

# The Law Firms Working Group

## BIBLIOGRAPHY ON ATTORNEY WORK/LIFE BALANCE

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This annotated bibliography compiles sources that discuss work/life balance for attorneys. The authors consider the issues from both the employer and the employee's perspectives in their selections. Among the issues emphasized in this bibliography are the work/life balance options available to lawyers, the demographics and satisfaction of those that use these options, and suggestions for reform.

# BALANCING Life & Law



## **Work-Life Balance Group**

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## **I. SUMMARY**

Our goal in undertaking this project was to establish a reference list for scholars conducting future research on the topic of attorney work-life balance. We set out to review existing scholarship on this issue, using a series of questions to filter the vast amounts of available material. We approached the issue of work-life balance from both the employee's and the employer's perspective, and we focused on opportunities and suggestions for reform. From the employee's perspective, we asked: Who wants balance? How is balance achieved? And if balance is achieved, what are the results? From the employer's perspective, we asked: Which employers have work-life balance initiatives? What work-life balance options are offered to the employees and why? Do lawyers take advantage of these options? Which options are most successfully implemented? And is there a business case for allowing balance?

To answer our questions, we reviewed articles recommended by Stanford Law School Professor Deborah Hensler; articles found when searching Westlaw and LexisNexis law journal and news sources; articles found using PsychInfo, PsychArticles, SocIndex, and JSTOR; bar association materials; and websites of leading researchers in the field (e.g., Catalyst and Joan Williams' Project for Attorney Retention). Most of our research focused on work-life issues specific to the legal profession, though some of our sources examined work-life issues more broadly. We used general search terms such as "law," "lawyer" and "attorney" along with specific terms like "flextime," "part time," "mommy track" and "job share" or, alternatively, terms like "balance," "work-life," "turnover," "billable hours" and "women." We came across many of the most useful sources not through direct searches, but rather by scouring the reference lists and

footnotes of some of the initial sources we found. The majority of the sources addressed multiple aspects of our questions; few studies focused solely on a single question on our list.

Due to the nature of the existing research, several challenges arose as we set out to answer our questions. First, many of the studies were limited with respect to the populations they covered. For instance, many researchers studied mothers working in the legal field, as opposed to fathers or single attorneys, and most of the studies focused on attorneys working in law firms, rather than those working at government agencies, in public interest jobs, or in-house at corporations. Second, very few studies were longitudinal, meaning that most failed to look at how careers change over time in response to life and family changes. Instead, most studies used a snapshot approach, comparing one or two demographic groups only at one or two points in time. Third, while much of the research showed a correlation between factors affecting work-life balance, few of these studies were designed to examine causation between factors. For example, while a number of studies showed that women left firms at higher rates than men and were promoted less frequently than men, few studies supplemented these findings with either qualitative or quantitative interviews or causal analyses. Fourth, those articles that proposed solutions usually did not provide empirical support on their likelihood of success.

The annotated bibliography entries in the third section of this paper provide detailed descriptions of the findings, methodologies, and overall utility of the studies reviewed. The methodology section of each entry will be useful in designing future research and in determining how researchers working on issues of work-life balance have

gone about collecting information in the past. Additionally, some entries include a note that indicates how the source fits into the bigger picture of existing data and information about work-life balance in the legal profession. The length of each entry roughly corresponds to its importance and utility – those sources that were particularly informative warranted longer entries than those that were of interest but not as relevant. The following briefly summarizes our research findings, based on the sources included in the annotated bibliography, in terms of the questions we set out to answer.

*From the Employee Perspective, Who Wants Balance?*

We found evidence showing that gender, practice setting, and length of time in practice affect an attorney's desire for work-life balance. For example, an American Bar Association (ABA) Young Lawyers Division survey found that respondents who were newer to practice were significantly more likely to express a high level of satisfaction with the balance of work and personal life than those who had been in practice longer.<sup>1</sup> This finding may be attributable to changing circumstances in the lives of attorneys as they grow older (such as increased family responsibilities) and/or attitudinal changes over time (such as the overall perspective that comes with age). We found generally that attorneys working in law firms, as opposed to other practice settings such as government or public interest, were less satisfied with their work-life balance.<sup>2</sup> One national survey found that attorneys working for law firms were less likely than in-house counsel and government agency attorneys to feel that they had good balance between their

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<sup>1</sup> AMERICAN BAR ASSOCIATION YOUNG LAWYERS DIVISION, ABA YOUNG LAWYERS DIVISION SURVEY: CAREER SATISFACTION (2004), available at <http://www.abanet.org/yld/careerresources/home.html>.

<sup>2</sup> See generally Susan Saab Fortney, *The Billable Hours Derby: Empirical Data on the Problems and Pressure Points*, 33 FORDHAM URB. L.J. 171 (2005) [hereinafter Fortney, *Billable Hours Derby*]; Susan Saab Fortney, *Soul for Sale: An Empirical Study of Associate Satisfaction, Law Firm Culture, and the Effects of Billable Hour Requirements*, 69 U. MO. KAN. CITY L. REV. 241 (2000) [hereinafter Fortney, *Soul for Sale*].

professional and personal lives.<sup>3</sup> These findings held true when only women's responses were taken into account. The ABA Young Lawyers Division research also showed that almost 40% of lawyers in large firms were at least somewhat dissatisfied with the allocation of time between their work and their personal lives, in contrast with only 24.5% of those in firms with 3 to 6 lawyers and 19.1% of those in firms with 1 to 4 lawyers (overlapping firm size existed in original data).<sup>4</sup>

Both male and female attorneys expressed a desire for balance and were, to varying extents, dissatisfied with high billable hour requirements.<sup>5</sup> Women, however, were far more likely to take a leave of absence or work part time at some point in their careers than their male counterparts. There is little information available about whether male and female attorneys who left their jobs returned to work, and if so, to what types of jobs they returned. Women placed a higher premium on flexible policies than did men, and women were far more likely to change jobs in search of flexible hours.<sup>6</sup> Responses to a survey mailed to alumni from Yale, Harvard, Boalt, Columbia, and Michigan Law Schools showed that women at law firms, working in-house, teaching, and in the public interest field all reported work-life balance conflicts, but these conflicts were highest for women in teaching, law firms, and working as corporate counsel. One article cited statistics showing that of 1400 lawyers surveyed, 70% of both men and women reported

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<sup>3</sup> Fortney, *The Billable Hours Derby*, *supra* note 2.

<sup>4</sup> See AMERICAN BAR ASSOCIATION YOUNG LAWYERS DIVISION, *supra* note 1; John P. Heinz et al., *Lawyers and Their Discontents: Findings from a Survey of the Chicago Bar*, 74 IND. L.J. 735 (1999).

<sup>5</sup> See generally Heinz, *supra* note 4; DEBORAH RHODE, AMERICAN BAR ASSOCIATION COMMISSION ON WOMEN IN THE PROFESSION, *BALANCED LIVES: CHANGING THE CULTURE OF LEGAL PRACTICE* (2001), available at <http://www.abanet.org/women/balancedlives.html>; JEAN E. WALLACE, LAW SCHOOL ADMISSION COUNCIL, *JUGGLING IT ALL: EXPLORING LAWYERS' WORK, HOME, AND FAMILY DEMANDS AND COPING STRATEGIES, REPORT OF STAGE TWO FINDINGS* (2004), available at <http://www.lsacnet.org/Research/Lawyers-Coping-Strategies-Work-Home-Family-Demands-2.pdf>.

<sup>6</sup> See generally AMERICAN BAR ASSOCIATION YOUNG LAWYERS DIVISION, *supra* note 1; Heinz et al., *supra* note 4; Janet Taber et al., *Gender, Legal Education, and the Legal Profession: An Empirical Study of Stanford Law Students and Graduates*, 40 STAN. L. REV. 1209 (1988).

work-life conflict.<sup>7</sup>

Though the ABA study found no significant difference between the answers of men and women to questions about the appropriateness of the allocation of time between work and personal life, a 1986 survey of Stanford Law School graduates found that 82.1% of female attorneys who took time off did so in order to be with their children, as opposed to 12% of male attorneys. Other studies indicated that men who took time off did so primarily for vacation or teaching opportunities. The Stanford study further showed that, while 29.4% of female attorneys had stopped working for 6 or more months, and 31.3% of female attorneys surveyed had already worked part time at some point, only 8.6% of male attorneys had stopped working and 9.5% of male attorneys had worked part time at some point. These two studies highlight the possible divide between what female and male attorneys consider “appropriate” with respect to taking time off and what turns out to be practical or necessary. Another study, which reported the results of interviews with 76 lawyers in small firms, further enriched our understanding of these findings. Of those interviewed, the majority of men did less than an equal share of housework and childrearing, leaving them extra time to network and meet clients, while women had less access to “leisure” time to enhance their careers.<sup>8</sup>

*From the Employee Perspective, How is Balance Achieved?*

Perhaps this question is best framed as a question about how attorneys *attempt* to achieve balance. While some studies compared the balance perceived by attorneys in different sectors, we did not find a comprehensive study evaluating both perceptions and realities of work-life balance before and after the adoption and use of work-life balance

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<sup>7</sup> RHODE, *supra* note 5.

<sup>8</sup> See generally E. Jeffrey Hill, *Work-Family Facilitation and Conflict, Working Fathers and Mothers, Work-Family Stressors and Support*, 26(6) J. FAM. ISSUES 793 (Sept. 2005).

policies. Regardless, studies showed that reduced hours are most often achieved with part time, flextime, leaves of absence, and telecommuting, though at relatively low rates. Often, those who seek balance leave their jobs.

A 1998 NALP study of 10,376 associates found that almost 10% of all respondents left their firms within a year, 43% left within three years, 66% left within five years, and 75% left within seven years.<sup>9</sup> However, neither this study nor others that we examined provided data on where these attorneys went and how their work-life balance fared after having left. A national survey of attorneys working in firms, in government, and in-house showed that attorneys who reported they were sacrificing fulfillment outside of work to advance their careers were more likely to indicate a desire to change jobs in the next two years than those who felt they were successfully balancing work and life. Of those interested in switching jobs in the next few years (37% of law firm respondents), 26.4% indicated that “reduction of work hours” was the most influential factor in their decision; no data was gathered to see if these attorneys actually left their jobs.<sup>10</sup>

A survey of Texas lawyers, 92% of whom were associates on partnership track, showed that, of the 39% of respondents who said they were interested in changing employers in the next few years, 22% indicated an interest in “non-legal” jobs and 26% strongly agreed or somewhat agreed with the statement, “I wish that I had selected a profession other than the law.”<sup>11</sup> Interviews of 100 Denver attorneys from 1996 through 1998 and again in 2003, including almost equal numbers of men and women, found that

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<sup>9</sup> BOSTON BAR ASSOCIATION TASK FORCE ON PROFESSIONAL CHALLENGES AND FAMILY NEEDS, FACING THE GRAIL: CONFRONTING THE COST OF WORK-FAMILY IMBALANCE (1999), *available at* <http://www.bostonbar.org/prs/workfamilychallenges.htm>.

<sup>10</sup> Fortney, *Billable Hours Derby*, *supra* note 2.

<sup>11</sup> Fortney, *Soul for Sale*, *supra* note 2.

men who seek balance change their practices within the law firm, while female partners and young associates take careers outside of private legal practice.

*From the Employee Perspective, If Balance Is Achieved, What Are the Results?*

Many studies showed that attorneys who utilized workplace programs to achieve balance (such as part-time work, job-sharing, and reduced hours/caseload) believed they were stigmatized and had experienced a decrease in quality of assignments, opportunities for promotion, and pay, all while being stuck with what often amounted to a full-time workload.<sup>12</sup> Several qualitative and quantitative surveys of female Massachusetts attorneys found that 43% of respondents felt that after reductions in their schedules, the quality of their work had become less substantive, and 75% of partnership-track associates reported that their reduced schedules had negatively affected their road to partnership (or would in the future). Thirty to forty percent of part-time attorneys at every seniority level said that their firm relationships had deteriorated, most commonly because of a perceived lack of commitment. About 25% of part-time attorneys felt that their abilities and contributions were devalued. A study on the wage growth of 195 Midwestern working mothers supported these subjective findings with more objective research. In a decade-long study, researchers found that mothers who used flexible schedules experienced negative wage growth, a characteristic that was most apparent among women employed in managerial or professional positions.

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<sup>12</sup> See generally E. Jeffrey Hill et al., *New-Concept Part-Time Employment as a Work-Family Adaptive Strategy for Women Professionals with Small Children*, 53 FAM. REL. 282 (2004); RHODE, *supra* note 5; WOMEN'S BAR ASSOCIATION OF MASSACHUSETTS EMPLOYMENT ISSUES COMMITTEE, MORE THAN PART-TIME: THE EFFECT OF REDUCED-HOURS ARRANGEMENTS ON THE RETENTION, RECRUITMENT, AND SUCCESS OF WOMEN ATTORNEYS IN LAW FIRMS (2000), available at <http://womenlaw.stanford.edu/mass.rpt.html>.

### *Which Employers have Work-Life Balance Initiatives?*

Most legal employers do have work-life balance programs. One article reported that 95% of law firms offered alternative work policies; however, this statistic does not reflect the number of attorneys employed at these firms who were able to use alternative programs.<sup>13</sup> Only 6% of firms in one survey, as reported in the same article, allowed lawyers at any level or in any practice area to work part time. And, as the answer to the previous question shows, those who are fortunate enough to take advantage of these programs tend to believe that they are often punished in various ways for using them.

### *What Work-Life Balance Options are Offered and Why?*

Firms that offer work-life balance options most commonly offer part-time status, flextime, telecommuting and parental leave. This answer is not directly supported by statistical evidence from any one study. We reached this conclusion based on commonalities found among all the studies reviewed, particularly as a result of their common focus on these three types of policies. Little to no information is available as to why these options, as opposed to others, are used.

### *Do Lawyers Take Advantage of These Options?*

While lawyers do take advantage of part-time policies and other work-life balance initiatives, they do so in very small numbers. One article reported that only 3% of all attorneys work part time, often because policies are not truly open and because attorneys fear that their careers will suffer if they use these options. Less than 5% of male lawyers take reduced schedules or leaves of absence and almost half of men in law firms think

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<sup>13</sup> See GEORGIA ASSOCIATION FOR WOMEN LAWYERS, ATLANTA BAR ASSOCIATION WOMEN IN THE PROFESSION COMMITTEE & GEORGIA COMMISSION ON WOMEN, IT'S ABOUT TIME: PART-TIME POLICIES AND PRACTICES IN ATLANTA LAW FIRMS (2004), available at <http://ssrn.com/abstract=916111>; RHODE, *supra* note 5.

that it is unacceptable to request part-time work.<sup>14</sup> It is little wonder, then, that women who take advantage of these policies feel stigmatized.

*Which Options are Most Successfully Implemented?*

No research was available to answer this question. While we did find suggestions and speculation, we did not locate any studies that focused on the relative success of implemented family-friendly or balanced hours policies. One explanation for this void is that alternative work arrangements are not widely used or publicized in the legal profession, thus making a comprehensive study difficult.

*Is There a Business Case for Balance?*

Many studies argue that there is a business case for balance.<sup>15</sup> Qualitative and quantitative surveys of female Massachusetts attorneys found that 40% of respondents who had left a large law firm did so in part because of their firm's policies or approach toward alternative work arrangements. Ninety percent of those who remained with their firms said this decision was affected by the availability of a part-time program. One study of managerial (as opposed to legal) positions found that perception of flexible policies significantly enhanced levels of organizational commitment among employees. A survey of Atlanta attorneys showed that 43% percent of new associates, and an even greater percentage of women and minorities, had left law firms by year three, even though associates did not provide a return on investment until year four or five. One study by the Project on Attorney Retention reported that it costs between \$200,000 and \$500,000 for a

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<sup>14</sup> See RHODE, *supra* note 5.

<sup>15</sup> See generally GEORGIA ASSOCIATION FOR WOMEN LAWYERS, *supra* note 13; Joan Williams & Cynthia Calvert, *Balanced Hours: Effective Part-Time Policies for Washington Law Firms: The Project for Attorney Retention Final Report*, 8 WM. & MARY J. WOMEN & L. 357 (2002), available at <http://www.pardc.org/Publications/BalancedHours2nd.pdf>; WOMEN'S BAR ASSOCIATION OF MASSACHUSETTS EMPLOYMENT ISSUES COMMITTEE, *supra* note 12.

firm to replace an attorney; this figure does not include the hidden costs of client dissatisfaction, lost business when clients choose to remain with a departing attorney, and damage to firm morale.

#### Overall Satisfaction: An Interesting Side Note

While researching our initial questions, we also discovered several studies reporting that attorneys had high levels of satisfaction with their work and the practice of law generally, despite having low levels of satisfaction with their work-life balance.<sup>16</sup> Possible reasons for this finding were put forth in several studies, including denial, defensiveness, or ego inflation during interviews, and the fact that attorneys may not subsume all negative-leaning factors under the heading of “job satisfaction.”

#### Reform

We reviewed several proposed reforms by bar associations and other authors. In summary, these proposed reforms encourage law firms to create a culture that supports alternative work arrangements; to lessen the dependence on billable hours; to implement written policies with transparent, measurable benchmarks; to provide meaningful and non-stigmatized opportunities for part-time work or reduced hours to all employees; to provide employees with individualized options; and to offer proportional pay, benefits, bonuses, and advancement to those who use these policies.

#### Future Research

To fill in existing gaps, future research should focus on attorneys in firms as well as attorneys in non-firm settings (especially public interest) and should gather data that distinguishes between work-life balance and work-family balance. The research should

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<sup>16</sup> See AMERICAN BAR ASSOCIATION YOUNG LAWYERS DIVISION, *supra* note 1; Fortney, *Soul for Sale*, *supra* note 2; Heinz et al., *supra* note 4.

be longitudinal, following attorneys throughout the various changes in their families and careers. Questions asked should focus on the interplay between individuals' motivations and actual career decisions, arriving at conclusions based on causation. Suggested questions include: How many firms (and other legal employers) currently offer part-time work? How many lawyers currently work part time? How do lawyers conceive of their energy levels, sleep needs, personal time needs, or sense of fulfillment? When people leave law firms or other places of employment because of work-life challenges, where are they going? Is the situation better in those new jobs? Which balanced hours or flexible work options are associated with the greatest levels of employee and employer satisfaction? The answers to these questions would greatly enhance the depth and breadth of the existing data on work-life balance in the legal profession.

## **II. SOURCES LISTED BY SUBJECT HEADING**

### **LOW RATES OF PROMOTION AND RETENTION OF FEMALE ATTORNEYS**

Stephen J. Spurr, *Sex Discrimination in the Legal Profession: A Study of Promotion*, 43(4) INDUS. & LAB. REL. REV. 406 (1990).

Stephen J. Spurr & Glenn T. Sueyoshi, *Turnover and Promotion of Lawyers: An Inquiry into Gender Differences*, 29(3) J. HUM. RESOURCES 813 (1994).

### **MEASURES OF OVERALL SATISFACTION LEVELS**

AMERICAN BAR ASSOCIATION YOUNG LAWYERS DIVISION, ABA YOUNG LAWYERS DIVISION SURVEY: CAREER SATISFACTION (2004), *available at* <http://www.abanet.org/yld/careerresources/home.html> (finding that the majority of attorneys are at least somewhat satisfied).

