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The Career Paths of Minnesota Law School Graduates: Does Gender Make a Difference?

Paul W. Mattessich*
and Cheryl W. Heilman**

In 1984, Minnesota Women Lawyers¹ commissioned a study which "profiled" the legal profession in Minnesota.² The majority of women attorneys were, at that time, recent entrants to the profession, and their typical "profile" differed in many respects from the profile of the typical male attorney.³ Women in 1990 constitute approximately 20 percent of the registered attorneys in Minnesota, and a large number of women have now been practicing for

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The authors gratefully acknowledge the efforts of the many individuals and organizations who assisted in this project. We especially want to thank Tenth Judicial District Judge Lynn C. Olson, who co-chaired Minnesota Women Lawyers' Task Force on the Status of Women in the Legal Profession; members of the Task Force and Technical Advisory Committee, who gave generously of their time and talents; Marilyn Conrad and other members of the Wilder Research Center staff whose work contributed substantially to the success of the study; and the numerous law firms, foundations, and individual supporters of Minnesota Women Lawyers who helped to fund the study. Finally, we express appreciation to the law schools and to the 521 law school graduates who allowed us to interview them. Their participation provided the fundamental building blocks upon which the study is based.

All statistical data and survey results highlighted in this article come directly from the report which Wilder Research Center prepared. Wilder Research Center, *The Career Paths of Minnesota Law School Graduates: A Study of Career Expectations, Experiences and Mobility* (1989) (presented to Minnesota Women Lawyers) (on file with *Law & Inequality*).

1. Minnesota Women Lawyers is a professional organization of over 1000 members committed to enhancing the status, influence, and effectiveness of women lawyers.

2. See Leslie Gerstman, *The Status of Women in the Legal Profession: A Profile of Minnesota Attorneys* (June 1984) (unpublished report). For a summary of the study's results, see Marsha Freeman, Teresa Bonner & Leslie Gerstman, *Women in the Legal Profession*, Bench & Bar of Minnesota, Sept. 1984, at 11. [hereinafter *Profile Summary*].

3. Almost half (42 percent) of the women attorneys in Minnesota in 1984 had been practicing law for less than four years. *Profile Summary*, *supra* note 2, at 11.

ten years or more.⁴ The degree to which women have been assimilated into the legal profession nonetheless remains a topic of some debate. The controversial notions of a "mommy track" and a "glass ceiling" limiting the advancement of women in the profession,⁵ as well as the issue of gender bias in the court system,⁶ have all received recent attention.

Some believe the profession is changing, not only in response to the influx of women, but also as a result of increased economic pressures.⁷ Competition for clients has intensified, and marketing has become a more prevalent feature of law firm practice. While lawyers' salaries have increased, so too have expectations for exceedingly high billable hours. These and other developments have led some to question whether lawyers, and in particular women lawyers, have become dissatisfied with their legal careers. Others have speculated that the profession may be losing women at a time when they should be joining its ranks as partners, general counsels, and tenured professors.⁸

In 1987, Minnesota Women Lawyers assembled a Task Force on the Status of Women in the Legal Profession to address directly the question of whether and how women's career paths differed from those of men. Several studies had already been conducted which examined, in part, questions relating to the job preferences,

4. Women began entering the profession in significant numbers in Minnesota in 1978. While the graduating classes of 1975 were only 11 percent women, by 1978 29 percent of the graduates from Minnesota's three law schools were women.

5. See, e.g., Felice Schwartz, *Management Women and the New Facts of Life*, Harv. Bus. Rev., Jan.-Feb. 1989, at 65; *Women in Law: The Glass Ceiling*, A.B.A. J., June 1988, at 49.

6. In 1987, Minnesota became one of 30 states to establish a task force to examine whether gender unfairly affects the application, interpretation, and enforcement of the law in the state court system. Minnesota's task force, chaired by Supreme Court Justice Rosalie Wahl, issued its final report in September 1989. See *Minnesota Supreme Court Task Force for Gender Fairness in the Courts, Final Report*, 15 Wm. Mitchell L. Rev. 825 (1989) [hereinafter *Gender Fairness Report*]. See generally Lynn Hecht Schafran, *Overwhelming Evidence: Reports on Gender Bias in the Courts*, Trial, Feb. 1990, at 28.

7. See Elizabeth Fowler, *Difficulties for Women Lawyers*, N.Y. Times, Jan. 24, 1989, at 18, col. 3. The professional life of the new attorney of the 1980s and 1990s has been characterized as "a grim ritual of all-nighters, tepid take-out dinners, bleary-eyed vigils at printing houses, Dial-a-Cabs, atrophied social lives and neglected marriages." David Margolick, *At the Bar*, N.Y. Times, Jan. 8, 1988, at 12, col. 1.

Recently, with business down, large New York law firms have dismissed a substantial number of young lawyers. David Margolick, *At the Bar*, N.Y. Times, Aug. 8, 1990 at 1. "The ax fell disproportionately on women—a reflection of their continuing marginal status at some firms, despite record raw numbers." *Id.*

8. See generally Fowler, *supra* note 7, at 18; Chief Justice Patricia Wald, *Three Challenges to the Legal Profession*, 36 Fed. B. News & J. 227, 230 (June 1989); *Leaving the Law: Are Reasons Gender-Based?*, 71 A.B.A. J., Dec. 1985, at 34-35.

motivations, and personal characteristics of women lawyers.⁹ The Task Force commissioned Wilder Research Center¹⁰ to conduct a study which would provide additional data on the careers of Minnesota law school graduates—both those who were practicing law and those who had left the practice.

This article reviews the study's major findings and conclusions. The results are significant not only for what they reveal about the differences in the career expectations and experiences of women and men, but also for what they reveal about the similarities.

I. Study Design

Three aspects of the study design deserve special note. First, to ensure that those who had left the practice were included in the study, the study sample was selected from graduates of Minnesota's three law schools.¹¹ Many individuals who had chosen a career outside the field of law would otherwise have been ignored, since their names would not necessarily appear on bar association rosters or lists of registered attorneys.

Second, the graduating classes of 1975, 1978, 1982, and 1985 were selected so that the study would include both recent graduates and graduates who had been out of law school for at least ten years. Selection of these years also allowed valid comparisons to be made between the career patterns of men and women.¹²

Finally, the study was designed to emphasize a longitudinal view of the graduates' careers after law school. Thus, it is possible to discuss "career" differences and to attempt to sort out influ-

9. See generally Gender and Law Project, *Gender, Legal Education, and the Legal Profession: An Empirical Study of Stanford Law Students and Graduates*, 40 *Stan. L. Rev.* 1209 (1988) [hereinafter *Stanford Gender Project*]; Linda Liefeland, *Career Patterns of Male and Female Lawyers*, 35 *Buffalo L. Rev.* 601 (1986); Leona Vogt, *From Law School to Career: Where Do Graduates Go and What Do They Do?* (May 1986) (prepared for Harvard Law School Program on the Legal Profession); Cynthia Epstein, *Women in Law* (1981).

10. Wilder Research Center is a nonprofit research organization which is part of the Amherst H. Wilder Foundation in St. Paul, Minnesota. In addition to conducting special studies for the Foundation and other nonprofit and government agencies, the Center performs research to evaluate the effectiveness of Foundation health and social service programs and monitors social and demographic trends that affect the need for human services.

11. The University of Minnesota Law School is located in Minneapolis, Minnesota; William Mitchell College of Law and Hamline University School of Law are in St. Paul, Minnesota.

12. The study focused on more recent graduates because of the greater number of women graduates in the 1980s. Since 1980, over one-third of the graduates of Minnesota's law schools have been women.

ences over time which may have propelled individuals into, or inhibited them from, specific career paths or specific types of jobs.

Development of the Survey

A telephone interview served as the survey instrument. Wilder Research Center staff developed the questions, with advice from a technical advisory committee composed of representatives from a broad spectrum of the practicing and non-practicing bar. Researchers pretested and revised the questions before composing a final version of the survey instrument.¹³

The interview focused on the following topics:

- * Law school experience: background prior to law school; motivations to attend law school; specific activities and achievements; satisfaction; career assistance.
- * Employment experience: first, succeeding, and present jobs; job conditions; reasons for changing jobs; overall satisfaction.
- * Personal and family issues: demographics; effect of job on personal life; use of maternity/paternity leave; effect on child rearing; experience of discrimination.
- * Priorities and goals: major priorities; goals for the future.

Sampling

Lists of graduates from the years 1975, 1978, 1982, and 1985 were obtained from each law school.¹⁴ The lists included the most recent known address for each graduate. From these lists, research staff randomly selected the names of 15 percent of all male graduates and 50 percent of all female graduates. To allow a later analysis of the differences in the career paths of women and men, women were disproportionately oversampled because of the lower numbers of women graduates.¹⁵

The sampling process led to the selection of 654 potential respondents, 76 of whom could not be located, even with intense effort. Of the 578 who were located, 521 agreed to be interviewed.¹⁶

13. All questions were pretested, including those adopted from previous surveys.

14. Hamline University provided lists of graduates only from the classes of 1978, 1982, and 1985, because of the small size of its 1975 graduating class.

15. All 36 women in the class of 1975 were sampled because so few women graduated in that year. To correct for this oversampling, only 18 of the female respondents from the class of 1975 were included in the final analysis.

16. The research teams sent each potential respondent a letter which described the purpose of the study and requested his or her participation. Approximately five to seven days after the mailing of the letter, interviewers called the potential re-

This constitutes a response rate of 90 percent, so little danger exists that data from the study is significantly influenced by a non-response bias.¹⁷

II. Backgrounds of the Graduates

Table 1 shows the characteristics of the 503 respondents who comprise the study sample. The percentage of respondents from each school approximately equals the percentage of total graduates coming from that school.¹⁸ Roughly equal numbers of respondents graduated in the years 1978, 1982, and 1985. Only 79 respondents graduated in 1975.

Table 1

Respondents: School; Graduation Year; Sex

School	Respondents (Total = 503)	
	Numbers	Percentage
University of Minnesota	176	35
William Mitchell	220	44
Hamline University	107	21
Year of Graduation		
1975	79	16
1978	141	28
1982	135	27
1985	148	29
Sex		
Male	249	50
Female	254	50

Half the respondents were men; half were women. To correct for the oversampling of women, researchers statistically adjusted all analyses. The results presented in this article for men, for women, and for the entire sample are based upon the statistically adjusted data. The findings presented thus accurately portray each group.¹⁹

spondents to schedule and conduct the interviews by phone. Interviews lasted 30 to 40 minutes.

17. Among those who refused to participate in the study, the most common reason offered was that they were "too busy" or "just didn't have the time."

18. As a condition of the agreements with the law schools for obtaining the graduation rosters and addresses, survey results do not separately analyze and report findings from the individual schools.

19. Researchers used chi-square and t-tests to analyze the differences between men and women. These statistical procedures determine the likelihood that differences are actual and not simply the result of chance. Appendix A indicates which statistical tables and figures contain "statistically significant" findings. Note however, that findings can be statistically significant, yet not meaningful. That is, they

Table 2 provides some additional background information about the graduates surveyed. Most tend now to be in their thirties and graduated from college in the 1970s. The typical graduate began law school within three years of completing an undergraduate degree, although women appear to have started later than men.²⁰ Thirteen percent of respondents had graduate degrees in addition to law degrees. Seventy-nine percent currently reside in Minnesota.

Table 2

Backgrounds of Graduates

Age

	<u>Men</u>	<u>Women</u>	<u>Total</u>
30 or younger	9%	11%	10%
31 to 35	28	30	28
36 to 40	42	36	40
41 to 45	18	16	17
45 or older	3	7	5

Year Received Bachelor's Degree

	<u>Men</u>	<u>Women</u>	<u>Total</u>
1964 or earlier	3%	6%	4%
1965 to 1970	15	15	15
1971 to 1975	41	36	39
1976 to 1980	29	27	29
1981 or later	12	16	13

Years From Bachelor's Degree To
Entering Law School

	<u>Men</u>	<u>Women</u>	<u>Total</u>
Less than 1	46%	31%	42%
1 to 3	34	34	35
4+	20	37	23

Received Other Graduate Degree(s)

	<u>Men</u>	<u>Women</u>	<u>Total</u>
Received other degree(s)	12%	15%	13%
No other degree(s)	88	85	87

may reveal a true difference, but not one which is large enough to merit interpretation.

20. Within the present sample, the average age of students entering law school was 26.6 years for women and 25.2 years for men. Minnesota Women Lawyers' 1984 study also observed this later start for women graduates. See *Profile Summary*, *supra* note 2, at 11.

III. Law School Experience

Motivation for Attending Law School

To examine whether there might be a correlation between an individual's reasons for attending law school and later career patterns, survey respondents were first asked to respond to a list of reasons that motivate people to attend law school. For each reason, respondents indicated whether the reason had been a "major reason," a "minor reason," or of "no importance" in the decision to pursue a legal education.

Four of the items stand out as primary reasons which motivated this group to attend law school (see Table 3). For a large number (80 percent) of respondents, the ability to direct one's own career had the most significance. Men (80 percent) and women (79 percent) were equally likely to cite such a desire for independence as a major reason for attending law school. About half (54 percent) of all respondents were also motivated by the desire for an

Table 3

Reasons for Attending Law School

	<u>Major Reason</u>			<u>Minor Reason</u>			<u>Of No Importance</u>		
	<u>Men</u>	<u>Women</u>	<u>Total</u>	<u>Men</u>	<u>Women</u>	<u>Total</u>	<u>Men</u>	<u>Women</u>	<u>Total</u>
a. Influenced by family	13%	13%	13%	30%	26%	29%	58%	62%	59%
b. Influenced by teacher or friend	11	11	11	30	29	29	59	61	60
c. Prestige of profession	22	23	23	58	45	54	20	32	24
d. Opportunity to serve people in need	42	56	46	47	30	42	11	14	12
e. Ability to direct own career	80	79	80	16	14	15	4	7	5
f. To go into politics	9	5	8	23	17	22	68	78	71
g. To work in business or industry	23	26	24	28	20	26	49	54	51
h. To teach law	2	1	2	19	20	19	79	79	79
i. To go into government service	10	15	11	24	30	26	66	55	63
j. To earn a high income	41	33	39	48	45	47	11	22	15
k. To get an advanced degree	51	61	54	35	23	32	13	16	14
l. Needed further education to get a job	26	28	26	28	22	26	46	50	47
m. Nothing better to do at the time	30	28	29	29	21	27	42	51	44

advanced degree, perhaps to achieve a practical advantage in the job market. Women (61 percent) were more likely than men (51 percent) to cite this factor as a major reason for seeking a legal education.²¹

The opportunity to serve people in need was a major influence for almost half (46 percent) of the respondents. Consistent with the popular notion that women apply to law school because they hope to contribute to the social good,²² women (56 percent) were more likely than men (42 percent) to designate this factor as a major reason they chose to attend law school. Finally, almost 40 percent of the respondents agreed that wanting to earn a high income was a major reason they attended law school. Women were less likely than men to cite a high income as a major reason for attending law school (33 percent of women versus 41 percent of men), which is also consistent with the findings of other researchers.²³

21. In a 1988 study of Stanford Law School graduates, researchers found women (50 percent) were more likely than men (31 percent) to report being motivated to attend law school by the need for further education in order to obtain a job. See *Stanford Gender Project*, *supra* note 9, at 1238. In contrast, less than one-third (26 percent) of the respondents in this study indicated that they "needed further education to get a job," and virtually no difference appeared between the responses of men (26 percent) and women (28 percent).

The difference in findings may be due in part to differences in sampling. The Stanford study sampled all living women graduates, while this study focused on more recent graduating classes. Compare *id.* at 1232 with *supra* note 12 and accompanying text. The more recent Minnesota women law graduates may not feel a legal education is needed to obtain a job since more employment opportunities are open to women today than in the past. Their greater desire for "an advanced degree" might, however, be related to the improved employment opportunities it brings. See generally Georgina LaRussa, *Portia's Decision: Women's Motives for Studying Law and their Later Career Satisfaction as Attorneys*, 1 *Psychology Women Q.* 350, 353-55 (1977).

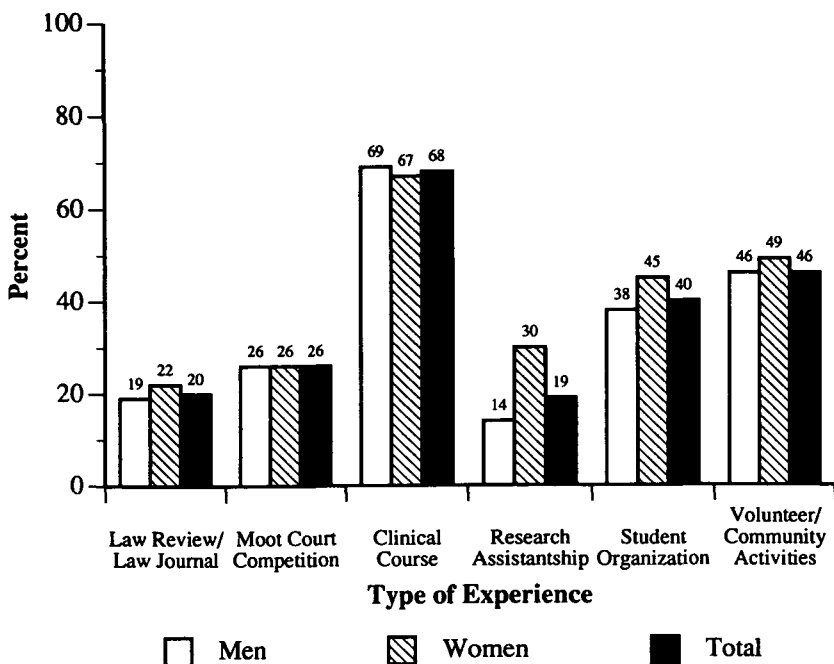
22. See *Stanford Gender Project*, *supra* note 9, at 1219. Other researchers have found that women value service commitments more than men, and are motivated to attend law school to help others or to serve society. See Epstein, *supra* note 9, at 42; *Stanford Gender Project*, *supra* note 9, at 1238; LaRussa, *supra* note 21, at 354-55, 360. But see James White, *Women in the Law*, 65 *Mich. L. Rev.* 1051, 1069-70 (1967).

