* Denotes that the difference in the gender means is significantly different from zero at the 0.1 level.

\*\* Denotes that the difference in the gender means is significantly different from zero at the 0.05 level.

**TABLE 4.2D: AREA OF PRACTICE SPECIALITY: 15 years out of Law School**

Variable	All Obs <1991	Male <1991	Female <1991	Male-Fem <1991	All Obs 1996-00	Male 1996-00	Female 1996-00	Male-Fem 1996-00	Abs in M/F Diff	in M/F Rel Pos
<b>***Area of Specialty</b>										
Administrative	4.4	4.3	4.9	-0.6	2.2	1.1	5.4	-4.2**	3.6	FF
Antitrust	3.7	3.7	4.3	-0.6	1.6	1.6	1.5	0.1	-0.5	FM
Banking	7.0	7.0	5.6	1.5	6.3	6.3	6.3	-0.1	-1.4	MF
Debtor-Creditor	3.5	3.5	3.1	0.4	5.4	6.1	3.4	2.7**	2.3	MM
Civil Rights	2.1	1.9	6.5	-4.6**	6.7	5.6	9.8	-4.1**	-0.5	FF
Communications	1.0	0.9	3.2	-2.4*	1.6	1.4	2.0	-0.5	-1.9	FF
Corporate	31.4	31.9	19.1	2.7**	34.8	37.5	26.8	10.6**	-2.1	MM
Criminal	5.5	5.5	6.2	-0.7	5.7	5.3	6.8	-1.5	0.8	FF
Domestic Relations	3.6	3.3	10.5	-7.2**	1.9	1.3	3.9	-2.6**	-4.6	FF
Employee Benefits	5.2	5.3	3.1	2.2*	2.1	1.6	3.4	-1.8*	-0.4	MF
Energy	2.6	2.7	1.9	0.8	1.2	1.3	1.0	0.3	-0.5	MM
Environmental	1.5	1.4	2.6	-1.2	6.8	7.4	4.9	2.5*	1.3	FM
Estate Tax	14.4	14.6	9.9	4.7**	2.8	2.4	3.9	-1.5	-3.2	MF
Municipal	3.7	3.8	2.5	1.3	2.2	2.1	2.4	-0.3	-1	MF
Immigration	0.1	0.1	0.7	-0.6	0.6	0.3	1.5	-1.1*	0.5	FF
Income Tax	1.8	1.7	3.2	-1.5	3.9	4.7	1.5	3.2**	1.7	FM
Insurance	4.0	4.0	3.1	0.9	3.1	3.1	3.4	-0.4	-0.5	MF
Internat'l Trade	0.2	0.2	0.7	-0.5	0.7	0.6	1.0	-0.3	-0.2	FF
Labor	5.5	5.4	7.4	-2.0	3.4	3.4	3.4	-3.8E-02	-2	FF
Patent	2.5	2.6	0	2.6**	3.9	3.9	3.9	-4.4E-02	-2.6	MF
Real Property	13.8	13.9	12.3	1.6	7.3	7.6	6.3	1.2	-0.4	MM
Securities	5.8	5.9	4.3	1.6	5.8	6.1	4.9	1.2	-0.4	MM
Torts	15.8	16.0	12.3	3.6*	9.1	10.6	4.4	6.2**	2.6	MM
N	3878	3725	153		827	622	205			
<b>***Current Area of Practice Compared with Law School Plan</b>										
Area Main Plan	0.127	0.128	0.112	0.016	0.192	0.206	0.146	0.060	0.044	MM
Area One Plan	0.354	0.361	0.280	0.081**	0.305	0.346	0.171	0.175**	0.094	MM
Area Not in Plan	0.511	0.503	0.592	-0.089**	0.497	0.441	0.683	-0.242**	0.153	FF
N	1391	1266	125		177	136	41			

\* Denotes that the difference in the gender means is significantly different from zero at the 0.1 level.

\* \* Denotes that the difference in the gender means is significantly different from zero at the 0.05 level.

Within a given type of practice and specialty, an attorney may spend more or less of his or her time performing various tasks. Practitioners typically divide into “litigators” and “non-litigators,” but even within these divisions some attorneys may spend more time doing library work, interviewing clients, negotiating or drafting documents. Because the hours requirements of some of these activities, for example litigation, are inconsistent with many women’s family commitments, it is reasonable to suppose that there will be gender differences in the types of activities men and women undertake in the practice of law. The Michigan Alumni survey asks each respondent to report what percent of his or her time the respondent spends in any of twelve different lawyering tasks.<sup>57</sup> The survey also asks what percent of the respondent’s time he or she spends working for the rich, the middle class or the poor and the number of pro bono hours he or she works. Given the men’s and women’s expressed different preferences for money and effecting social change previously discussed, one might reasonably believe that there might be some systematic differences in their work in this regard.

The results of the five year survey with respect to practice activity are reported in table 4.2E while the results with respect to the fifteen year survey are reported in table 4.2F. The five year survey results suggest that the men spend significantly more of their time at work, across the periods 1001 and before and 1996-2000, litigating and socializing at work, while the women consistently spend significantly more of their time interviewing clients. The men report doing significantly more work for the rich in both periods. Unlike with respect to family characteristics, there seems to be some divergence between the genders with respect to activities performed in practice. According to the five year results, over time the men seem to be specializing in litigating and negotiating while the women seem to be specializing in library work, interviewing clients, lobbying, recruiting and “other.” These conclusions hold only weak confirmation in the fifteen year data, although it does seem that the men do significantly more litigating while the women do significantly more library work. In the fifteen year data the women also report doing significantly more drafting in both periods. Most of the other patterns in the five year data are mixed in the fifteen year data. Once again the men report doing more work for the rich, although this result is significant in only the 1996-2000 period. Interestingly the men in this period also report doing significantly more pro bono work than the women.

The Michigan survey also asked the respondents which of the examined practice activities they found most satisfying and which were least satisfying.<sup>58</sup> The results from these questions are reported in tables 4.2G , 4.2I, 4.2H and 4.2J. There are few clear patterns in these results, but the few that emerge suggest that at least some of the observed gender differences in practice activities are consistent with the reported different satisfactions of the examined men and women. Five years out, the men are significantly more satisfied with negotiating and socializing at work, while the women are significantly more satisfied with drafting. Perversely, fifteen years out the men are most satisfied with recruiting, which they don’t get to do, and least satisfied with litigation, which they are significantly more likely to do. In the fifteen year data the women show no consistent pattern of significant preferences between the two periods but they seem to like drafting and to dislike negotiating and socializing at work.

---

<sup>57</sup> This data is reported in variable for survey years

<sup>58</sup> This data is reported in variable for survey years

**TABLE 4.2E: ACTIVITY IN PRACTICE: 5 years out of Law School**

Variable	All Obs <1991	Male <1991	Female <1991	Male-Fem <1991	All Obs 1996-00	Male 1996-00	Female 1996-00	Male-Fem 1996-00	Abs in M/F Diff	in M/F Rel Pos
Library	10.245	10.351	9.967	0.384	10.343	9.564	11.499	-1.935**	1.551	MF
Interview or Counsel Clients	14.969	14.713	15.637	-0.923*	14.104	13.541	14.939	-1.398*	0.475	FF
Litigation	24.282	25.004	22.396	2.607**	28.870	30.759	26.066	4.693**	2.086	MM
Negotiation	8.355	8.416	8.196	0.219	6.882	7.069	6.606	0.463	0.244	MM
Drafting	22.062	21.298	24.059	-2.761**	21.127	20.743	21.698	-0.956	-1.805	FF
Appellate Work	2.603	2.635	2.521	0.114	3.166	3.280	2.995	0.285	0.171	MM
Lobbying	0.719	0.746	0.646	0.101	0.824	0.702	1.005	-0.303	0.202	MF
Administration	4.291	4.346	4.145	0.201	4.575	4.698	4.392	0.307	0.106	MM
Legal Education	5.250	5.218	5.341	-0.123	3.763	3.606	3.998	-0.392**	0.269	FF
Socializing at Work	3.837	3.949	3.547	0.402**	3.691	3.885	3.404	0.481**	0.079	MM
Recruiting	1.981	1.999	1.932	0.067	1.495	1.446	1.567	-0.121	0.054	MF
Other	1.550	1.511	1.651	-0.141	1.164	0.708	1.839	-1.131**	0.99	FF
N	1969	1424	545		1021	610	411			
Working for the Rich	7.048	7.991	4.705	3.286**	5.893	6.349	5.184	1.165*	-2.121	MM
Working for Middle or Poor	10.435	9.778	12.067	-2.289*	11.714	11.531	12.000	-0.469	-1.82	FF
Annual Hours Pro Bono	55.265	55.138	55.576	-0.438	104.570	95.258	118.284	-23.026*	22.588	FF
N	1519	1080	439		983	598	385			

\* Denotes that the difference in the gender means is significantly different from zero at the 0.1 level.

\* \* Denotes that the difference in the gender means is significantly different from zero at the 0.05 level.

**TABLE 4.2F: ACTIVITY IN PRACTICE (PERCENTAGE OF TIME SPENT): 15 years out of Law School**

Variable	All Obs <1991	Male <1991	Female <1991	Male-Fem <1991	All Obs 1996-00	Male 1996-00	Female 1996-00	Male-Fem 1996-00	Abs in M/F Diff	in M/F Rel Pos
Library	6.222	6.077	8.056	-1.979**	5.984	5.761	6.670	-0.909*	-1.07	FF
Interview or Counsel Clients	19.292	19.419	17.680	1.739*	18.577	18.353	19.265	-0.912	-0.827	MF
Litigation	23.866	24.034	21.744	2.290	22.860	24.267	18.535	5.732**	3.442	MM
Negotiation	8.798	8.904	7.456	1.448**	9.827	10.112	8.950	1.162	-0.286	MM
Drafting	18.102	17.911	20.512	-2.601*	18.796	17.620	22.415	-4.795**	2.194	FF
Appellate Work	2.608	2.562	3.192	-0.630	2.604	2.520	2.860	-0.340	-0.29	FF
Lobbying	1.034	1.062	0.680	0.382*	1.299	1.452	0.830	0.622*	0.24	MM
Administration	8.042	7.957	9.112	-1.155	7.681	7.859	7.135	0.724	-0.431	FM
Legal Education	5.460	5.428	5.948	-0.520*	4.845	4.794	5.000	-0.206	-0.314	FF
Socializing at Work	3.091	3.083	3.200	-0.117	3.211	3.385	2.675	0.710**	0.593	FM
Recruiting	1.270	1.266	1.320	-0.054	1.190	1.237	1.045	0.192	0.138	FM
Other	2.238	2.309	1.344	0.965**	3.135	2.623	4.710	-2.087**	1.122	MF
N	1705	1580	125		815	615	200			
Working for the Rich	8.647	8.738	7.678	1.060	6.927	7.390	5.463	1.927*	0.867	MM
Working for Middle or Poor	17.111	16.333	25.314	-8.980**	10.154	10.150	10.168	-0.018	-8.962	FF
Annual Hours Pro Bono	62.490	62.199	65.583	-3.384	47.021	52.477	32.650	19.827**	16.443	FM
N	1338	1223	115		790	600	190			

\* Denotes that the difference in the gender means is significantly different from zero at the 0.1 level.

\* \* Denotes that the difference in the gender means is significantly different from zero at the 0.05 level.

