Pay Differences Among the Highly Trained: Cohort Differences in the Sex Gap in Lawyers' Earnings

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Abstract
Using unique data from a survey of University of Michigan Law School graduates, we test various models of how sex differences in pay, labor supply and job settings should have evolved as women entered the elite male field of law. We compare the sex gap in earnings 15 years after graduation for two cohorts of lawyers and find that it has remained constant over time. In both cohorts, men earn 52 percent more than women, 17 percent more than women with similar characteristics, and 11 percent more than women with similar characteristics in the same job settings. Sex differences in hours worked have increased over time and explain more of the sex-based earnings gap, while sex differences in job settings and years spent in private practice have declined and explain less of the gap.

Introduction

We investigate whether the earnings gap between women and men lawyers has declined as women have increasingly entered law. Sex-based earnings gaps have declined in the general population (Blau 1998). And sex differences in the earnings of many other professionals such as engineers (Morgan 1998), scientists (Xie and Shauman 2003), MBA recipients (Montgomery and Powell 2003), and business executives (Bertrand and Hallock 2001) are nonexistent or small, once work experience is controlled, although Roth (2003) finds that women investment bankers earn less than comparable men investment bankers.

Analysts examining lawyers' earnings generally report that women earn substantially less than men (Chiu and Leicht 1999; Dixon and Seron 1995; Foot and Stager 1989; Hagan 1990; Hagan and Kay 1995; Hersch 2003; Huang 1997; Kay and Hagan 1995; Lentz and Laband 1995; Robson and Wallace 2001; Rosen 1992; Wood, Corcoran and Courant 1993). Analysts attribute these earning gaps to a variety of factors: within-occupation sex segregation, sex differences in work experience and family responsibilities, employer discrimination, and sex differences in abilities, preferences and job settings. Two aspects of work experience hypothesized to be major determinants of earnings gaps are sex differences in family leave and sex differences in part-time work, both now and in the past.

Unlike most prior work, we focus here on *change over time* in the sex-based earnings gap for lawyers. Based on three theoretical models: the human capital model, the statistical discrimination model and the structural model, we hypothesize how the sex-based earnings

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differences should have changed over time as women entered the previously male-dominated field of law. We test these hypotheses using information on two cohorts of graduates from the University of Michigan Law School. We are the first to document changes in women lawyers' family leave and part-time work and the effects of such changes on the sex-based earnings gap.

Human capital models posit that sex differences in labor supply – work hours, labor force interruptions and part-time work experience – are the major cause of sex-based earnings differences. As newer cohorts of women lawyers learn about the long term career costs associated with reductions in labor supply by observing earlier cohorts, this learning should inform their labor supply choices, conditional on the importance of economic vs. family concerns. If economic concerns predominate, the sex-based earnings gap should drop.

According to the statistical discrimination model, employers know little about the potential productivity of the first women entrants into male fields and may rely on inappropriate sex stereotypes to predict productivity. As women's representation increases, employers should rely less on sex and more on actual labor supply choices when assessing productivity, leading to a narrowing of the sex-based earnings gap for experienced lawyers and to an increase in the penalties associated with reductions in labor supply. To the extent that labor supply choices are not known, statistical discrimination would imply an earnings gap at the beginning of women's careers. Later, sex would have no predictive power. Testing the human capital and statistical discrimination models requires measures of the aspects of labor supply – family leave, part-time experience and work hours – hypothesized to cause earnings gaps.

Structural models assume that institutional barriers – e.g. lack of mentors, restricted support networks, penalties for "mommy tracks," sexual harassment and discrimination – constrain women's ability to succeed in male fields (Epstein et al. 1995; Rhode 2001). If women who enter male fields are resegregated into lower paying specialties, such barriers will resist change, and sex-based earnings gaps will remain constant over time.

Changes in the legal field could also change the sex-based earnings gap. The number of lawyers increased by 49 percent and lawyers' mean real earnings rose between 1980 and 1991 (Chiu and Leicht 1999). This growth in demand should have facilitated the integration of women because firms needed to recruit talented female lawyers to remain competitive. Because lawyers' real earnings grew at the same time, men should have welcomed female colleagues more than otherwise because there was little fear of jeopardizing their own salaries. On the other hand, growth of the "mega-firm" and the emphasis on "rainmaking" (i.e. generating new clients for the firm) has led to an increased focus on profits and high billable hours (Galanter and Palay 1991). Also, many firms have moved from a lock-step compensation system (in which all partners share the firm's profits equally), to a point system (in which partners are remunerated based on fees billed and client generation). This "eat what you kill" approach was reviewed by Epstein et al. (1999: 58). The heightened value placed on firm revenue and the "super worker" ideal have led to declining promotion rates, and have made the road to partnership more challenging (Galanter and Palay 1991). These changes may be seen as inconsistent with women's preferences or abilities. For example, if women are seen as less interested in or are, in fact, less capable of recruiting wealthy clients, the sex-based gap in earnings may have widened over time.

Lawyers are ideal to study because the time and income required to complete law school imply a high level of work commitment and training on the part of women lawyers. Past studies of sex-based earnings gaps typically attribute the unexplained portion of the gap to a combination of sex discrimination and unmeasured factors, such as women's lack of motivation and drive. Focusing on lawyers enables a more complete test of the existence of sex discrimination in the workplace because women lawyers are more likely at par with men in respect to these unmeasured factors than they might be in occupations that require less training.[1]

The data we use – surveys of University of Michigan Law School graduates – provide precise measures of human capital, work histories and law school performance for graduates of an elite law school. This enhances our ability to isolate the causes of any sex differences that do exist. Prior studies of trends in sex-based earnings differentials among lawyers do not have as detailed a work history and/or do not control for law school quality (Chiu and Leicht 1999; Foot and Stager 1989; Hagan and Kay 1995; Lentz and Laband 1995; Rosen 1992). Graduates of elite law schools have a high earnings premium, and Wood et al.'s (1993) analysis of the data we use shows that sex differences in work history account for a large part of the sex gap in earnings. Our data allow us to control law school quality, law school performance and work history, factors that economists predict are major determinants of lawyers' earnings and provide a good test of economic models.