23. Fifty percent of the male graduates of Stanford Law School reported that a desire to make money influenced their decision to attend law school, compared with 38 percent of the women. See *Stanford Gender Project*, *supra* note 9, at 1238, 1240. In contrast, a much earlier (1967) study of law graduates found that women were more likely than men to state that money was "very important" to their choice of law. See White, *supra* note 22, at 1069-70. Professor White cautioned, however, that for various reasons his findings "probably do not justify the conclusion that the prospect of monetary gain more strongly influenced women" in their choice of law. *Id.* at 1070.

Law School Activities

During law school, survey respondents participated in a variety of activities in addition to attending classes. An overwhelming majority (89 percent) had been employed while in law school, and most (71 percent) had worked for a law firm or other law-related organization by the time they graduated. An almost equal percentage (68 percent) had taken at least one clinical course during law school, and about half (47 percent) reported participating in volunteer or community activities (see Figure 1).

Figure 1
Law School Experience



Women and men appear to participate equally in most additional activities, including law review, law journal, and moot court competitions. They also report receiving similar grades.²⁴ Women (30 percent) are more likely than men (14 percent) to work as re-

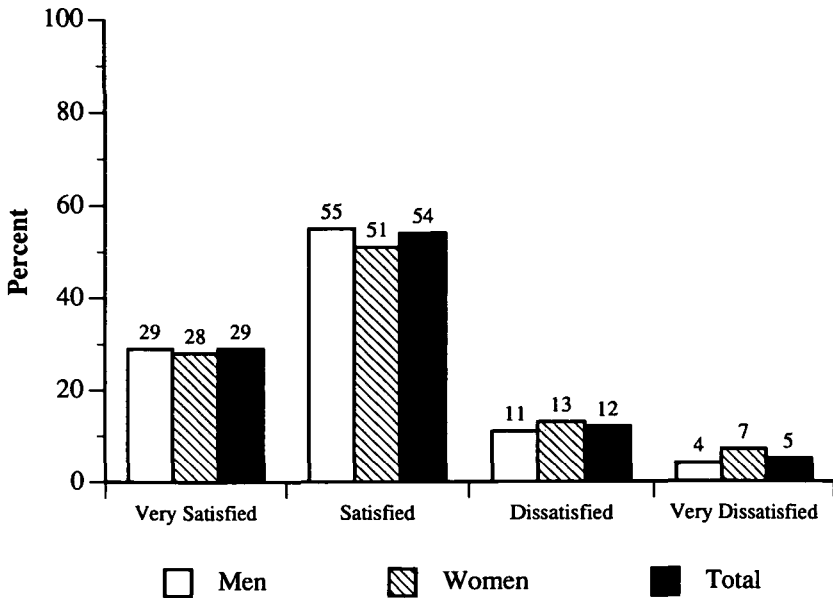
24. Graduates were asked whether their grades in law school were mostly A's, B's, or C's. Of the men, 12 percent reported mostly A's, 68 percent reported mostly B's, and 20 percent reported mostly C's. Of the women, 14 percent reported mostly A's, 75 percent reported mostly B's, and 11 percent reported mostly C's.

search assistants and are more likely to have never been employed during law school (16 percent of women versus 9 percent of men).

Satisfaction with Law School

When asked to consider the law school experience as a whole, most of the respondents (83 percent) reported being either satisfied or very satisfied. Only 5 percent reported being very dissatisfied (see Figure 2). Women and men were very similar in their overall assessments, with only slightly more women (20 percent) than men (15 percent) reporting that they were dissatisfied or very dissatisfied with law school.

Figure 2
Satisfaction with Law School



When asked an open-ended question about what they consider in retrospect to be the best parts of the law school experience, nearly half (44 percent) of the respondents designated the friendships they had developed during law school. Other frequent answers included acquiring analytical and problem-solving skills (18 percent), the overall education (18 percent), the intellectual stimulation (14 percent), and the opportunity to participate in clinical programs (11 percent). Specific good professors (11 percent) or classes (10 percent) were also mentioned.

Respondents were in less agreement regarding the most negative aspects of their law school experiences, although almost a quarter (23 percent) objected to the Socratic style of teaching. The amount of studying (18 percent) and stress (11 percent) were also mentioned as some of the worst aspects of law school, as were particular bad professors (10 percent) or classes (12 percent). Women and men had similar recollections of both the best and the worst parts of law school. Their responses to each question never differed by more than four percentage points.

Faculty and Placement Office Assistance

To explore the extent to which law school personnel influenced students' career paths, researchers asked respondents whether law school faculty or staff assisted them in finding jobs or choosing a career focus. Less than one-fourth (24 percent) of the respondents reported receiving such assistance (see Table 4).

Table 4

Assistance with Job Finding and/or Career Decisions

Received Assistance During Law School

	<u>Men</u>	<u>Women</u>	<u>Total</u>
Received Assistance	23%	28%	24%
Received No Assistance	77	72	76

Need for Assistance*

	<u>Men</u>	<u>Women</u>	<u>Total</u>
Needed Help, But Didn't Obtain It	26%	39%	30%
Didn't Need Help	74	61	70

* for the 76% of graduates who did not receive assistance

For those who received help from placement office staff, the most common types of assistance were setting up job interviews (38 percent) and providing job leads (39 percent). Other placement office assistance included bulletin board postings (16 percent), assistance with resumes (16 percent), and career counseling (13 percent). Providing job leads (36 percent), advice (34 percent), and recommendations (23 percent) were the most frequently mentioned types of assistance provided by faculty members.

Of those who had not received help in finding a job or choosing a career focus, most (70 percent) reported that they had not desired or requested such assistance. About three in ten reported wanting more career direction, however, and women (39 percent) were more likely than men (26 percent) to have wanted such help. The data does not reveal why, in retrospect, more women wish they had been better counseled during law school.

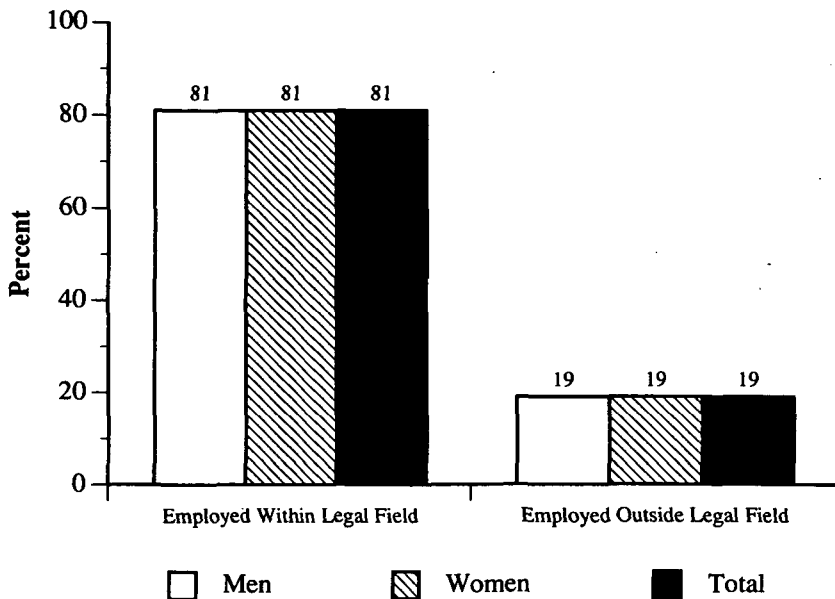
IV. Employment Experience

To address directly the questions of whether women changed jobs more often than men, were less satisfied with their jobs, or were leaving the practice in greater numbers than men, researchers asked each respondent a series of questions aimed at tracing the respondent's career path from the first job after graduation to the present.

First Jobs

After graduation from law school, 81 percent of the graduates took positions in the field of law; 19 percent took positions outside the legal field.²⁵ Women and men were equally likely to take positions inside and outside the practice of law: women are *not* over-represented in non-law occupations in their first jobs (see Figure 3).²⁶

Figure 3
Employment Status: First Job



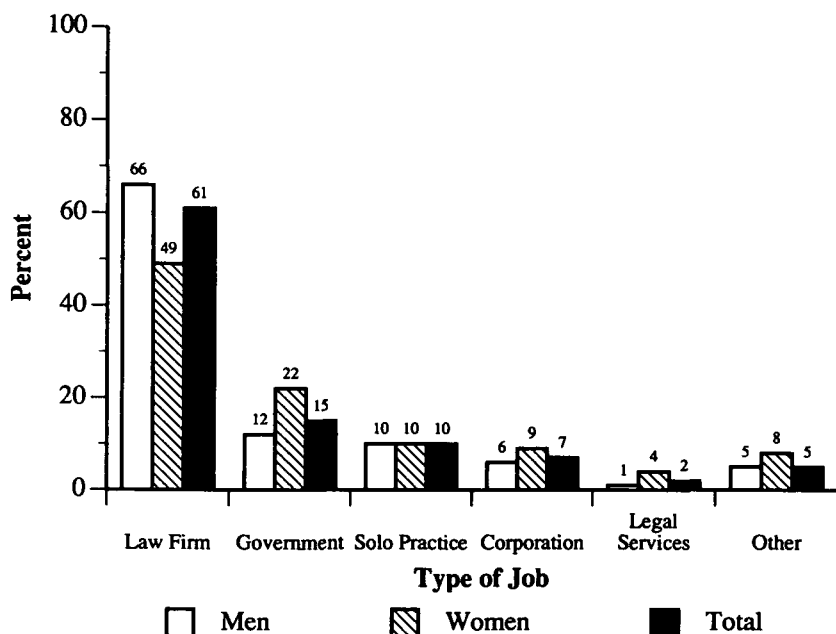
25. Approximately 12 percent of the graduates (18 percent of the women and 10 percent of the men) reported that they held a judicial clerkship immediately after law school. For them, the term "first job" refers to the first position held after the clerkship.

26. Researchers asked respondents, "In your first job after law school, excluding judicial clerkships, did you practice law or work in a position in which you did not practice law?" The "practice of law" was defined to include all law or law-

Within the field of law, most graduates (61 percent) took positions with law firms (see Figure 4).²⁷ The next most frequent employer was the government (15 percent). About 10 percent of the graduates established a solo practice. Consistent with the findings of other researchers, women appear less likely than men to enter law firms (49 percent of women versus 66 percent of men) and more likely to enter government in their first jobs after law school (22 percent of women versus 12 percent of men) (see Figure 4).²⁸

Figure 4

Type of First Job for Graduates Who Practiced Law



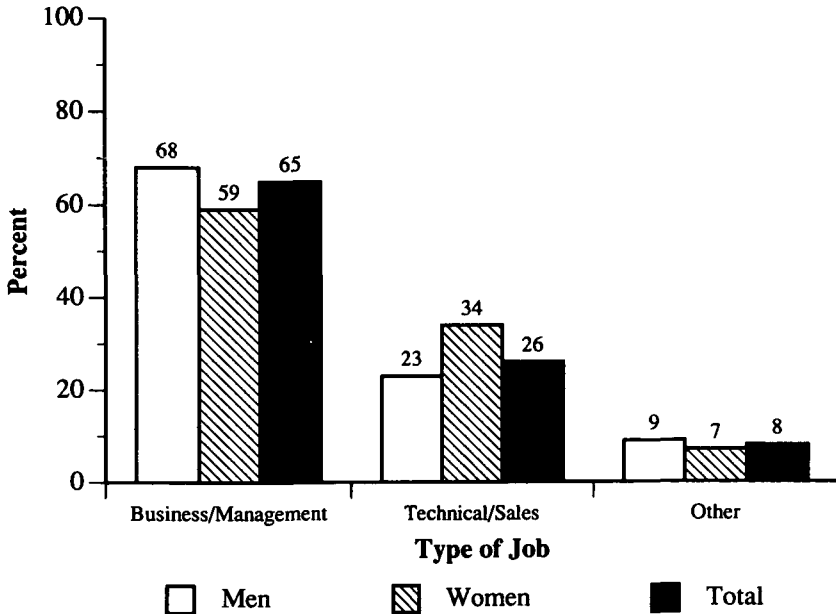
related positions. The terms "practice of law" and "positions within the field of law" are thus synonymous for purposes of this study.

27. This pattern was also reflected in the career paths of Stanford Law School graduates, who overwhelmingly took first jobs in the legal field. See *Stanford Gender Project*, *supra* note 9, at 1243. See also Liefland, *supra* note 9, at 604-05; Vogt, *supra* note 9, at 21-24.

28. See Liefland, *supra* note 9, at 604-05; Vogt, *supra* note 9, at 89. But cf. *Stanford Gender Project*, *supra* note 9, at 1243 (finding Stanford's women graduates (78 percent) almost as likely as men (83 percent) to hold a first job in a law firm).

Graduates reporting first jobs outside the practice of law took primarily business management and government positions of the type one might expect for individuals with graduate degrees in business. Some graduates entered technical or sales occupations, such as real estate sales, insurance sales, and work within the computer industry (see Figure 5).

Figure 5
Type of First Job for Graduates Who Did Not Practice Law



Job Conditions: First Job

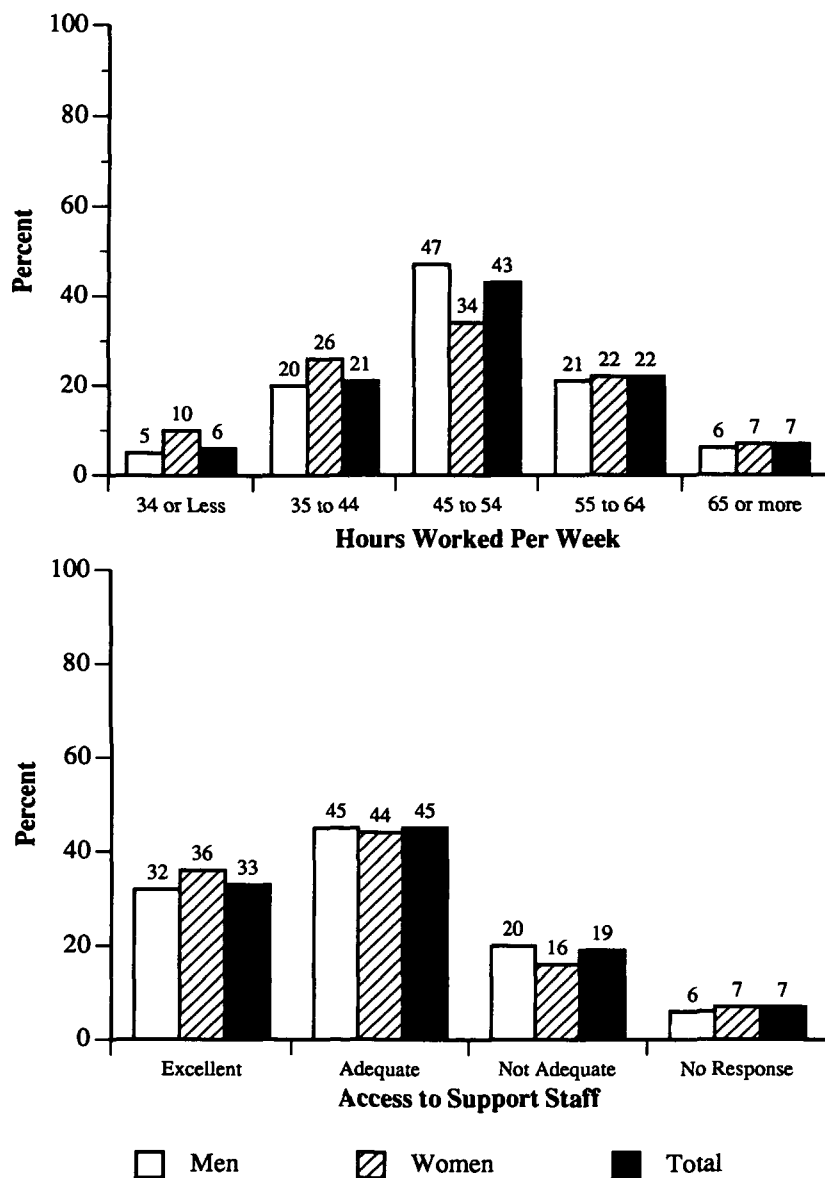
Respondents were asked about two conditions of their first jobs—the hours worked and the relationships with support staff—to find out whether these factors differed for men and women. About three-fourths of the graduates worked forty-five hours per week or more in their first jobs (see Figure 6). Almost three in ten worked fifty-five hours per week or more. For the most part, women and men appear to have worked similar hours in their first jobs.

Women and men also appear to have had equal access to support staff in their first jobs. The majority of graduates (78 percent) felt that their access to support staff, such as legal assistants and secretaries, was "excellent" or "adequate." Only one in five (19 percent) characterized access to such staff as "not adequate."

Nonetheless, almost half felt they were asked to do work normally done by paralegals or secretaries. Men (45 percent) and women (41 percent) were equally likely to believe that their work included such non-lawyer tasks.

