

GENDER AND THE LEGAL PROFESSION

# Women in the Profession:

Findings from the First Wave of the After the JD Study

□ AN AFTER THE JD MONOGRAPH □

by Gita Z. Wilder



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For more information on the *After the JD* study, go to <http://ajd.abfn.org>.  
To download a copy of the report on the first wave of findings, go to <http://www.abf-sociolegal.org/afterjd.html>.

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# Women in the Profession:

## Findings from the First Wave of the After the JD Study

The fortunes of women in the legal profession have attracted a great deal of media attention and research energy. As their numbers and proportions have increased over the past 25 or so years, the priorities among women appear to have shifted from merely gaining access to achieving success in the profession without sacrificing other life goals. Law is a demanding profession and its demands often compete with other aspirations of its practitioners, whatever their gender. Because, more often than not, women are faced with irreversible choices about family life at about the same time as their careers are in ascendance, their aspirations and the career paths that they take may differ from those that men have traditionally taken.

This monograph describes similarities and differences in the experiences of women and men in their early careers as lawyers. The information presented in this monograph was collected as part of a landmark study, entitled *After the JD*, of more than 4,500 individuals who joined their first bar in 2000. They were first sent questionnaires in 2002-2003. The study focuses on a nationally representative sample of newly certified lawyers that will be followed for ten years as their careers progress. The study gathered information about their jobs, salaries, law school histories, and backgrounds. Following a brief description of the rationale and methods of the research, this monograph will enumerate the ways in which the circumstances of men and women are similar and different as they enter the legal profession.

While the experiences of women and men in the law are more alike than different overall, this monograph focuses on the differences. The main areas of difference reported here are that —

### **Women and men tend to practice in different legal markets and work settings.**

- Fewer women than men work in private law firms, where salaries tend to be higher than in other settings.
- Women are less likely than men to be solo practitioners.
- Women are considerably more likely than men to work in public interest, other nonprofit and legal service organizations, to serve as public defenders, and to work in educational institutions, where working conditions may be more flexible and salaries are generally lower.
- The distribution of males and females varies by legal market as well as by work setting.

**Men in the AJD sample were more likely than women to have changed jobs during the early years of their careers.**

**Women in the AJD sample were less likely than men — and than their same-age peers in the general population — to be married and to have children.**

**Women and men report differences in some workplace experiences.**

- Men report working more hours on average than do women.
- Men are more likely than women to join partners for meals and recreation and women are more likely than men to participate in recruitment in their workplaces.
- Women report more experiences of discrimination in the workplace than do men.

**Women and men report different reasons for choosing law as a career and for choosing the setting of their first job.**

- More women than men chose law in order to help people and to change society.
- More women than men chose the sector of their first job for its potential for balancing work and life; more men than women chose the sector of their job for reasons of financial security.

**Both women and men expressed satisfaction with their jobs. However —**

- Women were less satisfied than men with their opportunities for advancement, their compensation, and the diversity of their workplaces.
- Fewer women than men intended to stay with their then-current employers for five years or more.

**Men earn more, on average, than women.**

- While each of the differences in the career choices and circumstances of women and men is small in and of itself, together they are accompanied by a considerable difference in the average salaries of male and female lawyers. This reported salary gap is consistent with results from other sources of information about the salaries of lawyers, although the size of the reported gap varies with the source. The gap is also consistent with labor statistics for many different occupations where women are lagging behind men in earnings. The gap appears in all of the markets included in the AJD study and in virtually all of the work settings. In only one market — a medium-size city — does the gap favor women, but not by much.

## *After the JD*

*After the JD* (AJD) is a unique undertaking in the annals of research on the legal profession. It is a longitudinal study of the career choices and subsequent career progression of a national sample of lawyers who were first admitted to the bar in the year 2000. The study was designed and overseen by an interdisciplinary group of scholars and funded by multiple institutions. It is the first research effort of its kind to examine the early careers of a cohort of newly certified lawyers. As such, it is unrivaled in the breadth of information it collected from its more than 4,500 participants. Sample members were first surveyed in 2002. They are being re-contacted in 2007 and will be surveyed a third time in 2012.

The first wave of respondents had graduated from law school no earlier than 1998 and were admitted to the bar in 2000. About 54% of the sample that was surveyed responded, although many of the targeted sample members could not be located. Of those who were located, 71% responded, resulting in a group of 3,905 individuals that closely resembled the national population of lawyers reflected in census data for the year 2000. At the same time, the two-stage sampling process also yielded sufficiently large numbers of individuals in selected legal markets to represent markets of different sizes across the United States. To enhance the reliability of analyses involving lawyers who are members of minority groups, an over-sample of 633 African-American, Asian, and Hispanic respondents was included to offset the typically low numbers of minorities in national samples. The supplementary over-sample allows for stable estimates of the status of minority lawyers. Finally, roughly five percent of the total respondent group was sampled and interviewed, adding depth and detail to the statistical findings from the survey.

Responses to the first-wave survey questionnaire form a database of unprecedented range and richness. Respondents were asked to supply information about their jobs, their professional affiliations, their educational — and especially law school — experiences, and their demographic characteristics. The questionnaire focused largely on careers and the social capital that may have helped to shape early careers and their progress. Respondents were asked detailed questions about the positions they occupied in 2002–03, including the nature of their work settings and of their work; their salaries and other benefits; and their satisfactions, perceived levels of success, and future plans. They were also asked about their first jobs if the jobs they held at the time of the survey were not the first, and about the factors that led them to make the choices they made. Among the latter were questions about their reasons for attending law school; their law school experiences; their family and financial circumstances, including educational debt; and their plans for the next several years. Many of the “large” questions that inspired the study initially and that informed analysis of the data had to do with the relationships between the responses and subjects’ gender and minority status, as well as with the legal markets in which they started their careers. Follow-up surveys will focus on the trajectories of respondents’ careers as their life circumstances and the society around them change. A full account of the methodology of the study and the sampling process appears in Appendix A. This monograph focuses on gender.

## Women in the Legal Profession

Organizations that gather information about legal education and the legal profession — the American Bar Association (ABA), the Law School Admission Council (LSAC), and NALP, among others — all document enormous progress for and by women by the year 2000, when the sample for the *After the JD* study joined the bar. In 1970, women comprised eight percent of the total law school enrollment of 82,000+ students, up from three percent in 1947; nine percent of enrollment in J.D. programs; and ten percent of first-year law school students. The percentage of women rose steadily over the next 35 years such that, by 2005, women had achieved near parity with men in law school attendance.<sup>1</sup> As a result, the story of women in the legal profession is a relatively recent one.

Women are steadily catching up with men in terms of representation in the early stages of legal careers. NALP data for 2005 showed that women represented 48% of summer associates nationwide and 44% of full-year associates. In 2000, the year from which the AJD sample was drawn, women comprised 45% of lawyers admitted to their first bar. Thus, women have steadily gained presence among new hires in law firms. At the same time, they have remained grossly under-represented among the upper echelons of the law: NALP figures for 2000 showed that only 17% of partners in law firms listed in the *NALP Directory of Legal Employers* were women, and data from the ABA reported that even smaller proportions were professors and deans in the academy. While the under-representation may be attributed in part to the fact that women's ascendance in the profession is a relatively recent phenomenon, it may also be a function of circumstances that are unique to the careers of women. The AJD study has sought to illuminate and analyze apparent differences in the plans, aspirations, and progress of women and men in the law.

The AJD study is uniquely situated to examine the fortunes of the “new” female lawyers, those who entered law school at a time when they were no longer rarities in that context. Much has been written about how their numbers and proportions in the profession have grown, but their ascendancy has also raised new questions. As women have progressed relative to men in the receipt of law degrees and overtaken them in the receipt of bachelor's degrees — a trend that began in the mid-1980s — questions of equity and equality have surfaced in the context of the careers of women in many post-baccalaureate fields. The AJD data were collected with some of these questions in mind.

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<sup>1</sup> In fact, there were two recent years when the percentages of female enrollees exceeded the percentages of males by a minuscule margin.

## *Women and Men: Similarities and Differences*

There are many ways in which legal careers and the preparation for such careers are the same for women and men. There are also a number in which there are differences. This monograph focuses on the differences, which include differences in the percentages of women and men in the profession; differences in the settings and markets in which women and men work and the percentages of each therein; differences in what women and men are paid; and smaller differences in a number of variables that may or may not contribute to the overall differences.

### **Practice Setting**

The overall distribution of AJD respondents in 2000 was 45% female and 55% male.<sup>2</sup> Most of the respondents in the study — 64% — were working in private law firms of various sizes. At the same time, the proportions of women and men in particular settings tended to vary (see Table 1, *Distribution of Women and Men by Practice Setting*). For one thing, women were considerably less likely than men to be solo practitioners (34% of women practiced alone, compared with 66% of men). The gender distribution of lawyers working in the federal government — 52% female and 58% male — came close to that of the respondent group overall (and the national population of lawyers) but was reversed in state or local government, where it was 53% female and 47% male). As the table also shows, women were considerably more likely than men to be working in public interest organizations (77% were women and 23% men), other nonprofit organizations (70% vs. 30%), legal services or as public defenders (63% vs. 37%), and in educational institutions (61% vs. 39%). Finally, although the female-male ratio in private law firms differed from that of the overall distribution of the sample by only four percentage points, the difference is notable because of the large number of AJD participants it represents. Across all private firm settings but solo practice, the four percent difference translates to men out-numbering women by more than 2,600 in private practice.<sup>3</sup>

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<sup>2</sup> This gender distribution is virtually identical to that of the national population of new lawyers in 2000, which was 43% female and 57% male.

<sup>3</sup> As particular analyses present the data for smaller and smaller groupings of individuals — as, for instance, solo practitioners or lawyers in public interest settings by gender — the numbers in any given cell can become quite small. Findings based on such small numbers may be unreliable and should be viewed with caution.

