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Glass Ceilings and Open Doors: Women's Advancement in the Legal Profession

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Glass Ceilings and Open Doors: Women's Advancement in the Legal Profession

Cover Page Footnote

Cynthia Fuchs Epstein, Distinguished Professor, Graduate Center, City University of New York. We wish to acknowledge the assistance of the following research assistants who worked on this study at various points: Tania Levey, Heather Dalmage, Linda Schade, Neil McLaughlin, Melissa Fischer, and Kimberly Reed. This research was funded by the Association of the Bar of the City of New York, with the assistance of grants from the Professional Staff Congress of the City University of New York, and the Alfred P. Sloan Foundation.

REPORT

GLASS CEILINGS AND OPEN DOORS: WOMEN'S ADVANCEMENT IN THE LEGAL PROFESSION

A Report to the Committee
on Women in the Profession,
The Association of the Bar of the City of New York

Cynthia Fuchs Epstein
and
Robert Sauté, Bonnie Oglensky, and Martha Gever
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FOREWORD

IN 1989, the Association of the Bar of the City of New York formed a Committee on Women in the Profession to monitor and address issues confronting women lawyers in New York City. When the Committee first met in September of that year, the "profession" was buoyantly upbeat. Law firm profits were at record levels; so were the number of women lawyers. Women made up close to 50% of most law school graduating classes, and hundreds of female law graduates were being hired for the highest paying and most prestigious jobs based solely on their scholastic achievements. The positions of law firm partner, corporate general counsel, and judge, in which women had enjoyed only token representation for much of the decade, appeared to be opening up. Women were becoming partners in most of the City's large law firms and others were important members of dozens of firms that had spun off from more established partnerships.

Faced with the prospect of so many women in the profession, law firms, corporations, and public sector employers had finally begun to take a hard look at so-called "work/family" issues—extended maternity leave, part-time or flex-time work arrangements, job sharing, employer-assisted child care, and the like. Employers formed study committees and eagerly solicited the views of their women colleagues. Several firms and corporations built on-premises emergency child care facilities. There was even a rumor that one large law firm was on the verge of offering partnership to women who worked part-time. To many of us, it appeared that the sheer number of women entering the profession would lead to fundamental changes in certain long-prevailing professional paradigms.

Then came 1990. Business slowed down. Legal jobs evaporated. It was not just that new hiring and promotion slowed dramatically. For the first time, large law firms laid off associates; some even asked partners to leave. Due to a "trickle down" effect that (for once) worked just as the economists predicted, smaller firms, corporations, and government agencies had no work to offer the displaced. Legal employers quickly lost interest in addressing the "women's issues" that had been at the top of their human relations agendas only a year before. Instead, firms focused more closely on how many hours associates and partners worked, and those who did not conform to prevailing norms became expendable. As wave after wave of layoffs occurred, the question was no longer whether the profession was on the verge of becoming more hospitable to women, but whether women were disproportionately bearing the consequences of what was dubbed the "New Economic Era."

Ironically, before anyone fully understood that the world was shifting under us, the fledgling Committee on Women in the Profession had decided to commission an ambitious academic examination of issues that might be affecting the advancement of women in large New

York City law firms. The study proposal developed by the Committee assumed that a "glass ceiling" either existed or was perceived to exist. We wanted to explore the "why" behind that fact.

Our proposal focused on two issues. First, we noted that, for most (though not all) women lawyers, the ten to twelve years after law school were critical for establishing both career and family, and that family responsibility seemed to be a hindrance to promotion. We articulated the unspoken premise behind the emergence of a well-publicized "mommy track" in the legal workplace—namely, that working a reduced schedule (reduced, that is, by the prevailing standard at a particular place of work) was not compatible with advancement—we asked whether and why that hypothesis was true. We also wondered whether women who had postponed family until after promotion made a wise choice.

Second, we suggested that there might be multiple "glass ceilings" at various points in a woman attorney's career. We observed that promotion to a higher professional plane (partner, general counsel, tenured professor) did not necessarily mean that all barriers to the advancement of women had fallen. We asked whether there were "post-promotion glass ceilings" for women partners and, if so, what factors went into the creation and maintenance of these new barriers.

The Committee selected Dr. Cynthia Fuchs Epstein to design a study that would explore at least some of these issues and to carry it out. Dr. Epstein, Distinguished Professor of Sociology at City University, has a long-standing interest in women lawyers. Her 1981 book, *Women in Law*, was the first scholarly work to examine the role of women at large law firms. Dr. Epstein welcomed the chance to revisit some of her old conclusions and to ask new questions that had arisen as women poured into the legal profession in unexpectedly high numbers. The Committee undertook an ambitious private fund-raising program to finance the study—most of it from individual lawyers, supplemented by grants from several large law firms, the Professional Staff Congress of the City University of New York, and the Alfred P. Sloan Foundation.

Today, we present the product of our joint efforts: Dr. Epstein's study of attitudes toward issues affecting advancement of women lawyers at eight large New York City law firms.

Some of the Report's demographic findings would be evident from a visit to any large firm's Manhattan office. For example, since 1980, there has been a steady upward trend in the proportion of women associates hired, to the point where their numbers are nearly equal to those of men.¹ Furthermore, those women work in every area of law; they are no longer clustered in so-called "women's" fields.² There has

1. See *infra* part II.

2. See *infra* part II.

also been a steady upward trend in the number of women partners over the same period. But this increase, welcome though it be, is not nearly proportional to the increase in women at the entry level.³

Somewhat surprisingly, Dr. Epstein concluded that there was no difference in the rate of hiring or promoting women at firms with a more traditional, conservative or "white shoe" past and those that are newer and thought to be less tied to tradition.⁴ Similarly, a firm's compensation structure (lock-step versus "eat what you kill") did not predict how many women would become partner. In all firms, however, regardless of the perceived institutional culture, there was a sharp drop-off in new women partners after 1990.⁵ There also has not been any meaningful increase in the number of women who head practice groups or who play a major management role in the large firms studied—suggesting that women may not be ascending the leadership ladder at large firms.

More important, and critical to the ongoing discussion of the role of women in the legal profession, Dr. Epstein concluded that sex stereotyping and the perception of differences between men and women were serious obstacles to women's mobility both pre- and post-partnership.⁶

Dr. Epstein's findings about the relationship between perception and advancement have immense practical consequences in a city where the organized Bar professes to want to advance the careers of able women. To take one striking example: both the men and the women surveyed *perceive* that women are at a disadvantage in becoming rainmakers because fewer of their friends are business givers, because they have less time to devote to client development, and because they are not part of traditional business-generating networks.⁷ In a firm that is truly committed to the advancement of women, this shared perception should lead (male) firm leaders to provide extra mentoring to their women partners so they can become better business generators. But the women partners surveyed complained that their male colleagues do not help them overcome their perceived disadvantage. Some women even complain that they don't get credit for the business they do bring in. And some of the senior men surveyed candidly admitted that they believe women—even extremely competent women—are unsuited for particular matters or for business development. In a profession where actual (as opposed to apparent) authority is based on the ability to get and keep clients, this means that women as a class are less able to ascend to positions of real power and authority in their firms.

3. *See infra* part II.

4. *See infra* part IV.

5. *See infra* part IV.

6. *See infra* part IV.

7. *See infra* part III.

Perceptions about motherhood and its compatibility with the life of a professional also seem to inhibit mobility.⁸ There seems to be an expectation that women will drop back or drop out after bearing children, and not be as professionally committed once they have family obligations. But—because they often unconsciously accept stereotypical views of themselves—many women lawyers do not ask for, or insist on, the treatment and assistance that would make them truly equal to men at all stages of professional development. Women lawyers themselves share that expectation and many simply assume that they will not be accepted as full professional colleagues after they have children. There is a perception on the part of women with children that they are not getting the same work opportunities they enjoyed B.C. (Before Children).⁹ As Judge Patricia Wald noted in a recent address given at the 1995 Woman Advocate Seminar: “The biggest single complaint in the Glass Ceiling Commission’s audit of White & Case, the first major law firm to undergo the process, was the pervasive perception among women that they couldn’t have children and rise to partnership in the firm.”¹⁰ Ironically, in the sample of firms Dr. Epstein studied, the firms with what appeared to be a more “family friendly” culture (more receptivity to family leave and part-time or flex-time work options) made the *fewest* women partners.¹¹ That tentative finding, if borne out in a look at a broader range of firms and other employers, has serious implications for women lawyers. They may be attracted to employers that offer family-friendly benefits, only to find that they have unwittingly traded certainty about seeing their children for upward mobility. In Judge Wald’s opinion, that is short-sighted for both women *and* the legal profession:

With luck, we have a worklife of almost 50 years after leaving law school. How can 3-4 of them be so crucial that we are not allowed a second chance if we don’t heave to on the career front twelve hours a day, six days a week in our late twenties and early thirties? Yet that seems to be the cardinal rule of the legal game right now.

. . . .

The unsuccessful search for a niche that allows women practitioners during a few early years of their working lives, to keep regular hours, take vacations, go home when their kids are sick, is, I am convinced, the major factor in the remarkable attrition rate of women lawyers from the front lines of legal practice. Most never return, and I think we are the worse for it.¹²

8. See *infra* part VIII.

9. See *infra* part VIII.

10. Chief Judge Patricia M. Wald, “A Thousand Cuts”: The Reality and Perception of Discrimination, Remarks at the Aspen Law & Business Third Annual Institute: Woman Advocate 1995 (June 12, 1995) (on file with *Fordham Law Review*).

11. See *infra* note 53 and accompanying text.

12. Wald, *supra* note 10.

Until law firms (and other employers of lawyers) understand these prevalent attitudes and change them, the current pattern of women lawyers spending a few years at prestigious firms and then “voluntarily” dropping out will repeat itself as women tailor their aspirations to what they believe is available to them. This will only reinforce the existing perceptions and stereotypes. It will do nothing to help us address whether it is fair or right to view a woman lawyer who must work less in order to shoulder family responsibilities as “less committed” or “less professional” than her colleagues who work longer hours, or whether opportunities for professional advancement can legitimately be inhibited on that basis.

One of Dr. Epstein’s most fascinating findings is that women of different ages exhibit markedly different attitudes toward glass ceiling issues.¹³ Older women brand as unrealistic their younger colleagues’ belief that law firms should change to accommodate the reality of working caregivers. Young lawyers think older women were too ready to sacrifice either their careers or their personal goals; they believe that men, too, will benefit from a paradigm shift in the profession. As our Committee learned when we met to discuss the Report, older and younger women lawyers actually use different language to describe Dr. Epstein’s findings and take umbrage at each other’s terminology. That should not surprise us. Women are not monolithic; we have demanded for years to be treated as individuals and not as a class. But we need to be aware that women view from different vantage points what all of us would agree is a common problem—women have not gotten *as a class* where they ought to be in the legal profession.

We emphasize that Dr. Epstein’s work is not a report *of* The Committee on Women in the Profession, but a report *to* The Committee. By commissioning an independent scholar to design and carry out our study, the Committee knowingly gave up the ability to look at Dr. Epstein’s data and conclusions prior to publication of the Report, to explore the data on our own, or to edit her text and to adopt the Report on its own by formal vote. We are, however, proud of the work we have commissioned, proud of our vision in commissioning it, and proud of our ability to raise the funds to get it done. We have no doubt that we as a Committee, and the Association of which we are a part, have midwived an important addition to the literature on the advancement of women lawyers.

Furthermore, our Committee has always viewed Dr. Epstein’s efforts as a jumping-off point. In the next few years, The Committee on Women in the Profession will use this Report as a source of follow-up projects. It may choose to probe more deeply into some of the areas Dr. Epstein was unable to explore because of the limitations of her

13. See *infra* part VIII.

data. It would like, for example, to look more closely at the relationship (if any) between when women lawyers have children and what happens to their careers. The Committee also may inquire whether her findings are borne out in other segments of the profession (smaller firms, corporations, the public sector). Whatever path the Committee takes, it and others can profitably mine this Report for many years, and we are committed to doing so.

The Committee has decided on one agenda item for the future. This fall, it will ask a jury of academics and lawyers (women and men, partners and associates, and probably non-firm lawyers as well) to react to Dr. Epstein's report in writing. The Committee will publish those reactions next spring in the *Fordham Law Review*, and hold a public forum at the Association of the Bar in connection with that publication.

It would be impossible to thank everyone who worked on this project over the past five and one half years. Bettina Plevan, the first Chair of the Committee, encouraged us to be bold and visionary and then backed her Subcommittee on the Advancement of Women in the Profession when it came up with its study proposal. That original Subcommittee—Eileen Caulfield Schwab, Barbara Mendel Mayden, Colleen McMahon, Monroe Price, and Stuart Summit—worked tirelessly to sell the idea to the Committee and the Association, and two members of the Committee (Eileen Caulfield Schwab of Brown & Wood and Sarah Reid of Kelley, Drye & Warren) were instrumental in the fund-raising effort. The women and men who have served on the Committee since 1990 are to be congratulated, both for getting behind the study proposal and for refusing to let this project divert them from other Committee work. The staff of the Association—especially Presidents Conrad K. Harper, John D. Feerick, and Barbara Paul Robinson, Executive Director Fern Schair, and Counsel Alan Rothstein—have all performed yeoman service and endured many delays with tact and patience.

Then there are the law firms, without whom the study could not have been completed. More than a dozen of the City's largest firms made significant contributions to our project. Some offered generous donations. Others gave thousands of dollars in word processing and photocopying so that tapes of interviews could be transcribed. A few gave both hard money and clerical help. We would like to list them, but we cannot, because if we disclosed who gave money and clerical help, it would be too easy to figure out which other firms were the

subjects of Dr. Epstein's research. To those eight anonymous firms go the Committee's and the Association's special thanks.

Committee on Women in the Profession
*Colleen McMahon, Chair**
Ellen Friedman Bender, Secretary

* Author of this foreword.

EXECUTIVE SUMMARY

This is a study exploring women's integration into large corporate law practices and their mobility within firms.

A. *Method*

Eight firms participated in the study by providing empirical data and permission to interview lawyers in their firms. A sample of men and women partners and associates were chosen for interviews concerning their own careers and their observations and attitudes toward women's mobility. Alumni from the firms in the sample were also interviewed. The pool of minority partners and senior associates was so tiny that no analysis of their experience could be undertaken.

B. *Findings*

1. There has been a steady upward trend in the proportion of women associates hired (now nearing equity with men). There has also been a steady but slight upward trend in the proportion of women partners in all firms, although there is variation between the firms. About half of women partners have moved upward through non-traditional tracks (e.g., laterally). Differences in firm cultures ("Midtown" vs. "Downtown") do not seem to explain receptivity to women partners. One Midtown firm and one Downtown firm had the best records of the eight.

2. Women can now be found working in all specialties instead of clustering in a few. Almost no women head a practice group or have a management role in a firm (the few exceptions thus far are a product of rotation of partners for one slot on the management team). Some attribute this to women's lack of seniority; others to their lower record of business development (which may be related to seniority). There were a number of women interested in holding these positions.

3. Men in our sample work more billable hours than women on average, but women's average is brought down by a subset who work part-time. Respondents report increased expectations regarding billable hours at all levels of the firm. There is dissatisfaction on the part of men and women regarding work loads at all levels, although women suffer disproportionately because they bear the greatest burden of family responsibilities. Most lawyers agree that long hours are tied to client expectations.

4. Men and women also experience greater pressures to become "rainmakers" in their firms, although the firms vary in their expectations that (a) associates bring in business and that (b) service partners bring in business.

Both women and men believe that women are disadvantaged in their ability to bring in business because they possess fewer contacts than men, have less time to devote to client development, and are not

part of the networks in which business is generated. Women also believe that men do not create the same opportunities for women with regard to the inheritance of clients, or credit for business.

Women try to develop business through making their expertise visible (by lecturing and writing); keeping clients satisfied; and exploring new channels of contacts with women in the business world.

Women "junior" partners experience the most stress because they wish to bring in business but have, or are given, fewer resources with which to find it.

However, although most lawyers expressed the belief that client development skills or contact were necessary to attain partnership, many recently named partners (men as well as women) reported that they were not particularly accomplished at this task.

5. There did not appear to be a relationship between type of compensation arrangement and the proportion of women partners in a firm. Only one firm compensated lawyers according to a "lock-step" arrangement (where all partners share equally), while others used a point system in which an array of qualities were evaluated such as business, hours, and so on. The firm with the lock-step arrangement had a poorer record on the whole than other firms which compensated their members according to a point system.

6. Women's aspirations, like men's, are dependent on their assessment of opportunity in the firm, the current state of the economy, their assessment of the firm's needs for another partner in their practice group, and the feedback they get. Women who have done well report that when they got pregnant and had children, they were encouraged to come back and given good work to do. Many, however, report being passed over for good work at this time, and find that there is an expectation they will drop out altogether or get off the partnership track. Some women do, independently, lower their aspirations when they have children finding the pressure of work too difficult to reconcile with their family responsibilities.

Women also face more ambivalence on the part of senior partners with regard to becoming their mentors (as advocates and teachers). Some women find having one advocate may backfire because there are suspicions that personal feelings rather than professional criteria motivate the mentor. Formal mentoring systems do not replace informal (and more effective) mentoring relationships. Women partners face problems in taking on mentoring relationships because they have less power and less time to perform this role.

7. Sexual harassment and sex discrimination contribute to glass ceilings. The most typical kind of sexual harassment is the use of coarse and vulgar joking and behavior; unwanted sexual overtures are rarely cited. More frequent discrimination occurs by differentiating women as "outsiders" and regarding them as less committed to the firm and less able to answer its needs for client satisfaction and devel-

opment. The perception of difference, sex stereotyping, and treating women as a category rather than individually, provide serious obstacles to mobility. Women often share the stereotypes and use them in interpreting their own behavior. Not only do men stereotype women, but women stereotype men.

8. Women face prejudices that emanate from stereotypes regarding women's personality characteristics and the attribution of prejudice to clients, which may result in selective use of women on certain cases. Although this selectivity is denied by a majority of senior lawyers, a subset admit to it.

Women also face double-binds when they do not exhibit behavior based on male models (leading them to be branded as not tough enough) but are regarded as impaired women for acting "like men." Such "damned if you do; damned if you don't" situations act as a ceiling on their acceptance as a partner and a leader.

9. Although motherhood is usually considered a deterrent to career mobility, most women partners (three-quarters of them) in large firms are married and have children, although a somewhat higher percentage of men are married and have children. At the associate level a higher proportion of men are married. Overall, about half of the women attorneys in the firms had children. Most women partners successfully combine careers and child-rearing, employing a variety of coping strategies, although they do so under pressure. Because women lawyers (especially partners) are, on average, younger than the men, their children require more attention. Women have greater family obligations than male lawyers, many of whose wives do not work for pay. Women tend to assume conventional roles in the family, assuming major responsibility for children (although all use child care providers). Therefore, women, more than men, desire part-time work, although male lawyers also desire more time to spend with families.

10. Firm policies or informal practices that are "family friendly" may contribute to glass ceilings if women are penalized for taking advantage of them. The best policies seem to be flexible and fitted to the needs of the lawyer and to the practice group in which she works. There are a number of models of flexible work time; some prove more successful than others.

11. Different perspectives regarding advancement are exhibited by many women in different cohorts. Many younger women feel that senior women have made excessive sacrifices as they have combined careers with families, while older women feel that the expectations of younger women are unrealistic. However, many senior women do feel that efforts should be made in the firms to accommodate the needs of younger lawyers and many have made efforts to accomplish this.

The study reveals that, although there has been steady progress in women's climb to partnership, it is slow. Stereotyping, traditional at-

itudes, and behaviors toward women, often focussed around women's roles as mothers, discourage women's full participation and commitment, and accommodations to their family obligations often place them off-track. We have found that the integration of women depends on providing them with the support and rewards that men expect and on which they depend.

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I. INTRODUCTION¹⁵

A. Background

In 1992 the Committee on Women in the Profession proposed a study that would consider the impact of changes in the economy and the legal profession on women's mobility. The investigation was to consider a number of issues with regard to whether women encounter a "glass ceiling" in the profession. As Bettina Plevan, the Chair of the Committee wrote, "The 'glass ceiling' refers to the transparent but very real barrier between middle management and its professional equivalent and the more elusive realm of success at the top of the ladder—a general counsel, a manager of a law firm, a law school dean, a top corporate executive."

With Professor Cynthia Fuchs Epstein, Distinguished Professor of Sociology at the Graduate Center, the City University of New York, and author of *Women in Law*,¹⁶ it was decided to limit the study to women in large corporate firms, a sphere of law that is characterized for its fairly specified career path, and where women had made considerable inroads at the entry level in the past decade. Large firms are at the top of the profession; their members practice cutting-edge law; they act as leaders of the American Bar Association and the Association of the Bar of the City of New York; and many have influence on government policy as appointees at the national, state, and local levels

14. Distinguished Professor, Graduate Center, City University of New York.

15. We wish to acknowledge the assistance of the following research assistants who worked on this study at various points: Tania Levey, Heather Dalmage, Linda Schade, Neil McLaughlin, Melissa Fischer, and Kimberly Reed.

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16. Cynthia Fuchs Epstein, *Women in Law* (2d ed. 1993) [hereinafter *Women in Law*].

to cabinets and commissions. A significant proportion of all women attorneys now work for large firms, although at a rate lower than men.

The Committee obtained the agreement of ten firms to participate in the study. These firms agreed to communicate their approval to attorneys in the firms to participate in the study if they wished, and to provide statistical data and internal directories. Of the ten firms, eight actually participated in the study. They constituted a range of types and cultures, encompassing both old-line Wall Street firms and Midtown firms¹⁷ (although some of the Wall Street firms had moved to Midtown by the 1980s).¹⁸

The Committee also took responsibility for funding the project, which it partially accomplished through the contributions of individuals and some firms. Additional funds were obtained by Professor Epstein through a grant from the City University PSC-CUNY Award program, and a grant from the Alfred P. Sloan Foundation that covered some of the analysis of the section on part-time work. The Sociology Department of the CUNY Graduate Center also provided resources for the project through partial funding of a research assistant through its fellowship program.

B. Method

The study was framed as a qualitative and quantitative investigation, using in-depth interviews with a sample of male and female partners and associates in the firms, as well as a sample of alumni from these firms. Given the limited number of lawyers we could afford to interview, the sample is not random but it is representative of certain categories of lawyers. It was proposed to use whatever quantitative data could be obtained from the firms, and to gather other background information available through sociological journals and the legal press.

Ultimately, we interviewed 174 attorneys, 109 women and 65 men—approximately twenty lawyers from each firm, as well as alumni from the same firms; we also collected data from each of the firms. All interviews were to be treated anonymously. Although some firms had no objection to revealing their participation, others were reticent to do so, and therefore we decided not to reveal the names of any of them. (Both people and firms were free to reveal their participation

17. See Erwin O. Smigel, *The Wall Street Lawyer: Professional Organization Man?* 175-76 (1969) (distinguishing between "uptown" (Midtown Manhattan) and "downtown" (Wall Street) firms).

18. Smigel and other scholars have further identified the old-line Wall Street firms with their historic linkage to the merchant banks as "genteel and traditional," and the Midtown firms as more brash and entrepreneurial with a more diverse membership. See, e.g., *id.* at 108-10 (noting that "Wall Street lawyers comprise a very homogeneous group"). These distinctions are quite muted today, although the firms do have distinct cultures.

independently if they wished.) Some firms cooperated more enthusiastically than others and we therefore interviewed more than twenty lawyers in them. And some firms had more data to provide and therefore made available more extensive information than others, leading to some variation in our ability to have perfect comparability.

The process of interviewing took a great deal of time, since many lawyers did not respond to numerous attempts to reach them, some proved to be unavailable for interviewing, and many had to reschedule appointments several times. Professor Epstein conducted eighty interviews, and the rest were done by several graduate students, male and female. These lasted from one to three hours, with a median of two hours. Those who participated were helpful and generally candid.

In the sample of approximately twenty lawyers in each firm, about half were partners (male and female), ranging from managing partners to recently elevated partners. And half were associates (male and female), typically beyond their fifth-year. An additional twenty-three attorneys in the sample had worked at one of these firms but were no longer working there.

Of the total eighty-five women partners in all these firms, we interviewed forty-three—about half—as a result of interviewing four women partners in each firm. (We might have a sizable proportion of the women associates above the fifth year too, but we were not able to obtain statistics on the total number in that category.) Because there are so few minority partners and associates (especially above the fifth-year level), we were able to interview no more than five; these included Asian-Americans, as well as Latinos and African-Americans. As one can see from Table II.10, most firms do not have minority partners.¹⁹

Most of the audiotaped interviews were transcribed by staff in several firms approached by the Committee. Transcribers signed affidavits promising confidentiality, and no tapes were transcribed at the firms in which the interviewing was done. Transcription of tapes also took unexpectedly long to complete because the work was done at times when workloads in the cooperating firms made it possible, extending the period of time originally planned for this phase of the research. Because of this, about a dozen interviews were transcribed by a professional transcriber. The quality of transcriptions done by the firms also varied considerably in a significant number of cases, requiring the analysts to go back to the tape in order to make sense of the transcription.

The report that follows is, of course, selective, given the wealth of material that was collected and the limits of time and money available.

19. See *infra* Table II.10.

However, it contains material that is probably more extensive than any collected on this subject.

C. *Issues*

This study was devised to present the statistics that were available (not all firms collect the same kinds of figures), to explore the dynamics in back of these numbers, and to further analyze relationships that defy quantification. Our aim was to report on the processes that were identified by our respondents, lay out patterns, and illustrate them. We shall note some general trends and specify them in more detail in sections that follow.

1. Multiple Ceilings

When one looks at the proportion of women at upper levels of legal careers in large firms it is clear that women have a low representation as compared with men. The reasons for this are complicated, and, as we will show in this report, we identify not one but a number of glass ceilings at different levels of the career hierarchy.

Some of these are imposed by gatekeepers within the profession—the senior members of firms who make the decisions regarding promotion and the paths leading to it, and also make the rules that structure these firms. Thus, some ceilings result from conscious decision making, and others come about because of firm practices that affect women adversely.

Ceilings may also be imposed by women on themselves in the context of pressures internal to firms, as well as those from their families and, more generally, from the culture. Individuals' *choices* and the pressures they face are often interactive. Thus, what an individual describes as an individual choice when viewed collectively shows a pattern of constraints that lead to these individual decisions.

Of course, the ceilings experienced by individual women are varied. Some experience them at lower levels than others, and some do not feel they have experienced them at all. To some extent this is related to a person's history and to that of her cohort, as well as to the conditions within the firm in which she works.

A study is, by its nature, a description of one point in time with some reference to the past. Some have a longer view of the past than others. And, women's career opportunities are changing in an environment where many other changes are going on. Nevertheless, we can preface this report by pointing to several broad strokes in the momentum of change.

2. Changing Career Opportunities

Many strides towards equality have been made in large firms with regard to women (the access of minorities is less clear), as they have

elsewhere in the legal profession and in other professions. As we show in the next sections, there is equality in recruitment; equity in pay in the initial years; access to specialization in all areas of law; and institutionalization of policies such as maternity leave, unpaid leave, and, in all the firms we studied, availability of part-time work tracks. Many older people in the firms, who were witness to overt discrimination and a lack of policies that assisted lawyers in fulfilling obligations outside the firm, regard these changes as highly significant and large.

At the same time, women continue to face problems in climbing the career ladder, and only a tiny number have reached top management positions (we encountered only two such women, and they were part of a rotation system). There has also been an acceleration of expectations on the part of a large proportion of women, particularly those who entered these firms in the last fifteen years. In the past, few women expected to rise to partnership or the opportunity to practice beyond the limited specialties to which they were assigned.²⁰ Today, most lawyers, women and men, subscribe to an ideal of meritocracy; they feel that there should be a level playing field and that those who play on it should have their talents and contributions acknowledged and rewarded.

There is no consensus, however, on what might constitute a level playing field. There is agreement that there should be equal opportunity at every level, and many women, especially younger women, believe further that there can be no equality unless there are special accommodations to women's needs in fulfilling family responsibilities. Although there is some sentiment in favor of accommodating men with family obligations too, it is not strongly held by either women or men but does occur sporadically. Access to networks necessary to bring in business is also perceived as a male advantage, creating an unfair basis for evaluation.

3. Generational Differences

Another finding that pervades some of these issues is that of generational perspectives. The women in this study range in age from their twenties to their sixties. Therefore, a number of generations are represented here, and they are split between those who are partners and those who are associates. We did find different perspectives among older women partners and women associates, but beyond these actual differences the perception of a difference between the two groups is strong.

The issues noted above and the stereotypes and perceptions created by each group regarding the other create obstacles to women's access to equal opportunity in the minds of men and women. The following sections will deal with those regarded as most salient: business devel-

20. Women in Law, *supra* note 16, at 203.

opment; training and mentoring; promotion; sexual harassment; hours and alternative schedules; and family issues (which, of course, have consequences for the other topics). In addition there are cultural issues that are especially difficult to define: those of style (manner and appearance) and personality.

4. Social Processes That Influence the Advancement of Women

Some consistent social processes act as a backdrop to these topics and the findings that will be explicated below. They are traditionalism, stereotyping, and ambivalence. By this we mean the general social propensities to regard traditional organizational forms as natural or functional; the urge to categorize people according to a stereotyped view of their abilities or qualities; and the often unacknowledged process by which people hold inconsistent and even contradictory views—not unusual in a time of social change. These processes are not the province of women or men in general, nor of older or younger men or women. We have seen that people are of mixed minds, and thus send mixed messages about women's participation and rise within the profession.

D. *Historical Context*

In considering the present, it is important to reflect on the past, and the more general state of the profession today. Climbing the career ladder in large corporate law firms is no easy matter generally for young lawyers, and never has been. Although most of the young associates who start out in such firms are highly qualified—they were at the top of their class in law schools, and most have demonstrated their social and professional acceptability during a brief period as summer associates in the large firm environment—many are weeded out, or leave, as they move up in the firm's hierarchy, since firms historically have employed an "up or out" policy for associates, with the decision made anywhere between their seventh and tenth year.²¹ Partnership has been the standard goal and prize, but the old rules have changed in these firms in the past few years, particularly in the 1990s, and so have the players.

In past decades, partnership was granted on the basis of craftsmanship and the person's actual or potential skills in business development. Some young lawyers made their mark based on one or the other of these qualities, and, of course, a few excelled at both. Attention was also given to a lawyer's personal qualities and how well he

21. Some scholars have studied the process and regard it as a "tournament." See Marc Galanter & Thomas Palay, *Tournament of Lawyers: Transformation of the Big Law Firm* 77-120 (1991); see also Ronald J. Gilson & Robert H. Mnookin, *Coming of Age in a Corporate Law Firm: The Economics of Associate Career Patterns*, 41 *Stan. L. Rev.* 567, 567-95 (1989) (examining the economics of associate career patterns).

would fit into the "brotherhood" of the particular partnership;²² only a tiny number of women were promoted to partnership before the mid-1980s.²³ As the sociologist Erwin Smigel pointed out in his classic study, *The Wall Street Lawyer*,²⁴ personal connections and shared social characteristics of race, class, gender, religion, and education were highly important prior to the 1970s and 1980s, when the largest firms ranged in size from 100 to 150 and partners knew each other well.²⁵ Some residues of this tradition remain, although there has been general change.

These firms epitomized the ideal of professional practice. The qualities classically defining professional practice, such as service to clients, the production of knowledge, adherence to an ethical code, and responsibility to the professional community,²⁶ were perhaps best practiced in the large corporate law firms, which had resources to train and socialize lawyers and clients to professional norms.²⁷

But the social structure of these firms began to change in the 1970s and 1980s, as they responded to the lavish business opportunities provided by the emerging and prospering fields of mergers and acquisitions, corporate restructuring, and other spheres. Law firms doubled, tripled, and quadrupled in size, as firms recruited large numbers of law school graduates, competing with each other for talent. They searched for able people whose backgrounds were different from their members, were educated in schools not regarded as elite, or were women and minorities. Headhunters dealt in a brisk trade of talent, as lawyers, contrary to long tradition, left the firms in which they started their careers for competing firms that offered more money, more resources, and a swifter move to partnership.

Many young people were recruited to large firms that might not have considered them before or that they might not have considered themselves, as the competitive edge widened between these firms and government service or social issue legal work, which lagged further and further behind on the salary scale. Many young lawyers, burdened with law school debt, rationalized that they would work in large firms long enough to pay off their loans and acquire training that could be later translated into alternative careers. Of course, the lure

22. See Smigel, *supra* note 17, at 97-98 (stating that partners look to personality as a key factor in making a partner).

23. Women in Law, *supra* note 16, at 179-80.

24. Smigel, *supra* note 17.

25. See *id.* at 37-47.

26. See generally William J. Goode, *A Community Within a Community: The Professions*, 22 *Am. Soc. Rev.* 194, 194-200 (1957) (describing the characteristic traits of the professional community).

27. Jerome E. Carlin, *Lawyers' Ethics: A Survey of the New York City Bar 96-117* (1966) (discussing the impact of office size, client status, and office climate on conformity to ethical norms); Smigel, *supra* note 17, at 250-91 (discussing the factors that make a law firm a successful organization).

of high income, as well as the life-style commitments many of them made, made it difficult to leave corporate practice several years down the road. Furthermore, there was the sense of accomplishment many experienced working on high profile cases in an atmosphere demanding of time yet often exhilarating and dramatic.

But it was also the case that many women, like men in the past, were turning to law careers, not because they were highly motivated to become attorneys but because becoming a lawyer had become "the thing to do" for a college graduate who had done well in school. Many young women attorneys were not as connected to the profession as the somewhat older cohort, some of whom chose law as a second career, after finding traditional women's occupations to be dead ends, or found in the law intellectual stimulation and satisfaction. Thus, lawyers in the large firms in the 1990s represented a group with mixed motivations and commitments to the law.

This motivational profile came up against the test of commitment that was posed in the early 1990s by a period of economic downturn, in which the supports for continuity diminished. For the first time, top law firms began to reverse the traditional practices of the past and laid off lawyers, decreased the proportion of lawyers who were elevated to partnership, and, in the evaluation process, began to assess not only the lawyering skills of associates but turned greater attention to their business-getting potential, known as rainmaking.²⁸

The perception of many women in top law firms was that women suffered in greater proportions in this changing environment, being laid off more than the men and becoming disadvantaged in the evaluation process for partnership because of a perceived or actual different ability to obtain clients for the firm. Women partners, for example, often "firsts" in their specialty to become a partner, noted that a decade had passed since a woman had been named a partner in their departments.

At the same time, measures designed to eliminate discriminatory practices with regard to the hiring and promotion of women and members of minority groups had been put in place. These changes in law firms' culture and practice again changed in the declining economic environment of the early 1990s, not with regard to equality in entry but with regard to promotion.

The profession in general and large firms in particular had undergone radical change with regard to the inclusion of women. Women had been an insignificant proportion of lawyers in the profession until the late 1960s (when they were about 3%) and constituted only a handful in the large firms.²⁹ In the mid-1970s they started entering

28. For a discussion of the changes in large firms, see Galanter & Palay, *supra* note 21, at 45-68.

29. Women in Law, *supra* note 16, at 4 (Table I.1).

law schools in significant numbers and moving into all sectors of the law. This was probably in response to a number of legal cases against the law schools which maintained quotas that limited the number of women and minorities admitted. After law schools changed their policies in response to these suits and activism on the part of women in the profession and outside it, firms also faced sex discrimination law suits and changed their hiring policies.

Many partners within the firms had mixed feelings about bringing in women and minority lawyers: on the one hand, they believed it was probably the right thing to do legally and morally, and, on the other hand, they thought that women would not or could not measure up to the men whose backgrounds were familiar to them. A reference to the lingering presence of the traditional practices was made by Samuel Butler, then presiding partner at the Cravath firm, who stated, "[We do not make] partners of people who are very good lawyers and absolutely first-class people but are not what we think of as partners in our historical sense."³⁰ But most law firms began to form committees to explore the special problems of people in the categories unfamiliar to them. One result was adoption of maternity leave policies and some provisions for part-time schedules. Other responses included the adoption of formal mentoring programs and various kinds of sensitivity training programs. And, of course, many men merely accepted women into their firms and treated them fairly.

By 1992 women made up 26.2% (up from 20.9% in 1989) of all the lawyers at the top 250 law firms in the country and 11.2% of their partners (up from 9.2% in 1989 and 3.5% in 1981). They were 37% of all associates (up from 33% in 1989 and 20% in 1981). They were 40% to 50% of the firms' new recruits in 1992.³¹ In 1992 all large firms had at least one woman partner, only six had only one, and a number had twenty or more. However, minorities were only a tiny percentage of the pool of recruits and of partners.³²

30. Gilson & Mnookin, *supra* note 21, at 583 n.43 (quoting *Getting Rid of the Simple Up-or-Out Partner-Associate Structure*, Am. Law. Mgmt. Rep., Sept. 1987, at 26, 30).

31. Women in Law, *supra* note 16, at 426.

32. *Id.* at 427. Unfortunately we had too few minority lawyers in our sample—there are only a tiny number in the firms, and most are clustered among the junior associate ranks, a group we did not sample—to explore the ambivalence they experience in these firms. We plan to explore these issues in a later analysis.