Figure 6

Job Conditions: First Job



Departures from First Jobs

One of the study's primary goals was to examine the degree to which the graduates' employment patterns reflected a trend toward increased mobility within the legal profession. Although other researchers had found most lawyers' first jobs did not evolve into "lifetime" occupations,²⁹ the conventional wisdom had long been that a lawyer started his or her career, became a partner, and retired at the same law firm.

The majority of lawyers did not adhere to this "conventional wisdom," even as they began their first jobs. Only one-third of the respondents expected to stay in their first jobs when they began; over half expected to leave (see Table 5). A comparison of expectations by year of graduation suggests an increasing trend toward mobility, at least with respect to first jobs.³⁰ Almost half (46 percent) of the class of 1975 expected to stay in their first jobs at the time they began, but only 26 percent of the class of 1985 expected to do so.³¹

Table 5

Expectation to Stay in First Job

	Total Sample		
	Men	Women	Total
Expected to Stay	35%	29%	33%
Did Not Expect to Stay	54	55	54
Don't Know	11	16	13

	By Graduation Year					
	1975			1978		
	Men	Women	Total	Men	Women	Total
Expected to Stay	49%	22%	46%	30%	35%	32%
Did Not Expect to Stay	41	61	43	54	45	52
Don't Know	10	17	11	16	20	16

	1982			1985		
	Men	Women	Total	Men	Women	Total
	Men	Women	Total	Men	Women	Total
Expected to Stay	39%	23%	34%	23%	32%	26%
Did Not Expect to Stay	49	60	53	70	58	66
Don't Know	12	17	13	7	10	8

29. See, Liefland, *supra* note 9, at 606; Vogt, *supra* note 9, at 28-29.

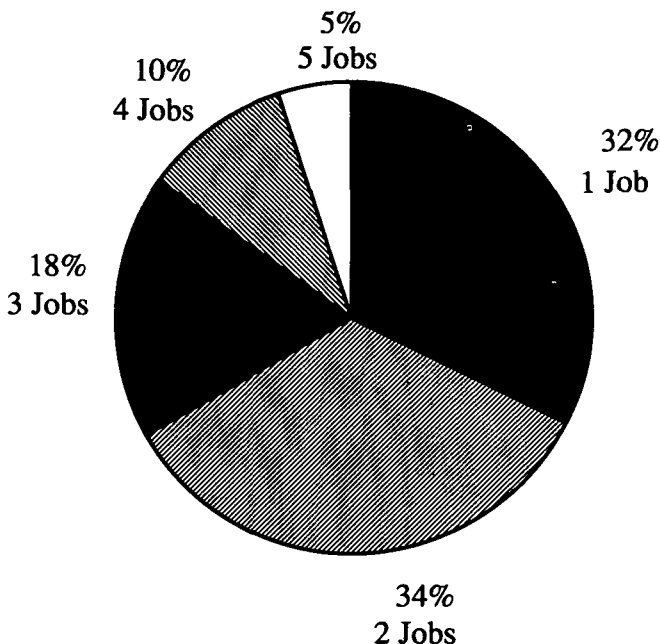
30. Because the study sample included a large number of relatively recent graduates, see *supra* text accompanying note 12, the data does not permit an extensive analysis of succeeding jobs or job changes.

31. No discernible pattern surfaced in the responses of men and women. In the classes of 1978 and 1985, women were more likely than men to report they expected to stay in their first jobs. The reverse is true for the classes of 1975 and 1982. Overall, women (55 percent) and men (54 percent) are equally likely to report they did not expect to stay in their first jobs at the time they took them.

Only 32 percent of the graduates remained in their first jobs at the time of the survey (see Table 6 and Figure 7). Most graduates have held at least two jobs, excluding judicial clerkships, since graduating from law school. One-third of the respondents have held three or more jobs. This rate of mobility refutes the notion that lawyers have "lifetime" employment with their first employer, particularly since no graduate had more than thirteen years of experience in the workplace at the time of the survey.³²

Figure 7

Number of Jobs Since Graduation from Law School: Total Sample



The number of jobs held, by graduation year and sex, appears in Table 6. Women and men within each graduation class tend to report having held similar numbers of jobs, with the exception of

32. In a study of the 1959, 1969, 1974, and 1981 graduating classes of seven northeastern law schools, Leona Vogt found less than one-fourth of the graduates remained in their first jobs. Vogt, *supra* note 9, at 28. The 1974 graduates, who were 11 years out of law school at the time of the survey, had held approximately 1.8 jobs. *Id.* at 38-43.

women who graduated in 1975.³³ For all other years, the rate of mobility for women and men graduates is virtually the same: women are not changing jobs any more frequently than men are, but both women and men are highly mobile.

As one might expect, earlier graduates (1975 and 1978) are more likely than later graduates (1982 and 1985) to report holding the highest number of jobs since graduation (see Table 6). Yet even within the class of 1985, 60 percent of the graduates had left their first job at the time of the survey, less than three years after they had graduated from law school.

Table 6

Number of Jobs Held Since Graduation From Law School

Number of Jobs Since Graduation	<u>Total Sample</u>								
	<u>Men</u>	<u>Women</u>	<u>Total</u>						
1	32%	33%	32%						
2	34	35	34						
3	18	19	18						
4	10	9	10						
5+	6	4	5						

	<u>By Graduation Year</u>					
	<u>1975</u>			<u>1978</u>		
	<u>Men</u>	<u>Women</u>	<u>Total</u>	<u>Men</u>	<u>Women</u>	<u>Total</u>
1	31%	11%	29%	26%	24%	25%
2	33	33	33	30	38	32
3	20	28	21	20	20	20
4	10	17	11	17	10	15
5+	7	11	7	7	8	8

	<u>1982</u>			<u>1985</u>		
	<u>Men</u>	<u>Women</u>	<u>Total</u>	<u>Men</u>	<u>Women</u>	<u>Total</u>
	<u>Men</u>	<u>Women</u>	<u>Total</u>	<u>Men</u>	<u>Women</u>	<u>Total</u>
1	36%	30%	34%	37%	46%	40%
2	33	34	33	40	34	38
3	18	22	19	14	15	15
4	8	12	10	5	4	5
5+	5	3	4	4	0	2

33. Because so few women graduated in 1975, no conclusions can safely be drawn from the apparent difference in their mobility, although the entry of these women into the profession at a time when very few women were practicing law might well have affected their careers. See *supra* text accompanying notes 12 and 15.

Timing of Departures from First Jobs

Figure 8 shows more specifically the period within which the women and men of each graduating class left their first jobs. Median job lengths by graduation year and type of job are listed in Table 7.³⁴ This data reflects an unmistakable trend toward leaving first jobs at an increasingly earlier rate. While the median stay in a first job was 4.9 years for the class of 1975, the median dropped to 3.0 years for the class of 1982, and for the class of 1985 it was only 2.1 years. In fact, half of the class of 1985 had left their first jobs in only two years.

Table 7

Median Length of First Job by Graduation Year and Type of Job

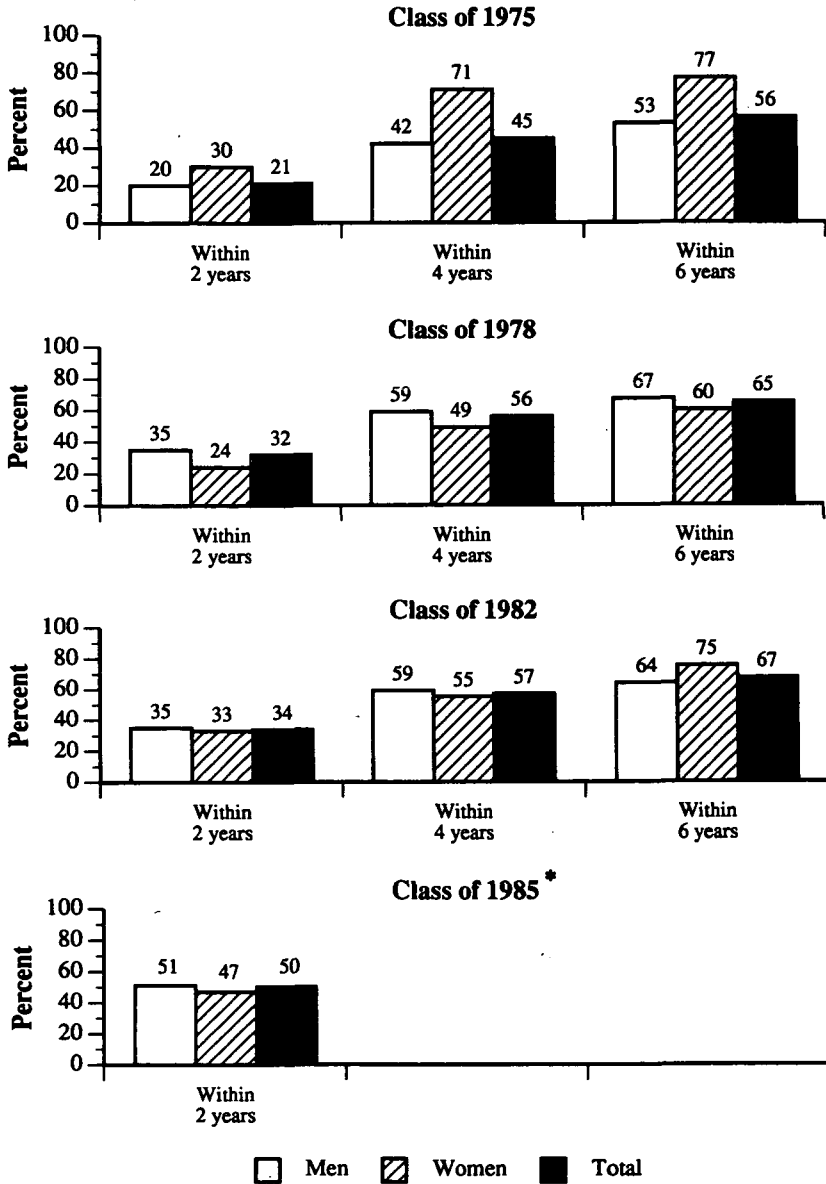
	Median* (in years)		
	<u>Men</u>	<u>Women</u>	<u>Total</u>
1975	4.9	3.0	4.9
1978	3.2	3.6	3.3
1982	2.8	3.3	3.0
1985	2.0	2.2	2.1
Solo Practice	6.8	4.3	5.8
Law Firm	3.8	3.1	3.8
Government	2.0	3.5	3.2
Corporation	6.6	4.4	6.5

* The median is the point above and below which 50 percent of the cases lie in a statistical distribution. Thus, the first entry indicates that 50 percent of the 1975 male graduates held their first jobs for 4.9 years or less. Only graduates who began their first jobs within 18 months of graduation are included in this analysis.

The data on all respondents (both those who have kept their original positions and those who have left) suggests that it is reasonable to expect that at least half of all law graduates will leave their first jobs within two to four years. But, if the experience of the class of 1985 becomes the normal pattern, the average graduate may depart from his or her first job in approximately two years.

34. These figures include only graduates who began their first jobs within 18 months of graduation. This ensures that the time periods for analysis of job entry and departure are comparable for all classes and not affected by the timing of the survey.

Figure 8
Period Within Which Graduates Left First Job



* Since this class graduated four years prior to the survey, only one category appears in the graphs.

The "average" time spent in a first job may vary considerably, however, depending on the type of job held (see Table 7 and Figure 9). Individuals leave government most quickly; the median length of time is 3.2 years. They leave corporations and solo practice least quickly: medians are 6.5 years for those in corporations and 5.8 years for those in solo practice. Differences between women and men are greatest in these latter two types of practice. The median stay for women in solo practice was 2.5 years less than for men (see Table 7). At the end of six years, 72 percent of the women had left their first jobs in solo practice, in comparison to 43 percent of the men (see Figure 9). In the corporate setting, the median stay for women was 2.2 years less than for men (see Table 7), and 67 percent of the women had left their first jobs within six years, in comparison to only 34 percent of the men³⁵ (see Figure 9).

Consistent with the notion that men more often than women use the government as a stepping stone to private practice,³⁶ men leave government jobs more quickly than do women (median time spent at first job is 3.5 years for women, 2.0 for men). Women and men leave law firms after similar durations of time, however, which conflicts with the perception of some that women leave law firms faster or in greater numbers than men³⁷ (see Table 7 and Figure 9). It may bear repeating that despite some differences in timing, our data shows that women and men overall hold the same number of jobs and have the same rate of mobility.

Types of Jobs Since Law School

Women (91 percent) and men (92 percent) are also equally likely to have held a position in the field of law at least once since

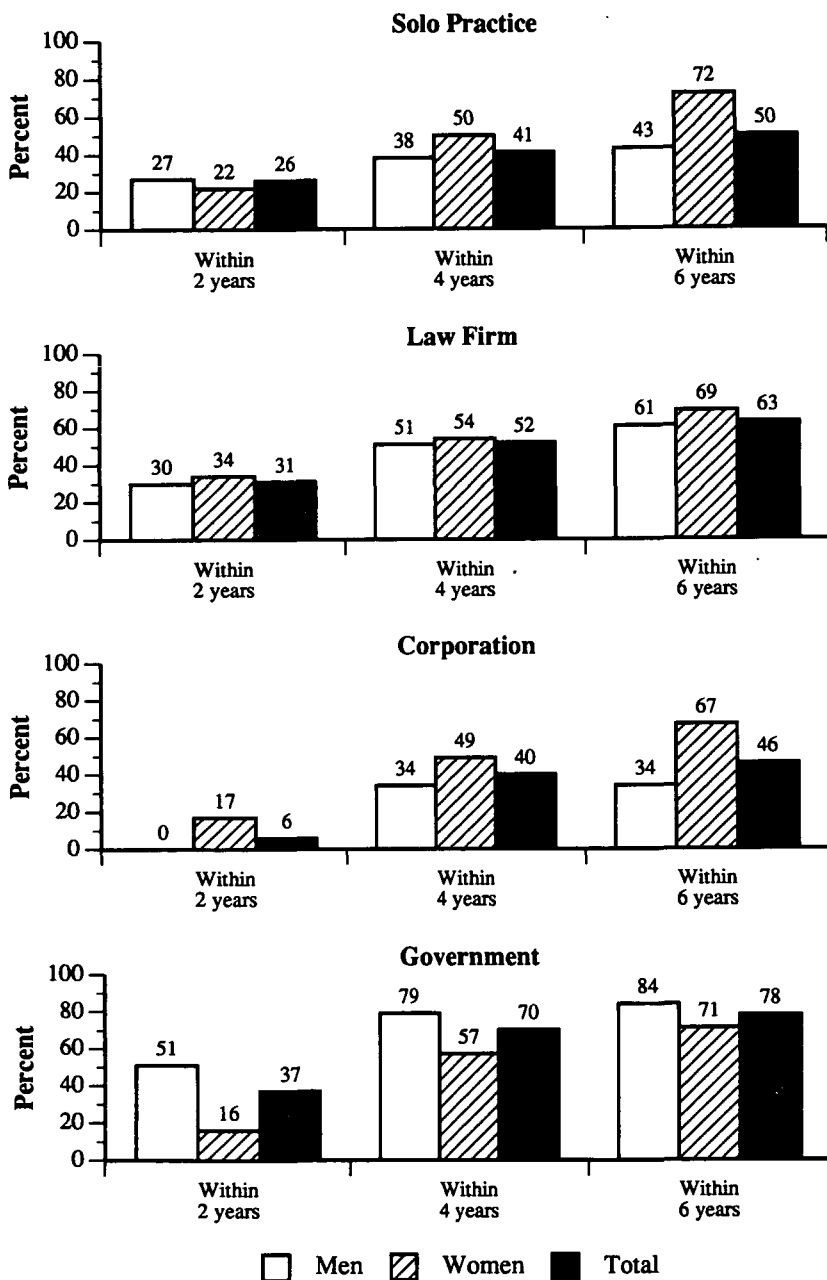
35. The data does not fully explain why women leave their first jobs in corporations and solo practice sooner than men. The reasons women give for leaving these types of jobs are in many ways similar to those given by men, although women appear more dissatisfied than men with corporate first jobs and have more difficulty accommodating personal/family priorities in a solo practice. See *infra* Figure 14 and accompanying text.

36. White, *supra* note 22, at 1059.

37. For a discussion of the notion that women are departing from law firms generally, see Carrie Menkel-Meadow, *Women in Law? A Review of Cynthia Fuchs Epstein's Women in Law*, 1983 Am. B. Found. Res. J. 189, 197-98.

While some have speculated that women are leaving large law firms in particular more often than men, our data does not allow us to analyze whether the rate of mobility varies by the size of firm.