**TABLE 1. Distribution of Women and Men by Practice Setting**

	PERCENTAGES OF			Percent of Total*
	Women	Men	(Total)	
Solo practice	34%	66%	100%	5%
Private law firm	43	57	100	64
Federal government	42	58	100	5
State or local government	53	47	100	12
Legal services/public defender	63	37	100	3
Public interest organization	77	23	100	1
Other nonprofit organization	70	30	100	1
Educational institution	61	39	100	<1
Professional service firm	32	68	100	3
Other Fortune 1000 industry	31	69	100	3
Other business/industry	45	55	100	4
Labor union/trade association	31	69	100	<1
Other	100	0	100	<1
<b>Total</b>	<b>45</b>	<b>55</b>	<b>100</b>	<b>100.0</b>

\* This column shows the percentage of respondents that each setting contributes to the total sample. The table shows, for example, that 12% of the respondents, 53% of whom were women and 47% men, worked in state or local government settings in 2003.

### *Private Practice: Differences by Firm Size*

Within private practice, respondents are not evenly distributed across firm size but, with the exception of solo practice, the distribution of men and women across firm sizes is fairly similar (see Table 2, Distribution of Law Firm Office Size by Gender). Women in the AJD respondent group were considerably less likely than men to be solo practitioners (32% of solo practitioners were women, compared with 68% who were men).<sup>4</sup> In firms of other sizes, the proportions were closer to those of the full sample and the national population; the percentages of women varied only between 42 and 46. However, in every category, the numbers of men were larger than the numbers of women because there were more men than women in both the AJD sample and the national population of new lawyers in 2000. In light of the large numbers of private practitioners among AJD respondents and the nation as a whole, the differences amount to a sizeable gap in the numbers of women and men in some categories of private practice (see, especially, offices of 2-20 lawyers).

<sup>4</sup> Percentages reported as the result of different analyses may differ by a point or two depending on which participants are included and, possibly, on missing data for one of the dimensions. For example, the percentages of practice setting by gender are based in one instance on all respondents and in another on lawyers working full time.



**TABLE 2. Distribution of Law Firm Office Size by Gender – Private Practitioners Only, Working Full Time**

	FEMALE		MALE		TOTAL	
	N	%	N	%	N	%
Solo	391	4.5%	833	7.1%	1,224	6.0%
Office of 2-20 lawyers	3,228	37.0	4,431	37.5	7,659	37.2
Office of 21–100 lawyers	1,751	20.1	2,311	19.6	4,062	19.8
Office of 101-250 lawyers	1,005	11.5	1,162	9.8	2,167	10.6
Office of 250+ lawyers	2,351	26.9	3,086	26.1	5,437	26.4
Total	8,726	42.5	11,823	57.5	20,549	100

The numbers in this table are weighted based on responses from the 64% of the respondents who were private practitioners. (See the sidebar below for an explanation of weights.)

## Market

Women and men are not equally distributed across markets. If legal markets were populated by women and men in the same ratio as in the national population of lawyers, we would expect about 45% of the lawyers in each market to be women and about 55% to be men. This is not the case (see Table 3, Distribution of Women and Men by Market and Figure 1, Percentages of Women and Men by Market). In only three of the eighteen markets sampled for the AJD study are the proportions identical to those of the nation. Instead, while the gender bal-

### An Explanation of the Use of Weighted Data

The results reported in this study are based mainly on weighted data. The AJD respondent group from whom the data were collected consisted of 3,905 individuals. They were members of a carefully constructed sample chosen to represent the national population of lawyers that joined the bar in the year 2000. (For some findings, an additional 465 black, Hispanic, and Asian lawyers are included to augment the small numbers of minority group members in the sample.) Because the sample is a representative one, the responses given by the 3,905 individuals may legitimately be used to characterize the national population of new lawyers. For this purpose, they have been “weighted” and the weighted results reported so that they describe all of the more than 30,000 newly certified lawyers in 2000. The weights expand the actual responses to the entire population of new lawyers, while correcting for non-response to the study survey. The actual number in the population to which the results apply is 32,889. Any given analysis may fall short of this total number by virtue of individual respondents’ failure to have answered one or another of the questions that produced the results.

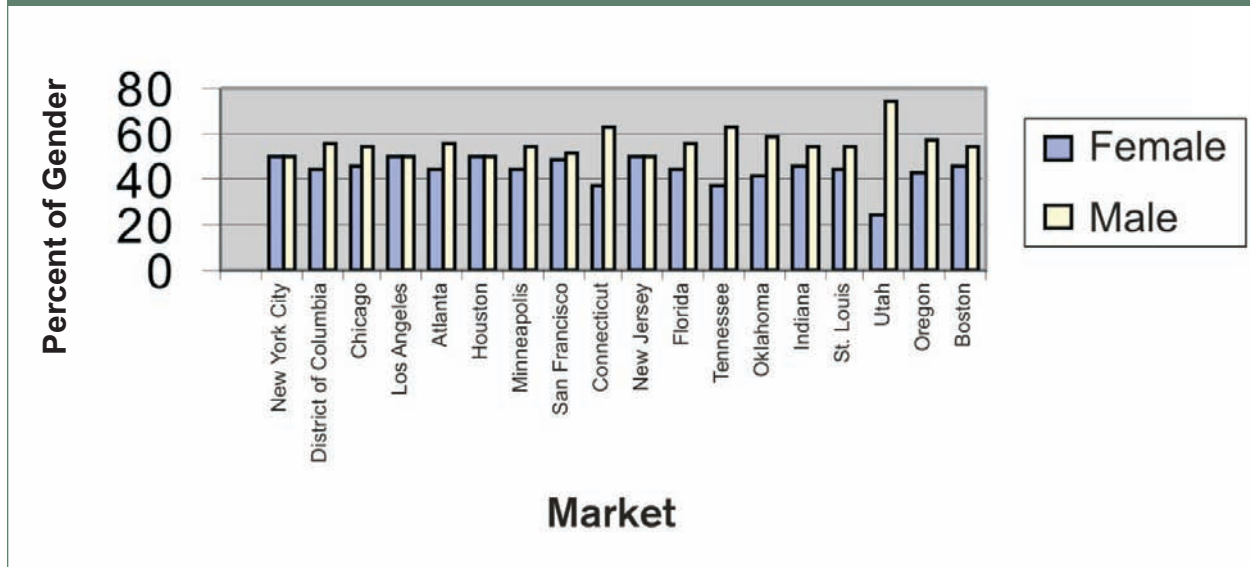
ance in many markets hovers around that 45-55 percent distribution, there are four — New York City, Los Angeles, Houston, and New Jersey — in which women and men each comprise half of the lawyers, and others in which the balance favors men by a considerable percentage (see especially Utah, Connecticut, and Tennessee). Among other consequences of the gender balance are salary differences, owing in part to salary differences among markets and, within private practice, among firms of different sizes.

**TABLE 3. Distribution of Women and Men by Market**

MARKET	WOMEN		MEN	
	Number	%	Number	%
New York City	1,498	50%	1,502	50%
District of Columbia	875	44	1,119	56
Chicago	705	46	831	54
Los Angeles	693	50	704	50
Atlanta	531	44	664	56
Houston	436	50	440	50
Minneapolis	232	45	286	55
San Francisco	739	49	775	51
Connecticut	372	37	629	63
New Jersey	1,128	50	1,151	50
Florida	1,353	44	1,709	56
Tennessee	561	37	946	63
Oklahoma	612	42	841	58
Indiana	1,392	46	1,645	54
St. Louis	702	45	851	55
Utah	235	25	712	75
Oregon	803	43	1,060	57
Boston	328	46	383	54
<b>Total</b>	<b>13,185</b>	<b>45</b>	<b>16,247</b>	<b>55</b>

The numbers in this table are weighted based on responses from sample members whose gender and market were known. (See the sidebar on the bottom of page 9 for an explanation of weights.)

FIGURE 1. Percentages of Women and Men by Market



### Job Mobility

If the AJD respondents are any indication, new lawyers do a great deal of moving around. By 2003, when the bulk of the AJD data were collected, more than one-third of the AJD participants had already changed jobs at least once. Although the proportions were similar, slightly more men than women (37% of the men and 35% of the women in the respondent group) reported having experienced at least one job change (see Table 4, Prior Job Changes by Market Cluster and Gender), and there were larger differences by legal market cluster.<sup>5</sup> The largest of the differences was in New York City, where 43% of the men but only 28% of the women had changed jobs at least once. In Chicago, too, the male-female difference in job mobility was larger than average for the group: 40% of men and 31% of women reported at least one job change. Typically, when there was a male-female disparity in the rate of job mobility among respondents in any given market, men were more likely than women to have changed jobs. The exceptions were in small metropolitan markets (including Minnesota, Connecticut, New Jersey, and St. Louis) where 38% of women compared with 34% of men had experienced at least one job change, and medium-sized metropolitan areas (Boston and San Francisco), where 44% of women and 42% of men had done so. These are small differences in settings in which there was a relatively high degree of job turnover reported by both sexes.

<sup>5</sup> To increase the numbers of respondents for whom results are reported by market, smaller markets were combined into four clusters: “Other Metro” includes Boston and San Francisco; “Southern Metro” includes Atlanta and Houston; “Other Metro 2” combines Minnesota, Connecticut, New Jersey, and St. Louis; and “Non-Metro,” which becomes the largest cluster, includes Florida, Tennessee, Oklahoma, Indiana, Utah, and Oregon.

The most common reason for changing jobs given by sample members who had done so prior to the first survey was for a better job. It seems highly likely that job changes may mean higher salaries, a possibility that could explain at least some portion of a salary gap that is described and documented elsewhere in this report. Whatever the case, proportionally more women than men were still in their first jobs following bar passage when they completed the study questionnaire.

