

# Women Lawyers and Obstacles to Leadership



**A Report of MIT Workplace Center Surveys on  
Comparative Career Decisions And Attrition Rates Of  
Women And Men in Massachusetts Law Firms**

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**EQUALITY COMMISSION**



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### **PREFACE: THE CALL FOR SURVEYS**

United States District Court Judge Nancy Gertner in an address to the Women's Bar Association of Massachusetts in 2003, called for urgent attention to the relative lack of women in positions of leadership in the law. Further, she linked the lack of women in leadership to the conflicting demands of law firm practice and women's child care responsibilities, and she challenged the WBA to create a Commission "to work on what we need to do now to make the workplace safe for mothers and fathers."

The result, in 2004, was the creation of the Equality Commission with representatives from the Boston Bar Association, the Massachusetts Bar Association, and the Women's Bar Foundation, as well as the Women's Bar Association. The group then invited participation by the MIT Workplace Center, with the request that the Center conduct in-depth surveys to trace the movement of women and men along the path to leadership in Massachusetts law firms.

Prior work by most members of the Commission provided a substantial base for the surveys. In 1998 Lauren Stiller Rikleen, then President of the Boston Bar Association, organized a BBA Task Force on "Professional Challenges and Family Needs" which produced, in 1999, the substantial and nationally noticed report, "Facing the Grail: Confronting the Cost of Work-Family Imbalance." Based on specific calculations of law firm economics, it recommended that firms "offer the broadest possible variety of individualized work-family plans" and that they "not only support the concept of family-work alternatives [but] also support their successful implementation."

In 2000, the Women's Bar Association produced the report "More than Part-Time: The Effect of Reduced-Hours Arrangements on the Retention, Recruitment, and Success of Women Attorneys in Law Firms" based on surveys of attorneys in Massachusetts firms who had worked reduced hours in these firms, and of women attorneys who had left one of these firms in the prior three years. The key finding of the surveys was "lack of institutional support from law firms for reduced-hours arrangements," and it prompted WBA recommendations listing ways that firms could—and should—provide explicit support for attorneys working part-time.

At the same time, the BBA Task Force launched a Managing Partners' Initiative seeking to gain attention and response to work-family issues from leaders in Massachusetts law firms.

Building on these studies, the MIT Workplace Center designed and conducted the two surveys reported here: Rates of Attrition in Massachusetts Law Firms, and Career Decisions in the Practice of Law.

## Executive Summary

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### EXECUTIVE SUMMARY

The two MIT Workplace Center surveys in 2005-06 sought to measure concretely and to find specific reasons for the persistently low numbers of women partners in Massachusetts law firms—related by the low numbers of women in professional leadership.<sup>1</sup>

The search for reasons begins with the confounding fact that women and men have been graduating from law schools and entering the firms in virtually equal numbers for at least 15 years but, according to the MIT Survey #1 on Rates of Attrition women make up only 17% of firm partners. That number increases to only 21% if the period before women entered firms in large numbers is excluded, according to the 2006 National Association of Women Lawyers survey.

MIT Survey #2 on Career Decisions provides answers to this dilemma through an innovative method that traces the movement of individual attorneys in and out of firms over time—2001 to 2005. It gathers expressed reasons for moves, descriptions of firm practices that affect staying and leaving, and also complex demographic information that provides a social context for individual career decisions.

It readily answers the seeming anomaly of men and women entering and leaving firms at the same rate yet with men far outnumbering women partners. Firms record departures, but they do not necessarily record the destinations of those who leave. Tracking the “stayers” at a firm, the “switchers” to another firm, and the “leavers” of firm practice reveals that, over time, women leave the long partnership track before the point of election to partnership at a much higher rate than men. Some women move to off-track positions in a firm but nearly a third of associates and another third of non-equity partners leave firm practice entirely, compared with less than 20% of men at both levels.

Women leave the partnership track mainly due to the difficulty of combining law firm work and caring for children in a system that requires long hours under high pressure with little or inconsistent support for flexible work arrangements. Likewise, they stay in a firm or switch firms mainly in response to the possibility of support for schedules allowing time for family care without penalties for promotion.

On the whole, however, law firm policies open to the entry of women are not matched by policies open to women taking care of children. While many women with children negotiate a part-time schedule for family care (about 40% in 2005), and those who do are more likely to stay in their firms, they are still less likely to be promoted to partner than women who stay in

firms but do not use part time options.

Men on the partnership track have, on average, more children than their female colleagues and many adjust their daily work hours to support children's activities, but almost none use part-time for family reasons.

The difference in the impact of work and family pressures on women and men lies significantly in the neo-traditional division of family labor that typifies professional couples at present.

- Most of the male lawyers in law firms live with spouses or partners who have a lesser commitment to their own careers, hold little or no financial responsibility for the household, and are able to assume responsibility for family care.
- Most of the female lawyers live with spouses or partners who have an equal or greater commitment to their careers and contribute an equal or higher percentage of the household income so that both have severe time constraints. And assuming traditional gender roles, more women than men in law firms solve the time problem by reducing work time which for many means leaving firm practice.

Somewhat like women pathbreakers of earlier generations, women who stay in firms to non-equity and equity partnerships limit their family commitments to a greater extent than their male colleagues. Overall, men are more likely than women to be married or living with partners, to have children, and to have more than one child.

The career decisions survey also provides information for current discussions about professional women “opting out” of careers to assume full-time family care. Only 22% of the “leavers” list themselves as “not employed.” Most do not even leave the legal profession. Over 50% move to work as lawyers in corporate law offices, government or non-profit organizations, which, according to survey comments, provide better arrangements for combining work and time for families.

<sup>1</sup> The design and analysis of the surveys were greatly aided by an advisory group including Professors Lotte Bailyn and Thomas Kochan of the MIT Sloan School of Management, Ann Bookman—Executive Director of the MIT Workplace Center, Pamela E. Berman—Adler Pollock & Sheehan PC, and Lauren Stiller Rikleen—Bowditch & Dewey LLP.

## Survey Deployment and Response

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### SURVEY DEPLOYMENT AND RESPONSE

#### Survey #1—Rates of Attrition in Massachusetts Law Firms

The first survey, Rates of Attrition in Massachusetts Law Firms, was deployed in August, 2005, both on-line and in paper form, to collect attrition, promotion and related data for men and women in the years 2002, 2003, and 2004. Following the survey practice of the *Massachusetts Lawyers Weekly*, the MIT survey was sent to the Managing Partners of the 100 largest firms in the state. Fifty firms responded to the survey accounting for a 50% response rate. However, the 50 respondents include 9 of the 10 largest firms in the state, so that overall the 50 firms that supplied data for the survey account for 62% of lawyers employed at the 100 largest firms. (See **Survey Instruments** and **List of Participating Firms**.)

#### Survey #2—Career Decisions in the Practice of Law, 2001-2005

The second survey, on Career Decisions in the Practice of Law, went to individual attorneys and sought information from women and men on their career decisions between 2001 and 2005 and the reasons for them. It gathers basic demographic data, including detailed information about family situations, as well as information comparing the career paths of women and men while in firm practice and subsequent to leaving it. It also explores the present use of flexible work arrangements by women and men in law firms, their effectiveness in reducing the difficulty of combining work and family, and the present state of support for flexibility by law firms in their policy and practices.

This survey was deployed, on-line and on paper, in November 2005 and closed in March 2006 following a series of reminders. To reach people who could have made partner and then practiced for several years, as well as those at more junior levels, it went to all attorneys who graduated from law school in 1987 or thereafter and were at one of the 100 largest firms in Massachusetts in 2001. The survey went to 2,755 men and women and produced 971 completed returns for a response rate of 35%. Virtually the same numbers of men and women responded (approximately 440 each). (See **Survey Instruments**.)

Following is a profile of the respondents to Survey #2:

## Survey Deployment and Response

### Basic Profiles of Women and Men Attorneys in Suvey on Career Decisions in the Practice of Law, 2001-2005

	Female (N=432)	Male (N=449)
<i>Positions</i>		
<b>Percent Pre-Partner (as of 2001)</b>	84%	76%
<b>Percent Partner (as of 2001)</b>	13%	22%
<i>Individual Characteristics</i>		
<b>Median age (as of 2005)</b>	38	39
<b>Percent minority</b>	9%	10%
<b>Percent graduating in top 5% of law school class</b>	26%	23%
<b>Median number of years out of law school (as of 2005)</b>	10	11
<i>Family Characteristics</i>		
<b>Percent currently married or living with a partner</b>	84%	99%
<b>Percent with children</b>	68%	80%
<b>Percent responsible for caring for a parent</b>	11%	9%
<i>Flexible Arrangements</i>		
<b>Percent of attorneys who have used part-time</b>	34%	3%
<b>Percent of attorneys who have used full-time flexible hours</b>	21%	7%
<i>Institutional Characteristics</i>		
<b>Percent of attorneys who work in a large firm in 2001</b>	42%	45%
<b>Median number of partnership tiers</b>	2	2
<b>Median number of years it takes to become equity partner</b>	9.5	9.5

Note: "Pre-Partner" includes all associates, non-equity partners, junior partners, and income partners. Flexible work arrangements include full time flexible arrangements and part time options.

Source: MIT Workplace Center

## Survey Report: Career Paths

### SURVEY REPORT: THE FINDINGS

#### 1. CAREER PATHS

*“I once heard someone describe their position as a junior associate at a large law firm as the best paying dead-end job they have ever had, and I thought that it was the most accurate description. For the most part associates, particularly female associates, have no interest in becoming a partner at the firms we are currently employed with. But in reality, there are plenty of exit opportunities. I’ve watched friends and former coworkers go in-house or move to smaller firms. The trouble is, they typically don’t pay as well as the large firm.”*

—Female Associate

#### **1 (a)—What happens in the career trajectories of women compared with those of men between the point of entry into law firms as associates and the point of potential election to partnership?**

The short answer is that women leave firm practice all along the line at a much higher rate than men, reducing the pool of potential and actual partners.

Specifically, there is a great deal of movement by both women and men in their associate years. About half of both male and female associates leave their firms at some point. Of these leavers, about 30% of the men and 25% of the women move to other firms. But nearly a third of the women leave firm practice entirely at this point, compared to less than 20% of the men.

A significant movement of women out of the firms continues at a more senior level as well. Among junior or non-equity partners, the likely candidates for partnership, a third of the women leave firm practice, compared to only 15% of the men.

Then, increasing still further the disparity between women and men among partners, more women than men leave their partnerships—15% to 1%.

## Survey Report: Career Paths

**Table 1 (a): Career Path of Associates, Non-Equity Partners, and Partners, 2001-2005**

	Stay in Firm	Switch Firm	Leave Firm Practice
<i>Associates</i>			
<b>Women (N=321)</b>	44%	25%	31%
<b>Men (N=297)</b>	52%	30%	18%
<b>Women w/ Children (N=210)</b>	45%	20%	35%
<b>Men w/ Children (N=220)</b>	55%	29%	15%
<i>Non-Equity Partners</i>			
<b>Women (N=28)</b>	36%	32%	32%
<b>Men (N=27)</b>	48%	37%	15%
<b>Women w/ Children (N=24)</b>	33%	38%	29%
<b>Men w/ Children (N=26)</b>	50%	31%	15%
<i>Partners</i>			
<b>Women (N=52)</b>	79%	6%	15%
<b>Men (N=93)</b>	95%	4%	1%
<b>Women w/ Children (N=38)</b>	74%	5%	21%
<b>Men w/ Children (N=83)</b>	94%	5%	1%

Note: "Non-Equity Partners" includes all junior and income partners. "Partners" includes all attorneys with an equity stake in the firm.