Figure 9
Departure from First Job by Type of Job
(Classes of 1975, 1978, 1982)



graduation from law school (see Figure 10). Only 8 percent of the graduates have never practiced law. Slightly less than one-third of both women (29 percent) and men (28 percent) have held at least one position outside the field of law (see Figure 11). These figures

Figure 10

Graduates Who Held at Least One Job in the Practice of Law

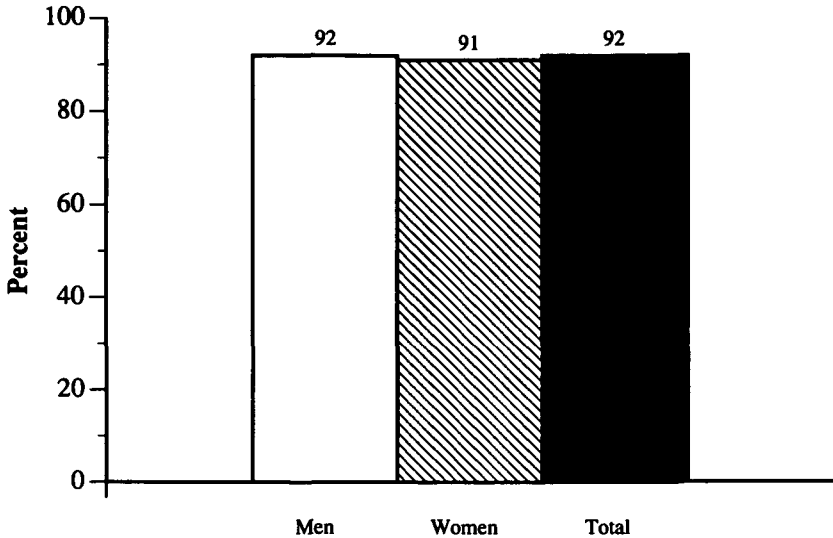
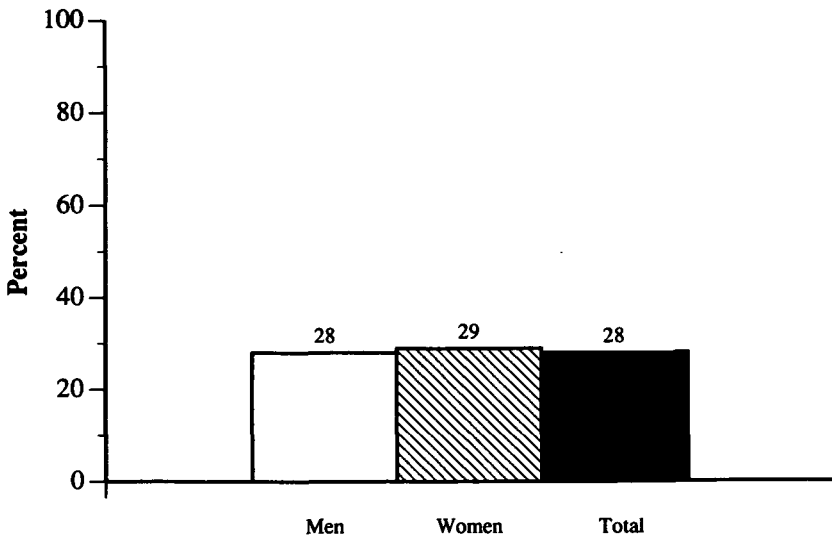


Figure 11

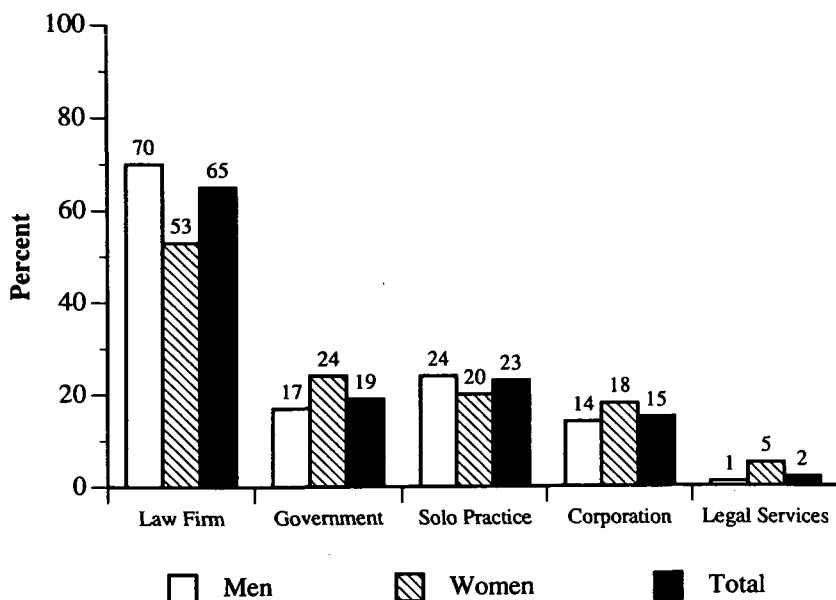
Graduates Who Held at Least One Job Outside the Field of Law



suggest that graduates move in and out of law-related jobs with some frequency. Many who started in a job outside the field of law changed to a law-related job at some time during their careers, and vice versa.

Within the field of law, work in a law firm presents the most common employment experience (65 percent) (see Figure 12). In addition, at one time or another, about 19 percent of the graduates had worked in government, 15 percent had worked in corporations, 23 percent had worked in solo practice, and 2 percent had worked in legal services.³⁸

Figure 12
Specific Jobs Within Law Since Law School



The different patterns observed for women and men in first jobs persist over time. Women (53 percent) are much less likely than men (70 percent) to have worked in a private firm and are more likely to have worked in government or in a corporate setting. Only a small percentage of graduates worked in the legal services area, but women are also more likely to have had this experience. One woman in twenty reported working in legal services

38. Note that these percentages refer to the total sample of graduates, not just to those who had practiced law at least once.

at some time during her career, in contrast to only one man in a hundred.

Reasons for Changing Jobs

In addition to documenting the career patterns of women and men law graduates, the study sought to examine why graduates tend to change jobs. Every time a respondent reported changing jobs, the interviewer asked the open-ended question, "Why did you leave?" Respondents could offer up to three reasons, which were recorded in the respondents' own words. From these, each respondent was asked to identify the "most important" reason. Responses from the entire sample were then analyzed and grouped into five categories. These categories appear in Table 8, along with examples of the types of responses in each category.

Table 8

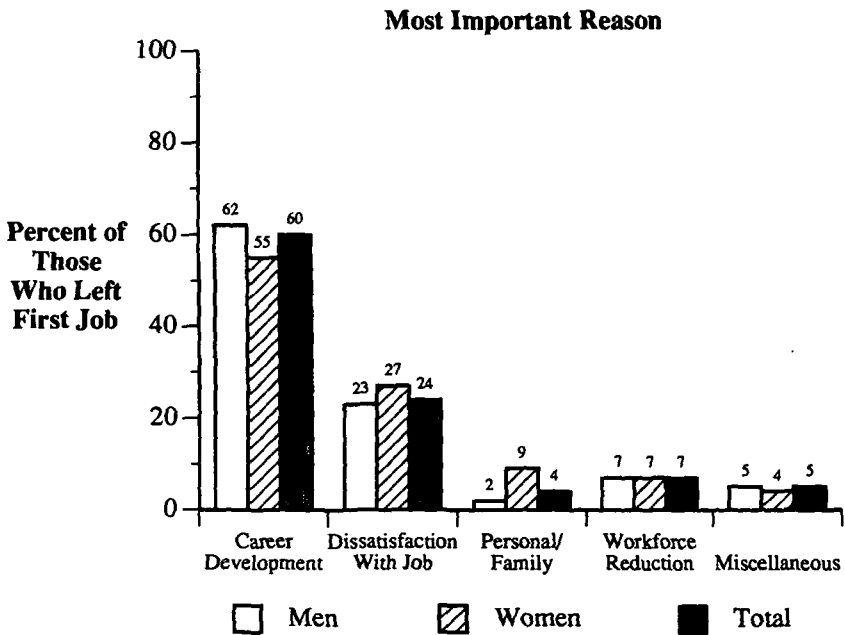
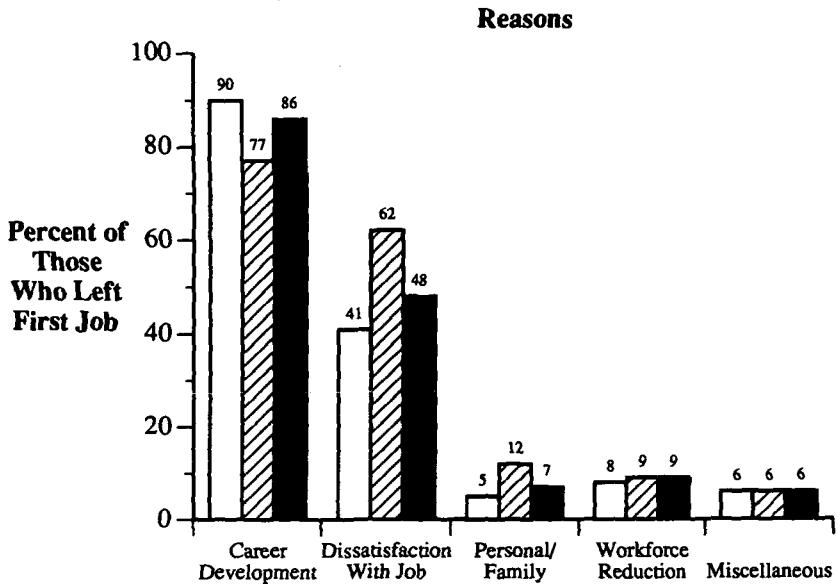
Reasons for Changing Jobs

<u>Category</u>	<u>Specific Responses (Examples)</u>
Career Development (Positive)	Increased responsibilities or income. Better firm. Practice different type of law. Use new/different skills.
Dissatisfaction with Job	Disliked type of work. Bad relationship with coworkers. No advancement or security.
Personal/Family	Pregnancy/child rearing. Other family needs. Stress/burnout.
Workforce Reduction	Firm dissolved. Firm lost business.
Miscellaneous	

Sixty-eight percent of the respondents had left their first jobs by the time of the survey.³⁹ While a large percentage (86 percent) of these respondents cited at least one "positive" career development reason as a major reason for leaving their first jobs, almost half (48 percent) also cited "negative" reasons relating to dissatisfaction with their jobs (see Figure 13). Approximately one in ten listed reasons relating to a loss of business or firm dissolution, perhaps reflecting the increased economic pressures of today's legal marketplace.

39. See *supra* Table 6 and accompanying text.

Figure 13
Reasons for Leaving First Jobs



Fewer than 10 percent listed personal or family reasons as a major reason for leaving their first jobs, although women (12 percent) were more likely than men (5 percent) to offer such reasons. Women (62 percent) were also more likely than men (41 percent) to report dissatisfaction with their first jobs and were less likely to give a career development or advancement-related reason for changing jobs. Ninety percent of the men who had left their first jobs did so, at least in part, for a better opportunity elsewhere. A quarter of the women (23 percent), on the other hand, left for reasons *other than* career development.

When asked to select the *most important* reason for leaving the first job, the majority (60 percent) of graduates cited positive, advancement-related reasons. The increase in mobility observed in these graduates thus may be tied to a large extent to better job opportunities (see Figure 13). Some notable differences nonetheless appear when "most important" reasons are examined by type of job (see Figure 14). Individuals who began their law careers in law firms are most likely to report job dissatisfaction as the most important reason for changing jobs. Over one-third (35 percent) of those leaving a law firm first job did so because they were unhappy with the job.

Graduates in corporate first jobs appear to be the least likely to leave because of dissatisfaction, but women in corporations (26 percent) are far more likely than men (0 percent) to express job dissatisfaction as the most important reason for changing jobs. Those in corporations also appear to be the most susceptible to economic layoffs—work force reduction reasons are most important to 15 percent of those who left corporate first jobs. While those in solo practice are not affected by employer-imposed cutbacks, women who enter solo practice out of law school (17 percent) are more likely than men (0 percent) to cite personal/family reasons for leaving the practice, perhaps because the job proves less flexible than it initially appears.⁴⁰

40. See generally Epstein, *supra* note 9, at 319-20. It should also be noted that women with young children are more likely than those without children to enter solo practice. See generally *infra* note 64 and accompanying text.

Figure 14

Most Important Reason for Leaving First Job by Type of Job

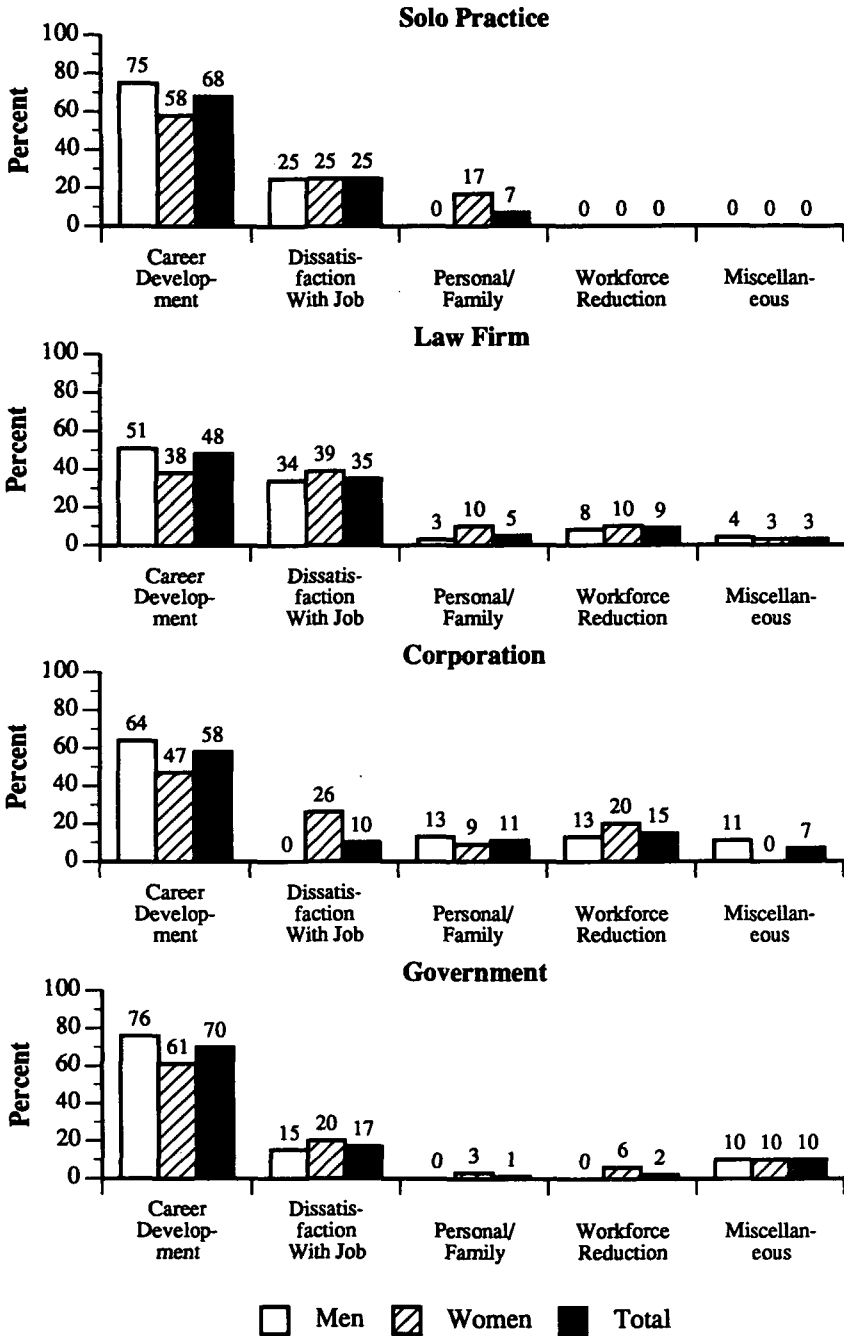
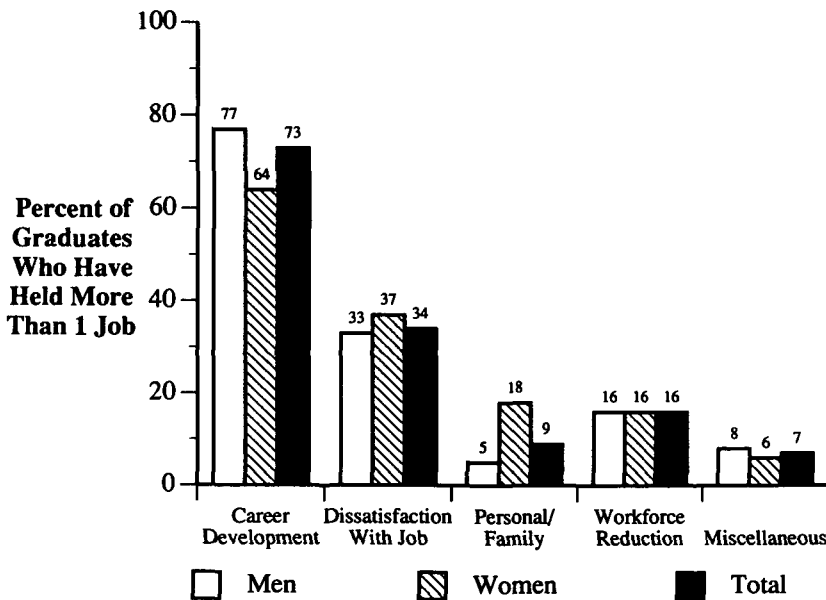


Figure 15 reveals how many respondents ever left a job for each of the five types of reasons. Career development or advancement-related reasons are again most common. Nonetheless, one in three respondents cited some specific dissatisfaction as the most important reason for leaving at least one job. Women and men report similar reasons for leaving jobs, with one notable exception: women are much more likely to have left at least one job for personal/family reasons than are men (18 percent of women versus 5 percent of men).⁴¹

Figure 15
Most Important Reason for Leaving Any Job



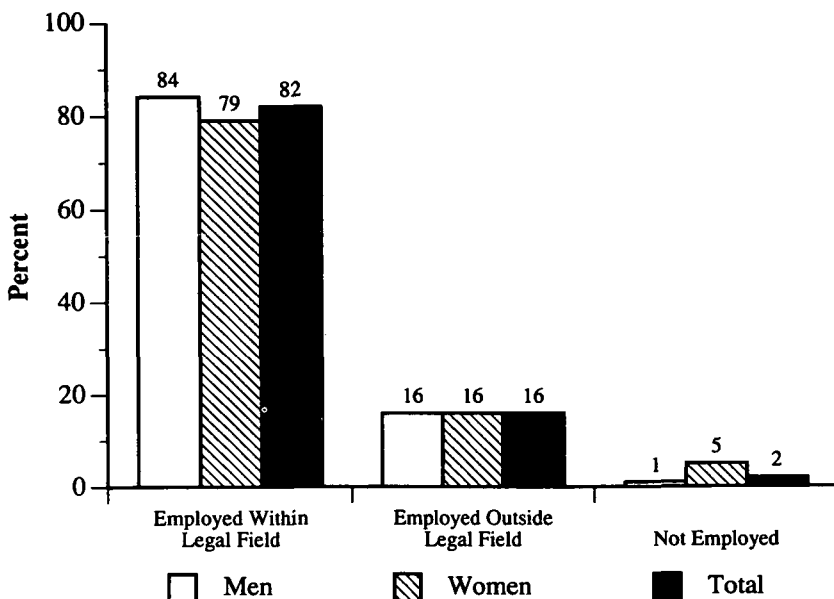
Present Jobs

At the time of the survey, 82 percent of the graduates were in the field of law, 16 percent held positions outside the field of law,

41. These findings parallel those reported in Minnesota Women Lawyers' 1984 survey of registered attorneys with respect to the reasons for "significant" job changes. See *Profile Summary*, *supra* note 2, at 13. Cf. Liefland, *supra* note 9, at 606 (finding men more often cite "advancement and salary considerations" and "not challenging" as reasons for leaving first jobs, while women more often report "discrimination" or "other" reasons). Liefland found women were more likely than men to cite family-related reasons for selecting first jobs, but were only slightly more likely to cite those reasons for leaving first jobs. *Id.* at 605-06, 624-25.

and 2 percent were unemployed (see Figure 16). While women are slightly more likely to be unemployed, the overwhelming majority of women (95 percent) are in the paid work force and, like men, are employed within the field of law.