**TABLE 4. Prior Job Changes by Market Cluster and Gender – Percentage of Respondents with at Least One Job Change**

	<b>Female</b>	<b>Male</b>
New York City	28%	43%
District of Columbia	34	33
Chicago	31	40
Los Angeles	33	37
Other Metro (San Francisco & Boston)	44	42
SE Metro (Atlanta & Houston)	35	35
Other Metro 2 (MN, CT, NJ & St. Louis)	38	34
Non Metro (FL, TN, OK, IN, UT & OR)	33	37
All	35	37

Where in the United States lawyers work and the kind of practice they pursue — market and job setting — are two of the most influential factors in the careers of lawyers. So, although the general pattern that characterizes the majority of new lawyers with respect to these two variables is similar for women and men, there are also differences that may be the result of other factors. The differences, some of which will be described in the sections that follow, include demographic differences and differences in the reasons for attending law school and for choosing law as a profession. Whether these are causes or effects of differences in law school experiences and early experiences as practicing lawyers, there continue to be differences between men and women.

### **Demographic Differences**

The female participants in the AJD study resemble the larger population of lawyers that joined the bar in 2000. However, there are some ways in which the demography of female AJD respondents and the larger population of 27- to 32-year-old women in the U.S. differ. There are also differences between female and male AJD respondents. These differences have mainly

to do with marital status and parenthood (see Table 5, Marriage and Children among *After the JD* Respondents and in the General Population). Specifically, women in the AJD sample were less likely than women in their age cohort to be married and to have children. This is no surprise given that the AJD women had completed college and law school and that the general population includes women of all — mostly lower — educational levels.

Census data show that 27- to 32-year-old women in the general population in 2000 were more likely than men in the same age group to be married and to have children (59% of women in the general population, compared with 53% of men, were or had been married and 36% of women, compared with 53% of men, had no children). AJD women, on the other hand, were not only less likely than their peers in the general population to be married and to have children, they were also less likely than the men in the AJD sample to be married and to have children (39% of the women, compared with 33% of the men, had never married, and 76% of women, compared with 64% of men, had no children). Almost half of the U.S. population of women between 27 and 32 years of age reported having two or more children by the year 2000, whereas only 9% of the women in the AJD sample did. Men in the sample were twice as likely as women (18% compared with 9%) to have two children. Clearly, men and women were in different places with respect to family life when the AJD survey data were collected.

**TABLE 5. Marriage and Children among AJD Respondents and the General Population**

	AJD RESPONDENTS		ALL US RESIDENTS AGES 27-32 IN 2000 CENSUS (5% PUMS)	
	Men	Women	Men	Women
<b>Marital Status</b>				
Never Married	33%	39%	38%	29%
Married	60	47	53	59
Domestic Partnership	2	5	n/a	n/a
Divorced or Separated	3	7	8	12
Widowed	>1	>1	0	0
<b>Number of Children</b>				
None	64%	76%	53%	36%
One	18	15	19	23
Two or More	18	9	28	42

Notes: PUMS data are based on those 27-32 years of age in April 1999, and AJD data are based on those 27-32 years of age at time of graduation. Numbers for AJD marital status do not add to 100% because the “other” category is not included here.

## *Experiences on the Job*

There are many ways in which the early experiences of women and men in the legal workplace differ, despite an overall appearance of similarity. Some of the differences that appear small on the surface may add to a larger picture of contrast in the working lives of women and men. The numbers reported here are restricted to respondents who said they were working full time as lawyers.

### **Hours Worked**

Asked about the number of hours they typically work each week, women and men reported billing an equal number of hours (median = 40), although these numbers should be viewed with caution because only 25% of the eligible participants in the AJD study actually answered the question.<sup>6</sup> Men reported higher numbers than women did of hours they were *expected* to work — medians of 45 and 40 hours respectively — but both reported actually working more hours than were expected — medians of 50 and 45, respectively. The differences between men and women in both hours expected and hours actually worked may reflect the fact that more men than women were working in private practice and especially in solo practice.

### **The Work That Lawyers Do**

Respondents were asked about the time they spend in a number of different activities or tasks meant to characterize the amount of responsibility and independence they experience in relation to the legal “matters” they work on. The activities for which they supplied time estimates were (1) formulating strategy with senior lawyers or clients, (2) being responsible for keeping clients updated, (3) drafting transactional documents, (4) assigning and/or supervising the work of others, (5) carrying out routine research and writing routine memos, (6) traveling, (7) writing motions or taking depositions, (8) spending 100 or more hours reviewing discovered documents or performing due diligence, (9) handling an entire matter on their own, and (10) appearing in court as first or second chair.

Although just under half of the respondents to the AJD questionnaire answered these questions, the results do convey some information about whether and how, given the list of tasks, women and men spend their working hours. In the question that asked for how many “matters” in their practice they performed, responses to each of the tasks listed were framed as “none,” “some,” “half,” “most,” and “all.” For purposes of this analysis, these responses were transformed into a scale where 1 = none and 5 = all. Table 6 and Figure 2 compare the responses of women and men. Clearly, new lawyers, regardless of gender, are most likely to be

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<sup>6</sup> Respondents who had not returned mail (paper) questionnaires were interviewed by telephone using a protocol that contained fewer questions than the paper version. Questions about the nature of respondents’ work on matters were among those eliminated from the interviews.

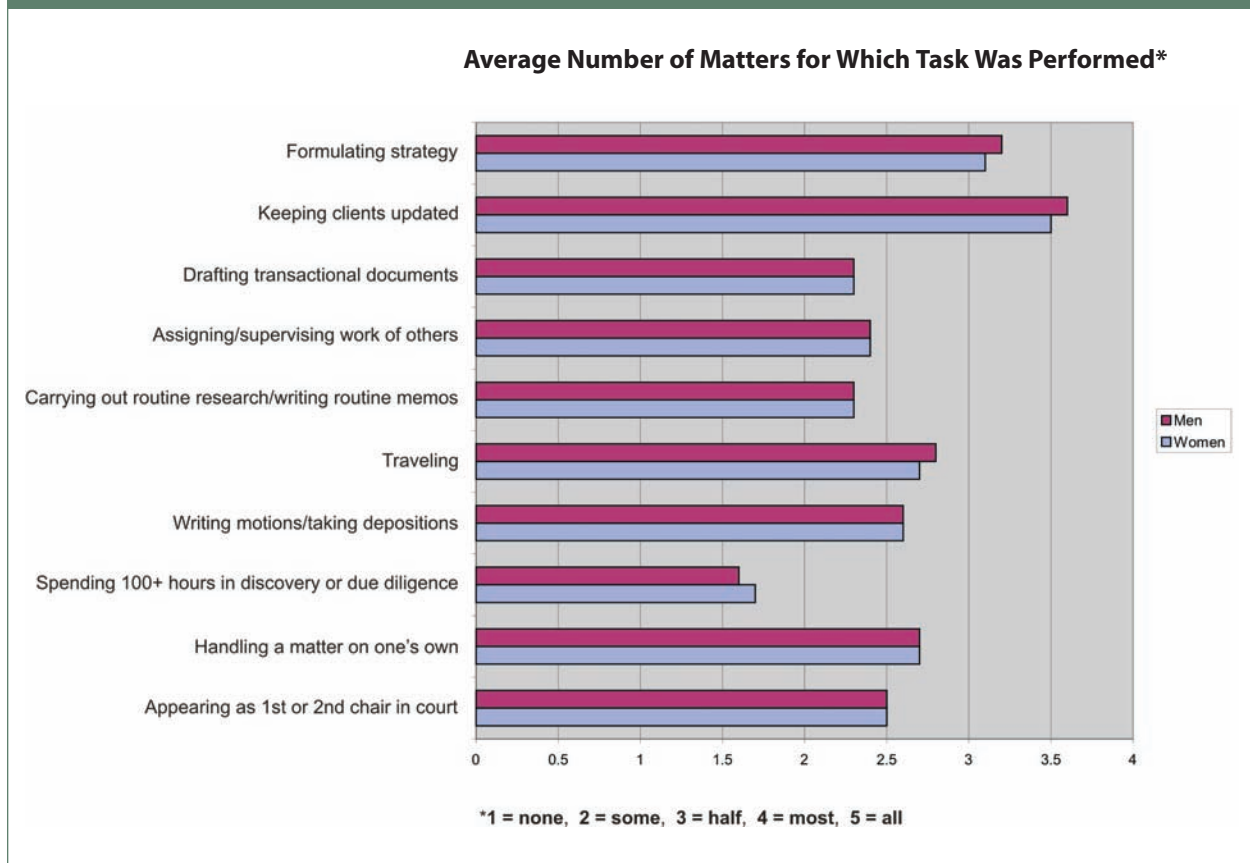
keeping clients updated on the matters they work on and formulating strategy with senior lawyers. The least likely activity related to matters was “spending 100 or more hours reviewing discovered documents or performing due diligence on prepared materials.” More to the point of this report, however, there was virtually no difference between women and men in the number of matters for which they performed any of the tasks.