Recent reports on the status of women in the legal profession warn that family leaves or working parttime can reduce partnership chances and earnings (Donovan 1990; Epstein et al. 1995; Rhode 2001). We identify how much of the sex-based earnings gap is due to labor supply choices, how much is not, and how this has changed.

Quantifying how much of the earnings gap is *not* due to sex differences in work history provides information on discrimination. If sex differences in lawyers' salaries persist over time even after controlling for law school quality and precise measures of human capital and work history, this will be strong indirect evidence that sex discrimination exists and is resilient.

This research provides indirect data on sex-role socialization as well. Like other women workers, women lawyers may experience considerable pressure from themselves – or their families – to divert time away from paid work toward family responsibilities. But, unlike many other women workers, women lawyers command high earnings, can afford high-quality childcare, and are heavily penalized for periods of non-work or part-time work. If women lawyers took time away from paid work to attend to home demands, it would be indirect evidence that the pressure – or desire – to devote time to family is high.

Background: Models of Sex Differences

The most influential economic explanation of sex-based wage inequality, the human capital model, posits that sex-based earnings gaps arise because women do the bulk of child rearing and so acquire less experience and fewer job-related skills than do men (Mincer and Polachek 1974). This model implies that as women enter male occupations, future women entrants will "learn" about the costs of labor supply reductions by observing earlier cohorts of women lawyers. Depending on the importance of economic concerns vs. family concerns, over time this information should lead women to either look more like men or less like men with respect to work choices. If the second generation of women law school graduates are driven primarily by economic concerns when deciding how much to work, then their work history profiles, work hours and job settings should converge with those of men, and the sex-based earnings gap should drop. Hull and Nelson (2000) term this the assimilation model. But Belkin (2003) and Hewlett (2002) argue that the second generation of women professionals take away a different lesson from women pioneers – i.e., they may realize that "you can't have it all." If so, women could react either by foregoing marriage and children in favor of careers or by opting for more family friendly but perhaps less lucrative patterns of work – i.e. "mommy tracks," leading to an increase in earnings inequality among women lawyers. A substantial part of this inequality should be explained by divergent career paths and hours worked, particularly differences in family leave and part-time work experience. Changes in male/female gaps in lawyers' work hours, labor supply and earnings will depend on the proportion of women who opt for career vs. "mommy tracks." In this formulation the means are less interesting than the

divergent paths, with one group of women acting like their male counterparts with respect to labor supply and one group acting more traditionally.

Employers also learn as new cohorts of women enter law. A second neoclassical economic explanation for the sex gap in earnings is that statistical discrimination limits access to high-paying positions: employers have imperfect information about employees and use sex to predict future work commitment. Since women have more career interruptions than men, employers may hesitate to hire or promote women to jobs that require long periods of training and acquisition of firm-specific human capital (Lazear and Rosen 1990).

The role that *incorrect* statistical discrimination plays in determining earnings ought to change as employer "learning" occurs. The statistical discrimination argument is driven by employer expectations about future child-rearing plans. Women lawyers were rare in the early 1970s. If employers predicted women lawyers' future child-rearing plans based on the behavior of the average women worker, it would have been commonplace to "under-predict" women lawyers' future work commitment. With the large influx of women into law, employers likely became better at predicting women lawyers' expected labor supply. If so, statistical discrimination based on inaccurate perceptions of future labor supply should have diminished, resulting in a narrowing of the earnings gap between men and women with similar work histories. As Donovan (1990: p.140) puts it, "If exposure to successful female attorneys makes it easier to evaluate a woman based on her qualifications instead of her sex, perhaps with increased numbers of successful female lawyers there will be less gender-based discrimination in the hiring and advancement practices of law firms." If variation in labor supply is greater among women than among men, statistical discrimination models could still support lower earnings for women early in their careers before actual labor supply had been observed.

The discussion of tokenism in Kanter's classic book, *Men and Women of the Corporation*, leads to a similar prediction about how employers' treatment of women professionals might evolve. Kanter (1977) argues that the first female entrants into a "male" field are highly visible given the lack of other women in that field, and employers' perceptions and treatment of these first entrants will be shaped by their expectations about women in general. As more women enter law, employers should eventually realize that women lawyers are not homogeneous, and they will rely less on sex and more on objective indicators.

The Lazear-Rosen and Kanter models predict that as women increase their representation in a previously "male" field, penalties to part-time work and career interruptions should increase because employers increasingly rely on "objective" measures – such as women's choices about how much they work – rather than sex to predict future productivity. As a result, the sex-based earnings gap, once labor supply differences have been accounted for, should decline over time. A second implication is that as employers learn to better differentiate among women lawyers, inequality in earnings among women lawyers might increase.

Structural theorists contend that sex differences in earnings are not only due to individual choices, but also to institutional and societal mechanisms and barriers that limit women's ability to succeed in traditionally male domains (Epstein et al 1995; Jacobs 1989; Reskin and Padavic 1994; Rhode 2001). Structuralists further contend that actual discrimination and perceptions of discrimination will affect women's choices about how much to work.

Recent bar association reports have identified barriers – typically termed "glass ceilings" – that prevent women's progress. Such barriers include hostile work environments, less mentoring, assignment of less prestigious cases, attitudes about appropriate gender roles that are embodied in firms' hiring, evaluation and promotion practices, as well as overt discrimination (Epstein et al. 1995; Kay and Hagan 1998, 1999; Rhode 2001). For example, in a study of part-time lawyers, researchers found that male colleagues held traditional stereotypes of women as primarily "mother" and "homemaker," and as a result women lawyers were often viewed "disapprovingly" regardless of their work hours (Epstein et al.

