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# Is the partnership gap closing for women? Cohort differences in the sex gap in partnership chances <sup>☆</sup>

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## Abstract

This paper tests predictions from three social science explanations as to how sex differences in attainment of partnership and how women's perceptions of sex discrimination should have changed as women have been integrated into law. Men's and women's partnership rates 15 years after graduation and women's reports of sex discrimination are compared for two cohorts of University of Michigan Law School graduates: the classes of 1972 to 1978 and the classes of 1979 to 1985. Four stages at which women are selected out of, or select themselves out of, the path to partnership are investigated: (1) career plans at graduation; (2) entry into a firm; (3) early attrition from firm practice; and (4) the attainment of partnership among non-attriters. The sex gap in attaining partnership dropped across cohorts, primarily due to declines in sex differences at the first three stages; but sex differences in the percentage of non-attriters who were partners 15 years after graduation declined little across cohorts, both before and after controlling for career plans, legal specialization, work experience, law school grades, and family situations. And in both cohorts, roughly 90 percent of women reported experiences of sex discrimination.

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## 1. Introduction

Women are rapidly integrating into law. Prior to 1970, three percent of lawyers were women. By 2003, 29 percent of the nation's lawyers and about half of the graduates of top law schools were women. But despite successes in gaining entry in and graduating from law schools, women lawyers are still underrepresented in partnership ranks: in 2002, only 16 percent of partners in law firms were women (American Bar Association Commission, 2003).

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According to Epstein et al. (1995), women are less likely to become partners than men because women face “glass ceilings” at multiple stages in law firms. Entering a law firm is one such stage. Mattessich and Heilman (1990) report that women who graduated from University of Minnesota Law School were less likely than men to enter law firms and more likely to take government jobs. In a study of lawyers admitted to the bar in the year 2000, Dinovitzer et al. (2004) find that women were more likely to work in government and legal services and were less likely to work in private practice than men. Donovan (1990) identifies the decision to remain in a firm long enough to be considered for partnership as a second key stage at which women associates are selected out, or select themselves out of, partnership tracks. Yet another stage is making partner, given that one stays in private practice long enough to come up for partner.

Analysts have shown that women associates in law firms are more likely than men associates to drop out in their first years at the firm, and less likely to become partners (Heinz et al., 2005; Hull and Nelson, 2000; Kay, 1997; Kay and Hagan, 1999, 2003; Laband and Lentz, 1993; Lentz and Laband, 1995; Noonan and Corcoran, 2004; Spurr, 1990; Spurr and Sueyoshi, 1994). Analysts attribute these sex differences to a variety of factors, including: sex differences in labor supply, family responsibilities, and preferences; institutional factors within firms that marginalize women; sex discrimination and sexual harassment; and sex differences in opportunities to develop social capital (Epstein et al., 1995; Rhode, 2001).

Prior empirical studies have typically focused on sex differences in one outcome (e.g., early attrition or partnership rates) at a single point in time. We extend this research in two ways. First, we test for multiple glass ceilings by estimating sex differences at four stages on the path to partnership: career plans at graduation, entry into private practice, early attrition from private practice, and partnership attainment. Second, we use data on two cohorts of University of Michigan Law School graduates to test hypotheses from three explanations of sex-based inequalities—the human capital model, the statistical discrimination model, and the structural model—about how sex differences at each stage should have changed as women integrated law.

Our data provide detailed measures of law school quality (all respondents graduated from the same elite law school), law school performance, career plans, work history, and legal specialization—all factors that neoclassical economists point to as causes of male/female labor market differences. Most prior studies of sex-based gaps in attrition from firms and in promotion to partner have not had work history data as detailed as ours, and have imperfectly controlled for law school quality and job preferences (Hull and Nelson, 2000; Kay, 1997; Kay and Hagan, 1999, 2003; Laband and Lentz, 1993; Lentz and Laband, 1995; Spurr, 1990; Spurr and Sueyoshi, 1994).<sup>1</sup> Our unique data allow unusually good tests of the three explanations for how the sex-based gap in partnership should have changed as women increasingly entered law firms.

## 2. Background

### 2.1. The human capital model

The human capital model attributes sex differences in labor market outcomes to sex differences in choices, skills, and training (Becker, 1993, 1996; Polacheck, 2006). Advocates of this model identify the sex division of labor in the home and sex differences in work preferences as the main reasons why women make different choices, develop different skills, and acquire different training than do men. Mincer and Polacheck (1974) argue that because women typically assume the bulk of child-rearing responsibilities within the home, women are more likely than men to work part-time or to drop out of work for prolonged periods of time. This reduces opportunities to acquire on-the-job training and so reduces women's labor market achievements. Filer (1985) posits that even when they work for pay, women make different choices than men do about occupations, job settings, specializations within occupations, and job activities because women's and men's work preferences differ. To the extent that the work characteristics valued by women have lower payoffs than those valued by men, women will experience less labor market success than men. According to this model, there should

<sup>1</sup> Hull and Nelson's (2000) data set provides measures of first position and first job preference, but their measures of work experience are weak. Years since law school graduation is used as a proxy for years of work experience. Time out from work is measured with a dummy variable indicating whether the respondent has taken a leave of absence from work since graduation.

be little to no gap in partnership rates among men and women lawyers with similar job choices, skills, and work histories.

The human capital model implies that employer investments in worker skills and returns to work experience will be lower in “female” fields than in “male” fields in order to accommodate women’s needs to interrupt work and to work part-time. As a result, the early women entrants into a “male” field may underestimate the long-run economic costs of decisions made early in their careers, such as the decision not to enter private practice, the decision to attrite early from private practice, the decision to reduce labor supply for family reasons, or decisions about which legal specializations or work activities to pursue. Future women entrants learn about the extent to which such decisions reduce chances of professional advancement by observing the work careers of early women entrants.

If the later cohorts of women law school graduates are driven more by career concerns than by family concerns when deciding what kinds of legal careers to pursue and how much to work, then, over time, women’s career plans and work history profiles should converge with those of men, and sex-based differences in career plans, entry into firms, legal specializations, attrition from firm practice, and partnership rates should drop. Hull and Nelson (2000) term this the assimilation model. If tastes and experience do not converge, neither will performance or productivity. In this case, differences in men’s and women’s average attrition and partnership rates could be high in both cohorts, but differences in the attrition and partnership rates of men and women with the same tastes and work histories should be negligible. And, if women in later cohorts are better informed about the long-run opportunity costs of decisions about job settings, legal specializations, and labor supply than were women in earlier cohorts, they may be more likely than women in earlier cohorts to attribute sex gaps in partnership rates to their own choices and less likely to attribute sex gaps to sex discrimination.

## 2.2. The statistical discrimination model

A second neoclassical economic explanation for the sex gap in labor market outcomes is that statistical discrimination by employers limits women’s opportunities. Employers have imperfect information about employees and may use sex to predict future work commitment and labor supply. Since the average woman is more likely to work part-time and to take a family leave than the average man, law firms may hesitate to hire women and to promote women associates to partner given the high investment firms make in partners (Lazear and Rosen, 1990).

According to this theory, the role that *incorrect* statistical discrimination plays in determining attrition and promotion ought to disappear as employer “learning” takes place. The Lazear–Rosen argument is driven by employer expectations about how child-rearing will affect women’s future labor supply. Because female lawyers were unusual prior to 1970, employers had little experience predicting women lawyers’ future labor supply when women began integrating law. If law firms predicted this initial cohort of women associates’ future labor supply based on the labor supply of the average women worker, firms would have typically “under-predicted” women associates’ future work commitment.

Over time as more women enter law firms, firms’ predictions of women’s productivity at work should become more accurate; statistical discrimination based on inaccurate predictions of future labor force attachment should diminish; firms should become more willing to hire women; and attrition and promotion gaps between men and women associates with similar qualifications and work histories should drop. As Donovan (1990: p. 140) reasons, “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”.

This reasoning is similar to Kanter’s discussion of tokenism in her classic book, *Men and Women of the Corporation*. According to Kanter (1977), the first women who break into a “male” field are highly visible given the lack of other women in that field, and employers’ expectations about women in general will shape how employers perceive and evaluate these first entrants. As more women enter a field, employers will see that women workers are not all alike and should rely less on sex and more on objective indicators when assessing suitability for promotion. As a result, the gap in the partnership rates of men and women associates with similar credentials, specializations, and work histories should drop and eventually disappear.

If the Lazear–Rosen and Kanter models are correct, we would expect that penalties to labor supply reductions might change as law firms learn more about the long-run work commitment and productivity of women who work part-time or who take family leaves. If, consistent with sex stereotypes, women associates who work part-time or take family leaves typically do so for multiple and prolonged periods and are less productive throughout their careers than associates who work continuously, then penalties to part-time work and/or to family leaves are likely to remain high and may increase over time. Alternatively, if firms learn that part-time associates (or associates who take leaves) *are* productive and typically resume working full-time in a few years, then firms might become more open to providing part-time work (or family leaves) and less likely to penalize associates who have worked part-time (or taken leaves) when making partnership decisions. In either case, as firms gain information from previous cohorts of women associates they will become more *efficient* at predicting which associates are likely to be productive partners. At the same time, the sex-based differences in attrition and partnership rates, once credentials, legal specializations, and labor supply differences have been accounted for, should decline over time; and as a result the percentage of women lawyers who report sex discrimination should also decline.