Source: MIT Workplace Center Survey

## Survey Report: Career Paths

### 1 (b)—Where do women go when they leave firm practice? Are they “opting out?” Going home to care for families?

For the most part, the answer is no. Only 22% of women who have left firm practice list themselves as “Not Employed.”

Over 50% of women who leave law firm practice for other kinds of employment continue to work as lawyers, most as in-house counsel in corporations. Others move to positions as lawyers in non-profit organizations or government or leave the law to work in other professions.

As noted, many fewer men than women leave firm practice at all. Of those who do, only 3% leave the workforce. Generally, they follow much the same pattern of alternatives to firm practice as the women—most working as lawyers, most as in-house counsel.

**Table 1 (b): Destinations of Pre-Partner Leavers of Firm Practice  
2001-2005**

	In-House	Government	Non-Profit	Other (Non-Lawyer)	Not Employed
<b>Women (N=109)</b>	37%	9%	8%	24%	22%
<b>Men (N=58)</b>	50%	16%	3%	28%	3%

Note: "Pre-Partner" includes all associates, non-equity partners, junior partners, and income partners.

Source: MIT Workplace Center Survey

**1 (c)—What happens to women’s career trajectories if they stay in firm practice? Are women more likely than men to move into non-partnership track positions such as “staff attorney” or “of counsel”?**

It is difficult to answer this question precisely because alternative tracks at each firm may be idiosyncratic and labeled differently. But, to the extent that “staff attorney” and “of counsel” represent non-partnership track positions, the answer is yes. Fifteen percent of women pre-partners in 2001 became staff or of counsel attorneys in 2005, compared with 9% of men pre-partners.

**Table 1 (c): Patterns of Movement into Non-Partnership Track Positions, 2001-2005**

<b>2001 Position</b>	<b>Staff Attorney or Of Counsel in 2005</b>
<b>Pre-Partner Women (N=240)</b>	15%
<b>Pre-Partner Men (N=260)</b>	9%

Note: "Pre-Partner" includes all associates, non-equity partners, junior partners, and income partners.

Source: MIT Workplace Center Survey

## Survey Report: Leaving Law Firm Practice—The Family Factor

### 2. LEAVING LAW FIRM PRACTICE—THE FAMILY FACTOR

*“The expectation that an attorney (litigation) needs to be available practically 24/7 is a huge impediment to a balanced work/family life. The focus on billable hours has probably driven down productivity and driven up stress related health issues. While I miss some of the camaraderie I had and the courtroom experiences (what few there were), I don't think I'd ever return to a law firm as they are currently structured.”*

—Female Attorney

*“It is extremely difficult to find the work-family balance while working in a law firm. This is especially true when both spouses are lawyers and work in law firms. I have chosen to become an in house attorney with hopes of finding the greater flexibility that I need to be a successful working mom. I don't think any situation is perfect. However, corporations are better equipped to address flexible work arrangements similar to how they deal with other issues such as diversity.”*

—Female Attorney

#### **2 (a)--Why are so many women who are NOT leaving the workforce leaving firm practice?**

For women—whether they leave firm practice as associates, junior partners, or partners—the most cited reason is “difficulty integrating work and family/personal life.”

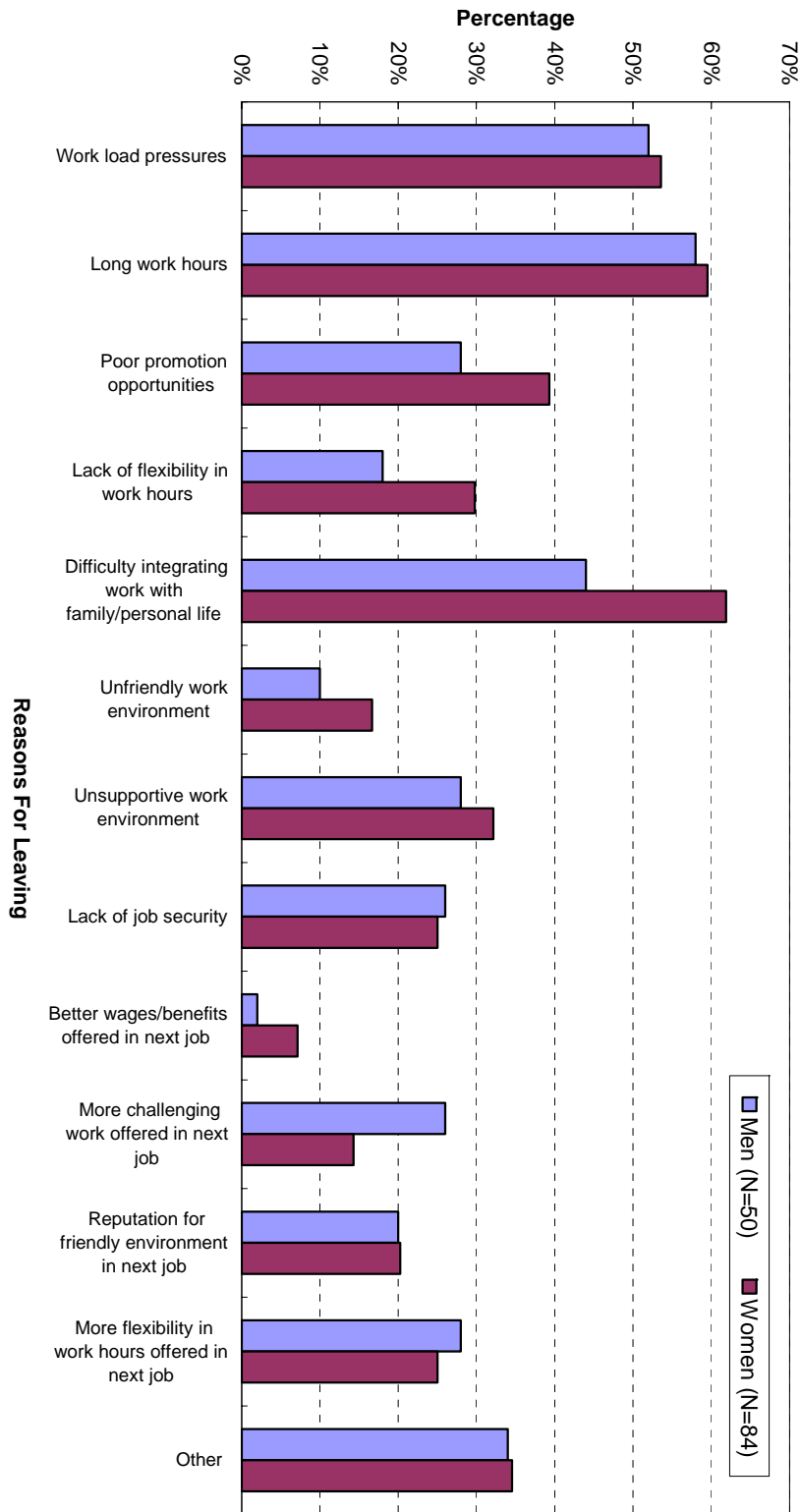
The next two are “long work hours” and “work load pressures” followed by “poor promotion opportunities” and “unsupportive work environment.” Additionally, about a third of the women cited “Other” reasons for leaving, many of which involved families—a husband’s career change, or a move to be close to family. A number of women sought career changes themselves, seeking more interesting or culturally preferable work.

#### **2 (b)—Do men leave firm practice for the same reasons?**

Men generally do not cite family as their main reason for leaving firm practice. Their most common answers are a combination of “long work hours” and “work load pressures.” Family reasons come in third. And, unlike women, the men do not refer to family in “Other” reasons for leaving. Rather, they cite dissatisfaction with work responsibilities, desire for more meaningful work, and other preferred opportunities.

# Survey Report: Leaving Law Firm Practice—The Family Factor

**Chart 2 (a) and (b): Reasons for Leaving Firm Practice Given by Male and Female Attorneys 2001-2005**



Notes: Includes men and women attorneys who are currently in the labor force but have left firm practice.  
Source: MIT Workplace Center Survey

## Survey Report: Leaving Law Firm Practice—The Family Factor

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**2 (c)—“Long work hours” is a reason that both male and female attorneys cite as an important factor for leaving. What do “long work hours mean?” How do family responsibilities differentially impact the ability of women attorneys to work long hours?**

“Long work hours” has a somewhat different meaning at each level of practice, and a distinctly different meaning for women and men, especially women and men with children.

Among associates, over 50% of women work more than 50 hours a week. Women with children, however, limit the number of hours they work. Among women with children, only 32% work more than 50 hours a week. On the other hand, male associates with children do not limit the number of hours they work in the same way women with children do. On average, over 75% of men work over 50 hours a week. Among men with children, 85% work more than 50 hours. Men with children, in fact, tend to work more hours.

At the non-equity partner level, both men and women report working more hours than associates, but there is still a difference between the number of hours men and women work. Sixty-five percent of women non-equity partners work more than 50 hours a week, whereas only 55% of women with children do so.

Again, the presence of children decreases the number of hours for women non-equity partners, but the same effect does not appear for men. At this level also, men with children tend to work more hours than women with children.

At the partner level, the same pattern persists with one striking difference. Both men and women tend to work more hours than non-equity partners. However, both men and women partners with children work fewer hours than those without children. This is the only point at which the impact of children on time spent at work is similar for men and women.

## Survey Report: Leaving Law Firm Practice—The Family Factor

**Table 2 (c): Work Hours of Associates, Non-Equity Partners, and Partners  
2001-2005**

	41-50 Hours	51-60 Hours	60+ Hours
<i>Associates</i>			
<b>Women (N=115)</b>	36%	23%	24%
<b>Men (N=117)</b>	21%	52%	26%
<b>Women w/ Children (N=65)</b>	40%	18%	14%
<b>Men w/ Children (N=83)</b>	13%	60%	25%
<i>Non-Equity Partners</i>			
<b>Women (N=62)</b>	27%	42%	23%
<b>Men (N=80)</b>	23%	36%	40%
<b>Women w/ Children (N=45)</b>	33%	33%	22%
<b>Men w/ Children (N=68)</b>	22%	35%	41%
<i>Partners</i>			
<b>Women (N=81)</b>	25%	37%	32%
<b>Men (N=146)</b>	11%	50%	36%
<b>Women w/ Children (N=55)</b>	33%	33%	22%
<b>Men w/ Children (N=129)</b>	22%	35%	41%

Note: "Non-Equity Partners" includes all junior and income partners. "Partners" includes all attorneys with an equity stake in the firm.

Source: MIT Workplace Center Survey

## Survey Report: Leaving Law Firm Practice—The Family Factor

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**2 (d)—How are men with families able to stay in law firms at a much higher rate than women in spite of the long work hours? Is it for the traditional reason—that women more than men are taking primary responsibility for “integrating work and family/personal life?”**

In a word, yes. The traditional division of family labor is strong among attorneys in law firms. Twice as many men as women report that they contribute 80 to 100% of household income and more than twice as many described their spouses or partners as being less committed to their own careers.