1999). These gender stereotypes could lead to stricter evaluations of women's accomplishments at work (in comparison to men's), and thus fewer promotions.

The timing of promotion to partner is one seemingly "neutral" employer practice that can disadvantage women. Decisions about partnership are typically made between the fifth and eighth year at a firm, at the same time that many women have young children and substantial care-giving responsibilities. The "lock-step" nature of progression to partnership may force women either into part-time "mommy tracks" that do not lead to partnerships or else to leave private practice for more family-friendly, but less lucrative, job settings.

Institutional constraints can limit opportunities for inaccurate stereotypes about women's potential productivity to change – i.e. for employer "learning" to occur and "behaviors" toward women to change – if, as Reskin and Roos (1990) claim, women who enter traditionally male occupations are resegregated into the least desirable jobs within those occupations. If this queuing model is correct, then occupational sex segregation in the field of law is extensive, is unlikely to drop over time, and the sex-based earnings gap is unlikely to narrow over time.

Chiu and Leicht (1999) extend the queuing model by arguing that women can successfully enter a "male" field when the occupation is expanding, when specialized degrees are important (i.e., when degrees provide a clear signal about skills), and when wages are rising. These conditions were met in law in the 1980s. Chiu and Leicht claim (1999: p.563) that the combination of "occupational growth and required expertise" forced employers to put women ahead of untrained men in the job queue. This argument predicts less within occupational sex segregation in the field of law over time and a related narrowing of the earnings gap.

Past Research

Analysts who have used cross-sectional data to examine sex differences in lawyers' salaries report that the average earnings of women lawyers are 52 to 64 percent those of men, and that earnings gaps drop in size but usually remain significant when law school quality, academic distinction, labor supply, current work hours, legal setting, family situations and measures of social capital (e.g., mentoring) are controlled (Dixon and Seron 1995; Hagan 1990; Hersch 2003; Huang 1997; Kay and Hagan 1995; Robson and Wallace 2001; Wood et al. 1993). The residual earnings gaps are typically attributed to discrimination and/or to unmeasured preferences and skills.

One problem with attributing residual earnings gaps to discrimination is that most prior studies proxy experience by age, years since called to the bar, or years since joined current firm. Only three prior studies measure total years worked in law (Dixon and Seron 1995; Huang 1997; Wood et al. 1993); and only one, Wood et al. (1993), measures years worked parttime and length of family leaves. If, as Epstein et al. (1995) and Rhode (2001) argue, part-time work or taking family leave can stigmatize a woman as "not serious" and permanently derail her from the fast track, then past studies may underestimate the role of labor supply in accounting for the sex-based earnings gap and overestimate possible discrimination.

These studies have other data limitations. Three use Canadian data (Hagan 1990; Kay and Hagan 1995; Robson and Wallace 2001); three assign midpoints of earnings categories (Hagan 1990; Huang 1997; Kay and Hagan 1995); and one measures income as an ordinal-level variable (i.e. low, medium, high) (Dixon and Seron 1995). Earnings data are also relatively dated; earnings are measured between 1975 and 1994, roughly 11 to 30 years ago.

Analysts who have examined changes in earnings gaps over time find large earnings gaps between men and women lawyers, before and after controlling for a limited set of personal and employment characteristics (Chiu and Leicht 1999; Foot and Stager 1989; Hagan and Kay 1995; Lentz and Laband 1995; Rosen 1992).[2] But, these studies are of limited use in

answering the questions posed earlier in this paper since none examine earnings after 1990, and none include detailed measures of labor supply.

Based on the human capital, statistical discrimination and structural models, we have developed predictions about how (1) women lawyers' labor supply choices, (2) sex-based earnings differences, (3) sex differences in job settings, (4) earnings losses associated with labor supply reductions, and (5) sex-based earnings differences among men and women with similar work histories ought to evolve as women enter the traditional "male" field of law. Testing these predictions requires precise measure of years worked in law, years worked parttime and work interruptions. No prior cohort study and only one cross-sectional study include these measures.

Data

The University of Michigan Law School surveys graduates five and 15 years after graduation about earnings, work hours, work histories (including interruptions and years worked parttime), work settings and families; and it matches the survey data with law school records.[3] The "early cohort" includes the graduating classes of 1972 to 1978, and the "late cohort" includes the graduating classes of 1979 to 1985. Thus, the data collected at the 15-year survey correspond to the years 1987 to 1993 for the early cohort and 1994 to 2000 for the late cohort. Earnings are observed for the year preceding the survey year (i.e., 1986 to 1992 for the early cohort and 1993 to 1999 for the late cohort).

The average response rate was 63 percent and was similar across cohorts and between sexes. Respondents include 268 women and 1,490 men for the early cohort, and 438 women and 1,119 men for the late cohort. We investigate how respondents at year 15 differed from the full sample using law school records and the five-year survey. Within gender, there were no significant differences on marital status, number of children, earnings and job setting at year one, and labor supply at year five (with one exception: men who responded at year 15 worked slightly more hours at year five than men in the full sample). Respondents at year 15 were more likely to be white and had slightly higher law school grade point averages (GPAs) and LSAT scores than did the full sample.[4] Restricting the sample to those employed at the 15th year interview reduced the sample slightly to 247 women and 1,485 men for the early cohort and to 381 women and 1,103 men for the late cohort.[5] Excluding those with missing data on the main variables resulted in sample sizes of 201 women and 1,278 men in the early cohort, and 284 women and 876 men in the late cohort.

