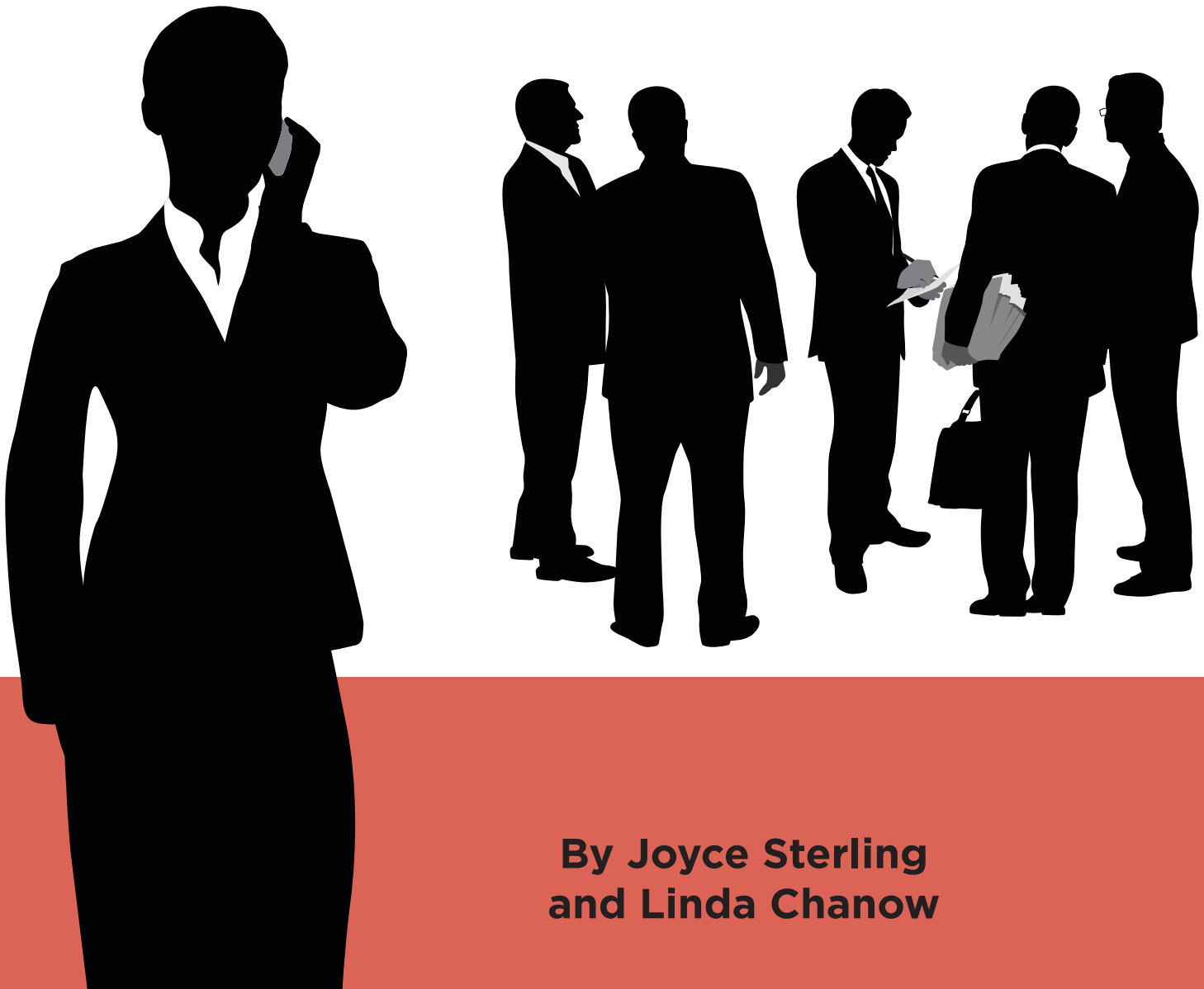


IN THEIR OWN WORDS

Experienced Women Lawyers
Explain Why They Are Leaving Their
Law Firms and the Profession



**By Joyce Sterling
and Linda Chanow**

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A Note from the Authors

The research reported here is part of the American Bar Association Initiative on Long-Term Careers for Women in Law. The report details the results of our multi-state study employing a focus-group design aimed at understanding the issues and dynamics that lead to the high attrition of experienced women lawyers. The focus groups explored the reasons for a disproportionately high rate of attrition of senior women lawyers from law firms and the profession. The present report addresses the following research questions: (1) What do women lawyers like about the practice of law? (2) What negative factors or experiences do women identify as forces that make them consider leaving the practice of law? and (3) What changes can be made to encourage women to stay in law practice?

Our report details how factors such as promotion and pay disparities are actually lived and felt by women lawyers. We explore the variables within these larger concepts to gain a better understanding of the root cause of women's frustrations that are motivating them to leave their law firms after 15 or more years of law practice: these include biases in the systems of awarding credit for business created, expanded, or maintained by women lawyers. The report documents how the hyper-competitive culture in law firms has eroded collegiality in favor of individualistic environments that lead to isolation—an issue that is particularly harmful to women of color and prevents increased diversity of leadership in firms. Finally, the report provides recommendations to keep experienced women at their firms longer and thereby increase the benefits to other women, their firms, and the profession.

Interest and participation in the present project make us hopeful that progress will come sooner than commentators suggest. Until then, however, we share the stories of more than 100 women and men who generously gave of their time so that the women coming behind them may more fully experience the fulfillment of a long-term career in law. We hope that you find their stories as compelling and illuminating as we did.



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A Note from the American Bar Foundation

The American Bar Foundation (ABF) is honored to have collaborated with the American Bar Association (ABA) Commission on Women in the Legal Profession on this pioneering and important study. Scholars and commentators have long noted gender disparities in the legal profession, but few have taken on the labor-intensive research of investigating exactly why experienced women have been leaving the profession. With this report, co-authors Linda Chanow and long-time ABF researcher Joyce Sterling identify and analyze the challenges faced by senior women lawyers. The authors uncover the qualitative evidence documenting the gender discrimination, bias, and social isolation that has beleaguered women in the legal profession for too long. In the process, the authors also provide several compelling and persuasive recommendations for how law firms and industry leaders can remedy this stubborn problem.

We at the ABF were delighted when our friends at the ABA approached us about collaborating on this study and the broader research project of which it is a part. Thanks to former ABA President Hilarie Bass and ABA leaders Bobbi Liebenberg and Stephanie Scharf for including the ABF in the research components of the larger ABA *Initiative on Achieving Long-Term Careers for Women in Law*. In many ways, this report and the broader initiative are vital sequels to the earlier ABA-ABF collaborative study, *First Chairs at Trial*, which was also led by Bobbi and Stephanie. Taken as a whole, these ABA-ABF research collaborations have provided the necessary empirical evidence not only to expose the persistent inequities in the legal industry, but also to provide a convincing case for dramatic changes within the American legal profession.



Ajay K. Mehrotra
ABF Executive Director
and Research Professor

Foreword on Behalf of the American Bar Association

As the 2017–2018 President of the American Bar Association who founded the ABA Initiative on Achieving Long-Term Careers for Women in Law, and as Co-Chairs of the Initiative, we are delighted to introduce the third national study conducted by the Initiative: *In Their Own Words: Experienced Women Lawyers Explain Why They Are Leaving Their Law Firms and the Profession*.

For decades, almost half of all law school graduates have been women. They are well trained, talented, ambitious, and enthusiastic about the practice of law. But the legal profession has still not figured out what it must do to retain and advance women so their careers can span the number of years that men typically practice. Retaining experienced women lawyers has become a business imperative: firms, corporations, the judiciary, and other organizations cannot expect to have a broad and robust base of talent when women are far less likely than men to advance into senior positions and, based on the challenges they confront in their everyday experiences, often decide to leave the legal profession entirely.

In Their Own Words, together with the Initiative’s first two reports—*Walking Out the Door*, focusing on the long-term experiences of women in the nation’s 500 largest firms, and *Left Out and Left Behind*, a national study of experienced women of color—represents a large set of new data about the factors that advance or impede long-term careers for women lawyers. This third study offers unique data and thoughtful analyses about the everyday experiences of practicing law; how work, family, and personal dynamics influence career trajectories; and the factors that either drive women out of the profession or encourage them to stay. The research shows, as examples, how women lawyers bear the brunt of structural and cultural biases that work against achieving long term careers, such as in systems for awarding credit for business or in the hyper-competitive and relationship-driven culture of many firms.

Building on recommended best practices from the Initiative’s first two studies, *In Their Own Words* provides data-based recommendations for how employers can and should retain and advance women lawyers commensurate with their talent and ambition.

We have been fortunate to have Joyce Sterling and Linda Chanow involved in the design, data collection, and analysis of this project. Professor Sterling brings with her more than 30 years of recognized expertise in the study of problems facing women in their legal careers. She is one of the co-principal investigators of *After the JD*, the first national longitudinal study of lawyer careers in the United States. Linda Chanow is a nonprofit

executive and nationally recognized authority on women lawyers. Ms. Chanow has 25 years of experience researching, writing, and speaking on women’s leadership, diversity, and flexibility programs. Both have generously devoted their time and resources to this innovative research.



Hilarie Bass
Former President
American Bar Association,
2017-2018



Roberta D. Liebenberg and Stephanie Scharf
Co-Chairs, 2017-2020,
Initiative on Achieving Long-Term Careers
for Women in Law

In Their Own Words

Experienced Women Lawyers Explain Why They Are Leaving Their Law Firms and the Profession

By Joyce Sterling and Linda Chanow

The attrition of experienced women lawyers reverberates throughout the profession and heavily impacts law firms and legal departments. When experienced women leave, they take with them the substantial investments made by their organizations over the years, as well as the strong relationships with the clients they serve. The loss of experienced women lawyers also affects the retention of junior women lawyers who look to veteran women lawyers as role models, mentors, and proof that success is possible. Moreover, long-term observers have noted that many women lawyers exit the profession at the height of their careers, when they have achieved the organizational power to influence positively the lives of the women coming behind them. If the profession fails to reverse this trend, the consequences will be dire: a continuing loss of highly trained and talented women lawyers, with severely reduced diversity of talent available to the individuals, businesses, and governments that retain attorneys and look for creative and effective legal advice from the most talented lawyers they can hire.

The research presented in this report is one of four studies carried out under the auspices of the American Bar Association (ABA) Initiative on Achieving Long-Term Careers for Women in Law to examine and address the high attrition of experienced women lawyers. The present report contains the findings from the qualitative component of the Initiative. Other studies within the Initiative are the publications *Walking Out the Door: The Facts, Figures, and Future of Experienced Women Lawyers in Private Practice* by Roberta D. Liebenberg and Stephanie A. Scharf;¹ *Left Out and Left Behind: The Hurdles, Hassles, and Heartaches of Achieving Long-Term Legal Careers for Women of Color* by Destiny Peery, Paulette Brown, and Eileen Letts;² and the upcoming survey report, *Why Do Lawyers Stay and Why Do They Leave? Long-Term Career Trajectories in the Legal Profession*, which is forthcoming.

Our research focused on what factors influence the decisions by experienced women lawyers to remain in practice, move to a different job within the law (including in-house

counsel), or step out of the profession altogether after 15 or more years of practice. In particular, we address the following questions:

1. What do women lawyers like about the practice of law?
2. What negative factors or experiences do women identify as forces that make them consider leaving the practice of law? and
3. What changes can be made to encourage women to stay in law practice?

The qualitative analysis presented here allowed us to collect more nuanced data about the experiences of women lawyers and provide deeper insight into the results reported in *Walking Out the Door*.

As discussed in more detail below, our research found that many experienced women lawyers who were still at law firms or in corporate law departments spoke positively of the challenging and fulfilling work that drove them to continue practicing law. But they also expressed their frustration over environments where their contributions were neither recognized nor rewarded. Both women who stayed and women who left practice spoke of blatantly unfair compensation systems that are rife with gender bias. They explained how demoralizing it was to originate more work than their male colleagues yet receive lower compensation year after year.

This report documents troubling stories of discrimination faced by women of color who were repeatedly passed over for promotion and denied opportunities for meaningful work. Moreover, respondents talked about the hyper-competitiveness and bullying atmosphere dominated by the mostly male partnership as well as the isolation that results from having little time to develop relationships due to ever-increasing billable hour requirements. Similar to the “death by a thousand cuts” found in the quantitative study that is reported in *Walking Out the Door*,³ respondents in the present study said that it was the cumulative effect of these factors that drove them to leave their firms or law practice entirely. They also provided suggestions for how to make legal work environments more conducive to long-term careers in law for women.

I. Review of Previous Research

The research reported here grows out of a substantial body of research exploring the factors that account for women lawyers not rising to positions of power and leadership in the legal profession at the same rate as their male colleagues.⁴ Women have entered the profession in substantial numbers over the last 40 years. Despite graduating from law school in equal proportions as men for more than two decades and the fact that women are hired as starting associates in law firms in approximately equal proportions with their male colleagues, the proportion of women partners has increased only marginally since the 1990s.⁵

Initially, researchers asked why their investigations did not find evidence of women lawyers rising through the ranks of law practice at rates similar to their male colleagues. Deborah Rhode described this as “the No-Problem Problem.”⁶ A commonly offered the-

ory was that “it is only a matter of time” until women appear as partners in law firms in the same proportions as men.⁷ However, current projections for the future suggest we will not find equal distributions of women and men in the profession until 2181.⁸

Existing research has found that disparity appears relatively early for women and that women are substantially more likely than men to leave their positions before partnership is decided.⁹ Women are twice as likely to make early exits as men, and they continue to disappear even after making partner.¹⁰ *After the JD* found that 40 percent of women and 49 percent of men were still employed in private practice after 12 years.¹¹

Women of color fare even worse than white women and have the highest rate of attrition from law firms.¹² The 2019 *Vault/MCCA Law Firm Diversity Survey* found that, while the number of white women leaving firms has declined over the last several years, the number of departures among women of color continues to climb.¹³ Women of color represented almost 19 percent of the first- and second-year associates who left their firms in 2018¹⁴ and 12 percent of all lawyers who departed that year.¹⁵ Vault notes that the level of the departures of women of color is “the highest figure recorded to date.”¹⁶

Researchers have considered several variables to explain the slow progress and departures of women lawyers: promotion disparity, pay disparity, and unequal distribution of assignments in firms (resulting in fewer billed hours and less credit for women coming up the ladder). We discuss promotion disparity and pay disparity further below.