**TABLE 6. Frequency of Tasks Performed in the Service of Legal Matters – By Gender**

	<b>AVERAGE NUMBER OF MATTERS FOR WHICH TASK WAS PERFORMED – REPORTED BY WOMEN AND MEN*</b>	
	<b>Females</b>	<b>Males</b>
Formulating strategy	3.1	3.2
Keeping clients updated	3.5	3.6
Drafting transactional documents	2.3	2.3
Assigning/supervising work of others	2.4	2.4
Carrying out routine research/writing routine memos	2.3	2.3
Traveling	2.7	2.8
Writing motions/taking depositions	2.6	2.6
Spending 100+ hours in discovery or due diligence	1.7	1.6
Handling a matter on one’s own	2.7	2.7
Appearing as 1st or 2nd chair in court	2.5	2.5

\* 1 = none, 2 = some, 3 = half, 4 = most, 5 = all

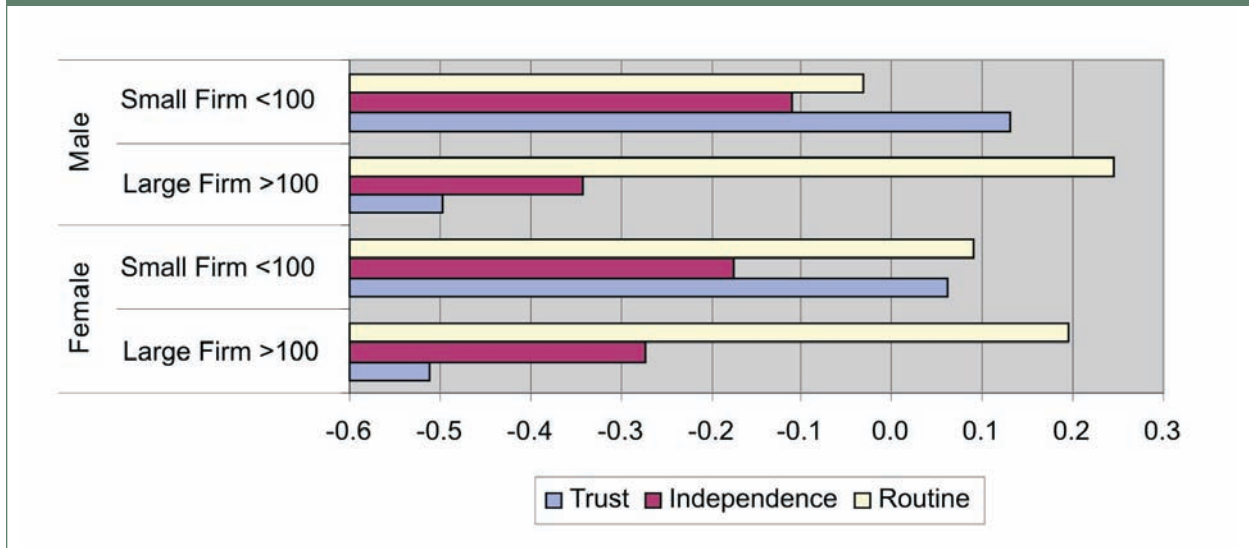
**FIGURE 2. Frequency of Tasks Performed in the Service of Legal Matters – By Gender**



When viewed as collections of related tasks, responses to the questions do suggest differences between men and women. Responses to the questions were combined to create composites or “factors” thought to characterize the extent to which work might be considered to be routine, to involve independence, or to indicate trust. These results showed differences by the small and large law firms (defined as employing fewer or more than 100 lawyers respectively) and by gender as well (see Figure 3, *The Work That Lawyers Do, by Gender and Firm Size*). So, routine work appears to have occupied the bulk of the time of new lawyers in large firms and more in large than small firms. Routine work was also more frequent for men than for women in large firms and for women than men in small firms. Work assignments signifying trust were considerably more likely to occur in small firms than large and for men somewhat more than women in both. Finally, independent work was the least frequent of the three factors overall, but was reported more frequently by lawyers working in small firms than large by both women and men. However women reported more frequently than men that they worked independently in large firms but less frequently than men in small firms. Although these data defy simple explanations, they do suggest that women and men may be receiving different kinds of assignments in law firms of different sizes.



FIGURE 3. The Work That Lawyers Do – By Gender and Firm Size



### Value to the Firm

Where there *were* differences between men and women were in the number of clients brought to the firm and the revenue generated by these clients. Respondents reported the number of new clients they had personally brought to their firms in the year immediately preceding the survey and the amount of revenue these clients had brought to the firm (see Table 7, Clients and Revenue Brought to Firms in the Past Year). Men claimed credit for twice as many new clients (an average of nine, compared with four-and-a-half by women) resulting in more than twice the average amount of revenue (\$56,000, compared with \$21,000). This difference may simply reflect the fact that solo practitioners, most of whom were men, are required to bring in their own business.

Of interest is the fact that the median in both cases — new clients and revenue — was zero for both women and men, meaning that more than half of the female and male respondents brought in no new clients at all. This may mean that new lawyers are not expected to attract clients in the early days of their tenure with a firm or that they are simply not in positions to do so.

TABLE 7. Clients and Revenue Brought to Firms in the Past Year – By Gender

	AVERAGE # OF CLIENTS BROUGHT TO FIRM BY NEW CLIENTS		AVERAGE AMOUNT OF REVENUE BROUGHT TO FIRM
	Mean	Median	
Female	4.5	0	\$21,000
Male	9.3	0	56,000
Total	8.4	0	\$41,000

## Networking

Men and women in the AJD sample reported different patterns of networking activities. Many respondents in many settings reported joining partners for meals but, in all settings, more men than women reported doing so (see Table 8, Networking by Setting and Gender, and Figure 4, Social Networking by Gender in Private Law Firms), a difference that was significant in private practice settings. Men were also more likely — although not significantly so — to report joining partners for recreational activities. If meals and recreational activities involve getting to know partners better or making oneself better known to partners, women appear to be at a disadvantage in these arenas.

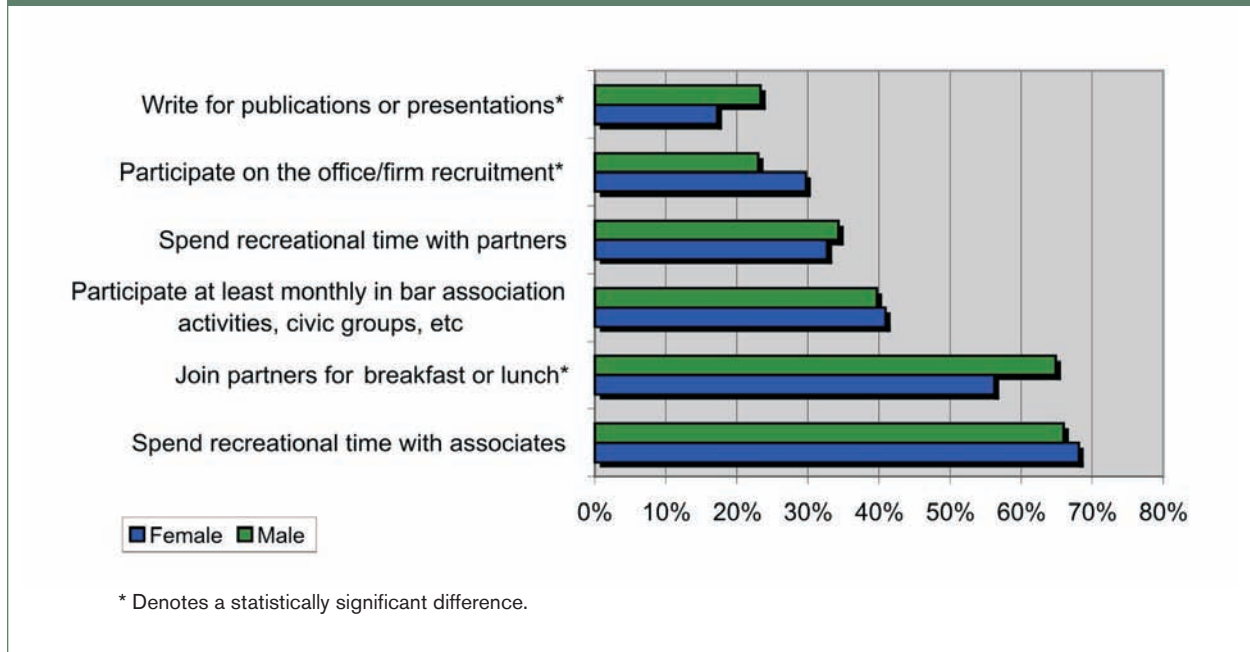
Women were significantly more likely, not only in private practice settings but in other job settings represented by respondents, to participate in recruitment for their firms or offices. The single exception was in public interest settings where, although women outnumbered men, men were more likely to have a hand in recruitment.

Men working in private law firms were more likely than women to report writing for publication and making presentations (a significant difference) but, in business settings, women were more likely to report that they did these things. Men and women were equally likely, across all settings, to report that they participated at least once a month in bar associations and civic or not-for profit organizations.

**TABLE 8. Networking by Setting and Gender**

	<b>Solo/Small &lt;20</b>	<b>Mid Firm 21-100</b>	<b>Large Firm 101-251+</b>	<b>Public Settings</b>	<b>Business</b>
<b>Female</b>					
Participate in office/firm recruitment	18%	36%	38%	14%	22%
Join partners for meals	59	52	48	43	44
Spend recreational time with partners	39	34	18	29	28
Spend recreational time with associates	47	80	84	75	63
Write for publications, presentations	15	22	16	12	34
Participate at least monthly in bar association, civic group, nonprofit	53	40	28	35	38
<b>Male</b>					
Participate in office/firm recruitment	13%	34%	27%	17%	11%
Join partners for meals	67	63	52	49	50
Spend recreational time with partners	37	39	18	35	31
Spend recreational time with associates	48	79	80	71	58
Write for publications, presentations	17	23	32	18	19
Participate at least monthly in bar association, civic group, nonprofit	52	37	27	37	39

FIGURE 4. Social Networking by Gender in Private Firms



## Satisfaction

An important objective of the AJD study when it was initially conceived was to try to understand what appeared to be an exodus from the law on the part of young lawyers. At the end of the 1990s, there had been widespread reports, both in the popular press and among students of legal practice, of dissatisfaction with the profession on the part of its practitioners. Thus, a number of questions directed to respondents in the first wave of data collection asked respondents about the nature and sources of satisfaction and dissatisfaction in the early years of their careers.

One set of questions focused on a list of qualities associated with the workplace (e.g., intellectual challenge and relations with colleagues) and invited respondents to quantify their levels of satisfaction. To these, women and men gave very similar, often identical, responses. The responses, most of which were on the positive side of neutral (only the performance appraisal process was viewed as just barely neutral), reflect an evaluation that is overall quite positive (see Table 9, Satisfaction with Aspects of Work, by Gender).