Measures

Our dependent variable is the log of annual earnings, converted to $2,000 using the consumer price index. Independent variables are in six groups: demographics, grades, family characteristics, hours of work, experience and job setting. The demographic variables include dummy variables for race, whether respondent lives in a city with a population of one million or more, and year of graduation (to control for average earnings changes over time and for labor market conditions). Grades are measured with law school GPA. We also include measures of respondent's undergraduate GPA and LSAT score to control for human capital at law school entry. Family variables include a dummy variable for whether married and a measure of the number of children.

We control for annual hours worked since earnings should be higher the more hours one works. Annual hours are logged because the dependent variable – annual earnings – is logged

and using log hours facilitates the interpretation of the effect of hours on earnings. We measure multiple aspects of experience since law school: years practiced law, months during which the respondent worked parttime to care for children, months during which the respondent did not work at all to care for children, and the number of jobs held.[6]

Job setting variables include the number of years worked in private practice and a series of dummy variables indicating the type of job the respondent currently has: business lawyer, government lawyer, legal services, judge/professor, non-legal, solo practice, partner in a small firm, partner in a mid-sized firm, partner in a large firm or non-partner in a firm. [7]

Results

Table 1 reports the means and medians of annual earnings, annual work hours and hourly wages one and 15 years after graduation. Women and men start out at roughly equal salaries, but 15 years later women earn only 61 percent to 63 percent as much as men. Consistent with Reskin and Roos' (1990) queuing model, the earnings gap does not drop for the later cohort. In addition to earning higher salaries, men work more hours than women.

We report median earnings to test if the mean figures are driven by a few outliers. For the early cohort, female-to-male earnings ratios are relatively equivalent for both means and medians. In the late cohort, the sex gap in earnings changes by 6 percentage points when median figures are used due to a few high male outliers. We included the outliers in our multivariate analysis, and there was little effect on the results.

Hewlett's (2002) reasoning implies that women professionals will split into two groups – one that sacrifices family for career and one that chooses the "mommy track," leading to an increase in inequality in women lawyers' earnings across cohorts. Earnings inequality also could increase if employers become better at predicting women lawyers' productivity. Inequality in women's earnings was the same in each cohort: the Gini coefficient was .38 (statistic not shown in table). The Gini coefficient is a measure of income inequality which ranges from 0 (perfect equality) to 1 (perfect inequality).

Table 2 shows the means of our predictor variables. We first discuss the early cohort means. Sex differences in human capital at law school entrance (undergraduate GPA and LSAT score) were small. Fifteen years after graduation, women are less likely to be married than men (70 percent vs. 85 percent), have fewer children on average (1.31 vs. 1.86), and are almost twice as likely to be childless (36 percent vs. 19 percent; figures not shown in table). Professional women apparently pay a higher price in terms of family than do professional men.

Work histories differed by sex. Women spent fewer years practicing law than men, held more jobs since leaving school, averaged more months of part-time work, and averaged more months of family leave. Sex differences in part-time work experience and non-work are dramatic for parents (see Appendix A). Forty-two percent of mothers had worked parttime to care for children for an average of 38 months. Thirty-seven percent of mothers had stopped working to care for children, averaging 17 months of non-employment. In contrast, seven of 1,036 fathers had worked parttime to care for children, and nine had left the labor force to care for children.

Sex differences in job setting are large for the early cohort. Men are more likely to be in private practice, have more years of work experience in private practice, are more likely to be partners in large firms, and are less likely to work in the relatively low-paying areas of government and legal services.

We next ask whether sex differences on the predictor measures – academic performance, family characteristics, work hours, experience and job settings – have widened, narrowed or stayed the same over time. In the early cohort, sex-based differences in credentials at law school entry were small. This remained true in the late cohort.

Table 1: Earnings, Wages and Hours by Sex and Cohort

	Early Cohort ('72-'78)		Late Cohort ('79 -'85)		Sex Ratios (Women to Men)	
	Women	Men	Women	Men	Early Cohort	Late Cohort
Mean 1st-year earnings ($)	**49,471**	**54,436**	57,913	58,329	.91	.99
Median 1st-year earnings ($)	**49,935**	**53,555**	56,387	56,926	.93	.99
Standard deviation ($)	15,866	16,534	19,481	33,386		
Mean 15th-year earnings ($)	**119,225**	**190,521**	**129,007**	**212,484**	.63	.61
Median 15th-year earnings ($)	**94,861**	**157,117**	**107,556**	**160,934**	.60	.67
Standard deviation ($)	107,246	139,667	104,337	213,520		
Mean 15th-year annual hours	**2,206**	**2,494**	**2,107**	**2,476**	.88	.85
Median 15th-year annual hours	**2,250**	**2,500**	**2,205**	**2,496**	.90	.88
Standard deviation	642	419	678	437		
Mean 15th-year hourly wage ($)	**53.03**	**75.68**	**60.89**	**84.85**	.70	.72
Median 15th-year hourly wage ($)	**42.14**	**62.85**	**51.64**	**64.98**	.67	.79
Standard deviation ($)	42.19	52.29	40.74	76.62		
Sample size (N)	201	1,278	284	876		

Note: All dollar figures are in $2,000. The table refers to those in the labor force only. Values in bold are significantly different between women and men within cohort ($p <= .05$).