A. Promotion Disparity

According to the recent National Association for Law Placement (NALP) report, women are approximately 36 percent of lawyers, 47 percent of associates, and 24 percent of partners.¹⁷ The representation of women as partners has shown slow upward movement since 2006. Women are now 24 percent of partners, as compared to 15 percent in 1999.¹⁸ After seven years of law practice, men are two to five times more likely to become partners.¹⁹ That partnership disparity exists even for women who never took time out for family.²⁰

Even with considerable efforts to recruit and promote more women, the statistics on women equity partners have barely inched up in the past two decades.²¹ Partnership rates of women equity partners continue to hover between 19 percent and 21 percent.²² Even after 12 years of practice, a substantial proportion of lawyers remain as nonequity partners.²³

Existing research documents that women of color are the most dramatically underrepresented group in law firm partnerships. Women of color represent only 3 percent of all equity partners and about 5 percent of all nonequity partners.²⁴ The representation of women of color in the equity partnership ranks is lower than men of color (3 percent vs. 6 percent)²⁵ notwithstanding the fact that firms have been hiring women of color in greater numbers than men of color since 2009.²⁶ Research by *The American Lawyer* found that lawyers of color in the Am Law 100 firms were three times more likely to be nonequity partners than their white colleagues.²⁷ In qualitative research from *After the JD*,²⁸ women of color commented that they didn’t know when or even if they would be promoted to equity partner.²⁹ When law firms are asked why the proportion of women equity partners is so low, they respond that it is due to the high level of attrition of women associates.³⁰

Notably, approximately one in four women in law firms today is a member of a racial/ethnic minority group.³¹

Firms are reluctant to distinguish between non-equity and equity partners. While multi-tiered firms typically fail to mention the criteria used to determine advancement to equity partnership, lawyers indicate that the level of originated business is used to determine those who move on to equity partnership.³² One of the problems that accounts for low rates of promotion to equity partner is the proliferation of multi-tiered partnerships.³³ In addition to “non-equity” partners, firms also use “of counsel,” a term that formerly was used to designate only experienced attorneys who were not quite ready for retirement.³⁴ However, many firms today use “of counsel” in the way that others use “non-equity.” The question arises whether these are stages a lawyer must pass through or a status where women and attorneys of color become ‘stuck.’³⁵ The National Association of Women Lawyers (NAWL) has analyzed data indicating that one-tier law firms are likely to promote women to equity partner sooner than multi-tier firms.³⁶

B. Pay Disparity

Every year researchers await the release of *The American Lawyer*’s ranking of income for the top 200 law firms,³⁷ as well as other reports on partner compensation from NAWL,³⁸ Major, Lindsey & Africa,³⁹ and more. Despite cautious optimism, it is clear that the gender pay gap still exists.

Recent studies have reinforced the findings from earlier studies that show that male partners consistently have reported substantially higher average compensation than female partners. The NAWL 2019 Survey Report found that “[a]cross all types and levels of attorneys, men are paid more per year than women, and this pattern existed without significant variance across the AmLaw 200 for all attorney types and levels.”⁴⁰ In its new *Profile of the Legal Profession*, the ABA reported that male equity partners earned 27 percent more than female equity partners.⁴¹ The most recent survey released by Major, Lindsey & Africa indicated that male partners make on average 53 percent more than female partners at the largest firms (\$959,000 per year vs. \$627,000 per year).⁴² Similarly, a study of solo lawyers and small firms by Martindale-Avvo found that women partners made 36 percent less income than men in 2018.⁴³

According to *After the JD*—the first national longitudinal study of U.S. lawyers’ careers—women were making 5 percent less than comparable males in the study after only two to three years of practice.⁴⁴ After six years, the gap increased to 13 percent⁴⁵ and finally, after 12 years, the gap increased to 20 percent.⁴⁶ It appears that no matter the survey consulted, there is evidence of a pay gap that increases over time between men and women.⁴⁷

Moreover, the 2018 Major, Lindsey & Africa report suggests that the gap is likely even greater for women of color. The report revealed that white lawyers’ compensation (\$864,000) was higher than that of Black lawyers (\$539,000), Hispanic lawyers (\$747,000), Asian Pacific lawyers (\$744,000), and American Indian lawyers (\$275,000).⁴⁸

II. Methodology: Purposive Sample and Data Collection

In this report, we discuss the findings from qualitative data collected through focus groups and individual interviews. We adopted a purposive sample to identify the components of the practice of law that have received less attention. The advantage of a purposive sample is that it provides in-depth pictures of respondents' experiences that may act as motivations for them to leave law firms and even leave the profession of law altogether. At the inception of this project, we expected that allowing respondents to describe their experiences in the practice of law would provide insights about factors leading to successful careers, or factors that simply perpetuated gender discrimination and pushed women out of the profession.

This report presents our findings from 12 focus groups and 12 individual interviews, contacting a total of 116 individuals. Our respondents are 70 percent white with the following characteristics: mean age = 52.52 years, standard deviation age = 7.05 years, mean years practice law = 23.96 years, and standard deviation years practiced = 8.08 years. Further, we talked to 56 women practicing in firms, 14 women practicing in-house, 39 women no longer practicing law, and 7 men practicing in firms. The focus groups and individual interviews were comprised of lawyers who received their JDs between 20 and 30 years ago and have practiced law for a substantial number of years.

The distribution of respondents by ethnic/racial backgrounds include: 2.9 percent Asian American; 11.5 percent Black, 0.96 percent Native American or Native Hawaiian, 71.2 percent Caucasian, 3.0 percent multi-racial, and 2.0 percent of individuals who declined to identify their ethnic/racial background. Regrettably, our recruitment efforts yielded only three Asian American women, one Native Hawaiian woman, and no Native American women.⁴⁹

In order to gain a broad perspective on practice environments, we recruited respondents from a variety of practice settings. We recruited individuals practicing in firms of all sizes (including solo practitioners), individuals practicing in-house, and individuals who left the practice of law after working in a job that required a JD. Personal schedules and other conflicts reduced the number of participants.

Our recruitment efforts focused on six markets: New York, Washington, DC, Chicago, San Francisco, Houston, and Miami. New York is the largest legal market with firms mainly serving financial institutions and corporate clients; Washington, DC, is the second largest legal market with primary practice areas in litigation, government administration, investigations, and public interest; Chicago is the third largest legal market with a variety of practice settings; San Francisco is a racially diverse market with strong ties to the technology industry; Houston is both racially diverse and strongly tied to the energy, and oil and gas market; and finally Miami is a racially and ethnically diverse market with strong ties to Latin American business. We also recruited respondents for one male focus group of practicing lawyers.⁵⁰

The ABA Initiative on Achieving Long-Term Careers for Women in the Law was launched at a summit held at Harvard Law School in November 2017. To test and refine our methodology, we conducted three pilot focus groups of Boston-area recruits the day

before the summit, many of whom were summit attendees. The test groups consisted of managing partners of law firms, female partners practicing law in firms, and one focus group of women who had left the practice. In total, we recruited the following numbers of respondents for the Boston summit: 9 managing partners, 11 partners, and 8 women no longer practicing. Data from respondents in the test groups was not included in the analysis described below.

In the pretest groups, as well as the main focus groups, all respondents signed confidentiality agreements stating that they would not discuss the content of the focus groups or identities of the respondents outside of their focus group. All respondents were asked to fill out a form requesting basic demographic information on themselves. The focus groups were conducted by the authors.

In addition to the focus groups, we conducted 12 individual interviews via video conferencing. The individual interview respondents had been scheduled to participate in focus groups that were cancelled due to weather. Most of these 12 individuals were no longer practicing law in private law firms at the time of their interviews, and several had either retired or moved to an in-house or non-law position. The individual interviews provided more in-depth pictures of the career development of women and ultimately their decisions to exit from law practice or the profession. These interviews offered insights into the “push factors” that drive women to leave traditional law practice later in their careers, as well as contrasts and in-depth understanding of these individuals’ satisfaction and dissatisfaction with their legal careers.

We discuss what we learned from the focus groups and individual interviews together in this report.

III. Results of the Research

The present research focuses on experienced women lawyers and asks what aspects of their professional and personal lives may lead to departures from the practice of law. Our results are below.

A. What Women Like and Do Not Like about Practicing Law

We began the focus groups by asking respondents about the best aspects of practicing law and then the least liked aspects of practicing law.

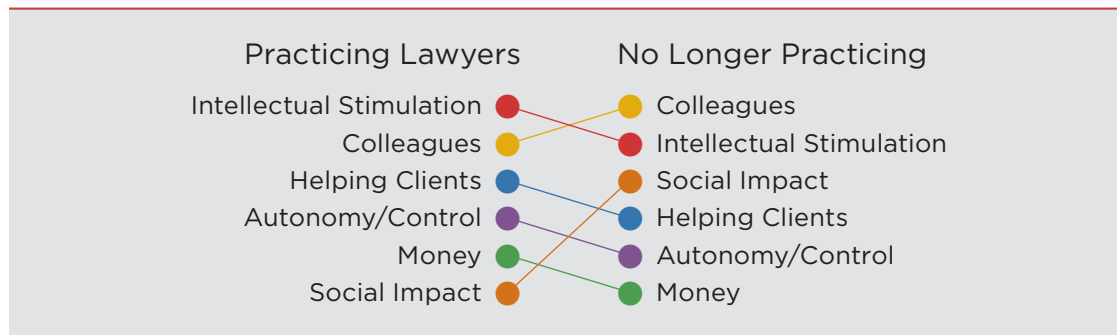
1. Best Aspects of Practicing Law

Our initial comparison is women who were still practicing when they participated in the research compared to women who had left law practice. Figure 1 below illustrates those aspects of law practice identified by women respondents as the best parts of law practice.

Both women still practicing law, and those no longer practicing, identify the best aspects of their practice as intellectual stimulation and relationships with their colleagues. Other factors cited by the respondents in the focus groups as the best aspects of law practice include the ability to help clients solve legal problems, the autonomy or control they exercised over their jobs, the social impact of their work, and compensation.

While we were able to schedule only one male focus group of practicing lawyers, a comparison of the limited data obtained revealed that men had very similar responses about the aspects of law practice that they enjoyed the most to those cited by the women who participated in the focus groups. When men were questioned about their practices, they mentioned how much they enjoyed the “constant challenge” of law practice, the “intellectual stimulation” of their practices, and the level of autonomy they were able to exercise. As an example, one respondent discussed his work in litigation, and said that he really enjoyed the “chess game aspect of strategy” that was required of him.

What Women Like(d) About Practicing Law



2. Least Liked Aspects of Practicing Law

Respondents in the focus groups were also asked what factors they liked least about practicing law. The most frequently mentioned issues included:

- compensation;
- credit;
- promotion;
- unpredictable work demands, including the need to be available 24/7; and
- work environment characterized by bias or prejudice.

B. Why Women Leave after 15 Years of Practicing Law

The long hours and unpredictable schedules associated with law practice have often been thought to be the primary reason women leave law practice. Our research painted a more complex picture that is similar to the “death by a thousand cuts” found in the quantitative study that is reported in *Walking Out the Door*.⁵¹ The women who participated in this

qualitative study spoke of a combination of factors, and not one single factor alone, that impacted their decisions to leave their firms.

The most commonly enumerated factors that influenced experienced women’s decisions to stay or go after 15 or more years of practice were pay disparities (either real or perceived), hyper-competitive environments that erode collegiality, isolation, sexist and racist behavior, a desire for more challenging or fulfilling work, being passed over for promotion, long hours and unpredictable schedules. We discuss each of these factors in more detail below.

1. Pay Disparities (Real or Perceived)

“You give me the hardest problems to solve, but you tell me I am less important with the compensation you give me.”

• • •

“[Compensation] tells you your value to the firm.”

Without exception, every recent study of lawyers’ compensation has found a persistent income gap between women and men at law firms and that the pay gap is even worse for women of color.⁵² The fact that women are denied salary increases or bonuses on account of their gender is validated by this qualitative analysis and by the evidence from the quantitative study presented in *Walking Out the Door* report.⁵³

This pay disparity was female participants’ most frequently mentioned reason for leaving their firms.⁵⁴ It was the unfairness in distribution of compensation that was the deal breaker for respondents. One woman put it this way, “I would say that [fairness] is the biggest thing. [Y]ou really just wanna feel like you’re treated fair.” She reasoned, “I know what it costs, and I know what I cost. I know what my practice makes, I know what we do. . . . I would not mind if it was all fair, but it’s not.” Many respondents were the breadwinners in their family with lower paid or unpaid spouses. For these women, pay disparities and credit allocation affected their ability to support their families. These disparities also impacted their access to leadership opportunities within the firm as well as the quality of the associates that work on their matters. One respondent explained, “If the money doesn’t say the firm values you, they—the associates—will treat you that way.”

According to respondents in this study, the root of the pay disparity often lies with the way origination credit is awarded. These findings are consistent with those from *Walking Out the Door*, where 46 percent of women said that they were dissatisfied or extremely dissatisfied with the recognition they received for their work as opposed to just 15 percent of men, and less than half of women were satisfied with the methods by which compensation is determined compared to more than two-thirds of men.⁵⁵

Two themes emerged from the focus groups with regards to disparities in compensation related to origination credit: (1) women have a book of business but are paid less than men with lower books, and (2) men are getting credit for the work women are originating.

a) Women Are Paid Less than Men Who Have a Comparable Book of Business

“[T]hey do not compensate women because they think women can afford to make less money, because they have husbands. But I am the main money-maker [in my family].”

Respondents reported that they are often paid less for comparable or larger books of business than their male counterparts and that the justifications given by their firms for the pay disparities are rife with gender bias.⁵⁶ Over and over again, respondents said that they were told that a man was paid more for fewer originations because the man had a wife and kids to support. “[T]he compensation thing is very real,” said one respondent. She shared the following example:

[A]t my last firm, there were two male partners who were . . . probably averaging about \$75,000 more than me. And the two of them together were not originating what I was originating. . . . [W]hen I asked someone about it, I was told, “Well, such and such, he has two kids and he has a family to take care of.”