CATALYST, WOMEN IN LAW: MAKING THE CASE (2001) (finding that women are less satisfied overall than their male counterparts).

John P. Heinz et al., *Lawyers and Their Discontents: Findings from a Survey of the Chicago Bar*, 74 IND. L.J. 735 (1999) (finding that Chicago bar male and female attorneys are overwhelmingly and equally satisfied with their careers overall, although female attorneys rated individual measures of satisfaction lower than did their male counterparts).

THE NALP FOUNDATION FOR LAW CAREER RESEARCH AND EDUCATION AND THE AMERICAN BAR FOUNDATION, AFTER THE JD: FIRST RESULTS OF A NATIONAL SURVEY OF LEGAL CAREERS, *available at* [http://www.nalpfoundation.org/webmodules/articles/articlefiles/87-After\\_JD\\_2004\\_web.pdf#search=After%20the%20J.D.%20study](http://www.nalpfoundation.org/webmodules/articles/articlefiles/87-After_JD_2004_web.pdf#search=After%20the%20J.D.%20study) (measuring overall satisfaction as well as individual measures of satisfaction).

Patrick J. Schiltz, *On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession*, 52 VAND. L. REV. 871 (1999) (summarizing numerous studies, all of which indicate overall unhappiness in the legal profession).

Janet Taber et al., *Gender, Legal Education, and the Legal Profession: An Empirical Study of Stanford Law Students and Graduates*, 40 STAN. L. REV. 1209 (1988).

### **BUSINESS CASE FOR BALANCE**

Wayne F Cascio and Clifford E. Young, *Work-Family Balance: Does the Market Reward Firms That Respect It?*, in WORK-FAMILY BALANCE TO WORK-FAMILY INTERACTION: CHANGING THE METAPHOR, 49 (2005) (comparing the Working Mother 100 Best companies to the S&P 500 and finding that the former experience a higher total return on common stock).

Harry J. Holzer, *Work and Family Life: The Perspective of the Employer*, in WORK, FAMILY, HEALTH, AND WELL-BEING 83 (Suzanne M. Bianchi et al. eds., 2005) (explaining the lack of availability of workable part-time policies and arguing that government tax incentives are needed to encourage firms to offer such policies).

GEORGIA ASSOCIATION FOR WOMEN LAWYERS, ATLANTA BAR ASSOCIATION WOMEN IN THE PROFESSION COMMITTEE & GEORGIA COMMISSION ON WOMEN, IT'S ABOUT TIME: PART-TIME POLICIES AND PRACTICES IN ATLANTA LAW FIRMS (2004), *available at* <http://ssrn.com/abstract=916111> (demonstrating that part-time policies can result in better profitability, retention, and morale).

PROJECT FOR ATTORNEY RETENTION, THE BUSINESS CASE FOR A BALANCED HOURS PROGRAM FOR ATTORNEYS (2006), *available at* [www.pardc.org/LawFirm/Business\\_Case.htm](http://www.pardc.org/LawFirm/Business_Case.htm) (offering economic arguments for balanced hours programs, but providing little empirical support for conclusions).

DEBORAH RHODE, AMERICAN BAR ASSOCIATION COMMISSION ON WOMEN IN THE PROFESSION, BALANCED LIVES: CHANGING THE CULTURE OF LEGAL PRACTICE (2001), *available at* <http://www.abanet.org/women/balancedlives.html> (summarizing previous research).

Amy L. Wax, *Family-Friendly Workplace Reform: Prospects for Change*, 596 ANNALS AM. ACAD. POL. & SOC. SCI. 36 (2004) (using game theory models to argue for the business case).

Joan C. Williams, *Canaries in the Mine: Work/Family Conflict and the Law*, 70 FORDHAM L. REV. 2221 (2002) (summarizing and analyzing previous research and adding suggestions for reform).

Joan Williams & Cynthia Calvert, *Balanced Hours: Effective Part-Time Policies for Washington Law Firms: The Project for Attorney Retention Final Report*, 8 WM. & MARY J. WOMEN & L. 357 (2002), *available at* <http://www.pardc.org/Publications/BalancedHours2nd.pdf>.

JOAN C. WILLIAMS & CYNTHIA THOMAS CALVERT, SOLVING THE PART-TIME PUZZLE: THE LAW FIRM'S GUIDE TO BALANCED HOURS (2001) (analyzing previous studies).

WOMEN'S BAR ASSOCIATION OF MASSACHUSETTS EMPLOYMENT ISSUES COMMITTEE, MORE THAN PART-TIME: THE EFFECT OF REDUCED-HOURS ARRANGEMENTS ON THE RETENTION, RECRUITMENT, AND SUCCESS OF WOMEN ATTORNEYS IN LAW FIRMS (2000), *available at* <http://womenlaw.stanford.edu/mass.rpt.html>.

### **WHO (AMONG EMPLOYEES) WANTS BALANCE?**

CATALYST, WOMEN IN LAW: MAKING THE CASE (2001) (finding that women are less satisfied overall than their male counterparts, and are far more likely to take time off and use alternative work arrangements).

David L. Chambers, *Accommodation and Satisfaction: Women and Men Lawyers and the Balance of Work and Family*, 14 LAW & SOC. INQUIRY 251 (1989) (finding that female attorneys were satisfied with their work-life balance overall, but were less likely than men to enter private practice and much more likely to take time off or go part time).

Susan Saab Fortney, *Soul for Sale: An Empirical Study of Associate Satisfaction, Law Firm Culture, and the Effects of Billable Hour Requirements*, 69 U. MO. KAN. CITY L. REV. 241 (2000) (finding that women are more likely than men to sacrifice salary for fewer hours, even without any guarantee of equal treatment and opportunities for advancement).

JOHN HAGAN & FIONA KAY, *GENDER IN PRACTICE: A STUDY OF LAWYERS' LIVES* (1995) (finding that Canadian women attorneys leave private practice in large numbers and roughly a quarter leave the practice of law altogether).

E. Jeffrey Hill, *Work-Family Facilitation and Conflict, Working Fathers and Mothers, Work-Family Stressors and Support*, 26(6) J. FAM. ISSUES 793 (Sept. 2005) (finding that fathers complain more than mothers do of work cultures that are unsupportive of their family responsibilities).

ARLIE RUSSELL HOCHSCHILD, *THE TIME BIND: WHEN WORK BECOMES HOME AND HOME BECOMES WORK* (1997) (concluding from three years of personal observation of one company that many employees choose to stay at work because it is a "haven" from difficulties at home).

Kathleen E. Hull & Robert L. Nelson, *Assimilation, Choice, or Constraint?: Testing Theories of Gender Differences in the Careers of Lawyers*, 79(1) SOC. FORCES 229 (Sept. 2000) (finding that female attorneys tend to leave private practice for government practice while male attorneys do the opposite).

Jerry A. Jacobs & Sarah E. Winslow, *Overworked Faculty: Job Stresses and Family Demands*, 596 ANNALS AMER. ACAD. POL. & SOC. SCIENCE 104 (Nov. 2004) (finding that job dissatisfaction among full-time faculty is low overall, and even lower for married faculty members with children).

Fiona M. Kay, *Flight from Law: A Competing Risks Model of Departures from Law Firms*, 31 LAW & SOC'Y REV. 301 (1997) (finding that women in private Canadian firms receive partnership offers later and in smaller numbers than men, and also leave their firms earlier and in larger numbers than men).

David N. Laband & Bernard F. Lentz, *Is There Sex Discrimination in the Legal Profession?: Further Evidence on Tangible and Intangible Margins*, 28(2) J. HUM. RESOURCES 230 (Spring 1993) (finding sex discrimination in legal careers on "intangible margins").

Nancy Reichman & Joyce Sterling, *Sticky Floors, Broken Steps, and Concrete Ceilings in Legal Careers*, 14 TEX. J. WOMEN & L. 27 (2004) (finding that both men and women struggle with work-life balance issues).

Carroll Seron & Kerry Ferris, *Negotiating Professionalism: The Gendered Social Capital of Flexible Time, Work and Occupations*, 22 WORK & OCCUPATIONS 22 (1995) (finding that women need balance more because they have less flexible time remaining after having satisfied work and non-work demands).

Janet Taber et al., *Gender, Legal Education, and the Legal Profession: An Empirical Study of Stanford Law Students and Graduates*, 40 STAN. L. REV. 1209 (1988).

JEAN E. WALLACE, LAW SCHOOL ADMISSION COUNCIL, JUGGLING IT ALL: EXPLORING LAWYERS' WORK, HOME, AND FAMILY DEMANDS AND COPING STRATEGIES, REPORT OF STAGE ONE FINDINGS, (2002), available at <http://www.lisacnet.org/lisac/research-reports/rr-00-02.pdf>. (finding, from phone interviews with 121 Canadian attorneys, that women have a greater need for work-life balance reform).

Jean E. Wallace, *Work-to-nonwork conflict among male and female lawyers*, 20 J. ORG. BEHAV. 797 (1999) (finding that subjective feelings of work overload play a significant role, but may not correlate with actual demands on time).

Joan C. Williams, *Canaries in the Mine: Work/Family Conflict and the Law*, 70 FORDHAM L. REV. 2221 (2002) (summarizing and analyzing previous research and adding suggestions for reform).

Joan Williams & Cynthia Calvert, *Balanced Hours: Effective Part-Time Policies for Washington Law Firms: The Project for Attorney Retention Final Report*, 8 WM. & MARY J. WOMEN & L. 357 (2002), available at <http://www.pardc.org/Publications/BalancedHours2nd.pdf>.

WOMEN'S BAR ASSOCIATION OF MASSACHUSETTS EMPLOYMENT ISSUES COMMITTEE, MORE THAN PART-TIME: THE EFFECT OF REDUCED-HOURS ARRANGEMENTS ON THE RETENTION, RECRUITMENT, AND SUCCESS OF WOMEN ATTORNEYS IN LAW FIRMS (2000), available at <http://womenlaw.stanford.edu/mass.rpt.html>.

### **WHICH EMPLOYERS HAVE WORK-LIFE BALANCE INITIATIVES?**

CATALYST, WOMEN IN LAW: MAKING THE CASE (2001) (finding that in-house firms are particularly lacking with respect to work-life balance).

MINNESOTA WOMEN LAWYERS, THE MWL LIFE BALANCE RESOURCE GUIDE: POLICIES, IDEAS & STRATEGIES FOR PARENTAL LEAVE AND ALTERNATIVE WORK ARRANGEMENTS (2000).

## **WORK-LIFE BALANCE OPTIONS OFFERED**

E. Jeffrey Hill et al., *New-Concept Part-Time Employment as a Work-Family Adaptive Strategy for Women Professionals with Small Children*, 53 FAM. REL. 282 (2004).

MINNESOTA WOMEN LAWYERS, THE MWL LIFE BALANCE RESOURCE GUIDE: POLICIES, IDEAS & STRATEGIES FOR PARENTAL LEAVE AND ALTERNATIVE WORK ARRANGEMENTS (2000).

DEBORAH RHODE, AMERICAN BAR ASSOCIATION COMMISSION ON WOMEN IN THE PROFESSION, *BALANCED LIVES: CHANGING THE CULTURE OF LEGAL PRACTICE* (2001), available at <http://www.abanet.org/women/balancedlives.html>. (summarizing previous research).

Joan Williams & Cynthia Calvert, *Balanced Hours: Effective Part-Time Policies for Washington Law Firms: The Project for Attorney Retention Final Report*, 8 WM. & MARY J. WOMEN & L. 357 (2002), available at <http://www.pardc.org/Publications/BalancedHours2nd.pdf>.

JOAN C. WILLIAMS & CYNTHIA THOMAS CALVERT, *SOLVING THE PART-TIME PUZZLE: THE LAW FIRM'S GUIDE TO BALANCED HOURS* (2001) (analyzing previous studies).

WOMEN'S BAR ASSOCIATION OF MASSACHUSETTS EMPLOYMENT ISSUES COMMITTEE, *MORE THAN PART-TIME: THE EFFECT OF REDUCED-HOURS ARRANGEMENTS ON THE RETENTION, RECRUITMENT, AND SUCCESS OF WOMEN ATTORNEYS IN LAW FIRMS* (2000), available at <http://womenlaw.stanford.edu/mass.rpt.html>.

## **DO LAWYERS TAKE ADVANTAGE OF THESE OPTIONS?**

HOLLY ENGLISH, *GENDER ON TRIAL: SEXUAL STEREOTYPES AND WORK-LIFE BALANCE IN THE LEGAL WORKPLACE* (2003) (concluding from interviews with attorneys that part-time programs are stigmatized and rarely used).

MINNESOTA WOMEN LAWYERS, THE MWL LIFE BALANCE RESOURCE GUIDE: POLICIES, IDEAS & STRATEGIES FOR PARENTAL LEAVE AND ALTERNATIVE WORK ARRANGEMENTS (2000).

Project, *Law Firms and Lawyers with Children: An Empirical Analysis of Family/Work Conflict*, 34 STAN. L. REV. 1263 (1982) (evaluating a small sample of employers recruiting at Stanford Law).

DEBORAH RHODE, AMERICAN BAR ASSOCIATION COMMISSION ON WOMEN IN THE PROFESSION, *BALANCED LIVES: CHANGING THE CULTURE OF LEGAL PRACTICE* (2001), available at <http://www.abanet.org/women/balancedlives.html>. (summarizing previous research).

Kyra L. Sutton & Raymond A. Noe, *Family-Friendly Programs and Work-Life Integration: More Myth than Magic?*, in WORK AND LIFE INTEGRATION: ORGANIZATIONAL, CULTURAL AND INDIVIDUAL PERSPECTIVES 151 (Ellen Ernst Kossek & Susan J. Lambert eds., 2005).

Joan C. Williams, *Canaries in the Mine: Work/Family Conflict and the Law*, 70 FORDHAM L. REV. 2221 (2002) (summarizing and analyzing previous research and adding suggestions for reform).

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#### **RESULTS FOR THOSE WHO UTILIZED WORK-LIFE BALANCE OPTIONS**

E. Jeffrey Hill et al., *New-Concept Part-Time Employment as a Work-Family Adaptive Strategy for Women Professionals with Small Children*, 53 FAM. REL. 282 (2004) (finding that new Concept Part Time results in lower salaries, less career optimism, and lower success).

MINNESOTA WOMEN LAWYERS, THE MWL LIFE BALANCE RESOURCE GUIDE: POLICIES, IDEAS & STRATEGIES FOR PARENTAL LEAVE AND ALTERNATIVE WORK ARRANGEMENTS (2000).

Kyra L. Sutton & Raymond A. Noe, *Family-Friendly Programs and Work-Life Integration: More Myth than Magic?*, in WORK AND LIFE INTEGRATION: ORGANIZATIONAL, CULTURAL AND INDIVIDUAL PERSPECTIVES 151 (Ellen Ernst Kossek & Susan J. Lambert eds., 2005).

MARGARET THORNTON, DISSONANCE AND DISTRUST: WOMEN IN THE LEGAL PROFESSION (1996) (interviewing Australian women lawyers who told stories of law firm hostility toward use of part-time policies or maternity leave).

John F. Veiga et al., *Toward Understanding Employee Reluctance to Participate in Family-Friendly Programs*, 14 HUM. RESOURCE MGMT. REV. 337 (2004).

Joan C. Williams, *Canaries in the Mine: Work/Family Conflict and the Law*, 70 FORDHAM L. REV. 2221 (2002) (summarizing and analyzing previous research and providing suggestions for reform).

Joan Williams & Cynthia Calvert, *Balanced Hours: Effective Part-Time Policies for Washington Law Firms: The Project for Attorney Retention Final Report*, 8 WM. & MARY J. WOMEN & L. 357 (2002), available at <http://www.pardc.org/Publications/BalancedHours2nd.pdf>.

JOAN C. WILLIAMS & CYNTHIA THOMAS CALVERT, SOLVING THE PART-TIME PUZZLE: THE LAW FIRM'S GUIDE TO BALANCED HOURS (2001) (analyzing previous studies).

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## **HOW IS BALANCE ACTUALLY ACHIEVED?**

### **1. By switching to a job with fewer hours**

Susan Saab Fortney, *The Billable Hours Derby: Empirical Data on the Problems and Pressure Points*, 33 FORDHAM URB. L.J. 171 (2005).

Kathleen E. Hull & Robert L. Nelson, *Assimilation, Choice, or Constraint?: Testing Theories of Gender Differences in the Careers of Lawyers*, 79(1) SOC. FORCES 229 (Sept. 2000) (finding that female attorneys tended to leave private practice for government practice while male attorneys did the opposite).

Fiona M. Kay, *Flight from Law: A Competing Risks Model of Departures from Law Firms*, 31 LAW & SOC'Y REV. 301 (1997) (finding that women in private Canadian firms receive partnership offers later and in smaller numbers than men, and also leave their firms earlier and in larger numbers than men).

### **2. By taking time off, going part time, and, predominantly, by avoiding private practice**

David L. Chambers, *Accommodation and Satisfaction: Women and Men Lawyers and the Balance of Work and Family*, 14(2) LAW & SOC. INQUIRY 251.

Janet Taber et al., *Gender, Legal Education, and the Legal Profession: An Empirical Study of Stanford Law Students and Graduates*, 40 STAN. L. REV. 1209 (1988).

JEAN E. WALLACE, LAW SCHOOL ADMISSION COUNCIL, JUGGLING IT ALL: EXPLORING LAWYERS' WORK, HOME, AND FAMILY DEMANDS AND COPING STRATEGIES, REPORT OF STAGE ONE FINDINGS, (2002), available at <http://www.lsacnet.org/lvac/research-reports/tr-00-02.pdf>.

### **3. Through flextime and work from home options**

SUSAN SAAB FORTNEY, NALP FOUNDATION REPORT, IN PURSUIT OF ATTORNEY WORK-LIFE BALANCE: BEST PRACTICES IN MANAGEMENT (2005).

### **4. Not by switching to another sector**

John Hagan et al., *Cultural Capital, Gender, and the Structural Transformation of Legal Practice*, 25(2) L. & SOC'Y REV. 239 (1991) (showing lack of inter-sector mobility).

### **5. By creating work-balance programs unique to each particular employer**

Betty Purkey et al., *Sitting at the Corporate Table: How Family Friendly Policies are Really Made*, in FROM WORK-FAMILY BALANCE TO WORK-FAMILY INTERACTION: CHANGING THE METAPHOR 71 (Diane F. Halpern & Susan Elaine Murphy eds., 2005).

### **IF BALANCE IS ACHIEVED, WHAT ARE THE RESULTS?**

CATALYST, FLEXIBLE WORK ARRANGEMENTS III: A TEN-YEAR RETROSPECTIVE OF PART-TIME ARRANGEMENTS FOR MANAGERS AND PROFESSIONALS (2000) (finding, from a sample of 26, that half of female manager and professionals who took time off for family eventually returned to work).

GEORGIA ASSOCIATION FOR WOMEN LAWYERS, ATLANTA BAR ASSOCIATION WOMEN IN THE PROFESSION COMMITTEE & GEORGIA COMMISSION ON WOMEN, IT'S ABOUT TIME: PART-TIME POLICIES AND PRACTICES IN ATLANTA LAW FIRMS (2004), *available at* <http://ssrn.com/abstract=916111> (finding resentment toward part-time policies among peers, and finding lack of management of these policies to ensure implementation).