Figure 16
Employment Status: Present Job



Among the total respondents who hold legal or law-related positions, most (52 percent) work in law firms (see Figure 17). Sixteen percent are in solo practice, 12 percent work for corporations, and 11 percent work for government agencies. As with first jobs, women are more likely than men to work for government and corporate employers; men are more likely to work in law firms.⁴² Four percent of the women and 1 percent of the men currently serve as judges.⁴³ Comparing present jobs to first jobs, men

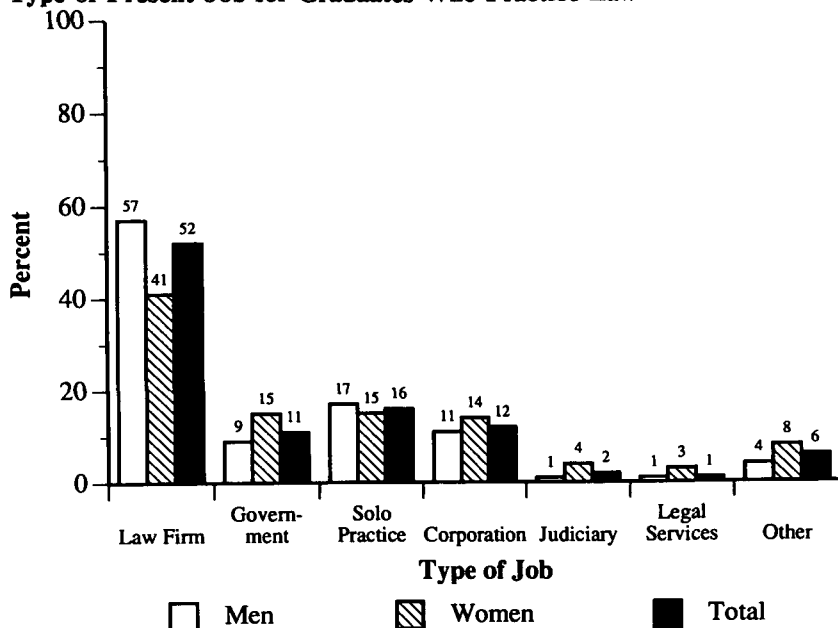
42. These findings are similar to those reported by most other researchers. See *Profile Summary*, *supra* note 2, at 11-12; Liefeland, *supra* note 9, at 606-07; Vogt, *supra* note 9, at 89; White, *supra* note 22, at 1059; Barbara Curran, *American Lawyers in the 1980s: A Profession in Transition*, 20 *Law & Soc'y Rev.* 19, 45-49 (1986). Our findings differ somewhat from the findings for Stanford law school's women graduates, where researchers found no statistical difference between the sexes when comparing types of jobs. See *Stanford Gender Project*, *supra* note 9, at 1244-45. Authors of the Stanford Gender Project study hypothesize that as graduates of an "elite" law school, Stanford women may "be in a better position to gain access to law firms and areas of practice historically reserved for men." *Id.* at 1247.

43. In Minnesota, approximately 24 of 230 trial judges are women, three of 13

and women appear to be moving away from law firms and government and toward corporations and solo practice (see Figure 4 and Figure 17).

Figure 17

Type of Present Job for Graduates Who Practice Law

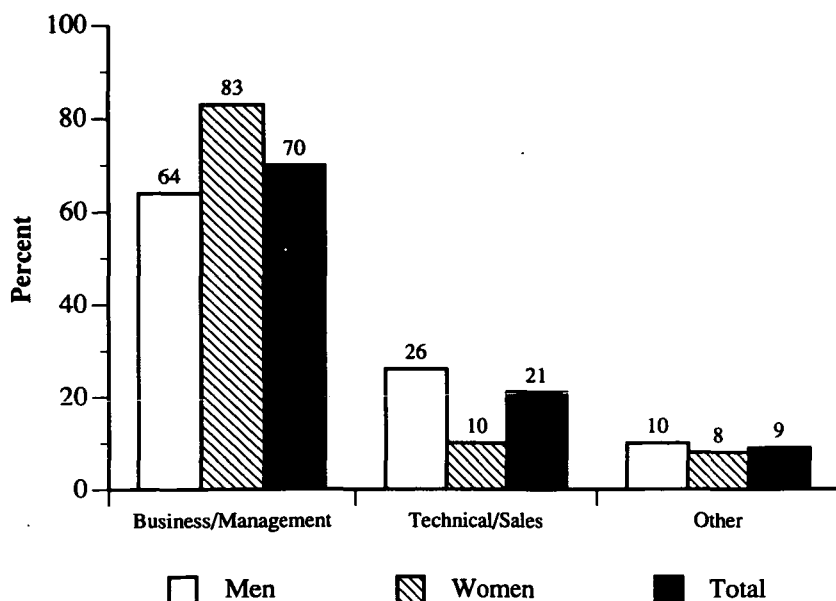


Among those respondents with positions outside the field of law, 70 percent are in business/management positions (see Figure 18). In comparing present jobs with first jobs for those working outside the field of law, women appear to have shifted from the technical/sales category to business/management positions (see Figure 5 and Figure 18).

court of appeals judges are women, and four of the seven supreme court judges are women. See *Gender Fairness Report*, *supra* note 6, at 935; *Minnesota's High Court Women*, Mpls. Star Trib., Jan. 8, 1991, at 8A, col. 1. Some judicial districts have no women judges, however, and women constitute only 10 percent of all judges in the state. *Gender Fairness Report*, *supra* note 6, at 937. For a discussion of the problems faced by women judges in Minnesota, see *id.* at 934-37.

Figure 18

Type of Present Job for Graduates Who Do Not Practice Law

*Job Conditions: Hours Worked*

As was true for their first jobs,⁴⁴ about three-fourths of the respondents reported working a minimum of 45 hours per week. About one-third reported working 55 hours or more per week. Men were more likely than women to report working 55 hours or more per week (38 percent of men versus 27 percent of women). Women were more likely than men to report working 34 hours or less per week (17 percent of women versus 2 percent of men)⁴⁵ (see Figure 19).

The numbers of hours worked by graduates in and out of the field of law are roughly comparable, although two notable differences exist. First, a higher percentage of men outside the field of law work very long hours: 18 percent of the men outside the practice work 65 hours or more per week, in comparison to 5 percent of men in the practice.⁴⁶ Second, women outside the field of law

44. See *supra* Figure 6 and accompanying text.

45. Seventy percent of the women who work 34 hours per week or less have children, the overwhelming majority of whom are preschoolers. See *infra* note 58 and accompanying text.

46. Because a greater percentage of men in the practice of law reported working between 55 and 64 hours per week, the percentages of men in and out of law who report working 55 hours or more per week are very similar (38 percent of men

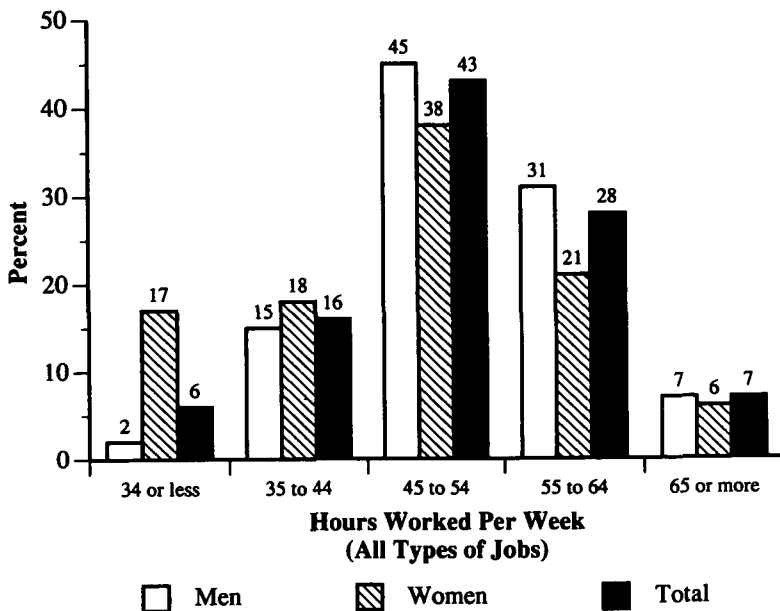
(34 percent) are more likely than women within the field of law (14 percent) to work part-time, or less than 34 hours per week.

Within the legal field, the number of hours worked per week by both women and men varies by the type of job. Graduates of both sexes in law firms report the longest hours: 44 percent of the respondents who currently hold law firm positions report working 55 hours per week or more, compared to 32 percent of those in government, 26 percent of those in solo practice, and 23 percent of those in corporations.⁴⁷

Those in solo practice (11 percent) are most likely to report working less than full-time. Less than 5 percent of those in other types of law jobs report working part-time. Virtually all of the men who currently work less than 34 hours per week are in solo practice. Women work part-time in all types of legal employment, although a greater percentage of women in solo practice (35 percent) work part-time than women in law firms (12 percent), the government (10 percent), or corporations (4 percent).

Figure 19

Job Conditions: Present Job



in law reported working 55 hours or more per week, compared to 34 percent of men in non-law positions).

47. A significant percentage of those in government nonetheless report very long hours: 11 percent of those in government report working 65 hours or more per week, compared to only 7 percent in private firms.

Women are more likely than men to have held a part-time position at some time during their careers. Thirty-seven percent of the women had worked part-time at least once since law school, in contrast with 19 percent of the men. Among women, the major reason for working part-time appears to be to meet family needs (48 percent of those who had ever worked part-time reported such a reason), while among men, the major reason for part-time work was lack of available, full-time positions (32 percent).⁴⁸

Reasons for Not Practicing Law

While women are no more likely than men to be currently employed in a non-law position, their reasons for not practicing law lend support to the notion that the legal profession is losing some women who find legal employers either unable or unwilling to accommodate their family-related responsibilities.⁴⁹ In order to better understand the reasons why some graduates are not currently practicing law, those outside the field of law were asked to explain in their own words why they are not currently practicing law.⁵⁰

The three most common reasons for women were: satisfaction with their non-law position (33 percent); family responsibilities (29 percent); and general dislike for the practice of law (28 percent) (see Figure 20). For men, the three most common reasons were: satisfaction with their non-law positions (47 percent); general dislike for the practice of law (39 percent); and a lack of skills or qualifications (32 percent).

When asked to identify the *most important* reason for not practicing law, satisfaction with current position was most frequently mentioned by both women and men (see Figure 20). Women (23 percent) continued to be less likely than men (42 percent) to cite this factor, however, and were more likely than men to cite family responsibilities as the most important reason for not practicing law (19 percent of women versus 0 percent of men).

When read a list of reasons which may have influenced their decisions not to practice law, almost 60 percent of the women employed outside the practice agreed that the desire to spend more time with their families influenced their decisions not to practice law (see Figure 21). Women also agreed they wanted more time

48. See also Liefeland, *supra* note 9, at 617 (primary reason women gave for working part-time was family responsibilities).

49. See generally Mary Hickey, *Mothers in Law: The Dilemma of Having It All*, Wash. Law., May-June 1988, at 38; Wald, *supra* note 8, at 229-31.

50. Up to three reasons were recorded for each respondent.

Figure 20

Reason for Not Practicing Law

(Responses to Open-ended Question)

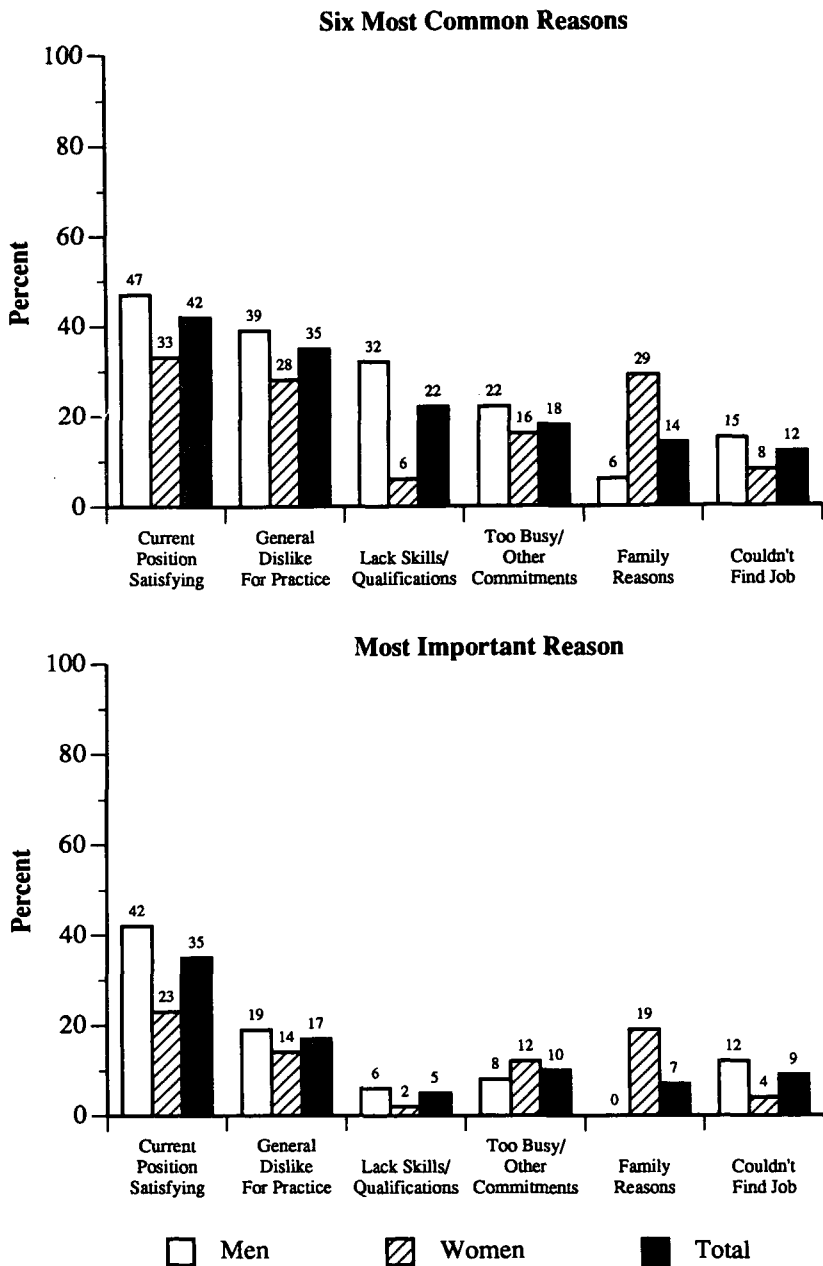
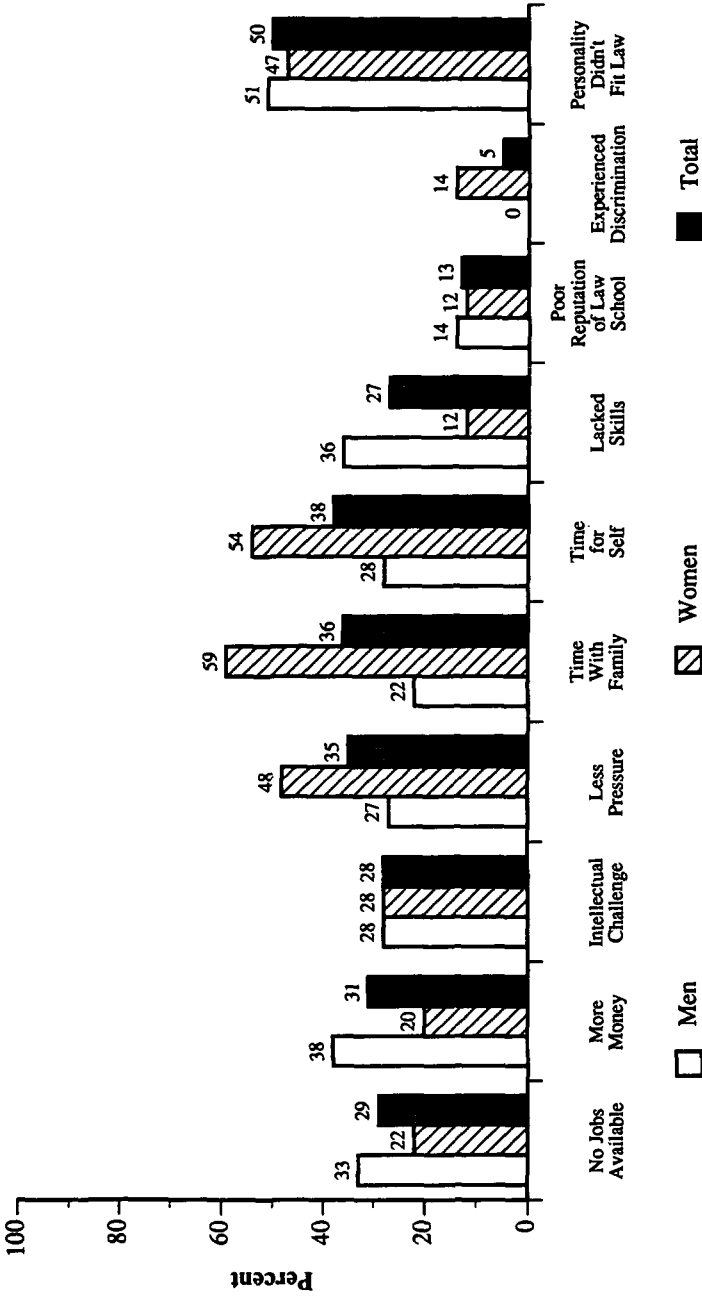


Figure 21

Reasons for Not Practicing Law (Yes/No responses to a checklist)*



* Asked of the respondents not practicing law at the time of the survey: "Did any of the following reasons influence your decision not to practice law at this time?"