She continued, “You’re sitting here, every month looking at all of the reports, looking at the numbers, watching it. . . . It’s that WTF moment.” Another law firm partner discovered that she was being paid \$80,000 a year less than the senior male associates. When she asked for the explanation of the disparity, the senior partner said, “[His] wife is home, and he has to support a wife and kids.” When she explained that she was supporting a husband and two kids, the senior partner responded, “Well, your husband can leave and go to work.” She left the firm shortly thereafter.

A number of respondents talked about ever-changing requirements that forced women to prove their value year after year. One woman partner was told that her compensation was lower because the *other* partners in her practice group had bad years. She said that the firm’s “very, very weak examples” of why her compensation was “not coming anything close” to what she was originating led her to ask herself, “Well, what the hell? Why am I busting my ass to go out and originate new business and keep up a solid practice? And I’m making all of you guys more money.”

These changing requirements were even more frustrating for women working reduced hours. For instance, a woman equity partner described how she experienced a different standard after she had kids:

Suddenly the receipts I had to bring in were very different than the ones that the two guys who had made partner at the same time I did. There were four of us that were elevated, but then the benchmarks we were all told were very different, and mine was triple.

As a part-time partner, this same respondent recounted that she had difficulty getting equal recognition for her contributions even though her total contribution was exceeding the male partners working full-time:

I think it started because I was reduced time . . . , and obviously I was putting in less hours than my partners; but even as I started to grow my practice and bring in more and more clients and I was in charge of committees, and I was doing all of it, . . . I was still in [the] lower levels [of compensation]. And so I would constantly have to point out [my total contribution] each year.

She expressed her frustration, “I was finding males, male partners who would kind of leap levels pretty quickly on.” “Oh, they’ve had a great year,” management would say when she questioned why this had happened. When she explained that she had had a great year too, they responded “Well, but we need to see if you have a great year next year too.” The reports of men being evaluated on what they “might do” in the future, and women on what they have concretely done in the past are consistent with other research⁵⁷ as well as *Walking Out the Door*.⁵⁸

Many respondents learned their compensation was lower than their male counterparts only after they were promoted to equity partner or obtained a firm leadership role. For instance, one woman was recruited from her in-house position to take over the work of a partner who was about to retire. After she made equity partner, she discovered that her compensation was about one-third of what the now-retired partner had been paid for the same book of business. She complained about this inequity, and the senior partner came back and told her that the pay disparity was because they had “overcompensated” the partner who just retired. She described this pay disparity as “one of the most frustrating things about my position right now.”

b) Other Partners Get Credit for the Women’s Originations

“[I]t works a little like a mafia mob right now, with the little capos. And the head of the group gets to see every case that comes in and takes the little percentage.”

While lack of a book of business has often been cited as the reason for the pay disparity between men and women in law firms, focus-group respondents pointed to credit allocation as the true culprit.⁵⁹ Nearly all female respondents, who worked in law firms either currently or previously, voiced a high level of frustration with regards to how credit is allocated. One respondent said, “The origination issue is a huge issue. I do think that as a woman, in particular, you often have to work a lot harder than your male counterparts do to get the same level of recognition.”

Respondents resent the way credit is distributed in law firms and want the distribution to be more equitable. In notable contrast, male respondents described an imperfect compensation process that they felt generally worked out in the long run. One male respondent said, “[M]y impression is we don’t have a lot of disputes or discontentedness with credit. Not to say that we don’t have any, but I don’t think it’s prevalent from my perspec-

tive.” This finding is consistent with *Walking Out the Door*, which reported that women were more likely than men to say that their firm’s compensation system was unfair.⁶⁰

Several women respondents talked about how not getting credit is demoralizing. One respondent put it this way, “[I]t can be frustrating when you are working on [the matter], you are proving yourself, and then the credit goes to someone who is kissing up.” Another respondent said, “[W]e are always called in when it has gone south and then we don’t see the credit.” She told her firm, “You give me the hardest problems to solve, but you tell me I am less important with the compensation you give me.”

When are women not getting credit for business? Respondents frequently cited two examples: (1) they did not get credit for expanding and maintaining existing client relationships, and (2) they were part of a pitch team but did not receive credit when the firm got the business.

(1) WOMEN DO NOT GET CREDIT FOR EXPANDING AND MAINTAINING EXISTING CLIENT RELATIONSHIPS

“My God, we just really didn’t think you’d care that much about the money.”

Respondents spoke frequently of how current credit allocation systems failed to appropriately reward them for originating new business from former clients, expanding business from existing clients, or both. One partner explained, “[E]ven when . . . we were the ones that had the primary relationship with the client, we got no credit because we were not the billing partner at that time.” Another partner expressed her frustration: “[T]here’s a client I’m sharing credit for and it’s [been] like three general counsels [since he worked for the client], he doesn’t know any of them, and they come back to us because of the work [I do].”

One partner described how the failure to receive commensurate credit led her to leave her firm:

[The firm] only had one avenue for credit with this billing partner and there was one billing partner. They didn’t even split credit. They changed that now, but even when they changed it, [a partner] was “so kind” to me that he gave me 20 percent, even though I was doing 100 percent of the origination on these matters. . . . I left [the firm] for multiple reasons, but comp[ensation] definitely was one of them.

She went to another firm.

Another respondent shared this story. When she first joined her firm, a matter came in and the senior partner said, “I have no idea what this is. I don’t want to do this. Does anybody want it?” The woman partner volunteered immediately even though the type of matter was not her specialty. She then proceeded to build a million-dollar book of business in this new practice area. However, the senior partner who passed off the matter to her took all the origination credit. When she raised this disparity, the senior partner responded, “My God, we just really didn’t think you’d care that much about the money.”

Several respondents spoke of matters in which partners were getting credit even though they were “basically fired off the matter[s]” by their clients. “[T]hey want to work

with me, but they don't want to work with so and so, and that person is still [getting] credit," exclaimed one partner. Another respondent shared this experience:

We were in trial, the client was very happy with the work, and I was pulled off [the matter to handle another case]. Then this other guy gets it, does a terrible job. . . . [The client] said that they would fire the firm unless they put me back on the matter. [Even though] I was working on another large matter, I took this [case] on again and it resolved well. . . . The [male] partner who had been fired by the client got the credit!

These stories highlight how the highly subjective credit systems employed by law firms that are frequently controlled by the "old boy" networks leave women feeling cheated when the credit is handed out. As a result, women are voting with their feet and leaving their firms.

(2) WOMEN ARE PART OF THE PITCH BUT NOT GIVEN CREDIT WHEN THE FIRM GETS THE BUSINESS

"You got them in the door so they could take the work and credit."

Another credit allocation issue occurs for lawyers who are included in the pitch but are not brought into the matter until later or at all. One partner explained:

[B]eing in a large law firm, the practice group of appellate is, it's very hard to justify. People bring in the client and then they bring you in, and you're a critical piece or you're part of the pitch but you never get credit for it. . . . [T]here were cases where the client would ask for me to be on the team, and someone would tell me, usually a man, okay, always a man, that, "[T]he client asked for you to be part of this and we're gonna bring you in as soon as there's an appellate issue." Well, there's an appellate issue on day one, before the lawsuit is filed. But [laughter] that was their way of saying, "You're not getting any part of this bucket."

This was a common occurrence for women of color who felt that they were often paraded about during pitches as "trophies" by the white male partners at their law firms but not given credit for the role they played in securing the client. One woman of color shared her experience:

There were times where I had developed expertise in some areas and my name was put into a pitch package. [W]e'd get the work and then, I'd never see it. . . . What they would do is they'd use that to then develop the white men to develop more expertise in this area. And they wouldn't necessarily bring in the people who were . . . the best people for the job.

These experiences of being used as window dressing but not given any credit led many women of color to leave their firms.

2. Hyper-Competitiveness Has Eroded Collegiality

“If you’ve been in a law firm for a long time, you’ve been a fighter for that long. That’s just the bottom line. You just are.”

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“[A]ll the back-biting and in-fighting and pettiness . . . I just hated it so much. It was just unbearable how much I hated it. . . . [I]t was awful.”

The disparity in receiving credit, and the corresponding income disparity, is just one aspect of the environment that pushes women out of law firms. The hyper-competitiveness common at most firms today has led to a level of incivility that many women find intolerable. One respondent said she left her firm because of “all the back-biting and in-fighting and pettiness . . . I just hated it so much. It was just unbearable how much I hated it. . . . [I]t was awful.” An in-house lawyer told us, “I’d rather stick needles in my eyes [than go back to a law firm because of] the billable hours, the sharp elbows, and the very competitive environment.” She shared her experience at a recent alumni event: “[I]t was so interesting to me. And I don’t know if it’s particular to the firm where I was, but it was just the competitive, alpha-male nature of the place. It was palpable, the environment, it was just palpable. And that’s not what my in-house experience has been.”

The pressure to develop business is so intense that “you have to really have a mindset to be watching everywhere.” They talked about the men who “look at the new client matter numbers every time they come in and then email you if it looks like it’s something that might be theirs.” For instance, one respondent shared how she had been building a substantial book of business with a client when a senior male walked into her office and declared “[T]his client is in my Rolodex[.]” When she protested, he insisted, and it was only through intervention from the client that she was able to get credit for the business.

Another respondent said that she was doing work for a friend of hers who was the general counsel of a company. Out of nowhere, a senior male partner came in and claimed: “I’m good friends with [a lawyer at the company] and I have been courting this client for years.” The woman responded that the general counsel of the company was a personal friend of hers and that the general counsel had sought out the firm because of their relationship. The female partner said, “Well, he didn’t get a piece of it, but he was ready to pounce on it, and that’s not something I would ever do[.]” A fourth female partner described a situation where the head of her practice group “tried to steal” one of her clients even though he was already making significantly more money than her: “[H]e saw what I was generating with that client and basically said, ‘Hey, well you may need help with that client. . . .’ It’s like, ‘Well I brought this client to the firm, and you leave that alone.’”

This example illustrates the lengths to which women are forced to go to protect their origination credit. A woman had been developing a new client when the head of marketing approached her and said, “You do know that the five male partners are meeting to talk about developing the client that you brought in, and you’re not at that table.” After trying to dispute the situation internally with no success, she called the general counsel of the company who was her friend. The general counsel then “cut off the work” to the firm. The respondent explained, “[M]y response was, ‘If it’s not coming in through me it’s not

coming in.” While she ultimately won the battle, she questioned, “[W]hy did I even have to go to that point?’ That felt like a mutually assured destruction.”

These types of battles take a toll on women lawyers, said respondents. As is often the case with women who ask for increased compensation, women who ask for their fair share of origination credit can experience negative consequences because of implicit gender biases. One partner put it this way: “I fought once. You have to deal with the resentment and think: ‘Do I do this now?’ You have to think about your health, your children, other concerns. . . .” This toll is particularly heavy for women of color who already feel a deep sense of isolation in their law firms. One woman of color said that she had fewer avenues through which to fight for credit than her colleagues. She explained:

I don’t find myself having that confidence in the higher ranks the way some people do. And so therefore, then when I go to people, I feel like I come across always as the angry black woman, because I don’t have someone that’s in my corner.

As a result, “I’m left to fight the fight for myself, by myself,” she said. Another woman shared the story of how she fought the decision to award credit to a partner who had been fired off a matter by the client. She said, “The conversation went all the way to the top of the firm. My request for credit was rejected. For me to go to the head of the firm and for that to happen.” When women fight and lose, the impact is devastating to their morale: “You lose energy to do the job because you are not being recognized. Or you leave. Or you become anxious or depressed.”

The hyper-competitiveness at law firms stands in sharp contrast to the more collaborative experience reported by the many respondents working in law departments. According to a respondent, “One of the most attractive things [of working in-house] is to wear the business hat and be part of the business team. That’s just what I love doing.” Just how meaningful it is to share a business purpose is demonstrated by how difficult it was for one respondent when her corporation sold the business she had been supporting most of her career: “I [have] probably more responsibility than I had before. But, I do miss being, really being part of a team that’s trying to grow a business. . . . [Y]ou don’t [get that same experience] at a law firm.” Another said, “I loved having one foot in the business, on the business side, and one foot in the legal department, because I really felt like I was helping make decisions and helping craft transactions . . . as an outside lawyer I had not felt that way.” Still another said, “The best part [of working in-house] was I became part of the business team, which was so wonderful.” One respondent provided this context: “[I]t’s the respect that comes to the lawyers and working with the team. When we’re doing proposals, it’s somebody in sales and somebody in operations and execution, and then the lawyer. And then, we create a team, and we go forward and do those things from there.”

Unlike their in-house counterparts, law firm partners are rarely working towards a collective goal. Instead, partners are laser-focused on building their own books of business with practice groups operating in near-independent silos. One respondent summed it up this way: “At some point you wonder whether or not it’s worth the money. And the question becomes, at what point do you just wanna retire and do something [else] if you don’t feel like you’re building something?”

3. Isolation

Articles about the dangers of isolation at work abound, yet too often law firms dismiss the effect that hyper-competitiveness, increasingly long hours, and technology have on lawyers' mental health. One respondent said, "the reason that [isolation] is oftentimes not improved upon is because people discount that that's a real issue that's taking place. And so, as a result, we do lose young women, we do lose persons of color, because people discount how impactful feeling isolated is [to their overall experience at the firm]." The isolation reported in this study is likely even more acute today as many lawyers are working from home due to the COVID-19 pandemic.

a) Ever-Increasing Billable Hour Expectations Do Not Leave Time for Relationship-Building

Ever-increasing billable hour expectations and the fact that lawyers at law firms are "on the clock" have made it difficult to develop those all-important (and rewarding) relationships that can help offset the negative parts of practicing law.⁶¹ One respondent explained, "It's harder to get that camaraderie and that exchange of ideas and the brainstorming when you are a slave to the billable hour because you don't have enough time in your day to brainstorm and then make your hours." She continued, "I constantly feel like I'm cutting people off, or they're cutting me off or they just don't want to be bothered, and it's very frustrating." "[Y]ou can't just shoot the breeze with people," she said.