Jennifer Glass, *Blessing or Curse?: Work-Family Policies and Mothers' Wage Growth Over Time*, 31 (3) WORK & OCCUPATIONS 367 (Aug. 2004) (finding that use of part-time policies resulting in some negative wage growth for small sample of women).

Kyra L. Sutton & Raymond A. Noe, *Family-Friendly Programs and Work-Life Integration: More Myth than Magic?*, in WORK AND LIFE INTEGRATION: ORGANIZATIONAL, CULTURAL AND INDIVIDUAL PERSPECTIVES 151 (Ellen Ernst Kossek & Susan J. Lambert eds., 2005).

MARGARET THORNTON, DISSONANCE AND DISTRUST: WOMEN IN THE LEGAL PROFESSION (1996) (interviewing Australian women lawyers who told stories of law firm hostility toward use of part-time policies or maternity leave).

Joan C. Williams, *Canaries in the Mine: Work/Family Conflict and the Law*, 70 FORDHAM L. REV. 2221 (2002) (summarizing and analyzing other research and adding suggestions for reform).

Joan Williams & Cynthia Calvert, *Balanced Hours: Effective Part-Time Policies for Washington Law Firms: The Project for Attorney Retention Final Report*, 8 WM. & MARY J. WOMEN & L. 357 (2002), *available at* <http://www.pardc.org/Publications/BalancedHours2nd.pdf>.

JOAN C. WILLIAMS & CYNTHIA THOMAS CALVERT, SOLVING THE PART-TIME PUZZLE: THE LAW FIRM'S GUIDE TO BALANCED HOURS (2001) (analyzing previous studies).

### **BILLABLE HOURS**

Susan Saab Fortney, *The Billable Hours Derby: Empirical Data on the Problems and Pressure Points*, 33 FORDHAM URB. L.J. 171 (2005) (finding that billable hours are the biggest culprit in lack of work-life balance among attorneys).

Susan Saab Fortney, *Soul for Sale: An Empirical Study of Associate Satisfaction, Law Firm Culture, and the Effects of Billable Hour Requirements*, 69 U. MO. KAN. CITY L. REV. 241 (2000) (finding that attorneys would be willing to make less money if they could work fewer hours, although many conditioned this willingness on the retention chances of advancement within the firm).

Patrick J. Schiltz, *On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession*, 52 VAND. L. REV. 871 (1999) (blaming the billable hour for much of the overall unhappiness in the legal profession).

Joan Williams & Cynthia Calvert, *Balanced Hours: Effective Part-Time Policies for Washington Law Firms: The Project for Attorney Retention Final Report*, 8 WM. & MARY J. WOMEN & L. 357 (2002), available at <http://www.pardc.org/Publications/BalancedHours2nd.pdf>.

### **IDEAS/SUGGESTIONS FOR REFORM**

Shara L. Alpern, *Solving Work/Family Conflict by Engaging Employers: A Legislative Approach*, 78 TEMP. L. REV. 429 (2005) (arguing for legislative action through tax incentives, as opposed to litigation).

BOSTON BAR ASSOCIATION TASK FORCE ON PROFESSIONAL CHALLENGES AND FAMILY NEEDS, FACING THE GRAIL: CONFRONTING THE COST OF WORK-FAMILY IMBALANCE (1999), available at <http://www.bostonbar.org/prs/workfamilychallenges.htm> (describing best practices).

CATALYST, WOMEN IN LAW: MAKING THE CASE (2001) (suggesting mentoring, networking and other steps that can be taken by firms and employees).

GEORGIA ASSOCIATION FOR WOMEN LAWYERS, ATLANTA BAR ASSOCIATION WOMEN IN THE PROFESSION COMMITTEE & GEORGIA COMMISSION ON WOMEN, IT'S ABOUT TIME: PART-TIME POLICIES AND PRACTICES IN ATLANTA LAW FIRMS (2004), available at <http://ssrn.com/abstract=916111> (recommending a change in firm culture and that part-time attorneys be given proportional financial and non-financial opportunities).

Harry J. Holzer, *Work and Family Life: The Perspective of the Employer*, in WORK, FAMILY, HEALTH, AND WELL-BEING 83 (Suzanne M. Bianchi et al. eds., 2005) (explaining the lack of availability of workable part-time policies and arguing that government tax incentives are needed in order for firms to really promote work-life balance).

Audrey J. Lee, *Negotiating Part-Time Work: An Examination of How Attorneys Negotiate Part-Time Arrangements at Elite Law Firms*, 6 PEPP. DISP. RESOL. L.J. 405 (2006) (finding that most attorneys should, but do not, view discussions about alternative work arrangements as negotiations).

Marlene A. O'Connor, *Corporate Responsibility for Work/Family Balance*, 79 ST. JOHN'S L. REV. 1193 (2005) (arguing non-empirically that family should be recognized as a corporate stakeholder).

Nicole Buonocore Porter, *Re-Defining Superwoman: An Essay on Overcoming the "Maternal Wall" in the Legal Workplace*, 13 DUKE J. GENDER L. & POL'Y 55 (2006) (arguing non-empirically for reduction of stigma and guilt surrounding part-time policies).

DEBORAH RHODE, AMERICAN BAR ASSOCIATION COMMISSION ON WOMEN IN THE PROFESSION, *BALANCED LIVES: CHANGING THE CULTURE OF LEGAL PRACTICE* (2001), available at <http://www.abanet.org/women/balancedlives.html>. (summarizing results from a number of studies, urges for specific types of reforms).

Deborah L. Rhode, *Balanced Lives*, 102 COLUM. L. REV. 834 (2002).

Deborah Rhode, *Profits and Professionalism*, 33 FORDHAM URB. L.J. 49 (2005).

John F. Veiga et al., *Toward Understanding Employee Reluctance to Participate in Family-Friendly Programs*, 14 HUM. RESOURCE MGMT. REV. 337 (2004) (suggesting specific areas for reform to encourage use of existing balanced life programs).

Joan C. Williams, *Canaries in the Mine: Work/Family Conflict and the Law*, 70 FORDHAM L. REV. 2221 (2002) (summarizing and analyzing other research and adding suggestions for reform).

Joan Williams & Cynthia Calvert, *Balanced Hours: Effective Part-Time Policies for Washington Law Firms: The Project for Attorney Retention Final Report*, 8 WM. & MARY J. WOMEN & L. 357 (2002), available at <http://www.pardc.org/Publications/BalancedHours2nd.pdf>.

Joan C. Williams & Holly Cohen Cooper, *The Public Policy of Motherhood*, 60 J. SOC. ISSUES 849 (2004) (arguing for litigation to eradicate discriminatory workplaces).

WOMEN'S BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA, *CREATING PATHWAYS TO SUCCESS: ADVANCING AND RETAINING WOMEN IN TODAY'S LAW FIRMS* (2006) (multiple in-depth suggestions for reform).

### **OTHER**

Suzanne M. Bianchi et al., *Is Anyone Doing the Housework? Trends in the Gender Division of Household Labor*, 79(1) SOCIAL FORCES 191 (Sept. 2000) (finding that, although the time spent by women on non-market labor has drastically declined, having children has a disproportionate impact on women, in terms of the time they must spend on non-market tasks).

Arla L. Day & Trina C. Chamberlain, *Committing to Your Work, Spouse, and Children: Implications for Work-Family Conflict*, 68(1) J. VOCATIONAL BEHAV. 116 (Feb. 2006) (studying the effect of commitment to work, spouse, and parenting on work-parent and work-spouse conflict in a sample population of nurses and fire-fighters).

Kathleen Fuegen et al., *Mothers and Fathers in the Workplace: How Gender and Parental Status Influence Judgments on Job-Related Competence*, 60(4) J. SOC. ISSUES 734, (2004) (studying judgments of job-related competence made by a very small sample of university students and finding that mothers are judged more harshly than others).

E. Jeffrey Hill, *Work-Family Facilitation and Conflict, Working Fathers and Mothers, Work-Family Stressors and Support*, 26(6) J. FAM. ISSUES 793 (Sept. 2005) (finding that fathers complain more than mothers do of work cultures that are unsupportive of their family responsibilities, and that fathers spend 77% of the time that mothers do on household labor).

E. Jeffrey Hill, et al., *Finding an Extra Day a Week: The Positive Influence of Perceived Job Flexibility on Work and Family Life Balance*, 50 FAM. REL. 49 (2001) (evaluating the effect of perceived flexibility on work-life balance).

David N. Laband & Bernard F. Lentz, *Is There Sex Discrimination in the Legal Profession?: Further Evidence on Tangible and Intangible Margins*, 28(2) J. HUM. RESOURCES 230 (Spring 1993) (finding sex discrimination in legal careers on "intangible margins").

Susan J. Lambert & Anna Haley-Lock, *The Organizational Stratification of Opportunities for Work-Life Balance: Addressing Issues of Equality and Social Justice in the Workplace*, 7 COMMUNITY, WORK & FAMILY 179 (2004) (criticizing traditional methodologies used to study work-life balance).

Audrey J. Lee, *Negotiating Part-Time Work: An Examination of How Attorneys Negotiate Part-Time Arrangements at Elite Law Firms*, 6 PEPP. DISP. RESOL. L.J. 405 (2006) (finding that most attorneys should, but do not, view discussions about alternative work arrangements as negotiations).

DEBRA E. MEYERSON, *TEMPERED RADICALS* (2003).

Deborah Rhode, *Profits and Professionalism*, 33 *FORDHAM URB. L.J.* 49 (2005) (arguing that a sense of ethical responsibility must be instilled in those in leadership positions).

Martha M. Sanders et al., *Love and Work: Career-family Attitudes of New Entrants into the Labor Force*, 19 *J. ORG. BEHAV.* 603 (1998) (studying attitudes of high school students toward work-family balance and division of labor between married partners).

Terri A. Scandura & Melenie J. Lankau, *Relationships of Gender, Family Responsibility and Flexible Work Hours to Organizational Commitment and Job Satisfaction*, 18(4) *J. ORG. BEHAV.* 377 (1997) (finding a positive correlation between perceived flexibility and organizational commitment).

Carroll Seron & Kerry Ferris, *Negotiating Professionalism: The Gendered Social Capital of Flexible Time, Work and Occupations*, 22 *Work & Occupations* 22 (1995) (finding that leisure time, which is more available to men than to women, is an important career asset).

Janet Smithson & Elizabeth H. Stokoe, *Discourses of Work-Life Balance: Negotiating 'Genderblind' Terms in Organizations*, 12 *GENDER, WORK & ORG.* 147 (2005) (finding that discourse on work-life balance continues to be gendered despite use of gender neutral terms).

Jean E. Wallace, *Work-To-Nonwork Conflict Among Male and Female Lawyers*, 20 *J. ORG. BEHAV.* 797 (1999) (finding that subjective feelings of work overload play an important role in work-life balance issues).

JOAN WILLIAMS ET AL., "OPT OUT" OR PUSHED OUT?: HOW THE PRESS COVERS WORK/FAMILY CONFLICT THE UNTOLD STORY OF WHY WOMEN LEAVE THE WORKFORCE (2006), available at [http://www.uchastings.edu/site\\_files/WLL/OptOutPushedOut.pdf](http://www.uchastings.edu/site_files/WLL/OptOutPushedOut.pdf). (describing how the press covers work-life balance issues for women).

#### **METHODOLOGY: LONGITUDINAL**

David L. Chambers, *Accommodation and Satisfaction: Women and Men Lawyers and the Balance of Work and Family*, 14(2) *LAW & SOC. INQUIRY* 251 (Spring 1989) (using University of Michigan data collected from 1981-86).

Jennifer Glass, *Blessing or Curse?: Work-Family Policies and Mothers' Wage Growth Over Time*, 31 (3) *WORK & OCCUPATIONS* 367 (Aug. 2004) (very small sample size).

JOHN HAGAN & FIONA KAY, *GENDER IN PRACTICE: A STUDY OF LAWYERS' LIVES* (1995) (based on older Canadian studies).

John Hagan et al., *Cultural Capital, Gender, and the Structural Transformation of Legal Practice*, 25(2) *L. & SOC'Y REV.* 239 (1991) (based on older Canadian studies).

Fiona M. Kay, *Flight from Law: A Competing Risks Model of Departures from Law Firms*, 31 LAW & SOC'Y REV. 301 (1997) (finding that women in private Canadian firms receive partnership offers later and in smaller numbers than men, and also leave their firms earlier and in larger numbers than men).

THE NALP FOUNDATION FOR LAW CAREER RESEARCH AND EDUCATION AND THE AMERICAN BAR FOUNDATION, *AFTER THE JD: FIRST RESULTS OF A NATIONAL SURVEY OF LEGAL CAREERS*, available at [http://www.nalpfoundation.org/webmodules/articles/articlefiles/87-After\\_JD\\_2004\\_web.pdf#search='After%20the%20J.D.%20study'](http://www.nalpfoundation.org/webmodules/articles/articlefiles/87-After_JD_2004_web.pdf#search='After%20the%20J.D.%20study') (will be longitudinal after second and third installments of study).

Nancy Reichman & Joyce Sterling, *Sticky Floors, Broken Steps, and Concrete Ceilings in Legal Careers*, 14 TEX. J. WOMEN & L. 27 (2004) (two stages of interviews of roughly 100 attorneys).

Stephen J. Spurr, *Sex Discrimination in the Legal Profession: A Study of Promotion*, 43(4) INDUS. & LAB. REL. REV. 406 (1990).

Stephen J. Spurr & Glenn T. Sueyoshi, *Turnover and Promotion of Lawyers: An Inquiry into Gender Differences*, 29(3) J. HUM. RESOURCES 813 (1994).

WOMEN'S BAR ASSOCIATION OF MASSACHUSETTS EMPLOYMENT ISSUES COMMITTEE, *MORE THAN PART-TIME: THE EFFECT OF REDUCED-HOURS ARRANGEMENTS ON THE RETENTION, RECRUITMENT, AND SUCCESS OF WOMEN ATTORNEYS IN LAW FIRMS* (2000), available at <http://womenlaw.stanford.edu/mass.rpt.html>.

#### **METHODOLOGY: BY PRACTICE AREA**

AMERICAN BAR ASSOCIATION YOUNG LAWYERS DIVISION, ABA YOUNG LAWYERS DIVISION SURVEY: CAREER SATISFACTION (2004), available at <http://www.abanet.org/yld/careerresources/home.html> (finding that practice area influences measure of satisfaction of other factors).

CATALYST, *WOMEN IN LAW: MAKING THE CASE* (2001) (finding that female in-house attorneys experience high levels of dissatisfaction and lack work-life balance).

SUSAN SAAB FORTNEY, NALP FOUNDATION REPORT, *IN PURSUIT OF ATTORNEY WORK-LIFE BALANCE: BEST PRACTICES IN MANAGEMENT* (2005) (very low response rate).

GEORGIA ASSOCIATION FOR WOMEN LAWYERS, ATLANTA BAR ASSOCIATION WOMEN IN THE PROFESSION COMMITTEE & GEORGIA COMMISSION ON WOMEN, *IT'S ABOUT TIME: PART-TIME POLICIES AND PRACTICES IN ATLANTA LAW FIRMS* (2004), available at <http://ssrn.com/abstract=916111>.

Kathleen E. Hull & Robert L. Nelson, *Assimilation, Choice, or Constraint?: Testing Theories of Gender Differences in the Careers of Lawyers*, 79(1) SOC. FORCES 229 (Sept. 2000) (finding that female attorneys tend to leave private practice for government practice while male attorneys do the opposite).

Jerry A. Jacobs & Sarah E. Winslow, *Overworked Faculty: Job Stresses and Family Demands*, 596 ANNALS AMER. ACAD. POL. & SOC. SCIENCE 104 (Nov. 2004) (finding that job dissatisfaction among full-time faculty is low overall, and even lower for married faculty members with children).

THE NALP FOUNDATION FOR LAW CAREER RESEARCH AND EDUCATION AND THE AMERICAN BAR FOUNDATION, *AFTER THE JD: FIRST RESULTS OF A NATIONAL SURVEY OF LEGAL CAREERS*, available at [http://www.nalpfoundation.org/webmodules/articles/articlefiles/87-After\\_JD\\_2004\\_web.pdf#search='After%20the%20J.D.%20study'](http://www.nalpfoundation.org/webmodules/articles/articlefiles/87-After_JD_2004_web.pdf#search='After%20the%20J.D.%20study').

Robert L. Nelson et al., *Observations from the After the JD Survey of the Bar Class of 2000*, 24 QUINNIAC L. REV. 539 (2006) (analyzing the After the JD Survey specifically to compare work-life balance across practice settings).

Joan C. Williams et al., *Better on Balance? The Corporate Counsel Work-Life Report*, 10 WM. & MARY J. WOMEN & L. 367 (2004) (interviews of in-house attorneys).

#### **METHODOLOGY: INTERVIEWS**

BOSTON BAR ASSOCIATION TASK FORCE ON PROFESSIONAL CHALLENGES AND FAMILY NEEDS, *FACING THE GRAIL: CONFRONTING THE COST OF WORK-FAMILY IMBALANCE* (1999), available at <http://www.bostonbar.org/prs/workfamilychallenges.htm>.

HOLLY ENGLISH, *GENDER ON TRIAL: SEXUAL STEREOTYPES AND WORK-LIFE BALANCE IN THE LEGAL WORKPLACE* (2003).

E. Jeffrey Hill, *Work-Family Facilitation and Conflict, Working Fathers and Mothers, Work-Family Stressors and Support*, 26(6) J. FAM. ISSUES 793 (Sept. 2005) (3551 participants interviewed by phone).

Kathleen E. Hull & Robert L. Nelson, *Assimilation, Choice, or Constraint?: Testing Theories of Gender Differences in the Careers of Lawyers*, 79(1) SOC. FORCES 229 (Sept. 2000) (649 Chicago lawyers interviewed).

DEBRA E. MEYERSON, *TEMPERED RADICALS* (2003) (using early interviews to obtain names of other potential interviewees).

Betty Purkey et al., *Sitting at the Corporate Table: How Family Friendly Policies are Really Made*, in *FROM WORK-FAMILY BALANCE TO WORK-FAMILY INTERACTION: CHANGING THE METAPHOR* 71 (Diane F. Halpern & Susan Elaine Murphy eds., 2005).

Nancy Reichman & Joyce Sterling, *Sticky Floors, Broken Steps, and Concrete Ceilings in Legal Careers*, 14 TEX. J. WOMEN & L. 27 (2004) (two stages of interviews of roughly 100 attorneys).

Carroll Seron & Kerry Ferris, *Negotiating Professionalism: The Gendered Social Capital of Flexible Time, Work and Occupations*, 22 WORK & OCCUPATIONS 22 (1995) (interviews of 76 small firm attorneys).

Janet Smithson & Elizabeth H. Stokoe, *Discourses of Work-Life Balance: Negotiating 'Genderblind' Terms in Organizations*, 12 GENDER, WORK & ORG. 147 (2005) (interviews coupled with focus groups).

MARGARET THORNTON, *DISSONANCE AND DISTRUST: WOMEN IN THE LEGAL PROFESSION* (1996) (interviewing Australian women lawyers who told stories of law firm hostility toward use of part-time policies or maternity leave).

JEAN E. WALLACE, LAW SCHOOL ADMISSION COUNCIL, *JUGGLING IT ALL: EXPLORING LAWYERS' WORK, HOME, AND FAMILY DEMANDS AND COPING STRATEGIES, REPORT OF STAGE ONE FINDINGS*, (2002), *available at* <http://www.lsacnet.org/lvac/research-reports/tr-00-02.pdf>. (using phone interviews with 121 Canadian attorneys for the first stage of a two-stage study, and following it with a questionnaire to provide quantitative support).