Other studies of satisfaction with the legal profession among its practitioners have shown, often to the surprise of the researchers, similar levels of satisfaction among women and men. The AJD data add support to these findings, in spite of women's greater perception of discrimination. Both women and men assigned their most positive ratings to the levels of responsibility given them and their relations with colleagues. Consistent with their overall levels of satisfaction, women and men expressed similar levels of satisfaction with particular

facets of their work. For both, ratings were on the positive side of neutral with the single exception of the performance evaluation process, which was at the midpoint. Women expressed somewhat lower levels of satisfaction than men with their opportunities for advancement and compensation and with the diversity of the workplace.

**TABLE 9. Ratings of Satisfaction with Aspects of Work\* – By Gender**

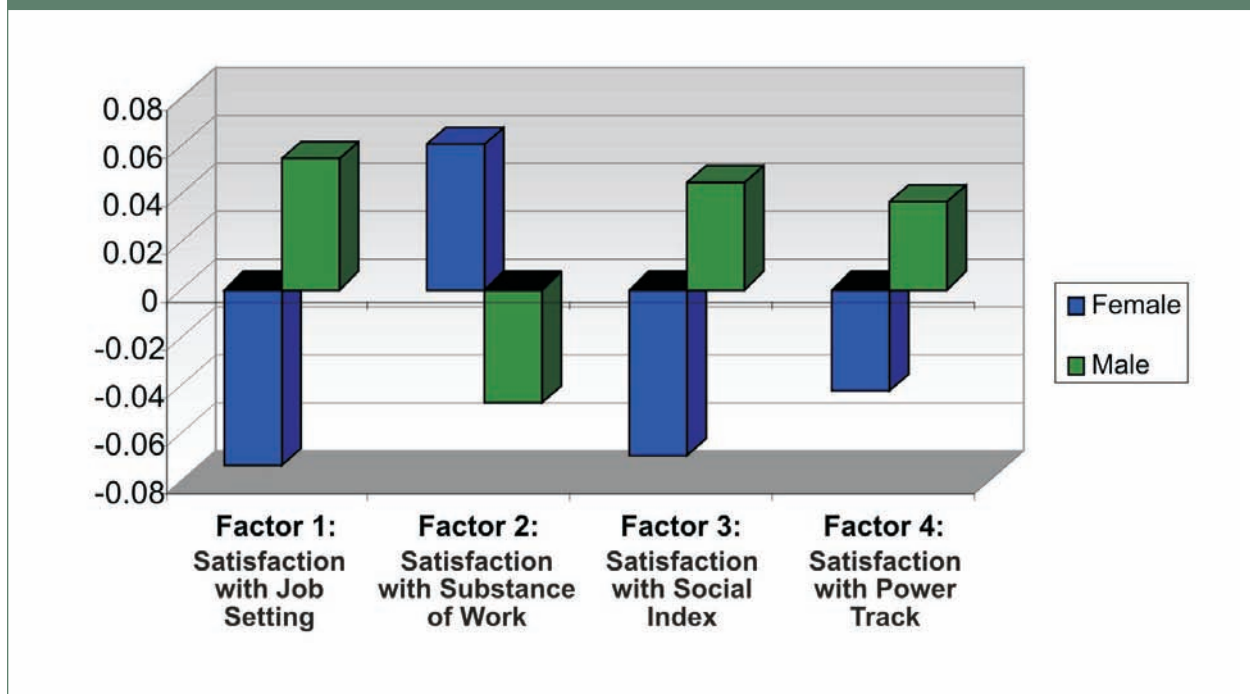
	<b>Female</b>	<b>Male</b>
Level of responsibility	5.6	5.7
Recognition received	4.9	5.0
Substantive area	5.3	5.4
Tasks performed	5.1	5.1
Opportunities for advancement**	4.5	4.9
Compensation**	4.2	4.6
Control over amount of work	4.5	4.6
Control over how work is carried out	5.3	5.5
Relationships with colleagues	5.7	5.7
Opportunities for pro bono	4.3	4.3
Intellectual challenge	5.4	5.4
Opportunities to develop skills	5.3	5.4
Amount of travel required	4.9	4.9
Diversity of the workplace**	4.3	4.6
Performance evaluation process	3.9	4.0
Social value of work	4.7	4.8
Job security	5.2	5.3

\* Ratings represent averages on a 7-point scale in which **1 = Not at all satisfied** and **7 = Extremely satisfied**.

\*\* As small as these differences appear to be, they are statistically significant.

Two additional elaborations of the satisfaction data show differences among the job features that were rated by men and women. A list of job features was submitted to an analysis that combined them into four categories, or factors: those describing (1) the job setting, (2) the substance of the work involved, (3) the perceived social value of the work, and (4) “the power track,” meaning compensation and opportunities for advancement (see Figure 5, Mean Satisfaction by Gender). The responses of men and women were then compared to the average value for all participants for each factor. This analysis showed men expressing greater-than-average satisfaction with their job settings, the social index of their work, and the power track features of it, and less-than-average satisfaction with the substance of their work. The collective profile of women, on the other hand, was a mirror image of that of men. Women expressed greater-than-average satisfaction with the substance of their work and less-than-average satisfaction with the job setting, the social index, and the power track. These ratings may reflect differences in both the settings in which men and women work and in their reactions to the same settings.

FIGURE 5. Mean Satisfaction by Gender



Note: The mean score in the sample is 0, therefore all scores above 0 are above the mean for the sample. The factors include the following items:

1. **Satisfaction with Job Setting:** recognition you receive for work; control over amount of work; control over how to do work; level of responsibility; job security; relationships with colleagues; performance evaluation process
2. **Satisfaction with Substance of Work:** substantive area of the work; tasks you perform; intellectual challenge of the work; opportunities for building skills
3. **Social Index of Work:** opportunities to do pro bono; diversity of the workplace; value of your work to society
4. **Power Track Indicator:** opportunities to advance; compensation

To a separate question about their satisfaction with the compensation scheme at their workplaces, the responses of women and men were also quite similar, just under the midpoint of a five-point scale. Women and men were equally likely to express some dissatisfaction with the way in which their compensation was managed.

Taking a slightly different approach to satisfaction, the questionnaire asked respondents how long, if the decision were theirs to make, they would stay with their then-current employers (see Table 10, Plans to Stay with Current Employer, and Figure 6, which presents the same information graphically). Proportionally more women than men — 16% of women compared with 11% of men — reported that they were already looking for a different job. This may well be an indication of the fact that more men than women had, at the time of the survey, already changed jobs. Or it may be that women more than men were anticipating changes that men had already made. More men than women — 41% of men compared with 31% of women — said that they intended to stay where they were for more than five years.

**TABLE 10. Plans to Stay with Current Employer by Gender**

	PERCENTAGE OF	
	Women	Men
Already looking	16%	11%
Less than one year	11	9
1 – 2 years	23	20
3 – 5 years	20	20
More than 5 years	31	41



## Desired Changes in Work

In yet another effort to tap sources of satisfaction and dissatisfaction, respondents were asked about changes they might like to see in their workplaces. The most common areas designated for desired improvement among all AJD participants were training and mentoring. Men and women indicated that they most wanted the same things: more and better mentoring from senior attorneys and more and better on-the-job training. Roughly half of all respondents, male and female, said that they sought improvements in these areas (see Table 11a, Job Changes Desired by Females, and Table 11b, Job Changes Desired by Males). The desire for better mentoring and training was high for both men and women and, for both, across all work settings listed.

Beyond their agreement about mentoring and training, men and women expressed somewhat different priorities for change, typically by work setting. These differences are worth examining in some detail, since they provide hints about what women and men value in their work. For instance, women in mid-size and large firms were considerably more likely than men to want less pressure to bill (56% and 57% of women, compared with 40% and 44% of men); fewer hours of work (44% and 56% of women, compared with 40% and 44% of men in those same settings); and greater flexibility from the firms in accommodating their personal lives (32% and 40% of women, compared with 20% and 35% of men). Among women *and* men, the demand was higher in large than in mid-size firms. Women were consistently more likely than men to want to feel encouraged by their employers to make use of leave policies and, in all but public settings, more desirous than men of greater opportunity for pro bono work. Men, on the other hand, were more likely than women to be interested in shaping the future of their firms.

Finally, participants were asked how satisfied they were with their decision to become lawyers. Again, levels of reported satisfaction were uniformly high: 80% of the respondents expressed at least moderate satisfaction, although slightly larger proportions of men (81%) than women (78%) did so. To this question, proportionally more women than men — 15% of women compared with 11% of men — reported at least moderate dissatisfaction.

**TABLE 11a. Job Changes Desired by Females – By Work Setting**

	<b>Solo/ Small &lt;20</b>	<b>Mid Firm 21-100</b>	<b>Large Firm 101-251+</b>	<b>Public Settings</b>	<b>Business</b>
The establishment by my employer of formal leave policies	21%	18%	12%	7%	8%
Greater encouragement by my employer to use leave policies	9	14	20	8	13
Less pressure to engage in client development	9	13	7	1	0
Fewer hours	20	44	56	9	8
Less pressure to bill	24	57	56	1	5
More flexibility in accommodating personal life	23	32	40	12	26
Greater opportunity to shape decisions	21	22	24	17	36
Greater opportunity to shape the future of the firm	31	27	19	24	41
More and/or better mentoring by senior associates/partners	46	53	50	48	49
More and/or better training	46	43	36	46	62
More opportunities for pro bono work	24	31	18%	11	23

**TABLE 11b. Job Changes Desired by Males – By Work Setting**

	<b>Solo/ Small &lt;20</b>	<b>Mid Firm 21-100</b>	<b>Large Firm 101-251+</b>	<b>Public Settings</b>	<b>Business</b>
The establishment by my employer of formal leave policies	11%	11%	9%	2%	5%
Greater encouragement by my employer to use leave policies	7	7	11	6	5
Less pressure to engage in client development	6	8	4	1	0
Fewer hours	24	40	42	11	5
Less pressure to bill	23	40	44	2	0
More flexibility in accommodating personal life	14	20	35	12	5
Greater opportunity to shape decisions	20	25	35	18	23
Greater opportunity to shape the future of the firm	36	33	25	25	45
More and/or better mentoring by senior associates/partners	46	53	55	44	50
More and/or better training	42	44	40	56	53
More opportunities for pro bono work	14	19	11	16	15



## Perceptions of Discrimination

Women were more likely than men to perceive discrimination against them in the workplace. Asked whether they had experienced any of several acts that could have been considered discriminatory in their workplaces by virtue of their race, religion, ethnicity, gender, disability, or sexual orientation, women were considerably more likely than men to indicate that they had (see Table 12, Perceptions of Discrimination). The question did not separate out the particular status that might have invoked the discriminatory acts. Twenty-two percent of the female respondents to the AJD questionnaire, compared with six percent of the men, reported that they had been subject to demeaning comments or other types of harassment for one or more of the statuses listed above. Twelve percent of women, compared with five percent of men, said that they had missed out on desirable assignments owing to one of the listed statuses. Thirteen percent of women and six percent of men indicated that they had had a client request someone other than them to handle a matter. And 16% of women, compared with 5% of men, reported having experienced one or more forms of discrimination other than the three listed. These numbers could well be inflated if women responded to the question with regard to statuses other than their gender — ethnicity, perhaps, or sexual orientation — but the same claim can be made for men. Whatever their relationship to the frequency of discrimination, the numbers tell us that women clearly *feel* more discriminated against than do men.