**TABLE 4.2G: MOST SATISFYING ACTIVITY IN PRACTICE: 5 years out of Law School**

Variable	All Obs <1991	Male <1991	Female <1991	Male-Fem <1991	All Obs 1996-00	Male 1996-00	Female 1996-00	Male-Fem 1996-00	Abs in M/F Diff	in M/F Rel Pos
Library	3.8	3.8	3.8	-3.7E-02	3.8	2.6	5.8	-3.2**	3.2	FF
Interview or Counsel Clients	33.0	33.1	32.9	0.2	35.4	35.0	36.1	-1.1	0.9	MF
Litigation	24.3	24.6	23.5	1.1	26.4	27.5	24.9	2.6	1.5	MM
Negotiation	11.9	12.5	10.1	2.5**	7.2	8.0	6.0	2.0	-0.5	MM
Drafting	14.7	12.8	20.2	-7.3**	12.4	10.8	14.9	-4.2**	-3.1	FF
Appellate Work	3.6	4.1	2.3	1.8**	4.0	4.3	3.7	0.6	-1.2	MM
Lobbying	0.4	0.3	0.7	-0.3	0.7	0.9	0.5	0.3	0	FM
Administration	0.9	1.1	0.3	0.8**	0.1	0.2	0	0.2	-0.6	MM
Legal Education	1.8	2.2	0.7	1.6**	0.7	0.9	0.5	0.3	-1.3	MM
Socializing at Work	2.5	2.7	1.8	0.9*	6.7	7.8	5.0	2.9**	2	MM
Recruiting	0.4	0.5	0.3	0.1	0.8	1.0	0.5	0.5	0.4	MM
Other	2.5	2.2	3.5	-1.2*	1.5	1.2	2.1	-0.9	-0.3	FF
N	2358	1753	605		968	586	382			

**TABLE 4.2H: LEAST SATISFYING ACTIVITY IN PRACTICE: 5 years out of Law School**

Variable	All Obs <1991	Male <1991	Female <1991	Male-Fem <1991	All Obs 1996-00	Male 1996-00	Female 1996-00	Male-Fem 1996-00	Abs in M/F Diff	in M/F Rel Pos
Library	20.3	20.9	18.5	2.3	18.1	19.4	16.0	3.5*	1.2	MM
Interview or Counsel Clients	2.8	2.5	3.5	-1.0	1.9	1.8	2.0	-0.1	-0.9	FF
Litigation	17.3	18.7	13.2	5.4**	12.4	13.4	10.9	2.5	-2.9	MM
Negotiation	4.1	3.1	7.2	-4.0**	4.5	4.2	5.0	-0.9	-3.1	FF
Drafting	8.3	7.9	9.4	-1.4	8.6	8.7	8.4	0.3	-1.1	FM
Appellate Work	1.4	1.5	1.1	0.4	1.5	1.1	2.2	-1.2	0.8	MF
Lobbying	0.9	0.8	1.1	-0.3	0.6	0.4	0.8	-0.5	0.2	FF
Administration	33.3	33.1	33.8	-0.6	41.5	42.1	40.6	1.5	0.9	FM
Legal Education	4.7	5.0	3.9	1.2	5.2	4.2	6.7	-2.5*	1.3	MF
Socializing at Work	2.4	2.3	2.6	-0.3	2.1	1.3	3.4	-2.1**	1.8	FF
Recruiting	3.7	3.3	5.0	-1.6*	3.0	2.5	3.6	-1.1	-0.5	FF
Other	0.8	0.8	0.9	-0.1	0.7	0.9	0.3	0.6	0.5	FM
N	2169	1624	545		908	551	357			

\* Denotes that the difference in the gender means is significantly different from zero at the 0.1 level.

\*\* Denotes that the difference in the gender means is significantly different from zero at the 0.05 level.

**TABLE 4.2I: MOST SATISFYING ACTIVITY IN PRACTICE: 15 years out of Law School**

Variable	All Obs <1991	Male <1991	Female <1991	Male-Fem <1991	All Obs 1996-00	Male 1996-00	Female 1996-00	Male-Fem 1996-00	Abs in M/F Diff	in M/F Rel Pos
Library	3.5	3.5	3.2	0.3	2.2	2.1	2.6	-0.5	0.2	MF
Interview or Counsel Clients	37.1	37.5	31.0	6.6*	42.9	42.8	43.5	-0.7	-5.9	MF
Litigation	25.6	25.3	30.2	-4.8	18.4	19.3	15.7	3.6	-1.2	FM
Negotiation	11.7	11.8	10.3	1.4	10.9	11.4	9.4	2.0	0.6	MM
Drafting	11.8	11.6	14.3	-2.7	11.5	10.0	16.2	-6.2**	3.5	FF
Appellate Work	3.5	3.4	4.0	-0.5	3.6	3.4	4.2	-0.7	0.2	FF
Lobbying	0.8	0.8	0	0.8**	1.3	1.4	1.0	0.3	-0.5	MM
Administration	1.0	0.9	2.4	-1.4	0.9	1.2	0	1.2**	-0.2	FM
Legal Education	1.4	1.4	2.4	-1.0	0.6	0.5	1.0	-0.5	-0.5	FF
Socializing at Work	1.0	1.0	0	1.0**	2.9	3.1	2.1	1.0	0	MM
Recruiting	0.4	0.4	0	0.4**	0.4	0.5	0	0.5**	0.1	MM
Other	2.3	2.3	2.4	-0.1	4.3	4.3	4.2	0.1	0	FM
N	2048	1922	126		771	580	191			

**TABLE 4.2J: LEAST SATISFYING ACTIVITY IN PRACTICE: 15 years out of Law School**

Variable	All Obs <1991	Male <1991	Female <1991	Male-Fem <1991	All Obs 1996-00	Male 1996-00	Female 1996-00	Male-Fem 1996-00	Abs in M/F Diff	in M/F Rel Pos
Library	10.8	10.8	10.6	0.2	10.3	9.6	12.5	-2.9	2.7	MF
Interview or Counsel Clients	2.6	2.7	1.8	0.9	1.7	1.3	3.0	-1.7	0.8	MF
Litigation	14.2	14.5	9.7	4.8*	11.8	13.2	7.1	6.1**	1.3	MM
Negotiation	4.2	4.1	6.2	-2.1	3.6	2.8	6.0	-3.1*	1	FF
Drafting	6.8	6.8	6.2	0.6	7.6	7.9	6.5	1.4	0.8	MM
Appellate Work	2.5	2.5	1.8	0.8	1.7	1.3	3.0	-1.7	0.9	MF
Lobbying	2.0	1.9	4.4	-2.6*	1.4	1.3	1.8	-0.5	-2.1	FF
Administration	42.7	42.5	45.1	-2.6	50.9	52.4	46.4	5.9*	3.3	FM
Legal Education	5.8	5.8	6.2	-0.4	4.4	4.3	4.8	-0.4	0	FF
Socializing at Work	2.9	2.8	3.5	-0.7	1.4	0.9	3.0	-2.0*	1.3	FF
Recruiting	4.7	4.7	4.4	0.3	3.2	3.0	3.6	-0.5	0.2	MF
Other	0.8	0.8	0	0.8**	1.9	1.7	2.4	-0.7	-0.1	MF
N	1884	1771	113		697	529	168			

\* Denotes that the difference in the gender means is significantly different from zero at the 0.1 level.

\* \* Denotes that the difference in the gender means is significantly different from zero at the 0.05 level.

## Experience in the Firm and Promotion: “Up or Out,” or “Not Up, but Not Out”

Researchers have also examined lawyers’ experiences in the practice of law with the large majority of these studies focusing on the promotion to partnership in private law firms. An early study by Spurr using law directory data for lawyers who joined firms between 1969 and 1983 found that women had a significantly lower chance of being promoted to partner after controlling for other variables including firm size, experience, law school prestige, and law school honors,<sup>59</sup> although this gender gap in partnership promotion appeared to be declining over time.<sup>60</sup> In their study of Chicago lawyers, Hull and Nelson found that, after controlling for experience, law school background, initial practice setting, and other relevant variables, women in private law firms were only a third as likely to be partners as their male cohorts. However, Hull and Nelson, found that women were significantly more likely to be promoted to senior-level positions in non-firm settings, although the gender effect dipped below statistical significance when the full set of control variables was included in the model.<sup>61</sup> In a previous study using a portion of the Michigan Alumni data from the classes of 1972-85, Noonan and Corcoran found that men were more likely to attain partnership, controlling for race, law school performance, family status, work experience, mentoring relationships, and satisfaction with work-family balance.<sup>62</sup> On an aggregate basis, in 2005, women made up only 17% of law partners nationwide, even though they comprised nearly 30% of the profession overall.<sup>63</sup>

These same researchers have identified a variety of reasons for the gender gap in partnership. In their study of eight large New York law firms, Epstein et al concluded that women have more difficulty achieving partnership because they have fewer contacts to play the “rainmaker” role, less time to devote to client development, and less access to important informal business networks; women also may miss out on good assignments when they become pregnant or take maternity leaves, and women’s aspirations may change as a result of increased family commitments; senior partners are ambivalent about becoming mentors to female attorneys, and formal mentoring programs are a poor substitute for more effective informal mentoring relationships; and sexual harassment and sex discrimination, including perceived client prejudice

---

<sup>59</sup> Spurr, Stephen J. 1990. Sex Discrimination in the Legal Profession: A Study of Promotion. *Industrial and Labor Relations Review* 43: 406-417.

<sup>60</sup> Spurr, Stephen J., and Glenn T. Sueyoshi. 1994. Turnover and Promotion of Lawyers: An inquiry into Gender Differences. *The Journal of Human Resources* 29: 813-42.

<sup>61</sup> Hull, Kathleen E., and Robert L. Nelson. 2000. Assimilation, Choice or Constraint? Testing Theories of Gender Differences in the Careers of Lawyers. *Social Forces* 79: 229-264.

<sup>62</sup> Noonan, Mary C., and Mary E. Corcoran. 2004. The Mommy Track and Partnership: Temporary Delay or Dead End? *The Annals of the American Academy of Political and Social Science* 596: 130-150.

<sup>63</sup> National Association of Law Placement (NALP). 2005. Women and Attorneys of Color Continue to Make Small Gains at Large Law Firms. Accessed 2/1/06 at [www.nalp.org/press/details.php?id=57](http://www.nalp.org/press/details.php?id=57).



against women, also adversely affect women's advancement opportunities.<sup>64</sup> Hull and Nelson found that having children had a positive effect on partnership for lawyers, but experience of work-family constraint reduced women's but not men's partnership probabilities.<sup>65</sup> Similarly, Noonan and Corcoran found that being a parent did not significantly decrease partnership chances for either men or women, however taking time off to care for children had a significant negative effect on partnership attainment, and the effect was larger for men than women.<sup>66</sup> Noonan and Corcoran also found that women were more likely than men to leave law firms before the partnership decision.<sup>67</sup>

The Michigan Alumni Data Set contains information on their alums practice experience. Both the five and fifteen year surveys asked the respondents whether they expected to be in the same practice setting in five years, their reasons they might leave this setting, whether they had a mentor in the firm and the gender of their mentor(s).<sup>68</sup> In the results for the five year survey reported in table 4.3A and the fifteen year survey reported in table 4.3B, we see that the men are significantly more likely to report they expect to be in the same practice setting in five years in both the five and fifteen year survey, but this difference is modestly diminishing over time. The men are significantly more likely to report they might leave for advancement, because they are bored, or to get a new job, while the women are significantly more likely to report that they might leave for family reasons, or for "other reasons" both positive and negative. The association of different reasons for possibly leaving with gender appears to be decreasing over time in the five year survey, before partnership would be granted, but increasing over time in the fifteen year survey after that decision is already made. Women are more likely to report having a mentor than the men, although this difference is only statistically significant for the fifteen year survey in the period 1996-2000. Both the men and the women are more likely to report having a mentor of the same gender, although the female advantage is much greater in this regard, and this difference appears to be growing slightly over time. The data is consistent with the idea that, one reason women may be more likely to report having a mentor than the men, is that senior male attorneys are more likely to mentor both women and men while senior female attorneys focus more on just mentoring women.<sup>69</sup>

---

<sup>64</sup> Epstein, Cynthia F., Robert Saute, Bonnie Oglensky, and Martha Gever. 1995. Report: Glass Ceilings and Open Doors: Women's Placement in the Legal Profession. *Fordham Law Review* 64: 291-449.