Table 2: Descriptive Statistics 15 Years after Graduation by Sex and Cohort

Variable	Early Cohort ('72-'78) Women	Early Cohort ('72-'78) Men	Late Cohort ('79-'85) Women	Late Cohort ('79-'85) Men
Grades				
Law School GPA	3.06	3.12	**3.16**	**3.24**
Undergrad GPA	**3.44**	**3.36**	**3.57**	**3.61**
LSAT score	653	663	**694**	**703**
Family Characteristics				
Married	**.70**	**.85**	**.70**	**.87**
Number of children	**1.31**	**1.86**	**1.38**	**1.90**
Hours Worked				
Annual hours	**2,206**	**2,494**	**2,107**	**2,476**
Log annual hours	**7.64**	**7.80**	**7.56**	**7.79**
Experience				
Years practiced law	**12.81**	**13.41**	13.14	13.49
Months part time for kids	**10.29**	**.12**	**14.72**	**.38**
Months not worked for kids	**4.12**	**.04**	**2.53**	**.09**
No. of jobs	**3.08**	**2.54**	**3.15**	**2.79**
Job Setting				
Years private practice	**6.57**	**10.07**	**8.40**	**10.07**
Business lawyer	.11	.10	.17	.14
Government lawyer	**.13**	**.07**	**.10**	**.06**
Legal services/public institution	**.04**	**.01**	.02	.01
Judge/professor	**.12**	**.04**	**.06**	**.02**
Nonlegal	**.17**	**.11**	.17	.16
Private practice				
Solo practice	.06	.06	.06	.05
In a firm, but not a partner	.07	.04	**.10**	**.05**
Partner in a small firm (2-10)	**.09**	**.16**	.07	.10
Partner in a medium firm (11-50)	**.05**	**.12**	**.06**	**.10**
Partner in a large firm (over 50)	**.12**	**.27**	**.14**	**.26**
Job missing	.02	.01	.04	.06
Sample size (N)	201	1,278	284	876

Note: The table refers to those in the labor force only. Values in bold are significantly different between women and men within cohort ($p <= .05$).

Contrary to Hull and Nelson's (2000) prediction, men's and women's labor supply decisions did not converge. Instead, the sex gap in hours worked increased across cohorts. Women in the late cohort work 100 fewer hours per year than those in the early cohort, while men work about the same number of hours per year in both cohorts.

Women's work history patterns did change across cohorts; they averaged more months of part-time work and fewer months of non-work. These changes led to decreases in sex gaps in years practiced law and in months of non-work that were offset by a corresponding increase in the sex gap in months worked parttime.

The shift from dropping out altogether to working parttime is clearest when we look only at women lawyers with children (see Appendix A). In each cohort, 37 to 38 percent of mothers took family leave, and 42 to 48 percent worked parttime. The big cross-cohort changes were a reduction in months of non-work time for mothers who chose to stop working (17 months in the early cohort vs. 10 months in the late cohort), which was offset by a roughly equal increase in months worked parttime among mothers who chose this route (38 months in the early cohort vs. 45 months in the late cohort). The decrease in women's hours of work and the increase in part-time work may be a sign that law firms are more likely to offer "family friendly" schedules, and is consistent with Hewlett's (2002) argument that the costs of maintaining a demanding career as well as a family will lead more women to opt for the "mommy track."

It is noteworthy that, despite the large sex differences in labor supply, approximately 60 percent of women lawyers in each cohort did not interrupt work or work parttime to care for children. About 36 percent of women lawyers in the early cohort and 32 percent in the late cohort were childless (results not shown), and at least 40 percent of mothers in each cohort reported never having taken time off or having worked parttime.

Contrary to the predictions of Reskin and Roos' (1990) queuing model, sex differences in job settings dropped across cohorts. More women in the late cohort worked in private practice and business; fewer worked in government, legal services and as judge/professors; and women in the late cohort averaged almost two years more private practice experience than women in the early cohort. These changes are consistent with predictions of Chiu and Leicht (1999).

Table 3 shows the results of the regression model predicting annual earnings. Because earnings are in logarithmic form, a unit increase in an independent variable is expected to change earnings by 100*[(exp (b)-1] %, holding all other variables constant. When b is small, coefficients multiplied by 100 may be interpreted as the percent change in earnings that would result from a unit increase in the independent variable.

We estimate a pooled model, instead of separate models by sex, because we find little evidence of sex differences in returns for the characteristics in our model. The primary exception is months worked parttime to care for children; as a result, we include a sex interaction with months parttime.[8] Model 1 excludes the set of dummies measuring job settings; the job setting measures are subsequently added in model 2. We estimate models with and without the job setting dummies because sex differences in job settings could be due either to women's preferences or to employers' preferences or to both.

In the early cohort, the coefficient for being male is .161, meaning that, holding work hours, demographics, family, law school performance and labor supply constant, men earn 17.5 percent more than women. According to the statistical discrimination explanation, as employers learn to better predict women lawyers' productivity, earnings differences between men and women lawyers with similar qualifications and labor supply should drop. This did not happen. In the late cohort, men earn 17.6 percent more than women, holding work hours, demographics, family, law school performance and labor supply constant.[9]

Marriage and children have positive and significant effects on earnings in both cohorts. This result may seem unusual for women, but is similar to results reported in other studies

Table 3: Regression of Log Annual Earnings 15 Years after Graduation, by Cohort

	Model 1		Model 2	
Variable	**Early Cohort ('72-'78)**	**Late Cohort ('79 -'85)**	**Early Cohort ('72-'78)**	**Late Cohort ('79 -'85)**
Male	.161***	.162***	.105**	.118**
Grades				
Law School GPA	.329***	.326***	.191***	.242***
Undergrad GPA	-.092*	-.074	-.079+	-.075
LSAT score	-.001***	-.001**	-.001**	-.001**
Family Characteristics				
Married	.092*	.096+	.039	.027
Number of children	.053***	.043**	.042***	.047**
Log Annual Hours	1.098***	1.011***	.901***	.923***
Experience				
Years practiced law	.012**	.011*	-.003	-.001
Months parttime for kids	-.004**	-.001	-.003*	-.001
Months parttime X male	-.025***	-.015**	-.024***	-.010*
Months not worked for kids	-.007*	-.011+	-.007**	-.010
No. of jobs	-.065***	-.088***	-.022*	-.043***
Job Setting				
Years private practice	-	-	.009+	.010*
Business lawyer	-	-	-.258***	-.213**
Government lawyer	-	-	-.638***	-.667***
Legal services/public institution	-	-	-.916***	-.904***
Judge/professor	-	-	-.523***	-.555***
Non-legal	-	-	-.500***	-.390***
Private practice				
Solo practice	-	-	-.764***	-.746***
In a firm, but not a partner	-	-	-.522***	-.479***
Partner in a small firm (2-10)	-	-	-.473***	-.445***
Partner in a medium firm (11-50)	-	-	-.123**	-.221***
Partner in a large firm (over 50)			omitted category	
Job missing	-	-	-.124	-.126
Intercept	2.944***	3.616***	5.189***	4.827***
N	1,479	1,160	1,479	1,160
R-squared	.395	.405	.515	.489