According to the National Association for Law Placement, the rate of women partners in the nation's largest firms jumped to 12.9% in 1994, although in New York, the figure was 11.37%. Minority partners accounted for just 2.68% of partners in all firms. Two in five associates (38.99%) were women and one in twelve (8.36%) were minorities. Boston, Seattle, and Washington, D.C., had proportions of women partners above the 14% mark, and San Francisco stands out as the city consistently ranking at or near the top in terms of the representation of women and minorities across all levels of the law firm. Minorities and women accounted for 5.33% and 17.92% respectively of the nearly 1,445 partners reported for offices in that city. Press Release National Association for Law Placement, Partnership at Law Firms Remain Elusive

Of the many young people attracted to these firms, a subset hoped and expected to become partners but were aware of the poor odds they faced. In New York, for example, it was well known that chances for an associate to become partner could be as low as one in ten at the firm they entered as a young associate.³³ And, of course, many did not attempt to predict the future and merely worked hard, adopting a come-what-may attitude.

The economic downturns of the early 1990s also created an atmosphere of pessimism as young and older lawyers alike experienced a turn in fortune for some firms, which was a clear reversal of the booming 1980's when growth offered opportunities to all. A number of firms found themselves in debt, because of expansion into real estate that lost value, as well as a general downturn in business. For the first time large firms laid off young lawyers. Firms became ever more entrepreneurial, and clients became less loyal, placing work with a number of firms instead of using only the one that had historically done their work. Firms had to compete for business in processes known as "beauty contests," in which they made presentations to clients regarding their competence and the economies of their legal work.

Traditional practices and criteria for partnership, too, have been challenged in recent times. In the past, the brotherhoods of partnership were served by cultural bonds reinforced through rituals and traditions, such as the use of segregated clubs for social events and stag parties, that excluded women and members of other outsider groups. Today there is far more sensitivity to such practices (although residues remain, as we shall report below), and, far from excluding women and minorities, some effort is made to include them. Yet many traditional prejudices remain at the same time.

It is in this atmosphere of changed conditions, practices, and rituals that we undertook this study of women's advancement and integration in large corporate law firms in New York City, exploring differences and similarities in the careers of women and men lawyers. In these firms, employing between 202 and 680 lawyers, the climb to partnership is problematic, and so is integration into the partnership even for newly minted partners. For the first time, partners can no longer depend on lifelong tenure; they have witnessed the unusual occurrence of partner terminations at a few large firms. Many firms have also instituted levels of partnership with unequal earnings distributions based on judgments of the individual's "contributions" of skill and cli-

for Women and Minorities: Associates Better Represent Demographics of Law Graduates (Mar. 22, 1995) (on file with the *Fordham Law Review*).

33. A 1987 *National Law Journal* survey of promotion to partner at the five largest firms in seven localities showed the lowest ratios were in New York and the highest in Los Angeles (29 to 64%). Daniel J. Wise, *Pssst! Wanna Make Partner?*, Nat'l L.J., Oct. 26, 1987, at 1, 32.

ent development. Although not common in large corporate New York firms, sometimes distinctions are made between equity and non-equity partners. Even older partners now find themselves facing work pressures they thought would diminish with seniority in the firm. Competition for business to support their large staffs and overhead, a client base that is no longer loyal, and technological innovations such as fax machines and cellular telephones that accelerate turn around responses, all undermine the possibility for a leisurely professional pace as partners advance in seniority.

Increasingly, we see top law firms and the young lawyers recruited into them confronting structurally and culturally induced ambivalence,³⁴ as we noted earlier. These conflicts, which are not limited to the changing demographics of the firms, create the environment in which women and minorities are trying to find their way. For example, there is tension between law as a profession and as a business; there is a tension between the ethos of partnership equality and camaraderie and the entrepreneurial competitiveness of a demanding market; there is the ideal of the firm as an open meritocracy and the pressure to make particularistic judgments that reinforce familiar ways of doing things.

Given this changing set of conditions, this study explores the perceptions and status of women in large firms to assess—as well as the research can at this point—how well they are doing, and to locate and explicate the subtle processes that affect their integration and progress in these firms and, therefore, in the legal profession as a whole. We also interviewed men, not only to learn about their attitudes toward women but to see which processes affect all lawyers, and are not specific to women.

II. GENDER REPRESENTATION IN THE FIRMS STUDIED, 1980-94

The following section offers a brief statistical profile of the firms, lawyers in those firms, and respondents interviewed for this study. This overview gives a quantitative précis of the changes in size and personnel of the firms that participated in the study. It presents data, as well as the patterns of growth and change that have affected the profession as a whole. Although this was, for the most part, a qualitative study, planned to identify the social factors and perceptions that affect women's advancement in the legal profession, it was important also to show the structure of firms (e.g., their size and growth patterns) and their record of recruitment and promotion.

Data were collected for the years 1980 to 1994 for the practical reason that most of our firms collected data on hiring and promotion practices for this time period and provided it to us. Additionally, wo-

34. See Robert K. Merton & Elinor Barber, *Sociological Ambivalence and Other Essays* 73-89 (1976).

men attorneys were largely absent from these firms before the 1980s. With the spectacular growth of the profession and large corporate firms in particular, women were hired in large numbers and in a few cases promoted during this period. Also, after 1990, several firms in our sample, and many firms in general experienced a period of retrenchment. How women fare during economic slowdowns is important to understanding their long-term prospects for advancement.

A. *The Firms*

The eight firms we studied are all large and prominent Wall Street law firms based in New York City. To preserve confidentiality, we assigned a letter to each firm, and we will use those letters in this section to specify the different firms. (Note that the letters are not consecutive because one firm did not provide the same data as the others.)

TABLE II.1
SEX AND RANK OF LAWYERS IN LARGE FIRM PRACTICE
TOTALS

Year	Firm Size	Partners	Associates	Male Part	Female Part	% Female of Total	Male Assoc	Female Assoc	% Female of Total
1980	1138	388	740	378	10	3%	548	192	26%
1984	1548	485	1049	464	21	4%	678	371	35%
1988	2464	632	1493	576	56	9%	968	525	35%
1992	2952	721	1678	649	72	10%	1024	654	39%
1994	2923	710	1472	627	83	12%	879	593	40%

1980 and 1984 do not include data from Firm "C." All data for firms "A," "C," "E," "F," and "G" are from New York offices only. For firms "D" and "J" data are firmwide for 1980 and 1984. Firm Size for 1988, 1992, and 1994 are firmwide for "D" and "J" while the breakdown for partners and associates is from New York offices only. All data for Firm "H" are firmwide except for the 1994 breakdown of partners and associates which is from New York office only. Source: National Association for Law Placement forms.

TABLE II.2
SEX AND RANK OF LAWYERS IN LARGE FIRM PRACTICE
FIRM "A"

Year	Firm Size	Partners	Associates	Male Part	Female Part	% Female of Total	Male Assoc	Female Assoc	% Female of Total
1980	114	40	70	38	2	5%	55	15	21%
1984	146	44	97	41	3	7%	70	27	28%
1988	207	58	143	54	4	7%	97	46	32%
1992	266	62	192	58	4	6%	109	83	43%
1994	270	62	195	57	5	8%	110	85	44%

All data are from New York office only. The numbers of partners and associates do not add up to the total number reported for firm size.

Source: National Association for Law Placement forms.

TABLE II.3
SEX AND RANK OF LAWYERS IN LARGE FIRM PRACTICE
FIRM "C"

Year	Firm Size	Partners	Associates	Male Part	Female Part	% Female of Total	Male Assoc	Female Assoc	% Female of Total
1988	278	79	181	69	10	13%	127	54	30%
1992	289	88	170	75	13	15%	99	71	42%
1994	258	88	138	74	14	16%	74	64	46%

All data are from New York office only. The numbers of partners and associates do not add up to the total number reported for firm size.

Source: National Association for Law Placement forms.

TABLE II.4
SEX AND RANK OF LAWYERS IN LARGE FIRM PRACTICE
FIRM "D"

Year	Firm Size	Partners	Associates	Male Part	Female Part	% Female of Total	Male Assoc	Female Assoc	% Female of Total
1980	121	53	68	51	2	4%	52	16	24%
1984	211	76	130	72	4	5%	88	42	32%
1988*	382	73	144	67	6	8%	88	56	39%
1992*	433	81	124	71	10	12%	71	53	43%
1994*	443	85	105	73	12	14%	56	49	47%

* Breakdown of partners and associates is from New York office only. Firm Size is number of attorneys firmwide. Data for 1980 and 1984 are firmwide, but the number of partners and associates for 1984 do not add up to the total number reported for firm size.

Source: National Association for Law Placement forms.

TABLE II.5
SEX AND RANK OF LAWYERS IN LARGE FIRM PRACTICE
FIRM "E"

Year	Firm Size	Partners	Associates	Male Part	Female Part	% Female of Total	Male Assoc	Female Assoc	% Female of Total
1980	127	36	89	36	0	0%	73	16	18%
1984	164	59	118	59	0	0%	77	41	35%
1988	200	67	133	61	6	9%	71	62	47%
1992	217	76	130	69	7	9%	78	52	40%
1994	202	76	124	69	7	9%	72	52	42%

All data are from New York office only. The numbers of partners and associates do not add up to the total number reported for firm size.

Source: National Association for Law Placement forms.

TABLE II.6
SEX AND RANK OF LAWYERS IN LARGE FIRM PRACTICE
FIRM "F"

Year	Firm Size	Partners	Associates	Male Part	Female Part	% Female of Total	Male Assoc	Female Assoc	% Female of Total
1980	138	47	88	47	0	0%	68	20	23%
1984	186	54	124	54	0	0%	80	44	35%
1988	227	71	144	66	5	7%	93	51	35%
1992	219	65	142	61	4	6%	93	49	35%
1994	212	71	132	65	6	8%	89	43	33%

All data are from New York office only. The numbers of partners and associates do not add up to the total number reported for firm size.

Source: National Association for Law Placement forms.

TABLE II.7
SEX AND RANK OF LAWYERS IN LARGE FIRM PRACTICE
FIRM "G"

Year	Firm Size	Partners	Associates	Male Part	Female Part	% Female of Total	Male Assoc	Female Assoc	% Female of Total
1980	147	61	85	57	4	7%	58	27	32%
1984	218	74	143	68	6	8%	90	53	37%
1988	246	86	150	79	7	8%	106	44	29%
1992	298	113	156	105	8	7%	98	58	37%
1994	305	113	165	103	10	9%	104	61	37%

All data are from New York office only. The numbers partners and associates do not add up to the total number reported for firm size.

Source: National Association for Law Placement forms.

TABLE II.8
SEX AND RANK OF LAWYERS IN LARGE FIRM PRACTICE
FIRM "H"

Year	Firm Size	Partners	Associates	Male Part	Female Part	% Female of Total	Male Assoc	Female Assoc	% Female of Total
1980	300	99	201	98	1	1%	146	55	27%
1984	351	115	236	113	2	2%	149	87	37%
1988	484	125	347	115	10	8%	229	118	34%
1992	600	135	436	122	13	10%	277	159	36%
1994*	553	101	279	87	14	14%	172	107	38%

* Data for Firm Size are firmwide. Breakdown of partners and associates is from New York office only. The numbers of partners and associates for 1988 and 1992 do not add up to the total number reported for firm size.

Source: National Association for Law Placement forms.

TABLE II.9
SEX AND RANK OF LAWYERS IN LARGE FIRM PRACTICE
FIRM "J"

Year	Firm Size	Partners	Associates	Male Part	Female Part	% Female of Total	Male Assoc	Female Assoc	% Female of Total
1980	191	52	139	51	1	2%	96	43	31%
1984	272	63	201	57	6	10%	124	77	38%
1988*	440	73	251	65	8	11%	157	94	37%
1992*	630	101	328	88	13	13%	199	129	39%
1994*	680	114	334	99	15	13%	202	132	40%

* Breakdown of partners and associates is from New York office only. Firm Size includes attorneys firmwide. Data prior to 1988 are firmwide, but the number of partners and associates for 1984 do not add up to the total number reported for firm size.

Source: National Association for Law Placement forms.

The firms range in size from Firm "E" with 202 attorneys in its New York office to Firm "J," which had 680 attorneys firmwide. The mean number of attorneys in all offices of these firms is 408. The number of partners in the New York offices ranged from sixty-two at Firm "A," to a high of 114 at Firm "J." The number of associates in the New York offices range from a low of 105 at Firm "D," to 334 at Firm "J." The average number of partners in New York offices in 1994 is eighty-nine; for associates, the average is 185.

Since 1980, all of the firms studied grew considerably.³⁵ Between 1980 and 1994 the largest firm, "J," more than tripled in size, increasing from 191 attorneys to 680, with partners more than doubling from fifty-two firmwide to 114 in its New York office alone. The number of associates at "J" grew even more dramatically, increasing from 139 firmwide to 334 in its New York office. Firm "E," the smallest firm

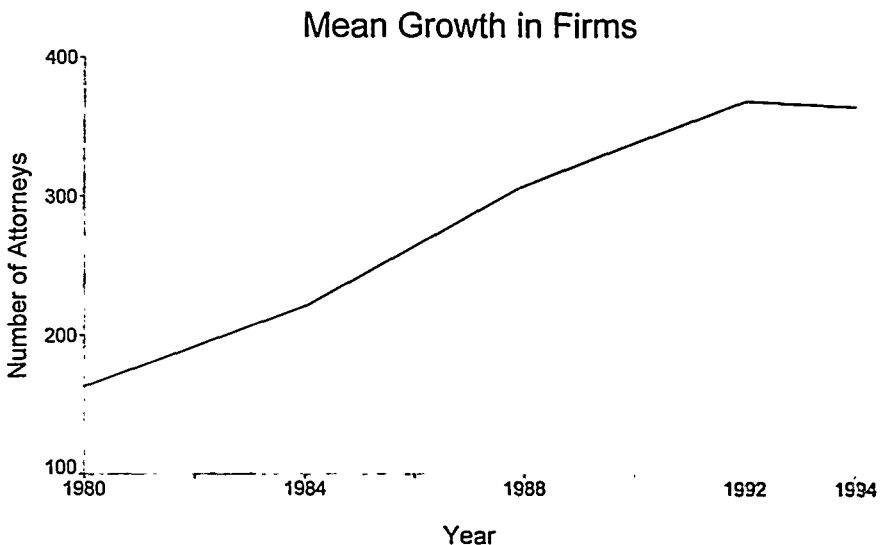
35. See *infra* Figure II.1.

studied, grew from 127 attorneys in 1980 in its New York office to 202 in 1994. The firm with the fewest attorneys in 1980 was Firm "A," with 114 in its New York office. By 1994, Firm "A" had 270 lawyers in its New York office alone. Between 1980 and 1994, partners in its New York office increased 55%, from forty to sixty-two, and associates at the same location increased almost 180%, from seventy to 195. The mean size of the firms studied overall was 164 in 1980 ($N=7$; there were no data for Firm "C" until 1988), and fourteen years later they had expanded more than two-and-one-half times to a mean of 415 lawyers ($N=8$).

The mid-1980s (1984-88) was the period of highest overall growth for four of the seven firms for which we have data. (Firm "A": 42%; Firm "D": 81%; Firm "H": 38%; and Firm "J": 62%). Three experienced their greatest expansion between 1980 and 1984: Firm "E" (29%), Firm "F" (38%), and Firm "G" (48%). Each firm saw its rate of growth slow between 1988 and 1992, with the exception of Firm "G", which grew 21% during this period.

During the last two years the fortunes of the sample firms have changed dramatically. Half of these firms continued growing, although three firms ("A," "D," and "G") expanded by only 2%. Four firms ("C," "E," "F," and "H") suffered business setbacks and cut the number of lawyers employed by 3% to 11%. One firm, "J," increased the number of lawyers employed by 8%. A graphic presentation of the mean growth in the firms studied can be seen in Figure II.1.

FIGURE II.1



Source: Derived from Table II.1

The number of women attorneys grew considerably from a small base in all firms studied, with the greatest increase occurring among women associates, who ranged in 1980 from a low of fifteen at Firm "A" to a high of fifty-five at Firm "H." The mean for women associates grew by 274%, from twenty-seven in 1980 to seventy-four in 1994. Even the firm with the fewest women associates in 1994, Firm "F," more than doubled the number of women associates during this period, expanding from twenty to forty-three in its New York office.

In 1980 the proportion of women associates was very small in most of these firms. Firm "E," which had the smallest proportion of women associates in 1980 (18%), increased to 42% in its New York office by 1994. The firm that had the highest proportion of female associates in 1980, "J" (31%), increased to 40%. On average, the percentage of women to total associates in 1980 was 26% (N=7). In 1994, for the firms' New York offices, that statistic increased to 40% of associates (N=8), an increase of over 50%. (At the same time, the number of women presently graduating from law schools is also 40% of all graduates.) The greatest rate of increase in the percentage of women associates occurred overall from 1980 to 1984, and in five particular cases (firms "D," "E," "F," "H," and "J"). Firms "A" and "G" had their greatest increase in the percentage of women associates from 1988 to 1992.

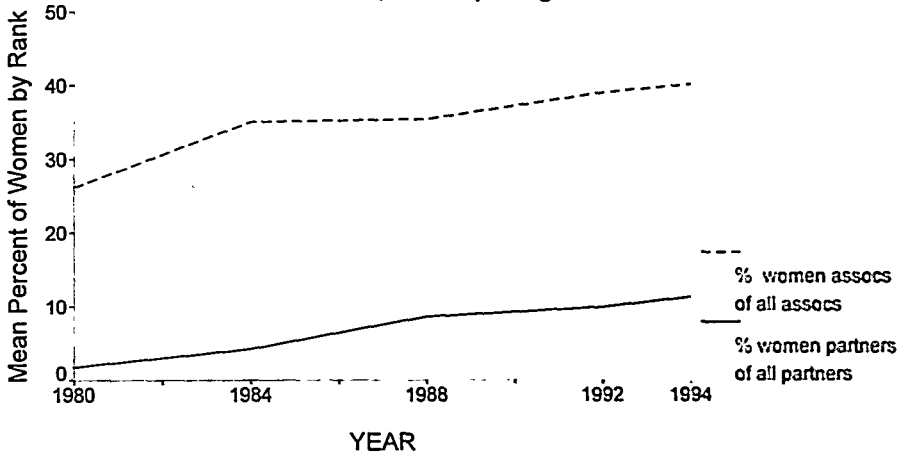
Aggregate firm growth was greatest from 1984 to 1988. Assuming no discrimination against women, the representation of women in the firms should increase roughly in proportion to the growth of all associates during that same period. From 1980 to 1994, this, in fact, was the case for most firms. The number of women associates hired is in part a function of both their supply and the firms' demand for qualified associates. In three firms—"G," "H," and "J"—the percentage of female associates declined, while the number of associates and the firms as a whole were growing. Conversely, among those firms that contracted in size in the last two years, at two firms, "C" and "E," the percentage of women associates increased. This finding indicates that while supply and demand for associates are important factors in women's inclusion in the law, there may be no relationship between growth and receptivity to women.

From 1980 to 1994, the proportion of women partners rose slowly and steadily from a mean of 1.4 per firm to 10.4, an increase of 743%. In 1980, two of the seven firms ("E" and "F") for which we have data had no women partners. Firm "G" had the highest absolute number—four—and the highest percentage of women partners, 7%. In 1994, fourteen years later, all of the firms studied had women partners, ranging from Firm "A" with five women partners (8%) to Firm "C" with fourteen female partners (16% of its partners; figures are for New York offices of "A" and "C" only.) Figure II.2 shows the in-

crease in the percentage of women partners from 1980 to 1994 for the participating firms.

FIGURE II.2

Female Partners & Associates Mean %, Participating Firms



Source: Derived from Table II.1

The increase in the percentage of women partners between 1980 and 1994 ranges from a low of 29% at firm "G" and 61% at firm "A" to a high of 1400% at firm "H." The increases in percentages are dramatic; but it should be noted that they are based on absolute numbers which were quite small in 1980. The pattern is notable, however: dramatic increases in the number of female partners occurred by 1988 in absolute numbers and in the percentage of women to total partners. Firm "E" went from having no female partners to six (0% to 9% of total partners). Another firm, "H," added nine partners, raising their total from one to ten women partners (1% to 8%).

Yet, because the number and percentage of women partners is so small at all firms, other than identifying a steady increase, we can find no significant correlation with firms' cultures or structures. However, there are a few relationships worth noting: there is a slight and positive relationship between firm size and the percentage of women partners, although the same is not true for women associates. This may be related to the more entrepreneurial nature of some firms, which may have grown by adapting more rapidly to changing market opportunities by promoting women to partnership and bringing them in laterally. Similarly, variations may also result from the relative success of the firms during this period. In addition, we suspect that individuals in particular firms with good records acted with greater commitment than others in recognizing the ability of women in their firms.

B. *The Attorneys*

This section provides a profile of the attorneys who worked in the firms studied in 1992-93. The information is based on data supplied by the firms (in one case by the *Martindale-Hubbell Law Directory*) for most of their attorneys. Most firms provided data on sex, birth date, rank, specialty, and law school attended.

Slightly more than one-quarter of the attorneys in the firms providing this data were women (women=489, 27%; men=1354, 73%). Women constituted 39% of the associates (394). We have data for 1022 associates in seven of the firms. Women were 10% of the partners (seventy-three) (men=645), and 16% (fifteen) of the ninety-one attorneys serving as of counsel or counsel.

TABLE II.10
LAWYERS' RACE BY SEX AND RANK, PARTICIPATING
FIRMS, 1992

Race	Male Partner	Female Partner	Male Associate	Female Associate	Total Males	Total Females
White	490 (98%)	58 (97%)	482 (90%)	281 (84%)	972 (94%)	339 (86%)
Black	1 (0%)	1 (2%)	25 (5%)	24 (7%)	26 (3%)	25 (6%)
Latin	3 (1%)	0 (0%)	12 (2%)	9 (3%)	15 (1%)	9 (2%)
Asian	3 (1%)	1 (2%)	15 (3%)	13 (4%)	18 (2%)	14 (4%)
Other	2 (0%)	0 (0%)	3 (1%)	6 (2%)	5 (0%)	6 (1%)
Total	499 (100%)	60 (100%)	537 (100%)	333 (100%)	1036 (100%)	393 (100%)

New York offices only.

Source: Firm-supplied data.

1. Minorities

We had hoped to analyze the experiences of minority lawyers in the study of glass ceilings in large law firms. However, there were so few African-American, Latino, or Asian-American senior associates and partners at these firms that no analysis could be reasonably executed. Lawyers in our sample firms are overwhelmingly white, as shown in Table II.10. Ninety-four percent of male attorneys and 86% of female attorneys are white. The ratio of African-American males to African-American females is 1.04:1; Latino males to Latina females is 1.45:1; Asian-descent males to Asian-descent females is 1.25:1; and for white attorneys, the male to female ratio is 2.89:1. The high ratio of white male to female lawyers diminishes as the age of attorneys decreases. For white attorneys forty years or younger the ratio declines to 1.65:1. This age cohort effect results from the increase in the number of women associates. The smaller disparity between males and females among minority attorneys can be traced mainly to the fact that they tend to be younger.

2. Age

Knowing the age of attorneys is important for several reasons. Governance of the firm is strongly correlated with age. Skills and experience in the profession are related to age as well. Also, it is important to know the ages of women and men so as to be aware that differences that are ascribed to gender may in fact be more closely related to age.

TABLE II.11A
PARTNERS' YEARS OF BIRTH BY SEX,
PARTICIPATING FIRMS

Year	Male	Female	Total
pre-1936	37 (13%)	1 (3%)	38 (12%)
1936-41	42 (15%)	1 (3%)	43 (14%)
1942-47	74 (26%)	6 (19%)	80 (25%)
1948-53	85 (30%)	17 (55%)	102 (32%)
1954-59	44 (15%)	6 (19%)	59 (16%)
1960-present	3 (1%)	0 (0%)	3 (1%)
Total	285 (100%)	31 (100%)	316 (100%)

TABLE II.11B
ASSOCIATES' YEARS OF BIRTH BY SEX,
PARTICIPATING FIRMS

Year	Male	Female	Total
pre-1948	3 (3%)	5 (4%)	8 (3%)
1948-53	15 (8%)	6 (4%)	21 (7%)
1954-59	44 (24%)	20 (15%)	64 (20%)
1960-65	95 (52%)	73 (54%)	168 (53%)
1966-71	24 (13%)	32 (24%)	56 (18%)
Total	181 (100%)	136 (100%)	317 (100%)

Source: Firm-supplied data.

The women attorneys are on average younger than their male counterparts, as shown in Tables II.11A and II.11B. Fourteen percent of the lawyers (including four women) for whom we had year of birth data (633) were born before World War II. More than three-quarters of women attorneys were born after 1953, as compared to 45% of men. There is a steadily increasing percentage of women in each younger cohort. Women born between 1942 and 1947 comprise 13% of attorneys in that age group. Women increase to 43% of all attorneys born between 1960 and 1965. In the youngest cohort, born after 1965, thirty-six (58%) of the sixty-two attorneys are women. One hundred percent of African-American, 85% of Latino, and 95% of Asian lawyers are forty years old or younger.

3. Education

Educational credentials are an important component of the "human capital" that lawyers bring to their firms. Differences in these credentials between groups would suggest that one group is favored over another. The credentials of attorneys in the firms we studied are of high caliber. This is evidenced in Tables II.12A and II.12B.

TABLE II.12A
TYPE OF LAW SCHOOL LAWYERS ATTENDED BY SEX AND
RANK, PARTICIPATING FIRMS, 1992

School	Male Partner	Female Partner	Male Associate	Female Associate	Total Males	Total Females
Elite	381 (68%)	39 (60%)	194 (50%)	133 (53%)	575 (60%)	172 (54%)
National	121 (21%)	15 (23%)	91 (23%)	45 (18%)	212 (22%)	60 (19%)
Local	58 (10%)	9 (14%)	101 (26%)	70 (28%)	159 (17%)	79 (25%)
Other	3 (1%)	2 (3%)	3 (1%)	4 (2%)	6 (1%)	6 (2%)
Total	563 (100%)	65 (100%)	389 (100%)	252 (100%)	952 (100%)	317 (100%)

TABLE II.12B
TYPE OF COLLEGE LAWYERS ATTENDED BY SEX AND
RANK, PARTICIPATING FIRMS, 1992

School	Male Partner	Female Partner	Male Associate	Female Associate	Total Males	Total Females
Elite	261 (47%)	38 (58%)	145 (37%)	107 (43%)	406 (43%)	145 (46%)
National	154 (28%)	12 (18%)	109 (28%)	72 (29%)	263 (28%)	84 (27%)
Local	135 (24%)	14 (22%)	123 (32%)	66 (26%)	258 (27%)	80 (25%)
Other	10 (2%)	1 (2%)	12 (3%)	5 (2%)	22 (2%)	6 (2%)
Total	560 (100%)	65 (100%)	389 (100%)	250 (100%)	949 (100%)	315 (100%)

Source: Firm-supplied data. Elite law schools and colleges consist of the top ten U.S. law schools and colleges. National law schools and colleges are other U.S. law schools and colleges that have national prominence. Local law schools consist of practice-oriented institutions in the U.S.

A majority (59%) attended elite law schools, with 44% graduating from elite colleges. Women and men do not appear to differ in the amount and quality of "human capital" they bring to these firms. The differences between women's and men's educational background are slight and not statistically significant. Sixty percent of women partners went to elite law schools while 68% of men partners attended the same institutions. Of women partners, 23% (as compared to 21% for men) attended national law schools.

4. Specialties

In the past, stereotypes regarding women's competence directed them into certain practice areas. These were typically not the high prestige areas. Data show that advances were made, in that there are no large differences between the percentages of men and women represented in any specialty, as compared to their overall representation in the firms. (Data in this section includes ranks other than partner and associate.)

TABLE II.13
SELECTED PRACTICE AREAS BY SEX AND RANK
PARTICIPATING FIRMS, 1992

Practice Area	Bankruptcy	Corporate	International	Litigation	Real Estate	Tax	Trust & Estates	Mult. Areas	Totals
Male	23	106	22	93	28	47	17	42	378
Partner	(6%)	(28%)	(6%)	(25%)	(7%)	(12%)	(5%)	(11%)	(100%)
Female	4	17	1	8	5	6	1	4	46
Partner	(9%)	(37%)	(2%)	(17%)	(11%)	(13%)	(2%)	(9%)	(100%)
Male	20	115	11	100	29	37	5	13	330
Assoc	(6%)	(35%)	(3%)	(30%)	(9%)	(11%)	(3%)	(4%)	(100%)
Female	15	64	20	69	12	6	5	8	199
Assoc	(8%)	(32%)	(10%)	(35%)	(6%)	(2%)	(3%)	(4%)	(100%)
Male	43	221	33	193	57	84	22	55	703
Totals	(6%)	(31%)	(5%)	(27%)	(8%)	(12%)	(3%)	(8%)	(100%)
Female	19	81	21	77	17	12	6	12	245
Totals	(8%)	(33%)	(9%)	(31%)	(7%)	(5%)	(2%)	(5%)	(100%)

Numbers in each cell represent the raw numbers in each category and the percentages of each sex practicing in particular areas for that rank. Bottom "Totals" rows represent raw numbers for each practice area and total percentage of each sex from participating firms. Totals column represents raw numbers and percentages of attorneys practicing in selected areas from participating firms. Twenty-six percent of attorneys in the participating firms—338 attorneys—were working in other specialties.

N=1291

Source: Firm-supplied data.

In some traditionally "male" areas where women were excluded in the past, such as Litigation, women now constitute a higher proportion than is their overall representation in the firms as shown in Table II.13. Thirty-one percent of women (seventy-seven) versus 27% (193) of men practice in this area. In Trusts and Estates men and women are nearly equal in their representation.

When similar calculations are made for partners' specialties, little changes. Thirty-seven percent of women partners (seventeen of forty-six) as compared to 28% of men specialize in Corporate law (106 of 378). There are more male partner litigators (25%; ninety-three of 378) than female partners (17%; eight of forty-six).

C. Profiles of Lawyers Interviewed for the Study

Interviews were conducted with 174 attorneys, 109 women and sixty-five men. Fifty of the associates are women and thirty-four men. Forty-three partners are women and twenty-two men. One of three *counsel* attorneys is a woman. Of the twenty-two alumni lawyers who left the firms, eight are men, and fourteen are women. Demographic data sheets from 150 of those interviewed were collected, a response rate of 86% (ninety-seven of 109, 89% for women; fifty-three of sixty-five, 82% for men). The forty-three women partners all returned demographic data sheets; they represent more than half of the eighty-five women who held partnerships in 1994 in the New York offices of the eight firms participating in this study.

It is important to emphasize that the sample is not random. The decision was made to weight the sample with attorneys at or above the fifth year level in a variety of specialties. We also oversampled women associates, alumnae, and partners, because their experiences spoke to the issues at hand. Likewise, senior male attorneys were oversampled, based on the assumption that they would be the decision makers in their firms and able to offer insights into the workings of the firms that others did not possess. Several associates and partners were interviewed because other interviewees had recommended them to us. Thus, our responses constitute a spread of experiences and attitudes from important categories of lawyers, but they do not represent a statistically significant sample. However, the data collected from women partners may be regarded as statistically meaningful, since we interviewed and collected data from half of the entire universe of those in the New York offices of the participating firms.

1. Age

Interview respondents range in age from twenty-eight to eighty-one years as presented in Tables II.14A and II.14B. The average age is approximately forty years old. The men in the sample tend to be older than the women, with almost one-quarter of men (twelve of fifty-three) fifty years or older. Only 8% of women attorneys (eight of ninety-seven) are in the same age range.

Among women partners, nearly half (47%; twenty of forty-three interviewed) were born between 1950 and 1954, while more than half the male partners (53%; eleven of twenty-one) for whom we have data were born before 1945. Six women partners' birth dates (14%) fall between 1955 and 1964. The remaining women partners, seventeen (39%), were born before 1950, with one born in the 1930s and one in the 1920s. There are few discernible age differences between the male and female associates; in both groups slightly more than 60% were born after 1959, which makes them older than the overall popu-

lation of associates, due to our decision to concentrate on interviews with senior associates.

TABLE II.14A
RESPONDENTS' BIRTH YEAR BY SEX—PARTNERS

Year	Male	Female	Total
pre-1936	3 (14%)	2 (5%)	5 (8%)
1936-41	4 (19%)	1 (2%)	5 (8%)
1942-47	6 (29%)	8 (19%)	14 (22%)
1948-53	3 (14%)	24 (56%)	27 (42%)
1954-59	4 (19%)	7 (16%)	11 (17%)
1960-present	1 (5%)	1 (1%)	2 (17%)
Total	21 (100%)	43 (100%)	64 (100%)

N=64

TABLE II.14B
RESPONDENTS' BIRTH YEAR BY SEX—ASSOCIATES

Year	Male	Female	Total
pre-1948	0	1 (2%)	1 (1%)
1948-53	3 (12%)	2 (5%)	5 (7%)
1954-59	7 (27%)	14 (32%)	21 (30%)
1960-65	15 (58%)	27 (61%)	42 (60%)
1966-present	1 (4%)	0	1 (1%)
Total	26 (100%)	44 (100%)	70 (100%)

N=70

Source: Demographic Data Sheets.

Percentage totals may not add up to 100 due to rounding.

2. Education

Although the male partners we interviewed are members of different generations, close to half (48%, ten of twenty-one) graduated from law school in the mid- to late-sixties, whereas only 7% of the female partners in the sample graduated during that period. Half of the women partners (53%) completed law school a decade later. Nonetheless, the two gender groups have strikingly similar educational credentials as presented in Table II.15. These roughly mirror the credentials of the larger population of lawyers in the participating firms. Sixty percent (twenty-six of forty-three) of women partners attended elite law schools, as compared to 62% (thirteen) of male partners. Thirty percent (thirteen) of women partners attended national law schools and 9% (four) local schools. Male partners graduated from national law schools at a rate of 24% (five), with 14% (three) coming from local area schools.

TABLE II.15
TYPE OF LAW SCHOOL ATTENDED BY RESPONDENTS BY
SEX AND RANK

School	Male Partner	Female Partner	Male Associate	Female Associate	Total Males	Total Females
Elite	13 (62%)	26 (60%)	8 (31%)	14 (32%)	21 (45%)	40 (46%)
National	5 (24%)	13 (30%)	11 (42%)	14 (32%)	16 (34%)	27 (57%)
Local	3 (14%)	4 (9%)	7 (27%)	16 (36%)	10 (21%)	20 (23%)
Total	21 (100%)	43 (100%)	26 (100%)	44 (100%)	47 (100%)	87 (100%)

N=134

Source: Demographic Data Sheets. Elite law schools consist of the top ten U.S. law schools. National law schools are other nationally prominent law schools. Local law schools are practice-oriented institutions in the U.S.

Percentage totals may not add up to 100 due to rounding.

3. Specialties

Sixty-nine percent of women attorneys list their practice specialty as either Corporate or Litigation (fifty of seventy-two). Percentages for men are slightly higher, with 79% in either Corporate and Litigation (thirty of thirty-eight). None of the men interviewed practice Trusts and Estates law, but four of the women, two of whom are partners, do.

TABLE II.16
SELECTED PRACTICE AREAS BY SEX AND RANK
FOR RESPONDENTS

Practice Area	Bankruptcy	Corporate	Litigation	Real Estate	Tax	Trust & Estates	Mult. Areas	Totals
Male Partner	0	9 (44%)	6 (32%)	1 (5%)	2 (11%)	0	1 (5%)	19 (100%)
Female Partner	3 (10%)	10 (33%)	10 (33%)	2 (7%)	1 (3%)	2 (7%)	2 (7%)	30 (100%)
Male Assoc	2 (11%)	5 (26%)	10 (53%)	1 (5%)	1 (5%)	0	0	19 (100%)
Female Assoc	3 (7%)	15 (36%)	15 (36%)	3 (7%)	1 (2%)	2 (5%)	3 (7%)	42 (100%)
Male Totals	2 (5%)	14 (37%)	16 (42%)	2 (5%)	3 (8%)	0	1 (3%)	38 (100%)
Female Totals	6 (8%)	25 (35%)	25 (35%)	5 (7%)	2 (3%)	4 (7%)	5 (7%)	72 (100%)

Numbers in each cell represent the raw numbers in each category and the percentages of each sex practicing in particular areas for that rank. Bottom Totals rows represent raw numbers for each practice area and total percentage of each sex from the sample. Totals column represents raw numbers and percentages of attorneys practicing at each level of rank. Fifteen percent of respondents from the participating firms—19 attorneys—were working in other specialties.

N=129

Source: Demographic Data Sheets.

This profile provides the backdrop for the discussion of issues regarding women's advancement in the firms. By exploring the career histories, perceptions, and attitudes of men and women at the partner and senior associate level, we will indicate the range of issues that affect the process of integration and mobility within the firms. The following chapters of the report will examine separate aspects of the work of lawyering and the progress of a career in the law as practiced by large firms in relation to the barriers to the advancement of women that have been identified by those who work in these firms.

III. BUSINESS DEVELOPMENT (RAINMAKING)

The topic of business development is frequently regarded as an area in which many women, but not all, experience difficulty. Because the proven ability or perceived potential to generate business also figures prominently in many partnership decisions, any disparity between men and women in this area has consequences for the overall questions about glass ceilings informing this study.

A. *Pressures to Develop Business*

Women, like men, make contacts with and secure clients through several routes: one is business obtained from internal referrals made by senior partners within the firm; another is from clients and former clients of the firm who refer new work to a lawyer; yet another is from new contacts from the outside. The latter most closely resembles the conventional model of "rainmaking."

Whatever the route to business, there is certainly a bottom line mentality that is pervasive in the firms nowadays. No longer can law firms depend on client commitment; the days when firms could wait for business and bill fees that went unquestioned are gone. Today, clients shop around for law firms, parceling out their business to different firms and demanding more accountability. However, expectations regarding bringing in new business vary from specialty to specialty. For example, tax work is considered to be a service specialty, and there may be less pressure on tax specialists to bring in business.