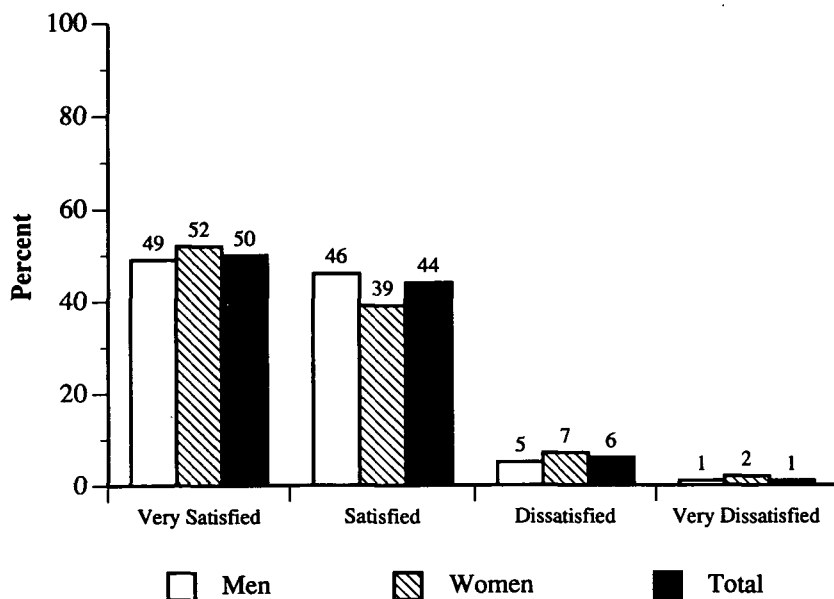
for themselves (54 percent), wanted less pressure (48 percent), and felt their "personality didn't fit the practice of law" (47 percent). Fourteen percent of the women indicated that discrimination had influenced their decisions not to practice law. None of the men were influenced by this factor. Men more often stated that their "personality didn't fit the practice of law" (51 percent), they wanted to make more money (38 percent), they lacked the required skills (36 percent), or they found no jobs available (33 percent).

Satisfaction with Current Job

Overall, the graduates of Minnesota's law schools appear quite satisfied with their current employment.⁵¹ (See Figure 22.) Only 7 percent of the sample reported being either "dissatisfied" or "very dissatisfied" with their current jobs.

Figure 22

Satisfaction with Present Job



51. These high levels of satisfaction are consistent with the results of other studies. See *Stanford Gender Project*, *supra* note 9, at 1245, 1248; PsyCor, Inc., *How Attorneys in Law Firms in Maryland's Major Urban Areas View the Quality of Their Professional Lives and Issues Facing the Profession* 27-29 (1988) (publication for the Maryland State Bar Association). They are somewhat higher than those reported in a survey by the Young Lawyers Division of the American Bar Association. See Ronald Hirsch, *Are You on Target?*, *Barrister* 17, 18 (1985).

When asked about specific aspects of their jobs, satisfaction again surfaced (see Figure 23). Over 90 percent of the graduates are "satisfied" or "very satisfied" with the intellectual stimulation, prestige, and independence of their current positions, as well as with the treatment by clients and colleagues. Over 80 percent are satisfied with their opportunities for community service and with the hours they work. While respondents as a group were least satisfied with the opportunity to work with a mentor, present income, and the opportunities for advancement, the level of satisfaction for each of these aspects remained above 70 percent.

There are some differences in the responses of women and men. Women are notably less satisfied with their opportunities for advancement (69 percent of women versus 83 percent of men). Women are also less satisfied with their opportunity to work with a mentor (65 percent of women versus 72 percent of men) and with their present income levels (72 percent of women versus 79 percent of men). Women outside the practice are generally as satisfied as women in the practice with three exceptions. Women outside the field of law are more dissatisfied than women in the field of law with their present income levels (37 percent of women outside versus 26 percent of women in the field of law), their opportunities to work with a mentor (37 percent of women outside versus 27 percent of women in the field of law), and the prestige of their positions (20 percent of women outside versus 9 percent of women in the field of law).

Satisfaction levels also appear to vary by type of job. Those in government (31 percent) were slightly more dissatisfied with their opportunities to work with a mentor than those in solo practice (24 percent), corporations (24 percent), or law firms (20 percent). Those in government (39 percent) were also more dissatisfied with their opportunities for advancement, compared to those in corporations (25 percent) or law firms (12 percent).

Those in law firms (88 percent) and corporations (75 percent) are less satisfied with the opportunity for community service than those in solo practice (97 percent) and government (90 percent). Finally, consistent with the generally higher number of hours reported by attorneys in law firms,⁵² almost a quarter of those currently in a private firm report dissatisfaction with their hours worked, compared to 13 percent of those in solo practice, 12 percent of those in government, and 8 percent of those in corporations.

52. See *supra* text accompanying note 47.

Figure 23

Satisfaction with Specific Aspects of Present Job

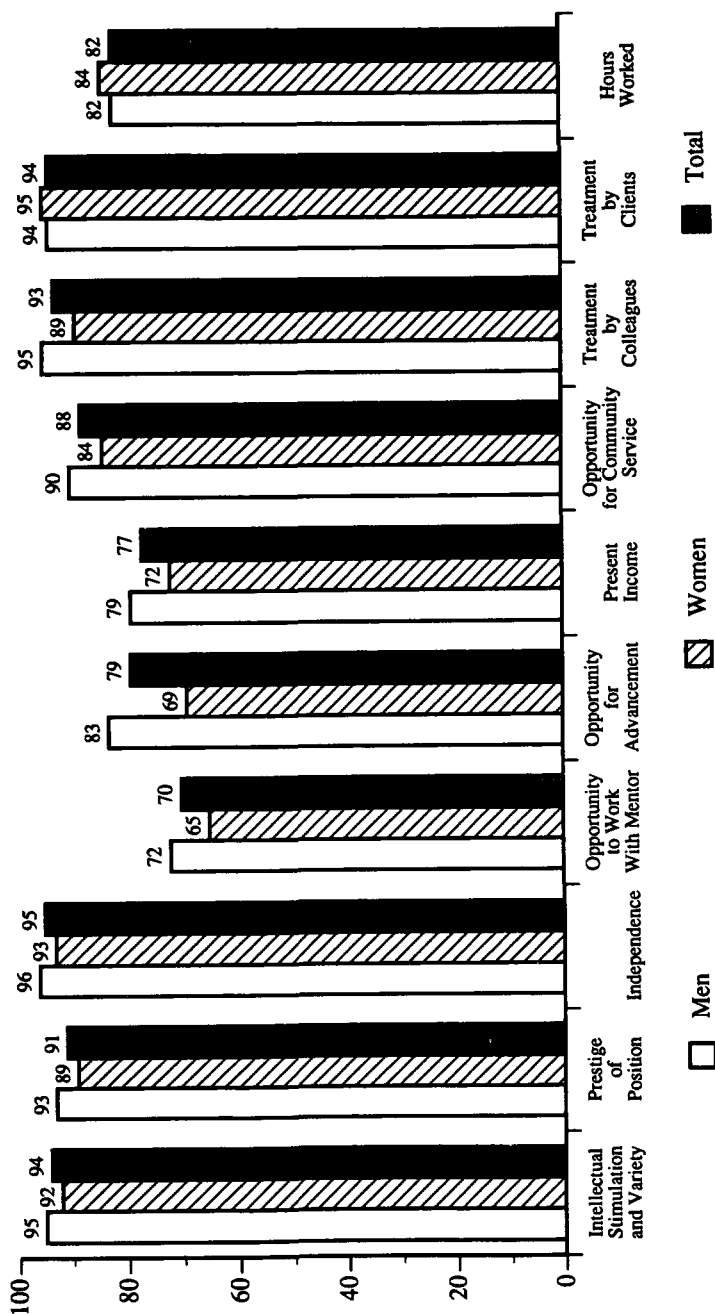


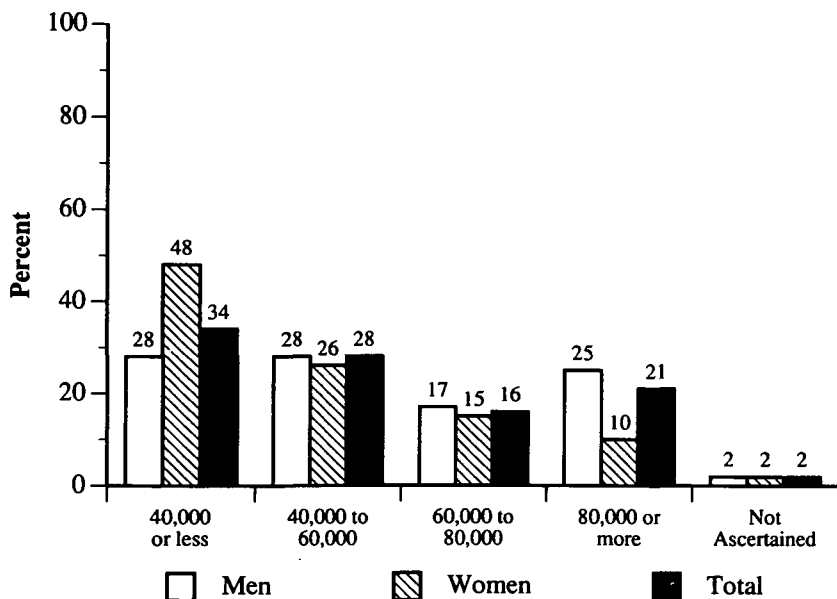
Figure indicates the percent either "very satisfied" or "satisfied" with each aspect.

V. Personal and Family Issues

Income

One of the reasons women may report less satisfaction than men with their current income is because they earn less than men (see Figure 24). Thirty-four percent of all graduates reported annual personal incomes, before taxes, of \$40,000 or less. Almost half of the women (48 percent) are in this category, in contrast to 28 percent of the men. Twenty-eight percent of all graduates reported annual incomes of \$40,000 to \$60,000. The remaining 37 percent earn over \$60,000 per year. Men are much more likely than women to earn these higher incomes: almost half (42 percent) of the men earn \$60,000 or more, in contrast to only 25 percent of the women.

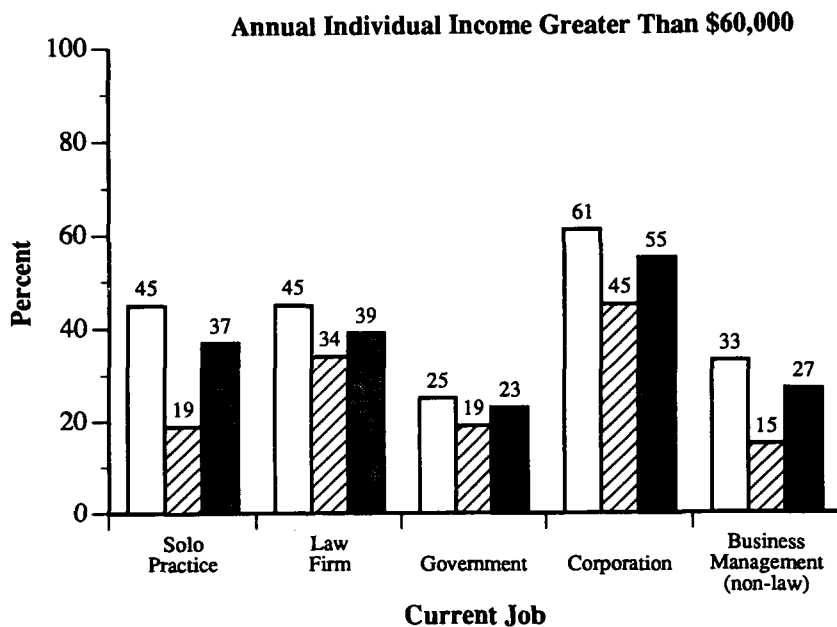
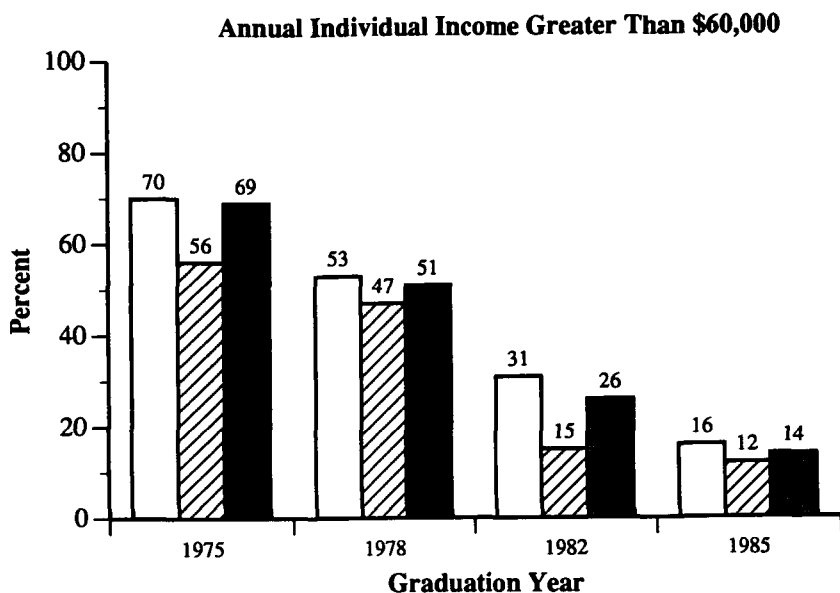
Figure 24
Incomes of the Graduates



The tendency for men to earn more than women exists for all four classes of graduates and for all types of employment (see Figure 25). The differential in income between men and women persists even when the number of hours worked is taken into consideration. Other studies have found similar disparities in in-

Figure 25

Incomes of the Graduates, by Graduation Year and Type of Job



□ Men

▨ Women

■ Total

come.⁵³ No study has effectively explained it, although some researchers have suggested a combination of factors, including workplace inflexibility in response to family responsibilities and the exclusion of women from traditionally male networking and mentoring activities.⁵⁴ Others have more directly advanced sex discrimination as the most plausible explanation.⁵⁵

While it is beyond the scope of this study to explain the differences observed, the figures do tend to support the perception, which many of the women respondents hold, that discrimination in pay is a reality.⁵⁶

Marital and Family Characteristics

The study also explored issues relating to marital status and family characteristics. Most (84 percent) of the graduates had been married at least once at the time of the survey⁵⁷ (see Figure 26). Twenty percent had been divorced one or more times. Women (24 percent) were more likely than men (12 percent) to have never married, but of those who had married, women were about as likely as men to have been divorced (23 percent of women versus 19 percent of men).

When asked whether their work had influenced their decisions about marriage or had contributed to divorce, about half of those who had never married indicated that their work as an attorney had influenced their decisions about marriage and their marriage opportunities. Women (50 percent) were slightly more likely than men (43 percent) to report that their work had affected their marriage opportunities. Of those who had been divorced, more than half of the men (54 percent) felt their work had contributed to the divorce, in contrast to only one-fifth (20 percent) of the women.

Three-fourths of the graduates are currently married. About half of these marriages, for both men and women, occurred before law school; the other half occurred during or after law school. As consistently found by other researchers, more men (80 percent)

53. See *Profile Summary*, *supra* note 2, at 13-14; Vogt, *supra* note 9, at 89-90; White, *supra* note 22, at 1054-57; Christy Brooks, Research Survey Report of the State Bar's Special Committee on the Participation of Women in the Bar, 60 Wis. Bar Bull. 8, 15 (1987) (project reporters were Lois Rentmeester and Donna Jones).