Note: Coefficients in bold are significantly different across cohorts (p <= .05). These models control for race, population of city of residence, and graduation year.
p < .10+ p < .05* p < .01** p < .001***

examining the earnings of professional, highly educated women (Anderson et al. 2003; Blair-Loy and Wharton 2003; Wood et al. 1993). We further examined the "motherhood effect" by re-estimating the earnings regressions only for women, with and without controlling labor supply. Effects of marital status are small and insignificant in all regressions. When labor supply is not controlled, children have a statistically significant negative effect on women's earnings for the late cohort, which "washes away" once controls are added for labor supply. Motherhood apparently lowers women lawyers' earnings via their labor supply decisions.

Earnings are higher the more hours one works and the more years one has practiced law, and are lower the more job changes one has experienced. In the early cohort, the coefficient on *ln hours* is roughly 1: a doubling of hours results in a doubling of income.

In the early cohort, the penalty to part-time work is large; a month worked parttime to care for children reduces log annual earnings by .004 for women, implying that a year of such part-time work would reduce earnings by 4.8 percent. Men are more heavily penalized for part-time work, with each month of part-time work reducing earnings by 2.9 percent. Male lawyers who take on non-traditional gender roles (i.e. taking responsibility for child care) appear to pay a high price. For women, taking time out from work to care for children carries a stronger earnings penalty than does working parttime. A month spent out of the labor force to care for children reduces log annual earnings by .007 for lawyers in the early cohort – that is, a year out of the labor force would reduce earnings by 8.4 percent. We predicted, based on the Lazear-Rosen (1990) statistical discrimination model that as women increasingly entered law, penalties to reductions in labor supply should increase. This was not the case; penalties to part-time work and to dropping out did not increase significantly across cohorts.

The last two columns in Table 3 report the results when measures of job setting and years of private practice are added to model 1. As expected, earnings growth is faster in private practice, and partners in large firms (the omitted job setting category) earn more than do lawyers in other job settings. Coefficients on the other job setting dummy variables are negative and significant. Legal services pay the worst, followed by solo practice and government work.

The male earnings advantage drops when job settings are controlled: from 17.5 percent to 11.1 percent for the early cohort and from 17.6 percent to 12.5 percent for the late cohort. There are two views concerning which residual wage gap best estimates the "true" male earnings advantage. Some argue that controlling job settings underestimates the male earnings advantage because of discrimination in access to jobs. Others counter that failure to control for job settings overestimates the male earnings advantage because of sex differences in job preferences.

We perform earnings decompositions within each cohort in order to estimate the extent to which each set of independent variables accounted for the male/female earnings gap. This decomposition approach states that the difference in earnings attributable to a particular variable X is where is the coefficient from the pooled regression, and and are the group means for men and women respectively (Oaxaca 1973).

Table 4 shows the results of these decompositions by cohort and model specification.[10] The overall difference in log earnings between men and women is .523 in the early cohort and .521 in the late cohort (last row, Table 4). The first two columns under each model in Table 4 show how much each set of variables contributes to the log earnings difference; the second two columns report percentages of the total log earnings difference due to sets of variables.

Results of the decomposition analyses were similar across cohorts in three ways. First, 31 percent of sex differences in earnings are *not* explained by demographics, grades, family characteristics, work hours and work experience. Even controlling for job settings, the unexplained portions remain large – 20 percent in the early cohort and 23 percent in the late cohort. Second, sex differences in demographics, grades, and family situations account for

Table 4: Summary of Decomposition of the Male-Female Earnings Difference 15 Years after Graduation by Cohort

	Model 1				Model 2			
Factor	**Early Cohort ('72-'78)**	**Late Cohort ('79 -'85)**	**% Early Cohort**	**% Late Cohort**	**Early Cohort ('72-'78)**	**Late Cohort ('79 -'85)**	**% Early Cohort**	**% Late Cohort**
Unexplained	.161	.162	31	31	.105	.118	20	23
Demographics	.016	-.005	3	-1	.015	-.006	3	-1
Grades	.013	.012	2	2	.008	.008	1	1
Family Characteristics	.044	.038	8	7	.029	.029	6	6
Log Annual Hours	.179	.236	34	45	.147	.215	28	41
Experience	.111	.078	21	15	.067	.055	13	11
Job Setting	-	-			.152	.101	29	19
Difference in Log Earnings	**.523**	**.521**	**100**	**100**	**.523**	**.521**	**100**	**100**

little of the sex-based earnings gap. Third, sex differences in work experience are important. In the early cohort, these differences explain about 21 percent of the gap before the job setting variables are included and 13 percent after the inclusion of job settings. In the late cohort, these explain 15 percent of the gap prior to including job setting variables and 11 percent after the inclusion of job settings.

Decompositions of male/female earnings gaps changed in two ways. First, sex differences in hours worked – the most powerful predictor of the sex-based earnings gap in the early cohort – is even more powerful in the late cohort because the sex gap in hours worked increased over time. In the early cohort, sex differences in work hours explain 34 percent of the earnings gap when job setting variables are excluded, and 28 percent with job settings controlled. Sex differences in hours worked explain even more of the earnings gap in the late cohort – 45 percent when job setting variables are excluded and 41 percent with job settings controlled. Second, sex differences in job settings and years spent in private practice explain less of the earnings gap in the late cohort (19 percent) than in the early cohort (29 percent), because sex differences in job settings and years spent in private practice have narrowed over time as predicted by Chiu and Leicht (1999).