In other words, men far more than women, are with spouses or partners who have limited financial responsibility for family income, as well as limited career commitment, and are in a position to take responsibility for family care.

Men are, therefore, more likely than women to have family support that allows them to assume the “long hours” and “work load pressures” that are reported by both men and women.

**2 (e)—Given the particular difficulty for women integrating work and personal life in law firm practice, do women in firms limit their family commitments to a greater extent than their male colleagues do?**

Apparently they do. In the population of our survey respondents as a whole, women are less likely than men to be married or living with a partner, less likely than men to have children, or, if they have children, less likely than men to have more than one child.

Women also tend to postpone starting a family more than men. Among women associates, three-quarters are married, whereas over 90% of men are married. Only a little more than half of women have children during their associate years, whereas three-quarters of men associates have children.

Although the difference between the percentage of men and women who are married or living with a partner closes by the time attorneys reach non-equity and partner levels, the difference between men and women attorneys who have children persists.

# Survey Report: Leaving Law Firm Practice—The Family Factor

**Table 2 (d) and (e): Family Profiles of Attorneys by Position  
2001-2005**

	All		Partners		Non-Equity Partners		Associates	
	Male (N=445)	Female (N=431)	Male (N=146)	Female (N=81)	Male (N=80)	Female (N=62)	Male (N=115)	Female (N=116)
<b>Percent Currently Married or with Partner</b>	92%	84%	94%	91%	93%	92%	92%	75%
<b>Percent with Children</b>	80%	68%	91%	68%	85%	73%	72%	56%
<b>Percent of those with children who have more than one child</b>	78%	70%	87%	72%	89%	78%	65%	57%
<b>Percent of Attorneys Contributing 80-100% of Household Income</b>	66%	33%	78%	38%	78%	30%	55%	44%
<b>Percent of Attorneys With Spouses who are Equally or More Committed to their Careers</b>	31%	69%	26%	43%	19%	59%	34%	68%

Note: "Non-Equity Partners" includes all junior and income partners. "Partners" includes all attorneys with an equity stake in the firm.  
Source: MIT Workplace Center Survey

## Survey Report: Switching Firms—A Focus on Career Advancement

### 3. SWITCHING FIRMS—A FOCUS ON CAREER ADVANCEMENT

*I do not have children and have not used any flexible work arrangements but I hope to have children within the next two years and this is very much on my mind.*

*Significantly, at [Prior Firm], there may have been one or two women partners who were able to have a successful career and work a flexible schedule. I knew of no part-time associates who made partner.*

*In contrast, [Present Firm] is much more supportive of part-time arrangements and there are several women who are part-time and who are very successful. [Present Firm] is also sure to include women on all management committees (e.g., executive committee, hiring committee, compensation committee). This female participation in all aspects of management is critical to creating a supportive work environment.*

—Female Associate

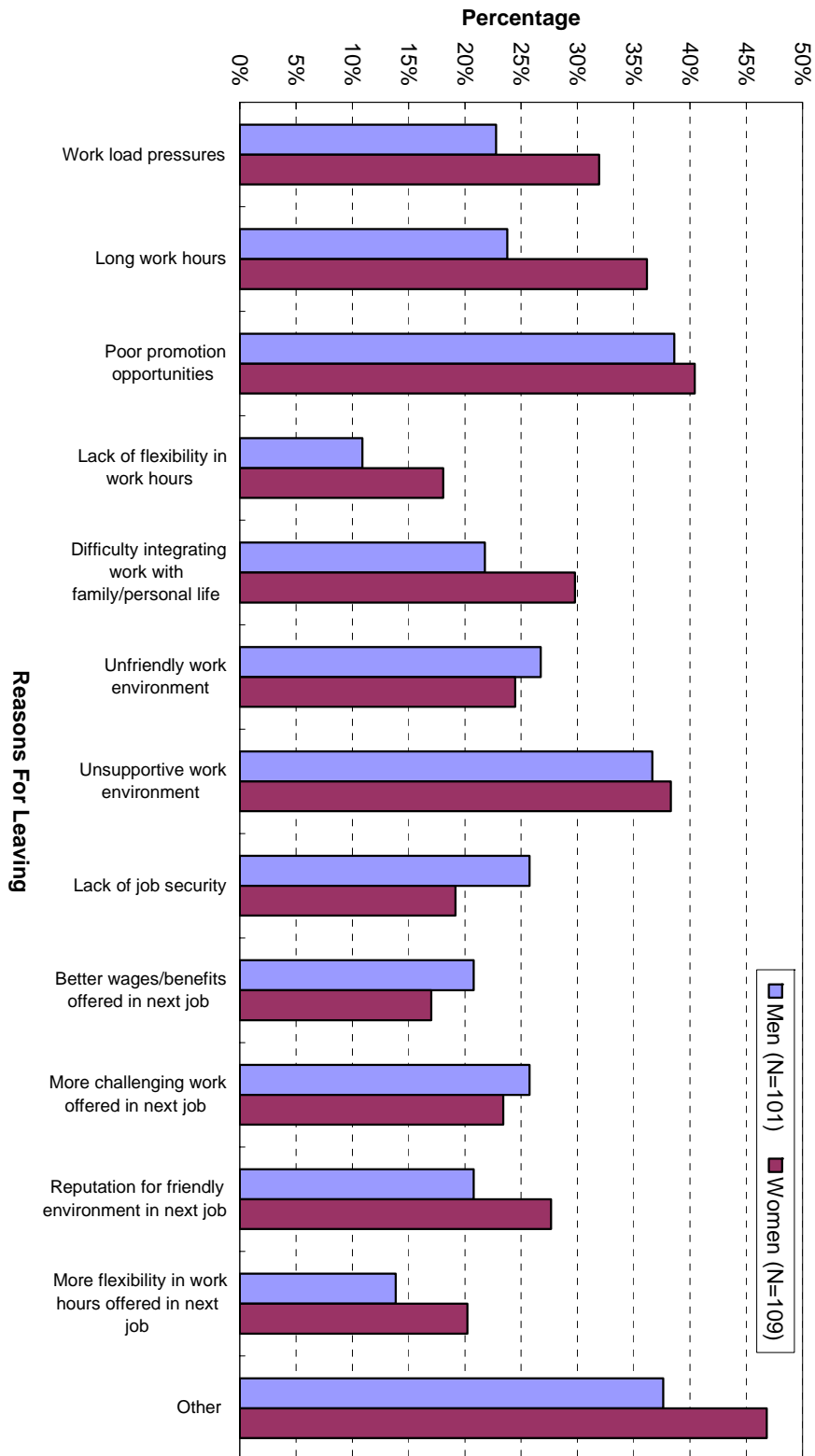
**3 (a)—About a quarter of the women associates and a third of the junior partners leave one firm but stay in firm practice by switching to another. So do a few women partners. What were their reasons for leaving one firm and what was the attraction of the new one?**

Unlike women who leave law firm practice, women switchers do not give “difficulty integrating work with family/personal life” primary importance. Rather, both women and men switch for reasons of career advancement—citing “poor promotion opportunities” and “unsupportive work environment” in their prior positions as their major concerns.

But their additional reasons differ. Women go on to cite long work hours and work load pressures as reasons for switching while men do not. They focus on other elements of the work environment, such as the type of work offered, better opportunities in the next job, and job security as motivations.

# Survey Report: Switching Firms—A Focus on Career Advancement

**Chart 3 (a): Reasons for Switching Given by Male and Female Attorneys Law Firms 2001-2005**



Source: MIT Workplace Center Survey

## Survey Report: Switching Firms—A Focus on Career Advancement

### 3 (b)—For women who switch firms, does the size of the new firm matter? Are they more likely to move to a small than a large firm?

Among associates, three quarters of the women and 90% of the men who switch firms move into a small firm, either from a large to a small firm or from one small firm to another. There is much less movement into large firms. However, of the attorneys who do switch into large firms—the majority are women.

**Table 3 (b): Patterns of Associate Switching Among Large and Small Law Firms, 2001-2005**

	Large to Small	Small to Small	Large to Large or Small to Large
<b>Women (N=77)</b>	30%	43%	27%
<b>Men (N=83)</b>	48%	42%	10%

Source: MIT Workplace Center Survey

### 3 (c)—Do women who switch into large firms move for different reasons than women who go to small firms? Why do women switch into large firms more than men do?

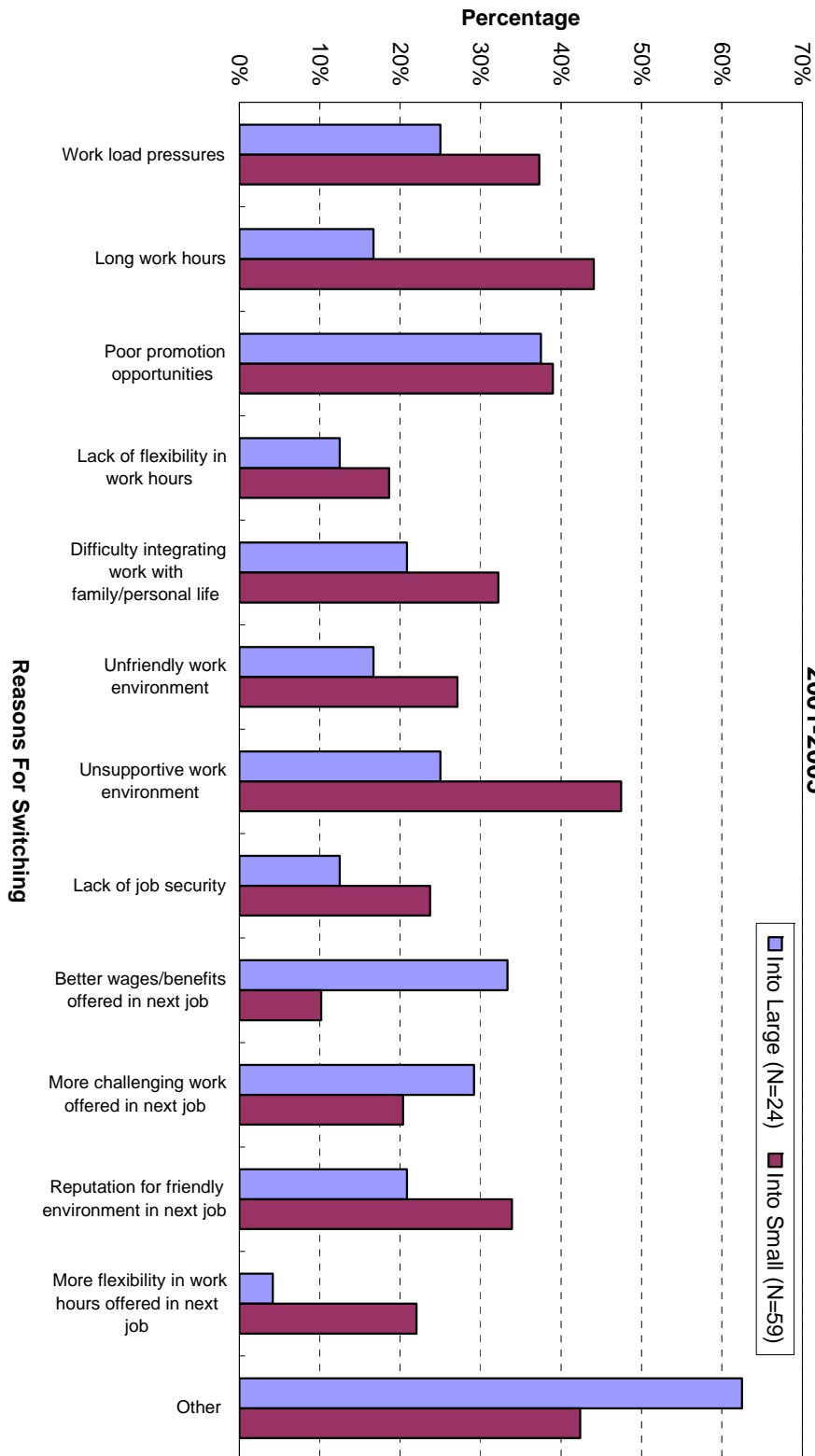
Women who switch into large firms are even more focused on career prospects than women who switch into small firms. The top reasons women give for switching into a large firm are “Poor promotion opportunities” at their prior firm, along with “Better wages/benefits” and “More challenging work” at their new firm. Women who move into smaller firms list promotion probabilities third, behind “Unsupportive work environments” and “Long work hours” at their prior firm.