<sup>65</sup> Id.

<sup>66</sup> Noonan and Corcoran 2004: 140-1

<sup>67</sup> Noonan and Corcoran 2004

<sup>68</sup> This data is reported in variables for survey years

<sup>69</sup> This insight was suggested by junior male attorneys in our focus groups.

**TABLE 4.3A: PRACTICE ENVIRONMENT: 5 years out of Law School**

Variable	All Obs <1991	Male <1991	Female <1991	Male-Fem <1991	All Obs 1996-00	Male 1996-00	Female 1996-00	Male-Fem 1996-00	Abs in M/F Diff	in M/F Rel Pos
<b>***Same Practice Setting In Five Years</b>										
Same Prac. Setting in 5 yrs?	0.742	0.806	0.565	0.242**	0.488	0.565	0.368	0.198**	-0.044	MM
N	1412	1033	379		945	575	370			
<b>***Reasons for Leaving</b>										
No Opportunity to Advance	6	6.7	4.7	2	10.1	12.2	7.4	4.8**	2.8	MM
Bored	16.9	18.7	13.7	5.0**	28.1	29.4	26.5	2.9	-2.1	MM
Other Negative	29.3	29.2	29.5	-0.3	27.8	23.8	33	-9.3**	9	FF
New Job	21.3	26.6	12	14.6**	19.9	24.8	13.5	11.3**	-3.3	MM
Family	8.3	2.6	18.4	-15.7**	4.7	1.3	9.1	-7.8**	-7.9	FF
Other Positive	18.3	16.3	21.8	-5.5**	9.4	8.6	10.4	-1.9	-3.6	FF
N	652	418	234		533	303	230			
<b>***Whether Mentored?</b>										
Mentored	63.6	63.3	64.3	-1	65.6	64.2	67.5	-3.2	2.2	FF
N	2132	1443	689		1211	716	495			
<b>***Gender of Mentors</b>										
Male	95.9	98.1	91.4	6.8**	90.5	96.7	82	14.7**	7.9	MM
Female	16.7	10.6	29.3	-18.7**	38.8	27.1	55	-27.9**	9.2	FF
N	1351	911	440		791	458	333			

\* Denotes that the difference in the gender means is significantly different from zero at the 0.1 level.

\* \* Denotes that the difference in the gender means is significantly different from zero at the 0.05 level.

**TABLE 4.3B: PRACTICE ENVIRONMENT: 15 years out of Law School**

Variable	All Obs <1991	Male <1991	Female <1991	Male-Fem <1991	All Obs 1996-00	Male 1996-00	Female 1996-00	Male-Fem 1996-00	Abs in M/F Diff	in M/F Rel Pos
<b>***Same Practice Setting In Five Years</b>										
Same Prac. Setting in 5 yrs?	1.284	1.310	1.046	0.265**	1.070	1.130	0.888	0.242**	-0.023	MM
N	1558	1405	153		970	729	241			
<b>***Reasons for Leaving</b>										
No Opportunity to Advance	11.8	11.2	14.9	-3.7	9.7	12.7	3	97**	6	FM
Bored	17.3	18.6	10.6	8.0*	30	32.7	23.9	8.8*	0.8	MM
Other Negative	24.9	25.2	23.4	1.8	16.1	12	25.4	-13.4**	11.6	MF
New Job	26	26.4	23.4	3	26.7	28	23.9	4.1	1.1	MM
Family	1.4	0.4	6.4	-6.0*	5.1	2	11.9	-9.9**	3.9	FF
Other Positive	18.7	18.2	21.3	-3.1	12.4	12.7	11.9	0.7	-2.4	FM
N	289	242	47		217	150	67			
<b>***Whether Mentored?</b>										
Mentored	56.6	56.3	58.9	-2.5	58	56.5	61.8	-5.3*	2.8	FF
N	1678	1498	180		1107	798	309			
<b>***Gender of Mentors</b>										
Male	98	98.8	91.5	7.3**	96.2	98.9	89.7	9.2**	1.9	MM
Female	8.9	6.4	28.3	-21.9**	20.3	13.8	35.9	-22.1**	0.2	FF
N	944	838	106		133	94	39			

\* Denotes that the difference in the gender means is significantly different from zero at the 0.1 level.

\* \* Denotes that the difference in the gender means is significantly different from zero at the 0.05 level.

The position of the respondent in the firm is reported in table 4.3C for the fifteen year survey for the periods before 1992 and from 1996-2000. These results confirm the findings of previous studies that the men are more likely to be partners later in practice, although their advantage in this regard has dropped considerably between the two periods. In the period before 1992, 66.6% of the men in private practice are partners while only 36.8% of the women are partners— a difference of 29.7%, while in the period 1996-2000 the male percentage has dropped to 54.9% while the female percentage has remained almost unchanged at 36.5%—a difference of 18.4%. The women are much more likely than the men to be retained as either associates, and employee or a subcontractor, although this difference also seems to be declining over time. This finding is consistent with the idea that men are more subject to “up or out decisions” while some women adopt or are channeled into non-partnership positions with less hours and less pay to accommodate childcare— in other words “not up, but not out.”<sup>70</sup> Examining partnership rate according to the alum’s family status provides some support for this view—and at least one surprise. In table 4.3D we see that women fifteen years out of law school who have kids and have taken time away from work to do childcare are the significantly less likely to be partners and significantly more likely to be associates, employees or independent contractors, than other women, but women who have kids but who have not taken time off for childcare are more likely to be partners than women who have never had children. This is surprising because, as we have seen, the women who have never had children work significantly more hours than the women who have kids but have not taken time away from work for childcare. (Hypotheses to check on, do these women need the money like the men with kids, are they the primary breadwinners? Are women who try to do both career and family more type “A,” more likely to succeed at everything? Does having kids and NOT taking time away from work signal a strong commitment to the firm that firms are looking for? (Couldn’t not having kids show commitment?)) Among the men in table 4.3E, men with children are also the most likely to be partners followed by men who have never had children and, distantly, by men who have taken time away from work to do childcare. This is not surprising however since men with children work the most hours. Men who take time away from work to do childcare are only slightly over half as likely as women who take time away from work to do childcare to be partners.

---

<sup>70</sup> Cite focus group discussions

**TABLE 4.3C: POSITION IN THE FIRM: 15 years out of Law School**

Variable	All Obs <1991	Male <1991	Female <1991	Male-Fem <1991	All Obs 1996-00	Male 1996-00	Female 1996-00	Male-Fem 1996-00	Abs in M/F Diff	in M/F Rel Pos
Partner	65.4	66.6	36.8	29.7**	50.3	54.9	36.5	18.4**	-11.3	MM
Junior Partner	4	4	3.3	0.7						M0
Associate	2.8	2.7	5.3	-2.6*	3.2	2.6	4.8	-2.2*	-0.4	FF
Solo Practice	14.8	14.8	15.8	-1	6.8	7.3	5.3	2	1	FM
Employee or Subcontractor	13	11.9	38.8	-26.9**	9.8	35.2	53.4	-18.2**	-8.7	FF
N	3917	3765	152		825	617	208			
Not a Partner	12.4	12.4	13.3	-0.9	11.5	11.1	12.3	-1.2	0.3	FF
Not Partner Super Priv't Prac.	0.3	0.3	0.8	-0.5	2.8	2.1	4.3	-2.2**	1.7	FF
Not Partner Large Priv't Prac.	0.4	0.3	0.8	-0.5	1.5	1.3	2	-0.7	0.2	FF
Not Part. Medium Priv't Prac.	0.7	0.7	1.2	-0.5	2	1.9	2.3	-0.5	0	FF
Not Partner Small Priv't Prac.	11	11	10.5	0.6	6.9	7.4	5.7	1.7	1.1	MM
N	5117	4869	248		1045	745	300			

\* Denotes that the difference in the gender means is significantly different from zero at the 0.1 level.

\*\* Denotes that the difference in the gender means is significantly different from zero at the 0.05 level.

**TABLE 4.3D: COMPARISON OF GROUPS OF WOMEN BY FAMILY SITUATION: 15 years out of Law School**

Variable	All Obs 1991-00	Male 1991-00	Female 1991-00	Female Nevr Mar 1991-00	Female Married 1991-00	Female no CC 1991-00	Female CC 1991-00	Female no Kids 1991-00	Female w/ Kids 1991-00	Female no Kids Nevr Mar 1991-00	Female no Kids Married 1991-00
Partner	79	82**	67**	57	68	75**	53**	66	67	55*	74*
Associate	5	4**	08**	13	8	6**	13**	8	8	15	5
Empl'ee or Subcon	6	4**	12**	13	12	11	15	12	13	10	11
Solo Practitioner	10	10	13	17	12	9**	19**	14	12	20	11
N	1212	984	228	23	204	139	88	59	167	20	38

**TABLE 4.3E: COMPARISON OF GROUPS OF MEN BY FAMILY SITUATION: 15 years out of Law School**

Variable	All Obs 1991-00	Male 1991-00	Female 1991-00	Male Nevr Mar 1991-00	Male Married 1991-00	Male no CC 1991-00	Male CC 1991-00	Male no Kids 1991-00	Male w/ Kids 1991-00	Male no Kids Nevr Mar 1991-00	Male no Kids Married 1991-00
Partner	79	82**	67**	72**	83**	83**	29**	75**	83**	73	76
Associate	5	4**	8**	6	4	4	29	6	3	7	5
Empl'ee or Subcon	6	4**	12**	6	4	4	14	5	4	7	4
Solo Practitioner	10	10	13	16*	9*	10	29	14*	9*	13	15
N	1212	984	228	64	914	974	7	160	820	60	95

\* Denotes that the difference in the gender means is significantly different from zero at the 0.1 level.

\*\* Denotes that the difference in the gender means is significantly different from zero at the 0.05 level.

## Where are the Lawyers Who Leave Private Practice Fifteen Years After Law School?

During the early years of their career, both men and women leave private practice and the possibility of partnership for jobs as corporate counsel, government counsel, legal education or outside the practice of law altogether. The studies to date have largely looked only at those attorneys who leave private practice, rather than those who enter private practice after beginning elsewhere, but all of the studies to date agree that women leave private practice, and the practice of law altogether, at a faster rate than men, and for very different reasons. Carson's analysis of 2000 aggregate data suggests that women are more likely to leave the practice of law than men at every stage of their legal career.<sup>71</sup> In their multivariate analysis of lawyers who began their careers in law firms, Hagan and Kay found that men leave the legal profession more slowly than women, although the gender effect disappeared when they controlled for the respondent's hours spent on child care, suggesting that women's faster departure from law is partly driven by child-care responsibilities.<sup>72</sup> Brockman's 1991 survey of inactive members of the Alberta bar provides gender comparisons of reasons for not practicing law<sup>73</sup>. The top reasons given by non-practicing women were demanding hours (73%), stress (61%), lack of flexibility in firm (60%), feeling burnt out (43%), and child care commitments (42%). By contrast, the top reasons cited by comparable men (those called to the bar after 1977) were wanting to use different skills (47%),

---

<sup>71</sup> In 2000, 5% of lawyers were retired or inactive, and women had disproportionate representation across every age category, with the greatest overrepresentation among mid-career lawyers in their 30s and 40s (Carson 2004: 14). For example, women comprised 38% of lawyers age 30-34 and 35% of lawyers age 35-39, but women made up 55% and 56% of the retired or inactive lawyers in these age categories respectively. In Canada, women represent 31% of practicing lawyers but 39% of those who have left the practice of law (Kay and Brockman 2000: 177). Career history data from a 1990 survey of Ontario lawyers shows that women are more likely than men to leave law practice at each step of their career; by their third position after law school, nearly 16% of women have left law compared to 6% of men, and by their fourth position 22% of women are not practicing compared to 12% of men (Hagan and Kay 1995: 113). Note that these data understate the real rate of attrition from the legal profession because they only include lawyers who maintain their license (in the U.S.) or their law society membership (in Canada).