TABLE 12. Perceptions of Discrimination – By Gender

	PERCENTAGE REPORTING EACH BEHAVIOR	
	Women	Men
Demeaning comments	22%	6%
Missed desirable assignment	12	5
Client requested someone else	13	6
One or more other forms of discrimination	16	5

## Outside Interests of New Lawyers

Women and men show similar patterns of involvement with activities outside of their jobs, as Table 13, Out-of-Work Activities by Gender, and Table 14, Social Participation by Gender, show, although once again there are some differences. The highest levels of participation among new lawyers are with the ABA and state and local bar associations, the only organizations that more than half of the AJD respondents reported belonging to. Women are somewhat more likely than men to belong to state or local bar associations. Men are more likely than women to be members of political parties and women are more likely than men to belong to alumni organizations, both college and law school. Although the absolute percentages are small, men are more likely than women to belong to and be active in organized sports leagues, and women are many times more likely to belong to gender-based organizations.

**TABLE 13. Out-of-Work Activities – By Gender**

	<b>Female</b>	<b>Male</b>
State or local bar	71%	67%
American Bar Association	68	67
Substantive sections of bar	43	41
Charitable organizations	25	24
College alumni	36	32
Political party*	38	32
Religious organizations	22	24
Law school alumni*	32	28
Private clubs/athletic clubs	23	22
Community/civic association	12	12
Gender-based organization*	15	1
Political advocacy	10	11
Organized sports leagues*	5	14
Service organizations	5	5
Race/ethnicity-based organization*	6	4
PTA	4	4

\* Denotes a statistically significant difference.

**TABLE 14. Social Participation – By Gender**

Type of Organization	% MEMBERS		%ACTIVE/OFFICER	
	Women	Men	Women	Men
Political party	38%	32%	4%	7%
Political advocacy group	10	11	4	4
PTA/Other school	4	4	2	2
College alumni	36	32	8	10
Law school alumni	32	28	6	6
Charitable organizations	25	24	19	18
Religious organizations	22	24	16	20
ABA	58	57	7	6
State or local bar	71	67	16	17
Substantive bar sections	43	41	9	11
Gender-based organizations	15	1	6	<1
Race/ethnicity-based organizations	6	4	11	10
Community/civic organizations	12	12	5	5
Service organizations	5	5	5	5
Private/athletic clubs	23	22	13	14
Organized sports leagues	5	14	5	15
Other	5	4	6	6

The value of a longitudinal study is its capacity for measuring trends and changes in its subjects, in this case, newly certified lawyers, as they progress. The next wave of data collection for the AJD study will include many more questions about lawyers’ lives outside of the workplace, and questions about family configuration, work-life balance, and debt.

## Choosing a Job

Since women and men are, to some extent, differentially distributed across work sectors, we turn next to data that may shed light on the choices each made prior to their participation in the AJD study. Working backward from events that led to their first jobs, we examine the similarities and differences that mark women's and men's ascent to the legal profession.

### Choice of Practice Setting/Sector

In choosing their first jobs, women and men seem to have had somewhat different priorities. AJD participants were asked about their reasons for selecting the particular sector in which their first job following bar passage was situated. Specifically, they were asked about the importance of nine factors in the choice of the initial work setting (see Table 15, Importance of Reasons for Selecting Sector of First Job).

TABLE 15. Importance of Reasons for Selecting Sector of First Job

	WOMEN		MEN	
	Average Rating	Rank Order	Average Rating	Rank Order
Earning potential	4.6	5	5.0	5
Substantive interest	5.3	3	5.2	2
Paying off law school debts	4.6	5	4.6	6
Loan repayment or forgiveness	2.3	9	2.0	9
Developing specific skills	5.5	2	5.3	1
Balancing work and personal life	5.6	1	5.2	2
Doing socially responsible work	4.5	7	3.8	8
Prestige of the sector	4.0	8	4.1	7
Future career mobility	5.1	4	5.1	4

\* On a scale where 1 = Not at all important and 7 = Extremely important.

For both women and men, the opportunity to develop specific skills, the opportunity to balance work and personal life, and interest in a substantive area of the law were the three most important factors in their choice of sector. (These were presented in a list of possibilities.) However, women assigned higher importance, as indicated by their numerical ratings, than men did to all three. By way of contrast, both men and women ranked the medium- and long-term earning potential of the sector fifth (among nine) in importance but men assigned it a higher absolute rating than women did. Although women and men assigned low rankings — seventh and eighth respectively — to the opportunity to do socially responsible work, the difference between the actual ratings was the largest of any of the listed factors, with women considering it more important than men did.

In a similar vein, respondents were asked to rate factors that entered into their decision to accept the job that became their first (see Table 16, Importance of Reasons for Selecting Among Job Offers). Again, although the overall pattern of rankings was similar for women and men (for instance, women and men alike ranked opportunities for pro bono work last in importance and both ranked the office environment first), there were differences. Prospects for advancement was ranked — and rated — higher in importance by men than women, and the match of their own and their employer’s mission was ranked and rated higher by women.

**TABLE 16. Importance of Reasons for Selecting Among Job Offers**

	WOMEN		MEN	
	Average Rating*	Rank	Average Rating*	Rank
Salary	5.0	4	5.3	3
Benefits	4.7	8	4.7	7
Office environment/ collegiality	5.9	1	5.5	1
Hours expected	5.1	3	4.9	5
Pro bono opportunities	3.3	11	2.7	11
Prospects for advancement	4.8	7	5.0	4
Match of mission	5.0	4	4.7	7
Location	5.5	2	5.4	2
Size	4.4	10	4.4	10
Prestige	4.7	8	4.6	9
Training/mentorship opportunities	4.9	6	4.8	6

\* On a scale where 1 = Not at all important and 7 = Extremely important.

## Aspirations and Expectations

### Reasons for Attending Law School

Women and men may have had somewhat different intentions in attending law school. Asked why they elected to attend law school, women and men gave many of the same reasons as they had for choosing their first jobs and work settings but with different emphasis (see Table 17). Specifically, respondents rated the importance to them of a number of possible goals they held in opting for a legal education. Although the two groups ranked the reasons similarly — developing a satisfying career and financial security were the top two reasons among both women and men for deciding to attend law school and deferring entry into the world of work was for both the least important reason — there were some differences in the importance each group assigned to particular reasons. Women assigned greater importance than did men to the intellectual challenge of law school and to the goals of helping individuals as lawyers and changing or improving society. And, although women and men assigned the same numerical importance rating to building marketable skills, women ranked the accumulation of skills the third most important influence on their decision, and men ranked it fifth.

TABLE 17. Reasons for Attending Law School

	FEMALE		MALE	
	Rating*	Rank	Rating*	Rank
Intellectual challenge	4.0	3	3.7	3
Help individuals	3.8	4	3.3	5
Develop a satisfying career	4.4	1	4.3	1
Defer entry into the work world	1.9	9	1.8	9
Financial security	4.1	2	4.1	2
Change/improve society	3.6	6	3.2	6
Become influential	2.9	7	3.0	7
Build transferable skills	3.7	5	3.7	3
Other	2.6	8	2.2	8

\* On a scale where 1 = Not at all important and 7 = Extremely important.

Another way to think about why individuals select law as a profession is to look at other occupations they considered. This, as it happens, is another area in which men and women in the AJD study diverged (see Table 18, Other Careers Considered). Women were significantly more likely than men to have considered careers in public or social service (41% of them, compared with 24% of men, had considered such careers); journalism or writing (28% compared with 21% of men); and community organizing (15% compared with 7% of men). Men, on the other hand, were significantly more likely to have considered careers in business (53% of men, compared with 34% of women); politics (37 versus 28%); starting their own businesses (40% versus 28%); consulting (30% versus 23%); and investment banking (15% compared with 7%). These data suggest that women and men may attend law school and pursue careers in the law for quite different reasons, which later translate into different entry points into the profession.