It is unclear why the data show that women switch into large firm more than men do. The reasons that men give for switching into large and into small firms parallel the reasons the women give. Men switching into large firms are most likely to cite promotion opportunities, while those switching into small firms are most likely to cite unsupportive work environments as reasons for leaving.

However, in “Other” reasons, men were much more likely to report that they switched firms because they were laid off or moved firms due to firm restructuring. All men who gave these reasons moved into a small firm.

# Survey Report: Switching Firms—A Focus on Career Advancement

**Chart 3 (c): Reasons for Switching Into Large Firms and Small Firms Given by Women Attorneys 2001-2005**



Source: MIT Workplace Center Survey

## Survey Report: Switching Firms—A Focus on Career Advancement

### 3 (d)—If women and men are concerned with career advancement, is there an advantage to switching? If so, do women associates benefit as much as their male counterparts?

A greater percentage of both women and men associates who stay in the same firm, as opposed to switching firms, make partner. However, the disadvantage of switching is much greater for women than for men. Women associates who stay in the same firm are twice as likely to make partner as women who switch firms. Male associates who stay in the same firm are only 3% more likely than switchers to make partner.

**Table 3 (d): Percentage of Female and Male Associates who Made Partner as of 2005, by Stayers and Switchers**

	Women who Switch Firms (N=74)	Women who Stay in Firm (N=139)	Men who Switch Firms (N=87)	Men who Stay in Firm (N=147)
<b>Percentage of Associates who Make Partner as of 2005</b>	8%	16%	17%	20%

Source: MIT Workplace Center

### 3 (e)—Among switchers, does it take longer for women to make partner than men?

Men who switch make partner faster and at a greater rate than women who switch.

Figure 3 (e) shows the progress of men and women switchers between 2001 and 2005. At the time women associates switch firms, they are on equal footing with their male colleagues. At this point, both men and women have worked for 4 years at their previous firms and are 6 years out of law school.

Because women are younger than men when they leave their 2001 firm, they have worked a median of 3 years at their new firm by 2005, while men have worked a median of 2. But, in spite of women's longer firm experience by 2005, men who switch are twice as likely than women to have made partner.

## Survey Report: Switching Firms—A Focus on Career Advancement

However, women are more than four times as likely to have used some form of flexible arrangement by 2005, which may explain their slower rise to partnership.

**Table 3 (e): Differences in Speed and Incidence of Female and Male Associates who Switch Firms Rising into Leadership**

	<b>Women (N=73)</b>	<b>Men (N=88)</b>
<b>Median age at time of departure</b>	33	34
<b>Median number of years out of law school at time of departure</b>	6	6
<b>Median tenure at previous firm before departure</b>	4	4
<b>Median number of years at new firm as of 2005</b>	3	2
<b>Percent of associates who switch that made partner as of 2005</b>	8%	17%
<b>Percent of associates who switch who used flex as of 2005</b>	49%	11%

Source: MIT Workplace Center

## Survey Report: Staying in Firms—The Institutional Factor

### 4. STAYING IN FIRMS—THE INSTITUTIONAL FACTOR

*“I am not particularly happy with the legal profession, relating to private firm practice as a whole, and I do not believe that it is, in its current state, amenable to flexible work schedules. There is too much emphasis on billable hours, the profit of the firm, and how much a rain maker can earn. It is all about lawyers trying to be millionaires instead of earning a good living and being a good lawyer. That said, my personal situation is very good. I work at a firm that values my contributions and rewards my hard work but also allows me to be successful as a working mom. My husband travels extensively and my firm has been very good about allowing me time to do all the things a parent has to do (i.e. doctor's appointments, school activities, staying home on days when child care is unavailable). The billable hour requirement here is also reasonable so that when I am spending time with my child I don't feel guilty about not working and vice versa. I am not entirely happy being a lawyer because I am not entirely happy with the pressures of the profession but since I chose to be a lawyer, I am very happy being a lawyer at my firm and find they are very supportive of me both as an attorney and as a parent.”*

*—Female Associate*

#### **4 (a)—Approximately 44% of women pre-partners stayed in the same firm between 2001 and 2005. Given that women who stay in the same firm are more likely to make partner, what factors have helped these women stay?**

Women who have stayed in their 2001 firm are twice as likely as those who have switched firms to agree that the culture of their firm supports work/family balance initiatives without negative consequences for promotion. Also, women stayers are slightly less likely to have started out in a large firm.

Their family situation also appears to play a role. They have not limited their families more than switchers.

But, their partners are less likely to be equally or more committed to their careers and, thus, able to provide support at home.

## Survey Report: Staying in Firms—The Institutional Factor

**Table 4 (a) : Institutional and Family Differences Between Women Pre-Partners who Stay in a Firm and those who Switch Firms  
2001-2005**

	<b>Switchers Female (N=88)</b>	<b>Stayers Female (N=150)</b>
<i><b>Institutional Factors:</b></i>		
<b>Worked in large firm in 2001</b>	48%	43%
<b>I agree that the culture of my 2001 firm supports flexible work arrangements for family reasons without adversely affecting promotion</b>	12%	24%
<i><b>Family Factors:</b></i>		
<b>Percent currently married or living with a partner</b>	78%	83%
<b>Percent with children</b>	59%	67%
<b>Percent of those with children who have more than one child</b>	58%	65%
<b>Percent of attorneys contributing 80-100% of household income</b>	43%	35%
<b>Percent of attorneys with partners who are equally or more committed to their careers</b>	70%	64%

Note: "Pre-Partner" includes all associates, non-equity partners, junior partners, and income partners.

Source: MIT Workplace Center Survey

# Survey Report: Flexible Work Arrangements—Users and Options

## 5. FLEXIBLE WORK ARRANGEMENTS—USERS AND OPTIONS

### 5 (a)—What kinds of flexible arrangements are available at law firms and who uses them?

Medical and maternity leaves are mandated for the larger firms by the federal Family and Medical Leave Act, but are generally available in some form in all firms. Almost all of the largest firms and about a third of the smaller ones have written policies providing for part-time schedules. Informally, firms may also arrange for full-time alternative schedules, such as one day a week working at home, or full-time adjusted work hours, such as leaving work at certain times to meet children's schedules and resuming work later.

With very few exceptions, only women use part-time work arrangements. Approximately 65% of women with children practicing in a firm in 2005 reported having used some kind of flexible work arrangement—either part time or full time flexible options—at some point in their tenure at the firm. Of these two options, part time is generally the choice of women pre-partners with children. Full-time flexibility is generally the choice of women partners.

Although very few men report using any form of flexibility, those who do overwhelmingly report that they use full-time flexible options.

Table 5 (a): Users of Flexible Work Arrangements in Current Firm by Gender and Level  
2001-2005

	Percentage who used flex at any time in current firm	Percentage who used part time at any time in current firm	Percentage who used full time flex at any time in current firm
<b>Women Pre-Partners with Children (N=106)</b>	65%	46%	31%
<b>Men Pre-Partners with Children (N=150)</b>	9%	2%	7%
<b>Women Partners with Children (N=55)</b>	65%	36%	44%
<b>Men Partners with Children (N=129)</b>	11%	4%	9%

Note: "Pre-Partner" includes all associates, non-equity partners, junior partners, and income partners. Flexible work arrangements include full time flexible arrangements and part time options.

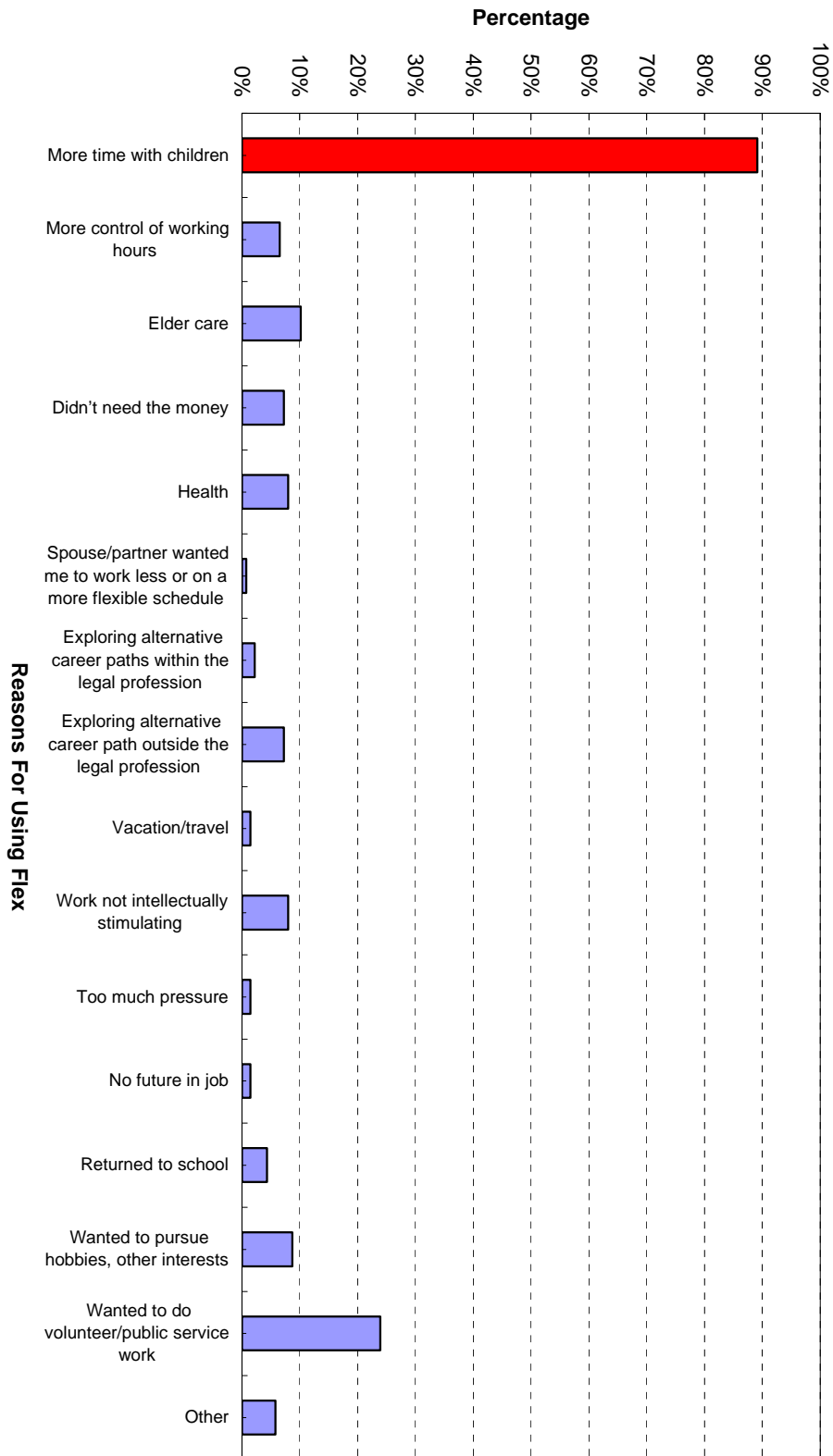
Source: MIT Workplace Center Survey

### 5 (b)—Are part-time or flexible hours used mostly to provide time for child care?

Almost exclusively, although about 20% of women who use flexible arrangements also say that they do so for volunteer and public service work.