Respondents spoke of how they are working harder and longer, even as partners. One law firm partner said, "You would think that once you get to a certain level that you wouldn't be working nights and weekends and that's not the case. That's not been my experience at all. In some ways, I'm working harder than I did [at other periods in my career]." Another partner explained that "[T]he problem . . . is that the more senior you get as a partner, the more other stuff you have to do." She continued,

I get kind of confused by this idea that I'm supposed to go out now in my level of career [with] all the things I am doing and bill 1,800 and 2,200 hours on a regular basis—since I am not a trial lawyer, it's challenging for me—and maintain all those client relationships, and mentor everybody who is coming along, and manage all this darn electronic billing, and everything else.

One respondent compared her experience as practice group leader in a large law firm to her time as general counsel. She said that one of the advantages of working in-house was that "[y]ou could really focus on your job and nurturing relationships." She continued, "[You do] not have to worry about some of those aspects that are definitely part of firm life, and especially as a partner . . . [Y]ou're supposed to nurture [and] develop people, but you were also supposed to put in your own billable hours and billings and bring in new clients, so there was a lot."

While women in this study reported that onerous billable hour requirements were a factor as to why they left their firms—similar to the respondents in *Walking Out the Door*⁶²—the respondents in our study emphasized the negative impact of those hour requirements on their ability to build relationships within their firms. Many women said

that, as a result of the increasing hour requirements and the other factors discussed above, the environment in law firms has become more “closed-office” and “siloe” which has increased the feeling of isolation. One law firm partner explained:

[At] the first environment I was in, right out of law school, there was a nice mix of ages where it was a very collegial environment. . . . It really brought your day together by having peers that wanted to grab lunch, chat about what you were working on. And the environments I’ve been in since, the people are very nice and very professional. But they’re very much to themselves, where I feel like my own little iceberg. . . . [H]alf the days, I’ll only say good morning to the receptionist. And everyone’s got their doors closed and is doing their own thing. So I’ve come to kind of feel less invested[.]

Because of the isolation, she is thinking of leaving her firm for an in-house position where she could “work on one company’s mission statement” and have “people that are not just attorneys in the mix.” Advances in technology compound the problem. Lawyers are often located all over the place which also leads to less collegiality. One respondent who really enjoys the “social aspect” of her personal injury practice said working from home can be challenging: “[A]t home I’m sitting there by myself, and so I don’t get the social aspect.”

b) Lack of Diversity in Leadership

“I don’t feel like I have anyone in a position of power who can personally relate to me.”

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“At my prior firm that busted up, when the firm was in crisis, they had a meeting of the important partners. Not one woman partner was invited, including the general counsel of the firm. Guess what? The firm did bust up.”

Numerous respondents pointed to the absence of women in leadership as a contributing factor to their sense of isolation. For instance, one partner said the worst thing about practicing law is that there is no one in a position of power at her firm “who can personally relate” to her experience as a working mom. She explained,

I’m fortunate enough to have a wonderful husband who [takes] our son every morning. . . . Drops him off every morning and picks him up every day. So, I can come in earlier or stay later, I have that flexibility. But I’m still a mom, and when [my son] has a little preschool play, I wanna go.

Because “all the folks who are equity [partners] have stay-at-home wives,” she said that she does not feel that the firm’s leadership relates to that desire to be involved in her

son's life. Another respondent who had a similar experience while working in a law firm described experiencing a "sense of relief" after being in a new in-house position for just a week. She said that there were many women in management in her new organization and that the lawyers felt comfortable talking about things such as daycare. As a result, she felt appreciated and respected.

Respondents who were the highest women in their offices reported feeling "a burden" to advocate on behalf of the other women in their offices. One woman explained, "I feel that I need to advocate for [female associates] and I'm using my personal capital to benefit others. And it's frustrating to me 'cause I'm not so sure that the folks above me are doing that in the same way. Not necessarily intentionally but out of ignorance." Another respondent spoke of the pressure she feels to advocate for diversity: "It's frustrating because I do feel like the person in the room who has to speak up. And when something happens everyone kind of looks at me like, 'What's she gonna say now?'"

Even at a firm "which has a very good reputation for bringing in women, retaining women, et cetera," a respondent said she is the only person who is asking questions with respect to women and people of color. The law firm partner went on to say, "I feel like in a lot of ways my equity partners are blind. I have sat in corporate group meetings and had the new head of the US corporate group say to me, 'Did you know that you were the only woman in that room?' Like, 'Yeah. I kinda noticed.'"

c) Women of Color Experience Heightened Sense of Isolation

"[T]he white women will get together after work and go have a drink and I will see people making plans and talking after hours and I'm almost never included."

The isolation was even more acute for women of color who spoke frequently of feeling isolated with regards to both race and gender. An in-house lawyer spoke of how lonely it was to be the only Latina in her organization. Two black women spoke about how difficult it can be for women of color to connect with other lawyers within their organizations who have different backgrounds and experiences. These women talked about how white lawyers in their firms do not relate to their experiences and interests. Importantly, our independent sample reinforces the findings in the companion research project in the ABA Initiative on Achieving Long-Term Careers for Women in Law that focused specifically on women lawyers of color. That research is reported in *Left Out and Left Behind: The Hurdles, Hassles, and Heartaches of Achieving Long-Term Legal Careers for Women of Color*.⁶³

An in-house lawyer spoke about how being the only woman of color affects her during meetings: "[W]hen you walk into a meeting and you're the only woman, you're the only person of color, you know, they don't have to say anything, for you to know." She said that she faces this situation constantly and must make a conscious effort not to let it derail her from accomplishing her goals. She continued, "I don't mean to be cavalier about it, but I'm so used to it, that it just doesn't enrage me like it used to; maybe it should, but it doesn't."

Another black woman said the need to “navigate white culture” contributes to the isolation felt by women of color. She explained, “It’s not our culture to be vocal about who we are, what our background is. But I’ve learned that very early on, in order for you to advance, people have to know who you are. You’ve gotta share bits and pieces of your background.”⁶⁴

As discussed previously, women of color reported being taken to the “beauty show” with prospective clients but being all but forgotten when the firm landed the work. Women of color said that being left out of the team not only affected their compensation, but it also deepened their sense of isolation. One respondent described her experience, “They would take me out for show all the time. They would be trying to get a big case from somebody or a big [matter] from some corporation and I would go along. And that’s the only time I would ever be asked to go along.”

These experiences had such an impact on her that when the roles reversed and she was general counsel, she monitored who was working on her matters carefully to make sure that the people of color on the pitches were given the work. She explained, “I had friends in firms, and they would call me [for business]. I would say, ‘Yeah, I’ll give you this work but I want to make sure you’re doing it, you make sure you’re doing it, let me know if you’re not and I’ll take it away from [the firm].’”

This problem is exacerbated because women’s initiatives often fail to account for the experiences of women of color. One woman of color said, “[I]t’s still very much a white world as a black woman. . . . [T]here’re those times when you do have that distinction of the black lawyer versus the woman lawyer.” She shared the following example of being left out when white women in her office get together:

I’m in an office now where we, I think, we have more of a camaraderie and I’m included more. But even still, even the white women will get together after work and go have a drink and I will see people making plans and talking after hours and I’m almost never included.

She said, “[T]he isolation is the worst part for me.”

A second respondent explained, “There’s this really interesting inversion in the African-American community, where you’re much more likely to be the primary, if not sole, wage earner.”⁶⁵ She said that being the primary wage earner “separates you from your non-black female colleagues, because you’re not participating in those discussions.” She explained, “[I]t’s like, ‘You know what? This is not a choice for me, I don’t see flex[time] as a choice because I’m sole or primary.’”

This is not the first study to discover that women of color feel marginalized and isolated from their colleagues in their law firms. In 2006, the ABA Commission on Women in the Profession published *Visible Invisibility*, one of the first studies to survey women of color in the legal profession.⁶⁶ Most recently, *Left Out and Left Behind* documents in detail the experiences of women of color.

4. Sexist and Racist Behavior

“I experienced discriminatory behaviors throughout my career pervasively. And after a while you look at that and you just go, ‘I don’t need these people. I don’t want to be around these people.’”

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“I would say without exception, every lawyer, female lawyer that I’ve spoken to that I’m friends with, that I’m close enough to talk to, has experienced some form of discrimination.”

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“If I had felt like I was more respected even as a person, not just a lawyer, but as a person, I probably would have stayed.”

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“[T]he lack of opportunity, I think, for [women of color] is really blatant.”

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“[T]he power dynamic is very real. . . [P]eople are very uncomfortable when women lean into their power.”

Focus-group respondents and individual interviewees reported many incidents of sexist and racist behavior that discourage women from remaining in a long-term career in law. For instance, one woman partner interviewed described the department chair at the BigLaw firm where she worked as “sexist, racist, and homophobic.” Other women we interviewed described their work environments as “male clubs.” One respondent said that to succeed in a law firm a woman needs “thick skin.”

One department head shared this example. She said that the firm’s CEO told her that he thought she would like to be able to spend more time at home with her children. (She had never said anything like this to anyone at the firm.) He then proceeded to inform her that the new reorganization plan for the firm “did not include a spot for her.”

Another respondent shared an experience involving more subtle bias. One night she and a male attorney were both working late. The managing partner of the firm commended the male lawyer for working late (“Oh, burning the midnight oil? . . . Keep up the good fight[.]”) but then made a comment to her that assumed a lower commitment on her part (“Man, you’re here late. I bet you really want to be home with those kids.”). Because she was gunning for partnership, this respondent admitted that she was angered by the comment. The findings from *Walking Out the Door* also found that perceptions of women being less committed than their male counterparts have persisted over time.⁶⁷

Respondents reported that bias also manifested in that negative experiences were held against the women but quickly forgiven for their male counterparts. One respondent shared how it took her “a long time to move past” a bad interaction with a manager who

did not think she had handled a project correctly while a male attorney was able to quickly recover from a significant misstep. The respondent said,

[I]t took [the manager] retiring finally and maybe three plus years of heavy lifting to build my reputation back up again. Whereas I watched one of our [male] lawyers get subpoenaed . . . he even got suspended and it just seemed like he was able to come back into it. It felt like there was a disparity.

She explained, “I am a very good lawyer, so I didn’t screw things up[; the manager] just thought that I could have handled things differently.” Notwithstanding the fact that it was a disagreement over execution and not a mistake, the experience was held against her, setting her back years in her career unlike her male counterpart.

One in-house lawyer described the gender discrimination in her law department as “subtle and not recognized[.]” She explained, “[T]he men in leadership will tell you that they absolutely support women and promote women and [yet] I’ve been left behind successively for white men.” She continued, “[T]here[are] wonderful reasons why it couldn’t happen for me this time or this time and ‘absolutely next time it’s you[,]’ and whatever, but it’s just kind of a pattern. And I think it’s completely not recognized on their side. I think it’s a very unconscious bias.” This finding, that male partners believe that they are advocates for gender diversity but the women who work with them do not agree, is consistent with responses found in *Walking Out the Door*, where 91 percent of experienced men in law firms say that their firms are “active advocates of gender diversity” at their firms, while only 62 percent of women agree.⁶⁸

A partner at a law firm said that the difference between men’s and women’s careers is “most obviously crystallized with their instant credibility.” For example, she said that when she walks into a new courtroom where she has not previously appeared with her “much younger” male associate, “the court reporter, the clerk and the judge, everyone’s looking at my associate and I’m like, ‘Why are you looking at my associate?’” She gave another example that occurred during a billion-dollar negotiation:

The associate was substantially younger than me and more junior. He’s doing the diligence and he’s typing. The guy walks in, walks right by me, says “hello” to this associate, and shakes his hand. Then the other person at the company said, “Well, but actually [she is] the one running the deal.” He looks at me, goes “Hello,” [and then] turns back to the associate. Even after they told him. Yeah, it was unbelievable.

Thus, the man had “instant credibility because he’s a man in a suit,” even though he was more junior to her.

This instant credibility for men—and relatedly the lack thereof for women—can make it difficult to develop business, explained one respondent. She shared, “I always have to prove myself to prospective clients and convince them sometimes that they don’t need to go to a big plaintiffs’ firm.” She continued, “I think part of it is gender-based. . . . [I] have to face these double standards that I’m supposed to look young, but I actually have lots of experience. . . . [It] can be frustrating to overcome that.”

In another interview, the question of age discrimination was directly addressed. When we interviewed this lawyer, she was no longer practicing law. She was consulting with law firms and spoke to groups of lawyers, in particular women lawyers. She strongly encourages women to color their hair and “to wear colors that make them livelier.” She explained, “I focus more on age discrimination when it comes to women than I do on men. I tend to regard un-dyed gray hair on women like I regard visible tattoos.” A male with gray hair is often viewed as possessing “gravitas,” but the same is not true for women.

A senior litigator spoke about an experience when a client doubted her abilities because she was a woman. She explained, “A client basically said to another one of my partners, ‘I want a trial lawyer.’ And so, what we did is we trotted out a man in a suit, [chuckle] who ha[d] actually less experience.” A transactional attorney had similarly frustrating experiences when clients insisted on having a male attorney. She shared, “[T]hese clients were men. And these clients were older, I would say, and pretty sexist. And one of them said, ‘I don’t want that woman working on my deal.’ . . . He didn’t know me.” She said that in another instance, she was pulled off a deal and replaced with one of her colleagues “because [he was not] a woman.”

Moreover, numerous women talked about the discrimination they faced once they had children. Respondents reported that the quality of their assignments decreased when they returned from maternity leave. One woman who had been doing “a good bit of international work” found that she was no longer being asked to work on projects that required travel:

[A]ll of a sudden there were some matters that were not coming my way that would have involved international travel. . . . [P]art of me was like, “Oh maybe they’re just being nice.” That, because I have an infant, maybe they think I don’t want to travel. But I found that rather annoying too, because it was, “Give me the option and let me decide.”

Another respondent who left a law firm to go in-house spoke about how she did not feel supported at her law firm after she had children. She said that when she came back from maternity leave, people made the assumption that she wanted to work less. She was also criticized for leaving her breast milk in the fridge. These experiences made her want to leave the firm (though not necessarily the legal profession).

A former law firm partner who had worked at her firm for 24 years before leaving to go in-house said that her pay did not reflect the hours she worked the year she took maternity leave. She explained,

When I was expecting with my first, that year I worked my tail off. . . . I put in a lot . . . of hours. . . . They were very flexible with me but, because of that, when I came back, I don’t think the year I had was reflected in my comp. If you looked at what I worked, I worked much, much more than probably anybody else, on top of being pregnant, in th[at] period.

