

EQUALITY COMMISSION

Issues for Women's Leadership in the Legal Profession: Survey of Attrition and Career Decisions in Massachusetts Law Firms

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An Action-Research Project

- Collaboration between the Women's Bar Association's Equality Commission and the MIT Workplace Center
- Equality Commission created to extend a seven year effort by women lawyers' associations in Massachusetts to promote part-time and other flexible work arrangements in law firms.
- Purpose of the collaboration—address the problems and possibilities for women's leadership in the legal profession

Phase I: Research—Two Surveys

1. Attrition in the 100 largest firms in Massachusetts
2. Career decisions of male and female attorneys who graduated from law school after 1987 and who practice in the 100 largest firms between 2001 to 2005.

Loss of Women to Professional Leadership: Associate to Partner

- Approximately equal numbers of men and women at the associate level.
- Small percentage of women partners.

Percentages of Male and Female Attorneys by Level*
2002-2004

	2002		2003		2004	
	Male	Female	Male	Female	Male	Female
Associates	55%	45%	55%	45%	53%	47%
Junior/Senior Partners	81%	19%	81%	19%	81%	19%

Surveys: Population and Response

- Firms: 50% overall response rate— includes 90% of the top 10 firms.
- Individuals: Approximately 37% overall response rate. Total of 971 responses.

Survey Definition of Flex

- Two types of flexible work arrangements tracked:
 - Part Time: Reduced work week.
 - Full Time Flex: Full time alternative schedules, *e.g.* one day a week working at home or leaving work for time with children and resuming work later

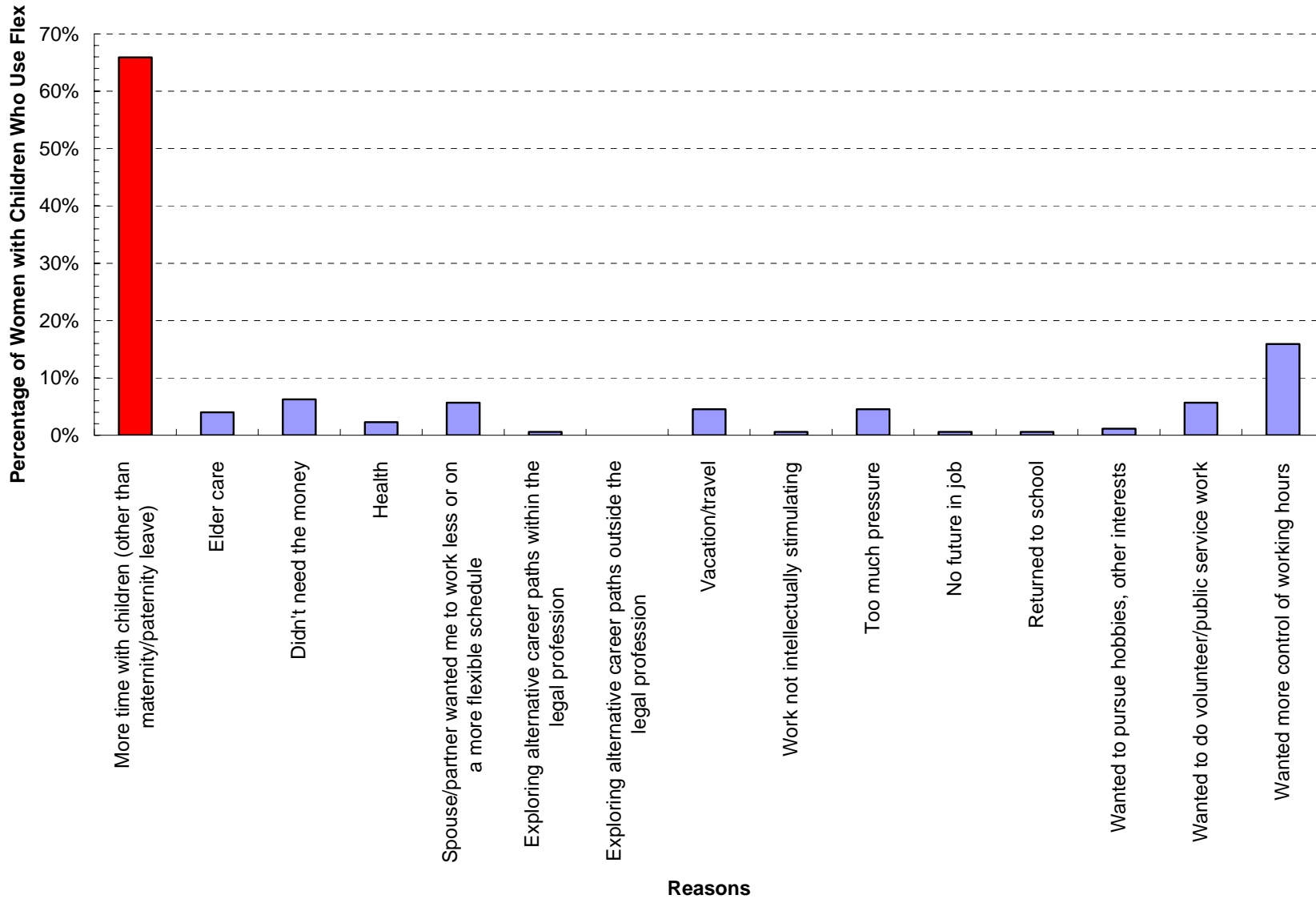
Who Uses Flex?