In addition, firms differ with regard to the expectation that associates will or should bring in business. The economic health of the firm and the history of the firm is a determinant, but so is the culture of the firm and its traditions. Yet, the division of labor, in which some partners devote increasing time to client development while others service existing clients, is not static. Changes in economic cycles and other conditions external to the firm can affect particular practice areas or the firm as a whole. At the moment bankruptcy practice flourishes real estate transactions may stagnate, or turmoil in foreign currency markets may diminish the demand for work in emerging markets. In

firms without debt, or where particular partners are firmly established as rainmakers, there is more opportunity for associates or even young partners to prove themselves by becoming experts in the craft aspects of the law or by being able to keep clients content.

B. *Women and Rainmaking*

Analysts have written that firms are made up of three kinds of lawyers, "the finders, the minders and the grinders."³⁶ In the firms studied, women are known to be minders (or grinders). That is, with some exceptions, once they get the assignments from partners for particular clients they are good at keeping the business. However, a number of associates and partners of both sexes attribute women's lack of power in the firms as resulting from their dependency on male partners in these business relationships.

In most firms there is clear stratification between the rainmaking partners and the partners who service these clients. In the past, lawyers were expected to grow into rainmaking roles as they matured. There is considerable ambivalence about whether women have an equal chance to develop into rainmakers through the channels that men have developed. This is especially the case in firms that have not had to stress client development until recently. Of course, no man encounters the prejudice that his sex would be an impediment to his business-getting ability.

Very few women have the reputation for independent rainmaking, and women in general are not regarded to be as good rainmakers as men by both men and themselves. And, with very few exceptions, women agree that they are less business oriented. Although many senior men tend to dismiss the notion that women are disadvantaged by their gender, only a very small number of them could imagine any woman partner they knew—in the firm or outside—filling the shoes of the senior ranking rainmakers of their firms.

Although women are confident in their abilities to do outstanding work, which is a source of business, they feel they do not have the additional benefit of access to the social networks that men use to develop business relationships—such as college friendships and sport activities—and some believe senior men in the firms do not help them to develop such contacts. For example, a woman partner in her late forties commented that women of her generation are disadvantaged compared to men because they lack men's social connections. Sensing that men get their clients from college and law school companions, she explained, "[M]y college friends were housewives In my law school class, you didn't have many women friends, and your priorities were so much different then. You didn't have friendships because you

36. Robert L. Nelson, *Partners With Power: The Social Transformation of the Large Law Firm* 9 (1988).

were married. Women are not told the value of friendships as a future business thing." She feels that her business comes from client networks, but that is a disadvantage for her because she lacks "old family friends or things of that nature." And another woman partner explained her difficulties in this way, "I haven't been able to develop those types of contacts [T]he fact that a lot of men are running companies and their buddies went to [the same colleges] puts me at a disadvantage." For a third partner, the pressure to bring in business results in more work for her, since, as she said, "[Women] have to work two and a half times as hard as men to develop the contacts [Some of my clients] do become friends. But . . . I compare myself to many of the male partners, and they are much more friendly [with clients]."

Still, there are women who are good at business development. For these women, the route for generating business has typically been through expertise in a specialty. A third year woman partner practicing in a relatively new area (environmental law) has had considerable success in bringing in new business to her firm, but she nevertheless believes that "getting business is far more difficult for a woman." She continued, "[I]t's really access and networks, and ten years from now it will be a whole other world. But the problem is the clients who are going to be referring business are still very much male in a heavily dominant way."

The problem of lacking appropriate social networks is not restricted solely to women attorneys. A fifth-year male associate in his late twenties remarked, "Getting business in this day and age is very difficult You gotta be buddies with, you've got to have gone to Harvard with a guy who's now general counsel at a big corporation, and he knows you from some cocktail party that your wife went to." He added that rainmaking is an even greater problem for women: "The men who are bringing in the most amount of business are generally older than women partners You get in the corporate banking world out there and the guys, the powers that be, are the fifty-year-old white men."

Among women partners there is certainly a sense that they want to bring in business, not only because it would serve their own interests but because it is a matter of fairness. They do not want to be "carried" by other partners in this respect, although most are convinced that they work as hard or harder than other partners. Therefore, those who have been unable to generate new business may experience a great deal of stress. This is how one junior woman partner articulated the problem: "Once you are a junior partner, there's the added burden of . . . having to go out and find clients so that you can justify what you're being paid and keep yourself busy, because people are not handing you the work you got as an associate."

C. *Age Discrepancies*

The age discrepancy between women and men in the firms, especially at the partnership level, complicates further the differences between women and men in their ability to bring in business. Because the women are on average younger,³⁷ their counterparts in the business world are also younger and less powerful. Furthermore, their collective problems, many of which are age specific, are then regarded as gender specific. This does not mean, however, that gender is not an issue as far as women's problems with rainmaking are concerned.

D. *Credit for Business*

Many women partners have established excellent working alliances with senior men in their firms. In fact, it is clear that they would not have their positions had these mutually beneficial relationships not been established. But there are some women partners who face a glass ceiling that occurs when senior men with whom they work are unwilling to share contacts or credit for client development. Additionally, in a less prosperous economic climate, male partners in some firms guard the "credit" for clients jealously, because ownership of the client counts in determining the partnership share. According to several women we interviewed, a few senior men make claims to clients even when women have had a hand in creating a business opportunity.

One woman partner pointed out that although generally firms are better about providing women with the resources necessary for developing new business than in the past, they fall behind in passing on clients from retiring partners. She noted:

What this firm has to work on is inheriting clients We have a system here where clients can get assigned to someone, and you have a kind of technical billing partner status. If you demonstrate that you increase the billings and the work over a three year period a decision is made as to whether the client becomes yours. You rarely, if ever, see a woman given [this opportunity]. They tend to take a couple of men . . . and push them into these client relationships It is a problem for many of us . . . because it's the exposure to the client that develops the relationship.

E. *Time Pressures*

Time pressures are also cited frequently as an impediment to business development for women. Women feel, and men agree, that men have more time to devote to client development, frequently taking clients out for breakfasts, lunches, and dinners. A number of junior women partners, in particular, experience stress in this regard because the pressure comes at a time when they also face intensified family

37. See *supra* Tables II.11A and II.11B.

obligations. For example, a number gave birth to their first child while working as senior associates or just after they became a partner, thus situating them at two stressful junctures: child care responsibilities coupled with the pressure to bring in business. At the same time, in today's competitive climate many women partners are aware that their partnerships may well be under threat should they be unable to either bring in business or get enough referrals from rainmakers in their firms to keep them busy.

Because of family responsibilities, women typically confine themselves to lunching with clients, as opposed to going to dinners. But, even for women with time available, dinner invitations are problematic because of questions concerning the propriety of a woman inviting a male client to dinner. A senior woman associate at a Midtown firm admitted, "I probably would be less likely to ask some guy out that I don't know to dinner to try to get him in, than I [would ask] another woman." The propriety issue extends to women who are not married and do not have children, because clients may feel awkward in any situation that involves accepting social invitations from women attorneys.

F. *Relationship of Client Development to Promotion*

In about half of the firms, there is a general belief that no one will make partner without the ability to bring business to the firm. Be that as it may, a review of the career histories of the people interviewed for the study revealed that most of those who became partners by the traditional route of advancement within the firm had not brought business to the firms at the point they were elected. This is as true for recently elected partners as for those more senior. However, because about a half of women partners have come into their firms laterally, they have proven either that they can bring in business (indeed, come in with business) or come in as specialists whose expertise is considered to be an attraction for new business.

Not only partners feel the pressure to bring in business; in all firms today there is considerable pressure on associates, too, to engage in client development, although the pressure on partners, as described above, is much greater. And even though everyone, from senior partners to associates, agreed that it is difficult for young men and women to bring in the kind of business the firm requires—namely large corporate accounts—partners run seminars on the topic and urge associates to cultivate contacts with old and new friends, participate in organizations, write articles in their specialty, and give lectures at the Practicing Law Institute (PLI). An eighth-year female associate at one firm described the mentality at her firm: "Junior partners are expected to go out and do a lot of client development work. They spend a lot of time doing it, and they are expected to bring business in soon. And in fact, most people start the process before they become part-

ners." When asked if he thought bringing in new business to the firm was an important consideration in elevation to partnership, a male partner of twenty-six years at another firm answered curtly and to the point, "Absolutely." And a female partner at a third firm described the downside to her career: "There's so much pressure on the bottom line. There's now much more emphasis on business development and marketing and putting in longer hours."

Although the degree to which associates are expected to participate actively in business development varies considerably both from firm to firm and even within different areas of practice in the same firm, what can be said with certainty is that associates, men and women, believe that client development is integral to being a successful partner. Furthermore, while most associates and all partners we interviewed thought that bringing new business to the firm was not necessarily required for elevation to partnership (except at one firm), members of both groups thought that it was a sufficient condition for elevation. A male associate made a typical argument when he stated, "You could have someone who is billing 1800 hours but has two million dollars in clients, and [it] is going to be very difficult not to make that person partner, even if their legal skills suck." An eighth-year male associate at a different firm makes the same point more forcefully:

You gotta bring in business. If you bring in business, lots and lots of money, the bottom line, I don't think anything else matters. You can be the biggest moron in the world . . . the biggest fool in the world. If you bring in money, you're in. On the other hand, if you're exceptionally bright, you fit in, and if you're on the right team, you can become a partner.

G. Assignments

If an associate's chances for partnership depend, at least in part, on her or his ability to bring in new business, the opportunities to demonstrate this ability may be diminished if the assignments given the younger attorney do not lend themselves to developing relationships with potential clients. And there are particular institutionalized factors that can contribute to how women may be steered toward work of this nature. For instance, at one firm where departments assign pro bono work, which less frequently leads to networks of potential clients,³⁸ a seventh year woman associate asserted that women receive a disproportionate share of such work:

38. According to legal scholar Robert Gordon, in today's economic environment with firms oriented to the bottom line, "firms treat . . . the associates who want to do pro bono work as parasites, free riders on the income-producing efforts of others." Robert W. Gordon, *The Independence of Lawyers*, 68 B.U. L. Rev. 1, 60 (1988).

It seems like the women associates do more of the pro bono work than the men In my department . . . it's assigned [not volunteered]. So I have done hundreds and hundreds of hours of pro bono work, and I've never volunteered once. I might have had I not been so busy with so many that I've been assigned, but I've never volunteered. I am now the resident pro bono expert, I think.

It is not certain that women attorneys perform more pro bono work than men, but there is a perception by some women associates that women, as a group, are relegated to this work more often. The comments of a male partner of longstanding at another firm shed some light on why women may receive more of these assignments: "Probably there are more women with no exclusively business directed views Of the women lawyers I know . . . and daughters or friends, I think there is a greater tendency toward embracing social welfare related issues and conservation related issues and so forth."

Another, and probably more endemic, problem with assignments reported by associates is the anticipated responses from clients, which may guide the decisions made by those responsible for assigning work. In particular, there is an oft-cited reluctance of clients to regard women as sufficiently skilled or otherwise competent to represent them in transactions or litigation involving large sums of money. According to one partner interviewed, this remains an obstacle, despite efforts to promote women (and minorities) within the profession: "There is a perception in the world that has built up over many centuries, I guess, that men work and women have children and belong in the kitchen [It] is just an evolving situation. There are not all that many women CEOs out in the business world yet." As this partner argued, distrust of women on the part of clients may stem from stereotypes operating within corporate culture as a whole.

Exposure to clients is an important element in developing rainmaking contacts. Although most male partners tended to discount any attention to gender composition in the makeup of their teams—or failing to include women at meetings where business is solicited—some admit that there are clients who actively dislike women attorneys. As one partner put it, "It depends on the case. I might dismiss such an objection altogether, but I might consider it." In contrast, several male partners offered examples of refusing to replace a lawyer when requested to do so by a client. This may be, as the *Wall Street Journal* reported, because "[m]ost lawyers and ethics experts agree that it's clearly against the law for a firm to take work away from an attorney simply because a client is racist, sexist or prejudiced against . . . people."³⁹ Moreover, in a changing work environment where women increasingly hold management positions and in the context of the prestigious reputations of these firms, clients rarely object to women

39. Amy Stevens, *Minority Lawyers Receive Cases Based On Strategic Moves to Win*, *Wall St. J.*, Apr. 24, 1995, at B1.

lawyers working on their cases, and none of the women we spoke to were aware of a problem.

More persistent, it seems, are stereotypes projected onto women attorneys as not having an aptitude for business matters—which are at times embraced by women themselves—and these may be operating in other decision making processes within the firms, with consequences for the career paths of women in general. For example, a woman partner noted the lack of women on executive and management committees and pointed out how the idea that women are not as good at dealing with business as men influences the composition of these powerful groups: “There’s also the view that women tend to be less . . . management-oriented, which is really silly, but it becomes a self-perpetuating thing because [then] you never bring women in to start to run projects.” Similarly, the reticence of some women to engage in client development is regarded as a trait common to all women. Thus, it is believed that women in general are not interested in business development. This has further consequences for limiting women’s power in the firm. According to one partner, “[t]here is a view in this firm that women tend to be less business oriented, and it is part of the bias that keeps men from nominating women to be on the executive committee.”

Stereotyping is not the sole province of senior male partners, however. While many attorneys, male and female, insist that there are no differences between men and women lawyers, a sizable minority believe that there are. Those that insist upon these differences often emphasize the more nurturing qualities of women attorneys, which must be taken into account with regard to business development. One third-year woman associate, for instance, expressed the view that men are “raised” to “network and glad-hand” but that women, “tend to handle clients a little better than men do, once you’ve got them and once you’re trying to walk them through things. Women tend to be more inclined to walk a client through something they may not understand or what steps have to be taken in the process.”

Akin to this sort of sex stereotyping is the idea that business development is an intrinsic ability. A woman partner practicing corporate law expressed such a belief: “It’s an innate skill or something that you learn, but it’s not something you’re taught in law school or as an associate.”

In none of the interviews did attorneys identify a demonstrated ability to procure business as a skill only found in men, but the manner in which many women are elevated to partnership mystifies the relationship women have to rainmaking and partnership. Nearly half of the women partners in the firms we studied were hired laterally, which may have been due to the assessment that they possessed rainmaking abilities. In comparison, it is our impression that those wo-

men who came up through the ranks to partnership tend to concentrate on servicing existing clients.

Related to these abiding concepts of gender specific characteristics is yet another stereotype: women are less ambitious than men. A ninth-year woman partner who has had success bringing in new business ventured: "By and large . . . there aren't an awful lot of women who are real hustlers or who have succeeded in hustling." It is a short step from this generalization to assumptions about women being better suited for servicing, rather than developing, clients.

H. *Women's Advantages in Rainmaking*

Despite the general perception that business development is an area where women are disadvantaged, attorneys at the firms studied mentioned certain advantages that women do have in this area. Perhaps defensively, male partners, more than women partners, were quick to point this out. For example, one said, "Women have an edge in pitching business to a woman Many more in-house counsels and executives are women. [Thus] it's commonplace to have women attorneys on a team." However, reflecting upon her experience with female clients, a woman associate was more circumspect:

I have a number of clients who are women, who ask that women be staffed on their cases. Of course, there are not so many women you can bond with in-house because they're just not senior enough I think the demographics just don't match There are just a lot more men around.

An alumna of a firm who is now in-house noted that for a woman in-house attorney to give a woman in a firm business may be difficult. For example, even though she believes in part-time work, which within these firms is a track occupied almost entirely by women, she stated that having a part-time attorney working on a matter of which she is in charge is impractical and thus undesirable. Further, she noted that when women in a firm and in-house get together, they are apt to talk about personal issues, making it difficult to translate these meetings into business relationships in the future.

Nevertheless, because increasing numbers of women have become corporation counsels they are in positions to award business to firms and may put pressure on the corporation to have a woman partner as part of a team. Some women and men partners expect more highly placed women in corporations to prefer women counterparts. Additionally, there may be costs to firms that discriminate against women. A few alumnae of firms we spoke with, who left with resentments toward their former employers, said they would deny work to those firms when they were in a position to do so.

Of course, the ranks of women corporate counsels are still not large; most are not yet of high rank, and they, too, face the glass ceilings that

exist in the corporate environment. Still, there are expectations that this will change in time, and such expectations have led to changes in behavior at the law firms. Senior male partners told us that they make sure women are represented at "beauty contests," especially with clients who are perceived to regard women (or minority) lawyers as an asset to their case. One example of this is the employment discrimination field; others are corporations that must comply with certain kinds of federal regulation.

I. *Strategies of Client Development*

1. Meetings With Women in the Business Community

Women have been as successful as men in certain types of business development by getting additional business from satisfied clients and through internal referrals. However, some women are trying to develop alternative modes of client development systematically. For example, women partners described inviting women in the business community to all-women get-togethers. And the women who have organized these activities received firm support for them. According to one partner: "They invited clients from all the investment banks, all the commercial banks, everybody else who is a woman to come and just get together in one clique."

2. Alternative Modes of Socializing With Clients

As we noted earlier, women are less likely than men to entertain at sporting events, but they also employ alternative strategies for socializing with clients and potential clients. As one woman partner explained, she takes clients "to the theater, book signings or art shows."

3. Writing and Lecturing, Participation in Bar Association Activities

Excluded from and often uninterested in the "old boy" networks where business contacts have been cultivated traditionally, women lawyers at these firms demonstrate their expertise and gain visibility by writing papers and articles, as well as lecturing. Although both men and women benefit from this kind of exposure, these methods are particularly useful for women because they do not require membership in social networks or already established contacts.

Indeed, a number of prominent women partners have benefitted from high profile writing and public appearances. Some also keep clients abreast of issues that might affect them through newsletters or send out reprints of articles and notices of lectures to clients to validate their expertise. As one partner noted, her contacts came from "becoming known as something of an expert in an area." Work on committees of the various bar associations is also regarded as an avenue to business development. All of these modes of building and

maintaining a professional reputation have proved to be effective in bringing in new business and insuring client loyalty.

In fact, many women claimed they are especially good at keeping clients content and thus retaining business for the firm, as we noted above. Attorneys cited not only the excellent skills necessary to accomplish this, but factors related to "personality" that are frequently attributed to women. A majority of women senior associates and partners characterized themselves as "caring" and point to this as an asset in a service business. When "keeping" or "caring" extends to being available to the client at his or her beck and call, some women said they make themselves easily accessible even when not at the office, mentioning that fax machines and cellular telephones make this ever more possible. However, other women noted that family commitments make clients' insistence for availability stressful. (It is important to keep in mind that firms have different kinds of client demands. A partner in a firm that specializes in utilities said that clients tend to keep more reasonable hours than firms whose clients are involved in aggressive takeover campaigns.)

We asked the lawyers who participated in this study to list their memberships and activities in professional and civic associations, in order to see whether men and women exhibited different patterns of participation in traditional networks associated with business developments.

TABLE III.1
RESPONDENTS' PARTICIPATION IN PROFESSIONAL/
CHARITABLE ACTIVITIES BY SEX AND RANK

	Male Partner	Female Partner	Male Assoc	Female Assoc	Male Total	Female Total
Prof Yes	12 (71%)	35 (92%)	10 (48%)	22 (67%)	22 (61%)	57 (80%)
Prof No	5 (29%)	3 (8%)	11 (52%)	11 (33%)	16 (39%)	14 (20%)
Prof Total	17 (100%)	38 (100%)	21 (100%)	33 (100%)	38 (100%)	71 (100%)
Charit Yes	15 (83%)	31 (76%)	11 (61%)	21 (60%)	26 (72%)	52 (68%)
Charit No	3 (17%)	10 (24%)	7 (39%)	14 (40%)	10 (28%)	24 (32%)
Charit Total	18 (100%)	41 (100%)	18 (100%)	35 (100%)	36 (100%)	76 (100%)

Source: Demographic Data Sheets.

Overall, the women lawyers in our study had a higher rate of participation in professional activities (80%) than the men (61%). This challenges the common belief that because of time pressures arising from the dual demands of work and family, women are less likely than men to be involved in professional associations. As for charitable activity,

men had only slightly higher rates of participation than women (72% as compared to 68%).

J. *Constraints on Obtaining Business*

Despite the inventive and productive methods devised by women attorneys who participate wholeheartedly in business development, several women we interviewed indicated their resentment about the firms' expectations in this area. They thought it either violated their assessment of their abilities or violated an implied contract they had with the firm made when they were hired. They also believed that the law as a profession was degraded by moves to make it more business oriented. Two women stated their positions as follows:

I detest giving speeches . . . it's not my forte [Pressures to do marketing] create insecurity about being valued by the firm.

. . . .
[Marketing] is not my forte and is something I have no interest in doing. One of the reasons going to a large firm was appealing to me was that it had institutional clients I detest giving speeches I do it, and sometimes I do it well . . . but it's not my thing. And there is a tremendous amount of pressure to do it On days when there is yet another memo on business development, I think I went to law school; I did not go to business school.

K. *Consequences of Client Development for Freedom and Power*

A few women attorneys articulated the idea that bringing business into the firm had consequences not only for job security but also gave them more "freedom" within the firm. One woman partner in particular indicated that a senior partner, with whom she was associated and for whom she worked, could order his own hours and even work fewer billable hours because of the volume of business he brought in. She was working toward this goal herself: "I think if you have a lot of clients you don't have to work so hard Partners who have no clients work like dogs I think it would be miserable to be a partner without clients here." One associate echoed this view: "If you don't [have clients] you have to work like a dog." However, only a few women associates discussed this benefit of becoming successful at business development. Nevertheless, these assessments that make a connection between rainmaking and "freedom" do help explain the otherwise paradoxical situation of senior men who seem to have time to devote to high profile public activities or serve on charitable boards, while colleagues who do not generate large amounts of business describe the endless demands on their time at the office that make such outside activities impractical.

Thus we see that women's problems in developing business, and even more so, the *perception* that women have more difficulty doing

this, act as ceilings in their formal or informal ranking in a firm. Problems in business development derive not only from the lack of time women can or wish to devote to the networking process, or the limited contacts they have with the business community, but also from the fact that many are not helped by senior partners within their firms in exposing them to opportunities. Even when women do bring in business they may not get credit for it. Competition for recognition, because of point systems that determine compensation, contributes to the resistance to share and acknowledge women's contributions to rainmaking.

Many women are attempting to develop alternative routes to client development and some firms are trying to provide backup for them. Further, management is also recognizing that women's presence in the firms as specialists and partners contributes to the firms' image in the wider business community where women are a growing force in allocating business to firms.

IV. MENTORING

A. *Grooming for Partnership*

As in all fields, those in the legal profession who climb the ladder to success and those who are well integrated in the workplace proceed along tracks that are made available for them on courses that depend on assistance from experienced elders and gatekeepers.

As we saw above in the section on rainmaking, business development depends on access to networks and information. Access to cases that offer high visibility or the opportunity to learn or diversify skills is also important. Although senior women partners typically have had good experiences with regard to these types of cases, women partners more junior and a good proportion of women associates have complaints or concerns that they do not get the good work that will position them well on career tracks.

Several studies across professional fields have shown the importance of mentoring to career advancement and satisfaction. In law, there has been a long tradition of mentoring—where older, more experienced partners in the large firms have taken junior colleagues under their wings, grooming and promoting them for partnership. This system created an informal network—a brotherhood.⁴⁰

Growing awareness that newcomers to firms whose backgrounds made it less probable that older partners would identify them as potential "insiders" led to formal steps to democratize the system. Thus it was understood that women and minorities in the firms would need mentoring opportunities, and some firms instituted formal programs.

40. See Cynthia Fuchs Epstein, *Woman's Place: Options and Limits in Professional Careers* 169 (1970) [hereinafter *Woman's Place*].

However, most of the lawyers we interviewed agreed that the bonds that develop in mentoring relationships cannot be arranged or instituted through programs. One female partner speaking from a wealth of mentoring experience drew this distinction: "My perception is that most of the mentoring relationships that seem to work don't develop because somebody walks down the hall and says, 'Thou shalt be my mentee' but because they've been together at two o'clock in the morning, getting something done and realize that there's something there."

Before discussing the ways that mentoring relationships are initiated among lawyers, the risks and benefits of having a single mentor, the perceptions of lawyers in our study on how mentoring links to partnership, and the extent to which gender matters in cultivating such relationships, it is important to define this multifaceted term.

B. *Mentor as Teacher*

The term "mentor" has multiple meanings that correspond to the variety of roles that more experienced, senior lawyers may play in helping to develop the careers of their junior colleagues. One or all of these roles may be assumed by either one person or divided among various mentors. Each offers a different kind of benefit to junior lawyers. First of all, mentors may be involved in training their younger colleagues by providing challenging and varied assignments, teaching the craft of lawyering, offering strategies on how to deal with clients, and sharing insights about how to negotiate the organizational systems and politics of firm life. A male associate who was given technical and political lessons by two different mentors said:

I felt comfortable going into either of their offices anytime and saying, "I need help thinking through this problem. Do you have 10 minutes?" . . . Some things are technical things in terms of the exact letter of the law . . . "How does one crack this?" or "As a matter of policy . . . how would you approach negotiations with these people on these points?" Sort of the full range. I mean I might go to one person for something more technical and the other more for policy questions.

This male partner, whose mentor died recently, reminisced about the wisdom passed on to him about handling clients,

I didn't learn that much about the organization from him but I learned a lot about dealing with clients from him . . . I got taken to a lot of meetings and the thing that comes to mind right now . . . the thing that I learned about was the politics of taking depositions. I learned something about the ways of reaching an adversary—their pressure points.

Grateful for the rigorous education she was getting from a senior associate who was acting as her mentor, a female associate told us, "What I like about her is she really scrutinizes everything and she leaves no stone unturned. And to be a good lawyer, you have to do that." It

should be highlighted that senior associates in our study were often credited for mentoring junior colleagues. Many reportedly invited junior associates to collaborate on projects and involved themselves in the day-to-day, nitty gritty supervision of work.

C. *Mentor as Advisor and Exemplar*

In addition to the training, a mentor may also serve as a trusted advisor and confidante. This would be someone with whom the junior colleague can share personal difficulties—for example, about the stresses of balancing work and family responsibilities—and someone whom the junior colleague can identify with and emulate. One partner referred to himself as a “sounding board” for associates—someone with whom to talk over problems. Another partner recalled that the mentoring she received some years before from a female partner involved learning how to forge a professional identity as a woman in the traditionally male environment of the law firm. By example, the mentor helped her “find her style in terms of how [she] was going to practice.” As will be discussed in greater detail, gender was found to be salient to this mentor role. Some lawyers believed that certain experiences that are unique to women are better understood and responded to by women mentors than men mentors.

D. *Mentor as Career Advocate*

Perhaps most importantly, mentors can serve as advocates for their junior colleagues. In this role, senior lawyers offer sponsorship by recommending protégés for special assignments; they provide opportunities for protégés and their work to be exposed or showcased to influential partners in the firms—or as one partner put it, to be “tied to the tail of my comet”—and they offer protection in controversial situations. To quote a male associate who had yet to develop such a tie: “Do I wish I had a powerful partner who would stick up for me and sort of have a personal relationship with me? Sure, you’d be foolish not to want that.” Ultimately, the mentor advocate—who has watched over and guided the career steps of a junior colleague—promotes his or her protégé for partnership.

Although there was some debate as to whether it was better to have one mentor-advocate or multiple supports, there was widespread agreement among those that we interviewed that connecting with senior attorneys who take a special interest in one’s career progress is critical to moving up the ladder in the firms. As one female associate put it, “You have to be blind not to see it. If you look at who makes partner each year and who is getting to work on the good deals, it is really a matter of who you choose to have as your mentor.” Still, most also believed that while having a mentor or “rabbi” was necessary, it was not a sufficient condition for partnership. Projecting into her own

future, one relatively young associate summarized the link between mentoring and partnership decisions perceptively:

From what I understand of the way the whole partnership thing works, you have to be sort of put forward by a lot of people and somebody has to go to bat for you. I think it starts from the very beginning and if people aren't mentoring you, then you can get very lost and no one is going to know who you are and no one is going to really care about you. So, if you do come up for partnership, I think its going to probably affect you badly if you're not mentored.

Another associate pointed out that her own situation of being looked after by mentors is not widely shared by her peers. At the same time, she expressed some realistic caution about how far she can expect such support to go:

They have been managing to make sure I work with the right people and get the right experiences to advance Then again, I don't know if they have control enough for me to advance to the next place, but I've always felt like they were paying attention. A lot of people here don't get that sense, although the partners swear that they do pay attention to people's careers and are directing it and all those other things, but a lot of people never feel like there's anybody that they think is paying attention I've never felt like a rudderless ship because I've always felt like there are people who are paying attention to what I'm doing.

A well-established female partner, who spoke about her involvements with various senior male partners, distinguished between those who helped hone her lawyering skills and the one special mentor who looked out for her long range positioning in the firm:

He picked this very, very important big deal for me to work on. It was his client . . . and then I worked on it and it went beautifully and from then on, I was the greatest thing in the world. And he watched over me a lot so I don't know if I would say he trained me directly. I would say there were two of the men here, two male partners who trained me more by sitting there and drafting and working with them and . . . then there's this guy who was like my guardian angel and probably to most people here, they would say I owe my career here more to him than to certain other people who trained me.

E. *Disadvantages and Advantages of Having a Single Mentor*

As suggested above, several lawyers warned against association with only one mentor. For some, like this male associate, the rationale was that one can learn more from a variety of people rather than concentrating on a singular training experience: "To have a mentor, no one person can give you as much as many people can give you. So, I prefer to be surrounded by many individuals and learn from as many as I can."

Another associate who had multiple sources of mentoring support echoed the-more-the-merrier reasoning: "Between the three of them, I sort of draw upon all of their better attributes." Although he did not draw out the implications of his own concern, the same associate implied that narrowing oneself to one mentor can limit one's perspective on the law and legal practice:

If your so-called mentor becomes your only source of knowledge and information, that can be a negative. Because in a large firm where there are many different types of law being practiced and there are many individuals with different skills—linking yourself up to one person is not necessarily going to be good. I think it would probably be bad.

In terms of making partner, several were adamant about the necessity of broadening one's advocate network. Many suggested that it is not safe to assume that having support from partners in one's own department or practice area is enough. A female associate offered the following advice: "It's important for you to get out into the firm and for people to know you because even if the department wants to put you up—if no one outside the department knows who you are, it's hard for you to make partner." Another associate calculated that to improve partnership chances, it is wise to spread out one's advocate connections:

To make it in a big firm you need more than one person. You need a lot of support. The support has to be broad ranging or you can't make it. In the old days—10 years ago—even when I came in, there were [fewer] partners . . . Now the partnership is much bigger and if you have only one person, it doesn't mean a thing. So as the firm grows, you need support from a much larger body of people . . . So, if the mentor system means this one person who's going to guide you through your whole career, that's just not what the reality is.

Not only is it important to branch out and find advocates in other departments in the firms, some believe it is also necessary to develop such contacts in other firm sites across the country and internationally. According to this male partner who has also watched his firm expand, "Not only do you have to [make] yourself familiar to all the partners in New York, but somehow to the partners in the other offices. And the best way is to have people who are here and willing to get up and talk about you."

Some attorneys attempt to juggle close relationships to one or two primary mentors and at the same time, cultivate looser ties with other partners. However, this can be a complicated process, since mentoring relationships are often marked by delicate loyalties. A female associate who was deeply attached to a couple of longstanding mentors, spoke about the dilemma she faces in trying to heed advice about branching out in her contacts with senior partners without having this

be misconstrued as an abandonment of her current mentors. Up for partnership in the coming year, she stated:

The last thing you want to do in the year you're up for partner is say, "No, I am not going to work on your deal because they say I should work with other people." Obviously you're not going to turn to the people who have been your sponsors and your mentors during the course of your career and say, "Gee, I really have to work with other people."

Finally, it is worth noting that while most lawyers believed that casting a wide mentoring net is more strategic for partnership decisions than eliciting the attentions and affections of one or two partners, a few had experiences that ran counter to this logic. Multiple supports, it was pointed out, do not always add up to be as substantial as the investment that a powerful backer might make in an associate. While he had "built up several relationships with some of the partners," for instance, one associate lamented that he had "no one who [he could] turn to." Passed over for partnership himself, one of the alumni we interviewed recalled the pivotal role that one chief partner in his department had played in partnership decisions. He implied that one could have as many mentors as one liked but without a tight alliance with this one particular partner, an associate could not expect to rise:

It took pitching the fancy of the head of the department. If he liked your work then you would be made a partner . . . Basically, that was what it was. He would evaluate people fairly early on and then select them to be his—what's the word? . . . "shining children" . . . his protégés. I don't mean that in a nasty way.

For women, there is the potential for the further gender specific problem that when one strong advocate also happens to be a male, there may be a suspicion that the relationship may be personal. This was the experience of one woman senior associate, regarded highly by fellow associates in the firm (as reported not only by herself but also by a woman partner in the firm) but recently turned down for partnership. The male partner for whom she worked monopolized her time; when he "went to the mat" and tried to persuade the rest of the partners to elevate her to partnership, they discounted his evaluation.

F. *Approaches to Initiating a Mentoring Relationship*

Two points of view emerged in our interviews about how a mentoring relationship is initiated in large firms. Some believed that mentorships evolve without any forethought or plan—they just happen; others take the position that one must make them happen—that associates can and should look around in the firms early on in their careers, make strategic choices about partners they want to connect with, and actively pursue opportunities to work with them. There was no relationship, it should be noted, between gender and the approach

to gaining a mentor. Men were as likely to “fall into” such relationships as were women. Women were as likely to attempt to engineer such relationships as were men.

The following excerpts illustrate the ways that mentoring relationships have unfolded naturally for some lawyers, as an adjunct to working together regularly with certain partners on projects. One female associate said:

I do have a mentor . . . [a male partner] is my mentor, but it just happened. It's not because I went and knocked on his door and said, “I want to work with you. Will you be my mentor?” That's the kind of thing that happens because people work well together, respect one another, count on one another, not because you should think about who would be the right partner to promote you to become a partner.

Another female associate at the cusp of partnership reviewed her strategy (or lack of one) and concluded that her mentoring relationships, too, have been a byproduct of positive working experiences:

I guess I have just been doing my job and I never focused on what it is going to take [to make partner]. I probably could have cultivated those relationships. I know I have one person who would fight for me to the death, and there are several others who I understand are very vocal in pleading my case. But that was more by accident than by design. It's just that I did good work for them, they like me, and they want to push my case, but it was not that I went out specifically to cultivate the relationships. They just happened.

One of the male associates also emphasized the evolving nature of mentoring relationships and believed that on-going discussions about issues that are of common interest are part of the mentoring glue:

I think spending a lot of time, especially on [the work] tends to build a certain kind of camaraderie and then just, in general, whether it's talking about issues that are either in the news or whether it's sports or whether it's recent news events. That's how a working relationship forms It [just] develop[ed] . . . over the years. To a certain extent there are people who don't develop one because they don't have common interests.

In contrast to the accounts above are those offered by a series of lawyers who approached the task of getting a mentor more self-consciously. One male associate recounted his game plan:

I sought out this person [as a mentor] relatively early on—in the first six months of being here—on a permanent full-time basis within [my] department. He wanted to train somebody. He was in a training mode And we got along fabulously well in terms of our personalities so he has been a mentor to me. It's been very beneficial because not only does he mentor me on the substantive work but also on the political aspects of firm life. It's all been very instructive.

A female associate expressed strong feelings that an associate must take charge in the process of finding a mentor. She laid out a formula for doing so:

You would have to be very aggressive about it, I mean, you'd have to come in and you'd have to look around and decide . . . Are you looking for the person who's in power? Are you looking for the person with the business? Are you looking for someone who's nice, who could just kind of train you? What are you looking for? And then you would have to pretty aggressively pursue it by going in and saying, "I really want to work with you. I really enjoy working with you." And really putting yourself out and doing good work for the person. And if you push enough in that kind of situation, you can accomplish it.

Currently working as a lawyer with the federal government, one of the alumnae we spoke to told of the value of her persistence in seeking a mentor at the large firm:

I would always go to him and say, "Do you have anything for me?" which is not the way you're supposed to do it, of course. You're supposed to wait for the assigning partner to assign you work, but my feeling was a lot of men were doing this . . . After maybe two or three years of this I would get a call from a partner, "Oh, this new case came in. I think you'd be perfect to work on it. Do you have time; can you make time?"

This account points up one of the complexities in trying to choose a mentor which is that in most firms, there are assigning partners who are responsible for giving out work to associates. Hence, it is not always possible for associates and partners who might wish to work together to circumvent the official assignment procedures.

G. *Structural Obstacles to Mentoring*

There are also structural obstacles to developing mentoring relationships. For example, a number of associates mentioned that rotation systems in their firms, as well as spatial separations (e.g., where departments are split between two floors or the firm occupies space in two buildings), made it difficult to sustain relationships with partners they have worked with. One female associate described her frustration with the transience: "I've had good working relationships with partners but no one has taken me under his or her wing for a long period of time because of the rotation system. You have some of those relationships taken away from you." Another referred to an out-of-sight, out-of-mind feeling created by spatial segregation in her firm: "You don't have the time to build those kind of lasting relationships. When you're on a different floor you might as well be in a different firm." And, from his perspective, this male partner expressed the belief that the problem is simply that the firms are too large for mentoring relationships to take hold: "From week to week there is

variation in terms of which attorneys come in contact with each other for work on deals. [Whereas in small firms] junior and senior colleagues can't help but interact and form mentoring relationships."