# Survey Report: Flexible Work Arrangements—Users and Options

Chart 5 (b): Reasons for Using Flex Given by Female Attorneys in Firm Practice



Source: MIT Workplace Center Survey

# Survey Report: Flexible Work Arrangements—Benefits and Obstacles

## 6. FLEXIBLE WORK ARRANGMENTS—BENEFITS AND OBSTACLES

*“It has enabled me to continue to practice law while my children are young as opposed to dropping out of the practice of law altogether and struggling to get back into the profession when my children are older. The reduced schedule that I have chosen for myself does not allow me to be eligible for partnership at this time (less than 70% full-time billable), however when I decide to “get back on the partnership track” and increase my billable hours, I will again be eligible for partnership. Had I decided to work at least 70% of full-time billable, I would still be eligible for partnership at this time.”*

—Female Associate

### 6 (a)—Women cite “difficulty integrating work and family/personal life” as the number one reason they leave firm practice. Do flexible work arrangements—part-time and full-time flexibility—help keep women in firm practice?

Yes. Women pre-partners who used flex in their 2001 law firm were approximately 20% more likely to stay in the same firm between 2001-2005 than those who did not use it.

### 6 (b)— Do these arrangements help keep women in firm practice?

Yes, but to a much smaller extent. Women pre-partners who used flex in their 2001 law firm were 6% more likely to stay in firm practice than women who did not use flex between 2001 and 2005.

**Table 6 (a) and (b) : Impact of Flexible Arrangements on Career Path for Women Pre-Partners**

	Stay in Firm	Switch Firms	Leave Firm Practice
<b>Women pre-partners who <i>did not</i> use flex in their 2001 firm (N=194)</b>	32%	32%	35%
<b>Women pre-partners in 2001 who <i>did</i> use flex (N=142)</b>	53%	18%	29%

Note: "Pre-Partner" includes all associates, non-equity partners, junior partners, and income partners. Flexible work arrangements include full time flexible arrangements and part time options. Source: MIT Workplace Center Survey

# Survey Report: Flexible Work Arrangements—Benefits and Obstacles

## 6 (c)—What obstacles to the retention of women in firm practice are associated with flexible work arrangements?

Of the schedules reported by the survey respondents using part-time, the median target for billable hours per year is 1440. With billable and non-billable hours, that target would require at least a 40 hour week. The median number of billable hours actually charged for a year is reported as 1080 indicating that for many, the target is too high to allow a satisfactory integration of their work lives and family lives.

## 6 (d)—Are women who use flex and stay in a firm as likely to be promoted to partnership as those in a firm who do not use flex?

Not quite. Women who have stayed in the same firm between 2001 and 2005 and have used flex are 7% less likely to have made partner than their counterparts who have not used flex.

**Table 6 (d): Impact of Flexible Arrangements on Promotion to Partnership for Women who have Stayed in the Same Firm between 2002-2005**

	Percentage who are equity partners in 2005
Women pre-partners in 2001 who <i>have not</i> used flex (N=63)	19%
Women pre-partners in 2001 who <i>have</i> used flex (N=75)	12%

Note: Flexible work arrangements include full time flexible arrangements and part time options.

Source: MIT Workplace Center Survey

## Survey Report: Flexible Work Arrangements—Benefits and Obstacles

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### **6 (e)—Overall, do flexible arrangements increase the likelihood of women’s promotion to partner?**

Flexible work arrangements help women to stay in firms and staying increases the likelihood of being made partner. But, of those who stay, non-flex users are more likely to be made partner.

### **6 (f)—Do flexible arrangements reduce the cost of attrition for Massachusetts law firms?**

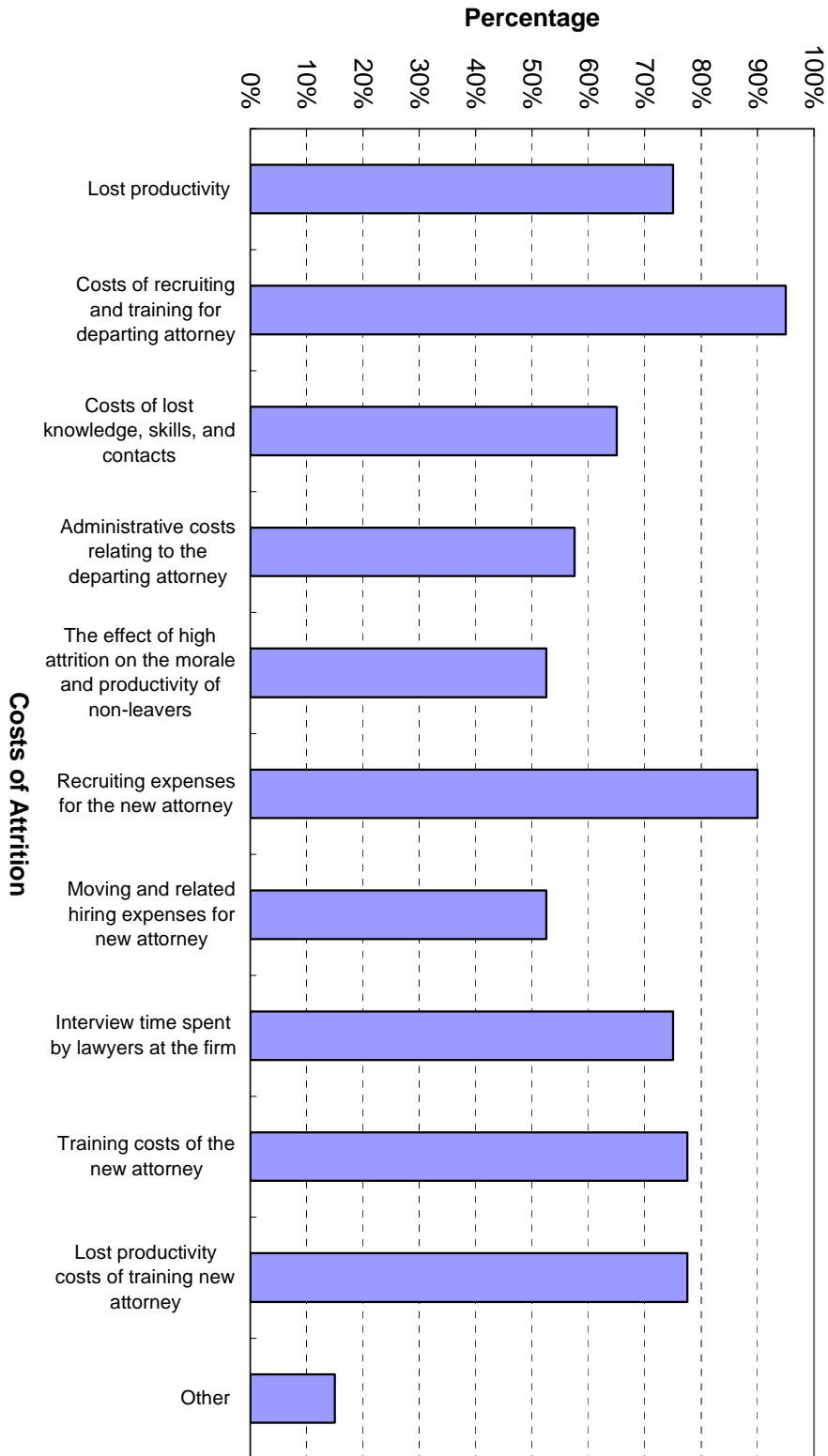
At present, nobody knows.

As reported above, the Career Decisions survey showed that women below the partner level (associates and junior partners) who used flexibility were 21% more likely to stay in their firms than women who did not use flexible arrangements. And 86% said that their firm’s policy on flexibility had positively impacted their decision to stay. So flexibility seems to lower attrition rates.

But, of the 50 law firms responding to the survey on Rates of Attrition in Massachusetts Law Firms, none systematically collects information on their attrition costs—in spite of the fact that almost all respondents, mainly the Human Resources Directors in the firms, said they would like such data.

# Survey Report: Flexible Work Arrangements—Benefits and Obstacles

Chart 6 (f): Data Law Firm HR Director Would Like to Collect to Calculate Costs of Attrition



Source: MIT Workplace Center Survey; Terminology from: Williams, Joan and Cynthia Thomas Calvert. *Balanced Hours: Effective Part-Time Policies for Washington Law Firms* (2001).

## Conclusions and Implications

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### CONCLUSIONS AND IMPLICATIONS

“To Make the Workplace Safe For Mothers And Fathers.”

*Judge Nancy Gertner (USDC)*

Is the workplace in Massachusetts law firms safe for mothers and fathers? Can practicing lawyers safely work shortened days or weeks to spend time with children? Can they safely leave their practice for several years to take care of young children and return later? For the most part, as this study confirms, the answer is no.

- In any one year, about 40% of women use part-time schedules for family care.
- Women who use part-time are less likely to be promoted to partner than women who practice full-time.
- Men have, on average, more children than their female colleagues but almost none use part-time.
- Men are much more likely to be promoted to partner than women.

These penalties for compromising work and family time are clear, and clearly the connecting link between the large number of women lawyers taking time for families and the small number becoming partners, firm leaders and leaders in the profession.

As many survey respondents point out, acceptance of reduced hours as a normal practice in law firms has not been achieved because reducing work hours collides directly with a business model maximizing hours billed to clients. The goal is to meet or exceed an annual target of billable hours—generally over 2000 a year. That leaves little time for families.