- In firms of all sizes, a greater percentage of men than women have children. Approximately, 80% of men have children and 70% of women have children.
- But the use of flex by men with children is extremely low (around 10%).
- While the use of flex by women with children is high (around 60%)

Career Decisions: Preliminary Data Analysis

- Do women stay in their 2001 firm? If so, why?
- Do women leave? If so, why?
- In each case , what is the significance of flexible work arrangements?

Reasons For Using Flex Given by Women with Children



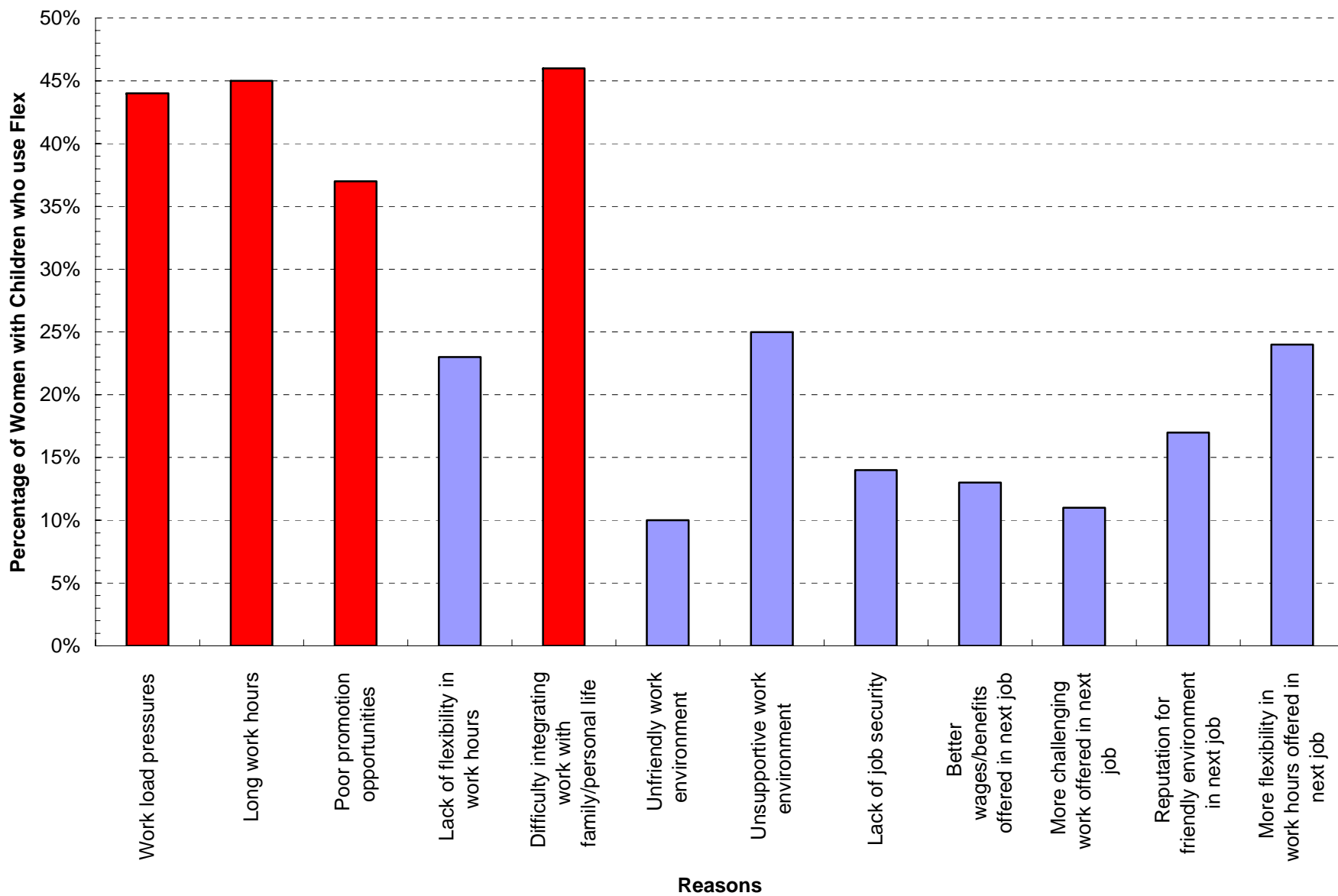
Does Flex Help Women Associates?