Notably, the conflicts these women encountered earlier in their careers with regards to their family responsibilities remained bitter experiences. Even a decade or more later, they could still recite in detail the way they were treated by their law firms.

A common theme that persisted throughout the focus groups was that most of the male colleagues of respondents had wives that did not work outside the home. That male partners are more likely to have stay-at-home wives than women partners is supported by the qualitative analysis in *After the JD*.⁶⁹ The fact that men had that additional level of support “contributes to that sense of deprivation, because you’re failing [at taking care of your personal responsibilities] and don’t have anyone covering it,” said one woman who left law practice. She explained,

[T]hey had someone who was taking care of everything else in their world, freeing them up to only focus on work . . . [M]y husband still worked full-time. There was no way he was gonna be a stay-at-home dad. And so, there wasn’t anyone in my world that was taking care of everything else, freeing me up to just focus on work.

Another respondent said that the men at her company, both at the executive level and within the law department, have wives that do not work outside the home. She shared,

[These executive men will] be talking about, “My wife is gonna go [pick up] the dry cleaning and the kids and do all the stuff,” and I look at them and say “I am the wife.” And their faces just fall because they’re just stunned.

A law firm partner said, “Our male colleagues have wives. And part of the reason I went part-time when I was pregnant with my first [child] is [that] I was married to an equity partner in another firm.” She continued, “I worked with some of the most beautiful, liberal, forward-thinking antitrust attorneys and still it was, ‘Oh, well, you know, you’ve got a safety net, so it’s okay.’ And I was surprised and disappointed.”

The stories of discrimination were even more troubling for women of color. Two black women left practice because of what they referred to as “the stay in your lane” phenomenon that happens when a woman of color is successful. One respondent explained, “I literally had somebody on our management board say, ‘You know what? You’re winning too many awards and attracting too much attention to yourself.’” The respondent said that although she was “on par with everyone else” through “the first two-thirds” of her practice, she began to face resistance at the point she became more successful. She explained:

[I]f you speak up and [say], “I wanna participate in X, I wanna drive Y, I’d like to lead Z,” then it’s, “you’re stepping out of your lane.” . . . So, any time you try to step ahead, then it’s like, “Ooh, you’re getting off the track and you’re getting ahead of yourself.”

She noted the connection with self-promotion. “[O]ne reason that we don’t self-promote is because there are consequences that men don’t face that we do. So, it’s the proverbial rock and a hard place.” She left practice to focus on diversity and inclusion in her firm, and then she ultimately left her firm because the firm failed to acknowledge and reward her ambition.

Another woman of color gave the following example. She said that after her team won a significant litigation matter where they all “made a ton of money,” she was suddenly let go from her firm when the partner on the case saw her in her new car. She explained:

[People] wrote checks and paid off student loans with working on that case. And so, I remember I bought a car, a very nice car. I had never bought myself anything. I’ve worked so much and worked so hard.

I remember being downtown and being in a parking garage. I parked right next to the associate, the sixth-year associate, and the partner who was presiding over that case. When they saw me get out of that car, that was the last day I worked there. They looked at me, like, “No, she did not,” and I was immediately let go.

And I had worked so hard. I had traveled all throughout the south. We went to Chicago; we went to other [states]. And when I bought a car, to me it boiled down to the car, the look that they gave me when I got out of that car. . . . I got a phone call that evening, I was cut, I was off, I was done.

She believes she was let go “because when I bought that car and was parked next to them, they probably thought that, ‘Well she probably thinks that she’s one of us now,’ or something like that.”

A third respondent spoke about how difficult it was to be a black female in the legal profession. She said, “The worst thing about law is stupid, opposing counsel. Being a black female is a different experience. I am often mistaken for a court reporter. Dealing with this issue is an added burden.” This experience is consistent with other research that found that “[w]omen of color reported that they had been mistaken for administrative staff, court personnel, or janitorial staff at a level 50 percentage points higher than white men.”⁷⁰ A Latina lawyer said that the worst thing about practicing law was “dealing with biases,” which she said could “come from anyone, and you were not always prepared.” An Asian-American woman said that there is “a lot” of discrimination against Asian women. In the way of example, she said that she has seen people criticize Asian women for being “too soft spoken.”

The issues brought up by respondents of color in the present study further support the findings in the *Left Out and Left Behind* study, which found that women of color are not exposed to major clients or major assignments, lack opportunities to work on the most challenging assignments, have trouble finding sponsors, and receive no recognition for their accomplishments.⁷¹ A woman of color who left practice summed it up: “[T]he lack of opportunity, I think, for us is really blatant.” She said, “I just think that if there was definitely more inclusion, and just giving people of color, and especially women too, more responsibility and not just looking over them, that you might have more satisfied people of color and women.” She said, “It’s really all about respect for me.” She continued, “I should not have to feel like I’ll never really amount to much when I come into my job and I do my very best, . . . especially when I work hard, and I have the same credentials or better credentials than a lot of people.”

5. Opportunities for Challenging or Fulfilling Work Elsewhere

“You want a challenge, or you want something else.”

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“[The female partner] did all of the [work] up until it got important.”

The importance of challenging and fulfilling work to long-term careers in law cannot be overstated. Respondents frequently said that these aspects of their jobs were what they liked best about practicing law regardless of practice area. Practice areas ranged from litigation (“I do love the rolling up the sleeves and fighting it out, especially when we win. [chuckle] That’s what really engages me.”) to employment law (“[F]rom day-to-day, there’s just a lot of stuff that goes on in the work environment, from the salacious to the very cutting edge. So, it’s just very exciting and interesting . . .”) to advising start-ups (“For me to be really effective I have to understand what my companies do, why they need the people they need . . . I love getting into all that.”) to international law (“I work with people from all around the world, and I manage matters that are multi-jurisdictional.”) to community development and housing (“the stuff that I do actually helps rebuild communities and revitalize communities, so I get to see a physical difference made with the work I do.”).

Repeatedly, respondents used phrases such as “constant learning,” “being challenged,” and “intellectual vigor” to describe what they enjoyed about practicing law. For instance, one respondent enjoys “the intellectual vigor” of her practice because it “intersects with a lot of different topics.” Her practice, which involves constitutional law, business law, start-up law, family law, and asylum, is “a really interesting, really juicy area of law,” she said. A law firm partner said, “I have thought so many times I’m so fortunate to come into a job every day where I learn something[.]” A personal injury attorney shared, “I also really love my career and my profession. I think personal injury is challenging in that you have to get the cases and you have to win the cases on the plaintiff’s side in order to get paid. I like the challenge of that.”

Another law firm respondent who described her practice as “complex transactions, coming up with solutions, to doing new forms of transactions” said “that stuff that’s outside of the box is the stuff that I love.”

The variety of work was a significant factor for many respondents. For example, the personal injury lawyer cited in the previous paragraph said, “I like the fact that every single case is different, every fact pattern is different[.]” Still another law firm respondent said, “What I really love about practicing law is that it’s never the same thing. I love the variety I’ve had in my practice. No two cases are the same.” An in-house lawyer agreed. She stated, “[E]very new deal is new and there’s some unique aspect to it that makes it interesting[,] be it the location, the client, the relationship, the strategic thunder, the technology, if there’s something different about this process versus another process. It’s constant learning[,] which is fun.”

In-house lawyers were particularly reflective on the significance of work variety to their long tenures at their organizations. One in-house lawyer who works in media reflected on how “being able to pivot” and “do something totally different” is what kept her “staying for a long time.” She shared, “I do a lot of copyright. So, it’s always changed.

I mean the broadcast world we're in today is very different than it was when I first started. And the laws changed, and the cases have changed. . . . That's kept it very interesting." Another in-house lawyer said that she "should be retiring or something at this point, but there is nothing else I wanna do." She explained, "I was the chief compliance officer for two or three years. I've been in a lot of different practice areas. And now [I am leading] a multi-practice group." As a result of this variety, "there was never a time" she thought about leaving her organization: "I feel like I was so lucky somebody gave me a really high-end box of chocolates, assorted chocolates." She continued, "I started in litigation, but there's a whole litigation tray of chocolates, you go from one thing to another, and then if you get bored in one practice area, you can go to another practice area. It's almost like you can start a new career."

In light of this driving need to be challenged by work, many respondents felt frustrated when they did not have access to stimulating or fulfilling work. Respondents said that they were often denied opportunities commensurate with their skill level because senior partners hoarded the more interesting work. One woman explained, "I'm dealing with, especially in my current firm, a generation that simply won't let go. . . . Let go either to retire or let go of the authority that they exude over their files and start training their successor." One respondent observed a senior male partner who was opposing counsel for her case take over the "important" work from a female partner:

[The] female partner at the firm . . . did everything on the case except for when we got to experts. Once we got to experts, the senior partner, who was a man, took over everything. . . . After experts were assigned out for trial, she didn't even speak.

She said that the female partner "did all of the [work] up until it got important." Another respondent spoke of how she went from being "first chair" in "a lot of trials" in her government position to doing associate level work when she began working at a law firm. She explained, "I'm on two major cases right now for two major [companies], and I'm not doing any of the expert work. I'm just doing a lot of what an associate does. And it's really contributing to a lot of malaise on my part." These comments underscore what has been well-documented in the research: women are less likely than their male counterparts to have access to career-building opportunities.⁷²

Thus, it comes as no surprise that women who have been practicing more than 15 years leave their organizations in search of more challenging and interesting work where they can utilize their skills. One respondent explained, "When you hit a certain point in your career . . . you want a challenge. You want a challenge, or you want something else." A respondent who had been in private practice for 12 years prior to her move in-house said that she had accepted the offer to be assistant general counsel because it was "too cool to pass up." She recalled how her would-be boss compared the new position to being "a kid in a candy store." Another in-house respondent said, "I left [the] law firm in part for better exposure on the business side, getting that more practical business experience." In-house work is "more interesting" because it "allows for long-term and strategic work" and is more about the "big-picture" than law firm work, said another respondent. It also "offers the ability to provide legal advice" and then "see it through to fruition." For one woman who recently left her in-house position, that "something else" was "something

meaningful.” She explained, “I’m looking into the non-profit world, not necessarily as a lawyer, but maybe running a non-profit as an executive director. . . . I’m definitely at a point where I’m looking for different things, trying to explore.”

Getting pigeonholed in a practice group can contribute to the attrition of experienced women. It is nearly impossible to switch practice groups even within the same firm once you reach a certain point in your career. Consider this example. After 15 years in private practice as a litigator, one respondent said that she realized that “there[are] people out there who love fighting. They just love it and I wasn’t one of them. . . . I had one too many discovery motions, battles about documents[,] and interrogatories.” It got to the point where “it was becoming so difficult to work on those,” and she didn’t see that switching her practice group was an option: “If you’re being billed out at \$800 an hour as a litigator and you swapped to corporate, what do you think you’re billed out at as a brand new corporate lawyer? That’s very difficult.” She left her firm to work on a start-up. She shared:

[I]t just so happened, it was one of those very fortunate situations where I was in litigation. I was really getting tired of it. And then I had these friends who . . . founded a startup. They were incredibly creative entrepreneur people, and they needed help founding the company. So, it was just an incredible ability to transition[,] ’cause like I said, [it] is difficult to transition from litigation to corporate, maybe vice versa.

The decision to leave her firm was largely influenced by her desire to work in a different practice area where “there’s collaboration towards a common goal.” She said, “So even on a deal, an acquisition, even if you have a buyer and seller, they’re really both working towards a common goal, which is to have the deal done.”

6. Passed Over for Promotion

“[O]ne of the things that I realized is that as a woman I was being organizationally silenced. . . . [M]y voice was being silenced. And frankly I left when I did because I was afraid that it was gonna be squelched. I was afraid that I would never find it again if I didn’t leave when I did.”

. . .

“[I]n law firms, if you’re a lawyer, there’s only one position that matters. It doesn’t matter whatever title they give you, special this, whatever. It’s only partners that matter. . . .”

An area of frustration we heard more than once from women related to their experiences with promotions.⁷³ Too often, women partners said that they were passed over for promotion to equity partner. Most large firms have adopted promotion systems that feature multiple levels of partnership and, as a result, many of the respondents we talked to found

themselves stuck at the non-equity level. We know from other research that women are more likely to be found as non-equity partners rather than equity compared to their male colleagues.⁷⁴ For women of color, promotion to equity partner is even less likely. In fact, a recent *American Lawyer* study shows that among the AmLaw 100 firms, lawyers of color are three times more likely than white lawyers to be promoted to the nonequity ranks.⁷⁵

One respondent told us that at her firm there were two females up for promotion to equity partner. There were also a handful of men up for equity partner. All the men were promoted to equity partner and neither of the women were promoted. “It just seemed so blatantly discriminatory,” she said. Moreover, “the really terrible things” firm management said to justify their decisions “were [almost] worse than the experience of not making it.” She said that, for instance, the firm’s leadership told one of the women, “Oh, we didn’t know you wanted to be an equity partner” which was a “totally ludicrous” statement because “the woman was full-time, handling litigation matters, and the right hand of a big rainmaker.” Moreover, the men who were promoted “were in a different office, were best friends with the office managing partner, [and] had dinner with their wives with these guys.” It was particularly upsetting to these women that they did not even know the men were being considered for partnership until the firm announced their promotions.

We heard similar stories from other respondents. One woman talked about how she and two other women were denied partnership at her firm. They all ended up getting offers from larger firms at higher salaries. When this respondent handed in her letter of resignation, she was called into the named partner’s office and asked why she and the other women were leaving. She responded:

All three of us were up for partnership this year. All three of us were denied, but we were obviously good enough to be pulled into three different, larger firms at higher salaries, with more responsibility. I’m not going to stay here and not be in a position where I can look forward.

He asked, “Well, what could we do to make you stay?” She responded, “You’ve had that opportunity; I have to leave.”

One of our individual interviewees told us that when she had come up for partnership at the firm, they had promoted her to “limited partnership,” rather than giving her “full partnership.” When she asked why a male partner had received “full partnership” and she had received only “limited partnership,” the managing partner responded, “Well, you know he just had a new child, a new baby. And his spouse doesn’t work so he needs the money.” This woman happened to be married to an employment lawyer. She went home and asked him what she should do. He bluntly told her that if she ever wanted to practice law again, she needed to just walk away and not say anything more about it.