### 2.3. The structural model

The human capital model and the statistical discrimination model focus on differences in men's and women's work commitment and productivity, either real or perceived, as causes of sex differences in success in traditionally male professions. The "solution" is therefore for women to "act more like men" or for employers to revise their "incorrect" perceptions. In contrast, structural theorists contend that institutional barriers such as hostile work environments, less mentoring, disproportionate assignments of "pro bono" work, and attitudes about appropriate gender roles that are embodied in firms' evaluation and promotion practices, as well as overt discrimination, reduce women's promotion chances by limiting their opportunities to develop social capital within law firms (Epstein et al., 1995; Kay and Hagan, 1999; Rhode, 2001). They further contend that such structural barriers can be hard to alter, and that even when formal institutional barriers disappear, women still may be disadvantaged by informal subtle discrimination (e.g., sexist remarks, being left out of the loop) or by conflicts between work and parenting norms.<sup>2</sup> Williams (2000) notes that the ideal worker norm and ideal parent norm conflict for women, but not for men. For instance, women who conform to the ideal worker norm (i.e., work long hours, take short vacations, etc.) may be stigmatized as bad mothers (Hays, 1996), whereas women who do not conform (i.e., work part-time) may be stigmatized as uncommitted workers (Epstein et al., 1999). Attempting to satisfy these two contrary pressures likely causes women additional stress and may negatively affect their job evaluations.

Epstein et al. (1995) assert that barriers exist at several stages on the path to partnership, and that effects of barriers accumulate over time. Certain barriers may exist at the initial hiring stage. Gorman (2005) found that when a greater number of stereotypically masculine/feminine characteristics were used in law firms' hiring advertisements, men/women constituted a greater proportion of subsequent hires. Since, on average, firms listed significantly more stereotypical masculine criteria than feminine criteria, this practice had an overall negative influence on the proportion of women hired. Other workplace constraints exist further along on the path to partnership. Just as firms hold gender preferences concerning whom they work with, clients also likely hold gender preferences. Since men occupy most of the influential leadership positions in the corporate world, women partners may be less prevalent in corporate firms because male clients prefer to work with male partners. Beckman and Phillips (2005) show that law firms with women-led clients increase the number of women partners within firms; they speculate that this is due to clients' bargaining power and influence over firms' promotion practices, as well as homophily preferences that women leaders have for interacting with similar others.

In between the hiring and promotion stages, Reskin and Roos (1990) propose a structural queuing model that keeps women from top positions within occupations. They claim that when women enter traditionally male occupations, one potential consequence is the "ghettoization" or segregation of women into the least

<sup>2</sup> We thank an anonymous reviewer for pointing this out.

desirable jobs within those occupations. Even women who choose private practice are more likely to practice in areas that are considered secondary (Donovan, 1990). For instance, women lawyers may be directed into domestic law and pro-bono work, while men may be directed into corporate law. Women may spend more time in drafting and library work, while men may spend more time in client recruitment and rainmaking (Epstein et al., 1999).<sup>3</sup> Job segregation can reduce chances of partnership if a woman's specialty area or work activities are not "high-profile" (Donovan, 1990; Hagan and Kay, 1995). Job segregation can also 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. Part-time "mommy tracks" which accommodate women associates' needs for family time but reduce future partnership chances could be another form of job segregation.

If the structural models are correct, multiple barriers—formal institutional barriers, subtle discrimination, work and parenting norms—will slow down the process by which women associates achieve parity with men in the promotion process. Women's perceptions of sex-based discrimination are likely to remain high and sex gaps in attrition and partnership rates, both before and after controlling for labor supply, will be slow to change. If Reskin and Roos' (1990) structural queuing model is correct, sex gaps are unlikely to narrow over time because women associates will be directed into less lucrative legal specialties. One way to test the queuing model is to assess how much of the sex-based difference in partnership is due to sex differences in legal specialties and activities.

#### 2.4. Period effects

Each of these models—the human capital model, the statistical discrimination model, and the structural model—highlight a different factor that would need to change in order for the sex gaps in attrition and partnership rates to narrow over time. Investigating how and why sex differences in attrition and partnership have changed is further complicated because at the same time as women's representation in law increased, private practice itself was changing.<sup>4</sup>

For instance, between the 1970s and the 1980s, entry-level salaries rose for lawyers in private practice and stagnated or declined for lawyers in government or legal services, thus increasing economic incentives for women to enter private practice. In addition, the number of mega-firms was growing. This growth in demand should have facilitated the integration of women because firms needed to recruit talented female lawyers to remain competitive (Chiu and Leicht, 1999). Furthermore, norms about partnership might have become less sexist in this period of high demand. That is, employers might have become more open to new information about women and structural sex discrimination might have faded because of the high demand for workers. Changes within firms such as the trend toward part-time work arrangements that include partnership consideration may have also made the road to partnership easier for associates with family responsibilities (Cheng, 2004).

But other changes in law may have made the road to partnership more difficult for women. The criteria for promotion were changing, with more emphasis placed on "rain-making" (client recruitment) and high billable hours. Alternatives to partnership such as permanent associate (long-term salaried lawyers) were emerging (Arron, 1989; Heinz et al., 2005). Galanter and Palay (1991) contend that the increased focus on rainmaking, contributions to revenues, and billable hours has made the road to partnership more difficult. Some have suggested that heightened productivity expectations within firms have led many lawyers to become dissatisfied with their careers and to leave the legal profession altogether (Arron, 1989).

<sup>3</sup> The structural argument and the taste argument differ with respect to whether one believes that women are steered into certain specializations/work activities by their employers or whether women freely choose certain specializations/work activities.

<sup>4</sup> Since our two cohorts of law school graduates are observed during different time periods, it is impossible for us to control for period effects in our analysis. Thus, any differences we observe between the cohorts may be due to period effects or cohort effects. The third aspect of time—age—is not likely to contribute to cohort effects since graduates in both cohorts are the same average age at the time of the survey.

## 2.5. Summary of past research

In studies of attrition from law firms (Kay, 1997; Kay and Hagan, 2003; Noonan and Corcoran, 2004; Spurr and Sueyoshi, 1994) and of partnership (Hagan and Kay, 1995; Heinz et al., 2005; Hull and Nelson, 2000; Kay, 1997; Kay and Hagan, 1998, 1999; Laband and Lentz, 1993; Lentz and Laband, 1995; Noonan and Corcoran, 2004; Spurr, 1990; Spurr and Sueyoshi, 1994) analysts test predictions from these three models using survey data. These studies typically find that reducing labor supply and “being female” each independently increases the probability of early attrition and decreases the probability of partnership, but that motherhood does not affect these outcomes once labor supply is controlled.<sup>5</sup>

Only two of the studies cited above have examined whether sex differences in partnership have narrowed over time. Spurr and Sueyoshi (1994) analyze data on lawyers who joined top law firms in the United States between the years 1969 and 1973 and those who joined large law firms in Chicago and New York between 1980 and 1983, and predict partnership in the firm by 1989 for each cohort, controlling for years between graduation and starting at current firm, law school quality, participation in law review, urban/rural residence, and firm size. Women are less likely than men to become partners in both cohorts, and the “female penalty” declines by more than half across cohorts. This study may overestimate the female penalty since it lacks detailed measures of work experience, family characteristics, job preferences, and specializations within law. Lentz and Laband (1995) use the 1984 and 1990 American Bar Association Career Satisfaction/Dissatisfaction surveys to examine the gender gap in partnership, and find that at both time points female lawyers are less likely than male lawyers to have achieved partnership, but do not report whether there is a statistically significant change in the gap.

## 2.6. Limitations of past research

Three factors affect the size and interpretation of the female penalties (i.e., gaps in attrition and partnership rates of men and women with similar characteristics) found by prior researchers: sample choice, imprecisely measured or omitted predictors, and over-controlling. First, analytic samples vary across studies. Some studies examine law school graduates or members of the bar and so include lawyers who never worked for a firm, while others examine only lawyers in private practice. Estimated sex gaps are likely larger among all graduates or among members of the bar than among lawyers who have worked in private practice, since men are more likely than women to enter private practice. We estimate sex gaps in partnership rates for all graduates of Michigan Law School and for graduates who enter private practice.

According to advocates of human capital theory, the second factor—imprecisely measured or omitted predictors—could lead to overestimates of female penalties (and hence of potential sex discrimination). Many analysts proxy legal experience by age, years since passed the bar, or years in current firm; and most do not measure years worked part-time and length of family leaves. Such analyses may underestimate the extent to which labor supply reductions affect women’s work outcomes and so may overestimate female penalties. Similarly, most past analyses do not control for the kinds of work done within law firms. Estimates of the female penalty in such studies may be too large if women are more likely than men to choose to perform types of legal work that are less rewarded by firms. Our data provide measures of job preferences, legal specialization, work activities, legal experience, part-time work, and family leaves, enabling us to more precisely isolate the independent effect of sex on partnership.