The survey also shows that for most men with children the problem of time for family care is solved by a spouse with a lesser career commitment and time to run the household. But women respondents report that, for them, this solution is rare. They generally assume primary responsibility for their families and at some period need relief from high levels of billable hours. The outcome, given a labor market of law school graduates half of whom are women, is that the law firms bow to the necessity of providing flexible work arrangements of some kind.

But the prevailing norm of maximum billable hours remains powerful. It is still the predomi-

## Conclusions and Implications

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nant standard. Reduced hours still violate it. The grant of flexibility, therefore, is widely treated as the exception to the rule. It can't be counted on. And its consequences for continued support in the firm, and particularly for promotion, are unpredictable. These effects were described vividly in answers to Question # 51 asking for comments on "any successful flexible work arrangements you have used." Most responses came from women with many making the same points, summarized in the following list.

- Part-time is supported by firm policy, but it takes the person off the partner track.
- Official policy allows those on part-time to stay on the partner track but unofficially they are off-track.
- Part-time is offered and used but carries penalties—not being put on big cases due to non-availability on nights and weekends.
- For anyone on a limited or flexible work time schedule, night and weekend work tends to be "not seen"—this undercuts good assignments and influences negative firm decisions.
- The firm allows part-time but makes it difficult by loading on work and making women feel guilty for making family a priority.
- The treatment of women on flex varies within a firm by department.
- The firm supports flexible schedules but you need mentor or sponsor support.
- Successful flex depends on your personal relation to the department head.
- A grant by a department head of one day a week at home depends on the recipient not "announcing" it.
- Firms have flextime policies but "they are clever in discouraging their use and we are scared to confront them."
- Flexible arrangements may often be approved but depend on the individual who wants one initiating a request and negotiating its terms as an exception to the rule.

## Conclusions and Implications

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Comments from men who want a flexible schedule for various reasons indicate that they too can run into problems.

- Flex is supported for men in families with two working parents but not for men with a non-working spouse.
- Paternity leave is often not offered and if it is it carries “considerable stigma,” jokes and negative comments such as “Mr. Paternity Leave.”

In short, building time for families into law firm practice is not a general institutional norm. The availability of flexible arrangements for family care is indeterminate, unpredictable. Finding a way to combine law firm practice and care for families is at present an individual responsibility, and it generally carries professional penalties

Change in these practices is essential if women are to advance to leadership in the legal profession. Of course other changes are necessary too. Policies focusing on gender bias and race bias are important as are programs for finding mentors and developing clients. But the most constantly pressing issue for women is the question of time. And the key to making time away from work available in a way that does not defeat career advancement is the normalization of flexible work arrangements.

The question is: how can such acceptance of flexibility as normal be achieved?

The primary answer lies in cultural change far broader than the legal profession. With the vast changes in women’s lives, the responsibility for the care of families has to be more broadly shared. Time for care has to be accepted as a cultural norm by all of our social institutions and made a part of their normal practice. It has to appear in the normal processes of government agencies framing tax policy affecting families, and of schools deciding on schedules affecting parents and teachers. It has to appear in the offices of city planners projecting patterns of housing and transportation—and it has to be part of the normal thinking of employers organizing profitable enterprises with a workforce that includes mothers and fathers.

The stories of women lawyers trying to stretch the boundaries of time (“*I have filed an appellate brief while my 4-month old was in a Baby Bjorn on my belly and my 2-1/2 year old was half-asleep on my back*”) are a manifestation in the legal profession of a broader social reality. But given that reality, where and how can change occur for law firms and practicing lawyers?

The answer is a continued challenge to the prevailing norm combined with arguments and

## Conclusions and Implications

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demonstrations of economic grounds for change. Practical steps toward building flexibility into a lawyer's schedule have been well charted in the last decade by leading advocates for the professional advancement of women. As noted in the Introduction, this survey grew out of studies by the Boston Bar Association Work-Life Task Force on Professional Challenges and Family Needs (1999) and the Women's Bar Association of Massachusetts (2000). Both concluded that the value of maximizing billable hours is offset by high turnover costs due to long hours unacceptable to many lawyers, and especially to women. And two recent works specify the needed direction for change. Cynthia Calvert and Joan Williams show in *Solving the Part-Time Puzzle: The Law Firm's Guide to Balanced Hours* (NALP, 2004) that a case by case analysis of part-time use demonstrates mutual benefit to the part-time lawyer and the firm and belies assumptions about the unworkability of these arrangements. The authors also describe the needed elements of a part-time program and outline the metrics for testing it.

Lauren Stiller Rikleen in *Ending the Gauntlet: Removing Barriers to Women's Success in the Law* (Thompson/ Legalworks, 2006) argues that the essential condition for the success of flex-time systems is change in traditional firm management. At present, she says, management committees are usually made up of partners who are pre-eminent in their practice areas but not necessarily knowledgeable about management principles, economics, or finance. Their tendency is to follow traditional hiring and promotion practices without undertaking sophisticated analyses of their costs. She concludes that what is needed is a rational examination of sole reliance on billable hours as the basis for a firm's profitability, and rational consideration of additional compensation structures. For this she strongly urges a turn to professional management for law firms.

Evidence from this survey supports the development of new models of practice incorporating two different strategies of flexible scheduling: (1) a parallel work-family strategy and (2) an episodic life-cycle strategy.

Women in the survey who have adopted the parallel work-family strategy use existing flexible work arrangements to coordinate firm and family responsibilities. Often, these women adjust their work hours or their work location to satisfy the needs of childcare.

Women who follow the episodic life-cycle strategy think of their career trajectory in terms of stages that alternate between work and family. These women are often captured as leavers of the labor force. However, most comment that they intend to resume their careers once their family responsibilities lessen. For this group of women, few arrangements exist to facilitate their re-entry into firm practice.

## Conclusions and Implications

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A two-pronged approach to developing work-family policy will provide needed support for bringing women back in to firm practice and helping women maintain their practice once they have returned. Comments from women pursuing the different strategies provide a starting point for understanding how women should be supported with firm policies.

### A parallel work-family strategy.

A number of women partners wrote positively about this model. Many write that they work four days a week in the office and one day a week at home. For some, this model has allowed enough flexibility to take care of children without negative consequences for advancement. One describes in some detail a joint arrangement with her husband:

*Both my husband and I work from home one day per week. This arrangement has been a tremendous help in our ability to manage two full-time (demanding) careers with children. We take care to schedule all doctor's appointments and other appointments on those days so that we do not need to miss time in the office. We are also able to get household chores done and prepare good meals those nights. We also share all chores and days home with sick kids.*

Another adds detail about working at night:

*I was elevated to Senior Partner effective [at the beginning of this year], the first time that my class was eligible for consideration. I have taken two six-month maternity leaves (in fact, I am currently on my second leave and was elevated while on leave). I have also worked one day a week from home for the last 3 years (since my first child was born). I also arrive at work between 8:30 and 9 and leave between 5 and 5:30 almost every day. I then resume work if necessary after my children go to bed.*

Even with firm support of flexible work options, many of these women partners still express hardship with integrating work and family. They recognize clearly that the broader institutional rules of legal practice stand in the way of the right kind of time for individual families. One lays out what it would take for true integration between work life and family life:

*On paper, law should be highly flexible—no one keeps track of your whereabouts at any moment, the work can be done from most anywhere, and working w/ multiple clients at a time reduces advancement impediments in a more pyramidal structure. However, the culture still remains one in which having 2000+ billable hours is something people are actually proud of.*

## Conclusions and Implications

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*I think the legal profession will have truly “grown up” when:*

- 1. Our value is not measured in hours but rather quality and results*
- 2. Rainmaking ability is not equated w/ leadership and/or managerial talent.*

*When those 2 paradigms have shifted, we won't need to survey work-life balance anymore, because it will already be incorporated into a successful work environment!!*

### An episodic work-family strategy—off and on ramps

Many women who have left firm practice and the workforce characterize their unemployment as an interim period in their careers. Although they do refer to inflexibility in firm practice, unsupportive work cultures, and inability to integrate work and family, as reasons for their decision to leave, they do not expect these difficulties to keep them out of law practice, or the workforce, forever. For these women, one of the biggest improvements law firms can make is to provide a workforce which responds to a woman's long-term career ambitions.

One woman with two young children writes:

*Law firms need to realize that work/family balance ebbs and flows over the course of a career. Most women (and some men) focus primarily on their career for the first 5 years after law school, focus shifts to children during the next 5-7 years, back to career when the kids go off to school, and fully back to career when the kids become adults. Firms need to take a long range approach. Their lack of flexibility when lawyers need to focus on family makes them lose out on these talented attorney when their focus shifts back to career.*

Another woman attorney plans to return to the workforce, but not to the law:

*I was very disappointed by my firm's short-sightedness in dealing with women who have young children. Working part-time, taking extended leaves, etc. definitely affected partnership potential. Part-time women received less interesting assignments and less attention from mentors. There was no acknowledgement that a woman's need to work part-time while in the child-bearing phase of her life might end, that she might want to return full-time, that she would want to "re-enter" partnership track.*

And another:

## Conclusions and Implications

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*After three years at home, I will be returning to the workforce next year, but not to the law. I have been amazed (and saddened on behalf of the attorney I wanted to be) at how much more flexible and family friendly other professions are. I would not encourage my daughters to enter the legal profession.*

\*\*\*\*\*

The purpose of this survey was to investigate reasons for the extraordinary drop in the numbers of women from the point of entry into law firms to the point of partnership and leadership. Responses to the survey questions and the free-form comments by women and men who are now practicing in the firms—or who have left them—provide a clear answer. The loss of women to leadership in the law follows directly from a failure in the profession to respond imaginatively to a dual need for time—time for work and time for families.

Researchers and analysts make clear that there are solutions to this problem. No one suggests that crafting the particularities of solutions for different kinds of firms with different kinds of practice in different places would be simple but the data gathered here outline the needed direction.

# Conclusions and Implications

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## Survey Instruments: Survey #1

### SURVEY INSTRUMENTS

#### Survey #1—Rates of Attrition in Massachusetts Law Firms

For purposes of this survey, please note: “Equity partners” includes all partners with an ownership interest in the firm. “Non-equity partners” includes attorneys who are NOT associates and who have no ownership interest in the firm—for example, junior partners, income partners, counsel, etc.

We would like to get a sense of the size of the Massachusetts office(s) of your firm, as measured by the number of attorneys. Please fill in the grid below.

	As of December 31, 2002		As of December 31, 2003		As of December 31, 2004	
	Male	Female	Male	Female	Male	Female
How many <i>associates</i> of each sex worked at your firm as of each of these dates?						
How many <i>non-equity partners (see headnote)</i> of each sex were employed at your firm as of each of these dates?						
How many <i>equity partners</i> of each sex were employed at your firm as of each of these dates?						

How many attorneys were hired in each of the last three years? Please fill in the grid below.

	2002		2003		2004	
	Male	Female	Male	Female	Male	Female
How many <i>associates</i> of each sex were hired each calendar year from the entering class of recent law school graduates?						
How many <i>associates</i> of each sex were hired laterally each calendar year?						
How many <i>non-equity partners (see headnote)</i> of each sex were each calendar year?						
How many <i>equity partners</i> of each sex were hired each calendar year?						

## Survey Instruments: Survey #1

3. How many members did your firm have on the following committees (or committees otherwise named performing the described function)? Please fill in the grid for each committee.