One appellate lawyer who was seeking a leadership role at her firm said that a male partner told her that the firm puts people in management “who have successful practices.” After hearing this, she thought, “Oh, so I don’t have a successful practice? Okay, well I’m gonna go where I can have a successful practice. . . . So now I’m in this firm where I am bringing in all of my own business and more, and that’s really been fun.”

Another respondent reluctantly left her firm of nine years to go in-house after her fourth child was born. She explained, “[A]ll of a sudden, people assumed I was part-time when I was billing more than anyone else in my department. So, I left because there was no

mobility.” She left her firm to go in-house fully expecting to “stay a little while” and then go back into a law firm. (“I didn’t like my law firm, but I really liked being at a law firm.”) She ended up staying at her company for 20 years. This was a preventable departure.

Lack of upward mobility was even more a factor for women who worked reduced-hours schedules. One reduced-hours attorney said, “[A]t that time, which is a different time than now, it wasn’t as clear that you could really have a really fulfilling career [when working a reduced hours schedule]. I guess that would be something I found out later.” She did not wait around to find out. Another woman left when her request to ramp up from part-time to full-time was denied: “I wanted to work more. I’d really wanted to on-ramp back to it and I wanted to be promoted to partner, because at that point my friends were either partners or they had left. . . .” She continued, “[I]n law firms, if you’re a lawyer, there’s only one position that matters. It doesn’t matter whatever title they give you, special this, whatever. It’s only partners that matter.”

In-house lawyers reported that unwillingness to travel for long periods of time can be a barrier to advancement in corporate law departments. One respondent said, “[M]y unwillingness to travel, and I don’t mean a week or two, I mean plant myself in Buenos Aires for three months, six months, to do a short-term assignment for one year . . . is definitely a barrier.” She clarified, “[A]ctually I’d really love to do it, [but my personal life is such that I can’t do that right now]. . . . [T]hat has definitely stagnated my career.”

Another firm activity that we questioned respondents about was their willingness to head up firm committees. Most respondents found that these positions were less about leadership opportunities and more about doing the firm “housework”—a lot of time and effort without any rewards.⁷⁶ While many women said that they enjoyed committee work, they were less enthusiastic about being paid less than comparable men or not given credit for putting on special events to expand firm business. One respondent talked about how her firm told her and another new partner (a male) that they were the future of the firm. To prepare them, these two new partners were provided instruction in how to perform the operational aspects of the firm. However, she soon realized that the firm wanted her to work to build business for the firm (something she wanted to do), but it also would put her in the position of being the “wife.” She said, “I don’t wanna be their work wife!” Other women in this focus group chimed in that they would find themselves doing the “backstage work”—tasks that are never seen as exhibiting leadership for the firm. Some women mentioned that by the time they reached senior status, they were no longer interested in internal leadership activities.

One woman who left the practice of law to head the firm’s diversity efforts said that she would have continued practicing if her firm would have given her a leadership role. She explained,

[O]ne of the things that I realized is that as a woman I was being organizationally silenced. . . . [M]y voice was being silenced. And frankly I left when I did because I was afraid that it was gonna be squelched. I was afraid that I would never find it again if I didn’t leave when I did.

She said, “I wasn’t interested in being one of 200 cogs. I really was interested in leadership. I was interested in having my own voice.”

7. Long Hours and Unpredictable Schedules

The long hours expected of lawyers were and are a challenge for some focus-group respondents. At this stage in their careers, “it’s not just the kids, it’s the parent as well,” said one respondent. Another respondent who said that she feels “a little overwhelmed these days” provided this context:

I feel like I’m applying to college, because [my son is] not doing what he needs to do. . . . And then we have an 11-year-old as well. And she requires attention and all that sort of thing. . . . My father passed away six years ago, and my mother lives alone. She’s 86 and she’s in good health for 86, but that means she has bad health days.

Thus, the challenge to “do it all” that was described in the *Walking Out the Door* report⁷⁷ was also a significant factor for the respondents in our study.

“Even when you are on your own, it is a struggle,” said one law firm partner. She explained, “I have no kids. But I am active in my community. I am active in my church. . . . I have to put myself first: working out, putting the phone to the side. . . . I can’t help others [to the detriment of] myself.” One woman said that the fact that she did not have children made it particularly difficult for her to draw boundaries. People knew she was not married and did not have children, so when the weekend was coming up, she would get loaded down with work and found it difficult to argue that she didn’t have sufficient time to do the extra work. She ultimately left her firm to work for a large public transit company.

Many of the women who participated in the focus groups or individual interviews, however, were at a stage in their lives where their children were grown and either in college or working full-time. Certainly, these women had encountered work–family conflicts earlier in their careers,⁷⁸ but they had developed strategies that allowed them to have fulfilling careers notwithstanding those challenges. One respondent put it this way:

Yes, you can work, and work yourself into a position of authority in a firm and have a family. It depends on how big your support network is and, at least in my generation of attorney[s], it was a recognition that you needed to develop that support network. Is that fair? Is that right? Absolutely not. But it was still better than the generation before me.

For her, a strong support network was essential to her success.

A number of respondents cited having spouses who were the primary caregivers (“It’s completely because my husband took over all of [the domestic responsibilities]” and “My husband is ‘Mr. Mom’ . . . which definitely has made it easier for me to become an equity partner.”). Some respondents credited their reduced-hours schedules for their long tenure at their firms. “Had I not been able to do that, I would not have stayed,” shared one respondent. She explained how working part-time allowed her to “take some of the stress off of having to meet the billable hours requirement.” By doing so, she had more time to

spend building relationships, taking on speaking opportunities, and generating business, which ultimately led to her having her own clients and greater flexibility in the long run.

Flexibility, or lack thereof, was one of the most frequent topics discussed in the focus groups and individual interviews with regards to their ability to manage personal and professional responsibilities. Inflexibility pushed women out of their firms, while flexibility retained them. For instance, one respondent said that “[f]lexibility and family” were the “primary factors” that led her to move from her law firm to in-house, “although the money and benefits were [also] a consideration.” She made the switch for “the flexibility, the interesting work, the not having to bring in business, mainly the control of my life.” Another respondent said, “[F]lexibility is what keeps me from going anywhere else. . . . I love my job to begin with, but this flexibility is worth its weight in gold. It’s amazing.”

Other law firm partners confirmed that they had more flexibility now that they were partners and that that flexibility was important to their decisions to stay at their firms. One respondent shared her experience:

[W]hile [the law] is demanding . . . from a time perspective, it also offers flexibility, as far as professions go. . . . [W]hen you get more senior in your career, you can oftentimes manage what’s coming at you. . . . Most of the time, I can make it to my kids’ performances. I can cut out. I can work from home if I need to. . . . I do have to be responsive to the clients, and there are times when you just have to be there . . . but still, on a day-to-day basis, there’s a lot of flexibility for choosing this career.

Another respondent touted the flexibility she has at her firm: “[N]ow that I’m a shareholder I can work wherever. . . . I can set my own hours, I can take time off, I can take big chunks of time off if I want to, and nobody really questions me.”

But not all firms offer the same level of flexibility. Flexibility is “very practice-group and firm dependent,” explained one respondent. She said that she has had “more and less flexibility” at the various firms at which she worked. She attributed the difference to “the types of clients we have.”

Another respondent said that she was surprised by the focus on face time at her firm:

[W]e have a lot of junior women, in fact almost all our associates are women, and some of them have young families, and it is surprising to me that there is still that focus on sort of like, “But I didn’t see you there. Are you actually doing the work?” When to me, my feeling is we all know whether they’re doing the work or not because we have this thing called billable hours, and we can check every day to see how many hours they bill. What’s more, we can tell whether the clients are complaining about their failure to complete the work.

Thus, while the partner does not care when and where the lawyers in her practice group do their work, the senior leadership at her firm is “very focused on face time.”

This sentiment was echoed by some in-house lawyers as well. For instance, one in-house lawyer shared, “People think in-house is 8:00 to 5:00. All that kind of stuff. And when I started, when I had my first in-house job, it was 8:00 to 5:00 in my world. But it’s not 8:00 to 5:00 now.” Another respondent said, “[The law group] was very face-time-oriented when I got there. Even another female attorney told me, basically, ‘You’ve gotta prove yourself before you flex your work schedule,’ which I thought was odd.” A third respondent said, “[I]n my legal department there is still a pushback on [flexibility]” and that pushback often comes from “fairly young people” and not “curmudgeonly old people.” She explained, however, that while she works as hard as she did at the law firm, her workflow is more consistent in-house than at her former law firm: “[I]n the law firm I had peaks and valleys, so it was a very unpredictable schedule. Here I know I work hard all day and it’s much more consistent.”

Respondents also noted that flexibility can be a “double-edged sword[.]” They told us that when they were at home, they did not feel fully present because they constantly were responding to emails or answering calls, and when they were at work, they were worried about not spending enough time with their family. Respondents expressed these two sentiments: “Technology, it does give you flexibility. . . . But at the same time, you never get to shut your phone off” and “I’m looking forward to retirement, just so I can never look at my laptop [on] a vacation again.”

This industry expectation of 24/7 availability played a significant role in one woman’s decision to leave private practice. The respondent said that she left her firm because “the unpredictability that comes along with the excitement of litigation and just the demands of clients really began to interfere with my ability to be present at home the way I wanted to. I do have two young children, and it was just becoming too hard to manage the expectations that clients put on us.” She went on to describe a particular client demand made of her while she was with her family at Disney. She took a call from the client and, after assessing that the client’s issue was not an emergency and that it could be handled by another lawyer at the firm, she explained to the client that she would have a colleague jump in, since she was with her family at Epcot. Nonetheless, the client insisted on speaking to her at that moment. She explained, “I literally had to go find a bench, spend 25 minutes on the phone with the client while my family is standing off to the side, waiting for me. . . . I just said to myself at that point, ‘There has to be another way. This can’t be the way it is.’” She told us that instances like the one related to us made it difficult to be present at home: “[Y]ou were constantly responding to the emails or answering the calls. . . . You couldn’t just put your phone away and not look at it. . . . It’s kind of the 24/7 availability.” Shortly after incidents like the one relayed during her interview, she left the law firm for an in-house position.

Instances like those relayed to the research team pushed women with extensive practice experience to decide to leave private law firms and search for work settings that would allow them to have both professional and personal lives.

IV. Recommendations

“It’s not going to happen accidentally. You have to have people in management that say, ‘These are our assets. We need to develop all of them.’”

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“[It will take] men being uncomfortable when there is an absence of women in the room. Men are not uncomfortable yet.”

After conducting focus groups and individual interviews of more than 100 experienced women lawyers, both practicing and no longer practicing, we conclude that it is not a single factor that pushes women to consider leaving the practice of law. Instead, it is the accumulation of a number of factors that become strong motivations for changing law firms, moving to in-house counsel jobs, or leaving the profession altogether.

Women thrive when they have challenging work and colleagues they respect and admire, and when they are valued members of their firms. Unfortunately, too often pay and promotion disparities are built into the evaluation and compensation system of law firms. This unfair treatment leaves women feeling undervalued and resentful at being treated unfairly. The hyper-competitive environments at large law firms today compound these disparities and diminish the positive aspects of law practice such as challenging work and relationships with colleagues. The reward structure of law firms encourages individualistic environments where lawyers are compelled to promote themselves rather than their team members, their practice groups, and even their firms. As a result, women feel increasingly isolated from their colleagues, and the isolation felt by women of color is particularly acute. Many women partners also referred to the continuing presence of sexist and racist behavior and ever-increasing billable hour requirements, even for partners.

The following recommendations emerged from the focus groups and individual interviews. These actions mirror the recommended best practices detailed in *Walking Out the Door* and include some additional steps.

1. **Develop a strategy, set targets, and establish a timeline for what the firm wants to achieve.** All respondents agreed that today their firms have instituted diversity initiatives aimed at retaining and advancing women and people of color. However, they also pointed out that these diversity initiatives have had mixed records of success. By collaborating with an outside specialist to develop a comprehensive strategy, firms will gain valuable new perspectives that may lead to solutions that are more effective in addressing the challenges faced by experienced women attorneys.
2. **Take a hard look at the data; use gender metrics and gender statistics to measure and track the status of key factors over time.** Collecting and monitoring the numbers for experienced women lawyers in an organization are critical first steps to developing an effective strategy to retain women partners. In addi-

tion, respondents overwhelmingly spoke of disparities in compensation that led them to leave their law firms. Therefore, firms will want to analyze compensation numbers by gender and track compensation decisions by practice groups. Once baselines are established, firms can monitor progress and tweak policies accordingly.