The third challenge in interpreting female penalties is “over-controlling”—that is, controlling for sex differences that are themselves due to sex discrimination. Structuralists warn that it is difficult to disentangle the impact of choices from the impact of sex discrimination. As Epstein et al. (1995) point out, the line separating institutional barriers and individual preferences is not well-defined. Suppose that a woman’s choice to work part-time for several years reduces her partnership chances. Is this choice a response to discrimination in a firm—i.e., women associates are unlikely to make partner so why not work part-time? Is this the only choice

<sup>5</sup> When Laband and Lentz (1993) estimate effects of sex on the probability of being a partner in 1989 among lawyers working in private practice firms in 1983, controlling for law school quality, prior experience, firm tenure, firm size, and family characteristics, the coefficient on the “female” dummy variable is negative, but not statistically significant.

available to associates who want more time for family? Is the “choice” itself strongly conditioned by the expectations of and pressures from others—colleagues, families, the larger society—expectations and pressures that do not constrain men? For instance, an 80- to 100-h work schedule is likely to be viewed as more inconsistent with good mothering than with good fathering. Many human capital economists would view these scenarios as showing that part-time work is due to individual preferences and so should be controlled when estimating sex gaps. In contrast many structuralists would interpret these scenarios as showing that the decision to work part-time is a response to sex discrimination, institutional constraints, and social pressures, and would claim that controlling for part-time work will lead to underestimates of sex gaps.

Another way to investigate sex discrimination is to directly ask women lawyers about experiences of sex discrimination or sexual harassment. When asked, many women respond affirmatively. [Brockman \(1992\)](#) states that in a 1991 survey of lawyers in Alberta, 59 percent of women reported having experienced discrimination by lawyers on the basis of sex. [Mattessich and Heilman \(1990\)](#) report that—in a 1987 survey of University of Minnesota Law School graduates—55 percent of women reported experiencing sex discrimination from their employers; 18 percent reported experiencing discrimination on the basis of having children; and 16 percent reported experiencing discrimination on the basis of marital status. [Rosenberg et al. \(1993\)](#) report that in a 1987 survey of women lawyers in a Midwestern city, 33 to 40 percent reported discrimination in salary, promotion, and job assignments and 20 percent reported discrimination in recruitment and hiring. [Chambers \(1989\)](#) reports that both men and women lawyers identify sex discrimination as a major reason for women's higher rates of attrition from firms and lower rates of partnership compared to men. Other studies have found that women were more likely than men to report hearing sexist jokes, being called by their first name, being asked whether they are lawyers, and receiving compliments about their appearance rather than their achievements ([Committee on Racial and Gender Bias in the Justice System, 2003](#); [MacCorquodale and Jensen, 1993](#)). What these studies do not tell us is whether women lawyers' self-reports of sex discrimination have dropped over time. Our study analyzes self-reports of sex discrimination from women lawyers in two distinct cohorts, enabling us to see if there has been a decline in reports of sex discrimination over time.

### 3. Current investigation

Prior studies on the existence of a glass ceiling within law firms have typically focused on sex differences in one outcome (e.g. early attrition *or* partnership rates) at one point in time. We extend this research in two important ways. First, we test for sex differences at multiple stages on the path to partnership: career plans at graduation, entry into private practice, early attrition from private practice, and partnership attainment. Second, we use data on two cohorts of University of Michigan Law School graduates to test hypotheses from competing models about how sex differences at each stage should have changed as women integrated law. Past studies have not adequately tested these models because they lacked complete detailed information on lawyers' career plans, work histories, family leaves, part-time work, and specialty areas. Our data provide excellent measures of all of these important variables, allowing us to perform more adequate tests of these models than prior studies have been able to.

Our analytic plan proceeds as follows. First, we identify the percentage of lawyers, by sex and cohort, who are at each of the four important stages en route to partnership. If women in recent cohorts emphasize their careers more than women in earlier cohorts, then we should find that recent cohorts of women are more likely to plan careers in private practice, more likely to enter private practice, less likely to attrite early from private practice, and more likely to be partners. Next, we present descriptive statistics on women's work histories and family characteristics by cohort, again in order to determine whether women in recent cohorts emphasize career incentives more than women in early cohorts. Descriptive statistics on lawyers' specialty areas and work activities are also presented. Structural models predict that women are less likely to become partners than men because women in firms are segregated into less prestigious fields and assigned to tasks with lower potential payoffs than men. We test this hypothesis by examining sex differences in lawyers' specialty areas and work activities.

Following the descriptive analysis, we estimate logistic regression models predicting early attrition and partnership separately by cohort, controlling for career plans, labor supply, family characteristics, demographic characteristics, and area of specialization (partner models only). The estimates from these models will

indicate whether differences in early attrition and partnership rates between men and women with comparable plans, work histories, specializations, and family situations have declined over time—as predicted by the statistical discrimination model—or remained stable over time—as predicted by the structural model. Estimates from these models will also show whether motherhood is associated with lower chances of partnership and higher chances of attrition. These estimates will also show whether the promotion penalty associated with part-time work or family leave has changed over time in ways that indicate employer learning has occurred. Finally, we present descriptive statistics on women's *reports* of sex discrimination by cohort to examine whether perceptions of sex discrimination decline as the legal field becomes more integrated by sex.

#### 4. Data and measures

We use surveys of University of Michigan Law School graduates to test predictions from three models—the human capital model, the statistical discrimination model, and the structural model—on how sex differences on the path to partnership should have changed as women integrated law.<sup>6</sup> The law school surveys all graduates 15 years after graduation about work histories (including interruptions and years worked part-time), work settings, legal specializations, and family situations. These survey data are matched with law records and data from a fifth year survey, giving additional information on graduates' performance while in law school and legal specialization and work activities 5 years after graduation.

The sample includes the graduating classes of 1972 to 1985. Partnership is observed 15 years after graduation, from 1987 to 1993 for the early cohort (classes of 1972 to 1978) and from 1994 to 2000 for the late cohort (classes of 1979 to 1985). The average response rate for the fifteenth year survey was 63 percent and was similar across sexes and between cohorts.<sup>7</sup> This response rate falls in the middle range of those reported in other studies of lawyers.<sup>8</sup> Respondents who did not answer the fifth year survey were excluded (since some predictor variables were measured at this time) and respondents with missing data on the variables used in the analyses were also excluded. The final analytic sample includes 198 women and 1187 men in the early cohort and 304 women and 814 men in the late cohort.<sup>9</sup> Within each cohort, we use three sub-samples for our multivariate analyses: all graduates, graduates who spent at least one year in private practice, and graduates who spent 5 years or more in private practice.

We constructed two dependent variables. The first measures early attrition and is a dummy variable equal to one if the respondent has four or fewer years of private practice experience. This private practice experience need not be continuous and may include work in multiple firms. The second is a dummy variable equal to one if the respondent is a partner in a firm (with two or more members) at year 15. The data do not allow us to determine the *exact* timing of attrition and/or promotion.

<sup>6</sup> The University of Michigan Law School is a very selective school and the graduates are representative of elite law schools. 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 for our analysis because our goal is to examine sex differences in attrition and attainment of partnership and so it is preferable to have a sample of graduates who have received the same training.

<sup>7</sup> We investigated whether the full sample of graduates differed from the sample that responded to the fifteenth year survey using law school records and data from the fifth year survey. The restricted sample has a slightly higher percentage of whites (93 percent versus 90 percent) and slightly higher law school GPAs (3.16 versus 3.12) than the full sample. Within gender, there were no significant differences between the two samples with respect to career plans, marital status, number of children, earnings, labor supply, area of specialization, and time spent in various activities at the fifth year survey.

<sup>8</sup> Lawyer surveys with lower response rates than ours include Robson and Wallace's (2001) 1994 Canadian survey (39 percent) and Huang's (1997) 1992 survey of law school graduates (41 percent). Surveys with higher response rates than ours include the 1984 American Bar Association's National Survey of Career Satisfaction/Dissatisfaction (77 percent) and a 1975 and 1994–1995 survey of the Chicago bar (both 82 percent). These are cross-sectional surveys. The only other panel data on lawyers of which we are aware—the 1990 follow up to the 1984 Career Satisfaction survey—has a response rate similar to ours (65 percent).

<sup>9</sup> About one-third of the drop in sample size is due to excluding individuals who did not respond at year 5. As a check, we re-ran the early attrition regressions including respondents who were not surveyed at year 5. We also re-ran the partnership regressions (excluding the specialization dummies) both for the analytic sample and for the analytic sample plus the respondents who were not surveyed at year 5. The estimated sex coefficients for the early attrition and promotion regressions are virtually identical for the analytic sample and for the analytic sample plus the respondents who were not surveyed at year 5.