<sup>72</sup> Hagan and Kay 1995: 115-6. In Hagan and Kay's study of Toronto lawyers, more than three quarters of men and women expressed high overall job satisfaction at both waves of the survey, but women were more likely than men to report plans to look for another job in the next year, and much more likely to say they had considered looking for a job that would allow better balance of personal life and work (Hagan and Kay 1995: 169). A multivariate analysis of plans to change jobs among private-practice lawyers revealed that gender remains a significant predictor until income and hours of child care are included in the model, suggesting that women in private practice are more likely to consider changing jobs because of dissatisfaction with earnings and work-family balance (Hagan and Kay 1995: 171).

<sup>73</sup> Brockman, Joan. 1994. Leaving the Practice of Law: the Wherefores and Whys. *Alberta Law Review* 32: 116-180.

adversarial nature of the work (46%), inability to find a job (45%), stress (43%), and demanding hours (40%); only 8% of the men cited child care commitments.<sup>74</sup> An earlier study of lawyers who did not renew their law society membership in British Columbia yielded similar findings: long hours and child care commitments were more relevant considerations for women leaving the practice of law, whereas the opportunity to pursue an opportunity outside of law was more important for men.<sup>75</sup>

**TABLE 4.4: WHERE ARE THE ALUMNI WHO STARTED IN PRIVATE PRACTICE, 15 YEARS LATER?**

Variable	All Obs 1991-00	Male 1991-00	Female 1991-00	Female		
				no Kids 1991-00	w/kids no CC 1991-00	w/kids CC 1991-00
Private Practice	64	69.00**	48.00**	45	53.00**	44.00**
Corp Counsel	13	12	13	17.00*	13	10
Government Prac	4	3.00**	6.00**	13.00**	5	3
Legal Services	0.3	0.2	0.7	0.00**	0.7	1.2
Judge	0.8	0.7	1.2	0.9	2.1	0.6
Teach Law	2	1.00**	5.00**	3.00*	5	6
Other Practice	0.9	0.60**	1.90**	3.6	1.9	0.7
Public Office	0.3	0.3	0.5	1.80*	0	0
Business Non-Prac	5	6.00**	3.00**	2	5.00**	2.00**
Gov't Non-Prac	3	2.00**	4.00**	5	3	4
Other Non-Prac	3	3.00**	5.00**	7	5	3
Parent Non-Prac	3	0.50**	10.90**	0.00**	8.00**	22.00**
Unemployed	4	1.00**	12.00**	4.00**	8.00**	21.00**
N	1750	1328	422	110	146	162

\* Denotes that the difference in the gender means is significantly different from zero at the 0.1 level.

\*\* Denotes that the difference in the gender means is significantly different from zero at the 0.05 level.

**Make a comparable table on lawyers who start elsewhere and ENTER private practice.**

**Tables on those who Leave the practice of law altogether?**

<sup>74</sup> Brockman 1994: 128-33

<sup>75</sup> Brockman, Joan. 1992. "Resistance by the Club" to the Feminization of the Legal Profession. *Canadian Journal of Law and Society* 7: 47-92.

## Job Satisfaction

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

The existing literature offers strong evidence that women enjoy at least the same levels of overall job satisfaction as men, and modest evidence that their satisfaction on average is higher. Surveys conducted by the American Bar Association in 1984 and 1990 found that women reported lower job satisfaction, but the gender differences disappeared after controlling for various job and practice setting characteristics.<sup>76</sup> In their study of Stanford alumni, Taber, et al, found that both male and female graduates expressed a high level of job satisfaction and few expected to change jobs in the near future.<sup>77</sup> Mattesich and Heilman found high overall satisfaction for both women and men among Graduates of the University of Minnesota, although the women had lower levels of satisfaction on opportunities for advancement, opportunities to work with a mentor, and current income, while the men had lower satisfaction with.<sup>78</sup> In their study of University of New Mexico alumni, Teitelbaum, Lopez and Jenkins also found gender parity in overall satisfaction but lower satisfaction for women with the flexibility of their work schedule and hours of work required and lower satisfaction for men with respect to income.<sup>79</sup> The study of Chicago lawyers also found no significant gender differences in overall job satisfaction, although once again women were less satisfied with some specific satisfaction measures while men were less satisfied with others.<sup>80</sup> In a prior study of the Michigan Alumni

---

<sup>76</sup> American Bar Association, Young Lawyers Division (ABA Young Lawyers). 1991. *The State of the Legal Profession, 1990*. Chicago: American Bar Association.; also see Lentz, Bernard F., and Laband, David N. 1995. *Sex Discrimination in the Legal Profession*. Westport (CT): Quorum Books.

<sup>77</sup> Taber et al. 1988: 1245

<sup>78</sup> Mattesich and Heilman 1990: 95-6

<sup>79</sup> Teitelbaum, Lopez and Jenkins 1991: 473-4

<sup>80</sup> Kathleen E. Hull, *The Paradox of the Contented Female Lawyer*, 33 LAW AND SOCIETY REVIEW 687, 691 (1999); also see Heinz, Hull and Harter 1999. Women were less satisfied with their level of responsibility, recognition for work, chances for advancement, policies and



data from the classes 1976-79, Chambers found no gender differences in overall job satisfaction, but women with children were more satisfied with their jobs than childless women and men with or without children.<sup>81</sup> Interestingly, Chambers also found that women with children were the happiest with their work/family balance, while women in general were more satisfied than men in this regard.<sup>82</sup>

The Michigan Alumni survey asks the respondents five and fifteen years out of law school to evaluate their level of overall job satisfaction, and their satisfaction with various aspects of their work. These evaluations are done on a seven point scale from -3 for “very unsatisfied” to +3 for “very satisfied.” During various years the survey has asked about the respondents’ satisfaction with their position’s work/family balance, problem solving aspects, intellectual challenge, prestige, stress, co-workers, control of the job, potential for social change and hours of work.<sup>83</sup> The mean values of the respondents’ answers to these questions for the five year survey are reported in table 4.5A separated by gender and time period, while the mean values for the responses to the fifteen year survey are similarly reported in table 4.5B.

In table 4.5A, we see that although the men five years out of law school express significantly greater overall job satisfaction in the period before 1992, the women five years out hold a small and insignificant overall job satisfaction in the period 1996-2000. The women are significantly happier with their level of job stress and hours of work in the first period, and with their intellectual challenge, prestige and social value of work in the second period. Unfortunately the

---

administration of employer, salary, control over amount of work, and control over manner of work while the men were less satisfied with [again check significance of results and results with respect to men]. A multivariate analysis also revealed that the effect of gender on job context satisfaction disappears after controlling for income and practice setting, suggesting that women’s lower satisfaction with job context factors is a function of their lower income and concentration in less prestigious practice settings (Hull 1999: 694).

<sup>81</sup> David L. Chambers, *Accommodation and Satisfaction: Women and Men Lawyers and the Balance of Work and Family*, 14 *LAW & SOCIAL INQUIRY* 251, 274-6 (1989). See also Richard O. Lempert, David L. Chambers, and Terry K. Adams, *Michigan's Minority Graduates in Practice: The River Runs through Law School*, 25 *LAW & SOCIAL INQUIRY* 395, 486 (2000). Dau-Schmidt and Mukhopadhaya 1999: 360-1.

<sup>82</sup> Chambers 1989. Data from the classes of 1976-79 showed that most women believed they spent more time than their male peers on family, and women were more likely to work part-time or leave law practice to accommodate family responsibilities, yet women were no less satisfied than men with the balance they had struck between work and family life. In fact, five years after law school graduation, 45% of women compared to 39% of men were highly satisfied with their work-family balance and 25% of men but only 18% of women were highly dissatisfied. Chambers 1989: 273. Moreover, women with children were more satisfied with their work-family balance than women without children and men with or without children.

<sup>83</sup> This data is found in variables for the years

Michigan survey did not ask about satisfaction with hours of work in years after , so we do not have this crucial variable for the second period. Beyond overall job satisfaction in the first period, the men do not express significantly greater job satisfaction with any aspect of their work in either periods.

In table 4.5B, we see that the women fifteen years out of law school express greater overall job satisfaction in both time periods, but neither of these differences is statistically significant. The women fifteen years out of law school are significantly happier with their level of job stress, social value of work and impact on social change in the period before 1992, and with their work family balance, job stress, social value of work, co-workers and control on the job in the period 1996-2000. Unfortunately, once again, a representation of satisfaction with the hours of work is unavailable in the second period. The men fifteen years out express significantly greater satisfaction with their income in both periods, but do not express significantly greater satisfaction with any other aspect of their job in either period.

To separate the impact of gender on job satisfaction from that of other variables, we estimated regressions 3-6. These regression equations estimate the respondent's overall job satisfaction as a function of income, years of practice, hours of work, job stress, satisfaction with the family, satisfaction with work/family balance, city size, region, type of practice or job, whether the respondent is a partner, gender, race and ethnicity. Regression 3 reports the results for the data from the five year survey in the period before 1992, while regression 4 reports the results for the data from the five year survey in the period from 1996-2000, regression 5 reports the results for the data from the fifteen year survey in the period before 1992 and regression 6 reports the results for the data from the fifteen year survey in the period from 1996-2000. In all four of these regressions the coefficient for female is positive, indicating that women enjoy greater job satisfaction than men after controlling for the examined variables, although this result is statistically significant only in the fifteen year data. In both of the regressions the fifteen year data the women are approximately a fifth of a point or \_\_\_ of a standard deviation more satisfied than similarly situated men which, assuming a standard normal distribution, translates to the average woman being \_\_\_percentile happier at the mean.

**TABLE 4.5A: WORK SATISFACTION: 5 years out of Law School**

Variable	All Obs <1991	Male <1991	Female <1991	Male-Fem <1991	All Obs 1996-00	Male 1996-00	Female 1996-00	Male-Fem 1996-00	Abs in M/F Diff	in M/F Rel Pos
Job Satisfaction Overall	1.340	1.356	1.292	0.064*	1.189	1.165	1.225	-0.059	-0.005	MF
N	3045	2268	777		1174	707	467			
Work Family Balance	0.565	0.561	0.576	-0.015	0.235	0.221	0.255	-0.034	0.019	FF
Income	1.304	1.304	1.305	-0.001	1.150	1.195	1.082	0.113	0.112	FM
Problem Solving	1.737	1.735	1.741	-0.006	1.726	1.717	1.740	-0.023	0.017	FF
Intellectual Challenge	1.469	1.452	1.517	-0.065	1.335	1.271	1.431	-0.159**	0.094	FF
Prestige	1.298	1.291	1.317	-0.027	1.206	1.117	1.338	-0.220**	0.193	FF
N	2730	2015	715		1163	698	465			
Job Stress	-1.065	-1.037	-1.134	-0.097*	-0.890	-0.858	-0.938	0.079	-0.018	FM
Social Value of Work	0.416	0.409	0.435	-0.025	0.486	0.403	0.611	-0.209**	0.184	FF
Co-workers	1.560	1.546	1.595	-0.050	1.538	1.506	1.586	-0.080	0.03	FF
N	1711	1217	494		1165	701	464			
Control on the Job	1.017	1.028	0.992	0.036	0.942	0.938	0.947	-0.009	-0.027	MF
N	1243	868	375		1184	710	474			
Social Change	-0.215	-0.217	-0.204	-0.013						F0
N	1016	791	225							
Hours of Work	0.440	0.327	0.779	-0.452**						F0
N	486	364	122							

\* Denotes that the difference in the gender means is significantly different from zero at the 0.1 level.