Nevertheless, interview data showed that such obstacles did not halt mentoring relationships from developing. As we have implied by example up to this point, mentoring activity did seem to be flourishing at the firms for women and men. This does not mean that the full range of mentoring roles were present in the case of each person we interviewed. By and large, most associates spoke of having some type of training, advisory, or advocacy connection with at least one partner. A great many partners as well, reflecting back on their time coming up through the ranks, tended to describe themselves as having significant mentoring relationships, even when they did not refer to such relationships using this term.

H. *Female vs. Male Mentors: Benefits, Limitations, and Complications*

A number of issues surfaced in our interviews regarding advantages and disadvantages of having female or male mentors—especially for female associates—as well as the gender-based complications in cultivating such relationships.

A handful of women suggested that being mentored by women is preferable because it provides the foundation for a greater sense of identification and mutual understanding. That is, some believed that female partners could see earlier versions of themselves in female associates and could therefore connect more easily with them, whereas for male partners, in one associate's words, this is "more of a stretch." Further, female partners were thought to be more attuned than their male counterparts to the unique needs and problems that junior women face in the firms and as professionals. One associate, who raved about her "brilliant" male mentor, revealed having an awareness about the limits of this relationship:

I don't think I would go to him necessarily with a problem or something I was unclear about. Work problems, yes . . . I wouldn't go to him saying that I'm thinking about having children, and I don't know if this is a good time or not. I wouldn't go talk about the fact that these hours are too much, or that I'm not sure if I want to continue doing this. I wouldn't go to him with personal problems.

Although in the passage, this associate did not explicitly state that she would feel more comfortable confiding about these issues to a female mentor, another associate did: "It does not do any good for junior or other women associates to be complaining to men partners. Certain problems just do not click in the way they do with women partners."

Some of the men we talked to agreed that this impasse exists. One in particular—a partner who had a lot to say on the subject—told of

being rather uncomfortable in dealing with female associates whose emotional response to stress turned out to be trying for *him*:

I've had a number of associates [come to see me] when a problem comes up in a deal. And you talk to them about it, and they break down and they start crying . . . as a response to stress, dealing with the situation. Men get angry . . . I think it's happened on a number of occasions where I've worked with them. Now that doesn't mean there's anything wrong with that, but I'm saying . . . that's not an appropriate response when you're in a meeting and something goes wrong and you start crying.

Since we did not hear of any other incidents like this in our interviews, this passage may only reflect a male partner's stereotyped view of women as overly emotional and the use of the stereotype to distance himself from the women associates. For this partner such stereotypes set up a double bind for the women who worked with him, since he also objects to women who model their behavior on that of male partners:

I think some of the women with male mentors—you can't pattern yourself, you almost become a caricature if you try to have a male as your mentor and try to emulate everything about that person. Where you walk into a meeting and a woman starts talking about a football game, when she has no interest in football but she thinks that's the banter that you ought to have to establish [a] kind of a presence and to be one of the boys, so to speak. It comes across as really being a caricature of a male rather than being natural.

Countering the view that it is unnatural for women to try to emulate their male mentors, two women—one an associate and the other a partner—described their rich experiences in relating to male mentors as role models. In the case of the associate, the key was that both her mentors were married to professional women and were, in her view, sensitized to what she was confronting as a woman in the firm: "There are two [male] partners that I work with—both of their wives are doctors and they clearly have to deal with all of the problems that I deal with everyday. They are great role models towards women." For the partner, the key to being able to use her male mentors as models was not related to gender but to having a mature understanding about how to integrate her own style as a lawyer with traits adopted from others:

I believe everyone's got their own style . . . and I think you take things from different people that you come in contact with. I look at other women and I can't think of any of the women partners that would have been better mentors for me than the men I came in contact with. I think you have to have a sense of who are, and then you develop your own style by taking from people. But I think it's sort of a mistake to perpetuate the idea that only women can understand women.

Notwithstanding the range of opinions about whether female partners provide better role models and greater empathy to female associates than male attorneys, there was a good deal of uniformity in the interview data over certain issues such as the political costs of being allied with female mentors, the unavailability of female mentors, and the problem of “appearances” in being connected to male mentors.

The most widely cited drawback to having a female mentor—recognized by both women partners and associates—was the fact that women tend to be less *powerful* than men in the firms, thus limiting their effectiveness in sponsoring associates for partnership. One partner was acutely aware of the fact that her lack of political clout placed restraints on what she could and could not do as a mentor. In response to a question about whether she saw herself as mentoring associates, she replied:

Yes and no. Certainly in terms of exposing them . . . helping them to learn what they need to learn and giving them the experience with clients that they need to have and exposing them to the partners they need to be exposed to—yes. Beyond that I don't have the political clout to take the step of actually being able to sponsor somebody to become a partner, but I certainly can help to mold them professionally.

Describing the assistance she received from her female mentor, this associate's picture is a virtual match to the one above:

I guess I wouldn't call her a mentor in the sense that I don't think she's looking out for me to guide my career path in any way. But she's certainly available to answer any questions, and I have confided in her when I've had difficulties . . . whether with an actual assignment or with a political situation . . . I feel very comfortable with her in that way. She does not have a tremendous amount of clout in the firm—in fact, none. So she is not the kind of person who could do anything for me, but she can certainly give me advice and try to help me.

An alumna who moved from one large firm to another summed up the same basic assessment of what to expect from female mentors: “There are no women in power, so having a woman mentor won't help you make partner. It just might help you grow as a person, but it's not gonna help you make partner.”

Even when female partners “stick their necks out” to promote their junior colleagues, their power may be undermined. One female partner spoke at length about a troubling tendency that she has observed among male partners when she and female colleagues have tried to rally support behind a female associate for partnership:

If you are a mentor for a female associate, people think you are pushing that person because she is a woman. I mean all of us . . . have had that problem and it hasn't worked out very well so far. So, in some ways you kind of want to back off from publicly being a

mentor for somebody People will just say, "You want her to be a partner because she's a woman." I want her to be a partner because I think she is a very good associate, but the fact that *I* am the one saying that, somehow people think you can't exercise the same kind of judgment that they can. When *they* say they want X to be a partner, it's not because they are men.

A male partner told a story that provides important clues as to how such discrediting actually plays out in partnership meetings. From his account, a female partner was vociferously promoting a female associate as superior to all others being considered for partnership during one particular meeting, despite the fact that there was another associate—a man—who, in the eyes of this male partner, was even more qualified. The male partner claimed to have stopped the meeting because he felt the approach used by the female partner to advance her candidate was "inappropriately intense." He told the interviewer that he later spoke to the female partner to tell her why he stopped the meeting. While the details of this situation were only sketched by the male partner, this appears to be an instance where an (unwitting) attempt was made to diminish the female partner's powerful presence by denigrating her technique—a censuring which may have been less likely to occur had she been a man.

For some, the relevant question was not whether female partners have enough power to advance the careers of their junior colleagues, but rather why so few are available to mentor in the first place. The primary reason given by women partners to explain this was time constraints. Several regarded mentoring as an extra responsibility that was added to their already heavy workload.

Yet, we found it striking that there was a pervasive sense of guilt among female partners for not making themselves available to mentor junior women, as if they were completely free to make the choice. One described her decision not to mentor as "copping out." Another referred to the decision not to mentor as "a very selfish reaction." Still another said she was "embarrassed" because she could not extend herself in the same way her own mentors had for her. And one announced, "I'm a terrible person, and I understand it."

Some female partners expressed deep ambivalence about mentoring. For some, the mixed feelings stem from being neither interested in nor gratified by mentoring but believing that they should be. These partners, however, do not link the disinterest or the sense of mentoring as unrewarding to their own lack of power in the firms. That is, they appear to blame themselves, as if not wanting to mentor is a personal shortcoming rather than an understandable response to structural constraints. For other female partners, the mentoring ambivalence related more to generational issues—questions about whether women of the younger generation in the firms should be nur-

tured in ways that female partners were not as they were building their own careers:

I've heard about it from younger women. They wish that there was somehow more mentoring going on from the senior women. That includes me. When I hear that, I'm very ambivalent about it because . . . I had to overcome many obstacles . . . I don't think that I had special doors opened for me or special opportunities made available because I was a woman. On the other hand, I certainly didn't have doors slammed in my face because I was a woman. So the idea that special nurturing is involved isn't entirely comfortable for me.

Men also revealed ambivalent feelings about mentoring women, but for very different reasons. For male partners, developing special and close mentoring ties with female associates is believed by many to carry the risk of appearing improper. In a climate of heightened sensitivity and ambiguity about sexual mores in the workplace, the main concern is that the relationship will be misconstrued as a sexual liaison or possibly a cover for sexual harassment. Trying to put himself in the shoes of male partners, this male associate was able to imagine the anxiety male partners experience over "appearances:"

I think that the problem is anytime you have that situation, the first thought that the male has is, "I don't want to do anything that's going to be viewed as inappropriate." So my mentor would say, "Let's meet for a drink after work." And I would say, "Okay." [If I were a woman] I'd say, "No." There is definitely a siege mentality going on here about this gender stuff. People are very, very confused, and they're sending out very confused signals, most of which can be summarized as fear because we're all afraid of this shit anyway.

To stave off any questions about impropriety, one male partner simply avoids traveling with female associates. He acknowledged, however, that business trips often provide opportunities to develop closer mentoring bonds:

When I'm on a transaction traveling, and we're in a hotel, if you're with a male associate, the deal is done, you can go to a room, and you turn on whatever—football game, basketball game, nerd films, whatever it is you want . . . It's very hard to have that kind of camaraderie with a female associate. I will not have a female associate while I'm traveling. You're just asking for problems down the road. So you have a lack of mentoring in most firms . . . You've got an issue of bonding, which is a nineties term, but you can't bond as easily with a woman because you've got the whole issue of sexual harassment or whatever it is. It just is a problem for a lot of people.

One female partner described two strategies that she has observed senior male partners use to cope with the unfamiliar territory of working closely in a mentor relationship with women. One is to treat them

as if they were daughters—with paternalism and protectiveness—and the other, as we have just seen, is to avoid being alone with them—especially in contexts apart from work:

I've heard a partner say that he would never lunch alone with a woman, a female associate, because of how it might be perceived. That strikes me as insane, but there are still a lot of people who would feel uncomfortable if they're not always surrounded by a lot of people "What will somebody say?"

I. *Women's and Men's Uneasiness With Mentoring*

Not all lawyers viewed mentoring positively. A small number, who subscribed to a stringent notion of rugged individualism, believed it was better to be a self-starter and therefore saw mentoring as a crutch. This view was held more by older partners whose careers were established before there was a language of "mentoring" to frame their experiences, or for whom careers were established in a time of rapid firm growth.

Today, however, an ethos of individualism still characterizes a subset of lawyers. A female associate who did not have a mentor referred to it as "hand-holding." An obviously proud male partner also did not want any help, "I didn't have a mentor I'm sort of a self-starter and picked this particular place because I thought it was a starting line, and I could get to it and go from there Basically the opportunity was to do it on your own."

What is interesting about this partner's strong belief in individual achievement is that it reflects a conviction held by a number of the male partners—that they "made it" on their own in the firms, without mentoring assistance. With a more nuanced look at the data, however, we found that a number of male partners did, in fact, report that they had enjoyed close and long-lasting relationships with men senior to them in the firms, and that they actually served as mentors even though they did not identify the process. Guidance and career planning was often woven into the fabric of these alliances in subtle ways that indicate that many gatekeepers to promotion and participation are not conscious of what they are doing or not doing, to help the careers of young lawyers they feel akin to and those they do not.

V. PROMOTION

How can we analyze the progress of women in large firms? Senior male partners often make the argument that women will advance as a matter of course. One senior male partner summed up the opinion of many men when asked what policy recommendations he would make to the Bar Association to further the advancement of women: "I tell you I think that they should just leave the situation to sort itself out because I think women's advancement is only a matter of time. I

think forcing the situation is not helpful." And at first glance, women appear to be moving along. The percentage of women partners in large firms was 3% in 1980. Fourteen years later it had quadrupled to 12%. Were that rate of growth to continue for another fourteen years, one would expect women to gain equal representation as partners by 2009.

A closer examination of the data casts some doubt on this scenario. On the positive side, given the relative youth of women partners, they have many years of professional activity ahead before they reach the age of retirement. With each passing year more women should be elevated to partnership and thus add to the absolute number of female partners. Data from participating firms indicate that approximately 75% of women partners are currently less than fifty years old.⁴¹

More pertinent to the assessment of women's advancement is how they are hired and promoted. The traditional "up or out" system of promoting partners came under pressure during the 1980s. During that period firms greatly expanded or created whole new practice areas. This often entailed bringing in new partners or senior associates from other firms or the public sector. As shown in Table V.1, out of the seventy-two women partners in the participating firms in 1992, thirty-two began their legal careers in their present firms or served a year or two as a law clerk before joining their current firms and became partners in the traditional way. Thirty-one women attorneys started their careers in other firms or spent their first four or more years in the public sector and were hired laterally. While we do not have comparable data on an adequate number of career histories for male partners, anecdotal and historical data suggest that men are more likely to be promoted in the traditional manner, although lateral hiring also accelerated for men during the 1980s.

TABLE V.1
STANDARD VS. LATERAL HIRES FOR WOMEN PARTNERS,
PARTICIPATING FIRMS, 1992*

Firm	Standard	Lateral	Unknown	Totals
"A"	4	0	0	4
"C"	3	10	0	13
"D"	6	4	0	10
"E"	3	3	1	7
"F"	2	2	0	4
"G"	2	4	2	8
"H"	7	6	0	13
"J"	5	2	6	13
Totals	32	31	9	72

* Data for New York offices only, supplied by firms or derived from other biographical sources.

41. See *supra* Table II.11.

As firm growth slows in the 1990s, the number of lateral associates hired is slowing. Of the seven firms for which we have data, four show a decrease in the number of lateral associates hired from their 1980s peaks; three show no particular trend. If firm growth does not take off again or, at the least, if there is no increase in lateral hiring, there is the strong possibility that traditional practices of promotion will resume.

Women have fared poorly under the "up and out" system. Using data supplied by the firms and the *Martindale-Hubbell Law Directory*, we tracked cohorts of first-year associates in the eight firms in periods beginning in 1973-74 to 1985-86 for a ten year period to see how many associates had been elevated to partner. (The last cohort, those hired in 1985-86, were followed until 1994). These findings are presented in Table V.2.

TABLE V.2
PROMOTIONS TO PARTNER VIA "TRADITIONAL" ROUTE,
PARTICIPATING FIRMS

Years of Hire	Males Promoted/Hired		Females Promoted/Hired		Totals	
1973-74	34/190	(18%)	5/20	(25%)	39/210	(19%)
1975-76	45/225	(20%)	6/42	(14%)	51/267	(19%)
1977-78	58/221	(26%)	5/56	(9%)	63/277	(23%)
1979-81	78/359	(22%)	18/136	(13%)	96/495	(19%)
1982	35/184	(19%)	4/78	(5%)	39/262	(15%)
1983-84	53/325	(16%)	10/185	(5%)	63/510	(12%)
1985-86	59/374	(16%)	12/237	(5%)	71/611	(12%)
Total	362/1878	(19%)	60/754	(8%)	422/2632	(16%)

The numerator of each fraction is the number of those from each cohort who were ultimately promoted to partnership. The denominator is the number of lawyers hired during each time period. The number in parentheses is the percentage of each cohort elevated to partnership. The 1979-81 cohort is larger than others because MARTINDALE-HUBBEL LAW DIRECTORY was unavailable for 1980. Totals for Firm "C" begin with 1977-78 cohort.

Source: MARTINDALE-HUBBEL LAW DIRECTORY and firm-supplied data.

For each cohort except the first, where one-quarter of women associates (five of twenty) made partner, men associates gained partnership at a higher rate than women. For the entire period 19% (362 of 1878) of men attained partnership while only 8% (60 of 754) of women made partner.

Even more troubling than the disparity between rates of partnership for men and women during the entire period was the sharp drop-off in the percentage of women making partner via the traditional route once firm growth began to slow or contract. Associates, especially women, who were hired starting in 1982 and who could be expected to make partner around 1990 found competition becoming fiercer. Male first-year associates hired between the years 1973 and 1981 had a mean rate of promotion to partner of 21.5%. Women first-

year associates for the same period had a mean rate of promotion of 15.25%. The post-1981 cohorts, those who were considered for partnership in 1990 and subsequent years, showed a slight decline in rates of promotion for men and a drastic decline for women. Male rates declined to 17% and female rates to 5%.

As we mentioned earlier in the firm profiles, progress was steady in some firms and erratic in others. The male partner quoted earlier, who thought it was only a matter of time before women would gain parity, actually worked in a firm where there was no increase in the percentage of women partners for many years and where the percentage only recently began to improve.

A. *Aspiration to Partnership*

Do women differ with regard to their aspirations to partnership? These days so many young attorneys are discouraged and their feelings are so complicated, the best answer is that there are probably some differences but it would be impossible to know how much difference there is. Considering that firms generally operate on an "up or out" principle, it was interesting to find partnership was not every attorney's goal. When associates were asked whether they aspired to partnership, responses were mixed. Most associates recognize the advantages of partnership: higher income; potential ownership for many non-equity partners or ownership for equity partners in the firm; and job security. In some firms there is the perception that it means a less onerous schedule, greater autonomy, and more interesting work. Additionally, there are the important rewards of greater rank in the firm and more prestige with clients, as well as the sense of affirmation associated with being chosen or "elevated" to partnership. A small subset of associates were forthcoming about their aspirations to become partners. As a seventh-year male associate responded, "Of course I want to make partner. I've given up weekends, vacations, and the semblance of a normal family life for the last seven years. Furthermore, I'm good at what I do."

At the other end of the spectrum are associates who claim to have no interest in partnership. They cite the partners' financial liability for the firm, the responsibilities for administration and business development, and the necessity of training and developing associates as deterrents. A male "of counsel" told us why he preferred his current status over that of partner:

Yeah, I think it's just great [being of counsel] because I have absolutely no administrative responsibilities at all In addition, every partner is . . . charged with developing and training associates, which means a lot of often very difficult situations . . . recommending or not recommending people for partnership or continued employment. And partners also have a very big expectation to develop the business and make a lot of money. They have to show revenues and

justify their salary Partners come up for review the same way associates do and . . . they [face] a higher standard. The of counsel position, at least in my case, is easy because I am not expected to do any administrative work at all. I'm not expected to even bring in business.

His comments might be dismissed as rationalizations were it not that we heard the same assessments about partnership from many respondents, male and female, associates and partners.

As expected, women associates were more likely to express negative feelings regarding partnership, citing the conflict between firm and family responsibilities. One female associate, who placed herself off-track, suggested that the work and life-style of partnership did not fit into her future:

It was just that I didn't want to be involved in the bureaucracy of a large firm. I didn't want the stress. There's so much stress, and pressure, and emphasis on hours, and when you're a partner getting clients and doing huge deals, and I just didn't want that kind of pressure on my life. I . . . really enjoy being with family and friends and pursuing outside interests, and I just didn't want that to be 80% of my life. Even if I didn't have children, I would have wanted some sort of balance where it was more of a . . . nine to six, nine to seven sort of job, and I didn't have to work weekends, and I had my nights free, and I could just enjoy my life.

Another woman associate regarded women partners' career mobility as impossible without great sacrifices and regarded those sacrifices as unacceptable for herself:

To be a partner, especially in a place like this is this wonderful thing I have a lot of respect for the female partners here, but I can't see living the lives that they lead. I want to have children, I want to have a little bit more time with my husband, and no matter how hard you work at it, you just can't do it if you're a partner in a place like this.

But the conflict with family life is not the entire story. Most associates show considerable ambivalence in their quest for partnership because its desirability changes over time and according to changes in circumstances. The financial risks of partnership during uncertain economic times weigh heavily for some associates:

My first law firm out of law school was the law firm that redefined the meaning of liability in partnership; I have assets that I don't want to have exposed, and the nature of the partnership structure exposes the individual. They can come after you . . . for partnership stock. They can go after you or they can go after anybody jointly and severally. And that's not appealing to me at a time where, since 1989, 20% of the law firms in New York City have disappeared.

Over the course of an associate's career the feelings about partnership change, and earlier feelings continue to have resonance. Virtu-

ally no associates we interviewed came to their firms with the goal of achieving partnership. For those who may harbor such desires there is considerable peer pressure to keep it to themselves. Voicing aspirations for partnership by junior associates is considered gauche:

Nobody would admit it. Nobody would ever admit that they wanted to be a partner there. It was taboo to say it, because everybody was going around bitching and moaning about how miserable they were. If anybody went, or said, oh, I'm here for the long haul, they would be ostracized, you're not one of us, you are one of them.

A common thread ran throughout the conversations with associates about the initiation of their careers. They claimed they were just too busy to think about partnership. As junior associates they are focused on doing the job put before them rather than spending much psychic energy worrying about a distant goal. One alumna says she did not worry about partnership because, "I was working hard at that level not to make partner, but just to do a good job." Many firms discourage younger associates' concern for partnership by placing less emphasis on yearly evaluations for the first four or five years.

As associates advance toward the time that partnership decisions are made, they are more likely to be concerned with their promotion to partnership. One eighth-year male associate admitted that he had only thought about partnership during the last two years: "Before that I don't even think I was paying attention." Several associates also told us that around the fifth or sixth year they realized that most members of their class were no longer with them. There is the feeling that most attorneys who are not interested in large firm practice have left by their fourth year. Those who remain at a firm now see themselves as a much smaller group that is in competition with each other.

As we elaborate further in the section "Marriage, Family, and Intimate Relationships," senior women associates' views about their careers are especially complicated. Concerns about having and raising children coincide with the period when associates are being most closely scrutinized for partnership. Often this concern manifests itself in an ambivalence toward partnership, an attitude that others also perceive. One senior female associate remarked:

I had a child last February, now ten months old, and I'm not sure what I want to do with my life. I don't know if I'm willing to work the kind of hours that a career as a partner in a major New York law firm would mean, so I'm not sure what I want and I'm not sure I would have my choice anyway.

B. *Aspiration, Opportunity, and Feedback*

Associates' attitudes toward partnership also are related to their changing circumstances on a personal and structural level. On the individual level, aspirations are interactive with the perception of op-

portunities. Many partners mention that positive evaluations encouraged them in their pursuit of partnership. In the highly competitive "tournament of lawyers," as the legal scholars Marc Galanter and Thomas Palay⁴² have described it, associates "joust" for partnership using information to make strategic decisions about their careers. Feedback is both psychologically empowering for the individual, reinforcing motivation, and a necessary channel of communication from the firm. Individuals who receive no feedback believe they are being negatively evaluated. Consider these two examples: A senior woman associate has decided not to pursue partnership, partly because

[o]ne of the major problems here is that just on a daily basis, there's very little feedback on what you do. You could write something, give it to them and never hear about it ever again. Or the only way you know if they liked it is if it's pretty much filed the way you wrote it And I don't think there's very much feedback in the review process either.

But, from a fifth-year woman associate who aspires to partnership we heard a different story:

The stuff that really calls for policy decisions, you know, are we going to do this or that, I do myself. And all I do is I copy this partner, and [ask him] "tell me if you disagree" . . . and he's very prompt with feedback, he always agrees with me, he's really wonderful, he's given me all kinds of responsibilities, I go out there, I settle cases, I do stuff, I basically tell him afterwards. That has been really good. He has full confidence in my judgment.

Women and minority associates are especially helped by this positive feedback because they are aware of stereotypes that label them inadequate as partnership material, or that characterize them as insufficiently committed to their careers.

Associates, both men and women, usually calculate the odds of making partner in framing their aspirations. Many have downscaled their ambitions because of what they believe to be a limited set of possibilities. A seventh-year male associate, who continues at his firm for financial reasons, does not believe he will ever make partner. Thus, his strategy is to work only in his present practice group and not bother with exposure to others:

I have no illusion I will ever become partner at this firm. Anyone who does have such an illusion is a fool . . . [S]tatistically . . . this is not going to happen. There is less than a 10% chance. It's just statistical. Why am I different from anyone else. I'm not and I don't think that anyone should count on being a partner.

A woman associate saw her situation in a similar light, arguing that partnership decisions are arbitrary and random for everyone, not just women:

42. Galanter & Palay, *supra* note 21, at 100-02.

I don't think it's realistic for anyone—I was talking about this with a friend this week, and I was [asking] whether it was just the women in my class . . . she felt it was everyone, and I think it's sort of everyone—we have this seven- to ten-year zone when you can be up for partner, it's so sort of random, you don't know how they make partnership decisions, you know, basically, one partner not liking you because of one work experience can be enough to sink you—it's just very, very random, and it's the kind of thing that, to get to the point where you could get to be eligible just requires too much personal sacrifice.

A large proportion of young attorneys in large firms will never become partners; thus, many believe selection is random. This may be a response to their lack of control in the process. This creates ambivalence toward partnership with some consequence to their commitment. They also recognize that not only their own performance but many variables affect advancement. The overriding factor is the relative financial health of the firm. In one firm whose growth has declined since 1988, four of the eight associates we interviewed did not aspire to partnership. Comments at that firm typically focus on the poor business climate. At another firm that has grown steadily since the early 1980s, only one associate expressed disinterest in partnership. The practice area an associate enters makes a difference. Attorneys speak of their frustration being locked in departments that have not made partners in five or six years, and women associates are very aware of the time span between the elevation of women partners in certain departments. Yet, for both men and women alike, despite the likelihood of long hours and a demanding workload, many associates are eager to move along the track in expanding departments.

Changes in the market for legal services offer new opportunities for associates. With the expansion of firms in the 1970s and 1980s, individuals with marketable skills were much in demand. Women took advantage of shortages and moved into large firms as senior associates and junior partners. Women coming from other firms or public sector practice had proven themselves already. They had track records that had been validated by others. Senior associates recruited laterally to firms occupy an ambiguous position, however. They have needed skills, often different client and social networks, and usually a long-term commitment to large firm practice, but they lack networks within the firm and are not steeped in the firm's culture.

This study suggests that the increasingly competitive legal marketplace works to the detriment of women. As clients demand more for less, firms are inclined to increase attorney workloads and expect a greater commitment from associates. These economic pressures, combined with stereotypes that question women's commitment, place women in a difficult position in the evaluation process. One senior male of counsel expresses this concern:

I think one of the fears that some men have is that you train and retrain and grow and direct your clients to relate to a woman even before she has children, and then there is the concern that when the match takes—the client is happy and it sounds right—she then takes time off to do her child-rearing years. It is a concern, whether spoken or otherwise.

Women partners also express such opinions. Describing a part-time woman associate whom she knew only casually, a woman partner in her early forties remarked, “I think it [making partner] will be a very uphill battle, and I think she really has to be probably fully committed to coming back, and I don’t think she will be because she’ll have two children, and it’s not going to be that important to her.”

C. *What Does it Take to Make Partner?*

We asked associates and partners, “what is necessary to become a partner in your firm?” to understand associates’ perceptions of the promotion process, as well as to understand what criteria partners use in the decision making process. Responses span a spectrum, but they cluster in two basic groups that correspond to the two types of firms. One is a firm with established traditions, in which partners are committed to replicating the firm as they have known it. The second model is the market driven firm where the “bottom line” determines the firm’s functioning. A senior associate characterizes the first model when he states, “Partners tend to associate with associates that think like they do and have a view of the firm that they have and who they think will be a partner [like them].” And at some firms, tradition has a gender content to it as well. This associate described the view of a senior partner:

He looks for people that care about the firm . . . are loyal to the firm . . . who have the same kind of macho approach to litigation, if not the life, which means I’m going to make this guy wet his pants in a deposition, or screw them, I’m going to push them to the wall. You know this kind of scorched earth approach in just about everything you do.

At times traditional stereotyping turns into blatant discrimination. A woman partner with more than twenty years in her firm spoke about the impermeable barrier to advancement in an overseas office:

The Paris office will not promote any women, and you ask them why so-and-so who’s doing so good at tax isn’t in their list of [potential partners]—they say she’s going to have babies and go, I mean, they say things that twenty years ago people here might have been too smart to say, and they’re way in the dark ages in terms of social progress.

Many associates and a number of partners are more likely to portray their firms as market driven entities, where decisions about partnership revolve around profitability. As we saw from the section on

business development, rainmaking is thought by many attorneys to be a sufficient condition for promotion.

Women are disadvantaged by either approach. In the tradition bound model, firms will replicate themselves as white, male institutions. The ostensibly more meritocratic market driven firm disadvantages women because they face more barriers than men in developing business. Additionally, because so few associates actually bring in any new business to their firms, partners make promotion decisions based on their expectations that an associate will bring in business. These expectations are largely based on subjective criteria that are very susceptible to being influenced by stereotypes about the roles and desires of women.

In this section we have attempted to lay out the problems women face, the problems all young lawyers face, and the interaction between their aspirations and the opportunities that are available to them. It is important to understand that neither women nor men have set aspirations when they enter firms, but that ambitions are developed or diminished in interaction with decision makers within the firms who have the power to help them succeed or who may contribute to their failure.

VI. STYLE

The higher one goes up the professional and managerial ladder, the more subjective assessments are employed to evaluate individuals. By the time one has demonstrated an ability to do the work and get along with colleagues, other qualities that have to do with promise, excellence, leadership, and talent are assessed—qualities that cannot be easily measured. It is at this point that objective qualifications, such as the number of hours one works and even one's success in cases, provide merely a baseline of evaluation.

Women and men then face all kinds of subjective judgments, which inevitably are based on the evaluators' personal experiences and prejudices. The hardest qualities to assess are those of personal manner and style, but these are certainly regarded as important in the partnership decision.

A. Stereotypes

In partnership decisions, stereotyping plays a central role. Some stereotypes come from general beliefs in the culture; some are fed by pop psychology and sociology books.⁴³ Views regarding gender differences are common, and women and men may hold stereotypical views about their own gender group as well. However, most lawyers who were interviewed denied generalizing about men and women. *Almost*

43. For a recent example of such work, see John Gray, *Men Are from Mars, Women Are from Venus* (1994).

no one expressed a belief in differences in intellectual ability. And, most denied basic differences in personality characteristics. Still, many of those who said that they were hesitant to generalize nevertheless did express some stereotypical differences. These could be described in two ways: those who believed women attorneys had a different personal style (e.g., less aggressive, more caring, tougher); and a different orientation toward work (less ambitious, less work driven). For example, one male partner offered these comments:

[Women are] good at dealing with things, better in some respects; maybe not as good in some There aren't many women partners yet doing the corporate transactional type work The few [that are] don't tend to do M & A. Women in the group bring some different approaches to things . . . in the firm on the personnel side, having some sensitivity to issues that come up.

Stereotypes are often employed to justify or rationalize their own advantages. In the following two comments, we see how a man and woman both claim that members of their own sex are better at advising a client. More women than men seemed to emphasize this characteristic, but these examples indicate how people genderize behavior that is probably at the heart of any lawyer's role:

One way in which lawyering is easier stylistically for men is that the role of advisor . . . the kind of paternal role Have you read the book by [Deborah] Tannen? One thing she talks about is how men get a kick out of teaching I try to explain what [the law is, telling the client]: "These are your choices."

. . . .

I, as a woman or other women, tend to handle clients a little better than men do, once you got them and once you're trying to walk them through things. Women tend to be more inclined to walk a client through something they may not understand or what steps have to be taken in the process.

A male associate sought to show the "good fit" between lawyering and men's personalities or characteristics, at one point remarking, "[The law] is a fairly solitary occupation, [and] men tend to be more asocial." In keeping with this kind of categorical argument, the same associate also commented:

Sex differences are much more genetic than I would have thought before having children My daughters play at being ballerinas and fairy princesses I can't think it's because of something they're getting in the home . . . especially where they have a working mother who, you know . . . doesn't dress up like a ballerina.

Another male associate, while going contrary to the stereotypes, still characterized women categorically: "The women I've dealt with, they're really smart. One woman I'm thinking of . . . she takes no prisoners She's not scared of anyone Women who are successful . . . they are very tough." A male partner agreed that women

lawyers were tough, but that this characteristic was common to older women lawyers rather than younger ones: "There was a time when . . . women tried to be hyper-tough. I haven't seen that kind of thing in years. But it did exist. And I don't think it works."

Another gender stereotype that influences how women are evaluated as potential partners is the idea that men are socialized earlier to be better at networking, which gives them advantages over women in business development. It is worthwhile to repeat the remark of a woman partner cited in the section on rainmaking: "Men were raised to always try to network and glad-hand and meet people; that's perceived to be the best way to get clients."

Other stereotypes may not be interpreted as disqualifying women from high powered legal practices but reinforce the notion that women are different from men. One woman associate, for instance, noted that women are more manipulative, but she saw this quality as useful in professional contexts: "Women bring a different psychology to the practice of law. Women's egos are not always at stake in every single conversation And I think, in a good way, women are probably more effective at manipulation." And, based on his experience, a male associate pointed out that women can be more thoughtful: "I felt they actually cared about associates' morale or well-being in this firm more than some of the guys did. In that sense, they are a little bit better."

As we pointed out above, very few of the attorneys we interviewed unequivocally thought there were absolutely no differences based on gender. Probably this male associate, more sophisticated than most, stood out as the exception to this position, because he saw the problem as a matter of power differences rather than gender differences:

Men and women have exactly the same interests. I have exactly the same interest in raising my child as any woman has . . . and until people realize that we have the same interests, and I'm as powerless as they are, and until people recognize that and correctly classify who has power and who does not, that's when you are going to get a change You're not going to get a change by saying it's men on one side and women on the other side.

B. *Different Gender Standards for Appearance*

The role of appearance came up in the interviews. Both men and women, but especially women, articulated attitudes about the role of such attributes as height and weight, strong or quiet manner, choice of clothes, and presentation of self. Given the nature of this study, we heard about appearance with regard to women, but a number of lawyers pointed out that men also had to face evaluation with regard to these qualities in the promotion assessment.

1. Attractiveness

A few lawyers believed that very attractive women had a better chance to be promoted than those who were plain and that tall women were advantaged over short women; but this was by no means a majority. We observed that there was no particular predominance of attractive or plain women partners: they ranged in height from short to tall, from thin to heavy, from beautiful to plain.

But there are attitudes toward attractiveness that have meaning for acceptance, as this woman partner explained: "With my partners it's a pro and a con. There's some people that for whom an attractive, assertive woman is sort of a nightmare, your greatest nightmare. I'm not safe. I don't look like a man So I threaten all aspects of them."

2. Manner

Yet another concept of gender differences is related to the ways in which male and female attorneys conduct themselves professionally. On the one hand, men are frequently regarded as combative, a viewpoint expressed vividly by one woman associate, but shared by many: "They fight to fight. There are a lot of similarities between men and dogs. They are territorial and they bark a lot and fight They want to be the biggest guy on the block." Distancing herself from this "male" image of a lawyer, this woman added, "I see no benefit in posturing, to bullying the other side in a negotiation." Another woman associate made this comparison: "I work with an investment banker a lot, and she tells me women are more practical, and get their hands dirty and don't waste time posturing."

It was also believed that "presence" is of utmost importance, and a number of senior lawyers raised this as a question to be explored. Another term used was "ability to command a room," and it was suggested that women might be disadvantaged because the stereotype of women is that they are unlikely to command a room.

Since there was no observational component to this study, and we could not assess how women and men lawyers work with one another and with clients, we could not independently analyze lawyers' impact on clients. However, we did note their manner in the course of interviewing. As we observed above, women partners exhibited a diversity of styles. Some certainly did have "presence" and exhibit authority in their manner, while others' comportment was reserved and understated. Most, almost all, were articulate, however, and indicated a self-possessed manner. This range of personal styles was also true of the men partners who exhibited diverse styles.

Of course, the *perception* of qualities is important in setting the norms, but some lawyers who clearly deviated from the norm had been elected to partnership. One partner we talked to reported,

“When I came up for partner [I was told] the discussion went like this, ‘Oh, she’s so small and so quiet, does anyone notice she’s there when she’s there?’” A male partner described the conversation about a partnership decision in which the woman being considered was small, like the woman discussed above. Here one can see the stereotypes that are operating both for and against an able women:

We made a woman a partner last year who is about the same height as my wife, five feet tall. She’s a brilliant lawyer, but a lot of our comments were about her stature. Some people said, “She doesn’t really command the room,” and other people said, “Well, she does do it but she does it in a different style.” But some compared her to one of our . . . [certain specialty] lawyers who’s gigantic. He has a commanding presence, and he’s overbearing, and he’s a wonderful [certain specialty] lawyer. And that’s what you need in [that specialty]. So the question was, could she go into a competitive situation and will we have kind of an audition for a job and can she really handle it? Others said, “Once they get to know her confidence, there won’t be a problem.”

C. *Specialties*

Stereotypes about traits—and the alleged fit of personality type and practice specialties—has consequence for women’s progress in certain areas. Here is how a male partner described how he understood the relationship between areas of practice and gender characteristics:

I think it’s much more difficult for a woman to be a kind of M&A partner . . . There’s still a culture in Mergers and Acquisitions which still values the kind of aggressive thing. It’s really a lot of nonsense in a lot of ways, but that’s the kind of aura, the image it’s taken on, and I think there still may be a problem for women in that practice area. Certainly in the securities area. In Real Estate it’s not an issue. In Litigation there may still be some vestige of that.

The consequences of such beliefs were pointed out by a female partner, who remarked, “If I’m telling you that one of the characteristics that’s important is the ‘take-charge’ ability, and if you could prove that was more difficult for women than men, then somehow it would have to translate into . . . the evaluation.”