- In both small and large firms, over half of women associates have children
- In small firms, 62% of women associates with children use or have used flex. Of these women, 83% stay.
- In large firms the percentage is larger at 86%. Of these women, 54% stay.

Reasons for Staying Given by Women with Children Who Use Flex

- 80% of female partners and associates say their decision to stay with the firm was positively affected by its policy and implementation of flex.

Reasons for Leaving Given by Women with Children Who Use Flex



Does Flex Help Women Partners?

Variation by Firm Size

- In both small and large firms, over two-thirds of women partners have children
- In small firms, 63% of women partners with children use or have used flex.
- In large firms the percentage is smaller but substantial at 50%
- At the top ten firms, the percentage is smaller yet at 44%.

Assessing Flex and Leadership

A Mixed Picture

- Pros:
 - Some evidence that flex users stay on track.
 - High percentage who stay identify flex as important.
- Cons:
 - Problems of high stress work environment with long work hours and high workload.
 - Exodus of women from leadership track is high.

Search for Explanations: Limitations of Firm Culture

Individual Level Data

Statement about Culture of Firm	% Agree of Stayers	% Agree of Leavers
The culture of the firm supports use of regular full time alternative schedules (e.g. one day a week working at home)	50%	13%
The culture of the firm supports use of regular full time adjustment of daily work hours (e.g. leaving work for time with children and resuming work later)	63%	27%
The culture of the firm supports use of part time policies	56%	18%
Working a regular full time alternative schedule (e.g. one day a week working at home) would hurt my career at the firm	26%	67%
Working regular full time adjusted daily work hours (e.g. leaving work for time with children and resuming work later) would hurt my career at the firm	25%	59%
Working part time would hurt my career at the firm	44%	75%
The culture of the firm supported flexible work arrangements for family reasons without adversely affecting promotion	40%	12%

e.g.

- Even among those who stayed, only 38% had help with setting up their flexible arrangement.
- And only 21% had someone help monitor their flexible arrangement.

Search for Explanations: The Uncertainty Principle

Individual Survey Qualitative Data

- Not put on big cases
- Subject to layoffs as billables low
- Women made to feel guilty about prioritizing family
- Successful use depends on personal relation to department head

Uncertainty...

- Varies by department
- Depends on individual initiating and negotiating it
- Depends on not “announcing” it
- Depends on approval by key partner and condition that others not told

Flex and women's leadership in law—an intriguing but uncertain story

- High use of flex by associates
- Flex highly important to stayers
- Significant flex use by partners
- Apparent great variation in support by firms and within firms
- Firm culture apparently the X factor