Conclusion and Discussion

Sex-based earnings inequalities have not narrowed across two cohorts of University of Michigan Law School graduates. In each cohort, women start out earning roughly the same as men, but 15 years later, women earn about 60 percent as much as men. In each cohort, sex differences in labor supply account for more than half the male/female earnings gap.

There were changes across cohorts. Sex differences in job settings declined; women in the late cohort were more likely to be business lawyers and to work in private practice. Sex differences in work hours rose across cohorts. Women's months spent not working dropped sharply; this was offset by a roughly equal increase in months worked parttime. In both cohorts, men spent little time in such activities.

We began this paper by outlining three models of male/female employment differences – the human capital, the statistical discrimination and the structural models. Each model has predictions for changes in men and women lawyers' labor supply, job settings and earnings over time, most of which were not supported by our analyses.

According to the "statistical discrimination model," employers know little about the potential productivity of early women entrants in previously male-dominated fields and may rely on inappropriate gender stereotypes to predict women entrants' productivity. One prediction of this model is that as women's representation increases in previously all male fields, employers should rely less on sex and more on labor supply choices when assessing productivity. As a result, earnings penalties to part-time work and labor force interruptions should increase; the sex-based earnings gap, once labor supply differences are controlled, should drop; and inequality in women's earnings may increase. For the most part, our results did not meet these predictions. There was no consistent pattern of increased penalties to work interruptions and part-time work. Penalties to work interruptions rose and penalties to part-time work dropped; neither change was significant. The sex-based earnings gap, after adjusting for labor supply, was the same across cohorts; and earnings inequality among women lawyers did not change. One result is broadly consistent with this model: the increase in part-time work by mothers. This implies that employers learned that some women would value part-time opportunities.

According to the human capital model, sex differences in labor supply – work hours, labor force interruptions, part-time work experience – are the major cause of sex-based segregation

and earnings differences. The human capital model would also predict that in the absences of statistical discrimination, there would be no residual, unexplained difference between the earnings of men and women. More recent cohorts of women lawyers would learn from the experiences of early cohorts that there are large costs to cutting back labor supply. If women lawyers were primarily motivated by income concerns, then more recent cohorts of women lawyers should work more hours and should spend less time working parttime and/or stopping work altogether to care for their children than did the early cohort of women lawyers. This did not happen. Hewlett (2002), on the other hand, argues that the lesson that later cohorts of women professionals take away is that it is hard to reconcile the competing claims of family and career, and that the stresses of balancing work and family demands may result both in childlessness among women lawyers who value careers and in more women opting for the "mommy track." This should lead to increased inequality in earnings among women lawyers. The evidence for this prediction is mixed. Earnings inequality did not change, but annual hours worked dropped and women's time spent in part-time work – i.e. mommy tracks – increased.

Support for structural queuing theory is mixed. As predicted by Reskin and Roos (1990), the sex-based earnings gap did not decline – before or after controlling for sex-based differences in labor supply. Contrary to Reskin and Roos (1990), sex segregation in lawyers' job settings declined, likely due to changes on the demand side (see Chiu and Leicht 1999).

The persisting large gap between men and women law school graduates' salaries, both before and after controlling for sex differences in human capital, is a puzzle. This pattern contrasts sharply with the experiences of women in the general population and in several professional fields, but is consistent with Roth (2003) who reports that women investment bankers earn approximately 29 percent less than their comparable male peers.

Why is there such a large earnings gap? We suggest four possibilities. First, perhaps women, because of parenting responsibilities not captured in these analyses, alter their employment behaviors in ways that lower productivity. Some 55 to 60 percent of the sex-based earnings gap is accounted for by sex-based differences in work hours, work interruptions and part-time work. But once we control for labor supply, childless women earn no more than mothers, and single women earn no more than married women. Having traced out and measured the mechanisms whereby children reduce mothers' earnings, and having found no direct negative effects of children and marriage on women's earnings, we find it implausible that the remaining unexplained portion of the difference between men's and women's earnings in the legal professions can be attributed to some remaining unmeasured effect of women's commitment to home. Something additional is going on.

A second possibility is unmeasured human capital variables. Not knowing what these might be, this possibility is hard to evaluate, but any such human capital attributes would have to be of a nature that would not affect undergraduate grades, LSAT scores and law school grades. We chose to examine Michigan Law School graduates because we expected that sex differences in unmeasured characteristics, such as talents, ambitions and drive, would be small – given the costs of obtaining a law degree and the entry requirements of an elite law school.

A third possibility is compensating wage differentials. If women, on average, work in less onerous or more personally rewarding kinds of practices than do men, there may be systematic unmeasured sex differences in the kinds of jobs and work experience these lawyers have. Note that whatever these unmeasured work differences are, our detailed set of job setting variables is not correlated with them. It would have to be that within the various job settings, women had "better" (and hence less remunerative work than men), e.g., women's positions may require fewer client interactions and may pay less than those of men. Again, these differences could arise because men and women prefer different

roles or because institutional mechanisms segregate men and women into different roles. We hesitate to place much strength on this explanation. Today women lawyers work in *all* specialties, instead of clustering in a few predominately female ones, such as family law (Epstein et al 1995; Hagan 1990). Our data provides no information on specialty within law, but specialty is likely correlated with firm size and therefore controlled to some extent in our models.