Joan C. Williams et al., *Better on Balance? The Corporate Counsel Work-Life Report*, 10 WM. & MARY J. WOMEN & L. 367 (2004) (interviews of in-house attorneys).

#### **METHODOLOGY: FOCUS GROUPS**

Janet Smithson & Elizabeth H. Stokoe, *Discourses of Work-Life Balance: Negotiating 'Genderblind' Terms in Organizations*, 12 GENDER, WORK & ORG. 147 (2005) (focus groups coupled with interviews, aimed at discovering whether discourse on work-life balance continues to be gendered).

### **III. SOURCES LISTED ALPHABETICALLY (WITH ANNOTATIONS)**

**Shara L. Alpern, *Solving Work/Family Conflict by Engaging Employers: A Legislative Approach*, 78 TEMP. L. REV. 429 (2005).**

OVERVIEW: This article discusses various ways in which Congress could take action to encourage employers to provide subsidized childcare and eldercare, as well as to increase the availability of work arrangements, such as flextime and part time. The author first provides an overview of work-family issues and the ways in which the structure of employment in America gave rise to those issues. The author goes on to examine the role of employment discrimination litigation under Title VII of the Civil Rights Act of 1964 and argues that such litigation does not provide an adequate solution because of the ways in which courts adjudicate Title VII claims. Rather, she suggests that a legislative solution is more appropriate and that flexible, use-base tax incentives for employers that put into place family-friendly policies are the best way to effect change. Additionally, she argues that any proposed legislation should ensure better compensation for workers who take advantage of family-friendly programs.

METHODOLOGY: This article is not based on any empirical studies. It draws on a review of various other proposed solutions and writings on the subject of work-family issues as well as on case law.

**AMERICAN BAR ASSOCIATION YOUNG LAWYERS DIVISION, ABA YOUNG LAWYERS DIVISION SURVEY: CAREER SATISFACTION (2004), available at <http://www.abanet.org/yld/careerresources/home.html>.**

OVERVIEW: This report summarizes the findings of a survey of more than 2000 members of the American Bar Association (ABA) Young Lawyers Division, which consists primarily of attorneys in private practice. The first section of the report provides an overview of the general practice demographics of the respondents, such as type of employment, size of firm, length of time at current job, and years until partnership. The second section outlines the respondents' substantive areas of practice and the number of hours per week they devote to legal work. The survey found that attorneys in large firms devoted the highest number of hours to their jobs. The third section describes career satisfaction patterns, finding that the majority of respondents were at least somewhat satisfied with their current position and the practice of law generally. There was no significant difference in satisfaction based on gender or length of time in practice or size of firm; most respondents enjoyed the substantive areas in which they were practicing.

The survey also compared the expectations of those entering the legal profession with their actual experiences. Reality fell shortest of expectations with respect to the ability to contribute to social good. Many of the respondents did not agree with statements that the level of pressure was low or that the financial rewards were disproportionately high in their jobs. The nature of the responses to these questions depended largely on firm size as

well as on length of time in practice. With respect to work-life balance, almost three quarters of respondents were at least somewhat satisfied with the balance, while 27% expressed some level of dissatisfaction. Only 23.1% disagreed when asked if they spent too much time on work-related activities. Slightly fewer than one third of respondents said they would strongly consider leaving their jobs in the next two years, and only 9.5% would definitely not consider leaving. General job dissatisfaction and greater financial reward were the strongest motivations for changing jobs.

**METHODOLOGY:** A questionnaire was distributed to a random sample of 2136 ABA Young Lawyer Division members, and 842 usable questionnaires were returned. The article does not provide an explicit overview of the research methodology or type of questionnaire used. It is important to note that while the survey collected data on age, marital status, geographic location, and income level, there is no discussion of how those variables correlated with responses to other survey questions. Additionally, there is no mention of race.

**NOTE:** Overall, this survey provides some good data about the younger members of the legal profession, though it is largely applicable only to a firm setting. The raw data may be useful for further analysis, given that the report only analyzed responses to questions based on selective demographic data, in spite of the collection of more extensive demographic data.

**Suzanne M. Bianchi et al., *Is Anyone Doing the Housework? Trends in the Gender Division of Household Labor*, 79(1) SOCIAL FORCES 191 (Sept. 2000).**

**OVERVIEW:** This study focuses on the relative time spent on unpaid housework by each gender. It found a very strong overall downward trend in the average weekly time spent on housework. In 1965, women spent about 35 hours per week performing unpaid household work, while men spent about 4.9 hours per week. Those numbers had changed to 23.7 and 7.2 hours respectively by 1975, 19.7 and 9.8 hours by 1985, and 17.5 and 10.0 hours by 1995. The unpaid household work performed by women was nearly cut in half, while the work performed by men more than doubled. However, the combined average of 27.5 hours spent in 1995 is significantly lower than the combined average of 34.9 spent in 1965. Marriage was associated with a 5-hour-per-week increase in housework for women, but no corresponding increase for men. Additionally, the decline in housework hours for women was steeper for unemployed than for employed women. Having children under age 12 resulted in a disproportionate increase in women's housework (three times the increase for men). Not surprisingly, the smaller the gender gap in income, the smaller the gender gap in housework.

**METHODOLOGY:** This article analyzes survey results from the National Survey of Families and Households and self-reported time diary data from four national studies. The survey was conducted in 1987 and 1988. The time diary data was collected from a total of 6740 Americans aged 25-64 for each of the years 1965, 1975, 1985, and 1995. The 1985 and 1995 data was gathered by telephone interviews and collected throughout

the year. The two earlier studies were conducted in person, but were not spread over the year and had lower response rates. The time diary data is coupled with an analysis of data from married couples between 25 and 64 years of age, as reported in the second wave of the 1987-88 National Survey of Families and Households. Because of some data gaps, the analysis focuses on the *relative* versus absolute time that each gender spent on household tasks.

NOTE: This study was quite broad; more narrowly tailored information would be useful for our purposes. Specifically, we would like to see data on the effect of professional degrees (as opposed to undergraduate degrees) on housework divisions. Also, it would be useful to gather data about the effect on housework on and child-rearing burdens in households in which both parents work more than 40 hours a week.

**BOSTON BAR ASSOCIATION TASK FORCE ON PROFESSIONAL CHALLENGES AND FAMILY NEEDS, FACING THE GRAIL: CONFRONTING THE COST OF WORK-FAMILY IMBALANCE (1999), available at <http://www.bostonbar.org/prs/workfamilychallenges.htm>.**

OVERVIEW: This comprehensive study provides an overview of work-life issues in the legal profession, with a particular focus on law firms. It begins by describing the evolution of the private law firm into a profit-maximizing, bottom-line-focused entity, as long-term relationships with clients are no longer the norm and as technology enables around-the-clock availability. Law firm attorneys and law students see private practice as incompatible with raising a family. Billable hours and the revenue cycle (in which firms pay higher and higher salaries and therefore expect longer and longer hours, which in turn lead to expectations about even higher salaries) exacerbate the problem. Intense competition among law firms and within firms also contributes to a focus on income, since success is defined in terms of net profit per partner. Because of women's role as default caregivers, work-family imbalance disproportionately impacts women in private law firms, even if men are also affected. Though the number of alternative work arrangements has increased, they are underutilized because of a widespread notion that they are detrimental to one's career or because "part time" in a law firm is inevitably much more than part time. High attrition rates (nearly 43% of new associates and even greater percentages of women and minorities leave law firms within three years) make the problem worse, since many of those who have families (and therefore could serve as leaders on work-life balance issues) leave firm life. Associates and law students are increasingly wary of large firm culture and the lifestyle that accompanies it.

In light of these findings, the authors present a list of best practices: individualized, flexible work-family alternatives, such as reduced hours arrangements; mutual flexibility; alternatives to equity partnership; commitment to a culture of awareness; clarification of expectations; bottom-up review of work-family support; flexible parental and family emergency leaves; and back-up childcare facilities. Additionally, they outline the strategies used by a number of major accounting firms that have implemented work-life balance programs, including individualized work-life plans for employees, initiatives to

enhance the quality of relationships with colleagues; management-level commitment to balance; and accountability for life-balance support. In closing, the authors include suggestions from current associates and law students for future best practices initiatives.

**METHODOLOGY:** In 1998, the task force interviewed and gathered information from hundreds of lawyers and others knowledgeable about the legal profession, including law students, law firm partners and associates, in-house counsel, other business professionals, legal recruiters, career counselors who specialize in the legal professional, legal management consultants, and the Employment Issues Group of the Women's Bar Association of Massachusetts. Few details are given about how the interviewees were selected. They also reviewed data that had been gathered by others, including data from a study on part-time work by the Women's Bar Association of Massachusetts and interview data from a Wellesley Center for Women and Brandeis University study on the meaning of career in women's lives. The task force also collected vignettes from three attorneys.

**NOTE:** This is an excellent source of anecdotal data and qualitative information on the issues facing lawyers today. It does not include as much quantitative data as some of the other sources (though it does include some), but it is nonetheless an important source to consult while researching this issue.

**Wayne F. Cascio and Clifford E. Young, *Work-Family Balance: Does the Market Reward Firms That Respect It?*, in WORK-FAMILY BALANCE TO WORK-FAMILY INTERACTION: CHANGING THE METAPHOR, 49 (2005).**

**OVERVIEW:** This article investigates the companies that were included on the Working Mother 100-Best lists between 1995 and 2002 in order to determine if companies that treat their employees well are also good to their investors. The authors focus on profitability, productivity, and total return on common stock in this comparison between S&P 500 companies and the Working Mother 100-Best companies. While Working Mother 100-Best companies were not consistently more profitable, nor were their employees consistently more productive, the Working Mother 100-Best companies had consistently higher total returns from common stock. The authors note that this study does not show a causal relationship, but does show a correlation.

**METHODOLOGY:** The authors compiled a list of all the companies that were included on the Working Mother 100-Best lists between 1995 and 2002. The Standard & Poor's Compustat database was utilized to obtain financial and stock-return results. This data was compared to data from S&P 500 companies for the same time period. Working Mother 100-Best companies that were not publicly traded were excluded. The companies were compared in the areas of profitability, productivity, and total return on common stock. Profitability was measured by determining each company's return on assets. Productivity was determined by dividing a company's total sales by the number of employees. Total return on common stock was determined by adding capital appreciation to the dividends.

**CATALYST, FLEXIBLE WORK ARRANGEMENTS III: A TEN-YEAR RETROSPECTIVE OF PART-TIME ARRANGEMENTS FOR MANAGERS AND PROFESSIONALS (2000).**

**OVERVIEW:** This study of part-time work arrangements found that half of the women interviewed returned to full-time work after having worked under some alternative arrangement. The women said that the availability of part-time work had made this transition possible. Many of the women pioneered their flexible work arrangements. While acknowledging that working part time involved certain trade-offs, the women found that working reduced hours ensured that they were able to remain in the workforce.

**METHODOLOGY:** This was a ten-year, interview-based study. The initial sample size was seventy-nine, though the number dropped to twenty-six after subsequent rounds of interviews.

**CATALYST, WOMEN IN LAW: MAKING THE CASE (2001).**

**OVERVIEW:** Catalyst conducted a comprehensive study of lawyers, including those employed by private firms, government, public interest organizations, and those working as in-house counsel. The study compared career paths, differences in advancement strategies, and work-life balance of male and female attorneys. Key findings included the fact that women in law firms (both partners and associates) were less satisfied with their jobs. Moreover, men were much less likely than women to perceive barriers to women's advancement in law firms. The study also debunked the myth that going in-house is a solution to law firm woes. Women working in-house reported high levels of work-life conflict as well as many fewer opportunities for advancement than their law firm counterparts. In the public sector, women reported rates of satisfaction similar to their law firm and corporate counterparts and fewer work-life conflicts, but perceived fewer opportunities for advancement than women in law firms. The report concludes with recommendations for individual women looking to improve their careers and overall job satisfaction, such as choosing the right employer, seeking out mentorship, networking, and building one's external reputation. Recommended steps for firms and corporations wanting to retain women lawyers and improve women's opportunities for advancement include honest assessments of the high cost of employee turnover, finding and eradicating surface barriers to women's advancement, fostering professional relationships through formal mentoring programs, and creating flexible programs.

**METHODOLOGY:** Catalyst mailed a survey to 6300 law school graduates from Yale, Harvard, Boalt, Columbia, and Michigan. While participants were selected at random, people of color were purposefully overrepresented and equal numbers of men and women received the surveys. In addition to the surveys, interviews and focus groups were conducted at law firms, bar associations, and among women general counsel.

**NOTE:** This is a useful study given its sample size and because the data for people of color is disaggregated from some survey questions, recognizing that minorities face unique challenges in the legal profession and may have different responses than their

white counterparts. The data from this study should be regarded carefully, however, given that the study focused only on students from five elite law schools.

**David L. Chambers, *Accommodation and Satisfaction: Women and Men Lawyers and the Balance of Work and Family*, 14(2) LAW & SOC. INQUIRY 251 (Spring 1989).**

OVERVIEW: This longitudinal study of lawyers who graduated from the University of Michigan Law School in the late 1970s concludes that women, despite their child-rearing commitments, are generally satisfied with their work-family balance. Some interesting findings about life five years after graduation are as follows: 70% of men, compared to 44% of women, worked in private firms or solo practice; 89% of male respondents married someone who earned less than they did, compared to 20% of female respondents; and women respondents had far fewer children than women in the general population did. Satisfaction with family life was much higher among attorneys with partners than among single attorneys; the addition of children did not significantly change this measure in either direction. Twenty-eight percent of female respondents with children were working part time or had stopped working outside the home by 1984. In 1986, 70% had stopped working or had worked part time for three or more months at some point since graduation. However, the mothers working full time did not have greatly reduced hours as compared to other groups – they worked 49 hours per week year round, while all other attorneys averaged 52 hours per week. Interestingly, many of these mothers were married to attorneys, and respondents who were fathers did not report any decrease in hours worked per week.

METHODOLOGY: This study uses data collected at three points of time in studies of the graduating classes of 1976-79 of the University of Michigan Law School (the first four classes in which more than 20% of graduates were female). The first survey period was between 1981 and 1984, when the graduates had been out of school for five years. Two follow-up questionnaires were sent out, one in 1984 and the next in 1986, to specifically explore gender differences in the practice of law.

NOTE: Although the data from this study may be outdated, the methodology may prove useful and the data may provide a sharp contrast with newer findings.

**Arla L. Day & Trina C. Chamberlain, *Committing to Your Work, Spouse, and Children: Implications for Work-Family Conflict*, 68(1) J. VOCATIONAL BEHAV. 116 (Feb. 2006).**

OVERVIEW: This study examined the effect that various commitments to work, spouse, and parenting had on work-spouse and work-parent conflicts. The researchers found that increased job and spouse commitment was associated with decreased work-parent conflict, and greater parent commitment was associated with increased work-parent conflict. Increased spouse commitment was also associated with decreased work-spouse conflict.

METHODOLOGY: Surveys were sent to 1200 female police officers and 1200 nurses in Canada. The two occupations were chosen because both contain numerous stressors, and one is a traditional female occupation and the other is not a traditional female occupation.

NOTE: The results of this study could be useful for understanding some of the balance and work-life conflict issues attorneys face, and for developing programs to address specific aspects of imbalance.

**Holly English, GENDER ON TRIAL: SEXUAL STEREOTYPES AND WORK-LIFE BALANCE IN THE LEGAL WORKPLACE (2003).**

OVERVIEW: In the seventh chapter of this book, “Real Lawyers Don’t Work Part Time,” the author argues that part-time attorneys are viewed by their colleagues as being less committed at work, which makes them feel resentful as well as guilty about not pulling their own weight. After describing the economic benefits of alternative work arrangements, English notes that part-time programs are rarely used because attorneys believe their advancement will be curtailed if they do not work full time. English found the greatest opposition to the notion of part-time work among women, particularly older women who never had an opportunity to work part time and instead used nannies to care for their children. Many of those interviewed did not believe it was possible for a woman to be a good mother while working full time.

METHODOLOGY: Over two years, the author interviewed 50 male and 130 female attorneys nationwide.

**Susan Saab Fortney, *The Billable Hours Derby: Empirical Data on the Problems and Pressure Points*, 33 FORDHAM URB. L.J. 171 (2005).**

OVERVIEW: This article focuses on law firm billable hours and outlines the short-term and long-term effects of increases in billing requirements. The first part describes the methodology of the 2005 NALP Foundation Work-Life Study conducted by the author. The second part highlights findings from this study related to billable hours. Billable hour requirements adversely affected attorney job satisfaction and retention. A majority of law firm associates (82.8%) and supervised attorneys (85.6%) indicated that their firms had a minimum billable hours requirement. The average number of billable hours per year needed to meet that requirement was 1861 for managing attorneys and 1887 for supervised attorneys. Survey questions and focus groups revealed that many supervised attorneys believed that their career advancement was based on the number of hours they billed.

Focus group participants noted that the law firm “obsession” with billable hours has led to inefficient and unnecessary work being performed, as well as to work-life conflicts. Among the three segments surveyed – attorneys working for law firms, in-house counsel,

and government attorneys – law firm respondents were the least likely to feel that they had good balance between their professional and personal lives. Those who felt they were sacrificing fulfillment outside of work to advance their careers were more likely to indicate a desire to change jobs in the next two years than those who felt they were successfully balancing work and life. Of those interested in switching jobs in the next few years (37% of law firm respondents), 26.4% indicated that “reduction of work hours” was the most influential factor in that decision. The third and final part of the article describes the bottom-up forces and players that can pressure the legal community to change current billing practices. Overall, law firm attorneys were pessimistic that firm leadership would take their discontents seriously enough to reformulate the business model. Yet the author suggests that a bottom-up approach can be successful, using the example of Clifford Chance, which responded to associates’ concerns after they submitted a public memorandum about their “abysmal” experiences with the firm’s billable hour expectations.

**METHODOLOGY:** In her second empirical study on attorney work-life issues, the author used NALP Foundation funds to conduct a two-phase national study that gathered information from supervised and managing attorneys from law firms, government offices, and in-house counsel departments. During the first phase, quantitative data was collected using two surveys – one specifically designed for managing attorneys and the other for supervised attorneys. Both surveys asked about billing expectations and/or requirements. In February 2005, the managing attorney survey was mailed to a random sample of 1138 lawyers from law firms, corporations, and government agencies; the supervised attorney survey was mailed to a random sample of 4649 in the same segments. The survey yielded 679 responses, spread across each practice segment, with a response rate of 12.3% for supervised attorneys and 9.4% for managing attorneys. Over 80% of the law firm respondents were associates on the partnership track and 93.2% worked on a full-time basis. During the second phase, conducted after the surveys were collected, nine focus groups discussed work-life issues. Members of the focus groups were selected so as to provide a mix of backgrounds and perspectives, representing diverse practice areas, regions, and positions.

**NOTE:** This study is an excellent source of information about billable hours requirements because it solicited responses from both supervised and managing attorneys in three practice settings (law firms, government agencies, and business). It should be read along with the 2005 NALP Foundation Work-Life Study.