For women who work on transactions, though, the idea that they are not as effective can be challenged by counter-arguments based on what are generally seen as feminine attributes. A woman partner expressed this view: “I think I’m a wonderfully effective negotiator. I think part of that must come from who I am, what I am, and probably also the fact that I am a woman.” Her assessment was echoed by a male associate, who noted, “It’s less likely you’re going to find confrontational negotiators among the women.” We heard the same sentiments again from a woman partner, who said, “I think men are often more aggressive than women . . . Corporate law may be a better

place for women lawyers to practice than, let's say, litigation. Because litigation calls for often very aggressive adversarial tactics." This woman's views were reiterated by others, such as a male partner who said that women have "a different nature, more toward conciliation, compromise."

Many attorneys working in litigation agree with the idea that an aggressive personality is necessary to be successful in their area of practice. For example, when asked why no women were elevated to partnership in one firm's litigation department, one woman partner replied, "Looking back to 1985, with the exception of three, none of them were in contention by the time they reached the seventh or eighth year point Some of them just didn't have sufficiently aggressive personalities . . . [or didn't work on the right cases]." However, these notions about women's innate lack of aggressive tendencies are not endorsed by everyone. Several attorneys offered contradictory impressions, including one male associate, who said, "Women are more argumentative than the males My tougher negotiations have been with opposing counsel who have been women." And another, who remarked, "Women have a little more of an edge. They have more to prove."

D. *Foreign Clients*

Many lawyers, who have expectations of equality in the United States, observe that foreign clients may still hold prejudiced views about women attorneys. But even with these firms, women lawyers feel there is no hurdle that cannot be surmounted:

I'd go in with [a senior partner] and the [South American Office] thinks, "Oh, he's with his assistant." But they learn Once you make a contribution, you show them . . . you could do it in a quiet way, you don't need to make a fuss I don't think that's really an issue. There are some foreign clients . . . the Japanese are an example . . . where it's more difficult for women to establish themselves Yet even they come down, because they look at American women differently than the way they do Japanese women [It] may be [different in] other cultures where they're not used to the role of women being what it is in the United States.

E. *Circumstances That Undercut Stereotypes*

Knowledge of stereotypes may cause many women problems, unless their reputation precedes them. As one reported, "It's helpful when you walk in, either because of your presence or reputation or experience, [if] you can establish that up front and save some time in uphill battles."

Women partners in prestigious firms find that the firm reputation undercuts prejudice usually directed against women. For example, one woman partner who worked with clients in a traditionally male

industry did not feel she encountered problems, because by the time she was engaged in this area of practice things had changed enough that

the senior associates I worked with on a lot of deals were women. I worked with partners who were women and clients who were women, and I never walked into the room with the assumption that anybody was going to discount what I had to say. Maybe they did, but I never really noticed it.

Holding the status of partner in a large firm mitigates against a lawyer being undermined by her manner or appearance. A partner, slight of stature, who has dealings with clients in the mining industry, said she never had trouble in establishing herself as an authority in a work situation. As she reported, "I don't think it hurt that I came from [firm X]. I don't know whether I was lucky in coming along after women had already been here and it wasn't unusual."

Other examples of stereotypes regarding women's and men's presumed different styles and personal manner are scattered throughout this report. However, a few general points are important to underscore in this section. As we have seen, some views of partners and associates cluster around conventional stereotypes, but many views are inconsistent and contradictory. Although most lawyers conceded that it was difficult or incorrect to generalize (and denied especially that there were distinctive inborn traits linked to men and women) almost as many did express some stereotypical views in the course of an interview. Most lawyers (as is common to people outside the profession) hold a static view of personality. Almost no one observed that people may acquire new personal styles as their experience grows and develops, an observation made by many social scientists today.⁴⁴ This shows the force of traditional models of personality in limiting perception of individuals' capacity for learning new social roles and the personal repertoires that accompany them.

VII. SEXUAL HARASSMENT AND HOSTILE ENVIRONMENTS

Because women today expect equality, they have low tolerance for sexist behavior, particularly disrespectful comments and jokes, and no tolerance for sexual harassment. Because of the subtle form of this behavior and the fuzzy boundaries between friendliness, joking, hostility, and discrimination—as well as of the generational differences in interpretations of harmful intent—there are considerable problems in identifying specific sources of sexual discrimination and sexual harassment.

The term "sexual harassment" covers a wide range of behaviors, and thus one finds in large surveys that a great majority of women

44. See generally Cynthia Fuchs Epstein, *Deceptive Distinctions: Sex, Gender, and the Social Order* (1988) (discussing the various models of personality and self).

claim to have experienced improprieties and more serious forms of harassment. This research on large firms indicates that there is little consensus on the behaviors that are regarded as harassment, with the exception of unwanted physical touching or sexual overtures about which all agree. Interpretations of harassment vary from this kind of sexual exploitation to the use of sexual innuendo and jokes with a sexual theme. Some women regard any kind of sex differentiation that is seen as discrimination against women as harassment. In this report we will discuss discrimination in a separate section below.

Whatever the differences among women concerning the definition of sexual harassment, it does seem to be the case that many men do not or cannot differentiate between friendly behavior and sexually tinged behavior. Many have learned to relate to women in terms of sexual differentiation, exhibiting "courtly" behavior, considered charming by many, but based on references to "womanly charms" or physical appearance. Others use sexual references as a way of reinforcing a sense of women as "other," not serious partners in an activity unrelated to sexuality. And others use it as a way of controlling women, catching them off guard.

The work of the sociologist Rose Coser on the use of humor is relevant here, because she points out that joking or the use of humor in a professional setting is usually directed from the top down and at the expense of the subordinate person.⁴⁵ It is clearly the case that many women are subjected to use of sexually charged humor in this way. Further, when they complain they are told that they "can't take a joke," further emphasizing their sense of "otherness," they are cast as unacceptable members of a collegial group.

A. *Forms of Sexual Harassment*

Sexual harassment may come internally within a firm from associates or partners or it may come from clients. Some of it is more visible and known throughout a firm; and some is invisible and kept secret, and hence is invisible to the firm as a whole. There is also the question of whether sexually suggestive speech and behavior is used coercively. Certainly, speech makes the environment inhospitable for many women. In this study, however, we did not locate any examples of blatant coercive behavior that resulted in a woman's dismissal or blocked opportunity on the career track. But that does not mean it has not occurred.

Coercion may be far more subtle. Women who suffer from this form of discrimination may never be aware of what happened to them. For example, it may be that women who respond negatively to sexual innuendo or joking are regarded as overly sensitive, poor sports, stiff-necked, or otherwise unpleasant, and thus as inappropri-

45. Rose Laub Coser, *Laughter Among Colleagues*, 23 *Psychiatry* 81, 85 (1960).

ate for firm membership. However, we have no evidence supporting this hypothesis.

Of course, in law firms, like other work environments, there is a certain amount of sexuality that is expressed between individuals. Some people welcome it, others are ambivalent about it, and some regard it as entirely inappropriate. Because much of this is expressed on a nonverbal level, and even when verbally communicated there is often misunderstanding and poor communication, some people believe communication with sexual overtones of any kind is entirely inappropriate. Therefore, many managers in firms and other work environments have instituted rules against any personal relationships between people in a firm. But it is probably futile to legislate effectively against what is a human set of propensities. This is especially the case in work environments as intense as that of law firms, where there is little sex segregation and people work long hours during the week, as well as weekends, and have most of their social interaction within the firm.

Because of the lack of consensus and the range of meanings applied to sexual harassment, it is impossible to quantify its occurrence. We can, however, note how it is perceived by the lawyers we interviewed and the range of attitudes toward it.

B. *Effects of Age and Marital Status*

There appear to be differences in the perception of harassment, in its definition, and in the choice of mechanisms used to deal with it by age, marital status, and probably personality (a dimension which eludes any systematic analysis).

There is some debate about whether some of the older partners are the source of harassment, and whether they are guilty of harassment or merely bad taste. If it is only older men who are at fault, there are further debates about whether harassment will diminish over time or whether something needs to be done to confront it now.

Implicit in many responses was the difficulty of distinguishing harassment from "bad manners," "insensitivity," "ignorance," "crudeness," and "bad taste comments." Although not all younger women feel this way, many, especially associates, define harassment more broadly than older women. They are the ones that tend to define it as general discrimination based on sex. For example, one recently elevated woman partner responded to a question about whether she had experienced or witnessed sexual harassment by saying that she had heard women associates in the firm referred to as "document girls," because they process documents, a dreary task that she seemed to think men of the same rank managed to avoid. Younger women more than older women also experience joking and sexual innuendo as harassment. They also regard any physical touching such as a hug, or a hand put on their shoulder as sexual harassment.

At the polar extreme, some women regard any comments about their physical appearance or attire (e.g., "What an attractive suit") as sexist. An associate noted that she overheard the conversation between a senior partner and a senior associate regarding inviting a Congresswoman to give a speech at an event:

The senior partner says to the senior associate, "Well, she's very attractive. Isn't she?" . . . I thought, "Gee, no one would ever ask if a male Congressman was attractive to decide whether or not they wanted to invite that person to give a speech." It was a bit on the offensive side.

As an example of ambivalence, however, she did not think these attitudes translated into treating men and women differently within the firm. One of the women partners described another reference to dress as an opportunity to differentiate women:

Some old partner in the back of the room made some comments about the length of [a woman colleague's] dress or her legs or something as she was getting up to give a little speech . . . But I don't think as far as the work goes or perception by the other partners that there's any difference . . . The firm has always been very open to women. We had women partners years before any other big firm in the city did.

Older women tend to define harassment more specifically: unwanted sexual advances. They are less likely to see sexual harassment and sex discrimination as the same phenomenon. They also do not perceive reference to physical appearance as necessarily sexual in nature and therefore unacceptable. Although most of them acknowledge that the behavior referred to by younger women exists, they evaluate its importance differently. Many of them, for example, feel that references to women in sexual terms or differentiating them in other ways need not get in the way of doing one's work or advancing in the profession. But the tolerance had a wide range.

For example, one woman partner gave the example of a man in her firm who wore suspenders with naked women on them. She commented that she did not think such behavior got in the way of women's advancement in the firm, although she did concede that the man who wore them was obviously insensitive and that women working with him were made uncomfortable by his attire. Another described how a male colleague in a small department in her firm effectively excluded the women from the informal camaraderie by going for drinks at night with the men "to a place that had women topless dancers, topless waitresses." She added, "We called it to their attention; I believe it stopped."

Fairly representative of the attitudes toward sexually charged comments and nonverbal behavior we found among older women partners is this statement: "I've been pretty lucky. I don't think I encountered any real discrimination at work . . . I've certainly been in situations—

not meetings or negotiations . . . [but] closing dinners—where people have a few drinks and forget where they are.”

The women who have learned how to deal with improper sexually associated behavior are, of course, mostly those who have advanced in spite of any obstacles they have faced. And they are the ones who have been successful in dealing with it when it occurred. Also, these are women who may not have been exposed to harassment, been protected from it, or, managed to ignore it. Women who were unable to manage these kinds of unpleasant situations, or who had experienced gross behavior that was not reported, may simply no longer be working in these firms.

Although no one in any of the firms in which we interviewed claimed that sexual harassment was a pervasive part of the culture, or even typical of men of particular ages, in several firms both older and younger women can point to one offender (or a few), usually a senior male partner who is known for inappropriate sexist and sexually inappropriate behavior. Usually such a person presents a particular kind of problem, because of his insensitivity combined with the power he possesses due to his rainmaking ability and therefore his value to the firm. For these reasons, there is a reticence to confront such a person, although in at least one case we heard that colleagues did confront an erring colleague recently.

An additional factor in the dynamics at play in such situations is the women partner's relative lack of power within the firms; for example, almost none have served on management committees. Thus, they are in no position to reprimand a senior male colleague who is known to engage in harassment. However, at some firms there are women experts in sex discrimination matters, who handle such matters for clients. These women have power that comes from their expertise and express professional opinions about the hazards of engaging in such behavior.

A theme that runs through the interviews is that nearly everyone had at least one or two stories they had recalled when the question of propriety and sexual harassment was raised. We cannot know how many of these accounts overlapped, but the stories did seem to accumulate.

Of course, sexual harassment seems to be related to women's structural positions. A woman's marital status, age, and physical appearance, as well as her rank in a firm may be a factor in her exposure to sexual harassment. Some women are simply more vulnerable to sexual overtures, because of cultural attitudes that define them as more available sexually and possibly more receptive. For example, women who come to the firm married report less sexual harassment than those who are young and single.

C. *Mechanisms for Dealing With Harassment*

As far as taking action against harassment is concerned, some women point to the use of humor, direct discussion with the offending person, which includes telling him why the behavior is unacceptable, and eliciting help from colleagues to discuss the matter with an offender. In addition, many married women attorneys said that they made it a point to talk about their husbands and children with colleagues and clients and found this kind of conversation useful for diffusing unwelcome overtures.

Firms are much more sensitive to this issue today because they realize they may be sued for sex discrimination by a person who has been the target of such behavior. The best known case was the \$7.1 million sexual harassment judgment against the nation's largest law firm, Baker and McKenzie (later settled).⁴⁶ This has made a number of firms quite wary, and in some cases has made the partnership overcome their reticence to address harassment issues openly and systematically. A number of firms have brought in sensitivity training experts to work with their lawyers to deal with the problem.

But this sensitivity is in some ways a two-edged sword. Although it has served to alert the male partnership to the seriousness of engaging in sexist behavior, it has also made them cautious about their contacts with women lawyers. We refer to this issue in the section on mentoring, because it serves as a restriction on informal communication and interaction between male attorneys and women attorneys, especially those in superordinate-subordinate relationships. Several male lawyers we talked to admitted that they avoid all informal contact with younger women attorneys because they fear that their behavior may be misinterpreted as sexist when it is merely friendly. Thus, they reported that they make it a blanket rule not to dine or have drinks with women associates after late night work sessions or while working on a case. Partner comments rationalizing their behavior are quoted in the section on mentoring.

Certainly, there is normative change, as described by this male partner:

A lot of women still feel uncomfortable because the jokes, the bantering that goes on you know is still kind of locker room stuff. You got to keep reminding people that is not the way to foster the right environment. I think most people know what's appropriate conduct. Most people know what you should and shouldn't be doing.

When asked about informal relationships, such as those mentioned above, he said:

There's no reason why after a deal you can't have a beer but you do it in a setting which is not your room I don't think it is an

46. *Month By Month: The Year That Was*, Nat'l L.J. Dec. 26, 1994, at C2.

insurmountable thing Some of it will be sorted as we go The Anita Hill thing is starting to ripple through, and I think there is always hypersensitivity when you have an incident as notorious as that, and [the problem of] the General Counsel at Morgan Stanley raised some things.

There is no question but that these issues have come up informally and at partners' meetings and constitute real differences in perception between men and women in the firms.

D. *Clients*

The question of inappropriate behavior by clients is another matter. Since attention in firms is directed more and more to the bottom line there is caution about offending a client who engages in harassment against a woman attorney. Women find it hard to deal with these problems, except for exercising their interpersonal skills (as noted above, talking about their husbands and children, etc.). Sometimes male colleagues in the firm will speak to the client. But this technique was not mentioned very much by the lawyers we interviewed.

E. *Sex Discrimination*

More than sexuality constituting the core of discriminatory behavior, devaluation of women seemed to be at issue in these firms. Some women pointed to a process of discriminatory selection by senior male partners favoring male associates for interesting and complex work, leaving the more routine tasks to the women associates (as we saw above in the quote about women being regarded as "document girls"). In another case, a male partner justified excluding a woman attorney from a team by claiming that the client (a labor union) would not be able to deal with women lawyers, and that the specialty (labor law) was a culture typified by toughness and "dirty" talk. In this case, the associate was transferred to a less biased partner in a less sex-stereotyped specialty.

Just as there was diversity in definitions of sexual harassment, there was also a lack of consensus with regard to sex discrimination. Here, too, a loose pattern of generational differences appeared among the interpretations of this phenomenon, and a certain amount of overall ambivalence. One woman partner expressed this with some irony as she described a meeting to air complaints about gender-based difficulties in her firm:

I held a meeting of women lawyers. Most of the women associates were very young I felt they were naive. There were no complaints about sexual harassment or whether they've got the same work or were treated fairly The complaints were, "The male associates don't want to have lunch with us," or "some of the male partners and associates go out together" They expected the world to be 100% equal, and it isn't I thought it was a very

naive attitude, and I also thought that some of them were unduly sensitive . . . and should learn a little more about how to take care of themselves.

One male associate viewed sex discrimination as a problem associated with older partners who were patronizing to women associates. He noted that male partners—both younger and older—are biased in perceiving women as less committed and tend to write them off:

Partners may treat the male associates . . . like brutal . . . demanding . . . I'd say that's kind of a rarity [to be as demanding with a female associate]. Not that there's a double standard, but I think maybe some people think that they're almost not going to waste the effort If they don't think a person is going to be here for the long haul, they're not going to waste so much time with them Like there's a woman . . . she's going to get married, and she's going to leave. Why should we invest in her?

Other men recognize how stereotypes regarding women interact with their preferences to maintain an all male "club," with consequences for access to networks and access to clients. The subtle interplay between stereotypes and access is captured in the analysis of a male associate:

I'm very friendly with a lot of the female associates . . . and they'll complain it's an all boys' club I don't always agree with their perceptions . . . but there are times when clearly there is a sort of underlying male locker room mentality I'm not talking in terms of . . . vulgarity [but] I think men feel more comfortable working with men than they do with women I think men view business as the locker room. This is the locker room and it's fun to have the girls tag along sometimes I can see there's a covert sort of discrimination; I don't think it's overt.

Thus, focus on women's sex status, whether sexually oriented or in terms of gender differentiation, acts to create an "outsider" position for them. This has impact on their ability to take part in informal interactions necessary to learn the intricacies of professional roles, and to establish relationships necessary for career mobility.

VIII. HOURS AND ALTERNATIVE WORK SCHEDULES

A. *Hours*

Everyone points to the increasing expectations regarding billable hours as one of the greatest impediments to women's movement up the career ladder at large law firms. The "greedy" nature of such a law practice⁴⁷ necessitates not only putting in considerable hours that are billable but also expending time to develop business and partici-

47. Lewis A. Coser, *Greedy Institutions: Patterns of Undivided Commitment* 5 (1974) (defining greedy institutions as those "which make total claims of their members . . . [and] seek exclusive and undivided loyalty and attempt to reduce the claims

pate in the organizational activity that enhances a career. Billable hours not only reflect actual time spent on a case; they have also become a benchmark for ascertaining commitment to the firm. As one of the few measurable elements in a system of evaluation marked by subjective criteria, billable hours are also symbolic in expressing dedication and willingness to sacrifice for the good of the firm.

The practice of billing clients by the hour—or, to be more precise, by segments as small as six minutes—became the dominant mode in the last two decades. It remains the standard, although many clients are rebelling against its use and are asking for estimates of the costs for work on a particular case.

Thus, the legal work week makes dramatic demands on the practitioner's time and makes it difficult or nearly impossible to have a life in which family obligations and other non-work activity may be experienced in a conventional way. If there is more play in the system than is immediately observable or reported, there is a conspiracy of silence about it. Complaints about the time demands may mask certain rhythms that permit at least senior men to play golf and spend time at their country homes, as well as attending sports events that are referred to as important to bringing in business. Perhaps men's leisure and work pursuits are more firmly intertwined than women's (although some women do have similar schedules), and therefore the reported hours worked include social time spent with clients.

Of course, women's (or men's) time spent on child care cannot be fused with work time, and thus is reflected in the lower averages for women's hours. Many women complain that they try to use their time efficiently so that they can go home to have dinner with their families, but that male associates waste time earlier in the day, or perhaps spend lunch hours at the gym and then start working in earnest in the afternoons and evenings. They further suggest that the men do this intentionally, so that senior partners will regard them as especially industrious when they know they are working late into the night. Some even suggest that men may report hours more generously than women, who may under-report time actually spent on a case.

Most people note, however, an overall escalation in the expectation of billable hours, and even senior partners, for whom established partnership was expected to bring decreased on-the-job efforts, complain today about hard work. Of course, partnership still does entitle a lawyer to delegate a certain amount of work, especially that which occurs late at night and on weekends, and above all, the partner has control over the scheduling of work while associates do not. Senior partners with extensive management responsibilities may also report fewer billable hours but still be "overworked."

of competing roles and status positions on those they wish to encompass within their borders").

Nevertheless, the question of whether the failure of women to achieve partnership in large Wall Street law firms in proportion to the number of women hired at the associate level is frequently expressed in terms of the time demands of this kind of legal practice. There is near consensus that obtaining what a number of lawyers refer to as the "brass ring" of partnership hinges upon the demonstration of commitment to the firms' traditional standards of constant availability and unflagging dedication to professional life. Those who work in these firms almost unanimously agree that these demands can be extraordinary. Reports of sixty or seventy hour work weeks are not uncommon, and for many the six or seven working days that comprise such schedules mean that family obligations and personal interests outside the workplace become difficult to fulfill or sustain.

Even during times when work is not performed under the high-pressured conditions of a deal about to be finalized or a case going to trial, a fifty or fifty-five hour work week is not unusual. The oppressive quality of the large aggregate number of hours is further experienced because schedules are often unpredictable and erratic.

TABLE VIII.1
RESPONDENTS' HOURS WORKED WEEKLY
BY SEX AND RANK

Hours	Male Partner	Female Partner	Male Assoc	Female Assoc	Male Total	Female Total
0-30	0	0	0	3 (7%)	0	3 (3%)
31-40	1 (5%)	2 (5%)	2 (8%)	5 (11%)	3 (7%)	7 (8%)
41-50	7 (35%)	22 (52%)	8 (33%)	18 (41%)	15 (34%)	40 (47%)
51-60	10 (50%)	15 (36%)	11 (46%)	12 (27%)	21 (48%)	27 (31%)
> 60	2 (10%)	3 (7%)	3 (12%)	6 (14%)	5 (11%)	9 (10%)
Total	20 (100%)	42 (100%)	24 (100%)	44 (100%)	44 (100%)	86 (100%)

N=130

Source: Demographic Data Sheets.

Percentage totals may not add to 100 due to rounding.

Table VIII.1 offers an overview of the work weeks reported by the attorneys we interviewed on the demographic data sheets they filled out. Based on the number of hours reported, we can surmise that neither partners nor associates, as a group, work harder. And the preponderance of women at the lower end of the scale can be explained, at least in part, by the presence of a number of women part-time attorneys in the sample (only one was a partner; no men who were officially classified as "part-time" were interviewed).

The distribution by rank and gender of annual billable hours reported on the data sheets is displayed in Table VIII.2.

TABLE VIII.2
RESPONDENTS' YEARLY HOURS BILLED
BY SEX AND RANK

Hours	Male Partner	Female Partner	Male Assoc	Female Assoc	Male Total	Female Total
< 1700	7 (33%)	9 (20%)	0	7 (17%)	7 (16%)	16 (19%)
1701-1900	4 (19%)	7 (16%)	2 (8%)	5 (12%)	6 (13%)	12 (14%)
1901-2100	5 (24%)	13 (30%)	10 (42%)	14 (34%)	15 (33%)	27 (32%)
2101-2400	4 (19%)	7 (16%)	7 (29%)	7 (17%)	11 (24%)	14 (17%)
2401-2700	0	2 (6%)	2 (8%)	5 (12%)	2 (4%)	7 (8%)
> 2700	1 (5%)	5 (12%)	3 (12%)	3 (7%)	4 (9%)	8 (10%)
Total	21 (100%)	43 (100%)	24 (100%)	41 (100%)	45 (100%)	84 (100%)

N=129

Source: Demographic Data Sheets.

Percentage totals may not add to 100 due to rounding.

We mention below that 1800 is the lowest annual firm-wide standard mentioned in the interviews, but a number of attorneys wrote on the demographic data sheets that they billed below this standard. Several reasons for this have already been discussed, and, in the case of women associates, the inclusion in the study of part-timers should be kept in mind. Apart from the part-time issue, these figures disprove the idea, mentioned by a few male associates, that women do not work as hard as men. And to a limited degree, they support the idea held by some women that the reverse is true, since at the higher end of the scale the percentages of women outweigh those of men (although men on management committees may bill fewer hours because of their administrative duties).

1. Definitions of Full-Time Work

The concept of full-time work in the eight firms surveyed, referred to standards of annual billable hours—which in most cases include time devoted to pro bono work, bar association activities, client development, but not usually firm management, or professional conferences, et cetera. Although within each firm there were variations in different areas of practice, there were even more significant differences in the standards between firms.

The lowest standard for annual billable hours reported was 1800 to 2000 hours; the highest could be found among attorneys at two firms where reports ranged from 2100 to more than 3000 (with a few exceptions). Four firms occupied the middle ground, with between 2000 and 2400 hours cited by most of those who supplied demographic data, with responses hovering at the low end of the scale. Although patterns suggesting a linkage between attorneys' specialties and time schedules do appear, the observable variation between specialties is slight. Between the two largest departments in the firms—Litigation and Corporate—associates in the Corporate department were more likely to work extremely long hours (26% said they worked over sixty-three hours per week on average, compared to 12% of associates in Litigation). But there is little noticeable difference between the weekly hours worked by partners in Corporate departments and their colleagues in Litigation, although five Corporate partners reported billing a large number of hours per year (approximately 2400-3000), whereas no Litigation partners did. There was less discrepancy in the number of associates in these two specialties who billed at the high end of the scale.

The database contains too few attorneys working in other departments to draw any conclusions about the time demands of such specialties as Tax, Real Estate, or Trusts and Estates, although the information we do have indicates that attorneys in those departments may have somewhat lighter schedules than either Litigators or Corporate specialists (none reported working more than sixty-three hours per week or billing over 2400 hours per year).

Although it might be revealing to establish a correlation between hours lawyers work to the amount of business the firm has received, we did not have data to analyze this relationship. Although it is the case that the firm with the lowest number of billable hours was among the firms that retrenched during this period, one firm with the highest standards also underwent a sizable contraction. By comparison, two of the firms that were profitable during this period were not among those where attorneys reported working the longest hours, and in a highly profitable firm senior and junior partners as well as associates worked arduous schedules.

In spite of these variations, many of the issues related to the time demands of work expressed by attorneys remained consistent across the firms surveyed. For instance, all but a few attorneys from every firm spoke about periods of time that required almost round-the-clock efforts, and a number discussed this kind of schedule as constant, rather than intermittent.

Long work weeks over an extended period of time may create a stressful situation. But there is a downside to the reduction in hours. Lawyers at the firms that have suffered from the recent economic turndown and therefore experienced a reduction in hours are able to

devote more time to family life. But this does not reduce anxiety, since they are worried that the firm's diminished client base will not support additional promotions. In some cases, this also creates anxiety for partners, who feel greater pressure to spend time in client development. Therefore, this situation becomes somewhat of a Catch-22, insofar as a reduced workload brings a reduction in billable hours that means business is poor and evaluations harsher.

2. The Bottom Line

Since firms are client-driven, many social controls, both negative and positive for women, depend on the culture of the client. In the deal-driven international business world of one firm, faxes and phone calls follow lawyers on vacations, on airplanes, at home, knowing no boundaries between night and day, weekdays and weekends, part-time or full-time. One lawyer reported making conference calls at six a.m. as a matter of course in his dealings with a London client. For him there is no "off-work" time. Furthermore, private time and work time fuse, as lawyers at this firm and others accompany clients to sports events, weekend homes, and breakfasts, lunches, and dinners.

In many instances, the long hours and often unpredictable schedules of those who work in this environment are conceived of as the logical outgrowth of the nature of the firms' business—providing high-quality legal services to corporations and other clients in exchange for high fees. Here, in the words of one lawyer interviewed for this study, is how this relationship is conceived:

All of our clients have sizable in-house legal departments that do their more routine transactions, as well as have people available working for them that will do them. When they come to us it's a big high-profile deal that the very top, the general counsel of the company, is working on. It needs to be done well and to be done fast.

It is not simply that clients expect and demand immediate attention to their needs and thus determine the prevailing ethos of these firms. The competition for clients drives each of these firms to set standards that will ensure its future existence. Such pressures to perform all-out efforts on the part of the attorneys who serve the firms' clients are regarded by some as inescapable, as partners at two currently prosperous firms attest:

This is a very competitive profession, and there are plenty of law firms that would like to have any one of our larger clients. If we can't service them or can't give them what they need at all levels, they'll give somebody else a shot. That's the way out in the world, that's the way of the competition.

....
[A law practice] is like a marriage in a sense. It's a business marriage, and it's something you go in and calculate, and part of the calculation is the ability to generate sufficient revenues to keep the

business going. And there's got to be something certainly true about that, because if you aren't careful, [your firm] self-destructs.

Such sentiments are not limited to those whose firms have been successful during the economic upheavals in recent years, but are also endorsed—perhaps with more urgency—by those whose business has constricted during the same period.

It is important to point out that, although partners are responsible for setting the standards that keep lawyers at the office late at night and on weekends, a number of associates, too, see the firms' economic health as a matter of great concern. Discussing the persistent tension between work and family life that many of those interviewed for this study expressed, one associate summed up his thinking:

If they aren't making money, they're going to lay us off. It has to be cost-effective . . . whether spending time with your children is good for society as a whole because you bring them up correctly and they become productive citizens when they're ready to go out into the world, versus you doing as much as you can here, working at this company to pay taxes . . . and also being an entity that employs a lot of people Once you start losing money, the enterprise is going to close down. That's the market economy.

3. The Importance of Availability in Serving Clients

Clients are often identified as the source of scheduling difficulties. In part, this can be interpreted as an effect of the principle of availability to clients, as one partner explained:

People [call me on Saturday night at 7:30 as my wife and I are leaving to go to some organized function], and sometimes I will say, "I apologize. I have to go somewhere. Can I call you back in the morning?" However, it never stopped anybody from picking up the telephone, calling me at any time wherever I happen to be. Most people know that they could find me if they need me. I haven't discouraged that My secretaries are very smart. They know what priorities are; my secretaries tend to know that I probably have to talk to them. And that's right, I should.

This is disproportionately harder for women, who seem to want more private time than men. One women partner in the high pressure firm described above told us she chooses vacations in out of the way places (Africa, for example), where there is no ready access to telephones. But a male partner in the same firm told an interviewer, with pride, that he was on the phone regularly with the New York office during a recent vacation in Paris and had attended his son's graduation in the Midwest on a Saturday afternoon after working at his office in the morning, flying back Sunday morning at six a.m. to get to work.

This law firm is the epitome of a "greedy institution," which minimally acknowledges or tolerates seriously competing loyalties to fam-

ily or friends in favor of the client.⁴⁸ But, at a firm with a client base in the utilities industry, those lawyers working on such cases note that their clients tend to work nine to five, and therefore their lawyers are more likely to go home at a reasonable hour. Here there is far less conflict in providing client satisfaction and managing a private life.

The willingness or ability to make this kind of commitment is seen by some as a gender issue. For instance, a male associate wondered whether women are able to respond adequately to client demands:

I think that to the extent that women have children, they're at somewhat of a disadvantage. In this profession it's really a twenty-four hour a day, seven days a week, 365 days a year job, and clients—some clients more than others—demand that sort of availability and that sort of response from us anytime. Anytime they have a crisis, you are ready and have to have an immediate response.

And a senior partner voiced an even more harsh appraisal of the situation:

It is very hard to be successful if you're worried about something else, if your heart and mind and your commitment is somewhere else The client instinctively knows that person doesn't give a damn or gives a damn but is incapable of doing his job in a way that makes the client comfortable. By the same token, yes, there are women who give off the same signals You can tell a client, "Terrific, great lawyer, brilliant," but the clients understand, because they see the motion. It can be a woman or man, tall, thin, it is just a fact that clients are worried. They come to you because they have a serious problem. They want you to worry about it. They don't want you to worry about making the 5:25. That's not what they are paying you \$450 an hour for.

Many lawyers, like other professionals, find it hard to make a distinction between work time and private time. They are identified with their work and expect to make sacrifices in its service. There were a number of women partners who shared with men this dedication and practice. As one woman associate complained:

The overriding issue [for women associates] was what we called lifestyle: "We can't live like this. This is not a life . . . What can we do?" And I remember a meeting where there were two [women] partners, where they both said, "Too bad. That's the way it is. That's the game. If you don't want to play it, don't play it. But that's the game."

But many young women do want to play the game. For example, one woman associate stated unequivocally, "I don't have anything to do with the rest of the day that's more important than what I'm doing here. Why would I want to work part-time?"

48. Coser, *supra* note 47, at 5.

4. Arbitrary Time Demands

For some attorneys in large firms the number of hours required is not as onerous as their unpredictability. A male associate observed:

The hours here for a large law firm are really not too bad. The bad side of it is that the hours are very erratic If consistency is important to you, and you got to be nine to five, or nine to eight is important to you, either because of child care or whatever set of commitments you have to meet, then I don't think you'll ever really go into private practice anyway, not with a Wall Street firm.

Several women partners affirmed this:

It's not so much the hours as the fact that you can't make plans. There are days when I look up and it's 6:30, and I can go home. It's like, "Wow, I can leave?" And there are other days where I'm ready to leave, and it's 7:30 and the phone rings, and I don't go home until midnight.

. . . .

You know I'm supposed to break down and cry because some guy who's working for me, it's his wife's birthday. I can't tell you how many birthdays I missed or I didn't get taken out to dinner because I had to work. A woman would never even suggest, "It's my birthday tonight and my husband's taking me out. Can I go?" She would cancel her plans . . . I'm looking to have people work for me who are the best people here, who want to be partners. You can't think that way if you want to be a partner.

For many partners interviewed, work continues late into the evenings and on weekends on a regular basis. One partner described her tactical approach to scheduling:

A lot of times what I'll do is I'll be here until eight, and then I'll go and have dinner and start working again at 10, probably until one or two at home. If I can take this stuff home. As you get more senior you spend your whole day on the telephone and telling people to do things and then they're giving you things at the end of the day that have to be read. Most of that kind of work you can do really anywhere, provided you take the right things home with you If I have something that really requires heavy drafting, and I don't have an associate because it's an emergency or it will be something that was never done before and they want me to do it myself, I wouldn't come home to do it. I would stay in the office.

For one woman partner, though, the pleasures of work outweighed the attractions of time off:

Probably [what I like most is] winning. I liked particularly the large cases. For example, this litigation we had this past winter—what I disliked most about it was the long hours and missing all the holidays. It started right before Thanksgiving and settled right before Easter. But on the other hand, it was . . . a fun case It was a great team effort, and that's what I've always enjoyed.

For many of the women associates, though, the attitudes encapsulated in these statements lead them to evaluate the advantages of partnership in light of the evidence offered by the women who are in those positions. As one woman put it:

I think there is more conflict [with time commitments more] than anywhere else. While obviously at large law firms there are a number of tracks that you can be on and partnership is certainly a goal, I think my conflict is whether the only thing I want it for is the prestige and the status or whether I really want to do the work that's associated with it. Partners don't have it easy. They have a very hard life. They have a lot of responsibilities and a lot of expectations.

5. Status Differences in Perception of Work Demands

For partners, the willingness to accommodate clients' needs is generally seen in terms of making personal accommodations and managing time effectively. From the perspective of associates, however, working late nights and weekends, as well as the impossibility of planning and taking a vacation, are often expressed in terms of the requirements imposed by partners.

Yet for many associates, partners who dedicate themselves wholly to the firm are not necessarily seen as models, nor are associates always willing to tolerate the demands made in the name of professional standards. Two associates framed these issues in the following manner:

If you run into a partner, they'll be looking at their watch. These people never take vacations. The partners that I work for, they hardly ever go on vacation; that's their problem. You give me four weeks vacation, I'm taking it. I still get everything done. I just feel that you have to do it.

....

I started in September, and I worked every weekend until about March, except for Christmas Day. But I swore to myself I wouldn't do that again. It was just too tough. I was physically exhausted. It hurt to work.

Although most associates acknowledge that many partners' schedules are equally—if not more—demanding, the hierarchical organization of the firms may also create situations that cause great frustration, as it did for this woman who left the firm in question shortly after the incidents she described took place:

I would be in the office constantly. [Partners] would call me at home on Friday. "The client wants this. You have to do it this weekend" And this was the end of my seventh year. Instead of either trying to talk to the client or taking responsibility themselves, they would drop it on me. They'd make totally unreasonable demands Christmas week, one's in Aspen skiing, the other one's

in Bermuda, and I'm in the office at three a.m. faxing things to both of them. And, neither one of them thought anything of it.

For another former associate, questions raised by a partner about her commitment to the firm after deciding to take a long-promised vacation, precipitated her decision to leave: "I couldn't stand it for another minute It was very plain to me that I had absolutely no future there. At least politically, my decision to go on vacation . . . was a big mistake. In the eyes of the firm, that was a big mistake."

Even though associates may view partners as the immediate cause of heavy workloads, most nevertheless agree with partners that their livelihood ultimately depends upon satisfying clients. However, the principle of acceding to the demands of clients at every turn may be challenged by associates expected to provide a speedy response to clients, such as this woman who spoke about her work on a recent transaction:

I had a great number of all-nighters being in meetings all day and having people say, "When are we going to see the new document?" That involved a certain amount of a naiveté on the part of the company. Also when people aren't the ones who have to physically do it, it's easier to say, "We have to have it."

6. Irrationality of Demands and Need for Flexibility

Frequently, as most attorneys indicated, the conflict between serving clients and attending to personal interests or commitments is posed as a stand-off requiring the sacrifice of the latter. However, one partner at a firm included in this study suggested that there might be alternative ways of resolving these kinds of issues, without abandoning professional standards:

The problem is that when the client has its needs, then you have to [come up with a] solution. It seems to me where the solution comes in is to be able to say, "Let's see what we can do here. We both need to be out of here. Is there some way we can do it more efficiently? Is there some way we can do it at home? Is there some way we talk about it by phone rather than having to sit together in the same room? Is there some way, we both get up at five o'clock in the morning because the kids are up at five. Is there some way we can do it at five rather than at seven and find a time where we can meet each other?"