54. *Profile Summary*, *supra* note 2, at 14; Liefland, *supra* note 9, at 609; see Wald, *supra* note 8, at 229-30.

55. See White, *supra* note 22, at 1085-86.

56. See *infra* Figure 33 and accompanying text.

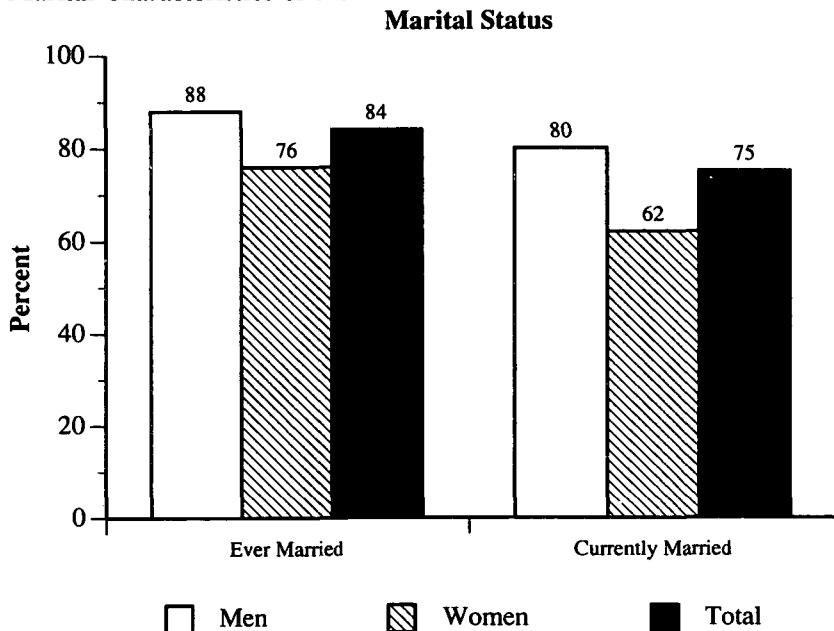
57. For purposes of this study, "marriage" includes "living together as married" or living in a marriage-type relationship, such as cohabitating with a "significant other."

than women (62 percent) are currently married.⁵⁸ (See Figure 26.)

Most (81 percent) of the currently married respondents reported that their spouses were employed in the paid work force. Women (97 percent) were more likely than men (75 percent) to have an employed spouse. Of those respondents with employed spouses, three-quarters (75 percent) reported that her or his spouse was employed in a managerial or professional position, 17 percent reported that her or his spouse was employed in a technical or sales position, and 5 percent reported that her or his spouse was employed in a service position. These proportions were fairly consistent among male and female respondents.

Figure 26

Marital Characteristics of the Graduates



While fewer than 20 percent had children during law school, a majority of the graduates (59 percent) now have one or more children (see Figure 27). Women (50 percent) are more likely than men (38 percent) to have no children.⁵⁹ Most of the children are under twelve years of age, as would be expected for the age range

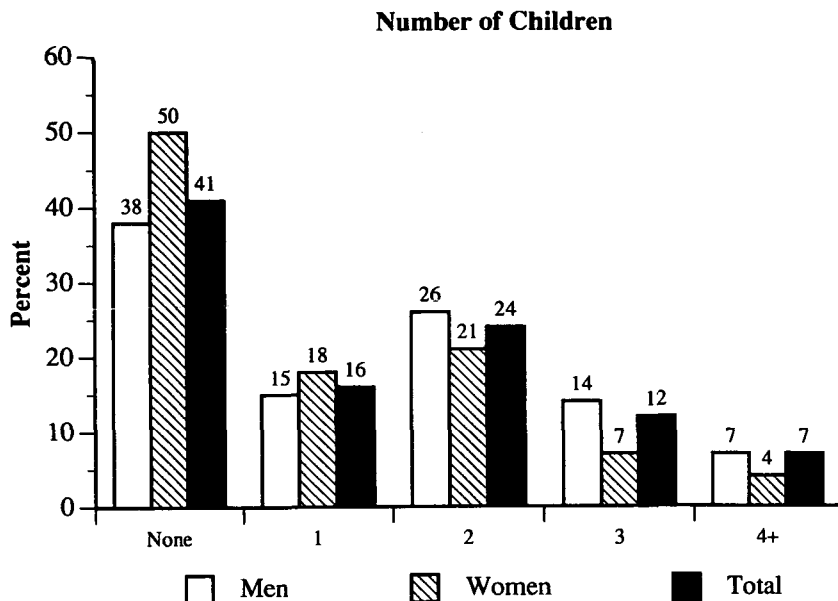
58. See *Profile Summary*, *supra* note 2, at 11; Liefland, *supra* note 9, at 607; Epstein, *supra* note 9, at 329-32; White, *supra* note 22, at 1065; Brooks, *supra* note 53, at 16.

59. For a discussion of the perspective of some women lawyers on whether and when to have children, see Epstein, *supra* note 9, at 358-79.

of this sample. Almost half of those who are parents reported the oldest child to be under six years of age.

Figure 27

Parental Status of the Graduates

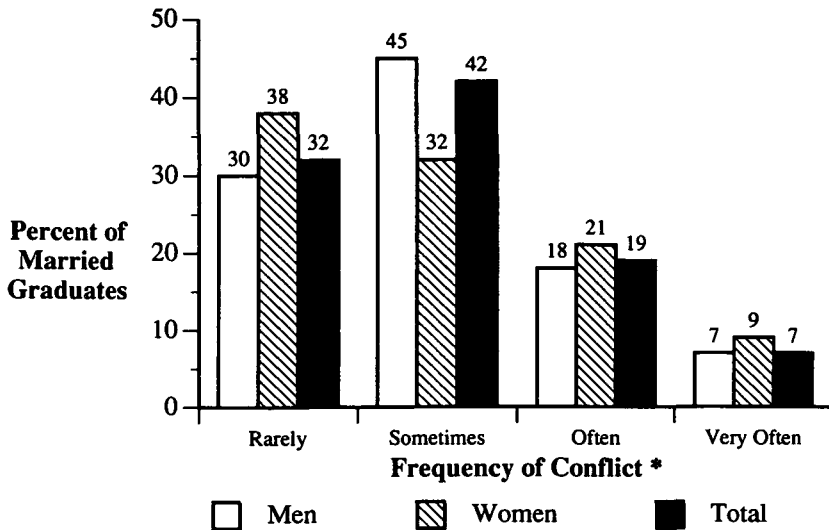


Conflicts and Stress

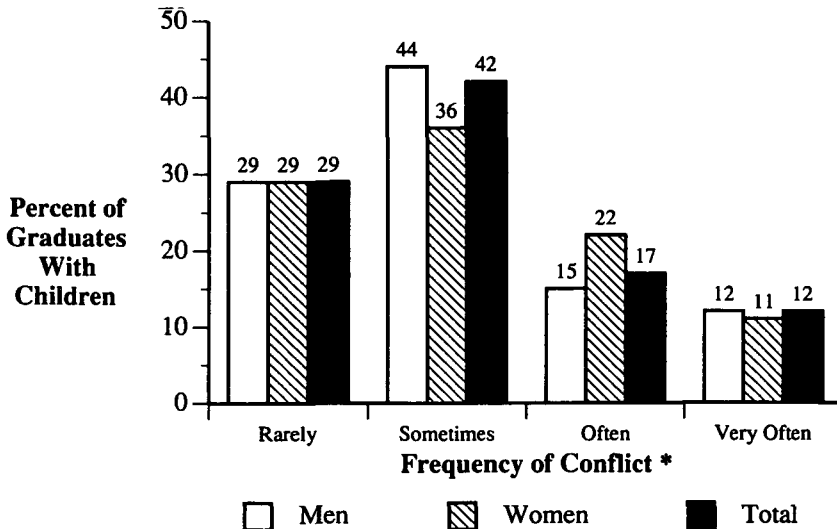
Those who were married were asked to identify the frequency with which work life conflicts with the ability to devote enough attention to her or his spouse (see Figure 28). Those with children were asked the same question with respect to their ability to devote enough attention to their children (see Figure 29). Only one-third of the respondents rarely experience conflicts with the ability to devote enough attention to their families.

Almost one-third of both men and women respondents experience conflicts with the ability to devote enough attention to their children "often" or "very often."⁶⁰ One-fourth of the respondents experience frequent conflicts which interfere with the ability to devote enough attention to a spouse or partner.

60. Other researchers who have studied primarily earlier graduating classes have found women more likely than men to experience tensions between career and family. See, e.g., Liefland, *supra* note 9, at 613-16 (data for 1976, 1977, and 1978 graduating classes). That similar percentages of men and women in this study report conflicts between their professional lives and their ability to spend time with their children may well reflect a change in the way more recent graduating classes of men view their family responsibilities.

Figure 28**Conflicts Between Work Life and Married Life**

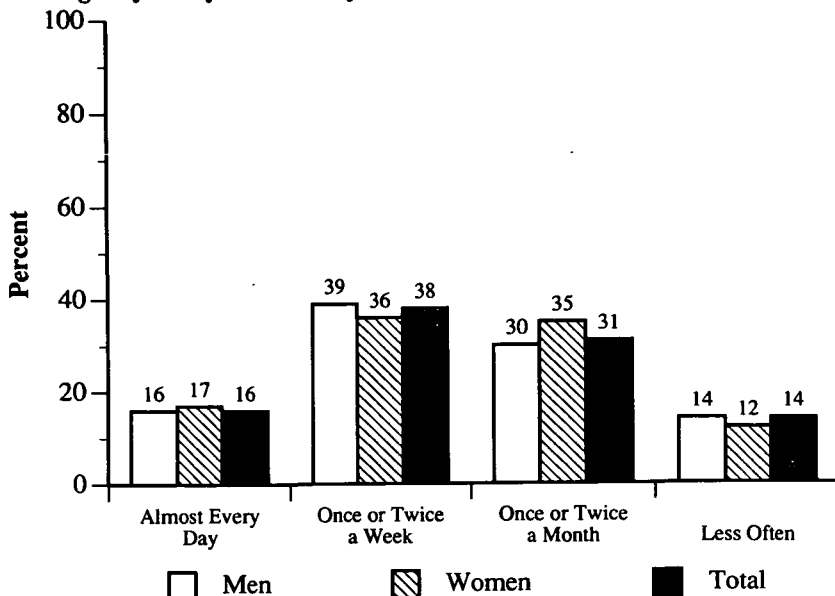
* Response to question: Do you feel that your current work life conflicts with your ability to devote enough attention to your relationship with your partner?

Figure 29**Conflicts Between Work Life and Parenting**

* Response to question: Do you feel that your current work life conflicts with your ability to devote enough attention to your children?

Perhaps in part because of these conflicts, respondents also report feeling physically stressed by work (see Figure 30). Sixteen percent are physically stressed by work almost everyday, while an additional 38 percent are physically stressed by work once or twice a week. Those within the field of law (18 percent) are more likely than those outside the field of law (7 percent) to feel physically stressed almost everyday.

Figure 30
Feeling Physically Stressed by Work



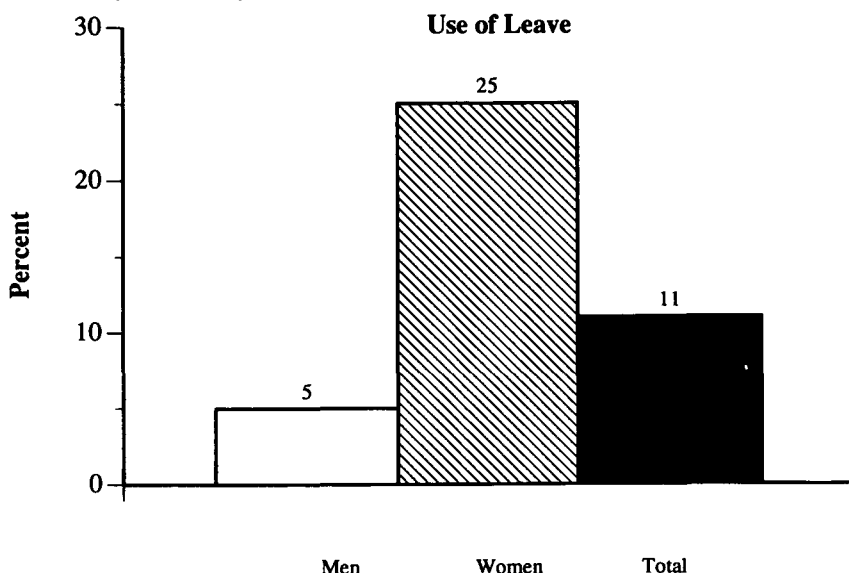
Men within the field of law appear to experience similar stress levels regardless of their positions, but women report that stress varies considerably by the type of job. Women in solo practice are most likely to report the least stress: 34 percent of the women in solo practice feel physically stressed by work less than once a month, in comparison to less than 7 percent of the women in other types of legal positions. Women in government are most likely to report the highest stress levels: over one-third (36 percent) of the women in government report feeling physically stressed by work almost everyday, in comparison to 18 percent of those in law firms, 13 percent of those in solo practice, and 10 percent of those in corporations.

Child Rearing

In addition to questions concerning conflicts and stress, the

study also sought to explore the effects of child rearing through analysis of parental leaves and the type of jobs held by those with young children. Twenty-five percent of the women and 5 percent of the men had taken at least one maternity/paternity leave since law school (see Figure 31).⁶¹ The typical leave was from one to three months, less time than the four month period child care experts currently recommend.⁶² Upon their returning to the paid work force, nine out of ten women assumed the same responsibilities they had prior to their leaves. The majority of women also continued to work the same number of hours, although approximately one-third reduced their hours temporarily after returning to work. Among those who took leaves, about three-fourths felt that their employers' program met their needs. Those who felt that their employers' program did not meet their needs generally indicated that the leave was too short.

Figure 31
Maternity/Paternity Leaves



Although the study made no attempt to determine the effect of child rearing on advancement, the first and present jobs of those

61. These percentages are similar to those found in Minnesota Women Lawyers' 1984 survey of practicing attorneys. See *Profile Summary*, *supra* note 2, at 14-15.

62. See, e.g., T.B. Brazelton, *Working and Caring* 66 (1987). Minnesota Women Lawyers has recently endorsed model part-time and child care leave policies, which provide a four-month period of child care leave following the birth or adoption of a child.

with young children were compared to the first and present jobs of those without children.⁶³ No significant differences appeared, except men and women with preschool-aged children were more likely than those without children to enter solo practice as a first job.⁶⁴

Discrimination

Women and men responded very differently to the two study questions designed to collect information about the respondents' experiences with discrimination. Interviewers asked respondents whether they believed an employer had discriminated against them in the workplace based on race, sex, marital status, nationality or religion, political beliefs, or having children. Researchers then asked those who indicated having experienced any type of discrimination whether the discrimination had involved discrimination in hiring, discrimination in work assignments, discrimination in promotion, discrimination in pay, sexual harassment, or any other form of discrimination.

Women (59 percent) were much more likely than men (16 percent) to report having experienced some form of discrimination during their careers. By far the most frequently mentioned type of discrimination was discrimination on the basis of sex. Over half of the women (55 percent) reported experiencing sex discrimination in the workplace from their employers (see Figure 32).⁶⁵ Eighteen percent of the women reported experiencing discrimination on the basis of having children,⁶⁶ and 16 percent of the women experienced discrimination on the basis of their marital status.

63. At the time they took their first jobs, 79 percent of the graduates had no children, 16 percent had one or more preschool-aged children, and 3 percent had children above preschool age. Researchers could not determine the ages of 2 percent of the children at the time the graduates took their first jobs.

At the present time, 38 percent of the graduates have no children, 18 percent have preschool-aged children, and 44 percent have older children or older and preschool-aged children.

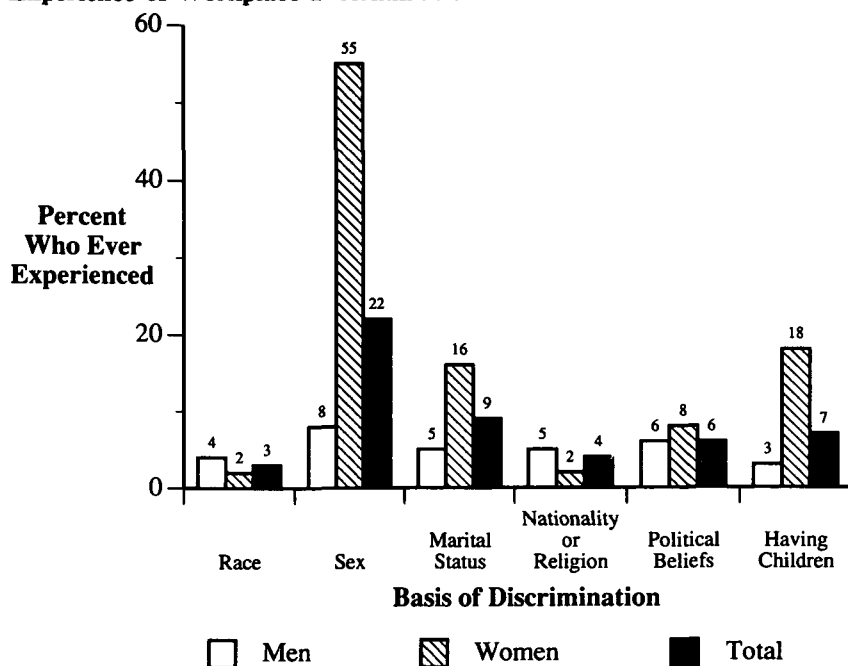
64. Other researchers have found no statistically significant differences in the types of jobs held by those with and without children. See Liefeland, *supra* note 9, at 616-17.