\* \* Denotes that the difference in the gender means is significantly different from zero at the 0.05 level.

**TABLE 4.5B: WORK SATISFACTION: 15 years out of Law School**

Variable	All Obs <1991	Male <1991	Female <1991	Male-Fem <1991	All Obs 1996-00	Male 1996-00	Female 1996-00	Male-Fem 1996-00	Abs in M/F Diff	in M/F Rel Pos
Job Satisfaction Overall	1.626	1.621	1.677	-0.055	1.501	1.501	1.504	-0.003	-0.052	FF
N	2591	2393	198		1053	777	276			
Work Family Balance	1.064	1.064	1.068	-0.004	0.719	0.668	0.849	-0.181*	0.177	FF
Income	1.275	1.307	0.889	0.417**	1.298	1.356	1.133	0.224**	-0.193	MM
Problem Solving	2.072	2.079	1.990	0.089	2.000	2.008	1.978	0.030	-0.059	MM
Intellectual Challenge	1.706	1.707	1.697	0.010	1.641	1.651	1.615	0.035	0.025	MM
Prestige	1.505	1.499	1.582	-0.083	1.243	1.232	1.274	-0.042	-0.041	FF
N	2563	2369	194		1033	762	271			
Job Stress	-0.898	-0.932	-0.617	-0.315**	0.045	-0.070	0.349	-0.419**	0.104	FF
Social Value of Work	0.940	0.911	1.193	-0.282**	0.880	0.838	0.996	-0.158*	-0.124	FF
Co-workers	1.653	1.656	1.625	0.031	1.606	1.571	1.707	-0.136*	0.105	MF
N	1629	1461	168		1026	760	266			
Control on the Job	1.497	1.506	1.427	0.080	1.526	1.495	1.614	-0.119*	0.039	MF
N	1268	1118	150		1064	784	280			
Social Change	0.241	0.227	0.720	-0.493*					-0.493	F0
N	898	873	25							
Hours of Work	0.980	0.973	1.080	-0.107					-0.107	F0
N	393	368	25							

\* Denotes that the difference in the gender means is significantly different from zero at the 0.1 level.

\*\* Denotes that the difference in the gender means is significantly different from zero at the 0.05 level.

Regressions with “Overall Job Satisfaction” (-3 to +3) as the Dependent Variable	Regression 3 Survey Years <=1991 Five Years Out		Regression 4 Survey Years 1994-2000 Five Years Out	
	Independent Variables	Coefficient (* signif at 0.1 level, ** signif at 0.05 level)	Signif. P >   t	Coefficient (* signif at 0.1 level, ** signif at 0.05 level)
Real Income (2004 dollars)	0.002533	0.027	0.002796	0.019
Years of Practice	0.28552	0.162	-0.22291	0.204
Years of Practice Squared	-0.03096	0.264	0.033763	0.144
Annual Hours of Work	0.001086	0.111	0.001589	0.035
Annual Hours of Work Squared	-1.11E-07	0.350	-2.11E-07	0.121
Job Stress	0.031647	0.307	0.061104	0.069
Satisfaction with Family	0.100609	0.000	0.050139	0.085
Satisfaction Work/Family Balance	0.270299	0.000	0.304804	0.000
Law School GPA	0.041399	0.662	0.26629	0.017
City Work Medium (125k-500k)	0.049636	0.511	0.085151	0.271
City Work Small (<125K)	0.120696	0.283	0.146632	0.184
Region East	-0.13229	0.123	-0.01793	0.840
Region West Coast	-0.0916	0.346	0.116536	0.244
Region Southeast	-0.08662	0.359	0.470642	0.000
Region West	0.101933	0.550	-0.00815	0.954
Private Practice Large (51-150)	-0.03846	0.705	0.099239	0.359
Private Practice Medium (16-50)	-0.06461	0.595	0.183954	0.168
Private Practice Small (1-15)	0.083309	0.473	0.218343	0.074
Corporate Counsel	-0.07599	0.605	0.249441	0.036
Government Practice	0.440595	0.001	0.382699	0.012
Legal Services	0.856414	0.000	0.902965	0.000
Judge	-----	-----	-0.24380	0.146
Teach Law	0.750857	0.000	0.626608	0.031
Other Practice	0.522374	0.260	0.086885	0.843
Non-Practice	0.366272	0.020	0.365736	0.010
Female	0.023626	0.757	0.092993	0.197
Black	-0.02502	0.873	-0.21597	0.241
Asian	-0.60372	0.160	0.031846	0.858
Hispanic	-0.24571	0.268	0.011133	0.945
Constant	-2.14476	0.040	-2.76604	0.014
Regression Summary Statistics	Number of obs = 1017 F ( 28, 988) = 14.35 Prob > F = 0.0000 R-squared = 0.2514 Root MSE = .99429		Number of obs = 1021 F ( 29 , 991 ) = 23.00 Prob > F = 0.0000 R-squared = 0.2774 Root MSE = 1.0431	

Regressions with “Overall Job Satisfaction” (-3 to +3) as the Dependent Variable	Regression 5 Survey Years <=1991 Fifteen Years Out		Regression 6 Survey Years 1994-2000 Fifteen Years Out	
	Independent Variables	Coefficient (* signif at 0.1 level, ** signif at 0.05 level)	Signif. P >   t	Coefficient (* signif at 0.1 level, ** signif at 0.05 level)
Real Income (2004 dollars)	0.001945	0.000	0.0016677	0.000
Years of Practice	-0.00103	0.987	-0.056419	0.419
Years of Practice Squared	2.04E-05	0.995	0.0033165	0.328
Annual Hours of Work	0.002588	0.000	0.0016435	0.02
Annual Hours of Work Squared	-3.98E-07	0.001	-2.44E-07	0.058
Job Stress	0.087532	0.001	0.0618906	0.008
Satisfaction with Family	0.11128	0.000	0.1372739	0.000
Satisfaction Work/Family Balance	0.235271	0.000	0.2597995	0.000
Law School GPA	0.057575	0.484	0.1578252	0.097
City Work Medium (125k-500k)	0.017446	0.790	0.1315436	0.067
City Work Small (<125K)	0.038092	0.657	0.044101	0.661
Region East	-0.09157	0.240	0.0839337	0.255
Region West Coast	0.012917	0.880	0.0329167	0.749
Region Southeast	-0.00957	0.923	-0.061263	0.615
Region West	-0.03411	0.813	0.0182223	0.915
Private Practice Large (51-150)	-0.02962	0.797	-0.078828	0.489
Private Practice Medium (16-50)	0.065945	0.580	-0.092794	0.441
Private Practice Small (1-15)	0.295894	0.006	0.100522	0.416
Not a Partner	-0.10831	0.333	-0.360929	0.007
Corporate Counsel	-0.02560	0.846	0.0527613	0.639
Government Practice	0.016024	0.918	0.1731884	0.250
Legal Services	0.521528	0.022	0.4647501	0.163
Judge	0.338733	0.084	0.394658	0.127
Teach Law	0.642904	0.000	0.5249557	0.017
Other Practice	0.447526	0.065	-0.036891	0.911
Non-Practice	0.353997	0.009	0.2060147	0.171
Female	0.192204	0.049	0.1967178	0.015
Black	0.146425	0.282	0.0716055	0.718
Asian	-----	-----	0.4666513	0.067
Hispanic	0.539473	0.168	0.5312585	0.011
Constant	-3.40691	0.000	-2.286636	0.028
Regression Summary Statistics	Number of obs = 1028		Number of obs = 1013	
	F (29 , 998) = 12.08		F (30 , 982) = 12.38	
	Prob > F = 0.0000		Prob > F = 0.0000	
	R-squared = 0.2879		R-squared = 0.2819	
	Root MSE = .88464		Root MSE = .97768	

## Income

Given the gender differences in age, hours of work, childcare responsibilities, type of practice and partnership, it is not surprising that female lawyers make less money, on average, than male lawyers. This fact is well established in the empirical literature and is readily apparent in the Michigan Data.<sup>84</sup> Research on gender differences in compensation within the legal profession generally seeks to determine whether the gender gap in pay is attributable to differences in male and female lawyers' saleable assets such as hours of work, level of experience and other characteristics that might reasonably be expected to influence earnings, or due to differences in pay between men and women for the same assets, which is generally attributed to discrimination. In order to evaluate the extent to which gender differences in pay are due to differences in assets or payments for those assets, studies generally use regression analysis, or the slightly more complex decomposition technique, to separate these two effects. After examining the compensation gap between men and women that exists in the Michigan Data Set and how it has changed over time, we will present both regression and decomposition analyses.

### *The Male/Female Income Gap*

All studies that have examined the question have found that, on average, women lawyers have significantly lower incomes than male lawyers. According to U.S. Census data for 1999, median earnings of female lawyers were 73% of the median earnings of male lawyers.<sup>85</sup> Typically, studies that examine average earnings find that women's incomes in the legal profession are 60-70% that of men's.<sup>86</sup>

The results from the five and fifteen year Michigan surveys for the periods before 1992 and 1996-2000 are reported in tables 4.6A and 4.6B. In these tables we report averages for the respondent's usual hourly fee (if they report one), income the first year after law school, annual income, and average wage (annual income divided by hours worked). The hourly fee or wage figures are reported in 2004 dollars, while the average income figures are reported in 1000's of 2004 dollars. The figures suggest that the men hold a modest advantage in income and wages right out of law school, although that advantage seems to be diminishing over time, while the men hold much more significant advantages in wages and income fifteen years out of law school, and that advantage seems to be growing over time. In the five year survey, the women report first year earnings that are approximately 95% that of the men in both the early and more current periods, and hourly fees and wages that are not significantly different from the men's,

---

<sup>84</sup> See infra .

<sup>85</sup> Daniel H. Weinberg, Evidence from Census 2000 About Earnings by Detailed Occupation for Men and Women, U.S. Census Bureau, Table 5 (2004)

<sup>86</sup> Dixon and Seron 1995; Huang, Wynn R. 1997. Gender Differences in the Earnings of Lawyers. *Columbia Journal of Law and Social Problems* 30: 267-325. Robson, Karen, and Jean E. Wallace. 2001. Gendered Inequalities in Earnings: A Study of Canadian Lawyers. *Canadian Review of Sociology and Anthropology* 38: 75-95.

except with respect to the first period averages of hourly fees. With respect to current annual income, the five year survey shows that, on average, the women earn significantly less in both periods, but their income as a percent of the men's increases over the examined periods from 86% to 91%. In the fifteen year survey, the women report first year earnings that are approximately 94% and 100% that of the men, respectively, in the early and current periods, and hourly fees and wages that are significantly less than the men's, except with respect to the first period averages of hourly fees. With respect to current annual income, the fifteen year survey shows that, on average, the women earn significantly less in both periods, and their income as a percent of the men's decreases over the examined periods from 60% to approximately 58%. The average annual incomes for male and female attorneys fifteen years out of law school are presented in Graphs 5 and 6, along with fitted trend lines, for all practicing alumni in Graph 5, and just those in private practice in Graph 6. The trend lines evince this modest growth in the income gap between men and women over time.



**TABLE 4.6A: WAGES AND INCOME: 5 years out of Law School**

Variable	All Obs <1991	Male <1991	Female <1991	Male-Fem <1991	All Obs 1996-00	Male 1996-00	Female 1996-00	Male-Fem 1996-00	Abs in M/F Diff	in M/F Rel Pos
<b>***Income</b>										
Usual Hourly Fee	183.872	184.897	180.425	4.472*	197.951	198.736	196.406	2.330	-2.142	MM
N	1378	1062	316		671	445	226			
Real Income 1st Year After LS	64.062	65.134	61.670	3.464**	69.545	71.036	67.366	3.670**	0.206	MM
N	1250	863	387		1179	700	479			
Real Income Principle Job	90.843	94.696	81.682	13.014**	97.995	101.632	92.523	9.109**	-3.905	MM
N	1709	1203	506		1142	686	456			
<b>***Average Real Wage</b>										
Average Real Wage	36.386	36.728	35.537	1.192	39.260	39.628	38.706	0.921	-0.271	MM
N	1630	1162	468		1098	660	438			

\* Denotes that the difference in the gender means is significantly different from zero at the 0.1 level.