**SUSAN SAAB FORTNEY, NALP FOUNDATION, IN PURSUIT OF ATTORNEY WORK-LIFE BALANCE: BEST PRACTICES IN MANAGEMENT (2005).**

**OVERVIEW:** This report investigates the current work-life conflicts facing lawyers and the initiatives available to ease those conflicts, and it offers suggestions to increase employee satisfaction. The study examines the effect of large numbers of required billable hours on the family and personal obligations of the employee. The author notes that many attorneys are performing at sub-optimal levels because of stress and sleep

deprivation. The work-life initiatives that best help to reduce work-family tension are flextime and a “work at home” option. The author then offers suggestions to reduce the stigma associated with reduced work hours and to create a supportive work environment.

**METHODOLOGY:** Surveys were mailed in 2005 to a sampling of lawyers in law firms, corporations, and government offices. Managing attorneys and supervised attorneys were given different surveys. Questions were asked about hours worked, work-life conflict, and desired changes. After the surveys were received, focus groups were conducted to provide confidential discussions on work-life conflict. One drawback of this study is that the response rate was low (between 9.4% and 12.3%) and therefore the results might not be representative of the attorney populations studied.

**NOTE:** This study was especially helpful because the results were broken down by type of workplace. In addition, data for managing attorneys was separated from data for supervised attorneys, providing an interesting comparison.

**Susan Saab Fortney, *Soul for Sale: An Empirical Study of Associate Satisfaction, Law Firm Culture, and the Effects of Billable Hour Requirements*, 69 U. MO. KAN. CITY L. REV. 241 (2000).**

**OVERVIEW:** This article integrates new empirical data from a survey of young associates with existing research on billable hours and attorney satisfaction. It focuses exclusively on those working in private law firms and is primarily concerned with the effects of billable hour requirements on ethics, satisfaction, work-life balance, and firm culture. The survey found that the pressure to bill more and more hours had a profound effect on the work experiences of the respondents, and that law firms often emphasized hours over quality of work or ethics. Many of those surveyed received little or no guidance as to how to bill appropriately and felt that billing practices were preventing them from forming mentoring relationships or having time for pro bono or community volunteer work. Additionally, billing practices were adversely affecting their personal lives. About half of the attorneys expressed a willingness to make less money if they could work fewer hours, though many conditioned that willingness on the knowledge that working less would not negatively impact their treatment or advancement at the firm. Women were more likely than men to express an unqualified willingness to make that tradeoff. The long hours worked also affected the quality of work performed and led to high attrition rates, especially among the more ethical attorneys who had concerns about untruthful billing practices. In suggesting that change must occur from the top down, the author concludes the article by advocating for change in law firm economics and culture, including a shifting of emphasis to quality and ethics over quantity, offering more flexible work options, and a change in billing practices and the regulatory environment, in which those who over bill are disciplined.

**METHODOLOGY:** This study consisted of a review of relevant literature and previously conducted surveys as well as a new survey of Texas lawyers. Surveys were sent by mail to 1000 randomly selected Texas attorneys who had been practicing for less than 10 years

and who were identified as working in private law firms with more than 10 attorneys. All data was collected anonymously. The questionnaire consisted of a series of multiple choice or fill-in-the-blank questions and also included space for comments. The final sample included 487 respondents, of whom 92% were associates on the partnership track. The analysis of results often includes breakdown by gender, firm size, and income, but not by race and rarely by marital or family status, though that data was collected.

NOTE: This is an excellent examination of the effect of billable hours on work-life balance and the legal profession in general and provides some alarming findings. It is also interesting to note that this author changed her top-down emphasis in later years (see the previous entry by the same author).

**Kathleen Fuegen et al., *Mothers and Fathers in the Workplace: How Gender and Parental Status Influence Judgments on Job-Related Competence*, 60(4) J. SOC. ISSUES 734 (2004).**

OVERVIEW: This study involved 196 university students at two different universities. The students' experiences as job applicants were analyzed based on gender and marital/family status. The study found that fathers were held to a lower standard than single men and mothers, while mothers were held to a higher standard than single, childless women. This study, while narrow in its response pool and thus difficult to extrapolate from, points to an underlying reason why women may be reluctant to utilize family-friendly employment policies: a fear that they will be unduly penalized in their work assignments and will lose opportunities for advancement as a result of having done so.

METHODOLOGY: The researchers sampled two groups of male and female students, one at a large Midwestern university and another at a mid-sized Eastern university. Participants received identical resumes for job applicants for a legal position with the U.S. Customs Service, the only variations among potential applicants being gender and parental status. Participants were then asked to assess a variety of factors about each applicant, including his/her competence, availability, and he/she would make a good candidate for promotion. A control group did not receive the resumes for the applicants but only a job description, and were asked to describe characteristics for the ideal worker for the position.

**GEORGIA ASSOCIATION FOR WOMEN LAWYERS, ATLANTA BAR ASSOCIATION WOMEN IN THE PROFESSION COMMITTEE & GEORGIA COMMISSION ON WOMEN, IT'S ABOUT TIME: PART-TIME POLICIES AND PRACTICES IN ATLANTA LAW FIRMS (2004), available at <http://ssrn.com/abstract=916111>.**

OVERVIEW: This article describes a study conducted in the Atlanta area that demonstrates that part-time law firm policies result in better retention, profitability, and

morale. Of the part-time attorneys surveyed, 90% said their alternative work arrangement made it more desirable to continue working at their law firm. Of the full-time attorney respondents who had recently left a law firm, 33% did so because they “wanted fewer hours,” 19% because they “wanted a different schedule,” and 22% because they wanted “more money.” The study concluded that (1) women will continue to leave law firms to find jobs that meet their personal life needs, (2) part-time schedules are profitable for firms, and (3) part-time attorneys would like more financial incentives to bring in business. The study also found that only one third of the firms had written part-time policies; within these firms, attorneys noted that firm management often would not assist with implementation of the policies and that there were no guarantees that part-time attorneys would be considered for partnership. Respondents with part-time arrangements also noted that their careers were adversely affected by their alternative work arrangements because they bred resentment among their peers. The authors conclude with the following recommendations for law firms: creation and communication of written policies; proportional financial and non-financial opportunities; and firm culture that supports alternative work arrangements.

**METHODOLOGY:** A confidential survey was conducted in the summer of 2002 and responses were gathered from three segments in the Atlanta-area: (1) law firms with ten or more attorneys (Survey 1); (2) law-firm attorneys with part-time work experience during the previous three years (Survey 2); and (3) attorneys who had left a law firm in the previous three years (Survey 3). Thirty-seven out of sample size of 76 law firms responded to Survey 1; 69 attorneys (4 men and 65 women) responded to Survey 2; 98 attorneys (37% men and 63% women) responded to Survey 3. Of the attorneys who worked part time, the average age was 37 and the average length of full-time work before changing to part-time status was seven years.

**NOTE:** This study provides good data on part-time practices in the Atlanta area, but it does not indicate where attorneys who had recently left their full-time law firm practice had gone.

**Jennifer Glass, *Blessing or Curse?: Work-Family Policies and Mothers' Wage Growth Over Time*, 31 (3) WORK & OCCUPATIONS 367 (Aug. 2004).**

**OVERVIEW:** This study looks at the effect of balanced-hour policies (termed family-responsive policies by the author – including schedule flexibility, telecommuting, reduced work hours, and child-care assistance) on wages. The two research questions the author sought to answer were:

- 1) Controlling for unobserved heterogeneity among mothers and observable job and organizational characteristics, does work-family policy use advance or retard mothers' wage growth over time?
- 2) Is there evidence that employers who offer work-family policies systematically pay their workers less than employers who do not, as a way of enticing workers to a lower wage firm?

The data showed that most flexible schedules resulted in some negative wage growth for working mothers and that these effects were intensified among women employed as managers or professionals.

**METHODOLOGY:** The author looked at a sample of 195 mothers located in five Midwestern counties. The wage and working conditions data was collected at four different points in time between 1991 and 1999. Respondents were asked which type of family-responsive policy was available to them and whether such policies were utilized.

**NOTE:** Flaws of this study include its limited geographic scope and small sample size. Moreover, some participants dropped out of the study, leading to an overrepresentation of professional and managerial women. While it does not concentrate on law, the impact of utilizing part-time/flexible policies on wage growth is an important consideration.

**JOHN HAGAN & FIONA KAY, GENDER IN PRACTICE: A STUDY OF LAWYERS' LIVES (1995).**

**OVERVIEW:** This book examines the changing nature of the legal profession, as more women graduate from law schools and enter the workforce. Topics covered include discrimination in the workforce (not just on the basis of gender, but also on race and ethnicity), the glass ceiling, and the competing demands of work and family. The results of the studies on which the book is based show that women left private practice in very high numbers, and that 27% of women departed completely from the practice of law. Women were also more likely to work in government than men, and were more dissatisfied when they left the legal profession.

**METHODOLOGY:** The book focuses on two studies. The first tracked the career paths of 800 lawyers in Toronto, who were surveyed in 1985 and 1991. The second study, in 1990, tracked the career paths of 1100 attorneys throughout Ontario, including 100 women who had left the legal profession.

**NOTE:** This book included important new research when it was published, but it is now almost twelve years old (and the data is at least fifteen years old). Moreover, it focuses on Canadian attorneys. It is useful for highlighting some of the historical problems that exist within the legal profession as well as for emphasizing the importance of longitudinal studies.

**John Hagan et al., *Cultural Capital, Gender, and the Structural Transformation of Legal Practice*, 25(2) L. & SOC'Y REV. 239 (1991).**

**OVERVIEW:** Two Canadian data sets were analyzed as part of a discussion of centralization and the concentration of cultural capital in the legal profession. The authors define cultural capital to include such social and non-tangible assets as client relations and professional reputations. Changes in stratification, particularly gender stratification,

in law firms are explained by overall structural transformation of the practice of law. In turn, this structural transformation is explained by the fact that cultural capital grows faster than human capital, requiring that a growing number of non-partner associates support the partners, who hoard the cultural capital of the profession. The study found that while fewer male and female associates were making partner, women were more greatly affected by this trend than their male counterparts. The larger firms required a higher associate-to-partner ratio to maintain a per partner profit base. Because accumulation of cultural capital requires both growth and control, the authors contend that women lawyers may present an optimal solution for firms. Women are perceived as less likely than men to shirk responsibilities or “grab” assets. They are seen as more compliant and accepting of non-partnership tracks. The study also found that there was little movement by female or male lawyers between the large firm and small firm sector. While attorneys left their employers in droves, they ended up seeking similar employers.

**METHODOLOGY:** The authors rely on two Canadian data sets: one from a 1985 study of lawyers in Toronto and the other from 1977 and 1988 records of the Law Society of Upper Canada. The authors link the data sets and apply a “shift share” analysis to reach their various conclusions.

**NOTE:** Because this study is of Canadian lawyers, it remains to be seen whether the conclusions hold true for U.S. lawyers. However, the findings about lack of mobility between sectors pose interesting questions for future research, and the methodology used here may be worth imitating.

**John P. Heinz et al., *Lawyers and Their Discontents: Findings from a Survey of the Chicago Bar*, 74 IND. L.J. 735 (1999).**

**OVERVIEW:** This article presents the findings of a study on job satisfaction among Chicago attorneys. The survey found that the attorneys were overwhelmingly satisfied with their jobs overall (84% were either satisfied or very satisfied) and that very few were dissatisfied or very dissatisfied (6.6%). There was no statistically significant difference between the overall satisfaction of men or women. However, there were differences in satisfaction levels with respect to specific aspects of respondents’ jobs, such as salary and level of responsibility. The study also examined the factors that were predictive of overall satisfaction by asking a series of questions about work-life balance, the circumstances of the lawyers’ practice situations, and the degree to which their fields were exclusively legal and to which their fields were evolving over time. There were significant differences between men and women on many of these variables, as well as differences in the extent to which these variables correlated with overall satisfaction. Overall satisfaction scores varied much more significantly across racial groups, income levels, types of practice, and age. Based on their data and that gathered by other researchers, the authors argue that the general “gloom and doom” attitude in the popular press about the happiness of the legal profession is unfounded. However, they point out that while women reported their overall job satisfaction to be as high as that of men, when asked about specific aspects of their practice, women reported significantly less satisfaction; the

authors therefore caution against equating satisfaction levels of men and women without looking more closely at the details.

**METHODOLOGY:** The data in this study was gathered through a survey of a random sample of lawyers working in a variety of types of practice in Chicago, including some who weren't practicing at all. Eighty-two percent of this sample was interviewed face-to-face for over an hour. The sample size was 675, of whom 185 (27%) were female and 490 (73%) were male. Respondents were asked to rate job satisfaction generally, as well as satisfaction across twelve aspects of their work (such as level of responsibility and content of work) on a five-point scale. They were also given a series of questions concerning issues from work-life balance to the characteristics of their practices, which were presented as sets of opposing statements. Respondents were asked to indicate agreement with one or the other statement on a five-point scale.

**NOTE:** This study provides some useful quantitative data, but the conclusions drawn from that data conflict in some ways with conclusions drawn by other studies. Possible reasons for this conflict include the nature of the sample or the methodology of the survey, including the ways in which the questions were phrased or ordered.

**E. Jeffrey Hill, *Work-Family Facilitation and Conflict, Working Fathers and Mothers, Work-Family Stressors and Support*, 26(6) J. FAM. ISSUES 793 (Sept. 2005).**

**OVERVIEW:** This phone interview study found that working fathers contributed 46 hours per week in household labor (including childcare), which is 77% of the total hours reported by working mothers. Fathers spent 20% more time in paid labor than working mothers. Fathers, unlike mothers, reported that their work culture was less supportive of their family responsibilities, suggesting businesses should work on making culture more amenable to fathers.

**METHODOLOGY:** This study was based on a 1997 survey in which 3551 participants were interviewed by phone.

**E. Jeffrey Hill et al., *Finding an Extra Day a Week: The Positive Influence of Perceived Job Flexibility on Work and Family Life Balance*, 50 FAM. REL. 49 (2001).**

**OVERVIEW:** This article outlines a study of the ways in which perceived job flexibility, with respect to both timing and location of work, influences actual work-family balance. The study did not focus on the work-family policies actually in place, but rather on how flexibility was perceived by employees. The number of paid work hours had a strong negative correlation with work-life balance, while perceived flexibility had a strong positive correlation with work-life balance. Among those working between 40 and 50 hours per week, those with flextime and flexible working locations were much more likely to report balance between work and family. There was also a business benefit from greater flexibility, in that those who had more flexibility were able to work longer hours.

**METHODOLOGY:** The data for the study came from a 1996 survey of IBM employees in the United States. The survey was administered online and was confidential and anonymous. The dependent variable was work-family balance, which was measured through five questions in the survey. The primary independent variables were paid work hours, unpaid domestic labor, and perceived job flexibility.

**E. Jeffrey Hill et al., *New-Concept Part-Time Employment as a Work-Family Adaptive Strategy for Women Professionals with Small Children*, 53 FAM. REL. 282 (2004).**

**OVERVIEW:** New-concept part-time (NPT) employment is defined to include positions with reduced work hours that are high-status and retain prorated professional salaries and benefits. NPT professionals reported more flexibility, less work-family conflict, and more success (although equal difficulty) in managing the demands of work and family. While there was no difference between NPT and full-time professionals with regards to job performance, job satisfaction, and job commitment, NPT professionals reported less career optimism and success. While NPT professionals earned 41% less personally, most women were married to men with high incomes. Thus, NPT careers may not be a real option for single mothers or mothers with low-earning husbands. In addition, there were very few managers and executives in the NPT category.

**METHODOLOGY:** The data for this study came from the IBM 2001 Global Work and Life Issues Survey. The sample consisted of mothers and fathers with preschool children at home, who held positions requiring a high skill level. Of the 897 respondents selected, 529 were mothers and 368 were fathers; 286 worked in NPT positions. The survey questions assessed characteristics like job flexibility, income, time allocation, and division of household responsibilities.

**ARLIE RUSSELL HOCHSCHILD, *THE TIME BIND: WHEN WORK BECOMES HOME AND HOME BECOMES WORK* (1997).**

**OVERVIEW:** The author of this book spent three summers observing and interviewing employees at an unnamed Fortune 500 company. She was granted nearly full access to the company's facilities and employees of all levels, from managers to factory line-workers. She found that, in spite of the existence of numerous family-friendly policies (including a five million dollar "Community Child Development Center," generous maternity and paternity leave policies, job sharing, flextime, flexplace, and part time), employees were not taking advantage of those options. Workers were putting in longer and longer hours, and external pressures such as fear of being laid off or a lack of commitment to family-friendly policies on the part of the company were not the primary reason for their increased hours. In fact, employees generally felt that the upper management of the company was sincere in its efforts to support their personal and family needs.

Hochschild posits that one of the reasons why family-friendly policies were underutilized was because employees wanted to work longer hours. For many of them, especially frazzled parents, work had become the refuge that home had once been. Family issues were more stressful than work issues, and work served as a “haven” where there was no dirty laundry or nagging child, and where many employees felt a sense of accomplishment. Though the employees wanted more “quality time” at home, none of them were using the company’s policies to gain that time. As a possible solution, the author suggests a “time movement” in which workers would demand changes through collective action. However, she cautions that “many working families are both prisoners and architects of the time bind in which they find themselves,” and that for such a movement to work, the reasons why workers are shying away from family life must be addressed.

**METHODOLOGY:** Most of the book is not based on empirical data; rather, it is the result of extensive anecdotal evidence gathered from three years of interviews and direct observations. The author did conduct some surveys, and included some empirical data, but the information presented is primarily qualitative in nature.

**NOTE:** Though the book contains some interesting anecdotal evidence and makes some thought-provoking claims, it is important to keep in mind that the sample consists of the employees of one company in a small Midwestern town, and therefore it is not clear how generalizable it is. There is also newer version of this book, published in 2001, which has an updated introduction.

**Harry J. Holzer, *Work and Family Life: The Perspective of the Employer*, in *WORK, FAMILY, HEALTH, AND WELL-BEING* 83 (Suzanne M. Bianchi et al. eds., 2005).**

**OVERVIEW:** This article focuses on the employer perspective toward work-life balance issues. Almost all employers want employees who are reliable, who will show up to work on time (this criterion is more important in lower wage jobs), and who will perform their jobs correctly and productively. Employee absenteeism, which is often caused by childcare or eldercare responsibilities, figures prominently in employee discharge and lost productivity. Moreover, family-friendly policies are a draw for qualified workers. A combination of these factors may encourage companies to implement family-friendly policies. Higher wage workers often receive more benefits with their jobs, but may also find their employers less willing to allow them to work part time. For lower wage/low-skill occupations, the opposite is often true. As the private market is unlikely to provide the optimal mix of employee benefits and flexibility due to efficiency concerns and bargaining inequities, government policies (including tax incentives to encourage family-friendly programs like on-site childcare) could help promote these objectives.

**METHODOLOGY:** This article applies economic models to current research in the field in order to explore employer incentives and possible areas where public policy could improve the availability of work-family programs.

**Kathleen E. Hull & Robert L. Nelson, *Assimilation, Choice, or Constraint?: Testing Theories of Gender Differences in the Careers of Lawyers*, 79(1) SOC. FORCES 229 (Sept. 2000).**

OVERVIEW: This study of Chicago lawyers who graduated after 1970 seeks to replicate the often-cited Canadian studies in a U.S. legal market, with a particular focus on mobility and job setting. A number of the findings on mobility are salient. While women were overrepresented in government, public interest, and education at the outset of their careers, as time passed they became increasingly overrepresented in those sectors and underrepresented in private firms of any size. Male attorney mobility patterns were the inverse of female patterns; men were more likely to leave government employment for private practice, and were less likely to leave large firms in the first place. While large firm statistics showed equitable hiring of men and women, less than half as many women as men began in solo practice or in small to medium-size firms.