3. **Affirm leadership's commitment to take specific actions to promote gender diversity.** When experienced women lawyers raise concerns and propose strategies, it is imperative that firm leaders listen to them and take action. Failure to follow through is noticed.
4. **Own the business case for diversity.** One respondent summed it up, “[It will take] men being uncomfortable when there is an absence of women in the room. Men are not uncomfortable yet.”
5. **Take steps to ensure that there is a critical mass of women partners on key firm committees.** Respondents said that women in leadership roles are essential to interrupt biases in firm processes and decision-making, thereby ensuring that all lawyers are appropriately and fairly treated by their firms. One way a firm might achieve greater diversity in key firm committees is by adopting the Mansfield Rule, which requires that firms consider at least 30 percent diverse lawyers for all governance and leadership roles.⁷⁹ One respondent cautioned that to reach this goal, firms must be mindful never to assume that just because of somebody's family situation she would not be willing to take on a leadership role at the firm or on a particular matter. “Ask them; let them decide,” she said.
6. **Assess the impact of firm policies and practices on women lawyers.** For instance, real or perceived pay disparities left women feeling undervalued and alone, overshadowing the more appealing aspects of practicing law. Data-based assessments of firms' compensation policies and practices are necessary to determine to the extent in which such disparities are present and will help with developing targeted strategies to address the disparities identified. Strategies may include creating equitable credit-allocation processes that more accurately capture women's contributions, incentivizing shared credit, and creating improved systems for resolving credit disputes in which both women and men feel safe to advocate for themselves and their teams.⁸⁰ In addition to compensation practices, we recommend that firms address evaluation and promotion practices to create a truly transparent and fair system.
7. **Continue to implement implicit bias and sexual harassment training for all partners.** Respondents' troubling reports of sexist and racist behavior indicates that there is still much work needed in this area. Moreover, understanding how implicit bias operates in law firm compensation systems is critical to interrupting it.
8. **Increase lateral hiring of women partners.** Hiring more women partners may lessen the isolation felt by experienced women lawyers and change the organizational environment. Firms need to re-examine their use of networks for recruiting lateral partners. Instead of falling back on the “old boy” networks, they need to develop new networks that are more inclusive of women and lawyers of color. The Mansfield Rule is a helpful resource.⁸¹

9. **Provide resources to relieve pressures from family obligations that women more often face than their male colleagues.** Respondents told us that even after promotion to partner, law practice is still a “demanding master,” where the hours are long and often unpredictable. Adopting flexible practices, including flexible schedules for partners, is essential if law firms want to be more inviting to experienced women lawyers who reported evolving family responsibilities that now include parental care, as well as issues that emerge as their children age. Supporting women during challenging times will go a long way to increasing their longevity with their firms.
10. **Be flexible to support changing practices.** While not one of the most frequent complaints, we heard from women in-house lawyers that they left their firms to take on a new challenge. One strategy for firms might be to provide avenues for experienced women partners to evolve their practices. One respondent said that firms need to be “innovative with respect to [their] people.” She explained, “[W]omen are walking . . . I think that there’s a way to recapture them.” Firms could provide opportunities to build new practice areas, give time to rebuild practice specialties after losing a major client (as an incentive not to take clients’ offers to go in-house), reward efforts to sponsor and mentor the next generation of women lawyers, and encourage pro bono work and involvement in outside organizations. A respondent explained, “There was a period of time where I was really bored with my job and couldn’t do it. . . . [Y]ou find your interest outside your day job during those periods, whether it’s an outside organization or getting involved in something.”
11. **Affirmatively build camaraderie.** A collaborative and collegial environment can help to mitigate the negative aspects of practicing law, said several law firm partners. One respondent explained, “[E]ven if there are things that you would want about the firm as a whole to change, . . . if you feel the kind of support that you do in a smaller group, then it’s like, ‘Yeah, sure. I can put up with all the rest of it.’” Another respondent concurred, “I love the close friendships I developed with many of my colleagues. . . . [T]hat has really helped get over the bad parts [of practicing law].” Respondents suggested offering team credit, incentivizing bar activities, funding women’s initiative events, and redesigning office space to improve collegiality.

Law practice today is challenging by any measure. The increasing billable hour and fee generation expectations, hyper-competitiveness, and 24/7 availability demanded by clients make law practice a difficult profession for both women and men. For women, however, these challenges are compounded by pay and promotion disparities, sexist and racist behavior, and isolation, which leave many women asking themselves whether the fight is worth it. One of the respondents put it best: issues of inequity will be greatly reduced, and perhaps disappear, on the day that men recognize that something is wrong when they enter a room at the firm and do not see a substantial number of women lawyers. The profession has had much success at the junior level; now we must turn our efforts to making our firms places where experienced women lawyers thrive and are treated equitably so that they can continue to bring their contributions to their organizations.

Endnotes

1. See ROBERTA D. LIEBENBERG & STEPHANIE A. SCHARF, AM. B. ASS'N & ALM INTELLIGENCE, *WALKING OUT THE DOOR: THE FACTS, FIGURES, AND FUTURE OF EXPERIENCED WOMEN LAWYERS IN PRIVATE PRACTICE* (2019).

2. DESTINY PEERY, PAULETTE BROWN & EILEEN LETTS, AM. B. ASS'N, *LEFT OUT AND LEFT BEHIND: THE HURDLES, HASSLES, AND HEARTACHES OF ACHIEVING LONG-TERM LEGAL CAREERS FOR WOMEN OF COLOR* (2020).

3. LIEBENBERG & SCHARF, *supra* note 1, at 9.

4. The NAWL reports over time have shown slow upward trajectory of women in law since 2006. See NAT'L ASS'N OF WOMEN LAWYERS, *NAWL NATIONAL SURVEY ON RETENTION AND PROMOTION OF WOMEN IN LAW FIRMS* (2006); STEPHANIE A. SCHARF ET AL., NAT'L ASS'N OF WOMEN LAWYERS, *NAWL NATIONAL SURVEY ON RETENTION AND PROMOTION OF WOMEN IN LAW FIRMS* (2007); STEPHANIE A. SCHARF ET AL., NAT'L ASS'N OF WOMEN LAWYERS, *REPORT OF THE THIRD ANNUAL NATIONAL SURVEY ON RETENTION AND PROMOTION OF WOMEN IN LAW FIRMS* (2008); STEPHANIE A. SCHARF ET AL., NAT'L ASS'N OF WOMEN LAWYERS, *REPORT OF THE FOURTH ANNUAL NATIONAL SURVEY ON RETENTION AND PROMOTION OF WOMEN IN LAW FIRMS* (2009); STEPHANIE A. SCHARF & BARBARA M. FLOM, NAT'L ASS'N OF WOMEN LAWYERS, *REPORT OF THE FIFTH ANNUAL NATIONAL SURVEY ON RETENTION AND PROMOTION OF WOMEN IN LAW FIRMS* (2010) [hereinafter *NAWL 2010*]; BARBARA M. FLOM & STEPHANIE SCHARF, NAT'L ASS'N OF WOMEN LAWYERS, *REPORT OF THE SIXTH ANNUAL NATIONAL SURVEY ON RETENTION AND PROMOTION OF WOMEN IN LAW FIRMS* (2011); BARBARA M. FLOM, NAT'L ASS'N OF WOMEN LAWYERS, *REPORT OF THE SEVENTH ANNUAL NAWL NATIONAL SURVEY ON RETENTION AND PROMOTION OF WOMEN IN LAW FIRMS* (2012); STEPHANIE A. SCHARF ET AL., NAT'L ASS'N OF WOMEN LAWYERS, *REPORT OF THE EIGHTH ANNUAL NAWL NATIONAL SURVEY ON RETENTION AND PROMOTION OF WOMEN IN LAW FIRMS* (2014) [hereinafter *NAWL 2014*]; LAUREN STILLER RIKLEEN, NAT'L ASS'N OF WOMEN LAWYERS, *REPORT OF THE NINTH ANNUAL NAWL NATIONAL SURVEY ON RETENTION AND PROMOTION OF WOMEN IN LAW FIRMS* (2015); DESTINY PEERY, NAT'L ASS'N OF WOMEN LAWYERS, *2017 ANNUAL SURVEY REPORT ON THE PROMOTION AND RETENTION OF WOMEN IN LAW FIRMS* (2017); DESTINY PEERY, *REPORT OF THE 2018 NAWL SURVEY ON RETENTION AND PROMOTION OF WOMEN IN LAW FIRMS* (2018) [hereinafter *NAWL 2018*]; DESTINY PEERY, NAT'L ASS'N OF WOMEN LAWYERS, *2019 SURVEY REPORT ON THE PROMOTION AND RETENTION OF WOMEN IN LAW FIRMS* (2019), <https://www.nawl.org/page/2018survey> [hereinafter *NAWL 2019*]. See generally Fiona M. Kay et al., *Undermining Gender Equality: Female Attrition from Private Law Practice*, 50 *LAW & SOC'Y REV.* 766 (2016); Joyce S. Sterling & Nancy Reichman, *Overlooked and Undervalued: Women in Private Law Practice*, 12 *ANN. REV. L. & SOC. SCI.* 373 (2016).

5. *NAWL 2019*, *supra* note 4; see also Sterling & Reichman, *supra* note 4, at 374 (“The percentage of women equity partners has grown from 16 percent in 2006, when the [NAWL] Manifesto was issued, to 18 percent today [in 2016]—a meager 2 percent improvement in women’s representation in the highest status of legal practice.”).

6. Deborah Rhode, *Gender and the Profession: The No-Problem Problem*, 30 *HOFSTRA L. REV.* 1001 (2002).

7. *Id.* at 1001.

8. Julie Tiedman, *A Few Good Women*, *AM. LAW.*, June 2015, at 38, http://www.americanlawyer-digital.com/americanlawyer-ipauth/201506ip?search_term=2181&doc_id=-1&search_term=2181&pg=40#pg40.

9. See for example research cited in Sterling & Reichman, *supra* note 4, and Fiona M. Kay et al., *supra* note 4.

10. See Kay et al., *supra* note 4, at 770, 796.
11. RONIT DINOVIETZ ET AL., AM. B. FOUND. & NALP FOUND. FOR L. CAREER RES. & EDUC., AFTER THE JD III: THIRD RESULTS FROM A NATIONAL STUDY OF LEGAL CAREERS 64 (2013), http://www.americanbarfoundation.org/uploads/cms/documents/ajd3report_final_for_distribution.pdf [hereinafter AFTER THE JD III].
12. For a detailed discussion of the high attrition of women of color in law firms, see PEERY ET. AL., *supra* note 2, at 12–13 (discussing the high attrition of women of color from law firms). See also WOMEN OF COLOR IN U.S. LAW FIRMS (2009), available at https://www.catalyst.org/wp-content/uploads/2019/01/Women_of_Color_in_U.S._Law_Firms.pdf and VISIBLE INVISIBILITY: WOMEN OF COLOR IN LAW FIRMS (2006), available at <https://www.americanbar.org/content/dam/aba/marketing/women/visibleinvisibility.pdf>.
13. VAULT & MINORITY CORPORATE COUNSEL ASS'N, 2019 VAULT/MCCA DIVERSITY SURVEY 7-8 (2019), https://www.mcca.com/wp-content/uploads/2020/03/2019-Vault_MCCA-Law-Firm-Diversity-Survey-Report.pdf [hereinafter 2019 VAULT/MCCA DIVERSITY SURVEY].
14. *Id.* at 7.
15. *Id.*
16. *Id.*
17. NAT'L ASS'N FOR LAW PLACEMENT, 2019 REPORT ON DIVERSITY IN U.S. LAW FIRMS 10–11 (2019), [HTTPS://WWW.NALP.ORG/UPLOADS/2019_DIVERSITYREPORT.PDF](https://www.nalp.org/uploads/2019_DIVERSITYREPORT.PDF) [hereinafter NALP DIVERSITY REPORT].
18. *Id.*
19. Sterling & Reichman, *supra* note 4, at 377 (citing Ronit Dinovitzer, Nancy Reichman & Joyce Sterling, *The Differential Valuation of Women's Work: A New Look at the Gender Gap in Lawyers' Incomes*, 88 SOC. FORCES 819, 836 (2009)).
20. See JOAN C. WILLIAMS & VETA T. RICHARDSON, THE PROJECT FOR ATTORNEY RETENTION & MINORITY CORP. COUNS. ASS'N, NEW MILLENNIUM, SAME GLASS CEILING? THE IMPACT OF LAW FIRM COMPENSATION SYSTEMS ON WOMEN 9 (2010), <https://worklifelaw.org/publications/SameGlassCeiling.pdf>; Kenneth G. Dau-Schmidt et al., *Men and Women of the Bar: The Impact of Gender on Legal Careers*, 16 MICH. J. GENDER & L. 49, 97–98 (2009); Mary C. Noonan et al., *Is the Partnership Gap Closing for Women? Cohort Differences in the Sex Gap in Partnership Chances*, 37 SOC. SCI. RES. 156, 169–70 (2008); cf. Hilary Sommerlad, *The "Social Magic" of Merit: Diversity, Equity, and Inclusion in the English and Welsh Legal Profession*, 83 FORDHAM L. REV. 2325, 2331 (2015).
21. Since 2011, the percentage of equity partners who are women have increased by less than 5%. See NALP DIVERSITY REPORT, *supra* note 17, at 17 tbl.4 (finding an increase in women equity partners from 15.6 percent in 2011 to 20.3 percent in 2019).
22. See NAWL 2019, *supra* note 4, at 2 (2019); cf. AFTER THE JD III, *supra* note 11, at 66–67 (noting fewer promotions for women over 15-year period).
23. See AFTER THE JD III, *supra* note 11, at 66.
24. NAWL 2019, *supra* note 4 at 4–5.
25. 2019 VAULT/MCCA DIVERSITY SURVEY, *supra* note 13, at 7.
26. See VAULT & MINORITY CORPORATE COUNSEL ASS'N, 2018 VAULT/MCCA DIVERSITY SURVEY 9 (2018), <https://www.mcca.com/resources/reports/2018-vault-mcca-law-firm-diversity-survey/> [hereinafter 2018 VAULT/MCCA DIVERSITY SURVEY]. See also NALP DIVERSITY REPORT, *supra* note 17, at 11 tbl.1 (finding that women have been more than 53 percent of all associates of color since 2009). Breaking this statistic down further, women of color have been 50 percent or more of all Asian or Black/African-American associates since 2009. *Id.* at 16 tbl.2. Latinas have been 47 percent or higher of all Latinx associates since 2009. *Id.* The report did not provide data for Native American associates.
27. See Dylan Jackson, *At More than One-Third of the Am Law 100, Minority Partners Are Disproportionately Nonequity*, AM. LAW. (Oct. 21, 2019, 5:00 AM), <https://www.law.com/americanlawyer/2019/10/21/at-more-than-one-third-of-the-am-law-100-minority-partners-are-disproportionately-nonequity/>.