65. A majority of women litigators surveyed by Minnesota's Task Force for Gender Fairness in the Courts reported they had experienced discriminatory treatment from opposing counsel, including diminutive or endearing forms of address (e.g., "little lady lawyer" or "sweetie") and demeaning or inappropriate comments in the courtroom. See *Gender Fairness Report*, *supra* note 6, at 927-31, 933. Over 40 percent of the women had observed or encountered similar treatment from judges. *Id.* See generally Liefeland, *supra* note 9, at 608-11; Brooks, *supra* note 52, at 49-52.

66. Because only half of the women respondents currently have children, this figure represents one-third of those with children.

Figure 32

Experience of Workplace Discrimination



The percentages of men who reported experiencing discrimination of any type were very low. Eight percent of the men reported experiencing discrimination on the basis of their sex, presumably in situations involving "reverse" discrimination. Only 5 percent perceived discrimination against them on the basis of marital status, and only 3 percent believed they had been discriminated against on the basis of having children.

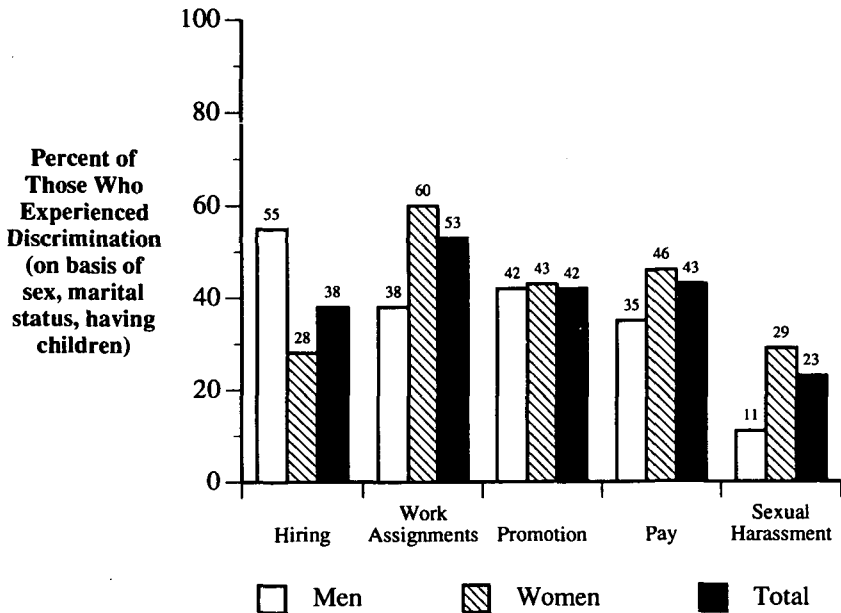
Small percentages of both men and women reported discrimination from employers based on political beliefs, nationality or religion, and race. Although a high percentage of minority respondents reported they had been discriminated against on the basis of their race, so few minority respondents exist in the total sample⁶⁷ that further analysis of the data with respect to the minority respondents is not possible.

Further examination of the responses of those who had experienced discrimination on the basis of sex, marital status, or having children is contained in Figure 33. For women who reported discrimination, the most common form of discrimination was discrimination in work assignments (60 percent), followed by pay (46

67. Ninety-seven percent of the total sample is white.

percent), promotion (43 percent), sexual harassment (29 percent), and hiring (28 percent). For the small percentage of men who reported experiencing reverse sex discrimination or discrimination on the basis of marital status or having children, hiring (55 percent) was the most commonly reported form of discrimination, followed by promotion (42 percent) and work assignments (38 percent).

Figure 33
Type of Discrimination



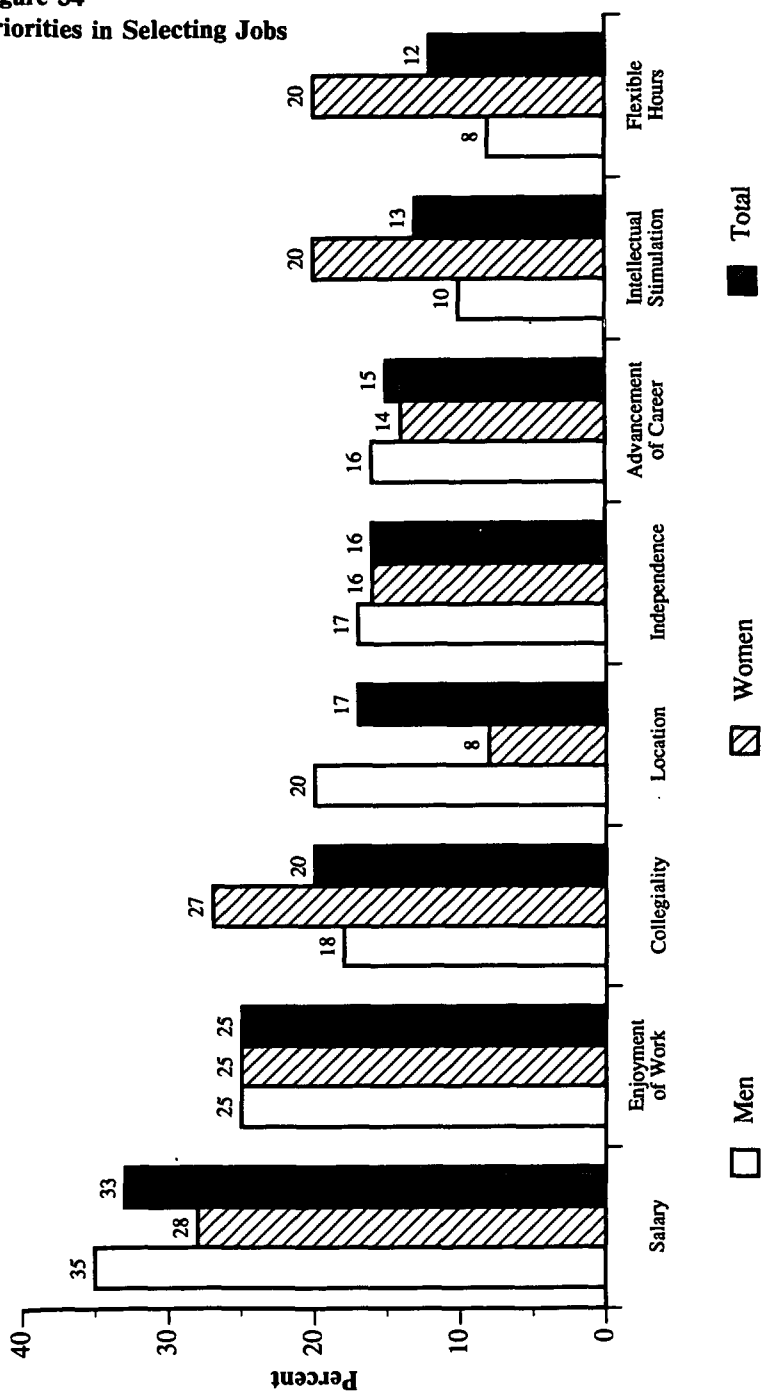
VI. Priorities and Goals

As an indicator of what the future might hold, graduates were asked several questions relating to career goals and priorities in selecting jobs.

Priorities

In response to an open-ended question about their highest priorities in looking for and selecting jobs, graduates most commonly identified salary (33 percent), enjoyment of the work (25 percent), and collegiality (20 percent) (see Figure 34). Other priorities, mentioned by at least one in ten graduates, were: location, independence, career advancement, intellectual stimulation, and flexible hours.

Figure 34
Priorities in Selecting Jobs



The differences in priorities between men and women reflect some of the differences observed in reasons for attending law school and for changing jobs.⁶⁸ Women were twice as likely as men to cite intellectual stimulation (20 percent of women versus 10 percent of men), flexible hours (20 percent of women versus 8 percent of men), and collegiality (27 percent of women versus 18 percent of men) as priorities. Men were more likely to report location (20 percent of men versus 8 percent of women) and salary (35 percent of men versus 28 percent of women) as priorities.

Goals for the Future

Three trends emerge from questions relating to the graduates' goals for the future. First, mobility appears to be firmly established as a part of the career paths of many respondents. Approximately one-third expect to change jobs "during the next few years."

Second, in terms of long-term goals, respondents appear to be moving away from the law and toward non-law careers. At the time they entered law school, most of the graduates (82 percent) intended to practice law after they graduated (see Table 9). Only 10 percent intended a career outside the field of law.⁶⁹ Today, approximately one-third of the graduates would prefer *not* to practice law as a long-term goal; only 63 percent report a desire to practice law.

Table 9

Intention to Practice Law

<u>At Entry to Law School</u>	<u>Men</u>	<u>Women</u>	<u>Total</u>
Percent Who:			
Intended to Practice Law	82%	82%	82%
Intended Not to Practice Law	11	9	10
Don't Know/Don't Remember	7	10	8
 <u>Long Term Goal (at time of survey)</u>	 <u>Men</u>	 <u>Women</u>	 <u>Total</u>
Percent Who:			
Would Like to Practice Law	65%	58%	63%
Would Prefer Not to Practice Law	32	34	32
Don't Know	4	8	5

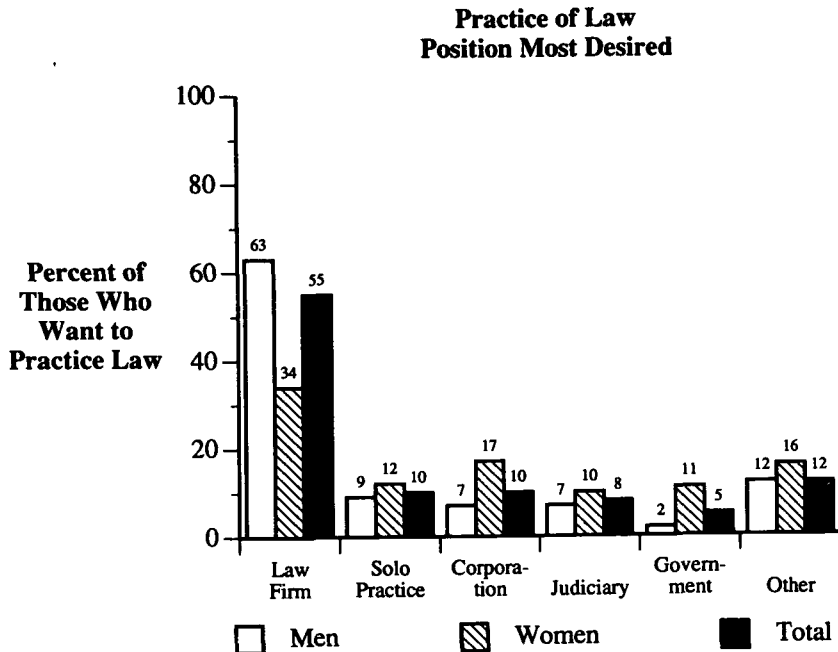
68. See *supra* Table 3 and Figure 15 and accompanying text.

69. Nineteen percent of the graduates actually began their careers after graduation in a non-law job; 16 percent hold a position outside the field of law today.

Finally, although women and men are equally likely to intend to practice law as a long-term goal, if their long-term goals become reality, the gap between the percentages of women and men in law firms will widen. Women (34 percent) are much less likely than men (63 percent) to envision themselves in a law firm practice over the long term (see Figure 35).

Figure 35

Long-Term Goal: Type of Position Most Desired



VII. Conclusion

The findings from this study provide a basis for assessing the current and future status of women in the legal profession. They also raise questions which merit further attention and discussion.

The study data suggests numerous similarities between the career paths of men and women. For example, the findings reveal that women are as committed as men to the practice of law. Women have not "abandoned" the profession, nor are they changing jobs more frequently than are men. Rates of mobility for both groups are nonetheless high and appear to be increasing. Only one-third of the graduates remain in their first jobs and one-third have held three or more jobs since graduation. One in three expects to change jobs within the next few years.

Women and men also appear to experience similar conflicts between their personal and professional lives. More than half feel physically stressed by work at least once or twice a week, and the work schedules of one-third often conflict with their desire to spend time with their families. Perhaps in part because of these "negatives" and the increasingly competitive environment within which these graduates work, one-third would prefer *not* to practice law as a long-term goal. While graduates on the whole remain relatively satisfied with their jobs, they may become increasingly dissatisfied if the profession fails to address the ability of lawyers to lead satisfying personal lives, participate in their communities, and practice law.

The differences reflected in the findings with respect to the careers of women and men also have important implications for the future of the legal profession. Although women report holding the same number of jobs as men and are as likely as men to practice law, women and men are influenced by different factors in their career decision-making. Men in all types of jobs are more likely to cite "positive" career development-related reasons for changing jobs. Women are more likely to report job dissatisfaction and are more likely to cite personal or family reasons as motivating factors in changing jobs. Women are also more likely to seek part-time or other more flexible arrangements in achieving a balance between their personal and professional lives. At least some women have left the practice of law because legal employers were unable or unwilling to accommodate their desire to spend time with their families.

Other differences exist in the types of jobs held by women and men within the legal profession. Women are less likely than men to be employed in a law firm, a pattern which develops immediately after graduation and continues throughout their careers. Although women are not leaving firms more quickly or in greater numbers than men, the gap between the percentages of women and men in firms may widen if the long-term goals of the graduates become reality.

The reasons for the underrepresentation of women in law firms and for the disparity in income reported by women deserve further attention. Study findings confirm that women in the legal profession earn less than men, even within the same graduation years and the same job categories. Finally, women are far more likely than men to have experienced sex discrimination in the workplace, in the form of discrimination in work assignments, pay, promotion, sexual harrassment, and hiring decisions.

These differences suggest that while large numbers of women have now entered the practice of law and are likely "here to stay," the goal of fully assimilating women into the profession has not yet been met. The data in this study on the employment expectations, experiences, and mobility of these Minnesota law graduates should contribute not only to an understanding of the role of women in the legal profession, but also to the consideration of changes in the workplace which would benefit all those who choose to practice law.

Appendix A

Statistical Significance

This appendix reports the levels of statistical differences between women and men (or other groups of respondents) indicated in the figures and tables in this article. Statistical significance, calculated by means of chi-square and t-tests, indicates the extent to which differences observed between groups within a survey sample can safely be considered "true" differences as opposed to "chance" differences. Levels of significance appear as decimal figures, ranging from .001 to .05. The figure of .001 indicates that one chance in one thousand exists that an observed difference occurred solely by chance. The figure of .05 indicates 5 chances in 100 (or 1 chance in 20).

The fact that an observed difference is statistically significant does not mean that it is meaningful for interpretation or decision-making. For example, a difference of 6 or 7 percentage points may or may not be considered important enough to lead to a decision or an action step. Conversely, a difference of 0 percent has, technically, no statistical significance. However, it may be a very meaningful finding if it demonstrates the absence of a difference which everyone previously believed to have existed between two groups.

Levels of statistical significance appear in this appendix only if they equal .05 or lower.

<u>Table/Figure</u>	<u>Difference(s)</u>	<u>Significance Level</u>
Table 3 (c)	Between women and men	.004
Table 3 (d)	Between women and men	.001
Table 3 (i)	Between women and men	.03
Table 3 (j)	Between women and men	.007
Table 3 (k)	Between women and men	.02
Figure 1	Between women and men (Research Assistantship)	.001
Table 4	Between women and men (Need for Assistance)	.008
Figure 4	Between women and men	.05

Figure 9	Among types of jobs	.002
Figure 9	Between women and men (Solo Practice)	.03
Figure 9	Between women and men (Government)	.02
Figure 9	Between women and men (Corporation)	.03
Figure 9	Between women and men (Law Firm)	.001
Figure 9	Between women and men (Legal Services)	.01
Figure 13	Between women and men (Personal/Family, Any Reason)	.02
Figure 14	Among types of job	.05
Figure 15	Between women and men (Personal/Family)	.001
Figure 17	Between women and men	.003
Figure 18	Between women and men	.005
Figure 19	Between women and men	.001
Figure 21	Between women and men (More Money)	.03
Figure 21	Between women and men (Less Pressure)	.03
Figure 21	Between women and men (Time with Family)	.001
Figure 21	Between women and men (Time for Self)	.01
Figure 21	Between women and men (Lacked Skills)	.004
Figure 23	Between women and men (Work with Mentor)	.02
Figure 23	Between women and men (Opportunity for Advancement)	.003
Figure 23	Between women and men (Treatment by Colleagues)	.038
Figure 24	Between women and men	.001
Figure 25	Among graduation years	.001
Figure 25	Between women and men (Class of 1982)	.003
Figure 25	Among types of jobs	.001
Figure 25	Between women and men (Solo Practice)	.01
Figure 25	Between women and men (Corporation)	.01
Figure 26	Between women and men (Ever Married)	.001
Figure 26	Between women and men (Currently Married)	.009
Figure 26	Between women and men (Employment of Spouse)	.001
Figure 27	Between women and men (Number of Children)	.002
Figure 27	Between women and men (Age of Oldest Child)	.02
Figure 31	Between women and men (Use of Leave)	.001
Figure 32	Between women and men (Sex)	.001
Figure 32	Between women and men (Marital Status)	.001
Figure 32	Between women and men (Having Children)	.001
Figure 33	Between women and men (Hiring)	.002
Figure 33	Between women and men (Work Assignments)	.02
Figure 33	Between women and men (Sexual harassment)	.03
Figure 34	Between women and men (Salary)	.04
Figure 34	Between women and men (Collegiality)	.03
Figure 34	Between women and men (Location)	.001
Figure 34	Between women and men (Intellectual Stimulation)	.001
Figure 34	Between women and men (Flexible Hours)	.001
Figure 35	Between women and men (Law Firm)	.001