**TABLE 18. Other Careers Considered**

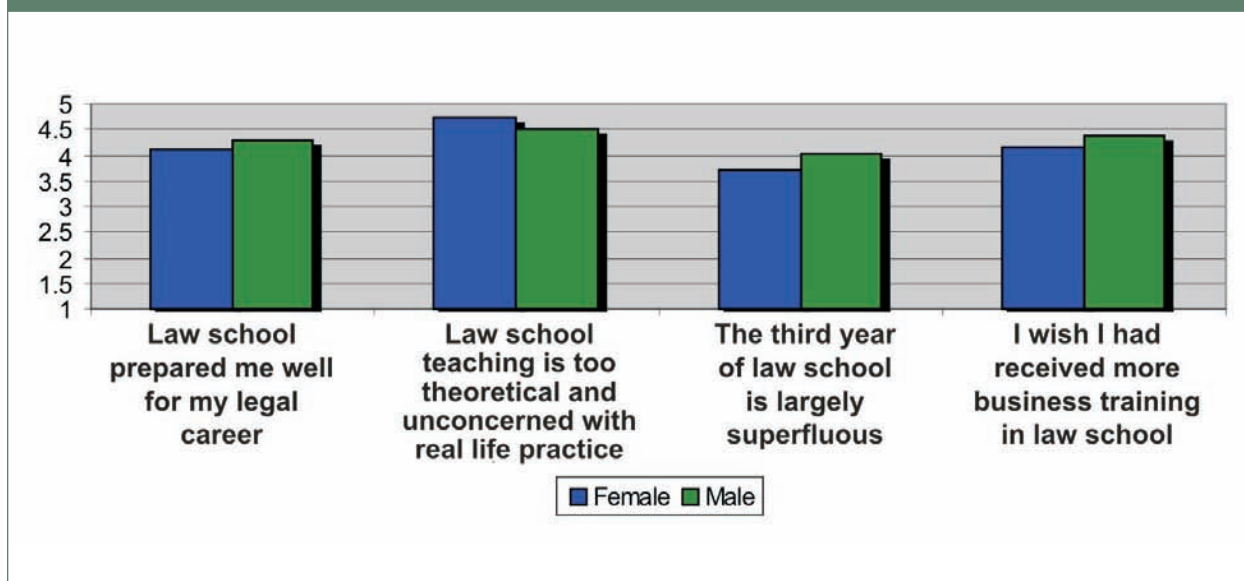
	<b>% of Females</b>	<b>% of Males</b>
Teaching/academia	50%	47%
Public/social service*	41	24
Business*	34	53
Public policy	32	31
Journalism/writing*	28	21
Politics*	28	37
Starting own business*	28	40
Other	24	26
Consulting*	23	30
Community organizing*	15	7
Investment banking*	6	15

\* Denotes a statistically significant difference.

## Law School

Women and men reacted in different ways to law school. There were small but statistically significant differences between them when they were asked to assess their law school experiences (see Figure 7, Satisfaction with Aspects of Legal Education). Men were more likely than women to believe that their law school prepared them well for their legal careers, that they would have liked more business training, and that the third year of law school was largely superfluous. (These were options that had been provided in the question.) Women were more likely than men to believe that law school teaching was too theoretical and unconcerned with “real life practice.” (The latter view was held by many respondents, but by more women than men.) These differences suggest that men and women may hold different expectations entering law school but also that they may actually have different experiences in law school, either because of or as a result of their differing expectations.

FIGURE 7. Satisfaction with Aspects of Legal Education





## Activities in Law School

One might hypothesize from the list of other professions considered by both sexes that women's choices of potential careers indicated an inclination toward service and creative occupations and men's toward entrepreneurial and business activities. These inclinations were also apparent in differences in the activities men and women reported pursuing while in law school. For example, more men than women (32% of men compared with 27% of women) reported taking part in moot court (see Table 19, Involvement ... in Law School Activities). More women than men reported engaging in pro bono work (30% of women, compared with 24% of men) and participating in public interest groups (19% of women compared with 12% of men). These differences in activities suggest differences in early orientation to the profession that are consistent with later career choices.

**TABLE 19. Involvement in Law School Activities by Gender – Percentage of Men and Women in Each Activity**

	<b>Women</b>	<b>Men</b>
General law review	8%	9%
In an editorial role	13	12
Other law review	11	9
Moot court	27	32
In a leadership role	9	6
School government	6	6
Political advocacy	8	9
Public interest groups	19	12
Pro Bono work	30	24

## College Majors and Grades

Women and men prepared for law school via different undergraduate majors. Consistent with findings from other studies of higher education, men and women made different choices among the college majors that constituted their preparation for law school (see Table 20, Undergraduate Majors of AJD Respondents). Although the largest concentration of majors among all AJD respondents falls under the general heading of social science — almost one-third of both women and men majored in one of the social sciences — there were also differences by gender. More women than men — 23% of women compared with 18% of men — majored in one of the humanities, and more men than women — 19% of men compared with 13% of women — majored in business. Men were also more likely than women to have majored in engineering (6% compared with 1%) and physical sciences or math (3.5% compared with 2%). There were also more women than men (30% of women compared with 24% of men) among the substantial proportion of respondents whose majors didn't fit into one of the categories listed.

**TABLE 20. Undergraduate Majors of AJD Respondents – By Gender**

	PERCENTAGE OF	
	Women	Men
Biological Sciences	4.5%	4.2%
Business	12.7	18.6
Criminal Justice	5.2	5.2
Engineering	1.3	5.8
Humanities	22.8	18.2
Physical Science/Math	1.8	3.5
Social Sciences	31.5	30.9
Other	30.1	23.6

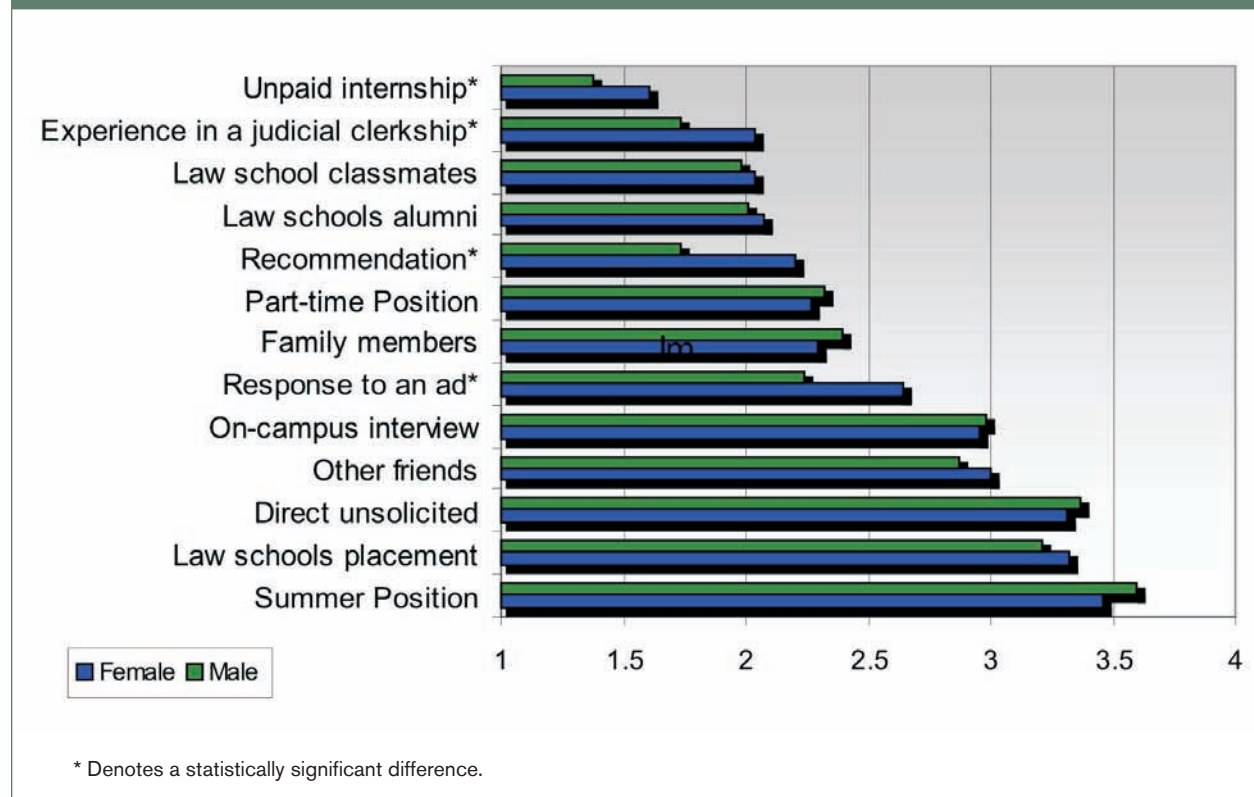
## The Job Search

Women and men ranked an assortment of factors similarly when asked to attribute relative importance to each in helping them obtain their first jobs after law school (see Figure 8, Importance of Factors in Respondents' Obtaining Their First Job Offer). All respondents assigned the greatest importance to summer positions and the least to unpaid internships, for example. Within similar overall rankings, however, women were significantly more likely than men to identify having responded to an ad as an important source of help in obtaining their first jobs. Women were also significantly more likely than men to credit recommendations,

judicial clerkships, and unpaid internships with assistance in gaining employment. And, although the respective rank-ordering of the factors was quite similar for men and women, women attributed significantly greater importance than men did to personal qualities, prior work experience (and in particular prior work experience at the organization that hired them), participation in law review or moot court, their physical appearance, their gender, and their race-ethnicity.

All of these differences describe small but consistent ways in which the responses of women and men to the questions they answered as members of the AJD sample may reflect differences in their orientation to the legal profession. Within a broad pattern of similar career choices, men and women diverge with respect to their presence in particular settings, especially private practice, government, and some of the less well-populated sectors of legal employment. Men were somewhat more likely to have changed jobs early in their careers, consistent, perhaps, with an emphasis on salary. These divergences may have their origin in differences in initial aspirations regarding legal careers, which, in turn, stem from different experiences in law school and on the job and lead, ultimately, to salaries, satisfaction, and plans for the future. The second wave of data collection should shed light on many of these unanswered questions as respondents move to the next stage in their careers.

**FIGURE 8. Importance of Factors in Respondents' Obtaining Their First Job Offer – By Gender**



## The Salary Gap

So far, this monograph has documented and described small but potentially influential differences in the backgrounds and experiences of women and men who participated in the AJD study and who, through a process of weighting, represent the population of lawyers that passed the bar in the year 2000. These differences may help to explain at least some portion of a substantial gap in the average salaries paid to women and men, a difference that is described in detail in another report but is treated briefly here.