	As of December 31, 2002			As of December 31, 2003			As of December 31, 2004		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
<i>Executive/Management</i>									
<i>Compensation for equity partners</i>									
<i>Compensation for all attorneys except equity partners</i>									
<i>Partnership Selection</i>									

4. Does your firm have a written policy allowing attorneys to work part-time?

Please circle yes or no.

yes                      no

If yes, in what year was it first introduced? \_\_\_\_\_

To which groups does it apply? Please check all that apply.

\_\_\_ Associates              \_\_\_ Non-equity Partners (see headnote)

\_\_\_ Equity Partners

Whether or not you have a written policy, how many attorneys have worked part time during the last 3 years? Please fill in the grid below.

	2002		2003		2004	
	Male	Female	Male	Female	Male	Female
How many <i>associates</i> of each sex have used a part-time option during each calendar year?						
How many <i>non-equity partners (see headnote)</i> of each sex have used a part-time option during each calendar year?						
How many <i>equity partners</i> of each sex have used a part-time option during each calendar year?						

## Survey Instruments: Survey #1

5. Excluding retirements, how many attorneys have left the firm in each of the last three years? Please fill in the grid below.

	2002		2003		2004	
	Male	Female	Male	Female	Male	Female
How many <i>associates</i> of each sex who have been in practice for at least five years departed from the firm during each calendar year?						
How many <i>non-equity partners (see headnote)</i> of each sex departed from the firm during each calendar year?						
How many <i>equity partners</i> of each sex departed from the firm during each calendar year?						

6. Of the departed attorneys listed in your answer to **question #5**, how many in each box *took leave* from the firm at any time prior to departing?

	2002		2003		2004	
	Male	Female	Male	Female	Male	Female
<i>Associates</i>						
<i>Non-equity partners (see headnote)</i>						
<i>Equity Partners</i>						

7. Of those departed attorneys listed in your answer to **question #5**, how many in each box *worked part-time* at the firm at any time prior to departing?

	2002		2003		2004	
	Male	Female	Male	Female	Male	Female
<i>Associates</i>						
<i>Non-equity partners (see headnote)</i>						
<i>Equity Partners</i>						

## Survey Instruments: Survey #1

8. We are interested in the costs of attrition resulting from departures of attorneys who have been in practice for at least five years.

Do you currently calculate attrition costs? Yes \_\_\_\_\_ No \_\_\_\_\_

If you have answered "yes"

Please check the factors listed below that you include in your calculations, and add others not on the list.

If you have answered "no"

Please check the factors listed that you think would be useful to include in a system designed to capture the costs associated with attrition.

- a. \_\_\_ lost productivity for period of time the position remains vacant
- b. \_\_\_ costs of recruiting and training for the departing attorney
- c. \_\_\_ costs of lost knowledge, skills, and contacts that the departing attorney takes with him or her
- d. \_\_\_ administrative costs relating to the departing attorney
- e. \_\_\_ the effect of high attrition on the morale and productivity of the attorneys who remain at the law firm
- f. \_\_\_ recruiting expenses for the new attorney (including advertisements, interview expenses, travel, luncheon, headhunter fees, etc.)
- g. \_\_\_ moving and related hiring expenses
- h. \_\_\_ interview time spent by lawyers at the firm
- i. \_\_\_ training costs of the new attorney
- j. \_\_\_ lost productivity costs such as time written off for getting the new attorney up to speed
- k. \_\_\_ other \_\_\_\_\_

## Survey Instruments: Survey #1

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9. In the year 2004, how many equity partners were elected?

Male \_\_\_\_\_ Female \_\_\_\_\_

Of this number, how many took leave from the firm within the last three years?

Male \_\_\_\_\_ Female \_\_\_\_\_

How many were practicing part-time within the last three years?

Male \_\_\_\_\_ Female \_\_\_\_\_

In the year 2004, how many non-equity partners (as defined in the note above) were elected from attorneys already employed by the firm?

Male \_\_\_\_\_ Female \_\_\_\_\_

Of this number, how many took leave from their firm within the last three years?

Male \_\_\_\_\_ Female \_\_\_\_\_

How many were practicing part-time within the last three years?

Male \_\_\_\_\_ Female \_\_\_\_\_

## Survey Instruments: Survey #1

Among the equity partners in your firm in the years 2002, 2003, and 2004, how many women were:

	2002	2003	2004
In the top 25% (the highest quartile) of monetary compensation.			
In the bottom 25% (the lowest quartile) of monetary compensation.			

We are interested in your ideas about patterns of voluntary attrition on the part of men and women attorneys. Please include here any reflections you have on this subject.

Thank you for agreeing to complete this survey

## Survey Instruments: Survey #2

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### Survey #2—Survey on Career Decisions in the Practice of Law

1. Are you currently employed?

1  Yes, full time

2  Yes, part time

3  No, not currently employed

a. If yes, what is the name of your current employer: \_\_\_\_\_

b. If yes, what is your current function:

1  Lawyer

2  Other (please specify) \_\_\_\_\_

c. If lawyer, in what sector do you practice law:

1  Private— Law Firm

2  Private— Corporate

3  Non-profit

4  Government

2. Have you changed employers since 2001?

1  Yes

2  No

*If you **have not** changed employers since 2001, please skip to **Question 13**. If you **have** changed employers since 2001, please answer the following questions.*

*Note questions 3-12 all pertain to the firm you worked at in 2001.*

## Survey Instruments: Survey #2

3. What was the name of your employer in 2001? \_\_\_\_\_
4. In what year did you start work at that firm? \_\_\_\_\_
5. In what year did you leave? \_\_\_\_\_

What was your position when you left this firm?

- 1  Junior Associate (1<sup>st</sup> to 3<sup>rd</sup> year)
  - 2  Mid-level Associate (4<sup>th</sup> to 6<sup>th</sup> year)
  - 3  Senior associate (7<sup>th</sup> year or higher)
  - 4  Junior / Income Partner
  - 5  Senior / Equity Partner
  - 6  Other (*e.g.* counsel, staff attorney, etc.)
- 
7. During your time at that firm did you ever use a flexible work arrangement? (if so, please check all that apply)?
    - 1  Regular full time alternative schedule (*e.g.* one day a week working at home)
    - 2  Regular full time adjustment of daily work hours (*e.g.* leaving work for time with children and resuming work later)
    - 3  Part time
    - 4  Leave
    - 5  Other, please specify: \_\_\_\_\_

## Survey Instruments: Survey #2

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a. If you have used a flexible arrangement, what was your reason for doing so?  
(please check all that apply)

- 1  Maternity/Paternity leave
- 2  More time with children
- 3  More control of working hours
- 4  Elder care
- 5  Didn't need the money
- 6  Health
- 7  Spouse/partner wanted me to work less or on a more flexible schedule
- 8  Exploring alternative career paths *within* the legal profession
- 9  Exploring alternative career path *outside* the legal profession
- 10  Vacation/travel
- 11  Work not intellectually stimulating
- 12  Too much pressure
- 13  No future in job
- 14  Returned to school
- 15  Wanted to pursue hobbies, other interests
- 16  Wanted to do volunteer/public service work
- 17  Other \_\_\_\_\_

8. When you left that firm, what was your job status?

1  Full time employee

2  Part time employee

3  Contract employee

9. Please check any of the following that were important reasons for leaving that firm:

1  Work load pressures

2  Long work hours

3  Poor promotion opportunities

4  Lack of flexibility in work hours

5  Difficulty integrating work with family/personal life

6  Unfriendly work environment

7  Unsupportive work environment

8  Lack of job security

9  Better wages/benefits offered in next job

10  More challenging work offered in next job

11  Reputation for friendly environment in next job

12  More flexibility in work hours offered in next job

13  Other (*please specify*) \_\_\_\_\_

## Survey Instruments: Survey #2

10. To what extent do you agree or disagree with each of the following statements about the culture at the firm you worked at in 2001? (1=Strongly disagree, 5=Strongly Agree)

- 1 \_\_\_\_\_ The culture of the firm supported use of regular full time alternative schedules (*e.g.* one day a week working at home)
- 2 \_\_\_\_\_ The culture of the firm supported use of regular full time adjustment of daily work hours (*e.g.* leaving work for time with children and resuming work later)
- 3 \_\_\_\_\_ The culture of the firm supported use of part time policies
- 4 \_\_\_\_\_ The culture of the firm supported use of leave policies
- 5 \_\_\_\_\_ Working a regular full time alternative schedule (*e.g.* one day a week working at home) would have hurt my career at the firm
- 6 \_\_\_\_\_ Working regular full time adjusted daily work hours (*e.g.* leaving work for time with children and resuming work later) would have hurt my career at this firm
- 7 \_\_\_\_\_ Working part time would have hurt my career at the firm
- 8 \_\_\_\_\_ Taking a leave would have hurt my career at the firm
- 9 \_\_\_\_\_ The culture of the firm supported flexible work arrangements for family reasons without adversely affecting promotion

11. How many times have you changed employers since 2001?

- 1  1
- 2  2
- 3  3
- 4  More than 3

## Survey Instruments: Survey #2

12. Where have you been employed since 2001? (*please check all that apply*)

- 1  Government agency (as a lawyer)
- 2  In-house counsel
- 3  Other law firm (*please specify*) \_\_\_\_\_
- 4  Self-employed (as lawyer)
- 5  Left law practice

*If you are currently employed in a law firm, please answer the following questions about your employment. If you are no longer employed in a law firm, please skip to **Question 38**.*

### **Job Information—2005**

13. What is your position in this firm?

- 1  Junior Associate (1<sup>st</sup> to 3<sup>rd</sup> year)
- 2  Mid-level Associate (4<sup>th</sup> to 6<sup>th</sup> year)
- 3  Senior associate (7<sup>th</sup> year or higher)
- 4  Junior / Income Partner
- 5  Senior / Equity Partner
- 6  Other (*e.g.* counsel, staff attorney, etc.)

14. How many partnership tiers are there at this firm?

- 1  1 tier (all partners are equal owners)
  - 2  2 tiers (multiple partnership categories)
- b. How long is the average equity partnership track (in years)? \_\_\_\_\_
- c. How long is the average non-equity partnership track (in years)? \_\_\_\_\_

## Survey Instruments: Survey #2

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15. How many lawyers are in the office where you are located?

- 1  6 - 30
- 2  31- 80
- 3  81-150
- 4  More than 150

16. Do you practice the following kinds of law? *(Please check all areas in which you spend 25% or more of your time practicing.)*

- 1  Administrative
- 2  Corporate
- 3  Criminal
- 4  Environmental
- 5  Family
- 6  Health Care
- 7  Labor/Employment
- 8  Litigation
- 9  Personal Injury
- 10  Public interest
- 11  Real estate
- 12  Tax
- 13  Trusts and estates
- 14  Other(s) \_\_\_\_\_

## Survey Instruments: Survey #2

17. On average, how many total hours do you work per week (Include billable and non-billable hours, and hours worked at home as well as at the office)?