\* \* Denotes that the difference in the gender means is significantly different from zero at the 0.05 level.

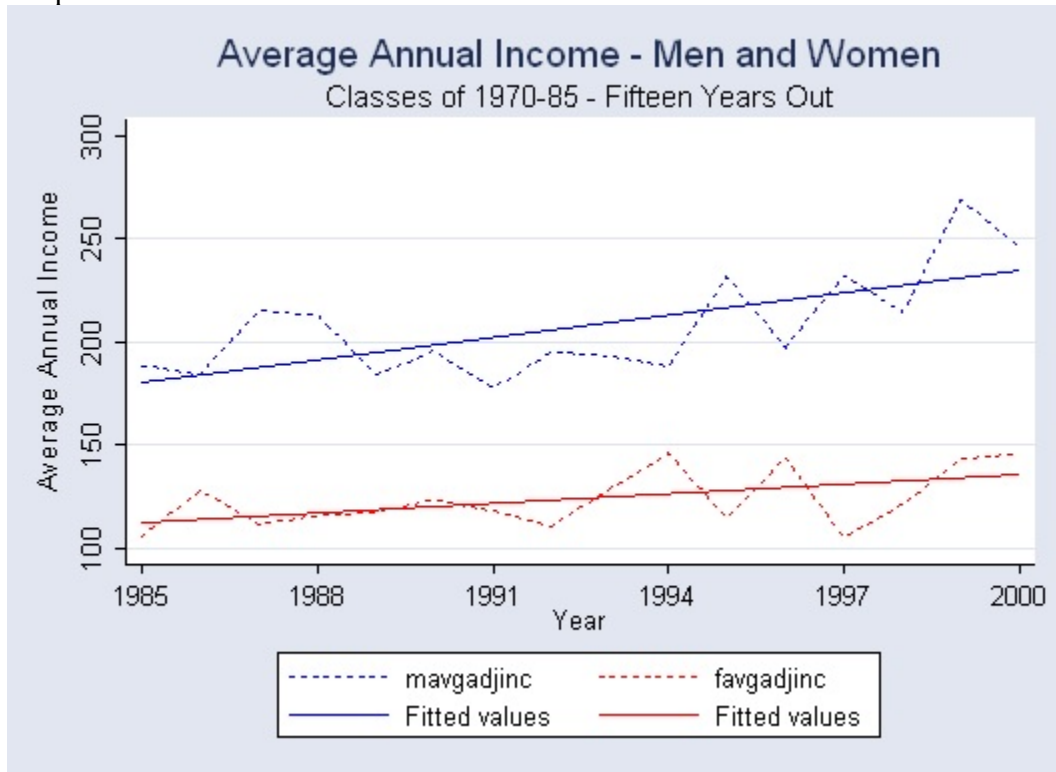
**TABLE 4.6B: WAGES AND INCOME: 15 years out of Law School**

Variable	All Obs <1991	Male <1991	Female <1991	Male-Fem <1991	All Obs 1996-00	Male 1996-00	Female 1996-00	Male-Fem 1996-00	Abs in M/F Diff	in M/F Rel Pos
<b>***Income</b>										
Usual Hourly Fee	224.659	225.186	215.665	9.522	259.242	264.627	239.000	25.628**	16.106	MM
N	1355	1280	75		552	436	116			
Real Income 1st Year After LS	59.227	59.654	56.093	3.561**	64.786	64.708	64.993	-0.286	-3.275	MF
N	1265	1113	152		1049	761	288			
Real Income Principle Job	188.189	196.643	118.587	78.056**	203.336	229.529	132.170	97.359**	19.303	MM
N	1588	1416	172		985	720	265			
<b>***Average Real Wage</b>										
Average Real Wage	75.746	78.029	55.548	22.481**	85.925	92.572	66.596	25.976**	3.495	MM
N	1546	1389	157		934	695	239			

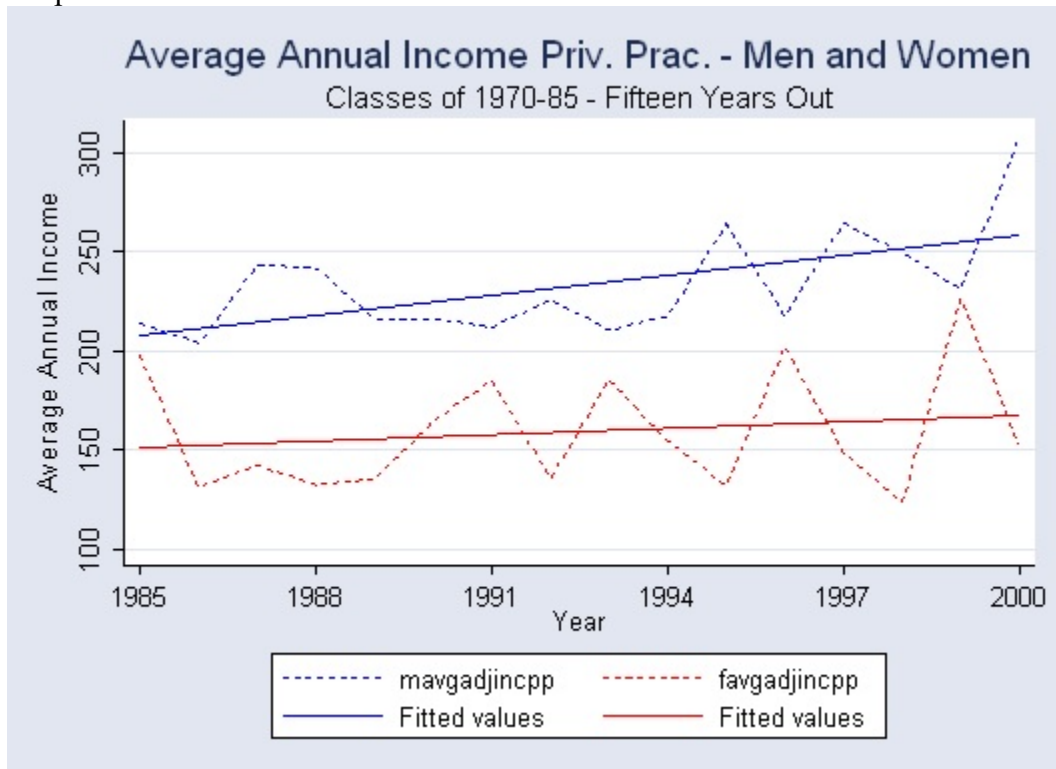
\* Denotes that the difference in the gender means is significantly different from zero at the 0.1 level.

\* \* Denotes that the difference in the gender means is significantly different from zero at the 0.05 level.

Graph 5



Graph 6



## *Regression Analysis*

To examine what part of the income gender gap is explainable by differences in hours worked, experience, and other characteristics, and what part is an unexplained association with gender, empirical studies usually use regression analysis.

To date, most studies that have use regression analysis to examine the question have concluded that, although some of the gender gap in pay is due to differences in proffered assets of men and women, significant portions of the observed differences are due to different payments for the same assets – or discrimination. In their analysis of a random sample of New York City lawyers, Dixon and Seron found that male lawyers earned more than females after controlling for gender differences in law school background, experience, family background and current family status, and occupational sector (government, corporate, or private practice).<sup>87</sup> Further, the study suggested that human capital and family status variables had differential effects on earnings for men and women within occupational sectors. In private practice, men benefitted from the prestige of their law school, while women did not, and married men and men with children earned more, while women with children earned less. Huang's study of data from the classes of 1970, 1980 and 1985 at four law schools likewise found that men and women were differentially rewarded for the same law school background; this study also found that married men earned more, age increased men's earnings but decreased women's earnings and that women incurred a larger earnings penalty than men for part-time work.<sup>88</sup> Huang also found that, women receiving a significantly smaller earnings benefit from being a partner, and overall, the unexplained proportion of the gender wage gap (typically attributed to discrimination) was higher in private practice than in other legal settings, and grew larger with time out of law school.<sup>89</sup> However, there have been a few studies that have found no significant difference in the incomes of male and female lawyers after accounting for differences in hours, experience and other personal characteristics. In their examination of 1994 survey data on lawyers in a western Canadian city, Robson and Wallace found that women earned 62% of what men earned, but that the effect of gender on pay was not significant after controlling for law school background, family characteristics, work hours, experience, mentoring relationships, and work motivation.<sup>90</sup> Similarly, in their comprehensive study of Chicago lawyers using 1995 survey data, Heinz et al found that gender did not have a significant effect on income after controlling for law school background, experience, client

---

<sup>87</sup> Dixon and Seron 1995

<sup>88</sup> Huang, Wynn R. 1997. Gender Differences in the Earnings of Lawyers. *Columbia Journal of Law and Social Problems* 30: 267-325.

<sup>89</sup> Huang 1997, at

<sup>90</sup> Robson, Karen, and Jean E. Wallace. 2001. Gendered Inequalities in Earnings: A Study of Canadian Lawyers. *Canadian Review of Sociology and Anthropology* 38: 75-95.

type, hierarchical position and practice setting.<sup>91</sup>

The Michigan Alumni data set provides a unique opportunity to test the impact of a variety of characteristics that may be associated gender on income, that have not been previously explored in the literature. As previously presented in this article, the Data set contains information on a wide array of characteristics including years of practice, hours of work, law school GPA, size of city worked in, region of work, type of practice or job, whether the respondent was a partner, gender, race, ethnicity, marital status, family characteristics, previous childcare, personal characteristics such as desiring money or being compassionate, area of practice specialty and percent of time spent doing particular types of practice activities. In an effort to “let the data determine the model,” we estimated the natural log of the respondents’ real income in 2004 dollars as a function of 74 variables,<sup>92</sup> and then, one by one, dropped the least significant variable until only a basic labor supply model of annual hours years of practice, region east, region west coast, race, ethnicity and statistically significant variables remained. Following common practice in the labor supply literature, we used the natural log of real income as the dependent variable because income distributions are generally skewed, and by undertaking the monotonic transformation of taking the natural log we can examine a variable that better fits the assumptions of the linear regression model so that it produces unbiased estimates. The resulting 30 variable regression is reported as regression 7 below.

Regression 7 is interesting in and of itself because it suggests that many aspects of a person’s character or position have a significant influence on income, including law school GPA, city and region variables, type of practice, partnership, previous months spent doing childcare, personal characteristics (compulsiveness+, desire for money+, confidence+ and compassion-), practice specialty (Criminal-, Domestic Relations-, Income Tax+, Insurance+ and International Trade+) and practice activity (library work-, negotiations+ and recruiting+). As we have seen, several of the characteristics that decrease income seem to be significantly associated with women lawyers (government practice, legal services work, “other” practice, non-practice, not being a partner, months of prior childcare rather than work, being compassionate, specializing in domestic relations and doing library work) while only one that increases income is significantly associated with

---

<sup>91</sup> JOHN P. HEINZ, ROBERT L. NELSON, REBECCA L. SANDEFUR, AND EDWARD O. LAUMANN. URBAN LAWYERS: THE NEW SOCIAL STRUCTURE OF THE BAR, Table 7.2 (2005).