METHODOLOGY: This study is based on personal interviews with 649 lawyers practicing in Chicago in 1995, all of whom graduated in 1970 or later. Two hundred twenty-two of these respondents were women.

**Jerry A. Jacobs & Sarah E. Winslow, *Overworked Faculty: Job Stresses and Family Demands*, 596 ANNALS AMER. ACAD. POL. & SOC. SCIENCE 104 (Nov. 2004).**

OVERVIEW: This study examines the correlation between a high workload and job dissatisfaction for full-time faculty, as well as the correlation between length of workweek and research productivity. The study found that a significant minority of faculty members were dissatisfied with their workload and that, as the workload increased, so did job dissatisfaction. However, married mothers and fathers reported lower rates of workload dissatisfaction.

METHODOLOGY: The authors used data from a survey sent to a nationally representative sample of faculty from 819 colleges and universities. The authors received 17,600 responses – a response rate of 83.2% – of which 10,116 were used. The results were analyzed according to marital status of the respondents. The sample included full-time faculty in all disciplines of academia, not just law school professors.

NOTE: It might be interesting to compare the results of this study with one that focused only on law professors to see how the two groups may differ in terms of workload, work-family balance, and job satisfaction.

**Fiona M. Kay, *Flight from Law: A Competing Risks Model of Departures from Law Firms*, 31 LAW & SOC'Y REV. 301 (1997).**

OVERVIEW: This author conducted a longitudinal study of Canadian lawyers to examine career transitions over a 15-year period. The purpose was to isolate factors that influence gender differences in attorney career trajectories. She found that women who began careers with law firms received partnership invitations 36% more slowly than their male counterparts, and were 70% more likely to exit the firm early. The author also found that parental leaves of absence and having children did not directly contribute to exits from the practice of law.

METHODOLOGY: The author mailed a survey to equal numbers of male and female attorneys who were members of the bar in Ontario, Canada between 1975 and 1990. The study included people who had stopped practicing law between 1985 and 1990, and people who took extended temporary leaves of absence from the law from 1988 onward. Because the study took place over a number of years, it tracked the career trajectories of attorneys, including job transitions and leaves of absences.

NOTE: The author only describes the rates at which women exit the practice, but does not account for whether or not women move into more family-friendly fields.

**David N. Laband & Bernard F. Lentz, *Is There Sex Discrimination in the Legal Profession?: Further Evidence on Tangible and Intangible Margins*, 28(2) J. HUM. RESOURCES 230 (1993).**

OVERVIEW: The authors seek to analyze tangible and intangible measures of sex discrimination in the legal profession. The empirical data is rich and the analysis sophisticated regarding promotion, intention to quit, anticipation of promotion, hours worked, and so forth. Among the many results are the findings that only 20% of female respondents had achieved partner status while 55% of male respondents had done so. Female attorneys reported average hourly pay of \$16.30 while male attorneys reported pay of \$28.30 per hour. On average, female attorneys worked the same number of hours per week as male attorneys. However, married female respondents worked 17% less than married male respondents. The authors report no consistent empirical evidence of sex discrimination in promotion and earnings. However, they find ample evidence of discrimination on “intangible” margins. For example, men tended to agree with statements such as “atmosphere is warm and personal” at much higher rates than women did.

METHODOLOGY: This study uses data from the American Bar Association Young Lawyers Division 1984 *National Survey of Career Satisfaction/Dissatisfaction*. The authors omitted non-prestigious schools, the fourth quartile of graduates by class rank, all non-private practice attorneys (those working in-house, in government, and in academia), and all sole practitioners. These omissions reduced the sample size to 858 attorneys. The

authors controlled for respondents' marital status, number of children, tenure at their current law firm, class rank, school rank, firm size, and experience.

**Susan J. Lambert & Anna Haley-Lock, *The Organizational Stratification of Opportunities for Work-Life Balance: Addressing Issues of Equality and Social Justice in the Workplace*, 7 COMMUNITY, WORK & FAMILY 179 (2004).**

**OVERVIEW:** This article examines the effects of social policy on the provision of work-life opportunities by employers. It is not restricted to the legal profession. The authors discuss how government policies across several nations affect and interact with employers' policies. They suggest that, even in the presence of government policies that take work-life balance issues into consideration, what ultimately matters is how employers give life to these policies. The authors also emphasize the downside of the traditional methodology used to study work-life balance issues, which generally focuses solely on certain demographic groups (mothers with children, for example) or on certain professions (doctors or factory workers, for example), arguing that such methodology results in a dearth of comparative data. The authors advocate for a methodology that incorporates social justice issues and looks at the distribution of work-life supports across workplaces, jobs, levels, and individual workers.

**METHODOLOGY:** This is not an empirical study; rather it is a critique of traditional methodology used to study work-life balance issues. It advocates for new methodologies in future studies and it urges the expansion of definitions of "opportunity" to include all factors that are central to achieving work-life balance, for example job security, skill development, mobility into jobs that facilitate work-life balance, income stability, growth, flexibility and predictability in scheduling, and supportive benefits for families and individual workers. The authors emphasize the importance of both asking workers about their own situations and gathering independent data on organization-wide policies and practices, since workers themselves may not be able to accurately and objectively describe their situations.

**Audrey J. Lee, *Negotiating Part-Time Work: An Examination of How Attorneys Negotiate Part-Time Arrangements at Elite Law Firms*, 6 PEPP. DISP. RESOL. L.J. 405 (2006).**

**OVERVIEW:** This article analyzes how attorneys negotiate part-time work, and how such negotiations are affected by gender, the existence of formal part-time policies at the attorneys' firms, and the degree to which the attorneys view their situations as an opportunity to negotiate. The author first provides an overview of previous research on the role of gender in negotiation, most of which suggests that women are less likely than men to see ordinary conversations and ordinary situations as opportunities for negotiation. The research suggests that women negotiate relatively worse outcomes than men do. Though part-time policies are common at firms, they are infrequently used. The author concludes that most attorneys do not view a conversation with their firm about

part-time work as a negotiation, even though there may be some room to negotiate and viewing it as such could be beneficial.

**METHODOLOGY:** The study was based on a survey sent to attorneys working at three top firms in the same city. The survey information was supplemented by phone interviews in 14 cases. Of the 1007 total respondents, 31 women and 7 men had worked part time. The responses were evaluated qualitatively in light of the author's hypotheses and questions.

**DEBRA E. MEYERSON, TEMPERED RADICALS (2003).**

**OVERVIEW:** This book discusses a new type of leader for social change – the tempered radical. Tempered radicals are people who want to accomplish social change indirectly, by working within the institutions they wish to change. They are conflicted by the desire to conform in order to succeed and the need to be faithful to their beliefs. Tempered radicals differ in a variety of ways from others in the institutions to which they belong, with respect to race, gender, sexual identity, and even beliefs about best business practices. Once on the inside, they use a variety of tactics to achieve change. Tempered radicals effect change by resisting quietly, by turning personal threats into opportunities, and by utilizing negotiation to further their agenda. Through these tactics they are able to effectuate small wins, which at times balloon into large wins for the institution. The author discusses the importance of collective action among employees desirous of change in order to lend more weight to the issues. Finally, the book examines the unique challenges faced by tempered radicals anxious to promote change from within a hostile institutional structure. Interestingly, the author originally believed that the research conducted in three different work settings would highlight the ways in which different organizational structures shape the experiences of tempered radicals. In reality, due to the entrenched power and attitudes toward protest, the differences were insignificant.

**METHODOLOGY:** Interviews were conducted with specific senior employees at a traditional financial institution in the northwestern United States. These initial participants were asked to provide names of other non-traditional employees. Interviews were also conducted with “change agents” at an innovation-driven technology firm in the Silicon Valley. The initial participants again directed researchers to other employees who met the same criteria. Interviews of middle management were conducted in a European company known for its progressive values. (The research on the third company was initially planned for a different project, but was utilized here when it proved useful.) All the findings are qualitative and the stories and quotes from the participants are insightful.

**MINNESOTA WOMEN LAWYERS, THE MWL LIFE BALANCE RESOURCE GUIDE: POLICIES, IDEAS & STRATEGIES FOR PARENTAL LEAVE AND ALTERNATIVE WORK ARRANGEMENTS (2000).**

OVERVIEW: The taskforce compiled several family leave and alternative work arrangements from employers in the Minnesota area on an anonymous basis. The guide includes examples of model policies for both family leave and alternative work arrangements. The policies are divided into five different categories by type of firm: small to medium sized firms, large firms (50+ attorneys), corporate, government/public interest, and firms in the greater Minnesota area. Lastly, the guide proposes suggestions in favor of flexible policies and suggests further resources.

METHODOLOGY: Attorneys utilizing balanced hour policies were asked to fill out questionnaires describing their work situation, compensation, and whether they expected to continue using alternative work arrangements.

NOTE: Since the surveys were conducted on an anonymous basis, they are not useful for the purposes of identifying specific flexible employers. The compilation of policies from multiple practice settings in the legal profession is useful, however, if one wants to compare these fields and the variety of arrangements they offer, as well as the relative satisfaction of attorneys utilizing these arrangements.

**THE NALP FOUNDATION FOR LAW CAREER RESEARCH AND EDUCATION AND THE AMERICAN BAR FOUNDATION, AFTER THE JD: FIRST RESULTS OF A NATIONAL SURVEY OF LEGAL CAREERS, available at [http://www.nalpfoundation.org/webmodules/articles/articlefiles/87-After\\_JD\\_2004\\_web.pdf#search='After %20the%20J.D.%20study'](http://www.nalpfoundation.org/webmodules/articles/articlefiles/87-After_JD_2004_web.pdf#search='After%20the%20J.D.%20study').**

OVERVIEW: This report on the first stage of a three-part study provides a wealth of information on a sample of attorneys that is representative of all those who passed the bar exam in 2000. Some of the study's topic sections are directly relevant to our research. These topics include a breakdown of practice settings, weekly hours, levels and dimensions of satisfaction, rates of mobility and turnover, and the effect of gender on the preceding factors. The study found that most respondents worked at private firms, with the majority of those at small or mid-size firms. Government was the next largest sector, followed by public interest and business/in-house. The mean number of hours worked in a typical week was 49. Twenty percent of all respondents reported working over 60 hours per week, with much higher percentages in New York City. Government and public interest attorneys worked the fewest weekly hours.

Eighty percent of attorneys were moderately or very satisfied with their decision to become lawyers. Four categories of satisfaction were derived from twelve questions regarding levels of satisfaction. The four were "Job Setting Satisfaction," "Work Substance Satisfaction," "Social Value Satisfaction," and "Power Track Satisfaction." The first three categories correlated with each other and received lowest marks from

attorneys in large firms. The “Power Track” measure was inversely related to the other three and received highest marks from the large firm attorneys. Although most respondents were less than three years out of law school, more than a third had already changed jobs once, and 18% had changed jobs twice or more (not including clerkships). Large numbers (roughly 44%) reported an intention to change jobs in the next two years. Women were more likely than men to report an intention to make this change. Salaries diverged along gender lines, and women were also more likely to be overrepresented in government and public interest work.

**METHODOLOGY:** This report is the first installment of what is to be a three-part longitudinal study following a sample of over 4500 attorneys who passed the bar in 2000 (slightly more than 10% of all attorneys who passed the bar that year). The first installment of the study used a mail survey and had a 71% response rate. The researchers worked in collaboration with a national research organization and used unique sampling methods to represent a cross section of national geographic zones selected by the researchers. The researchers also over-sampled minorities in the study to facilitate more reliable observation of minority career trajectories.

**NOTE:** The “After the JD” study is one of the most comprehensive and current sources for data on the legal profession. It will be a useful resource for the design of new research questions, and it provides a basic understanding of the current demographics of the profession. However, the analysis of data concerning mobility in this study draws conclusions that are somewhat misleading given the raw data presented; therefore, a discussion of these findings is excluded from this summary.

**Robert L. Nelson et al., *Observations from the After the JD Survey of the Bar Class of 2000*, 24 QUINNIPIAC L. REV. 539 (2006).**

**OVERVIEW:** This article summarizes the findings from the “After the JD” study that began in 2003 (outlined separately above). The authors discuss findings that show that practice settings affect the hours attorneys work, income, job satisfaction, and work-life balance. They also discuss support for other studies that find that lawyers work long hours, with nearly one third reporting that they work more than 60 hours a week. Lawyers in public interest and government work the least (an average of 45 to 47 hours per week). Women in the “After the JD” study were much more likely to consider jobs in social services and community organizing than men, while men showed a greater interest in business, consulting, and politics. A surprising and disturbing finding was that after two years in the profession, men’s salaries were significantly higher than women’s, even when controlled for practice setting. Moreover, higher income was correlated with graduation from a more selective law school, with the average graduate from a top-ten law school making between \$125,000 and \$140,000 and the average A-student graduate from a fourth-tier school making only \$79,000.

**METHODOLOGY:** The “After the JD” study is a ten-year, national study to gather information on the career trajectories and work experiences of attorneys. The attorneys

passed the bar exam in 2000. The data relied on here was collected in 2003. Data from 2006 is currently being collected and analyzed, and a final collection will take place in 2010. The sample size is geographically diverse and over-samples minorities.

**Marlene A. O'Connor, *Corporate Responsibility for Work/Family Balance*, 79 ST. JOHN'S L. REV. 1193 (2005).**

**OVERVIEW:** This article looks at corporate governance through the lens of gender, and argues that the family should be recognized as a corporate stakeholder. The author begins by defining “gender,” “family,” and “care” and then discusses how social and economic changes that have allowed women to enter the workforce have also created upheaval at home. These changes have combined to create a “time bind” that men and women experience differently. According to the author’s research, which draws on other sources but is not empirical, women generally earn less, perform more of the housework, and are subject to pressure of “intensive mothering.” Men are becoming more involved in family life, but are still subject to gender pressure. The author suggests that recognizing childcare as a public good and giving a political voice to the moral authority of mothers are effective means by which to positively impact the time bind and the problems facing working women. She also advocates the recognition of the family as a corporate stakeholder to resolve such issues.

**METHODOLOGY:** This article is not empirically based; it draws on feminist theory to analyze various data, statistics, and research about working women and corporate culture.

**Nicole Buonocore Porter, *Re-Defining Superwoman: An Essay on Overcoming the “Maternal Wall” in the Legal Workplace*, 13 DUKE J. GENDER L. & POL’Y 55 (2006).**

**OVERVIEW:** This article rethinks the definition of “Superwoman,” the working mother attorney who is successful in every aspect of her career, personal, and family life. The author discusses the problem of the “maternal wall” in legal workplaces, and the challenges that women attorneys face. The negative stigma that accompanies part-time employment in the legal profession is also discussed, as is the corresponding guilt. The author then goes on to discuss proposed solutions, and argues that litigation isn’t usually an option, since the practices that comprise the maternal wall aren’t usually illegal. Instead she advocates for structural change, such as doing away with the billable hour. She also provides ten pieces of advice on how to do away with or manage guilt, based on her own experiences.

**METHODOLOGY:** This article is not based on empirical research, but rather draws on various writings about discrimination against mothers as well as on the author’s own experiences.

**PROJECT FOR ATTORNEY RETENTION, THE BUSINESS CASE FOR A BALANCED HOURS PROGRAM FOR ATTORNEYS (2006), available at [www.pardc.org/LawFirm/Business\\_Case.htm](http://www.pardc.org/LawFirm/Business_Case.htm).**

OVERVIEW: This is a summary of the ways in which balanced hours programs can help firms avoid lawsuits and decrease attrition.

METHODOLOGY: The most important statistics and claims made in this report are unsupported by empirical data.

**Project, *Law Firms and Lawyers with Children: An Empirical Analysis of Family/Work Conflict*, 34 STAN. L. REV. 1263 (1982).**

OVERVIEW: This study attempts to discover the attitudinal effects of the burgeoning number of female lawyers entering the workforce. It shows that, in 1982, both law firms and male students expected women to take on the majority of childcare responsibilities. Family/work conflict was primarily seen as a problem affecting women. However, at the same time, some firms were attempting to provide flexibility to mothers. Some of the options cited are maternity/paternity leave, on-site daycare, and part-time work.

METHODOLOGY: Surveys were mailed in 1981 to employers who interviewed at Stanford Law School. These employers were asked about their policies and experiences relating to maternity and paternity leave, part-time work, and childcare arrangements. Second and third year Stanford law students were questioned on how they planned to reconcile work and family obligations and the importance of employer policies regarding family/work conflict to their choice of employer. The small sample size and lack of random selection suggests that this data should not be used to draw conclusions regarding law employers and law students in general.

NOTE: This study would be especially interesting to use in comparing how employer policies and attitudes have changed over time.

**Betty Purkey et al., *Sitting at the Corporate Table: How Family Friendly Policies are Really Made*, in FROM WORK-FAMILY BALANCE TO WORK-FAMILY INTERACTION: CHANGING THE METAPHOR 71 (Diane F. Halpern & Susan Elaine Murphy eds., 2005).**

OVERVIEW: This short article summarizes four in-depth interviews with women who helped major corporations (Texas Instruments, Deloitte & Touche, Marriott International, and Cisco Systems) implement work-life balance programs. An overriding theme in the discussion with these women was the importance of evaluating work-family programs in the context of each corporation. For example, Cisco had 18,000 employees, averaging 37 years old, which made an on-site daycare facility a good option. However, such a

program would not have been feasible at Marriott, a corporation that had 150,000 employees scattered around the world.

**METHODOLOGY:** Each woman was asked how she came to work as a work-family advocate in the company, how work-family policy decisions were made within each corporation, whether there was a business case for work-family policies, how work-family policies could continue to exist in an economic downturn, and to share some examples of success stories.

**Nancy Reichman & Joyce Sterling, *Sticky Floors, Broken Steps, and Concrete Ceilings in Legal Careers*, 14 TEX. J. WOMEN & L. 27 (2004).**

**OVERVIEW:** The article describes research regarding gender disparity in the legal profession on three inter-related dimensions – compensation, promotion, and retention/attrition – using the Denver legal community as a case study. Of particular relevance, the authors found that both men and women experienced challenges balancing work and life, but the two groups described and resolved the challenge in different ways. Women in the sample were exhausted as a result of trying to be both career women and housewives, finding little extra time to build up their corporate network. The women who left law firms, both partners and young associates, did so to take careers outside of private legal practice. On the other hand, men expressed regret over not spending enough time with their family. If they opted to make changes to allow for better work-life balance, men continued to practice law but altered their practices so that they could better manage their workload.

**METHODOLOGY:** The authors conducted in-depth interviews with 52 women and 48 men in the Denver metropolitan area between 1996 and 1998. The sample consisted primarily of lawyers who had worked for five or more years in a law firm. The researchers sought to include equal numbers of men and women in similar positions, but found it difficult to do so with some populations (e.g., women in management and senior partners were in short supply). The sample also included “migrants,” or attorneys who had made at least three career moves between firms. All respondents were guaranteed anonymity. The authors re-interviewed 97 of the attorneys from the original sample in 2003 about their career paths since the last interview, and asked them to complete a web-based survey; three from the original sample were not locatable.