1  Fewer than 40

2  41-50

3  51-60

4  61-70

5  71-80

6  81-90

7  91-100

8  More than 100

18. Considering all your work activities, what percentage of your time is spent doing each of the following?

1 Billable work \_\_\_\_\_

2 Non-billable work (not including client Pro-Bono) \_\_\_\_\_

3 Pro-Bono work \_\_\_\_\_

19. In 2004, how many vacation weeks did you take? \_\_\_\_\_

20. We are interested in the gender of your clients (i.e., the purchasing officer for legal services in your clients' firms—General Counsel, CEO, etc) Please estimate the percentage of these clients who are:

1 Male \_\_\_\_\_

2 Female \_\_\_\_\_

## Survey Instruments: Survey #2

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21. In 2004, did you receive a bonus?

1  Yes

2  No

3  N/A

a. If yes, how large was your bonus as a percentage of your salary? \_\_\_\_\_

22. Do you expect to be promoted to a higher level position in this firm?

1  I do not expect to be promoted

2  I expect to be promoted within \_\_\_\_\_ months

3  I expect to be promoted within \_\_\_\_\_ years

23. Have you ever used flexible work arrangements at this firm?

1  Yes

2  No

a. If yes, please check all that apply

1  Regular full time alternative schedule (*e.g.* one day a week working at home)

2  Regular full time adjustment of daily work hours (*e.g.* leaving work for time with children and resuming work later)

3  Part time

4  Leave

5  Other, please specify: \_\_\_\_\_

b. If no, why not?

- 1  Not interested
- 2  Fear consequences for career
- 3  Other \_\_\_\_\_

24. To what extent do you agree or disagree with each of the following statements about the culture at your present firm? (1=Strongly disagree, 5=Strongly agree)

- 1 \_\_\_\_\_ The culture of the firm supports use of regular full time alternative schedules (*e.g.* one day a week working at home)
- 2 \_\_\_\_\_ The culture of the firm supports use of regular full time adjustment of daily work hours (*e.g.* leaving work for time with children and resuming work later)
- 3 \_\_\_\_\_ The culture of the firm supports use of part time policies
- 4 \_\_\_\_\_ The culture of the firm supports use of leave policies
- 5 \_\_\_\_\_ Working a regular full time alternative schedule (*e.g.* one day a week working at home) would hurt my career at the firm
- 6 \_\_\_\_\_ Working regular full time adjusted daily work hours (*e.g.* leaving work for time with children and resuming work later)
- 7 \_\_\_\_\_ Working part time would hurt my career at the firm
- 8 \_\_\_\_\_ Taking a leave would have hurt my career at the firm
- 9 \_\_\_\_\_ The culture of the firm supported flexible work arrangements for family reasons without adversely affecting promotion

## Survey Instruments: Survey #2

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If you **have** used flexible arrangements, please answer the following questions. If you **have never** used flexible arrangements at this firm, please skip to **Question 37**. Note **Question 25 through 36** all pertain to flexible work arrangements.

25. If you have used flexible arrangements at this firm, for what reason(s) did you do so?  
(Check all that apply)

- 1  Maternity/Paternity leave
- 2  More time with children (other than maternity/paternity leave)
- 3  Elder care
- 4  Didn't need the money
- 5  Health
- 6  Spouse/partner wanted me to work less or on a more flexible schedule
- 7  Exploring alternative career paths **within** the legal profession
- 8  Exploring alternative career paths **outside** the legal profession
- 9  Vacation/travel
- 10  Work not intellectually stimulating
- 11  Too much pressure
- 12  No future in job
- 13  Returned to school
- 14  Wanted to pursue hobbies, other interests
- 15  Wanted to do volunteer/public service work
- 16  Wanted more control of working hours
- 17  Other \_\_\_\_\_

## Survey Instruments: Survey #2

*If you have ever worked part time, please answer the following questions. If you used another flexible work arrangement, please skip to **Question 32**.*

26. What was/is your stated target or required number of billable hours per year? \_\_\_\_\_

27. How many hours do/did you actually work on a part time schedule in a month?

1 Billable \_\_\_\_\_

2 Non-Billable (not including client Pro-Bono) \_\_\_\_\_

3 Pro-Bono \_\_\_\_\_

28. Are you still eligible for bonuses?

1  Yes

2  No

3  N/A

29. How would you compare the quality of cases you were assigned while working part time to those you were assigned while working full time?

1	2	3	4	5
Much Worse		Same		Much Better

30. Did you change departments when you went part time?

1  Yes, from \_\_\_\_\_ to \_\_\_\_\_

2  No

## Survey Instruments: Survey #2

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31. Can an associate make partner at this firm while working part time?

1  Yes

2  No

32. How has this firm's policy with regard to flexible work arrangements and the implementation of its policy affected:

a. Your decision to stay with the firm?

1  Positively affected

2  Negatively affected

3  No effect

b. Your involvement with firm committees and social events?

1  Positively affected

2  Negatively affected

3  No effect

33. How has your decision to use flexible work arrangements affected how other members of the firm view your abilities and your commitment to the firm?

1  Positively affected

2  Negatively affected

3  No effect

## Survey Instruments: Survey #2

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34. Has anyone at your firm worked with you to develop your flexible work arrangement?

1  Yes

2  No

35. Has anyone at the firm met with you on a regular basis to discuss how your flexible work arrangement is working for you and/or the firm?

1  Yes

2  No

36. What long-term impact has your flexible work arrangement had on your career?

## Survey Instruments: Survey #2

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### Satisfaction

37. How satisfied are you with the following aspects of your work in this firm on a scale of 1-5? (1= Very Dissatisfied, 5=Very Satisfied)

1 \_\_\_\_\_ Recognition of your accomplishments by the firm

2 \_\_\_\_\_ Opportunity for career advancement

3 \_\_\_\_\_ Manageability of case load

4 \_\_\_\_\_ Degree of professional autonomy you have

5 \_\_\_\_\_ Earnings from this practice and fringe benefits

6 \_\_\_\_\_ Opportunities to achieve professional goals

7 \_\_\_\_\_ Predictability of hours

8 \_\_\_\_\_ Ability to integrate work with family/personal life

9 \_\_\_\_\_ Supportiveness of work-family programs and options

10 \_\_\_\_\_ Good job security

## Survey Instruments: Survey #2

38. How strongly do you agree with the following statements about your career on a scale of 1-5? (1= Strongly Disagree, 5=Strongly Agree)

1 \_\_\_\_\_ If I were to choose over again, I would not become a lawyer

2 \_\_\_\_\_ All things considered, I am satisfied with my career as a lawyer

3 \_\_\_\_\_ In general, my law career has met my expectations

4 \_\_\_\_\_ I would not recommend the legal profession to others as a career

39. How satisfied are you with:

a. Your professional life at this point?

1            2            3            4            5

Not Satisfied

Very Satisfied

b. Your ability at this point to integrate your work life and family/personal life on positive terms for both?

1            2            3            4            5

Not Satisfied

Very Satisfied

## Survey Instruments: Survey #2

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### Educational/Professional Background

40. What law school did you attend? \_\_\_\_\_

41. What year did you graduate from law school? \_\_\_\_\_

42. What was your approximate rank when you graduated from law school?

1  Upper 5%

2  Upper 10%

3  Upper 25%

4  Upper 33 1/3%

5  Upper 50%

6  Lower 50%

### Personal Background

43. What year were you born? 19\_\_\_\_\_

44. What is your sex?

1  Male

2  Female

45. What is your race?

- 1  Asian
- 2  African American
- 3  Hispanic
- 4  Native American
- 5  Caucasian
- 6  Other \_\_\_\_\_

46. In what range were your pre-tax earnings during the calendar year 2004?

- 1  Less than \$40,000
- 2  \$40,001 - \$60,000
- 3  \$60,001 - \$80,000
- 4  \$80,001 - \$150,000
- 5  \$150,001 - \$250,000
- 6  \$250,001 - \$400,000
- 7  More than \$400,000

a. Have your pre-tax earnings increased or decreased since calendar year 2001?

- 1  Increased
- 2  Decreased
- 3  Stayed the Same

b. If your earnings have increased or decreased, by how much have they changed?

\$\_\_\_\_\_ (in dollars)

## Survey Instruments: Survey #2

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47. What percentage of your total household income comes from your salary?

- 1  100%
- 2  80 – 99%
- 3  60 – 79%
- 4  40 – 59%
- 5  20 – 39%
- 6  1 – 19%

### Family

48. Are you currently married or living with a partner?

- Yes
- 2  No

a. If yes, what is your spouse's/partner's occupation? \_\_\_\_\_

b. If yes, what are his/her current weekly work hours? \_\_\_\_\_

c. If yes, compared with your commitment to your career, would you say your spouse's/partner's commitment to his/her career is:

- 1  Much less
- 2  Moderately less
- 3  Same
- 4  Moderately greater
- 5  Much greater

49. Do you have children?

1  Yes

2  No

a. If yes, how many? \_\_\_\_\_

b. What are the ages of your children that currently live with you? \_\_\_\_\_

50. Are any of your parents/ in-laws still living?

1  Yes

2  No

a. If yes, do you have significant responsibility for their care?

1  Yes

2  No

**Comment:**

51. We are interested in your thoughts about the legal profession as a way of life. Please include here any reflections you have on this subject. In particular, please specify any successful flexible work arrangements you have used.

## List of Participating Law Firms

### LIST OF PARTICIPATING LAW FIRMS

Adler Pollock & Sheehan PC  
Barron & Stadfeld PC  
Bernkopf Goodman LLP  
Bingham McCutchen LLP  
Bowditch & Dewey LLP  
Bromberg & Sunstein LLP  
Brown Rudnick Berlack Israels LLP  
Bulkley, Richardson and Gelinias, LLP  
Burns & Levinson LLP  
Cain Hibbard Myers & Cook, PC  
Casner & Edwards, LLP  
Choate, Hall & Stewart LLP  
Cooley Manion Jones LLP  
Davis, Malm & D'Agostine PC  
Dechert LLP  
Dlapiper, Rudnick, Gray, Cary LLP  
Doherty, Wallace, Pillsbury & Murphy PC  
Donovan Hatem LLP  
Dwyer & Collora LLP  
Edwards Angell Palmer & Dodge LLP  
Fish & Richardson PC  
Foley & Lardner LLP  
Foley Hoag LLP  
Gadsby Hannah LLP  
Goulston & Storrs PC  
Hamilton, Brook, Smith & Reynolds PC  
Keegan, Werlin & Pabian LLP  
Kotin, Crabtree & Strong LLP  
Lahive & Cockfield LLP  
Lawson & Weitzen LLP  
LeBoeuf, Lamb, Greene & MacRae LLP  
Lynch & Lynch  
Melick, Porter & Shea LLP  
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo PC  
Mirick, O'Connell, DeMallie & Lougee LLP  
Murtha Cullina LLP  
Nixon Peabody LLP  
Nutter, McClennen & Fish LLP  
Peabody & Arnold LLP  
Robins, Kaplan, Miller & Ciresi LLP  
Ropes & Gray LLP  
Ruberto, Israel & Weiner PC  
Smith & Brink PC  
Sullivan & Worcester LLP  
Sugarman, Rogers, Barshak & Cohen, PC  
Tarlow, Breed, Hart & Rodgers PC  
Todd & Weld LLP  
William, Cutler, Pickering, Hale and Dorr LLP  
Wolf, Greenfield & Sacks, PC