7. Time Commitment and Partnership Criteria

As far as the question of associates' participation in this work culture is concerned, the equation is quite straightforward: the long hours and infrequent vacations are the dues paid by those who hope to achieve partnership. One associate succinctly expressed the logic of this system: "If there are two people who are up for the same job, or

are up for partnership, and they are both equally qualified, somebody who is going to give more time, is going to get it—and probably rightfully so.” And yet associates who are intelligent, hard-working, and dedicated to the law are more likely than in times past to voice opposition to time spent as a measure of one’s ability. One is this associate who recalled:

I had one review where I said, “Do I have to work like this for the next seven years?” And the partner said, “There are people that bill more time than you do.” I opened my eyes and said, “That’s good for them. Maybe I work more efficiently.” In the legal field, there’s always a tug of war between quality, efficiency, and billing hours.

Others cited the long, unpredictable hours that are a prerequisite to partnership as the reason they removed themselves from the running. For example, an associate expressed discontent with what she saw as her options: “I might [aspire to be a partner] if I were willing to spend the next three years working 3000 or 3500 hours a year. And going for long stretches ignoring my personal life. And if I were willing to keep doing that for the rest of my career, but I’m not.” For some partners taking stock of protests against the tremendous workload, these are simply the complaints of people who are not partnership material. As one partner stated this case:

There is a certain amount of prestige that goes along with being a partner, and I find it somewhat troubling that people think they can have all the gravy and none of the grief At some point you really will have to make up your mind about what is it you want out of life. If you want to be a partner in a law firm, fine, be a partner in a law firm. But don’t say I want to be a partner because I like the idea of being a partner, but I really don’t want to do the work that is involved. It isn’t fair to other people.

However, in recent years younger associates have mounted a more concerted attack on the prevailing norms, creating a generation gap at these firms. One attorney of counsel summed up the situation:

There is the growing problem that everyone is facing and that no one talks about: that the generational values have changed. You talk to partners who are forty-five or fifty and older; they don’t even have a clue how many billable hours they work, they don’t care, it’s part of the *modus operandi*. The newer generation, there is a great deal of seeking “quality of life” decisions.

The generation gap is also linked to the gender gap. And as almost everyone interviewed acknowledged, this is not simply a problem for the women affected directly. Since these women now comprise a substantial proportion of entering associates, and since their ability to “stay the course,” as one partner phrased it, is routinely threatened by the requirement that work take precedence over personal life, the firms must now seriously consider revisions in the previously inviola-

ble work ethic. But, as one partner indicated, the traditional model allows little room to maneuver:

The eight year up-or-out [partnership track] is a pretty sacred and fundamental aspect of the way this firm has always been run since its founding. The idea is not to have lawyers who are not partnership caliber because of the depressing effect it has on making room for others as they come up And there's the issue from the women's standpoint that they themselves don't necessarily want to have special tracks for women That's one of the fears, that if you create too much of a special allowance or special status that women in that situation aren't seen as carrying their load.

8. Conflicts Created by Time Demands

a. *Family Commitments*

The most often mentioned difficulties related to the professional schedules that are standard in large law firms are conflicts with family commitments. We cover this topic at length in the section "Marriage, Family, and Intimate Relationships" and will simply note the conjunction of these topics and the consequences for the advancement of women here.

b. *Conflicts With Other Interests Outside Work*

What can be broadly characterized as "life-style" issues—relationships with friends, leisure activities, and other forms of non-professional pleasure—also enter into the discussion about the consequences of the traditional work ethic in these firms.

Obviously, not everyone employed as an attorney at large law firms is married. Remaining single or romantically uninvolved, however, is seen by some as an undesirable consequence of the standards for professional work required by the firms. Unmarried women associates, however, who by definition tend to be younger and therefore in the process of making significant personal as well as professional decisions, often regard their employers' expectations as obstacles to forging lasting relationships with men. For example, one woman who worked at a firm included in our sample told a story of her frustrated attempt to wrest time from her busy schedule to go out on a date:

It was a Friday night, and I had plans to go out with this guy, and I was told by [the head of my] team that I had to stick around for several more hours because he had just gotten to something that he needed to get to Houston, or wherever he was going that night. And he said, "Okay, you'll be out of here by 9:30, 10." And I called up this guy, and he said, "I've just had it with this. Every weekend it's the same thing. So, forget it. I'm not coming into the city. You know, call me when you sort out your career problems." So, I went in and told [the head of the team] what had happened to me

And he said, "Well the guy wasn't worth it anyway." And I said, "I would have liked to come to that conclusion myself."

Two other women associates analyzed the constraints on their social lives less in terms of unpredictable work patterns than the prolonged work days that were expected of them:

The first couple of years I [would say to myself], "You have to work every night and every weekend." But then I realized that if you do that you're not going to have any private life. If you're billing 2600 hours a year . . . [It has] an effect on anybody's relationship. The strain of going for weeks and months without having any real contact or any real fun, years go by like that and you say, "When this deal is over . . ." The deal might take six months and another half year of your life is gone, and you say to yourself, "Am I crazy? I'm supposed to be intelligent, I'm supposed to be well-educated, and I'm doing this to myself." There are alternatives. The personal things that I might achieve are more important to me.

Although such predicaments are often treated as personal problems—not professional ones—which therefore must be worked out by the individual who experiences them, reports along these lines recur throughout the interviews. One former woman associate spoke about this as a source of widespread concern among her peers:

I remember one litigator . . . who was engaged and was very soon going to be married. She broke down and wept, because she didn't have time to choose flowers for her wedding . . . And there was a junior woman, also litigator who I thought of as kind of a female hot dog—super enthusiastic, really aggressive, really wanting to take on the work, "I love it. Give it to me. Let me do all of this case"—who said that she was desperately lonely and wanted to meet a man, and when was she ever going to have the time to do that. Every time something got finished there was some other emergency to take its place.

Not only single women commented upon the restrictions on outside activities and pleasures that result from the hectic schedules of Wall Street lawyers. For instance, one married woman associate pointed out that having a husband and children does not constitute a full social life:

I think the thing that has suffered in my life has to do with personal friends, our adult friends, because we tend to spend the weekends at home with the kids doing whatever they're doing, either going to their baseball games or having their friends over for a party. During the week, I would say that work comes first, and on the weekends, the kids and the family come first, and whatever doesn't fit into that schedule, doesn't happen at all.

Another level of concern can be found in interviews with younger male associates, who more than their predecessors, are questioning the time commitment expected from those who want to make partner

in these firms. For example, two male associates reported having reservations based on observations of alternative attitudes toward work schedules:

When I was in Europe I realized—it was very subtle but I spent a lot more time with other people, a lot more time reading books, a lot more time doing the things that people should do in life. Then since I've been back here, I've been to the theater I think once. All these things just ground to a halt, and that's just stupid.

When I go home at 5:30 and I see these people jogging over to the park or walking their strollers to the park, I can't do that. That's bad. I work with companies where the clients ask, "How do you do this? You guys are always working. How do you do that? You need some balance in life." . . . There's a fellow who used to work here who left to go to a client that's stationed in Connecticut. I ran into him in Long Island down at the beach last weekend, and he's making less money, but when I joke, "They let you off this weekend," and he says, "They let me off every weekend." I thought, "Maybe there's something to that."

B. *Alternative Work Schedules*

There are a number of strategies women employ or hope to employ to balance work life and family life (short of ignoring the latter altogether). Women at all of the firms surveyed offered a variety of accounts that detailed strategies devised and compromises made that enabled them to perform well at work.

The solution to these dilemmas is conceived most frequently in terms of part-time schedules by partners and associates alike. In general, "part-time" is a term used to describe any alternative to the full-time norm of fifty or more hours per week and/or open-ended schedules. Much of the discussion that follows will cover the debates about the viability of part-time work at large firms. However, in the conclusion to this section, we will consider other alternative approaches to the problem of time demands mentioned by attorneys in the course of our interviews.

All part-timers—both former and current at the time of the interviews—were deliberately included in the group of interviews used in this portion of the report in order to examine the widest possible range of experiences with alternative work schedules. As Table VIII.3 indicates, all the part-time attorneys interviewed for the study were women, and only one was a partner.

TABLE VIII.3
RESPONDENTS' TIME SCHEDULES BY SEX AND RANK

	Partner		Associate		Of Counsel		Special Counsel		Total	
	f/t	p/t	f/t	p/t	f/t	p/t	f/t	p/t	f/t	p/t
Male	14	0	27	0	2	0	0	0	43	0
Female	21	1	18	16	0	0	1	1	40	18

N=101

Source: Interviews.

Note: Part-time includes all scheduling arrangements that limit the time worked by an attorney, including regular number of hours per day or days per week.

1. Definitions of Part-Time

There is little consensus among the firms studied on a single definition of part-time work. Interviewees at several firms mentioned a five-day work week as an example of a part-time schedule; others discussed the subject in terms of a three- or four-day work week, or reduced quotas for billable hours over the course of a week, month, or year.

Regular schedules that allow attorneys to work a set number of hours a day or over a given period of time have been adopted by a few firms as a separate category (Special Counsel) open to talented lawyers a firm wants to retain but who need more predictable hours. In other firms, however, such arrangements are seen as a variant of the part-time option. In this section, however, we will employ the broadest definition, which includes all arrangements that explicitly limit the number of hours worked by a particular attorney.

2. Reasons for Wanting to Work Part-Time

a. *Children*

With only one exception among those who work or have worked part-time, the ability to devote time to their children is the main advantage these women gain. This statement by a woman associate is typical:

I think of it as a guilt reliever. There will be days when I have to get home to pick up my son from school and I want to walk out of here at 4:30. And I will walk out of here and not feel guilty about it because they owe me the time. Whereas if I were full-time I would be looking over my shoulder as I walked out the door to make sure nobody saw me.

Another woman explained why she left one of the firms included in the study after her part-time status was about to be revoked. She subsequently took a job at a mid-sized firm that allowed her to continue on a reduced schedule:

I couldn't come home at nine three nights a week after my kids have gone to bed . . . It's not something I could have done in their infancies, and it would be even harder now with my daughter in first grade, having homework, to say, "See you tomorrow; see you in the morning, if I happen to be around when you're up."

As was often the case, yet another part-time woman associate weighed her commitments as a mother against her aspirations for partnership, and made the decision that the former was more important:

When my oldest was one and a half and I was full-time, I was billing 2400 hours and working around the clock, and that was low compared to my colleagues. I said that I could not physically do this anymore. Especially not for the next three years it would take before my class comes up to partnership. I went in to see the partner that I had worked with a lot and said, "This is too much for me, but I want to work, and what I would like to do is work part-time. Work five days a week so I'm not invisible to clients. I just don't want this heavy workload, and you'll pay me less and I'll be off-track."

One person interviewed, a male associate, objected to the way in which part-time work is presented as a "woman's issue" and regarded solely in terms of obligations to one's children. But far more characteristic are the views of one woman partner who maintained that children provided the most legitimate reason for asking for a part-time position: "I have heard sometimes when people want to work part-time, 'I want to write a novel. Why can't I work part-time?' . . . [T]here is a difference between [that and] raising a child . . . [t]hat's your own time to do that. You can't say, 'I'll do it on weekends.'"

b. *Less Demanding Work Schedules*

Younger attorneys interviewed offered other reasons for wanting limited schedules. For instance, two women associates mentioned benefits afforded by a predictable schedule, stating that even if they didn't have children they wouldn't want to return to a full-time schedule. And one woman who was not married and did not have children offered the following account on how switching to a part-time schedule allowed her to gain a new perspective on the effects of her work schedule on her personal well-being:

It was the first time that I had really had time to think and figure out that it wasn't a life. It was just very empty. It was as if the working and the demands justified not facing other things. You can really escape in your work. And when the demands are as unending as the demands can be in a law firm, it can be very easy to use that to legitimize other voids.

Because she didn't have children, however, this woman observed that "[being a mother] is really an acceptable thing, but if it's that you

choose to just have time for yourself, I think that that was a little scary. That was more scary for the institution.”

3. Part-Time Work Arrangements

There are attorneys working part-time at all of the firms that participated in the study, although only two have formal policies spelling out what constitutes a part-time schedule. In interviews, we found that at all the firms, those who were working or had worked part-time negotiated the specific terms of their arrangements before they began working on reduced schedules. The particular part-time arrangements that were described by interviewees were generally negotiated with the head of the department in which the associate worked. In the case of one of the very few part-time woman partners, negotiations concerning her schedule and compensation were conducted with her firm's executive committee. It is notable that this woman made the change to part-time after becoming a partner.

With one exception, at every firm in the sample, associates working part-time are taken off the partnership track (although some may go back on it if they come back to full-time work). Many expressed the view that it is impossible to be a partner and work part-time. However, the written policy we received from one firm did not limit the part-time option to associates.

Other than these general observations concerning part-time policies, though, there are no regular features that are in effect at all the firms. Therefore, evaluations of the viability of part-time schedules as they are currently interpreted will first be framed in terms of the policies and actual practices of the different firms.

a. *Firms with Written Part-Time Policies*

At one of the two firms with written guidelines, the policies are quite detailed. The part-time option is made available to all lawyers employed by the firm for reasons “that relate primarily to child-rearing,” although men, as well as women, may qualify. Additionally, the firm cites “other family needs” as a legitimate reason for reducing one's workload.

The policy document states that individual arrangements are granted on a case-by-case basis and specifies the procedures to be followed in order to determine eligibility, as well as the precise terms of the arrangement. The models for part-time schedules mentioned in the guidelines cover several possibilities—three or four days per week, or a designated number of hours per week—but 60% of the firm's “targeted standard hours” comprise the minimum commitment. Moreover, attorneys who request a part-time schedule are also cautioned that they must remain flexible and should arrange alternative child care to guarantee their ability to work should the need arise.

Compensation is proportional to the percentage of the targeted standards, while medical benefits and life insurance are the same as for those working full-time.

The length of time an attorney is allowed to work on a part-time basis at this firm is also subject to an agreement reached prior to the implementation of a part-time schedule, and no maximum number of years is imposed by the policy. However, the guidelines indicate that two years is considered the normal maximum duration, although they allow for extensions, again determined on a case-by-case basis. Also, the document makes clear that part-time status is a temporary option, and the firm does not offer the possibility of permanent part-time arrangements. As far as progress toward partnership is concerned, the formal policy at this firm only states that this is not necessarily obviated by working part-time, although it may be delayed; returning to full-time status is required prior to consideration for partnership.

Finally, these guidelines address an oft-cited drawback of working on a part-time schedule—the diminished quality of work assignments given to associates who choose this option. The formal policy instructs those responsible for allocating work in the participating lawyer's department to "provide the lawyer with important and interesting assignments commensurate with his or her experience and skills that can be performed satisfactorily on the proposed part-time schedule."

In many respects, these guidelines are exemplary compared to the ad hoc methods used by other firms to deal with part-time schedules. One attorney noted that there was at least one part-time partner working at this firm, contradicting the assumption that the scheduling conflicts that give rise to requests for alternative structures apply only to associates. However, this associate remained skeptical about the firm's full support for the policy:

They have a part-time policy here, which I actually thought was much more a policy than it really is. It's just kind of an ad hoc thing. They give it to some people, and they don't always get it . . . I think it was more guidelines than a fixed policy, but it came to us as a policy . . . It was, "We'll do it for as long as it can last." But "the shorter the better" is kind of the attitude. And, "Maybe it will end up lasting two years, but there are no guarantees."

A woman partner at the firm was equally pessimistic, observing that, policies aside, part-time schedules are not practical in the context of large law firms:

People who work part-time and who are seriously committed to their practice don't really work part-time. They may not come in on Friday, but they're putting in what could be somebody else's full-time plus in terms of hours . . . There is no systemic solution for dealing with your family responsibilities. Men's family responsibilities have gotten heavier in this new world, with family responsibili-

ties and work responsibilities. It's going to be that you still have to work it out in your particular situation, and that it's going to be hard The firm does not have a system that's going to do it. The profession doesn't have a system.

A second firm in the sample also has written guidelines that deal with part-time schedules, although these are less detailed than those of the first firm. In this instance, part-time is presented as an option for associates only and defined solely in terms of child-rearing responsibilities. The written guidelines set a maximum limit of three years for those who adopt a part-time schedule. Questions regarding compensation are addressed rather vaguely: salary "would be determined based on the arrangements made at the time."

This firm employs an extremely liberal definition of part-time work, including the possibility of a schedule determined on a transaction-by-transaction basis or according to a predetermined number of months in the year, as well as the more standard arrangement of a given number of days per week or weeks per month. This firm's formal policy, though, is more stringent when it comes to promotions and advancement toward partnership. They allow for promotions of part-time lawyers on a case-by-case basis, but add that "in most cases [a part-time associate] would probably not be promoted." Furthermore, this firm requires that attorneys work at least three years on full-time status (excluding parental leave) before being considered for partnership.

Again, the policy on paper needs to be evaluated in light of how it has been implemented. Reports by attorneys working at this firm range from very enthusiastic to extremely doubtful about the firm's commitment to part-time schedules throughout the firm. For example, a male partner described what he considered a successful implementation of the policy, but noted the special conditions that enabled the arrangement to work out agreeably:

There's one woman associate for whom I think it has worked out. I think she works at about 50%, but she's highly flexible. First of all, there are a couple partners who really like her, so to a certain extent she has a very steady supply of clients from a narrow group of people. She's not fully exposed to the winds of all of us which makes it easier. Second, I don't know exactly what her home care arrangements are, but if something's hot, she's able to stay and then she just makes it up by instead of working 50% this week she works 100% and then she takes the next week off completely.

Evaluations made by associates at this firm were even more qualified. One recalled the following experience of a colleague who worked under a transaction-by-transaction arrangement:

The idea was that she would then take two months or something and not work. And then she'd pick up with the next deal Even though that was the theoretical approach that the firm had agreed

to with her, in her group she ended up working harder than anybody else, so she never had the time.

Doubts were also expressed about the willingness of different departments within the firm to embrace the idea of part-time work. As one associate observed: "There is a part-time program but if you look at the list of who is part-time you will find very few people, and you'll find them in limited areas such as individual clients, trust and estates." And other associates mentioned women who had been refused part-time status or preferred to work part-time but decided against it because of departments within the firm that failed to uphold their end of the agreement. In the words of one associate:

I know of one person who tried to seek that arrangement, and she was turned down. I think that she was told that she wasn't going to make partner, which I'm not sure it was something she wanted anyway . . . She tried to negotiate a more reasonable schedule with the firm. It seems that she will be permitted to stay for a while, which is a good thing for her because it's a nice salary, and as long as her hours are somewhat reasonable, but whether or not her hours will remain reasonable is probably more of a function of what has to get done around here than any sort of real deal to keep her hours reasonable.

Yet another associate was less disparaging, since she recalled a woman whose department was unwilling to grant her a part-time position but was offered a job in another area of the firm, although "not a position where she is really practicing law."

b. *Firms Without Written Part-Time Policies*

Six of the firms in the sample have no formal part-time policies, although all report willingness to accommodate part-time attorneys on an ad hoc basis in their responses to the NALP survey. Our interviews include at least one part-time associate at each firm, and a part-time partner at one (as mentioned earlier, all are women). Still, the experiences described by these attorneys reveal a less than welcoming attitude toward part-time options at the various firms.

For instance, attorneys at one firm described a variety of models that have been adopted to accommodate those who need a reduced workload. Such models ranged from three-day, four-day, or five-day work weeks, with salaries adjusted accordingly, to the possibility at one firm of off-partnership track positions with regular hours for lawyers practicing in highly specialized areas (not seen as "part-time" at this firm). Here, as at the firms discussed above, associates perceived a disparity between the firm's official support for alternative work schedules and what happens to those who try to work part-time:

I was told I could do a four day work week if I wanted to. You take a cut in pay, it's four-fifths of your pay—theoretically four-fifths of the hours, though it doesn't really work out that way When I

first got back [from maternity leave] . . . I worked four days a week that way, because I just wanted to see how it would go. And I decided not to because even when I was taking my vacation days, there was still work that had to get done, I did a lot of it at home. And I just decided, for me it wasn't worth taking the pay cut.

. . . .

There are a number of people who were working part-time, and they really frown on that now, and they either push them a little into "you have to decide what you want to do, either get another job, or come back full-time," and discourage part-time There are certainly enough lawyers around who would work full-time, qualified full-time workers, that they don't really have to bend over for most people.

The special counsel we interviewed, however, regarded her arrangement to work within a prescribed schedule without regrets and has found the firm to be supportive.

At the firms where no formal commitment to part-time work has been articulated, we found differing levels of satisfaction such as those presented above. But in a number of instances, disappointments and resentments were exacerbated by the apparent arbitrary nature of the decision making that occurred when a request for part-time was made, or in some cases granted and then not honored in practice.

At one firm, in particular, part-time attorneys were viewed as especially vulnerable during times when business declined. Several interviewees recalled a time in the recent past when everyone working part-time in one large department was fired. Still, part-time schedules were not regarded as out of the question, and two associates interviewed at this firm were working part-time when we spoke to them. One expressed satisfaction with her arrangement, where she was expected to work 80% of the standard minimum billable hours in the department, receiving 80% of her full-time salary. She did point out, though, that unlike her full-time colleagues, she could not count time spent at seminars, bar association committee meetings, or department lunches as billable hours.

The other part-time associate at the firm was somewhat bitter about the failure of those who assign work to acknowledge her part-time schedule, which was also defined as meeting a reduced quota of billable hours. Furthermore, she was unhappy that her compensation did not reflect the actual amount of work she had performed, which was greater than that stipulated in her agreement: "When it came time for compensation this year they said, 'We are giving you a bonus as if you worked full-time, because you did, but we can not give you all of the salary you lost.'"

A partner at the same firm, who believes that the problem is not part-time *per se* but part-time as it has been implemented, presented this overview of the firm's history in relation to this issue:

It hasn't worked in lots of different ways for a long time. [A colleague] began as a part-timer. She came to the firm with her children well into their teenage years, and her arrangement with the firm was that she was going to work four days a week and she would have Fridays off. More and more often she found herself at the firm on Fridays, and it was because a client needed her or a partner needed her or a brief needed her But mostly the reason it didn't work was that there were partners who said, "I've got work to get done, and I can't accommodate myself . . .," including partners who had arranged their own work styles to accommodate their own families' demands.

From the point of view of a former part-time associate, the power of partners to ignore a part-time arrangement meant that she received negative reviews despite her good faith efforts to work according to the terms she had negotiated. Statements made by lawyers at other firms frequently concurred with the assessments noted above. Most striking are the accounts given by former women associates, which ranged from those who expressed relatively little discontent about their experiences during the period they worked part-time but left because of a firm's unwillingness to extend the arrangement, to those who felt they lost the respect of partners due to their part-time status and left as a result. However, one (full-time) associate challenged the view that part-timers were universally maltreated, arguing that if an associate is good at her work and provides what the client wants, the firm will accommodate her schedule, and, conversely, if the quality of her work is not exceptional, they will not wait for her to request part-time status as an excuse to let her go.

Nevertheless, partners' suspicion of making part-time schedules an institutionalized feature at these large law firms can be heard in a number of interviews, such as what these two partners had to say about the issue:

I'm not sure there's a sense that we have to do that. I think we'd like to be more sensitive about these kinds of things, but there are a lot of people who will take these jobs who don't have those particular demands or requirements.

. . . .

There are some people who want to work part-time, fine, do it. But on a long term basis as an associate, why here?

And when partners do articulate support for part-time, their reasons for doing so may confirm what critics have to say about firms' failure to honor part-time agreements, exemplified by a remark made by one partner:

I have been lucky with an individual who is in that boat, who basically works five days even though she is [on a four-day schedule]. She does what she has to do and without telling you she is doing it.

If something happens she does it. She is more committed than she likes to tell people, but she is.

4. Part-time and Specialties of Practice

One question that is often raised concerning the practicality of part-time work is whether certain areas of specialization are better suited to this type of schedule. It may be easier to adopt such an arrangement in specialties like Trusts and Estates, Tax, and Regulatory law, which are less likely to require rapid solutions to clients' problems and therefore allow attorneys to work more predictable hours. For lawyers practicing in the areas of Litigation and Corporate transactions, however, the difficulties become more pronounced.

With the exception of the special counsel we interviewed who restricts her schedule to a five-day, forty-five-hour week, all of the associates in the sample with experience working part-time were attorneys in either the Litigation or Corporate departments at their firms—relatively large departments at all of the firms in the sample. As far as litigators were concerned, the pressures of preparation for trial and courtroom appearances distinguish this area of legal practice as particularly incompatible with part-time schedules. A female partner, who is a litigator, framed the difficulties in this way:

[Litigation] is tough. You have less control because of the court deadlines and things like that that come up. Just when you think you have everything under control and planned, a motion comes in or a new case comes in. I'd see it with my friends here who have kids and try to work part-time. The firm does allow that, but it's difficult because if you work only a certain few days a week there's no guarantee that there won't be a conference or an argument scheduled on one of the days that you are theoretically off. It's tough not to bring things home to work on the weekends or at night.

A somewhat more qualified answer to the question of part-time work in Litigation was offered by a male associate, who believed that such schedules can be pragmatic for certain aspects of the litigation process, such as research, but not when a case come to trial:

Part-timers can help, but there are typically court rules as to the time when motions are filed. Now, if you got ten days to do an answer and you're only working half of those ten days then it's going to be difficult to get the answer. Typically it's hard enough to get it done in the ten days.

Such sentiments are representative of the opinions held by many who work in the firms' Litigation departments, but one woman who resigned her position at one of these firms but remained a full-time litigator disagreed:

I don't think it's in the nature of the work . . . I have cases that are bigger, way bigger than the cases that I had at [Firm X] that don't

require that kind of overkill . . . I just tried a four week, fifty million dollar case, and we were not working around the clock. We were working maybe until midnight every night, but we were not working around the clock. When I was at [firm X] I tried a two million dollar case that for months beforehand we were working [around the clock].

Litigators often spoke about Corporate practice as an area that might be more amenable to part-time schedules, while several attorneys in Corporate departments voiced the opposite view. Here is how two men, one partner and one of counsel, weighed the issue from their perspectives as experienced Corporate attorneys:

For Litigation, it's easier than Corporate . . . On a deal that involves a major SEC matter, I would not think about staffing it with a part-timer as a significant part of the team, just because I don't want to have to bring a substitute in.

. . . .

It doesn't work in transaction work, where what you do is race against the clock to do a transaction . . . If you can't provide service, you shouldn't hold yourself out to be in the service business.

This kind of antipathy to working with part-time lawyers is typical of other attorneys who are in senior positions in the Corporate departments at all of the firms in the sample. At one firm, where a spate of firings of part-time associates was routinely mentioned, an associate linked this managerial decision to the vicissitudes of Corporate practice:

When things slowed down, the people who worked part-time and filled gaps in the workload were no longer needed. I suppose it's very difficult to do this job part-time, because you work on transactions and days don't pass where you aren't needed. Often that includes weekends. So it's really a seven-day [a] week job, and it would be very difficult to make it a three-day a week job.

A female associate specializing in bankruptcy at another firm dismissed the idea of part-time work in her department under any circumstances: "The point is that it's not cost-efficient to have . . . two associates have to know the same thing in the case all the time, just so another associate can take over for you. I think it's a waste of money." But, just as a few corporate lawyers were able to envision how part-time might work for litigators, a few litigators, such as this male associate, suggested that Corporate law might be more amenable to part-time schedules: "Your goal, often, is to negotiate a contract. And that's something that can proceed at either fast or slow, but you generally know in advance how fast your client wants it to proceed, and you can make your plans."

The rare exception to the readiness with which attorneys dismissed the viability of part-time work in their own specialty was a female associate, who offered her thoughts on how such arrangements could

be adapted in her area of corporate transactions, based on what she knows about what has been implemented at another Wall Street firm not included in the sample:

When you've got a transaction, you've got any number of issues and different people that you have to deal with . . . [Members of a part-time group at this other firm] perform an isolated function on many different types of transactions . . . And if you have someone who was committed to doing sort of spot work on different types of transactions, they might become a specialist, or something . . . I couldn't negotiate the credit agreement, the primary document on a transaction, on a part-time basis. I could barely manage to get it all done on a full-time basis. But, people can come in and do team-work on opinions.

5. Professional Problems With Part-Time

People in all sectors of the firms in the sample—part-time attorneys and their colleagues—identify certain factors that affect decisions related to offering alternative schedules as a matter of policy. They are grouped here into several categories:

- perceptions of clients regarding part-time attorneys assigned to work on their behalf;
- the impact on colleagues;
- the quality and quantity of work assigned to part-time associates;
- the stigma within the firm that may be associated with being a part-time lawyer; and
- the requirement to remove oneself from the partnership track.

a. *Clients*

As detailed above, the ability of large law firms to provide clients with rapid responses and high quality services governs the time demands placed on the attorneys in their employ. Therefore, many express reservations about part-time attorneys in terms of how clients would be affected. Because, as we have seen, partners are the ones who ultimately decide the members of a team assembled to work with a particular client, their willingness to accept the viability of such arrangements is crucial. Therefore, it is not surprising that comments on this topic in the interviews came mainly from partners. Here are typical examples—each from a different firm—of how partners addressed this issue:

Say, something comes on Wednesday, needs to be done that week, and [the part-time person] will be back on Monday. Somebody else either has to do it or you have to kind of acclimate the clients who are waiting and make a judgment about whether it's really a crisis or not. Usually the clients don't think that way. They want it. They may take three months to make up their minds but once they've made up their minds, they want it.

....
 If you were in a firm where there is plenty of work to go around, it's just a question of who gets assigned and what the deal is, fine. But I don't know that the clients particularly want to hear about the fact that after they have established this wonderful relationship with you, that for the next two months you don't want to hear from them.

In response to these concerns, though, a woman associate who works a reduced schedule, offered a very different perspective:

Clients are only paying you for the time they're getting. They are getting the same service. By getting me, they are not getting any different service than they got when I was full-time I think all of the women who want these concessions are professionals and are willing to be flexible—if something comes up and if someone is on a three-day work schedule and it is one of the days they are supposed to be off and a client says, "I'm flying in from France, and this is the day I'm going to be there." They are going to juggle their schedule and be there for the client I think clients are much more flexible than the lawyers. Clients are dealing with it in their own businesses and are finding ways to deal with flex-time and child care, for example. Law firms are not willing to do this yet.

b. *Fairness to Colleagues*

Another issue that was raised by lawyers regarding the difficulties of having part-time attorneys in the firms' high pressured work environment is that the limited time commitments of some place undue stress on their colleagues. Again, this potential problem was mentioned by partners, who are responsible for coordinating work and ensuring that it is accomplished. For a woman partner (at the firm with a formal part-time policy), the limited availability of part-time associates meant that she had to pick up the slack, which led her to comment: "I don't want to give up my life because the person who is working for me has to have a life." But a male partner at the same firm was more concerned with the effect of part-time on the overall climate of the office:

I don't have the problem as much as the people who are under me who are working with them. I remember when we had a part-timer. I always felt that when somebody came in part-time, the first day they came in they spent the whole day gossiping to catch up.

In spite of these negative assessments, none of those who were working or had worked part-time indicated that they had been faulted for not performing the work expected of them. Furthermore, no full-time associates cited tensions of this kind resulting from working with part-time colleagues.

c. *The Quality and Quantity of Work Assignments*

Part-time often also poses difficulties for those who either work according to a reduced schedule or prevents those would like to from taking this path. These attorneys described various forms of subtle discrimination they attribute to being part-time. Most prominent among the problems cited is being given less substantial work assignments, although this was not true for every part-time attorney interviewed. Nevertheless, this particular issue came up repeatedly, and a number of partners and associates identified it as perhaps the most convincing argument against part-time. For some, however, this is simply a consequence of the firm's work standards, where the interesting work goes to those who demonstrate their willingness to be available at all times. As one partner and one of counsel remarked:

I think [part-time] is a mistake. I think they're doing themselves and the firm a disservice. I have been involved in trying to work out [schedules] where the woman could be home at five p.m. to take care of her child. I felt that she was doing herself a god-awful disservice, because what I thought was happening is she would end up getting the less desirable assignments because you can't tell a client that "it's five, and my associate is now about to leave to go home to take care of a baby."

....

With each different transaction, there's a little bit more knowledge that goes with each one. So that if you do well on the first one, then you have to bring in a new person to work on the second one, and you come in on the third one. There have been things that have taken place during the second one that you're not going to be aware of. I think it is possible to work [part-time] in less sophisticated work . . . but I don't think anybody's going to put you on cutting edge kind of things.

Since these widely shared views reflect how partners understand the negative effect of part-time on the quality of work assigned, it is no surprise that associates contemplating their options may decide against part-time. One woman associate described how her decision to remain full-time was premised on these considerations:

Because [part-time people] are not available necessarily or not here as many days, some partners are hesitant to give them some of the deals that move really fast or even some of the deals. So they'll do slightly different, lighter work. Most of the women who I've spoken to don't care. I think I would care.

But there are exceptions to these dire scenarios. One associate offered a qualified account—neither entirely positive nor negative—of how her work was affected by her part-time status:

Often I get stuck on difficult transactions. Part of the reason is because I'm senior and can work without direct partner supervision, but I often get deals that are unglamorous and that no one really

wants to do My work is not overall as high profile as my colleagues who are partners. But I get my share of interesting deals with big clients.

Another part-time associate framed the issue in terms of the necessary compromises that are made by those in her position:

The powers that be could try harder to delegate better work to part-time people if they cared to But to them it's more of an imposition. As opposed to saying, "Well, we had her for three days and that's useful," and, "Look at all these things she could do in three days," it's more, "Ugh. Now the three days are over, and I have to worry about who's going to cover."

A related concern is the fear, or reality, that part-time status will reduce the amount of assigned work. One woman, who worked a part-time schedule, found herself in that situation and eventually left to work at a smaller firm that was more amenable to part-time (taking what she estimated was a 30% pay cut). More common, though, are reports of the opposite phenomenon—too much work for the time commitment made under the part-time agreement—which was discussed previously in relation to firms' failure to honor the terms of these agreements.

d. *The Stigma of Part-Time*

Many of the consequences for associates working part-time at these firms can be seen as problems that could be remedied by changed attitudes and decisive actions taken by partners in charge of assigning work. But there is a more elusive aspect of working part-time in a profession where time spent at work is equated with commitment—what can be described best as stigmatization and lack of synchronization with age-mates. One part-time associate explained an experience that exemplifies this dynamic:

Three or four years ago, [being part-time] wasn't a problem. Now I've been practicing twelve years it becomes more of a problem I just got off a deal a little while ago with a younger man in his early thirties; he is very kind of Mr. Macho kind of guy into the guys, very into status. On top of the fact that I was a woman, I also wasn't a partner, and so he had a lot of difficulty dealing with me. I didn't take it personally. He was into the power thing, and there are people who are like that.

e. *The Effect of Part-time on Chances for Partnership*

As mentioned earlier in this section, with one exception, all of the firms in the sample view part-time positions as off-partnership track. Where discrepant views are most pronounced, however, is around the question of whether part-time status is, in fact, interpreted as a permanent disqualification for partnership. Partners who were interviewed

tended to present the choice to work part-time as a prolongation of what would otherwise be an eight-year progression toward the partnership decision. Typical of these views are the statements made by two partners, the first male, the second female:

If you'll come back to the law as a woman after you have fulfilled what I believe is the very function of life [motherhood], in my opinion, nothing could stop you if your dedication and commitment is there.

. . . .

In my view, part-time associates could become partner My basic view is that there is a certain amount of dues that have to be paid, only because the difference between an associate and a partner is how you deal with pressure. How do you deal with the stress? Can you do what has to be done to get it done? That's why clients hire partners, particularly in large firms.

But another partner, a man, who works at the same firm as one of those quoted above, was less certain about the chances of partnership for someone who chooses to work part-time: "We tried [having women come back part-time after maternity leave and then switching to full-time after a few years], but they lose their momentum."

Associates do not necessarily endorse the reasoning behind the previous statement, but they do tend to agree that this is what actually happens when partnership decisions are made. Many associates we spoke to regarded the decision to shift to a part-time schedule as not just a temporary but a permanent move off-track. This is how one woman associate who worked part-time expressed her doubts about her chances for partnership: "They think those women [who work part-time] won't make partner. I think they think those women are self-selecting them[selves] out of that decision I think that the firm would still like the firm to come first. A woman who works part-time is obviously saying that's not true."

From what a number of women associates told us, however, there seems to be a measure of truth in the assumption that those who want a reduced workload have decided that partnership is not as important as other commitments in their lives. For example, a part-time associate described how she understood her choices: "I told the partners what I was going to do. I did not give notice. I am not quitting. I need the income, and I want to work, but I don't want to stay part-time forever. I decided for sure that I don't want to go back on partnership track."

6. Satisfaction with Part-Time Schedules

Taking into account all the problems that affect those who choose to work part-time, we must ask whether a "glass ceiling" is effectively produced by the present conceptualization and implementation of part-time schedules at large law firms. Based on the information pro-

vided by part-time associates at the firms in the sample, we must conclude that for many of these women the decision to work part-time is indeed an impediment to career advancement, although interpretations of the source of the problem vary considerably. Summarizing her observations concerning the various fates of part-time attorneys at her firm, one partner commented:

Frankly, if you were to talk to fifty women who work part-time, I don't know of any who are very happy with their situations, whether they're partners or associates. I think it's very frustrating. Either you're not doing the kind of work you want to do but you have the hours you want, or you're doing the kind of work that you want to do, but because it doesn't stop when you're suppose to be stopping, you don't quite have the hours that you thought you were going to have anyway.