28. AFTER THE JD III, *supra* note 11.
29. Sterling & Reichman, *supra* note 4, at 378.
30. See NAWL 2014, *supra* note 4, at 4; Ronit Dinovitzer & Bryant Garth, *Lawyers and the Legal Profession*, in WILEY HANDBOOK OF LAW & SOCIETY 105, 107 (2015). See generally Irene Padavic, Robin J. Ely & Erin M. Reid, *Explaining the Persistence of Gender Inequality: The Work–Family Narrative as a Social Defense against the 24/7 Work Culture*, 65 ADMIN. SCI. Q. 61 (researching “why . . . work–family conflict persist[s] as the dominant explanation for women’s stalled advancement despite evidence that calls it into question”).
31. 2018 VAULT/MCCA DIVERSITY SURVEY, *supra* note 26.
32. See Noonan et al., *supra* note 20, at 160; WILLIAMS & RICHARDSON, *supra* note 20, at 49. See generally William D. Henderson, *An Empirical Study of Single-Tier Versus Two-Tier Partnerships in the Am Law 200*, 84 N.C. L. REV. 1691 (2006) [hereinafter Henderson 2006]; William D. Henderson, *Three Generations of U.S. Lawyers: Generalists, Specialists, Project Managers*, 70 MD. L. REV. 373 (2011).
33. NAWL 2019, *supra* note 4, at 4.
34. Sterling & Reichman, *supra* note 4, at 375.
35. *Id.*; AFTER THE JD III, *supra* note 11, at 66; NAWL 2019, *supra* note 4, at 4.
36. NAWL 2019, *supra* note 4, at 4 n.14 (finding “women may be slightly more likely to be equity partner in firms with a one-tier partnership model compared to a two-tier model (22 percent vs. 20 percent, respectively)”; NAWL 2010, *supra* note 4, at 13 (finding “one-tier firms are more likely to be above the median percentage in having minority women lawyers (67 percent, vs. only 39 percent for two-tier firms)”; see also Sterling & Reichman, *supra* note 4, at 375.
37. *The American Lawyer* publishes these statistics in May and June of each year. See, e.g., ALM Staff, *How We Calculated the Am Law 200*, NAT’L L. J. (May 22, 2019, 9:25 PM), <https://www.law.com/americanlawyer/2019/05/22/how-we-calculated-the-am-law-200/>; Ben Seal, *The 2019 Am Law 100: Profits per Equity Partner*, NAT’L L. J. (Apr. 23, 2019, 9:38 PM), <https://www.law.com/americanlawyer/2019/04/23/the-2019-am-law-100-profits-per-equity-partner/>.
38. See, e.g., NAWL 2019, *supra* note 4.
39. JEFFREY A. LOWE, MAJOR, LINDSEY AND AFRICA, 2018 PARTNER COMPENSATION SURVEY 13, 58–60 (2018), <https://www.mlaglobal.com/en/knowledge-library/research/2018-partner-compensation-report> [hereinafter 2018 PARTNER COMPENSATION SURVEY].
40. NAWL 2019, *supra* note 4, at 2.
41. AM. B. ASS’N, ABA PROFILE OF THE LEGAL PROFESSION 47 (2019), <https://www.americanbar.org/content/dam/aba/images/news/2019/08/ProfileOfProfession-total-hi.pdf>.
42. 2018 PARTNER COMPENSATION SURVEY, *supra* note 39, at 18-19.
43. MARTINDALE-AVVO, 2019 ATTORNEY COMPENSATION REPORT 6 (2019), <https://www.martindale-avvo.com/wp-content/uploads/2019-Attorney-Compensation-Report.pdf>; see also Debra Cassens Weiss, *Full-Time Female Lawyers Earn 77 Percent of Male Lawyer Pay*, ABA JOURNAL (Mar. 17, 2016, 8:10 AM), https://www.abajournal.com/news/article/pay_gap_is_greatest_in_legal_occupations.
44. Sterling & Reichman, *supra* note 4, at 379 (citing AFTER THE JD III, *supra* note 11, at 67); see Dinovitzer, Reichman & Sterling, *supra* note 14, at 836; RONIT DINOVTIZER ET AL., NALP FOUND. FOR L. CAREER RES. & EDUC. & AM. B. FOUND., AFTER THE JD: FIRST RESULTS OF A NATIONAL STUDY OF LEGAL CAREERS 13, 58 (2004), http://www.americanbarfoundation.org/uploads/cms/documents/ajd1_final_report_for_distribution.pdf [hereinafter AFTER THE JD I].
45. AFTER THE JD III, *supra* note 11, at 67; see RONIT DINOVTIZER ET AL., AM. B. FOUND. & NALP FOUND. FOR L. CAREER RES. & EDUC., AFTER THE JD II: SECOND RESULTS OF A NATIONAL STUDY OF LEGAL CAREERS 58 (2009), http://www.americanbarfoundation.org/uploads/cms/documents/ajd2_final_for_distribution.pdf [hereinafter AFTER THE JD II].
46. AFTER THE JD III, *supra* note 11, at 67.

47. In additional analysis of the AJD data, gender still is a consistent factor predicting income, even after controlling for demographics and work. Further, the researchers analyzing AJD data find that gender is more important than knowing whether lawyers were parents. *See* Nancy Reichman & Joyce Sterling, *Parenthood Status and Compensation in Law Practice*, 20 IND. J. GLOBAL LEGAL STUD. 1203, 1221–22 (2013).

48. 2018 PARTNER COMPENSATION SURVEY, *supra* note 39, at 13, 58–60.

49. We are disappointed that we captured limited information in this study about the experiences of Asian American women and Native American women in the legal profession and recommend additional research in this area. For more information on the barriers faced by Asian American and Native American lawyers, *see* ERIC CHUNG, SAMUEL DONG, XIAONAN APRIL HU, CHRISTINE KWON, GOODWIN LIU A PORTRAIT OF ASIAN AMERICANS IN THE LAW (2017), <https://www.apaportraitproject.org/> and NAT'L NATIVE AM. BAR ASS'N, THE PURSUIT OF INCLUSION: AN IN-DEPTH EXPLORATION OF THE EXPERIENCES AND PERSPECTIVES OF NATIVE AMERICAN ATTORNEYS IN THE LEGAL PROFESSION (2015), https://www.nativeamericanbar.org/wp-content/uploads/2014/01/2015-02-11-final-NNABA_report_pp6.pdf, respectively; *see also* Robert L. Nelson, Ioana Sendroiu, Ronit Dinovitzer and Meghan Dawe, *Perceiving Discrimination: Race, Gender, and Sexual Orientation in the Legal Workplace*, 44 LAW & SOC. INQUIRY 1051 (2019).

50. It was difficult to get men to agree to participate in these focus groups. We were assisted in recruitment of the male focus group by a managing partner on the West Coast.

51. *See* LIEBENBERG & SCHARF, *supra* note 1, at 9.

52. *See, e.g.,* AFTER THE JD I, *supra* note 44, at 58 (“[E]ven at [an] early stage of their careers, [women] are earning significantly less than their male counterparts.”); AFTER THE JD II, *supra* note 45, at 67 (noting women earn less than men across the duration of their careers in all practice settings except legal services and nonprofits); RONIT DINOVTZER, LAW AND BEYOND: A NATIONAL STUDY OF CANADIAN LAW GRADUATES (2015) (finding Canadian lawyers have slightly lower earnings disparities than American lawyers, particularly in the public sector, but a gender pay gap still exists); JEFFREY A. LOWE, MAJOR, LINDSEY & AFRICA, 2014 PARTNER COMPENSATION SURVEY 7 (2014) (“Average compensation for male partners was approximately 47 percent higher than for female partners[.]”); 2018 PARTNER COMPENSATION SURVEY, *supra* note 39, at 18 (noting male partners’ average compensation was 53 percent higher than women partners’ average compensation in 2018, markedly higher than the 44 percent difference reported in 2016); MARTINDALE-AVVO, *supra* note 43, at 6 (finding the gender gap in solo and small firm incomes to be a 36 percent differential between men and women attorneys); NAWL 2019, *supra* note 4, at 2, 5–6; DAVID B. WILKINS, BRYON FONG & RONIT DINOVTZER, THE WOMEN AND MEN OF HARVARD LAW SCHOOL: PRELIMINARY RESULTS FROM THE HLS CAREER STUDY 45–47 (2015) (noting the income disparity Harvard women alumnae face in comparison with male colleagues); WILLIAMS & RICHARDSON, *supra* note 20, at 9 (“[T]he wage gap between men and women in the law remains robust.”); Dau-Schmidt et al., *supra* note 20, at 102; Dinovitzer, Reichman & Sterling, *supra* note 19, at 846 (positing a 5 percent gender wage gap persists across women’s careers because “there is an underlying structure of inequality that devalues women” in the legal sphere); John Monahan & Jeffrey Swanson, *Lawyers at Mid-Career: A 20 Year Longitudinal Study of Job and Life Satisfaction*, 6 J. EMPIRICAL LEGAL STUD. 451, 469 tbl.5 (2009) (showing the gender differential in mid-career lawyers’ income as women earning between 44.4 percent to 89.9 percent the mean salary of men, depending on the type of employer); Deborah L. Rhode, *Diversity and Gender Equity in Legal Practice*, 82 UNIV. CIN. L. REV. 871 (2014) (noting gender-based differences in compensation “persist even after controlling for factors such as productivity and differences in equity/nonequity status”); Sterling & Reichman, *supra* note 4, at 378–79, 386 (“Women lawyers continue to earn less than men—an unwavering finding across most studies of the profession[.]”); Karen Sloan, *ABA Issues Toolkit, Aiming to Eliminate Gender Pay Gap*, NAT’L L. J. (Mar. 18, 2013), <https://www.law.com/nationallawjournal/almID/1202592488273/ABA-issues-toolkit-/>; Weiss, *supra* note 43 (noting U.S. Census Bureau data from 2016 demonstrated women lawyers’ median pay was 77.4 percent of the median pay of male lawyers).

Researchers have also noted the reluctance of large law firms to report compensation by gender. NAWL 2014, *supra* note 4, at 4 (“The large majority of firms will not report data about compensation of their men

and women lawyers—and we believe that is because the gender pay gap found in so many past studies continues to be substantial.”); NAWL 2018, *supra* note 4, at 2 n.2 (“[F]ewer law firms completed questions about compensation and hours, with many declining to provide the data, often noting that it’s either considered confidential or is not collected in a way that matches the reporting format requested[.]”).

53. See LIEBENBERG & SCHARF, *supra* note 1, at 8, 11.

54. As competition has increased within as well as across law firms, the structure of partnerships has evolved. Today, most of the large law firms have adopted multi-tiered partnerships. These structures build in positions like “non-equity” partner or “of counsel” before a lawyer can be considered for equity partner. Overall, there is evidence that fewer attorneys in these multi-tiered systems will be promoted to the highest levels of partnership.

55. See LIEBENBERG & SCHARF, *supra* note 1, at 5, 6.

56. For a comprehensive discussion of gender bias in law firm compensation systems, see WILLIAMS & RICHARDSON, *supra* note 20.

57. JOAN C. WILLIAMS ET AL., AM. B. ASS’N & MINORITY CORP. COUNS. ASS’N, YOU CAN’T CHANGE WHAT YOU CAN’T SEE: INTERRUPTING RACIAL & GENDER BIAS IN THE LEGAL PROFESSION EXECUTIVE SUMMARY 7–8 (2018), <https://www.mcca.com/wp-content/uploads/2018/09/You-Cant-Change-What-You-Cant-See-Executive-Summary.pdf> [hereinafter INTERRUPTING BIAS].

58. See LIEBENBERG & SCHARF, *supra* note 1, at 8.

59. See *id.* at 5.

60. See *id.* at 6–7.

61. The Lieberman and Scharf study, *Walking Out the Door*, also identified excessive requirements for billable hours as a factor that drives women out of law firms. See *id.* at 11. In our qualitative analysis, the respondents complained about needing to meet their billable hour requirement plus take on additional firm work as a negative factor for many women.

62. *Id.* at 18.

63. See PEERY, BROWN & LETTS, *supra* note 2.

64. The lack of shared interests and experiences can have a devastating impact on women of color’s sense of being valued and respected within their organizations. See JANET E. GANS EPNER, AM. B. ASS’N, VISIBLE INVISIBILITY: WOMEN OF COLOR IN LAW FIRMS 17 (2006), https://law.duke.edu/sites/default/files/centers/judicialstudies/panel_1-visible_invisibility_women_of_color_in_law_firms.pdf.

65. See PERRY, BROWN & LETTS, *supra* note 2, at 15–16.

66. EPNER, *supra* note 53.

67. See LIEBENBERG & SCHARF, *supra* note 1, at 8.

68. *Id.* at 14.

69. See Bryant G. Garth & Joyce S. Sterling, *Diversity, Hierarchy, and Fit in Legal Careers: Insights from Fifteen Years of Qualitative Interviews*, 31 GEO. J. LEGAL ETHICS 123, 128, 133–34 (2018).

70. INTERRUPTING BIAS, *supra* note 57, at 7; see PERRY, BROWN & LETTS, *supra* note 2, at 11.

71. See PERRY, BROWN & LETTS, *supra* note 2, at 4, 6.

72. See, e.g., STEPHANIE A. SCHARF & ROBERTA D. LIEBENBERG, AM. B. FOUND. & COMMISSION ON WOMEN IN THE PROF., FIRST CHAIRS AT TRIAL (2015) (finding women are at a disadvantage in multiple avenues of trial advocacy).

73. A number of women respondents mentioned that when they joined their respective law firms, they did not realize that the “partnership decision” was entirely out of their hands. One of the structural changes that has occurred in law firms is the creation of new levels of stratification of partnership: the advent of income partners, equity partners, and even permanent associate positions. While some of the respondents discount the implications of these new layers of partnership, it is the case that power and autonomy are controlled by “equity” partners.

74. AFTER THE JD III, *supra* note 11, at 66.

75. See Jackson, *supra* note 27.

76. See INTERRUPTING BIAS, *supra* note 57, at 18 (finding that white women reported doing more administrative tasks than their colleagues at a level 24 percentage points higher than white men, and women of color at a level 17 percentage points higher than white men).

77. See LIEBENBERG & SCHARF, *supra* note 1, at 12.

78. Hours and unpredictable schedules often required of law practice were frequently cited by respondents as reasons for leaving their firms early in their careers. One focus group respondent said that “the hours and the lack of control” over her schedule were “the driving force” behind her leaving the practice of law. Another said that while her reduced-hour schedule did give her some control over her schedule, she ultimately went to work for a client on a part-time basis because it allowed her to spend more time with her sons.

79. See *102 Law Firms Sign on to Pilot Mansfield Rule 3.0*, DIVERSITY LAB (last updated Sept. 2019), <https://www.diversitylab.com/pilot-projects/mansfield-rule-3-0/> [hereinafter Mansfield Rule].

80. See ARIN N. REEVES, *ONE SIZE NEVER FITS ALL: BUSINESS DEVELOPMENT STRATEGIES TAILORED FOR WOMEN (AND MOST MEN)* 165–66 (2019) (providing research on how to reconfigure credit allocation to better capture women’s business development).

81. See Mansfield Rule, *supra* note 79.

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We express our profound gratitude to the more than 100 women and men who gave generously of their time to share their stories with us so that the women coming behind them might have fulfilling, challenging law practices. We, as well as the entire profession, are indebted to you. We hope that we did you justice.

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