<sup>92</sup> These variables included: yrsofprac, yrlyhrsofwk, lsgpa, citymedwork, citysmlwork, regeast, regwestcoast, regsoutheast, regwest, privpraclrg, privpracmed, privpracsm, ntpart, corpcounsel, govtprac, legalserv, lawteach, otherprac, nonpractice, black, hispanic, marriednow, cohabitnow, kidslivnow, adjspinc, adjothinc, somechldcaremos, aggressive, compulsivwk, desireformoney, confidence, dealmaker, effectivwriter, socimpact, honest, compassion, liberalnow, politicalact, religiousact, charitableact, otheract, spladmin, splantitr, splbank, spldbtcr, splcvlrts, splcommuni, splcorp, splcrim, spldomrel, splcemplbn, splenergy, splenviron, spllestatax, splmunicipal, splimmigr, splinctax, splinsur, splintrade, spellabor, splcpatent, splrealprop, splsecur, splctorts, pctlibrary, pctnegotiat, pctdraft, pctappeal, pctlobby, pctoffadm, pctlegaled, pctsocowrk, pctrecruit, pctother.

women (being compulsive about work). Several of the characteristics significantly associated with men seem to increase income (law school grades, desiring money, confidence, specializing in income tax) while men seem to have avoided being significantly associated with any characteristic that tends to decrease income. There is some movement between the genders with respect to these characteristics over time, but it is not obvious that this movement has a consistent direction in favor of men or women.

In regressions 8 and 9, we add various dummy variables related to gender to test the direct significance of gender on income. In regression 8 we add merely a simple dummy variable which is one if the respondent is female and zero if he is male. In regression 9 we use three dummy variables to divide the female population according to their family circumstance and whether they have taken time away from work to do childcare. The first dummy variable is one if the respondent is a woman with no kids and zero otherwise, the second dummy variable is one if the respondent is a female with kids who has not taken time away from work to do childcare and zero otherwise, and the third dummy variable is one if the respondent is a female who has worked part-time or not worked outside the home to do childcare and zero otherwise. The results of regression 8 suggest that, after accounting for differences in all of the included variables, the natural log of real annual income in 1000's of 2004 dollars is 0.058 lower for women (or approximately \$10,625 a year lower at the population mean of \$188,189), but that this difference is just shy of statistical significance. However, in regression 9, we see that, breaking the female respondents down into three populations, women without kids are only 0.020 lower (approximately \$3,736 annually at the mean) and women with kids who do not take time away from work for childcare are only 0.006 lower (approximately \$1,094 annually at the mean), neither of which is statistically significant, but that women who have kids and who have taken time away from work to do childcare are 0.086 lower (approximately \$15,542 annually at the mean) and this is statistically significant at the 0.026 level. These results are particularly interesting because the regression contains several characteristics that increase income that are not associated with women who have done childcare, such as hours worked, and other characteristics that decrease income that would be associated with them, such as compassion and months of childcare. The results suggest that there is a cumulative effect of time away from work to do childcare that is not adequately represented in the other variables and that is not suffered by women who do not have kids or who do not take time away from work for childcare.

Regressions In "Income" (in 2004 \$) as Dependent Var	Regression 7 Survey Years 1994-2000 Fifteen Years Out		Regression 8 Survey Years 1994-2000 Fifteen Years Out		Regression 9 Survey Years 1994-2000 Fifteen Years Out	
Independent Variables	Coefficient (* sig at 0.1 level, ** sig at 0.05 lev)	Signif. P >   t	Coefficient (* sig at 0.1 levl, ** sig at 0.05 lev)	Signif. P >   t	Coefficient (* sig at 0.1 levl, ** sig at 0.05 lev)	Signif. P >   t
Years Practice	0.012014	0.234	0.011554	0.253	0.012642	0.219
Annual Hrs Wk	6.69E-05	0.144	6.43E-05	0.161	6.17E-05	0.182
LS GPA	0.181546	0.000	0.181032	0.000	0.183343	0.000
City Wk Med	-0.13907	0.000	-0.13928	0.000	-0.14082	0.000
City Wk Smll	-0.21073	0.000	-0.21109	0.000	-0.21930	0.000
Region East	0.055557	0.095	0.056915	0.086	0.059738	0.071
Region W Coast	0.150495	0.001	0.149569	0.001	0.147458	0.001
Priv Prac Med	-0.12849	0.002	-0.12781	0.003	-0.13144	0.002
Priv Prac Sml	-0.27263	0.000	-0.27542	0.000	-0.26738	0.000
Not Partner	-0.2661	0.000	-0.26674	0.000	-0.26593	0.000
Corp Counsel	-0.30395	0.000	-0.30021	0.000	-0.29769	0.000
Govt Practice	-0.6571	0.000	-0.65331	0.000	-0.64896	0.000
Legal Services	-0.76428	0.000	-0.76814	0.000	-0.75968	0.000
Other Practice	-0.55332	0.000	-0.53545	0.000	-0.53253	0.000
Non-Practice	-0.37099	0.000	-0.37251	0.000	-0.37223	0.000
Female	-----	-----	-0.05812	0.121	-----	-----
Female No Kids	-----	-----	-----	-----	-0.02046	0.680
Fem Kids No CC	-----	-----	-----	-----	-0.00583	0.754
Fem Kids CC	-----	-----	-----	-----	-0.08620	0.026
Black	0.118609	0.150	0.127502	0.122	0.124283	0.136
Hispanic	-0.14484	0.362	-0.14016	0.368	-0.13676	0.362
Childcare Mos	-0.00321	0.038	-0.00254	0.098	-0.00033	0.853
Compulsive	0.038039	0.003	0.039012	0.003	0.038088	0.003
Desire Money	0.06849	0.000	0.065901	0.000	0.069488	0.000
Confidence	0.025125	0.035	0.02494	0.037	0.025832	0.031
Compassion	-0.03025	0.010	-0.02909	0.013	-0.02721	0.021
Spcl Criminal	-0.13437	0.044	-0.13000	0.049	-0.13050	0.047
Spcl Dom Rel	-0.47169	0.002	-0.45365	0.003	-0.45203	0.002
Spcl Inc Tax	0.134129	0.077	0.128892	0.09	0.147694	0.060
Spcl Insurance	0.160469	0.053	0.168627	0.039	0.173746	0.033
Spcl Intl Trade	0.258047	0.014	0.254172	0.014	0.250057	0.042
Pct Library	-0.01403	0.000	-0.01388	0.000	-0.01404	0.000
Pct Negotiat	0.003398	0.010	0.003376	0.011	0.003326	0.013
Pct Recruit	0.015084	0.012	0.014901	0.012	0.014703	0.014
Constant	4.547767	0.000	4.569004	0.000	4.549203	0.000
Regression Summary Statistics	Number of obs = 847 F (31, 815) = 39.98 Prob > F = 0.0000 R-squared = 0.5307 Root MSE = .40018		Number of obs = 847 F (31, 815) = 39.15 Prob > F = 0.0000 R-squared = 0.5321 Root MSE = .39983		Number of obs = 842 F( 33, 808) = 34.99 Prob > F = 0.0000 R-squared = 0.5322 Root MSE = .39984	

### *Decomposition Analysis*

The best way to examine the impact of different characteristics and different payments for the same characteristics associated with gender, is to perform separate regressions and mean calculations for men and women and “decompose” the mean difference in male and female incomes into its component parts.<sup>93</sup> This decomposition is possible because it is a property of ordinary least squares regression that the regression line passes through the mean values of the variables. If one estimates separate regression equations and men as for men and women, the difference in the mean value of income between men and women can be represented as:

$$I_m^* - I_f^* = b_m X_m^* - b_f X_f^* \quad (1)$$

where  $I_m^*$  is the mean male income,  $I_f^*$  is the mean female income,  $b_m$  is the estimated vector of coefficients for the male regression equation,  $X_m^*$  is the vector of mean values for the independent variables for the male equation,  $b_f$  is the estimated vector of coefficients for the female regression equation, and  $X_f^*$  is the vector of mean values for the independent variables for the female equation. Subtracting and adding  $b_m X_f^*$  to the right hand side of equation 1 and rearranging terms we see that the difference in the mean values of income between males and females can be represented as follows:

$$I_m^* - I_f^* = b_m(X_m^* - X_f^*) + (b_m - b_f)X_f^* \quad (2)$$

where  $b_m(X_m^* - X_f^*)$  is the portion of the difference in the mean values of income attributable to differences in the mean value of the independent variables between men and women, and  $(b_m - b_f)X_f^*$  is the portion of the difference in the mean values of income attributable to differences in how men and women are compensated for their characteristics. Although the respondents may experience discrimination in attaining certain characteristics, labor economists generally interpret the second portion, that due to different levels of compensation for the same characteristics, as the clearest measure of discrimination.

There are several prior studies that have undertaken a decomposition analysis of the difference in male and female attorney incomes, a few using the University of Michigan Alumni Data. In one of the best early studies, Wood, Corcoran and Courant found that for the classes of 1972-75 fifteen years out of law school, the women on average earned about 60% of what men earned, and that 67.5% of this difference was attributable to differences in demographic and family characteristics, law school background, experience, hours worked, and practice setting, while 32.5% of it was unexplained.<sup>94</sup> Nearly half (41%) of the overall earnings gap was attributable to variables that might be considered measures of women’s greater family responsibilities, including women’s shorter work hours, and higher months working part-time or on leave to care for children. Dau-Schmidt and Mukhopadhyaya examined earnings data

---

<sup>93</sup> Morley Gunderson, *Male-Female Wage Differentials and Policy Responses*, 27 J. ECON. LIT. 46 (1989)

<sup>94</sup> (Wood, Corcoran and Courant 1993) See also (Noonan, Corcoran and Courant 2003)

from the 5-year survey of the classes of 1987-91 and the 15-year survey of the classes of 1977-81 and found that gender had a significant effect on earnings in the 15-year but not the 5-year survey data after controlling for race, law school grades, experience, work effort, practice setting and practice location (city size).<sup>95</sup> In the 15-year sample, Dau-Schmidt and Mukhopadhaya found that the “average” male made approximately \$36,000 more than the “average” female (in 1992 dollars) and that 19% of this gender gap was due to differences in experience and work effort, 38% to differences in practice setting, 5% to differences in other variables, and 38% of the gender difference was unexplained. Sterling et al.’s preliminary analysis of data from the “After the J.D. Project,” a longitudinal study of lawyers admitted to the bar in 2000, finds a gender wage gap of over \$10,000 among these newly-minted lawyers; only about a 45% of which is explained by the differential endowments of male and female lawyers (check on, I thought their finding was a \$5,000 difference).<sup>96</sup> The After the JD Project also found a larger unexplained variation in pay between men and women in private practice.<sup>97</sup> However, the full potential of the Michigan data set for examining this question is yet to be explored, since no study to date has utilized the personal characteristics, legal specialty or activities in practice variables. The richness of the Michigan data set in terms of variables that are potentially relevant to the production of income offer a unique opportunity to decompose the observed difference in male and female earnings into its component parts.

---

<sup>95</sup> (Dau-Schmidt and Mukhopadhaya 1999)

<sup>96</sup> Sterling et al., unpublished manuscript)

<sup>97</sup> A study using 1985 survey data on Toronto lawyers found that women’s earnings were only 51% of male earnings, resulting in a total wage gap of more than \$40,000 (Hagan 1990). Decomposition of the pay gap revealed that just over half of the total gap was attributable to differences in the characteristics of male and female lawyers, especially differences in their years of experience. However, nearly a third was attributable to differential returns on the same characteristics, i.e. the discrimination component of the pay gap. Specifically, men received higher wage returns than women with the same experience, law school prestige, status of specialty areas, hierarchical position within firms, and large-firm practice, and women received a larger earnings penalty than men for practicing in sex-segregated specialty areas and working at the bottom of organizational hierarchies. A later analysis of 1990 survey data on lawyers practicing in Ontario produced similar results (Kay and Hagan 1995). Only 39% of the \$34,000 gender gap in earnings was due to the composition component (different characteristics of male and female lawyers), and men and women received different returns on their law school background, hours worked, experience, specialization, practice setting, and partnership status. A separate analysis of 1985 and 1991 survey data on full-time practicing Toronto lawyers found that gender had a significant effect on 1984 earnings, with women earning about \$13,000 less than men after controlling for law school background, experience, family status, work commitment, practice setting, hierarchical position, specialization and hours worked (Hagan and Kay 1995). In the 1991 survey, this earnings gap persisted and the effect of gender became insignificant only after controlling for an interaction between gender and hours billed.