Predictor variables include: sex, race, law school grade point average (GPA), career plans at graduation, work history, whether ever been married, whether ever had children, whether satisfied with work–family balance at year 15, and whether ever had a mentor. Career plans are measured with a set of dummy variables indicating desire to work in private practice (e.g. lawyers who work in law firms or are self-employed), government (e.g. prosecutors, public defenders, lawyers in legal services/public interest, or politicians) or other areas (business, teaching, house counsel, etc.). We also include an indicator for those who have no career plans at the time of graduation. Measures of work history are reported at year 15 and include: years practiced law, months worked part-time to care for children, and months not worked to care for children. These work history measures improve on past research in several respects. First, most past research proxies legal work experience with “years since law school graduation”. Michigan Law School graduates reported how many years they had actually practiced law. Second, most past studies either have no measure of work leaves to care for children or have only a dichotomous variable indicating whether a lawyer took such a leave. Michigan graduates reported the number of months of non-work to care for children. Third, the Michigan Law School survey is the only legal dataset that we know of that measures months worked part-time over one’s career to care for children.

The partnership regression includes three additional predictors: legal specialization, spouse’s occupation, and legal activities (late cohort only). Five years after graduation, graduates who were practicing law were asked what percentage of their time was spent in 17 different legal areas: administrative law, antitrust, banking and finance, bankruptcy, corporate, criminal, family law, employee benefits, energy, estate planning, government contracts, insurance, labor relations, copyright, real property, securities, and personal injury. A variable is set equal to one if the respondent reported spending at least 25 percent of his/her total time in an area, and equal to zero otherwise. Respondents could be assigned a “1” in up to four different areas.<sup>10</sup>

We also include a set of dummy variables indicating the spouse’s or cohabiting partner’s occupation: professional/managerial, other occupation, non-worker, and not married/cohabiting (omitted category). If a lawyer’s spouse is a professional or manager, he/she may provide networking opportunities, client referrals, and emotional support and understanding that spouses in less demanding occupations would not be able to provide. For example, in her research on women scientists, [Wasserman \(2000\)](#) finds that marriage to a fellow scientist offers women scientists a critical source of support from someone familiar with the daily demands of their careers. Of course, lawyers married to non-professionals or non-workers may benefit in other ways. A spouse with a less intense, more flexible career, or no career, may take on the majority of childcare responsibilities and be willing to move in order to facilitate his/her spouse’s career. Due to these opposing possibilities, we do not offer a definitive prediction for the relationship between spouse’s occupation and the likelihood of becoming a partner.<sup>11</sup>

Variables indicating the percentage of time (0–100) spent at year 5 in the following legal activities—litigation, appeals, office administration, drafting legal documents, library research, socializing with co-workers, recruiting, client interviewing, negotiation, legal education, lobbying, and other—were also included in the partnership regressions for the late cohort.<sup>12</sup> Size of firm may be another important variable predicting partnership within firms. If women are more likely than men to work in large firms, and the likelihood of making partner is smaller in large firms compared to small firms, part of the sex gap in partnership chances may be explained by firm size. Unfortunately, firm size at the fifth year is not available for all graduates in our data set and so we are unable to explore this possibility.

<sup>10</sup> Six additional areas were “offered” in some but not all survey years (civil rights, communications, environment, immigration, income tax, and international trade); a respondent with a specialty in one of those areas was assigned to a residual “other” category. Lawyers who did not indicate any specialty were also assigned to the “other” category. Respondents who were unemployed or not practicing law at the fifth year were assigned to a “missing” category. In total, there are 19 specialty dummy variables.

<sup>11</sup> We thank an anonymous reviewer for pointing out that non-professional spouses may facilitate lawyers’ careers by assuming family responsibilities.

<sup>12</sup> Graduates who were unemployed or not practicing law at year 5 were assigned to a “missing time” residual category. These 13 activity variables sum to 100 percent; library research is the omitted category in our regression models.

Table 1

Sex and cohort differences in career plans, firm entry, early attrition, and partnership for graduates of University of Michigan Law School

Variable	Early cohort ('72–'78)		Late cohort ('79–'85)	
	Men	Women	Men	Women
Percent with given career plans upon leaving law school		**		*
Private practice	70.2	<b>54.0</b>	73.0	<b>64.8</b>
Government	13.2	<b>25.8</b>	12.3	<b>18.4</b>
Other	8.6	<b>7.6</b>	9.0	<b>10.2</b>
None	8.0	<b>12.6</b>	5.8	<b>6.6</b>
<i>N</i>	1187	198	814	304
Percent in firm at least 1 year	<b>86.7</b>	<b>75.2</b> **	<b>90.0</b>	<b>84.5</b> **
<i>N</i>	1187	198	814	304
Percent attriting within 4 years (among those in a firm at least 1 year)	<b>10.8</b>	<b>28.9</b> **	<b>14.3</b>	<b>17.9</b>
<i>N</i>	1029	149	733	257
Percent partner				
Among all graduates	<b>57.6</b>	25.8**	<b>50.2</b>	30.3**
<i>N</i>	1187	198	814	304
Among those in firms 5 years or more	<b>74.1</b>	46.2**	<b>63.9</b>	42.2**
<i>N</i>	918	106	628	211

Notes. Asterisks denote statistically significant sex differences within cohort (\* $p < 0.05$ , \*\* $p < 0.01$ ).

Values in bold denote statistically significant cohort differences within sex ( $p < 0.05$ ).

For career plans, we test whether—as a group—there are significant sex and cohort differences.

## 5. Results

### 5.1. Sex differences at four stages to partnership

Table 1 shows how law school graduates' career plans, entry into private practice, early attrition out of private practice, and attainment of partnership have changed across cohorts. We report partnership rates both for all graduates and for non-atriters (graduates who worked in firms 5 or more years). Sex gaps in partnership rates for all graduates will be higher than for non-atriters if women have lower rates of firm entry and higher rates of early attrition than men.

The human capital model predicts that as women lawyers learn more about the economic rewards (i.e., becoming partner) of working in different legal settings, they will shift towards more lucrative settings such as private practice. Consistent with this prediction, sex differences in career plans, firm entry, and early attrition out of private practice are large and significant in the early cohort and are smaller and sometimes insignificant in the late cohort.<sup>13</sup> These changes were driven almost entirely by changes in women's behavior. Women graduates in the late cohort are more likely than those in the early cohort to plan careers in private practice (65 percent versus 54 percent) and are more likely to have worked in private practice at some point (85 percent versus 75 percent). Women in the late cohort who enter firms are less likely to attrite early from private practice than are women in the early cohort (18 percent versus 29 percent). The structural model implies that sex gaps in partnership will not drop due to institutional barriers, while the statistical discrimination model implies that sex gaps will drop due to employer learning. Sex differences in partnership among all graduates

<sup>13</sup> In Table 1, we report statistically significant sex and cohort differences in career plans by treating career plans as a single variable. Additionally, we created 5 dummy variables representing each type of career plan in order to test for sex and cohort differences in specific types of career plans. In both cohorts, men are significantly more likely than women to plan a career in private practice, and women are more likely than men to plan a career in legal services. Also, in the early cohort, women are more likely than men to have no career plans. With respect to change across cohorts, we find that compared to women in the early cohort, women in the late cohort are more likely to plan a career in private practice and are less likely to plan a career in legal services. For men, there are no statistically significant cohort differences in career plans.

Table 2  
Family characteristics and labor supply for two cohorts of women graduates of University of Michigan Law School

Variable	All graduates		In firm at least 1 year		In firm 5 years or more		In firm 5 years or more—did not become partner		In firm 5 years or more—became partner	
	Early	Late	Early	Late	Early	Late	Early	Late	Early	Late
<b>Family characteristics 15 years after graduation</b>										
Percent ever married	92.4	85.5 <sup>*</sup>	92.6	85.6 <sup>*</sup>	93.4	86.7	93.0	84.4 <sup>+</sup>	93.9	89.9
Percent ever had children	72.7	70.7	73.8	70.8	73.6	71.6	75.4	71.3	71.4	71.9
Percent satisfied with work–family balance	60.1	58.9	59.7	56.8	60.4	57.3	73.7	64.8	44.9	47.2
<b>Labor supply 15 years after graduation</b>										
Years practiced law	12.51	12.43	12.77	12.91	13.66	13.52	12.82	12.65	14.63	14.71
Months part-time for children	12.02	14.42	13.07	15.59	12.87	17.44	19.00	19.93	5.73	14.04 <sup>+</sup>
Months nonwork for children	9.87	7.67	10.78	6.20 <sup>*</sup>	7.07	4.86	12.17	6.98 <sup>+</sup>	1.12	1.95
<i>N</i>	198	304	149	257	106	211	57	122	49	89

Note. Asterisks denote statistically significant cohort differences within the given sample (<sup>+</sup> $p < 0.10$ , <sup>\*</sup> $p < 0.05$ ).

drop moderately across cohorts, but the sex differences in partnership among non-attritors drop only a little across cohorts.

### 5.2. Cohort differences in women's human capital and family situations

The human capital model predicts that if economic incentives prevail, women lawyers' labor supply should increase over time and eventually converge with that of men. This did not happen. Table 2 reports family characteristics and labor supply by cohort for 5 samples of women: all graduates, graduates who ever worked in a firm, graduates who worked for firms for 5 or more years, graduates who worked for firms for 5 or more years but were not partners, and partners. Among all graduates, each cohort of women reported about 12.5 years of legal work experience—1 year less than the average amount of experience accumulated by men (statistics not shown). Although women's years of legal work experience did not change, their work patterns did shift. In most cases, women in the late cohort averaged more months of part-time work and fewer months of non-work than did women in the early cohort.