**NOTE:** This is one of the few studies that followed a sample population over time.

**Deborah L. Rhode, *Balanced Lives*, 102 COLUM. L. REV. 834 (2002).**

**OVERVIEW:** This three-part essay focuses on achieving balanced lives in the workforce. In the first part of the essay, the author provides an explanation for why balanced lives are a desirable cultural ideal. Balanced lives contribute to greater individual welfare, as people often need to pursue a variety of paid work, unpaid work, and other interests to

feel satisfied. Balanced lives also lead to greater societal welfare, as people fill essential roles as caretakers and civic leaders, and contribute to the community. Achieving balanced lives requires recasting the traditional roles of men, women, employers and the state. Of paramount importance in helping women (and men) achieve balanced lives is the eradication of gender inequalities in the home and workplace. The most important reforms include redesigning the workplace to support the goal of balanced lives (through flexible policies) and providing greater availability of and support for childcare services. This is achieved not only by market solutions, but also by policy changes.

**METHODOLOGY:** This paper is not based on an empirical study but provides a useful summary of the status quo.

**NOTE:** This essay consolidates the policy arguments for balanced lives in a concise and readable format. Moreover, as Rhode is one of the premier scholars in this field, the essay is worth reading to get a sense of some of the work she (and others) have done as advocates for balanced lives.

**Deborah Rhode, *Profits and Professionalism*, 33 FORDHAM URB. L.J. 49 (2005).**

**OVERVIEW:** This article discusses the promotion of ethical values in legal workplaces and the perceived conflict between ethics and the financial bottom line. Though part of the article focuses on pro bono policies, a significant part examines the connection between ethics, balanced lives, and the bottom line. The author takes as given that data exists showing that there is an economic justification for balanced lives. She argues that the symbolic significance attached to workplace structures such as billable hours, as well as the resentment that full-time attorneys often feel if they find themselves having to schedule around what they see as a part-time attorney's personal needs, serve as barriers to reform. In light of these issues, she suggests strategies for change at the level of law firms (with a focus on instilling an ethical commitment in those with leadership positions), clients, courts, bar associations (by rewarding employers that have effective work-life policies), and law schools (by encouraging research on these issues and emphasizing their importance throughout the legal education).

**METHODOLOGY:** This article is not based on data gathered by any one empirical study; it draws on a variety of other studies, performed both by the author and by other researchers.

**DEBORAH RHODE, AMERICAN BAR ASSOCIATION COMMISSION ON WOMEN IN THE PROFESSION, BALANCED LIVES: CHANGING THE CULTURE OF LEGAL PRACTICE (2001), available at <http://www.abanet.org/women/balancedlives.html>.**

**OVERVIEW:** This manual describes relevant literature and studies about the challenges of work-life balance, provides a model for an alternative work schedule, and provides model family leave and medical leave policies. The author provides statistics from other

studies to emphasize the importance of work-life balance for the business world. For example, she cites a Catalyst survey of 1400 lawyers in which 70% of both male and female respondents reported work-life conflict. Though alternative work policies exist in about 95% of law firms, many attorneys do not take advantage of them (only 3% of attorneys work part-time), in part because they believe that they will be disadvantaged professionally by doing so. Many of these policies are not open to all employees; only 6% of firms surveyed allow any attorney to work part time. In addition, less than 5% of male lawyers work part time, since many view it as an unacceptable practice. Women working part time leave firms in record numbers (in one Massachusetts study, 70% more frequently than men) because of the stigma attached to alternative work arrangements. However, if firm culture embraces alternative work arrangements, there is a huge potential for financial gain. The author notes that several studies suggest that flexible schedules have a greater positive effect than salary increases on retention of employees.

**METHODOLOGY:** This 2001 paper relies on a collection of research conducted by other sources and provides recommendations based on those studies. For example, it uses the 1990 study by the American Bar Association Commission on Women in the Profession, which surveyed approximately 500 firms nationwide concerning sexual harassment, family leave, and alternative schedules. Over 100 firms responded and, after the results were analyzed, the Commission interviewed firms with the most effective policies.

**NOTE:** This publication should be read in conjunction with other writings by Rhode about balanced lives, and provides an excellent overview of work-life balance issues. The appendices focus on practical approaches to providing an alternative work schedule policy.

**Martha M. Sanders et al., *Love and Work: Career-family Attitudes of New Entrants into the Labor Force*, 19 J. ORG. BEHAV. 603 (1998).**

**OVERVIEW:** This article describes the development of the Career-Family Attitudes Measure (CFAM), which is a 56-item instrument that measures the ways in which people see the interaction of career and family. It goes on to report the results of an administration of the CFAM to high school students. The administration showed that female students had more positive attitudes towards balance (defined as equal emphasis on both partners' careers and shared home-related chores and decision-making) and independence (meaning socializing and vacationing independent of one's spouse). Males had slightly more positive attitudes towards dominance (defined as having a career and decision power at home while one's spouse defers his or her career to raise children) and spousal support (defined as the intention that one's spouse will be supportive by making sacrifices). Overall, however, the attitudes of those surveyed indicated negative attitudes towards deferring or emphasizing one's own career over that of one's partner, and positive attitudes towards balance and independence. Factors such as parental employment history and educational aspirations were significantly correlated to some of the measures. The authors suggest future research to test a theoretical model of work-

family attitudes and their outcomes, and to look at the match or mismatch between attitudes and realities.

**METHODOLOGY:** The CFAM was based on a 16-item marriage and career assessment instrument. The measure was gender neutral, and was designed to measure the respondents' personal expectations as well as their spouse's expectations for them. Additional items were generated through discussions with early respondents in pilot testing. The CFAM was administered to 837 15-to-19-year-old high school students from urban and rural schools in Minnesota and Wisconsin. Those who did not intend to marry were dropped from the sample, resulting in 398 females and 348 males.

**Terri A. Scandura & Melenie J. Lankau, *Relationships of Gender, Family Responsibility and Flexible Work Hours to Organizational Commitment and Job Satisfaction*, 18(4) J. ORG. BEHAV. 377 (1997).**

**OVERVIEW:** Although this study involved managers, rather than attorneys, the findings should be universally interesting to firms and corporations that value their employees' organizational commitment. The study examines *perceived* flexible work hours rather than *actual* flexibility. The researchers found that male perception of flexible work hours had little correlation with job satisfaction, while female perception of flexible work hours corresponded to higher job satisfaction. For both genders, respondents with children under the age of 18 living at home had higher levels of organizational commitment if they perceived that their employers had flexible policies regarding work hours.

**METHODOLOGY:** A random sample of 1200 women in management positions was obtained from American List Council mailing lists. These were screened for willingness to participate and ability to identify a male peer perceived to be at their same level. The response rate was low (39.7 % for the women) and the number of hand-selected men who responded was even lower.

**Patrick J. Schiltz, *On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession*, 52 VAND. L. REV. 871 (1999).**

**OVERVIEW:** This disheartening article seeks to warn law students and young lawyers about the widespread misery in their chosen profession. Schiltz provides a convenient summary of a large number of studies, which collectively paint a dismal picture of attorney well-being. He cites a 1990 John Hopkins University study on major depressive disorder (MDD) in support of the proposition that, after other socio-demographic traits have been controlled for, the practice of law is associated with MDD more than any other occupation. Another study found that male lawyers were significantly more depressed than female lawyers. Generalized anxiety disorders were also strikingly prevalent among lawyers. For example, the Washington study showed that nearly 21% of male lawyers and 15% of female lawyers scored above the clinical cutoff for obsessive-compulsiveness, compared to only 1.4 to 2% of the general population. Schiltz mentions

several studies on alcoholism and drug abuse, including again the Washington study, which found that 18% of lawyers were problem drinkers, as compared to 10% of the general population.

Divorce rates were also higher among attorneys. One Notre Dame study reported that, while women who had completed six or more years of post-secondary education had a high divorce rate, female lawyers had a divorce rate twice that of female doctors. Attorney health also appears to be suffering. One University of California, Davis, School of Law study found that female attorneys who worked more than 45 hours per week (a relatively light schedule for a law firm attorney) while pregnant suffered three times as many miscarriages than those who worked less than 35 hours per week. A number of studies also found general dissatisfaction among attorneys. A University of Michigan Law School study of alumni five years after graduation showed that, of those working in firms of less than 50 lawyers, 37% of members of the classes of 1990 and 1991 were “quite satisfied” with their careers (compared with 45% for the classes of 1976 and 1977). Among graduates working in firms with more than 50 lawyers, 30% of the classes of members of the classes of 1990 and 1991 were “quite satisfied” with their careers (compared with 53% for members of the classes of 1975 and 1977). The author compares these findings (and similar findings from the ABA Young Lawyers Division studies) with a study of the Chicago bar (by Heinz, cited above). The Chicago study reported that 84% of Chicago lawyers were “very satisfied” or “satisfied” and less than 2% were “very dissatisfied” with their careers. The author proffers some explanations for these discrepancies; he notes variance between the words used in survey questions, the overall survey focus, and other aspects of survey design. He also surmises that data collection methods – in-person versus anonymous – may influence results. Summarizing several other studies, including one notable study of Chicago firms, the author reports that lawyers who leave big firms rarely go to other big firms. He also concludes that the primary reason for attorney dissatisfaction is the number of hours attorneys must work.

**METHODOLOGY:** This paper compiles, summarizes, and compares the results of a large number of original studies. The author’s analyses and generalizations from the studies are well-researched and well-supported. Some of his fairly sweeping conclusions seem reliable, based on the wealth of research he has drawn upon.

**NOTE:** The discussion in this paper should not be taken as the final word on these subjects, particularly because it does not include adequate information on the methodologies used in the many studies it utilizes. But the summary of the myriad statistics on alcoholism, depression, anxiety, divorce, and dissatisfaction of lawyers provides a useful starting place for further research and demonstrates the ways in which different research methods produce different findings.

**Carroll Seron & Kerry Ferris, *Negotiating Professionalism: The Gendered Social Capital of Flexible Time, Work and Occupations*, 22 WORK & OCCUPATIONS 22 (1995).**

OVERVIEW: Professional careers, such as the law, reward employees who have the ability to be flexible with their time. This study looks at the schedules of male and female lawyers and concludes that men had a qualitatively greater access to time than women. This greater access to time is achieved because women usually take on most domestic responsibilities like housework and childcare. The majority of men, regardless of the number of hours worked, do less than equal housework and less than equal child rearing. This extra time translates into a resource in the workplace. In contrast, women undertake the majority of domestic tasks, irrespective of the number of hours worked. "Leisure" time corresponds to the ability to network and meet with clients. Since women have less access to "leisure" time, they are disadvantaged in their careers.

METHODOLOGY: Seventy-six lawyers in firms of one to fifteen attorneys were interviewed about the activities they perform on a typical day. Responses were categorized by marital status and the number of children in the household. The authors analyzed results based on whether respondents worked reduced, normal, or expanded business hours and what share of household tasks they performed.

**Janet Smithson & Elizabeth H. Stokoe, *Discourses of Work-Life Balance: Negotiating 'Genderblind' Terms in Organizations*, 12 GENDER, WORK & ORG. 147 (2005).**

OVERVIEW: This article explains that gender-neutral approaches to work-life balance issues have increasingly taken hold in an attempt to put work-life issues into the mainstream, to remove gendered stereotypes from these issues, and to do away with a feared backlash. Such gender-neutral approaches operate under the assumption that workplaces are no longer gendered and that men and women have equal opportunities. The authors conducted a study of the effects of a gender-blind approach by looking at how the subjects of two studies talked about such issues. They found that regardless of a gender-blind approach, talk about flexible working and work-life balance was overwhelmingly gendered in relation to women, and that using gender-neutral terms alone did not have a significant effect on advancing gender equality within organizations, even if it was important in changing organizational culture.

METHODOLOGY: The authors used two sets of data. One set of data came from focus groups and individual interviews with employees in a banking corporation. The other set of data came from individual interviews with accountants. In total, there were 90 participants, aged 25-55. The analysis involved looking at the language of individual responses to interview questions and focus group discussions and evaluating its gendered nature. The authors note patterns in the ways in which men and women responded to various questions and then used qualitative evaluations of these patterns to generalize to conclusions.

**Stephen J. Spurr, *Sex Discrimination in the Legal Profession: A Study of Promotion*, 43(4) INDUS. & LAB. REL. REV. 406 (1990)**

OVERVIEW: The results of this study are essentially included in the more nuanced research conducted by the same author in *Turnover and Promotion of Lawyers: An Inquiry into Gender Differences*, (reviewed below). After controlling for “lawyer quality” (measured by law school rank and honors), the article concludes that women are still roughly half as likely as men to be promoted to partnership.

METHODOLOGY: This study analyzed a representative sample of female attorneys who entered law firms during what the author refers to as the “transition period.” The author combined two data sets extracted from the Martindale-Hubbell Law Directory. One data set was composed of all of the 2116 lawyers who entered 139 law firms in the United States between 1969 and 1973. The other data set was composed of all of the 293 lawyers who joined the 17 largest law firms (those with more than 40 lawyers) in New York City and Chicago in 1980, including 84 female lawyers. The author identified these lawyers and then followed each lawyer through 1987 to learn whether each was promoted to partner or exited the firm. He also used law school data on selection for law review and Order of the Coif.

**Stephen J. Spurr & Glenn T. Sueyoshi, *Turnover and Promotion of Lawyers: An Inquiry into Gender Differences*, 29(3) J. HUM. RESOURCES 813 (1994)**

OVERVIEW: This cohort study focuses on promotion, mobility, and turnover, rather than on work-life balance or attorney satisfaction. However, several findings may be useful. First, men were far more likely to be promoted and were less likely to leave the firm prior to promotion than were women. Second, over time (roughly a decade), the gender gap for promotion closed significantly, but the gender gap for exit from the firm scarcely budged. The study contains a wealth of detailed information on the precise rates and years of exit and promotion.

METHODOLOGY: The study claims to be the first of its kind, using econometric techniques to analyze duration data on promotion and exit of female attorneys. Two cohorts of lawyers were studied, one that entered New York and Chicago law firms between 1969 and 1973, and another that entered the same market between 1980 and 1983. The researchers used a competing risks duration model to “capture the link between the lawyer’s decision to stay or leave and the firm’s decision to grant or deny promotion.”

**Kyra L. Sutton & Raymond A. Noe, *Family-Friendly Programs and Work-Life Integration: More Myth than Magic?*, in WORK AND LIFE INTEGRATION: ORGANIZATIONAL, CULTURAL AND INDIVIDUAL PERSPECTIVES 151 (Ellen Ernst Kossek & Susan J. Lambert eds., 2005).**

OVERVIEW: This article discusses the relative effectiveness of family-friendly policies. The authors focus on two types of conflicts in the life of an average worker: work-to-family conflict, which occurs when work interferes with one's family responsibilities and outside work obligations, and family-to-work conflict, which occurs when one's family obligations begin to interfere with one's work. Human resource (HR) departments are often responsible for implementing family-friendly policies to reduce conflicts and retain productive employees. Problems with family-friendly policies, however, include their lack of widespread institutional support within an organization, and their sporadic implementation by middle management. This article describes in detail the relative advantages and disadvantages for the employee of family-friendly policies (including flextime, telecommuting, job sharing, and reduced hours), as well as the associated risks for the organization. The current research shows employees have different needs in terms of work-life boundaries, and want managers or the HR department to listen closely to their specific needs. Moreover, several studies show that family-friendly policies may not improve work-life balance. For example, one study showed that working at home increased stress because of frequent interruptions by children, while another found that the implementation of flexible scheduling had no effect on employee turnover.

METHODOLOGY: The authors of this article summarized the studies of other researchers in the field.

NOTE: Much of the information is in tabular form, which makes it accessible and easy to read. The authors also give numerous suggestions for future studies to flesh out the gaps in the research, including how social support mechanisms (such as mentoring) affect work-family conflict.

**Janet Taber et al., *Gender, Legal Education, and the Legal Profession: An Empirical Study of Stanford Law Students and Graduates*, 40 STAN. L. REV. 1209 (1988).**

OVERVIEW: The researchers used a questionnaire that included inapplicable (for our purposes) questions on legal rules and class participation, but also included basic questions regarding first jobs and overall satisfaction. The study found that male students expected to work more hours than female students and male graduates actually worked more than their female counterparts. Male graduates remained at their first jobs longer than female graduates. At the time of the study, 96.6% of male graduates versus 85.7% of female graduates were employed. The majority of alumni were practicing law, but fewer than one third were working at a law firm. There was no statistically significant difference between the average firm size in which participants worked. The mean firm size was approximately 11 to 40 attorneys. The majority of all graduates worked at firms of five or fewer. Sixty-four point eight percent of male graduates, as opposed to 45.2% of

female, practiced corporate law. Both genders reported being very satisfied with their present jobs. On a seven-point scale (ranging from 1 being “very dissatisfied” to 7 being “very satisfied”), the mean female score was 5.31 and the mean male score 5.12. Few respondents expected to change jobs in the near future. Graduates were asked to rate a list of nineteen factors in terms of importance to overall job satisfaction. A gender difference was found only with respect to “adversarial nature of work,” which males rated higher. As in many other studies, female respondents were much more likely than male respondents to have interrupted or slowed their career paths at some point. Twenty-nine point four percent of female graduates had stopped working for at least six months, in contrast with 8.6% of males; and 31.3% of female graduates had worked part time at some point, in contrast with 9.5% of males. Of those who took time off, 82.1% of women and 12.0% of men did so for maternity/paternity leave.

**METHODOLOGY:** The researchers sent a written questionnaire to the entire Stanford Law School student body in December 1986 and to all 764 living female graduates and a semi-random sampling on 764 male graduates (engineered to correspond to the proportion of female graduates who graduated during each time period). The questionnaire asked questions about experiences, beliefs about legal rules, personal background, and lifestyle.

**NOTE:** We should consider imitating the format of this questionnaire (which is conveniently provided in the appendix) and using some of the same questions since the responses in this survey would provide us with an opportunity for comparison of data across time. The sections entitled “personal background,” “judicial clerkships,” “employment,” “current or most recent employment,” “employment goals and satisfaction,” “other career paths,” “family,” “children,” and “family background” are most relevant to our goals and questions.

**MARGARET THORNTON, DISSONANCE AND DISTRUST: WOMEN IN THE LEGAL PROFESSION (1996).**

**OVERVIEW:** The author describes how part-time work and motherhood are not well received by the law firm community. Many women in private law firms felt “too vulnerable” to inquire about maternity leave policies; those who did received little guidance or support. If part-time work was “tolerated,” a female attorney often had to manage a full-time workload and experienced feelings of guilt for abandoning her full-time post at the firm. And if a female attorney telecommuted, she was excluded from firm policy formulation and relegated to subordinate status. The “hostility” of the private law firm community toward alternative work arrangements for women with young children caused most women to pursue public sector or academic jobs.

**METHODOLOGY:** In 1993, 100 women in the Australian legal community (including law students, solicitors, barristers, and judges) were interviewed. The women participants were selected using law societies, women lawyers’ associations, law schools, and referrals. All interviews were confidential, taped, and transcribed.