The gap overall in the average salaries reported by men and women who participated in the AJD study is quite large. Across all subjects who provided salary data and were working full time — 83% of those who responded<sup>7</sup> — the median annual salary among women was \$63,000 at the time of the survey and the median among men was \$75,000. In other words, women reported earnings that were roughly 85% of what men were paid. These salaries are higher and the gap between them is larger than the amounts reported by NALP on the basis of salary information for graduates of the law school class of 2000. A survey conducted by NALP in 2001 found a median starting salary among women graduates of the class of 2000 of \$50,000 and a median starting salary for men of \$55,000 — with women thus earning 91% of what men earned. Yet another estimate of the gap comes from a report in 2000 by the ABA Commission on Women in the Profession that concluded that women lawyers' median weekly salary at the time was 76% of that of men.<sup>8</sup> These are substantial differences between men and women and also among estimates, both of which demand an explanation. The differences among estimates are described briefly in Appendix B, and the salary gap itself will be treated in a separate monograph.<sup>9</sup>

Writers on the topic have attributed the gap to a number of different possible causes. One is the already noted fact that the history of women's appearance and achievements in the profession is a recent one and they have yet to catch up with men. Another has to do with different expectations in the workplace for women than for men and related differences in how women have embraced the profession relative to men. A third has to do with the qualities inherent in the nature of the legal workplace itself. Many have pointed to gender discrimination. The gap may reflect other differences as well, such as those in men's and women's aspirations and interests in the law and their experiences both in law school and in legal practice. And there may be still other differences that have not yet been studied. These differences are small compared

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<sup>7</sup> The data that appear in this monograph are mainly weighted data, meaning that the responses of the 3,905 individuals who returned the AJD questionnaire have been assigned weights that allow them to represent the entire population of lawyers that passed its first bar in 2000. The total number of individuals to which the weighted data on salaries applies is 32, 889.

<sup>8</sup> The averages reported in this section will differ slightly depending on which subset of the participants is included in the calculation. Different averages are most often the result of different numbers of individuals included in the analysis and of different individuals entering any given calculation, along with the fact that some respondents may not have provided a particular piece of information.

<sup>9</sup> See page 40 for possible reasons for the discrepancies among estimates.

with the similarities — men and women share many tendencies — but, in combination, they can add to a substantial gap in average salaries.

This account takes the position that the gap is the product of these and of other (multiple) factors working together, a number of which have been documented here. The factors include the accumulated — and seemingly small, taken individually — differences in the distribution of men and women in the markets and settings in which lawyers work and the salary differences associated with these different markets and settings. It may be also be attributable, at least in part, to the fact that men and women represent different proportions of both the total AJD sample and the national population it represents, which is roughly 45% female and 55% male. Based on AJD data, the major sources of salary differentials among lawyers are the markets and settings in which they work and, in the case of the gendered salary gap, differences in the distribution of women and men among these.

Thus much of the gap may be attributed to conditions of the workplace, specifically where in the United States individuals work and the kinds of settings in which they work. In theory, the salaries paid men and women starting out in similar circumstances should be — and, for the most part, are — equal: the divergence in average salaries appears as lawyers occupy different markets and practice settings in different proportions. In addition, by the time the study caught up with respondents in 2002-03, almost three years into their careers, more than one-third of the AJD respondents were no longer in the positions that had been their first following bar passage. More men than women had changed jobs by 2003. Among those who did change jobs, it is not difficult to imagine that, in changing jobs, women and men may have moved in different directions. Given that the two groups reported somewhat different reasons for attending law school and for working in the sector in which they started out, the salary gap may reflect different aspirations and experiences. Their accounts of their experiences in law school and the sources of satisfaction in their jobs support this assertion.

In sum, the salary gap appears to be multi-determined by, in large measure, factors associated with differences in the workplace for new law school graduates but also by factors associated with the differences — despite many similarities — that women and men exhibit in relation to their choice of careers and their career paths in the profession. Men are more likely than women to be working in private practice; women are found more frequently than men in non-private settings, typically state and local government and other not-for-profit organizations. Moreover, despite their similarities, women and men described somewhat different experiences within their workplaces and expressed wishes for different changes therein.

Future iterations of the AJD study, in which the current participants are followed as their careers progress, may increase our understanding of the workplace and the societal factors that shape the careers of women and men, including but not limited to salary.

## Methodology of the AJD Study

*After the JD* is a study of a nationally representative sample of new lawyers, those who were first admitted to the bar in 2000. Designed to be longitudinal, the study began with a mail survey to a sample of nearly 9,000 lawyers in 2002. The sample was designed to represent both the national population of newly certified lawyers with sufficient participation from key legal markets to enable researchers to characterize the range of U.S. markets with respect to region and size. To this end, the study employed a two-stage sampling process that first divided the nation into 18 strata by region and the size of the population of new lawyers. Within each, as the second stage of the process, one primary sampling unit (PSU) was selected for participation. (A PSU might be a metropolitan area, part of a state outside of a metropolitan area, or an entire state.) The PSUs that were included in final sample were all four of the “major” markets, those with more than 2,000 new lawyers: Chicago, Los Angeles, New York City, and Washington, DC; five of the “large” markets, with between 750 and 2,000 new lawyers; and nine of the remaining, smaller markets. The sampling rate for each of the PSUs was calculated to yield a sample that, when the results from all participants were aggregated, would represent that national population. To enlarge the number of minority group members of the sample for selected analyses, an over-sample of 1,465 members of the largest minority groups — black, Hispanic, and Asian — was added, producing an additional 633 respondents from these groups.

A prominent academic survey organization was charged with locating the 9,000-plus sample members and administering a questionnaire to them. About 20% of the sample members could not be located. Another 20% proved to be individuals moving from one state to another rather than first-time admittees to a bar of interest. The latter were retained in the sample if they had graduated from law school in 1998 or later. The study questionnaire, first mailed in May 2002, was followed by a telephone interview with non-respondents to the mail version. Ultimately 71% of the original sample that could be located and deemed eligible by the study criteria responded to one version or another. The first set of findings is based on a national sample of 3,905 individuals and 633 respondents from the minority over-sample. Weights were then applied to the data to make them representative of the national population of lawyers who joined the bar in 2002. A sub-sample of these respondents was selected for face-to-face interviews, which will add depth to the information collected via questionnaire.

The study questionnaire collected information about subjects’ then-current employment: their work setting, nature of the position, responsibilities and tasks included, hours worked, functions performed, and salary earned. Respondents were asked as well about their participation in the life of the workplace and outside of it, the sources of their satisfaction and dissatisfaction with the work, and the nature of the training and mentorship provided them.

Information was collected as well about the law school experience of respondents and their reaction to it, their reasons for having chosen law as a career and the sector and setting of their first job, and, finally, about demographic factors.

The second wave of data collection targets both respondents and non-respondents from the original sample. It began in May 2007 and is still under way. A third wave is planned for 2012.

## Varying Estimates of the Salary Gap

AJD data appear, on the surface, to corroborate data collected by NALP in some ways but to contradict the NALP data in others. These differences may be explained by differences in the times at which the two datasets were compiled, the individuals included in the analyses, and the ways in which the data are aggregated for analysis.

NALP data on the jobs and salaries of new lawyers are collected every year, typically about nine months following their graduation from law school. Comparisons in this report are based on data describing the class of 2000. The data are provided to NALP by law schools and include all of the graduates with a given law school class about which the school has employment information. While not every law school graduate is represented in the NALP data, the rate of cooperation by law schools is quite high and the report that is created by NALP on the basis of the data that describes close to the entire population of law school graduates from a given year. (The class of 2000 employment data included 36,422 individuals from 173 ABA- accredited law schools, a coverage rate of over 90%.)<sup>10</sup>

The AJD data are based on the self-reports of a sample of individuals who passed their first bar in the year 2000. While the majority of the sample graduated with the class of 2000, many did not. Respondents included individuals who graduated from law school over a range of years, the most common, apart from 2000, being 1999 and 1998. AJD data were collected from a sample of individuals totaling 3,905 (4,568 with the over-sampled minorities added in). The sample was surveyed over a period of several months in 2002 and 2003, between two and three years later than the NALP data were collected.

The timing differences result in qualitative differences in the two respondent groups. Among the NALP respondents were individuals who had not yet passed a bar exam as well as individuals just starting their first jobs. AJD respondents, by virtue of how they were sampled, had all passed the bar as a condition for their inclusion in the study. Moreover, many of them, it was discovered from their responses, had already changed jobs at least once. Almost one-third of AJD respondents said that the positions they held at the time they participated in the study were not their first.

Finally, there are differences in the ways in which data are aggregated in the two data sets — and even between different data sets created by NALP — that could produce differences in their findings. One example lies with the ways in which the two sets of studies define firm size. The AJD study divides private practice firms into solo practice, firms of between 2 and

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<sup>10</sup> *Starting Salaries: What New Law Graduates Earn. Class of 2000.* Washington, DC: NALP, p.46



21 lawyers, between 21 and 100 lawyers, between 101 and 250 lawyers, and more than 250. NALP divides firms into those of from 2-10 lawyers (with no category reflecting solo practice), 11-25 lawyers, 26-50, 51-100, 101-250, 251-500, and more than 500. So, to examine one discrepancy in the context of these categories, NALP data show women joining “large” firms — its largest category of more than 101 lawyers — at rates that are somewhat higher than those of men in the class of 2000 data (and other years as well). The AJD study, on the other hand, shows near equality in the rate at which men and women are employed by its large-but-not-mega-firm category (101-250 lawyers) but a preponderance of men in the largest category, the 250-plus-lawyer firms. Thus, differences in the way in which the data are arrayed are responsible for differences in the conclusions drawn from the data.

It seems reasonable to assume that the NALP data accurately represent the circumstances of recent law school graduates toward the end of the first year following graduation and that AJD data accurately describe the circumstances of lawyers two-to-three years following bar passage. In this sense, the two data sets complement rather than contradict each other.

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