Based on the statistical discrimination model, we predicted that penalties to part-time work and family leaves might change due to employer learning. Two patterns in Table 2 suggest that part-time work became more available and acceptable in firms and became less of an obstacle to making partner. First, in the late cohort, women who had worked in firms for 5 years or more averaged two to three months *more* part-time work experience than either women who had ever worked in firms or all women graduates; this was not the case in the early cohort. Second, the average months of part-time work experience accrued by women partners rose from 5.7 months for partners in the early cohort to 14 months for partners in the late cohort. In contrast, average months spent by women on family leaves dropped sharply across cohorts for women who worked in a firm at least one year. These drops suggest that women associates in the late cohort may have perceived that family leaves were an obstacle to advancement. This is consistent with the fact that women partners in both cohorts spent virtually no time on family leaves, averaging less than two months of family leave.

Most women had been married and had children. Women in the late cohort were slightly less likely to have ever married, but no more likely to be childless than women in the early cohort. In both cohorts, 59 to 60 percent of graduates were satisfied with their work–family balance. Neoclassical economic models posit that family responsibilities are a major reason why women are less successful than men in the labor market. Given this, we might expect that women partners would be less likely than all women graduates to marry or have children. This was not the case. But, partners were less *satisfied* with their work–family balance than were all graduates (45–47 percent of partners were satisfied versus 59–60 percent of all graduates).

Advocates of human capital theory would agree with structuralists that sex differences in specializations and work activities could be one reason women do not achieve parity with men but would attribute this to sex differences in preferences rather than to differences in how firms treat men and women. In either case, we would expect to see sex differences in legal specializations and work activities. We tested for sex differences in the distribution of the 17 legal specializations in both cohorts and in the distribution of time spent in 12 work activities in the late cohort. Legal specializations differed significantly by sex for the early cohort, but neither legal specialization nor work activities differed significantly by sex for the late cohort (see Appendices A and B). Contrary to human capital and structural predictions, women associates in the late cohort neither segregated themselves nor were they steered by employers into different legal specialties or work activities.

### 5.3. Estimates of sex gaps in early attrition and partnership across cohorts

We estimate logistic regression models predicting early attrition and attainment of partnership in order to examine whether differences among men and women with comparable law school GPAs, career plans, work histories, legal specializations, and family situations have dropped across cohorts as would be predicted by the statistical discrimination model or have remained large across cohorts as would be predicted by the Reskin and Roos (1990) queuing model. We control for career plans, labor supply, and legal specialization when estimating sex gaps so as to give the best possible test of neoclassical predictions, although a structuralist might argue that this potentially underestimates the sex gaps if discrimination or institutional barriers shape

women's career plans, labor supply, or legal specializations.<sup>14</sup> The first two columns in Table 3 report coefficients from regressions predicting early attrition for lawyers with at least one year of firm practice; the next four columns report coefficients of regressions predicting partnership. The predictor variables are identical in these regressions with two exceptions. When predicting partnership, we control for legal specialization in year 5 and for spouse's occupation. We do not control for legal specialization when predicting attrition since legal specialization could result from a change of field when graduates left law firms.

### 5.3.1. Early attrition

We begin by discussing the early attrition results. Because many predictors are measured over the entire 15 years since graduation and most "leavers" likely exited firm practice prior to year 15, the attrition findings are not interpreted within a causal framework, but within an "associative" framework. The findings simply tell us whether those who have been in private practice between 1 and 4 years differ significantly on a set of characteristics compared to those who have 5 years or more of private practice experience.

The sex gap in early attrition rates dropped and became insignificant across cohorts. In the early but not the late cohort, men are significantly less likely than women to attrite early from firm practice, controlling for career plans, law school GPA, family situations, and labor supply (coefficient for male dummy variable is  $-0.90$  in early cohort versus  $-0.11$  in late cohort). As might be expected, graduates in both cohorts who planned on careers in areas other than private practice are more likely to attrite early from firm practice. Years practiced law is associated with significantly lower attrition rates in both cohorts. In the early cohort, associates who left firms within 4 years are not significantly more likely to have taken family leaves or to have worked part-time to care for children, compared to those who stayed. But in the late cohort, women who left private practice spent significantly *less* time in part-time work than did women who remained in private practice. The increased availability of part-time positions within firms may have encouraged some women to remain in private practice.

Human capital models emphasize that family responsibilities reduce women's labor market productivity. Given this, one might expect that marriage and children would be associated with an increased likelihood of early attrition for women. When we ran the attrition models separately for women, neither marriage nor children were significantly related to attrition for women in either cohort. In the early cohort, associates who attrite early from firms are, however, more likely than those who stayed to be satisfied with their work–family balance.

### 5.3.2. Partnership

We examine the correlates of partnership for two samples: all graduates and graduates with 5 years or more of firm practice (non-attriters). Results are reported in columns 3–6 of Table 3. The coefficient on the sex dummy in the "all graduates sample" picks up effects of sex differences in (1) entry into private practice, (2) early attrition out of private practice, and (3) partnership chances among non-attriters. The coefficient

<sup>14</sup> We also estimated regression models predicting early attrition and partnership for non-attriters which included interactions between sex and all the independent variables. For the two early attrition regressions there was only one significant interaction with sex, and the interaction models were not a better fit than the models without interactions. In the early cohort, satisfaction with work–family balance at year 15 is associated with an increased likelihood of early attrition for men. But work–family satisfaction is not significantly associated with early attrition for women. In the late cohort, marriage is associated with a higher likelihood of early attrition for men, but not for women. There were more significant sex interactions in the partnership models. For the early cohort partnership regression, the coefficients on race, spouse's occupation, and satisfaction with work–family balance differed significantly by sex, but the interaction model was not a better fit than the model without interactions. Results showed that being white is negatively associated with partnership for women and has no association with partnership for men. Having a working spouse is not statistically significantly related to partnership for men or women, but the direction of the effect is negative for men and positive for women. Work–family satisfaction is negatively associated with partnership for both men and women, but the association is larger for women. In the partnership model for the late cohort, the coefficients on race, GPA, spouse's occupation, and satisfaction with work–family balance differed significantly by sex and the interaction regression was a better fit than the regression without interactions. Being white is negatively associated with partnership for women and has no association for men. GPA is positively associated with partnership for both men and women, but the association is larger for women. Work–family satisfaction is negatively associated with partnership for both men and women, but the association is larger for women. Finally, having a professionally employed spouse is positively associated with partnership for women, but has no association for men.

Table 3  
Logistic regression results predicting attrition and partnership, by cohort, University of Michigan Law School Data

Variable	Early attrition		Partnership			
	In firm at least 1 year		All graduates		In firm 5 years or more	
	1 Early	2 Late	3 Early	4 Late	5 Early	6 Late
Sex						
Male = 1, female = 0	<b>−0.90**</b> (0.27)	<b>−0.11</b> (0.25)	0.75** (0.25)	0.50* (0.20)	0.54+ (0.30)	0.52* (0.23)
Long-term career plans upon leaving law school						
Private practice	Omitted category	Omitted category	Omitted category	Omitted category	Omitted category	Omitted category
Government	0.92** (0.28)	1.26** (0.26)	−1.26** (0.22)	−1.24** (0.24)	−0.71* (0.28)	−1.04* (0.28)
Other	0.57 (0.49)	1.27** (0.34)	−1.85** (0.32)	−1.70** (0.35)	−0.56 (0.42)	−0.56 (0.46)
None	0.34 (0.32)	1.14** (0.34)	−0.99** (0.25)	−1.94** (0.37)	−0.63* (0.30)	−1.74** (0.40)
Area of specialization 5 years after graduation			Included	Included	Included	Included
Labor supply 15 years after graduation						
Years practiced law	−0.25** (0.03)	−0.19** (0.03)	0.40** (0.05)	0.36** (0.05)	0.43** (0.06)	0.43** (0.07)
Months part-time for kids	0.00 (0.01)	−0.02+ (0.01)	−0.01 (0.01)	0.00 (0.00)	−0.02+ (0.01)	−0.01 (0.01)
Months part-time for kids * sex	0.02 (0.03)	0.03 (0.02)	0.06* (0.03)	−0.61 (0.61)	0.14 (0.10)	−0.69 (0.78)
Months nonwork for kids	0.00 (0.01)	0.00 (0.01)	−0.11+ (0.06)	−0.05+ (0.03)	−0.09 (0.07)	−0.06* (0.03)
Family characteristics 15 years after graduation						
Ever married	−0.20 (0.46)	0.23 (0.43)	0.02 (0.41)	0.23 (0.41)	−0.13 (0.51)	0.34 (0.45)
Ever had children	−0.39 (0.27)	−0.18 (0.30)	0.32 (0.21)	0.39 (0.24)	0.23 (0.24)	0.27 (0.28)
Satisfied with work–family balance	0.45** (0.21)	0.32 (0.20)	−0.76** (0.15)	−0.63** (0.15)	−0.66** (0.17)	−0.59** (0.17)
−2 log likelihood	722.92	700.20	1251.90	1109.48	938.43	890.86
Model $\chi^2$ (comparing current model to constant only model)	190.67**	145.38**	662.90**	428.34**	291.25**	248.44**
Model $\chi^2$ (comparing current model to model without area of specialization)			60.01**	36.81**	45.14**	21.18
N	1178	990	1385	1118	1024	839

Notes. + $p < 0.10$ , \* $p < 0.05$ , \*\* $p < 0.01$ . Standard errors in parentheses. Coefficients in bold are significantly different across cohorts ( $p < 0.05$ ). Models include controls for race, law school GPA, mentor, and spouse occupation (partnership models only).

on the sex dummy in the “non-attributors” sample provides an estimate of sex differences in partnership among men and women associates who have worked in one or more private practice firms for 5 years or more.