**John F. Veiga et al., *Toward Understanding Employee Reluctance to Participate in Family-Friendly Programs*, 14 HUM. RESOURCE MGMT. REV. 337 (2004).**

**OVERVIEW:** Even though many workplaces have implemented family-friendly policies, many workers choose not to participate in these policies. The articles suggests that eight assessments influence the likelihood of employee participation: program rationale, assistance magnitude, work-family culture, perceived assistance usefulness, anticipated image cost, perceived fairness of receiving assistance, compliance expectation, perceived appropriateness, and perceived personal obligation. An employee is most likely to participate when the program's rationale is based on an ethical or "good business" model, when the assistance magnitude is low, when the perceived assistance usefulness is high, when the anticipated image cost is low, when employees perceive that participation in the program is fair, when employees believe that their employers will comply with their request to participate, when employees feel a personal obligation to participate, and where there is a work culture supportive of work-family balance.

**METHODOLOGY:** The author utilizes existing research to propose a framework for understanding employees' reluctance to take advantage of family-friendly policies.

**JEAN E. WALLACE, LAW SCHOOL ADMISSION COUNCIL, JUGGLING IT ALL: EXPLORING LAWYERS' WORK, HOME, AND FAMILY DEMANDS AND COPING STRATEGIES, REPORT OF STAGE ONE FINDINGS, (2002), available at <http://www.lsacnet.org/lvac/research-reports/rr-00-02.pdf>.**

**OVERVIEW:** This study investigated the demands and stresses lawyers face. Lawyers averaged fifty hours of work per week, including regular evenings and weekends. These work demands interfered with family time, especially for women. Some women turned to part-time work to balance the demands of work and family, but many still reported less free time than full-time lawyers. To cope with the stress, respondents turned to their spouses or placed limits on work demands. Many lawyers considered in-house or government jobs to achieve better work-life balance.

**METHODOLOGY:** This is part one of a two-part study. Information was collected during phone interviews with 121 lawyers in Calgary, Alberta, Canada. The respondents were asked both multiple choice and open-ended questions. They were also asked to describe the demands at work and at home and their methods of coping with these demands.

**JEAN E. WALLACE, LAW SCHOOL ADMISSION COUNCIL, JUGGLING IT ALL: EXPLORING LAWYERS' WORK, HOME, AND FAMILY DEMANDS AND COPING STRATEGIES, REPORT OF STAGE TWO FINDINGS (2004), available at <http://www.lsacnet.org/Research/Lawyers-Coping-Strategies-Work-Home-Family-Demands-2.pdf>.**

**OVERVIEW:** This study includes many findings about work and non-work issues for attorneys. Respondents worked over fifty hours each week and often took work home. Male respondents usually took part-time work for travel or leisure reasons, while women took part-time work for family reasons. Both men and women reported diminished opportunities for advancement upon return. While the majority of married couples felt that childcare was evenly divided, female lawyers spent twice as much time as male lawyers on childcare responsibilities on work days. Women, regardless of the hours worked, felt overextended and overburdened. However, the majority of lawyers were satisfied with their careers and their lives in general.

**METHODOLOGY:** In this second stage of a two-stage project, 1799 questionnaires were returned by practicing lawyers in Alberta, Canada. The questions dealt with the amount of time spent at home and at work, the division of domestic chores and childcare, the methods of coping with stress, leisure time, support from others, and satisfaction with the practice of law. This second stage was designed to provide quantitative support for the findings made in the qualitative stage one study.

**Jean E. Wallace, *Work-To-Nonwork Conflict Among Male and Female Lawyers*, 20 J. ORG. BEHAV. 797 (1999).**

**OVERVIEW:** This study sought to determine which work-related factors contribute to work-nonwork conflict. Perhaps the most important finding is that the subjective feeling of work overload is more important than the actual number of hours worked in causing work-to-nonwork conflict. For women, additional family roles did not increase work-to-nonwork conflict. The author suggests that women lawyers are able to pay for outside help with childcare and domestic chores in order to cope with their demanding careers.

**METHODOLOGY:** In 1994, 338 surveys were collected from married lawyers in a metropolitan city in Western Canada. These surveys were categorized according to gender and the number and ages of children in the household. Participants were asked to answer a number of questions on a Likert scale of one through five. Questions were asked that targeted work-to-nonwork conflict, work involvement, and work role stressors. The data was then analyzed using regression analysis to determine if there were statistically significant gender differences in the effect of the above variables on work-to-nonwork conflict.

**Amy L. Wax, *Family-Friendly Workplace Reform: Prospects for Change*, 596 ANNALS AM. ACAD. POL. & SOC. SCI. 36 (2004).**

**OVERVIEW:** This article argues that family-friendly workplace reforms theoretically do not have to reduce efficiency or compromise corporate interests. Critics contend that the problem with equal-wage and anti-discrimination legislation is that if both are not properly enforced, employers may limit hiring from the target group, segregate the target group into low paying jobs, or shift benefits away from the target group. The author uses game-theoretic models (prisoner's dilemma and stag hunt) to show both why poor workplace practices are stuck in equilibrium and how modifying dominant practices can benefit both firms and employees. The article suggests that the challenge is to create sustainable change. This change can either come from governmental regulation or change within the firms, through either management or worker initiative. If the stag hunt model is accurate with respect to the payoffs to workers cooperating to achieve family-friendly policies, self-sustaining efficiency will result. However, the game-theoretic models suggest that enforced direction by management or self-selection by workers with similar preferences is necessary to prevent erosion of family-friendly gains. New employees with diverse preferences can quickly destabilize the family-friendly balance.

**METHODOLOGY:** This article is not based on empirical research. Instead it applies social science theory to the issue of family-friendly workplaces in an attempt to explain the current situation and suggest opportunities for reform.

**Joan C. Williams, *Canaries in the Mine: Work/Family Conflict and the Law*, 70 FORDHAM L. REV. 2221 (2002).**

**OVERVIEW:** This paper focuses on the difficulty lawyers have in balancing work and family. Williams believes the conflict between the two is most apparent in women, who are often the first to signal that the workplace is not conducive to reconciling the competing demands of work and family. Women often confront the maternal wall, a barrier imposed by law firms demanding exorbitant hours during women's childbearing years, forcing many to choose between work and family. Williams notes a dearth of successful part-time policies among firms. Reasons for this include schedule creep, where part-time schedules rapidly become full-time; the stigma attached to part-time status; a belief that law can't be practiced part time; and a conception that part-time lawyers are costly to a firm. Williams debunks these myths and advocates a flexible approach to meeting the competing demands of lawyers, which she refers to as a "balanced hours approach." A balanced hours approach would benefit both men and women attorneys, as well as the firm, by reducing attrition. The key to implementing a successful balanced hours policy is open and continual communication between employers and employees; proportional pay, benefits, and bonuses (including keeping balanced hours attorneys on the partnership track); explicit hours requirements for non-billable work (attorney training, firm business, etc.); wide-scale and transparent implementation; and the appointment of a Balanced Hours Coordinator or an equivalent position.

METHODOLOGY: This is not an empirical study. The author relies upon the studies of others and the current literature in the field for her statistics and facts. Much of her evidence is anecdotal in nature. However, her idea for a balanced hours program is one of the most innovative in the field, and she heads the Project for Attorney Retention, an initiative of the Center for WorkLife Law at U.C. Hastings College of Law.

**Joan Williams & Cynthia Calvert, *Balanced Hours: Effective Part-Time Policies for Washington Law Firms: The Project for Attorney Retention Final Report*, 8 WM. & MARY J. WOMEN & L. 357 (2002), available at <http://www.pardc.org/Publications/BalancedHours2nd.pdf>.**

OVERVIEW: This article describes a report by the Project for Attorney Retention (PAR) that analyzes the economic benefits of using an effective part-time program to increase productivity, retention, staff and client loyalty, and bottom-line profits. There is a communication gap between managing partners, who feel that existing part-time policies are enough, and associates, who feel that existing part-time policies are ineffective. The first section outlines the business case for balanced hours. Law firms typically assess only revenues generated, not bottom-line profitability (revenue minus expenses). However, the high cost of attrition, in part due to unreasonable billing requirements, should also be taken into account. An estimated one million dollars are lost every time five associates leave a firm, a figure that does not include client dissatisfaction, lost business from clients leaving with attorneys, and damage to firm morale. The second section describes the challenges attorneys face when working on reduced schedules and introduces a six-part PAR usability test that determines whether a part-time policy is in fact effective. The third section outlines the best practices of law firms, accounting firms, and corporations and provides a set of part-time program recommendations. These recommendations include proportional salaries, bonuses, benefits and advancement for part-time employees; availability of part-time scheduling to any attorney; and supportive colleagues and supervisors. The fourth section debunks several myths about part-time work. For example, one myth is that clients will not accept balanced schedules. The authors contend that attorneys can continue to provide fast turn-around if they handle fewer matters.

METHODOLOGY: The study began in June 2000, and gathered information about part-time work in Washington, D.C. law firms through interviews with law firm managing partners, hiring partners, and partners in charge of part-time programs as well as from human resources personnel from some of the 90 largest Washington, D.C. firms; interviews, surveys, and focus groups with attorneys who had worked, were working, or wanted to work part time; conferences with sociologists, psychologists, and work-life consultants; and interviews with non-legal business representatives nationwide who had reduced attrition using part-time programs.

NOTE: Quantitative research needs to be done to confirm the accuracy of the information provided, especially concerning the cost of associate attrition.

**JOAN C. WILLIAMS & CYNTHIA THOMAS CALVERT, SOLVING THE PART-TIME PUZZLE: THE LAW FIRM'S GUIDE TO BALANCED HOURS (2001).**

OVERVIEW: This text, published by NALP, reviews the current state of part-time programs in an effort to create guidelines for reduced schedules. The first part analyzes the foundations of balanced hours programs, looking at the business case, results of poor implementation (e.g., schedule creep and stigma), and common myth of the lack of profitability of part-time work. Statistics cited emphasize that work-life balance is not just an issue for women who want to raise a family, but also for fathers, non-parents, and Generation-Xers. Law firm leadership is typically unaware of the level of dissatisfaction with their current part-time programs. Law firms should use the Project for Attorney Retention usability test, which examines part-time program usage rates; the median hours worked compared to the duration of a part-time schedule; schedule creep; a comparison of assignments of an attorney before and after he or she began working part-time; a comparison of promotion rates of attorneys working full-time and part-time; and a comparison of attrition rates of attorneys working full-time and part-time. The second part focuses on creating and implementing balanced hours programs, including what elements should be included in a balanced hours policy and the types of leadership, communication and training needed to implement such a policy work on a firm and individual level. Balanced hours policies need to be flexible, offer proportional pay, benefits, bonuses and promotion; and implemented via managers, communication, and training. A balanced hours coordinator can assist a firm in implementation, but management needs to remain actively committed to fair, usable part-time arrangements.

METHODOLOGY: The authors use existing studies to support their conclusions.

**Joan C. Williams & Holly Cohen Cooper, *The Public Policy of Motherhood*, 60 J. SOC. ISSUES 849 (2004).**

OVERVIEW: This article proposes the implementation of a federal statute that would prohibit discrimination based on family responsibilities. The authors begin by providing an overview of the "ideal" American worker, and explaining that because that worker works continuously and full-time for forty years, mothers often do not and cannot fit into that ideal. The public policy infrastructure of motherhood is examined by comparing a family in Sweden with a family in the United States, which illustrates that mothers in the United States face a limited set of options when it comes to childcare and flexible work arrangements, since they receive little to no help in the way of family-friendly government policies. Long work hours, lack of leave time, problems for part-time workers, limited benefits, design of unemployment and other public benefits, and lack of entitlement to child care in the United States all contribute to the problem of constrained choices. The authors list changes proposed by other scholars, and claim that most of those changes are not viable solutions. Instead, they propose the use of discrimination litigation. They outline the existing statutes under which employees can currently file suit for discrimination generally, and advocate for the passage of a statute forbidding discrimination based specifically on family responsibilities.

METHODOLOGY: This is not an empirically based article. It is based on anecdotes, statistics, and research on existing case law and statutes.

**Joan C. Williams et al., *Better on Balance? The Corporate Counsel Work-Life Report*, 10 WM. & MARY J. WOMEN & L. 367 (2004).**

OVERVIEW: This article describes research conducted as part of the Project for Attorney Retention to determine whether, and the extent to which, the quality of life is better in-house as opposed to in law firms. The research found that most in-house attorneys experience a 50-hour workweek, although some do work law firm hours. The in-house experience can vary greatly and the study identifies three types of in-house models: high-hours law firm, corporate division, and balance-supportive department. In-house attorneys in the balance-supportive environments can create balance by taking advantage of flextime, compressed workweeks, and job sharing. However, in-house counsel noted that there is a stigma attached to working part-time, and they fear adverse effects on their status, quality of assignments, promotion, and pay if they adopt a part-time schedule. Telecommuting is a difficult alternative because employers expect “face time,” and being available in the office is necessary to ensure that clients consult them before making decisions. Based on the information collected, the authors recommend that in-house departments create individualized and fair work-life programs that are effectively implemented.

METHODOLOGY: This qualitative study consisted of in-depth interviews of approximately 200 in-house attorneys (including general counsel, staff attorneys, and law department managers) and those who work with them. It was conducted over a two-and-a-half-year period. The research also included focus groups with in-house attorneys. Those participating in the study represented various backgrounds and levels of job satisfaction, worked in law departments of various sizes, and had varying work schedules (from attorneys who telecommuted full-time to those working part-time).

NOTE: This study provides a good overview of legal life as an in-house counsel and provides insightful stories from the attorneys interviewed.

**JOAN WILLIAMS ET AL., "OPT OUT" OR PUSHED OUT?: HOW THE PRESS COVERS WORK/FAMILY CONFLICT THE UNTOLD STORY OF WHY WOMEN LEAVE THE WORKFORCE (2006), available at [http://www.uchastings.edu/site\\_files/WLL/OptOutPushedOut.pdf](http://www.uchastings.edu/site_files/WLL/OptOutPushedOut.pdf).**

OVERVIEW: This report presents the findings from a study on how American newspapers from 1980 to the present have depicted and explained the reasons why women are leaving the workforce. A majority of stories focused on professional/managerial, white, and married women; indicated that child rearing is the primary reason women quit; and suggested that women could easily re-enter the

workforce. In 73% of the stories reviewed, women were portrayed as being pulled into traditional roles because of biology or psychology; only 6% focused on women being pushed out because of their workplace environment or other factors. After noting that many of the stories provided "scant" or "selective" statistical support, the report then provides data to contradict the print media's portrayal of women using other studies. These studies demonstrate that the "rise in both men's household contributions and women's workforce participation have stalled" and that well-educated women are more likely than less-educated women to be in the workforce. The report then advocates for changes based on the fact that America will not remain competitive if working families are not supported and well-educated women continue to be driven into less-skilled jobs because of "inflexible workplaces and family responsibilities discrimination."

**METHODOLOGY:** Nearly 120 U.S. print news stories from major newspapers and regional papers published between January 1, 1980 and March 10, 2006 were analyzed. Stories were selected using a LexisNexis Academic search of the following key terms: women or mother (Headline, Lead paragraph(s), Terms); work or employment (Headline, Lead paragraph(s), Terms); stay home (Full text); and child (within results). Search results that were not on point were removed. LexisNexis Academic does not provide full-text Wall Street Journal articles, so stories from that paper were not included. Almost one third of these stories were in the Lifestyle/Features section of the newspapers; 16% were in the Business section; and almost 48% were in the News section. Coders used a list of objective and subjective terms to answer a set of questions for each story (i.e. "Does the headline fit the "push" theme?" and "Does the article cite statistics?"). A complete list of all stories reviewed is provided at the conclusion of the article.

**NOTE:** Although the newspaper study is interesting, the discussion of other studies that contradict the findings of the newspaper study is more helpful.

**WOMEN'S BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA, CREATING PATHWAYS TO SUCCESS: ADVANCING AND RETAINING WOMEN IN TODAY'S LAW FIRMS (2006).**

**OVERVIEW:** The purpose of this study was to develop concrete steps for advancing and retaining women in private law firms. After describing the current state of the legal profession, including the overt and subtle forms of discrimination women experience and their numerous work-life balance issues, the report goes on to describe current strategies to halt the attrition of women in firms. Current strategies include mentoring programs, balanced hours, and the formation of women's committees and women's groups. The report found that the current options were not successful however, given the high rates at which women left law firms. Participants designed a "roadmap" to foster better retention and promotion, which included ideas such as teaching women the business of law (e.g., to bring in clients), fostering informal mentoring, assessing the needs of women and understanding why they really leave law firms, establishing flexibility in the workforce through balanced hours, and providing benefits to meet the diverse needs of employees.

**METHODOLOGY:** The Women's Bar Association convened a monthly meeting and invited experts, firm leaders, women attorneys and others to identify the issues, give feedback, and debate solutions. The group met four times between January and April of 2006 for four hours at a time. The report is a compilation of what was discussed at each meeting.

**NOTE:** This report provides more in-depth suggestions for reform than other resources.

**WOMEN'S BAR ASSOCIATION OF MASSACHUSETTS EMPLOYMENT ISSUES COMMITTEE, MORE THAN PART-TIME: THE EFFECT OF REDUCED-HOURS ARRANGEMENTS ON THE RETENTION, RECRUITMENT, AND SUCCESS OF WOMEN ATTORNEYS IN LAW FIRMS (2000), available at <http://womenlaw.stanford.edu/mass.rpt.html>.**

**OVERVIEW:** This report describes the four main findings of a study of part-time policies and practices in Massachusetts. First, the study finds that part-time work policies are needed to attract talented attorneys; 90% of respondents working reduced hours said that their decision to remain at a firm was affected by the availability of a part-time program. Second, the study finds that a part-time policy is necessary but not sufficient to produce job satisfaction or reduce attrition; nearly 40% of the women respondents who had left large law firms did so in part because of the firm's policies or approach toward alternative work arrangements (or lack thereof). Regardless, more than one third of the respondents believed that part-time employment would negatively impact their careers. Third, attorneys on reduced-hours arrangements were dissatisfied with institutional support, the deterioration of firm relationships because of perceived lack of commitment, and reduced career opportunities. Specifically, they reported the following:

- 75% of partnership-track associates reported that reduced schedules had negatively affected their road to partnership or would in the future
- 30% to 40% of attorneys at every seniority level said that their relationships at the firm had deteriorated, most commonly because of perceived lack of commitment
- About 25% felt that their abilities and contributions were devalued
- 43% felt that they had received less substantive work assignments
- 80% stated that they did not get regular feedback about the effect of their part-time schedule on their work or on the firm

Fourth, part-time policies and practices can reduce attrition and increase loyalty to the firm; most of the senior associates and all of the partners working part-time remained at their firms longer than the average associate.

**METHODOLOGY:** The Women's Bar Association of Massachusetts Employment Issues Committee gathered quantitative and qualitative survey data between 1998 and 1999 from the 100 largest law firms in Massachusetts; attorneys who were working reduced-hours arrangements as of 1999 in those large law firms; and women who had left these large law firms between 1996 and 1998. A separate survey was developed for each category of respondents. Forty-five of the law firms responded. One hundred and forty-three attorneys responded to the survey for attorneys working reduced hours in large law firms (a 70% response rate) and 105 responses were received for the survey sent to

women who had left large law firms between 1996 and 1998; 38% of these women had worked part-time prior to leaving the firm.

NOTE: This study provides excellent data about part-time policies in Massachusetts; however, it compares attorneys working part time to those who left practice at a particular point in time, which is not as helpful as a longitudinal study.