And then there is discrimination, systematic differences in treatment that disadvantage women. This could be due, in whole or in part, to statistical discrimination along the lines suggested by Lazear and Rosen (1990). It could also be more fundamental, arising from embedded institutional practices, as suggested by Epstein (1995), Kay and Hagan (1995), Reskin and Roos (1990), and Rhode (2001), that tend to resegregate women lawyers into the lower-paid tracks within a job setting. For example, women associates may be assigned to less prestigious cases or given fewer opportunities to work with "rainmakers." A third probability is direct discrimination, either by law firms themselves or by (some of) their customers. Because male/female earnings gaps, after adjusting for sex differences in labor supply, have not dropped over time, as predicted by Lazear and Rosen's (1990) model, we suspect that institutional/direct discrimination is operating. Customer discrimination is likely to be part of the story in that at least some clients may prefer male lawyers. This may be especially important with respect to "rainmaking," a question that deserves empirical examination.

These results provide support for both behavioral and structural explanations of the earnings gap. Many women lawyers (and virtually no men lawyers) with children trade reduced work hours and reduced earnings for more time with their children. Women appear more willing than men to sacrifice earnings and promotions for the joys and responsibilities of parenting. That the traditional sex-based division of childcare is present in a population where women face such high opportunity cost of providing childcare themselves suggests to us that the forces that lead women (relative to men) to sacrifice income in order to care for their children are very powerful. This result is interesting in itself. Nonetheless, these forces cannot explain the entire earnings gap. Even with differences in labor supply and work history accounted for, men enjoy a considerable earnings advantage. This suggests to us that the legal labor market, on average, treats men and women differently – that there is discrimination by sex.

Notes

1. Although lawyers share much in common with other professionals (e.g. doctors, academics, businessmen/women and engineers), lawyers' distinct compensation system and tremendous growth over the past few decades may have had a unique influence on changes in the sex gap in pay within law. Future research should explore changes in the sex-based earnings gap among other professional occupations to assess whether there is variation across occupations.

2. Lentz and Laband's (1995) results are sensitive to their model specification. They find a gender-based pay gap when annual earnings is used as the pay measure, but they find no evidence of a pay gap when hourly earnings is used as the pay measure. Three points should be highlighted regarding their findings. First, their annual earnings measure is created by assigning midpoints of broad earnings categories; the hourly earnings measure is then calculated by dividing the annual earnings by annual hours worked. Assigning category midpoints results in less precise measures of pay

compared to a "true" continuous pay measure like the one used in our analysis. Second, recent research suggests that when examining the pay gap among women and men *professionals*, annual earnings – not hourly wage – is the correct measure to employ. (For details, see Morgan and Arthur 2005.) Third, the data used in their analysis is based on a sample of relatively young women; the average legal experience of women in the sample is 4.5 years compared to 11.11 years of experience for men. Prior research has shown that the gender-based pay gap widens substantially as years of work experience increase (Huang 1997; Wood et al. 1993).

3. The University of Michigan Law School is a very selective school, and as a result, the graduates should not be considered representative of the "average" law school graduate in the United States. The median LSAT score, undergrad GPA and first year earnings of the Michigan graduates are significantly higher than those of the average law school graduate. This is not problematic, however, for our analysis because our goal is to examine sex differences in lawyers' earnings, work histories, etc., and so it is preferable to have a sample of graduates who have received the same training.

4. The tables documenting these results are available from the authors upon request.

5. When we compared the total sample in year 15 to those who were employed in year 15, there were virtually no differences between the full sample and the employed sample for men. For women, the only difference was that employed sample of women had spent less time practicing law and more months not working than the full sample. When we re-ran regressions using the Heckman selection model, diagnostic statistics showed that sample selection was so minor that the Heckman technique was not recommended (Heckman 1980).

6. We impute the average time spent working "parttime" and "not at all" based on sex-specific means for those who did work parttime/not at all in 1980 and 1981. These two classes had a higher percentage of missing data compared to the others –12 percent are missing information on "months parttime" and 9 percent are missing information on "months not worked."

7. A dummy variable indicating whether a respondent's job setting is missing is also included. We included this dummy variable instead of excluding those cases with missing data because the percentage of cases missing data vary by graduating class.

8. We also performed the decomposition analysis using the set of coefficients derived from just the female sample and then from just the male sample. The results from these decompositions are similar to those presented here and are available upon request.

9. We also analyzed our models using the log of hourly wage as the dependent variable. Unlike Lentz and Laband's analyses (1995), we find that this alternative specification produces results that are substantively similar to the results from models that use the log of annual earnings as the dependent variable.

10. We will provide a table that shows how much *each* variable contributes to the log earnings difference upon request.

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Appendix A. Descriptive Statistics on Parents' Work Histories, by Sex and Cohort, University of Michigan Law School Data

	Mothers				Fathers			
	Early Cohort ('72-'78) (n = 129)		Late Cohort ('79 -'85) (n = 193)		Early Cohort ('72-'78) (n = 1,036)		Late Cohort ('79 -'85) (n = 733)	
Work History	%	Mean Months	%	Mean Months	%	Mean Months	%	Mean Months
Ever Worked Parttime	42%	38.30 PT	48%	45.44 PT	**1%**	22.71 PT	**2%**	23.71 PT
Ever Non-work	37%	**17.25 FT**	38%	**9.83 FT**	1%	5.67 FT	2%	7.48 FT
Only Worked Parttime	19%	35.44 PT	22%	47.81 PT	**1%**	20.50 PT	**2%**	21.33 PT
Only Non-work	15%	7.58 FT	12%	10.71 FT	1%	4.87 FT	1%	7.67 FT
Worked Both Parttime and Non-work	22%	43.96 FTE	25%	31.07 FTE	0%	30.00 FTE	0%	25.59 FTE
Worked Parttime or Non-work	57%	25.51 FTE	60%	24.20 FTE	**1%**	8.70 FTE	**3%**	10.79 FTE

Notes: Values in bold are significantly different between cohorts within sex ($p <= .05$). PT = Part-time months, FT = Full-time months, FTE = Full-time equivalent months.