Sex strongly predicts partnership among all graduates in both cohorts (male dummy coefficient is 0.75 in the early cohort and 0.50 in the late cohort). Male graduates are more likely than female graduates to be partners even when men and women have comparable career plans, law school GPAs, marital status, parental status, work histories, and legal specializations. Sex also strongly predicts partnership among non-attributors in both cohorts when the same set of controls is included (male dummy coefficient is 0.54 in the early cohort and 0.52 in the late cohort). The sex gap in partnership rates among all graduates declined across cohorts, but the sex gap in the partnership rate among non-attributors did not decline across cohorts. Presumably the sex gap in partnership rates among all graduates declined because women graduates in the late cohort were more likely to enter private practice and less likely to attrite early than the women graduates in the early cohort.

Coefficients on predictors of partnership other than sex typically have similar signs across the cohorts and samples. Lawyers who planned careers in private practice are significantly more likely to be partners; years practiced law is associated with significantly higher partnership rates; and part-time work experience and family leaves are associated with lower (sometimes significant) partnership rates. The specialization dummy variables improve the model fit for the early but not the late cohort. Specializations with the biggest partnership payoffs are insurance, real property, and personal injury (results not shown). Marriage and children have mostly positive, insignificant associations with partnership. Satisfaction with work–family balance is negatively correlated with partnership. Finally, the spousal occupation indicators were not significant in the early cohort models, but, in the late cohort, respondents who are currently married or cohabiting with a professionally-employed partner are significantly more likely to be a partner in a law firm compared with respondents who are single (results not shown).

We were interested in whether any of the family characteristics had different impacts on the likelihood of making partner for men and women. When we re-estimated the partnership equations separately by gender, marriage and children were not significantly associated with partnership for women in either cohort in either sample. Prior research also finds that marriage and children are not significantly negatively associated with women's partnership chances (Hagan and Kay, 1995; Kay and Hagan, 1998, 1999; Laband and Lentz, 1993; Lentz and Laband, 1995; Noonan and Corcoran, 2004). The negative associations between satisfaction with work–family balance and partnership were larger for women than for men in both cohorts. Also, the positive association between professionally-employed spouse and partnership was larger for women than for men in the late cohort.

### 5.3.3. Supplemental analyses of sex gaps in partnership

We ran several supplemental analyses to examine whether the significant residual sex gap in partnership rates of lawyers in the late cohort was partly due to sex differences in human capital or job preferences not captured in the partnership regressions reported in Table 3.<sup>15</sup> We first explore whether sex differences in hours worked by full-time associates were a cause of women's lower promotion rates.<sup>16</sup> At year 5, lawyers in the late cohort were surveyed about work hours; full-time women associates worked on average three percent fewer hours per year than did full-time men associates (2513 h versus 2590 h). When we re-estimated the partnership regression for the late cohort adding a measure of associates' work hours at year 5 as a predictor, the coefficient on the sex dummy did not drop materially.<sup>17</sup>

We next examined whether sex differences in work activities were a cause of lower partnership rates for women in the late cohort by adding the set of “time spent in various law activities at year 5” to the partnership regression for the late cohort. Work activities significantly predict partnership. For instance, spending time

<sup>15</sup> We only ran these supplemental analyses for the late cohort because the variables we analyze were only asked of the late cohort. Results are not shown, but are available upon request.

<sup>16</sup> We define full-time status as working 1800 or more hours per year.

<sup>17</sup> We re-ran the partnership regression with and without a control for work hours at year 5 for all non-attributors in the late cohort who also worked full-time in private practice jobs in year 5. The coefficient on the sex dummy dropped from 0.60 to 0.59 when work hours were controlled and was significant in both regressions.

recruiting has a relatively high promotion payoff while spending time in office administration has a relatively low payoff. The sex difference in partnership rates does not change when work activities are controlled, presumably since there are no significant sex differences in the distribution of work activities at year 5 (see Appendix B).

As a last check, we examined whether sex differences in satisfaction with various aspects of private practice work could account for some of the residual sex difference in partnership in the late cohort. Fifth year surveys asked lawyers about their satisfaction with eight job attributes: work hours, control over work, value of work to society, income, intellectual challenge, prestige in the community, ability to bring about social change, and overall satisfaction. Men and women associates' rankings of satisfaction with these job attributes were similar with one exception: 31 percent of women, but only 19 percent of men, reported being very dissatisfied with their ability to bring about social change through their work. We included satisfaction in year 5 in the promotion regressions for the late cohort. For all eight job attributes, the more satisfied that an associate was at year 5, the higher the likelihood of partnership at year 15 (four of these eight coefficients were significant). But, the significance and magnitude of the coefficient of the sex dummy did not change when job satisfaction was controlled.

We have explored three avenues—legal specializations, work activities, and satisfaction with job attributes—through which sex differences in preferences might lead to sex gaps in partnership. In the late cohort, men and women associates have the same specializations, are doing the same work activities, and like their jobs about the same. This finding is at odds both with the human capital prediction that sex gaps in preferences are a major cause of sex gaps in labor market and with Reskin and Roos's (1990) structural queuing model. Women associates in the late cohort have neither segregated themselves nor been steered into less lucrative legal specializations and work activities. Despite this, women associates in the late cohort become partner at a lower rate than men.

#### 5.4. How much does sex matter?

Because logistic regression coefficients do not show how much the probability of an event changes when the predictors change, we translate the coefficients into predicted probabilities. We first calculate the predicted probability of exiting private practice/becoming partner for an individual with a fixed set of characteristics. We then recalculate the expected probabilities of attrition and partnership changing characteristics one at a time. The changes in predicted probability associated with each change in characteristic are reported in Table 4.

The first row of numbers in Table 4 reports the predicted probabilities of attrition and partnership in the early and late cohorts for a lawyer with fixed characteristics. This "base lawyer" is a white man who is married with children; who planned to work in private practice; who is assigned the "mean" area of specialization; who has a 3.2 GPA; who has 13.5 years of legal work experience, no leave, and no part-time experience; who has a mentor; who is satisfied with his work–family balance; and who is married to/cohabiting with a non-professional worker. This base lawyer has a seven percent chance of early attrition (i.e., working in private practice for between 1 and 4 years) in the early cohort, and a 10 percent chance of early attrition in the late cohort. A graduate with the characteristics of the base lawyer has a 56 percent chance of becoming a partner in the early cohort, and a 48 percent chance of becoming a partner in the late cohort. A graduate with the characteristics of the base lawyer who had spent 5 years or more in private practice has a 67 percent chance of becoming a partner in the early cohort and a 53 percent chance of becoming a partner in the late cohort. Thus, the probability of attrition rose across cohorts and the probability of partnership declined across cohorts for the base lawyer.

The remaining rows of numbers in Table 4 report the expected marginal changes in these base probabilities if *only* the characteristic listed on the left most side of that row changed. For example, if the base lawyer were female instead of male, then the predicted probabilities of early attrition would rise by nine percentage points in the early cohort and by one percentage point in the late cohort; the predicted probabilities of partnership among all graduates would drop by 18 percentage points in the early cohort and by 12 percentage points in the late cohort; and the predicted probabilities of partnership among the non-attritors would drop by 13 percentage points in both cohorts.

Table 4

Estimated marginal changes in expected probability that a "base" lawyer attrites early/becomes a partner, due to changes in selected predictor variables, by cohort, University of Michigan Law School Data

	Early attrition		Partnership			
	In firm at least 1 year		All graduates		In firm 5 years or more	
	Early	Late	Early	Late	Early	Late
Expected probability for "base" lawyer <sup>a</sup>	0.07	0.10	0.56	0.48	0.67	0.53
Expected change in base probability given the following:						
Sex						
Male to female (base female)	<b>0.09</b>	0.01	<b>−0.18</b>	<b>−0.12</b>	<b>−0.13</b>	<b>−0.13</b>
Career plans upon leaving law school						
Private practice to government	<b>0.09</b>	<b>0.18</b>	<b>−0.30</b>	<b>−0.27</b>	<b>−0.17</b>	<b>−0.24</b>
Family characteristics 15 years after graduation						
13.5 to 12.5 years work experience	<b>0.02</b>	<b>0.02</b>	<b>−0.10</b>	<b>−0.09</b>	<b>−0.10</b>	<b>−0.11</b>
0 Part-time months to 36 part-time months for the "base female"	0.02	<b>−0.05</b>	−0.09	−0.04	<b>−0.16</b>	−0.06
0 Nonwork months to 12 nonwork months for the "base female"	0.00	0.01	<b>−0.25</b>	<b>−0.12</b>	−0.25	<b>−0.16</b>
Family characteristics 15 years after graduation						
Ever-married to never married	0.01	−0.02	0.00	−0.06	0.03	−0.08
Parent to childless	0.03	0.02	−0.08	−0.10	−0.05	−0.07
Satisfied with work–family balance to unsatisfied with work–family balance	<b>−0.03</b>	−0.03	<b>0.17</b>	<b>0.16</b>	<b>0.13</b>	<b>0.14</b>

Notes. These probability simulations are based on the coefficient estimates from the models in Table 3. Bolded values represent changes for variables that are statistically significant ( $p < 0.10$ ).