In our decomposition analysis, we use our basic regression equation from the previous section<sup>98</sup> and estimate it for men and women separately, while computing separate means for each of these populations. The results of the regressions and mean calculations for the five year survey for the period 1994-2000 are presented in table 1 below, while the results for the fifteen year survey for the period 1994-2000 are presented in table 2. In each table the difference in the mean natural log real incomes in 1000's of 2004 dollars between men and women is reported in the upper left three cells, while the first sub-total column reports the amount of this difference attributable to differences in the mean value of characteristics between men and women in each category and the second sub-total column reports the amount of this difference attributable to differences in the amount men and women are paid for each of these characteristics. In these sub-total columns, positive numbers favor men and contribute to their advantage in income, while negative numbers favor women and detract from men's advantage. In table 1, we see that men's advantage in income five years out of law school (0.045 or \$ at the population mean) is largely attributable to them going into more lucrative specialties and having a stronger desire for money, and to a lesser extent to their higher grades in this sample and to their choice of private practice. Surprisingly, the differences in payments for the same characteristics listed in the second sub-total column favor women, with women being paid more for hours of work, years of practice and grades. In table 2 we see that men enjoy a much larger advantage in income fifteen years after law school (0.253 or \$ at the population mean) and that this advantage is largely attributable to them taking much less time away from work for childcare, choosing higher paying types of practice, desiring money more, having higher grades (in this sample), working longer hours and more years, practicing less in domestic relations and spending less time in the library. Women again enjoy higher payment for good grades and suffer less of a penalty for taking time away from work for childcare, but men enjoy higher payments for geographic attributes (such as less of a penalty for working in a small city and a greater benefit from working on the east coast), certain practice specialties (insurance and international trade), hours worked, and a much larger constant term, that more than make up for women's advantages in payments. For the alumni fifteen years out of law school, 96.4% of the difference in men's and women's incomes is explained by differences in personal characteristics and assets while only 3.6% is attributable to different payments for the same characteristics.

This finding should not be used to minimize the gender differences in income that do exist. Many of the characteristics that some women acquire that limit their income, for example working less hours and years, not making partner, working in government, undertaking many more months of time away from work for childcare, working in domestic relations and doing library work, are almost certainly acquired under a constrained choice as to how to best balance childcare and work. There is very good evidence in the Michigan Alumni Data Set that women who take time away from work to do childcare do so at a substantial cost to their future promotion and earnings potential. Never-the-less, our analysis suggests that the bulk of the difference in income between the genders is due to these characteristics, not systematically different payments to women for the same characteristics, and that these disadvantages are suffered primarily by women who take time away from work to do childcare.

---

<sup>98</sup> [Note this is just for the 15 year analysis, we don't have the regression analysis of the five year data in here yet]

**Table 1: Decomposition Calculations For the Difference Between Male and Female Average Income  
for the Five Year Survey of the Classes of 1994-2000  
(numbers in terms of log of 1000's of 2004 dollars)**

Category	Variable	Male Mean	Female Mean	Male Mean - Female Mean	Male Coefficient	(Male Mean - Female Mean) x Male Coef	Sub Total	Female Coefficient	Male Coefficient - Female Coefficient	(Male Coeff - Female Coeff) x Female Mean	Sub Total
Real Income	Log of Annual Real Income	4.512	4.467	0.045							
Hours of Work & Years of Practice	Years of Practice Annual Hrs of Work	4.797265 2649.349	4.768262 2619.959	0.029 29.391	0.01982 6.6E-05	0.001 0.002	0.003	0.0449 8.48E-05	-0.025 0.000	-0.120 -0.048	-0.168
GPA	Law School GPA	3.296	3.236	0.0599	0.257	0.015	0.015	0.283	-0.025	-0.082	-0.082
Geographic	Medium Sized City Small City East West Coast West	0.275 0.09 0.262 0.134 0.058	0.34 0.095 0.218 0.165 0.06	-0.065 -0.004 0.045 -0.031 -0.002	-0.142 -0.108 0.147 0.124 -0.058	0.009 0.000 0.007 -0.004 0.000	0.013	-0.070 -0.096 0.210 0.163 -0.13	-0.072 -0.012 -0.063 -0.039 0.072	-0.025 -0.001 -0.014 -0.006 0.004	-0.042
Type of Practice	Medium Priv Prac Small Priv Prac Government Legal Services	0.098 0.152 0.08 0.027	0.105 0.091 0.112 0.046	-0.008 0.061 -0.033 -0.018	-0.13 -0.176 -0.252 -0.55	0.001 -0.011 0.008 0.010	0.009	-0.098 -0.202 -0.306 -0.561	-0.032 0.026 0.054 0.012	-0.003 0.002 0.006 0.001	0.006
Race and Ethnic Group	Black Hispanic	0.042 0.047	0.056 0.032	-0.015 0.015	0.028 -0.036	0.000 -0.001	-0.001	0.108 0.091	-0.080 -0.127	-0.004 -0.004	-0.009

Family Charac-teristics	Spouse's Income	38.11	57.05	-18.937	0.001	-0.009	-0.009	0.001	0.000	-0.005	-0.005
Personal Charac-teristics	Desire for Money	-0.23	-0.75	0.525	0.023	0.012		0.049	-0.026	0.019	
	Desire Social Impact	0.30	0.66	-0.359	-0.033	0.012	0.024	-0.013	-0.020	-0.013	0.006
Practice Specialty	Debtor Creditor	0.025	0.014	0.011	-0.033	0.000		-0.25	0.216	0.003	
	Domestic Relations	0.009	0.042	-0.033	-0.726	0.024		-0.162	-0.564	-0.024	
	Energy	0.004	0.004	0.000	-0.182	0.000		-0.092	-0.091	0.000	
	Patent	0.09	0.039	0.052	0.17	0.009		0.034	0.136	0.005	
	Security	0.096	0.07	0.026	0.107	0.003	0.035	0.135	-0.028	-0.002	-0.018
How Spends Work Time	Library	9.651	10.29	-0.640	-0.003	0.002		-0.001	-0.002	-0.017	
	Office Admin	4.671	4.312	0.359	-0.003	-0.001		-0.008	0.004	0.018	
	Socialize Coworker	3.828	3.775	0.053	-0.008	0.000		-0.011	0.003	0.010	
	Recruit	1.528	1.582	-0.054	0.009	-0.001	0.000	0.018	-0.009	-0.014	-0.002
	Constant	1	1	0	3.507	0		3.236	0.27	0.27	0.270
Total Difference in Mean Income Attributable to Differences in Mean Value of Observed Variables for Men and Women							0.088				
Total Difference in Mean Income Attributable to Differences in Estimated Coefficients for Men and Women											-0.043
Total Difference in Mean Income Attributable to Differences in Mean Value and Estimated Coefficients as a Percent of the Total Difference in Mean Income									0.045		

**Table 2: Decomposition Calculations For the Difference Between Male and Female Average Income  
for the Fifteen Year Survey of the Classes of 1994-2000  
(numbers in terms of log of 1000's of 2004 dollars)**

Category	Variable	Male Mean	Female Mean	Male Mean - Female Mean	Male Coefficient	(Male Mean - Female Mean) x Male Coef	Sub Total	Female Coefficient	Male Coefficient - Female Coefficient	(Male Coeff - Female Coeff) x Female Mean	Sub Total
Real Income	Log of Annual Real Income	5.172	4.919	0.253							
Hours of Work & Years of Practice	Years of Practice	14.63253	14.25246	0.376	0.0125	0.005		0.0142	-0.002	-0.025	
	Annual Hrs of Work	2529.812	2462.363	67.449	7.6E-05	0.005	0.010	4.89E-05	0.000	0.066	0.041
GPA	Law School GPA	3.25	3.165	0.0848	0.158	0.013	0.013	0.279	-0.12	-0.383	-0.383
Geographic	Medium Sized City	0.311	0.327	-0.017	-0.122	0.002		-0.199	0.077	0.025	
	Small City	0.123	0.123	0.000	-0.196	0.000		-0.343	0.147	0.018	
	East	0.237	0.304	-0.067	0.102	-0.007		-0.048	0.150	0.046	
	West Coast	0.13	0.105	0.025	0.128	0.003	-0.002	0.223	-0.095	-0.010	0.079
Type of Practice	Not Partner	0.111	0.135	-0.024	-0.273	0.006	0.006	-0.209	-0.064	-0.009	-0.009
	Medium Priv Prac	0.141	0.135	0.006	-0.137	-0.001		-0.115	-0.022	-0.003	
	Small Priv Prac	0.217	0.164	0.054	-0.241	-0.013		-0.444	0.203	0.033	
	Corporate Counsel	0.169	0.205	-0.036	-0.31	0.011		-0.235	-0.075	-0.015	
	Government	0.077	0.146	-0.069	-0.689	0.048		-0.609	-0.080	-0.012	
	Legal Services	0.016	0.023	-0.007	-0.817	0.006		-0.72	-0.098	-0.002	
	Other Practice	0.007	0.029	-0.022	-0.541	0.012		-0.521	-0.020	-0.001	
	Non-Practice	0.037	0.035	0.002	-0.342	-0.001	0.062	-0.47	0.128	0.004	0.005
Race and Ethnicity	Black	0.028	0.076	-0.048	0.074	-0.004		0.315	-0.242	-0.018	
	Hispanic	0.018	0.029	-0.011	-0.017	0.000	-0.003	-0.443	0.426	0.012	-0.006

Family Characteristics	Some Childcare	0.179	6.152	-5.973	-0.011	0.064	0.064	-0.003	-0.008	-0.048	-0.048
Personal Characteristics	Compulsive Work	0.311	0.246	0.065	0.034	0.002		0.059	-0.024	-0.006	
	Desire for Money	-0.314	-0.936	0.622	0.069	0.043		0.051	0.017	-0.016	
	Confidence	0.822	0.684	0.138	0.034	0.005		0.005	0.030	0.020	
	Compassion	0.976	1.281	-0.304	-0.031	0.009	0.059	-0.034	0.003	0.004	0.002
Practice Specialty	Criminal	0.05	0.088	-0.037	-0.089	0.003		-0.138	0.049	0.004	
	Domestic Relations	0.01	0.053	-0.042	-0.46	0.019		-0.274	-0.186	-0.010	
	Income Tax	0.047	0.018	0.030	0.121	0.004		0.252	-0.131	-0.002	
	Insurance	0.03	0.053	-0.023	0.255	-0.006		-0.109	0.364	0.019	
	International Trade	0.009	0.006	0.003	0.267	0.001	0.021	0.063	0.204	0.001	0.013
How Spends Work Time	Library	5.633	6.374	-0.741	-0.013	0.010		-0.013	0.000	0.002	
	Negotiation	10.08	9.205	0.871	0.003	0.003		0.005	-0.002	-0.019	
	Recruit	1.095	1.012	0.083	0.018	0.001	0.014	0.011	0.007	0.007	-0.010
	Constant	1	1	0	4.574	0		4.249	0.324	0.324	0.324
Total Difference in Mean Income Attributable to Differences in Mean Value of Observed Variables for Men and Women							0.245				
Total Difference in Mean Income Attributable to Differences in Estimated Coefficients for Men and Women											0.009
Total Difference in Mean Income Attributable to Differences in Mean Value and Estimated Coefficients as a Percent of the Total Difference in Mean Income									0.253		