A part-time associate affirmed the frustrations with part-time schedules mentioned by this partner, although she questioned the underlying assumptions operating at these firms:

I always tell people that I don't regret the decision [to go part-time], but I do regret having had to make it. I resent the fact that my male colleagues and other people here who don't have family commitments can work eighty hours a week, and all they do is work.

7. Generational Differences

There is widespread consensus that the interest in alternative schedules among younger associates is not merely idiosyncratic but bespeaks a pattern of changing values and expectations. Women partners who had been working for at least fifteen years in the profession tended, on the whole, to view part-time tracks with a great deal of skepticism. As one woman partner remarked, the expectations of younger associates may seem naive to the older generation because they "see where we are and don't know how we got there." Or, as another partner said, "Younger women seem unwilling to accept the fact that being a high powered lawyer is hard work and basically incompatible with a part-time schedule." Or, as yet another partner commented, they may overstate the extent of the compromises that the traditional standards demand. However, one woman partner saw less substantial disparity between the characteristic attitudes of different generations than in the actions: "I wouldn't say that I think that [women associates] are more reluctant [to come back full-time after having children], because I think we were all reluctant, too. I think that they're just more likely to act on that reluctance."

Senior men at the firms, too, frequently noted the differences between women who entered the profession more than fifteen years ago and their younger counterparts, and most were concerned about how the younger generation of women lawyers could be integrated into the profession as it is structured. However, in pondering the difficulties

presented by this dilemma, few offered concrete solutions. A male partner, though, understood generational differences between women partners and associates as an effect of the breakdown of gender barriers in the profession:

The women who came into law fifteen years ago were very dedicated or driven It was only the extremely dedicated who made it to law school, did well in law school, got a job at a good law firm, and became partner. Their career came first, and the family came second. Now with a higher percentage of women coming through the mill, you have a much more random or demographically normal group coming.

Not surprisingly, many women associates spoke about how they were not eager to emulate the model of success provided by the previous generation. For example, one associate articulated her refusal to accept the traditional priorities of her profession in words that affirm partners' worst fears about how younger women approach these issues:

My thought was always that we would have a child when we decided we were ready to have a child. If I could get part-time, I would take it. And if I couldn't, I wouldn't work for a while, or maybe I'd look for something else part-time. It was never a factor in having a child whether or not I could get part-time. I knew that I wouldn't come back full-time. And I knew that it would be a financial strain if they didn't give me part-time, but the bottom line was I didn't care. I wanted my kid when I wanted my kid.

Male associates are also sensitive to generational differences, and insofar as they are concerned, the greater pressures to conform to traditional standards come from older, more senior men more than from women partners. From this perspective, the idea that men as well as women may question the absolute priority of work may be even more difficult for male partners to accept. One associate noted that the desire for alternative schedules is increasing among his male peers and explained his experience in this way:

It translates into a partner saying, "I want you to stay up all night and you have to work like a dog because I did. I had to work all day Saturday, all day Sunday for seven months." They all have their war stories, and it's, "So should you." Going to those people and saying, "Now family life requires a more flexible [schedule] . . ." tends to run in the face of "Wait a minute. I have a family. I didn't get time off to do that. Why should you?"

8. Gender Differences

On the whole, part-time schedules and flex-time arrangements have been implemented to accommodate the needs of mothers. As we have seen, the formal policy at one firm explicitly limits part-time arrangements to women seeking a temporary solution to the conflicts

between work and child care responsibilities. And at all the firms in the sample, instances of men working part-time were rarely mentioned, although the possibility of men working part-time was broached on numerous occasions by those we interviewed.

The opinions we heard on this subject could be roughly divided into two categories: those who believe that the question of alternative schedules has nothing to do with gender—or motherhood, in particular—and those who regard it as a means of addressing the specific problems experienced by women attorneys. According to a woman who works as a special counsel with fixed hours (nine to six), many of the male associates she has worked with have expressed envy regarding her situation. And a single, childless woman, who worked part-time in order to pursue other interests, also found that male colleagues often shared her preference for a less demanding work schedule: “I’ve had conversations with men on all levels of the firm, and they miss the same things that I missed. They desperately want to see their children grow up and have time to plant roses or whatever. I don’t know that what they give up is so different.” And among the few respondents who mentioned actual instances of men breaking the mold—one involved a man with disabilities and another involved a man developing a real estate business during times when work at the law firm declined—the ultimate consequences of this decision remained in question.

For the most part, though, most male attorneys conform to the traditional model, although several contradicted the idea that part-time should be restricted to women dealing with conflicts between work and family, i.e., that part-time was a “women’s issue.” Indeed, this was the view expressed by this male associate:

If the firm has the need for part-time work, I’m not against it, although I don’t think that a woman’s need for part-time work—that she has young children—is any different than a man’s need for part-time work because he has young children. And I think that if there’s going to be part-time work offered to parents, it ought to be offered on an equal basis.

Others voiced similar concerns that firms are only perpetuating gender stereotypes that make it more difficult for women to advance, exemplified by what one male associate said:

I’ve never seen a male associate ever try to even think of ever doing a part-time schedule, because he’s a father If I were a woman, and it became a choice between [work] or [a child] I would choose a child. I don’t have to make that choice I’m not a woman, but I’m wrestling with the same issue—the time issue It’s an interesting irony that that would be much more difficult to propose something as a man than it would be for a woman But people would really look askance.

Firms only reproduce the values of the society at large. Therefore, such remarks heard in Wall Street law firms reflect more general concepts of what are the proper roles of women and men. A woman who works part-time analyzed this phenomenon in relation to her profession:

If you are a man who is very smart and very ambitious, it is very hard to give it up to be at home with your child. Socially, you're viewed [negatively] for that, and a woman is not . . . I'm part-time. If I was a man . . . people would think I was a wimpy kind of guy. They don't think that of me because I am a woman.

9. Alternative Schedules and Career Advancement

We found neither unambiguous support nor opposition to alternative work schedules at any of the firms in the sample. Part-time schedules were regarded as having multiple consequences for the women taking this route and for the firms that accommodated them. The antipathy to part-time schedules, indicated by some, is not uniform but runs the gamut from absolute opposition to a milder form of skepticism that indicates a willingness to continue to explore the options, such as what this woman partner said on the subject:

People who work part-time who are seriously committed to their practice don't really work part-time. They may not come in on Friday, but they're putting in, or it could be somebody else's full-time plus in terms of hours . . . I have to admit that I have a real difference between my theory about these things, what I think is right, and what in practice I find happens or is burdensome on the rest of us.

More associates than partners envisioned the possibility of working part-time without necessarily surrendering career ambitions. And in this group, far more women than men believed that the firms need to address this issue in more satisfactory terms. Although we have noted that a few men were equally if not more adamant about the need for flexible schedules, many male associates agreed with one who stated, "The law, as we practice it at the cutting edge—we're trying to make an educated judgment based on experience and we only get experience by working." Women who work part-time, though, see the situation quite differently, repeatedly commenting on the absence of concerted efforts by the firms to make alternative schedules a permanent feature.

Although the vast majority of the attorneys we interviewed were either skeptical about an associate's ability to combine a part-time schedule with a commitment to a career at a large law firm or were discouraged about such possibilities based upon what they had witnessed or experienced first-hand, there were a few stories told that were not so disparaging. One of these is worth quoting at length:

If they're associates, this can be accommodated. I think it can be a rip-roaring success. Absolutely. I have a part-time man who works for me. I've always thought that you can get the most out of people by working into their quirks and demands as opposed to fighting them. If I have a big project he works on it and then when I don't need him he goes off and [does his other business] and then comes back when I need him. And it works out very well. Similarly, the woman who started with me, when she wanted to come back to work she was working for me and she worked three days a week. I thought I got a tremendous amount out of it. And then she increased her participation. I decreased my participation on that client and finally trailed off. I thought it was a fine tradeoff. I got brains. I got hard work. So I didn't have somebody there the minute I had to, but most of the time it was only in somebody's mind that it had to be done that minute.

10. Other Models for Alternative Work Arrangements

Methods other than part-time have been considered, but rarely implemented systematically, by the firms, among them job sharing and the use of technology to enable work at home.

a. *Job Sharing*

Several attorneys mentioned the possibility of job sharing, where two or more part-time lawyers assume the responsibilities that would normally be delegated to one individual. Since no one had experience with this kind of arrangement, the comments regarding its practicality were limited to questions about how job sharing could be organized. Again, these questions were often framed in terms of the potentially negative effect on business, as one partner indicated, "I don't see that ever working unless the firms are willing to make an economic determination, because you end up double charging your clients for the same thing and the rates are so high. I don't see that as being acceptable to clients."

b. *Technology Used to Facilitate Work at Home*

Fax machines, cellular telephones, computer networks, and other forms of new communications technology are frequently cited as instruments that enable decentralized approaches to work. Attorneys seeking greater scheduling flexibility might benefit from these developments. Surprisingly few of those interviewed, however, described taking full advantage of communications technology, although several acknowledged that firms should explore this solution to the work-home conflict. Indeed, a former associate at one of the firms in the sample recommended this solution as one way the firms could remove whatever "glass ceiling" is imposed on working mothers by traditional work structures. As she pointed out, attorneys who do not live in

Manhattan might benefit most from this strategy, since they would be able to save hours of commuting time. For her, the resistance to innovative methods that would allow attorneys to spend more time at home is "largely an attitude" that only postpones changes that will eventually occur.

A few partners, too, presented optimistic assessments of the flexibility that new communications technologies provide. Based on his own experience, one observed, "[attorneys who want more flexible schedules] can spend a lot more time away from the office. Computers enable you to have more freedom. You can be anywhere as long as you have a fax machine and a telephone." And another told about a woman

who is sort of a permanent attorney—she's not a partner or associate—who has kids She's made a superhuman effort to accommodate both, and she was the first person to have a cellular phone . . . and . . . a fax at home. She's the first person to have this system wired into her home. So she made a lot of effort to do both and to work at home.

One obvious drawback of employing electronic devices that make work at home more practical is that it may mean an even greater extension of the working day. For example, an associate told us why she is not keen to pursue this option: "I've always toyed with that idea, but . . . if I did that, what's the point? If the idea is not to be here, you are just in another place doing the same thing."

Any of these options could be adopted, but as long as an attorney's desire to have more a flexible schedule is interpreted as a sign of her (or his) decreased commitment to a professional career they will constitute ceilings on career mobility.

11. Economic Arguments Related to Alternative Schedules

An economic argument can be made in favor of altering the traditional assumptions about the absolute priority of work. The basic question is whether or not the investment firms make in training associates is wasted if a large number of women at this level—or men, for that matter—find it impossible to balance work and other commitments. Weighing these issues from a managerial perspective, one partner noted the problems that are produced when large numbers of associates refuse to adhere to the traditional career path, "[t]he trouble is you lose them at the point where they're most valuable. It's the fifth- or sixth-year associate where on an economic basis you make the most money, and those are the people you lose and that's killing." Another partner, reflecting upon the same question, identified the firms' economic interests, defined in much the same way, as a reason for introducing new structures adapted to the needs of women attorneys:

I've been increasingly persuaded that we've been kidding ourselves to hire and train all these women and then lose them. As an economic proposition that's an absurdity. We [should be] able to create some kind of flexibility at the partnership level for a limited period of time . . . until the kids are six or seven or eight years old.

A number of associates believe that those in leadership positions at these firms could and should address these problems by taking more creative approaches, which would take into account the needs of the firm as well as of those who want to work reduced schedules. One male associate offered suggestions for these kinds of arrangements:

I think the firm is successful enough that they could probably explore more and pay people less. They start making money on associates usually, after, I'd say, half a year You probably start making money after that person bills 1,000 hours, so the rest of it is gravy Maybe if you took somebody and billed them out at a lower rate and paid them less, you still might be able to make money off that person. And let that person live a different life-style than the rest of us.

12. Changes in Approaches to Work Demands

How would change be possible? Opinions concerning this question varied immensely. For instance, some believed that no changes would occur until men began to pressure the firms for more flexible schedules. Others proposed that more women partners participating in the management of Wall Street firms will eventually bring about the reordering of priorities that have been based on the masculine model of a successful attorney at these firms. However, many of the women who have been successful are just as resistant to such changes as men. Taking a somewhat different tack, one woman partner projected that the rise of women in ranks of the corporations that do business with these firms would be more sympathetic to the scheduling needs of women attorneys.

All of the aforementioned formulae for changing approaches to workplace demands assume the willingness of men to join their women colleagues in challenging the prevailing order. More common, though, were thoughts concerning the possibility for changed attitudes toward time commitments or alternative schedules in the near future. Several believed that the fact that partners were openly acknowledging the problem meant that changes would follow. And some senior partners did concede that changes are necessary. As one mused:

I think that we should continue to hire only the most qualified women. I think we have to consider greater flexibility, some kind of a new schedule. And we ought to let women know that. And maybe if they know that that's a possibility in the long run, they might be more willing to endure the difficult period of being an associate and a mother.

IX. MARRIAGE, FAMILY, AND INTIMATE RELATIONSHIPS

A. *Marriage and the Decision to Have Children*

Women attorneys are somewhat less likely to be married than male attorneys as shown in Table IX.1. Marital data on 1684 attorneys in seven firms shows that 483 of 1022 associates, or 47%, are married.

TABLE IX.1
MARRIED ATTORNEYS BY SEX AND RANK,
PARTICIPATING FIRMS

	Male Partner	Female Partner	Male Assoc.	Female Assoc.	Male Total	Female Total
Married	456 (90%)	40 (73%)	319 (51%)	164 (42%)	775 (68%)	204 (45%)

N=1582

Source: Firm-supplied data.

Note: Percentages are of attorneys married out of all attorneys for each category.

Fifty-one percent of male associates (319 of 628) are married as compared to 42% of females (164 of 394). The proportion of married partners is 89%. A somewhat lower proportion of women partners are married than are men: 73% versus 90%. This seeming anomaly may be explained best by the effect of age on marital status, since the women attorneys are generally younger and hence less likely to be married, but we have insufficient data on birth dates and marital status to draw any firm conclusion from the sample data.

Contrary to common wisdom, most women partners are married, and a large proportion have children.

TABLE IX.2
RESPONDENTS' MARITAL STATUS BY SEX AND RANK

	Male Partner	Female Partner	Male Assoc	Female Assoc	Total Males	Total Females
Married	18 (86%)	33 (77%)	17 (68%)	30 (68%)	35 (76%)	63 (72%)
Divorced	1 (5%)	4 (9%)	2 (8%)	0	3 (7%)	4 (5%)
Widowed	0	1 (2%)	0	0	0	1 (1%)
Separated	0	0	0	2 (5%)	0	2 (2%)
Companion	0	0	1 (4%)	4 (9%)	1 (2%)	4 (5%)
Single	2 (10%)	5 (12%)	5 (20%)	8 (18%)	7 (15%)	13 (15%)
Total	21 (100%)	43 (100%)	25 (100%)	44 (100%)	46 (100%)	87 (100%)

N=133

Source: Demographic Data Sheets.

According to Table IX.2., more than three-quarters of the women partners in our sample (thirty-three of forty-three; 77%) are married. Nine percent (four) and 12% (five) are divorced and single, respectively. A higher percentage (86%) of male partners in our sample are married than women; therefore, a lower proportion of men are single and divorced.

Female partners consistently spoke of their ascendance in the firms as placing limits around their choices about motherhood, and for a few precluding marriage as well. For those who were married, the most significant decision was whether or not to have children. As we indicated earlier, while the majority of female partners in the firms did have children, data showed that one third did not (about the same proportion were not married). Of those who did not, several reported being satisfied with this decision, viewing motherhood as a choice that they could legitimately disavow. There was some evidence, however, that a few of these women felt burdened by the extra work expected of them and were annoyed by the assumption that undergird these demands. By not having family responsibilities, they believed that they—alongside of single lawyers—were perceived as “not giving anything up,” to quote one female partner, when asked to handle work overloads.

For other women partners, remaining childless was not a choice but rather a consequence that resulted from difficulties in trying to combine love relationships, motherhood, and career commitments. Some, like this partner of fifteen years, were quite rueful about the trade-off:

When I was married, I didn't want children, and now I'm about to get married again and [my fiancé] has them and doesn't want more,

and, you know, I'm tired. And that's something I feel I've regretted. But I know too many women in worse situations. I know an awful lot of very bright women lawyers in their early- to mid-forties who have finally caught up with themselves. They can't get pregnant, and they can't have families, and they can't get husbands, and it's a devastating, devastating thing for a lot of women.

The comments of another partner who remained single and childless amplify the dilemmas of the women partners just described:

I think there was a time when I didn't think about the rest of my life very much at all. I don't think that work is all there is, and I don't think I will have a fulfilled life if I spend my whole life alone and have a tremendously successful career.

B. *Motherhood*

"Mother" is a status charged with meaning. Everyone holds a view of the "good mother," and women are evaluated—and evaluate themselves—with regard to how close they come to the ideal. However, in actuality there is no consensus that defines the ideal, and norms that govern motherhood change. Further, there are many different styles of mothering and variation in the use of surrogate care, as well as participation of fathers and other family members. Women also differ with regard to their ability to handle multiple roles that include motherhood, their relative interest in their various roles, and how they allocate their priorities. In American society, however, motherhood is regarded as an absorbing role, and thus it is regarded as conflictive with professional roles, which are regarded also as absorbing. The conflict is not only temporal but goes to the core of identity. To be a true professional is to be defined by one's occupational role with the expectation that this will be given first priority.

In this context, gender stereotyping is salient. While men are expected to combine fatherhood and professional roles in a normal life, women are expected to find the combination of these roles stressful because the normative prescriptions for mothering are so much more clearly defined and demanding than those of fatherhood. Further, there is a stereotypical view that the mothering identity more clearly defines a woman's experience than her professional role.

In professional life, as in the rest of society, women are often regarded as potential mothers if they are childless but of child-bearing age; or mothers are assumed to have particular priorities and qualities when they have children. Many women have faced questions about their family plans and responsibilities while interviewing for jobs—questions that are now regarded as inappropriate, if not illegal. One partner recalled her initiation into a large law firm in the late 1970s, which reflects the attitudes of many older male lawyers toward women's child-rearing responsibilities:

I guess the only time in my law school or legal career, when I really felt that I had a hard time because of my gender was when I was a second year law student, because I would go on these interviews and they would say, "So what did you do last summer?" And I would say, "my daughter was born." So then they would look at my grades . . . I was in the top 10% of the class . . . and you could just hear them saying to themselves, "I think we'll take a pass on this lady and see how she does second year." In fact, the only offer I had for a summer job was from a firm where nobody ever asked me what I had done last summer, and they didn't know I was a mother until I got there But it was really quite pronounced that [the interviews] would seem to be going along swimmingly and then somebody would say, "So what did you do last summer?"

Today women are less cautious about revealing that they have children, and many choose to become mothers as associates. The fact that motherhood is usually considered a deterrent to career mobility—and it may be for many who find the sum total of obligations difficult to manage—it can also be an advantage for many women, or, minimally not a deterrent to one's career. This was apparent in the data. As Table IX.3 shows, 73% of ever-married women partners had children, as did well over half of all women in the study.

TABLE IX.3
RESPONDENTS' NUMBER OF CHILDREN BY SEX AND RANK

	Male Partner	Female Partner	Male Assoc	Female Assoc	Male Total	Female Total
0	3 (14%)	11 (27%)	13 (54%)	21 (49%)	16 (36%)	32 (38%)
1	3 (14%)	8 (20%)	8 (33%)	11 (26%)	11 (24%)	19 (23%)
2	9 (43%)	16 (39%)	2 (8%)	10 (23%)	11 (24%)	26 (31%)
3	3 (14%)	4 (10%)	1 (4%)	1 (2%)	4 (9%)	5 (6%)
4	3 (14%)	2 (5%)	0	0	3 (7%)	2 (2%)
Total	21 (100%)	41 (100%)	24 (100%)	43 (100%)	45 (100%)	84 (100%)

N=129

Source: Demographic Data Sheets.

Percentage totals may not add up to 100 due to rounding.

1. Number of Children

On average, the male lawyers in our study had slightly more children than the female lawyers. Men (N=45) had an average of 1.26 children, whereas women (N=84) had an average of 1.12. Of course, the women were on average younger than the men, which means they

might not have completed their families. Overall, women were only slightly more likely to be childless (38%; $N=32/84$) than men (36%; $16/45$). This gap was more pronounced, however, at the partner level. Twenty-seven percent of the female partners did not have children ($N=11/41$), as compared to 14% of the male partners ($N=3/21$).

Surprisingly, the percentage of female and male lawyers having one or two children was virtually the same—approximately 50% for both groups. While 16% of the men had three or four children ($N=7/45$), 8% of the women had three or four children ($N=7/84$). Considering the responsibilities mothers have, these are impressive percentages, particularly since a fair number of those who had three or four children were women partners (43%; $N=6/14$).

Firms have formally responded to family needs at a number of levels. Six of the eight firms studied had formal paid maternity policies, and the other two offered paid leave although it was not formally specified as maternity leave. Most of these firms also offered additional time off; two had formal part-time policies, and the rest offered part-time schedules on a case-by-case basis. But the interviews reveal that issues of motherhood are often more complex than official policies have addressed and are far from resolved. There are several key areas of ongoing concern regarding motherhood. They relate to: (1) choices, supports, and obstacles regarding motherhood; (2) work/family role (identity) conflicts and stereotypes; (3) child care; (4) individual sacrifice versus firm accommodation; and (5) work/family strains on marriage.

C. *Choices, Supports, and Obstacles Regarding Motherhood*

How to plan for and manage the competing pressures of work and family responsibilities is a topic that concerned the majority of women and many men in the study. Two issues seemed of top priority. One was a question about whether lawyers could plan for the timing of children in a way that was strategic in terms of pursuing career aspirations within the firms. A second concern dealt with the supports that are available to women, as well as the obstacles they face as they go out on maternity leave and then reenter the firms after a period of absence.

1. *Timing*

A number of women lawyers reported giving or receiving advice regarding the optimal time to have children for women who were aspiring to partnership. This advice emphasized three major concerns: what was best for the career, what was best for the self, and what was best for the children. Some, who framed their advice around career concerns, believed it was best to wait until *after* becoming partner to have children, in order to shore up client and partner support first.

Others suggested that the one time *not* to have children is in the year prior to partnership decisions, in order to keep one's résumé of deals impressive. In one partner's words, "[i]t's one thing to have a résumé with a lot of things that were great when you were third year. It's another thing [to have that during the partnership year.]"

A few women were focused on personal considerations, recommending that women have children prior to partnership decisions in order to experience the adjustment to work/family stresses before making further commitments to the firm. Finally, some articulated the question of timing in terms of children's needs. Two female partners agreed that it is easier to develop one's career and make major changes (i.e., move to partnership) when children are babies. From their experiences, older children had more difficulty adapting to such changes and "required more attention when they got older."

Men expressed opinions about timing of parenthood, which provided a contrast to the women's. Although for women, timing questions related to the long range scope of their career plans, men's concerns were more logistical and temporary. That is, whereas decisions about when to have a first or second child tended to be framed for women in terms of how they would affect partnership aspirations and chances, men related to such decisions in terms of how to plan for interruptions in specific deals they were working on once babies were born and they wanted time off.

Notwithstanding the mix of wisdom and lore about the right time to have children, the majority of lawyers interviewed believed that strategic planning about when to have children should not be contingent upon partnership decisions. This appeared to reflect two common sentiments of study participants. One is that because it is difficult to predict the outcome of partnership decisions, it is unwise to link that to family planning. The other was summed up by a female partner whose advice for trying to combine family responsibilities and work demands is to "let your career work around [having children], because there's no good time, there's no bad time either."

2. The Role of Collegial Support

If timing of children is not ultimately important in terms of managing work and family responsibilities and continuing to ascend in large firms, what is? Data from our study indicate that one crucial factor is support from colleagues, supervising partners, and clients. A female partner offers her view on the value of informal backing: "The [women] who've they kept—it's because someone knew them and worked with them. They were in the right place at the right time to make that person feel like they really were valuable and they should stay and things could be worked out."

Many echoed this idea that "who you are working with" is key to the kind of support a woman can expect to receive if she takes mater-

nity leave and the types of accommodations that will be made—within the larger framework of firm policy—upon her return. Some who stayed in contact with people at firms while they were on maternity leave felt that encouragement from colleagues fueled their enthusiasm to return. One fifth-year associate who seemed to appreciate being missed during her leave recalled, “[my colleagues] would call up and say, ‘[w]hen are you coming back?’ . . . I’m really lucky in that respect . . . It’s purely luck because of the people that I work with.”

Another senior associate expressed her belief that the strength of her relationships with colleagues buffered her from being perceived as less committed once she came back from maternity leave: “There are certain partners here who will always view the women who took time off to have children differently . . . I think that my relationships here are strong enough that nobody thinks that I slacked off at all by taking time off for the kids.”

A few male associates affirmed the importance of getting collegial support, especially from supervising partners, for men who attempt to negotiate paternity leave arrangements. Such support, however, may be harder to come by. One male associate recalled the flack he got from partners for taking time off when his baby was born:

I think some of the older partners found that surprising and I got comments like, “Gee, I was back at the office [the day after] my baby was born.” That was years ago. And you hear stories about the guy who was trying to fax something up from the delivery room while his wife was pushing . . . but I think those days are over.

Support may be even less forthcoming for female partners who go on maternity leave. One discussed her experience upon returning to work after giving birth to her first child as “traumatic,” not because of her inability to balance work and home life, but because of the failure on the part of her senior partners to comprehend her reluctance to rush back to work immediately after the delivery.

While it is difficult to determine the extent to which informal support is proffered to both women and men, it is clear that many women create systems of self-support to ease their reentry into the firms after maternity leave. Many figure out ways to manage without undue sacrifice to either “sphere” of their lives.

Somewhat paradoxically, the one thing that several women reported “doing for themselves” once they had children was to reduce informal interactions at work. This included putting on the back burner such things as attending social functions arranged by the firms and “shmoozing” in the office. Many observed as well that women with children tended to eat lunch at their desks—rather than join colleagues—with the aim of getting home to children earlier. Efficiency, according to many of the women we interviewed, took on new meanings once they became mothers.

Reflecting on her post-maternity adjustment, however, one associate expressed vague concerns about the way in which her shifting priorities were being perceived by others:

There is no change in the quality or quantity of my work. There *is* a change in my willingness, I suppose, to appear at the firm late at night. I'm more serious in a sense. I try to get my work done efficiently and I work very hard during the day . . . I used to chit-chat when it wasn't busy. I do much less of that. I don't know what they think of that, frankly.

Another woman, a partner, expressed with less anxiety a similar change in her approach to how she manages her time at the office,

One of the things that parenting does is it makes you tremendously efficient. When I was an associate I just kind of let stuff go and it ended up being done on the weekend. Who cared? I don't do that anymore. I will literally kick people out of my office and pick up the dictaphone and just spew the stuff.

D. *Managing Dual Identities*

Through interviews one could see quite a range of responses and adaptations to motherhood from highly devoted and absorbed by the details of their children's lives to more detached. Some women were highly animated about their children and made their motherhood status quite salient, displaying children's art work in their offices and talking with their colleagues about their families.

Others were far more circumspect, displaying the same formulaic pictures of spouse and children on their desks as most men do, but otherwise not referring to them. Younger women probably talk more about children than older ones, because older women were more cautious in the past about indicating their family ties for fear that the children might be regarded as interfering with their work.

Yet, motherhood has its advantages for professional life. For example, it may insulate a woman against unwanted overtures. It may also provide a woman with a basis for connection with clients and other lawyers, providing a common basis of experience (for example, a child's achievement, experiences with sports, or troubles getting into the school of one's choice).

One attorney, highly dedicated to her work, who had two children—one under ten and a teenager—had actually reached partnership rank after serving as a part-time associate but moving into full-time work before the partnership decision was made. Although not of the pioneer generation, she mentioned that she did not talk about her private life at work and thought many women partners talked too much about their children.

For a handful of female attorneys, however, talking about children was neither a concern nor as pressing a need as was making sense of,

and coming to terms with, their own feelings about leading complex lives. Capturing her experience of the contrast between activities of home and work, one female partner told us, "It really is a rather schizophrenic existence to be a Wall Street lawyer all day long and then go home and be a 'mommy,' especially when your kids are young and they're playing . . . and you get down on the floor and help them play trains." Another female partner admits that she has not been able to resolve the conflict: "There's not a single day that goes by that I don't think about how I could be a better lawyer if I could devote more time to lawyering and a better parent if I could devote more time to parenting. Literally not a day goes by. It's a daily conflict." One female associate with two school-aged children, who was at the brink of partnership at the time of the interview and whose chances seemed promising, was pleased that colleagues respected her family commitments. Yet, she acknowledged that she hides many of her innermost feelings on the subject, "I think people think that I juggle well. I think people respect the fact that my family is so important to me. I don't think it is frowned upon. I think people respect that. But, I don't think necessarily people realize how torn I am inside."

There was considerable variation with regard to the relative ease or guilt experienced by women in the firms and variation in their styles of mothering. Some working mothers spent many hours at the firm while others spent the minimum. At one end of the scale was a partner who billed up to 3000 hours a year, working most Saturdays in a year as well as late in the evenings. The mother of a small child, with a husband whose hours matched her own, she was able to delegate responsibility for her child to her parents, who took over on Saturdays, as well as a nanny who cared for the child during the week.

This kind of behavior was considered quite unusual in the middle-class milieu of the firms, whose rules determine standards for child care among the women attorneys interviewed. However, long hours at work relying on the help of family members is not unusual for working-class women who often use family as surrogate care providers for their children as they work more than one job to make ends meet. Women who "do not have to work" for money find it necessary to explain why they are in the workforce; thus, many women attorneys whose husbands make high incomes experience guilt when they pursue careers.

E. *Compromised Commitments and "Choice"*

It seems ironic that although many women feel they approach their work and careers in the firms with even greater seriousness and focus after becoming mothers, they believe they are seen by colleagues, particularly supervising partners, as being less serious and less committed. One female associate, who was a relatively new mother at the time of

the interview, referred to this shift in perception and was frustrated over the fact that it embodies a double standard:

I'm seen as more of a working mom than just an attorney . . . My husband went back to work and the attitude was, "That's great, he has a baby. Isn't that nice? Here's this lawyer who's back at work." I came back to work and [the attitude] was, "Oh look, she has a baby, and she's a working mom now." You know, he's not a working dad, but I'm a working mom. And I just think it's a different attitude.

One male partner alluded to the discomfort he felt in trying to reconcile the fact that women manage multiple and often disparate roles,⁴⁹ "It's hard to see [women] at work as tough lawyers and then you see them at social functions as mothers with children who are running *them* around."

A great many attorneys expressed concern about the ways that firm and family suffer as women try to manage the competition between "two full-time jobs." Some stressed the loss to the firms. One male partner was especially upset about the economic loss. From his perspective, firms need to be more vigilant in anticipating that women will take advantage of the training offered to them and then leave—sometimes with their clients in tow—to take less demanding jobs once they become mothers. This, he states, is the natural condition:

For a while we were feeding the X Bank Legal Department because one woman left to lead a "normal life," and she kept recruiting people, we think. We trained them, they got pregnant, and went down there . . . I'll tell you a couple of problems that I see. More women populate the law firms. The more you run into this natural condition—that a high percentage of women [who have children] don't want to work the way a law firm like this requires you to work . . . and if you multiply that out enough, it can be a real handicap. Because you don't recruit taking that into account, but it happens.

Two male associates noted the cynicism among colleagues about choices women attorneys might make once they become mothers. One related, "You hear people say, 'Oh, she's not gonna be here, you know, she's gonna have a kid . . . How long do you think she's gonna last? She's gonna have a kid, work here for a couple of years, and then that's it.'" Unfortunately, as the other associate pointed out, one consequence of seeing some women leave firms after becoming mothers is that women as a whole "are kind of taken a little less seri-

49. This points to a more general phenomenon in social life where people expect consistency in the behavior and roles of others. People who deviate from this pattern are apt to encounter resistance or hostility, and encounter social controls to make them conform or pay high costs for nonconformity. Using Robert J. Lifton's concept of "The Protean Self," Epstein explores this in *The Protean American Woman, in Violence and Human Survival* (Flynn and Strozier eds., forthcoming 1996) (manuscript on file with author).

ously," because people perceive that they might leave or that there's a good chance that they will leave. A number of women in our study, it should be noted, had a similar perception about why women leave firms:

I think the number one [reason that women leave firms] is that a lot . . . start families, period. You know, you start a family, you have a baby, you don't want to go back to work. It's hard enough to take care of a kid. That's a full-time job in and of itself for most people.

Certainly, some proportion of women do leave firms because they cannot or choose not to deal with strains of competing work and family responsibilities. Still, we do not know how large a factor motherhood is in this equation as compared to other factors. Data from our interviews with female alumnae showed that motherhood is not the only reason that women leave, and that it might not be the primary impetus. A substantial number of those we spoke to did not have children when they left their firms, nor did they have them two years later, which was, generally speaking, the time in which the interviews were conducted. Such information suggests that women leave firms for other reasons as well.

On the flip side of considerations about what motherhood does to women's commitment to firms were concerns about what firm practice does to women's commitment to motherhood. Comments made by various lawyers often reflected the belief that a woman's first priority should be her children. While recognizing the costs of motherhood to the firm, one male partner appeared to be even more troubled by the thought that the family gets short shrift:

[Motherhood] is the biggest problem for [younger women] and for us, to be honest. Because you have an associate with two or three children within a three or four year period. I don't know how you cope with those two competing [demands], because I don't think the woman can say, "I'm going to ignore my family," and she can't say, "I'm going to ignore my practice." . . . It is unfair that the woman has to make these decisions . . . I'm not happy when I sense that the woman has put total primacy on her legal career because I know that the family side has been [neglected].

It is interesting that this partner, like many others in the study, regarded women's decisions about how much to commit to motherhood and how much to career roles in purely individualistic terms—that is, as a product of their individual goals and stamina to achieve those goals—without reference to constraints or pressures imposed on them from the firms or from sources outside of the firms. As another partner said:

I look around [and] there must be a dozen female partners at [firm X]. Some have given birth and have come back a couple of days later, some have given birth and come back four months later, some have come back and have worked as hard or harder, some have

eased off but you can always predict that if they are committed and like the law, then they find a way to do both. If they really aren't that committed and aren't that much in love with the law, they calm down a bit.

The idea that women make "choices" regarding the balance of work and family was a theme that ran through many of the interviews. Male attorneys, in particular, pointed up the doubled-sided nature of such choices. In a few cases, choice was regarded as burdensome. According to one male associate: "Women's ambitions are the same [as men's] but their priorities are different. They want families and are forced to choose; men are not forced to choose." Another male associate, though, perceived these choices as liberating:

I think that women, to the extent that the traditional family is an option, women have another option. In other words, they can choose to be a full-time parent if the economic circumstances warrant that. That option is not as available to men as it is to women. I think for some women, and let me emphasize this, for some women, there is shall we call it the "traditional option." So if they become dissatisfied and if their spouse is a doctor or a lawyer or something like that—a high-income producer, so to speak—it would enable them to at least explore that option . . . parenthood on a full-time or a part-time basis. Men don't tend to see that as an option.

Both perspectives offered by these associates on women's choices are supported by an ideology of motherhood. The first assumes that women lawyers cannot have careers and be mothers at the same time, and must therefore give one up for the other. This is a dilemma that does not confront men in the firms, since the prevailing cultural arrangements resolve that decision for them. The second perspective uses the traditional beliefs about motherhood as an escape hatch for women lawyers, lending legitimacy to the expectation that women will want to leave careers to be full-time mothers. Both take for granted the rightfulness of woman's place as mother.

F. *Escalation of Standards for Motherhood*

Women attorneys adapt to the juncture of work and motherhood in different ways. Most use surrogate care (a tiny number depended on work-at-home husbands to supply primary child care), but the extent varied from full-time live-in to part-time care, as we show in Table IX.4.

TABLE IX.4
RESPONDENTS' CHILD CARE PROVISIONS,
BY SEX AND RANK

	Male Partner	Female Partner	Male Assoc	Female Assoc	Total Male	Total Female
Daycare	0	0	0	3 (15%)	0	3 (8%)
Live-in/Full time	2 (40%)	16 (80%)	2 (22%)	13 (65%)	4 (29%)	29 (73%)
Part-time Provider	2 (40%)	2 (10%)	5 (55%)	2 (10%)	7 (50%)	4 (10%)
Other	1 (20%)	2 (10%)	2 (22%)	2 (10%)	3 (21%)	4 (10%)
Total	5 (100%)	20 (100%)	9 (100%)	20 (100%)	14 (100%)	40 (100%)

N=54

Source: Demographic Data Sheets.

Percentage totals may not add up to 100 due to rounding.

1. Child Care Provisions

Although women in our study had on average slightly fewer children than men, they had substantially more paid child care help than men did (due to the fact that so many of the wives of male attorneys were not employed). The percentage of female partners who had full-time live-in help was two times greater than the percentage for male partners, 80% (N=16/20) compared to 40% (N=2/5). Among the associates, this gap was even larger. While 65% of female associates had full-time live-in help (N=13/20), only 22% of the male associates had such child care assistance (N=2/9). Although not presented in Table IX.4, thirteen lawyers reported using a second child care provider. Those who did were primarily women (85%; N=11/13) and split almost evenly between partners (54%; N=7/13) and associates (46%; N=6/13). For most families, some kind of day care outside the home supplemented a home worker. In addition, a number of families depended on members of their family to help as backup to paid child care providers.