<sup>a</sup> Base lawyer is a white male, law school GPA is 3.2, ever-married with children, long-term plans to be in private practice, "mean" area of specialization at fifth year (for partner models), 13.5 years work experience, no part-time work, no time out of labor force, has a mentor, is satisfied with work–family balance, and spouse/cohabiting partner works in a non-professional/non-managerial occupation (for partner models).

The “sex penalties,” or the marginal effects of being female, disappeared for early attrition as was predicted by both the human capital and statistical discrimination models. Changes in sex gaps in partnership rates, on the other hand, do not conform neatly to predictions of any of the three theoretical models. If the human capital model were correct, sex gaps in partnership rates between lawyers with similar credentials, career plans, specializations, and work histories should be small or nonexistent in both cohorts. According to the statistical discrimination model, sex gaps in partnership rates of similar associates should drop across cohorts due to employer learning. If the structural model were accurate, sex gaps in partnership rates of similar associates would be high in both cohorts and would not drop across cohorts due to entrenched institutional practices that marginalize women. The sex gap in the partnership rates for all graduates did drop (from 18 percentage points to 12 percentage points) across cohorts primarily because women in the late cohort enter firms and remain in firm practice at almost the same rates as do men, but the sex gap in the partnership rates of non-atriters (associates with 5 years or more of firm experience) did not drop across cohorts (13 percentage points in each cohort).

The human capital and statistical discrimination arguments assume that labor supply strongly predicts career success and that sex differences in labor supply, particularly in part-time work and in work interruptions, are primary causes of sex-based differences in career success. Another prediction of the statistical discrimination model is that penalties to cutbacks in labor supply might change as employers became better at predicting women's productivity. Labor supply (years worked in law, months part-time, and months non-work) does predict partnership chances in both cohorts, and penalties to part-time work did drop considerably across cohorts. Three years of part-time work experience (i.e., 36 months) reduces the expected chances of partnership for the “base” non-atritter woman lawyer by 16 percentage points (significant) in the early cohort, but by only six percentage points (insignificant) in the late cohort.

We, like others, find that marriage and children are not negatively associated with partnership nor positively associated with early attrition. But satisfaction with work–family balance does have a large negative association with partnership. The partnership rate for the “base” non-atritter lawyer who is *not* satisfied with work–family balance is 13–14 percentage points higher than for the base non-atritter lawyer who is satisfied with work–family balance.

### 5.5. Reports of sex discrimination

Structural models typically predict that sex discrimination is resilient and will not decline over time, while statistical discrimination models predict that sex discrimination ought to decline. We can not directly observe sex discrimination, but we can examine women's reports about their experiences of discrimination. The University of Michigan surveyed the graduates of the classes of 1972–1985 who were practicing law in the fifteenth year after graduation about current experiences of sex discrimination (by lawyers in their firms, by other lawyers, and by clients). Graduates of the classes of 1976–1985 who were practicing law in the fifth year after graduation were asked the same set of questions. Table 5 shows the percentage of women who reported experiencing “a little” or “a lot” of each form of discrimination.

About 90 percent of women in each cohort reported having experienced a little or a lot of discrimination from some source 5 and 15 years after graduation. Among women partners, 86–92 percent reported experiencing discrimination from lawyers at their own firms, other lawyers, or clients. Women were most likely to report sex discrimination from “other lawyers” (76–90 percent), but about half reported discrimination from lawyers at their firms, and 73–82 percent reported discrimination from clients.

## 6. Conclusion

When women first entered law school in large numbers in the early 1970s, neither women law school graduates nor law firms knew much about what to expect from each other. In this paper, we examine how the work choices, family choices, and work outcomes of women graduates changed from the 1970s to the 1990s, as firms and later cohorts of women graduates learned from the experiences of the early cohort of women graduates.

During the 1980s, significant changes occurred in US society that lowered the costs and increased the benefits of work for many women. For instance, general attitudes about working mothers became more

Table 5

Cross-cohort changes in reports of discrimination by women graduates of University of Michigan Law School

	From any source		From lawyers within the firm <sup>c</sup>		From other lawyers		From clients <sup>d</sup>	
	Early	Late	Early	Late	Early	Late	Early	Late
<i>Practicing law 5 years after graduation<sup>a</sup></i>								
Percent reporting either "a little" or "a lot"	90.7	92.1			50.0	89.6	85.3	81.8
A little					43.8	72.9	72.5	71.0
A lot					6.2	16.7	12.8	10.8
N	97	266			226	96	265	93
<i>Practicing law 15 years after graduation<sup>b</sup></i>								
Percent reporting either "a little" or "a lot"	89.6	87.9	47.7		46.6	83.5	83.5	72.5
A little			39.4		39.5	73.1	67.9	61.8
A lot			8.3		7.1	10.4	15.6	10.7
N	135	214	132		210	134	212	131
<i>Partner 15 years after graduation<sup>b</sup></i>								
Percent reporting either "a little" or "a lot"	86.3	92.2	52.9		46.6	<b>76.5</b>	<b>88.8</b>	76.5
A little			45.1		33.3	72.6	75.3	56.9
A lot			7.8		13.3	<b>3.9</b>	<b>13.5</b>	19.6
N	51	90	51		90	51	89	51

Notes. Values in bold denote statistically significant cohort differences within sample ( $p < 0.05$ ).

<sup>a</sup> These are reports of discrimination taken at the fifth year after graduation for students graduating between 1976 and 1985.

<sup>b</sup> These are reports of discrimination taken at the fifteenth year after graduation for students graduating between 1972 and 1985.

<sup>c</sup> Only asked at the fifth year survey for students graduating between 1980 and 1985.

<sup>d</sup> Only asked at the fifteenth year survey for students graduating between 1972 and 1982.

supportive, the sex-based wage gap was narrowing, and occupational sex segregation began to decline noticeably (Blau and Kahn, 2000). Within the field of law, key changes were also taking place. Some of these changes likely encouraged women to try out and remain in private practice, whereas other changes made firms more willing to hire and retain women. For instance, the relative pay of firm work compared to government or legal services work rose substantially during this time and thus made firm work more attractive. Also, the sheer increase in the size of firms probably facilitated the integration of women into firms because firms needed to recruit talented female lawyers to remain competitive.

Women lawyers' employment behavior changed in several respects across cohorts. Women became more likely to enter private practice and less likely to attrite early from private practice. As a result, a larger proportion of women graduates in the late cohort compared to the early cohort acquired enough private practice experience to be eligible for promotion to partner. There appeared to be a shift from taking time off to working part-time in the late cohort. Although women in both cohorts worked about the same number of years, women in the late cohort averaged about two more months working part-time and about two fewer months on family leave. Even though women in the late cohort were more likely than men to take family leaves and work part-time, mothers were no less likely than childless women to become partners in either cohort. This is true before and after controlling for work experience indicators, suggesting that it is not children per se that restrict partnership chances.

One result of the changes in women's employment behavior is that sex differences in graduates' career trajectories narrowed on some dimensions. In the early cohort, women were less likely than men to enter private practice and more likely to attrite early from private practice. In the late cohort, women's rate of entry and retention in private practice became close to those of men. The sex gap in partnership rates among all graduates dropped by about one-third across cohorts due to increases in women's entry and retention rates. In this sense, women have made substantial progress in the attainment of partnership. But despite this drop, women law graduates still lag behind men. In the late cohort of graduates, men's probability of becoming partner is 13 percentage points higher than that of women's even when credentials, career plans, legal specializations, work activities and labor supply are controlled.

On other dimensions, little changed. In both cohorts, men averaged one more year of legal work experience than did women. In both cohorts, women were equally likely to have children. The sex gap in partnership rates of associates who remained in legal practice long enough to be eligible for partnership and who had comparable credentials, plans, specializations did not drop across cohorts. Reports of sex discrimination by women graduates remained the same, at about 90 percent. Sexual discrimination is a nearly universal experience among women lawyers.

We began this paper by outlining three models of male/female employment differences—the human capital, statistical discrimination, and structural models. We derived and tested predictions from each model about how the late cohort of women law school graduates' career plans, labor supply, job choices, and promotion chances should have changed as law firms and women learned from the experiences of the cohort of women who graduated from law schools in the 1970s.

The human capital model posits that sex differences in labor supply and individual choices are the major causes of sex-based differences in attrition and partnership rates. Based on this model, we predicted that later cohorts of women lawyers would learn from the experiences of early cohorts that there are large opportunity costs to cutting back labor supply and that career rewards are higher in private practice firms than in other legal settings. To the extent women lawyers are motivated by career success, we predicted that in later cohorts, women's rates of entry and retention in firm practice would increase and approach those of men; women's labor supply would converge with that of men; and sex differences in unadjusted partnership rates would drop due to these changes in women's behavior. In any case, since the human capital model attributes differences in partnership rates to differences in individuals' choices, training, and labor supply, there should be little or no difference in the partnership rates of men and women in either cohort after adjusting for credentials, career plans, legal specializations, and work histories. And as later cohorts learn more about what it takes to make partner, women's perceptions of sex discrimination might drop across cohorts.

Our results are consistent with some of these predictions and inconsistent with others. Consistent with human capital predictions and learning on both sides of the market, women's career plans, entry into firms, and retention in firms became closer to those of men over time. But sex differences in labor supply and the percentage of women who reported sex discrimination did not drop, and sex gaps in partnership rates of lawyers with comparable credentials and labor supply continued to be large and significant.

According to the "statistical discrimination model," employers in the early 1970s likely knew little about the potential productivity and commitment of women entrants into previously male-dominated fields and may have relied on inappropriate gender stereotypes to predict women's productivity. One prediction of this model is that as women increase their representation in previously male-dominated fields, law firms should rely less on sex and more on objective indicators when hiring and evaluating women. If so, gaps in men's and women's firm entry and early attrition rates should narrow; gaps in partnership rates of men and women with comparable credentials, career plans, work histories and specializations should drop; and women's perceptions of discrimination at the firm level should drop due to changes in firms' hiring and evaluation practices. Sex-based gaps in firm entry and in early attrition from firms did drop as predicted. But contrary to predictions, neither sex-based gaps in partnership rates between similar graduates with 5 years or more of firm experience nor women's perceptions of sex discrimination dropped at all. Indeed, about half of women in both cohorts reported having experienced sex discrimination from lawyers at their own firms.

A second prediction of the statistical discrimination model is that firms might change policies with respect to part-time work and/or family leaves in response to what they learned about the extent to which part-time work and family leaves predicted women's long-run productivity. This appears to have happened. Part-time work became more common in firms and having worked part-time reduced women's chances of partnership less in the late cohort.

Structuralists argue that institutional barriers and discrimination—not individual choices—are the reasons women do not achieve parity with men in the work place. [Reskin and Roos \(1990\)](#) contend that women who integrate traditionally male professions, like law, will sometimes be segregated into less valued subfields within those professions. The structural model leads to the following predictions: women will have less prestigious legal specializations and work activities than men; sex differences in firm entry, early attrition, and partnership will not drop over time; and women lawyers' perceptions of sex discrimination will remain high over time.

We find mixed support for these predictions. Contrary to the expectations of the structural queuing model, job segregation has not occurred. Women's and men's legal specializations and work activities did not significantly differ for lawyers in the late cohort. Also, contrary to the predictions of the structural model, there were big reductions in male/female gaps in career plans, firm entry, and attrition. On the other hand, as Reskin and Roos (1990) predicted, women did not achieve full parity with men. The sex gap in partnership rates of associates with comparable plans, specializations and labor supply who remained in firms 5 or more years was about 13 percentage points in each cohort; and 90 percent of women in each cohort reported having experienced sex discrimination. These results provide support for the argument that something structural is occurring that disadvantages women. But these results provide little support for the argument that women associates are sidelined from the partnership track by being assigned to "women's work."

What do these results tell us about how lawyers balance family and work? In both cohorts, large minorities of women (and virtually no men) take family leaves and/or work part-time even though their chances of becoming a partner decline when they do so. This is indirect evidence of women's strong commitment to the family caregiving role. It also seems that women lawyers pay attention to economic incentives and have changed their employment behaviors in ways that have "promotion payoffs". Women in the late cohort are more likely than women in the early cohort to try out private practice and to remain in firms long enough to be eligible for partner; women in the late cohort work on similar tasks and in similar legal specializations as do their male counterparts; and women lawyers are working more part-time and taking less family leave. Finally, law is not "family friendly," and partnership is even less so: only 45–47 percent of both men and women partners are satisfied with their work–family balance, and only 58–60 percent of all lawyers are satisfied. Regardless, mothers were no less likely than childless women to become partners in either cohort, before and after controlling for career plans and work experience indicators.

On the plus side, there appear to have been positive changes in how law firms evaluate women. More women are entering and staying in private practice. This implies that firms are more willing to hire and retain women law school graduates. Part-time work has become more common in firms and less of a barrier to partnership. This suggests that firms have learned that part-time work does not in itself signify lower long-run productivity and work commitment.

But the playing field is not yet level. These results suggest sex discrimination is alive and persists in law. The men and women in our analyses are all graduates of the same elite law school and are likely on par on difficult to measure characteristics related to promotion—i.e., skills, motivation, and training. Despite the homogeneous nature of the sample and the exhaustive set of controls (law school GPA, career plans, legal specializations, work activities, work histories, satisfaction with job characteristics, mentoring, and family situations), we find large, persistent and unexplained sex gaps in partnership rates, as well as a disquieting number of women law graduates who report having experienced sex discrimination.

## Appendix A

### Areas of specialization by sex, cohort, and sample, graduates of University of Michigan Law School

Variable	All graduates				In firm 5 years or more			
	Early		Late		Early		Late	
	Men	Women	Men	Women	Men	Women	Men	Women
Percent identifying the following as an area of specialization, 5 years after graduation <sup>a</sup>	**				*			
Administrative law	8.5	7.6	2.3	2.9	5.8	2.8	1.3	2.4
Antitrust	4.7	3.5	2.2	2.0	4.3	5.7	2.4	2.4
Banking and finance	8.2	6.6	8.4	7.6	9.2	8.5	8.9	9.5
Bankruptcy	4.4	3.0	7.6	6.6	5.0	5.7	8.0	6.6
Corporate	25.6	16.2	35.1	28.6	29.4	23.6	41.2	32.2

## Appendix A (continued)

Variable	All graduates				In firm 5 years or more			
	Early		Late		Early		Late	
	Men	Women	Men	Women	Men	Women	Men	Women
Criminal	6.2	7.1	4.2	3.6	4.9	1.9	2.2	1.9
Family law	3.4	6.1	1.6	3.9	3.8	6.6	1.1	3.3
Employee benefits	3.2	3.5	2.6	3.0	3.6	3.8	3.0	3.8
Energy	3.0	2.5	2.0	1.3	2.3	1.9	2.1	1.4
Estate planning	9.8	9.1	2.9	3.9	10.9	11.3	3.8	5.2
Government contracts	3.6	4.0	2.0	1.6	4.1	3.8	1.8	2.4
Insurance	3.8	2.0	2.6	3.9	4.6	1.9	2.9	5.7
Labor relations	6.5	6.1	4.8	3.9	6.5	2.8	5.3	4.3
Copyright	1.2	0.0	2.2	1.3	1.1	0.0	2.4	1.9
Real property	12.0	7.1	8.1	9.5	14.2	10.4	8.8	11.8
Securities	6.9	2.0	8.6	7.2	8.3	3.7	10.3	8.5
Personal injury	14.1	9.6	10.8	8.6	17.1	13.2	12.7	9.9
No specialty or other specialty	12.4	16.7	20.0	21.0	11.3	14.2	19.4	20.4
Missing	8.2	18.2	9.1	11.2	3.3	13.2	3.0	4.7
<i>N</i>	1187	198	814	304	918	106	628	211

Notes. Asterisks denote whether the distribution of specializations differs statistically by sex within cohort/sample.

<sup>a</sup> These indicate areas in which the respondent spent at least 25% of his/her total time. Respondents may have up to four specialty areas; figures will not add up to 100%.

\*  $p < 0.05$ .

\*\*  $p < 0.01$ .

## Appendix B

## Legal activities by sex and sample, late cohort graduates of University of Michigan Law School

Variable	All graduates		In firm 5 years or more	
	Men	Women	Men	Women
Percentage of time in given activities 5 years after graduation				
Litigation	21.8	20.3	23.6	22.2
Appeals	2.5	2.0	2.8	2.1
Office administration	4.0	3.6	4.1	3.6
Drafting legal documents	19.3	21.2	21.0	23.7
Library research	9.5	9.3	10.0	9.8
Socializing with co-workers	3.7	3.1	3.9	3.4
Recruiting	1.9	1.9	2.3	2.6
Client interviewing/counseling	13.1	13.1	13.7	13.6
Negotiation	7.6	7.4	8.1	7.9
Legal education	4.6	4.6	4.8	4.6
Lobbying	0.7	0.5	0.6	0.6
Other	1.5	1.6	1.3	0.8
Missing time	9.8	11.5	3.8	5.2
<i>N</i>	814	304	628	211

Note. The distribution of activities did not differ statistically by sex within sample.

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