As noted above, standards of mothering are prescribed in society and highly normative. The major cultural preference is for mothers to be the primary caretakers of children while they are young. As a result, working mothers (and most mothers today work) try to maximize their time with children to the extent that work permits. There is an underlying stigma attached to the use of surrogate care for children, as we have seen recently as courts have awarded custody to fathers in cases where women had jobs or were students and placed their children in day care centers. Among women attorneys who had full-time live-in help, this was true of partners more than associates. It was the

impression of the researchers that many younger women hesitated to use full-time help, not because of its expense but because they did not feel it was "right," making their task of combining roles particularly difficult.

Women attorneys with small children face many pressures to deliver "quality care" that may exceed the norms set by their mothers. Further, in their social class, married to professional men, many confront a growing number of "retired" mothers in their communities (in particular, in the suburbs), who represent an alternative life-style and who subtly or overtly pressure them to reconsider their family and career decisions. One female associate spoke resentfully about the gratuitous sympathy offered by some of the older women at her synagogue: "I don't like what people, sometimes older women say: 'Oh, like you work full-time. Oh, you poor thing. How do you manage?' " Additionally, there is often an underlying message in the "advice" offered by neighbors and teachers: that is, that the working mother is a selfish mother, especially the working mother who finds her work personally satisfying. Incidents related by a number of female associates reflect this judgmental stance:

We were having a conversation once with the nursery school teacher last year, who was pregnant, and she decided she wasn't going to come back and teach and [other mothers at daughter's school] were saying to her, "Oh, that's a great decision, I would never trust anyone other than myself with my children. No one pays attention to the children like you do. No one has the interest in them that you do, and I would never leave my children with someone else." And my across-the-street neighbor says that to me, "Well, it's fine for you to have a nanny, but I would never do that. I would never do that!" But, people say things really often.

This same associate went on to describe her attempts to defend her choices in her own mind. Ultimately, however, the strength of disapproval from peers did begin to creep in:

Some of these women were going on and on about how they would never leave their children with anyone. At first I was thinking, "Well, fine, if you had any idea how much money I made, and that I am going to have something to do in three years when my kids are in school and you're going to be sitting around with nothing to do and having to spend all your time shopping and getting manicures, you wouldn't be so smug about it." But then after about ten minutes of their going on and on about how the children of mothers who work are just completely deprived, I did start to feel kind of bad about it.

Another female associate spoke about having had an unnerving encounter with her daughter's teacher just a day before we interviewed her, one in which the mention of her work schedule "appalled" the teacher, "I went to a conference at my daughter's school with a learn-

ing specialist yesterday, and she asked, 'What time do you get home?' And we said, 'Seven-thirty.' And her jaw dropped to the floor."

Other sanctions create even more stress, because they affect the children of these attorneys as well. For example, several women attorneys talking together at a meeting were complaining that mothers who stayed at home refused to arrange play dates with children whose mothers worked, because they did not wish to socialize with the child's paid caretaker. This caused the working mothers to feel guilt at their children being "left out" of a social circle.

Well aware that mothers face multiple and often vexing pressures to give up their careers in large firms, one female partner had this to say to her younger colleagues:

Some women bow too quickly to pressure from various quarters—their mothers, their husbands, wherever—and they jump off the full-time track the minute they have a child. And what they don't realize is once you jump off, you're forever derailed. And you *can* really do it. You really can do both very successfully, and you have to. Don't act embarrassed about it if you get chopped away [at] as I have.

This partner went on to revel about the satisfactions of realizing her potential and making use of her talents.

G. *Sacrifice Versus Accommodation*

There were striking differences between female partners and female associates regarding their views about motherhood, their perceptions about whether firms should be more accommodating and whether women should make greater sacrifices, and their overall assessments about how far firms can and should go in terms of crafting family-friendly policies. For many there was a distinct antagonism, probably due to high expectations of each group by the other. There was also a generational divide between male partners and male associates as to their views on family issues.

1. Generational Differences Among Women

For many female partners, a major decision was not whether to have children but when to have them, and then how best to juggle family and work responsibilities. Many put off childbearing until after they felt secure in positions of partnership, pointing out that part-time work options were not available nor were they within the realm of consideration until recently (within the past ten years). Several spoke about allowances for maternity leave that have been liberalized since the birth of their own children, such as being able to tack on vacation time or unpaid leave time to maternity leave.

In looking back on their days as associates, several female partners shared the view that women tried to avoid raising issues that might

have drawn attention to the fact that they were women. This meant that they were not as free to talk about motherhood and work/family conflicts, or to broach the subject of part-time schedules. Asking for special accommodations was viewed by some, in fact, as unfair or brazen: "I just said, why is it fair when everyone is killing themselves, working very hard? You know, the law's a jealous mistress. Why is it fair to say that special rules should be made for me?"

Another partner said, "I never had that sort of nerve to ask for a special arrangement. It certainly wasn't that common." For others, it was simply out of the question: "I never thought that going part-time was an option," was a common statement made by female partners.

A number of female partners vividly recalled the conflicts they faced when their children were born and the deals that they made with themselves to cope with the double time demands of work and family. A few women reported that they regularly went home for dinner or to put children to bed, only to return back to the office to work until later into the night. (One or two senior male partners described going through the same routine when their children were small.) One recalled that when she worked weekends, her son would often be "rocking in his little rocker right next to [her] in the office" and was routinely brought to the office to be breast fed when she worked late into the evenings. Another strategy to carve out family time was described by one female partner as "mortgaging my week to pay for my weekends:"

Ever since my oldest was first born, the way I've always worked was that I would work to any hour of the day or night during the week in the hopes that I would not have to come in on weekends. And weekends are very precious for me and my family.

It is worth reiterating that while most female partners are in dual career marriages, they tend to be regarded as the primary parent of the children and husbands are considered to play a back-up support role with children.

The sacrifices that female partners made clearly colored their views about the types of accommodations that should be made available to female associates who are starting families. Some expressed resentment and were quite moralistic about the fact that they perceived in the female associates a sense of entitlement:

No one ever gave me anything and they [the younger women associates] come out of law school feeling they are entitled [to firm accommodations]. Women exacerbate this issue by saying, "I can't work unless my child care is provided for, so you have to make accommodations to deal with my children." They want part-time work, or they want an understanding that they have to leave at five. Or . . . you should accommodate your schedules so if they have a baby-sitter problem, that becomes your problem . . . Give me a break. It's your life. Grow up! It makes me crazy. It really does.

People make decisions in life. I think they have to take the consequences of their decisions. This is not a job for everyone. It is very hard being a lawyer in today's society.

Another female partner also sees the younger female associates as less willing to sacrifice, yet her attitude is more lenient:

I think that we were prepared to make many, many more compromises than a lot of women are prepared to make today. It worked for us and the kids seem to be doing well. In fact, I'm quite proud of them. But when I look at the women who today take off six months when their children are born, I think, "That's not so terrible." I do think that they feel entitled to that. I certainly did not feel entitled to it.

Overall, most female partners had mixed feelings about the fact that younger female associates have a wider array of options than they did to balance work and family demands. Not surprisingly, data showed that most female associates are well aware of the ambivalence. One senior associate who wanted to be able to go to female partners for help in resolving the occasional work/family conflict described the conditional support she has come to expect from them:

None of them [women partners] think that life should be made any easier. You live with it. They're much more willing to be sympathetic and do something about issues of sexual harassment and things like that, but in terms of whether concessions should be made for women in terms of part-time and things like that, they really don't want to get involved and don't want to know about it. They dealt with it and you deal with it.

As an expression of their own ambivalence, women associates tended to cast women partners in two images. One was a superwoman image—women who could give birth, adjust to motherhood, and miraculously manage child care responsibilities with little disruption to their practice and ascendance in the firm. The associates who viewed this as extraordinary did not see themselves becoming like the partners they observed, even if they wished to emulate them. The partners who seemed to "have it all" often represented unattainable ideals. One female associate viewed one woman partner as too superhuman to consider as a role model:

I couldn't say she represents a model to me since this woman—I am convinced—is not even a human. She was nine months pregnant and working until four in the morning. Whenever I said anything to her about it that she must be tired or something, she would say to me, "Oh, I barely notice it No, I'm not tired I forget that I'm pregnant most of the time." She has two children now, and she seems to enjoy everything. I don't think I could ever quite achieve her level of energy or commitment, but I guess she's the one I look at when I think about what it would be like to be a partner.

Cognizant of being stereotyped as superhuman, one female partner spoke about her success at integrating work and family life: "[It's] very hard for a lot of women [associates] to deal with . . . I think a lot of women think, 'Get her out of here!'" suggesting that women seem to regard her dual successes as if it reminds them of what they believe or fear they may not achieve.

The other image that female associates have of female partners is that of a martyr: a woman who has pursued career ambitions at too great a cost to personal life, children, and, in some cases, to professional credibility. Some associates were appreciative of the struggles that female partners had gone through to ascend in the firms, yet said that they were unwilling to make the same personal sacrifices. Others were harsh in their evaluations of female partners for giving up so much or for "depriving" their families. The general negativity is illustrated by the remarks of this female associate who believed that every woman partner has paid a price for career success, either in terms of having a messy home life, in remaining childless or unmarried, or in not being well regarded in the firm:

[One partner is] divorced, kids in therapy. No home life to speak of but great when it comes to bringing in the business. A good lawyer. Another, who seems to have good talents is not married, so she doesn't have those features . . . The one that I know with the good home life is not well thought of as a partner.

Another associate is almost scornful as she thinks about the women partners who have attained their professional goals:

Maybe I'm asking for too much, but I don't think my children should have to raise themselves so that I can be successful here. That is basically the attitude of all the partners who have [children]. [One partner] thinks its wonderful that she meets her son for lunch sometimes in the park, because she is not going to get home until twelve at night . . . I think the kid is getting a very warped view of family life. This is not the ideal. There are really no women partners here who have tried to have a real family life. They all made the sacrifice of having their kids raised by someone else and basically working crazy hours.

More sympathetic about the sacrifices, another associate told us:

I honestly have to say that there are not many women partners that I admire in their ability to make it all work. That is one sad discovery I made over the course of my career. You look at the women partners and you realize how hard it's been and what a toll it's taken on their family life.

Finally, after considering the situations of all of the women partners that she was familiar with who were mothers, one female associate concluded, "It seems to me that having a family and being a woman is a prescription for failure in terms of becoming a partner."

In stereotyping women partners, women associates do not see the diversity among them, diversity that the interviewers can clearly see. Further, because the dialogue today is such that there is general discontent with the harshness of demands, older women tend to define their own lives as marked by sacrifice, too, so they do not tend to communicate the satisfactions they have obtained by both having children and excellent careers.

It is probably the case that the good aspects of women partners' lives are invisible to younger women. It is further the case that believing that the women partners' lives are difficult provides a cushion—a way of cooling themselves out should junior women fail to climb the professional ladder.

2. Male Attorneys' Views on Accommodation

Male lawyers were also ambivalent about making special accommodations to respond to family needs. On the one hand, there was nearly universal agreement about the enormity of work/family stress and the fact that a disproportionate share of this falls on women. On the other hand, some of the male associates were resentful about what they saw as advantages women had:

You know, a lot of women have a couple of kids . . . everybody just jokes that the greatest scam in [this firm's] history is maternity leave. You get four months maternity leave and then you cut some deal where you work part-time or flex-time, and they pay you 70% of your salary.

Referring to a woman associate who was out on maternity leave and due to come back part-time, another male associate expressed envy, "She can work here three days a week, make 100,000 dollars a year, spend time with her kid You know, give me that deal I'll take that deal."

Some partners worry that men will begin to ask for reduced schedules, as recent mothers have done, with negative effects on the firms. And, indeed some male associates did affirm this view, stating that it was wrong to assume they were not responsible for child care. One young male associate spoke for his peers when he commented:

There is less of a distinction in men around my age in how much emphasis they put on family versus work and how they balance it. I see the same tension in all of them It's not the same as people of a different generation, where the guy was supposed to work and make the money and the woman was supposed to be at home.

However, as we explained in the section on hours, only a few of the men imagined that they could alter their schedules in the firms to permit more involvement in family life. At best, they believed that they would have to leave the large firm environment altogether in order to have a more leisurely lifestyle. This is because they have experienced

negative feedback or object to the pressures that prevent them from having the kind of family lives they wish to have. Nevertheless, a male associate told of saving vacation time for paternity leave, and in another firm a male associate responded to a question, "Do men take the parental leave?" with, "I think the more secure men do, in other words . . . [those] who aren't too tied to their jobs and so nervous about what the impact of taking the time off is. I think more and more the guys take it." As evidence that some norms are changing, younger partners were also taking paternity leave. One became sensitized to what is entailed in new baby care and separation difficulties in a way that broadened his attitudes toward a common experience women have:

Paternity leave was only two weeks, but I took two weeks of my vacation, so I took a month off. And while I don't confess to be [like a mother], I guess I got a taste of coming back after the birth of a child—what it is like to be out for a long time to be focused on the child. Even for me it was sort of emotionally wrenching to come back, because you're so focused on that child and all the little new things and the care. It is really hard to come back. For months I could imagine that I didn't want to stay here.

One male associate believes that the reason that older male partners are "hardened"—reticent to accommodate family needs of young lawyers—is because they themselves had rough marriages. Similar to the poor evaluation of women partners by women associates, many male associates also feel the senior men in their firms have also made sacrifices for their careers. One observed that many partners' marriages have ended in divorce. Some choose to emulate the few men who have "healthy family lives" but have had to give up aspirations of being major players in the hierarchy.

We observed differences between the men partners in their sixties and seventies, who have had traditional enduring marriages, and the partners in their forties and fifties. One high powered "player," who had an enduring traditional marriage, told us that he regarded himself as a good family man; he had spent time with his children, taking them to baseball games and so on, at a time when the pace of work was slower. He agreed that younger people faced greater pressures than he did. Women partners agreed with this assessment. According to one who saw male peers struggling with the same work/family tensions as women, "[i]t's not like it was a generation ago."

Although no male partners denied the importance of family—and a number spoke with enthusiasm about their relationships with their children—none of these men, unlike women partners, reported making elaborate arrangements in order to be with their children; although a few mentioned making adjustments in their work schedules that enabled them to spend more time at home.

Among married male associates with small children, however, a somewhat different pattern emerges. Many of these younger attorneys do not assume that they will be the sole source of income for the family, and many of them do not find this situation objectionable. In many respects, the changing values these marriages exhibit create a situation where the firms' traditional understanding of their claim on the time of associates is being challenged by men, as well as women, who want to be parents. How this development is viewed from a traditional perspective can be seen in the following statement by a male partner:

Men start taking more time to be with their children, which is starting but it's a long way from being an accomplished fact. I consider that to be a very serious economic problem, and I'll tell you it is irritating. You've worked with somebody and have brought them into this and then all of a sudden boom, they're gone. You really feel as though you've been left. I mean there's nothing wrong with it, incidentally, because I'm a family person, and I was happy my wife was there to take care of our kids.

In addition to articulating the frustrations that senior partners may experience when associates bring a different set of values to the workplace, what this statement unwittingly acknowledges is an increasing awareness that there is no reason why men should be exempt from the responsibilities of child care. But once these notions of gender equality regarding the domestic division of labor are put into practice, men, just as much as women, may begin to question the time demands of the partnership track, as this male associate did:

With the baby right now we alternate nights staying up with her. I can find myself up until 1:30 in the morning if the baby doesn't sleep, and then be back here at early in the morning. I take my son to school everyday, because he starts at nine and our office hours begin at nine. I'm supposed to be here about nine, and I never am. I never get here before 9:30 a.m. Somebody in my position should probably come in at 8:30 a.m. to look like you're truly going for broke, but I don't. And the fact that I really don't care is part of it.

H. *Spouses*

Everyone acknowledges the conflicts that arise for attorneys with demanding schedules at Wall Street law firms and the desire to devote time to children. But for married women, a further conflict may be produced by a husband who objects to the amount of time she devotes to her work. Support from one's spouse is one of the factors that various informants noted as an important influence on the professional career paths of women. As one woman associate succinctly observed, "For the women where [their work puts stress on their marriage], they're out of here, because it just doesn't work. You have to have a supportive husband to have a job here." Drawing on his experience, a

senior male partner echoed this view, adding his thoughts on how a marriage to a man with different priorities may become an "albatross" for an ambitious female associate:

As you get a little older in the profession, you have certain social obligations and you have certain business obligations, and if you have somebody who is a nine-to-fiver or less in some non-professional capacity, they grow apart in their social and cultural and intellectual pursuits. I have seen a lot of women get divorced because of that, more so than men in the profession.

These sentiments are confirmed by the story told by a divorced woman associate, whose husband did not support her professional career:

My husband could not in the least bit fathom what I was doing or why I was doing it. And he could not understand that to a large degree you become an indentured servant to the firm . . . I think it raised questions about his own career and what he was doing and his own adequacy. I made a lot more money than he did; I think it really bothered him—that, coupled with the hours that were required and what he perceived to be the lack of attention to him.

Even women who are not married to men who fail to understand their wives' chosen career may find that the combination of their husbands' busy schedules and their own allows little time for relaxation together. For instance, one woman associate described how this kind of stress is manifested in such marriages:

We're often too busy to even talk during the day or when we get home. We can go for even a one week period where you can have been in the same bed at night but one person got there at ten and turned the lights out and the other person crawled home, got in like eleven and got up at six and then the other person got out at seven.

In the main, however, we found that the women who are married to professionals with equally exacting schedules—other lawyers in particular—receive support for their careers. One partner, in particular, explained how the fact that she and her husband work in the same profession creates a shared understanding of the problems and pressures involved:

He was doing the same thing at the same time, and we had the same specialty. If I said I was working on an X, he knew I was working on an X and knew what the time commitments for working on an X were. I might have grumbled. I was a worse sport than he was, but we understood each other. We understood the pressures and we understood exactly what each other was facing. I think that was very helpful.

Traditionally, male lawyers have not been called upon to solve the dilemmas outlined above; their ambitions and the work necessary to realize these ambitions have been treated as an unquestioned condition of professional life. Still, most of the male attorneys interviewed

acknowledged that the time demands of their work can produce pressures on marital relations. But, as one associate explained, such strains are generally mitigated by a wife's interest in his career advancement:

When I'm working extremely hard it can be difficult. But there are times where my wife understands big city life and how hard I need to work to be successful, and she promotes the desire to be successful with the understanding that means I'm going to be working hard. She doesn't look for me at five o'clock and be disappointed that I'm not home.

Increasingly, wives may not be as willing to shoulder the bulk of the work required to sustain domestic life. Several male associates offered accounts of conflicts arising in situations where the traditional division of labor along gender lines was not a feature of their marriages. And, rather than letting their marriages flounder as a result, these men believe that the firms should be willing to take such factors into account. Here is how one male associate presented his views:

[My wife] said that I wasn't making a contribution and [work] was all important and everything was being done to serve my career So then I had to start making a conscious decision that I was going to go home, and I was going to assume certain responsibilities in the house and make sure I did them and then committed myself to doing them I'm not going to give up my marriage for work.

As women begin to expect husbands to assume a greater responsibilities at home, men are called upon to review their willingness to sacrifice family commitments in order to demonstrate their dedication to work. As far as a comparison of the men and women lawyers within the firms is concerned, however, only a scant proportion of the men indicated that their wives' careers were as important as their own and many described themselves as the primary breadwinner in the family. And a number of those with young children have wives who have quit their jobs in order to stay at home. Even those who have no children often envision this as their future family structure.

In contrast, the younger married women in the sample understood the tension set up between work and family by the time demands of each area of life as a pressure to curtail their careers when they have children. Not surprisingly, many younger women associates considered the possibility of giving up—for at least several years—their professional jobs, and everyone interviewed mentioned women who had done so. None of the women associates interviewed, however, embraced this possibility without reservations.

The husbands of most women attorneys, for the most part, made more money than they did. When this occurred, many reported making a "family decision" to promote the career of the husband and to have the wife scale back her own career—either towards working part-time and not attempting to get on a partnership track, or scaling

back hours devoted to socializing within or outside the firm. Almost no women seemed to think this decision was unfair; rather most accepted it as in the logical order of things.

I. *Changes in Firm Provisions and Policies*

A number of lawyers at all levels noted that stereotypes related to traditional ideas about motherhood constrain women's advancement. A male associate noted that women often accept stereotypes, "Whether more women are partners . . . [depends on] whether they are prepared to give up the stereotype that they are supposed to be the ones at home taking care of the family and the kids and doing the shopping and picking up the dry cleaning and being the mother." Another male associate thought the firm ought to integrate the fact of family life into aspects of firm life by planning more social activities that include children, such as barbecues. From a broader institutional perspective, another thought firms need to be "forced" to deal better with child care issues, saying that without "social conflict" the firm will do nothing.

Yet, there is no clear relationship between firms that are known as family-friendly (e.g., generous part-time policies) and numbers of women in high positions. In fact, the most family-friendly firm had the worst record on partnership. This may be because although some firms have good policies regarding flexible work schedules, the people who utilize them are not regarded as partnership material and are not put on partnership tracks.

As we learned from the interviews and observations, the obligations of motherhood alone do not create problems for women. Instead, problems arise from the multiple messages that these women are not meeting the norms of good mothering, as well as from the demanding time pressures exerted in both spheres. But women do succeed when the evaluations of what they are doing are positive rather than negative—when they have support from their husbands and in the firm from their colleagues; when they have enough child care of good quality and dependability; and to some extent, when they are insulated from cultural norms regarding one "correct" way to be a mother.

X. CONCLUSION

There are many indicators of advancement of women in the large firms and progress has been steady. (This is not true for minority women, whose numbers remain extremely small,⁵⁰ and therefore, for whom we have meager data.) At the point of entry, women and men start out equally in numbers and in pay. Women can also be found in all specialties and are no longer pigeonholed in those practice areas

50. See *supra* Table II.10.

once thought suitable for them (e.g., Trusts and Estates), nor barred from those regarded as inappropriate (e.g., Litigation). There has been a steady upward trend in the proportion of women partners but the increase is slight. The proportion of women in firm management, at the level of executive committees or as head of practice groups, is minuscule.

Women do not fare as well as men in proceeding up the career path, partly due to firms' preference for male candidates, and partly because women take themselves off-track, choosing alternative legal practices, or, in some instances—fewer than common impressions indicate—leaving paid work for full-time child care.

Although there is a general crisis of morale among all young lawyers, women do seem to be leaving large firms disproportionately more than men, meaning that the profile of the "Wall Street lawyer" at the very top partnership levels looks nothing like the distribution of lawyers at the bottom of the pyramid.

Some firms, some practice groups within them, and, of course, some senior partners, do better than others. Women's opportunities and success seem to come from the advocacy of strategically placed senior partners to include women, treat them equally, and sometimes make accommodations to life cycle demands, as well as from women's own abilities and very hard work. However, for most women the path to partnership does not move along the traditional track from associate to partner in one firm. Although lateral hiring has become more common for both men and women, fully a half of the women partners we interviewed (half of all women partners in these firms) became partners laterally, having proven themselves in firms other than the ones in which they are currently a partner.

There are many problems both men and women face today in achieving career success. But men do not face the stereotyping and negative expectations that women do, nor do they confront the pressures both inside and outside the firms to make family life their first priority. Yet, it is not family life alone that is usually the impediment to commitment—three-quarters of women partners have children—but rather the lack of supports and encouragement women encounter within the firms and from their families.

An important factor in the different tracking of men and women is the continuing stereotyping of male and female qualities and roles. Men (and women) still attribute certain personality traits to men and women, or assume different motivations based on gender.

The group that seems under the greatest strain in these firms tends to be younger women partners. There are a number of reasons for this. One sociological observation is that women associates no longer experience a sense of being a token, working under a spotlight that makes them self-conscious; there are many women all around them. But women partners are one among many men. At partners' meet-

ings they are aware of the small minority they belong to, and in the context of a practice group they may be the only woman partner. Further, younger women partners often experience a diminution in the flow of business from male partners and insufficient assistance in developing a client base. This often occurs at the time when their children are small.

A. *Structured Ambivalence and the Advancement of Women*

The lack of affirmation and encouragement (especially during stressful times) discourages many women from pursuing careers within the firms, and mixed messages create the ambivalence that undermines commitment and motivation. Ambiguity and mixed messages constitute an important part of our findings, indicating that in these changing times, the same people may hold contradictory beliefs about fairness in the system, their ability to be recognized, and the amount of fair treatment they administer to others.

Some leaders in the firms say they believe it is only a matter of time until women achieve equity in the firms, and most partners in most firms—particularly those who are senior in age or senior in responsibility (on the management committee of their firm, for example)—view their firms as operating according to meritocratic principles: excellent lawyering and bringing in business matters most.

Yet, many senior partners are unable to identify with the next generation, which includes people unlike themselves (by virtue of sex, race, or personal history), with consequences for appointment to executive committees and the sharing of decision making. The senior partners who make decisions have lived through a period of social change, during which their own prejudices have undergone modification. The same person may abandon prejudices in some situations but activate them in another, sometimes with awareness and other times without. Or, prejudice may appear in another form. Culture clashes occur around definitions of commitment and "life-styles" that have an impact on the integration and mobility of young lawyers in large firms.

The interviews carried out by this study indicate that senior partners are committed to the established criteria for determining partnership, yet at the same time advocate inclusion and advancement of women and minorities. For example, one woman partner noted that her own father, a name partner in another firm, told her early in her career that "women should stay in the kitchen," but he now encourages her daughters (his granddaughters) to become lawyers. Surprisingly, although many women feel they suffer from the strains and burdens of dual sets of responsibilities and problems in getting business and working long hours, at the same time they regard their firms as meritocracies.

Further ambivalence is reflected in the views of younger lawyers of both sexes in large firms who, as we noted above, desire and expect

flexibility and accommodation to values that include balanced lives and family needs, but at the same time accept the idea that the demands of a harsh economic environment justify the pressures on them for long hours at work and client development activities after work. Many who leave these firms regard their departure as a personal choice rather than an outcome of structural constraints. But ambivalence also keeps some associates working in the expectation that one day they will become a partner, even though their chances are slim. In all such situations, hope, commitment, pressures, and aspiration interact with the evaluations of one's prospects.

Firms vary with respect to their clarity in informing young lawyers about how they are doing, and we learned that women may get less feedback of a constructive nature than do men. Many partnerships also see women as a problematic category of employee, less predictable than men and with a different set of needs. The problem is highlighted because so many women lawyers came into the profession after the mid-seventies (with the halt to discrimination in training and employment), so that the profession has a disproportionate number clustered in the life cycle stage with high child care demands. As women enter the profession under more "normal" circumstances, there should be a broader distribution of women at all age levels, thus creating less of a perception of women lawyers as synonymous with young mothers.

Below we specify how the structure of ambivalence structures the attrition of women.

B. *The Mentor-Protégé Relationship*

The mentor-protégé relationship is an important avenue to promotion within a firm. More than two decades ago, Epstein noted that women were disadvantaged in professional careers because they did not tend to be chosen as protégés.⁵¹ She pointed out that older male colleagues did not see women as young versions of themselves in the way they saw some young male associates.⁵² A further problem was that older men were cautious about being linked with young women, because their colleagues (or wives) might be suspicious that the relationship was not purely professional.⁵³

Mentoring of young women associates was not much of a problem in the past, because there were so few of them. But today, when close to half of every entering class of associates are women, there are many to choose from. Although a tiny number of senior men admit to avoiding these younger women, most men in large firms do work with them.

51. See *Woman's Place*, *supra* note 40, at 168-73.

52. *Id.* at 169.

53. *Id.*

But working in the office with a woman associate is very different from a true mentoring relationship, which tends to extend beyond the work day and the work project at hand to drinks or dinner together. It is in such informal settings that much learning takes place. A resurgence of resistance to the inclusion of women in such "non-work aspects of work"⁵⁴ is legitimized through the articulation of concern about sexual harassment charges, as we will discuss later.

Nevertheless, many women do have mentors. However, some have tended to develop the mentoring relationship with one senior person. Not only does having a single mentor preclude exposure to other partners who might be supportive in the partnership decision, but for a woman to have one male mentor causes suspicion that the mentor may have a personal interest in the associate beyond the law.

C. *Rainmaking*

Increased attention to the bottom line, while holding to norms of professionalism, creates ambivalence for young and old lawyers alike. Women and men are both affected by this, but women especially feel they are caught in a bind where all lawyers are expected to bring in business although women are not expected to be as good at it as men. Actually, in many large firms relatively few rainmaking partners usually provide the work for most junior partners and associates. Although this allocation of responsibility is important in any firm, partners who do not find their "own" clients are at a disadvantage. Many women feel that senior partners value their lawyering skills but devalue their client development capacity, making them less attractive as partners.

D. *Motherhood*

It seems clear that for young women lawyers, a major obstacle to career advancement is the competing demand of motherhood and the perception of what motherhood requires on the part of other members of the firm, their own families, and the society. Up until this point in a career women seem equally regarded and committed to their work.

Many older men have stereotyped views of women's roles as mothers and give them approval for leaving a partnership track rather than encouraging them to combine a career with family. They tend to feel that women make choices about setting priorities and do not acknowledge or understand the impact of their attitudes in those decisions.

54. See generally Cynthia Fuchs Epstein, *On the Non-Work Aspects of Work*, 49 *Antioch Rev.* 46, 46-56 (1991) (describing various non-work aspects of work such as information work, evaluation work, and reassurance work).

The view that both professional and family roles are incompatible—in spite of the demonstration that so many women do combine them—may produce a self-fulfilling prophecy, in that women are not given positive feedback for combining multiple roles by the firm, their families, or their communities.

E. *Generational Perspectives*

Although most women partners are married and a large number of them have children, a good number of younger women in their firms do not regard them as positive role models. It appears there is a “generation gap,” insofar as younger women seem to have a more conventional view of child care than do many older successful women. Although most use surrogate care, younger mothers vary in the amount they use, mostly because they believe “hands on” mothering is important for their children and for their own gratification.

Younger mothers also seem less intent on proving themselves at work than did many women in the generations that preceded them. Many older women are highly conscious of the generation gap, feeling that they made more compromises than younger women are willing to make and that things turned out well, although the behavior and attitudes of young women cause some older women to question their own choices.

As in the past, young women are ambivalent about mixing career and motherhood, but, unlike the women who preceded them into large firms, many have no other work experience. As a result, they see law as uniquely tough and demanding. Furthermore, although they seem burdened with the family's major responsibility for child care, they accept a double standard since they do not expect or desire their husbands to adjust their own work schedules in order to share child care. These women's ambivalence is reinforced by a culture that puts strong emphasis on their role in the psychology of early childhood and the importance of mothering.

It is difficult to assess how much women in such situations do decrease commitment⁵⁵ because they receive messages that they are no longer prized and that confidence in them as partnership material has waned. It is clear from our interviews that many male partners believe that the women who choose to stay home as full-time mothers, or work on a part-time schedule, are doing the right thing. Forty percent of male partners' wives do not work for pay and a number have daughters who have made such choices. Typically, the women lawyers who leave large firm practice or reduce their commitment are married

55. Kathleen Gerson shows how women's decisions to have children and proceed on a career route are interactive. See Kathleen Gerson, *Hard Choices: How Women Decide About Work, Career & Motherhood* (1985) (analyzing how women's attitudes towards motherhood change in relation or response to their career opportunities).

to men with high profile careers and large incomes. Many of them also live in milieux (many in the suburbs) in which the pressures to pull back and stay home with children are high. In contrast, a subset of the women partners married to husbands with considerably lower ranking jobs than their own had economic incentives to remain at work.

F. *Hours and Part-time Work*

We find that although many women would like more flexibility in their schedules, and that some would like part-time work (a schedule that would be considered full-time in most other careers), most women in large firms work as many hours as men do (although fewer may be found at the highest extreme, and part-time work is almost exclusively done by women). Younger lawyers and women partners find the lack of predictability and flexibility, not the number of hours, most difficult to mesh with their lives. They also want and need more autonomy.

Lawyers who do negotiate part-time work schedules find that there are severe costs. The quality of the work they are assigned may diminish; they may find their commitment questioned; and some even find that they are working at the same level as many others, although for less compensation.

Part-time work is now available in most firms (although the firms differ considerably with regard to the numbers taking advantage of it; in no case is it used by more than a handful of attorneys). The firms differ about whether part-time work is considered off-track or on-track to partnership, but for those part-time lawyers who are presumably on-track, mixed messages abound as to its acceptability. "Family-friendly" policies may not be related to the number of women partners in a firm, an indicator that women who take advantage of them may not be regarded as partnership material.⁵⁶ There may be a risk to the careers of women who take advantage of such policies, because of a presumption that they lack commitment to their careers.

G. *Sexual Harassment*

It is possible that many younger women, expecting full equality in the workplace, become more discouraged than older women when they find men (including clients) demonstrating sexist behavior, from inappropriate joking and taunting remarks to unwanted sexual overtures. This behavior creates an unwelcoming work environment in which their sensitivities are heightened. Further, a number of men

56. Some of the companies in corporate America with the best family-oriented benefits have some of the worst records for promoting women, according to a *Wall Street Journal* analysis. Rochelle Sharpe, *Family Friendly Firms Don't Always Promote Females*, *Wall St. J.*, Mar. 29, 1994, at B1.

distance themselves from close working associations with women because they are aware of these sensitivities.

The fear of sexual harassment—and the fear of accusations of sexual harassment—both lead to ambivalence on the part of older and younger lawyers, men and women. Easy casual interaction is undermined by evaluative judgments about the nature of the interaction. Some young women anticipate that older male lawyers may make improper comments or treat them inequitably. And a number of older male lawyers are worried that the younger women will misinterpret their gestures of camaraderie as improper advances or offensive comments that will make them the target of charges. Older male lawyers note that it is easier under these conditions to avoid unnecessary interactions altogether. But this means that the women do not have the benefit of learning that goes on in informal settings.

H. *Personal Style*

Stereotypes about the ideal lawyering style are a part of law firm culture, although any observer may see that lawyers exhibit quite a wide range of styles. But the stereotypes are standards against which associates are measured. Ambivalence about women is sometimes expressed in the evaluations of personal style. As Epstein has written,⁵⁷ women are often faulted for being too tough (e.g., like a man) or not tough enough (e.g., too feminine). This often leaves women feeling insecure about how to behave or wondering whether their professional skills count less than their personalities. Knowing that these kinds of assessments take place often causes apprehension, as women worry whether they can succeed if they do not exhibit a “male model” of performance, yet know that if they do they will be seen as less of a woman.

I. *Ambiguity of Situation*

The mixed messages that young lawyers receive serve as social control mechanisms to undermine expectations for promotion or equal treatment with senior partners. They also stem from senior partners' own ambivalence about the commitment of the “younger generation,” and women in particular.

These are the major sources of ambivalence faced by women lawyers in large firms. Of course, ambivalence is rampant in the large firm environment in general, and the contradictions created by disparities between the cultural ethos of professionalism, the pressure to obtain and retain business, traditional views about the proper roles of professional lawyers, and conventional views toward mothering. Such conflicts result in the “mixed messages” sent to lawyers today by their elders in the profession and the society at large, and which they also

57. Women in Law, *supra* note 16, at 279-82.

send to each other. Thus, structured ambivalence creates an environment in which men with conventional attitudes and behavior may excel, but in which women and men with unconventional backgrounds and attitudes find difficulty negotiating the system and journeying to the top of it.

Firm leaders do not seem to realize that movement towards diversity can only be achieved when older practices, appropriate to another time and demographic situation, are altered. Such changes can only be the result of decisions and policies based on understanding.

There is no question that the bottom line mentality representative of most firms today is a major problem. Critics see it not merely as a question of survival of a firm in a competitive atmosphere but the insistence on maintaining and expanding very high incomes for senior partners. Not only are women adversely affected by the pressure to work harder and longer hours in the hope of achieving partnership, these critics also feel it is a problem for the legal profession more generally, preventing lawyers from serving society as they have traditionally, engaging in public service through participating in public and private organizations. As Robert Gordon has written:

[T]he new interfirm mobility of lawyers, the breakdown of ethics of loyalty and collegiality within firms, as well as the increasing competition of firms for clients, of partners for a share of the take . . . all conspire to discourage the development of any values besides making money The pressures to seek and take on new clients and to pile up billable hours wipe out most of the time and energy that lawyers might otherwise have for outside activities.⁵⁸

Gordon also notes that morale in firms is further diminished "insofar as high incomes for partners depend on lower partner-associate ratios, in reduced prospects of reaching partnership."⁵⁹ This feeling was expressed dramatically by a senior male associate interviewed for this study, who asked, "Why is it . . . anywhere else you go well-trained people who've been doing their job for seven, eight years, would be considered the most valuable people in their profession. Here, they're just garbage."

Of course, all of this raises the question of whether the firms' managers should consider whether they can afford the trade-off of certain financial benefits for values and life-styles that defined the legal profession in times past—when pride in craft, public service, community, and family also were assigned values to be recognized. If they did, not only women would benefit, but many more men would live professional lives of greater fulfillment.

As we have shown, many critics have emerged from the legal profession itself, and many leaders of firms are sympathetic to the ideals

58. Gordon, *supra* note 38, at 60 (citation omitted).

59. *Id.*

and concerns expressed. Firms with higher proportions of women partners were those whose leaders appeared to have a strong commitment to diversity. Probably many firm managers do not look beyond everyday pressures nor do they recognize the patterns of their own behavior and those like them. They may also be unaware of the consequences of their behavior, especially when they make decisions that they regard as even-handed. We hope this report has made obvious many of the subtle and the overt boundaries that constrain the full use of women's potential in the legal profession.

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